

# *Burwood Council*

heritage ▪ progress ▪ pride

## ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 6 December 2016 at 6.00pm to consider the matters contained in the attached Agenda.

Michael McMahon  
**GENERAL MANAGER**

### Our Mission

**Burwood Council will create a quality lifestyle for its citizens  
by promoting harmony and excellence in the delivery of its services**

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests"** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Non-pecuniary** – are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Local Government Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

**Who has a Pecuniary Interest?** - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- The person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- A company or other body of which the person, or a nominee, partner or employer of the person, is a member.

**No Interest in the Matter** - However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter so long as the person has no beneficial interest in any shares of the company or body.

N.B. "Relative", in relation to a person means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - A person does not breach the Act if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

### What interests do not have to be disclosed (S 448 Act)?

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
  - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
  - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
  - (ii) security for damage to footpaths or roads,
  - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 448 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

If you are a Council official, other than a member of staff of Council and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) Remove the source of the conflict by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

**Disclosures to be Recorded** - A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee must be recorded in the minutes of the meeting.

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# AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL  
TO BE HELD ON TUESDAY 6 DECEMBER 2016 IN THE COUNCIL CHAMBERS, 1-17 ELSIE STREET,  
BURWOOD COMMENCING AT 6.00 PM.

**I DECLARE THE MEETING OPENED AT (READ BY MAYOR)**

**ACKNOWLEDGEMENT OF COUNTRY (READ BY MAYOR)**

*"I would like to acknowledge the Wangal people who are the Traditional Custodian of this Land. I would also like to pay respect to the Elders both past and present of the Wangal Nation and extend that respect to other Aboriginals present".*

**PRAYER (READ BY MAYOR)**

*"Lord, we humbly beseech thee to vouchsafe thy blessing on this Council, direct and prosper its deliberations for the advancement of this area and the true welfare of its people."*

**TAPE RECORDING OF MEETING (READ BY MAYOR)**

*"Members of the Public are advised that Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of Minutes.*

*The tape recordings will be subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA).*

*Tapes are destroyed two (2) months after the date of the recording"*

**APOLOGIES/LEAVE OF ABSENCES**

**DECLARATIONS OF INTERESTS BY COUNCILLORS**

**DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)**

*"Councillors & Members of the Gallery*

*As a result of recent changes to the Legislation that governs the legal process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must now disclose any reportable political donation or gift made to any local Councillor or employee of Council. Council will now require in its Development Application Forms this disclosure to be made.*

*Council is also required to publish on its website all reportable political donations or gifts. Should any person having business before Council this evening and being an applicant or party having a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to Law."*

**RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS**

*In accordance with Section 375A of the Local Government Act a division must be called for and taken on every Environmental Planning & Assessment decision. The names of those Councillors supporting and those opposed to the decision are to be recorded in the meeting minutes and the register retained by the General Manager.*

**OPEN FORUM ACKNOWLEDGMENT (READ BY MAYOR)**

*The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the*

*Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made. Speakers should refrain from providing personal information unless it is necessary to the subject being discussed, particularly where the personal information relates to persons not present at the meeting*

## **OPEN FORUM COMMENCES**

### **CONFIRMATION OF MINUTES**

#### ***Recommendation***

That the Minutes of the following Meeting of Burwood Council:

A. Council Meeting held on 22 November 2016

copies of which were previously circulated to all Councillors be and hereby confirmed as a true and correct record of the proceedings of that meeting.

### **ADDRESS BY THE PUBLIC ON AGENDA ITEMS ACKNOWLEDGMENT (READ BY MAYOR)**

*The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made.*

### **ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES**

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### **QUESTIONS WITHOUT NOTICE**

*Councillors are requested to submit any Questions Without Notice in writing.*

**NOTICE OF MOTION****(ITEM NM4/16) FUTURE DEVELOPMENT CONTROL PLAN REVIEW**

File No: 16/57183

**Councillor Tony Doueih to move that:**

In order to bring the Burwood Town Centre in line with other major centres I believe that the podium height of buildings along Burwood Road should be raised up to 20 metres. I also believe that the setback to building frontages should be increased to allow for further road and footpath widening to further facilitate pedestrian and vehicle access.

***Recommendation(s)***

That the General Manager investigate and report back to Council on the:

- a. increase podium height in the Burwood Town Centre up to 20 metres to be in line with other major cities.
- b. increase the building line setback for the ground floor to allow a widening of footpaths and walkways or areas for outdoor seating.

**Attachments**

There are no attachments for this report.

## **(ITEM 78/16) 16 WYATT AVENUE BURWOOD - RETENTION OF EXISTING DWELLING AND CONSTRUCTION OF 6 X 2 STOREY TOWNHOUSES - DEVELOPMENT APPLICATION NO. 134/2015**

File No: 16/54387

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

**Applicant:** J Gould  
**Location:** Southern side of Wyatt Avenue, between Burwood Road and Weldon Street  
**Zoning:** R3 Medium Density, Heritage Item – BLEP 2012

### **Proposal**

The proposal involves retention of the existing heritage listed single storey dwelling house, and construction of 6 x 2 storey townhouses over basement car parking. The townhouses are arranged in 3 pairs of attached dwellings and orientated in a north-south direction, at the rear of the existing dwelling. The existing dwelling has 3 bedrooms and the new townhouses consist of 1 x 2 bedrooms and 5 x 3 bedrooms.

Fifteen car spaces, a vehicle turning bay and bicycle storage are proposed within a basement.

### **Background**

- 21/9/2015 DA 134/2015 for retention of the existing dwelling and construction of 6 x 2 storey townhouses at the rear over basement car parking was lodged. The townhouses were arranged in a row behind, attached to the existing dwelling and designed with a flat roof. The proposal was notified from 28/9/2015 to 19/10/2015 and 29 objections were received.
- 19/2/2016 The applicant was advised of the following issues:
- The proposal was contrary to the heritage objective and provisions of BLEP 2012 and BDCP 2013 – the massing of the new townhouses, its bulk, scale, intrusive character, and the adverse impact on the heritage dwelling was unacceptable.
  - The landscape plan was inadequate and excluded information on the proposed replacement trees and planting.
- 1/4/2016 A meeting was held with the project manager to discuss the above issues.
- 18/4/2016 The applicant was advised of potential of No. 14 Wyatt Avenue being isolated, and that the issues need to be addressed in further plans and documentation to Council.
- 21/4/2016 The applicant advises that a redesign of the development would be considered.
- 28/4/2016 Preliminary discussion with new architects for the proposal was held.
- 11/5/2016 Architects informed of the need to reduce the driveway width, avoid a splay to the driveway entry, and investigation of the potential use of the driveway for access into No. 14 Wyatt Avenue as an option to overcoming “isolated site” issues.
- 29/7/2016 Meeting with the applicant and Architects on the new amended proposal to discuss issues and lodgement of the amended proposal.

- 11/8/2016 Amended plans and documentation submitted for the current proposal. The amended plans were re-notified to 21/9/2016 – 12 submissions were received – 9 from individual properties and 3 from the strata plan at No. 10-12 Wyatt Avenue.
- 31/10/2016 Applicant's architects advised of TMO's requirements of an amended Arboriculture Assessment, addressing all trees that are to be retained, including the adjoining trees that are close to the common boundaries.

## Statutory Requirements

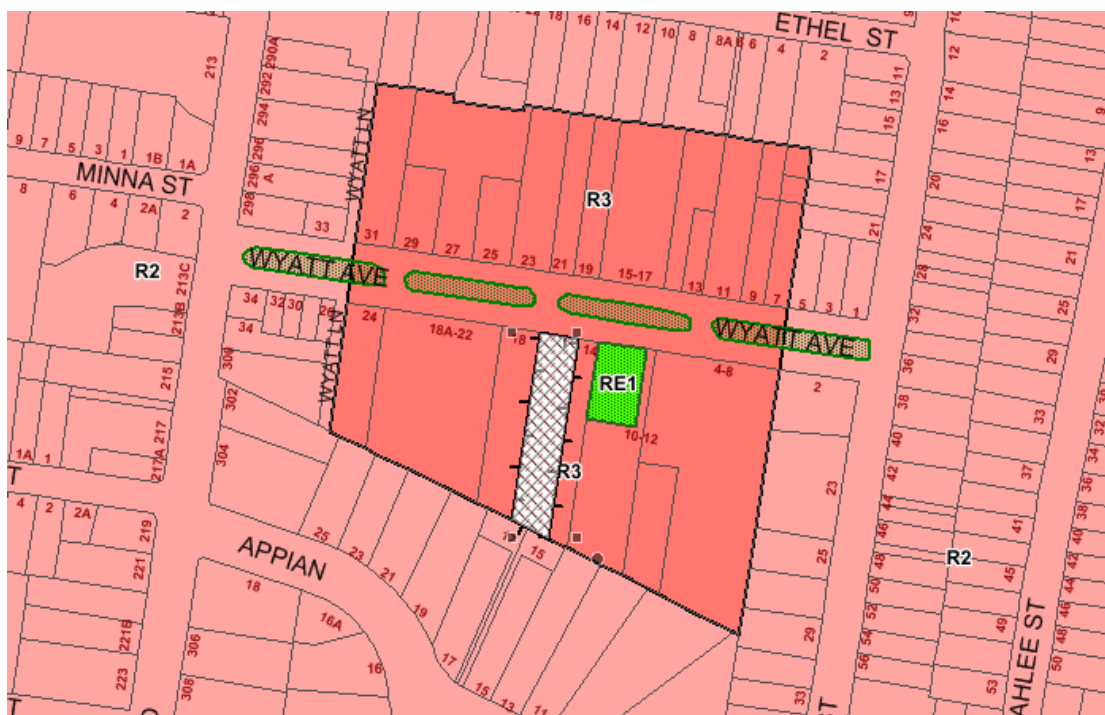
### Heads of Consideration

The application is assessed under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, as amended, which includes:

- The provisions of an Environmental Planning Instrument – BLEP 2012
- The provisions of the Development Control Plan – Burwood Development Control Plan (BDCP) 2013
- The impact of the development in relation to:
  - The context and setting of the development
  - Impact upon the Heritage Item
  - The impact on the natural and built environment
  - Shadowing of adjoining properties
  - Traffic and parking impacts
  - Streetscape and urban design issues
  - Crime prevention through environmental design
- The suitability of the site for the development
- The public interest
- Social and economic impacts
- Submissions made under the Act and the Regulations

These matters are considered in the report.

### Locality





## Planning Assessment

### Site and Surrounding Area

The subject site has an area of 1982m<sup>2</sup>, a Wyatt Avenue frontage of 20.115m, an average depth of 98.56m, a rear boundary of 21.14m, and a gentle slope of approximately 300-500mm from the rear to the street frontage. A single storey dwelling occupies the fore-portion of the site with landscaping and trees at the rear. Sewer and water supply mains transverse the site, at the rear of the existing dwelling.

Wyatt Avenue has a mix of single and two storey dwelling houses, villas and townhouse developments. Townhouse and villa development area located at Nos. 11, 15-17, 23, 27, 4-8, 10-12 and 18A-22 Wyatt Avenue. The tile pitched roof is the dominant form in the street, and building setbacks from the street frontages are varied. Heritage items listed in BLEP 2012 are located at Nos. 14 and 18 Wyatt Avenue, and to the west Nos. 24, 26-28 and 30-32 Wyatt Avenue. The Appian Way Heritage Conservation Area is located at the rear of the site. No. 18 Wyatt Avenue has an approval for 4 townhouses at the rear of the existing 2 storey dwelling house. No. 14 and 24 Wyatt Avenue are 2 storey dwelling houses, whilst Nos. 26-30 and 30-32 Wyatt Avenue, are pairs of single storey semi – detached dwellings that are built to the street frontage.

### Zoning

The site is zoned R3 Medium Density Residential under BLEP 2012. Both sides of Wyatt Avenue are also zoned R3. Heritage items are located immediately to the east and west of the site, and the Appian Way Heritage Conservation Area is located along the rear boundary of the site. The application is subject to the heritage controls under clause 5.10 of BLEP 2012 and clause 4.7 of BDCP 2013. The proposal is permissible with Council's consent.

<b>Development Control</b>	<b>Required/Permitted</b>	<b>Proposed</b>	<b>Compliance</b>
<b><u>BLEP 2012</u></b>			
Minimum Site Area	500m <sup>2</sup>	1,982m <sup>2</sup>	Yes
Maximum Floor Space Ratio	0.55:1	0.47:1	Yes
Maximum Height	8.5m	7.3m	Yes
Heritage Controls	Development on the land of a heritage item is designed and sited so that the significance of the heritage would not be affected.	The existing heritage item is retained, and new development would not affect it, and adjacent heritage items.	Yes
Acid Sulphate Soils	This land has a Class 5 category.	No action is required.	Yes
<b><u>BDCP 2013</u></b>			
Site Planning	Development responds to the scale and form of the existing streetscape and landscaping site	The proposed new two storey height, form of the townhouses and proposed landscaping	Yes

Development Control	Required/Permitted	Proposed	Compliance
	elements.	satisfy this requirements-existing setback retained.	
	The street setback enhances the settings of the development and maintains the amenity between neighbouring sites.	The proposal satisfies these requirements.	Yes
Building Setbacks			
Front	Min. 6m	10.5m-11.4m (existing)	Yes
Rear	3m	5.99-10.4m	Yes
Side	East – 3.5m	3.5-5.4m	Yes
	West – 3.5m	3.54-5.43m	Yes
Building Separation	3m – non-habitable areas (between new townhouses)	6.02m	Yes
	9m – habitable to habitable area.	Varies between 5.7m and 7m.	No (acceptable)
Building Width	20m max	Not applicable (existing dwelling retained)	Yes
Façade	Articulated every 14m	Satisfied	Yes
Frontage Width	17m min.– 2 storey development	20.115m	Yes
Site Isolation	Development should not create an isolated site	Demonstrated that No 14 is capable of being developed.	Yes
Building Design	Facades to be articulated and a mix of materials and finishes.	Satisfied	Yes
Roof Design	Roof form to be consistent with adjacent properties, reduction in bulk and scale and articulation and a maximum of 32° roof pitch.	The pitch tile roof is consistent with adjacent properties, and a reduction in height, scale, bulk is included. 22.5° roof pitch proposed.	Yes
Car Parking	10 residents + 1.5 visitor = 12 spaces	13 residents + 2 visitors = 15 spaces	Yes
Private Open Space	175m <sup>2</sup> (25 m <sup>2</sup> min.)	670m <sup>2</sup> (26.5 m <sup>2</sup> min.)	Yes
Communal	Not required to be provided as	—	

Development Control	Required/Permitted	Proposed	Compliance
Open Space	development does not exceed 8 dwellings.		N/A
Deep Soil Area	297.3m <sup>2</sup> (15% of site)	311.3m <sup>2</sup> (15.7%)	Yes
Landscaping	25% of site	36.2% of site	Yes
Solar Access Ventilation	Development to maximise on solar access and natural cross ventilation.	Satisfied	Yes
Visual Privacy	Provision of building setbacks and landscape screening to minimise overlooking and loss of privacy to adjoining properties.	Satisfied	Yes
Safety and Security	Each dwelling to have an entry and building designed with casual surveillance and appropriate lighting.	Separate entries provided and lighting of access to entries. Site lighting will be conditioned.	Yes
Fences	Front fence not to exceed 1m in height and be sympathetic to streetscape.	Existing front fence is to be retained.	Yes
Facilities and Amenities	Mail boxes be sited and designed for attractive visual appearance.	Proposed at right angles to street on side of main entry.	Yes
	Garbage bin facilities/storage area be designed like-wise.	Bins will be stored within each dwelling and brought out to the street.	Yes

The proposal satisfies the development standards of BLEP 2012 and the development controls of BDCP 2013, with exception to the required building separation between the townhouse blocks.

### **Building Separation**

The proposed separation on the ground level between the townhouse blocks is 5.7m for living areas, however, the ground level of the northern block consists of a solid wall, and there would not be any privacy loss due to the reduced separation. Further, landscaping and planting is also proposed for screening.

On the first floor, the separation varies between 6.02m and 7m, and 2 bedroom windows are orientated to the adjacent northern townhouse, which does not have any windows orientated on its south wall. This avoids any loss of privacy between the townhouses and to the open space landscaped area.

The separation between the existing dwelling and the rear townhouse is 6.07m, The existing dwelling has a family / sitting room, study and laundry window facing the townhouse. The proposed landscaping and dividing fence provides adequate privacy. The first floor of the townhouse has a small corner bedroom window facing the existing dwelling, however, the loss of privacy from the bedroom is not considered significant. The proposed building separation of the proposal is considered acceptable.

## **Site Isolation**

The applicant has addressed the issue in Section 5.2 of the Statement of Environmental Effects (SEE). The architects has provided an “Envelope Study” of the potential development of the rear of No. 14 Wyatt Avenue, which demonstrates that it can be developed with retention of the existing dwelling and two additional townhouses at the rear. A “Compliance Table” is also provided to show that the envelope study satisfies BLEP 2012 and BDCP 2013. The SEE also states that the applicant has discussed this matter with the owner of No. 14 Wyatt Avenue and whether he would be prepared to sell the property. The discussions, however, did not discuss a figure for the purchase. A Traffic Report has also being submitted for the schematic “proposal” of No. 14 Wyatt Avenue, demonstrating that the vehicle swept turning patterns and that vehicles can enter and exit in a forward direction, at all times.

The adjoining site No. 14 Wyatt Avenue, is capable of being developed as demonstrated by the applicant’s schematic proposal.

## **Referrals**

The Traffic and Transport Manager advises that the traffic generated by the development would not impact on the local roads, and the parking provision satisfies BDCP 2013.

Health Services has no objections to the proposal subject to standard conditions on waste management requirements.

The Assets and Design Team raises no objections to the proposal, subject to standard conditions. The Tree Management Officer has considered the amended Arboriculture Assessment Report and proposed landscaping plan, and does not object to the proposed tree removal. However, recommends a number of conditions to ensure that the trees that are to be retained on the site, and adjoining property trees be protected and an on-site arborist to oversee the recommendations of the report and conditions of consent. The conditions are included under “Tree Retention, Protection & Landscaping”.

The Heritage Advisor has no objections to the proposal subject to standard heritage conditions related to the maintenance of the existing building and its forecourt, external finishes – brickwork colours, a schedule of works to the existing building, structural stability of the heritage item and fences. The recommended conditions are included in the recommendations.

## **Community Consultation**

### **Submission Table**

<b>No. of Submissions</b>	<b>Within Notification Area</b>	<b>Outside Notification Area</b>
12 (9 individual and 3 from one strata property)	8	4

A summary of the objections is as follows;

1. Heritage streetscape concerns:
  - The proposal is out of character with the existing heritage item on the site and area, and unsympathetic to the locality.
  - The “boxy” design is not sympathetic to the area.
  - The materials and colors of finishes are not complimentary to the Heritage Items in the locality.
  - An underground ramp is inappropriate in a heritage area.
  - Unacceptable visual impact on the area.

*Comment*

The heritage advisor has no objections to the retention of the existing single storey dwelling the new development at the rear, which would not impact on the streetscape, as the townhouses would not be the dominant feature. The townhouses has adequate articulated facades, and are designed in pairs to reduce the bulk of new development. The heritage advisor does not object to the amended proposal, subject to conditions, as identified in the Referral comments in regard to external finishes, maintenance of the existing dwelling and ensuring that the dwelling is not damaged during the works.

2. The proposal has excessive bulk, height and is an overdevelopment of the site.

*Comment*

The two storey townhouses at the rear of the existing dwelling, are grouped in 3 pairs, have adequate wall articulation, roof form variations and are not considered bulky. The maximum height of the townhouses, measured to the roof ridge is 7.3 m, which is below the permissible 8.5 m and is not considered not excessive.

The proposed total floor space ratio (FSR) for the development is 0.47:1 which is below the maximum of 0.55 permissible. Given the proposed FSR, the building height and building form, the proposal is not considered an overdevelopment of the site.

3. The proposal results in loss of existing trees on the site, and an adverse impact of adjoining trees.

*Comment*

Council's Tree Management Officer has considered the landscape plan and the Arboriculture Assessment Report on the existing trees on the site and has no objections to the removal and replacement of the existing trees on the development site. The existing tree at the front yard along the eastern boundary, and trees along the rear boundary are proposed to be retained and protected. The applicant is to ensure that adjoining trees are protected. The trees which are to be removed would not have an adverse impact on adjoining properties.

The owner of No 14 Wyatt Avenue previously submitted a report on the potential impact on the existing jacaranda tree (T3) located at the rear and close to the common boundary. Council's TMO has perused the report, and has also requested an amended Arboricultural assessment report to include a tree protection plan on all trees on the adjoining properties, and any potential pruning that may be required. The report was received on 16/11/2016 and the TMO has advised that, subject to the recommended conditions under "Tree Retention, Protection & Landscaping", the conditions recommended in the amended report, and the use of an on-site arborist to oversee the works, the protection of the existing trees on adjoining properties would be satisfactory.

4. The development would result in loss of solar access, loss of views and privacy to adjoining properties.

*Comment*

The mid-winter shadow diagrams show that at 9 am the proposal would only marginally cast additional shadows over the development site at No. 18 Wyatt Avenue, however would not affect the proposed townhouses. The subject proposal would only cast a shadow over No. 14 Wyatt Avenue from mid - afternoon, however, the extent is not considered adverse, as the minimum recommended 3 hours of solar access in mid-winter is exceeded.

The townhouses are arranged in pairs with a separation of 6-7 m. In view of the building separation and the proposed 7.3 m maximum building height, any loss of views to adjoining properties is not considered significant.

The townhouses are orientated in a north – south direction i.e. to the street and rear, however, these are bedroom, bathroom and wardrobe windows on the upper floor level facing the side boundaries. The bathroom and wardrobe windows will be required to have obscured glazing. The bedroom windows are setback between 3.5 m and 5.4 m from the side boundaries. Landscaping is proposed along the side boundaries, which would act as a privacy screen. Townhouse 2 is located to the south west of the dwelling at No. 14 Wyatt Avenue and the first floor corner bedroom window will be conditioned to have privacy screens to ensure there is minimal loss of privacy to the dwelling at No. 14 Wyatt Avenue.

5. Inadequate open space and separation between buildings are provided.

*Comment*

The open space provided complies with BDCP 2013, and the issue of building separation is addressed under the heading “Building Separation”.

6. The proposal would isolate No. 14 Wyatt Avenue.

*Comment*

This matter is addressed under the heading “Site Isolation”

7. The proposal would impact on the drainage infrastructure of the street – flash flooding downstream from No. 16 Wyatt Avenue.

*Comment*

The Assets and Design Team has assessed the proposal and has no objections to the proposed stormwater disposal from the site.

## **Conclusion**

DA 134/2015 proposes to retain the existing single storey heritage listed dwelling house on the site and construction 6 x 2 storey townhouses at the rear, over basement car parking. The proposal complies with the development standards of BLEP 2012, and development controls of BDCP 2013, except for minor variations to the building separation between the town houses and the existing dwelling. The variations would not have any impact on future occupants and adjoining properties, and is considered acceptable. The proposal is supported and recommended for approval.

