

# 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 25 October 2016 commencing at 6.09 pm.

**ATTENDANCE** Councillor Tony Doueihi

Councillor John Faker (Mayor)

Councillor George Mannah (Deputy Mayor)

Councillor Justin Taunton

Mr M McMahon, General Manager

Mr I McCallum, Deputy General Manager Corporate, Governance & Community Mr B Macdonnell, Deputy General Manager Land, Infrastructure & Environment

Mr T Briscese, Executive Manager

Mr B Olsen, Manager Building and Development Mr J Inglese, Senior Manager Assets and Design

Mr D Luo, Manager Strategic Planning Ms P Viney, Governance Co-ordinator

#### **OPENING OF MEETING BY THE MAYOR**

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

#### **OPEN FORUM**

There was no business for this item.

#### **APOLOGIES**

**103/16 RESOLVED** (Carried Unanimously)

Cr Lesley Furneaux-Cook and Cr Sally Deans was an apology.

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

## **DECLARATIONS OF INTEREST**

Councillor Tony Doueihi declared a pecuniary interest under the *Local Government Act 1993* on (ITEM 59/16) Public exhibition of Planning Proposal for bonus residential floor space and design excellence as he owns commercial property in the Burwood Town Centre. Councillor Doueihi left the meeting and took no part in the discussion.

Councillor John Faker declared a less than significant pecuniary interest under the *Local Government Act 1993* on Item 60/16 Exhibition of Planning Proposal to Increase Maximum Building Height as he owns property in the Local Government Area.

Councillor George Mannah declared a less than significant pecuniary interest under the *Local Government Act 1993* on Item 60/16 Exhibition of Planning Proposal to Increase Maximum Building Height as he owns property in the Local Government Area.

#### **DECLARATIONS OF POLITICAL INTEREST**

There were no declarations of political interests by Councillors.

#### **CONFIRMATION OF MINUTES**

## 104/16 RESOLVED (Carried Unanimously)

That the minutes of the meeting of the Council of Burwood held on Tuesday 13 September 2016, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

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

#### ADDRESS BY THE PUBLIC ON AGENDA ITEMS

Name	Item
Alessandro Bressan and Renee Tonitto 7/6-8 Russell Street Strathfield NSW 2135	(ITEM 58/16) 10 Russell Street Strathfield - DA BD.2014.168 - Demolition of Existing Dwelling House and Construction of a Three Storey Boarding House in Two Buildings Containing 23 Boarding Rooms
Jing Ting Zhao and Huaqing Xie 35 Nicholson Street Burwood NSW 2134	(ITEM 57/16) 37 Nicholson Street Burwood - Construction of six townhouses above basement parking - Development Application No. BD.2015.184
Emanuel Kekatos 81 Stanley Street Burwood NSW 2134	(ITEM 57/16) 37 Nicholson Street Burwood - Construction of six townhouses above basement parking - Development Application No. BD.2015.184

### **GENERAL BUSINESS**

# (ITEM 56/16) LEAVE OF ABSENCE APPLICATION - CR LESLEY FURNEAUX-COOK

File No: 16/46756

#### **Summary**

Cr Lesley Furneaux-Cook has made application to Council for a Leave of Absence for the period October – November 2016 due to ill health and will resume her civic duties in early December 2016.

#### 105/16 RESOLVED (Carried Unanimously)

That a Leave of Absence be granted for the Council Meeting of 25 October 2016 and 22 November 2016 and the Building and Development Committee Meeting of the 8 November 2016.

(Moved Councillor Tony Doueihi/Seconded Councillor Justin Taunton)

(ITEM 57/16) 37 NICHOLSON STREET BURWOOD - CONSTRUCTION OF SIX TOWNHOUSES ABOVE BASEMENT PARKING - DEVELOPMENT APPLICATION NO. BD.2015.184

File No: 16/47089

**Applicant:** Forte New Management Pty Ltd **Location:** 37 Nicholson Street Burwood

Zoning: R1 General Residential – Burwood Local Environmental Plan

(BLEP) 2012

#### **Proposal**

The proposed development involves the construction of six x three level townhouses, above a basement level carpark. Overall five of the townhouses contain three bedrooms plus a study whilst the other contains two bedrooms plus a study.

The subject site is located in a low lying area and is affected by overland flooding. The Applicant was required to prepare a Flood Impact Assessment to assist at arriving at the minimum Floor Levels above the flood levels.

The subject site whilst having frontage to Nicholson Street Burwood also has a frontage to Stanley Street from which all vehicular access to the basement carpark will be obtained.

# 106/16 RESOLVED (Carried Unanimously)

- A. That Council approve Development Application BD.2015.184 for 6 x three level townhouses above basement parking for 12 vehicles at 37 Nicholson Street Burwood subject to the following conditions:
- 1. The development being carried out in accordance with the plans and documentation listed below, except where amended by the conditions of consent:
  - Architectural plans prepared by Stephen Bowers Architects, Drawing No's DA-001- REV A, DA-100- REV A, D-101- REV A, DA-102- REV A, DA-103- REV A, DA-104, DA-105, S-01-REV A, S-02-REV A, SK01, DA-111, DA 112, DA 113, DA 114 all received by Council on 25/07/16.
  - Drainage Plans prepared by Greenview Consulting, Job No. 160428, consisting of Drawing No's C01 1, C02 1, C03 1 & C04 1 received by Council on 25/07/16.
  - Landscape Plan prepared by Zenith Landscape Designs, Drawing No. 15-3103 L01 Revision B.

#### **FEES**

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

#### **TABLE OF FEES**

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

- 3. Building and Construction Industry Long Service Corporation Levy = \$7,621.00 (Payment to be made to Council, the Corporation or its Agent)
- Damage Deposit security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc) during building work = \$19,100.00

(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.

- 5. Construction by the Applicant/Council the stormwater drainage works = \$5,000.00 (Payment to be made to Council as a bond)
- 6. If Council is nominated as the Principal Certifying Authority (PCA) an inspection fee is to be paid.
- 7. Please contact Council's Building Services Team for an estimate as to the number of inspections required. These inspections will be at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including reinspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges. (Payment to be made to Council prior to release of Construction Certificate).
- 8. Pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979* and the Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre), the following monetary contribution towards public services and amenities is required:

Contribution Element	Contribution
A levy of 1% of the cost of carrying out the	
development, where the cost calculated and agreed by	\$ 21,775.00
Council is \$ 2,177,538.00	

Index Period	June 2016	CPI₁	109.3

Office Use: T56

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

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

Contribution (at time of payment) =  $\frac{C \times CPI_2}{CPI_1}$ 

Where:

C: the original contributions amount as shown in the development consent; CPI<sub>2</sub> the Consumer Price Index: All Groups Index for Sydney, for the immediate past quarter (available from the Australian Bureau of Statistics

at the time of payment)

CPI<sub>1</sub> the Consumer Price Index: All Groups Index for Sydney applied at the time of granting the development consent as shown on the development consent.

<u>Note</u>: 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).

<u>Note</u>: Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions.

#### **PLANNING**

- 9. The development shall consist of five (5) townhouses containing 3 bedrooms plus a study and one townhouse containing 2 bedrooms and a study.
- 10. No drying of clothing being permitted on balcony and patio areas which are visible from a public place.
- 11. One Townhouse dwelling shall be provided as Adaptable Housing Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with Australian Standard (AS) 4299: Adaptable Housing.
- 12. Safety and security night lighting shall be provided for the development with such details being submitted to Council for approval **prior to the issuing of a Construction Certificate**.
- 13. Dilapidation surveys shall be carried out by a Practicing Structural Engineer, which is to include a full photographic record of the exterior and interior of the buildings at the applicant/owner's 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.
- 14. All internal and side boundary fences shall be a minimum height of 1.8m above Natural Ground Level.
- 15. The design of the mailbox shall be of a decorative design which is compatible with the external appearance of the townhouse development.
- 16. Pedestrian and visitor traffic shall only access the site through Nicholson Street. Stanley Street shall be used as an exit only. Suitable security gates shall be provided to the Stanley Street pedestrian access accordingly **prior to issue of a Construction Certificate**.
- 17. Visitor parking at the rear of Stanley Street shall be relocated to the basement and plans shall be amended accordingly **prior to issue of a Construction Certificate**.

18. A suitable dense landscape screen achieving a height of at least 2.5m shall be provided along the western boundary of the property. Plans shall be amended prior to release of a Construction Certificate.

#### **BUILDING**

- 19. 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**.
- 20. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- 21. 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)
- 22. 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 <a href="www.sydneywater.com.au">www.sydneywater.com.au</a> > 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.
- 23. 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). 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.
- 24. 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**.

- 25. Continuous balustrades shall be provided along the side/s of any stairway or ramp, any corridor, hallway, balcony, access bridge or the like, any path of access to a building if:
  - a. It is not bounded by a wall
  - b. The change in level is more than one (1) metre, or five (5) risers in the case of a stairway, from the floor or ground surface beneath;

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

Balustrades shall prevent as far as practicable:

- a. Children climbing over or through it
- b. Persons accidentally falling from the floor
- 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/New Zealand Standard AS/NZS 1170 Part 1 – Structural design actions.

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**.

26. 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.

27. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate (Interim or Final) 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 suitably 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 Fire and Rescue NSW 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*)

- 28. 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.
- 29. 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
  - b. must be connected:
    - (ii) to a public sewer
    - (iii) to an approved chemical closet facility

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

- 30. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 31. 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.

- 32. 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 possible 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.

33. Your attention is directed to the following:

#### **WARNING**

The approved plans must be submitted to Sydney Water Tap in<sup>TM</sup> 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 inTM details see Plumbing, building and developing then Sydney Water Tap inTM and
- Technical guidelines Building over and adjacent to pipe assets -see Plumbing, building and developing then Building plan approval, or telephone 13 20 92.

## Note:

The Principal Certifying Authority must ensure that they either:

- Receive the Sydney Water Tap inTM approval letter or
- Sight the Water Servicing Coordinator approval stamp before the issue of any Construction Certificate.
- 34. No materials are to be stored on Council's roads, footpaths or parks.
- 35. No work being carried out other than between the hours of 7.00 am 5.30 pm Monday to Fridays and 7.00 am 1.00 pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.
- 36. Hours of work shall be from 7.00 am to 5.30 pm Mondays to Fridays inclusive, and

from 7.00 am to 1.00 pm 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.

