



Burwood Council

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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 23 May 2017 commencing at 6.06 pm.

ATTENDANCE

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

Mr B Macdonnell, Acting General Manager & Deputy General Manager Land, Infrastructure & Environment
Mr T Briscese, Deputy General Manager Corporate, Governance & Community
Mr W Armitage, Chief Finance Officer
Mr B Mortimer, Manager Organisation Development
Mr B Olsen, Manager Building & Development
Mr H Gavrilis, Manager Environment & Health
Ms D Luo, Manager Strategic Planning
Mr R Di Federico, Manager Traffic & Transport
Ms P Viney, Governance Co-ordinator
Ms V Karpowicz, Executive Assistant

OPENING OF MEETING BY THE MAYOR

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

OPEN FORUM

There was no business for this item.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST

Councillor Tony Doueihi declared a “less than significant pecuniary interest” in Item 25/17, Draft Voluntary Planning Agreement – No. 23-27 George Street Burwood, as he owns commercial property in the Burwood Town Centre at 115 Burwood Road Burwood.

Councillor John Faker declared a “pecuniary interest” in Item 25/17, Draft Voluntary Planning Agreement – No. 23-27 George Street Burwood, as a member of his wife’s family comes from the same Village in Lebanon as he does and currently occupies an office in this building. Councillor Faker left the meeting and took no part in the discussion.

Councillor John Faker declared a “pecuniary interest” in Item 26/17, Draft Voluntary Planning Agreement – No 20 The Strand Croydon, as he owns a commercial property nearby. Councillor Faker left the meeting and took no part in the discussion.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES**32/17 RESOLVED** *(Carried Unanimously)*

That the Minutes of the Meeting of the Council of Burwood held on Tuesday 18 April 2017, 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
Mr Tony Jreige Level 10, 11-15 Deane Street Burwood NSW 2134	(Item 23/17) BD.2014.187 – 18-20 Meryla Street Burwood – Proposed 5 Storey Residential Flat Building
Si Si Lu 27/17 Wilga Street Burwood NSW 2134	(Item 23/17) BD.2014.187 – 18-20 Meryla Street Burwood – Proposed 5 Storey Residential Flat Building
Li Li Hou 24/17 Wilga Street Burwood NSW 2134	(Item 23/17) BD.2014.187 – 18-20 Meryla Street Burwood – Proposed 5 Storey Residential Flat Building
Jia Hai Zheng 23/17 Wilga Street Burwood NSW 2134	(Item 23/17) BD.2014.187 – 18-20 Meryla Street Burwood – Proposed 5 Storey Residential Flat Building
Elizabeth Ding 25/17 Wilga Street Burwood NSW 2134	(Item 23/17) BD.2014.187 – 18-20 Meryla Street Burwood – Proposed 5 Storey Residential Flat Building
Li Min Shi 26/17 Wilga Street Burwood NSW 2134	(Item 23/17) BD.2014.187 – 18-20 Meryla Street Burwood – Proposed 5 Storey Residential Flat Building

PROCEDURAL MOTION**33/17 RESOLVED** *(Carried Unanimously)*

That Item NM2/17 New Underground Metro Railway Line Between Parramatta and the Sydney CBD be moved to the end of Agenda after the Reports of Committee.

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueihy)

GENERAL BUSINESS**(ITEM 23/17) BD.2014.187 – 18-20 MERYLA STREET BURWOOD – PROPOSED 5 STOREY RESIDENTIAL FLAT BUILDING**

File No: 17/14159

Applicant: Urban Link Pty Ltd
Location: 18-20 Meryla Street Burwood
Zoning: B4 Mixed Use – Burwood Local Environmental Plan (BLEP) 2012

Proposal

Demolition of existing dwelling houses and construction of a five storey residential flat building comprising 30 residential apartments over two levels of basement car parking as follows:

- Basement two car parking level containing 22 car spaces, storage areas and access.
- Basement one car parking level containing 15 car spaces, storage areas and access.
- Ground floor containing six apartments (3 x 1 bedroom and 3 x 2 bedroom), balconies and/or POS areas, pedestrian and vehicular access from Meryla Street, internal pedestrian access, common open space area, facilities and landscaping.
- Levels 1 - 4 with the same layout each containing six apartments (2 x 1-bedroom and 4 x 2-bedroom), balconies, and a partly open corridor for apartment access.
- A roof area over the apartment building partly to be used as communal open space with stair access.
- The 30 apartments comprise 11 x 1 bedrooms plus study, 19 x 2 bedrooms and car parking provision is 37 spaces.

The design of the development above the basement car parking levels is of a single building formed by three "modules" linked by internal corridors and walkways. The building steps up to the rear module which is about one metre higher. The building has similar widths on the Meryla Street frontage and at the rear, with a narrower middle section.

34/17 RESOLVED

That Development Application BD.2014.187 proposing the demolition of existing buildings and the construction of a five storey residential flat building comprising 30 residential apartments over two levels of basement car parking at 18-20 Meryla Street Burwood be granted consent, subject to the following conditions:

- (1) The development is to be carried out in accordance with the following plans and documentation except as amended by other conditions of this consent:
 - Architectural plans prepared by Urban Link dated 8 March 2017, all Issue D, Project Number 16-086: Cover Sheet, 1001, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2101, 3001, 3002, 3101, 3201, 3202, 6301 (Schedule of Finishes).
 - Landscape Plans by Discount Landscape Plans dated 25 January 2017 Dwgs L/01 - L/06.
 - Engineering Concept Plans by Alpha Engineering & Development all dated 2 February 2017 Revision B: A7001 Cover, SW01- 04.

FEES

- (2) Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work **\$13,200 (Payment to be made to Council as a bond prior to issue of a Construction Certificate and / or commencement of demolition / bulk excavation)**

NOTE: This deposit is refundable if no damage occurs.

