

The NEW City of **CANTERBURY BANKSTOWN**

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Agenda for the
Ordinary Meeting

28 June 2016

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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1	Minutes of the Extraordinary Meeting of Council of 14 June 2016	7
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**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 14 JUNE 2016**

PRESENT: Administrator – Richard Colley
General Manager – Matthew Stewart
Director Assets and Infrastructure (East) – Wayne Cooper
Director Community Services – Andy Sammut
Director City Development – Spiro Stavis
Group Manager, Governance – Brad McPherson
Director City Planning - Scott Pedder
Director Corporate Services - Ken Manoski
Director City Services - Graeme Beattie
Director Assets and Infrastructure (West) - Anthony Vangi
Manager Corporate Services - Adam Brownlee
Manager Development Services – Ian Woodward
Manager Development Assessment– George Gouvatsos

APOLOGIES Nil

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM.

REF: CONFIRMATION OF MINUTES

- (13)** MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the City Services Committee Meeting held on 14 April 2016 be noted.
- (14)** MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the City Development Committee Meeting held on 14 April 2016 be noted.
- (15)** MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the Ordinary Meeting of Council held on 28 April 2016 be noted.
- (16)** MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the Extraordinary Council Meeting held on 11 May 2016 be noted.
- (17)** MOVED AND RESOLVED BY THE ADMINISTRATOR
That the minutes of the Extraordinary Council Meeting held on 24 May 2016 be adopted.
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SECTION 2: LEAVE OF ABSENCE

Nil

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

Nil

SECTION 4: ADMINISTRATOR MINUTES

Nil

SUSPENSION OF STANDING ORDERS AT 6.08 PM.

(18)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That –

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 5.1, 5.3, 5.10, 5.11 and 5.12 be dealt with now.
- iii) Standing Orders then be resumed.

SECTION 5: PLANNING MATTERS

ITEM 5.1

**9 OGILVIE STREET, EAST HILLS
DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN ATTACHED
DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION**

(19)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

- 1. The Clause 4.6 submission in relation to the breach of the height limit contained in Clause 4.3 of Bankstown Local Environmental Plan 2015 be accepted; and
- 2. Development Application No. DA-200/2016 be approved subject to the following conditions.

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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-200/2016, submitted by In Vision Design accompanied by Drawing No. 01, 02, 03, all Issue B dated Apr 16 prepared by invisiondesign 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) The rear facing first floor balconies to Unit 1 and 2 are to be reduced in depth, as marked in red on the approved plans, such that their maximum depth is 1.5 metres. The roof line of the lower floor shall be continued up to where the reduced balcony commences. Details are to form part of the construction certificate plans.
- b) Privacy screening is to be provided to the rear first floor balconies to Unit 1 and 2 as marked in red on the approved plans. This privacy screening is to be for the full length of the north western elevation of the rear facing first floor balcony to Unit 2 and the south eastern elevation of the rear facing first floor balcony to Unit 1. The screening is to be of a material and finish consistent with the remainder of the development and is to be of a kind that effectively prevents viewing from these balconies into the neighbouring properties. The privacy screens shall have a height of 1.8 metres above finished floor level of the balcony. Details are to form part of the construction certificate plans.
- c) All solid wall elements shall maintain a minimum setback of 5.5 metres at ground floor level and 6.5 metres at first floor level from the Ogilvie Street front property boundary. Details are to form part of the construction certificate plans.
- d) The kitchen window to Unit 2 shall be fixed and obscure glazing. Construction certificate plans and to be consistent with this requirement.

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

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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.
- 5) 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.
- 6) Approval is granted for the removal of the following street trees:

Tree Species	Location
1 x <i>Syzygium</i> sp. (Lilly Pilly)	Nature strip forward of 9 Ogilvie Street
1 x Unidentified small tree	Nature strip forward of 9 Ogilvie Street

The tree removal works are subject to the following conditions:

- All tree removal works must be carried out by a qualified arborist - minimum qualification Australian Qualification Framework (AQF) Level 3 or equivalent;
- The tree removal contractor must hold a Public Liability Insurance Certificate of Currency with a minimum indemnity of \$20 million, together with a NSW Workers Compensation Insurance Certificate of Currency;
- The tree removal work must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW);
- The tree stump is to be ground to 300mm below ground level. Investigation to locate underground services shall be the responsibility of the applicant.
- All tree material shall be removed from site, and the nature strip shall be backfilled, compacted and restored to the original level.
- The site must be maintained in a safe condition at all times;

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- Appropriate hazard signage to be in place at all times during the tree works.

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

The applicant shall ensure all overhead electrical wires between the power pole and approved structures are located outside the crowns of the existing street trees and in accordance with the clearances specified by the energy authority. The overhead wires are also to be located to avoid future conflict with street trees planted in accordance with the development consent.

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

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

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

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

- 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

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Contributions Plan 2009 (Section 94A Plan), a contribution of \$5,783.79 shall be paid to Council.

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

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

- 12) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 13) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a) Two light duty VFC of maximum width of 3.0 metres at 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. 2016 136 H1 prepared by ANA Civil Pty Ltd. The final plan shall be certified by the design engineer that it complies with Council's

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Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.

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

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

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, 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 \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

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

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

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

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

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.

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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.

- 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

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- d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 20) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 21) 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 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.

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

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

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

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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) Crown building work must not be commenced unless the building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws.
- 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 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.**

- 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.

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

- 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.

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- 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 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 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).
- 41) 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

- 42) 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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- 43) 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.
- 44) 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.
- 45) The applicant is to plant the following replacement tree on the nature strip forward of the property. The tree shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No.S-202:

Tree Species	Location
1 x <i>Corymbia maculata</i> (<i>Spotted Gum</i>) OR 1 x <i>Angophora floribunda</i> (Rough-barked Apple) OR 1 x <i>Syzygium smithii</i> [syn. <i>Acmena smithii</i>] (Lilly Pilly)	Tree to be planted centrally between the two vehicle footpath crossings.

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

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

The tree shall be planted by a qualified landscape contractor and to the satisfaction of Councils Tree Management Officer.

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

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- 46) 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.
- 47) 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.
- 48) 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.
- 49) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 50) 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.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

- 51) 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 Bankstown City 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:

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- 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.
- 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.

The engineer's certification shall be carried out on Council's standard form "On-Site Stormwater Detention System – Certificate of Compliance", contained in Council's Development Engineering Standards.

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

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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 5.3

**226 CHAPEL ROAD, BANKSTOWN
DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SIX (6)
STOREY MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENT COMPRISING OF ONE
(1) GROUND FLOOR COMMERCIAL TENANCY AND THIRTY-SEVEN (37)
RESIDENTIAL UNITS, WITH AT GRADE AND BASEMENT CAR PARKING**

(20)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved subject to the following conditions.

CONDITIONS OF CONSENT

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-1084/2015, submitted by Global Project Engineers Pty Ltd, accompanied by Drawing No. A101, A102, A103, A104, A105, A106, A107, A201, A202, A203, A204 all Revision C, Plan A301 approved for details of clerestory windows only, prepared by Gusfares Architects Pty Ltd, dated March 2016 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
 - a) Privacy screening shall be provided to:
 - (i) The south western edge of the balcony areas to Units 407 and 507 for a distance of 2meters

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

- 3) Prior to commencement of works, a dilapidation report shall be prepared by the developer and a copy provided to directly adjoining property owners to the south and west of the subject site. The report must clearly identify the condition of existing structures on adjoining properties prior to commencement of works. All care shall be taken during the construction process to ensure adjoining structures are protected, and should any change in condition occur from that recorded in the dilapidation report, the rectification of such shall be at full cost to the developer of the subject site.
- 4) No approval is granted or implied for the use of the ground floor commercial tenancy. Separate Development Consent for the use of the commercial floor space is required prior to occupation.

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

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

- 5) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 6) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.

The applicant is to plant replacement trees on the site as shown on the Landscape Plan, dated March 2016 by Greenland Design Pty Ltd

- i. Tree species used are not to include conifers, Casuarinaceae, palms or any of the exempted species listed under clause 2.7 of Bankstown Development Control Plan 2014 Part B11 – Tree Preservation Order.

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- ii. The tree is to be planted no closer than 3.5metres from the wall of any approved dwelling on the property.
 - iii. The tree shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.
 - iv. The tree shall be planted prior to the issue of an occupation certificate.
 - v. The tree shall be maintained for the life of the development.
- 7) 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.
- 8) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 9) 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.
- 10) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap 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

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approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 11)** A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 12)** A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 13)** 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 \$89,050.19 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.

- 14)** Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.
- 15)** A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
 - a)** Two (2) heavy duty VFC at the property boundary.
 - b)** Drainage connection to Council's system.
 - c)** 1.2 metre wide concrete footway paving along the sites entire frontage to Chapel Road and Cambridge Avenue.
 - d)** Concrete kerb and gutter along the sites entire frontage to Chapel Road and Cambridge Avenue.
 - e)** Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - f)** Repair of any damage to the public road including the footway occurring during development works.
 - g)** 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

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any public utility services shall be carried out to the requirements of the public utility authority.

- h)** A final compliance certificate must not be issued until replacement street trees in accordance with condition 72 has been complied with.

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.

- 16)** 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. 5538 – C01 to C06, rev B dated 22.01.2016 prepared by GLOBAL PROJECT ENGINEERS 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.
- 17)** Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

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

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

- 18)** 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.
- 19)** 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
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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.

- 20)** A Construction Certificate shall not be issued until design verification from a qualified designer has been received. The design verification is a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development of which Development Consent was granted, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 21)** 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.

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.

- 22) 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.
-

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- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

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

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

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

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

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

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

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

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

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

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

- 23)** The subject site is affected by local overland flooding and shall comply with the following:
- a) The minimum floor level of the proposed structure(s) shall be constructed to RL 15.0m AHD including freeboard. A crest point along the entry of the basement driveway shall be set at RL 14.60 AHD minimum, as well as to ALL other access points (i.e. staircase ventilation and services openings) to the basement shall be also set at this level. All approved construction details shall be consistent with this requirement.
- 24)** 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.
- 25)** 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.
- 26)** 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.
- 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 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

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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

- 29)** 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.
- 30)** 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.

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Street Tree Protection Measures

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

Tree Species	Location	Protection Zones*
(1) <i>Lophostemon confertus</i> , (Brushbox)	Cambridge Road	TPZ: 8.4m SRZ: 3.0

* TPZ and SRZ in metres measured from the centre of the trunk of the tree.

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

- The tree is to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- 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.

The area of Council's nature strip – excluding the concrete footpath – shall be fenced off for a distance of 3.0 metres radius measured from the trunk of the *Lophostemon confertus*, (Brushbox) tree located on Cambridge Road prior to the commencement of demolition / construction. The tree protection fencing is to be constructed of chain wire mesh 1.80 metres high, supported by steel posts and shall remain in place throughout the duration of site works.
- The applicant will display in a prominent location on the fencing of each tree protection zone 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:
 - The Development Consent number;
 - The name and contact phone number of the nominated consultant arborist;
 - The purpose of the protection zone;
 - The penalties for disregarding the protection zone;NB: Delete any of a – d not applicable to the site
- No vehicular access, excavations for construction or installation of services shall be carried out within the fenced off Tree Protection Zone.
- All utility services, pipes, stormwater lines and pits shall be located outside the fenced off Tree Protection Zone.
- Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced off Tree Protection Zone.

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- Trees marked for retention must not to be damaged or used to display signage, or as fence or cable supports for any reason.

- 31) 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.
- 32) 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.
- 33) 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.
- 34) 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.

- 35) 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.

- 36) 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.
- 37) 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

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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.

38) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a. in the case of work for which a principal certifying is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
- b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

39) 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.

40) Permission is granted for the demolition of structures currently existing on the property, subject to strict compliance with the following: -

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- 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.

- 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.

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If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.

- f) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
 - g) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
 - h) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
 - i) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
 - j) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
 - k) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council 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.
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- 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

- 41)** 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.
- 42)** The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 43)** 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.
- 44)** 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.
- 45)** All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 46)** 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.
- 47)** If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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- a. protect and support the adjoining premises from possible damage from the excavation, and
 - b. where necessary, underpin the adjoining premises to prevent any such damage.
- 48)** All boundary fencing behind the building line shall be replaced by a 1.8m high lapped and capped timber or sheet metal fence, or as stipulated in a flood study prepared for the site, or as determined in consultation with the adjoining property owners at the developer's expense. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
- 49)** 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).
- 50)** 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.
- 51)** 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.
- 52)** Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Works are to cease until the new information is evaluated by an appropriately qualified and experienced environmental consultant and an appropriate response determined by the applicant and/or owner which is agreed to by Council. Council may also request that a NSW EPA accredited site auditor is involved to assist with the assessment of the new contamination information.

- 53)** 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.

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CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

- 54) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.
- 55) 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.
- 56) Consolidation of the existing allotments must be registered by the office of Land and Property Information prior to the issue of an occupation certificate.
- 57) 54 off street car parking spaces shall be provided/maintained for the use of visitor, employees and residents to the site in accordance with the submitted plans. Such spaces are to be sealed and line marked and maintained.
- 66) 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.
- 67) Prior to the issue of any Occupation Certificate a design verification from a qualified designer shall be submitted to the Principal Certifying Authority. The design verification is a statement in which the qualified designer verifies that the development has been constructed as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Schedule 1 of SEPP No. 65.
- 68) 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.

- 69) 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.

- 70) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 71) 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.
- 72) 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.

Tree Planting: Nature Strip

The applicant is to plant the following trees on the nature strip forward of the property. The tree shall have a container size not less than 100 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils street tree planting specifications Standard Drawing No. S-201 attached:

Tree Species	Location Cambridge Road Street frontage
2x <i>Lophostemon confertus</i> , (Brushbox)	The trees are to be planted on the southern side of the vehicle footpath crossing no closer than 2.5

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	metres from the edge of the vehicle crossing including (layback) 2.0 metres from any electricity pole and 1.5 metres from the kerb and gutter.
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Investigation to locate underground services shall be the responsibility of the applicant. Should such services be located and there is a reasonable belief that damage may occur to those services by the new plantings, the applicant is to:

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

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

- 73) Identification number/s are to be conspicuously displayed at the front of the premises.

USE OF THE SITE

- 74) All storage areas are to be clearly identifiable and secured. Any storage areas in alcoves need to be well lit and mirrors to be erected to assist with unclear sightlines.
- 75) Appropriate signage is to be erected to advise the playground is for residents only and that supervision of children is required at all times.
- 76) CCTV systems to be installed and footage to be retained for a minimum of 21 days and cash handling training is to be provide to staff.
- 77) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby public roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.
- 78) Garbage Storage Room - The storage area must fit 12 x 1100L bulk bins side-by-side with equal and convenient access to all bins by residents. The door and pathway to the collection area be at least 2500mm in width.

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- 79) Commercial Garbage Storage Room should be signposted 'Commercial Waste & Recycling' with access restricted to commercial tenants only.
- 80) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.

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**ITEM 5.10 418-422 CANTERBURY ROAD, CAMPSIE - MODIFICATON TO APPROVED SIX
STOREY MIXED USE DEVELOPMENT COMPRISING ADDITIONAL BASEMENT LEVEL,
ALTERATION TO DWELLING LAYOUTS, ADDITIONAL TWO LEVELS OF RESIDENTIAL
APARTMENTS AND VPA OFFER FOR PROVISION OF A LANEWAY**

MS KERRY LIBERONA (OBJECTOR) ADDRESSED COUNCIL.

(21) MOVED AND RESOLVED BY THE ADMINISTRATOR

That this matter be deferred to a briefing of the Administrator.

**ITEM 5.11 424-426 CANTERBURY ROAD, CAMPSIE - MODIFICATION TO APPROVED SIX
STOREY MIXED USE DEVELOPMENT COMPRISING ADDITIONAL BASEMENT LEVEL,
ALTERATION TO DWELLING LAYOUTS, ADDITIONAL TWO LEVELS OF RESIDENTIAL
APARTMENTS AND VPA OFFER FOR PROVISION OF A LANEWAY**

MS KERRY LIBERONA (OBJECTOR) ADDRESSED COUNCIL.

(22) MOVED AND RESOLVED BY THE ADMINISTRATOR

That this matter be deferred to a briefing of the Administrator.

**ITEM 5.12 46 PRINCE EDWARD AVENUE, EARLWOOD - MODIFICATION RELATING TO WALL
HEIGHT FOR A SINGLE DWELLING**

(23) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Consent DA-37/2015 be **MODIFIED** by deleting of Condition 1.6 and replacing with the following conditions and replacing other conditions as follows;

1.6 Maximum External Wall Height
 Prior to the approval and issue of any construction certificate the proposal must be amended to provide a maximum external wall height of 8.36 metres at any point on the dwelling.

GENERAL

3. The development being carried out in accordance with the plans, specifications and details prepared by Studio BD, dated 11/7/14, marked Drawing Plan No. DA1.01, DA1.04, DA4.01, DA4.02, DA5.01, DA5.02 and DA6.01, as received by Council on 9 March 2016 and DA0.01, DA1.00, DA1.02-DA1.03, DA7.01-DA10.01, as received by Council on 26 June 2015.

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WE ALSO ADVISE:

1. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
2. If you are not satisfied with this determination, you may:
 - 2.1. Apply for a review of an Application to Modify a Development Consent which may be sought under Section 96AB of the Environmental Planning and Assessment Act 1979 but only within 28 days of the modification determination; or
 - 2.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97AA of the Environmental Planning and Assessment Act 1979.

STANDING ORDERS WERE RESUMED AT 6.22 PM.

ITEM 5.2

**16 / 7 BIRMINGHAM AVENUE, VILLAWOOD
FITOUT AND USE OF PREMISES AS A BROTHEL**

**S96AA AMENDMENT: MODIFY CONDITION 7A TO ALLOW AN EXTENSION OF
TIME FOR THE CONSTRUCTION OF A NEW DRIVEWAY**

(24)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the application be approved, and Condition 7A be modified to allow an extension of time for the completion of the works associated with the amended driveway and car parking layout.

MODIFIED CONDITIONS OF CONSENT

- Conditions 3 and 7A of Determination Notice DA-666/2009 (as modified) are amended to read:
 3. Development shall take place in accordance with Development Application No. DA-666/2009, submitted by FRG Developments Pty Ltd, accompanied by Drawing No. DA04, DA05, DA06, prepared by JND Architectural Services, dated 15 December 2009, Issue C, Section 96AA Application No. DA-666/2009/1, submitted by Wei Krausmann, accompanied by Drawing No. DA04 and DA05, prepared by JND Architectural Services, Revision D, Section 96AA Application No. DA-666/2009/2 submitted by Habitat Design Studio *and Section 96AA Application No. DA-666/2009/3 submitted by Habitat Design Studio* except where otherwise amended by the conditions contained in this approval.

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- 7A. A new driveway is to be provided for the exclusive use of Unit 16 within *thirty-six (36)* months of the date of this consent. The driveway is to have a width of 3 metres and must maintain a minimum 1 metre clearance to the existing substation. Any necessary changes to the car parking layout must be endorsed by the body corporate and would require separate approval from Council.

**ITEM 5.3 226 CHAPEL ROAD, BANKSTOWN
DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SIX (6)
STOREY MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENT COMPRISING OF ONE
(1) GROUND FLOOR COMMERCIAL TENANCY AND THIRTY-SEVEN (37)
RESIDENTIAL UNITS, WITH AT GRADE AND BASEMENT CAR PARKING**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 20 ON PAGE NO. 19 OF THESE MINUTES.

**ITEM 5.4 1 BALTIMORE STREET, BELFIELD - DEMOLITION, REMOVAL OF TREES AND
CONSTRUCTION OF SECONDARY DWELLING**

(25) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-620/2015 be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Fire Separation between garage and secondary dwelling
 - Protection from termites
 - Structural Engineering Plan
 - Building Specifications
 - Landscape Plan
 - Hydraulic Plan
 - Soil and Waste Management Plan
 - BASIX Certification
 - 1.2. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only); or Evidence of a Home Building (Private) Insurance Certificate.
 - 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.4. Payment to Council of:

Damage Deposit	\$1814.00
Certificate Registration Fee	\$36.00

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	Long Service Levy	\$347.70
	Development Contributions	\$4,406.32
1.5.	If you appoint Council as your Principal Certifying Authority, the following fees are payable:	
	Construction Certificate Application Fee	\$1233.00
	Inspection Fee	\$832.00
	Occupation Certificate Fee	\$161.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in the fee quote attachment do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Development contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or license number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have

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taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
- 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m.	Mondays to Fridays
7.00 a.m. – 12.00 noon	Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.

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- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details prepared by:

Drawing No.	Plan Name	Revision	Dated
1 of 4	Site, Drainage & Sediment Control Plan	Rev 2 – DA Submission	14-12-15
2 of 4	Floor Plan	Rev 2 – DA Submission	14-12-15
3 of 4	Elevations	Rev 2 – DA Submission	14-12-15
4 of 4	BASIX Notes	Rev 2 – DA Submission	14-12-15

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- Waste Management Plan, prepared for 1 Baltimore Street, Belfield, dated 12 August 2015;
- Schedule of External Colours and Finishes, Prepared for 1 Baltimore Street, Belfield.
- BASIX Certificate Nos. 653420S dated Monday 14 December 2015

6.1 At no point is an internal connection, (e.g. a door) to be made between the garage and the Secondary Dwelling.

7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$4,406.32. The amount payable is based on the following components:

Contribution Element (2013)	Contribution
• Community Facilities	\$398.48
• Open Space and Recreation	\$3,895.94
• Plan Administration	\$111.90

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
10. All building construction work must comply with the National Construction Code.
11. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
- i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the

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- development when this development consent is modified);
or
ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
12. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
13. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
14. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
15. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
16. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
17. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.

SYDNEY WATER REQUIREMENTS

18. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent OR from November 2015, via a new online service Sydney Water Tap in; to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped by the agent OR a receipt will be issued from Sydney Water Tap in.
For Quick Check agent details or access to Sydney Water Tap in visit Sydney Water's web site at www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents, or telephone 13 20 92. The consent authority or a private accredited certifier must ensure that a Quick Check agent has appropriately stamped the plans or a receipt has been issued from Sydney Water Tap in before the issue of any Construction Certificate. Quick Check agents will stop processing approvals from 1 December 2015.

ENGINEERING

19. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- 19.1 Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road. All

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downpipes, pits and drainage pipes shall be installed in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP2012, Part 6.4.

- 19.2 Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily. If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.
- 19.3 All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
- 19.4 Total impervious areas on the site must not exceed 75% of the lot area. The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
20. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
21. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
22. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards. The accredited engineer must specifically certify achievement of total impervious areas being less than 75% of the lot area.
23. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
24. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
25. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 – Car-parking Facilities".

LANDSCAPING

26. The existing street tree is to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm

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star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.

27. The existing property trees x 5 nominated to be removed as identified on the Site Plan (prepared by Boris Grgurevic & Assoc. and submitted to council on 15th December 2015) may be removed to accommodate construction. This is conditional on the replacement planting of 2 x 75ltr Australian native trees. One to be planted in an appropriate position in the front yard and one to be planted in an appropriate position in the rear yard.
28. All other property trees must be retained and protected during construction. A tree protection zone (TPZ) of 2m radius minimum (measured from the edge of the tree trunks) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction.

CRITICAL INSPECTIONS

29. Class 1 and 10 Buildings
The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
 - 29.1. at the commencement of the building work, and
 - 29.2. after excavation for, and prior to the placement of any footings, and
 - 29.3. prior to paving any in-situ reinforced concrete building element, and
 - 29.4. prior to covering of the framework for any floor, wall, roof or other building element, and
 - 29.5. prior to covering waterproofing in any wet areas, and
 - 29.6. prior to covering any stormwater drainage connections, and
 - 29.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
30. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

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31. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE

32. This application has been assessed in accordance with the National Construction Code.
33. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
34. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Waterproofing
 - Glazing
 - Protection from termites
 - Smoke alarms
 - BASIX completion
35. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
36. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
37. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
38. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
39. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
40. If you are not satisfied with this determination, you may:
- 40.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination; or
 - 40.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

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**ITEM 5.5 44 DENNIS STREET, LAKEMBA - DEMOLITION, CONSTRUCTION OF TWO STOREY
DWELLING AND DETACHED SECONDARY DWELLING**

(26) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-478/2015 be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Protection from termites
- Structural Engineering Plan
- Landscape Plan
- Hydraulic Plan
- Building Specifications
- Firewall Separation
- Soil and Waste Management Plan
- Mechanical ventilation

1.2. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only);
or

1.3. Evidence of a Home Building (Private) Insurance Certificate.

1.4. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.5. Payment to Council of:

Kerb and Gutter Damage Deposit	\$2723.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$1,470.0
Section 94 Development Contributions	\$4406.32

1.6. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$2,423.00
Inspection Fee	\$864.00
Occupation Certificate Fee	\$ 206.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

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Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent:
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited

DEMOLITION

5. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The

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- Demolition of Structures and the Construction Safety Act Regulations.
- (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:
 - 7.00 a.m. – 5.00 p.m. Mondays to Friday
 - 7.00 a.m. – 12.00 noon SaturdayNo demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
 - (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
 - (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
 - (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of
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Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.

- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with:

Plan	Prepared By	Date	Date received by Council
Site Plan Page 01	Austral Built	26 April 2016	27 April 2016
House – Ground Floor Plan Page 02	Austral Built	6 March 2016	7 March 2016
House – First Floor Plan Page 03	Austral Built	6 March 2016	7 March 2016
House – Elevation 1 Page 04	Austral Built	6 March 2016	7 March 2016
House – Elevation 2 Page 05	Austral Built	6 March 2016	7 March 2016
House – Section Page 06	Austral Built	6 March 2016	7 March 2016
Demolition Plan Page 08	Austral Built	5 October 2015	9 October 2015
Granny – Elevation Page 12	Austral Built	7 October 2015	7 March 2016
Granny – Elevation Page 13	Austral Built	7 October 2015	7 March 2016

- 6.1 Opaque glass at height of 1.5m shall be installed on the window marked as “W19” and “W20 on the southern elevation, “W26” and “W24” on the northern elevation and “W21” “W22” and “W23” on the eastern elevation. Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the issuing of the Construction Certificate.

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- 6.2 All service elements such as air-conditioning, communal antennas and clothes drying areas must be integrated into the design and screened from public view.
- 6.3 10m³ of general storage shall be provided in the laundry space. Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the issuing of the Construction Certificate.
7. The applicant shall provide a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties, 44 Dennis Street detailing the physical condition of the property, to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
8. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$4406.32. The amount payable is based on the following components:

Contribution Element 2013	Contribution
• Community Facilities	\$398.48
• Open Space and Recreation	\$3,895.94
• Plan Administration	\$111.90

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

Canterbury Development Contributions Plan 2013 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or on Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

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9. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
 10. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
 11. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
 12. All building construction work must comply with the National Construction Code.
 13. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
 14. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 15. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 16. BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
 17. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 18. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 19. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 20. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
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21. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
22. Stormwater from roof areas must be linked via a temporary downpipe to a council approve stormwater disposal system immediately after completion of the roof area.

