

The NEW City of **CANTERBURY BANKSTOWN**

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Agenda for the

Independent Hearing And Assessment Panel Meeting

1 August 2016 – 6.00pm

Function Room

137 Beamish Street, Campsie

IHAP Chairperson and Panel Members

Notice is hereby given that a meeting of the Independent Hearing and Assessment Panel will be held in the Function Room, 137 Beamish Street, Campsie on Monday 1 August 2016 at 6.00 P.M.

Disclosure of Interest: Section 451 of the Local Government Act 1993 requires a panel member who has a pecuniary interest in any matter with which the Council is concerned and who is present at the meeting at which the matter is being considered must disclose the interest, and the nature of that interest, to the meeting as soon as practicable. The panel member is required to leave the room while the matter is being discussed and not return until it has been voted on.

Matthew Stewart
GENERAL MANAGER

22 July 2016

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REPORT SUMMARIES

1 38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING

- An application has been received from the construction of a two storey dwelling house.
- The application has been referred to the Independent Hearing and Assessment Panel due to non-compliance with the maximum finished floor level (1m allowed, 1.6m proposed, 60% variation) which exceeds the delegated authority of Council staff.
- The proposal is defined as a new dwelling which is permissible with Council consent within Zone R2 Low Density Residential under Canterbury Local Environmental Plan 2012.
- The application has been assessed against our Development Control Plan and seeks a variation in regard to the maximum finished floor level, which is considered acceptable in this instance due to the flooding issues on site. The issue of compliance is discussed in the body of this report.
- In accordance with Part 7 of the Canterbury Development Control Plan 2012, all owners and occupiers of adjoining properties were notified of the proposed development. No submissions were received.
- It is recommended that the application be approved subject to conditions.

2 578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT

- The application seeks to modify an approved mixed use development to increase the overall building height by 500mm, amend the internal layout of all floors to improve the location of wet areas, basement levels 1 and 2 and delete the third basement level, pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979.
- The subject site is zoned B2 – Local Centre under Canterbury Local Environmental Plan 2012 and the proposed development is permissible within the zone subject to Council approval.
- The modification has been assessed against the standards in Canterbury Local Environmental Plan 2012 (CLEP 2012) and Canterbury Development Control Plan 2012 (CDCP 2012) and seeks a departure from our building height and building height plane controls, which exceed the delegation of our officers. It is for this reason the application is referred to the Independent Hearing and Assessment Panel.
- In accordance with Part 7 of CDCP 2012, the application was publicly exhibited and notified to affected owners and occupants. No submissions were received.
- The application to modify the consent is recommended for approval.

3 13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING

- The applicant seeks approval for the demolition of the existing garage and shed and the construction of a new secondary dwelling with associated landscape works.
- The proposal is referred to Independent Hearing and Assessment Panel as it seeks a 15.9% departure from the control for maximum floor space of outbuildings and an 8.3% departure to the minimum site width requirement. These variations are beyond the delegation of Council officers. Despite these variations, the proposal has merit.
- The subject site is zoned R2 Low Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed secondary dwelling is permitted in accordance with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- All adjoining land owners and occupiers were notified of the proposed development in accordance with the requirements of Part 7 of the Canterbury Development Control Plan 2012. One submission was received and the issues raised are addressed in detail within the body of the report.
- The development application is recommended for approval subject to conditions.

4 54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT

- The applicant seeks approval for the demolition of existing structures, construction of a multi-dwelling housing development comprising one x four bedroom townhouse and five x three bedroom townhouses with associated car parking and landscaping works.
- The proposal is referred to the Independent Hearing and Assessment Panel as it seeks a departure from the controls for garage door width and setback from the outermost external wall that is beyond the delegation of Council officers. Despite this departure, the proposal has merit.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed multi-dwelling development is permitted within the R3 zone subject to development consent.
- The development application has been assessed against Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 and complies with the requirements of these policies with the exception of the controls relating to garage door width and setback from the outermost external wall within Canterbury Development Control Plan 2012. This non-compliance is discussed in further detail within the body of the report.
- All adjoining land owners and occupiers were notified of the proposed development in accordance with the requirements of Part 7 of Canterbury Development Control Plan 2012. Two submissions were received. The

submissions raised concern regarding parking within the site, the height of the development, overshadowing impacts, traffic implications of the development, acoustic implications of the development, removal of the existing pine tree, the species and location of new plantings and privacy. These matters are addressed in detail within the body of the report.