37. 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)

38. 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 excavation for, and prior to the pouring of, any footings
- ★ Prior to pouring any in-situ reinforced concrete building element
- \* Prior to covering of the framework for any floor, wall, roof or other building element
- ★ Prior to covering waterproofing in any wet areas
- \* Prior to covering any stormwater drainage connections
- \* After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

#### **SWIMMING POOLS**

- **★** The **excavation** prior to the placement of a fibre glass pool;
- \* Reinforcement and preliminary works prior to pouring of concrete; and
- \* Swimming pool fencing prior to filling the pool with water.
- 39. 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.
- 40. 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 <a href="https://www.1100.com.au">www.1100.com.au</a> for underground utility services information for any

excavation areas.

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

- 41. Structural Engineer 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**.
- 42. 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.
- 43. Safety glazing complying with B1.4 of the Building Code of Australia must be 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 1288 Glass in Buildings Selection and Installation.

Should an alternative method of complying with B1.4 of the Building Code of Australia be proposed, please submit details to the Council for approval prior to installation. Such details are to show compliance with the performance provisions under BP1.3 of the Building Code of Australia.

- 44. A registered surveyor's certificate being submitted to the Principal Certifying Authority 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
  - b. On completion of the buildings to indicate the height of the roof/parapet, show boundary clearances and areas of the site occupied by the building.
- 45. The Class 2 and 7a building being equipped with a smoke alarm system as required by Table E2.2a of the Building Code of Australia.

Mains powered smoke alarms complying with AS 3786-1993 are to be installed at or near the ceiling in:

- a. any storey containing bedrooms:
  - (i) between each part containing bedrooms and the remainder
  - (ii) where bedrooms are served by a hallway; in that hallway
- b. any other storey not containing bedrooms, in egress paths
- c. in public corridors and other internal public spaces so that a sound pressure level of 85 dB(A) is provided at the door to each sole-occupancy unit

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**.

46. 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.

# 47. 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.

48. BASIX Requirements: Under Clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all commitments listed in each relevant BASIX Certificate for the development are fulfilled.

#### **DEMOLITION**

- 49. Demolition of the building is to be carried out in accordance with the requirements of Australian Standard AS 2601 2001, where applicable.
- 50. Hours of demolition work shall be from 7:00 am to 5.30 pm Mondays to Fridays inclusive, and from 7.00 am to 1.00 pm 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.
- 51. 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.
- 52. Prior to commencement of any site works, all trees identified in the landscape plan to be retained, shall be enclosed by protective fencing to prevent them from being damaged during the construction period.
- 53. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.

- a. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
- b. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier Civil Engineering. The Principal Certifying Authority is to be provided with a Compliance Certificate verifying that this condition has been complied with, **prior to the commencement of demolition work**.
- 54. 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.
- 55. 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
  - b. if necessary, must underpin and support the building in an approved manner
  - 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 clause, 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.

- 56. 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
  - b. 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.

- 57. A WorkCover licensed contractor must undertake removal of more than 10 square metres of any bonded asbestos. Removal of any friable asbestos must only be undertaken by a contractor that holds a current friable asbestos removal licence.
- 58. Removal of any asbestos must be undertaken in compliance with the requirements

of WorkCover. Refer to their publication "Your Guide to Working with Asbestos."

- 59. Demolition sites that involve the removal of any asbestos must display a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm erected in a prominent visible location at the site to the satisfaction of Council Officers. The sign is to be erected prior to the commencement of demolition works and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. This will ensure compliance with Clause 469 of the *Work Health and Safety Regulation 2011*.
- 60. All asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations (Waste) Regulation 2005.*
- 61. All asbestos laden waste must be disposed of at an approved waste disposal depot (Refer to the Office of Environment and Heritage or Waste Service NSW for details of sites).
- 62. Written notice must be provided to Council and adjoining neighbours at least two working days prior to commencement of any works. Such written notice is to include the following details:
  - Date of asbestos removal
  - Name, address contact details (including afterhours contact telephone number) and WorkCover licence number of the asbestos removal contractor

Work is not to commence prior to the nominated date.

- 63. All asbestos cement sheeting must be removed prior to the commencement of:
  - a. Brick veneering or re-cladding of any building where the existing walls to be covered are clad with asbestos cement

OR

 Construction work where the new work abuts existing asbestos cement sheeting and/or where existing asbestos cement sheeting is to be altered or demolished.

#### **SUBDIVISION**

64. A separate Development Application shall be submitted to Council for any proposed subdivision of the development. Any such application shall designate car spaces to the respective allotments with visitor spaces being designated as common property. Car spaces shall not be designated as individual allotments within the proposed plan of subdivision. All components of the On Site Detention system shall be designated as Common Property.

#### **HEALTH**

#### **Environmental Management:**

65. 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
- 66. Mechanical ventilation and or air conditioning systems and equipment are to be designed and installed in locations that do not cause any noise nuisance or disturbance to near-by residential or premises.
- 67. A car wash area/bay is to be provided at the basement car park level and be graded and drained to a waste water disposal system in accordance with the requirements of Sydney Water.

# **Waste Management:**

68. Garbage Bin stand area shall be relocated from the Stanley Street frontage to Nicholson Street frontage and provided with suitable screening the details of which shall be provided to the Principle Certifying Authority **prior to release of the Construction Certificate**.

Garbage bins are only to be placed in the stand area the evening before collection and shall be taken back to the basement garbage store area immediately after collection.

- 69. 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.
- 70. The common waste and recycling bin stand area shall be:
  - a. Roofed so as to prevent the entry of rainwater to the sewer system
  - Provided with a hose tap connected to the water supply
  - c. Supplied with both hot and cold water
  - d. Paved with impervious floor materials
  - e. Coved at the intersection of the floor and the walls
  - f. Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water)
  - g. 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*
- 71. A separate area is to be provided (minimum 15 square metres) as a holding area for large bulky household clean up material to be held until clean up collections are scheduled or organised through Council.
- 72. Waste and recycling bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly within the garbage storage room with any waste water

being discharged to the sewer by way of the grated drain.

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

# **ENGINEERING - STORMWATER**

- 74. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate Council drainage line.
- 75. 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.
- 76. 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.

- 77. 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.
- 78. The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
- b. Following joining of pipes and connection to Council's stormwater system.
- c. For on-site detention systems:
  - (i) Following set out of detention tank/area to confirm area and volume of storage.
  - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
  - d. Following backfilling. Confirm adequacy of backfilling material and compaction.
- 79. Following completion of all drainage works:
  - a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
  - b. The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation

#### Certificate.

- 80. A Positive Covenant under Section 88E of the *Conveyancing Act* shall be created on the title of the property(s) detailing the:
  - i) Overland surface flow path
  - ii) Finished pavement and ground levels
  - iii) Prevention of the erection of any structures or fencing
  - iv) On-site Stormwater Detention system
  - v) Pump and rising main system
  - vi) Flow through fencing along Southern Boundary of the property

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

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
  - i) The overland surface flow path
  - ii) Finished pavement and ground levels
  - iii) Prevention of the erection of any structures or fencing
  - iv) On-site Stormwater Detention system
  - v) Pump and rising main system
  - vi) Flow through fencing along Southern Boundary of the property
- 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**.

- 81. An On-Site-Detention (OSD) system shall be designed for the proposed development. The OSD storage shall be placed above 100 yrs flood level and shall remain functional for all storm events from 2 to 100 year. Areas outside building footprint shall be limited to deep soil planting areas and the stormwater shall be permitted to by-pass the OSD.
- 82. Property drainage connection to street kerb is not permitted. Connection shall be made to Council's underground pipe drainage system.
- 83. A new Council standard pit and lintel shall be constructed in Stanley Street outside the property frontage for the property's stormwater to connect to. From the new pit to the nearest Council's pit, pipe laid under road surface shall be 375 mm in

diameter reinforced concrete spigot and socket with rubber ring joints.

- 84. Long section of the Ø375 mm pipeline, cross section of pipe trench, details of the new pit and connecting pits together with the invert levels, surface levels etc. shall be provided. Minimum 500 mm pipe cover shall be maintained under road surface at all times.
- 85. 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.
- 86. 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.
- 87. 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.

Engineering drawings addressing the above issues shall be provided for Council's review even if Council is not selected as the PCA.

#### **Flood Level Requirements**

- 88. The design habitable ground floor level for the proposed development (also called as Flood Planning Level) shall be set at 100 year flood level plus 300 mm of freeboard for overland flooding. Similarly the crest of basement ramp shall also be set at 100 year flood level plus 300mm of freeboard. Following Ground Floor level strictly applies to the development based on the flood study models submitted on 4 July 2016:
  - a. The crest of the basement ramp along Stanley Street shall be at minimum RL 21.00m AHD (Australian Height Datum).
  - b. Unit 6 facing Nicholson Street to be set at RL 21.90m AHD
  - c. Unit 5 to be set at RL 21.80m AHD
  - d. Unit 4 to be set at RL 21.60m AHD
  - e. Unit 3 to be set at RL 21.40m AHD
  - f. Unit 1 & 2 facing Stanley Street to be set at RL 21.30m AHD
- 89. The development being situated in overland flow affected area, following specific requirements must be met by development:
  - a. The development will not impede any obstruction to the natural flowpath of floodwater with the use of solid wall or similar obstructing devices. The building section shall be provided with flow through space below the ground floor level slab in such a way to allow for overland flow to pass through without any obstruction. The underside of the ground floor slab must be kept at minimum 100 year flood level. For safety purpose, the periphery of the opening shall be covered with wire-mesh and that should be demonstrated in elevation drawings. Details of flow through opening including a long section and cross sections shall be submitted to Council for approval.