LANDSCAPE

23. The existing street tree, *Callistemon viminalis* (common name Weeping bottlebrush), growing on the nature strip in front of the property is to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
24. The landscaping must be completed according to the submitted landscape plan (drawn by Greenland Design, drawing no. 1263.L01, submitted to council on 8th January 2016) except where amended by the conditions of consent.
25. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).

ENGINEERING

26. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
 - 26.1. The design must be generally in accordance with the plans, specifications and details received by Council on 9th October 2015; drawing number 08-10-2015 SW01, SW02, SW03, and SW04 prepared by Australiawide Consulting Services Pty Ltd.
 - 26.2. Drawing number 08-10-2015 SW02 prepared by Australiawide Consulting Services Pty Ltd received by Council on 9th October 2015 must display the pipe connection to the kerb and gutter of Dennis Street
 - 26.3. Stormwater runoff from all roof areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Dennis Street.
 - 26.4. The roof water from the secondary dwelling must discharge to the kerb and gutter of Dennis Street via a charged line designed in accordance with Clause 6.4.11 of Canterbury Council's DCP 2012.
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- 26.5. Stormwater runoff from paved areas that cannot physically be drained to Dennis Street may be drained to an absorption pit. Design in accordance with Clause 6.4.12 of Canterbury Council's DCP 2012. The total paved areas on the site draining to absorption pits must not exceed 20m².
 - 26.6. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The development must not obstruct/divert runoff from uphill lands and must not concentrate runoff onto downstream lands
 - 26.7. An overland flowpath must be provided within the setback to the Southeast boundary between the front and rear of the dwelling. The driveway area must be graded so that bypass flows from the driveway trench grate are directed to the overland flowpath.
 - 26.8. A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings. The design must make provision for a 150 mm step-up from garage to dwelling.
 - 26.9. All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
 - 26.10. A clean out pit designed in accordance with Figure 1 of the Appendices to Part 6.4 of Canterbury Council's DCP 2012, must be located on the nadir of each charged line.
 - 26.11. Total impervious areas on the site must not exceed 70% of the lot area.
 - 26.12. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - 26.13. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
 - 27. The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
 - 28. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
 - 29. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
 - 30. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Canterbury Councils DCP 2012
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31. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards. The accredited engineer must specifically certify achievement of total impervious areas being less than 70% of the lot area
32. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost
33. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being require
34. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
35. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
 - 35.1. The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004
 - 35.2. A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - 35.3. An off street parking space must be provided on the access driveway of the site. The gradient of the access driveway must not exceed 1 in 20 (5%) for the length of the parking space, in accordance with Clause 2.4.6.1 of AS/NZS 2890.1-2004.
36. The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate
37. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of:
 - 37.1. Vehicle Crossings,
 - 37.2. Concrete Footpath,

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37.3. Concrete Kerb & Gutter”.

38. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer

SYDNEY WATER REQUIREMENTS

39. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water’s web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a “Notice of Requirements” will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.
40. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details either visit Sydney Water’s web site at www.sydneywater.com.au/BuildingDeveloping/QuickCheck, or telephone 13 20 92. The consent authority or a private accredited certifier must ensure that a Quick Check agent has appropriately stamped the plans before the issue of any Construction Certificate.

CRITICAL INSPECTIONS

41. Class 1 and 10 Buildings
The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
- 41.1. after excavation for, and prior to the placement of any footings, and
 - 41.2. prior to paving any in-situ reinforced concrete building element, and
 - 41.3. prior to covering of the framework for any floor, wall, roof or other building element, and
 - 41.4. prior to covering waterproofing in any wet areas, and
 - 41.5. prior to covering any stormwater drainage connections, and
 - 41.6. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
42. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried

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out in respect of the building work, as nominated in this development consent.

To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

43. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

44. The consent does not permit demolition of the existing site. Demolition cannot occur without prior consent being issued
45. This application has been assessed in accordance with the National Construction Code.
46. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
47. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Waterproofing
 - Glazing
 - Protection from termites
 - Smoke alarms
 - BASIX completion
48. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
49. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
50. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
51. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
52. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
53. If you are not satisfied with this determination, you may:
- 53.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for

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- review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
- 53.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979. This period is reduced to 6 months for applications lodged on or after 28 February 2011.

ITEM 5.6 47-47A LAKEMBA STREET, BELMORE - USE OF ILLUMINATED PYLON SIGN IN FRONT OF SERVICE STATION

(27) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-51/2016 be **APPROVED** subject to the following conditions:

BUILDING CERTIFICATE

1. A Building Certificate Application must be lodged with Council for the unauthorised erection and installation of the pylon and sign within 60 days of the date of this consent.

GENERAL

2. The development being carried out in accordance with the plans, specifications and details prepared by Manishkumal Patel, marked "Sign 1" as received by Council on 15 March 2016.
3. The LED screens are to comprise a function to enable the brightness of such signs to be adjusted (if required).
4. The sign is not to comprise any flashing elements.
5. The signage content is not to resemble traffic signals or signs that give instruction to traffic.
6. All the illuminated signage is to be switched off when the service station is not in use.

WE ALSO ADVISE

7. This application has been assessed in accordance with the National Construction Code.
8. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
9. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
10. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.

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11. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
12. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
13. If you are not satisfied with this determination, you may:
 - 13.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination.; or
 - 13.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

ITEM 5.7

13 SEVENTH AVENUE, CAMPSIE - CONSTRUCTION OF THREE STOREY RESIDENTIAL BUILDING WITH BASEMENT PARKING AND FRONT FENCE

(28)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-262/2015 be **APPROVED** subject to the following:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan including method of shoring during excavation
 - Building Specifications
 - Fire Safety schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Ventilation of basement in accordance with AS 1668.2
 - 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$3,328.00
Section 94 Contributions	\$63,606.86
Certificate Registration Fee	\$36.00
Long Service Levy	\$5,463.50

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- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|------------|
| Construction Certificate Application Fee | \$5,846.00 |
| Inspection Fee | \$1,785.00 |
| Occupation Certificate Fee | \$492.00 |

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
- 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
- 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance

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requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m.	Mondays to Fridays
7.00 a.m. – 12.00 noon	Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
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- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the following plans, specifications and details except where amended by the conditions specified in this Notice.

Drawing No.	Prepared by	Date
LPDA 15-359 Landscape Plan (Issue B)	Conzept Landscape Architect	April 2016, received by Council on 14/04/16
LPDA 15-359 Landscape Plan (Issue A)	Conzept Landscape Architect	March 2016, received by Council on 14/04/16
DA00 - Area Calculations	Urbanistica	25/05/15, received by Council on 19 June 2015
DA01 - Proposed	Urbanistica	14/04/16, received by Council

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Basement Floor Plan		on 14/04/16
DA02 - Proposed Ground Floor Plan	Urbanistica	14/04/16, received by Council on 14/04/16
DA03 - Proposed First Floor Plan	Urbanistica	14/04/16, received by Council on 14/04/16
DA04 - Proposed Second Floor Plan.	Urbanistica	14/04/16, received by Council on 14/04/16
DA05 - Proposed Site and Roof Plan	Urbanistica	25/05/15, received by Council on 19 June 2015
DA06 - Proposed Elevations Sheet1	Urbanistica	25/05/15, received by Council on 19 June 2015
DA07 - Proposed Elevations Sheet 2	Urbanistica	25/05/15, received by Council on 19 June 2015
DA08 - Proposed Sections	Urbanistica	25/05/15, received by Council on 19 June

7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.
- The monetary contribution of \$63,606.86 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Open Space and Recreation	\$56,233.32
• Community Facilities	\$5,753.45
• Plan Administration	\$1,620.09

Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined.

8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
10. All building construction work must comply with the National Construction Code.
11. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
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12. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at all floor levels and roof indicating the finished levels to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
13. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
14. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
17. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
18. Drains, gutters, roadways and access ways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down. The site must be provided with a vehicle wash-down area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
19. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

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LANDSCAPING REQUIREMENTS

20. The landscaping must be completed according to the submitted landscape plan (drawn by Conzept Landscape Architects, drawing no. LPDA15-359 issue B, submitted to council on the 14th April 2016) except where amended by the conditions of consent.
 21. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
 22. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
 23. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
 24. The existing street tree, 1 x *Lophostemon confertus* (common name Brushbox), growing on the nature strip in front of the property must be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
 25. The driveway crossover is to be located no closer than 2m from the tree (measured from the edge of the tree trunk).
 26. The proposed planting to all podium levels should comply with the following as required in the CDCP 2012 Part 6.6: Landscape:
Raised planters:
 - Use masonry or concrete construction;
 - Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
 - Provide waterproofing to each planter box.Minimum soil depth:
 - 100-300mm for turf
 - 300-450mm for groundcovers;
 - 500-600mm for small shrubs;
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- 600-750mm for medium shrubs;
- 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
- 1000mm for medium trees with approximate soil area of 6m x 6m; and
- 1300mm depth for large trees with approximate soil area of 10m x 10m.

ENGINEERING

27. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- a) The design must be generally in accordance with the plans, specifications and details received by Council on 14th April 2016; drawing number C-2806-01, C-2806-02 prepared by Kozarovski&Partners.
 - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the Onsite Detention System.
 - c) An overland flow path must be maintained unobstructed between the front of the dwelling and the rear of the dwelling. This area must be graded so that bypass flows from the site drainage system and natural flow will remain unobstructed.
 - d) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
28. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
29. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
30. The submitted plans provide an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury City Council prior to the issue of a Construction Certificate.

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31. Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.
32. Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.
33. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
34. Where temporary anchors are proposed to be used in Seventh Avenue an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:
 - a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
 - b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
 - c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
35. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
 - a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
 - b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - c) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - d) All gates if any must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.

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- e) A suitably qualified Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.
36. Prior to and during construction, the applicant is to give sufficient notice to residents at adjacent property number 15 Seventh Avenue, prior to accessing council stormwater easement for the stormwater connection. The applicant is to restore work area
37. Prior to and during construction, the applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
38. Prior to and during construction, a Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
39. Prior to and during construction, a full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with variable width at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
40. Prior to and during construction, driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
41. Prior to and during construction, if Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
42. Prior to Occupation Certificate, the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate.
43. Prior to issue of an Occupation Certificate, Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
44. Prior to issue of an Occupation Certificate, an appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction
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compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associated works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010.

45. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

46. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
47. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
48. The reconstruction of the kerb and gutter along all areas of the site fronting Seventh Avenue is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
49. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Seventh Avenue is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

WASTE

50. The waste bin storage area is to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the Canterbury Development Control Plan.
51. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.

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SYDNEY WATER REQUIREMENTS

52. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/SW/plumbing-building-developing, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

53. Class 2, 3 or 4 Buildings
- 53.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 53.2. prior to covering any stormwater drainage connections, and
- 53.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Class 5, 6, 7, 8 or 9 Buildings
- 53.4. prior to covering any stormwater drainage connections, and
- 53.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
54. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
- To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

55. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE

56. This application has been assessed in accordance with the National Construction Code.
57. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
58. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
-

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- Air Handling systems
 - Waterproofing
 - Glazing
 - Final fire safety certificate
 - BASIX completion
59. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
60. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
61. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
62. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
63. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
64. If you are not satisfied with this determination, you may:
- 64.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 64.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

ITEM 5.8

2-4 BARNES AVENUE, EARLWOOD - CONVERSION OF GARAGE INTO SECONDARY DWELLING AND CONSTRUCTION OF CARPORT

(29)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-566/2015 be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Protection from termites

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- Structural Engineering Plan
 - Landscape Plan
 - Hydraulic Plan
 - Building Specifications
 - Firewall Separation
 - Soil and Waste Management Plan
 - Mechanical ventilation
- 1.2. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only);
or
Evidence of a Home Building (Private) Insurance Certificate.
- 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.4. Payment to Council of:
- | | |
|--------------------------------------|-----------|
| Kerb and Gutter Damage Deposit | \$2723.00 |
| Certificate Registration Fee | \$36.00 |
| Long Service Levy | \$238.00 |
| Section 94 Development Contributions | \$4406.32 |
- 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|----------|
| Construction Certificate Application Fee | \$938.00 |
| Inspection Fee | \$832.00 |
| Occupation Certificate Fee | \$161.00 |

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and

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- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

- 3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

- 4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

- 5. The development being carried out in accordance with:

Plan	Prepared By	Issue	Date	Date Received By Council
DA 00 Site and Roof Plan, Project No. 1107/15	Filmer Architects	B	15.03.16	16 March 2016
DA 01 Proposed Ground Floor Plan, Project No. 1107/15	Filmer Architects	B	15.03.16	16 March 2016
DA 02 Elevations and Sections, Project No. 1107/15	Filmer Architects	B	15.03.16	16 March 2016
DA 03 Soil and	Filmer	A	20.11.2015	20 November

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Water Management Plan, Project No. 1107/15	Architects			2015
DA 05 Site Coverage Calculation , Proposed Landscaping Area + Principal Private Open Space, Project No. 1107/15	Filmer Architects	A	15.03.16	16 March 2016

- 5.1 At no time shall the “store” in the secondary dwelling to be made accessible from within the Secondary Dwelling. The only access to the “store” shall be from the door shown on the stamped approval plans located on the eastern elevation next to “W1”.
6. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council’s Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.
7. The amount of the contribution (as at the date of this consent) has been assessed as \$4406.32. The amount payable is based on the following components:

Contribution Element 2013	Contribution
• Community Facilities	\$398.48
• Open Space and Recreation	\$3,895.94
• Plan Administration	\$111.90

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

The Development Contributions Plan 2013 may be inspected at Council’s Administration Centre, 137 Beamish Street, Campsie or from Council’s website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council’s Administration Centre, 137 Beamish Street, Campsie during office hours.

8. Finishes and materials including the treatment of external walls, roofing, fascia , gutters, downpipes, windows, doors and carport in accordance with the Schedule of finishes and colour scheme received by Council on 20

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November 2015. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.

9. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
 10. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
 11. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
 12. All building construction work must comply with the National Construction Code.
 13. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
 14. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 15. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
 16. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 17. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 18. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
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19. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
20. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
21. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.

LANDSCAPING

22. One major canopy property tree (75litre pot size) to be provided in the rear yard of the property. The major canopy tree is to be a mature height of greater than 5m and planted in a garden bed rather than turfed area.

ENGINEERING REQUIREMENTS – STORMWATER

Prior To Construction Certificate

23. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
 - 23.1. The design must be generally in accordance with the plans, specifications and details received by Council on 15 March 2016; drawing number 15-194 A, prepared by Portes Civil & Structural Engineers Pty Ltd.
 - 23.2. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Barnes Avenue.
 - 23.3. The construction of a concrete kerb along the northern boundary must be installed to direct overland flow to Barnes Avenue and is to be entirely contained within the site boundary
 - 23.4. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
 - 23.5. A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.
 - 23.6. Plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required
 - 23.7. The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
 24. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater
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system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.

25. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Canterbury Council's DCP 2012.

Prior To Construction

26. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
27. Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily. If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.

Prior To Occupational Certificate

28. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
29. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.

ENGINEERING REQUIREMENTS – PARKING

Prior To Construction Certificate

30. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- 30.1. The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004
- 30.2. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
- 30.3. Physical control barriers are required around the carport in accordance with Section 2.4.5.3 of AS/NZS 2890.1:2004.
- 30.4. A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- 30.5. An off street parking space must be provided on the access driveway of the site. The gradient of the access driveway must not exceed 1 in 20 (5%) for the length of the parking space, in accordance with Clause 2.4.6.1 of AS/NZS 2890.1-2004.
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30.6. Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.

31. The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Prior and During Construction

32. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
33. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

PUBLIC IMPROVEMENTS

34. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

SYDNEY WATER REQUIREMENTS

35. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.
36. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/QuickCheck, or telephone 13 20 92. The consent authority or a private accredited certifier must ensure that a Quick Check agent has appropriately stamped the plans before the issue of any Construction Certificate.

CRITICAL INSPECTIONS

37. Class 1 and 10 Buildings
The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
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- 37.1. after excavation for, and prior to the placement of any footings, and
 - 37.2. prior to paving any in-situ reinforced concrete building element, and
 - 37.3. prior to covering of the framework for any floor, wall, roof or other building element, and
 - 37.4. prior to covering waterproofing in any wet areas, and
 - 37.5. prior to covering any stormwater drainage connections, and
 - 37.6. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
38. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
- To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

39. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

- 40. This application has been assessed in accordance with the National Construction Code.
- 41. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
- 42. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Waterproofing
 - Glazing
 - Protection from termites
 - Smoke alarms
 - BASIX completion
- 43. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- 44. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
- 45. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.

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46. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act”. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
47. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council’s various Codes and Policies.
48. If you are not satisfied with this determination, you may:
 - 48.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 48.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

**ITEM 5.9
(30)**

6 BELLOMBI STREET, CAMPSIE - CONSTRUCTION OF SECONDARY DWELLING

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-30/2016 be **APPROVED** subject to the following:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Protection from termites
 - Structural Engineering Plan
 - Building Specifications
 - Landscape Plan
 - Hydraulic Plan
 - Soil and Waste Management Plan
 - BASIX Certification
 - 1.2. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only); or Evidence of a Home Building (Private) Insurance Certificate.
 - 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.4. Payment to Council of:

Kerb and Gutter Damage Deposit	\$1,814.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$350.00
 - 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$1,014.90
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Inspection Fee \$832.00

Occupation Certificate Fee \$161.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

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4. A sign shall be erected at all times on your building site in a prominent position stating the following:
- 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
- 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
- 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions contained in this Notice and the following specific conditions:

Drawing No.	Drawing Title	Prepared by	Received by Council on
1 of 3	Site Plan, Drainage Plan and Sediment Control	Boris Grgurevic and Associates	30/3/16
2 of 3	Floor Plan and BASIX notes	Boris Grgurevic and Associates	30/3/16
3 of 3	Elevations	Boris Grgurevic and Associates	30/3/16

6. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the approved Schedule of External Finishes prepared by AustralBuilt, received by Council on 26 October 2015. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The monetary contribution of \$4,406.32 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$398.48
• Open Space and Recreation	\$3,895.94
• Plan Administration	\$111.90

The rates applying to each contribution element are subject to quarterly indexing using the Consumer Price Index. If the contribution is not paid

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within the current quarterly period that the Consent Notice is issued, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan.

Development Contributions Plan 2013 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
10. All building construction work must comply with the National Construction Code.
11. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
12. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
 13. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 14. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 15. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 16. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
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17. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
18. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
19. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
20. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
21. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.

ENGINEERING

22. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared to make provision for the following:
 - (a) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter.
 - (b) All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
 - (c) Plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required.
 - (d) Total impervious areas exceed 75% of the lot area on-site detention designed in accordance with Part 6.4 of Canterbury Councils DCP must be provided.
 - (e) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - (f) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
23. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.

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24. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
25. Any existing component of the stormwater system that is to be retained must be checked and certified by a Licensed Plumber or qualified practicing Civil Engineer to be in good condition and operating satisfactorily. If any component of the existing system is not in good condition and /or not operating satisfactorily, it must be upgraded.
26. The stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards. The accredited engineer must specifically certify achievement of total impervious areas being less than 75% of the lot area if OSD is not provided.
27. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
28. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
29. Redundant vehicular crossings in Nowra Lane shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

RAILCORP

30. An acoustic assessment is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate, demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".
31. Prior to the issue of a Construction Certificate, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

SYDNEY WATER REQUIREMENTS

32. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/SW/plumbing-building-developing, Water

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Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

33. Class 1 and 10 Buildings

The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

- 33.1. after excavation for, and prior to the placement of any footings, and
- 33.2. prior to paving any in-situ reinforced concrete building element, and
- 33.3. prior to covering of the framework for any floor, wall, roof or other building element, and
- 33.4. prior to covering waterproofing in any wet areas, and
- 33.5. prior to covering any stormwater drainage connections, and
- 33.6. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

34. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.**

To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

35. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

- 36. This application has been assessed in accordance with the National Construction Code.
 - 37. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
 - 38. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Waterproofing
 - Glazing
-

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- Protection from termites
 - Smoke alarms
 - BASIX completion
39. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
40. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
41. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
42. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
43. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
44. If you are not satisfied with this determination, you may:
- 44.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 12 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 44.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

ITEM 5.10 418-422 CANTERBURY ROAD, CAMPSIE - MODIFICATION TO APPROVED SIX STOREY MIXED USE DEVELOPMENT COMPRISING ADDITIONAL BASEMENT LEVEL, ALTERATION TO DWELLING LAYOUTS, ADDITIONAL TWO LEVELS OF RESIDENTIAL APARTMENTS AND VPA OFFER FOR PROVISION OF A LANEWAY

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 21 ON PAGE NO. 39 OF THESE MINUTES.

ITEM 5.11 424-426 CANTERBURY ROAD, CAMPSIE - MODIFICATION TO APPROVED SIX STOREY MIXED USE DEVELOPMENT COMPRISING ADDITIONAL BASEMENT LEVEL,

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**ALTERATION TO DWELLING LAYOUTS, ADDITIONAL TWO LEVELS OF RESIDENTIAL
APARTMENTS AND VPA OFFER FOR PROVISION OF A LANEWAY**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 22 ON PAGE
NO. 39 OF THESE MINUTES.

**ITEM 5.12 46 PRINCE EDWARD AVENUE, EARLWOOD - MODIFICATION RELATING TO WALL
HEIGHT FOR A SINGLE DWELLING**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 23 ON PAGE
NO. 39 OF THESE MINUTES.

**ITEM 5.13 120-122 KARNE STREET NORTH, ROSELANDS - DEMOLITION, CONSTRUCTION OF
AFFORDABLE HOUSING DEVELOPMENT WITH BASEMENT PARKING AND
ASSOCIATED STRATA TITLE SUBDIVISION**

(31) MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-460/2015 be **APPROVED** subject to the
following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited
Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement in accordance with AS 1668.2

1.2. Payment of the Long Service Leave Levy to the Long Service Leave
Corporation or to Council.

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$2,723.00
Section 94 Contributions	\$157,890.80
Certificate Registration Fee	\$36.00
Long Service Levy	\$12,036.15

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- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|-------------|
| Construction Certificate Application Fee | \$11,480.00 |
| Inspection Fee | \$2,895.00 |
| Occupation Certificate Fee | \$904.00 |

Note 1: Long Service Leave Levy payment; (Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986). Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
- 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
- 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance

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requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
 - a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m.	Mondays to Fridays
7.00 a.m. – 12.00 noon	Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
 - f) Burning of demolished building materials is prohibited.
 - g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
 - j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
-

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- k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the following specific conditions and the conditions contained in this Notice:

Drawing No.	Drawing Title	Prepared By	Received by Council on
DA100	Cover Page/Drawings List/Site Calculation/Windows and Doors Schedule	Mka Architect	18 March 2016
DA101	Specification/BASIX Report	Mka Architect	2 October 2015
DA103	Basement	Mka Architect	12 January 2016
DA104	Ground Level	Mka Architect	18 March 2016

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DA105	First Level	Mka Architect	18 March 2016
DA106	South, North, East Elevations/Streetscape	Mka Architect	18 March 2016
DA107	East & West Elevations/Section AA/Vehicle Ramp Section B-B	Mka Architect	18 March 2016
DA108	Room Height Calculation on Typical Attic Level	Mka Architect	2 October 2015
DA109	Shadow Diagrams on recent DA approved 446/2016/Schedule of External Colour and Materials	Mka Architect	2 October 2015
DA110	Demolition Plan/Privacy Plan	Mka Architect	2 October 2015
L-01	Landscape Plan	Ray Fuggle Associates Landscape Architects	18 March 2016

- 6.1 The front fencing at the front of dwellings 1, 2 and 3 is to be of solid material and no higher than 1.2 metres with additional 600mm being of materials that is 50% transparent (totaling maximum height of 1.8m).
- 6.2 Storage area of at least 8m³ per two bedroom dwelling and 10m³ per three or more bedroom dwellings is to be provided in the development.
- 6.3 Prior to the issuing of a Construction Certificate, a revised roof plan is to be submitted to the Principal Certifying Authority to reflect the revised building footprint of Dwelling 8 required to retain the tree within the rear private open space area.
- 6.4 At least two apartments are to be accessible apartments in accordance with the stamped plans.
7. The layout of the proposed car parking areas associated within the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
8. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
9. Signage being erected for visitor car spaces to notify and allow people to use the designated spaces.
10. The four (4) car parking spaces provided in a stacked arrangement (R4 and R3) are to be allocated to the same dwelling (i.e two (2) dwellings to be allocated two (2) spaces each). One stacked parking arrangement is to be

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allocated to the four (4) bedroom dwelling (dwelling 3) and the other is to be allocated to a three bedroom dwelling.

11. All bicycle spaces are to be provided in accordance with AS2890.3.
12. All access points to the building (this would include street level pedestrian access, lifts and stairwells) shall be restricted to residents only through a security system. Visitors to the residential complex shall be provided with access via the intercom.
13. The bathroom and ensuite window(s) being translucent glass.
14. The existing boundary treatment between the subject site and the adjoining properties is to be retained, or replaced (if damaged during the construction process) at the applicant's expense. Any repairs or replacement must be made before the issue of any occupation certificate. Any damage caused during the works period is to be made good within 24 hours of damage.
15. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$157,890.80. The amount payable is based on the following components:

Contribution Element	Contribution
☐ Community Facilities	\$14,281.67
☐ Open Space and Recreation	\$139,590.32
☐ Plan Administration	\$4,018.81

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

16. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
17. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
18. All building construction work must comply with the National Construction Code.
19. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.

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20. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
21. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
22. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
23. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
24. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
25. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
26. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
27. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
28. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
29. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
30. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length

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will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

31. In accordance with Clause 17(1) (a) of State Environmental Planning Policy (Affordable Rental Housing) 2009, a minimum of 23.7% of the floor space within the approved development (identified on the development application plans as dwellings 9, 10 and 11) must be used for the purpose of affordable housing for a tenure of 10 years from the date of the issue of the occupation certificate. All affordable rental housing at the site must be managed by a registered community housing provider.
32. A restriction being registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), prior to the issue of the occupation certificate requiring that a minimum of 23.7% of the floor space (identified on the development application plans as dwellings 9, 10 and 11) within the approved development to be used for the purposes of affordable housing for 10 years from the date of issue of the occupation certificate in accordance with Clause 17(1) (b) of State Environmental Planning Policy (Affordable Rental Housing) 2009. In this regard, the restriction shall specifically nominate those units to be allocated as affordable housing.

DILAPIDATION AND EXCAVATION

33. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
34. The applicant shall prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties, 118 and 124 Karne Street North, Roselands detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
35. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions

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about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

CRIME PREVENTION

- 36. The basement car park shall be painted the colour 'white'. This measure will increase lux levels and light reflection.
- 37. The site shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
- 38. The storage units located in the vicinity of the car spaces shall be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
- 39. Directional signage shall be provided throughout the development. The signage should be clear, legible and useful, to aid people in finding their way throughout the area.

WASTE

- 40. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the Canterbury Development Control Plan 2012
- 41. Unobstructed and unrestricted access must be provided to the bin holding area on collection days from 5.00am.