- The development application is recommended for approval subject to conditions.

5 54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING

- An application has been received for the construction of a secondary dwelling at the rear of the site.
- This application has been referred to the Independent Hearing and Assessment Panel due to a non-compliance to the minimum frontage control which exceeds delegations.
- The subject site is zoned R3 Medium Density Residential under Canterbury Local Environmental Plan 2012. The proposed development is permissible pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- The application has been assessed against the relevant environmental planning instruments and development control plan and seeks variations to the minimum site width. This issue of non-compliance is discussed in the body of this report.
- In accordance with our notification policy, all owners and occupiers of adjoining properties were notified of the proposed development. One submission was received
- It is recommended that the development application be approved, subject to conditions.

CANTERBURY WARD**1 38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING****FILE NO:** 351/38AD**REPORT BY:** CITY DEVELOPMENT**WARD:** CANTERBURY

D/A No:	DA-157/2016
Applicant:	Devine Drafting and Design
Owner:	Julius & Susan Pucci
Zoning:	R2 – Low Density Residential
Application Date:	13 April 2016

Summary:

- An application has been received from the construction of a two storey dwelling house.
- The application has been referred to the Independent Hearing and Assessment Panel due to non-compliance with the maximum finished floor level (1m allowed, 1.6m proposed, 60% variation) which exceeds the delegated authority of Council staff.
- The proposal is defined as a new dwelling which is permissible with Council consent within Zone R2 Low Density Residential under Canterbury Local Environmental Plan 2012.
- The application has been assessed against our Development Control Plan and seeks a variation in regard to the maximum finished floor level, which is considered acceptable in this instance due to the flooding issues on site. The issue of compliance is discussed in the body of this report.
- In accordance with Part 7 of the Canterbury Development Control Plan 2012, all owners and occupiers of adjoining properties were notified of the proposed development. No submissions were received.
- It is recommended that the application be approved subject to conditions.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

Report:**Background**

On 12 March 2015, DA-430/2014 for the subdivision of the site into two lots was approved by the former City Development Committee. This Development Application is to erect a dwelling house on one of the subdivided lots.

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

Site Details

The property is the last residential allotment located on the western end of Fuller Avenue, adjoining Sydney Water's stormwater channel known as Cup and Saucer Creek. The site is an irregular 'battle-axe' shaped allotment with a northern frontage to Fuller Avenue of 7.62m wide. The total site area of the property is 619m². Directly to the east and north of the site are single detached dwellings. To the rear of the site is the Ausgrid Canterbury zone substation (16A Hansen Avenue, Earlwood).



Aerial view of site

Proposal

The proposal is for the construction of a two storey dwelling, with a floor area of 173m².

Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013

Assessment

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**
A BASIX Certificate No. 713919S_02 accompanies this application. The certificate includes a number of commitments which have been demonstrated as part of this assessment and are acceptable.
- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**
The site is zoned R2 – Low Density Residential under CLEP 2012 and dwelling houses are permissible subject to consent. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R2 – Low Density Residential	The proposed subdivision is permissible with development consent.	Yes
Building Height	8.5m	8 m	Yes
Minimum Lot Size	600m ² (excluding access handle)	The size of the lot including the access 'handle' is 619m ² . Without the 'handle' the size is 490m ² .	No. However, the lot size is the same as approved through DA-430/2014

The proposal complies with the standards found in CLEP 2012.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**
The controls under CDCP 2012 applicable to this application are:

Requirements	Numerical requirements	Proposal	Complies
Streetscape Character	Compatibility with existing scale, rhythm of built elements, fenestration and building materials, street edge	The property is at the end of a street of one and two storey dwellings and is proposed to be finished in materials (cladding and brickwork), which is consistent with the streetscape.	Yes
Site Requirements	Council will consider lots with irregular dimensions on merits	The proposed site is an irregular –battle-axe block recently approved by DA-430/2014.	Yes
Front Setbacks	Must be in line with predominant building line unless existing building line is staggered. - 5.5m for sites < 12.5m in width - 6m for sites > 12.5m in width or the average of the existing setbacks of nearest dwelling on either side.	The site is a battle-axe block and the setback is similar to that of the nearest dwelling (38 Fuller Avenue) The site is also located significantly away from the road.	Yes
Side setbacks for two storey dwelling	900mm Min 450mm between eave/gutter and boundary	2.6m	Yes
Rear Setbacks	6m	6m	Yes
Height	Walls - Maximum 7m Overall Height - 8.5m	6.9m 8m	Yes Yes

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

Requirements	Numerical requirements	Proposal	Complies
Finished Ground Floor Level	Maximum 1m above Natural Ground Level	The proposed finished floor level is 1.6m	No - see comment [1] below
Total Floor Area	380m ²	17m ²	Yes
Access to lots	4m when serving two lots	The proposed access is 6m wide to serve both 38 and 38a Fuller Avenue	Yes
Car parking spaces	2 spaces on site	2 spaces provided	Yes
General Design Requirements	Side elevation design to include architectural breaks for satisfactory side elevation design.	Suitable design and architectural breaks provided	Yes

[1] Finished Floor Level

The proposal seeks a variation against the provision of the maximum finished floor level. The finished floor level proposed is 1.6m, whereas the control standard in the DCP is 1m. The applicant has submitted a request for a variation. They have stated that the height is the minimum required to avoid any impact from the flooding potential of Cup and Saucer Creek. It is considered that the variation is acceptable for the following reasons:

- The floor level is the minimum level acceptable to overcome the development constraints of the site.
- The overall height of the building remains below the maximum height control levels as set out in the DCP.
- The height of the floor level will not detrimentally impact on neighbouring properties in terms of solar access/overshadowing or privacy.
- The principle of the proposed development and the flooding impact was considered under the report that approved the subdivision.

Solar Access

The shadow diagrams submitted with the application indicated compliance as follows.

Requirements	Complies
To at least 50% or 35m ² (which is at least 2.5m wide) of the adjoining property's principal area of ground level private open space, whichever is lesser.	Yes
One living room window (of the adjoining property) is to receive 2 hours of sunlight between 9am and 3pm on June 21.	Yes
Outdoor clothes drying area of the adjoining property is to receive 2 hours sunlight between 9am and 3pm on June 21.	Yes
The main living area of proposed property is to receive at least 2 hours sunlight between 9am and 3pm on June 21	Yes

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

- **Canterbury Development Contributions Plan 2013**
The proposal has been assessed against Canterbury Development Contributions Plan 2013 as the value of works exceeds \$100,000. In this regard Section 94A contributions have been levied as a condition of development consent at \$18,951.52.

Other Considerations

- **Sediment and Erosion Control**
The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.
- **Health, Safety and Amenity during Construction Phase**
During the construction of the development, the health and amenity of workers, the public and adjoining properties alike needs consideration under Section 79C of the EPAA. Accordingly, all works associated with the development will be restricted to daytime hours to ensure the works will not be a nuisance to adjoining occupiers and property owners (by way of standard condition).
- **Suitability of site for the Development**
The site is considered suitable for the development. The previous consent (DA-430/2014) considered the principle of the development on the site. The proposed finishing materials, location of the house and impacts of the development are all considered appropriate for the site and its surrounds.

Referrals

- **Development Engineer**
The Council's Development Engineer has reviewed the application and has recommended approval of the application subject to conditions.

Notification

The development application was placed on notification as required under Part 7 in CDCP 2012. No submissions were received.

Conclusion

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies.

