



# Burwood Council

heritage ▪ progress ▪ pride

## BURWOOD COUNCIL MEETINGS

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 6 December 2016 commencing at 6.05pm.

### ATTENDANCE

Councillor Sally Deans  
Councillor Tony Doueihi  
Councillor John Faker (Mayor)  
Councillor Lesley Furneaux-Cook  
Councillor George Mannah (Deputy Mayor)  
Councillor Justin Taunton

Mr M McMahon, General Manager  
Mr B Macdonnell, Deputy General Manager Land, Infrastructure and Environment and Acting Deputy General Manager Corporate, Governance and Community  
Mr T Briscece, Executive Manager  
Mr W Armitage, Chief Finance Officer  
Mr B Olsen, Manager Building and Development  
Ms D Luo, Manager Strategic Planning  
Mr J Inglese, Senior Manager Assets and Design  
Ms P Viney, Governance Co-ordinator  
Mrs J Disbery, Governance Officer

### OPENING OF MEETING BY THE MAYOR

The Mayor opened the meeting with a prayer and Acknowledgement of Country.

### OPEN FORUM

Name	Matter
Mr Michael Maloney 2/12 Morwick Street Strathfield NSW 2134	Various Matters

### APOLOGIES

That there were no apologies.

### DECLARATIONS OF INTEREST

Councillor Faker declared a pecuniary interest in (Item 79/16) Implementation of Parramatta Road Urban Transformation Strategy under the *Local Government Act 1993* as his family owns property in the area but is not affected and took no part in debate or discussion.

Councillor Furneaux-Cook declared a less than significant pecuniary interest under the *Local Government Act 1993* in (Item NM4/16) Future Development Control Plan Review as she owns property in the Local Government Area.

**DECLARATIONS OF POLITICAL INTEREST**

There were no declarations of political interests by Councillors.

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

File No: 16/57183

**Councillor Tony Doueihy 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.

**138/16 RESOLVED**

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.

(Moved Councillor Tony Doueihy/Seconded Councillor Justin Taunton)

**CONFIRMATION OF MINUTES****139/16 RESOLVED** *(Carried Unanimously)*

That the minutes of the meeting of the Council of Burwood held on Tuesday 22 November 2016, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Justin Taunton)

**ADDRESS BY THE PUBLIC ON AGENDA ITEMS**

Name	Item
Ms Sally Sutherland Source Architects 150 Byng Street Orange NSW 2800	(ITEM 78/16) 16 Wyatt Avenue Burwood – Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses – Development Application No. 134/2015
Mr John Gould 16 Wyatt Avenue Burwood NSW 2134	(ITEM 78/16) 16 Wyatt Avenue Burwood – Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses – Development Application No. 134/2015
Dr Kesh Kanesalingam 14 Wyatt Avenue Burwood NSW 2134	(ITEM 78/16) 16 Wyatt Avenue Burwood – Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses – Development Application No. 134/2015
Mr Alex Tichon 19 Appian Way Burwood NSW 2134	(ITEM 78/16) 16 Wyatt Avenue Burwood – Retention of Existing Dwelling and Construction of 6 x 2 Storey Townhouses – Development Application No. 134/2015

Name	Item
and on behalf of: David Ye Tao 5/10-12 Wyatt Avenue Burwood NSW 2134  Roger Farrell 6/10-12 Wyatt Avenue Burwood NSW 2134	
Mr Russell Workman 54 Minna Street Burwood NSW 2134	(ITEM NM4/16) Future Development Control Plan Review

## GENERAL BUSINESS

### **(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

**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.

#### **140/16 RESOLVED** *(Carried Unanimously)*

- 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**

- 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
<b>Index Period</b>	June 2016	<b>CPI<sub>1</sub></b>
		109.3

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**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. Details shall be submitted to Council's Planning Department for approval **prior to release of a Construction Certificate**.