- (3) Construction by the Applicant/Council the stormwater drainage works **\$56,200 (Payment to be made to Council as a bond)**
- (4) Building and Construction Industry Long Service Corporation levy **\$20,895.00 (Payment to be made to Council, the Corporation or its Agent)**

Section 94A Contribution: **\$291,801.20 (Payment to be made to Council).**

Note: the contribution amount will be adjusted at the time of payment. **See Planning Condition 7** for more details.

- (5) Ground Anchors Damage Deposit - security deposit against damages occurring to Council's roadway fronting the development along Meryla Street is **\$50,000**. The Applicant shall also comply with all other conditions stipulated in this conditional DA consent that apply to the protection of Council's public infrastructures. **Payment is to be made to Council in the form of a Bank Guarantee prior to the commencement of Installation of temporary ground anchors.**

NOTE: This deposit is refundable if no damage occurs.

PLANNING

- (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 4% of the cost of carrying out the development, where the cost calculated and agreed by Council is \$7,295,030		\$291,801.20	
Index Period	March 2017	CPI₁	111.3

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;
- CPI₂: 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)
- CPI₁: 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: Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions in excess of \$5,000.

- (7) Glazed balcony balustrades shall be constructed of opaque materials in lieu of clear glazing.
- (8) External gas water heaters are to be located in recessed enclosures within external walls and are to be located so as to be not visible from a public road or place or adjoining property. Similarly, air conditioning units and plant are to be located so as not to be visible from a public road or place or adjoining property.
- (9) A separate application shall be lodged for any proposed subdivision of the site. Such subdivision shall designate all car parking spaces attached to a lot with the exception of visitor parking which shall be designated as common property. No car parking spaces shall be created as a separate lot. The drainage system for the site including basement pit and pumps and on site detention shall be designated as common property.
- (10) Mail boxes shall be provided at the residential access to the building, such that mail can be delivered by Australia Post from outside the security door, and accessed by residents inside the secure area. The mail boxes are to comply with the requirements of Australia Post. Details to be submitted and approved **prior to the issue of a Construction Certificate.**
- (11) Clothes drying areas or facilities shall be provided within an area of communal open space or provided within each residential unit. If provided on the balconies of individual units, the drying facilities must be screened from exterior view, and be designed in such a way that they do not detract from the building's appearance from the public domain.
- (12) The doors of the central residential entry foyer to the building and the gate that provides access along the eastern side of the building are to be security grade fixtures and are to be appropriately security keyed to ensure the personal safety and security of residents of the development. The security doors are to include an intercom system linked to each apartment. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate.**
- (13) The entrance driveway for access to the basement parking levels is to be provided with a security door with controlled access that ensures the personal safety and security of the residents and users of the building. The driveway security door is to be linked to the intercom system for each apartment. Details on these matters are to be submitted and approved **prior to the issue of a Construction Certificate.**

- (14) Adequate lighting is required to be provided for the following to ensure the safety and security of residents and users of the development:
- a. At the central residential entrance path way and lobby from Meryla Street.
 - b. Along all internal ground level path ways from the central lobby that provide access to the residential lift and to apartment entrance doors on the ground floor.
 - c. At the additional entrance to the development on the eastern side, including at the entrance gateway and along the pathway that leads to the residential lift.

The installed lighting is to be of sufficient quality to ensure the effective operation of the CCTV system referred to in the following conditions. Details on all of these matters are to be submitted and approved **prior to the issue of a Construction Certificate**.

- (15) CCTV cameras shall be installed for the building so that they can survey the residential entrances and all external and internal access path ways, and the vehicular entrance to the driveway to the parking levels. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
- (16) The provision of the security access system for the development is to afford the all residents of the development equivalent access to the Common Open Space area located on the roof top of the development.
- (17) The internal and boundary fencing for the development is to comply with Provisions P27 - P30 in Section 4.1.2.3 Site Building and Amenity of the Burwood Development Control Plan 2013.
- (18) The ground level communal open space (COS) area on the western side of the development is to be upgraded to provide improved amenity through the installation of additional lawn area and user facilities. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
- (19) The ground floor of the development is to be provided with a finished floor to ceiling height of 3.3 m and this change is not to cause the overall height of the building to increase. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
- (20) The east-facing bedroom windows of units 1.01 to 4.01 are to be provided with frosted glass up to 1.8 m above floor level. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
- (21) Provision of storage space in each unit and in the basement is to comply with the recommendations of the Apartment Design Guide. A schedule shall be submitted to the Principal Certifying Authority demonstrating compliance and approved **prior to the issue of a Construction Certificate**.
- (22) Provision of accessible/adaptable residential apartments and accessible parking spaces is to comply with the applicable Australian Standards as indicated in Section 3.2.19 of the Burwood Development Control Plan 2013.

BUILDING

(23) 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.

(24) 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.

(25) 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.

(26) 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.

(27) 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.

- (28) 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.

- (29) 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.

- (30) 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 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 132 092.

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.**
- (31) 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.
- (32) No materials are to be stored on Council's roads, footpaths, nature strips or parks.
- (33) 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.
- (34) 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.
- (35) Hours of work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm 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.
- (36) 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*)

- (37) 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: and
 - * After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- (38) 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.**
- (39) 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 every day – 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 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 every day. 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.
- (40) All building works being erected wholly within the boundaries of the property.
- (41) 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.
- (42) All plumbing and drainage work being carried out by licensed tradesmen and in accordance with the requirements of the Plumbing Code of Australia.
- (43) The floor of the wet areas being of a material impervious to moisture and graded and drained to the sewers of Sydney Water.
- (44) 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.
- (45) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (46) 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.**

- (47) 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**.
- (48) 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.

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.