The proposed variation is in relation to the finished floor level. The proposed finished floor level is the minimum level required to satisfy the site characteristics and the proximity of the Cup and Saucer Creek in relation to flooding. Given the site circumstances the variation has merit and is supported.

RECOMMENDATION:

THAT development application DA-157/2016 be **APPROVED** subject to the following conditions

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only); or Evidence of a Home Building (Private) Insurance Certificate.
 - 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
 - 1.3. Payment to Council of:

Kerb and Gutter Damage Deposit	\$2,723.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$1402.60
Long Service Levy Commission	\$19.80
Section 94 Development Contributions	\$18,951.52
 - 1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$2,384.00
Inspection Fee	\$864.00
Occupation Certificate Fee	\$206.00

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

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

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

Note 4: All fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

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

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

- 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

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

SITE SIGNAGE

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

GENERAL

5. The development being carried out in accordance with the plans and specifications as outlined in the table below, except where modified by conditions specified in this Notice.

Drawing	Prepared By	Amendment or Issue	Date	Date Received
Locality Plan 1681-3r.mcq	Ansa Homes	Sheet 1 Issue E	1-07-16	1 July 2016
Site Plan 1681-3r.mcq	Ansa Homes	Sheet 2 Issue E	1-07-16	1 July 2016
Drainage Plan 1681-3r.mcq	Ansa Homes	Sheet 3 Issue E	1-07-16	1 July 2016
Shadow Diagram 1681-3r.mcq	Ansa Homes	Sheet 4 Issue E	1-07-16	1 July 2016
Lower Floor Plan 1681-3r.mcq	Ansa Homes	Sheet 5 Issue E	1-07-16	1 July 2016
Upper Floor Plan 1681-3r.mcq	Ansa Homes	Sheet 6 Issue E	1-07-16	1 July 2016
Elevations 1681-3r.mcq	Ansa Homes	Sheet 7 Issue E	1-07-16	1 July 2016
Section A-A 1681-3r.mcq	Ansa Homes	Sheet 8 Issue E	1-07-16	1 July 2016
External Colour Selections 1681-3r.mcq	Ansa Homes	Sheet 9 Issue E	1-07-16	1 July 2016
Site Detail and Levels Plan 21401282.2	Cooper Richards Surveyors	Issue A	5/01/15	11 April 2016
Mains to Meter Work as Constructed	MGP (Rydalmere) Land Partners		15/09/2015	11 April 2016

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

	Ltd			
Concept Stormwater Soil and Water Management Layout and Details D1	Soliman Hanna & Associates	A	11.09.14	11 April 2016
Developer Contract Plan Work-As- Constructed	Sydney Water	Version 1	8/9/2015	11 April 2016

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

The amount of the contribution (as at the date of this consent) has been assessed as \$18,951.52. The amount payable is based on the following components:

Contribution Element 2013	Contribution
• Community Facilities	\$1,714.20
• Open Space and Recreation	\$16,755.16
• Plan Administration	\$482.16

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

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

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

7. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
8. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
9. All building construction work must comply with the National Construction Code.
10. The building not being used at any future time other than for the purposes of a single dwelling-house.
11. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
12. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
13. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

14. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
17. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
18. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
19. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

LANDSCAPING

20. All property trees must be retained and protected during construction. A tree protection zone (TPZ) of 2m radius minimum (measured from the edge of the tree trunks) must be observed. A tree protection barrier is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be a minimum 1800mm high chain link fabric (with standard 50mm pitch) on 2400mm star pickets driven 600mm into the ground so that the fencing cannot be breached. A 600mm x 450mm prohibition sign complying with AS1319, and stating 'TREE PROTECTION ZONE – KEEP OUT' must be attached to the barrier. The barrier is to be well maintained during construction.
21. No building material storage shall be allowed to encroach within this TPZ. No form of construction work or related activity such as mixing of concrete, cutting grinding, generator storage or cleaning of tools is to be permitted within this TPZ. No activity which will cause additional soil compaction within the TPZ. All drainage run off, sediment, concrete and mortar slurry, paints and washings, toilet effluent, petroleum products and any other waste products must be prevented from entering the protection zone.
22. Any required excavation work that fall within the TPZ of the trees must use methods which allow the root system of the tree to remain preserved and intact such as hand digging methods.