**That Council call for a Division in accordance with Section 375A of the *Local Government Act 1993* to record Councillor’s voting for and against on each planning decision.**

## ***Recommendation(s)***

- A. That DA 134/2015 for minor alterations to the existing single storey heritage listed dwelling, and to construct 6 x 2 storey townhouses at the rear of the dwelling house, at No. 16 Wyatt Avenue, Burwood be **approved**, subject to the following conditions:

## **Conditions of Approval**

1. The development being carried out in accordance with the plans and documentation submitted as follows, except where amended by the conditions of consent:
- Architectural plans prepared by Source Architects Pty Ltd:

Drawing No.	Plan	Issue/Revision	Dated
DA 00	Cover Page	8	22.07.16
DA 01	Site Plan	8	22.07.16
DA 02	Basement Floor Plan	8	22.07.16
DA 03	Ground FL. Plan – Part 1	9	22.07.16
DA 04	Ground FL. Plan – Part 2	8	22.07.16

DA 05	Upper FL. Plan	8	22.07.16
DA 07	Sections	5	22.07.16
DA 08	Compliance Areas	1	22.07.16
DA 09	Shadow Diagram – 9am	1	22.07.16
DA 10	Shadow Diagram - Noon	1	22.07.16
DA 11	Shadow Diagram – 3pm	1	22.07.16
DA 12	3D Perspectives	2	22.07.16

- Statement of Heritage Impact, prepared by HeriCon Consulting, dated July 2016.
- Landscape architects plans prepared by Matthew Higginson, Drawing Nos. LP01, LP02, LP03 & LP04, Issue D, dated 22/08/16.
- Stormwater drainage concept plans prepared by Sparks & Partners, Consulting Engineers, Drawing Nos DCC 01 to CC 08, Revision 3, dated 27 July 2016.
- Redgum Horticultural Impact Assessment , dated 14 April 2014 and Revised on 30 October 2014.
- Basix Certificate No. A228123-02, dated 8 August 2016.
- Waste Management Plan, prepared by Source Architects, Issue A, dated 19 July 2016.

## **FEES**

2. The fees and/or bonds shown in the Table of Fees, are to be paid to Council or another approved collection agency (the Long Service Levy Corporation and its agents and an approved insurer under the *Home Building Act 1989*) and suitable evidence of payment is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**.

## **TABLE OF FEES**

### **FEES/BONDS TO BE PAID TO COUNCIL OR TO THE NOMINATED BODY PRIOR TO ISSUING A CONSTRUCTION CERTIFICATE**

3. Building and Construction Industry Long Service Corporation Levy **\$12,757.00**  
(Payment to be made to Council, the Corporation or its Agent)
4. Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work  
**(Payment to be made to Council as a bond prior to issue of a Construction Certificate and/or commencement of demolition/bulk excavation) \$10,900.00**

NOTE: This deposit is refundable if no damage occurs.

5. Construction by the Applicant/Council the stormwater drainage works  
**(Payment to be made to Council as a bond) \$3,000.00**
6. Pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:

Contribution Element		Contribution	
A levy of 1% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$ 3,645,126.00		\$ 36,451.26	
Index Period	June 2016	CPI <sub>1</sub>	109.3

Office Use: T56

**The above contribution will be adjusted at the time of payment. Applicants are advised to contact Council for the adjusted amount immediately prior to arranging payment.**

The contribution will be adjusted in accordance with the following formula:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

Where:

- C: the original contributions amount as shown in the development consent;
- CPI<sub>2</sub> the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics at the time of payment)
- CPI<sub>1</sub> the Consumer Price Index: All Groups Index for Sydney, applied at the time of granting the development consent as shown on the development consent.

**Note:** The minimum payment will not be less than the contribution amount stated on the consent.

The contribution is to be paid to Council, or evidence that payment has been made is to be submitted to the Principal Certifying Authority, **prior to the issuing of a Construction Certificate.**

Council may accept works in kind or other material public benefits in lieu of the contribution required by this condition subject to and in accordance with the requirements specified in the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre).

**Note:** The payment of a Section 94A contribution over an amount of \$5,000 may only be paid by Bank Cheque (i.e. personal or company cheques will not be accepted). Contributions of \$5,000 or less may be paid by cash, EFTPOS, cheque or credit card. Payments by credit card may be subject to a surcharge.

## **PLANNING**

7. The development consist of minor alterations to and retention of the existing single storey heritage listed dwelling house, and construction of 6 x 2 storey townhouses arranged in 3 pairs, at the rear of the existing dwelling, and basement car parking.
8. All bathroom, wardrobe and laundry windows are to have obscured or translucent glazing.
9. The maximum roof ridge height of the new townhouses is not to exceed AHD (RL) 39.178.
10. Where side and rear common boundary fences are to be replaced, the fencing shall be the responsibility of the builder/developer, and must be of lapped and capped timber. The fence height shall be similar to the existing fences.
11. The applicant is to consult and obtain Sydney Water's approval, with regard to the sewer line



and water supply mains which traverse the site, as shown on the survey of the site prepared by Peter Bolan & Associates Pty Ltd Consulting Surveyors, Reference No 13-0040, dated 22 October 2013, **prior to the issue of a Construction Certificate**, and a copy submitted to Council. All requirements and regulations of Sydney Water are to be complied with.

12. The applicant consulting with Energy Australia to determine the need for an electrical isolation junction box within the front landscaped area and if such installation is required, it being set back at least one metre from the front or side boundary to enable adequate landscape planting to be provided to screen such installation. The location of such installation is to be shown on the landscaping plan for approval of this Council and Energy Australia, **prior to the issue of a Construction Certificate**.
13. All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.
14. Safety and security night lighting being provided for the development with such details being incorporated in the landscape plan to be submitted to Council for approval, **prior to the issue of a Construction Certificate**.
15. All external services including air conditioning units, electrical or gas water heaters, meters, equipment, conduits, drainage and water pipes, are to be located in recessed enclosures within the external walls and are not to be visible from the public domain area or road.
16. All windows and door openings to have a corbelled header and sill course or alternatively, have varying colour tone brick heads and sills. The brickwork colour tones are to be approved by Council.
17. All windows and sliding doors are to be provided with key operated locks as a crime prevention measure and for security of future residents.
18. All works are to be located within the site boundaries.
19. All excavated embankments are to be adequately retained and landscaped to avoid subsidence of adjoining properties.
20. The noise emitted by any air-conditioning equipment being inaudible in the neighbours' homes between 10.00pm and 7.00am weekdays and 10.00pm to 8.00am on weekends and public holidays.
21. Finished levels at the side and rear boundaries shall be at the existing natural ground levels.
22. The first floor bedroom window of Townhouse 2, located at the north eastern corner, shall have privacy screening installed to ensure the privacy of the dwelling at No 14 Wyatt Ave is maintained.

## **HERITAGE**

23. The maintenance of the external fabric of the existing heritage listed dwelling (Town House No 1) and the front garden of the property, shall be in accordance with the heritage provisions of BLEP 2012, BDCP 2013 and this development consent, and shall be the responsibility of the strata body corporate.
24. **Prior to issue of a Construction Certificate** provide Council with a Schedule of Works detailing all proposed works to the heritage building fabric, including the manner of change, materials, finish etc. The schedule must also identify any repair and/or maintenance required on the building, noting that any repair and/or replacement of external features upon the existing heritage house shall only be replaced by "like for like" elements, having the same

material, profile, colour and finish of the original.

25. An Occupation Certificate shall only be issued following the completion of all building, repairs and maintenance work pertaining to the heritage item as outlined in the Schedule of Works.
26. **Prior to the issue of a Construction Certificate** provide to Council a Geotechnical/ Structural Report prepared by a suitably qualified engineering professional which assesses the structural stability and long-term retention of the existing heritage house with reference to the works associated with the excavation and construction of the vehicle ramp and basement.
27. The report shall detail the manner of shoring, excavation and vibration monitoring to ensure the structural stability of the existing building. The engineering professional shall submit to Council, with regard to compliance with any recommended measures contained in the report, **prior to the issue of an Occupation Certificate**.
28. Any structural damage which occurs to the existing heritage building during the undertaking of site preparation and construction work, shall be repaired and restored to its original condition and to a standard which would enable the occupation of the premises as a dwelling.
29. The selected bricks, the "Schedule of Proposed Materials and Colours" contained in the Statement of Environmental Effects (SEE) Section 5.7 (page 52) is acceptable, and shall apply to new townhouses at the rear of the existing dwelling. A red-brown dry pressed brick with non-uniform colour shall be selected and a sample submitted to Council for approval, **prior to the issue of a Construction Certificate**.
30. The face brickwork of the existing heritage house shall not be rendered, bagged, painted or coated.
31. Security bars, shutters shall not be fitted to the windows on the building's North, East & West external façades. Should security upgrading be required, security locks/devices shall be fitted to the building's interior.
32. Television and satellite aerials and cables; hot water and air conditioning unit/s, solar panels and any other utilities shall not be affixed to the exterior of the existing dwelling - Town House 1. Where present, they shall be removed as unsympathetic elements obscuring the building's historically significant façades.
33. Any alterations to the front boundary fence would be subject to the separate application to Council, with the exception of repairs which do not alter the height, design, position, materials, finish or colour of the fence.
34. Unless notated on the approved plans, any alteration, repair and/or replacement of external features of the existing dwelling, and any alteration to the existing driveway shall be the subject of a separate application to Council.
35. The finish of the new portion of the ramped driveway shall be plain concrete, coloured concrete, pavers or stone, and shall not be of stenciled concrete.
36. The proposed OSD Tank shall be built/located below the existing front lawn levels and not be visible – the existing natural ground levels shall not be raised. A containment area shall not be provided on or above the existing natural ground levels.

#### **TREE RETENTION, PROTECTION & LANDSCAPING**

37. The amended Landscape Plans prepared by Matthew Higginson Drawing Nos LP01, LP02, LP03 & LP04, Issue D, dated 22/08/16 are supported.

38. The recommendations set out in the amended Arboricultural Impact Assessment report by Redgum Horticultural (prepared 14 April 2014, revised 14 November 2016) received by Council on 15 November 2016 are supported and shall be implemented prior to the issue of an OC. The applicant is required to nominate an AQF Level 5 project arborist to oversee activities itemised in the recommendations of the report.
39. Tree 3 (*Jacaranda mimosifolia*) located close to the western boundary of 14 Wyatt Avenue is required to be retained and protected in accordance with AS4970 (Protection of Trees on Development Sites, 2009). Specific conditions apply to the basement excavations within a 2.5m radius of this tree. On the perimeter of this zone, at a minimum offset of 2m from the boundary fence, an initial trench must be dug by hand to a depth of 600mm and any roots encountered must be cut cleanly with final cuts to undamaged woody tissue. This will prevent tearing damage to the roots from excavation machinery which can extend beyond the point of excavation back towards the tree. As a further precautionary measure, the excavation of the trench must be supervised by an AQF Level 5 project arborist. Minor pruning of 3rd order lateral branches has been identified in s5.7 of the Arboricultural Impact Assessment Report to facilitate construction of the townhouses. **This pruning work is to be carried out by an AQF Level 3 Arborist and supervised by the project arborist. The respective property owner/s consent to the pruning work must be submitted to Council, by the applicant, before approval can be granted.**
40. Tree 1 (*Phoenix canariensis*) located on the eastern side of the front yard, Tree 7 (*Phoenix canariensis*) and Tree 8 (*Quercus robur*) both located on the rear (southern) boundary of the site are required to be retained and protected in accordance with the Australian Standard AS4970 (Protection of Trees on Development Sites, 2009). This includes the erection of a 1.8m high chain link fence, held in place with concrete feet, around all four sides of each tree to the distances specified in Table 2 of the Arboricultural Impact Assessment report. Existing boundary fences may be used as a side of the tree protection fences.
41. Excavations, surface treatments and installation of hard surfaces within the tree protection zones of all trees being retained must be overseen by the project arborist.
42. All tree protection fences and ground protection measures must be implemented **prior to the issue of a Construction Certificate** for any works on site including demolition/bulk excavation and must remain in place and maintained until the issue of an Occupation Certificate.

## **BUILDING**

43. Where residential building work (within the meaning of the *Home Building Act 1989*) is proposed to be carried out, either of the following is to be provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate**:
  - a. Where work is carried out by a Principal Contractor:
    - i. written advice of the Principal Contractor's name and licence number, and
    - ii. a certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* to the effect that a person is the holder of an insurance contract issued for the purposes of that Part.

OR

- b. Where work is carried out by an owner-builder:
  - i. written advice of the person's name and Owner-Builder Permit number, or

- ii. a signed declaration from the owner of the land that states the reasonable market cost of the labour and materials involved in the work is not high enough for the owner to need an Owner-Builder's Permit to do the work.
44. Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:
- a. must be a standard flushing toilet, and
  - b. must be connected:
    - i. to a public sewer, or
    - ii. to an approved chemical closet facility.

The toilet facilities are to be completed before any other work is commenced.

45. All excavations and backfilling associated with the erection or demolition of a building shall be carried out in a safe and careful manner and in accordance with appropriate professional standards. All necessary planking and strutting shall be of sufficient strength to retain the sides of excavations. A Certificate verifying the suitability of structural details for any proposed shoring is to be submitted to the Principal Certifying Authority before excavating.
46. All excavations associated with the erection or demolition of the building are to be properly guarded and protected to prevent them from being dangerous to life or property.
47. Where soil conditions require it:
- a. retaining walls must be provided so as to prevent soil movement; and
  - b. adequate provision must be made for drainage.
48. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

Allotment of land includes a public road and any other public place.

49. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

50. Your attention is directed to the following:

### **WARNING**

The approved plans must be submitted to Sydney Water Tap in™ to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will then be approved, with suitable evidence being provided to the Principal Certifying Authority **prior to the issuing of a Construction Certificate.**

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Sydney Water Tap in™ details – see Plumbing, building and developing then Sydney Water Tap in™ and
- Technical guidelines - Building over and adjacent to pipe assets – see Plumbing, building and developing then Building plan approval, or telephone 13 20 92.

**Note:** The Principal Certifying Authority must ensure that they either:

- Receive the Sydney Water Tap in™ approval letter or
- Sight the Water Servicing Coordinator approval stamp **before the issue of any Construction Certificate.**

51. The builder is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property. Pedestrian access across the footpath must be maintained at all times. Any damage caused will be made good by Council at Council's restoration rates, at the builder's expense.
52. No materials are to be stored on Council's roads, footpaths or parks.
53. No opening is to be made in any road or footpath, nor is any hoarding to be erected without the prior consent of Council. The builder is to obtain the relevant permit for which fees will be charged in accordance with Council's current Schedule of Fees and Charges.
54. The builder shall erect and maintain in good order all necessary hoardings, barricades and warning signs required to provide adequate public safety. Night warning lamps are to be provided where necessary. A Principal Certifying Authority sign should also be displayed in a prominent position at the front of the development site.
55. Hours of work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
56. The approved structure shall not be used or occupied unless an Occupation Certificate (being a Final Certificate or an Interim Certificate) as referred to in Section 109C(1)(c) of the *Environmental Planning & Assessment Act 1979* has been issued.

(Vide Section 109M *Environmental Planning & Assessment Act 1979*)

57. The building works are to be inspected during construction by the Principal Certifying Authority or an appropriate Accredited Certifier authorised by the Principal Certifying Authority at the stages of construction listed in the following schedule. The Principal Certifying Authority must be satisfied that the construction satisfies the standards specified in the Building Code of Australia or in this approval before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- After the commencement of the excavation for, and before the placement of, the first footing
  - Prior to covering waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building
  - Prior to covering any stormwater drainage connections
  - After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
58. An application for a Construction Certificate is to be made to Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available upon request. A Construction Certificate must be obtained **prior to the commencement of any building work**.
59. Dial Before You Dig is a free national community service designed to prevent damage and disruption to the vast pipe and cable networks which provides Australia with the essential services we use everyday – electricity, gas, communications and water.

Before you dig call "Dial Before You Dig" on 1100 (listen to the prompts) or register on line at [www.1100.com.au](http://www.1100.com.au) for underground utility services information for any excavation areas.

The Dial Before You Dig service is also designed to protect Australia's excavators. Whether you are a backyard renovator, an individual tradesman or a professional excavator, the potential for injury, personal liability and even death exists everyday. Obtaining accurate information about your work site significantly minimises these risks.

Reason: To ensure that essential services such as electricity, gas, communications and water are not affected by excavation or construction works.

60. All building works being erected wholly within the boundaries of the property.
61. All sanitary plumbing being concealed in suitably enclosed ducts. Such ducts are to be constructed internally (i.e. not on the outside face of an external wall) and are to be adequately sound-proofed.
62. All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
63. The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
64. The noise emitted by any air-conditioning equipment being inaudible in your neighbours' homes between 10:00pm and 7:00am weekdays and 10:00pm and 8:00am on weekends and public holidays. Council is to be consulted prior to the installation of any air-conditioning equipment.

65. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
66. Safety glazing complying with B1.4 of the Building Code of Australia used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with Australian Standard AS 1288–2006: Glass in Buildings - Selection and Installation. Details of the method of complying with this requirement must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate
67. Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with Australian Standard AS 1288-2006, Table 4.5 SAA Glass Installation Code (Human Impact Considerations) and B1.4 of the Building Code of Australia. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
68. Treatment for the protection of the building from subterranean termites must be carried out in accordance with Australian Standard AS 3660.1-2014 "Termite management - New building Work."

If the method of protection is to be by way of a chemical barrier, it becomes the responsibility of the owner to maintain a suitable maintenance procedure in accordance with the manufacturer's requirements. Such responsibility is placed solely upon the owner.

Details showing compliance with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

After treatment the following is to be carried out:

- a. A durable notice must be permanently fixed to the building in a prominent location, such as the meter box, indicating:
    - i. The method of protection.
    - ii. The date of installation of the system.
    - iii. Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label.
    - iv. The installer's or manufacturer's recommendation for the scope and frequency of future inspection for termite activity.
  - b. Provide the Principal Certifying Authority with a Certificate which verifies that termite protection has been provided in accordance with Australian Standard AS 3660.1-2014. In the case of Reinforced Concrete Slab construction the Certificate is to verify that the protection incorporates both beneath slab (Part A) and slab penetrations (Part B) treatment.
69. *Dividing Fences Act 1991* - Your attention is directed to any obligations or responsibilities under the *Dividing Fences Act 1991* in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8836 5332.
  70. No part of the front fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.
  71. A registered surveyor's certificate being submitted to the Principal Certifying Authority, prior to the issue of an Occupation Certificate, as follows:
    - a. Before pouring of concrete slab on every level to indicate the height of the finished

floor level and to show boundary clearances; and

- b. On completion of the building to indicate the height of the finished floor levels, the height of the roof ridge/parapet and to show boundary clearances and areas of the site occupied by the building.

72. Prior to the commencement of building work, the following is to be carried out:

- a. Submit to Council a "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form. Council's "Notice of Intention to Commence Building Work and Appointment of a Principal Certifying Authority" form is to be used where application is made to Council.
- b. Ensure detailed plans and specifications of the building are endorsed with Construction Certificate by Council or an Accredited Certifier. Council's "Construction Certificate Application" form is to be used where application is made to Council. Copies are available on request.

(Vide Section 81A *Environmental Planning & Assessment Act 1979*)

73. The building being known as No. 16 Wyatt Avenue, Burwood and this number (at least 150mm in height) being clearly displayed on the site **prior to the issuing of an Occupation Certificate**.

74. 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 assistance either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to the issuing of an Occupation Certificate**.

75. Structural engineer's details prepared and certified by a practicing Structural Engineer for all reinforced concrete and structural members being submitted to the Principal Certifying Authority for approval **prior to the issuing of a Construction Certificate**.

76. The Principal Certifying Authority or Structural Engineer is to also supervise the construction. All Certificates from the supervising Structural Engineer are to be submitted to the Principal Certifying Authority before an Occupation Certificate is issued stating that all reinforced concrete and/or structural members have been erected in accordance with his/her requirements and the relevant SAA Codes.

77. Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."

78. Mechanical ventilation/air conditioning details are to be submitted to the Principal Certifying Authority for approval prior to the issuing of a Construction Certificate and must include the following:

- a. The location and size of proposed ductwork.
- b. The location of equipment.
- c. The performance characteristics of the proposed motor/s and fan/s.



- d. The air flow characteristics of the system.

At the completion of work a Certificate from an Accredited Certifier, Mechanical Engineer or other suitably qualified person, to the effect that the ventilation system has been installed and performs in accordance with the provisions of Part F4 of the Building Code of Australia, Australian Standard AS 1668 "SAA Mechanical Ventilation and Air Conditioning Code", Part 1 and Part 2, Australian Standard AS 3666-1989 and the *Noise Control Act 1975*, must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

79. Fire Resistance Levels of all structural members, including external and internal walls, spandrels, external and internal columns, lift shafts and stair shafts, ventilation, pipe and like shafts, floors and roofs shall comply with the requirements of Specification C1.1 of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
80. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
81. Means of access and egress complying with Section D of the Building Code of Australia. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
82. The building being provided with both access and sanitary facilities (where required) for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia and are to comply with the requirements of Clause 10 of AS 1428.1-2009. Access is to be provided to and within the building so as to comply with all the requirements of Part D3 of the BCA and the relevant provisions of AS 1428.1-2009. Details of the method of achieving this must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate**.
83. The *Commonwealth Disability Discrimination Act 1992* may apply to this particular proposal. Submissions and/or approval of the application does not imply or confer compliance with this Act. Applicants should satisfy themselves and make their inquiries to the Human Rights and Equal Opportunity Commission.
84. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:
- It is not bounded by a wall
  - The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath

except where specific exemptions are provided in the Building Code of Australia.

Balustrades shall prevent as far as practicable:

- Children climbing over or through it
- Persons accidentally falling from the floor
- Objects which might strike a person at a lower level falling from the floor surface

Balustrade heights and designs shall comply with Part D2.16 of the Building Code of Australia and Australian Standard AS/NZS 1170 Part 1 – Structural design actions. Height above nosings of stair treads, landing, corridors and the like shall generally be not less than

865mm.

Details of the method of satisfying these requirements must be noted on the plans or in the specifications prior to the issuing of a Construction Certificate.

85. The building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia. The system is to satisfy the requirements of Specification E2.2a of the Building Code of Australia and in particular is to comply with the relevant parts of AS 3786-2014 and AS 1670.1-2004. Details of the method of complying with this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
86. Protection of openable windows (where required) is to be in accordance with Part D2.24 of the Building Code of Australia. Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**
87. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate or Interim Occupation Certificate and thereafter once in every 12 month period an Annual Fire Safety Statement is to be given to Council. The certificate and statement attest to both the inspection of all essential fire safety measures by a properly qualified person and to the regular maintenance of the fire safety measures. A copy of the Fire Safety Certificate and the Fire Safety Schedule are to be given to the Commissioner of New South Wales Fire and Rescue by the building owner and copies of these documents are to be prominently displayed in the building. Similarly copies of Annual Fire Safety Statements are also to be given to the Commissioner and displayed in the building.

(Vide clause 153 & Division 3 of the *Environmental Planning & Assessment Regulation 2000*)

88. Noise transmission and insulation ratings for building elements being in accordance with Specification Part F5 of the Building Code of Australia.

Details of the method of satisfying this requirement must be noted on the plans or in the specifications **prior to the issuing of a Construction Certificate.**

89. Engineering Design – Basement Excavation

The following engineering details or design documentation shall be submitted to the Principal Certifying Authority (Council or Accredited Certifier) **prior to the issuing of a Construction Certificate:**

- a. Documentary evidence prepared by a suitably qualified professional Geotechnical Engineer that confirms the suitability of the site for the proposed excavation and building, as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b. A report shall be prepared by a professional engineer **prior to the issuing of a Construction Certificate**, detailing the proposed methods of excavation, shoring or pile construction including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises due to building and excavation works. Any practices or procedures specified in the Engineer's Report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate.