### **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:
- a. It is not bounded by a wall
  - b. 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:

- a. Children climbing over or through it
- b. Persons accidentally falling from the floor
- c. 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.
- (Moved Councillor Tony Doueihy/Seconded Councillor Lesley Furneaux-Cook)

Councillors Tony Doueihy and Lesley Furneaux-Cook called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Furneaux-Cook	
Councillor Deans	
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueihy	
<b>Total (6)</b>	<b>Total (0)</b>

CR JOHN FAKER LEFT THE MEETING, THE TIME BEING 7:17 PM

THE DEPUTY MAYOR GEORGE MANNAH TOOK THE CHAIR AT 7:17 PM

CR SALLY DEANS LEFT THE MEETING, THE TIME BEING 7:17 PM

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

File No: 16/57383

**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 re-zonings be adopted.

**141/16 RESOLVED**

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.

(Moved Councillor Tony Doueihi/Seconded Councillor Justin Taunton)

Councillors Tony Doueihi and Justin Taunton called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Mannah	Councillor Furneaux-Cook
Councillor Taunton	
Councillor Doueihi	
<b>Total (3)</b>	<b>Total (1)</b>

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

File No: 16/57302

**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.

**142/16 RESOLVED** *(Carried Unanimously)*

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.

(Moved Councillor Tony Doueih/Seconded Councillor Lesley Furneaux-Cook)

Councillors Tony Doueih and Lesley Furneaux-Cook called for a **DIVISION**.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Furneaux-Cook	
Councillor Mannah	
Councillor Taunton	
Councillor Doueih	
<b>Total (4)</b>	<b>Total (0)</b>

**THE DEPUTY MAYOR GEORGE MANNAH LEFT THE CHAIR AT 7:30 PM**

**CR JOHN FAKER RETURNED TO THE MEETING AND TOOK THE CHAIR AT 7:30 PM**

**CR TONY DOUEIHI LEFT THE MEETING, THE TIME BEING 7:31 PM**

**CR TONY DOUEIHI RETURNED, THE TIME BEING 7:32 PM**

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

File No: 16/55079

**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.

**143/16 RESOLVED** *(Carried Unanimously)*

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

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Justin Taunton)

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

File No: 16/56688

**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.

**144/16 RESOLVED** *(Carried Unanimously)*

That Council adopt the Draft Economic Development Statement 2017.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Tony Doueih)

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

File No: 16/55281

**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.

**145/16 RESOLVED** *(Carried Unanimously)*

That Council adopts the Draft - Investment Policy.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueih)

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

File No: 16/56667

**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.

**146/16 RESOLVED** *(Carried Unanimously)*

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.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueih)

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

File No: 16/50646

**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.

**147/16 RESOLVED** (*Carried Unanimously*)

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.

(Moved Councillor Tony Doueihi/Seconded Councillor Justin Taunton)

## INFORMATION ITEMS

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

File No: 16/57300

#### 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****MAYORAL MINUTES****(ITEM MM21/16) DONATION TO BURWOOD POLICE GOLF DAY**

File No: 16/57276

**Summary**

Council annually receives an invitation to participate in the inaugural Burwood Police Golf Day to be held at the Concord Golf Club on Thursday, 23 February 2017.

Superintendent Mark Jones, Local Area Commander, Burwood Police, seeks support from Council to sponsor one of the 18 Holes along with promotional material in the form of Pull Up Banners from Burwood in recognition of our support for this important funding.

The Golf Day is organised to raise much needed funds for the Concord Cancer Centre at Concord Hospital.

I am seeking Council's support for this funding and, therefore, I recommend that Council donate \$1,500 towards Burwood Council's participation in the Golf Day to be held on Thursday, 23 February 2017.

**148/16 RESOLVED** *(Carried Unanimously)*

1. That Council supports the Burwood Police in raising funds for the Concord Cancer Centre at Concord Hospital by donating \$1,500 towards Burwood Council's participation in the Golf Day to be held on Thursday, 23 February 2017.
2. That Council provides Pull Up Banners for display at the Golf Day.

**(ITEM MM22/16) MARONITE CATHOLIC SOCIETY - FEAST DAY OF ST MAROUN AND THE 30 YEAR JUBILEE - ANNUAL DINNER 2017**

File No: 16/57403

**Summary**

The Maronite Catholic Society has extended an invitation to Councillors', General Manager and myself to attend their annual dinner to celebrate the feast day of St Maroun and the 30 Year Jubilee of the Maronite Catholic Society on Sunday 11 February, 2017 at The Bellevue Bankstown.