ENGINEERING

Prior to the Issuing of a Construction Certificate

- 42. Plans and specification to be prepared of the stormwater system and be designed and constructed in general, in accordance with the plans, specifications and details received by Council on 2nd October 2015; Project number 1621 sheet number S1 of 6 Revision C, S2/6 revision C, S3-6 revision C, S4/6 Revision C, S5/6 revision C S6/6 revision C 11/09/2015 dated 10/04/2010 prepared by John Romanous and Associates (Civil/Structural).
- 43. Stormwater management plans to be amended and coordinated with amended architectural plans in particular to the amended plan, project number 010915-DA104 revision C by MKa dated March 2016
- 44. All downpipes, pits and drainage pipes shall be designed and installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
- 45. OSD storage is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA.
- 46. The plans must be prepared by an appropriately qualified and practising Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater

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drainage system. The details shall be prepared in accordance with Council's Stormwater Management Manual – Specification 9.

- a) All guttering are to be sized according to AS/NZS3500.3 2015. Roof area and Rainwater tank size equivalent to that noted on the Basix certificate to be included. All water reuse is to comply with said Basix certificate.
 - b) All external surfaces to be graded to facilitate excess surface waters to the overland flow path(s).
 - c) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.
 - d) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage
 - e) All pits to be minimum 450 x 450 with childproof lockable grated lids.
 - f) Grated trench drain to be min 200mm wide.
 - g) The charged system for the rainwater tanks must be a closed system without any pits or discharge points other than that at the clean out pit where the lines are terminated and capped for cleaning/clearing out after storms/rainfall. The system must comply with section 6.4.14 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
 - h) Pump-out drainage system is to be designed and certified to comply with Council's DCP 2012, Part 6.4.11. All waters pumped from the site must be those generated by rainfall and seepage. If a groundwater table is present, the basement and pit must be tanked and structurally designed to cater for hydrostatic forces and to prevent the ingress of water from the ground table. Pumped waters from the pit are to be directed to the Silt arrestor pit prior to connection to the legal point of discharge.
47. An appropriately qualified and practising Civil Engineer is to be registered on the NER of Engineers Australia or be appropriately qualified to be on the register and be experienced in the design of stormwater drainage.
48. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
49. Provision to be made for the collection of overland flow from the rear of the site and conveyed to Karne Street.
50. A maintenance plan including maintenance schedule and inspection check list must be produced for the on-site detention facility. The maintenance plan must be submitted to the Principal Certifying Authority prior to the issue of a construction Certificate.
51. A full width **heavy** duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5 metres at the

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boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

52. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
53. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
54. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Sub base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
55. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard the submitted plans must be amended to address the following issues:
 - a) Sight triangles for pedestrian safety must be provided in accordance with Figure 3.3 of the Standard.
 - b) The ramp only permits one way traffic movement at a time. A traffic management system must be provided to prioritise traffic movement and ensure that no vehicles reverse onto Karne Street North. Note that any queuing area must be located entirely within the site.
56. The applicant shall consult Energy Australia to determine the need for an electricity substation prior to the submission of a Construction Certificate and, if a site is required, it being situated adjacent to the street alignment with the size, location and area being in accordance with the requirements of Council and Energy Australia. The land required being dedicated without cost as a public roadway to enable Energy Australia to establish the substation.
57. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
58. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible

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- Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Sub base; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
59. Prior to issue of construction certificate the applicant is to prepare a pictorial survey of the surrounding infrastructure depicting the condition of the roadway, pathways kerb and guttering, driveways and other structures, a post development survey is to be carried out prior to completion. Cracked and damaged paved areas of the site are to be repaired and or replaced to the satisfaction of Councils Director of Environmental Services.
60. The sealed pit in Karne Street North must be substituted with a gully pit and 1800 mm extended kerb inlet located on the gutter of Karne Street North. The gully pit must be according to Canterbury Council's Standard Drawing SD 100, a copy of which may be obtained by phoning Councils City Works Group.
61. A plan and long section of the proposed gully pit and pipeline to be laid in Karne Street North must be prepared by a practising Civil Engineer and include a detailed public utilities check. All existing services crossed by the proposed pipeline must be located and identified on the plan. Three (3) copies of plans and calculations, with levels reduced to Australian Height Datum (AHD) must be submitted and approved by Council prior to the issue of a Construction Certificate to determine compatibility with the Councils existing stormwater drainage system in Karne Street North.
62. An appropriately qualified and practising Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been designed and constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
63. A driveway long section scaled at 1:20 (both vertical & horizontal) is to be submitted indicating the appropriate grades, lengths, transitions and height clearances above the driveway. The existing street levels are to be included in the design of the driveway (The existing street levels include kerb & gutter, footpath and boundary line levels which cannot be altered). The driveway widths, grades, lengths and transitions shall be in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".
64. Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council for a Road Opening Permit under Section 138 of the Roads Act 1993 for approval to undertake works on council roads.
- a) The Road Opening Permit must be provided prior to the issue of a Construction Certificate.
- b) These works must be constructed in accordance with the
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- conditions of the Road Opening Permit and be completed prior to the issue of an Occupation Certificate.
- c) Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.
65. The filled area shall be compacted, stabilised and grassed. The work is to be carried out in accordance with AUS-SPEC #1 Specifications C213-Earthworks and C273-Landscaping.
66. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
67. The construction of the kerb and gutter along all areas of the site fronting **Karne Street** is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
68. The reconstruction of the road shoulder along all areas of the site fronting **Karne Street** is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with AUS-SPEC #1 Specification C242-Flexible Pavements and C245-Asphaltic Concrete.
69. The reconstruction of any cracked or damaged sections of the concrete footpath paving and associated works along all areas of the site fronting **Karne Street** is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
70. Removal of the full width footpath paving and reconstruction with 1.4 metres wide concrete footpath and turfing by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with the following: Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter"; AUS-SPEC #1 Specification C273-Landscaping.
71. The nature strip outside the property shall be repaired as necessary. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with AUS-SPEC #1 Specification C273-Landscaping.
72. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to

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be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

- a) All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage plan.
73. The basement excavation works provide an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged with Canterbury City Council prior to the issue of a Construction Certificate.
- a) Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.
 - b) Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.
 - c) Permanent rock anchors are not permitted in Karne Street North.
 - d) Where temporary anchors are proposed to be used in Karne Street North an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:
 - e) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
 - f) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
74. The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
75. The amended plans must be certified by an appropriately qualified and practising Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
76. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can

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affect layout of garden beds and plantings.

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77. The stormwater drainage works are to be inspected during construction by the Principal Certifying Authority at the following stages:
 - (a) Prior to backfilling of trenches
 - (b) Prior to pouring concrete in OSD areas
 - (c) On completion of drainage works
78. Private contractors/applicants shall submit an application and pay an inspection fee to Council seven days prior to commencement of any works on the footpath or roadway. No work shall be carried out without Council approval.
79. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system.
80. The plan shall be prepared by a registered surveyor. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards.
81. Certification from an appropriately qualified and practising Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
82. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council's Stormwater Management Manual – Specification 9.
83. The applicant shall provide an as-built drawing to Councils City Works Division detailing the public drainage system. The plan shall be prepared by a registered surveyor.
 - a) The plan shall record all the relevant existing, proposed and actual levels and dimensions relative to the constructed drainage system.
 - b) The required certification must be issued by an appropriately qualified and practising Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
84. A sign shall be installed over every tap connected to the proposed rainwater stating "This water is not for drinking. This water is for landscaping purposes only".
 - a) A sign adjacent to and clearly visible at the OSD facility is to be placed permanently notifying the location of OSD tank, and its filling with stormwater after storms.
 - b) The OSD tank must comply with relevant work cover codes and confined space legislation.
85. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the [on site detention / on-site

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retention/re-use] facilities. The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
- c) The Plan must be prepared by an appropriately qualified and practising Civil Engineer and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
- d) The maintenance plan produced for the Occupation certificate must be kept in a visible place on-site at all times.

LANDSCAPE

- 86. The existing street trees, 2 x *Callistemon viminalis* (common name Weeping bottlebrush) growing on the nature strip in front of the property are to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
- 87. Tree 2 (*Eucalyptus microcorys*) as identified in the Arboricultural Assessment report (prepared by TALC Tree and Landscape Consultants and submitted to council 6th October 2015) and located in the south-western corner of the property is to be retained and protected. A tree protection zone (TPZ) of 9.6m radius minimum and a structural root zone (SRZ) of 3.5m radius minimum (measured from the edge of the tree trunks) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction.
No building material storage shall be allowed to encroach within this TPZ. No form of construction work or related activity such as mixing of concrete, cutting grinding, generator storage or cleaning of tools is to be permitted within this TPZ. No activity which will cause additional soil compaction within the TPZ. All drainage run off, sediment, concrete and mortar slurry, paints and washings, toilet effluent, petroleum products and

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any other waste products must be prevented from entering the protection zone.

Any required excavation work that fall within the TPZ of the trees must use methods which allow the root system of the tree to remain preserved and intact such as hand digging methods.

88. All other existing property trees may be removed to accommodate construction. This is conditional on their replacement with plantings of 12 minimum x 75ltr Australian native canopy trees (75Lt pot size).
89. The construction of Unit 8 and Unit 9 is to be designed in consultation with the Consulting Arborist to provide for the retention and protection of the tree 2. Construction details and methods and confirmation that the consulting Arborist has approved these construction details and methods are to be submitted to Council or the certifier prior to the issue of the Construction Certificate
90. Confirmation that the consulting Arborist has approved the Stormwater Design in relation to the trees to be retained is to be submitted to Council or the certifier prior to the issue of the Construction Certificate.
91. A Tree Management Plan is to be prepared by an AQF Level 5 Registered Consulting Arborist with a minimum 5 years industry experience and submitted to Council or the certifier prior to the issue of the Construction Certificate. At minimum this is to include the following:
 - a) A Tree Protection Schedule.
 - b) Appointing of an AQF Level 5 Registered Project Arborist to monitor and advise in regard to all issues relating to the existing trees to be retained for all phases of demolition and construction, and to carry out the following;
 - Establishment of the tree protection zone and erection of fencing and signage as per the above mentioned requirements.
 - Provision of a tree protection plan to applicant and all site personnel to ensure that the plan is on site prior to any works commencing.
 - Attendance on site regularly in accordance with section 5.4.1 of AS 4970 -2009. Particularly, during the construction of Units 8 and 9.
 - Any roots greater than 25mm in diameter that is exposed within 1m of the TPZ must be cleanly cut and kept moist.
 - Any remedial works that might be required for the tree, should these conditions and the tree protection plan have not be complied with.
 - Provide a final assessment of the tree condition, details of any works conducted to the tree and provision of certification that the tree protection works have been carried out in accordance with the requirements listed above at minimum as set out in Section 5.5.2 of AS 4970-2009. This certification is to be provided to the principle certifying authority and council at practical completion.

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92. An AQF Level 5 Registered Arborist must be engaged as a project arborist to carry out all aspects of the Tree Management Plan and tree protection. Contact details of this project arborist are to be forwarded to council and the consenting authority prior to the issue of Construction Certificate.
93. The proposed planting to all podium levels shall comply with the following as required in the CDCP 2012 Part 6.6: Landscape:
Raised planters:
a) Use masonry or concrete construction;
b) Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
c) Provide waterproofing to each planter box.
Minimum soil depth:
a) 100-300mm for turf
b) 300-450mm for groundcovers;
c) 500-600mm for small shrubs;
d) 600-750mm for medium shrubs;
e) 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
f) 1000mm for medium trees with approximate soil area of 6m x 6m; and
g) 1300mm depth for large trees with approximate soil area of 10m x 10m.
94. The landscaping must be completed according to the submitted landscape plan (drawn by RFA Landscape Architects, drawing no. 3849c L-01issue C, submitted to council on 18th March 2016) except where amended by the conditions of consent.
95. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
96. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
97. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
98. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;
a) Provide a Maintenance Schedule including:
-

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- replacement strategy for failures in plant materials and built works,
 - maintenance schedule for watering, weeding and fertilizing during the establishment period
 - A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan.
- b) All canopy trees are to be a minimum 75litre pot size.
- c) Provide replacement plantings of 12 minimum x 75ltr Australian native canopy trees (75Lt pot size) within the design.

SYDNEY WATER REQUIREMENTS

99. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand , Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

STREET ADDRESSING

100. Allocation of street numbers has been based on the Rural and Urban Addressing Standard AS/NZS 4819:2011.
101. Future Street Addressing for the proposed Strata Subdivision within DA-460/2015, is advised as follows: 120 Karne Street North, Roselands NSW 2196.
102. All sub-property addressing must be unique, and advised as follows:
- 1/120 Karne Street North, Roselands NSW 2196;
 - 2/120 Karne Street North, Roselands NSW 2196;
 - 3/120 Karne Street North, Roselands NSW 2196;
 - 4/120 Karne Street North, Roselands NSW 2196;
 - 5/120 Karne Street North, Roselands NSW 2196;
 - 6/120 Karne Street North, Roselands NSW 2196;
 - 7/120 Karne Street North, Roselands NSW 2196;
 - 8/120 Karne Street North, Roselands NSW 2196;
 - 9/120 Karne Street North, Roselands NSW 2196;
 - 10/120 Karne Street North, Roselands NSW 2196;
 - 11/120 Karne Street North, Roselands NSW 2196, and;
 - 12/120 Karne Street North, Roselands NSW 2196.

STRATA SUBDIVISION

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103. The draft strata subdivision plans are to reflect the approved development application plans and are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
104. The submission of one final plan of strata subdivision and five copies.
105. The car space allotments on any strata plan being made a part of the relevant dwelling section allotment and the visitor/common parking spaces remaining as common property.
106. Registration of the strata subdivision under Development Consent No. 460/2015 must be undertaken at the completion of the development with the Land and Property Information NSW.

CRITICAL INSPECTIONS

107. The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
Class 2, 3 or 4 Buildings
 - 107.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
 - 107.2. prior to covering any stormwater drainage connections, and
 - 107.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.Class 5, 6, 7, 8 or 9 Buildings
 - 107.4. prior to covering any stormwater drainage connections, and
 - 107.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
108. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

109. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

110. This application has been assessed in accordance with the National Construction Code.
111. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
112. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems

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- Final fire safety certificate
 - Glazing
 - Waterproofing
 - BASIX completion
113. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
114. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
115. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
116. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
117. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
118. If you are not satisfied with this determination, you may:
- 118.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 118.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

ITEM 5.14

36 WESTON AVENUE, NARWEE - DEMOLITION, CONSTRUCTION OF AFFORDABLE HOUSING DEVELOPMENT, PARKING AND STRATA SUBDIVISION

(32)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Development Application DA-45/2016 be **APPROVED** subject to the following:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan Building Specifications
 - Landscape Plan
 - Hydraulic Plan

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- Firewall Separation
 - Soil and Waste Management Plan
 - BASIX Certification
- 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.3. Payment to Council of:
- | | |
|--------------------------------|-------------|
| Kerb and Gutter Damage Deposit | \$3,328.00 |
| Section 94 Contributions | \$65,422.52 |
| Certificate Registration Fee | \$36.00 |
| Long Service Levy | \$3,181.15 |
- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|------------|
| Construction Certificate Application Fee | \$3,890.00 |
| Inspection Fee | \$1,230.00 |
| Occupation Certificate Fee | \$286.00 |

Note 1: Long Service Leave Levy payment. (Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
- 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:

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- 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
- 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

- 3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

- 4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

- 5. Demolition must be carried out in accordance with the following:
 - a. Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - b. The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - c. Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - d. A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - e. Demolition of buildings is only permitted during the following hours:
 - 7.00 a.m. – 5.00 p.m. Mondays to Fridays
 - 7.00 a.m. – 12.00 noon Saturdays
 - No demolition is to be carried out on Sundays or Public Holidays.

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- f. Burning of demolished building materials is prohibited.
- g. Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- h. Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- i. Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- j. The capacity and effectiveness of soil and water management devices must be maintained at all times.
- k. During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- l. A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- m. Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- n. Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- o. Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- p. Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

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6. The development being carried out in accordance with the plans, specifications and details identified in the table below, except where amended by the conditions specified in this Notice.

Drawing Number	Drawing Title	Revision	Prepared By	Received by Council
118315	Detail and Level Survey No. 36 Weston Avenue, Narwee	-	S.J Surveying Services Pty Ltd	10 February 2016
DA01	Site Layout & Site Analysis	B	Ridge Designs	6 April 2016
DA02	Demolition Plan	A	Ridge Designs	6 April 2016
DA03	Subdivision Plan	A	Ridge Designs	6 April 2016
DA04	Ground Floor Plan	B	Ridge Designs	6 April 2016
DA05	First Floor Plan	B	Ridge Designs	6 April 2016
DA5A	Pre and Post Adaptable Unit 4	B	Ridge Designs	6 April 2016
DA06	Elevation Sheet 1	B	Ridge Designs	6 April 2016
DA07	Elevation Sheet 2	B	Ridge Designs	6 April 2016
DA08	Sections	B	Ridge Designs	6 April 2016
DA09	Fence Details and Streetscape	A	Ridge Designs	6 April 2016
-	Finishes Schedule	-	Ridge Designs	10 February 2016
1 of 2	DA Landscape Concept	-	Monaco Designs Pty Limited	6 April 2016
2 of 2	Landscape Details	-	Monaco Designs Pty Limited	6 April 2016

- 6.1 The fencing associated with the private open space area of Dwelling 1 along the frontage of the site is to be of solid material and no higher than 1.2 metres with additional 600mm being of

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- materials that is 50% transparent (totaling maximum height of 1.8m).
- 6.2 A skylight shall be installed above the kitchen/dining room of Dwelling 5 to comply with Part 6.2.6 of the Canterbury Development Control Plans 2012. The skylight must be a minimum of 1m². Revised plans illustrating this change are to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- 6.3 The front fencing along the frontage of the site is to be of solid material and no higher than 1.2 metres with additional 600mm being of materials that is 50% transparent (totaling maximum height of 1.8m).
- 6.4 Storage area of at least 8m³ per two bedroom dwelling and 10m³ per three or more bedroom dwellings is to be provided in the development.
- 6.5 At least one dwelling is to be adaptable in accordance with the stamped plans.
- 6.6 The first floor windows along the western elevation of dwellings 1-3 are to have a minimum sill height of 1.5m.
- 6.7 The individual entry points to each dwelling is to be clearly numbered.
- 6.8 An intercom is to be installed at the main entry point of each dwelling for access control.
- 6.9 The existing splayed metal fence in the south-western corner of the site is to remain or be replaced with a similar splayed fence to ensure access to the existing right of way is retained as per existing condition.
- 6.10 Any damage or removal to the existing boundary fencing must be replaced at the cost of the developer and in a timely manner, being to the satisfaction of the adjoining property owner.
7. The existing right of way access to Grove Avenue is not to be used during demolition and/or construction. All deliveries, machinery and vehicle access etc is to access the site via Weston Avenue.
8. The layout of the proposed car parking areas associated within the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.
9. Resident and visitor car parking shall be clearly signposted at the entry to the car parking area.
10. Signage being erected for visitor car spaces to notify and allow people to use the designated spaces.
11. All bicycle spaces are to be provided in accordance with AS2890.3.
12. The bathroom and ensuite window(s) being translucent glass.
13. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the

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demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$65,422.52. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$5,917.65
• Open Space and Recreation	\$57,839.81
• Plan Administration	\$166.06

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

14. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
15. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
16. All building construction work must comply with the National Construction Code.
17. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
18. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
19. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or

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- ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
 - 20. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 - 21. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 - 22. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 - 23. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
 - 24. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 - 25. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 - 26. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
 - 27. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
- STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009
- 28. In accordance with Clause 17(1) (a) of State Environmental Planning Policy (Affordable Rental Housing) 2009, a minimum of 22.7% of the floor space within the approved development (identified on the development application plans as dwelling 2) must be used for the purpose of affordable housing for a tenure of 10 years from the date of the issue of the occupation certificate. All affordable rental housing at the site must be managed by a registered community housing provider.
 - 29. A restriction being registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), prior to the issue of the occupation certificate requiring that a minimum of 22.7% of the floor space (identified on the development application plans as dwelling 2) within the approved
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development to be used for the purposes of affordable housing for 10 years from the date of issue of the occupation certificate in accordance with Clause 17(1) (b) of State Environmental Planning Policy (Affordable Rental Housing) 2009. In this regard, the restriction shall specifically nominate those units to be allocated as affordable housing.

ENGINEERING

Prior to Construction Certificate

30. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- a) The design must be generally in accordance with the plans, specifications and details received by Council on 10th March 2016, project number 15-36WEST-H issue E page 101, prepared by Lomford Engineers Pty Ltd.
 - b) Stormwater system must be designed to accommodate subsurface stormwater runoff from subsoil, seepage, and soil retaining structures.
 - c) All stormwater pipes that are subject to vehicular loading must be designed to withstand traffic loads in accordance with AS3500.3.2003 Table 7.1.
 - d) All stormwater pits that are subject to traffic loading must be designed to withstand traffic loading in accordance with AS3500.3.2003.
 - e) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - f) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of **100mm**, to allow for 50mm cover.
31. The street alignment levels are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
32. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA or Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
33. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater
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Drainage Design”, AS/NZS3500.3 and Part 6.4 of Canterbury Council’s DCP 2012.

34. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
 - b) The driveway grades shall be checked by a suitably qualified engineer to be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - c) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.

Prior to and During Construction

35. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant’s cost.
36. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council’s City Works Department for details.
37. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 4 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.
38. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

Prior to Occupational Certificate

39. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
40. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
41. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction
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compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associated works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.

42. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

43. The Operation and Management Plan for the OSD approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

PUBLIC IMPROVEMENTS

44. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
45. The reconstruction of the kerb and gutter along all areas of the site fronting Weston Avenue is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
46. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Weston Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

SUBDIVISION

47. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

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48. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan. In this regard, consideration should be given for the following:
- a) An easement for roof overhang.
 - b) An easement where a component of the drainage system of one lot discharges stormwater to the other lot.
 - c) A right of carriage way for vehicular access is to be created in favour of each property over the other, of the development fronting Weston Avenue. Documents relative to this easement are to be lodged with the Land and Property Information NSW with the subdivision certificate.
49. The submission of one final plan of subdivision / consolidation and five copies.
50. The satisfactory completion of all conditions of this development consent prior to the release of the final plan of subdivision.

LANDSCAPING

51. The existing street tree *Melaleuca quinquenervia* (common name Broad-leaved paperbark) is to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2.5 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
52. All existing property trees may be removed to accommodate construction. This is conditional on the replacement planting of 8 x 75ltr Australian Native species canopy trees (75 litre pot size) with a minimum mature height of 7metres as shown on the Landscape Plan
53. The Maintenance Schedule period shall be 12 months.
54. The landscaping must be completed according to the submitted landscape plan (drawn by Monaco Designs, drawing no.4382-1-2, submitted to council on 6th April 2016) except where amended by the conditions of consent.
55. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
56. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of

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any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.

57. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.

WASTE

58. The waste bin storage and presentation areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP.
59. Unobstructed and unrestricted access must be provided to the waste bin presentation area on collection days from 5.00am. The bins must not be presented on the road.

STREET ADDRESSING

60. Allocation of street numbers has been based on the NSW Address Policy and Rural and Urban Addressing Standard AS/NZS 4819:2011.
61. Future Street Addressing for the proposed development within DA-45/2016 is advised as follows: 36 Weston Avenue, Narwee NSW 2209.
62. All sub-property numbering must be unique and advised as follows:
1/36 Weston Avenue, Narwee;
2/36 Weston Avenue, Narwee;
3/36 Weston Avenue, Narwee;
4/36 Weston Avenue, Narwee, and;
5/36 Weston Avenue, Narwee.
- The applicant is advised to contact Mapping & GIS Services to confirm Street Addressing prior to the issue of an Occupation Certificate. I can be contacted on 9789 9506 or via email: michaelcz@canterbury.nsw.gov.au.

SYDNEY WATER REQUIREMENTS

63. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

64. Class 1 and 10 Buildings
- The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):

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- 64.1. after excavation for, and prior to the placement of any footings, and
 - 64.2. prior to paving any in-situ reinforced concrete building element, and
 - 64.3. prior to covering of the framework for any floor, wall, roof or other building element, and
 - 64.4. prior to covering waterproofing in any wet areas, and
 - 64.5. prior to covering any stormwater drainage connections, and
 - 64.6. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
65. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
- To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

66. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

- 67. This application has been assessed in accordance with the National Construction Code.
- 68. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
- 69. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Smoke alarms
 - Glazing
 - Waterproofing
 - BASIX completion
- 70. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- 71. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
- 72. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.

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73. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act”. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
74. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council’s various Codes and Policies.
75. If you are not satisfied with this determination, you may:
 - 75.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 75.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 the Environmental Planning and Assessment Act 1979.

ITEM 5.15

23 WILLEROO STREET, LAKEMBA - DEMOLITION AND CONSTRUCTION OF MULTI DWELLING DEVELOPMENT WITH BASEMENT PARKING

(33)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

- A. Council request the Land and Environment Court to award us costs.
- B. Council enter into a S34 Agreement with the applicant and the Court be advised that the following conditions of consent are to be imposed should development application DA-107/2015 be approved:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Firewall Separation
 - Soil and Waste Management Plan
 - BASIX Certification
 - Ventilation of basement in accordance with AS 1668.2
 - One dwelling being made adaptable
 - 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.3. Payment to Council of:

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	Kerb and Gutter Damage Deposit	\$3,328.00
	Section 94 Contributions	\$49,847.13
	Certificate Registration Fee	\$36.00
	Long Service Levy	\$4503.45
1.4.	If you appoint Council as your Principal Certifying Authority, the following fees are payable:	
	Construction Certificate Application Fee	\$5,024.00
	Inspection Fee	\$1,785.00
	Occupation Certificate Fee	\$492.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The

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builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m.	Mondays to Fridays
7.00 a.m. – 12.00 noon	Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
 - (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site,

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- visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
 - (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
 - (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
 - (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
 - (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
 - (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the following plans, specifications and details except where amended by the conditions specified in this Notice.

Drawing No.	Revision No.	Prepared By	Dated	Date Received
14-131 Sheet No 01	F	Hamec	February 2016	7 March 2016
14-131 Sheet No 02	F	Hamec	February 2016	7 March 2016

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14-131 Sheet No 03	F	Hamec	February 2016	7 March 2016
14-131 Sheet No 11	F	Hamec	February 2016	7 March 2016
14-131 Sheet No 12	F	Hamec	February 2016	7 March 2016
C01-A	C	Leading Engineers	25 February 2016	7 March 2016
C02-A	C	Leading Engineers	25 February 2016	7 March 2016
C03-A	C	Leading Engineers	25 February 2016	7 March 2016
LD 01	C	Kerrie Allsop	February 2016	7 March 2016

- 6.1. The northern pergolas must be a light weight (eg: timber) structure and not masonry. Details must be shown on the Construction Certificate plans.
- 6.2. Fences within the front boundary must not exceed 1.2 metres, except the screen wall for the courtyard for Unit 1 which may be up to 1.8 metre high provided it incorporates screens with 50% transparency.
7. The existing boundary treatment between the subject site and the adjoining properties is to be retained, or replaced (if damaged during the construction process) at the applicant's expense. Any repairs or replacement must be made before the issue of any occupation certificate. Any damage caused during the works period is to be made good within 24 hours of damage.
8. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council's Section 94 Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$49,847.13. The amount payable is based on the following components:

Contribution Element	Contribution
☐ Community Facilities	\$4,508.85
☐ Open Space and Recreation	\$44,068.57
☐ Plan Administration	\$1,269.71

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

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9. Six (6) off-street car spaces and two (2) bicycle parking spaces being provided in accordance with the submitted plans. This will comprise:
 - 9.1. Five (5) residential car parking spaces
 - 9.2. One (1) visitor car parking spaceThe car spaces being allocated and marked according to this requirement. The carpark layout must respect the above allocation.
10. Signage being erected for visitor car spaces to notify and allow people to use the designated spaces.
11. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
12. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
13. All building construction work must comply with the National Construction Code.
14. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor level and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
16. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
17. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
18. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

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19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
21. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
23. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
24. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
25. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

DILAPIDATION AND EXCAVATION

26. A report prepared by an accredited engineer including the method of shoring during excavation and detailing the structural adequacy of No. 25 Willeroo Street to withstand the excavation works shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
27. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
28. The applicant shall prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties, 21 and 25 Willeroo Street, Lakemba detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items and be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for

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rectification of the damage is to be made with the affected person/s as soon as practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

29. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

CRIME PREVENTION

30. Convex mirrors are to be provided to eliminate the blind corner leading to the front door of unit 4.
31. The basement car park shall be painted the colour 'white'. This measure will increase lux levels and light reflection.
32. The site shall be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
33. The storage units located in the vicinity of the car spaces shall be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
34. Directional signage shall be provided throughout the development. The signage should be clear, legible and useful, to aid people in finding their way throughout the area.