- b. Southern boundary of the property facing Nicholson Street shall be kept open without any walls or obstructing device to allow water to pass through within the extent of flooding. However, use of flow through or paling fencing may be allowed. Details of such fencing to be submitted to Council or an accredited certifier for an approval.
- c. The building must be designed by a suitably qualified structural engineer to withstand the forces generated by floodwaters including debris and buoyancy forces as appropriate. The design should consider the depth of flooding as well as the flow velocity of floodwaters through the development, in addition to the other relevant hydraulic criteria. It should be noted that the reported flow velocity represents an average value on the overbank area. Local conditions within the development can result in higher flow velocity and therefore, for the purpose of design, appropriate safety factors should be applied to the depth and velocity of floodwaters. Certification from a suitably qualified Structural Engineer must be submitted to Council assuring suitability of the building materials and the structural design to withstand the forces created by floodwater.
- d. All building equipment/items such as electricity and gas meters, air-conditioning units, hot water heater systems, which are sensitive to water damage should be located above the habitable floor level. Within the building, all power points and electrical switches should be located a minimum height of window sill. This is to prevent damage from flood events rarer than the 100 year ARI event.
- e. A flood risk management plan shall be prepared to detail the evacuation procedures and how they will be initiated, warning signs and preservation of flood awareness as owners and/or occupants change through time. Flood risk management plan must be submitted to Council for approval prior to obtain an occupation certificate.
- 90. The submitted civil design drawings C01 through to C04 all Revision 1 dated June 2016 for the above development, do not comply with Council's requirement and shall be amended as follows:
  - a. Drawing no. C02 shall be revised with details showing the pump pit calculations (sizing and capacity); pit sections showing the water levels, location of trigger sensors, flashing lights & audible alarms; all pits provided shall be labelled, provided with dimensions, and invert & sill levels; trench grates shall be labelled with dimensions.

Drawing no. C03 and C04 shall be revised with the following:

- All the downpipes from the roof shall be designed as per AS/NZS 3500 –
   Plumbing and Drainage and shown on the stormwater plans;
- b. Sizing of Rainwater Tank to be shown on the drawings together with details of dual water supply system (if applicable);
- c. Water level at different ARI to be shown on the OSD Tank;
- d. Detail calculations of OSD Tank to be included in the drawing sheets;
- e. Dimension of OSD to be clearly mentioned;
- f. Inlet and outlet to OSD shall be shown clearly;
- g. OSD Oultet must be provided with a Trash Screen and Sediment Collection pit recess:
- h. Sizing of orifice shall be demonstrated by Calculation;

- i. All the surface pits to catch bypass ground flow shall be labelled with numbers, size, levels of invert & sills;
- j. A discharge control pit shall be provided prior to connect to Sydney Water's Culvert with minimum sizing of 600 x 600 mm with Class D grate with locking mechanism for child safety. Details of sediment pit with Trash Screen and minimum 300mm pit recess below the outlet pipe shall be submitted to Council for approval.
- k. Connection details to Sydney Water's Culvert and an approval letter from Sydney Water for the same to be submitted to Council.

In terms of drawing submissions related to flooding requirements, please find below the findings upon review:

- Fence Details for southern side of the property along Nicholson Street, drawing no. SK01 Rev A dated June 2016 is satisfactory. (Satisfies Clause 2b on Flood Level Requirements above)
- Section A-A drawing no. S-01 and Section B-B drawing no. S-02 both Revision A dated June 2016 are satisfactory. (Satisfies Clause 2a on Flood Level Requirements above)
- North & South Elevations Materials & Finishes drawing no. DA-105 Revision A dated June 2016 shall be revised showing wire-mesh enclosure on the periphery of the flow-through opening of the building. (To comply with the requirements of clause 2a on Flood Level Requirements above)

#### **ENGINEERING - GENERAL**

- 91. 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.
- 92. 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 <a href="www.burwood.nsw.gov.au">www.burwood.nsw.gov.au</a> Go to Development/Working on Footpaths or Roadways?/Works on Council Property (Application Form).
- 93. 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.
- 94. 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.
- 95. 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.
- 96. 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.
- 97. Stormwater from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe to Council's street drainage system.
- 98. 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.
- 99. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
  - a. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
- 100. 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.
- 101. Heavy vehicles removing demolished materials from the site and all deliveries of materials to the site including concrete pours shall access and depart from the site from Nicholson Street and Wentworth Road. There shall be no building activity for this site carried out from Stanley Street. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.

# TRAFFIC MANAGEMENT

- 102. All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.
- 103. 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**.

- 104. A minimum of 12 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan.
- 105. 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. 11 residential parking spaces
  - b. 1 visitor parking space
- 106. 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. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.
- 107. Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking).
- 108. 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.
- 109. 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.
- 110. 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 6 m 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'.
- 111. At all times car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.
- 112. 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.
- 113. 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.
- 114. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.
- 115. **Prior to the issue of a Construction Certificate**, the applicant must prepare a Construction Traffic Management Plan. 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 atrial 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.
- 116. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first):
  - i) Work zone
  - ii) Temporary closure of roadway/footpath
  - iii) Mobile crane or any standing plant
  - iv) Scaffolding/Hoardings (fencing on public land)
  - v) Road works including vehicle crossing/kerb & guttering, footpath, stormwater

provisions etc.

vi) Installation or replacement of private stormwater drain, utility service or water supply

#### TREE MANAGEMENT

- 117. The development shall be carried out in accordance with the recommendations set out in the Arboricultural Assessment Report by TALC, prepared on 24 November 2015, received by Council on 14 December 2015.
- 118. The Landscape Plan by Zenith Landscape Designs (Dwg No. 15-3103 L01) dated 7 December 2015, received by Council on 14 December 2015, does not provide sufficient supplemental replacement canopy trees. Only one tree is proposed to be planted in the front yard which does not satisfy s.6.6 of Burwood Council's Landscaping Code. A minimum of 2 canopy trees are required to be planted on the site. Street tree plantings are not included. A revised Landscape Plan shall be submitted to Council prior to the issuing of a Construction Certificate.

#### SYDNEY WATER REQUIREMENTS

- 119. All buildings and permanent structures are to be not only away from the drainage easement, but also a minimum of 1m from the outside face of the stormwater pipe/channel. Permanent structures include (but are not limited to) basement carpark, hanging balconies, roof eaves, hanging stairs, hanging slabs, stormwater pits, stormwater pipes etc.
- 120. The submitted details are not sufficient enough to establish whether the proposed buildings and permanent structures are 1m away from the outside face of the stormwater pipe/ channel.
- 121. The proponent is required to locate the exact position of the Sydney Water pipe by using a survey method or some other acceptable method. This information is to be superimposed onto the relevant drawings to ensure that there are no buildings or permanent structures within 1m from the outside face of the stormwater channel.
- 122. Sydney Water's acceptance of the proposed development is subject to compliance with the 1m clearance requirements as outlined above.

(Moved Councillor Justin Taunton/Seconded Councillor Tony Doueihi)

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

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

FOR	AGAINST
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueihi	
Total (4)	Total (0)

(ITEM 58/16) 10 RUSSELL STREET STRATHFIELD - DA BD.2014.168 -

# DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A THREE STOREY BOARDING HOUSE IN TWO BUILDINGS CONTAINING 23 BOARDING ROOMS

File No: 16/46684

**Applicant:** AJ & ST Investments P/L c/o Ghazi Al Ali Architects

**Location:** No. 10 Russell Street, Strathfield

Zoning: R1 General Residential

# **Proposal**

The proposed development involves construction of a new boarding house in two separate buildings:

- At ground floor level:
  - Three boarding rooms, a managers room and an indoor communal room, in Building one adjacent to Russell Lane
  - Three boarding rooms in Building two adjacent to Russell Street
  - Main pedestrian and five motorcycle parking spaces accessed from Russell Street
  - Four car parking spaces accessed from Russell Lane
  - One outdoor common open space area for boarders between the two buildings, and one private open space area for the Manager, five bicycle parking spaces, and landscaping
- At level one (first floor):
  - Seven boarding rooms in Building one
  - Three boarding rooms in Building two
- At level two (second floor):
  - Three boarding rooms in Building one
  - Three boarding rooms in Building two
- The 23 boarding rooms/manager's room comprise 17 single and six double occupancy rooms. A total of four car parking spaces (one designated for the manager), five motorcycle parking and five bicycle parking spaces are provided.
- Each boarding room is self-contained having a kitchenette and laundry facilities.

# 107/16 RESOLVED (Carried Unanimously)

- A. That Development Application BD.2014.168 for the demolition of existing dwelling house and construction of three storey boarding house in two buildings containing 23 boarding rooms and ground level parking at 10 Russell Street Strathfield be granted consent subject to the following conditions.
- 1. The development being carried out in accordance with the plans and documentation as follows, except where amended by the conditions of this consent:
  - Architectural Plans by Ghazi Al Ali Architects P/L DA-A1050 (issue C), A1051

- (issue C) A1501, A1200, A1201, A1202, A1203, A1304, A1500, A1501, A1700 all Issue D dated 6 May 2016. Materials Schedule Plans by Ghazi Al Ali Architects A1600 and A1601 issue C dated 28 September 2016
- Landscape Plan by Conzept Landscape Architects LPDA 15-118/1 dated October 2014
- Engineering plans by ING Consulting Engineers P/L: Drawing Nos. 150092014DA 1-3, Issue B received by Council on 31 October 2014

#### **FEES**

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

#### **TABLE OF FEES**

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

 Damage Deposit - security deposit against damage occurring to Council's assets (footpath, road, stormwater drainage system, kerb and gutter, etc.) during building work \$11,500 (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.

4. If Council is nominated as the Principal Certifying Authority (PCA) an inspection fee is to be paid.

This fee is for 3 inspections at the rate listed in Council's current Schedule of Fees and Charges. Any additional inspections, including re-inspections, shall be levied and paid to Council upon booking of an appointment at the rate listed in Council's current Schedule of Fees and Charges (Payment to be made to Council).

5. Section 94A Contribution: \$12,632.48 (Payment to be made to Council).

Note: the contribution amount will be adjusted at the time of payment. **See Planning Condition 6** for more details.

#### **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 1% of the cost of carrying out the	\$12,632.48
development, where the cost calculated and agreed by	
Council is \$1,263,248.00	

Index	June 2016	CPI1	109.3
Period			

Office Use: T56

The above contribution will be adjusted at the time of payment. You 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:

Contribution (at time of payment) =  $\frac{C \times CP12}{CP11}$ 

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.

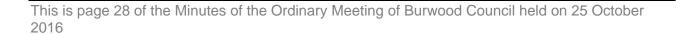
<u>Note:</u> The minimum payment will not be less than the contribution amount stated on the consent.

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).

<u>Note:</u> Credit cards and personal cheques are not accepted for the payment of Section 94A Contributions in excess of \$5,000.