**A copy of the Engineer's Report is to be submitted to Council, even if the**

**Council is not the Principal Certifying Authority.****DEMOLITION**

90. Removal of any asbestos must be undertaken in compliance with the requirements of SafeWork NSW. Refer to their Code of Practice "How to Safely Remove Asbestos" dated September 2016.
91. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
92. Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 1:00pm Saturdays. No demolition work shall be carried out on Sundays or Public Holidays. The owner/builder shall be responsible for the compliance of this condition by all sub-contractors, including demolishers.
93. Access to the site is to be restricted and the site is to be secured when demolition work is not in progress or the site is otherwise occupied.
94. The demolition site is to be provided with measures to mitigate against dust nuisances arising on adjoining sites and roadways. To achieve this, a fence or barrier is to be erected around the site. The construction may be steel mesh which is covered with a suitable filtering medium or such other construction acceptable to Council. An effective program of watering the site is also required to be maintained.
95. All demolition and excavation materials are to be removed from the site or disposed of onsite using methods that comply with relevant environmental protection legislation.
96. When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.
97. Dilapidation surveys are to be carried out by a Practising Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicants/owners expense on all premises adjoining the site and the survey is to be submitted to Council and the adjoining land owners prior to the commencement of any works. A further dilapidation survey is also to be carried out and submitted to Council and the adjoining owners **prior to the issuing of an Occupation Certificate**. The dilapidation surveys shall be dated accordingly.

**SUBDIVISION**

98. Submission of a separate application for strata subdivision of the development.
99. All car spaces (with exception to the visitor space) shall be designated to a lot in any strata plan. Car spaces shall not be designated as separate lots.
100. The visitor car spaces shall be designated as common property, line marked and identified accordingly.
101. The On-site Drainage (OSD) system, including the OSD tank shall be designated on any future strata plan as common property.

**HEALTH*****Environmental Management:***

102. An Environmental Management Plan is to be submitted to Council for approval, prior to the commencement of any works, detailing the control and management methods to be

implemented in addressing the following issues during the demolition, excavation and construction phases of the project:

- Noise and vibration control
- Dust and odour suppression and control
- Storm water control and discharge
- Erosion control
- Waste storage and recycling control
- Litter control
- Construction material storage
- Truck cleaning methods on site so as to prevent spread of soil and like materials onto Council's roadways

103. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near-by residential or premises.

104. A car wash area/bay is to be provided at the basement car park level and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

#### ***Waste Management:***

105. A waste cupboard or other storage area is to be provided within each dwelling which is of sufficient size to hold a single day's waste and to enable source separation of general waste, recyclables and compostable materials.

106. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water being discharged to the sewer by way of the grated drain.

107. **Prior to the issue of the Occupation Certificate**, the applicant is to arrange with Council's Environment and Health Section the issue of the appropriate number of garbage and recycling bins and payment of the necessary fees to enable commencement of the waste and recycling service.

#### **ENGINEERING**

108. The storm water drainage plan no. 14193-D01 to D08, prepared by Sparks & Partners Consulting Engineers, shall be amended to address to following matters:

- The current OSD design shall be revised in accordance with Burwood Council's Code of Practice, (not Strathfield Council's Guidelines) to meet the pre-development property discharge.
- The discharge control pit of the OSD system shall be designed to control outflow for all storm events from 2, to 100 years ARI. Detailed calculations shall be provided for orifices (at different levels) diameter.
- Design calculations for basement pump pit shall be provided.
- The applicant shall pay Council a stormwater works bond as listed in the Table of Fees for construction of a new Council standard pit and lintel. The bond shall be refunded after completion of the stormwater works as per Council's satisfaction.
- The amended plans shall be submitted to Council for approval, **prior to the issue of a Construction Certificate.**

109. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to Council's drainage system located in Wyatt Avenue.
110. A detailed drainage design shall be submitted to the Principal Certifying Authority.
- a. The design and calculations shall indicate the details of the proposed method of stormwater disposal and shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Council's Stormwater Management Code.
  - b. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.
  - c. Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site, as well as from any on-site stormwater detention storage.
  - d. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
111. Details and calculations shall be prepared by a competent practicing Hydraulic/Civil Engineer. They shall include:
- a. a catchment plan
  - b. plans showing proposed and existing floor, ground and pavement levels to Australian Height Datum (AHD)
  - c. details of pipelines/channels showing calculated flows, velocity, size, materials, grade, invert and surface levels.
  - d. details and dimensions of pits and drainage structures
  - e. hydrologic and hydraulic calculations
  - f. details of any services near to or affected by any proposed drainage line
  - g. any calculations necessary to demonstrate the functioning of any proposed drainage facility is in accordance with Council's requirements
  - h. the depth and location of any existing stormwater pipeline and/or channel being connected to shall be confirmed by the applicant on site. Certification of such is to be provided to Council prior to the release of the construction certificate

The details and calculations are to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

112. On-site stormwater detention storage shall be provided in conjunction with the stormwater disposal system.
- a. This storage shall be designed by a competent practicing Hydraulic/Civil Engineer in accordance with Council's Stormwater Management Code and submitted to the Principal Certifying Authority.
  - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**
113. The stormwater works on the development property and connection to Council's stormwater

system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
- b. Following joining of pipes and connection to Council's stormwater system.
- c. For on-site detention systems:
  - i. Following set out of detention tank/area to confirm area and volume of storage.
  - ii. Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
- d. Following backfilling. Confirm adequacy of backfilling material and compaction.

#### 114. Following completion of all drainage works:

- a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
- b. The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, **prior to the issuing of an Occupation Certificate.**

#### 115. A Positive Covenant under Section 88E of the *Conveyancing Act* shall be created on the title of the property(s) detailing the:

- i. Overland surface flow path*
- ii. On-site Stormwater Detention system*
- iii. Pump and rising main system*

incorporated in the development. The wording of the Instrument shall include but not be limited to the following:

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
  - i. The overland surface flow path*
  - ii. On-site Stormwater Detention system*
  - iii. Pump and rising main system*
- b. The proprietor agrees to have the facilities inspected annually by a competent practicing Hydraulic/Civil Engineer.
- c. The Council shall have the right to enter upon the land referred to above, at all

reasonable times to inspect, construct, install, clean repair and maintain in good working order the facilities in or upon the said land; and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from failure of any component of the facilities.

The applicant shall bear all costs associated with the preparation of the 88E Instrument. The wording of the Instrument shall be submitted to, and approved by Council prior to lodgement at the Land and Property Information office. Evidence that the Instrument has been registered at the Land and Property Information office shall be submitted to Council, **prior to issuing of an Occupation Certificate.**

116. The west boundary fence shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**

117. The pump system is only permitted for the drainage of the basement areas where the finished slab is below the ground level. The following conditions are to be satisfied:

- a. A pump and rising main design shall be submitted to the Principal Certifying Authority and shall satisfy the following conditions:
  - i. The holding tank for the pump shall be capable of storing runoff from a one hour, 1 in 100 year ARI storm event.
  - ii. The pump system shall consist of two (2) pumps, connected in parallel, with each pump being capable of emptying the holding tank at a rate equal to the lower of the allowable on site detention discharge rate, or the rate of inflow for the one hour duration storm.
  - iii. An overflow, flashing light and audible alarm are to be provided, to warn of pump failure.
  - iv. Full details of the holding tank, pump type, discharge rate and the delivery line size are to be documented.
  - v. Any drainage disposal to the street gutter, from a pump system must have a stilling sump provided at the property line, and connected to the street gutter by a suitable gravity line.
  - vi. The capacity of the stilling sump and outlet pump shall be determined and verified by calculations which are to be documented.
- b. Pumping system details shall be submitted to Council or an Accredited Certifier - Civil Engineering, **prior to the issuing of a Construction Certificate.**
- c. The applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let for the regular maintenance of the pumping system for a minimum period of 12 months. Information to be submitted to the Principal Certifying Authority **prior to issuing of an Occupation Certificate.**

118. All activities and works external to the site, or that affect public roads, are to be carried out in accordance with Council's Policies including but not limited to the Works on Council's Road Reserve Assets Policy, Rubbish Skips Policy, Work Zone Policy and Temporary Road Closure (Including Standing Plant) Policy.

119. A road-opening permit shall be obtained for all works carried out on public or Council

controlled lands. Restoration of landscaping, roads and paths shall be carried out by Council at the applicant's expense in accordance with Council's Schedule of Fees and Charges. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$20 million, and shall provide proof of such cover to the Principal Certifying Authority prior to carrying out the works. Please see Burwood Council's web site [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au) - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).

120. Spoil and building materials shall not be placed, stored, thrown or caused to fall on any public roadway or footpath. Waste containers shall be placed in accordance with Council's Rubbish Skips Policy. Contact Council for a list of approved skip bin suppliers.
121. The builder is to ensure footpaths and roads affected by construction works are kept safe and prevent any damage to Council property. The builder shall erect and maintain where necessary approved hoardings, barricades, warning signs and night warning lamps to ensure public safety. Pedestrian access across the footpath must be maintained at all times.
122. The following matters shall apply to the damage deposit listed in the Table of Fees:
  - a. This deposit is refundable if no damage occurs. Any damage caused will be repaired at Council's restoration rates, at the applicant's expense. All or part of the deposit will be forfeited to cover damage to Council's property during the course of demolition and/or construction.
  - b. Council will carry out two inspections of the Council's footpath, kerb and gutter, stormwater drainage system and roadway, prior to works commencing and at the completion of all work covered by this consent. Council is aware that damage may be caused by individual contractors that culminate in the damage inspected at Council's final inspection. The applicant is responsible for attributing any part of the damage to their individual contractors. Council will not refund any part of a damage deposit until the completion of the work covered by this consent.
123. Internal driveway levels shall be designed and constructed to conform with existing footpath and road profiles such that vehicles are not damaged while accessing the property. Council footpath and road profiles will not be altered for this purpose.
124. The applicant is to have prepared a longitudinal section of the proposed vehicular ramp access, drawn at 1:25 natural scale.
  - a. The longitudinal section shall be prepared by a competent practicing civil engineer in accordance with AS 2890.1.
  - b. The design is to be reviewed by Council or an Accredited Certifier - Civil Engineering **prior to the issuing of a Construction Certificate.**
125.
  - a. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
  - b. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
126. All demolition and excavation materials are to be removed from the site or disposed off site using methods that comply with relevant environmental protection legislation.
127. Vehicles removing demolished materials from the site shall access and depart from the site through Wyatt Ave., Burwood Rd., and Liverpool Rd. Vehicles involved in removing materials



from the site shall be limited to an 8 tonne gross weight per axle.

## **TRAFFIC**

128. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
129. Signs reading 'all owners, tenants and occupiers of this building are advised that they are not eligible to obtain an on-street resident parking permit from Council' must be permanently displayed and located in prominent places such as at display apartments and on all directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected **prior to an Occupation Certificate** being issued and must be maintained in good order at all times by the Owners Corporation.
130. A minimum of 15 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.
131. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is to be strata subdivided, the car park layout must respect the required allocation:
  - a. 13 residential parking spaces.
  - b. 2 visitor parking spaces.
132. No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, is to be used for the parking or storage of vehicles or trailers.
133. Visitor parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors.
134. All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All spaces must be clearly marked 'visitor' **prior to the issue of an Occupation Certificate**. All signs must be maintained in good order at all times.
135. Where a boomgate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom (or card controller system) at the car park entry and at least 6m clear of the property boundary, wired to all units. The intercom must comply with 'Australian Standard AS 1428.2-1992: *Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23*'.
136. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 *Parking Facilities Part 3: Bicycle Parking Facilities*.
137. The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
138. The following signs must be provided and maintained within the site at the point(s) of vehicle egress:
  - a. Compelling drivers to stop before proceeding onto the public way
  - b. Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

139. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Traffic Committee prior to any work commencing on site.
140. All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with any relevant Australian Standards, Austroads Guides and RMS Technical Directions.
141. All costs associated with signposting for any kerbside parking restrictions and traffic management measures, including any relocation of parking meters, associated with the development shall be borne by the developer.
142. A Construction Traffic Management Plan must be submitted and approved by Council prior to the commencement of demolition and excavation or issuing of the Construction Certificate (whichever occurs first). The following matters should be addressed in the plan (where applicable):
- a. A plan view of the entire site and frontage roadways indicating:
    - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
    - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
    - iii. The proposed locations of work zones where it is not possible for loading/unloading to occur on the site in the frontage roadways (which will require separate approval by Council).
    - iv. Location of any proposed crane and concrete pump and truck standing areas on and off the site (which will require separate approval by Council).
    - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
    - vi. Details of vertical and horizontal material handling and deliveries.
    - vii. Any on-site parking area for employees, tradespersons and construction vehicles where possible.
    - viii. Traffic routes to and from the site from the closest arterial road in all directions.
  - b. Traffic control plan(s) for the site must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.
143. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- i. Work zone
  - ii. Temporary closure of roadway/footpath
  - iii. Mobile crane or any standing plant
  - iv. Scaffolding/Hoardings (fencing on public land)

- v. Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc
- vi. Installation or replacement of private stormwater drain, utility service or water supply

B. That the public who made a submission be advised of Council's determination.

**Attachments**

1 [↓](#) Submissions 24 Pages

## ATTACHMENT 1

### ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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Drs K & K.A. Kanesalingam  
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Burwood NSW 2134  
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21<sup>st</sup> September 2016

Burwood Council,  
Building and Development  
P) Box 240  
Burwood NSW 1805  
Dear Sir/Madam,

16 Wyatt Avenue, Burwood

Development Application No. 2015.134

Thank you, for all the hard work of both the council staff and the applicant in putting forward this amended DA and making some of the changes that the neighbours and local community had requested. We recognise that the applicant has changed the style of the townhouses to make them more sympathetic to the historic area and has retained the Date palm in the front yard on the eastern border with 14 Wyatt Avenue, recognising its heritage significance. We also appreciate that the excavation has been moved South and West away from the 110-year-old building at 14 Wyatt Avenue.

We still have some concerns regarding the current proposal which are outlined below.

#### 1) PRIVACY AND WINDOW LOCATION

"Townhouse 2", the first of the new structures is located just 5.074 metres from the existing heritage building at the front of the site and is also in close proximity to the Heritage listed residence at 14 Wyatt Avenue.

Its Easterly and Northern windows on the second floor DIRECTLY overlook the living room, bedroom and private open space, including the pool area of 14 Wyatt Ave. The owners and residents at 14 Wyatt avenue that include a 10-month old boy and a 3-year-old girl, strongly object to this invasion of their visual privacy. **The presence of this second storey Northern Window on the north east corner of townhouse 2, when combined with the 2 east facing windows on the same corner, result in a huge loss of privacy for the occupants of 14 Wyatt Avenue and is one of the MAJOR concerns for the owners of 14 Wyatt Avenue with respect to the current proposal.**

The presence of second storey northern windows, that look down the length of the site rather than across the site is unique to this development, when compared to similar townhouse developments elsewhere on Wyatt Avenue. We object to these northern second

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storey windows as they facilitate overlooking down the entire length of the property and towards the Heritage item at 14 Wyatt Avenue

We also request that all eastern windows from bathrooms be frosted/opaque. They lead to significant overlooking of the private open space at 14 Wyatt avenue.

We request that the section of all second storey windows that extend lower than 1.5meter above the second storey finished floor level be frosted, below that level. The lower section of these windows is what contributes significantly to overlooking the neighbouring properties. We understand that it is desirable for the windows to have a vertical orientation, to better conform with the Heritage character of the neighbourhood, we just ask that the lower section of these windows be opaque.

#### 2) THE SIZE AND HEIGHT OF THE BUILDINGS AND THE DISTANCE BETWEEN BUILDINGS

The new application has increased the bulk and height compared with the previous application, previously the height of the first building was 6.8 metres, it is now 7.4m and so is more imposing from the street.

When one views the North elevation diagrams it is obvious that the new townhouses will be clearly visible from Wyatt Avenue and the public domain, as will the ramp access to the basement level. The size and bulk of the buildings also results in significant shadowing to neighbouring properties. The entire property at 14 Wyatt Avenue is in full shade at 3pm as depicted in the June shadow diagram.

The size and bulk of the buildings is exacerbated by the fact that they are inadequately separated and DO NOT comply with

**Burwood DCP 2014 4.3.2.1 states that:**

*Building Separation*

P5

***“A minimum of 12 meters between buildings within the development site where habitable rooms face other habitable rooms”***

AND

***“A minimum of 9m between buildings within the development site where habitable rooms face non-habitable rooms or blank walls”***

In fact, this issue was recognised in the communication between The applicant’s architects and Council.

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Burwood DCP states that the separation required is **12 metres between habitable rooms**. The current DA proposes a building separation between the existing Heritage listed building ("Townhouse1") and the first new structure "townhouse2" of only 5m (5.074m) and the distance between the buildings labelled townhouse 3 and townhouse 4 is only 5.7 metres.

These are ALL habitable rooms and not only fail to comply with the DCP but are **less than HALF the required distance between buildings**. While window placing goes some way towards addressing privacy issues, it in NO WAY addresses the issue of size and bulk and is indicative of an overdevelopment of the site. It is noted that a similar sized parcel of land at 18 Wyatt avenue has an approved DA for only 4 townhouses. We ask that the council and the applicant investigate options to increase the separation between the building, **but especially the separation of townhouse 2 from the original Heritage listed building at the front of the block**. This will give the heritage building more curtilage as well as moving the new development away from the street front and reducing its visual impact, while also make it less imposing when viewed from the Heritage properties at 14, 16 and 18 Wyatt avenue, as well as the street front.

We note that council has previously asked the applicant to investigate the possibility of making the rear building, adjacent to the Appian way properties, single storey, so as to limit its visual impact. If this was done it would also serve to reduce the size and bulk of the development, and the extent of overshadowing as a result of the development. We support this suggestion by council.

#### 3) TREE REMOVAL AND TREE PRESERVATION and the ARBORAL REPORT

The amended application relies on the same Arboricultural Assessment prepared in October 2014, by Redgum Horticultural. There were a number of shortcomings of the original assessment. We have commissioned an Arboricultural Report from Catriona Mackenzie (URBAN FORESTRY AUSTRALIA), who is the President of the Institute of Australian Consulting Arboriculturists (IACA). We have previously supplied a copy of this assessment to Council. It is attached as part of this objection. We ask that Council review the report prepared by Catriona Mackenzie and please consider its recommendations. It details a number of shortcomings of the original report including with respect to "tree 3", the Jacaranda located in the rear yard of 14 Wyatt Avenue.

- The original report incorrectly calculated the TPZ and SRZ. The SRZ is 2.5m radius and the TPZ is 5.8m radius. The overall TPZ is 104m<sup>2</sup>. The original assessment underestimated the TPZ and therefore also the likely effects of the development.
- The original report makes no pruning assessment of Tree 3, despite the fact that its crown overhangs the site by 6-7m and is within the footprint of the proposed development. This is a species that responds very poorly to pruning, but there is no consideration of design changes to avoid pruning and adverse impacts on the tree's form and growth habit.

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- The original report makes no assessment of paved/surface treatments and built elements within the SRZ and TPZ of tree 3.

We are grateful that the applicant has decided to retain the large Date Palm in the front landscape. We are also grateful that they will “retain and protect” the large ornamental Murraya hedge located on 14 Wyatt Avenue, along the boundary with 16 Wyatt Avenue. The amended application, by relying on the original 2014 Arborist report, has in NO WAY provided any detail on exactly **how** it would “retain and protect” the palm as well as the ornamental hedge on the neighbouring property at 14 Wyatt Avenue. There are **no calculations of tree roots zones and no discussion on how surface treatments may affect those items**. We ask that Council review the report provided by us and consider its recommendations, **including that the applicant provides an updated arboricultural report** that addresses the shortcomings of the initial report and includes calculations on the root zones of the items that will now be retained, that were not initially going to be retained in the initial plans.

We also note that the development requires the removal of a large number of trees. The Evergreen Ash (labelled “tree 2” in the original 2014 Arboricultural Assessment) located in the front yard, on the eastern border with 14 Wyatt Avenue, is to be removed. This tree provides privacy to the children’s bedroom located at 14 Wyatt Avenue and contributes to the front landscape of the heritage items of both 14 and 16 Wyatt Avenue.

**Importantly the canopy** of this tree, if retained would also significantly soften the appearance of the new development at the rear, by partially obstructing the development when viewed from vantage points on Wyatt Avenue.

**Could the applicant and Council please investigate the possibility of retaining the Evergreen Ash (Tree 2)**. On the current plans only a small footpath is proposed on the site where the tree stands. Could this tree be retained with some modifications to the plans.

The proposed removal of this tree is inconsistent with the **Burwood DCP section 4.7.2**

*Heritage Controls:*

P31 states that “The landscaped front setting is an important component of a heritage property, ***especially where it retains existing contributory trees, plants, garden layouts*** and garden features such as tessellated tiled entrance paths. ***THESE FEATURES MUST BE MAINTAINED***”

We also note that the row of mature Grevilleas along the eastern boundary with 14 Wyatt Avenue, adjacent to the pool, will be removed according to the plans proposed. These mature natives, not only provide valuable visual privacy between the 2 properties, especially over the private open space at 14 Wyatt Avenue that contains the pool, but attracts stunning native birdlife including Rainbow Lorikeets and Rozellas. **We request that, if possible, these boundary plantings be retained as part of the current DA, instead of being replaced by new landscape elements.**

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### ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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#### 4) ISOLATED SITE

We have previously made a submission to council regarding the issue that this development may lead to The site at 14 Wyatt avenue, which is Zoned R3 residential ( i.e. for multi-dwelling houses) to become an "isolated site" as defined by both the Burwood DCP( i.e. where a site has inadequate site frontage, as dictated by the DCP, to facilitate the type of development described by its Zoning) and as outlined by the guiding principles of The Land and Environment Court as well as the Case Law in NSW. The principle as defined by the land and Environment Court, is that, a site which is zoned for townhouses, but has inadequate SITE FRONTAGE to accommodate a multi-dwelling development should be consolidated into adjoining developments.

We thank the applicant for providing sketches to Council on how a hypothetical townhouse development at 14 Wyatt avenue could comply with the Council DCP with respect to front, rear and side setbacks as well as vehicular access via an easement side driveway. The Burwood DCP also stipulates that for a 2 storey multidwelling development, as designed in the hypothetical drawings by Source Architects, that a minimum site frontage of 17meters is required. The site at 14 Wyatt avenue, although more than 100metres in depth, is only approximately 10-11m wide.

We seek to clarify with Council that they indeed accept that 14 Wyatt avenue could accommodate a multidwelling development, similar to the hypothetical proposed by Source Architects, despite the fact that such a development would not satisfy the minimum site frontage requirement for a 2 storey development. If Council makes such an undertaking, we seek to clarify that it takes this view due to unusually large parcel size of 14 Wyatt Avenue DESPITE its narrow site frontage.

If Council cannot give this undertaking, then 14 Wyatt avenue is an 'isolated site' as defined by both the Burwood DCP and also the NSW Land and Environment Court Case Law.

If that is the case then the current DA should be rejected in accordance with the precedent established in the case of **Melissa Grech v Auburn Council [2004] NSWLEC 40** and also as per the regulations set out in the DCP (which are based on the same precedent), **as no offer has been made to the owners of 14 Wyatt Avenue by the applicant to consolidate the sites.**

Both the DCP and the NSW Land and Environment Court clearly state that this is a requirement, when a development will result in an adjoining site being unable to be developed to its potential as outlined by its zoning description. (In the case of 14 Wyatt Avenue, that Zoning is R3 for multi--dwelling developments, i.e. townhouses. **The legal obligation is for a reasonable offer to be made "to the owner" of the isolated site by the applicant based on at least one recent valuation, and all of which should have occurred BEFORE the DA was submitted. None of this has occurred.**

The current Case law as determined by the NSW Land and Environment Court in the case of **Melissa Grech v Auburn Council [2004] NSWLEC 40** clearly states that



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### ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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“three main principles apply to any assessment:

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the *Environmental Planning and Assessment Act 1979*.