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

- (49) *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.
- (50) No part of the front fencing including footings must encroach upon Council's footpath. Entrance gates must open within/into the property.
- (51) 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.
- (52) 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 a 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*)

- (53) The building being known as No. 18-20 Meryla Street, Burwood and this number (at least 150mm in height) being clearly displayed on the site prior to the issuing of an Occupation Certificate.
- (54) 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 > 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.**

- (55) 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.**
- (56) 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.
- (57) Timber sizes and the framework in general are to conform with the requirements of Australian Standard AS 1684 "Residential timber-framed construction."
- (58) 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**.

- (59) 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**.
- (60) All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- (61) 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**.
- (62) 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**.
- (63) 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.
- (64) 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; and
 - 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; and
- b. Persons accidentally falling from the floor; and
- 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**.

- (65) 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**.
- (66) Protection of openable windows 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**.
- (67) 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*)

- (68) 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**.

- (69) 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

- (70) 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.
- (71) Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 – 2001, where applicable.
- (72) Hours of demolition work shall be from 7:00am to 5:30pm Mondays to Fridays inclusive, and from 7:00am to 4:00pm 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.
- (73) 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.
- (74) 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.
- (75) 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.
- (76) When demolition of any existing building is involved, burning of any demolition materials on the site is prohibited.
- (77) 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.

HEALTH

Environmental Management

- (78) 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

(79) 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 commercial premises.

(80) A car wash area / bay is to be provided and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

Waste Management

(81) 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.

(82) The garbage and recycling storage area is to be:

- a. Supplied with both **hot and cold** water;
- b. Paved with impervious floor materials;
- c. Coved at the intersection of the floor and the walls;
- d. Graded and drained to a floor waste which is connected to the sewer in accordance with the requirements of Sydney Water;
- e. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;
- f. Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.
- g. Suitable signage is to be installed in each waste service room encouraging the separation of recyclables from the general waste stream.

(83) Manufactures details and specifications for the installation, fire suppression and health and odour control measures for the garbage chute are to be submitted to Council for approval **prior to the issue of the Construction Certificate**.

(84) Certification is to be provided by the installer of the chute system **prior to the issue of an occupation certificate** certifying that the Chute has been installed in accordance with the manufacturer's specification.

(85) The garbage chute room at each level is to be of sufficient size to accommodate sufficient mobile bins (MGBS) / crates to store recyclable material generated over the entire period between collection days.

(86) Suitable signage is to be installed in each level of the chute waste service rooms encouraging the separation of recyclables from the general waste stream.

(87) A Caretaker is to be appointed for the development who will have ongoing

responsibility for the proper management of the waste and recycling services

- (88) Waste and recycling bins shall be kept 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 a grated drain.
- (89) **Prior to the issue of an 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

- (90) 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**.
- (91) 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.**

- (92) 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.**

- (93) A Positive Covenant under section 88E of the *Conveyancing Act* shall be created on the title of the property(s) detailing the

- i) *On-site Stormwater Detention system*
- ii) *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) *On-site Stormwater Detention system*
 - ii) *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.**

- (94) 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.**
- (95) 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.
- (96) 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 - Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).**
- (97) 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.
- (99) 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.
- (98) 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.
- (99) The following matters apply to the construction of the proposed vehicular crossing listed in the Table of Fees:
- a. A vehicular crossing 6 m wide to Meryla Street shall be constructed by the Applicant/Council at the applicant's cost.
 - b. The cost of any necessary adjustments to public utility services is not included, and shall be paid by the applicant to the relevant authority prior to Council commencing the work.
 - c. The driveway shall be 1m clear of any pits, lintels, poles and 2m clear of trees in the road reserve.
 - d. All redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
- (100) 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.
- (101) 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.**
- (102) 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.
- (103) Vehicles removing demolished materials from the site shall access and depart from the site through Meryla Street and Shaftesbury Road. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
- (104) Engineering drawings addressing the following issues shall be provided for Council's review **prior to issuing of the Construction Certificate:**

- The storage capacity of the pump pit at basement 2 shall be capable for storing runoff from a 1 hour, 1 in 100 year ARI storm event together with additional seepage water from the surrounding basement walls.
- 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 and orifice shall be clearly indicated on plan with its diameter invert etc.
- A proper Long Section of the Ø375mm pipeline, cross section of pipe trench, details of the connecting pit including the invert levels, surface levels etc. shall be provided. Minimum 500mm pipe cover shall be maintained under road surface failing which concrete encasement of the pipe shall be provided. A cross sectional view of the concrete encased pipe shall be provided in the drawing.
- The depth and location of all services within the area that would be affected by the construction of the stormwater pipe (i.e. gas, water, sewer, electricity, telephone, traffic lights etc.) shall be confirmed by the applicant on site and are to be included on the design drawings.
- Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained and submitted to the principal Certifying Authority, prior to construction commencing.
- The stormwater works described above shall be constructed at applicant's expense. The applicant shall pay Council a stormwater works bond as listed in the Table of Fees. The bond shall be refunded after completion of the stormwater works described above as per Council's satisfaction.

EXCAVATION, BULK EARTHWORKS AND SHORING

- (105) 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 Schedule of Fees and Charges.
- (106) 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.
- (107) Public roads to be kept clean and free of any material which may fall from vehicles or plant. Waste containers shall be placed in accordance with Council's Code for Activities Affecting Roads and are subject to the payment of appropriate fees.
- (108) Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the excavation work.
- (109) The contractor shall strictly implement all erosion and sediment control measures prior to the commencement of excavation. Such measures shall be inspected at site by a competent practicing hydraulic/civil engineer and the PCA shall be provided with a compliance certificate in regards to that.
- (110) The Applicant shall prepare detailed survey reports of all existing service authority

assets in and around the site of the proposed development that may be affected in any way by the proposed excavation. Surveys should include, but not be limited to, high and low voltage electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage assets, etc.