- 7. Compliance with the definition of a Boarding House in the *Burwood Local Environmental Plan 2012*. The minimum period of tenancy is for three months, in accordance with the definition. The Boarding House premises are not approved as and must not function as any kind of Tourist and Visitor Accommodation as defined in the BLEP 2012.
- 8. No strata subdivision of the Boarding House is permitted in any circumstances.
- 9. The Boarding House shall be managed and operated in accordance with the Plan of Management prepared by Willana Associates dated April 2016 and received by Council on 6 May 2016, except as amended by other conditions of this consent. The Plan of Management is to be amended to include room occupancy rates as specified in the Health Condition 45 and copies of the Plan of Management is also to be made available to tenants.



- 10. A clearly visible sign with the name and telephone number of the contact person responsible for the management of the Boarding House must be displayed externally at the front entrance of the building.
- 11. Any signage for the boarding house is to be the subject of separate application being lodged to Council for consideration.
- 12. CCTV cameras shall be installed in communal open space areas, all pedestrian and access points to the building (on both the Russell Street and Russell Lane frontages). 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.
- 13. Security pedestrian access gates with an intercom system to each room shall be installed to the building on both the Russell Street and Russell Lane frontages.
- 14. Adequate internal and external lighting is to be provided for the pedestrian walkways from Russell Street and Russell Lane, within the development (in particular the communal open space area between the 2 buildings, and the car parking, motor cycle and bicycle spaces, to assist in the adequacy of personal safety and security of users of and visitors to the Boarding House and for the operation of the CCTV system referred to in the above. Details are to be submitted and approved **prior to the issue of a Construction Certificate**.
- 15. All external lighting is to be designed and installed in a manner which prevents glare and/or spillage having an adverse impact on occupants of adjacent properties.
- 16. Mail boxes shall be provided at the entrance to the premises in a manner satisfactory to the operation of the Boarding House, details to be **approved prior** to the issue of a Construction Certificate.
- 17. Samples and details of all external surface materials and finishes shall comply with the plans referred to in Condition 1, and shall be submitted for approval, **prior to the issuing of a Construction Certificate**.
- 18. All external services including air conditioning units, electrical or gas water heaters, meters, equipment conduits drainage and water pipes are to be located in recessed enclosures within the external walls and are not to be visible from the public domain areas.
- 19. The Applicant is to consult with Energy Australia to determine the need for an electricity substation prior to the issuing of a Construction Certificate and, if a site is required, it being situated adjacent to the street alignment, with the size and location of the area being in accordance with the requirements of this Council and Energy Australia, and the land required being dedicated without cost as a public roadway, to enable Energy Australia to establish the substation. The Linen Plan being registered with the Land Titles Office **prior to the issue of an Occupation Certificate**.
- 20. The landscape plan referred to in Condition 1 is to be updated to be consistent with the development as approved in Condition 1, details to be submitted and approved **prior to the issue of a Construction Certificate**.

- 21. The second floor window in the eastern façade of the building closest to Russell Lane is to be a highlight window or provided with louver screening as per the other windows in this façade. The windows of the stairwell in the eastern façade of the building closest to Russell Street are to be treated (e.g. louver screens, translucent glass) so as to prevent direct views from the stairwell to the apartments on the adjoining land and control potential light spillage to those apartments. Details to be submitted and approved **prior to the issue of a Construction Certificate**.
- 22. All recommendations and requirements as stated in the Acoustic Report submitted with the development application documentation shall be implemented. Plans shall be noted and amended accordingly **prior to the release of the Construction Certificate.**

#### BUILDING

- 23. 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.
- 24. All materials used in the building must comply with early fire hazard criteria of Specification C1.10 of the Building Code of Australia.
- 25. 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 <a href="www.sydneywater.com.au">www.sydneywater.com.au</a> > 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.

- 26. Means of 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**.
- 27. The building being provided with both access and sanitary facilities for people with disabilities. The sanitary facilities are to be provided in accordance with F2.4 of the Building Code of Australia (BCA) 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, in particular:

- a. Access is to be provided from the allotment boundary at the point of entry from a road to the entrance floor.
- b. Access is to be provided through the principal public entrance.

- c. Suitable identification signs and/or symbols, as well as necessary directional signs, incorporating the symbol for access by disabled people, being provided to comply with Clause 14 of AS 1428.1-2009.
- d. Attention is directed to Clause 7 of AS 1428.1-2009 in respect of the clear circulation space required to doorways.
- e. Access is to be provided from any car parking space which is required to be provided by D3.5 of the BCA.
- f. A car parking space required to be provided by D3.5 of the BCA, is to be identified, on the floor and behind the space, for use by disabled people and a series of signs are to be provided from the driveway entrance to indicate the location of the space.
- g. Required stairways complying with the requirements of Clause 9 of AS 1428.1-2009.
- h. The step at the front door being reduced to nil at the threshold by the provision of a short ramp (450 mm maximum length and 1:8 maximum gradient) to facilitate access for disabled people.

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.

28. A Fire Safety Certificate (copies available from Council) is to be given to the Principal Certifying Authority prior to applying for an Occupation Certificate (Interim or Final) 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 suitably 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 Fire and Rescue NSW 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*)

- 29. (27) 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
  - b. must be connected:
    - (i) to a public sewer
    - (ii) to an approved chemical closet facility.

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

30. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

- 31. No work being carried out other than between the hours of 7.00 am 5.30 pm Monday to Fridays and 7:00 am 1:00 pm on Saturdays, with no work at all being carried out on Sundays and Public Holidays.
- 32. Hours of work shall be from 7:00 am to 5:30 pm Mondays to Fridays inclusive, and from 7.00 am to 1.00 pm 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.
- 33. 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)

34. 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 excavation for, and prior to the pouring of, any footings
- \* Prior to pouring any in-situ reinforced concrete building element
- Prior to covering of the framework for any floor, wall, roof or other building element
- ★ Prior to covering waterproofing in any wet areas
- Prior to covering any stormwater drainage connections
- \* After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
- 35. 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**.
- 36. Structural Engineer 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.
- 37. Safety glazing complying with B1.4 of the Building Code of Australia must be 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 1288 Glass in Buildings Selection and Installation.

Should an alternative method of complying with B1.4 of the Building Code of Australia be proposed, please submit details to the Council for approval prior to installation. Such details are to show compliance with the performance provisions under BP1.3 of the Building Code of Australia.

38. Brickwork to balconies shall be tied into the building with brick tor or in a manner approved by the Principal Certifying Authority.

#### **HEALTH**

#### **Environment and Health**

- 39. The premises are to be operated and maintained in accordance with the Local Government (General) Regulation 2005, Schedule 2, Part 1 Standards for places of shared accommodation, *Boarding Houses Act 2012* and *Boarding Houses Regulation 2013*.
- 40. The Premises is to be registered with the NSW Department of Fair Trading in accordance with the *Boarding House Act 2012*.
- 41. The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provision of the *Protection of the Environment Operation Act 1997*. The sound level output shall not exceed 5 dB(A) above the ambient background level at the received boundary.
- 42. Prior to the opening issue of an occupation certificate for the premises, the applicant shall forward to Council on the appropriate form, the following information:
  - a. Name, residential address and contact phone number of the business proprietor or licensee
  - b. Name, address and contact phone number of the building owner.
  - c. Name and contact phone number of the site manager(s)
  - d. Payment of the fee specified in Council's adopted Schedule of Fees and Charges for the boarding house.

*Note:* the Boarding House will be subject to an annual registration process and also be included in Council's inspection program for registered premises.

- 43. 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
  - Asbestos removal and disposal
  - 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

*Note:* Contact details of any organisation/individual responsible for each of the points listed above shall be included in the Environmental Management Plan.

- 44. Location and details of air conditioning units are to comply with SEPP (*Exempt and Complying Development Code*) 2008 or shall be subject of a separate application to Council for approval.
- 45. Walls between bedrooms and any communal areas are to be acoustically treated in order to minimise noise intrusions.
- 46. The approved number of Bedrooms for the entire premises (inclusive of a managers room and two accessible/adaptable rooms) is 23 and a maximum number of occupants allowed is 29 as follows:

<u>Front Boarding House adjacent to Russell Street</u> - nine bedrooms and the maximum number of occupants allowed is nine as follows:

- Ground Floor level accommodating three persons, as follows:
  - Room G05 one person only
  - Room G06 one person only
  - Room G07 one person only
  - First Floor level accommodating three persons in three bedrooms, as follows:
    - Room 108 one person only
    - Room 109 one person only
    - Room 110 one person only
  - Second Floor level accommodating three persons three bedrooms, as follows:
    - Room 204 one person only
    - Room 205 one person only
    - Room 206 one person only

Rear Boarding House adjacent to Russell Lane – 14 bedrooms and the maximum number of occupants allowed is 23 as follows:

- Ground Floor level accommodating five persons in four bedrooms, as follows:
  - Room G01 one person only Accessible/adaptable
  - Room G02 two persons only Accessible/adaptable
  - Room G03 one person only
  - Room G04 one person only Managers room
- First Floor level accommodating twelve (12) persons in seven (7) bedrooms, as follows:

- Room 101 one person only
- Room 102 one person only
- Room 103 two persons only
- Room 104 one person only
- Room 105 two persons only
- Room 106 one person only
- Room 107 one person only
- Second Floor level accommodating six (6) persons in three bedrooms, as follows:
  - Room 201 two persons only
  - Room 202 two persons only
  - Room 203 two persons only
- 47. The boarding house is to have displayed in a conspicuous location, near the entrance a schedule and floor plans, indicating the exit locations, fire services and numeral designating each bedroom and the location throughout the boarding house and the number of persons to be accommodated in each bedroom.
- 48. Each bedroom must be clearly numbered in proper sequential order.
- 49. Accessible/adaptable bedrooms no. G01 and G02 is to be an adaptable and designed to accommodate persons with disabilities and provided with toilet and bath/shower room facilities in accordance Councils Development Control Plan (DCP) pt 37 –"Shared Accommodation" and parts D and F of the Building Code of Australia and Australian Standards AS 2890 and AS 1428.
- 50. Each bedroom of the boarding house is to be provided with sufficient and adequate storage and furnishings in accordance with P18 of Part 5.3 "Boarding Houses" located within the BDCP that include the following:
  - a. Bed
  - b. Wardrobe
  - c. Mirror
  - d. Table and chair
  - e. A night light or other approved illumination device for each bed
  - f. Waste container
  - g. An approved latching device on the door
  - h. Curtains, blinds, or similar privacy device
- 51. Display on the door in each bed room of the boarding house a schedule and floor plans, indicating the exit locations, fire services and numeral designating each bedroom throughout the boarding house and the number of persons permitted to be accommodated in each bedroom.
- 52. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition and free of pests and vermin.
- 53. Details and specifications are to be submitted to Council for approval prior to the issuing of a construction certificate of the kitchen and laundry facilities within each bedroom, inclusive of ventilation and duct work, fixtures, fittings, finishes and equipment.