#### BURWOOD DCP 4.2.1.2

##### *Site Isolation*

**P11** The creation of isolated sites (i.e. with less than 20m frontage) is discouraged. Where an isolated site may result, the applicant for a development must demonstrate that negotiations between the owners of the property(s) commenced at an early stage that was prior to the lodgement of the Development Application. **Where no satisfactory result is achieved, the Development Application must indicate that negotiations included genuine offers based on at least one recent independent valuation and included reasonable expenses likely to be incurred by the owners in the sale of the property(s).**

We note that Council has asked the applicant to outline the **discussions and offers** that took place regarding the consolidation of 14 Wyatt Avenue into the current DA. WE submit that NO negotiations took place, and we have not received any offer, either written or verbal that has been MADE TO US, the owners of 14 Wyatt Avenue, by the applicant to consolidate the sites. The “informal discussions” that the applicant refers to in his application consist of a discussion, initiated by the owners of 14 Wyatt Avenue, informing the applicant that they had been made aware of the legal requirements to prevent site isolation.

## ATTACHMENT 1

### ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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On these grounds alone, if Council cannot give an undertaking that 14 Wyatt Avenue could accommodate a multi-dwelling development on its own, without being consolidated into another site, due to its limited site frontage, and is therefore an "isolated site", then as per the current NSW Land and Environment Law and Precedent established in **Melissa Grech v Auburn Council [2004] NSWLEC 40** as well as the General Planning Principles set out by the Land and Environment Court, **the current application should be delayed, until such negotiations take place.**

#### 5) DILAPIDATION REPORT

We request, given the extent of the proposed building and excavation works in close proximity the buildings, pool and arboreal elements located at 14 Wyatt Avenue as well as the timber paling boundary fence between the properties, that the applicant be necessitated to undertake a complete dilapidation report on those elements at 14 Wyatt Avenue prior to the commencement of any approved works and that they be liable for any subsequent damage.

#### Summary of Objections

Our main concerns are

- 1) The location and size of the north eastern windows in townhouse 2 that significantly overlook the living areas, bedroom, and private open space adjacent to the pool of 14 Wyatt Avenue. We ask that the northern window be removed and that the eastern window be made opaque.
- 2) The inadequate separation between the buildings, and we request that at least the first new structure, "townhouse 2" be moved further South, away from the street and the existing Heritage house at the front of the site.
- 3) The current proposal relies on the original 2104 Arboricultural Report, and therefore does not take into account the required measurements to protect the Large palm and Murraya Hedge, and it also incorrectly calculated the required tree protection zone for the mature Jacaranda. We request that council looks at the report provided by us and considers implements its recommendations, including an updated Arborist report that addresses the issues raised.
- 4) We request that Council confirm that the site at 14 Wyatt Avenue can accommodate multi-dwelling housing development, despite its small frontage, without being consolidated into an adjacent development. If it cannot give this undertaking, and the site at 14 Wyatt Avenue is therefore an isolated site, then we request that the current application be postponed.

**ATTACHMENT 1**

**ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions**

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- 5) We request a dilapidation report to be undertaken so the Developer can make good the cost of repair for any damage that results to our property as a result of the development.

We trust that Council will consider our submission as above, on its merit, and make a review of the Development Application

Yours Sincerely,

Dr Keshavan Kanesalingam

&

Dr Katrina Kanesalingam

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ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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20<sup>th</sup> September 2016



Dear Councillors and Council staff,

We are writing regarding the DA BD.2015.134 that has had amended plans submitted.

We would like to commend the work that has gone into the revisions of the plans for 6 new 2 storey townhouses at 16 Wyatt Avenue. We have been locals for the last 25 years and always enjoy our walks around the Appian Way and Wyatt Avenue, as do so many people from all around Burwood and Croydon. The revisions have helped to preserve the Historic area.

However, we still feel that the development, whilst much more sympathetic in style to the surrounding Heritage properties, is large and would definitely be prominent from public areas surrounding it, including the local pocket Park and Wyatt Avenue. It still will result in the removal of a large number of trees that will also change the local landscape significantly when viewed from the street.

We request that the development be scaled down in size and bulk, with options to move the entrance to the underground carpark further south explored. We also request that greater effort could go into preserving the large number of trees that are proposed for destruction.

Kind Regards

Mr Robert Anandarajah and Mrs Vimala Anandarajah

41 Waratah Street Croydon Park

ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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23/09 2016 11:51 FAX 61 2 96333764

DEPT OF ANAESTHESIA

001/001

21<sup>st</sup> September 2016

Burwood Council

DA BD 2015.134

To whom it may concern,

My submission is in regards to the amended development application for 6 townhouses, located at 16 Wyatt Avenue Burwood. I have lived in the local area for the last 30 years. Are there any options for the development to be made less prominent from the street front? The front townhouse is very close to the existing Heritage home. I also feel that more should and could be done to maintain privacy to and from the surrounding heritage properties at 14 and 18 Wyatt Avenue, especially with respect to second storey window placement and size. New developments should better maintain the existing amenity of surrounding properties.

Kind regards,



Dr Agostino Ragusa

79 Nicholson Street Strathfield

ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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21/09/2016



Burwood Council

DA BD 2015.134

To whom it may concern,

We would like to lodge our formal objection to the proposed development of 6, 2 storey townhouses at 16 Wyatt Avenue Burwood.

We have lived on Wyatt Avenue for the last 35 years.

We are concerned that the new development will be clearly visible from the street, including the excavated ramp and roller door to the basement level. We feel that any new development should be more clearly separated from the existing heritage listed home at 16 Wyatt Avenue. The proposed separation between the single storey federation house and the first townhouse is only approximately 5m, despite the fact that the Council Development Regulations call for a separation of 12m.

We also object to the removal of so many mature trees. It is wonderful news that the large palm next to the driveway, which had been flagged for removal in the previous application, is now being retained. We ask that the only other large tree in the front landscape is also retained. It is a beautiful Evergreen Ash tree. This tree sits adjacent to the fence line on the eastern side of the block. Surely this tree could be preserved.

ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC  
Submissions

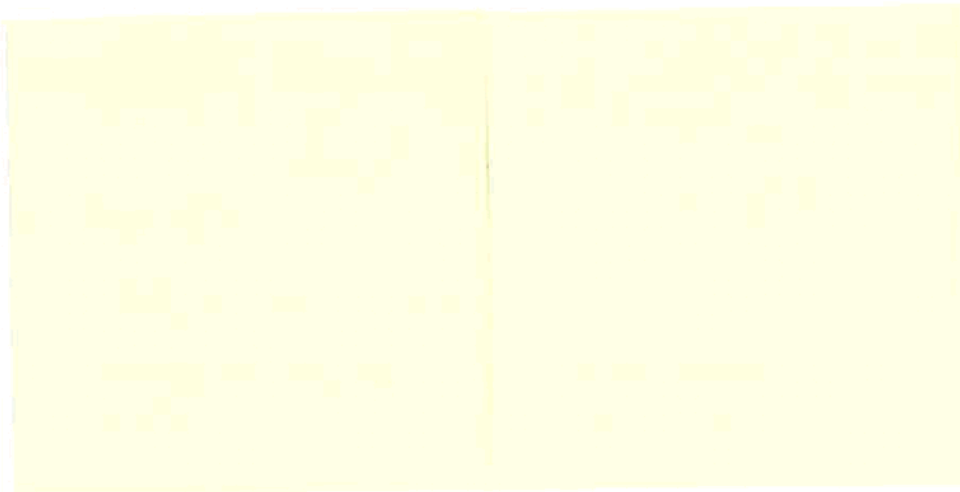
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We object to the development because of the impact on privacy for neighbouring properties. We feel that both visual and acoustic privacy for neighbours should be maintained by new developments.

The DA proposes second storey windows which look North, in addition to the windows that face East and West. The North facing windows will cause significant overlooking into neighbouring properties, as they allow overlooking down the length of adjacent properties, not just across them. Can council not do more to protect the rights of existing residents to privacy, and consider their needs along with those of developers? This is totally different to any other townhouse development in the street, which all feature modest second storey windows to minimise the impact on privacy.

We ask that you please consider the impact that new developments have on this beautiful historic part of Burwood.

Yours sincerely,



## ATTACHMENT 1

### ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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**Jennifer Cosentino**

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**From:** gmvine38@gmail.com  
**Sent:** Tuesday, 20 September 2016 3:41 PM  
**To:** Mayor; George Mannah; Sally Deans; Tony Doueihy; Lesley Furneaux-Cook; Justin Taunton; Council  
**Subject:** 16 Wyatt Ave Burwood Dev.Applic 2015-134 amended

To John Faker, George Mannah; Sally Deans, Tony Doueihy, Lesley Furneaux-Cook, Justin Taunton, General Council

**Re 16 Wyatt Avenue Burwood  
Amended Development Application No.2015-134**

I wish to object the the abovementioned development application for the following reasons:-

1. The design of the proposed townhouses is totally out of character with the surrounding heritage properties at no. 14 & 18 Wyatt Avenue as well as the existing listed residence on 16 Wyatt Avenue.
2. Part of the proposed development is clearly visible from the street. The amended proposal has actually increased the height of the townhouses!!
3. It is concerning that the majority of the trees on the property will be removed. This and adjacent areas are frequented by many birds (kookaburras, green parrots, magpies, and currawongs etc) as well as other native fauna. In addition if the Evergreen Ash in the front yard is retained this will help to partially block the view of the development from the street.
4. At present there are no townhouses on the south side of Wyatt Avenue visible from the street.
5. The proposal does not comply with Council's DCP re separation between buildings by a long way.
6. There are parking restrictions along the length of Wyatt Avenue (4 hour limit). Documents submitted with the proposal state that "there are no kerbside parking restrictions in Wyatt Avenue"!!

If this proposed development proceeds in its present form it will add to the slow decline of the once serene Wyatt Avenue and detract from the heritage nature of the area.

Yours faithfully  
Graeme Vine  
15/4 Wyatt Avenue  
Burwood 2134  
Tel: 97474945  
20/9/2016

Sent from Windows Mail



ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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RE: Development Application BD.2015.134 Amended plans.

Dear Councillors and Council Staff,

I am writing regarding the revised DA for 6 2 storey townhouses at 16 Wyatt avenue Burwood. My family and I have lived in the local area for the last 30 years. We have seen significant development even on our own street. We are proud to live in the local area, an area that values and retains heritage. I think the entire local community is proud of the conservation of history, especially in the Appian Way and Malvern Hill precincts.

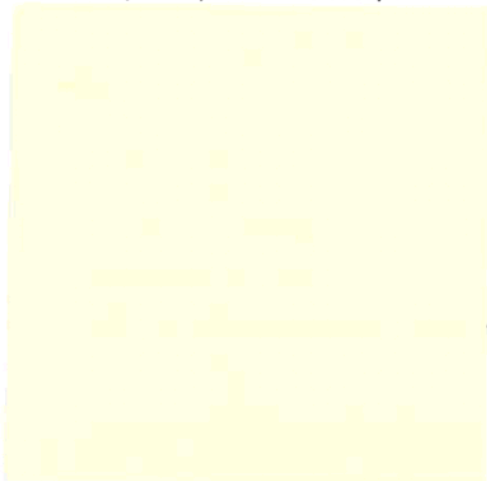
I am concerned that the current DA is an overdevelopment that will be prominent from the street and public areas. The beautiful federation single storey property will be dwarfed by the 7.4metre high, 2-storey townhouse located just 5meters to the rear.

I wonder whether council would be equally concerned if an underground ramp was directly adjacent to one of the heritage homes in the Appian Way, as is proposed for this development. The southern side of Wyatt Avenue still retains so much of its rich heritage.

I am also concerned about the extent of tree removal. Please retain as many trees as possible, this area of Burwood has so many beautiful trees. It really is one of the hallmarks of this remarkable area, as are the native birdlife that can be seen and heard in the area, which rely on these trees.

Wyatt avenue along with The Appian Way is a part of Burwood that is enjoyed by the wider local community, not just the local residents. Please help to retain as much of this heritage area as possible.

Thankyou for your consideration,



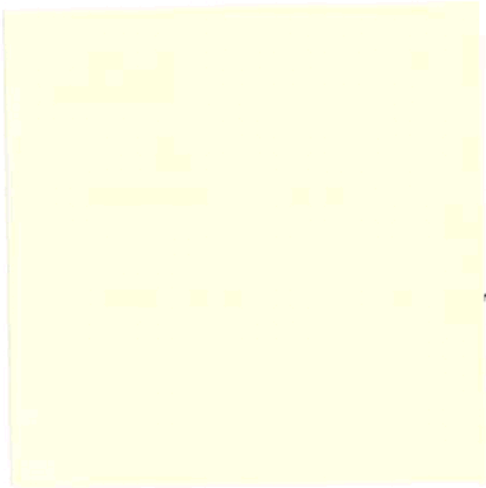
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**ATTACHMENT 1**

**ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions**

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We object to the amended DA at 16 Wyatt Avenue on the grounds that it still requires the removal of 20 large trees. It is still prominent from the street and that the underground carpark is obvious from the street and sits right between two properties Heritage Listed on the NSW Registry. Please help to maintain the Heritage of this Historic part of Burwood and prevent any more overdevelopment of our local area.



Information contained in the correspondence private

ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

Monday, September 19, 2016  
Burwood Council,  
Suite 1 level 2 1-17 Elsie St  
BURWOOD NSW 2134

Dear Sir/Madam,  
RE: D/A 2015.134  
Retention of existing dwelling and construction of 6x2storey town houses above basement parking

My wife and I wish to object to the above application on the grounds that:

- the proposed buildings will dominate the landscape and be visible from Horton Park – 7.4m tall
- there will privacy issues for 14,16, 18A, 22 Wyatt avenue and 17,15,19,21 Appian way as these townhouses will overshadow all other dwellings in the area will be very visible from the rear of our properties
- the amended DA will result in the removal of most of the trees on the property – including a 9m high Evergreen Ash
- the color scheme chosen is not complimentary for the heritage buildings

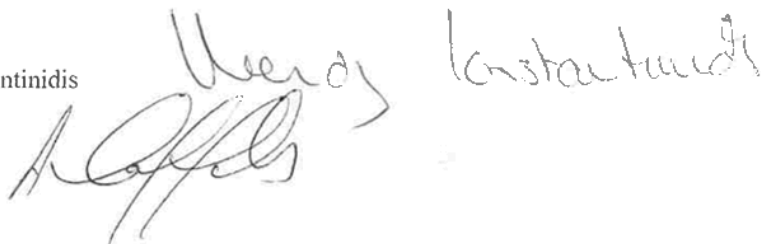
On a more personal note, we purchased our property (17 Appian way) in 1988 as a Federation house of the Hoskins Estate that had been 'renovated' - the main features detracting from the Federation skeleton were aluminum wide format windows ( as opposed to timber long narrow federation ones), white painted exterior (as the tradesman installing these windows could not match the brickwork), Spanish style garage.. please see attached photos. Our restoration, facilitated hugely by council, meant that timber windows were reinstated and the whole house reskinned to present a Federation façade. This was done at huge expense with a great deal of time dedicated to consultation with council pertaining to bricks, Marseilles pattern terracotta tiles being sourced, color schemes being presented to council to enable us to have a new house that blends in with the streetscape. At that time council felt strongly that this unique streetscape should remain for future generations to see and enjoy the way community living was 100 years ago.

We, as owners of the property, obviously appreciated Federation architecture and were happy to invest the time and money to restore this house with the help of council officers. We feel that allowing medium density dwellings so close to the Appian Way precinct is going to destroy the buffer zone – particularly in winter when the deciduous trees have shed their leaves. This impact will be felt more if established trees are pruned or removed to facilitate the building works.

I believe the Heritage council of NSW still gives guided walking tours of this precinct.

Yours sincerely

Achilles and Wendy Constantinidis



## ATTACHMENT 1

### ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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21 September 2016

Mayor John Faker  
Cr. Sally Deans  
Cr. George Mannah

Cr. Lesley Furneaux-Cook  
Cr. Justin Taunton  
Cr. Tony Doueih

Dear Councillors,

**Re: Revised DA 2015.134 for 16 Wyatt Ave Burwood**

This new DA is an improvement on the previous. However I would like to lodge an objection to a few details that still need work.

**1. The construction is taller than the previous proposal**

- The development is now about 7.4m tall and consequently is quite visible from the street, other public areas and neighbouring properties.
- I support Council's request to reduce the height of the rear building to a single storey. This would reduce the size and bulk of the development, especially when viewed from Appian Way. It would also improve privacy for neighbours and reduce overshadowing of neighbouring properties.
- As well more can be done to reduce the visibility of the new buildings from public areas, including reducing the size of the front building. This would reduce the impact on the surrounding heritage buildings.
- The ramp down to the underground basement is adjacent to the heritage listed building and is clearly visible from the street. The impact of this also needs to be reduced.

**2. Separation between buildings**

- The current proposal is for a separation of only 5.074metres between the existing house and the first new townhouse, and a separation of 5.7 m between each of the new buildings. This is less than half what is stipulated in the DCP. As a result it reduces privacy as well as making the townhouse development closer to and more visible from the street.

**3. Privacy**

- While other similar townhouse developments have second storey windows that look east and west, this development also has second storey windows that look north and south down the length of neighbouring blocks. This significantly reduces visual privacy for neighbours.

**4. Removal of trees**

- The amended DA will result in the removal of the majority of trees on the block. Although the current proposal retains the large Date Palm located in the front yard it removes the 9m high Evergreen Ash tree located on the eastern side of the front yard. If that tree were to be preserved, it would serve to partially block the view of the development from the street front.

Yours faithfully  
Alex Tichon  
19 Appian Way Burwood

ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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**Jennifer Cosentino**

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**From:** Anne Michell <annemichell@icloud.com>  
**Sent:** Wednesday, 21 September 2016 1:16 PM  
**To:** Council  
**Subject:** DA 16 Wyatt Avenue Burwood

R and A Loudon  
3/10-12 Wyatt Avenue,  
Burwood, 2134  
21st September, 2016

Burwood Council  
Suite 1, Level 2  
1-17 Elsie Street,  
Burwood, 2134

Re; Development Application, 16 Wyatt Avenue, Burwood 2134

Dear Sir/Madam,

We again draw Council's attention to the existence of flash flooding risk downstream from the proposed development at no. 16 Wyatt Avenue, Burwood. As stated in our previous submission to Council, we remain concerned that the removal of over twenty mature trees will alter soil conditions and change overland water flow. Our experience as long term residents is that periods of heavy rain result in flash flooding of our backyard, a drainage system at capacity and a risk of property flooding. It is unclear to us from the information currently provided to the public that the impact of the proposed development has been fully assessed in the light of broader water flow issues in the surrounding area.

Yours faithfully,  
Dick and Anne Loudon

Sent from my iPad

ATTACHMENT 1

ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions

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6/10 Wyatt Avenue

Burwood NSW 2134

General Manager

**Re:Development Application 16 Wyatt Avenue Burwood 2134**

Dear Sir/ Madam

I wish to object to the proposed development of No 16 Wyatt Avenue Burwood for the following reasons.

The architectural expression of the proposed townhouses is unsympathetic & inconsistent with style and character of the street and area generally, and does not respond to the proportions, character, materiality & scale of the existing heritage item on the site.

The bulk and scale of proposed townhouses (height & unbroken line of building) still looms very large. It appears that the new proposal for 6 x 2 storey townhouses at 16 Wyatt Avenue Burwood is taller than the previous proposal. It is now approximately 7.4m and so visible from the public domain and neighbouring properties. More attention needs to be paid to improving privacy for neighbours and reducing the effect of overshadowing on neighbouring properties. There is a loss of privacy to neighbours of numbers 14 and also the townhouses at 10-12 Wyatt Avenue due to the large upper level balconies.

There is inadequate open space on site and a significant loss of trees. Again, only the great palm next to 14 Wyatt Avenue is to be retained, so some 20 trees will still be lost. I note that the Burwood Heritage Control Plan speaks of the landscaped front setting as an important component of a heritage property, especially where it retains existing contributory trees, plants, garden layouts and garden features such as tessellated tiled entrance paths.

With the removal of so many trees from this property as well as the added risk of even more trees being removed as a result of a future proposed development at 13 Appian Way further compounding this problem, very real attention should be given by Council as to the effect that this will have on drainage problems on properties downhill from 16 Wyatt Avenue.

Yours sincerely

Frances Farrell

6/10 Wyatt Avenue Burwood

20th September 2016

**ITEM 78/16 16 Wyatt Avenue Burwood - Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses - Development Application No. 134/2015.DOC Submissions**

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1 of 5

6/10-12 Wyatt Avenue  
Burwood, N S W 2134  
21 September 2016

The Councillors  
Burwood Council  
Email: council@burwood.nsw.gov.au

**Re: Amended development application for 16 Wyatt Avenue,  
Burwood (D A No. 134/2015):**

Dear Councillors,

Thank you for informing of the amended application and inviting me to comment.

**In General:**

The amended application, although still an over-development, is rather less unsuitable than the original. According to the applicant, the basement is to be reduced in size, simplifying the excavation and reducing the amount of nuisance during construction. Likewise, the basement ramp is to be moved south and west, removing the ugly hole at the street, (hopefully) preserving the great palm tree and reducing potential damage to the heritage-listed No. 14 Wyatt Avenue (and No. 16, for that matter).

In other respects, however, the amendment seems to be little improvement. For example, Wyatt Avenue has suffered considerable tree loss in recent years. Only one-less tree is to be destroyed, thereby damaging the natural beauty of the site, reducing animal habitat and reducing transpiration of moisture from the soil in an area that has serious drainage problems. To complicate matters, the proposed townhouses, and the increasing human activity they will bring, will put even more pressure on the justly-famed but increasingly-threatened Appian Way Conservation Area.

The amended application also is possibly defective in that the question of the isolated site (re No. 14 Wyatt Avenue), unrecognised in the original proposal, has been recognised but may not have been correctly dealt with.

**In Detail:**

**The Proposal in General:**

The proposal (Statement of Environmental Effects ("S o E E"), 4. Proposal) involves: 1. Alterations and additions to the existing residence, 2. Construction of 6 townhouses over basement parking and 3) landscaping.)

**Building Design (S o E E, 5. Planning Consideration, 4.3.2.2 Building Design):**

In my opinion, a development as dense as this (six townhouses) will do more damage to the natural world without necessarily improving the built world.

If it is to be approved, however, the question of building design becomes even more important so as to limit the damage. The S o E E divides this into three parts, i.e. "Building Façade", "Roof Design" and "Car Parking and Ground Level".

**Building Façade:**

On the question of relation to the scale and character of the street, I believe the proposal is out of scale, but am not architect enough to deal with the details of articulation (P1). I can only agree that it is not as bad as the unbroken wall alternative. It is well that no significant change is apparently proposed to the building now fronting the street (P3). The reduction of bulk and integration with the local area by use of materials and colour palettes, however, is another matter.

**Materials, Colours, Finishes:**

The light-toned brick and weatherboard colours shown in the three-dimensional renderings of the proposed townhouses are quite recessive and will go quite some way towards reducing the impact of the development. The "Colours and Materials Board" (S o E E, 5.7), however, shows a distinctly darker palette. Appendix 1, Meeting Record - 29 July 2016, suggests the palette has been darkened in response to a suggestion by Council officers. Despite the modern stylist's love affair with darkness and tone at the expense of light and colour, the simple fact is that lightness is recessive but darkness is the opposite" (meaning more dominant in any view). This will seem to bring the townhouses forward in the viewer's perception, and does not promote the required recession. (I note also a Council officer suggested darkening the entrance to the basement car park.)