This event is in dedication to the service of the Church and community of the Maronite Eparchy of Australia with special guest, Mr Antoine Klimos – President of the Maronite League of Lebanon.

Other attendees include His Excellency Bishop Antoine-Charbel Tarabay, Maronite Bishop of Australia and the President and Members of the Maronite Catholic Society Inc.

This event will be held at 8.00pm.

The cost of a ticket is \$150 per person or \$1500 for a table of 10.

I would like to recommend that Council purchase a table of ten seats for \$1,500, GST inclusive.

**149/16 RESOLVED** (*Carried Unanimously*)

1. That Council agree to purchase a table of 10, ten seats at \$1,500, GST inclusive, to attend the annual dinner to celebrate the feast day of St Maroun and the 30 Year Jubilee of the Maronite Catholic Society on Sunday 11 February, 2017 at The Bellevue Bankstown.
2. That Councillors wishing to attend to advise the General Manager.

**(ITEM MM23/16) APPROVED HOURS OF CONSTRUCTION WITHIN ENFIELD, STRATHFIELD AND CROYDON PARK TOWN CENTRES**

File No: 16/58078

**Summary**

The standard hours of construction for development applications approved in the Burwood Local Government Area (LGA) is 07:00 am to 5:30 pm Monday to Friday, and 07:00 am to 1:00 pm on Saturday, with no work on Sunday and Public Holidays. In 2012 I asked for a review of construction hours within the Burwood Town Centre to 4:00 pm on Saturday. This has come into effect and minimal complaints have been received from residents who could be impacted by increased hours of construction.

I am certain that working practices within the construction industry have changed, particularly with our Town Centre areas and it is not unusual for builders to work on a Saturday afternoon. Other Councils within the Sydney Metropolitan Area permit working on Saturday afternoons within their CBDs and, provided works cease at the appropriate time on a Saturday, the additional hours of work will have little impact upon the surrounding areas.

Any change in hours would only relate to new development applications, however, existing applicants would have the opportunity to be able to modify their existing consents if needed.

At this time, I am suggesting that the General Manager amend the policy to allow work on Saturdays to be extended until 4:00 pm across the LGA.

**150/16 RESOLVED** (*Carried Unanimously*)

That the General Manager alter the approved hours of construction work for developments within the Burwood Local Government Area to 4:00 pm on a Saturday on 12 month trial.

**(ITEM MM24/16) FAIRY LIGHTS ON BURWOOD ROAD, BURWOOD**

File No: 16/58639

**Summary**

Burwood Road Burwood was recently rated No. 1 in the State (outside Sydney City) as most pedestrian friendly.

Recently, we have been adding to the public works and amenity of Burwood Road with new railings, pedestrian walkways and greening of the Main Centre and Council's recent decision to mandate rooftop gardens.

Burwood is now renowned as a place to visit and enjoy and has developed a vibrant night economy.

That is why it is important we undertake continued improvements to our Town Centres.

**151/16 RESOLVED** *(Carried Unanimously)*

1. That the General Manager investigate and report back to Council on the permanent installation of lighting or/fairy lighting in the trees that are lined along the main street of Burwood Road, Burwood.
2. That the General Manager also investigate and report back to Council with the installation of road side planter places to plant trees in streets such as Clarence Street, Burwood.
3. That the General Manager investigate the permanent power supply options from Ausgrid Infrastructure (not from businesses) in order to operate the fairy lights on a permanent basis.

**QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

**Councillor Justin Taunton**

Question 1

Can Council speak to Sydney Trains regarding the graffiti on the rail overhead bridge on Burwood Road, Burwood?

Question 2

Can Council speak to the owners of the property at the rear of Railway Parade, Burwood (facing the rail line) regarding graffiti?

**Councillor Furneaux-Cook**

Question 1

Can the verge on Liverpool Road from Burwood Road to St James Church, Croydon be attended to, it is very unkempt and the weeds are long?

Question 2

Can Council staff confirm that the Department of Planning's "Missing Middle" is not about rezoning but about complying development?

Question 3

Is Council making a submission on the "Missing Middle" and in the model Code of Conduct (proposed changes)?

This concluded the business of the meeting and Council rose at 7.50pm.

Confirmed this 28 February 2017.

**MAYOR**

**GENERAL MANAGER**