WASTE

35. The waste bin storage area is to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of Canterbury Development Control Plan 2012.
36. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.

ENGINEERING

37. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- 37.1. The design must be generally in accordance with the plans, specifications and details received by Council on 7 March 2016; project number 1441 drawing number C03-A and C02-A revision C, prepared by Leading Engineers.
- 37.2. The Onsite Detention System volume must be increased by 10%, and the Orifice plate opening must not exceed 75mm Diameter.
- 37.3. Stormwater system must be designed to accommodate subsurface stormwater runoff from subsoil, seepage, and soil retaining structures.
- 37.4. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- 37.5. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

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- 37.6. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
38. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
39. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
40. The street alignment levels are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
41. The submitted layout plans provide an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be lodged Canterbury City Council prior to the issue of a Construction Certificate. Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.
- Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent. Where temporary anchors are proposed to be used in Willeroo Street an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:
- 41.1. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing

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- services must be shown on a plan and included on cross sectional details where appropriate.
- 41.2. Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
- 41.3. The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.
42. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
43. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- 43.1. The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
- 43.2. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
- 43.3. A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- 43.4. All gates if any must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
- 43.5. A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- 43.6. The maximum gradient of the associated access driveway across a property line shall be 1:20 (5%) for at least 6m as per Australian Standard AS 2890.1 - 2004 Section 3.3(a). Note: the proposed driveway entry must maintain the existing boundary level.
- 43.7. The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.
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The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

ENGINEERING - PRIOR TO AND DURING CONSTRUCTION

44. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
45. If Groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
46. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
47. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 3.7metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
48. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

ENGINEERING - PRIOR TO OCCUPATIONAL CERTIFICATE

49. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
50. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
51. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.
52. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been

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prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:

- 52.1. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- 52.2. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

- 53. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

PUBLIC IMPROVEMENTS

- 54. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

- 54.1. The reconstruction of the kerb and gutter along all areas of the site fronting Willeroo Street is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

- 54.2. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Willeroo Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

LANDSCAPING

- 55. The landscaping must be completed according to the submitted landscape plan (drawn by Kerrie Allsop Landscape Design, drawing no. HA/14 LD01 issue C, submitted to council on 7 March 2016) except where amended by the conditions of consent.
- 56. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
- 57. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of

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- any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
58. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
59. The existing street tree is to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 2 metre radius (measured from the edge of the tree trunk) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction. No building material storage or construction activity shall be allowed to encroach within this TPZ.
60. Existing property trees 7 – 10 and 12 - 16 as notated on the Landscape Plan are to be retained and protected during construction. A suitable 1 metre radius protective barrier must be erected around each tree's trunk prior to construction. This barrier must be well maintained during construction. No building material or construction activity shall be allowed to encroach within this tree protection zone.
61. All other existing property trees may be removed to accommodate construction.
62. The proposed planting to all podium levels should comply with the following as required in the CDCP 2012 Part 6.6: Landscape: Raised planters:
- Use masonry or concrete construction;
 - Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
 - Provide waterproofing to each planter box.
- Minimum soil depth:
- 100-300mm for turf
 - 300-450mm for groundcovers;
 - 500-600mm for small shrubs;
 - 600-750mm for medium shrubs;
 - 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
 - 1000mm for medium trees with approximate soil area of 6m x 6m; and
 - 1300mm depth for large trees with approximate soil area of 10m x 10m.
63. An amended landscape plan to address the issues outlined below is to be submitted to Council or the certifier prior to the issue of the Construction Certificate:

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- 63.1. Amend the plan so that all new canopy trees are a minimum 75litre pot size and are planted in garden beds rather than turfed areas.
- 63.2. The landscape plan is to include adequate soil depths to all on podium beds and raised planter boxes and provide this information on the plan.
- Provide a Construction Details including:
- 63.3. Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls and planting on podium)
- 63.4. Detailing and location of edge treatments (e.g. Concrete, brick, timber).
- Provide a Maintenance Schedule including:
- 63.5. replacement strategy for failures in plant materials and built works,
- 63.6. maintenance schedule for watering, weeding and fertilizing during the establishment period
- 63.7. A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan.

SYDNEY WATER REQUIREMENTS

64. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

65. Class 2, 3 or 4 Buildings
- 65.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 65.2. prior to covering any stormwater drainage connections, and
- 65.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- Class 5, 6, 7, 8 or 9 Buildings
- 65.4. prior to covering any stormwater drainage connections, and
- 65.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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66. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

67. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

68. This consent does not permit the subdivision of the property, as it was not proposed as part of the Development Application. The subdivision of the development must be the subject of a fresh Development Application.
69. This application has been assessed in accordance with the National Construction Code.
70. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
71. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Air handling systems
 - Final fire safety certificate
 - Glazing
 - Waterproofing
 - BASIX completion
72. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
73. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
74. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
75. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
76. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
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ITEM 5.16 INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT - 2 MAY 2016

(34)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The recommendation of the Independent Hearing and Assessment Panel Report – 2 May 2016 in relation to Development Application DA-239/2015 be adopted and Development Application DA-239/2015 be approved subject to the following conditions.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety schedule
- Landscape Plan
- Hydraulic Plan
- Firewall separation
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement in accordance with AS 1668.2

- 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

- 1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$16,640.00
Section 94 Contributions	\$437,654.73
Certificate Registration Fee	\$36.00
Long Service Levy	\$35,695.10

- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$31,760.00
Inspection Fee	\$6,780.00
Occupation Certificate Fee	\$2,346.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

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Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

5. Demolition must be carried out in accordance with the following:

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- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
- (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
- (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- (e) Demolition of buildings is only permitted during the following hours:
 - 7.00 a.m. – 5.00 p.m. Mondays to Fridays
 - 7.00 a.m. – 12.00 noon SaturdaysNo demolition is to be carried out on Sundays or Public Holidays.
- (f) Burning of demolished building materials is prohibited.
- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines.

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Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.

- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details in the table below, except where amended by the conditions specified in this Notice.

Plan Number	Author	Date
DA000 Cover Sheet	Design Cubicle	Undated, received by Council on 12 April 2016
DA200 Site Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA201 Basement Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA202 Ground Floor Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA203 First Floor Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA204 Second Floor Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA205 Third Floor Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA205 Roof Plan (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA301 Elevation 1/2 (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA302 Elevation 2/2 (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
DA303 Sections/Fence Details (Issue B)	Design Cubicle	07/04/16, received by Council on 12 April 2016
SA-LP02 Existing Tree Plan	Bio Design	16/02/16 , received by Council on 19/02/ 2016

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SA-LP02 Landscape Plan	Bio Design	16/02/16 , received by Council on 19/02/ 2016
SA-LP02 Landscape Planting Plan	Bio Design	16/02/16 , received by Council on 19/02/ 2016

- 6.1. Storage area of at least 6m³ per one bedroom dwelling, 8m³ per two bedroom dwelling and 10m³ per three or more bedroom dwellings must be provided in the development.
- 6.2. The provision of one car wash bay in one of the visitor car spaces.
- 6.3. The three Angophora bakeri trees proposed along the northern boundary be deleted.
- 6.4. The pedestrian entry to units G08 and Unit 11 (the two ground floor units in the south western corner) be reconfigured to open directly to Second Avenue.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.
The monetary contribution of \$437,654.73 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution
• Community Facilities	\$39,586.93
• Open Space and Recreation	\$386,924.87
• Plan Administration	\$11,142.93

The rates applying to each contribution element are subject to quarterly indexing using the Consumer Price Index. If the contribution is not paid within the current quarterly period that the Consent Notice is issued, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan.

Canterbury Development Contributions Plan 2013 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.
8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
10. All building construction work must comply with the National Construction Code.

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11. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
12. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
13. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
14. BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.
15. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
16. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
17. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
18. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
19. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
20. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the

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area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.

DILAPIDATION AND EXCAVATION

21. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
22. The applicant shall prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for the units at 85 Second Avenue, Campsie, adjacent to the northern boundary of the subject site and the units at 69-73 Second Avenue, Campsie, adjacent to the southern boundary of the subject site, detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
23. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately

SYDNEY WATER REQUIREMENTS

24. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/SW/plumbing-building-developing, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

LANDSCAPING

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25. The existing property and street trees are to be treated as follows (the tree numbers relate to the numbering used to identify each tree in both the Arborist Report and the Tree Management and Landscape plan submitted to council 19th February 2016):

Tree No.	Botanical Name	Common Name	Action	Instructions
E01	<i>Lophostemon confertus</i>	Brush Box	Retain and Protect	Tree protection as per recommendations
E02	<i>Lophostemon confertus</i>	Brush Box	Retain and Protect	Tree protection as per recommendations
E03	<i>Lophostemon confertus</i>	Brush Box	Retain and Protect	Tree protection as per recommendations
E04	<i>Callistemon citrinus</i>	Lemon-scented Bottlebrush	Retain and Protect	Tree protection as per recommendations
E05	<i>Lophostemon confertus</i>	Brush Box	Remove and replace	Replace with <i>Lophostemon confertus</i> , 75 litre pot size
E06	<i>Callistemon citrinus</i>	Lemon-scented Bottlebrush	Retain and Protect	Tree protection as per recommendations
E07	<i>Lophostemon confertus</i>	Brush Box	Retain and Protect	Tree protection as per recommendations
E08	<i>Lophostemon confertus</i>	Brush Box	Remove and replace	Replace with <i>Lophostemon confertus</i> , 75 litre pot size
E09	<i>Grevillea robusta</i>	Silky Oak	Remove for construction	
E10	<i>Populus deltoides</i>	Eastern Cottonwood	Remove for construction	
E11	<i>Pittosporum undulatum</i>	Sweet Pittosporum	Remove for construction	
E12	<i>Populus deltoides</i>	Eastern Cottonwood	Remove for construction	
E13	<i>Cedrus atlantica</i>	Atlas Cedar	Remove for construction	
E14	<i>Banksia integrifolia</i>	Coastal Banksia	Remove for construction	

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E15	<i>Eucalyptus crebra</i>	Narrow leaved Ironbark	Retain and Protect	Tree protection as per recommendations
E16	<i>Lophostemon confertus</i>	Brush Box	Retain and Protect	Tree protection as per recommendations
E17	<i>Eucalyptus dalrympleana</i>	Mountain White Gum	Remove for construction	
E18	<i>Corymbia citriodora</i>	Lemon-scented Gum	Retain and Protect	Tree protection as per recommendations
E19	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove for construction	
E20	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove for construction	
E21	<i>Corymbia citriodora</i>	Lemon-scented Gum	Remove for construction	
E22	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	Retain and Protect	Tree protection as per recommendations
E23	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	Retain and Protect	Tree protection as per recommendations
E24	<i>Acer davidii</i>	Maple	Remove for construction	
E25	<i>Corymbia citriodora</i>	Lemon-scented Gum	Remove for construction	
E26	<i>Populus deltoides</i>	Eastern Cottonwood	Remove for construction	
E27	<i>Koelreuteria paniculata</i>	Golden Rain Tree	Remove for construction	
E28	<i>Populus deltoides</i>	Eastern Cottonwood	Remove for construction	
E29	<i>Waterhousea floribunda</i>	Weeping Lilly Pilly	Remove for construction	
E30	<i>Populus deltoides</i>	Eastern Cottonwood	Remove for construction	
E31	<i>Acer davidii</i>	Maple	Remove for construction	
E32	<i>Acer davidii</i>	Maple	Remove for construction	
E33	<i>Acer rubrumi</i>	Red Maple	Remove for construction	

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E34	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove for construction	
E35	<i>Liquidamber styraciflua</i>	American Sweetgum	Remove for construction	
E36	<i>Grevillea robusta</i>	Silky Oak	Remove for construction	
E37	<i>Jacaranda mimosifolia</i>	Jacaranda	Remove for construction	
E38	<i>Populus deltoides</i>	Eastern Cottonwood	Remove for construction	

26. All street and property trees to be retained, E01-04, E06-E07, E15-E16, E18 and E22-23 as listed above in Condition 25, are to be retained and protected in accordance with Australian Standard 4970 -2009 – Protection of trees on development sites and all tree protection recommendations provided in Part 6 of the Arborist's Report, the Arborist's Statement and the Tree Management Plan prepared by Susan Hobley of BioDesign and submitted to council 19th February 2016.
27. An AQF Level 5 Registered Project Arborist is to be engaged as a project arborist to carry out all aspects of the tree protection for this development. Contact details of this project arborist are to be forwarded to council and the consenting authority prior to the issue of Construction Certificate.
28. A Tree Protection Schedule for the retention and protection of all trees to be retained as listed above is to be prepared in accordance with all the tree protection conditions by the engaged Project Arborist and submitted to Council or the certifier prior to the issue of the Construction Certificate. Site visits at minimum are to include:
- Establishment of the tree protection zone and erection of fencing and signage as per the above mentioned requirements;
 - Establishment of the clear identification of the trees to be removed prior to any tree removal,
 - Attendance on site during all tree removal work to oversee the protection of the trees to be retained,
 - Carrying out of any pruning works;
 - Attendance on site regularly in accordance with section 5.4.1 of AS 4970 -2009. Particularly, during any excavation or works within the Tree Protection Zones;
 - Any roots greater than 25mm in diameter that is exposed within 1m of the TPZ must be cleanly cut and kept moist;
 - Any remedial works that might be required for the trees, should these conditions and the tree management plan have not be complied with;
 - Provide a final assessment of the tree condition, details of any works conducted to the tree and provision of certification that the tree protection works have been carried out in accordance with the requirements listed above at minimum as set out in Section

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- 5.5.2 of AS 4970-2009. This certification is to be provided to the principle certifying authority and Council at practical completion.
29. The removal of the existing property trees, E09-E14, E17, E19-E21 and E24-E38 as listed above, Condition 25, is conditional on their replacement with 20 (minimum) canopy trees as per the Landscape Plan (drawn by BioDesign, drawing no. SA-LP02 revision A sheets 1-3, submitted to Council on 19 February 2016).
- Establishment of the clear identification of the trees to be removed must be carried out on site by the Project Arborist prior to any tree removal.
 - The Project Arborist must be in attendance on site during all tree removal work to oversee the protection of the trees to be retained.
 - The tree removal work shall be carried out by an experienced tree surgeon in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998).
 - All care shall be taken to cause no damage to other trees during the felling operation. Tree removal work shall be carried out by an experienced tree surgeon in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998). Care shall be taken to cause no damage to other trees during the felling operation.
30. The removal of the existing street trees, E05 and E08 *Lophostemon confertus* (common name Brushbox), growing on the nature strip in front of the development property is conditional on their replacement with 2 x 75ltr (container size) *Lophostemon confertus* (common name Brushbox)) to be provided on the nature strip adjoining the property. The planting of these trees are to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council.
31. The proposed planting to all podium levels shall comply with the following as required in the CDCP 2012 Part 6.6: Landscape:
- Raised planters:
- Use masonry or concrete construction;
 - Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
 - Provide waterproofing to each planter box.
- Minimum soil depth:
- 100-300mm for turf;
 - 300-450mm for groundcovers;
 - 500-600mm for small shrubs;
 - 600-750mm for medium shrubs;
 - 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
 - 1000mm for medium trees with approximate soil area of 6m x 6m; and

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- 1300mm depth for large trees with approximate soil area of 10m x 10m.
32. The landscaping must be completed according to the submitted landscape plan (drawn by BioDesign, drawing no. SA-LP02 revision A sheets 1-3, submitted to Council on 19th February 2016) except where amended by the conditions of consent.
33. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
34. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
35. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
36. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate. The Construction Certificate should have details of:
- Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, planting on podium, planter boxes, paths, steps and retaining walls)
 - Detailing and location of edge treatments (e.g. Concrete, brick, timber)

ENGINEERING

37. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
38. The design must be generally in accordance with the plans, specifications and details received by Council on 19th February 2016; drawing number 20140352 SW01 D, SW02 D, SW03 D, SW04 C, SW05 D, SW06 D and SW07 D, prepared by S & G Consultants Pty Ltd.
39. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Second Avenue.
40. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with

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- Canterbury Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
41. The rising main from the basement pump out tank must discharge to the OSD.
 42. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 43. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm. The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
 44. On Site Detention is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
 45. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
 46. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Canterbury Councils DCP 2012.
 47. Prior to and during construction, the applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
 48. If groundwater is encountered prior to and during construction, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
 49. Prior to the issue of an Occupation Certificate, the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate.
 50. Prior to the issue of an Occupation Certificate, certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
 51. Prior to the issue of an Occupation Certificate, a Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered

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surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associated works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.

52. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

53. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

54. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.

All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.

55. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure retaining walls have been constructed in accordance with the design plans. If the retaining walls do not require structural design certification may be provided by the builder. If the retaining walls require structural design certification must be provided by a qualified structural engineer that the retaining walls have been built in accordance with the plans submitted with the Construction Certificate.
56. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:

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- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of *AS/NZS 2890.1-2004*.
- b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
- c) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- d) The traffic report vehicle swept path analysis around intersections does not comply with Part 2.5.2 (c) of AS/NZS 2890.1:2004. The swept path analysis must allow for swept path clearances as per Australian Standard AS 2890.1 – 2004 Section B3.2. And all circulation roadways intersections require a further 300mm structural clearance as per AS 2890.1 – 2004 Section 2.5.2(C). Traffic management measures are to be incorporated to safely allow the passing of vehicles along each intersection.

The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- 57. Prior to and during construction, a Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 58. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 59. If the vehicle access is to be reconstructed the levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
- 60. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

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- 61. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 62. The reconstruction of the kerb and gutter along all areas of the site fronting Second Avenue is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 63. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Second Avenue is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 64. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

WASTE

- 65. The waste bin storage areas are to be designed and constructed in accordance with Clause 6.9.4.1 and 6.9.4.2 of the Canterbury Development Control Plan.
- 66. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.

CRITICAL INSPECTIONS

67. Class 2, 3 or 4 Buildings

- 67.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 67.2. prior to covering any stormwater drainage connections, and
- 67.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 67.4. prior to covering any stormwater drainage connections, and
 - 67.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
68. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.
- To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

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69. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

70. This application has been assessed in accordance with the National Construction Code.
71. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
72. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Air handling systems
 - Final fire safety certificate
 - Glazing
 - Waterproofing
 - BASIX completion
73. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
74. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
75. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
76. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
77. The applicant is advised to contact Mapping & GIS Services to confirm Street Addressing prior to the issue of an Occupation Certificate. All sub-property numbering must be unique. Sub-property Street Addressing is advised as follows (the first digit represents the floor level and the next two digits represent the unit number).
- Ground Floor: Unit 1/75 Second Avenue, Campsie
Unit 2/75 Second Avenue, Campsie
Unit 3/75 Second Avenue, Campsie
Unit 4/75 Second Avenue, Campsie
Unit 5/75 Second Avenue, Campsie
Unit 6/75 Second Avenue, Campsie
Unit 7/75 Second Avenue, Campsie
Unit 8/75 Second Avenue, Campsie
Unit 9/75 Second Avenue, Campsie
Unit 10/75 Second Avenue, Campsie

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- 1st Floor: Unit 11/75 Second Avenue, Campsie
Unit 101/75 Second Avenue, Campsie
Unit 102/75 Second Avenue, Campsie
Unit 103/75 Second Avenue, Campsie
Unit 104/75 Second Avenue, Campsie
Unit 105/75 Second Avenue, Campsie
Unit 106/75 Second Avenue, Campsie
Unit 107/75 Second Avenue, Campsie
Unit 108/75 Second Avenue, Campsie
Unit 109/75 Second Avenue, Campsie
Unit 110/75 Second Avenue, Campsie
Unit 111/75 Second Avenue, Campsie
- 2nd Floor: Unit 201/75 Second Avenue, Campsie
Unit 202/75 Second Avenue, Campsie
Unit 203/75 Second Avenue, Campsie
Unit 204/75 Second Avenue, Campsie
Unit 205/75 Second Avenue, Campsie
Unit 206/75 Second Avenue, Campsie
Unit 207/75 Second Avenue, Campsie
Unit 208/75 Second Avenue, Campsie
Unit 209/75 Second Avenue, Campsie
Unit 210/75 Second Avenue, Campsie
Unit 211/75 Second Avenue, Campsie
- 3rd Floor: Unit 301/75 Second Avenue, Campsie
Unit 302/75 Second Avenue, Campsie
Unit 303/75 Second Avenue, Campsie
Unit 304/75 Second Avenue, Campsie
Unit 305/75 Second Avenue, Campsie

78. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
79. If you are not satisfied with this determination, you may:
- 79.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
- 79.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

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2. The recommendation of the Independent Hearing and Assessment Panel Report – 2 May 2016 in relation to Development Application DA-200/2015 be adopted and Development Application DA-200/2015 be approved as a DEFERRED COMMENCEMENT consent subject to the following conditions.

- A. This consent is not to operate until the Applicant has amended the development within 24 months of the date of this Notice to address the following matters:

Traffic & Parking:

- The submitted swept path analysis completed by Varga Traffic Planning Pty Ltd are not the same paths shown within AS 2890.1:2004, in particular the B99 & B85 Vehicle Swept Turning Paths. These swept paths must be amended to match the paths shown in Figure B3 and B5 of AS/NZS 2890.1: 2004. The swept path diagrams must include a manoeuvring and circulation clearance in accordance with Paragraph B3.2 of AS/NZS 2890.1: 2004 and a further 300 mm clearance to obstructions in accordance with Clause 2.5.2(c) of AS/NZS 2890.1: 2004.

Note – Column located near the unit storage area may need to be relocated in order to demonstrate compliance.

Stormwater:

- An Overland Flow Risk Management Plan is required during the DA stage. The main concern is the outcome of the pre and post development obstruction of the overland flow path. The overland flow path must remain unobstructed. This is to be demonstrated by preparing flood/overland flow hydraulic models to incorporate the post development obstructions within the flow path. Council will not accept an increase in post development water surface greater than 10mm. Modelling software such as Hec-Ras and Tuflow or equivalent are acceptable to Council. The report and modelling must be certified by an appropriately qualified and practising Civil Engineer (with appropriated local experience in flood modelling) and include levels reduced to Australian Height Datum (AHD) and full modelling parameters, assumptions and details of entire flood plain. The details shall be prepared in accordance with ARR, NSW Government Flood Plain Development Manual, Council's Stormwater Management Manual – Specification 9.

Evidence of the above matters must be produced to the Council or its delegate within two years of the date of this Determination otherwise the Consent will lapse.

- B. The following conditions of consent will be included in the development consent issued by Council after the applicant provides information sufficient to satisfy Council in relation to the conditions of the deferred commencement consent.

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PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Soil and Waste Management Plan
- BASIX Certification
- Ventilation of basement in accordance with AS 1668.2

- 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$13,312.00
Section 94 Contributions	\$462,946.29
Certificate Registration Fee	\$36.00
Long Service Levy	\$44,930.70
Long Service Levy Commission	\$19.80

- 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$39,695.00
Inspection Fee	\$7,890.00
Occupation Certificate Fee	\$2,758.00

Note 1: Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;

- 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and

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- 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

SITE SIGNAGE

- 3. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 3.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 3.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 3.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

- 4. Demolition must be carried out in accordance with the following:
 - (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
 - (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
 - (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
 - (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
 - (e) Demolition of buildings is only permitted during the following hours:

7.00 a.m. – 5.00 p.m.	Mondays to Fridays
7.00 a.m. – 12.00 noon	Saturdays

No demolition is to be carried out on Sundays or Public Holidays.
 - (f) Burning of demolished building materials is prohibited.
 - (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.

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- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.
- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. Ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details as outlined in the table below, except where amended by the following specific conditions and the conditions contained in this Notice:

Prepared By	Drawing No.	Issue	Date Prepared	Date received by Council
Benson McCormack	A-0102	C	11/04/2016	12/04/2016

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Benson McCormack	A-0103	C	11/04/2016	12/04/2016
Benson McCormack	A-0104	C	11/04/2016	12/04/2016
Benson McCormack	A-0105	C	11/04/2016	3/03/2016
Benson McCormack	A-0106	B	2/03/2016	3/03/2016
Benson McCormack	A-0107	B	2/03/2016	3/03/2016
Benson McCormack	A-0108	B	2/03/2016	3/03/2016
Benson McCormack	A-0109	B	2/03/2016	3/03/2016
Benson McCormack	A-0110	B	2/03/2016	3/03/2016
Benson McCormack	A-0111	B	2/03/2016	3/03/2016
Benson McCormack	A-0112	B	2/03/2016	3/03/2016
Benson McCormack	A-0113	B	2/03/2016	3/03/2016
Benson McCormack	A-0114	C	11/04/2016	12/04/2016
Benson McCormack	A-0116	A	11/04/2016	12/04/2016
Benson McCormack	A-1326	A	11/04/2016	12/04/2016
Benson McCormack	A-0201	C	11/04/2016	12/04/2016
Benson McCormack	A-0202	C	11/04/2016	12/04/2016
Benson McCormack	A-0203	C	11/04/2016	12/04/2016
Benson McCormack	A-0204	C	11/04/2016	12/04/2016
Benson McCormack	A-0221	C	11/04/2016	12/04/2016
Benson McCormack	A-0222	C	11/04/2016	12/04/2016
Benson McCormack	A-1327	A	11/04/2016	12/04/2016
Benson McCormack	A-1302	A	April 2015	11 May 2015
Benson McCormack	A-1303	A	April 2015	11 May 2015

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Benson McCormack	A-1304	A	April 2015	11 May 2015
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- 5.1. Communal rooftop antenna to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
- 5.2. A minimum of 14 bicycle spaces (comprising 13 residential spaces and 1 commercial spaces) must be provided within the basement levels.
- 5.3. Adequate external clothes drying areas must be provided for all residents in the building.
- 5.4. The development must be amended so that the commercial space on the ground floor is provided with a minimum of six (6) car spaces excluding the loading bay. These amendments must be submitted for approval to Council prior to the issue of the Construction Certificate.
- 5.5. A minimum private open space area for each unit must be provided as follows:
 - Minimum 8m² for a one bedroom unit
 - Minimum 12m² for a two bedroom unit
- 5.6. A minimum storage area of 6m³ and 8m³ must be provided for each one bedroom and two bedroom unit respectively. At least 50% of the required storage space is to be located within the residential unit.
- 5.7. At least five (5) apartments are to be adaptable apartments. Details must be submitted to either Council or an Accredited Certifier prior to issuing of a Construction Certificate. Details of these changes must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate.
- 5.8. That part of the southern wall of the retail area, from the eastern edge and 6 metres to the west is to be converted to a glazed area.
6. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the photomontage and Schedule of Finishes prepared by Benson McCormack as received by Council on 11 May 2015. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The amount of the contribution (as at the date of this consent) has been assessed as \$462,946.29. The amount payable is based on the following components:

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Contribution Element	Contribution
• Community Facilities	\$39,543.01
• Open Space and Recreation	\$386,535.80
• Plan Administration	\$11,113.64
• Town Centre Improvements Narwee	\$25,753.84

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined.