- (111) The Applicant shall liaise with all relevant service authorities (including, but not limited to electricity, water, stormwater, sewer, gas, telecommunications, street lighting and drainage) to develop final designs that satisfy all requirements of the service authority providers in respect of protection, termination or relocation of existing assets, temporary access and future permanent access for maintenance of assets.
- (112) The Applicant shall prepare detailed method statements to demonstrate how the proposed excavation is to be conducted such that all relevant utility authority assets are protected and maintained throughout the construction stage of the development, or are relocated. Method statements are to be submitted to the relevant utility authorities for their written approval.
- (113) Should the applicant require the use of temporary ground anchors to shore the bulk excavation, submissions for the installation of the temporary ground anchors shall be required by Council and the following conditions shall apply.

Conditions for the Installation of Temporary Ground Anchors:

- (114) Should the applicant require the use of temporary ground anchors to shore the bulk excavation within the public road, an NPER Registered Structural Engineer's certificate along with certified plans showing the details and extent of work shall be submitted to Council for its record. The following conditions to be complied with:
- a) The contractor shall be responsible to obtain and submit to Council a written authority from all public utility authorities that they have no objection in regards to the installation of temporary ground anchors, prior to works commencing.
 - b) The contractor shall be responsible for any injury or damage either to persons or property due to the presence or failure of the supporting structure on the public way and the contractor shall indemnify the Council against all claims that may arise from the installation of the supporting structure. In this regard the contractor shall provide written evidence of public liability insurance cover to the minimum value of \$20 million, with Council named in the insurance policy, prior to work commencing.
 - c) The anchors shall be installed in accordance with the manufacturer's instructions.
 - d) The construction of ground anchors shall be of a temporary nature only and a written undertaking shall be given that the ground anchors are temporary only and shall be de-stressed after final lateral supports are in place. The written undertaking is to be provided to Council, prior to work commencing.
 - e) Council may unilaterally use the damage deposit for the demolition and removal of the shoring elements constructed within the public road including the repair/reconstruction of any other associated damage to Councils infrastructure, if necessary due to non-compliance with these conditions.
 - f) All shoring with the exception of the released temporary ground anchors shall

be completely removed from the public road to a depth of 2.5m on completion. The void shall be backfilled by suitable materials and compacted.

- g) All shoring including ground anchors are to be certified by a practicing professional structural engineer. Certification is required as follows:
 - i) That the proposed shoring and anchor scheme is capable of supporting the public road, to be submitted prior to work commencing.
 - ii) Certification that the shoring and anchor scheme has been adequately constructed, following installation.
 - iii) Final certification that the anchors have been de-stressed and all shoring with the exception of the anchors have been removed to a depth of 2.5m, on completion following de-stressing of the anchors.
- h) Council's footpath and roadway are to be kept safe for the passage of motorists and pedestrians at all times. Closure of any part of the public thoroughfare shall only be carried out with the approval of Council's Traffic Engineer.
- i) All stockpiled shoring materials and equipment shall be kept solely within the private property and not obstruct the footpath or roadway at any time.
- j) All earth and rock anchors shall be released before the completion of building work.

TRAFFIC & PARKING

- (115) All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- (116) 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**.
- (117) A minimum of 36 off-street car parking spaces and 13 bicycle 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. 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.
- (118) 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) 30 residential parking spaces
 - (b) six visitor parking spaces

- (119) No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building, and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or trailers.
- (120) 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.
- (121) 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.
- (122) 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*'.
- (123) Of the required car parking spaces, at least 4 must be designed and provided for accessible car parking for people with mobility impairment in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking. Accessible car parking spaces must have a minimum headroom of 2.5m and must be clearly marked and appropriately located as accessible parking for people with mobility impairment.
- (124) Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.
- (125) The site must be configured to allow a vehicle to be driven onto and off the site in a forward direction.
- (126) 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.
- (127) A system of traffic mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s).
- (128) Solid walls immediately adjacent to the basement entry and exit must not exceed 0.6m in height for the first 2.5m within the boundary so as to ensure adequate sight lines for motorists and pedestrians.
- (129) At all times the car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- (130) 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.

- (131) 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.
- (132) 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.
- (133) 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.
- (134) 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
- 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

TREE MANAGEMENT

Neighbouring Trees

- (135) Council approval cannot be granted to remove neighbouring trees, or prune branches on neighbouring trees that overhang into the site, without the prior consent of the respective property owners. It is the applicant's duty to obtain the tree owners' written consent prior to making a formal application to Council for pruning. Enquiries regarding this matter may be directed to Council's Tree Management Officer on 9911 9888. This matter must first be resolved **prior to the commencement of any works on the site, including demolition/bulk excavation.**

Tree Protection Measures – Neighbouring Trees

- (136) Tree protection measures for all neighbouring trees must be implemented in accordance with both AS4970 (Protection of Trees on Development Sites, 2009) and the Arboricultural Impact Appraisal and Method Statement by Naturally Trees dated 24 January 2017. This includes the requirement for the applicant to engage a Project Arborist to oversee the specific tasks and certify the 5 hold points detailed in Appendix 7 of the Arboricultural Impact Appraisal and Method Statement by Naturally Trees dated 24 January 2017.

Street Tree

- (137) The existing paperbark tree (*Melaleuca quinquenervia*) located on Council's nature strip shall be removed by the applicant at their expense.

A replacement water gum (*Tristaniopsis laurina 'Luscious'*) is required to be planted centrally within the nature strip at an offset of eight metres from the western boundary. This tree shall be planted from a minimum container size of 75 litres volume, **prior to the issuing of an Occupation Certificate.**

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueih)

CR TONY DOUEIHI LEFT THE MEETING AT 6:55 PM

CR TONY DOUEIHI RETURNED TO THE MEETING AT 6:57 PM

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

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

FOR	AGAINST
Councillor Deans	Councillor Furneaux-Cook
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueih	
Total (5)	Total (1)

(ITEM 24/17) DRAFT VOLUNTARY PLANNING AGREEMENT - NO. 27-29 BURWOOD ROAD, BURWOOD

File No: 17/19653

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Section 96 application at No. 27-29 Burwood Road Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA provides for the developer to pay a monetary contribution to Council towards the provision, augmentation and/or improvements of open space, community facilities or other public facilities as determined by Council, in exchange for additional development on the site. Council's endorsement is sought to enter into the VPA.