**Roof Design:**

Once again, the Colours and Materials Board shows the current colour choice (Dulux Wallaby) is much darker than indicated in the three-dimensional rendered images. In my opinion, the lighter tone is better because more recessive (as required) and that, the townhouses being said to be at least 40 metres away, there is less need to key them to the existing house or its neighbours. (They will nevertheless be no less visible to the neighbours at 10-12, 14 and 18 Wyatt Avenue and possibly from the park north of 10-12.

The slope at least is better in principle than the boxy original design, but comes at the cost of height.

**Car Parking and Ground Level:**

I like it that all on-site parking is to be below ground. On the other hand, excavation can also support over-development.

**Separation and Curtilage:**

**Separation:**

As I read the site plan and elevations, the first new townhouse is no longer to be physically joined to the existing heritage-listed dwelling, which I think is an improvement. However, the separation between new townhouse sets has been reduced below the required minimum.

**Visual and Physical Separation from 14 and 18 Wyatt Avenue:**

**Building Separation:**

As the S o E E repeatedly mentions, the new townhouse proposal depends on the approval of a 5.7 metre separation in place of the 9 metres required by Provision 5 of the Development Control Plan



It argues (5. Planning Consideration, 4.3.2.1) that the redesign was encouraged by Council officers and the variation is justified on the grounds that it:

"1. ...provides north light access to living spaces which...adds significantly to the amenity...;  
 2. ...increases the amount of private outdoor space available...& increases the amount of landscape area on site;  
 3. ...allows for key windows to be oriented inwards...rather than to...other neighbouring properties. This significantly reduces the amount of potential overlooking...;  
 ...privacy is maintained & privacy between 16 Wyatt & neighbouring properties is also maximised;  
 [therefore] it is believe [sic] that the technical non-compliance is justified."

**The reduction of required townhouse separation therefore seems to be the key and essential element and argument** of the current proposal. (Of course, there is nothing in law to prevent the applicant from proposing a design that has fewer townhouses.)

**Curtilage:** □ The original proposal artfully and artificially attempted to redefine the curtilage by adding a structure (rather like a decorative but unfunctional portal) by the south end of the existing house. It was ostensibly intended to mark entry to the new townhouses, but actually (as the lodgement papers let slip) would stop the eye at that point. It was thus to be used to argue that all points south were not part of the curtilage and so the effect of the new townhouses on the existing property were irrelevant to the question of heritage. I see this transparent device has now been abandoned and the question reduced to an undifferentiated promise of "appropriateness" (Meeting Record, 28 April 2016, 1.1). (I recall how important it was thought in the Perumal Murphy Alessi heritage study of 18 Wyatt Avenue on behalf of Burwood Council.) Surely this point requires closer consideration?

**Carpark Ramp Location and Effect on 14 Wyatt Avenue:**

The original proposal was to begin the ramp at the footpath, thereby making a gaping hole visible from the street and distracting views of the heritage items. The ramp would have run so close to the dwelling at No. 14 as to threaten its foundations. In reply, the owners of No. 14 commissioned their own professional investigation, which contradicted the applicant's report. The current proposal -- to move the ramp south and west -- is a far better option.

**Architectural Expression:**

One could hardly do better than to repeat the criticism of the original proposal as given in the amended S o E E, I.e.

"boxy, unsympathetic and inconsistent with style and character of the street and area generally, & does not respond to the proportions, character, materiality & scale of the existing heritage item on site)" (1. Introduction).

The new style is something of an improvement, if indeed (as the S o E E says),

"The architectural expression...has been amended with reference to the architecture of 16 Wyatt Avenue & seeks to employ traditional roof forms & scaling devices. The materiality proposed is in line with the traditional

materiality of the surrounding properties & is much more in keeping with its context." (1. Introduction).

**Bulk and Scale:**

The current articulation of the proposed townhouses is something of an improvement, but they will still be very visible even from No. 10-12 Wyatt Avenue, even at the south end. Moreover, even if the design is technically permissible, the townhouses are very large, requiring them to project eastwards or upwards. In this respect, I appreciate the proposal to reduce the first ("Townhouse 2") to two bedrooms. I also like the idea of reducing Townhouse 7 to alleviate pressure on Appian Way. (It will nevertheless be visible from my own property.)

**Open Space and Tree Cover:**

**Open Space:**

Once again, this is an improvement over the original proposal.

**Tree Cover:**

I have lived two doors away for fourteen years. During that time there has been a great reduction in the tree cover on No. 16. The owners of No. 14 commissioned an arboricultural report that found serious faults in the report by Redgum Horticultural. Nevertheless, the applicant has chosen to persist with the original report. Only one tree of some twenty is now to be saved. The "invasiveness" or "undesirability" of a tree is to a large extent a matter of circumstance. For example, there are some species that are declared weeds in rural areas (where there is much space with few people), but they are manageable in a place such as Burwood which has much less space and many more people to keep them in order. (After all, a weed is basically an "unwanted plant".)

**Drainage:**

Appian Way and Wyatt Avenue have serious drainage problems. The property at 13 Appian Way is a natural floodway (as shown by the torrent of water some years ago that was 100mm deep along the garage at No. 14 Wyatt Avenue. Even in ordinary circumstances, water draining from Appian Way flows into 14 Wyatt Avenue and thence into No. 10-12 Wyatt Avenue. (See for example the Land and Environment Court case re No. 14.) Water also drains from Burwood Road. The general drainage problem is exacerbated by the recent removal of many trees from 18A-22 Wyatt Avenue. What do the current area hydrological reports say of this?

**Loss of Privacy:**

**Windows:**

The current proposal seems to reduce overlooking of No. 14 Wyatt Avenue by "through the...re-positioning of upper level windows so that they are primarily inward looking to No 16 Wyatt." There presumably remains some capacity to look into Nos. 14 and 10-12 Wyatt Avenue.

**Balconies:**

As I live on the east side, I was not affected by the original proposal. As no balcony is now proposed, the question no longer arises.

**Overshadowing and Loss of Solar Access:**

Three hours of sunlight may be adequate in law, but for those affected it seems very little. The original 3 p m shadow diagram showed that the entire width of No. 14 would be in shade. As such, the shadow would have extended into 10-12 Wyatt Avenue. Nevertheless, the shadow diagram did not represent No. 10-12 at all, which I pointed out in a previous submission. The current 3 p m shadow diagram seems to show shadows across No. 10-12 and the public park, but ascribes these to shadows cast by the buildings at No. 14 and the trees to be retained at No. 16. The S o E E, however, does not mention No. 10-12 in this regard, presumably because it is merely nearby but not adjacent (5. Planning Consideration, 4.3.2.3 Site and Building Amenity). Nevertheless, 10-12 Wyatt Avenue is already quite shady, and especially at the south end (my end).

**Views:**

The application suggests the new townhouses will be all but invisible from Wyatt Avenue and so (by implication) will have no effect on views of the heritage-listed existing dwelling or its heritage-listed neighbours. According to one of the three-dimensional rendered images, they will be simply invisible. The north elevation, however, shows them clearly. As these two items are presented from essentially the same point, I am wondering how something can be both visible and invisible.

The townhouses will of course be very visible to residents of 10-12 and 14 Wyatt Avenue, especially given the number and size of the trees to be destroyed.

**Consultation:**

I have had no approach from the applicant.

**Site Planning:**

**Site Isolation (re 14 Wyatt Avenue):**

There is no mention of this question in the original application. I understand that the owners later received advice to that effect and put it to Council, whereupon Council officers passed the owners' submission to Source Architects Pty Ltd ("S A P L"). According to Appendix 1 of the S o E E, Council officers also suggested to S A P L that the matter be dealt with in the amended application lest it be then brought in opposition and so disrupt approval. This question seems crucial to the application in that, as I understand it, should the applicant not have attempted to settle the matter before making the development application, the application must be withdrawn.

Yours truly,

(Roger Farrell)

## **(ITEM 79/16) IMPLEMENTATION OF PARRAMATTA ROAD URBAN TRANSFORMATION STRATEGY**

File No: 16/57383

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### **Summary**

The Parramatta Road Urban Transformation Strategy was released on 9 November 2016. Council is responsible for its implementation and will be required to give effect to the objectives and actions contained within the document.

Given the density proposed and the interest in development that the Strategy is likely to generate, it is important for Council to commence work on updating local planning controls. The preparation of precinct based studies and planning documents will ensure that the planning, urban design and infrastructure ambitions of the Strategy are realised.

It is recommended that Council proceed with the preparation of background studies, in collaboration with City of Canada Bay and Strathfield councils, to support precinct wide planning controls for the Homebush, Burwood and Kings Bay precincts and that \$75,000 be allocated in Stage 1 towards this work. It is also recommended that a firm position in relation to site-specific rezonings be adopted.

### **Background**

The Draft Strategy was launched on 17 September, 2015. Urban Growth exhibited the Strategy between September 2015 and December 2015 and a Consultation Outcomes Report was released in May 2016. The final Strategy was released on 9 November, 2016.

The Strategy identifies eight precincts to accommodate a diversity of land uses and densities, supported by a range of active and public transport. The vision is to transform Parramatta Road into a high quality multi-use corridor with improved transport choices, better amenity and balanced growth of housing and jobs. A key project outcome is to provide 27,000 new homes and an additional 50,000 jobs.

Three renewal areas affect the Burwood LGA, including Homebush, Burwood and Kings Bay precincts. The Homebush Precinct borders the Burwood LGA. Within these precincts, it is expected that an additional 17,500 dwellings will house approximately 36,100 people and provide up to 19,600 new jobs. Population, housing and jobs are envisaged as follows:

	<b>Population</b>	<b>Homes</b>	<b>Jobs</b>
<b>Homebush</b>	19,500	9,500	12,900
<b>Burwood</b>	11,400	5,500	3,800
<b>Kings Bay</b>	36,100	2,500	2,900
	<b>36,100</b>	<b>17,500</b>	<b>19,600</b>

This is significant growth that requires careful planning to ensure that suitable urban design outcomes, public domain amenity, accessibility, services, infrastructure and facilities are delivered to the new population and an acceptable level of amenity is provided for existing residents surrounding the nominated growth precincts.

The proposed population and jobs will represent a significant proportion of growth expected to occur in the Burwood LGA.

The Strategy is proposed to be implemented by way of a Section 117 Ministerial Direction.

## **Precinct Planning**

Urban Growth has prepared a significant amount of background information to inform future planning controls. Remaining work required to be prepared includes:

- Masterplan/Urban Design and Public Domain studies (building upon the existing work undertaken by Urban Growth)
- Local Environmental Plan
- Development Contribution Plan and investigation of alternative 'value capture' mechanisms
- Development Control Plan
- Additional background studies to address matters such as traffic, flooding and feasibility
- Community engagement

On the basis that Council will be responsible for implementing the outcomes of the Strategy and preparing planning controls, it is preferable for a precinct wide approach to the redevelopment of the Homebush, Burwood and Kings Bay precincts be pursued. This approach will enable development to occur in a coordinated manner as opposed to individual "spot re-zonings" being lodged and assessed, exhibited and adopted.

The proposed benefits of preparing precinct wide planning controls are to:

- Provide a coordinated planning outcome where each site is considered in the broader context of the precinct
- Reduce load on Council and staff at the Department of Planning & Environment when only one major planning proposal per precinct is prepared
- Ensure that the broad objectives of the Strategy are realised, specifically in relation to the achievement of affordable housing, sustainability objectives and the delivery of infrastructure

The Implementation Plan released with the Strategy identifies parcels of land within each precinct that are to be the focus of immediate implementation between 2016-2023. Initial work will focus on the preparation of plans and supporting studies to inform the rezoning of these areas. The rezoning of other areas will be contingent on the provision of appropriate infrastructure and services.

It is recommended that Council progress the preparation of precinct wide planning controls for the Homebush, Burwood and Kings Bay precincts to enable a single, coordinated planning proposal to be prepared for each precinct.

## **Site-Specific Planning Proposals**

The Section 117 Direction which is expected to be issued shortly by the NSW Minister for Planning is likely to result in the lodgement of site-specific planning proposals seeking "spot re-zonings" along the corridor. Adoption of a site-by-site approach to the rezoning of the corridor raises a number of concerns for Council.

This approach is unlikely to provide a holistic and coordinated approach to assessing and minimising the impacts of new development. Rather it is more likely to result in ad-hoc planning outcomes, difficulty in addressing the cumulative impacts of development, and an undermining of the success of the Strategy in the long term.

Additionally, it is anticipated that Council will start receiving planning proposals for sites within the precinct soon after the release of the Strategy. Council resources will be burdened by the likely number of planning proposals received. Processing of these, whilst also attempting to prepare precinct wide planning controls, will divert resources away from precinct planning, impeding the broader process and resulting in inequitable outcomes within the precinct.

Given the above, it is recommended that Council adopt a firm position in relation to discouraging the lodgement of site specific re-zonings. A position is outlined in the recommendation of this report.

## **Collaboration with Adjoining Councils**

Burwood Council shares the Burwood and Kings Bay precincts with the City of Canada Bay. The Homebush precinct borders the Burwood Council area, but the precinct falls under the control of the Strathfield and City of Canada Bay Councils.

General Managers and Council Officers from each Council have met to discuss opportunities to streamline planning processes, reduce the duplication of work, and to ensure instruments are aligned across local government boundaries.

Each Council will contribute to the planning for their area, however there are instances where it may be appropriate to jointly fund the preparation of studies. For example, the preparation of precinct wide traffic studies should be undertaken with contributions from each Council.

Where relevant, opportunities will continue to be explored to achieve efficiencies in the preparation of studies and the future planning framework by working collaboratively with the City of Canada Bay and Strathfield councils.

## **Financial Implications**

It is estimated that \$250,000 will be required per precinct for the preparation of background reports and associated Planning Proposal, Development Control Plan, and Development Contributions Plan. Each Council will be expected to contribute.

It is recommended that Burwood Council allocate a budget of \$75,000 toward the Stage 1 funding.

## **Conclusion**

The release of the final Parramatta Road Urban Transformation Strategy provides an opportunity to improve the amenity and quality of planning outcomes that could be achieved for this important corridor.

It is recommended that Council commence the preparation of planning controls to facilitate the rezoning and development of land in the Homebush, Burwood and Kings Bay precincts. The preparation of precinct wide planning controls will achieve a coordinated development outcome and ensure that infrastructure is delivered in line with growth.

Furthermore, Council would be well placed to adopt a position on the lodgement of site-specific planning proposals whilst the preparation of a precinct wide planning proposal is being undertaken.

## **Recommendation(s)**

1. That the preparation of background studies to facilitate the preparation of a Planning Proposal, Development Control Plan and Development Contributions Plan be commenced for the Homebush, Burwood and Kings Bay precincts.
2. That \$75,000 be allocated in Stage 1 toward the preparation of Precinct Plans for the Homebush, Burwood and Kings Bay precincts, comprising the preparation of background studies, Planning Proposal, Development Control Plan, Public Domain Plan and Development Contributions Plan.
3. That a firm position be adopted on the lodgement of site-specific planning proposals within the Parramatta Road corridor whilst the preparation of a precinct wide planning proposal is being undertaken, with applicants advised that:
  - a. Council is not in favour of site-specific planning proposals within the Parramatta Road corridor whilst a precinct wide planning proposal is being prepared, on the basis that:

- i. The opportunities and impacts of revised planning controls are better considered and managed on a precinct wide basis.
  - ii. The cumulative impacts of intensive development across the precinct can be more adequately addressed area wide.
  - iii. Site-specific changes to planning controls may pre-empt or be contrary to the desired outcomes of a precinct wide plan.
  - iv. Site-specific planning proposals divert resources away from precinct planning, slowing the process and resulting in inequitable outcomes within the precinct.
- b. Site-specific planning proposals submitted prior to the finalisation of a precinct wide plan will only be supported where they provide the necessary funding for, or directly provide, the infrastructure required within that precinct – thereby ensuring that the infrastructure is in place ahead of development.

**Attachments**

There are no attachments for this report.

## **(ITEM 80/16) DESIGN REVIEW PANEL**

File No: 16/57302

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### **Summary**

The Parramatta Road Urban Transformation Strategy provides that over a period of 30 years, an additional 17,500 new homes to accommodate 36,100 people will be built in the Homebush, Burwood and Kings Bay precincts. Given the substantial volume of new development expected within the Parramatta Road corridor, this report recommends the appointment of an expert panel to review the growth precincts within the three council areas.

### **Background**

State Environmental Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development was established by the State Government to improve the design and amenity of residential dwellings in multi-storey developments. Associated with the SEPP are the Apartment Design Guidelines which again set quality and amenity standards for new residential apartments.

The SEPP outlines the opportunity for appointment of a Design Review Panel, appointed by the Minister as an advisory body to a Council or a number of Councils.

### **Parramatta Road**

The final Parramatta Road Urban Transformation Strategy was released in November 2016. Three renewal areas affect the Burwood LGA, being Homebush, Burwood and Kings Bay Precincts. Within these precincts, it is expected that an additional 17,500 dwellings will house approximately 36,100 people and provide up to 19,600 new jobs. The envisioned built form is medium to high density buildings up to 25 storeys in height.

The three Councils responsible for these precincts – Burwood, City of Canada Bay and Strathfield councils – will be required to work together to deliver many of the actions and outcomes of the Strategy. Council Officers of the three Councils have been considering opportunities where the councils may achieve cost efficiencies, as well as a more consistent approach to planning for future developments, if the councils work collaboratively. The establishment of a SEPP 65 panel is one such opportunity.

### **Design Review Panel**

Design review panels are explained in detail in Part 3 of SEPP 65, however a brief summary is provided below:

- The Minister for Planning constitutes the Design Review Panel in consultation with the member Councils.
- The Panel comprises three or more persons appointed by the Minister with expertise in architecture, landscape architecture or urban design.
- Councillors and Council Officers of Councils covered by the Panel are ineligible to be a Panel member in their own area.
- Alternate members can be appointed.
- Term of membership is two years.
- Remuneration of members is set by the Minister.

The functions of the Panel are to:

- a. Provide independent advice to the consent authority on developments to which the policy applies.



- b. Provide pre-lodgement advice on applications to consent authorities and applicants to which the policy applies.
- c. Give independent advice to Councils on the design content of draft Local Environmental Plans (LEPs), Development Controls Plans (DCPs), Masterplans and the like.
- d. Provide independent advice to Councils generally on achievement of the design quality principles.
- e. Make public its advice in respect of items a. and c.
- f. Contribute to the coordination of design quality across boundaries of local government areas.

It is envisioned that the Design Review Panel would not be limited to the Parramatta Road corridor. The Panel would also review other developments outside the Parramatta Road corridor where resources allow.

### **Consultation**

The General Managers and staff of the three councils have met to discuss the Parramatta Road Urban Transformation Strategy and the responsibilities of the three councils under that Strategy.

### **Planning or Policy Implications**

The establishment of a Design Review Panel would affect the practices of the three councils. The current practice of Burwood Council has been to engage urban design experts to review built form and public domain in higher density residential developments at the DA or Pre-DA stages. It is yet unclear if the Design Review Panel would replace the engagement of urban design experts, or whether both practices would exist to provide urban design advice at different stages of the development assessment.

### **Financial Implications**

During the three council staff discussion, Burwood Council representatives were given to understand that the Panel members would be paid for by the State Government. The establishment of a Design Review Panel is predicated on the availability of external funding or the recouping of member fees.

### **Conclusion**

The collaboration of staff from Burwood, City of Canada Bay and Strathfield councils has identified an opportunity to establish a Design Review Panel serving the three Councils. It is anticipated that the Panel would assist the three Councils in dealing with the substantial volume of new development expected within the Parramatta Road corridor and achieve a more consistent approach to planning.

### ***Recommendation(s)***

1. That Council support the appointment of a SEPP 65 Design Review Panel to cover the Council areas of Burwood, Canada Bay and Strathfield.
2. That similar support be sought from the City of Canada Bay and Strathfield Councils.
3. That a formal approach be made to the Minister for Planning to appoint a SEPP 65 Design Review Panel in consultation with the three Councils.
4. That the payment of Panel members be covered by the State Government.

### **Attachments**

There are no attachments for this report.

## **(ITEM 86/16) ADOPTION - DRAFT RELATED PARTY DISCLOSURES POLICY**

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File No: 16/55079

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY SERVICES

### **Summary**

A Draft – Related Party Disclosures Policy has been drafted to assist with the new requirements for the Annual Financial Statements in accordance with Accounting Standard AASB 124.

### **Background**

From 1 July 2016, Council is required to disclose Related Party Relationships and Transactions; and Key Management Personnel (KMP) compensation in its Annual Financial Statements in accordance with the Accounting Standard AASB 124.

### **Proposal**

The objective of this policy is to ensure that Burwood Council's financial statements contain the necessary related party disclosures, thereby ensuring transparency in dealings and their effect on Council's financial reports. These disclosures draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

This Policy assists in:

- a. identifying related parties and relevant transactions; Related Party Transactions, and ordinary citizen transactions concerning Key Management Personnel, their close family members and entities controlled or jointly controlled by any of them
- b. identifying outstanding balances, including commitments, between Council and its related parties
- c. establishing systems to capture and record the Related Party Transactions and information about those transactions
- d. identifying the circumstances in which disclosure of the items in (a) and (b) are required
- e. determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124

The Policy is now submitted to Council for adoption.

### **Consultation**

The General Manager and Policy, Corporate Practice and Procedures Panel have endorsed the Policy. The Policy has also been forwarded to Council's Auditor for peer review and recommendations incorporated in the Policy.

### **Planning or Policy Implications**

Once approved, the Policy will be published on Council's website and communicated to all stakeholders and a Councillor Workshop will be conducted in February 2017.

**Financial Implications**

Where transactions have occurred these will be reported in Council's Annual Financial Statements.

**Conclusion**

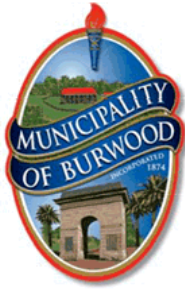
It is now in order for Council to adopt the Policy as it complies with all requirements of Accounting Standard AASB 124.

***Recommendation(s)***

That Council adopt the draft – Related Party Disclosure Policy in line with the requirement of Accounting Standard AASB 124.

**Attachments**

1 [↓](#) Draft - Related Parties Policy



# *Burwood Council*

heritage ■ progress ■ pride

## **DRAFT – RELATED PARTY DISCLOSURES POLICY**

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Public Document  
Adopted by Council:  
Trim No.: 16/50499  
Version No.: 1  
Ownership: Finance and Governance

## ATTACHMENT 1

### ITEM 86/16 Adoption - Draft Related Party Disclosures Policy.DOC Draft - Related Parties Policy

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#### Related Party Disclosures Policy

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## Introduction

From 1 July 2016, Council is required to disclose Related Party Relationships and Transactions; as well as Key Management Personnel (KMP) compensation in its Annual Financial Statements in accordance with the Accounting Standard AASB 124.