The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

8. Fifty-six (59) off-street car spaces must be provided. This shall comprise:
- 44 residential spaces
 - 7 residential visitor spaces
 - 1 car wash bay
 - 1 loading bay
 - 6 commercial spaces

Five (5) residential car parking spaces, one (1) visitor space and one (1) commercial car parking spaces are to be for people with mobility impairment, in accordance with AS 2890.1. The car spaces must be allocated and marked according to this requirement.

The carpark layout must respect the above allocation. Details and plans of the car parking arrangement must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate.

9. The applicant shall prepare and submit, as part of the documentation for a Construction Certificate, a Construction Management Plan. This plan shall include the following:
- (a) details of proposed hours of work and contact details of the site manager;
 - (b) proposed method of access to and egress from the site for construction vehicles;
 - (c) proposed method of loading and unloading of excavation and construction machinery and building materials;
 - (d) proposed areas within the site to be used for the storage of excavated materials, construction materials, waste storage containers and construction vehicles during the construction period;
 - (e) proposed traffic management measures to ensure safe ingress and egress from the site;
 - (f) proposed method of support to any excavation adjacent to adjoining properties or the road reserve;
 - (g) proposed methods to remove loose material from all vehicles and machinery before entering the road reserve and any run-off from the washing of vehicles and associated sediment control measures.
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10. All recommendations outlined in the geotechnical investigations submitted to Council on 11 May 2015 (Report No. GS6176-1A), dated 17 April 2015, prepared by Aargus must be undertaken.
11. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
12. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
13. All building construction work must comply with the National Construction Code.
14. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
15. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor levels and roof to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
16. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
17. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
18. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

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21. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
22. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
23. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down. The site must be provided with a vehicle washdown area at the exit point of the site. The area must drain to an approved silt trap prior to disposal to the stormwater drainage system in accordance with the requirements of Specification S2 of Council's Stormwater Management Manual. Vehicle tyres must be clean before leaving the site.
24. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
25. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied. Provide details to the Principal Certifying Authority with the Construction Certificate application.
26. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.
27. All development, including walls must be located within the property boundaries of the subject site.
28. The design and location of letterboxes being in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published in February 1997, and being shown on the Landscape Plan at Construction Certificate stage.
29. Prior to the occupation of the development a letterbox is to be provided for the Owners' Corporation.
30. Prior to the occupation of the development a master antenna connected to the all dwellings on the site is to be provided.
31. All bathroom, en-suite and laundry windows contain translucent glazing.
32. The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.
33. The development involves works in public domain areas along Wyatt Parade and along the Penshurst Road frontage of the site. Full cost of the required works will be the responsibility of the developer. The developer must coordinate with City of Canterbury in regard to the works along Wyatt Parade and Penshurst Road.

WASTE

34. The residential section of the development will be allocated 12x 240L rubbish bins (amount halved due to use of compactor) and 16x 240L

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recycling bins. These bins will need to be stored in the waste bin storage room. They will be collected from and returned to this room. The bins must not be presented on the road.

35. 2x 240L recycling bins are to be stored on each floor of the building, preferably in the vicinity of the garbage chute.
36. The commercial section of the development will be allocated 2x 240L rubbish bins and 2x 240L recycling bins. These bins are to be stored in the commercial waste bin storage area. They will be collected from and returned to this area by Council's waste collection contractor. The bins must not be presented on the roadway. Any additional bins that are required to for any excess waste generated by the commercial tenancies which cannot be accommodated by Council bins are to be provided by private contractors. These bins are to also be stored in the commercial waste bin storage area.
37. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of the CDCP.
38. Unobstructed and unrestricted access must be provided to the waste bin storage area on collection days from 5.00am. The bins must not be presented on the road.

LANDSCAPING REQUIREMENTS

39. Prior to issue of the Construction Certificate, the following construction details must be submitted to Council including:
 - (a) Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps, planters and retaining walls).
Planters are to be designed to support the appropriate soil and plant selection. The recommended minimum soil depths for a range of plant sizes, excluding drainage requirements are:
 - 100-300mm for turf;
 - 300-450mm for groundcovers;
 - 500-600mm for small shrubs;
 - 600-750mm for medium shrubs;
 - 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
 - 1000mm for medium trees with approximate soil area of 6m x 6m; and
 - 1300mm depth for large trees with approximate soil area of 10m x 10m.
 - (b) Maintenance Schedule including:
 - Replacement strategy for failures in plant materials and built works;
 - Maintenance schedule for watering, weeding and fertilizing during the establishment period;
 - A maintenance period of a minimum of 12 months.
 - (c) Additional details for the rooftop communal open space area to include communal facilities, canopy areas and planting areas.

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- (d) All the paving shown in the landscaping plan is to be shown as “new” paving.
- 40. Amended landscaping drawings must be submitted to Council prior to the issue of the Construction Certificate which are to include the Green Curtain planting on Level 1 and planting to the planter box on Level 3 as per the Architectural Drawings.
- 40A Prior to the issue of the Occupation Certificate a works as executed plan and appropriate certification from an appropriately qualified landscaper to be submitted to the certifying authority showing that the landscaping works have been carried out in accordance with the landscaping plans and requirements of this consent.

ENGINEERING REQUIREMENTS

- 41. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
 - a) The design must be generally in accordance with the plans, specifications and details received by Council on 11th May 2015; drawing number 14/229 H-DA-00 to H-DA-03 A, prepared by ITM Design Consulting Hydraulic Engineers Pty Ltd.
 - b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Penshurst Road.
 - c) All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
 - d) The basement pump out tank is required to be calculated in accordance with Section 8 ‘Pumped Systems’ of the AS/NZS 3500.3 and Council’s DCP 2012, Part 6.4.
 - e) The basement pump will require an adequate number of access chambers to allow for maintenance.
 - f) Basement pump out well system, and details to be shown on plan.
 - g) The rising main from the basement pump out tank must discharge to the OSD.
 - h) The detention Structure must have an overflow away from the site in accordance with Council DCP 2012 part 6.4.
 - i) The access hatch to the OSD must be completely sealed to prevent overflow into the basement.
 - j) The calculated orifice diameter must be increased to 75 millimetres. Note – if the Max Head is altered, the orifice diameter must be recalculated.
 - k) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - l) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section

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with a minimum wall thickness of 4.0mm and a section height of 100mm.

The design must be prepared by a qualified Civil Engineer and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

42. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council's DCP 2012, Part 6.4.
43. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
44. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Canterbury Council's DCP 2012.
45. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
46. If groundwater is encountered, it must not be captured by the drainage system of the basement. In this regard the basement must be tanked to at least 1000 mm above measured groundwater levels.
47. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
48. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
49. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Council's DCP 2012, Part 6.4.

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50. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
- The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
51. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
52. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practising structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
- All components of any retaining walls, including subsoil drainage, must be located entirely within the property boundary. The subsoil drainage lines of the retaining walls must be shown on the stormwater drainage concept plan.
53. Prior to the issue of an Occupational Certificate, the Principal Certifying Authority must ensure retaining walls have been constructed in accordance with the design plans. If the retaining walls do not require structural design certification may be provided by the builder. If the retaining walls require structural design certification must be provided by a qualified structural engineer that the retaining walls have been built in accordance with the plans submitted with the Construction Certificate.
54. Details of the proposed street awning, including plans and sections, must be provided to the Principal Certifying Authority. The details must include:
- a) The street awning(s) must be setback 600mm from the kerb line and have a height of between 3.2m and 4.2m from natural ground/footpath.
 - b) The awnings must be entirely self-supporting; posts are not permitted.
 - c) The person or company carrying out the works will be required to carry public liability insurance to a value of ten million dollars. In this regard a Certificate of Currency must be submitted to the Principal Certifying Authority.
 - d) All stormwater is to be collected and connected to Council's street gutter. In this regard awning downpipes for drainage are to be fully concealed within or recessed into the ground floor frontage of the

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- building. Awning gutters are to be constructed so that they are not visible from the footpath or are integral to the awning structure.
- e) The awning(s) must be approved by the relevant Road Authority pursuant to Section 138 of the Roads Act. Note that this Consent does not give approval to construct an awning in the road.
 - f) The applicant must indicate the extent of any service adjustments necessary, and submit with the design, proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.
 - g) The awning(s) must be designed by a Structural Engineer for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011. The design must incorporate all loads including dead loads, live loads, wind load (lateral, uplift, and downward pressure), and potential impact load.
 - h) If the awning(s) is to be built over an exit that would be utilised in an emergency it must be constructed of non-combustible material.
 - i) Lighting is required and must comply with AS/NZS 1158.3.1: 2005 and AS/NZS 1158.0: 2005. Lighting must be recessed into the awning and be integral to its structure with all wiring and conduits concealed.
 - j) A maintenance plan must be provided in respect of the awing(s) to address the following issues at a minimum:
 - i. Inspection schedule of structural members, connections, and supports covering the life of the awing(s).
 - ii. Inspection schedule of non-structural components.
 - iii. Schedule of maintenance actions and maintenance frequency including cleaning, replacement of lighting based on expected operational life, replacement of protective coatings, and cleaning/maintenance of guttering and downpipes.
- The plans and details of the awing(s) must be certified by a Structural Engineer and be provided prior to the issue of a Construction Certificate.
55. The Principal Certifying Authority must ensure that the awing(s) have been constructed in accordance with this Consent and the relevant standards. Prior to the issue of an Occupation Certificate certification must be provided by a Structural Engineer that the awing(s) have been constructed in accordance with the design submitted with the Construction Certificate and National Construction Code.
56. The awning maintenance plan approved with the Construction Certificate must be retained on site and implemented at all times.
57. The submitted Geotechnical Report provides an option that potentially utilises neighbouring properties and the roadway for support. The legal rights of any adjoining properties must be respected including for temporary supports. In this regard the written permission of the affected property owners must be obtained and a copy of the owner's consent for temporary rock anchors or other material in adjacent lands must be
-

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lodged Canterbury City Council prior to the issue of a Construction Certificate.

Temporary rock anchors are rock anchors that will be de-stressed and removed during construction. All other rock anchors are permanent rock anchors for the purposes of this Consent.

Council will not permit permanent rock anchors in adjacent private lands unless they are specifically permitted in a Development Consent.

Where temporary anchors are proposed to be used in Penshurst Road, Wyatt Parade and/or Station Lane an Application must be made to Canterbury City Council for approval under Section 138 of the Roads Act 1993, via a Road Works Permit application. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to demonstrate the efficacy of all design assumptions.

58. Where rock anchors or other temporary retaining measures are to encroach on adjoining properties, including the roadway, the Principal Certifying Authority must ensure that the permission of the relevant landowner has been obtained. In this regard a copy of the owner's consent for private property and Section 138 Approval pursuant to the Roads Act for roads must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

59. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:

- a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
- c) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space(s). Note that the

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headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, ducts, etc, and at any open garage door.

- d) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
- e) The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS 2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities - Bicycle parking facilities.

The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

- 60. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
- 61. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 62. If the vehicle access is to be reconstructed the levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
- 63. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

PUBLIC IMPROVEMENTS

- 64. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
- 65. The proposed Penshurst Road civil works design must be approved by Council's City Works department prior to commencement. The applicant is to submit a detailed civil works plan to City Works demonstrating how

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the frontage of the site footpath is going to be connected with existing footpath, kerb and gutter detail, and stormwater pit upgrade.

Note – the type of paving must also be in accordance with City Works Department.

66. The reconstruction of the kerb and gutter along all areas of the site fronting Penshurst Road and Station Lane is required. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
67. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Penshurst Road and Station Lane Street is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
68. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.
69. The Wyatt Parade upgrade works must be undertaken in accordance the plans.

DILAPIDATION & EXCAVATION

70. Any person causing excavation below the level of the base of footings on an adjoining allotment of land must, at their own expense (L.G. Approvals Reg, Clause 34):
 - (a) preserve and protect the building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner; and
 - (c) give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work at least 7 days in advance of the excavation.Submit Structural Engineer's details for all retaining walls to the Principal Certifying Authority and obtain a Construction Certificate before construction of same. The details must be prepared by a qualified practising structural engineer who has/is eligible for membership of the Institution of Engineers Australia, and be accompanied by a completed Structural Design Certificate (SC1101a copy attached).
71. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property, all necessary repair or suitable agreement for such repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner prior to the issue of an Occupation Certificate.
72. The applicant shall prepare a Dilapidation Report/photographic survey prepared by an appropriately qualified consultant for adjoining properties at 153 Penshurst Road, Narwee and 131 Penshurst Road, Narwee detailing

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the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to the issue of an Occupation Certificate, a certificate from an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining properties is to be submitted to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as practical and prior to occupation of the development. All costs associated in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

DISABILITY ACCESS

73. The development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010.

CONSOLIDATION OF LOTS

74. The site being consolidated into one allotment. The plan of consolidation being lodged and registered with the Land and Property Information NSW prior to the release of the Occupation Certificate or occupation of the building.

CRIME PREVENTION & COMMUNITY SAFETY

75. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
76. All access points to the building (this would include lifts and stairwells) should be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via the intercom.
77. The storage units located in the vicinity of the car spaces be fully enclosed and non-visible. This measure will deter potential offenders from breaking in as they are unable to see what contents (reward) is inside the storage unit.
78. In addition to existing lighting, sensor spot lights be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
79. Mirrors are to be strategically erected around the site to assist with blind corners and increase natural surveillance.

SYDNEY WATER REQUIREMENTS

80. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand, Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and

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building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTIONS

81. The following critical inspections must be carried out:

Class 2, 3 or 4 Buildings

- 81.1. at the commencement of the building work, and
- 81.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 81.3. prior to covering any stormwater drainage connections, and
- 81.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 81.5. at the commencement of the building work, and
- 81.6. prior to covering any stormwater drainage connections, and
- 81.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

82. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.

To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

83. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

84. The allocation of street numbers has been based on the Rural and Urban Addressing Standard AS/NZS 4819:2011. Future Street Addressing for the proposed Plan of Subdivision within DA-200/2015, is advised as follows: 141 Penshurst Road, Narwee NSW 2209.
- All sub-property numbering must be unique. Retail Unit numbering is advised as follows: Shop 1, and Shop 2.
- Residential Unit numbering is advised as follows (the first digit represents the floor level and the next two digits represent the unit number).
- Level 1: 101, 102, ...106;
 - Level 2: 201, 202, ...206;
 - Level 3: 301, 302, ...306;
 - Level 4: 401, 402, ...406;
 - Level 5: 501, 502, ...506;
 - Level 6: 601, 602, ...606;
 - Level 7: 701, 702, ...706, and;

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Level 8: 801, 802, ...806.

The applicant is advised to collaborate with Mapping & GIS Services for addressing both the residential and commercial/retail development within DA-200/2015, prior to an occupation certificate being issued. I can be contacted on 9789 9506, or by email: michaelcz@canterbury.nsw.gov.au

85. This application has been assessed in accordance with the National Construction Code.
86. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
87. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Air handling systems
 - Final fire safety certificate
 - Glazing
 - Waterproofing
 - BASIX completion
88. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
89. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
90. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
91. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
92. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
93. If you are not satisfied with this determination, you may:
- 93.1. apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination.; or
 - 93.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

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SECTION 6: REPORT OF THE GENERAL MANAGER

ITEM 6.1 STRONGER COMMUNITIES FUND & NEW COUNCIL IMPLEMENTATION FUND

(35)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council note the information and allocation of funding under the NSW Government's Stronger Communities Fund and New Council Implementation Fund, as outlined in the report.
2. Further reports be provided to Council regarding the implementation and utilisation of the funds for its consideration, as required.

ITEM 6.2 FINANCIAL MANAGEMENT REPORT- PROCLAMATION ISSUES

(36)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The financial information pertaining to the former Canterbury and Bankstown Councils as at the date of proclamation be noted.
2. In accordance with the Local Government (Council Amalgamations) Proclamation 2016 – Clause 24, and Local Government (General) Regulation 2015 – Clause 211, Council approves expenditure and vote money for the interim financial period, being 13 May 2016 till 30 June 2016, as outlined in this report.
3. Council note that Council's financial management systems and controls satisfy the relevant provisions of the Local Government Act 1993 and associated Regulations, as outlined in the report.

ITEM 6.3 COMMON SEAL

(37)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the proposed Canterbury-Bankstown Council Common Seal be adopted.

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ITEM 6.4 PUBLIC INTEREST DISCLOSURES POLICY

(38)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Public Interest Disclosures Policy as attached be adopted.

ITEM 6.5 ESTABLISHMENT OF COUNCIL ADVISORY COMMITTEES & SUB-COMMITTEES

(39)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council adopt the draft Advisory Committee Rules and Guidelines.
2. Council adopt the draft Advisory Committee Charter Template.
3. Council establish the Canterbury-Bankstown Council Implementation Advisory Group and the Canterbury-Bankstown Council Local Representation Committee and endorse their terms of reference as attached to this report.
4. Council establish the advisory sub-committees listed in this report and endorse their terms of reference as attached.
5. Membership of the committees established by resolution 3 and 4 above be determined by the Administrator, following receipt of expressions of interest from former Councillors.

ITEM 6.6 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL GENERAL ASSEMBLY

(40)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator be nominated as Council's voting delegate for the conference.

SECTION 7: COMMITTEE REPORTS

Nil

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SECTION 8: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

Nil

SECTION 9: MATTERS FOR INFORMATION

ITEM 9.1 DEVELOPMENT APPLICATIONS DETERMINED BY COUNCIL OFFICERS UNDER DELEGATION (FORMER CANTERBURY COUNCIL)

(41) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the report be noted.

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

SECTION 11: CONFIDENTIAL SESSION

(42) 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 Item11.1 in confidential session for the reasons indicated:

Item 11.1 Tender for Construction of Bioretention System - Forrester 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.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.35 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.39 PM.**

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**ITEM 11.1 TENDER FOR CONSTRUCTION OF BIORETENTION SYSTEM - FORRESTER RESERVE,
KINGSGROVE**

(43) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. The tender of Wilson Pederson Landscapes, for the construction of bioretention system – Forrester Reserve, Kingsgrove, at a cost of \$218,494.00 (excluding GST), be accepted.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council’s resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

THE MEETING CLOSED AT 6.40 PM.

Minutes confirmed 28 JUNE 2016

.....
Administrator

2 LEAVE OF ABSENCE

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

4 ADMINISTRATOR MINUTES

The following items are submitted for consideration -

- | | | |
|-----|--|-----|
| 4.1 | Bankstown Touch Football Association R U OK? Corporate Day | 195 |
| 4.2 | Netball NSW State Age Championships | 197 |

Administrator Minutes - 28 June 2016

ITEM 4.1

Bankstown Touch Football Association R U OK? Corporate Day

On 8 July, the Bankstown Touch Football Association will be hosting a new event called the 2016 R U OK? corporate day at the Crest.

R U OK? is a not-for-profit organisation, founded by Gavin Larkin in 2009, whose vision is a world where we're all connected and protected from suicide. Accordingly, its mission is to encourage and equip everyone to regularly and meaningfully ask "are you ok?"

The Bankstown Touch Football Association is looking to promote the R U OK? message by hosting an inaugural touch football competition next month.

A number of teams have already secured their place while former Queensland State of Origin Rugby League forward, Ben Ross, has confirmed his attendance to support the event.

Council has been approached to show its support by providing a donation and waive the cost of hiring the Crest facilities for the day.

Given the above, I recommend Council provides a \$500 donation and waive the \$285 hire fee, and this be allocated from the Section 356 Financial Assistance Fund.

Administrator Minutes - 28 June 2016

ITEM 4.2

Netball NSW State Age Championships

For the fifth time in 15 years, Bankstown will host the Netball NSW State Age Championships, when more than 75 teams converge on Deverall Park from 2-4 July. Our city has previously hosted the titles in 2001, 2005, 2011 and 2013.

More than 1,000 participants will contest the championships representing associations from as far as Bathurst, Dubbo, Maitland, Southern Highlands, Orange, Woy Woy, Lower Clarence and Hastings Valley.

These championships, while showcasing us as a city with the capacity and quality of sporting venues to host such events, also contribute an estimated \$450,000 to the local economy through accommodation, dining and retail sales etc. This does not take into account the additional revenue generated by spectators and families of participating players and officials.

Netball NSW has approached Council to formally request the waiving of hire fees for the use of the Deverall Park facilities for the championships. I recommend, due to the important role these championships play as a sporting spectacle, the development of up and coming netball players, and the positive impact on the local economy, the fee hire of \$5,092 be waived.

5 PLANNING MATTERS

The following items are submitted for consideration -

5.1 68 Warung Street, Yagoona

Alterations and First Floor Addition to Existing Single Storey Dwelling and Conversion and Extension to Existing Outbuilding for Use as a Secondary Dwelling and Construction of an Attached Garage 201

5.2 4 Rivenoak Avenue, Padstow

Use of Existing Dwellings as a Place of Public Worship (Buddhist Meditation Temple) and Associated Monastery Residence 213

5.3 Bankstown DCP 2015 (Amendment No. 5) 227

Planning Matters - 28 June 2016

ITEM 5.1	68 Warung Street, Yagoona
	Alterations and First Floor Addition to Existing Single Storey Dwelling and Conversion and Extension to Existing Outbuilding for Use as a Secondary Dwelling and Construction of an Attached Garage
FILE	DA-115/2016
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	17 February 2016
APPLICANT	Mohammad Ahmed Hussain
OWNERS	Ahmed Hussain Mohammad
ESTIMATED VALUE	\$188,000
SITE AREA	773.7m²
AUTHOR	City Development

RECOMMENDATION

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

REPORT

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

Development Application No. DA-115/2016 proposes alterations and first floor addition to existing single storey dwelling and conversion and extension to existing outbuilding for use as a secondary dwelling and construction of an attached garage. The outbuilding has been occupied as a secondary dwelling.

DA-115/2016 has been assessed against *SEPP 55*, *BASIX*, *GMREP No. 2*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and fully complies with the provisions.

The application was notified for a period of fourteen (14) days on two separate occasions. A total of six (6) objections were received, which raise concerns relating to bulk and scale, privacy, overshadowing, stormwater runoff, devaluation of properties, view loss and unauthorised building works.

The matters raised in the objections have been assessed and despite the concerns raised the application is considered to have merit and is recommended for approval.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

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

ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 68 Warung Street, Yagoona and is located on the southern side of Warung Street at the end of the cul-de-sac. The site is an irregular allotment that is currently zoned R2 Low Density Residential.

The site contains an existing single storey dwelling and an outbuilding. An inground swimming pool with an awning cover is located to the rear of the dwelling. The surrounding development predominantly consists of single and two storey detached dwellings.



Source: nearmap

PROPOSED DEVELOPMENT

The Development Application proposes alterations and first floor addition to existing single storey dwelling and conversion and extension to existing outbuilding for use as a secondary dwelling and construction of an attached garage. The outbuilding proposed to be altered and converted to a secondary dwelling has been occupied as a dwelling.

SECTION 79C ASSESSMENT

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

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

The subject site has long been used for residential purposes and the development application proposes to continue the use of the site for residential purposes. There is no evidence to suggest that the site is contaminated, nor is it considered necessary for any further investigation to be undertaken with regard to potential site contamination. The subject site is considered suitable for the proposed residential use and therefore satisfies the provisions of SEPP No. 55.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the development and aims to encourage sustainable residential development.

BASIX Certificate No. 689602S_02 and A236887_04, dated 28 March 2016, were submitted during the assessment of the development application and demonstrate that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

Bankstown Local Environmental Plan 2015

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

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

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

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Height of buildings <ul style="list-style-type: none">DwellingSecondary dwelling	Max. 7m wall height. Max. 9m building height. Max. 3m wall height Max. 6m building height	Up to 7m wall height. Up to 8m building height. Up to 3m wall height Up to 3.1m building height	Yes Yes Yes Yes
Floor space ratio	Max. 0.5:1	0.44:1	Yes

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

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

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

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

The following table provides a summary of the development application against the primary numerical controls contained in Part B1 and Part B5 of *Bankstown Development Control Plan (BDCP) 2015*.

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Site area	Min. 450m ²	773.3m ²	Yes
Storey limit Dwelling	Two storeys	Two storey	Yes
Secondary Dwelling	One storey	One storey	Yes
Floor area of secondary dwelling	Max. 60m ²	55.5m ²	Yes
Setbacks	Front (ground floor) – 5.5m. First floor – 6.5m Side/rear – 900mm for a wall height up to 7m.	Front (ground floor) – 7.0m First floor- 13m Sides/rear North: 0.62m (existing) New work: 0.9m South: 1.76m (existing)	Yes Yes Yes Yes
Fill	The ground level of an allotment is not to exceed 600mm above the natural ground level of adjoining allotments.	Any fill required for proposed development is likely to be minimal and will not exceed 600mm above the natural ground level.	Yes
Private open space	Min. 80m ² behind the front building line and greater than 5m in width throughout.	175m ² behind the front building line and greater than 5m in width throughout.	Yes
Solar access	3 hours to at least one living area between 8.00am and 4.00pm at the mid-winter solstice. 3 hours to at least one living area of any adjoining dwelling between 8.00am and 4.00pm at the mid-winter solstice. 3 hours to at least 50% of the private open space of the proposed dwelling and any adjoining dwelling between 9.00am and 5.00pm at the equinox.	More than 3 hours will be achieved to the north eastern and north western facing living room windows. A minimum of 3 hours will be maintained to at least one living room of the adjoining properties including No. 70 Warung St, 51 & 53 Saric Avenue and 339 Marion Street. More than 3 hours of solar access will be achieved to the private open space of the proposed dwelling and the adjoining dwellings.	Yes Yes Yes

	A development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on an adjoining allotment.	The proposed development will not result in the overshadowing of any existing solar systems.	Yes
Visual privacy	<p>Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling the development must offset the windows; provide a minimum sill height of 1.5 metres above floor level; provide fixed obscure glazing; or use another form of screening.</p> <p>Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where the window is to a bedroom, bathroom, toilet, laundry or storage room; the window has a minimum sill height of 1.5 metres above floor level; the window has obscure glazing to a minimum height of 1.5 metres above floor level; or the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.</p>	<p>All windows of the proposed development address visual privacy by off-setting adjoining windows or through the use of min. 1.5m sill heights or obscure glazing. As a result there is minimal sightlines into adjoining windows and minimal opportunity to overlook the adjoining private open space.</p> <p>The balcony proposed to the front has been provided with privacy screens to restrict overlooking of neighbouring properties.</p>	Yes
Roof pitch	Max. 35°	5° - 20°	Yes

Car parking	Min. 2 car parking spaces, one of which must be covered Garage must be setback min. 6m from the front boundary	2 car parking spaces are proposed behind the front building line, including a single garage.	Yes
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As demonstrated in the table above, an assessment of the Development Application has revealed that the proposal complies with all relevant controls contained in *Bankstown Development Control Plan 2015*.