35/17 RESOLVED *(Carried Unanimously)*

1. That Council enter into the VPA for No. 27-29 Burwood Road Burwood for the provision of a monetary contribution towards public facilities after the granting of the Section 96 application which would include a condition on the amended consent requiring that the VPA be entered into prior to the issuing of a modified Construction Certificate.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the Section 96 application in relation to floor space) to Council, on or before, the execution of the VPA by Council.

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

Councillors Tony Doueihy and George Mannah 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 Deans	
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueihy	
Total (6)	Total (0)

CR JOHN FAKER LEFT THE CHAIR AT 7:12 PM AS HE HAD DECLARED A PECUNIARY INTEREST IN ITEM 25/17 AND TOOK NO PART IN THE DISCUSSION.

CR GEORGE MANNAH TOOK THE CHAIR AT 7:12 PM.

(ITEM 25/17) DRAFT VOLUNTARY PLANNING AGREEMENT - NO. 23-27 GEORGE STREET BURWOOD

File No: 17/19616

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) for 23-27 George Street Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA provides for the developer to pay a monetary contribution to Council towards the provision, augmentation and/or improvements of open space, community facilities or other public facilities as determined by Council, in exchange for additional development on the site. Council's endorsement is sought to enter into the VPA, subject to the contribution amount being based on the rate recently adopted by Council.

36/17 RESOLVED (*Carried Unanimously*)

1. That Council enter into the VPA for No. 23-27 George Street Burwood for the provision of a monetary contribution of \$817,500 towards public facilities after the granting of the consent for the Development Application, which would include a condition of consent requiring that the VPA be entered into.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the Development Application in relation to floor space) to Council, on or before, the execution of the VPA by Council.

(Moved Councillor Justin Taunton/Seconded Councillor Sally Deans)

Councillors Justin Taunton and Sally Deans 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 Deans	
Councillor Mannah	
Councillor Taunton	
Councillor Doueihi	
Total (5)	Total (0)

(ITEM 26/17) DRAFT VOLUNTARY PLANNING AGREEMENT - NO. 20 THE STRAND CROYDON

File No: 17/20061

Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) at 20 The Strand Croydon have been publicly exhibited in accordance with the relevant legislation. The draft VPA provides for

the developer to pay a monetary contribution to Council in lieu of a shortfall in parking. Council's endorsement is sought to enter into the VPA after the granting of consent for the DA.

37/17 RESOLVED (*Carried Unanimously*)

1. That Council enter into a VPA for 20 The Strand Croydon for the provision of a monetary contribution towards public parking after the granting of Development Application BD.2015.034, which would include a condition requiring that the VPA be entered into prior to the issuing of a Construction Certificate.
2. That Council authorise to the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse minor revisions of the VPA documents prior to execution.
4. That the Proprietor/Developer pay the monetary contribution to Council, on or before the execution, of the VPA by Council

(Moved Councillor Tony Doueih/Seconded Councillor Sally Deans)

Councillors Tony Douiehi and Sally Deans 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 Deans	
Councillor Mannah	
Councillor Taunton	
Councillor Doueih	
Total (5)	Total (0)

COUNCILLOR GEORGE MANNAH LEFT THE CHAIR AT 7:15 PM.

COUNCILLOR JOHN FAKER RETURNED TO THE MEETING AT 7:15 PM AND TOOK THE CHAIR.

(ITEM 27/17) BUDGET REVIEW FOR QUARTER ENDING 31 MARCH 2017

File No: 17/19701

Summary

The 2016-17 Budget was adopted at the Council Meeting held on 24 May 2016 with a surplus of \$44,977. The adopted budget was prepared on the basis of the organisational structure which includes three Divisions (Office of the General Manager, Corporate, Governance and Community and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 31 March 2017, 2016-17 Financial Year. In accordance with Clause 203(1) *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding

surplus of \$93,202 as at 31 March 2017 compared to the revised adopted forecast surplus of \$104,163 as at 31 December 2016 which was adopted on the 28 February 2017 Council Meeting. The reasons for the net decrease of \$10,961 are outlined in the report.

38/17 RESOLVED (*Carried Unanimously*)

1. That the Budget Review Statement of the 2016-17 Budget as at 31 March 2017, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulations 2005*, the revised estimates of income and expenditure for 2016-17 surplus of \$93,202, as shown in the report be approved and that Council's adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report be, and are hereby voted.

(Moved Councillor Lesley Furneaux-Cook/Seconded Deputy Mayor George Mannah)

(ITEM 28/17) DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 31 MARCH 2017

File No: 17/21269

Summary

Following the introduction of the Integrated Planning and Reporting framework in 2009, Section 404(5) of the *Local Government Act 1993* requires that the General Manager provide progress reports to the Council, at least every six months, as to its progress with respect to the principal activities detailed in its Delivery Program.

As per Burwood Council's Delivery Program 2013/17 (Strategic Goal 2.1.2), a review of the Program is to be presented to Council on a quarterly basis.

39/17 RESOLVED (*Carried Unanimously*)

That Council endorse the Delivery Program 2013/17 Quarterly Report for the period ending 31 March 2017.