- 54. No drying of clothing or other laundry being permitted on balconies, patios and or courtyard areas which are visible from a public place.
- 55. All kitchen facilities are to satisfy the requirements of P20 (c) of Part 5.3 "Boarding Houses" located within the BDCP.
- 56. A covered walk way is to be provided between the two buildings in order to ensure residents from both buildings have ready access to the communal areas. The covered walkway is to be of a design and construction materials standard that is integrated with the building. Details and specifications are to be submitted to Council for approval **prior to the issuing of a construction certificate**.

#### Waste

- 57. Each boarding room is to be provided with a waste cupboard or other storage area 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.
- 58. All garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be:
  - a. Provided with a hose tap connected to the water supply
  - b. Supplied with both **hot and cold** water
  - c. Paved with impervious floor materials
  - d. Coved at the intersection of the floor and the walls
  - e. All internal surfaces must be light coloured
  - f. Of adequate size to accommodate all waste and recycling bins associated with the development
  - g. Designed so the containers used for the storage of recyclable materials are separate from general waste storage containers, to reduce the potential for contamination of recyclable material
  - h. 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*
  - i. Designed to minimize noise generated by movement of the bins to and from the collection point
  - j. Include signage which clearly describes the types of materials which can be deposited into recycling bins, general waste bins and green waste bins.
- 59. Waste, recycling and green waste bins shall be kept in a clean and hygienic condition. Bins are to be washed regularly with any waste water being discharged to the sewer by way of a graded drain.
- 60. Garbage, recycling and green waste bins shall only be placed in the nominated collection area in the evening before the scheduled collection day and shall be returned to the waste storage area on the same day following collection.
- 61. The occupier of the premises is to enter an agreement with registered waste company or provider for the regular collection of all waste, recyclable and green waste material generated from the premises. Note: Details of the agreement are to be kept on site and made available to a Council Officer on request.
- 62. A car wash area/bay is to be provided in one of the parking spaces and be graded and drained to a waste water disposal system in accordance with the requirements

of Sydney Water.

### **ENGINEERING**

- 63. A detailed drainage study shall be prepared by a competent practicing hydraulic/civil engineer and submitted to the Principal Certifying Authority.
  - a. The study shall demonstrate that the development has no adverse effects on adjoining properties as a result of flooding and stormwater runoff and that there is adequate protection for buildings against the ingress of surface runoff.
  - b. The drainage study is to be reviewed by Council or an Accredited Certifier Civil Engineering prior to the issuing of a Construction Certificate. Certified copies of drainage plans and design are to be provided to Council.
- 64. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to:
  - a. The nearest appropriate Council drainage line
  - b. The street gutter
  - c. Council's drainage system located in Russell Street
  - d. Council's street drainage system
  - e. Via an infiltration storage on site
- 65. 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.

- 66. 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.
- 67. The stormwater works on the development property and connection to Council's stormwater system are to be inspected during construction by a competent practicing hydraulic/civil engineer. The inspections are to be carried out at the stages of construction listed in the following schedule. A compliance Certificate verifying that the construction is in accordance with the approved design, this development consent and satisfies the relevant Australian Standard is to be submitted to the Principal Certifying Authority before proceeding beyond the relevant stage of construction.

#### SCHEDULE OF CONSTRUCTION STAGES REQUIRING INSPECTION

- a. Following placement of pipe bedding material. Confirm trench/pipe location, adequacy of depth of cover, bedding material and depth.
- b. Following joining of pipes and connection to Council's stormwater system.
- c. For on-site detention systems:
  - (i) Following set out of detention tank/area to confirm area and volume of storage.
  - (ii) Following placement of weep-holes, orifice and/or weir flow control, outlet screen and overflow provision.
- d. Following backfilling. Confirm adequacy of backfilling material and compaction.
- 68. Following completion of all drainage works:
  - a. Works-as-executed plans, prepared and signed by a registered surveyor, shall be prepared. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. These plans are to be reviewed by the competent practicing hydraulic/civil engineer that inspected the works during construction.
  - b. The Principal Certifying Authority is to be provided with a Certificate from a competent practicing hydraulic/civil engineer. The Certificate shall state that all stormwater drainage and related work has been constructed in accordance with the approved plans and consent conditions as shown on the work-as-executed plans, prior to the issuing of an Occupation Certificate.

- 69. A Positive Covenant under Section 88E of the *Conveyancing Act 1919* shall be created on the title of the property(s) detailing the
  - (i) Overland surface flow path
  - (ii) Finished pavement and ground levels
  - (iii) Prevention of the erection of any structures or fencing
  - (iv) On-site Stormwater Detention system

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

- a. The proprietor of the property agrees to be responsible for keeping clear and the maintenance of the facilities consisting of:
  - i) The overland surface flow path
  - ii) Finished pavement and ground levels
  - iii) Prevention of the erection of any structures or fencing
  - iv) On-site Stormwater Detention 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**.

- 70. The north and south boundary fences shall be constructed in materials that allow unobstructed passage of surface stormwater flows. Fencing details shall be submitted to Council or an Accredited Certifier Civil Engineering, **prior to the issuing of a Construction Certificate**.
- 71. 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.
- 72. 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).

- 73. 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.
- 74. 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.
- 75. 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.
- 76.
   a. Temporary measures shall be provided during demolition, excavation and/or construction to prevent sediment and polluted waters discharging from the site.
  - b. An erosion and sediment control plan showing such measures shall be prepared by a competent practicing hydraulic/civil engineer in accordance with Supplement 10 of Council's Stormwater Management Code.
  - c. The erosion and sediment control plan is to be reviewed by Council or an Accredited Certifier Civil Engineering prior to the issuing of a Construction Certificate.
- 77. All demolition and excavation materials are to be removed from the site or disposed offsite using methods that comply with relevant environmental protection legislation.
- 78. Vehicles removing demolished materials from the site shall access and depart from the site through Wentworth Road, Morwick Street and The Boulevarde. Vehicles involved in removing materials from the site shall be limited to an 8 tonne gross weight per axle.
- 79. A Positive Covenant under Section 88E of *Conveyancing Act 1919* shall be created on the title of the property:
  - (i) Detailing the overland surface flow path

- (ii) Keeping clear and maintenance of the overland flow path
- (iii) Prevention and erection of any structures or fencing
- 80. The following matters are to be dealt with adequately **prior to issuing of the** construction certificate.
  - (i) Cross section of the OSD storage across the discharge control pit shall be provided.
  - (ii) Details of Orifice plate and emergency overflow weir shall be shown on cross sectional drawing.
  - (iii) Connection details to Council's pit including pipe invert, pit invert etc. shall be provided in the drawing.
  - (iv) The discharge control pit of the OSD system shall be designed to control outflow for all storm events from 2, to 100 years ARI. Detailed calculations shall be provided for orifices diameter.
  - (v) The applicant shall pay Council a stormwater works bond as listed in the Table of Fees for stormwater connection to Council's pit on Russell street

Engineering drawings addressing the above issues shall be provided for Council's review and approval even if Council is not selected as the PCA.

## TRAFFIC, TRANSPORT AND PARKING

- 81. A minimum of five off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. If one space is located at the front of the building the motor bike parking shall be relocated on site to the satisfaction of the Principle Certifying Authority and the car space shall be provided in that location in lieu. Note: the motor bike parking shall not be located with the building line to Russell Street.
- 82. 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. four residential parking spaces
  - b. one staff parking space
- 83. Resident parking spaces are to be made available to all residents of the site, and not allocated for exclusive use to any particular resident or room.
- 84. No part of the common property is to be used for the parking or storage of vehicles or trailers. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the *Conveyancing Act 1919*, so burdening common property, with the Council being the authority to release, vary or modify the restriction.
- 85. 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.
- 86. 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.
- 87. 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.
- 88. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.
- 89. Boarding House tenants shall not be eligible to participate in the local Residential Parking Scheme.

## TREE MANAGEMENT

90. Council's brush box tree (Lophostemon Confertus) located on the nature strip at the front of the site, is required to be retained and protected in accordance with the *Australian Standard AS4970 (Protection of Trees on Development Sites, 2009)* including the erection of a 1.8 m high chain link fence around all four sides of the tree extending from the kerb to the footpath and two metres east and west of the tree to allow continued vehicular and pedestrian access. The tree protection fence must be installed **prior to the commencement of the works and must remain in place and maintained until the issue of an Occupation Certificate**.

Council requires a monetary bond/bank guarantee to the value of \$2,000 to ensure the proper protection of the existing brush box tree located on the nature strip.

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

Councillors Councillor Tony Doueihi and Deputy Mayor 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 Faker		
Councillor Mannah		
Councillor Taunton		
Councillor Doueihi		
Total (4)	Total (0)	

Councillor Tony Doueihi left the meeting, the time being 7:27 PM

Item 59/16 Public Exhibition of Planning Proposal for Bonus Developments was not determined due to a lack of quorum. The matter will be referred to the next available Council Meeting.

## (ITEM 59/16) PUBLIC EXHIBITION OF PLANNING PROPOSAL FOR BONUS

#### RESIDENTIAL FLOOR SPACE AND DESIGN EXCELLENCE

File No: 15/35212

## **Summary**

A Planning Proposal (PP) has been prepared to amend the Burwood Local Environmental Plan (BLEP) 2012. The amendment will allow for increased residential floor space within the Commercial Core and Middle Ring of the Burwood Town Centre and a higher standard of architectural and urban design for new development comprising three storeys or more in B4 Mixed Use Zones and B2 Local Centre Zones. The PP was exhibited in 2015. It has been revised and re-exhibited in accordance with an amended Gateway Determination by the Department of Planning & Environment (DP&E). Submissions received in response to both exhibitions are discussed in this report. It is recommended that Council endorse the PP as re-exhibited to proceed to finalisation.