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

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

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

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

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

The proposal demonstrates compliance with all relevant controls contained in the BLEP 2015 and BDCP 2015. Visual privacy and overshadowing impacts have been satisfactorily addressed, and the proposed development is considered to be acceptable with respect to the existing and likely future streetscape and character of the area. Accordingly, the proposed development is not considered to result in any adverse environmental, social or economic impacts, nor is it considered to result in a loss of amenity to any adjoining land use.

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

The proposed alterations and first floor addition to existing dwelling and a secondary dwelling are permissible forms of development on the subject site, and represent a built form that is compatible with the existing and desired future character of the locality. Accordingly, the site is considered to be suitable for the proposed development.

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

The application was initially notified for a period of fourteen (14) days from 18 February 2016 to 2 March 2016, and two (2) submissions were received at the close of the notification period. Three (3) more submissions were subsequently received after the notification period. The amended plans were re-notified for a period of fourteen (14) days from 11 April 2016 to 26 April 2016, and two (2) submissions were received, including one (1) from one of the original objectors.

The submissions raised concerns relating to building bulk, loss of solar access to adjoining properties; visual privacy; loss of views, stormwater drainage, asbestos removal, unauthorised use of existing outbuilding and impacts on property values. The points of objection are discussed in further detail below.

Bulk and scale

- *"This large and bulky building will dominate privacy, take away open space and views."*

Comments

As discussed previously in this report, the proposed development complies with all applicable development controls contained in the BLEP 2015 and BDCP 2015. More specifically, the development complies with the floor space ratio, building height, wall height, setback and private open space controls, all of which work holistically to restrict the overall bulk and scale of a development. The proposed first floor addition is well within the building envelope that the site is capable of accommodating, and the development is therefore considered to be reasonable with respect to bulk and scale.

Solar access to adjoining properties

- *"... concerned that the proposal could affect our solar panels which are on the northern side of our roof..."*
- *"From the shadow diagram... there appears to be a lot of overshadowing of the windows and skylights on the northern side".*
- *"... would be concerned with the building blocking out sun and light to my property."*
- *... concerned about shade in the back yard to dry the washing during winter."*

Comments

The two storey element of the development that is likely to impact the neighbouring properties is from the first floor addition to the existing dwelling house. While a certain extent of overshadowing on the adjoining properties is unavoidable as a result of the orientation of the site, the extent of shadows cast will be within the parameters set in Council's controls for solar access and overshadowing.

It is further noted that the proposed development is compliant with the controls contained in the BDCP 2015 with respect to solar access to at least one living area and the private open space of the adjoining properties. More specifically, the proposed development will maintain a minimum of 3 hours of solar access to the living area of the dwelling houses to the south and west at the mid-winter solstice.

Visual privacy

- *"...will be losing privacy in my backyard which is the best part of my house."*
- *"... my privacy will be externally affected. I will no longer be able to enjoy the privacy of playing with my children in my own back yard"*
- *"I will have no privacy living in my own home, or my pool. I will feel suffocated in my own home. My window blinds will have to be closed at all times."*
- *"... privacy will be a major issue. Due to the development being double storey house, my home and garden will be overlooked."*

- *“... there will be a large balcony and window at the front of the house... they will have full view inside my house through my front lounge room windows and door.”*

Comments

Clause 2.17 of Part B1 of BDCP 2015 provides the controls for visual privacy:

- 2.17 *Where development proposes a window that directly looks into the living area or bedroom window of an existing dwelling, the development must:*
- (a) *offset the windows between dwellings to minimise overlooking; or*
 - (b) *provide the window with a minimum sill height of 1.5 metres above floor level; or ensure the window cannot open and has obscure glazing to a minimum height of 1.5 metres above floor level; or*
 - (d) *use another form of screening to the satisfaction of Council.*
- 2.18 *Where development proposes a window that directly looks into the private open space of an existing dwelling, the window does not require screening where:*
- (a) *the window is to a bedroom, bathroom, toilet, laundry, storage room, or other non-habitable room; or*
 - (b) *the window has a minimum sill height of 1.5 metres above floor level; or*
 - (c) *the window has translucent glazing to a minimum height of 1.5 metres above floor level; or*
 - (d) *the window is designed to prevent overlooking of more than 50% of the private open space of a lower-level or adjoining dwelling.*
- 2.19 *Council may allow dwelling houses to have an upper floor side or rear balcony solely where the balcony is not accessible from a living area or hallway, and the balcony design:*
- (a) *does not have an external staircase; and*
 - (b) *does not exceed a width of 1.5 metres throughout; and*
 - (c) *incorporates a form of screening to the satisfaction of Council such as partially recessing the balcony into the building.*

As discussed previously in this report, all windows of the proposed development satisfactorily address visual privacy by off-setting the adjoining windows, or through the use of 1.5m+ sill heights or obscure glazing. As a result, sightlines into adjoining windows will be minimal and there will be minimal opportunities to overlook the adjoining private open space. It is further noted that privacy screens are proposed along the side elevations of the front balcony to minimise overlooking.

Loss of views

- *“I have a clear view from back yard and back patio and any obstruction to this view would devalue my property. The proposed development would be in direct line of my view.”*
- *“It will take away ... my views.”*
- *“... we purchased this house purely on the beautiful open views of trees seen from the garden and house. If this development was to proceed our views will be obstructed and will mainly see this new development due to the corner situation it is located.”*

Comments

The building satisfies the controls for FSR, number of storeys and setbacks and is of acceptable bulk and scale. The loss of views referred in the submissions are of general landscape and distant views. There are no iconic views to be lost. While the proposed first floor addition is likely to have some impact on the views currently available to the neighbouring properties, the development is satisfactory having regards to the view sharing principle established by the Land and Environment Court.

Drainage issues

- *"... the downpipe attached to the guttering on the awning over the pool is not connected to any ground pipe. Consequently when it rains we get a waterfall running onto our property which is weakening the footings of the dividing wall. The water runs under our house. If this problem is not addressed it could undermine the foundations of our house."*

Comment

The drainage to the existing awning is outside the scope of this application. The drainage from the proposed structures is to be disposed of to the street in accordance with the requirements of Council's Development Engineering Standards. A concept stormwater plan was submitted with the application which has been assessed to satisfy the provisions of Council's Development Engineering Standards.

Unauthorised works

- *"...the residents of this property have already completed extensive work on this property without council approval. There are excessively large patios and a granny flat already built on the premises. The residents of this property have also built fence ranging over 3m in height along my rear fence. This fence is causing stress to the retaining wall along our properties causing it to crumble in places. These residents have also removed gum trees and cut down other native trees without recourse from anyone".*
- *"... has already taken the law in to his own hands and has already built a granny house and two large pergolas and laid out concrete ..."*

Comments

The patios and awning structures were investigated by Council and found to be within the relevant provisions of BLEP 2015, BDCP 2015 and the BCA. The current proposal does not involve removal of trees. The boundary fence is a private matter between the neighbours.

Regarding the unauthorised conversion of the existing outbuilding to a granny flat, this application seeks to re-address this.

Devaluation of properties

- *"... I have a clear view from back yard and back patio and any obstruction to this view would devalue my property. The proposed development would be in direct line of my view."*

Comments

No evidence has been provided that the proposed development will devalue the surrounding properties.

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

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

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979* and the provisions of *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, State Environmental Planning Policy No. 55 - Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The development satisfies the relevant provisions of the BLEP 2015 and BDCP 2015. The matters raised in the public submissions have been addressed in detail throughout this report, and it is considered that the proposed development is suitable for approval.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Map
- C. Site Plan
- D. Northeast, Southeast and Southwest Elevations
- E. Northwest Elevation and Section
- F. Shadow Diagrams - Mid winter
- G. Shadow Diagrams - Equinox
- H. Objectors Map

Planning Matters - 28 June 2016

ITEM 5.2	4 Rivenoak Avenue, Padstow
	Use of Existing Dwellings as a Place of Public Worship (Buddhist Meditation Temple) and Associated Monastery Residence
FILE	DA-643/2015
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	15 June 2015
APPLICANT	Thanh Hung Le
OWNERS	Phatphutam Pty Ltd
ESTIMATED VALUE	\$80,000
SITE AREA	1029m²
AUTHOR	City Development

RECOMMENDATION

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

REPORT

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

Development Application No. DA-643/2015 proposes the use of existing dwellings as a Place of Public Worship (Buddhist Meditation Temple) and associated Monastery Residence

DA-643/2015 has been assessed against *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015* and the application fully complies in regards to the relevant controls for a place of public worship.

The application was advertised and notified for a period of twenty one (21) days from 1 July 2015 to 21 July 2015. A total of eleven (11) submissions, including a petition signed by forty nine (49) residents were received. The application was subsequently modified and the modified application was re-exhibited and notified for a further period of twenty one (21) days from 13 January 2016 to 2 February 2016. A total of six (6) objections were received during the second notification period. The points of objections raised include traffic, parking, noise, amenity, safety and character.

The application is considered to have merit and is recommended for approval subject to a twelve (12) month trial period.

POLICY IMPACT

This matter has no policy implications.

FINANCIAL IMPACT

This matter has no financial implications.

RECOMMENDATION

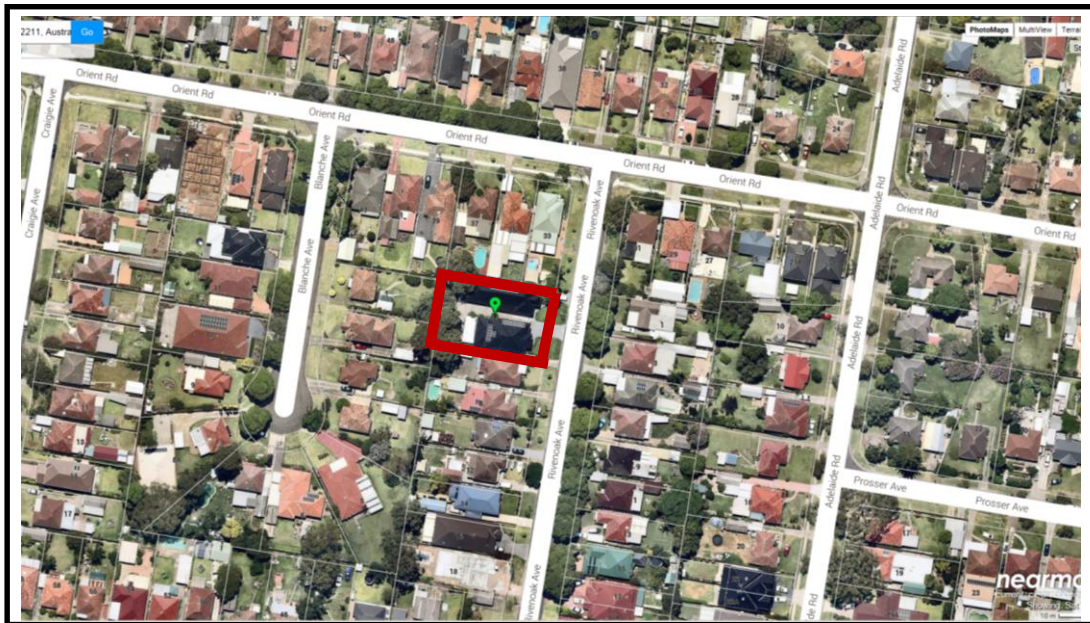
It is recommended that the application be approved subject to the attached conditions.

ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 4 Rivenoak Avenue, Padstow and is located on the western side of Rivenoak Avenue between Orient Road and Windsor Road. The site comprises of two lots with a combined area of 1029m² and a 25.6m frontage to the street. The site is a regular allotment that is currently zoned R2 Low Density Residential.

The site contains a single storey dwelling on the northern lot and a two storey dwelling on the southern lot. The front part of the single storey dwelling has been converted to a meditation hall. The surrounding development predominately consists of single storey dwellings.



Source: nearmap

PROPOSED DEVELOPMENT

The Development Application proposes the use of the existing dwelling houses for the purposes of a place of public worship (Buddhist Temple) and an associated monastery residence). In particular, the application proposes the following:

- Conversion of the single storey dwelling into a place of public worship comprising of a meditation hall with associated shrine area occupying the front section of the building. The rear section of the dwelling is to remain unaltered and will consist of a computer room, office room, kitchen, lounge area and bathrooms.
- Use of the two storey dwelling as a residence by up to four people including the temple master and resident monk. These residents are responsible for the daily operation and maintenance of the place of worship and the dwelling. No changes are proposed to the two storey dwelling, except for the double garage, which is to be partially demolished and converted into a single garage to provide vehicular access to the rear of the site.

The following information has been provided regarding the use and operation of the temple:

- *The proposed Buddhist Meditation Temple proposes to operate from 7.00am to 9.00pm Monday to Saturday. No operation is proposed on Sundays.*
- *Whilst the Buddhist Meditation Temple opens from 7.00am, formal meditation only takes place once per day between 7.00pm and 9.00pm, which will be conducted by the resident monk.*
- *Visitors are welcome within the operating hours. The resident monk has indicated that on average 2-3 people attend the site at one time with up to 15 people attending the formal meditation sessions during the evenings.*
- *There are three (3) special events associated with the Buddhist religion that will occur at the premises. These are as follows:*
 - *Chinese New Year – first new moon of the Year*
 - *Buddha's Birthday (The Vesak Celebration) - 8 April*
 - *Abhidhamma Day (Devotion to Buddha's Mother) - Full moon in October*
- *During the special event days, member of the faithful come to the site throughout the day from 7.00am to 9.00pm to pray and pay respect to Buddha and the resident monk.*
- *The maximum number of people anticipated to attend the site is 30, however worshippers seldom come once and instead the worshippers come and go throughout the day.*
- *The proposal has a maximum assembly area of 30.9m². Fixed low benches have been added to the meditation hall/area to cater for a maximum of 30 worshippers.*

A Plan of Management (POM) has been submitted with the development application. The POM provides details of the proposed Buddhist Meditation Temple and outlines potential amenity issues, as well as proposed measures to be implemented to manage any impacts from the operation of the Temple to the amenity of neighbouring properties including:

- Normal operation
- Special Event operation
- Worship activities
- Parking
- Neighbour relations and dispute handling
- Acoustic monitoring

Some of the measures proposed in the POM are:

- Appointment of a traffic marshall to manage the operation of the car park during special events.
- Instructions to be provided to all visitors to park within the proposed car parking spaces on site, and should the car parking spaces be fully occupied, a member of the congregation to ensure that no vehicles are parked illegally or blocking driveways of any surrounding properties.
- For special event any special parking arrangements that may be made regarding alternative parking facilities, visitors will be advised 3 days prior to the event.
- Microphones or other public address system not to be used at the premises.
- Implementation of acoustic measures outlined in the acoustic report.
- The doors and windows of the prayer room being kept closed at all times during the early morning meditation.

- Letters to be distributed by letter box drop to all adjoining and surrounding residents immediately upon issuance of Development Consent.
- Maintaining a complaint register.
- Provide video surveillance.

A site inspection has revealed that the single storey dwelling has been converted to comprise a meditation hall and the use is currently in operation.

SECTION 79C ASSESSMENT

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

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

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

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

Bankstown Local Environmental Plan 2015

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

- Clause 1.2 – Aims of Plan
- Clause 2.1 – Land use zones
- Clause 2.2 – Zoning of land to which Plan applies
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 5.9 – Preservation of trees or vegetation
- Clause 6.3 – Flood planning

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

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Height of buildings	Max. 9m building height.	Existing building – Max. 8.5m building height	Yes
Floor space ratio	Max. 0.4:1 (for non-residential use)	0.467:1 (based on existing floor area)	No
Allotment Size	Min. 800m ²	1029m ²	Yes
Allotment Width	Min. 20m	25.6m	Yes

An assessment of the Development Application has revealed that the proposal does not comply with the floor space ratio contained in Clause 4.4 of the BLEP.

Clause 4.4(2) of the BLEP states:

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

Based on the floor space ratio map the FSR applicable to the site is 0.5:1. However, Clause 4.4(2A) states *“Despite subclause (2), the maximum floor space ratio for non-residential development on land in Zone R2 Low Density Residential is 0.4:1.”*

The proposed development has a floor space ratio of 0.467:1 and thus fails to comply with the FSR standard contained in the BLEP.

The applicant has provided a written submission under Clause 4.6 of the BLEP 2015 requesting a variation to the FSR control. The applicant argues that *“... the proposed place of public worship is not a new purpose built meditation temple but simply a conversion of an existing dwelling house into a meditation temple. Compliance with Clause 4.4(2A) FSR standard is considered unreasonable or unnecessary in the circumstances of the case for the following reasons:*

- *The proposed development will be consistent with the stated aims of BLEP 2015 and complies with all other development standards including the 9m maximum building height control and maximum two storeys height prescribed by the Building Height Map.*
- *The proposed development is substantially below the maximum permitted FSR of 0.5:1 and would maintain the existing vegetation on the site including large eucalyptus trees at the rear and front setback area.*
- *The proposed development is considered to represent a small scale place of public worship that only provides 30.9m² of worship area. In contrast, the Council allows place of public worship to have a maximum assembly area of 400m² and the assembly area of the proposed place of public worship (30.9m²) equates to less than 8% of the allowable assembly floor area.*
- *Whilst the site is proposed to be used as a place of public worship, its usage is not considered dissimilar to residential in terms of scale and density. In fact, only the single storey dwelling is proposed to be used as a Meditation temple; the existing double storey dwelling will continue to be used as a place of residence for the Master and resident monk.”*

Comments:

As explained above the breach of FSR control is due to a change of use of the premises from a residential to a non-residential use. The physical bulk and scale of the buildings currently existing on the site would be slightly reduced due to the removal of part of the double garage associated with the two storey house.

The objectives of 4.4 - Floor space ratio clause are:

- (a) *to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site,*
- (b) *to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,*
- (c) *to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.*

The applicant's justification provided in support of the variation to the FSR control is considered satisfactory, and adequately addresses the relevant matters under Clause 4.6 of the BLEP as well as satisfactorily addressing the objectives of the FSR clause under the LEP. It is therefore recommended that the proposed contravention of the floor space ratio standard be accepted.

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

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

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

Part B8 – Places of Public Worship of *Bankstown Development Control Plan 2015 (BDCP)* provides controls for new developments for a place of public worship. These controls are designed to provide guidelines for the development of new places of public worship that comprise substantial building form. The proposal is to use an existing dwelling as a Meditation Temple and in this regard, strict application of the controls is considered unwarranted.

Notwithstanding the above, the following table provides a summary of the development application against the controls contained in Part B8 – Places of Public Worship and Part B5 - Parking of *Bankstown Development Control Plan 2015 (BDCP)*.

STANDARD	PROPOSED	BDCP 2015 PART B5 & B8	
		REQUIRED/PERMITTED	COMPLIANCE
Max. assembly area	30.9m ²	Max. 400m ²	Yes
Front Setback	Existing buildings – 7.5m min.	7.5m min.	Yes
Side/rear Setbacks:		(0.8 X wall height)	
• North	0.9m	2.48 min.	No
• South	1m	0.9m (Monastery residence)	Yes
• West	8.9m min.	2.48 min.	Yes

STANDARD	PROPOSED	BDCP 2015 PART B5 & B8	
		REQUIRED/PERMITTED	COMPLIANCE
Car Parking	6 spaces for place of public worship	Place of public worship: 6 spaces @ 1 space per 5m ² of assembly area (total assembly area 30.9m ²);	Yes
	2 spaces for the Monastery residence	Residence: 2 spaces	Yes
Front Fencing	1.5m high fence with decorative infill panels	1.8m high fence with the solid construction not exceeding 1m height	Yes

As the above table demonstrates, the proposed development seeks variation to the side setback from the northern boundary.

Setbacks:

Based on the setback formula contained in Clause 4.10 of Part B8 of the BDCP, the development, as a consequence of its wall height, would have required a setback of 2.48m from the northern boundary. However, the dwelling is existing and therefore maintains a setback of 0.9m from the northern boundary thus not strictly complying with the BDCP.

Whilst the proposal does not strictly comply with the BDCP setback controls the proposal would have minimal impacts to the adjoining buildings in terms of overshadowing, privacy and landscaping given the single storey nature of the building. Further the existing structure has a bulk, scale and height in keeping with other dwellings in the locality.

Special Events:

The Temple will celebrate 3 special events in the Buddhist calendar, being the Buddha's birthday, Chinese New Year (First New Moon of the Year) and Abhidhamma Day (Devotion to Buddha's Mother) which falls on the Full Moon in October.

The attendance and worship patterns during these special events has been described in the Operation Plan of Management (OPOM) as follows:

These special events are intended to take place between 10.00am and 2.00pm. They involve pre-prepared food as well as on site catering (hot soup). All worship activities and services will be conducted inside the proposed Meditation Temple.

The maximum number of people anticipated to attend the site is 30, however worshippers seldom come once and instead the worshippers come and go throughout the day. The proposal has a maximum assemble area of 30.9m². Fixed low benches have been added to the meditation hall/area to cater for a maximum of 30 worshippers.

It is recommended that a condition be imposed on any consent, requiring adherence to the Plan of Management and that the applicant advise Bankstown Local Area Command (Police) of the dates of such festivals, so that the Police are aware of the occurrence of these festivals and can take appropriate action should numbers increase beyond those anticipated.

Hours of Operation:

The temple will offer a range of religious services. Hours of operation will range from 7.00am to 9.00pm Monday to Saturday. Formal meditation sessions are to be held between 7.00pm to 9.00pm under the guidance of the resident monk. The normal activities involve reading of scriptures and silent meditation. The number of attendees at normal operations is expected to be a maximum of 15 visitors. No music or microphone will be used during the meditation sessions.

These hours are considered reasonable and given the relatively small size of the worship area, are not considered to unreasonably impact upon any adjoining land use.

Noise Assessment

The development application has been supported with an acoustic report which demonstrates that the day-to-day operations of the use will be within the permissible acoustic parameters set by the EPA. The report recommends that “... *when chanting and meditation occurs the windows to the northern boundary of the hall should be closed*”. This has been made a condition of consent.

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

This development is not subject of any planning agreements.

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

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

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

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

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

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

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

The application was advertised and notified for a period of twenty one (21) days from 1 July 2015 to 21 July 2015. A total of eleven (11) submissions, including a petition signed by forty nine (49) residents were received. The application was subsequently modified and the modified application was re-exhibited and notified for a further period of twenty one days from 13 January 2016 to 2 February 2016. A total of six objections were received during the second notification period.

The main concerns raised in the objections are discussed below;

Traffic and Parking issues

- *The traffic and parking on the street is already busy. The use will cause further problems to traffic and parking.*
- *Have adverse impact on the street parking and traffic flows.*
- *The proposal may not satisfy the car parking requirements in the DCP.*
- *The proposed stacked parking will not work.*
- *The development will increase intensity of the use of the site and traffic on the local roads. It will also create parking and possibly noise issues.*
- *There is a truck permanently parked in front of the building, therefore only five parking spaces remain.*
- *Reversing cars to the street could be dangerous especially with young children and no footpath.*
- *Parking is getting worse with the number of attendees increasing and there is no guarantee that it will not continue to grow.*
- *Visiting monk from USA about six months ago caused congregation assembled staying at the premises for a week and the street and surrounding streets packed with cars.*
- *Meetings/mediations sessions have as many as 100 vehicles parked on the street.*

Comment: The original plan, that proposed stacked parking between the two buildings, was amended to provide parking to the rear. The amended parking layout allows the vehicles to drive in and out in a forward direction. The development provides the required number car parking space for the assembly area based on Council's car parking control and additional two spaces for the residents.

The development was accompanied by a traffic and parking impact assessment prepared by Hemanote Consultants. The report demonstrated that the proposal is unlikely to have an adverse traffic and parking implications to the street network. Council's Traffic Engineer has reviewed the report and concluded that the traffic and parking impact from the proposal is acceptable subject to conditions addressing landscaping along the driveway being constructed to maintain the sight distance and the accessible parking being provided in accordance with AS2890.6:2009. These matters have been addressed as conditions of consent.

Regarding residents concern for larger gatherings it will be a condition of consent that the maximum number of people to be accommodated during the normal and special events be strictly adhered. A twelve month trial period is proposed for the operation so that the Council and the residents can monitor the operation. At the end of the trial period the applicant will need to reapply for further approval to continue the use and any such approval will depend on adherence with the conditions imposed by Council.

Noise issues

- *Disturbance is caused by the use during the day and night.*
- *Noise from the cars going and coming at odd hours is intolerable and will get worse.*

Comment: The potential noise impact from the development has been assessed in a noise report submitted with the application. The findings and the recommendation of the noise report have been highlighted above. Conditions requiring adherence with the recommendations of the noise report will be imposed in any approval.

Locational and character issues

- *The area is not suitable for the proposal. A place of public worship should be built close to public transport.*
- *The use is completely out of character with the existing neighbourhood.*
- *The premises appears a business address for Hung Phat Tea Pty Ltd.*
- *This is a narrow residential street with families including young children and the proposal that a place of public worship would be available, including to people who do not live in this area, is unsuitable.*

Comment: Place of public worship is permissible on this site with consent. Given that minimal changes are proposed to the built form and the size of the assembly area is relatively small, the proposed development is considered to fit comfortably with the prevailing character of the area and maintain the low density nature of the neighbourhood.

Potential to increase the size

- *Concerns regarding the size of the assembly area which could easily be closer to 90 sq. m, hence requiring more parking.*
- *Increase in the patronage for any sort of religious gatherings or community activity will be a safety hazard in the corner of Rivenoak Avenue and Orient Road.*
- *The building was erected as dwellings and converted to a place of worship without approval. Current DA may not be a true representation of the applicant's intent.*

Comment: The original plan has been amended to minimise any potential to increase the size of the assembly area by providing fixed seating that accommodates up to 30 people. A suitable condition has been imposed restricting the number of worshippers to a maximum of 30 persons at any one time.

There is no evidence to suggest that the proposal will result in a safety hazard at the intersection of Rivenoak Avenue and Orient Road. The traffic report submitted with the application has demonstrated that the proposal is unlikely to adversely affect the local road network, having regard to the small scale of the proposal to cater for a maximum of 30 people.

The current proposal with Council is to use the premises for a place of public worship and a residence for the monks. The use is permissible with consent. Any change in the use or intensity of the activity will require further approval from Council and will be assessed under Council's controls for the use.

Building design

- *The development will change the classification of the existing building under BCA and hence increase risks for neighbouring properties and the neighbourhood.*
- *Building setbacks do not comply.*

Comment: The application has been assessed under Clause 94 of the Environmental Planning and Assessment Regulation 2000 and conditions are to be imposed for the existing buildings to be brought into conformity with the Building Code of Australia appropriate to their use as a place of worship and monastery residence.