The objective of this policy is to ensure that Burwood Council's financial statements contain the necessary related party disclosures, thereby ensuring transparency in dealings and their effect on Council's financial reports. These disclosures draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

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## Purpose

The purpose of this policy is to:

1. define the parameters for Related Party Relationships and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124
2. ensure that Council's Related Party Relationships are disclosed, irrespective of whether there have been transactions between them

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## Scope

This Policy assists in:

- a. identifying related parties and relevant transactions; Related Party Transactions, and ordinary citizen transactions concerning Key Management Personnel, their close family members and entities controlled or jointly controlled by any of them
- b. identifying outstanding balances, including commitments, between Council and its related parties
- c. establishing systems to capture and record the Related Party Transactions and information about those transactions
- d. identifying the circumstances in which disclosure of the items in (a) and (b) are required
- e. determining the disclosures to be made about those items in the general purpose financial statements for the purpose of complying with the AASB 124

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## Definitions

**AASB 10** – the Australian Accounting Standards Board - Consolidated Financial Statements – details the criteria for determining whether Council has significant influence over an entity

**AASB 11** – the Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity

**AASB 124** - the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the *Corporations Act 2001*

**AASB 128** – the Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity

**The Act** - *the Local Government Act 1993*

**The Regulation** - *the Local Government (General) Regulation 2005*

**Key Management Personnel** - are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of the entity.

**Material (materiality)** - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**Ordinary Citizen Transaction** - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

**Related Party** - any person or entity that is related to the entity that is preparing its financial statements (referred to in this standard as the 'reporting entity').

**Related Party Transaction** - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

**Significant (significance)** - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

**Remuneration** - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.

### **Policy Statement**

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Council is committed to responsible corporate governance, including compliance with laws and regulations governing Related Party Transactions.

Related Party Relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party Relationship could influence the normal business operations of Council even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances, including commitments, in its Annual Financial Statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively.

When assessing whether such transactions are significant the following factors will be taken into consideration:

- significance in terms of size
- was it carried out on non-market terms
- is it outside normal day-to-day Council operations
- was it subject to Council approval
- did it provide a financial benefit not available to the general public
- was the transaction likely to influence decisions of users of the Annual Financial Statements

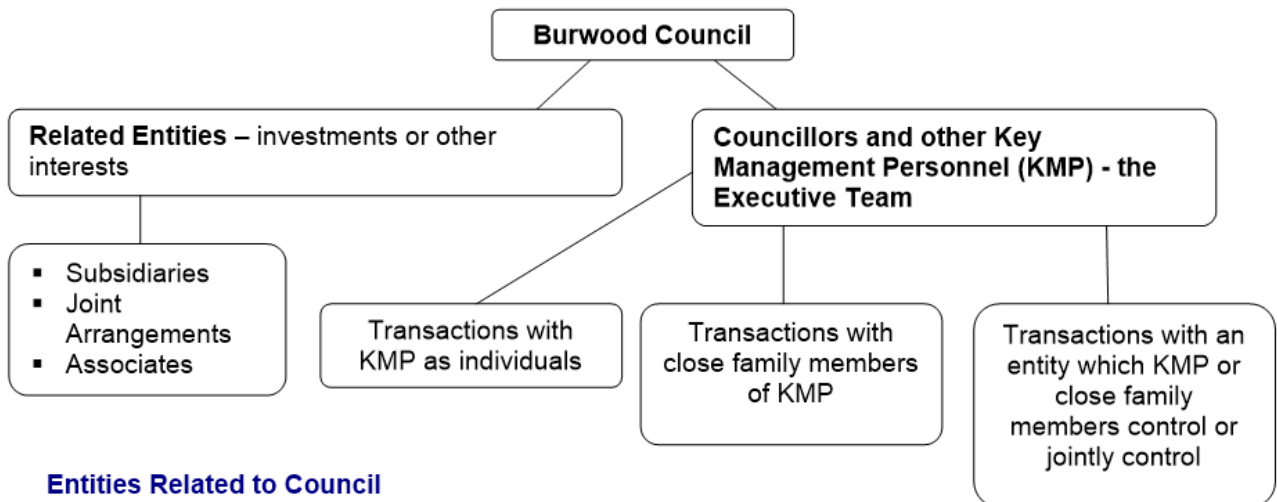
Regard must also be given to transactions that are collectively but not individually significant.

To enable Council to comply with AASB 124, Council's KMP are required to declare full details of any Related Parties and Related Party Transactions. Such information will be retained and reported, where necessary, in Council's Annual Financial Statements.

**Related Parties**

Related Parties of Council are as follows:

- Entities Related to Council
- Key Management Personnel (KMP) of Council
- Close Family Members of KMP
- entities that are controlled or jointly controlled by KMP, or their close family members



**Entities Related to Council**

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB 10 and AASB 11. AASB 128 details the criteria for determining whether Council has significant influence over an entity.

Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify Related Party Transactions/Parties. This information will be included in the Related Party Register which will include all joint arrangements and updated on a quarterly basis.

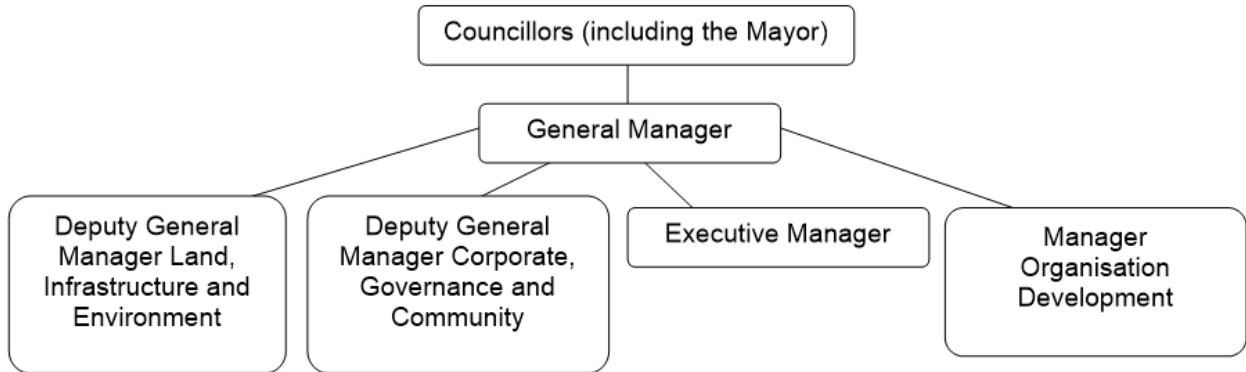
**Key Management Personnel (KMP)**

KMP are persons having the authority and responsibility for planning, directing and controlling the activities of the entity (voting powers), directly or indirectly, including any director (whether



executive or otherwise) of the entity.<sup>1</sup>

The following chart identifies KMP of Burwood Council:



**Close Family Members of KMP**

Those close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council.

The definition of close members of the family of a person for the purpose of the AASB 124 is broader than the definition of "related" in relation to a person for the purpose of a register of interests under the *Local Government (General) Regulation 2005* (the Regulation). For the AASB 124, close family members could include extended members of a family such as, without limitation, a parent, grandparent, siblings, etc (see table below).

***Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members***

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

The following table will assist in identifying close family members:

<b>Definitely a close family member</b>	<b>Maybe a close family member</b>
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependants	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with

<sup>1</sup> AASB 124

## ATTACHMENT 1

### ITEM 86/16 Adoption - Draft Related Party Disclosures Policy.DOC Draft - Related Parties Policy

#### Related Party Disclosures Policy

Definitely a close family member	Maybe a close family member
	Council

#### Disclosure

##### Council Disclosure

AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its Annual Financial Statements by aggregate or general description and include the following details:

- the nature of the Related Party Relationship
- relevant information about the transactions including:
  - the amount of the transaction
  - the amount of outstanding balances, including commitments
  - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement
  - details of any guarantee given or received
  - provision for doubtful debts related to the amount of outstanding balances
  - the expense recognised during the period in respect of bad or doubtful debts due from related parties

All transactions involving Related Parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to KMP or their related parties which:

- occur within normal employee, customer or supplier relationships and at arm's length
- are not material or significant

These shall be excluded from detailed disclosures; they will be disclosed in the financial statements by general description. Disclosures that Related Party Transactions were made on terms equivalent to an arms-length transaction can only be made if such terms can be substantiated.

##### Related Party and KMP Disclosure

The types of disclosure that are required are as follows:

1. Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.
2. KMP Compensation (remuneration) relate to all forms of consideration paid, payable, or provided in exchange for services provided in total and for each of the following categories:
  - Short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees

[Related Party Disclosures Policy](#)

- Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care
  - Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation
  - Termination benefits
3. Where Related Party Transactions have occurred:
- The nature of the Related Party Relationship
  - Information about the transactions, outstanding balances and commitments, including terms and conditions
4. Separate disclosure for each category of the Related Party.
5. For the types of transactions to be disclosed refer to Related Party Transactions Section.

KMP Declarations must be made annually by 30 June by using the Related Party Transaction Disclosure by KMP form (see Appendix A).

**Note:** these Related Party Transaction Notification requirements are in addition to the notifications KMP are required to make to comply with, such as:

- for Councillors and KMP, the pecuniary interests and conflicts of interest obligations in the *Local Government Act 1993* and Code of Conduct

A Related Party Transaction, as opposed to the Register of Pecuniary Interests, the related party and relationship must be disclosed for both the KMP and their close family member even if the same related party entity is held jointly or in common by them.

The New South Wales Auditor General Office may audit related party information as part of the annual external audit.

**Notifications by Key Management Personnel**

In order to comply with the AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Governance Co-ordinator of any existing or potential Related Party Transactions between Council and any of their related parties during a financial year, and any changes to previously notified Related Party Relationships and transactions relevant to the subject financial year.

KMPs must complete the Related Party Relationships Notification by Key Management Personnel Form (see Appendix B), notifying any existing or potential Related Party Relationships between Council and any related parties of the KMP, to the Governance Co-ordinator by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy
- 30 days after a KMP commences their term or employment with Council

During the financial year, a KMP must proactively notify of any new or potential Related Party Relationships that the person knows of, or any changes to previously notified Related Party Relationships to the Governance Co-ordinator by no later than 30 days after the person knows of the transaction or change.

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### Related Party Transactions

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Related Party Transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- purchase or sale of goods (finished or unfinished)
- purchase or sale of property and other assets
- rendering or receiving services
- leases
- transfers of research and development
- transfers under licence agreements
- transfers under finance arrangements (including loans and equity contributions in cash or in kind)
- provision of guarantees or collateral
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised)
- quotations and/or tenders
- settlements of liabilities on behalf of Council or by Council on behalf of the related party
- Expense recognised during the period in respect of bad debts
- Provision for doubtful debts relating to outstanding balances

### Procedures

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The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMPs to provide details of Related Parties and Related Party Transactions to the Governance Co-ordinator.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register (Appendix D) held within the Governance Area.

Should a KMP have any uncertainty as to whether a transaction may constitute a Related Party Transaction they should contact the Governance Co-ordinator who will, in consultation with the Chief Finance Officer, make a determination.

### **Privacy and Access to Government Information (Public Access) Act 2009 (GIPA Act)**

Information provided by KMPs and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

Disclosures, Notifications and the Register are not available for public access under the GIPA Act.

### Related Information/Glossary

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- AASB 124 – Related Party Disclosures (July 2015)
- Australian Accounting Standards
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Government Information (Public Access) Act 2009*
- *Corporations Act 2001*
- Code of Conduct

## ATTACHMENT 1

### ITEM 86/16 Adoption - Draft Related Party Disclosures Policy.DOC Draft - Related Parties Policy

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#### Related Party Disclosures Policy

#### **Review**

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A review of KMP's and their related parties will be completed on adoption of this policy and then at intervals not exceeding six months.

This policy will also be reviewed when any of the following occur:

- corporate restructure
- the related legislation/documents are amended or replaced
- as a result of changes to the Office of Local Government Local Government Code of Accounting Practice and Financial Reporting
- changes to AASB 124

#### **Contact**

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Chief Finance Officer – 9911 9830  
Governance Co-ordinator – 9911 9910

Appendix A – Related Party Transactions Notification

Related Party Disclosures Policy



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**RELATED PARTY TRANSACTION DISCLOSURE BY KEY MANAGEMENT PERSONNEL**

**PRIVATE AND CONFIDENTIAL**

Name of Key Management Person: .....

Position of Key Management Person: .....

Please read the Related Party Disclosures Policy provided with this notification, which explains what is a Related Party Transaction and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please complete the table below for each Related Party Transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family:

1. has previously entered into and which will continue in the ..... financial year
2. has entered into, or is reasonably likely to enter into, in the ..... financial year

Related Party's Name (Individual's or entity's name)	Relationship	Nature of Transaction Existing or Potential	Dollar/Equivalent Value	Description of Transaction Documents or Changes to the Related Party Relationship

**ATTACHMENT 1**

**ITEM 86/16 Adoption - Draft Related Party Disclosures Policy.DOC**  
**Draft - Related Parties Policy**

Related Party Disclosures Policy

<b>Related Party's Name (Individual's or entity's name)</b>	<b>Relationship</b>	<b>Nature of Transaction Existing or Potential</b>	<b>Dollar/Equivalent Value</b>	<b>Description of Transaction Documents or Changes to the Related Party Relationship</b>

KMP Compensation (remuneration) in total and for each of the following categories:

<b>Type of Remuneration</b>	<b>Short-term Employee Benefits</b>	<b>Post-Employment Benefits</b>	<b>Other long-term Benefits</b>	<b>Termination benefits</b>

**Disclosure**

I .....  
(Full name) ..... (Position)

notify that, to the best of my knowledge, information and belief,  
as at the date of this disclosure, the above information includes all existing and potential Related Party Transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the ..... financial year.

I make this disclosure after reading the Related Party Disclosures Policy provided by Burwood Council, which details the meaning of the words "related party", "Related Party Transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Governance Co-ordinator and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests in relation to me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Person: .....

Dated: .....



**Appendix B – Related Party Relationships Notification by Key Management Personnel**



# Burwood Council

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## RELATED PARTY RELATIONSHIPS NOTIFICATION BY KEY MANAGEMENT PERSONNEL

**PRIVATE AND CONFIDENTIAL**

Name of Key Management Person: .....

Position of Key Management Person: .....

If a transaction has occurred since your last declaration, list details of known close family members, entities that are controlled/jointly controlled by KMP and entities that are controlled/joint controlled by close family members of KMP.

Name of Person or Entity	Relationship

**Disclosure**

I .....

ATTACHMENT 1

ITEM 86/16 Adoption - Draft Related Party Disclosures Policy.DOC  
Draft - Related Parties Policy

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Related Party Disclosures Policy

*(Full name)* \_\_\_\_\_ *(Position)* \_\_\_\_\_  
notify that, to the best of my knowledge, information and belief,

as at the date of this disclosure, the above information includes all existing and potential Related Party Transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the ..... financial year.

I make this disclosure after reading the Related Party Disclosures Policy provided by Burwood Council, which details the meaning of the words “related party”, “Related Party Transaction”, “close members of the family of a person” and, in relation to an entity, “control” or “joint control”, and the purposes for which this information will be used and disclosed.

I permit the Governance Co-ordinator and the other permitted recipients specified in Council’s Related Party Disclosure Policy to access the register of in relation to me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Person: .....

Dated: .....

**Appendix C – Examples of Related Parties and Transactions**

# Burwood Council

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**EXAMPLES – RELATED PARTIES AND TRANSACTIONS**

Some specific examples<sup>2</sup> of related party transactions may include:

- paying rates and utility charges in accordance with Council's Schedule of Fees and Charges
- using council's public facilities after paying the corresponding fees:
  - using the Council's public swimming pool after paying the normal fee
  - parking fees at rates available to the general public
  - attending Council functions that are open to the public
  - fines on normal terms and conditions
- entering into leases with Council or Council owned properties
- entering into contracts to provide/receive goods/services to/from Council
- use of Council assets free of charge (e.g. office space (for personal reasons))
- writing off debts due to/by related parties

**Company that is a Related Party of Council – Example 1**

Burwood Council (BC) owns 90% of the shares in Burwood Regional Development Pty Ltd (the Company).

BC has assessed that it has control over the company. The company is therefore a Related Party of BC because BC controls it.

BC produces consolidated financial statements which include both a parent entity column and consolidated entity column. In the statements all individually significant transactions between BC and the company will need to be disclosed. For other transactions that are collectively, but not individually, significant BC will need to disclose a qualitative and quantitative indication of their extent.

BC must also disclose the nature of its relationship with the company.

**Key Management Personnel – Close Family Members – Example 2**

BC has recently employed Greg's son (Richard) in the Council's Works and Service area. Greg is Council's Chief Finance Officer but was not involved in hiring Richard. This process was managed by the Manager Organisation Development and included an independent assessment process. Greg did not have any influence in Richard securing the job.

Greg has been identified as a KMP of Council, which makes him a Related Party.

<sup>2</sup> Provided by Hill Rogers

[Related Party Disclosures Policy](#)

Richard will also be a Related Party of Council because he is a close family member of Greg. The recruitment process that was undertaken for Richard's position is irrelevant when assessing whether Richard is a Related Party.

**Key Management Personnel – Close Family Members – Example 3**

The Mayor of Burwood Council (Matilda) has lived in the municipality her whole life. In fact her family has been in the area for over three generations.

Matilda's cousin Sally, owns and operates a local newsagent through a company Today's News Pty Ltd, of which she is 100% owner. Matilda and Sally have always been close and regularly socialise.

Matilda has been identified as a KMP of the Council. Sally is classified as a Close Family Member of Matilda because she would be able to influence, or be influenced by, that person with her dealings with Council.

Both Sally and the Company she controls, Today's New Pty Ltd would both be Related Parties of the Council. Any transactions that the Council makes with the newsagent would need to be separately identified and need to be disclosed.

**Entities that are Controlled or Jointly Controlled by KMP or their Close Family Members – Example 4**

The Mayor of Burwood Council (Matilda) is the President of Croydon Football League Inc, the local soccer club. The club is overseen by a committee which comprises the President and five other committee members. Each member has a single vote when making decision at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 850 members that each have a vote in electing the committee members at the club's annual general meeting.

The Mayor does not control or jointly control the football club so it will not be a Related Party of Council just because the Mayor is the President of the club.

However, an entity where Matilda has a Close Family Member who has a voting right they would be considered as a Related Party.

**Different Party Transactions that may occur between Related Parties - Example 5**

The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads.

Councillor Paul is a ratepayer residing within the Council's constituency. As such, Councillor Paul takes advantage of the availability of free public access to local parks and libraries. Councillor Paul also used the swimming pool at the Council's Recreation Centre twice during the financial year, paying the casual entry fee applicable to the general public each time. The recreation centre has approximately 20,000 visitors each financial year.

All of the transactions described above between the Council and Councillor Paul are related party transactions of the Council considered for disclosure in the Council's general purpose financial statements. Based on the facts and circumstances described, the Council may determine that these transactions are unlikely to influence the decisions that users of the Council's financial statements make having regard to both the extent of the transactions, and that the transactions have occurred between the Council and Councillor Paul within a public service provider/taxpayer relationship.

## ATTACHMENT 1

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### ITEM 86/16 Adoption - Draft Related Party Disclosures Policy.DOC Draft - Related Parties Policy

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[Related Party Disclosures Policy](#)

#### **Contentious Issues**

**Note:** where there are contentious issues in the determination of Related Party Disclosures Council should seek advice from the External Auditor.

When assessing whether a KMP or Close Family Member controls, or jointly controls, an entity Council will need to refer to ASSB 10 and ASSB 11.

Appendix D – Related Party Register

Related Party Disclosures Policy



**Burwood Council**  
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RELATED PARTY REGISTER

Name	Relationship	Nature of Transactions	Terms and Conditions	Reference - Supporting Evidence

## **(ITEM 87/16) ADOPTION - DRAFT ECONOMIC DEVELOPMENT STATEMENT**

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File No: 16/56688

REPORT BY EXECUTIVE MANAGER

### **Summary**

The Draft Burwood Economic Development Statement outlines Burwood Council's guiding principles and overarching strategies to develop and support local business, as well as to promote partnerships and initiatives to position Burwood as a leading sustainable council in the Inner West region. It also responds to the requirements of Burwood Council's Community Strategic Plan Burwood2030.

### **Background**

Burwood is recognised as the Strategic Centre between the global city of Sydney and the emerging global city of Parramatta, and continues to enjoy a strategic geographical position surrounded by important road arteries, as well as a major railway line.

The latest NSW Government Metropolitan Strategy, "*A Plan for Growing Sydney*", was released on 14 December 2014. The Plan identifies three tiers of centres, including two CBDs; Sydney and Parramatta, three Regional Cities; Penrith, Liverpool and Campbelltown, while Burwood is identified as one of 20 Strategic Centres which includes Rhodes and Olympic Park.

According to the Plan, Strategic Centres contain commercial (office, business and retail), civic and cultural uses, government services and higher density housing. They have good access to public transport and contain at least 10,000 jobs with the potential to accommodate ongoing jobs growth. They are priority locations for employment and retail activity.

Burwood was previously identified as a Major Centre in two consecutive Metropolitan Strategies under different governments.

With the forecast growth of its Town Centre, Burwood will become a destination for a large number of residents and businesses. Burwood Council has an important role to play in the integration of growth targets with local needs, and in the commitment to the continuous improvement of conditions and services for local residents and businesses.

### **Proposal**

That Council adopt the Draft Burwood Economic Development Statement.

### **Consultation**

A number of best-practice economic development experiences from other Councils have been analysed and taken into consideration when drafting the Burwood Economic Development Statement.

### **Planning or Policy Implications**

The guiding principles and major strategic directions in terms of Economic Development will be considered by Council and Council management during decision making processes that might involve the local business community or Burwood's role in the region.

**Financial Implications**

A financial allocation of \$20,000 has been made towards Economic Development activities in the 2016-2017 financial year.

**Conclusion**

The Burwood Economic Development Statement will provide Burwood Council with guiding principles and overarching strategies to develop and support local business, as well as to promote partnerships and initiatives to position Burwood as the leading sustainable council in the Inner West region.