### Recommendation(s)

- 1. That Council endorse the Planning Proposal, which is to amend the BLEP 2012 to provide for:
  - a. An increased residential floor space within the Commercial Core and Middle Ring of the Burwood Town Centre, where the proposed development demonstrates a commitment to the delivery of social and community infrastructure.
  - b. A higher standard of architectural and urban design for new development comprising three storeys or more in B4 and B2 Zones.
- 2. That Council proceed towards the legal drafting of the LEP in liaison with the Department of Planning and Environment to give effect to the Planning Proposal.
- 3. That those who have made a submission on the Planning Proposal be advised of Council's decision.

Councillor Tony Doueihi returned to the meeting, the time being 7:28 PM

(ITEM 60/16) EXHIBITION OF PLANNING PROPOSAL TO INCREASE MAXIMUM BUILDING HEIGHT FROM 8.2M TO 8.5M AND RESERVE PART OF 16 LYONS STREET STRATHFIELD FOR ACQUISITION FOR BELLS LANE WIDENING

File No: 16/44335

## **Summary**

Public exhibition has been completed of the Planning Proposal (PP) to increase the maximum building height from 8.2 metres to 8.5 metres across the Burwood Local Government Area (LGA) and include part of 16 Lyons Street Strathfield on the Land Reservation Acquisition Map of the *Burwood Local Environmental Plan (BLEP) 2012* for Bells Lane widening. No submissions have been received in response to the exhibition, however, the owner of 16 Lyons Street enquired about the potential acquisition of this property by Council. It is recommended that the PP proceed to finalisation without variation.

## **108/16 RESOLVED** (Carried Unanimously)

- 1. That Council endorse the Planning Proposal, and proceed under delegation towards the legal drafting of the LEP to give effect to the Planning Proposal.
- 2. That the owner of 16 Lyons Street, Strathfield be advised of the Council resolution in writing.

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

Councillors Deputy Mayor George Mannah and Councillor Justin Taunton called for a DIVISION.

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

FOR	AGAINST	
Councillor Doueihi		
Councillor Faker		
Councillor Mannah		
Councillor Taunton		
Total (4)	Total (0)	

(ITEM 61/16) VOLUNTARY PLANNING AGREEMENT - 29 GEORGE STREET, BURWOOD

File No: 16/44072

## Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) BD.2016.070 at No. 29 George Street, Burwood has 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. The draft VPA also provides for the developer to pay a monetary contribution to Council in lieu of a shortfall of visitor parking. Council's endorsement is sought to enter into the VPA after the granting of consent for the DA.

#### **109/16 RESOLVED** (Carried Unanimously)

- That Council enter into a VPA for No. 29 George Street, Burwood for the provision
  of a monetary contribution towards public facilities after the granting of DA
  BD.2016.070, 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 Deputy Mayor George Mannah/Seconded Councillor Justin Taunton)

Councillors Deputy Mayor George Mannah and Councillor Justin Taunton called for a **DIVISION**.

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

FOR	AGAINST
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Councillor Doueihi	
Total (4)	Total (0)

# (ITEM 62/16) VOLUNTARY PLANNING AGREEMENT - NO. 6 RAILWAY PARADE, BURWOOD

File No: 16/44690

## **Summary**

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) prepared in connection with a Development Application (DA) BD.2016.052 at No. 6 Railway Parade, 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. The draft VPA also 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.

## 110/16 RESOLVED (Carried Unanimously)

- That Council enter into a VPA for No. 6 Railway Parade, Burwood for the provision
  of a monetary contribution towards public facilities after the granting of DA
  BD.2016.052, 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 Deputy Mayor George Mannah/Seconded Councillor Tony Doueihi)

Councillors Deputy Mayor George Mannah and Seconded Councillor Tony Doueihi called for a **DIVISION**.

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

FOR	AGAINST
Councillor Doueihi	
Councillor Faker	
Councillor Mannah	
Councillor Taunton	
Total (4)	Total (0)

## (ITEM 63/16) FEES AND CHARGES 2016/2017 - PROPOSED FEE FOR ENFIELD AQUATIC CENTRE PLACEMENT ON PUBLIC EXHIBITION

File No: 16/42190

### **Summary**

The purpose of this report is for Council to amend the fees and charges for the Learn to Swim and Infant Aquatics Programme at the Enfield Aquatic Centre and placement of the change on public exhibition in accordance with the *Local Government Act 1993 (the Act)*.

## 111/16 RESOLVED (Carried Unanimously)

- That Council approves in principle the family discounts for the Learn to Swim and Infants Aquatics Programme (including private swimming lessons) of 10% for the second child in a family enrolling in the programme and 20% for the third and any subsequent children, and that the fee and charge be placed on public exhibition in accordance with Sections 610F and 705 of the Local Government Act 1993.
- 2. That the results of the public exhibition be reported to Council.

(Moved Councillor Tony Doueihi/Seconded Councillor Justin Taunton)

# (ITEM 64/16) DUNNS LANE AND TOWN CENTRES BEAUTIFICATION PROJECT - UPDATE REPORT

File No: 16/20426

### Summary

A report to the Ordinary Council Meeting of 22 March 2016 advised of the planned consultation with affected businesses of the proposed Dunns Lane Beautification Project. Accordingly, a concept design and survey was distributed with a Mayoral letter. This report provides Council with the results of the consultation and a recommendation.

#### 112/16 RESOLVED (Carried Unanimously)

That Council approve implementation of Stage One as detailed below and shown on Attachment 1.

Stage One Beautification of Dunns Lane to be implemented in the short term includes:

- Three x Cobblestone style raised traffic thresholds
- Two x Horizontal screening panels at garbage bin storage areas behind property No. 35C and No. 45 Burwood Road, Burwood.
- A Loading Zone of approximately 6 metres in length behind No. 49 Burwood Road, Burwood.
- Proposed low planting along the Dunns Lane boundary of No. 49 Burwood Road, Burwood.

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

(ITEM 65/16) DISCLOSURE BY COUNCILLORS AND DESIGNATED PERSONS RETURN REGISTER (PECUNIARY INTEREST RETURNS AND REGISTER) 2015/2016

File No: 16/45517

## **Summary**

In accordance with Section 450A of the Local Government Act 1993:

- The General Manager must keep a Register of Pecuniary Interest Returns and the Returns must be available for inspection by members of the public.
- The General Manager must arrange for the tabling of the Returns at the first meeting held after the last day of the period for lodgement (i.e. the first Council meeting after the end of September).

## 113/16 RESOLVED (Carried Unanimously)

That the Ordinary and Primary Disclosures by Councillors and Designated Persons (Pecuniary Interest) Returns for the period 1 July 2015 to 30 June 2016 be noted and accepted as tabled.

(Moved Deputy Mayor George Mannah/Seconded Councillor Tony Doueihi) (ITEM 66/16) INVESTMENT REPORT AS AT 30 SEPTEMBER 2016

File No: 16/47497

## **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*.

#### 114/16 RESOLVED (Carried Unanimously)

- That the Investment Report for 30 September 2016 be received and endorsed.
- 2. That the Certificate of the Responsible Accounting Officer be received and noted.

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

#### MATTER OF URGENCY

115/16 16TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE be determined at a Matter of Urgency.

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

# (ITEM 67/16) 16TH INTERNATIONAL CITIES, TOWN CENTRES AND COMMUNITIES CONFERENCE

File No: 16/50858

## **Summary**

I have recently received advice from Cr Justin Taunton that he is interested in attending the 16<sup>th</sup> International Cities, Town Centres and Communities Conference being held in Launceston, Tasmania, between 9 and 11 November 2016.

The conference will concentrate on the aspects of better designed urban towns and cities and how they thrive for the benefit of business and communities, the culture of connectivity amongst business and how it shapes the importance of the centre. Other important concepts like transportation, public accessibility and regulation boosters will also be discussed.

## 116/16 RESOLVED (Carried Unanimously)

- 1. That Cr Justin Taunton be authorised to attend the 16<sup>th</sup> International Cities, Town Centres and Communities Conference in Launceston, Tasmania, between 9 and 11 November 2016, and Council meets the costs of the conference in accordance with Council's Expenses and Facilities Policy 2015/2016.
- 2. That upon his return, Cr Justin Taunton prepares a report to Council stating aspects of the trip relevant to Council business and/or the local community to the next available Council Meeting.

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

#### **MAYORAL MINUTE**

# (ITEM MM18/16 VEHICULAR ACCESS IN MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENTS

#### File No: 16/50742

## **Summary**

I have received representations from constituents regarding the vehicular access for mixed commercial/residential development where the residents of the development are required to travel through the commercial parking area and pass through boom gates to access their car parking spot. I firmly believe that commercial car parking and visitors' car parking spots have to be made available to the public during business hours.

In the circumstances, commercial/residential developments should be required to allow separate car parking access for commercial and residential occupants. While this may be problematic for some smaller sites, I believe that a detailed investigation could indicate that it is feasible for larger developments and, as such, should be included as a requirement in the Burwood Development Control Plan.

## 117/16 RESOLVED (Carried Unanimously)

The General Manager investigates the practicality of requiring separate commercial/residential vehicular access points for developments in the Burwood Town Centre to make available commercial and visitor parking spaces for the public during the day and a further report be provided back to Council for consideration.

#### **REPORTS OF COMMITTEES**

# (ITEM RC4/16) MINUTES OF THE OCTOBER 2016 BURWOOD LOCAL TRAFFIC COMMITTEE

File No: 16/48054

## **Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of October 2016. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

## 118/16 RESOLVED (Carried Unanimously)

That the minutes of the Burwood Local Traffic Committee of October 2016 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

# (ITEM LTC21/16) 176 BURWOOD ROAD, BURWOOD - REQUEST FOR '5 MINUTE' PARKING SPACE

#### Recommendation

That Council approve the installation of six metres '5 minute parking – 8.30 am to 6.00pm Monday to Friday and 8.30 am to 12.30 pm Saturday' fronting 176 Burwood Road Burwood was not supported by Council.