(Moved Councillor Sally Deans/Seconded Councillor Tony Doueih)

(ITEM 29/17) INVESTMENT REPORT AS AT 30 APRIL 2017

File No: 17/21119

Summary

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

40/17 RESOLVED (*Carried Unanimously*)

1. That the Investment Report for 30 April 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

(Moved Councillor Justin Taunton/Seconded Councillor Sally Deans)

(ITEM 30/17) ADOPTION - DRAFT CODE OF CONDUCT AND THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

File No: 17/19684

Summary

In November 2015 the Office of Local Government issued the new Model Code of Conduct (the Model Code) Circular 15-41 in relation to the commencement of the *Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015* and the amendments to the *Local Government Act 1993*. Council's Code of Conduct was reviewed in line with the changes to the legislation and other enhancements have been made which are outlined in the Report. The Code of Conduct and the Procedures for the Administration of the Code of Conduct have been merged for ease of use.

41/17 RESOLVED *(Carried Unanimously)*

That Council adopts the Draft - Code of Conduct including the Procedures for the Administration of the Code of Conduct.

(Moved Councillor Lesley Furneaux-Cook/Seconded Councillor Sally Deans)

(ITEM 31/17) ENDORSEMENT PUBLIC EXHIBITION - DRAFT CAR SHARE POLICY

File No: 17/20451

Summary

Car Sharing is a convenient and cost-effective alternative to private car ownership. It complements sustainable transport modes such as walking, cycling and public transport, thereby reducing private vehicle use and parking demand, by enabling residents and local businesses convenient access to vehicles for short periods. As well as being cost effective, there are environmental benefits through an overall reduction in car use, and through the use of environmentally friendly vehicles. In order to provide residents of Burwood ongoing access to car share options a draft policy has been prepared to formalise the use of on-street and public off-street parking areas by Car Share operators.

42/17 RESOLVED *(Carried Unanimously)*

1. That Council endorse the Draft Car Share Policy and place the document on public exhibition for a period of 28 days.
2. That the Notice of the public exhibition be published in relevant local newspapers inviting public submissions, and copies of the Draft Car Share Policy be made available at Council's Customer Service Centre, Burwood Library and Community Hub and on Council's website.
3. That following the public exhibition period, a report, including all submissions received, be prepared for Council's consideration and adoption of the Draft Car Share Policy.

(Moved Deputy Mayor George Mannah/Seconded Councillor Lesley Furneaux-Cook)

REPORTS OF COMMITTEES**(ITEM RC2/17) MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE - MAY 2017**

File No: 17/22053

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of 4 May 2017. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

43/17 RESOLVED (*Carried Unanimously*)

That the minutes of the Burwood Local Traffic Committee of May 2017 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC7/17) PARK ROAD BURWOOD - PROPOSED INSTALLATION OF 'WORK ZONE' RESTRICTIONS

Recommendation

That Council approve the installation of a 'Work Zone, 7.00am - 5.30pm Monday to Friday and 7.00am - 1.00pm Saturday' on the western side of Park Road fronting MLC, for a length of 37 metres per the plan in this report.

(ITEM LTC8/17) RAILWAY PARADE, BURWOOD - PROPOSED INSTALLATION OF 'WORK ZONE' RESTRICTIONS

Recommendation

That Council approves the installation of a 'Work Zone, 7.00am – 5.30pm Monday to Friday and 7.00am to 4.00pm Saturday' on the southern side of Railway Parade Burwood for a length of 5 metres, 35m west of Burwood Road, with the following conditions:

- a. That the 'Work Zone' be permitted for the use of loading and unloading goods only.
- b. Skip bins are only permitted to be placed from 10.00am – 2.00pm outside of peak periods.
- c. That any break in the pedestrian fencing be closed via the use of barricade while the 'Work Zone' is not in use.

(ITEM LTC9/17) MARY STREET BURWOOD - CHANGES TO PARKING RESTRICTIONS

Recommendation

That Council approve the installation of '2P Ticket Parking 9.00am – 6.00pm Monday – Saturday and Public Holidays' on the eastern side of Mary Street Burwood.

(ITEM LTC10/17) PROPOSED RUBBER SPEED CUSHION - ON APPROACH TO ROUNDABOUT AT MITCHELL STREET/PORTLAND STREET INTERSECTION CROYDON PARK

Recommendations

1. That Council approve the installation of a speed cushion on the west bound approach to the roundabout located at the intersection of Mitchell Street and Portland Street, Croydon Park, as per plan in the report.
2. That Council approve the installation of all associated speed hump warning signage on Mitchell Street, Croydon Park, as per plan in the report.

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

NOTICES OF MOTION

(ITEM NM2/17) NEW UNDERGROUND METRO RAILWAY LINE BETWEEN PARRAMATTA AND THE SYDNEY CBD

File No: 17/23060

Councillor Justin Taunton to move that:

Background

In November 2016 the NSW State Government announced plans to commence detailed planning works to build a new underground metro railway line, within the next decade, between Parramatta and the Sydney CBD, to help cater for Sydney's growth.

The announcement noted that the proposed new metro is planned to service "key growth precincts" of Parramatta, Sydney Olympic Park, the Bays Precinct and Sydney CBD.

Burwood has not been identified in the announcement, however in the State Government's own planning documents such as the Department of Planning "*Plan for Sydney 2036*" and the Greater Sydney Planning Commission, "*Draft Sydney Plan*", Burwood is listed as a "Strategic Centre" and 'District Centre'.

It is noted that the above categorisations mean that Burwood is the only Centre in the Inner West that has been identified as a Strategic Centre with the need to maximise capacity for both population and employment targets.

One of the key reasons for constructing the new Western Metro Line is the need to ease pressure on the main Western Rail Line, which is heavily used and expected to reach capacity within the next 15 years.

The existing Burwood Train Station is about the 11th busiest station on the existing Sydney Rail Network and with increased movements expected due to Burwood being a Strategic Centre, the need for better transport options has never been greater.

Despite sharing the same status with Sydney Olympic Park as a Strategic Centre, Burwood has not been listed in the announcement as a place that the new Metro West Rail Line would service.