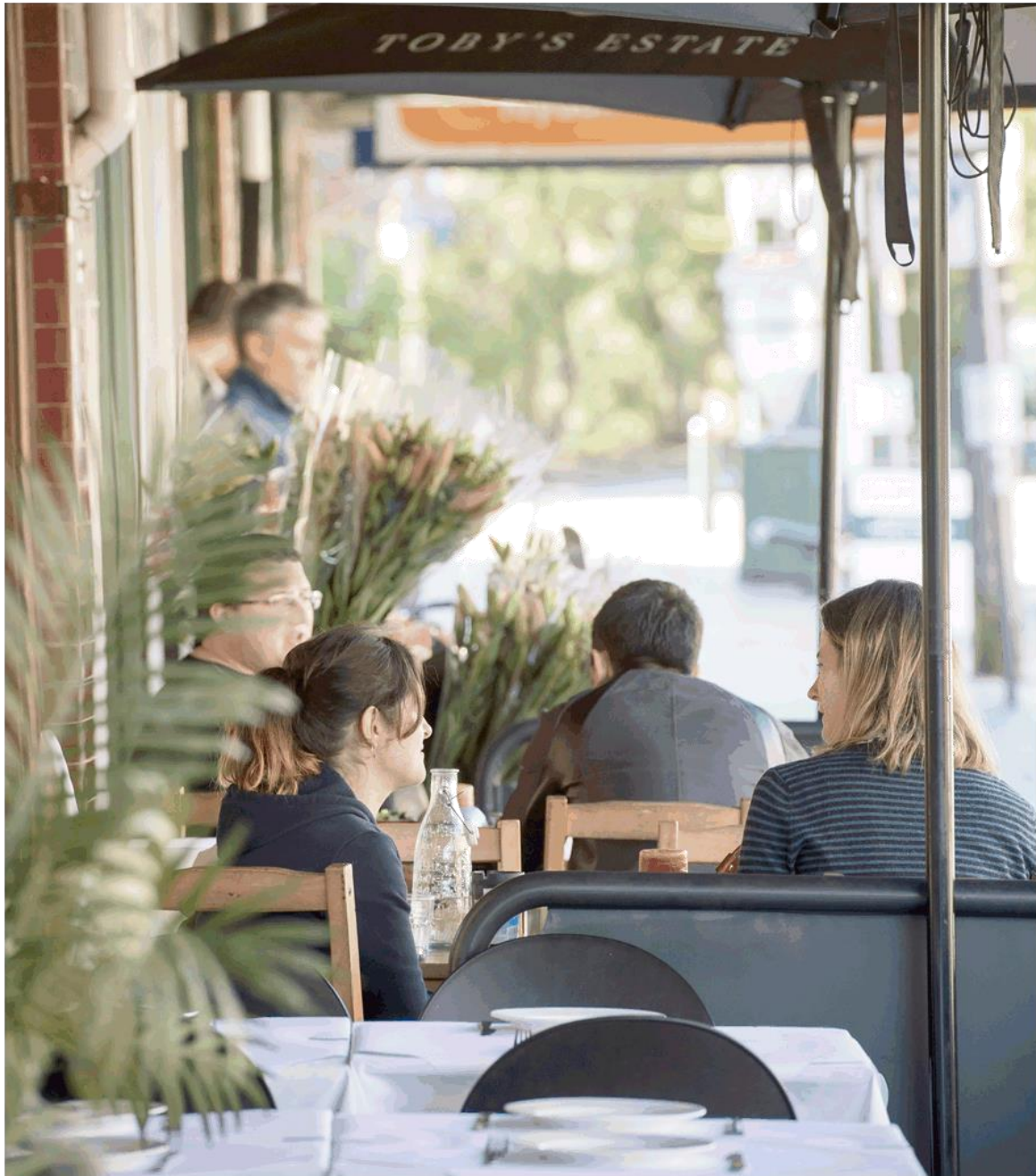
***Recommendation(s)***

That Council adopt the Draft Economic Development Statement 2017.

**Attachments**

1 [↓](#) Draft Economic Development Statement 2017 11 Pages





## DRAFT ECONOMIC DEVELOPMENT STATEMENT 2017

Burwood Council  
November 2016



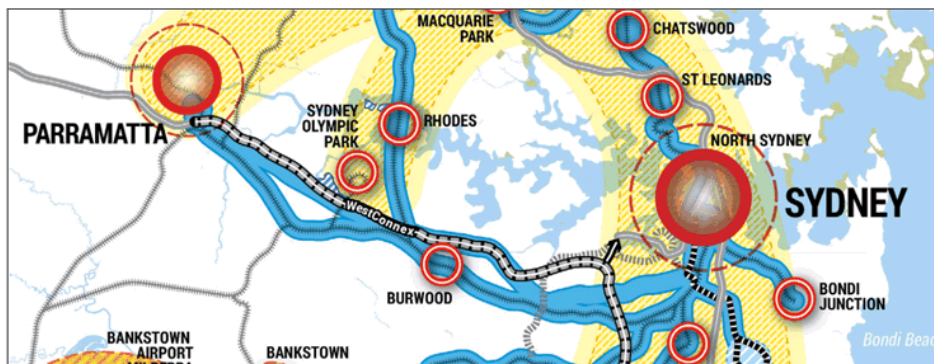
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## DRAFT ECONOMIC DEVELOPMENT STATEMENT

## INTRODUCTION

Located between the global city of Sydney and the emerging global city of Parramatta, Burwood is in a strong strategic and financial position to build on the NSW Government's vision for growing Sydney; taking advantage of its role as the strategic centre of the inner west by accommodating ongoing job growth in its business precincts and higher density housing along the Parramatta Road corridor, while continuing to provide a high level of services to its established residents and businesses.

The latest NSW Government metropolitan strategy *A Plan for Growing Sydney* was released on 14 December 2014. The plan identifies three tiers of centres including two CBDs; Sydney and Parramatta, three Regional Cities; Penrith, Liverpool and Campbelltown while Burwood is identified as one of 20 Strategic Centres which includes Rhodes and Olympic Park.



Source: *A Plan For Growing Sydney - NSW Now 2014*

According to the plan, Strategic Centres contain commercial (office, business and retail), civic and cultural uses, government services and higher density housing. They have good access to public transport and contain at least 10,000 jobs with the potential to accommodate ongoing jobs growth. They are priority locations for employment and retail activity.

Burwood was previously identified as a major centre in two consecutive metropolitan strategies under different governments.

Burwood LGA currently has frequent and reliable bus and rail services that connects destinations, jobs and communities. With both current and future infrastructure improvements and upgrades including the WestConnex and proposed Strathfield light rail the area is set to become a transport hub with a rapid transport connection to Sydney and Parramatta.

To ensure consistency with the NSW Government's blueprint for Sydney's future, Burwood will continue to grow as the strategic centre of the inner west taking advantage of its strong local economy, excellent public and private transport infrastructure which is accessible from all areas in Sydney, commercial precinct and higher density housing within the CBD.

Burwood LGA has a variety of major utility providers that service the area including Origin Energy and AGL for gas and electricity and Telstra for telephone and broadband services.

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

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Burwood currently has many major public and private services established in the area including:

- Burwood Court House
- NSW Police Burwood Local Area Command (servicing Burwood and Canada Bay LGAs)
- NSW Justice
- State Transit Authority – Burwood Bus Depot
- Service NSW
- NSW Trustee & Guardian
- Transport NSW
- Housing Appeals Committee
- Sydney Trains
- Burwood Fire Station
- Burwood SES
- Banking institutions including Commonwealth Bank, NAB, ANZ, Westpac, St George, Suncorp, BankWest, HSBC, Bank of Queensland and Bendigo Bank
- Westfield Shopping Centre
- Burwood Plaza
- St John of God Hospital
- Strathfield Private Hospital
- Burwood Girls High School, MLC, PLC Sydney, Santa Sabina and OTEN (including State office)
- Southern Cross Catholic Vocational College

Burwood's renowned schools, in a particular, are high achieving and reputable educational institutions that can boost the population and add value to the area.

Burwood is well positioned to surpass the NSW Government's employment targets of 2,000 jobs by 2021 with more than 34,400sqm of office and business space to be built in the CBD in the near future based on current applications before Council. This will provide approximately 3,400 additional workstations in offices across the CBD. This demonstrates the potential commercial capacity of Burwood CBD as a strategic centre in the region.

The Burwood Town Centre Local Environmental Plan (LEP) and Comprehensive LEP outline and will regulate the growth of Burwood over the next 25 years.

An estimated 7700 extra dwellings in the area will increase the population by at least 50% by 2025 and will require careful management of infrastructure and services.

The forecast growth in terms of dwellings and population is a great opportunity for the area, as well as a complex challenge.

The development of the area is set to generate an additional 4,000 jobs, turning Burwood in an attractive and vibrant employment destination.

Burwood Council recognises the important role it needs to play in the integration of growth targets with local needs, and it is committed to the continuous improvement of conditions and services for local residents and businesses.

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

When developing the Burwood2030 Community Strategic Plan, a vision was agreed upon that identified Burwood as:

*“A well connected, sustainable and safe community that embraces and celebrates its culture and diversity”.*

While a number of strategic objectives have originated from this long term vision for the area, a more specific vision for the economic development of the Burwood LGA is required.

The Burwood Economic Development Vision is:

*“A vibrant and dynamic community which balances quality of life with sustainable economic development, providing regional leadership and opportunities for employment and training in Burwood”.*

### PRINCIPLES FOR ECONOMIC DEVELOPMENT IN BURWOOD

In undertaking its economic development activities, Burwood Council is guided by the following principles:

- Commitment to the quality of life in Burwood
- Commitment to sustainability (economic, social, environmental and cultural)
- Commitment to innovation
- Commitment to partnership and integration

### REGIONAL PROFILE

The Burwood Council area is located in the inner-western suburbs of Sydney, about 12 kilometres west of the Sydney CBD, and is bounded by the City of Canada Bay in the north, the Inner West Council in the east, City of Canterbury Bankstown in the south, and the Strathfield Council area in the west.



## DRAFT ECONOMIC DEVELOPMENT STATEMENT

Burwood encompasses a total land area of about seven square kilometres. The Council area is predominantly residential, with significant commercial areas. The largest employment sectors include health care and social assistance, retail and education and training.

Burwood features a major shopping precinct in the CBD, including Westfield Burwood Shopping Centre and Burwood Plaza, as well as a number of business and shopping precincts at The Strand, Liverpool Road, The Boulevard and Georges River Road.

The Council area has three private hospitals - Alwyn Rehabilitation Hospital, Strathfield Private Hospital and St John of God Hospital. Burwood has significant education services with 12 schools and several training colleges in the LGA.

**ECONOMIC PROFILE**

The Local Gross Regional Product (GRP) was recorded at \$2.65 billion in the year ending June 2015, marking an increase of 7.9% from 2012.

	2012	2015	Change
Local Gross Regional Product (GRP)	\$2,45 billion	\$2,65 billion	7.9%
Residents Gross Regional Product (GR)	\$1,94 billion	\$2,07 billion	3.2%

Note: the Local Gross Regional Product shows the value of the economy, generated by the workers within the area *regardless of where they live*, after taxes and dividends leave the area.

Typically, if the Residents GRP of an area is high relative to the Local GRP, this indicates that residents are contributing their economic productivity to other areas (most likely commuting out). In the case of Burwood, its central location leads to a balanced situation where the number of residents commuting out of the area is compensated by a large number of workers coming to Burwood on a daily basis.

In terms of Total Disposable Income, the area registered \$1,45 billion in 2014/15.

Note: the household productivity of our residents is calculated by taking Local GRP (residents), minus interest paid on debts (eg. household mortgages, credit cards), minus taxes, plus cash benefits paid by government, minus a balancing item for other payments.

**REGIONAL EMPLOYMENT**

Burwood counts a total of 4837 businesses in the area, with the majority being small businesses run by a sole proprietor

Sole proprietors	58%
1-4 employees	33%
5-19 employees	8%
20 or more employees	1%

*Australian Bureau of Statistics, Counts of Australian Businesses 2011 to 2015*

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

Areas of Employment

The majority of people working in Burwood are employed in health care and social assistance (18% of total employment), followed by retail trade (14.3%), education and training (14%) and transport, postal and warehousing (9.8%).

Location of Jobs

A geographical analysis of job location shows that the majority are located around the main business districts, with 58% in the Burwood Town Centre, 11% in the Strathfield Station precinct and CBD area, 10.9% in the Enfield area, including Hume Highway and Coronation Parade, with the remaining distributed in other precincts.

**OUR WORKERS**

Burwood has a workforce of 15,093 people.

Of these, 14% are residents of Burwood. The majority of workers commute from neighboring Inner West suburbs (Canada Bay, Canterbury, Strathfield), and from bigger centres such as Bankstown, Blacktown, and Parramatta.

Total workforce in Burwood	15,093
Workers who live in Burwood	14.4%
Male	53.8%
Female	46.2%
Come to work by public transport	23.9%

Source: Australian Bureau of Statistics (ABS) – Census 2006 and 2011

**OUR RESIDENTS**

The size of Burwood Council's resident labour force in 2011 was 15,093 persons, of which 4,986 were employed part-time (33%) and 9,257 were full time workers (61.3%).

Overall, 93.2% of the labour force was employed, of which (15%) were aged 15-24 years of age and (84%) were aged 25 years and older.

Between 2006 and 2011, the number of people employed in Burwood Council showed an increase of 1,081 persons and the number unemployed showed a decrease of six persons. In addition, 13.5% of the population reported performing voluntary work.

Where do they work?

The majority of the residents of Burwood commute on a daily basis to go to work.

The Sydney CBD remains the main employment destination, attracting close to 16% of Burwood residents. Only 14% of residents work in Burwood, while the remaining 70% are employed in the Inner West area and in Parramatta.

Analysis of the method of travel to work of the residents in Burwood's LGA in 2011 shows that 57.6% used a private vehicle while 35.2% used public transport.

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

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### What do they do?

An analysis of the occupations held by the resident population in Burwood Council in 2011 shows the three most popular occupations were:

- Professionals (4232 persons or 28%)
- Clerical and Administrative Workers (2,342 persons or 15.5%)
- Technicians and trade workers (1,731 persons or 11.5%)

In combination these three occupations accounted for 8305 people in total or 55% of the employed resident population.

### Weekly Household Income

Burwood LGA presents (20.3%) of high income households (those earning \$1,500 per week or more), and the percentage of low income households (those earning less than \$600 per week) remains high at 31%.

### **ECONOMIC DEVELOPMENT STRATEGIES**

In order to meet its Vision, Burwood Council has selected seven strategies it will pursue in 2017:

- Seek, activate and promote partnerships with key stakeholders
- Support local businesses through the provision of business information sharing, training and networking opportunities
- Promote LGA as a destination for cultural initiatives, events, shopping and dining
- Promote LGA as major centre with a focus on being a 'hub for business'.
- Support awards and initiatives that recognise and promote achievements of local businesses
- Engage and include multicultural business owners
- Improve electronic communications with the business sector

**DRAFT ECONOMIC DEVELOPMENT STATEMENT**

**ACTION PLAN**

<b>STRATEGY</b>	<b>DESCRIPTION</b>	<b>OUTCOME SOUGHT</b>
<p><b>Seek, activate and promote partnerships with key stakeholders</b></p>	<ul style="list-style-type: none"> <li>▪ Investigate cooperation with neighbouring Councils to promote each other's business services and initiatives, produce larger-scale business events and other shared strategic objectives</li> <li>▪ Form relationships/partnerships with soft infrastructure providers to obtain information specific to the LGA for use in promotional material such as rate of internet/broadband. Seek to identify a dedicated officer within each organisation to provide assistance to businesses that move into the LGA</li> <li>▪ Continue to grow existing partnership with OTEN to provide subject matter experts, online courses, educational material and other resources to the businesses</li> <li>▪ Continue partnership with Australian Business Consulting and Solutions Group to provide subject matter experts for business events.</li> <li>▪ Promote Local Chambers of Commerce to businesses to drive membership and provide information on business events for Chambers to disseminate to members</li> <li>▪ Review partnership with the Business Enterprise Centre - Clearly Business and investigate use of specialist business advisors to engage with multicultural business owners</li> </ul>	<ul style="list-style-type: none"> <li>▪ Share costs and resources to provide events and services to businesses</li> <li>▪ Increase the variety of events and services available to business community</li> <li>▪ Cross promote to increase exposure of Council initiatives, services and events</li> </ul>
<p><b>Support local businesses through business information resources and training opportunities</b></p>	<ul style="list-style-type: none"> <li>▪ Continuation and extension of Council's regular program of workshops and networking events.</li> <li>▪ Utilise existing partnerships with Australian Business Consulting and Solutions to supply subject matter experts for events</li> <li>▪ Explore opportunities with OTEN for discounted or free business-specific courses and training outcomes taking advantage of the organisation's online tools such as access to webinars.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increase awareness amongst the business community on Council's initiatives, services and events</li> <li>▪ Provision of up-skilling opportunities to local businesses</li> </ul>



## ATTACHMENT 1

### ITEM 87/16 Adoption - Draft Economic Development Statement.DOC Draft Economic Development Statement 2017

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

STRATEGY	DESCRIPTION	OUTCOME SOUGHT
<b>Promote LGA as a destination for cultural initiatives, events, shopping and dining</b>	<ul style="list-style-type: none"> <li>▪ Undertake a marketing campaign to promote the area and its strengths to shoppers</li> <li>▪ Produce media releases and marketing material promoting the LGA as a place to come to shop and dine targeting publications such as the SMH's Good Food Guide.</li> <li>▪ Produce a shopping guide or food guide in digital format to encourage shoppers to the area.</li> <li>▪ Utilise Safe and Clean team to distribute marketing material</li> <li>▪ Investigate establishment of business levy to fund beautification and activation activities</li> <li>▪ Utilise fund to match shopfront beautification works dollar for dollar upon application</li> <li>▪ Establish a 'walking workshop' with expert window dresser providing advice on how to beautify shopfronts to draw more shoppers.</li> <li>▪ Encourage businesses to collaborate and work together to beautify shop fronts, promotional discounts and other initiatives</li> <li>▪ Promote Burwood Park and facilities such as the Pavilion for events</li> </ul>	<ul style="list-style-type: none"> <li>▪ Activate and promote sustainable town centres</li> <li>▪ Attract more shoppers to town centres</li> <li>▪ Improve and beautify town centres</li> </ul>
<b>Promote LGA as major centre with a focus on being a 'hub for business'.</b>	<ul style="list-style-type: none"> <li>▪ Write to major hotel brands to promote LGA is an ideal place to invest/do business.</li> <li>▪ Provide information and marketing material to commercial real estate agents promoting Burwood as a business hub.</li> <li>▪ Provide information to local MPs to encourage them to lobby the LGA as a great place to do business.</li> <li>▪ Promote use of Profile ID and Economic ID profile tools</li> <li>▪ Invite stakeholders from key sectors such as health and education to attend roundtable with Mayor and General Manager to determine strategies to attract more businesses</li> <li>▪ Provide an online library of short video testimonies from business owners</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage business investment</li> <li>▪ Increased exposure of the as a hub for businesses large and small</li> </ul>

## ATTACHMENT 1

### ITEM 87/16 Adoption - Draft Economic Development Statement.DOC Draft Economic Development Statement 2017

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

STRATEGY	DESCRIPTION	OUTCOME SOUGHT
<b>Support awards and initiatives that recognise and promote achievements of local businesses</b>	<ul style="list-style-type: none"> <li>▪ Sponsor Inner West Business Awards</li> <li>▪ Acknowledge awards and achievements of local businesses through Council's promotional material</li> <li>▪ Investigate opportunities to establish Council's own business award program</li> </ul>	<ul style="list-style-type: none"> <li>▪ Improved public recognition of quality of local businesses and establishments</li> <li>▪ Achievements are celebrated with local businesses</li> </ul>
<b>Engage and include multicultural business owners</b>	<ul style="list-style-type: none"> <li>▪ Recruit native speakers as volunteers to assist with translations and multicultural engagement at business visits and events</li> <li>▪ Provide newsletters, online content promotional collateral in multiple languages</li> <li>▪ Produce online information videos in multiple languages</li> </ul>	<ul style="list-style-type: none"> <li>▪ Actively engage multicultural business groups and provide information on Council initiatives, services and events in different languages.</li> </ul>
<b>Improve electronic communications with the business sector</b>	<ul style="list-style-type: none"> <li>▪ Create a website that will function as a single point of entry to business information and activities in the area. Information can include: overview of the area, business programs/resources, planning, assistance, training, referrals, contacts, access to resources for State and Federal funding opportunities.</li> <li>▪ Investigate technologies that will allow local businesses to communicate and collaborate.</li> <li>▪ Create a blog that publishes business related articles and information. Investigate possibilities for business owners to submit articles.</li> <li>▪ Dedicate a section of the website to encourage prospective investors and new businesses to access local Economic Development information</li> <li>▪ Include a tool kit to assist new businesses with resources such as information on soft infrastructure, commercial real estate listings and government support.</li> <li>▪ Continue electronic newsletters for business owners and investigate of increasing frequency of distribution and increase numbers on database by promoting at events, in-person visits and marketing material.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increase access and awareness to Council's Economic development initiatives and services</li> <li>▪ Promote the LGA as a business hub for businesses large and small where prospective investors or new businesses can obtain information from a single source.</li> <li>▪ Encourage local businesses to collaborate and communicate</li> </ul>

## DRAFT ECONOMIC DEVELOPMENT STATEMENT

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### REPORTING

An annual report will be provided to Council on the progress against the strategies included in the Statement.

### CONTACT

Community and Business Engagement Officer – 9911 9982.

**(ITEM 88/16) ADOPTION - DRAFT INVESTMENT POLICY**

File No: 16/55281

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY SERVICES

**Summary**

To seek Council's endorsement of the Draft Investment Policy. The policy has been updated to enable Council to invest in broader investment instruments in accordance with the Ministers Orders on Investments.

**Background**

The current policy was adopted by Council on 18 November 2013. The policy is required to be reviewed when there are changes to Ministers Orders, legislative or by Office of Local Government Circulars.

**Comment**

The Policy has been reviewed by an independent investment advisor (Amicus Advisory currently used by Burwood Council to value Grandfather CDO's investments) and updated in line with current legislation to enable Council to invest in broader investment instruments (Floating Rate Notes). The following amendments have been made to the Policy as part of Council's Review process.

<b>AMENDMENT</b>	<b>COMMENT</b>
Purpose	Insertion of "Prudence" rather than looking for the best return. Enforcement of duty of care, due diligence and prudent person approach.
Delegation of Authority	Inclusion of naming the actual positions that have delegated authority to invest within the policy so that it is clear and to lessen the risk of confusion.
Authorised Investments	Changes to allow for wider investment policy parameters and place extra restrictions at the strategy level.
Prohibited Investments	Inclusion of "Investments not denominated in Australian Dollars".
Investment Strategy	Inclusion of "Investment Strategy". This will allow Council staff to develop an investment strategy on a quarterly basis guiding investment decisions for the next quarter responding appropriately to different investment opportunities on a considered basis.
Grandfathering	Inserted to deal with situations where securities purchased are downgraded and are no longer compliant with the policy.
Trading Policy	Insertion of this section clarifies what the trading strategy should be and steers Council away from a "switching" strategy that led to losses in the GFC.
Performance Benchmark	Change from Bank Bill Swap Rate (BBSW) to Bloomberg Bank Bill Index as this is more commonly used now and is less volatile.
Review of Policy	Inclusion of "in the event or result of" so that it

AMENDMENT	COMMENT
	covers both the review period and legislative changes.

### **Financial Implications**

The revised investment policy remains a conservative investing approach but will enable Council to invest in more securities in accordance with the Ministers Order on Investments in order to improve investment returns.

### **Conclusion**

The Draft - Investment Policy once adopted by Council will be forwarded to the Finance and Resource Management Team for implementation and will be published on Council's Website.

### ***Recommendation(s)***

That Council adopts the Draft - Investment Policy.

### **Attachments**

- 1 [↓](#) Draft - Investment Policy 8 Pages
- 2 [↓](#) Ministers Investment Order - 12 January 2011 1 Page



# *Burwood Council*

heritage ■ progress ■ pride

## **DRAFT - INVESTMENT POLICY**

Modeled on the *Investment Policy Guidelines* issued by the Department of Premier and Cabinet – Division of Local Government

Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134  
PO Box 240, BURWOOD NSW 1805  
Phone: 9911-9911 - Fax: 9911-9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Public Document  
Adopted by Council:  
Trim No. 16/52443  
Ownership: Finance  
Version No. 4

ITEM 88/16 Adoption - Draft Investment Policy.DOC  
Draft - Investment Policy

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## Purpose

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To provide a framework for the investing of Council's surplus funds in a prudent manner to generate the most favourable returns within acceptable risk parameters whilst ensuring that Council's liquidity requirements are being met.

Specific strategies may be employed at different times to achieve this objective so long as those strategies always lie within the policy.

## Background and Standards

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Section 625 of the *Local Government Act 1993* allows Council to invest funds in particular securities so long as the funds are not required for any other purpose.

The Minister for Local Government issued revised guidelines in 2010 which placed emphasis on observing the 'prudent person test'.