# (ITEM LTC22/16) BLIGH STREET, BURWOOD HEIGHTS - CHANGES TO EXISTING UNRESTRICTED PARKING SPACE

#### Recommendation

That Council approve the unrestricted parking space to be converted to '1P 6.30 am – 5.00 pm Monday to Sunday' on Bligh Street, Burwood Heights.

# (ITEM LTC23/16) AUSTRALIAN RED CROSS BLOOD SERVICE UNIT - PROPOSED 2017 DATES

#### Recommendations

- 1. That Council approve the road occupancy for the Australian Red Cross Blood Service Unit in Comer Street Burwood, adjacent to Burwood Park, on the following dates and times subject to the conditions below:
  - Visit 1: Monday 9 to Wednesday 11 January 2017 8.30 am to 4.30 pm
  - Visit 2: Monday 10 to Wednesday 12 April 2017 8.30 am to 4.30 pm
  - Visit 3: Monday 10 to Wednesday 12 July 2017 8.30 am to 4.30 pm
  - Visit 4: Monday 9 to Wednesday 11 October 2017 8.30 am to 4.30 pm
- 2. All services are to operate between the hours of 8.30 am and 4.30 pm on the approved dates, and are for the Blood Donation Unit only.
- All affected businesses, residents and other occupants must be notified of the road occupancy and activities at least one week prior to the commencement of the event. Any concerns or requirements raised by business proprietors, residents and other

occupants must be resolved or accommodated by the applicant.

- 4. The area to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Manager Traffic and Transport, otherwise the applicant will be required to reimburse Council for any extraordinary cleaning costs.
- 5. Council and the Roads & Maritime Services are to be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public road way. The applicant must produce evidence of public liability/risk insurance cover with a minimum policy value of at least \$20,000,000 indemnifying Council and the Roads & Maritime Services from any future claims that may arise from the activities undertaken by The Australian Red Cross.
- 6. A copy of the Council approval letter must be available onsite for inspection by Council Officers upon request.
- 7. The applicant shall comply with any reasonable directive from Council's Compliance Officers.
- 8. Council reserves the right to cancel the approval at any time.

# (ITEM LTC24/16) PORTLAND STREET, ENFIELD - ADDITIONAL DISABLED PARKING SPACE

#### Recommendations

- 1. That Council approve the installation of an additional six metre long 'Disabled Parking' space with associated signage on the eastern side of Portland Street, outside the entry to the Enfield Aquatic Centre, as per the attached sketch plan.
- 2. That Council approve the construction of two concrete kerb ramps as per relative standards.

# (ITEM LTC25/16) PILCHERS LANE BURWOOD - PROPOSED 'NO PARKING' RESTRICTIONS

#### Recommendation

That Council approve the installation of 'No Parking' restrictions along the western side of Pilchers Lane, between Belmore Street and Clarence Street, Burwood.

(ITEM LTC26/16) ARDGRYFFE STREET BURWOOD HEIGHTS - PROPOSED 'NO RIGHT TURN - 7.30AM TO 9.30AM' RESTRICTIONS

#### Recommendation

That Council approve the installation of 'No Right Turn – 7.30 am to 9.30 am Monday to Friday' restrictions from Claremont Road into Ardgryffe Street, Burwood Heights.

# (ITEM LTC27/16) SHERARS AVENUE, STRATHFIELD - REQUEST FOR NO PARKING RESTRICTIONS

#### Recommendation

That Council approve the installation of 'No Parking' restrictions around the greater part of the cul-de-sac section of Sherars Avenue, Strathfield, as per the plan in the report.

# (ITEM LTC28/16) BURLEIGH STREET BURWOOD - GREEK ORTHODOX PARISH ANNUAL GREEK STREET FAIR - 13 NOVEMBER 2016

#### Recommendations

That Council approve the proposed road closure in Burleigh Street between Railway Parade and Elizabeth Street, Burwood as well as the section of Council car park at the corner of Elizabeth Street and Burleigh Street, Burwood from 9.00 pm on Saturday 12 November 2016 to 4.00 pm on Sunday 13 November 2016. The annual Greek Street Fair are subjected to the following conditions:

- a. Emergency services and public transport operators are to be advised of the event (a copy to be forwarded to Council).
- b. A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council.
- c. Barricades and signs to be provided in accordance with Work Cover requirements and AS 1742.3(2002) Traffic Control for Works on Roads.
- b. Residents and businesses of the following streets are to be advised of the event (outlining start and finish times, street closure details and a contact name and number for the day) with a copy of the correspondence forwarded to Council:
  - Burleigh Street
  - Burwood Road (from Railway Parade to Belmore Street)
  - Belmore Street (from Burwood Road to Shaftesbury Road)
  - Shaftesbury Road (from Belmore Street to Railway Parade)
  - Railway Parade (from Shaftesbury Road to Burleigh Street)

# (ITEM LTC29/16) KING EDWARD STREET, CROYDON - MODIFICATIONS TO PERMIT PARKING SCHEME AREA 19

#### Recommendation

That Council approve the extension of Area 19 of the Burwood Permit Parking Scheme to include two additional parking spaces on the eastern side of the street fronting King Edward Street Reserve as well as the installation of all required signage.

(ITEM LTC30/16) 72-76 QUEEN STREET CROYDON - PROPOSED 'NO PARKING - 8.00 AM TO 6.00 PM' RESTRICTIONS

#### Recommendation

That Council approve the installation of 'No Parking – 8.00 am to 6.00 pm Monday to Saturday' restrictions fronting 72-76 Queen Street, Croydon.

(ITEM LTC31/16) VICTORIA STREET EAST, BURWOOD - INSTALLATION OF 15 MINUTE PARKING

#### Recommendation

That Council approve the installation of a six metre long '15 Minute' parking space outside 36-38 Victoria Street East, Burwood as per the plan in the report.

#### Information Item

(ITEM TIN12/16) LIVERPOOL ROAD, ENFIELD - MID-BLOCK PEDESTRIAN SIGNALS NEAR ST JOSEPHS PRIMARY SCHOOL

No Decision - Information Item Only

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

#### **INFORMATION ITEMS**

# (ITEM IN28/16) NSW PARLIAMENT AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

File No: 16/46502

## <u>Summary</u>

The NSW Parliament has passed amendments to the *Local Government Act 1993* (the LGA) known as the Phase 1 Reforms, focussing mainly on improving Council's governance and strategic business planning.

The following amendments are now in force:

- 1. The term of office for a Mayor elected by Councillors is increased to two years (Section 230(1) of the LGA).
- 2. All Councillors, including Mayors, are required to take an oath or affirmation of office (Section 233A of the LGA).
- 3. The organisational structure of a Council is to be determined by:
  - The Governing Body (Council) in consultation with the General Manager, for Senior Staff Positions
  - The General Manager, for the remainder of the positions in the Organisation Structure
- 4. Councillors' Expenses and Facilities Policies are to be adopted by a Council within 12 months of the term of a new Council, instead of annually (Section 252 of the LGA). Amendments to this policy are no longer required to be specifically notified to the Office of Local Government (Section 253 of the LGA).
- 5. The commencement of countback provisions will not be available to fill casual vacancies occurring in the Office of a Councillor following the 2016 Ordinary Elections will be required to be filled at a by-election held in accordance with (Section 291 of the LGA).
- 6. Council may now delegate to its General Manager the authority to accept tenders, except those to provide services currently provided by members of staff of the council.

Further Phase 1 amendments will be put in place over time and will be the subject of separate guidance.

### No Decision – Information Item Only

# (ITEM IN29/16) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 30 SEPTEMBER 2016

File No: 16/45526

## <u>Summary</u>

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 25 June 2013. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details the Discretionary Grants for the September quarter ending 2016.

### No Decision – Information Item Only

## (ITEM IN30/16) EMERGENCY SERVICES PROPERTY LEVY

File No: 16/45824

## **Summary**

This report is to inform Council of a major reform that the NSW Government is implementing in relation to funding of fire and emergency services and its implications to Council.

### Background

Currently, NSW Fire and Emergency Services, including Fire and Rescue NSW, NSW Rural Fire Service and the NSW State Emergency Service, are funded primarily by financial contributions from insurance through the imposition of an Emergency Services Levy (ESL) on the premiums.

The ESL is collected by insurance companies and has the effect of increasing the cost of insurance whilst at the same time those properties that are uninsured enjoy the same benefits from fire and emergency services, but do not make the same contributions.

In order to address this inequity, the State Government has decided to abolish the insurance-based ESL and replace it with an Emergency Services Property Levy (ESPL) from 1 July 2017.

The ESPL is seen as a much fairer system because all property owners, not only those that are insured, contribute to the cost of these services.

## **Proposal**

The State Government will require Councils to collect the ESPL because they have established systems for contacting all land owners and collecting revenue from them.

The following information is taken from a fact sheet prepared by the NSW Treasury that explains the proposal.

The way the levy is collected will change

From 1 July 2017 the levy will no longer be collected by insurance companies as part of property insurance premiums. Modelling suggests that the average residential property insurance premium will fall by around \$200 as a result. From 1 July 2017, the levy will be collected by local councils from all property owners. Councils will clearly list the new levy on rates notices as a separate line item and it will be paid in the same way as council rates. The name of the Levy will change. The Emergency Services Levy (ESL) will be replaced by the Emergency Services Property Levy (ESPL).

# The new levy amount will be based on land value and ESPL property sector

The levy will be different for different property sectors to be identified in the ESPL legislation, such as residential, industrial, commercial and farmland. These classifications will be used for the new levy and are expected to be finalised in October 2016 after further consultation and modelling.

## The new system will bring NSW in line with all other mainland states

The change enacts one of the recommendations of the Henry Review and the Royal Commission into the Victorian Bushfires and will bring NSW in line with all other mainland states.

## Concessions will apply

Pensioners, war veterans and other concession cardholders will be eligible for a concession under the ESPL. Eligibility will be consistent with that applying to council rates and charges under the LG Act.

## An insurance Monitor will ensure insurance premium savings are passed on to customers

Professor Allan Fels AO and Professor David Cousins AM have been appointed as Insurance Monitors and given a range of powers to ensure that the savings that will be generated when the insurance based levy is abolished are passed onto customers. The Insurance Monitor will set guidelines, undertake investigations, share information with the community and take enforcement action against any insurers not passing on the savings to consumers.