There is only a short window of opportunity to engage with the State Government and appropriate agencies to push the case to have a station located at Burwood.

44/17 RESOLVED (*Carried Unanimously*)

1. That Burwood Council write to the Premier, the Hon Gladys Berejiklian MP, Minister for Transport and Infrastructure, the Hon Andrew Constance MP, the Greater Sydney Planning Commission Chief Commissioner, Lucy Turnbull and the Central District Commissioner, Marie Atkins, Local Government NSW, SSROC and the Urban Taskforce requesting urgent meetings to seek their support and commitment to include Burwood on the list of proposed stations for the new Western Metro Rail.
2. That Council seek broader support from both the Southern Sydney Regional Organisation of Councils (SSROC) and the Western Sydney Regional

Organisation of Councils (WSROC) for our campaign,

3. That Council write to industry and professional associations such as the Sydney and NSW Business Chambers, the Urban Development Institute of Australia (UDIA NSW), the Property Council, Western Sydney University and any other association or groups who may be of assistance, to highlight the need for and to seek their public support and assistance to help councils campaign to secure a commitment for Burwood to be included in the list of stations along the proposed corridor of the new rail line.
4. That a report be brought back to the June 2017 ordinary meeting of council providing:
 - a. an update on the progress of the requests for meetings with the state government and the Greater Sydney Chief Commissioner and Central District Commissioner.
 - b. an update on responses from industry and professional groups as outlined in Point (3).

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueih)

MAYORAL MINUTES

(ITEM MM5/17) COUNCIL COMMUNITY GRANTS

File No: 17/23137

Summary

I would like to propose that Council investigate increasing the amount allocated towards Community Grants each year.

Background

As you all know, each year Burwood Council runs a very popular and successful Community Grants Program. This afternoon I had the honour of awarding the grants for the next twelve months to some exceptionally worthwhile initiatives, ranging from women refuge programs to multicultural literacy programs and disability initiatives.

For quite a number of years the amount allocated by Council for the Community Grants has been \$30,000. Whilst any level of support is welcomed by the community groups, Council receives a very large number of applications that, unfortunately, cannot be awarded a grant because the pool of funds is limited.

I believe an increase in funds allocated to these programs is warranted, also in light of our growing population and the diversity of needs our residents present.

45/17 RESOLVED (*Carried Unanimously*)

1. That the General Manager investigate opportunities to increase the amount of funds allocated to community grants programs each year, and that he report back to Council with potential options at the July 2017 Council Meeting.
2. That the General Manager as part of the review process contact other Councils who also run community grants programs to make comparisons between our policy and their policy.

(ITEM MM3/17) INSTALLATION OF PARKING BAYS IN YANDARLO AND HEXTOL STREETS, CROYDON PARK

File No: 17/23136

Summary

Recently, I have been approached by several residents of Hextol Street, Croydon Park, regarding parking issues in this street.

I have been advised that residents are experiencing difficulties parking their vehicles outside of their properties due to the road being narrow which is further exacerbated when vehicles visiting Flockhart Park are parking in the bays across the road.

Residents have advised that they have been receiving infringement notices for parking on the nature strip and their vehicles are being damaged by motorists driving through the street.

Similarly residents of Yandarlo Street have also raised concerns about vehicles parked on the street being damaged due to the narrowness of the street when vehicles are parked along both sides.

46/17 RESOLVED (*Carried Unanimously*)

1. The General Manager investigates the possible installation of parking bays in Hextol Street and Yandarlo Street, Croydon Park, in line with Council's existing policies.
2. The General Manager may undertake a resident survey for those residents that would support this.

(ITEM MM4/17) SHORT TERM EXTENSION TO CONDITION OF CONSENT - WORK HOURS FOR MAJOR CONCRETE SLAB WORKS

File No: 17/23137

Summary

I have been approached by several builders to look at the feasibility of extending hours of work for major development sites where there are large concrete pours being carried out. I have been advised that there are times during large concrete pours when there are unavoidable delays in finishing the slabs and fines are being issued by Council's Compliance Officers for breaching conditions of development consent relating to working hours. It is proposed that Council staff investigate whether a system could be implemented where builders could contact Council and seek an extension of the working hours in such individual cases.

47/17 RESOLVED (*Carried Unanimously*)

The General Manager investigate whether a system could be implemented where contact could be made with Council staff to extend working hours specified in a development consent in the event of unforeseen circumstances during a major concrete slab pour.

INFORMATION ITEMS**(ITEM IN15/17) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT**

File No: 17/18135

Summary

This Report provides performance information on the Safe & Clean Team for the third quarter of the 2016/17 period.

The Safe & Clean Team operates on a daily basis between the hours of 10am to 6pm. The Safe & Clean Team patrols all main business streets in the Burwood Local Government Area including Burwood Road, Liverpool Road, The Boulevard, The Strand and Georges River Road. The Safe & Clean Team like the name suggests focuses on ensuring that the main business streets are always clean by removing light litter and cleaning infrastructure as well as reporting all crime activity to Police and all local law breaches to Council. The Safe & Clean Team provides a physical customer service presence for Council along the main business streets. Below is a summary of their performance for the period:

Activity	January 2017	February 2017	March 2017	Total
Rubbish removed from roadway	2108 litres 18 (120L bins)	1919 litres 16 (120L bins)	1819 litres 15 (120L bins)	5876 litres 49 (120L bins)
Shopping trolleys reported and removed from main streets	231	197	220	648
Advertising posters removed	42	49	25	116
Report Graffiti on Council Property	23	28	6	57
Report Road Obstructions	0	0	0	0
Report Crime	0	0	0	0
Small spill clean ups	1	0	0	1
Distribute information leaflets	0	0	0	0
Report maintenance issues	0	0	0	0

Note: The shopping trolleys left abandoned on the streets were reported to the relevant service providers and removed within a 24 hours period.