*The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes* (DLG – May 2010)

At the same time the investment of Council's funds must be conducted to the highest of ethical standards:

*Officers shall refrain from personal activities that would conflict with the proper execution and management of this portfolio. This policy requires officers to disclose any conflict of interest to the General Manager. Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.* (DLG – May 2010)

## Authority for Investment

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The Council may invest surplus funds pursuant to the:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- Ministerial Investment Order of 12 January 2011
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars
- *The Trustee Act 1925* Section 14 and the *Trustee Amendment (Discretionary Investments) Act 1997* – Sections 14A(2), 14C(1) and (2)
- Investment Policy Guidelines 2010

## Delegation of Authority

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Authority for implementation of this Policy is delegated by the elected Council to the General Manager in accordance with the *Local Government Act 1993* (NSW).

Subject to regular review, the General Manager has delegated the day-to-day management of Council's Investment Portfolio to the:

- Chief Finance Officer
- Financial Operations Accountant
- Financial Operations Officer

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**Draft - Investment Policy**

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- Accountant

To be effective a delegation must be in writing.

Staff members delegated to manage Council's Investment Portfolio must acknowledge that they have received a copy of this Policy and that they understand the obligations and responsibilities of their role.

### **Authorised Investments**

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Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

The most current Minister's Order is dated 12 January 2011 and is detailed in [Attachment A](#).

Authorised Investments will be limited to:

- any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a territory;
- any Debentures or Securities issued by a Council, within the meaning of the Local Government Act 1993 (NSW);
- interest bearing deposits with, or debentures or bonds issued by, an Authorised Deposit-taking Institution (ADI), as defined in the Banking Act 1959 (Commonwealth), but excluding subordinated debt obligations;
- any bill of exchange which has a maturity date of not more than 200 days and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an ADI;
- a deposit with the NSW Treasury Corporation or investments in an Hourglass Investment Facility of the New South Wales Treasury Corporation.

### **Prohibited Investments**

In accordance with the Ministerial Investment Order, this investment policy prohibits, but is not limited, to any investment carried out for speculative purposes including:

- derivative based instruments
- principal only investments or securities that provide nil or negative cash flow
- stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind
- shares of any kind
- any investments not denominated in Australian Dollars or that carry foreign exchange risk

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Council officers should ensure that before new investments are made, they establish whether a product complies with the investment policy and, where necessary, obtain independent financial advice in writing on the nature and risk of the financial product.

### **Investment Guidelines**

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While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return on investment.

- Preservation of capital is the principle objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.



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- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of the investment.
- Investments are expected to achieve a market return in line with the Council's risk tolerance

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money)
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit, interest rate, liquidity and market risks
- Credit risk – the risk the investment council has made fails to pay the interest and repay the principal when due
- Liquidity Risk – the risk council is unable to redeem the investment at a fair price within a timely period, or the risk the fair price has changed significantly due to market risks and council is in a position where it must sell before maturity incurring a loss
- Interest Rate Risk – the risk the fair market value of the investment fluctuates significantly due to changes in underlying interest rates
- Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market conditions and prices, principally interest rate, credit and liquidity risks
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and exposure to market risks

#### Direct Investments

#### Portfolio Credit Framework

The portfolio credit guidelines to be adopted will be based on the Standard and Poor's (S&P) ratings system criteria (or Moody's/Fitch equivalent if an S&P rating is not available). The maximum available limits in each rating category are as follows:

Long Term Rating	Short Term Rating	Maximum Portfolio Limit
AAA to AA-	A-1+	100%
A+ to A-	A-1	80%
BBB+ to BBB-	A-2	30%
Unrated	A-3 or unrated	15%

If the instrument has a maturity date of less than 1 year the short term rating will apply and if it has a maturity greater than 1 year the longer term rating will apply.

#### Individual Counterparty Credit Framework

The individual credit guidelines to be adopted will be based on the Standard and Poor's (S&P) ratings system criteria (or Moody's / Fitch equivalent if an S&P rating is not available). The maximum available limits in each rating category are as follows:

Long Term Rating	Short Term Rating	Maximum individual Limit
Federal or NSW Government		100%
AAA to AA-	A-1+	45%
A+ to A-	A-1	30%
BBB+ to BBB-	A-2	10%
Unrated	A-3 or unrated	10%

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#### Draft - Investment Policy

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If the instrument has a maturity date of less than 1 year the short term rating will apply and if it has a maturity greater than 1 year the longer term rating will apply.

#### Term to Maturity Framework

The portfolio is to be invested with the following term to maturity constraints:

Maturity Band	Minimum Portfolio Exposure	Maximum Portfolio Exposure
<1 year	30%	100%
>1 year	0%	70%
>3 year	0%	30%
>5 years	0%	10%

All investments greater than 5 years must be issued by a government entity or carry a long term rating of AA- or above from S&P (or an equivalent ratings agency)

#### Investment Strategy

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On a quarterly basis and in conjunction with this Investment Policy, an Investment Strategy will be formulated and documented taking into consideration the following:

- Council's cash flow requirements and implications for the portfolio liquidity profile.
- Allocation of investment types, credit quality, counterparty exposure and term to maturity.
- Current and projected market conditions and any likely impacts on relative positioning in terms of the portfolio and any necessary policy implications.
- Relative return outlook; risk-reward considerations; assessment of the market cycle and hence constraints on risk.
- Appropriateness of overall investment types for Council's portfolio.
- The projected investment portfolio level for the forthcoming year.

#### Grandfathering

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Any investment purchased when compliant with the investment policy may be held to maturity or sold as Council believes best dependent on the individual circumstances, so long as that risk management strategy is in accordance with the principles of the Investment Guidelines as above, the prevailing legislation and the prudent person guidelines.

Specifically, Grandfathering will apply to any investment that:

- Was made ineligible by a previous change to the external legislation if that change allows for grandfathering (e.g., changes regarding CDO's following the change of legislation post the Cole Report)
- Is made ineligible as a result of a change to this investment policy
- Is in breach of the investment policy due to a change of circumstance. (e.g., because the investment has been downgraded or has had its credit rating withdrawn post purchase)
- Is in breach due to a change of portfolio size or composition (e.g. because the overall portfolio size has decreased and as a result the percentage of total portfolio limit which applies to individual remaining investments increases and therefore causes a breach)

#### Trading Policy

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Council will make every effort and will undertake cash flow forecasting to match investment maturities to cash flow requirements to minimise early liquidation of investments prior to scheduled

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### ITEM 88/16 Adoption - Draft Investment Policy.DOC Draft - Investment Policy

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maturities and any associated penalties either explicit in the form of break costs or implicit in terms of broker fees, market spreads and liquidity risks.

Investments will be acquired with the intention of holding them through maturity, and cash liquidity requirements will be managed to ensure that Council avoids a situation that will require a forced sale of these assets in normal circumstances.

However, if Investment Policy Limits have been breached due to a change in the overall size of the investment portfolio, external or internal changes to investment policy parameters or for any other reason, then investments maybe sold prior to maturity. Under these situations Council has the authority to make the necessary arrangements to withdraw from the investment as soon as practicable.

Council may also sell assets prior to maturity in the following circumstances:

- If the asset is liquid, easily tradeable, can be sold without significant loss and was purchased as part of a “liquidity buffer” against the event of unforeseen and unexpected liquidity requirements.
- If Council judges that the asset has deteriorated in credit quality and there is a material risk of loss on the asset if held to maturity and Council upon seeking external advice from a competent and reputable advisor is advised that a sale of the asset is in the best interests of Council for risk management purposes to potentially minimise any future losses.

For the avoidance of doubt, Council will not adopt an active trading strategy buying and selling assets on broker recommendations for the purposes of enhancing returns through the accumulation of capital profits.

#### **Quotations for Purchases and Sales of Investments**

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The investing officer must satisfy themselves that they are obtaining a fair market price for all investments made at all times. This can be accomplished by obtaining three independent quotes from reputable market makers where the investment is widely traded or where it is not widely traded by reference to other similar instruments that are traded in the market place.

If this is not possible or impractical, the investing officer can rely on representations made by an Independent Advisor with no conflicts of interest regarding the purchase or sale of the investment.

For the avoidance of doubt the investing officer must not rely or representations made by the buyer, seller or broker or any other person with a potential conflict of interest.

#### **Performance Benchmark**

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The performance of the Investment Portfolio has been set at the Bloomberg Bank Bill Index plus 25bps on a long term basis.

A return of 25bps (a quarter of 1%) over the benchmark is considered to be in line with Council's conservative risk appetite.

#### **Safe Custody Arrangements**

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Where necessary, investments may be held in safe custody on Council's behalf as long as the following criteria are met

- Council must retain beneficial ownership of the all investments
- Adequate documentation is provided verifying the existence of the investments

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- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The institution of Custodian recording and holding the assets will be:
  - Austraclear or an equivalent globally recognised registry service or
  - A major Australian Bank (ANZ, CBA, NAB, Westpac)
  - An entity with a credit rating of AA- rating from S&P (or its equivalent rating from Fitch or Moody's) or better

#### Reporting

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All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year (or any other date which is the end of financial year) and reconciled in the Investment Register.

A monthly report will be provided to Council which details:

- Portfolio performance
- Portfolio composition with relevant data on types of investment, credit ratings and maturities
- Compliance with the terms of the investment policy (with any breaches noted)
- Independent financial assessments of the value of the investments and the investments portfolio

#### Investment Advisor

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Council's investment advisor must be approved by Council and hold an Australian Financial Services License issued by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commission or other benefits in relation to the investments being recommended or reviewed.

#### Review of Policy

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This investment policy will be reviewed at least once a year or as required in the event or result of legislative changes.

The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

#### Glossary

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**ADI** – Authorised Deposit-Taking Institution are corporations that are authorised under the *Bank Act 1959* (Cwth) to take deposits from customers.

**Bill of Exchange** – a bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to

pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

**Debentures** – A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.

**DLG** – NSW Division of Local Government, Department of Premier and Cabinet

**Grandfather Clause** – Grandfather clause is a legislative clause, which, in prohibiting a certain activity, exempts those who were already engaged in the activity at the time the legislation was passed.

**Preservation of Capital** – Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

**Prudent person standard** – Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

**Securities** – for financial markets these are many types of financial instruments (i.e. documents) that are traded in financial markets (except futures contracts) e.g. bills of exchange, transferable certificates of deposit, negotiable certificates of deposit, floating rate notes.

ATTACHMENT A

ITEM 13.046/11 - 2

**LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER**

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

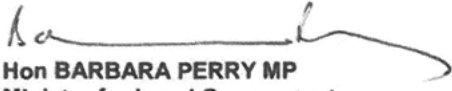
An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011
  
 Hon BARBARA PERRY MP  
 Minister for Local Government

## **(ITEM 89/16) PREMISES 1-17 ELSIE STREET BURWOOD - TRANSFER OF PARKING SPACES TO COUNCIL**

File No: 16/56667

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY SERVICES

### **Summary**

In 2009 when a development application for 1-17 Elsie Street Burwood was approved by the Minister for Planning for the construction of three residential buildings and reorganisation of car parking, the approval included an allocation of four car share spaces to Council. This has now been resolved. With a recent strata subdivision of the commercial floor space of 1-17 Elsie Street, four car share spaces have now been allocated to Council and these need to be classified as operational land.

### **Background**

By approval dated 2 March 2009 the Minister for Planning approved the construction of three residential towers over the existing commercial podium at 1-17 Elsie Street Burwood. Also approved was a reorganisation of the car parking to meet the demand generated by the residential component. This approval was subject to four car share space being allocated to Council. For reasons not notified to Council the allocation of these car spaces was not made at that time.

Correspondence and negotiations have taken place with Cadmous Pty Ltd which is the major commercial property owner within the 1-17 Elsie Street premises, to resolve this matter.

The result of this was that on 22 April 2016 Council approved a strata subdivision submitted on behalf of Cadmous Pty Ltd, of commercial floor space within 1-17 Elsie Street. One of the conditions of consent is that four car spaces shall be dedicated to Council free of charge, as car share spaces. On the new approved strata plan, these four car spaces located on the ground floor are registered as Lot 33 SP 93494.

By notification dated 22 November 2016, the legal adviser for the vendor Cadmous Pty Ltd has advised that they are awaiting confirmation of the new Certificate of Title for Lot 33 SP 93494 to be transferred to Council's name.

### **Proposal**

It is proposed that Council accept the transfer of the four car share spaces being Lot 33 SP 93494.

In accordance with the *Local Government Act 1993* regarding classification of land, Council must resolve to classify land within three months of acquisition otherwise it is automatically classified as community land.

As the commercial, car park and office property owned by Council within 1-17 Elsie Street being Lots 11, 13 & 15 in DP 1142160 are classified as operational land, it would be appropriate to classify this Lot 33 SP 93494 as operational land also.

### **Planning or Policy Implications**

Council does not have a policy on car share spaces in its car parks. It is recommended that a report on this matter taking into account parking fees, allocation of car space and other relevant matters be submitted to Council.

### **Financial Implications**

An additional four car spaces while increasing Council's asset value in 1-17 Elsie Street, will also generate additional parking fee income.

### **Conclusion**

In order to comply with Ministerial approval dated 2 March 2009, it is proposed that Council accept from Cadmous Pty Ltd the transfer of land known as Lot 33 SP 93494 being for four car share spaces and classify such as operational land. Also, it is proposed that a report be submitted to Council on the policy of car share spaces to include reference to parking fees, allocation within car parks and other relevant matters.

### ***Recommendation(s)***

1. That Council accept from Cadmous Pty Ltd the transfer of land known as Lot 33 SP 93494 and being four car share spaces located within premises 1-17 Elsie Street Burwood such transfer being in compliance with Ministerial approval dated 2 March 2009, and that the land transferred be classified as operational land.
2. That a report be submitted to Council on the policy of car share spaces and such report include reference to parking fees, allocation of car space and other relevant matters.

### **Attachments**

There are no attachments for this report.



## **(ITEM 90/16) DELEGATION TO THE MAYOR AND GENERAL MANAGER TO DEAL WITH MATTERS OF URGENCY DURING THE 2016/17 RECESS PERIOD**

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File No: 16/50646

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY SERVICES

### **Summary**

To seek a determination from Council regarding delegations for the 2016-2017 recess. During the December/January recess it is standard procedure for Council to delegate certain functions to the Mayor and General Manager to ensure matters of urgency can be adequately dealt with.

### **Background**

The recess period for 2016-2017 will be from 7 December 2016 until the first Council Meeting in 2017. During this period, it may be difficult or impractical for urgent matters to be dealt with at an Extraordinary Meeting of Council, as Councillor commitments or absence during the holiday period, may make it difficult to achieve a quorum.

To ensure Council can continue to function during such periods, the *Local Government Act 1993* (the Act) offers a level of flexibility under Sections 226 (Role of the Mayor) and 377 (General Power to Delegate).

Council at its meeting of 22 November 2016 delegated to the General Manager all regulatory functions with the exception of:

#### *Development Application Delegations*

The General Manager cannot approve Development Applications where:

- A petition with eight or more signatures from separate households within the notification area has been received and the application has not been refused.
- Where eight or more valid planning objections to the development application have been received from separate households within the notification area and the application has not been refused.
- Development where there is major variation (more than a 10%) from Council's Development Standards under Clause 4.6 of BLEP 2012.
- Where two or more Councillors request a Development Application to be brought to Council.
- Any matter subject to appeal where the matter has gone to a hearing or Section 34A Conference.
- Applications having a major environmental impact on the locality and which involve land owned by Council.

These matters must be referred to either Council or the Building and Development Committee for determination.

## *Other Matters*

### **Writing Off Accounts**

The General Manager does not have the delegation to approve the writing off of accounts greater than \$5,000. Write offs are reported to Council on an annual basis.

### **Writing Off Stores and Materials**

The General Manager does not have the delegation to approve the write on and off stores and materials greater than \$5,000.

### **Proposal**

To ensure that urgent matters regarding Development Applications and other matters listed above are dealt with in matters of urgency, it is proposed that both the Mayor and General Manager are required to agree in their decision and sign off on the matters prior to any action being taken.

### **Conclusion**

It is imperative that Council determine a suitable level of delegations to ensure that matters can be adequately dealt with during the recess period.

### ***Recommendation(s)***

1. That for the period from 7 December 2016 until the first Council Meeting of 2017 Council delegates the following to both the Mayor and the General Manager:
  - A petition with eight or more signatures from separate households within the notification area has been received and the application has not been refused.
  - Where eight or more valid planning objections to the development application have been received from separate households within the notification area and the application has not been refused.
  - Development where there is major variation (more than a 10%) from Council's Development Standards under Clause 4.6 of BLEP 2012.
  - Where two or more Councillors request a Development Application to be brought to Council.
  - Any matter subject to appeal where the matter has gone to a hearing or Section 34A Conference.
  - Applications having a major environmental impact on the locality and which involve land owned by Council.
  - Writing Off Accounts - to approve the writing off of accounts greater than \$5,000.
  - Writing Office Stores and Materials – to approve the writing off of items greater than \$5,000.
2. That the Deputy Mayor be granted these delegations in the absence of the Mayor or the General Manager.
3. That all decisions made under the above delegations be subsequently reported for the information of Councillors at the first Council Meeting of 2017.

**Attachments**

There are no attachments for this report.

## (ITEM IN40/16) DRAFT - DISTRICT PLAN BY THE GREATER SYDNEY COMMISSION

File No: 16/57300

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### Summary

On 21 November 2016, the Greater Sydney Commission (GSC) released six draft District Plans for Greater Sydney.

The District Plans sit in the middle of the hierarchy of metropolitan, district and local planning for the Greater Sydney Region.

The Burwood Local Government Area (LGA), together with those of Bayside, Canada Bay, Inner West, Randwick, Strathfield, the City of Sydney, Waverley and Woollahra, belongs to the Central District.

Burwood is identified as a District Centre. There are six Strategic Centres and three District Centres in the Central District. There are all together 20 Strategic Centres and 23 District Centres in the Greater Sydney.

### **Three City Concept**

The six draft District Plans reflect the three city concept, based on the existing Sydney CBD, Parramatta and the Western Sydney Airport.



### **Three Principles**

#### Principle 1 – Productive

**Job Targets** are stipulated under this principle. The Burwood District Centre has 10,300 jobs as at 2016 and is expected to have between 1,700 and 3,700 additional jobs by 2036.

### Principle 2 – Sustainable

Under this principle, the draft District Plans use the term ‘green grid’, aiming to provide a connected and diverse network of open space, and promote good health and active living.

### Principle 3 – Liveable

**Housing Targets** are stipulated under this principle. The Burwood LGA is expected to provide 2,600 new houses in five years (not specified for 20 year timeframe). The whole Central District is expected to provide 46,550 new houses in five years and 157,500 new houses in 20 years.

Also under this principle, the draft District Plans nominate an **Affordable Rental Housing Target** of 5% to 10%, subject to viability, to land that is the subject of upzoning.

### **Role of District Plans**

The District Plans will:

- Inform the Local Environmental Plans (LEPs)
- Inform planning proposals
- Guide strategic land use and transport planning across LGAs
- Inform infrastructure planning

Councils are required to give effect to the District Plans by updating their principal LEPs ‘as soon as practicable’ after the District Plans are finalised. In the meantime, Council must have regard to the draft District Plans when assessing planning proposals.

### **What Stands Out**

The draft District Plans place strong focus on:

- Transport infrastructure and accessibility
- Employment creation
- Protection of existing employment and urban services land
- Provision of linked open spaces through the adoption of the green grid concept

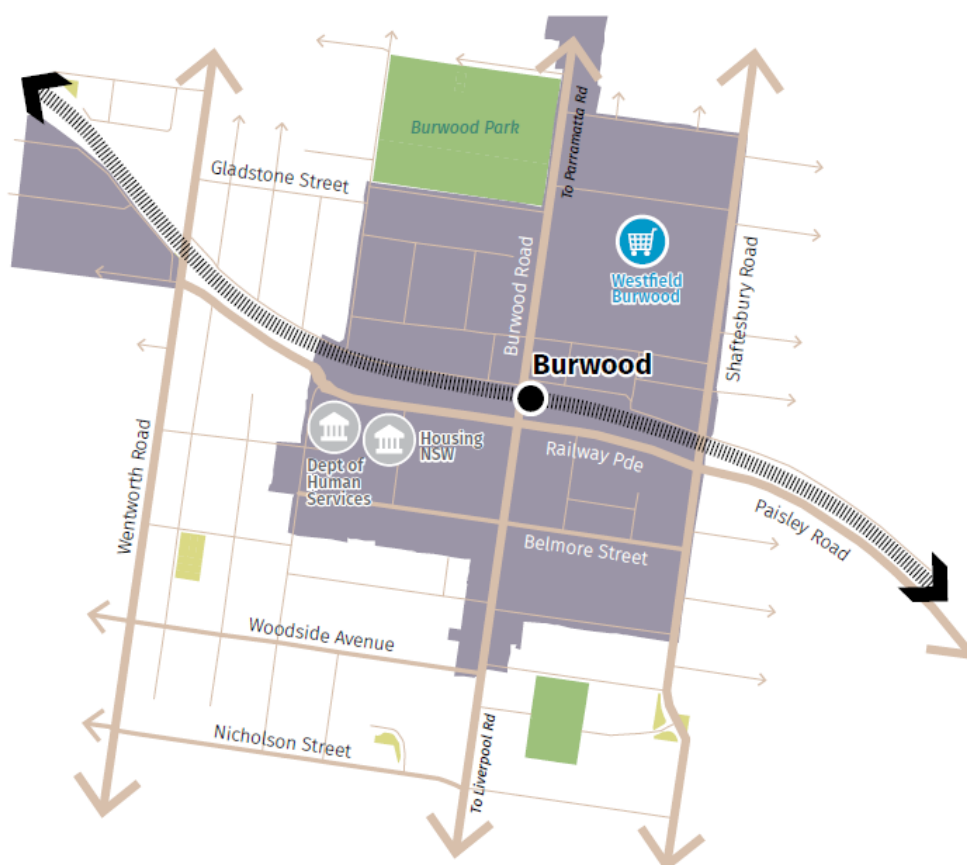
### **Specific Provisions for Burwood**

The draft Central District Plan identifies the **actions** for Burwood Council as follows:

- Monitor and support the delivery of Burwood’s five year housing target of 2,600 dwellings
- Investigate local opportunities to address diversity and demand in the short to medium term at local centres and close to transport
- Work with Strathfield and Canada Bay Councils to plan and deliver urban renewal in Rhodes East with sustainability objectives a principal outcome
- Work with adjoining councils to implement the Parramatta Road Corridor Urban Transformation Strategy and supporting Implementation Tool Kit

The draft Central District Plan identifies the **priorities** for Burwood as follows:

- Review the Burwood LEP and consider development initiatives that encourage the development of large floorplate mixed-use buildings
- Improve connections between north and south over the rail line
- Expand the function and type of land uses in the Burwood Town Centre
- Investigate opportunities to enhance the night time economy



Source: GSC – Draft Central District Plan

### Clarifications Required

The following issues require clarification:

- It is unclear if Burwood's District Centre status represents a different terminology only or a change in the centres hierarchy.
- It is unclear if the Burwood District Centre refers to the Burwood LGA, the Burwood Suburb, or the Burwood Town Centre.
- The Affordable Housing Target is said to apply only to urban renewal and land release areas. It is unclear if Burwood is within any designated urban renewal area.

Council Officers phoned the GSC contact number, and were advised to make the enquiries in writing.

### Public Exhibition

The draft District Plans are placed on exhibition until the end of March 2017. During this time the GSC will be undertaking consultation with the public, community groups and key stakeholders including government agencies and councils.

### No Decision – Information Item Only

### Attachments

There are no attachments for this report.