#### Why is this change being made?

#### The new system is fairer

The Levy provides a significant proportion of the funding for our fire and state emergency services. Currently this levy is only collected from individuals and businesses that buy property insurance, despite these services being available to everybody in our community. Under the new system, nearly all property owners will contribute to the cost of these services.

#### The new system will help make property insurance more affordable

The change will help address the serious issue of underinsurance in NSW by reducing the cost and improving the affordability of insurance. Abolishing the levy will reduce the cost of insurance, enabling more people and businesses to take out insurance to protect their properties from fire, floods, storms and other natural disasters."

## **Planning or Policy Implications**

The ESPL rates, "rates-in-the-dollar", will be announced no later than 30 April each year, so they can be advertised as part of Council's Operational Plan, commencing in 2017. The rates will change each year, depending on the budgeted costs of the fire and emergency services, and NSW land values.

It is anticipated the ESPL will be a charge payable on all land other than Government land. This is due to the fact that the NSW State and Local Governments already directly contribute 26.3% of the annual costs of the State's emergency services, and NSW does not have the power to tax the Commonwealth Government.

Similar to Council rates, the ESPL will consist of:

- A fixed component a single amount per property, regardless of the land value, and
- An ad valorem component a variable amount per property, calculated by multiplying the ad valorem rate by the land value.

The Government may determine a different ESPL fixed and *ad valorem* rate for different property sectors.

The ESPL will also apply to individual units in strata and company title properties according to their unit entitlements.

Councils will be required to show the ESPL separately on the rate notice for the property.

## Conclusion

The implementation of the ESPL requires a considerable amount of work to be performed by Council prior to its implementation, commencing with the classification of all parcels of land by 31 December 2016. As well, there will be costs on Councils for administering the ESPL on an annual basis.

In consideration of this, the NSW Government has recognised the costs to Councils in two ways, as follows:

- 1. Start-up costs which will be reimbursed to costs and has allocated \$40,139 to Burwood Council to assist. Should Council incur costs over this amount, then they will be reimbursed subject to authentication, and
- 2. Operating costs these will be collected during the first year of operation and used to generate a general formula for cost reimbursement in subsequent years e.g. a fixed amount per Council and an amount per ESPL assessment.

## No Decision - Information Item Only

## (ITEM IN31/16) ANNUAL REPORT 2015/16

File No: 16/46240

## **Summary**

Burwood Council's Annual Report for the period 2015/16 has been prepared in accordance with the *Local Government Act 1993* and the Division of Local Government's Annual Report requirements.

### **Background**

The report is prepared annually to comply with Section 428 of the *Local Government Act* 1993 and Clause 217 of the *Local Government (General) Regulation 2005* and must be provided to the Minister for Local Government by 30 November each year.

The annual report includes a report (State of the Environment Report) as to the state of the environment in the Local Government Area in relation to the objectives for the environment established by the Community Strategic Plan.

In addition, the report includes a summary of expenditure for funds generated through the Special Rate Variation approved by IPART in June 2014.

## Consultation

The Annual Report will be made available to the public on Council's website in the form of an e-book, as well as in hard copy at the Council's Administration Building and Burwood Library and Community Hub.

In addition, a Summary flyer will be made available at Council's Administration Building and at the Burwood Library and Community Hub.

Council has also developed an infographics video summarising key aspects of the organisation's performance over the 2015/16 Financial Year. The video will be made available on Council's website, facebook page, and on the TV screens available at various Council venues.

## No Decision - Information Item Only

### (ITEM IN32/16) AUDIT COMMITTEE - SUMMARY REPORT

File No: 16/46242

#### Summary

To brief Councillors and the public on activities of the Audit Committee.

## **Background**

The Audit Committee comprises of independent members Mr Ernie Lagis (Chairperson) and Mr Scott Varker, and Councillors George Mannah and Justin Taunton.

This report relates to activities undertaken by the Audit Committee at its meetings of 5 August 2015, 15 September 2015, 24 February 2016 and 21 September 2016.

#### **Current activities**

The Audit Committee undertook the following activities:

- Adopted the 3-year Audit Plan
- Received a report on the Library and Community Hub project by the Internal Auditor
- Received a report on Budgeting by the Internal Auditor
- Received a report on Outdoor Dining Licensing and Management by the Internal Auditor
- Received an update on Council's Compliance Register
- Received an update on External Auditors' interim management letter
- Received an update on the Enfield Aquatic Centre audit review and subsequent implementation of action plan
- Received an update on the provision of Senior Internal Audit services by Southern Sydney Regional Organisation of Councils (SSROC)
- Received a final update on Council's implementation of Promoting Better Practice Review recommendations
- Reviewed Council's Communications Policy
- Received briefings on the Fit for the Future reform agenda and Council's submissions
- Received briefings on the Local Government amalgamation process
- Reviewed and endorsed the 2015/16 Financial Statements

### **Next meeting**

The next meeting of the Audit Committee is scheduled for November 2016, subject to ministerial decision in relation to Council amalgamations.

#### **Minutes**

The Minutes of the meeting of 5 August, 15 September 2015, and 24 February 2016 are attached as approved. The Minutes of the meeting of 21 September 2016 will be attached to the next summary report, once approved by the Audit Committee.

## No Decision - Information Item Only

# (ITEM IN33/16) PINCH POINT PROGRAM - PARRAMATTA ROAD AND SHAFTESBURY ROAD, BURWOOD

File No: 16/47892

## **Summary**

Pinch points are traffic congestion points, intersections or short lengths of road at which a traffic bottleneck exists slowing down the broader network. They cause a build-up of traffic and travel delays at these spots and on the wider road network.

The Roads and Maritime Services Pinch Point Program originally ran from 2007 to 2012 and delivered 120 projects on 23 key corridors throughout NSW with a budget of \$100 million. In June 2012, the NSW Government announced an extension of the program with an additional \$125 million for the next five years. In May 2013, extra funding was committed to bring the total value of the Pinch Point Program to \$225 million. In December 2013, the announcement of the Sydney Clearway Strategy added a further \$21 million in funding bringing the total program value to \$246 million.

The Pinch Point Program aims to improve the operational efficiency of Sydney's road

transport network, improve traffic flow and maximise use of road space, help ease traffic congestion and improve the consistency of travel times for motorists, particularly during peak hours.

Methods used to reach these objectives include widening small sections of road or intersection, lengthening turn bays, and adding extra turn bays or turning lanes, which will improve traffic flow and maximise use of the road space.

The intersection of Parramatta Road and Shaftesbury Road Burwood has been identified as a pinch point requiring treatment. The intersection currently provides a single right turn lane from Parramatta road in to Shaftesbury Road. Queuing in this right turn lane often exceeds capacity resulting in delays for traffic to be able to enter Shaftesbury Road and vehicle queues extending into the adjacent through travel lane restricting capacity for east bound traffic.

The Pinch Point project for this intersection proposes the widening of the intersection at Parramatta Rd and Shaftesbury Road to include dual right turn lanes from Parramatta Rd in to Shaftesbury Road to head south while marinating three east bound lanes. To facilitate these works there will be the need to acquire additional land from several properties on the western side of Shaftesbury Road. Property acquisition on the eastern side of Shaftesbury Road, the current location of the Burwood Bus Depot, was considered however was found to be too costly.

A concept design has been completed and a Project Review of Environmental Factors is scheduled to be made available in late 2016. According to the RMS Pinch Point Program website community consultation has also been undertaken by Roads and Maritime Services in June 2016. If approved construction works would commence in late 2017 with an expected completion date of late 2018.

## No Decision - Information Item Only

## (ITEM IN34/16) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT

File No: 16/48126

## **Summary**

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

The Safe & Clean Team operates on a daily basis between the hours of 10 am to 6 pm. The Safe & Clean Team patrols all main business streets in the Burwood Local Government Area including Burwood Road, Liverpool Road, The Boulevarde, 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 small waste and cleaning infrastructure as well as reporting all crime activity to Police and all local law breaches to Council. They provide a physical presence of Council along the main streets. Below is a summary of their performance for the period:

Activity	July 2016	August 2016	September 2016	Total
Rubbish removed from roadway	3698 litres	2322 litres	2325 litres	8345 Litres
Shopping	344	330	322	996

Trolleys reported and				
removed from				
main streets				
Advertising	78	123	115	316
posters				
removed				
Report Graffiti	29	22	22	73
on Council				
Property				
Report Road	4	2	2	8
Obstructions				
Report Crime	0	0	0	0
Small spill clean	10	3	3	16
ups				
Distribute	0	0	0	0
information		· ·		
leaflets				
Report	0	0	0	0
maintenance				
issues				

**Note:** Shopping Trolleys left abandoned on the streets were reported to the relevant service providers and removed within a 24 hour period. Council has been targeting these issues through letters to service providers requesting increased patrols, improved facilities like wheel locks, educational information/signage and promotional approaches like sponsored personal trolleys.

In regards to rubbish removal, the data has highlighted that Burwood Road and The Boulevarde are identified as the locations with the most amount of light litter collected.

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. Crime data has highlighted that the Council area has received reduced crime activity in most categories.

## No Decision - Information Item Only

## (ITEM IN35/16) PETITIONS

File No: 16/47933

## **Summary**

Council has received two petitions since the last Council Meeting.

## **Background**

Date Received	Petition Subject	No. of Households within the LGA	No. of Households outside the LGA	Responsible Council Division
4 October 2016	Clarendon Lane – Construction Works	11	0	Land, Infrastructure and

				Environment
22 August 2016	DA 2016/98 9-15 George Street Burwood	9	0	Land, Infrastructure and Environment

### Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision - Information Item Only

#### **QUESTIONS WITHOUT NOTICE**

The following Questions Without Notice were submitted at the Meeting:

## **Councillor Justin Taunton**

**Question 1** – There are a lot of Ibis birds in streets surrounding Burwood Park, getting into rubbish bins and spraying garbage everywhere. Does Council with agency like the RSPCA on managing this problem?

**Question 2** – Can Councillors be invited to events like the launch of the Enfield Aquatic Centre Masterplan, Civic Ceremonies and groups like the Lions Clubs?

## **Councillor John Faker**

**Question 1** - Currently there is a semi-attached house located on the cnr Gladstone Street and Mount Pleasant Avenue, Burwood was the Development Application approved as a CDC approval?

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

Confirmed this 22 November 2016.

MAYOR

**GENERAL MANAGER**