The advertising posters were mainly small handwritten signs and physically removed by the Team.

Rubbish removed from the roadway highlights that Burwood Road has the highest amount removed by the team and this is consistent with the high pedestrian traffic in the area.

Overall, the presence of the Safe & Clean Team has made a huge impact towards the beautification of the main streets and the safety of the local community.

No Decision – Information Item Only

(ITEM IN16/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 18 APRIL 2017

File No: 17/19676

Summary

At the Council Meeting of 18 April 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 24 April 2017 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 18 April 2017	
Question	Response
<p><u>Councillor Furneaux-Cook</u></p> <p>Question 1 - Is MLC School complying with its Development Approval for use of the aquatic centre?</p>	<p><u>Senior Manager Compliance</u></p> <p>Council will review the original consent and then determine if there are any inconsistencies.</p>
<p><u>Councillor Furneaux-Cook</u></p> <p>Question 2 - Will Council write to the government on the proposed SEPP for education and childcare facilities and bring this to Councils?</p>	<p><u>Manager Strategic Planning</u></p> <p>Council made a submission on the proposed SEPP in relation to childcare facilities on 23 March 2017, as attached.</p>
<p><u>Councillor Furneaux-Cook</u></p> <p>Question 3 - How can Councillors become aware of any gateway determinations? Are they reported to Council?</p>	<p><u>Manager Strategic Planning</u></p> <p>Anyone can check the status of any planning proposal lodged with the Department of Planning & Environment by clicking on http://leptracking.planning.nsw.gov.au</p> <p>Notwithstanding, it is proposed that once per month (at the end of the month) a memo will be prepared from the GM to Councillors giving an update on any gateway determinations.</p>
<p><u>Cr Justin Taunton</u></p> <p>Question 1 – New Strata Legislation allows a 75% owner majority to allow for re-development of the unit/apartment complex. Has Council received any</p>	<p><u>Manager Building and Development</u></p> <p>Council has not received any applications under the new legislation to date.</p>

applications and how many?	
<u>Cr Justin Taunton</u>	<u>Senior Manager Property and Building Services</u>
Question 2 – Burwood Park Pavilion what is the time frame for Stage 2, including the provision of the LC screens?	Council's Officers will investigate and conduct a feasibility study on this matter if a stage 2 proposal is finalised.

No Decision – Information Item Only

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

Councillor Lesley Furneaux-Cook

Question 1

Privatisation of buses in the Inner West (including Burwood):

- a. What correspondence has Council received from the Government on this matter?
- b. What are the possible impacts on residents in regard to bus routes and bus shelters?

Question 2

Heritage Walks – What was the schedule of advertising for the Heritage Walks during Heritage Week and in what formats?

Councillor Justin Taunton

Question 1

Homeless/Street People – I have noticed an increase in homeless/street people begging in the Burwood Town Centre.

- a. What powers does Council have, if any, to move them on?
- b. Have there been discussions with the Burwood LAC Police?
- c. Is there any State legislation that can be used to address this issue?

Question 2

PLC School Croydon – Pick up/Drop off issues. Request for PLC to manage a drop off/pick up parking arrangement in a wider street to the current zone.

Councillor Tony Doueih

Question 1

Enfield Aquatic Centre – can the General Manager investigate a complaint that children are getting sick from the water?

CONFIDENTIAL ITEMS - CLOSED SESSION**48/17 RESOLVED** (*Carried Unanimously*)

That the meeting move into closed session in order to consider items (ITEM 32/17) Recycling Collection Contract - Continuation of Service. *That tem be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

(Moved Councillor Justin Taunton/Seconded Deputy Mayor George Mannah)

THERE WERE NO REPRESENTATIVES FROM THE PUBLIC TO ADDRESS THE COUNCIL BEFORE THE RESOLUTION TO MOVE INTO CLOSED SESSION WAS CARRIED.

THE MEETING MOVED INTO CLOSED SESSION AT 7.45 PM WITH THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

THE MEETING RESUMED IN OPEN SESSION AT 7.48 PM.

(ITEM 32/17) RECYCLING COLLECTION CONTRACT - CONTINUATION OF SERVICE

File No: 17/24020

Summary

This report recommends the engagement of Council's waste collection contractor, Cleanaway, to carry out the recycling collections which are currently performed by JJ Richards and Son, due to unacceptable increase in cost proposed as a result of Strathfield Council unexpectedly exiting the shared contract with Burwood Council that was in place since 2009.

49/17 RESOLVED (*Carried Unanimously*)

1. That, in accordance with s55 (3) (i) of the *Local Government Act 1993*, Council accepts the quotation from Cleanaway for the recycling collection service for a twelve month period commencing in July 2017 at the rates specified in their correspondence dated 12 May 2017.
2. That Council accept the extenuating circumstances being:
 - a. The unexpected withdrawal of the partner Council in what would have been a straightforward contract extension.
 - b. The position proposed and adopted by the existing contractor in significantly altering the contract amount.
 - c. The insufficient lead time available to prepare and call for tenders and conduct a proper tender evaluation process for a contract requiring significant operational lead time.
 - d. The risk of disruption of service to the community.
 - e. The continuing uncertainty associated with the NSW Government's intention to amalgamate the Burwood, Canada Bay and Strathfield Local Government

Areas and the impending Court of Appeal decision relating to that proposed amalgamation.

3. That the General Manager be authorised to sign any necessary documentation to engage the contractor.
4. That the current collection contractor be advised of Council's decision and be thanked for their services.
5. That pending amalgamation outcome, Council will after six months commence the tender process for all waste services (domestic waste, recycling and green waste) under the one contract.

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

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

Confirmed this Tuesday 27th June 2017

MAYOR

ACTING GENERAL MANAGER