A variation is proposed to the side setback from the northern boundary. This matter has been discussed earlier in the report. The building is existing and it is a recommendation of the acoustic report that the openings on the northern face of the building be kept closed during the service. As a consequence the reduced setback is unlikely to cause adverse impact to the amenity of the surrounding residents.

Amenity and safety issues

- *The use will have significant detrimental effects for the amenity of the area both personally and financially.*
- *There are lots of children in the street and they ride bikes regularly down the street, when prayer is open it is very dangerous with cars coming and going all the time.*

Comment: The impact from the proposal has been assessed particularly with regards to traffic, parking and noise. Given the relatively small attendance (maximum 30 people during special events 3 times a year) and the manner in which the worship is conducted (prayer and silent meditation) the impacts from the use is not expected to be significant. However, it is a recommendation of this report that the approval be granted on a trial basis to allow Council and the residents an opportunity to monitor the use. The applicant will need to obtain further approval before continuing the use and this will allow the residents to provide feedback to Council on the operation.

Operational issues

- *The new use would involve functions.*
- *On Wednesday 15 July 2015, the group did not leave until 10pm.*
- *Car parking blocking the driveways.*

Comment:

The application seeks approval for the use of the premises as a place of public worship and monastery residence. There is no proposal to organise functions and only those activities outlined within the Plan of Management will be carried out from the premises.

Conditions will be imposed regarding the hours of operation and the management of parking during the operation. The organiser will be responsible to ensure that visitors who park in the street strictly follow the road traffic and parking rules.

Impact on values

- *Approval will have a negative impact on the value of local houses.*

Comment: Place of public worship is permissible land use within the zone and there is no evidence to suggest that the proposed development would have a negative impact on the value of the surrounding houses.

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

The proposed development is assessed as being within the public's wider interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* including *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The application proposes use of existing dwellings as a place of public worship including monastery residence. Whilst minor variations have been proposed to Council's controls, the impact of these variations is negligible. The use has operated on site without approval and concerns have been raised by the residents about the past operation. Whilst the assessment has found that the proposed uses would have minimal impact on the amenity of the area in terms of traffic, noise and parking, a twelve (12) months trial period is recommended to allow Council and the residents to monitor the operation.

ATTACHMENTS

[Click here for attachments](#)

- A. Conditions of Consent
- B. Locality Plan
- C. Site Plan
- D. Floor Plan - Temple
- E. Front and Rear Elevations
- F. Elevations - Monastery Housing
- G. Elevations - Temple
- H. Objectors Map

Planning Matters - 28 June 2016

ITEM 5.3 **Bankstown DCP 2015 (Amendment No. 5)**

AUTHOR **City Planning**

ISSUE

This report summarises the exhibition of Bankstown Development Control Plan 2015 (Amendment No. 5).

RECOMMENDATION That -

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

BACKGROUND

At the Ordinary Meeting of 23 February 2016, Council resolved to exhibit certain administrative changes to Bankstown Development Control Plan 2015, namely:

1. To update the references to *State Environment Planning Policy No. 65–Design Quality of Residential Apartment Development* and the *Apartment Design Guide* throughout the development control plan.
2. To clarify the application of the development controls for neighbourhood centres.
3. To clarify the parking rate for serviced apartments in Zone B5 Business Development.

The Council report shown in Attachment B outlines the proposed amendments in more detail.

REPORT

Exhibition

The exhibition took place from 22 March to 6 May 2016, and included:

- Displays at Council's Customer Service Centre and corporate website.
- Public notices in the local newspapers.

Council received no submissions in response to the exhibition.

It is recommended that Council adopt the proposed amendments.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Bankstown DCP 2015 (Amendment No. 5)
- B. Council Report – Ordinary Meeting of 23 February 2016

6 REPORT OF THE GENERAL MANAGER

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 6.1 | Adoption 2016-17 Canterbury Bankstown Council Operational Plan, Budget and Schedule of Fees and Charges and revised Section 94 Plan (former Bankstown Local Government Area only) | 231 |
| 6.2 | Community Consultation on the Draft Floodplain Risk Management Study and Plan for the Mid Georges River Catchment | 247 |
| 6.3 | Requests for Financial Assistance and Donations | 251 |
| 6.4 | Australian Air League Request to Waive Council Rates for 223A Bonds Road Riverwood | 257 |
| 6.5 | Local Government NSW Request for Contribution to Legal Costs on behalf of Bathurst Regional Council | 259 |
| 6.6 | Free Car Parking Agreements | 261 |
| 6.7 | Street Lighting Improvement Program | 265 |
| 6.8 | Cash and Investment Report for the period 13 May to 31 May 2016 | 269 |

Report of the General Manager - 28 June 2016

ITEM 6.1 **Adoption 2016-17 Canterbury Bankstown Council Operational Plan, Budget and Schedule of Fees and Charges and revised Section 94 Plan (former Bankstown Local Government Area only)**

AUTHOR **City Planning**

ISSUE

This report presents the 2016-17 Canterbury-Bankstown Council Operational Plan and Budget following public exhibition as required by the Local Government Act, 1993 and seeks a resolution for the making of required rates and charges for the 2016-17 financial year.

The Report also recommends the adoption of a revised Section 94A Development Contributions Plan 2009 - Bankstown (Amendment No. 3), as exhibited.

RECOMMENDATION That –

1. Integrated Planning Documentation

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

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

2. Rating & Annual Charges – Former Bankstown Council

2.1 Rating

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

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

2.1.1 Bankstown Town Centre Special Rate

A Bankstown Town Centre Special Rate will be levied on rateable land value of the land delineated on the map and on the list held in Council's offices and described in the Operational Plan, being part of Council's area consisting of properties which formerly comprises the Bankstown Town Centre Local Improvement District which, in Council's opinion the land to be rated benefits, or will benefit from the works, services, facilities or activities; or contributes or will contribute to the need for the works, services, facilities or activities, or has or will have access to the works, services, facilities or activities provided or undertaken or proposed to be undertaken within the part of Council's area.

2.2 Domestic Waste Management Service Charges

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

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

2.3 Stormwater Management Service Charges

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

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

2.3.1 Name of the Charge

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

2.3.2 Mixed Developments

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

2.3.3 Bankstown Airport

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

2.3.4 Exemptions

- Bowling and Golf Clubs - where the dominant use is open space;
- Council-owned land;
- Properties zoned: Open space 6(a); Private Recreation 6(b); and Rural.

2.4 Interest Rate on Overdue Rates & Charges

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

3. Rating & Annual Charges – Former Canterbury Council

3.1 Rating

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

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

3.2 Domestic Waste Management Service Charges

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

Type of Premises	Short Name	Annual Charge
Single dwellings, a granny flat, dual occupancies and villas & townhouses (having and controlling use and storage of own bins).	Domestic Waste Service	\$385.00
Strata units and flats (with 1 or more bedrooms, not being flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons).	Domestic Waste Service	\$385.00
Flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons.	Waste Management – Non Rateable	\$385.00 for each rubbish bin
Properties categorised as Business (with or without residential accommodation)	Waste Management – Business	\$385.00

Vacant Land – refers to land that is devoid of buildings and excludes land on which building works are in progress	Domestic Waste - Vacant	\$107.00
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3.3 Interest Rate on Overdue Rates & Charges

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

4. Voting of Funds for the City of Canterbury Bankstown

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

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

BACKGROUND

Integrated Plans

On 12 May 2016 the NSW Government announced the amalgamation of Bankstown and Canterbury City Councils forming the new City of Canterbury-Bankstown. Accordingly, a completely new suite of integrated planning documents, including a 10-year Community Strategic Plan, 4 Year Delivery Program, and Resourcing Strategy will be prepared following the next Local Government elections.

In the meantime Council is required to prepare an Operational Plan detailing revenue and expenditure for services and infrastructure for the forthcoming financial year.

The Operational Plan attached to this report represents a composite of the existing Operational Plans for each of the former councils and outlines expenditure and revenue for services and facilities to be provided in the 2016-17 financial year for the new City of Canterbury-Bankstown. It is aligned with existing long term plans of each of the former councils and observes a 'business as usual' approach for the transition period leading up to the next local Government elections in September 2017.

In order to give our new, broader community the best opportunity to comment on the draft Operational Plan, the document was exhibited for 28 days from 25 May – 22 June. Any submission made to the former Councils Operational Plan were considered as a submission to the composite Operational Plan.

Section 94A Development Contributions Plan – Bankstown

The former Bankstown City Council adopted a Section 94A Development Contributions Plan in May 2009 which outlined how the estimated income from S94A Developer Contributions would be spent. This plan is updated from time to time to reflect the changing rates of growth and community needs. The revised Section 94A Contributions Plan and its accompanying works schedule was exhibited from 25 May – 27 June. The change to the Plan included an updated works plan (see Table 1 in Attachment C).

REPORT

The Operational Plan is a composite of each of the former Council's Operational Plans and represents the last year of a 4 year Delivery Program which addresses the long term aspirations detailed in each of the former Council's Community Strategic Plans. The Operational Plan is structured in four parts:

1. An introduction to our new City;
2. A composite of the Operational Plans from both former councils
3. A composite of the 2016-17 Budgets detailing the \$285 million annual budget for investment in infrastructure and services; and
4. A composite of the 2016-17 Schedule of Fees and Charges applicable for the year ahead.

Highlights of the Operational Plan

While transition plans are implemented to integrate work, systems, processes and people the new Canterbury Bankstown Council will continue to deliver on existing commitments to the community. Highlights for 2016-17 financial year include:

- | | |
|--|--|
| • Campsie Library refurbishment | • Community events and festivals |
| • Bankstown Gardens all-abilities playground – Livvi's Place | • Bush regeneration and bio-diversity Initiatives |
| • Ewen Park community facilities construction | • Illegal Dumping Program |
| • Yagoona Community Centre construction | • Learn to Swim Programs |
| • Riverwood Library and Community Centre construction | • Midnight Basketball and Twilight Soccer Programs |
| • Vale of Ah sports lighting upgrade | • Expanded e-services in online booking, planning and library services as well as increasing our presence in the digital space |
| • Wagner Oval field and lighting upgrades | • Town Centre Improvements – Canterbury Town Centre and Panania Town Centre |
| • Lang Road pedestrian bridge | • Waterbody Restoration at Lake Gillawarna |
| • Rotary Park car park | • Cooks River Alliance sustainable urban water management projects |
| • Construction of a timber boardwalk at the Cooks River – Homer Street | |
| • Sydenham to Bankstown Corridor – working with the Department of Planning | |

Exhibition

At its inaugural meeting, approval was granted for the Draft 2016-17 Canterbury- Bankstown Operational Plan to be placed on public exhibition. Strategies used to ensure that the exhibition achieved good coverage included:

- Notices published twice in the local papers;
- Documents available on the Council's website;
- Displays set up in the Customer Service Centre, and in all Council libraries;
- On-line community forum (blog) website; and
- A flyer sent to community groups and businesses in Council's database.

External Submissions

Operational Plan

Two (2) formal submissions were received as a result of the exhibition.

These raised issues relating to a number of services and projects in both sections of the Operational Plan and are detailed in Attachment D. They also commented on the availability and size of the composite file. Where possible, a customer action request has been generated for specific concerns, however, there are no overall changes required to be made to the Operational Plan as a result of these submissions.

Section 94A Development Contributions Plan – Bankstown

One (1) formal submission was received as a result of the exhibition.

The submission raised a number of services and projects for consideration in the Section 94A Development Contributions Plan – Bankstown and are detailed in Attachment E. There are no overall changes required to be made to the Plan that is recommended for adoption. Where appropriate items will be considered as part of the annual review of the Plan.

Internal Review

Operational Plan

There were a number of administrative/textural changes made to the content and formatting, resulting from further internal review during the exhibition period and to ensure content and language is consistent with existing Unit Plans. These do not result in substantive or significant changes and do not impact on the 2016-17 year, except where mentioned in this report.

Section 94A Development Contributions Plan – Bankstown

During the exhibition period, updates were also made to the maps in the plan to reflect the revised works program.

FINANCIAL MANAGEMENT

Financial Overview

This is the first budget of the new City of Canterbury-Bankstown.

Council's 2016-17 budget, revenue policy and fees and charges are primarily based on preserving and delivering on the direction provided in the delivery programs, the long term financial plans and commitment to continue services at their current levels of the former Councils.

Council is required to statutorily adopt separate budgets and associated information to reflect the above. Attached are the relevant documents, which provides the necessary details and information pertaining to the former Council's budget requirements.

That said, Council has provided a consolidated financial overview for its 2016-17 financial year, which provides an overall appreciation and understanding of the level of investment proposed across our large City.

Some of the more notable details/highlights include:

- Total projected General Income, including capital grants and contributions of \$290.8M;
- A total investment on services throughout the city amounting to \$225.2M;
- Investment in infrastructure, both the replacement of assets and delivery of a number of important initiatives throughout the local government area, totaling \$87.7M;
- Maintaining cash reserves for specific purposes totaling \$161.6M, and
- Ensuring our new Council continues to build on the former Council's sound financial positions through sound strategic benchmarks expected throughout our sector.

Council's consolidated budget forecast for the 2016-17 financial year and relevant financial reports can be found in Attachment 1.

Importantly, it should be noted that Council will be preparing an integrated operational plan for 2017-18, with a new delivery program established by 1 July 2018. The plan will look to determine Council's financial strategy which will establish an appropriate revenue policy to deal with Council's ongoing services, assets management obligations and known liabilities such as the rehabilitation of both Kelso Tip and the former Salt Pan Creek tip site. This may include a review of Council's Waste Levies to fund Council's exposure.

Budget Management – Exhibition Period

Following the exhibition period, Council's 2016-17 Consolidated Budget has largely remained the same to that presented as part of the Draft Operational Plan, with the exception of adjustments for certain Councillor related costs, the Administrator and Election Costs, which will now form part of Council's 2017-18 budget process.

In net terms, Council's consolidated budget has improved by \$2.0M. The net improvement in funds has either been transferred to Council's reserves (eg. Election Reserve) or improved Council's level of working capital.

Separately, Council's consolidated capital expenditure program increased by \$18M; largely to account for proposed works scheduled for the Canterbury Town Centre (funded from Section 94) and grant funded projects identified throughout the exhibition period.

In relation to the exhibited Schedule of Fees and Charges, there were only minor changes to some statutory charges, with the exception of various civil works and restoration fees, which have now been largely aligned for both fees and charges. The changes are reflected in the Operational Plan.

Stronger Community and Implementation Funds

A total of \$10 million has been made available by the NSW Government, as part of its Stronger Communities Fund, for priority community initiatives.

In accordance with the NSW Government's guidelines, Council will consult with the community to help prioritise and allocate the Stronger Communities Fund through two programs:

1. Community Grant Program - allocating up to \$1 million in grants of up to \$50k to incorporated not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities; and
2. Major Projects Program - allocating all remaining funding to larger scale priority infrastructure and services projects that deliver long term economic and social benefits to communities.

Separately, the NSW Government has provided Council a further \$10 million to cover the up-front costs of implementing the new Council, and therefore enable Council to invest savings directly into community benefits at the earliest opportunity.

The funds may be utilised for activities such as:

- Provision of expert implementation advice;
- Upgrading and/or integrating systems to support the operation of the new Council, including developing a new website;
- Implementing new signage throughout the new City; and
- Change management programs or staff to support implementation.

Council is in the process of developing an implementation plan to guide the allocation and use of the funds.

It should be noted, with the exception of adjustments made for Councillor-related costs, Council's 2016-17 budget does not include any proposed savings resulting from the merger.

Council's ongoing review of its budget, throughout the financial year, will outline details as they are identified.

CONCLUSION

Council's goal is to continue to provide residents with high quality facilities and services and to position the new City to best capture future opportunities. This Operational Plan, Budget, and Schedule of Fees and Charges ensures that Council can work toward that goal with no disruption to current services as Council attends to a seamless transition of the former councils.

The Operational Plan including 2016-17 Budget, Revenue and Pricing Policies and 2016-17 Fees and Charges, including a revised Section 94 Plan relating to the former Bankstown Council and Canterbury Council are submitted for adoption.

POLICY IMPACT

Council's 2016-17 Operational Plan, Budget, Revenue Policy and Fees & Charges has been prepared in accordance with requirements stipulated by the Local Government Act 1993, the Local Government (Council Amalgamations) Proclamation 2016 and guidelines issued by the Department of Premier and Cabinet - NSW.

The Operational Plan supports the Delivery Program and provides details of the individual projects and activities that will be undertaken to achieve the commitments made in the Delivery Program. A complete review of all integrated planning documents, including the 10-year Community Strategic Plan, 4 Year Delivery Program, and Resourcing Strategy will be required following the next Local Government elections.

This Section 94A Development Contributions Plan - Bankstown will replace the existing Section 94A Plan and will apply to all new development applications to the area identified in the plan once it is adopted by Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

Whilst the proposed recommendation will provide the necessary funding required to manage Council's ongoing operational and capital works requirements for the 2016/17 financial year, it also endorses the setting of regulatory elements such as determining the relevant Rates for each Rating Category, Annual Levies and fees & charges.

Council's budget has been prepared in accordance with all known and/or expected forecasts, decision and/or policies of Council, and will be assessed on a quarterly basis throughout the financial year, as required.

RECOMMENDATION That –

1. Integrated Planning Documentation

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

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

2. Rating & Annual Charges – Former Bankstown Council

2.1 Rating

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

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

2.1.1 Bankstown Town Centre Special Rate

A Bankstown Town Centre Special Rate will be levied on rateable land value of the land delineated on the map and on the list held in Council's offices and described in the Operational Plan, being part of Council's area consisting of properties which formerly comprises the Bankstown Town Centre Local Improvement District which, in Council's opinion the land to be rated benefits, or will benefit from the works, services, facilities or activities; or contributes or will contribute to the need for the works, services, facilities or activities, or has or will have access to the works, services, facilities or activities provided or undertaken or proposed to be undertaken within the part of Council's area.

2.2 Domestic Waste Management Service Charges

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

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

2.3 Stormwater Management Service Charges

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

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

2.3.1 Name of the Charge

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

2.3.2 Mixed Developments

- Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property; and

- In the event that a mixed development is 50% residential and 50% business, Council will apply a residential charge.

2.3.3 Bankstown Airport

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

2.3.4 Exemptions

- Bowling and Golf Clubs - where the dominant use is open space;
- Council-owned land;
- Properties zoned: Open space 6(a); Private Recreation 6(b); and Rural.

2.4 Interest Rate on Overdue Rates & Charges

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

3. Rating & Annual Charges – Former Canterbury Council

3.1 Rating

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

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

3.2 Domestic Waste Management Service Charges

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

Type of Premises	Short Name	Annual Charge
Single dwellings, a granny flat, dual occupancies and villas & townhouses (having and controlling use and storage of own bins).	Domestic Waste Service	\$385.00
Strata units and flats (with 1 or more bedrooms, not being flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons).	Domestic Waste Service	\$385.00
Flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons.	Waste Management – Non Rateable	\$385.00 for each rubbish bin
Properties categorised as Business (with or without residential accommodation)	Waste Management – Business	\$385.00
Vacant Land – refers to land that is devoid of buildings and excludes land on which building works are in progress	Domestic Waste - Vacant	\$107.00

3.3 Interest Rate on Overdue Rates & Charges

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

4. Voting of Funds for the City of Canterbury Bankstown

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

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

ATTACHMENTS

[Click here for attachments](#)

- A. City of Canterbury Bankstown Consolidated Financial Reports
- B. 2016-17 City of Canterbury Bankstown Operational Plan
- C. Section 94A Development Contributions Plan - Bankstown
- D. RTC Submissions
- E. Submitter Comments Section 94A Development Plan - Bankstown

Report of the General Manager - 28 June 2016

ITEM 6.2 **Community Consultation on the Draft Floodplain Risk Management Study and Plan for the Mid Georges River Catchment**

AUTHOR **City Planning**

ISSUE

Council has prepared a Draft Floodplain Risk Management Study and Plan for the Mid Georges River Catchment which requires community consultation prior to finalisation.

RECOMMENDATION

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

BACKGROUND

The catchments of the Mid-Georges River includes the entire suburbs of Bankstown Airport, Milperra, Panania, East Hills, Picnic Point, Revesby Heights and parts of Georges Hall, Bass Hill, Yagoona, Condell Park, Revesby, Padstow and Padstow Heights.

In 2012, the former Bankstown City Council commenced the preparation of a Floodplain Risk Management Study and Plan (FRMS&P) for the sub-catchments of the Mid Georges River. The objective of the FRMS&P was to identify floodplain management activities to improve flood planning and investigate possible mitigation options.

Since then extensive consultation has occurred resulting in:

- Letters being sent to around 7,600 property owners affected by flooding;
- Some 855 questionnaires being returned from community members;
- 125 property owners registering their interest in the FRMS&P with 51 property owners attending one of six flood information sessions
- A further two information sessions being held for residents of the Carinya Road area with 30 people attending these sessions.

The information provided by the flood studies, community questionnaires and flood information sessions was used to prepare the Draft FRMS&P.

REPORT

Management Actions Proposed

It is important to note that not all flooding problems in the study area can be alleviated. A complete solution to the flooding problem is not cost effective from a floodplain management perspective.

A summary of the proposed management actions to reduce flood risk and their priority are provided in Attachment B. These actions generally cover the following areas:

1. **Planning Control changes:** As it is not possible to alleviate all flooding, a range of actions have been proposed to manage flood risks associated with future development. Examples include amendments to the Development Control Plan and Local Environment Plan (LEP) (see below for specific changes in relation to Carinya road).
2. **Flood Modification Actions:** As part of the study, 25 flood modification options were formulated and the performance of each option assessed in detail against technical, economic, social and environmental considerations. Nine flood modification options were considered viable and these have been recommended as part of the plan. Examples include detention basins, channel improvements and culvert and drainage works.
3. **Environmental Actions:** A range of actions are also proposed that would enhance Council's waterways and improve the water quality of runoff from the catchment. Council can apply for funding through the Coastal Management Program for the implementation of these actions.
4. **Other Actions:** A range of other actions have been recommended in the plan which are catchment wide. Examples include public education, emergency management, flood forecasting and warning.

Planning Control Changes to the Carinya Road Area

The Carinya Road area is zoned R2 Low Density Residential under Bankstown LEP 2015. The uses permitted in this zone are extensive and include child care centres, hospitals, secondary dwellings, seniors housing, boarding houses, group homes and emergency service facilities - all of which are incompatible with the high flood risk applicable to the area.

The review of the DCP indicated:

- The intent of the controls is to limit the potential to raise expectations for additional dwellings and sensitive land uses beyond developing vacant lots or in discreet locations where evacuation considerations could readily be achieved, and to outline the manner in which subdivision and further development could acceptably proceed. However, development more intensive than dwelling houses would be permitted under the provisions of LEP 2015 and other SEPPs e.g. Affordable Housing 2009.
- LEP 2015 proposes a maximum building height standard of 9m in the Carinya Road area which makes the DCP height standard superfluous.
- The land uses that are prohibited in the DCP (noted above), are inconsistent with the provisions of LEP 2015 and the LEP prevails to the extent of the inconsistency.

As a result of the review, specific planning changes are proposed to clarify the special nature of Carinya Road to strengthen the basis for the merit assessment of development applications and simplification of the DCP including:

- Amending LEP 2015 to adopt a new E4 Environmental Living zone for the Carinya Road area, which prohibits those land uses of concern, and contains objects that reflect the specific flooding and environmental constraints of the area, and establishing a minimum lot size of 1,000m² consistently across all existing housing lots to simplify the planning controls in the LEP that apply to the area.
- Amend the Bankstown DCP to delete the provisions referring specifically to the Carinya Road, and rely on the provisions applying to the balance of the Georges River Floodplain.

Revesby Council Facility

A specific recommendation in the plan is for Council's existing lease to a preschool in Revesby. Due to the significant flood risk in this location, coupled with the inappropriate usage for this risk, it is recommended that Council cease leasing the premises for its current usage and consider rezoning the land from low density residential to a zoning appropriate with the risk.

Consultation

Community consultation of FRMS&Ps is included as a step in the State Government's flood management process. Consultation will include:

- Notification of property owners who previously registered their interest in the study;
- Conducting community information sessions;
- Exhibition in Council's customer service and BLaKC, Panania and Padstow libraries;
- Providing direct phone numbers of Council staff to enable residents to discuss any issues with the Plan;
- Contacting key government agencies including Roads and Maritime Services; and,
- Contacting Bankstown Airport who have contributed financially to the FRMS&P by funding an updated and more accurate Milperra Flood Study and an investigation into flood mitigation measures on Airport Land.

The Draft FRMS&P was presented to the former Bankstown Floodplain Committee (FMC) on 4 May 2016. While 7 members of the committee were present there were insufficient voting members for a quorum. However an informal meeting was held where members present expressed support for the exhibition of the Draft FRMS&P. Under the former Bankstown City Councils Floodplain Risk Management Process (adopted by the former Bankstown City Council in March 2009), an endorsement of the Committee is not required prior to exhibition. The new Canterbury-Bankstown FMC will be required to endorse the finalised FRMS&P prior to its adoption by Council.

Following consultation, the finalised FRMS&P will be presented to the FMC for endorsement and Council for adoption.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

Adoption of this report has no financial impacts for Council at this stage. The Plan does identify future works which will be funded through the normal budget and Operational Plan process subject to its adoption.

RECOMMENDATION

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

ATTACHMENTS

[Click here for attachments](#)

- A. Draft FRMS&P for Mid Georges River
- B. Summary of Management Actions

Report of the General Manager - 28 June 2016

ITEM 6.3 **Requests for Financial Assistance and Donations**

AUTHOR **Corporate Services**

ISSUE

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

RECOMMENDATION That –

1. A donation of \$500.00 be made to Renae Edmunds of Picnic Point who has been selected to represent Australia at the World Championships for Baton Twirling in Helsingborg, Sweden in August, 2016.
2. A donation of \$250.00 be made to Oliver Ames of Panania who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
3. A donation of \$250.00 be made to Zach Torbay of Picnic Point who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
4. A donation of \$250.00 be made to Blake Pardy of East Hills who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
5. A donation of \$250.00 be made to Carla Tremolada of Condell Park who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016.
6. A donation of \$500.00 be made to Dennis Tran of Yagoona who has been selected to represent Australia at the World Junior Ultimate Championships for the Ultimate Frisbee in Poland from 31 July – 6 August, 2016.
7. A donation of \$372.00 be made to Western District Joggers and Harriers who have requested to have the hire fees waived for the use of Mirambeena Regional Park – Lake Gillawarna on Sunday, 17 July 2016 for the Georges River Festival of the Feet.
8. A donation of \$488.00 (equivalent to the hire fee for the use of Paul Keating Park) be made to Youth off the Streets and Mission Australia so that they can host their second youth sleepout to raise awareness for homelessness. The event is being held in Paul Keating Park on 12 August, 2016.

9. A donation of \$79.00 (equivalent to the hire fee for the use of the footpath outside the Smartphones Shop, Revesby) be made to the Smartphones team Revesby who hosted a Balloon Tree event on Wednesday, 18 May, 2016 on the footpath outside their Revesby Store to raise funds for the Children's Hospital at Westmead.
10. A donation of \$372.00 (equivalent to the hire fee for the use of Neptune Park, Revesby) be made to the organisers of The Bill Crews Cup Family Gala Day which is being held at Neptune Park, Revesby on 6 July, 2016.
11. A donation of \$750.00 be made to the Congregational Christian Church in Samoa-Parish of Sydney Youth Group who staged a musical production of the Lion King at the Bryan Brown Theatre at the BLaKC on 23 April, 2016 and the organisers are asking Council to supplement the production costs of staging the performance.

REPORT

Section 1 – Requests from Sporting Individuals/Groups

- Renae Edmunds of Picnic Point has been selected to represent Australia at the World Championships for Baton Twirling in Helsingborg, Sweden in August, 2016. It is recommended that a donation of \$500.00 be made to Renae Edmunds.
- Oliver Ames of Panania has been selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/16. It is recommended that a donation of \$250.00 be made to Oliver Ames.
- Zach Torbay of Picnic Point has been selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/16. It is recommended that a donation of \$250.00 be made to Oliver Ames.
- Blake Pardy of East Hills has been selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/16. It is recommended that a donation of \$250.00 be made to Oliver Ames.
- Carla Tremolada of Condell Park has been selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/16. It is recommended that a donation of \$250.00 be made to Carla Tremolada.
- Dennis Tran of Yagoona has been selected for the 2016 World Junior Ultimate Championships for the Ultimate Frisbee in Poland from 31 July – 6 August, 2016. It is recommended that a donation of \$500.00 be made to Dennis Tran.

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

- Western District Joggers and Harriers have requested to have the hire fees waived for the Georges River Festival of the Feet which is being held at Mirambeena Regional Park – Lake Gillawarna on Sunday, 17 July, 2016. It is recommended that a donation of \$372.00 (equivalent to the hire fee for the use of Mirambeena Regional Park – Lake Gillawarna) be made to Western District Joggers and Harriers. All funds raised will be going towards assisting the following three charities: BEHHA Bankstown East Hills Handicapped Association; Recreation Sports and Aquatics Club (a charity that provides sport, recreation, social activities and opportunities for people with a disability, based in Bankstown CBD); Cancer Research Foundation.
- Youth Off the Streets and Mission Australia are partnering this year to organise the second youth sleepout to raise awareness for homelessness. The event is being held in Paul Keating Park on 12 August, 2016 and the organisers are requesting that Council waive the hire fee of \$488.00. Council previously donated to Youth Off the Streets at the Ordinary Meeting of 24 February, 2015. It is recommended that a donation of \$488.00 be made to Youth off the Streets and Mission Australia.
- The Smartphones Team, Revesby hosted a Balloon Tree event on the footpath outside their store on Wednesday, 18 May, 2016 and are asking Council to waive the hire fee for the use of the footpath. It is recommended that a donation of \$79.00 (equivalent to the hire fee for the use of the footpath outside the Smartphones Shop, Revesby) be made to Smartphones, Revesby. All funds raised on the day are going to the Children's Hospital at Westmead.
- The organisers of the Bill Crews Family Cup Gala Day have requested that Council (waive the hire fee for the use of Neptune Park, Revesby) on 6 July, 2016. The main event is the Bills Crews Cup Rugby League Match between Bankstown Police Giants and a combined Team of Campsie Local Area Command and The Middle Eastern Organised Crime Squad 'The Campsie Camels'. It is recommended that a donation of \$372.00 (equivalent to the hire fee for the use of Neptune Park, Revesby) be made to the Bill Crews Cup Family Gala Day.
- The Congregational Christian Church in Samoa-Parish of Sydney Youth Group staged a musical production of the Lion King at the Bryan Brown Theatre at the BLaKC on 23 April, 2016 to raise money to help pay for the construction of the new hall and child care centre it is hoping to establish. The organisers are asking Council to supplement the production costs of staging the performance. It is recommended that a donation of \$750.00 be made to the Congregational Christian Church in Samoa-Parish of Sydney Youth Group.

Section 3 – Requests from Schools

Nil.

POLICY IMPACT

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

Individuals

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

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

Not-for-Profit Groups and Organisations

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

FINANCIAL IMPACT OF RECOMMENDATIONS

This report recommends donations to the total of \$4,061.00. These funds are to be made available from Council's Section 356 Financial Assistance Budget.

RECOMMENDATION	That –
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- | | |
|----|---|
| 1. | A donation of \$500.00 be made to Renae Edmunds of Picnic Point who has been selected to represent Australia at the World Championships for Baton Twirling in Helsingborg, Sweden in August, 2016. |
| 2. | A donation of \$250.00 be made to Oliver Ames of Panania who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016. |
| 3. | A donation of \$250.00 be made to Zach Torbay of Picnic Point who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016. |
| 4. | A donation of \$250.00 be made to Blake Pardy of East Hills who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016. |
| 5. | A donation of \$250.00 be made to Carla Tremolada of Condell Park who was selected for the 2016 Trampoline Gymnastics State Team at the Hisense Arena in Melbourne from 31/5/2016 – 03/06/2016. |
| 6. | A donation of \$500.00 be made to Dennis Tran of Yagoona who has been selected to represent Australia at the World Junior Ultimate Championships for the Ultimate Frisbee in Poland from 31 July – 6 August, 2016. |
| 7. | A donation of \$372.00 be made to Western District Joggers and Harriers who have requested to have the hire fees waived for the use of Mirambeena Regional Park – Lake Gillawarna on Sunday, 17 July 2016 for the Georges River Festival of the Feet. |

8. A donation of \$488.00 (equivalent to the hire fee for the use of Paul Keating Park) be made to Youth off the Streets and Mission Australia so that they can host their second youth sleepout to raise awareness for homelessness. The event is being held in Paul Keating Park on 12 August, 2016.
9. A donation of \$79.00 (equivalent to the hire fee for the use of the footpath outside the Smartphones Shop, Revesby) be made to the Smartphones team Revesby who hosted a Balloon Tree event on Wednesday, 18 May, 2016 on the footpath outside their Revesby Store to raise funds for the Children's Hospital at Westmead.
10. A donation of \$372.00 (equivalent to the hire fee for the use of Neptune Park, Revesby) be made to the organisers of The Bill Crews Cup Family Gala Day which is being held at Neptune Park, Revesby on 6 July, 2016.
11. A donation of \$750.00 be made to the Congregational Christian Church in Samoa-Parish of Sydney Youth Group who staged a musical production of the Lion King at the Bryan Brown Theatre at the BLaKC on 23 April, 2016 and the organisers are asking Council to supplement the production costs of staging the performance.

ATTACHMENTS

Nil

Report of the General Manager - 28 June 2016

ITEM 6.4 Australian Air League Request to Waive Council Rates for 223A Bonds Road Riverwood

AUTHOR Corporate Services

ISSUE

To consider a request from the Australian Air League to waive council rates.

RECOMMENDATION That -

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

REPORT

The Australian Air League (AAL) is a uniformed youth organisation for boys from 8 years of age that encourages an interest in aviation as a career or hobby and strives to promote good citizenship, leadership and teamwork. It is a non-profit organisation that has provided continuous service to the youth of the area since 1957 through the Riverwood Squadron. AAL have entered into a ground lease over Council property at 223A Bonds Road Riverwood on 1 February 2014 for a period of 21 years, with the rent set at \$10 (plus GST) per annum. Clause 6.2 and Item 3 of the lease requires that AAL pay all rates and taxes.

AAL had not been required to pay Council rates for the previous 15 years as the land had not been assessed for rating purposes by the Valuer General. The Valuer General in 2014 assessed the property for rating purposes and subsequently council rates are now charged.

AAL has advised that if it is required to pay Council rates it would be a serious financial strain upon its members and that it may affect its ability to continue to provide the current level of service to the community. They have requested that they not be charged Council rates for the entire period of the 21 year lease.

Under section 131 of the Local Government (General) Regulation 2005 Council does not have the discretion to write off rates unless there has been an error in the assessment of rates or the amount is not lawfully recoverable. In addition, the AAL does not meet the requirements to receive a rates exemption under sections 555 and 556 of the Local Government Act 1993.

The AAL's request not to be charged Council rates is supported as organisations that provide similar type community services such as the Australian Scouting Association and Girl Guides are not required to pay Council rates under their lease arrangements with Council. It is therefore recommended that the lease be varied to remove the requirement for the AAL to pay Council rates. However, this would not cover rates that have already been levied. The rates that have already been levied for the property are as follows:

1/02/14 to 30/06/14 \$657.45
1/07/14 to 30/06/15 \$1,719.75
1/07/15 to 30/06/16 \$1,542.15

It is also recommended that financial assistance be provided to the AAL in terms of the rates of \$3919.35 already levied on the property, under the provisions of section 356 of the Local Government Act 1993, which allows councils to financially assist others.

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT OF RECOMMENDATIONS

This report's recommendation has implications for the Budget as Council rates of approximately \$1,500 per annum (dependent on Valuer General's land valuation) will not be received if the lease is varied to remove the requirement to pay Council rates. A one-off financial subsidy of \$3919.35 is also proposed.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 28 June 2016

ITEM 6.5 Local Government NSW Request for Contribution to Legal Costs on behalf of Bathurst Regional Council

AUTHOR Corporate Services

ISSUE

A request has been received from Local Government NSW for financial assistance towards a legal matter undertaken by Bathurst Regional Council which has financial implications for all NSW councils.

RECOMMENDATION

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

REPORT

Local Government NSW (LGNSW) has adopted a policy whereby they will assist a member council with legal costs where the outcome of the Council's court case may affect important principles of local government. Assistance is provided by seeking contributions from member councils.

The request relates to a matter that Bathurst Regional Council defended before the NSW Court of Appeal. The proceedings challenged Council's jurisdiction to fix fees for services under long term contracts. The matter has now been resolved with the Court identifying that:

'even when the Local Government Act confers a power in terms upon councils to reach an agreement or arrangement with a landowner, the price it can charge for work performed by it remains subject to Part 10 of Chapter 15. To that extent at least, the 'general power to contract' cannot permit a council to escape the statutory restrictions upon it.'

LGNSW has advised that they are now considering the implications of this decision for NSW councils and is likely to seek feedback from councils in the future to enable the issue to be adequately addressed in the next phase of the review of the Local Government Act 1993.

Bathurst Regional Council has sought assistance with legal costs from LGNSW and their application has been approved. LGNSW advises that the LGNSW Board considered the matter to be of importance to local governments throughout the State, as the proceedings related to the ability of councils to enter into contracts that include fees for services.

We have been asked to contribute an amount of \$2,962.11 towards the legal costs incurred by Bathurst Regional Council.

Conclusion

Our contribution to legal costs is sought in relation to a matter in the NSW Court of Appeal involving Bathurst Regional Council. It is considered the issue is one which raises concerns for local government generally and that the request for assistance is worthy of support. In the past both City of Canterbury Council and Bankstown City Council have benefited from a similar request to all councils on an industry significant legal matter. It is therefore recommended that the request for financial assistance to Bathurst Council be supported.

FINANCIAL IMPACT OF RECOMMENDATIONS

Prior to the NSW Government's proclamation on 12 May, 2016 each of the former council's received an invoice from Local Government NSW for their contribution.

Should Council support the request from Local Government NSW, our contribution of \$2,962.11 (GST incl.) can be met from the 2015/16 Budget.

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Invoice Number 74006
- B. Invoice Number 74027

Report of the General Manager - 28 June 2016

ITEM 6.6 Free Car Parking Agreements

AUTHOR Assets and Infrastructure (West)

ISSUE

Council received a Report on 26 April 2016 (Item 6.4) which detailed a proposal to enter into Free Car Parking Agreements with Bass Hill Shopping Centre and Palm Court Shopping Centre (Revesby), to monitor and manage car parking. This Report details the exhibition process since this time.

RECOMMENDATION That -

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

BACKGROUND

The Council Report on 26 April 2016 detailed the proposal to enter into Free Car Parking Agreements with two (2) shopping centres in The City, to monitor and manage their car parks. At the meeting Council resolved to:

“publicly exhibit the proposal to classify the following land as Operational Land in accordance with s.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 for:

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

This report outlines the outcomes of this exhibition.

REPORT

Exhibition

The exhibition of the proposed classification was undertaken from Tuesday 10 May to Wednesday 08 June 2016 (30 days). Public Notification occurred via Council's website and online community forum (Have Your Say) as well as in both of the local Newspapers (10 & 11 May 2016).

During the public exhibition period, Council did not receive any submissions.

Next Steps

Now that Council has completed the public exhibition process for both these sites, with no submissions, Council is required to formally adopt that the land be classified as Operational Land for the purposes of entering into a Free Car Parking Agreement. One of the recommendations of this Report formalises this process.

Once Council has completed this process, Agreements with both these shopping centres can be entered into. It is proposed that each Agreement be for a period of five (5) years, and for them to end on the same date, being the end of the financial year, which enables Council to better manage these types of Agreements in the future. It is also recommended that each party have a five (5) year option on the initial period, similar to all other Agreements Council has entered into.

POLICY IMPACT

The proposal to enter into Free Car Parking Agreements is consistent with the requirements set out under the Local Government Act 1993 and the Director General's Free Parking Area Agreement Guidelines (1998).

FINANCIAL IMPACT OF RECOMMENDATIONS

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

Council will provide the necessary staff to undertake the patrolling of both the sites, however this cost will be offset by any PIN's issues for the violation of parking restrictions, as detailed under the Local Government and Roads Acts.

RECOMMENDATION

That -

1. Council adopt the classification of the following sites as Operational Land in accordance with s.650 of the Local Government Act 1993, only for the purposes of allowing a Free Car Parking Agreement for:
 - a. No. 753 Hume Highway, Bass Hill (Bass Hill Shopping Centre) and
 - b. No. 25-37 Selems Parade, Revesby (Palm Court Shopping Centre).

2. Council approve entering into a Free Car Parking Agreement as per s.650 (6) of the Local Government Act 1993, with Bass Hill Shopping Centre and Palm Court Shopping Centre, as per the terms detailed in this Report.
3. Council delegate to the General Manager authority to finalise and sign both parking agreements.

ATTACHMENTS [Click here for attachments](#)

- A. Council Report - 26 April 2016 Item 6.4

Report of the General Manager - 28 June 2016

ITEM 6.7 Street Lighting Improvement Program

AUTHOR Assets and Infrastructure (West)

ISSUE

To advise Council on the street lighting improvement initiatives coordinated through the SSROC's Street Lighting Improvement (SLI) Program including the proposed accelerated roll out of LEDs by Ausgrid to replace obsolete TF2*20 (twin florescent 20W) lighting.

RECOMMENDATION That -

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

BACKGROUND

Both former Canterbury and Bankstown Councils were members of the SLI Program, which is sponsored by Southern Sydney Regional Organisation of Councils (SSROC). Council's initiatives through the SLI Program has remained focused on cost savings, reduction in greenhouse gas emissions and improved street lighting service provision. In recent years, the deployment of long-life, less-maintenance-intensive and proven street lighting technologies is considered the best way to achieve these multiple objectives.

REPORT

The SLI Program has provided numerous benefits to the member Councils (35 Councils prior to Council amalgamations) since its inception by providing technical as well as financial advices and lobbying for the members. These councils in metropolitan Sydney, the Central Coast and Hunter have been working closely together under the SLI Program to challenge proposed price increases and address serious longstanding deficiencies in Ausgrid's provision of public lighting services. The councils participating in the program collectively encompass over 230,000 street lights or more than 95% of Ausgrid's street lights.

It is therefore important that the new Canterbury Bankstown Council continues its membership under the new organisation to benefit from the SLI Program now into the future.

An update on a number of recent street lighting developments is reported below.

Ausgrid Street Lighting Equipment Tender

Ausgrid has now finalised street lighting equipment contracts with suppliers and sent a letter to all Councils about the next steps in its adoption of LEDs. Councils were invited to a joint meeting on 22 June to discuss pricing for a range of new LED lights, proposed accelerated program to replace obsolete TF2*20 lighting in local streets and participation in a trial of LEDs on main roads. Two officers from Canterbury Bankstown attended the meeting.

Ausgrid are now seeking approval from Councils on the new pricing for LEDs and agreement on participating in the accelerated LED replacement program and main road LED trial.

A large number of councils have raised questions about the Ausgrid proposal to replace the obsolete TF2*20s and specifically, concerns about the change in approach to residuals (e.g. Ausgrid withdrawing its previous offer to waive the residuals), lack of information about the residual values for these lights and the absence of an overall business case for councils to consider before agreeing to proceed. In response to these concerns the SSROC SLI Program is working jointly with Ausgrid to develop a basic business case for each council so that councils can properly evaluate the financial implications of this aspect of Ausgrid's proposal.

With respect to the proposal to trial LEDs on main roads, SSROC remains of the view that the time for trials is long past. The purpose and duration of the proposed trials remains unclear at this stage. The SLI Program is seeking more clarification on this aspect of Ausgrid's proposal. Participation in the trial will also require payment of the residual value of the existing light.

Due to the large number of concerns raised by Councils and further information to be supplied by Ausgrid the deadline for signing of the agreement has been extended from 27 June 2016 to 29 July 2016. Therefore a further report will be brought for Councils consideration on this matter.

2016/17 Street Lighting Price Changes

In February the Australian Competition Tribunal handed down a complex and mixed decision on the appeals filed by the NSW utilities against the Australian Energy Regulator (AER) about the AER's decision on 2015-19 electricity pricing. The AER has subsequently decided to appeal this decision in the Federal Court. The net effect of this is continuing price uncertainty for all parties, perhaps for as long as another year. In this context, Ausgrid has signed an interim agreement with the AER on 2016/17 pricing. For street lighting, prices for individual components will increase by 1.5-1.7% and Ausgrid has confirmed that there are no large price movements of any individual pricing components.

Review of NSW Public Lighting Code

Councils are still awaiting proposed draft changes to the NSW Public Lighting Code that had been expected by now from the NSW Department of Industry – Division of Energy & Resources. SLI Program understands that the Department still holds the view that a mandatory Code is necessary but its development has been delayed by other regulatory issues. In the absence of recent progress by the Department, Ausgrid has proposed working with SSROC to see if a set of proposed Code changes can be jointly agreed between councils and the utility. SSROC has welcomed this approach and will prepare a draft proposal for Ausgrid to consider after meeting with the Department.

There are clearly still some steps to go in putting NSW public lighting on a more solid regulatory footing but change appears to be coming and is only being considered because of the strong joint action by councils.

SSROC Submission on Network Distribution Tariffs for Public Lighting

SSROC recently made a submission to the Australian Energy Regulator calling for reform of the network distribution tariff applied to public lighting by Ausgrid. These tariffs make up about 20% of council public lighting costs. The basis of SSROC's call for reform is that public lighting supply is currently held to a different and substantially lower reliability service standard than for general network distribution customers yet is charged at a higher rate than for all other distribution tariffs when considering that 80% of electricity consumption from street lighting is off-peak.

Council Amalgamations

Council amalgamations also present a number of billing issues for Ausgrid that SLI Program has been discussing with them. Given the complexity of the regulatory pricing decision, with different approaches to residual values in each former LGA, Ausgrid's initial view is that they may not be able to produce consolidated billing until after the end of the current regulatory period (e.g. post 30 June 2019).

POLICY IMPACT

The information and actions proposed by the SLI Program in this report are consistent with Council's Public Lighting Strategy.

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no financial impact from this report. The continuation of membership costs for the Program have been budgeted in the 2016/2017 future Operational Budgets.

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Report of the General Manager - 28 June 2016

ITEM 6.8 **Cash and Investment Report for the period 13 May to 31 May 2016**

AUTHOR **Corporate Services**

ISSUE

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

RECOMMENDATION That -

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

BACKGROUND

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

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

REPORT

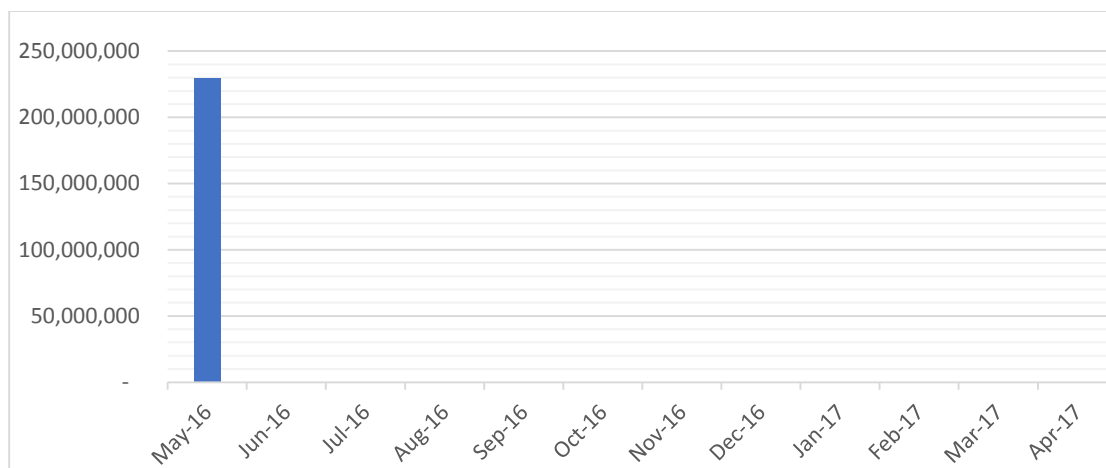
Cash and Investment Summary – as at 31 May 2016

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

Cash and Investments	\$
Cash at Bank	9,583,661
Deposits at Call	33,142,821
Term Deposits	173,470,000
Floating Rate Notes	13,516,305
Total Cash and Investments	229,712,787

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

Cash and Investment Rolling Monthly Balance



A summary of Council's investment interest income earned as at 31 May 2016 is as follows:

Interest Income	13/5/16 – 31/5/16 \$
Budget	260,700
Actual Interest	352,818
Variance	92,118
Variance (%)	35%

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

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

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Portfolio % ≤ 1 Year	75%
Portfolio % >1 Year ≤3 Years	21%
Portfolio % >3 Years ≤5 Years	4%
Portfolio % >5 Years	0%
Total Actual Cash & Investments	100%
Overall Portfolio by Investment Type	

	Actual % of Portfolio
Cash at Bank	4%
Deposits at Call	14%
Term Deposits	76%
Floating Rate Notes	6%
Total Cash and Investments	100%

At present, the former Council's existing Investment Strategies and Policies continue to apply. A detailed analysis of each former Councils Cash and Investment performance for the month is attached for information.

CERTIFICATION OF INVESTMENTS - RESPONSIBLE ACCOUNTING OFFICER

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

POLICY IMPACT

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

FINANCIAL IMPACT OF RECOMMENDATIONS

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

RECOMMENDATION That -

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

ATTACHMENTS [Click here for attachments](#)

- A. Canterbury Branch Cash & Investment Report 13 - 31 May 2016
- B. Bankstown Branch Cash & Investment Report 13 - 31 May 2016
- C. CPG Research & Advisory Bankstown Branch Cash & Investment Report 13-31 May 2016

7 COMMITTEE REPORTS

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 7.1 | Minutes of the Canterbury Traffic Committee Meetings held on 2 May 2016 and 6 June 2016 and Bankstown Traffic Committee Meetings held on 10 May 2016 and 14 June 2016 | 275 |
| 7.2 | Minutes of the Canterbury City Council Arts and Library Advisory Committee held on 19th April 2016 | 277 |

Committee Reports - 28 June 2016

ITEM 7.1 **Minutes of the Canterbury Traffic Committee Meetings held on 2 May 2016 and 6 June 2016 and Bankstown Traffic Committee Meetings held on 10 May 2016 and 14 June 2016**

AUTHOR **Assets and Infrastructure (East and West)**

ISSUE

Recommendations of the Canterbury Traffic Committee and the Bankstown Traffic Committee.

RECOMMENDATION

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

BACKGROUND

Attached are the minutes of the Canterbury Traffic Committee meetings held on 2 May 2016 and 6 June 2016 and the Bankstown Traffic Committee meetings held on 10 May 2016 and 14 June 2016.

The two Committees have been constituted to advise and make recommendations in relation to traffic activities. They have, however, no delegated authority and cannot bind Council.

The recommendations of the Committees are in line with the objectives of the Committees and with established practices and procedures.

FINANCIAL IMPACT OF RECOMMENDATIONS

Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

RECOMMENDATION

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

ATTACHMENTS

[Click here for attachments](#)

- A. 2 May 2016 - Canterbury Traffic Committee Minutes
- B. 10 May 2016 - Bankstown Traffic Committee Minutes
- C. 6 June 2016 - Canterbury Traffic Committee Minutes
- D. 14 June 2016 - Bankstown Traffic Committee Minutes

Committee Reports - 28 June 2016

ITEM 7.2 **Minutes of the Canterbury City Council Arts and Library Advisory Committee held on 19th April 2016**

AUTHOR **Community Services**

ISSUE

Recommendations of the Arts and Library Advisory Committee held on 19th April, 2016.

RECOMMENDATION

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

REPORT

The minutes of the Arts and Library Advisory Committee meeting held on 19 April 2016 are provided in the Attachments.

POLICY IMPACT

There is no Policy impact

FINANCIAL IMPACT OF RECOMMENDATIONS

The activities of the Arts and Library Advisory Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Embracing Diversity.

RECOMMENDATION

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

ATTACHMENTS [Click here for attachments](#)

A. Minutes of Meeting on 19 April 2016

8 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

There were no items submitted for this section at the time the Agenda was compiled.

9 MATTERS FOR INFORMATION

There were no items submitted for this section at the time the Agenda was compiled.

10 QUESTIONS FOR NEXT MEETING

11 CONFIDENTIAL SESSION

- 11.1 T2016-03 SSROC Tender for The Provision of Tree Pruning Services
- 11.2 T2016-05 SSROC Tender for Supply and Delivery of Sodium Hypochlorite (Bulk Liquid Chlorine)
- 11.3 T2016-06 SSROC Tender for Supply and Delivery of Agricultural Products
- 11.4 WS01 - 15/16 WSROC Tender for the Provision of Mattress Collection and Processing Services
- 11.5 T37-16 Provision of Pound Services / Holding Facilities
- 11.6 T40-16 - Provision of Audit Services
- 11.7 Tender For Pedestrians/Cyclists Shared Path in Foord Avenue, Hurlstone Park
- 11.8 Tender For Traffic Calming and Car Parking Construction Work in Clio Street, Wiley Park
- 11.9 Waste Contracts
- 11.10 Property Matter - Morris Iemma Indoor Sports Centre

General Manager's Statement

Confidentiality

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the NSW Civil and Administrative Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.

CONFIDENTIAL SESSION

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10 in confidential session for the reasons indicated:

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

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

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

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

Item 11.3 T2016-06 SSROC Tender for Supply and Delivery of Agricultural Products

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

Item 11.4 WS01 - 15/16 WSROC Tender for the Provision of Mattress Collection and Processing Services

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

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

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

Item 11.6 T40-16 - Provision of Audit Services

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

Item 11.7 Tender For Pedestrians/Cyclists Shared Path in Foord Avenue, Hurlstone Park

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

Item 11.8 Tender For Traffic Calming and Car Parking Construction Work in Clio Street, Wiley Park

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

Item 11.9 Waste Contracts

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

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

Item 11.10 Property Matter - Morris lemma Indoor Sports Centre

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