ENGINEERING

Prior To Construction Certificate

23. A stormwater drainage design prepared by a qualified practicing Civil Engineer must

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:

- (a) The design must be generally in accordance with the plans, specifications and details received by Council on 11th April 2016; drawing number D1, prepared by Soliman Hanna Pty Ltd.
 - (b) A 2500 Litre Rainwater tank must be incorporated in the design and must comply with Basix Certificate.
 - (c) Stormwater system must be designed to accommodate subsurface stormwater at the subsoil, seepage, and soil retaining structures.
 - (d) All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
 - (e) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
24. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
25. The street alignment levels are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
26. Stormwater being disposed of into the Sydney Water Corporation drainage system, subject to the Corporation's approval. The Corporation's written approval shall be submitted with the Construction Certificate.
27. The site is located in a natural flood way, The plans must be certified by an appropriately qualified civil engineer that adequate provision has been made up to the 100 year Average Recurrence Interval event with regard to floor levels and impact on adjacent properties.
28. The design and construction of the proposed development must incorporate the recommendations of the flood study received by council on 3ed Jun 2016, prepared by Lomford Engineers Reference Number 16-38 FULLE-FLD3005
29. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- (a) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - (b) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.

Prior To And During Construction

30. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
-

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

31. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
32. If the vehicle access is to be reconstructed the levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
33. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.

Prior To Occupation Certificate

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

SYDNEY WATER REQUIREMENTS

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

CRITICAL INSPECTIONS

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

38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING (CONT.)

other inspections that are to be carried out in respect of the building work, as nominated in this development consent.

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

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE

40. If you are not satisfied with this determination, you may:
- 40.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination.; or
 - 40.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 or Section 97AA of the Environmental Planning and Assessment Act 1979.

2 578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT**FILE NO:** 634/578D**REPORT BY:** CITY DEVELOPMENT**WARD:** CANTERBURY

D/A No:	DA-346/2014/A
Applicant:	Urban Link Pty Limited
Owner:	Bowden Homes Internal Pty Limited
Zoning:	B2 - Local Centre under Canterbury Local Environmental Plan 2012
Application Date:	21 January 2016; additional information submitted on 6 May 2016, 9 May 2016, 20 May 2016, 6 June 2016, 14 June 2016 and 29 June 2016.

Summary:

- The application seeks to modify an approved mixed use development to increase the overall building height by 500mm, amend the internal layout of all floors to improve the location of wet areas, basement levels 1 and 2 and delete the third basement level, pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979.
- The subject site is zoned B2 – Local Centre under Canterbury Local Environmental Plan 2012 and the proposed development is permissible within the zone subject to Council approval.
- The modification has been assessed against the standards in Canterbury Local Environmental Plan 2012 (CLEP 2012) and Canterbury Development Control Plan 2012 (CDCP 2012) and seeks a departure from our building height and building height plane controls, which exceed the delegation of our officers. It is for this reason the application is referred to the Independent Hearing and Assessment Panel.
- In accordance with Part 7 of CDCP 2012, the application was publicly exhibited and notified to affected owners and occupants. No submissions were received.
- The application to modify the consent is recommended for approval.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Report:

Background

On 15 July 2015, the Land and Environment Court of NSW approved Development Application DA-346/2014 for demolition of existing structures, construction of a mixed use development comprising two retail/commercial suites, 23 residential apartments and basement car parking. The following conditions were imposed as part of the consent:

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

Drawing No.	Drawing Title	Prepared by	Dated
DA100 (Rev 1)	Basement 3	Chanine Design	22 May 2015
DA100.1 (Rev A)	Basement 2	Chanine Design	22 May 2015
DA101 (Rev I)	Basement 1	Chanine Design	22 May 2015
DA102 (Rev J)	Ground Floor Plan	Chanine Design	25 May 2015
DA103 (Rev C)	Level 1 Floor Plan	Chanine Design	22 May 2015
DA104 (Rev C)	Level 2 Floor Plan	Chanine Design	22 May 2015
DA105 (Rev C)	Level 3 Floor Plan	Chanine Design	22 May 2015
DA106 (Rev C)	Level 4 Floor Plan	Chanine Design	22 May 2015
DA107 (Rev C)	Level 5 Floor Plan	Chanine Design	22 May 2015
DA108 (Rev B)	Roof Plan	Chanine Design	5 May 2015
DA200 (Rev B)	Elevations	Chanine Design	5 May 2015
DA201 (Rev C)	Elevations	Chanine Design	22 May 2015
DA210 (Rev B)	Streetscape	Chanine Design	5 May 2015
DA300 (Rev C)	Cross Section	Chanine Design	22 May 2015
DA301 (Rev G)	Driveway Section	Chanine Design	22 May 2015
DA400 (Rev B)	Site Plan	Chanine Design	5 May 2015
DA402 (Rev B)	Demolition Plan	Chanine Design	5 May 2015
DA702 (Rev B)	Photomontage & Material Schedule	Chanine Design	5 May 2015

- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1-2004.
- Storage area of at least 6m³ is to be provided for each one bedroom unit, and 8m³ per two bedroom unit and 10m³ per three bedroom unit.
- The bedroom and ensuite window(s) being translucent glass.
- Communal rooftop antenna to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
- Mailboxes are to be provided at the front of the building along New Canterbury Road where the entrance to the residential lobby is located.
- Cantilevered awnings must overhang the footpath by 3 metres and must be at a height of between 3.2-4.2 metres from natural ground/footpath.

Site Details

The subject site is located on the southern side of New Canterbury Road, midblock between Duntroon Street and Garnet Street.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

The site is known as 578-580 New Canterbury Road, Hurlstone Park and has a legal description of Lot 3 in Deposited Plan 3703 and Lot B in DP 364388. The site has a frontage to New Canterbury Road of 15.241 metres and a southern boundary and frontage to Duntroon Lane of 15.24 metres, eastern and western side boundary lengths of 45.72 metres. The consolidated site comprises a total area of 696.8m².

The immediate and wider surrounding locality comprises various types of single, two storey and mixed-use developments.



Aerial view of site

Proposal

To further improve the internal amenity and general functionality of the development, the subject modification application has been submitted and seeks approval to increase the overall height of the building by 500mm, delete the third basement level and amend the internal layout of all floors to improve location of wet areas and improve the layout of basement levels 1 and 2. More specifically, the proposed development seeks the following amendments:

- Basement Levels
 - Deletion of the 3rd basement level.
- Ground Floor Level
 - The proposed fire stairs have been amended to avoid head-high storage and the access and egress of the fire stair has been amended to separately access New Canterbury Road.
 - The accessible bathroom, meter room and commercial waste room have been rearranged in order to gain height clearance for the driveway.
- First Floor Level
 - The common circulation space has been widened by 220mm in width to allow for servicing and the provision of a garbage chute.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

- The internal layout of unit 4 has been amended. The laundry has been relocated next to the kitchen and the bathroom layout enlarged.
 - The en-suite bathroom to Unit 2 has been enlarged.
- Second Floor Level
 - The common circulation space has been widened by 220mm in width to allow for servicing and the provision of a garbage chute.
 - The internal layout of Unit 9 has been amended. The laundry has been relocated next to the kitchen and the bathroom layout enlarged.
 - The en-suite bathroom to unit 7 has been enlarged.
- Third Floor Level
 - The common circulation space has been widened by 220mm in width to allow for servicing and the provision of a garbage chute.
 - Reposition of intendancy walls between Units 13 and 15 to allow for layout changes.
 - Unit 13 - layout changes to allow for an additional bedroom, creating a two bedroom unit.
 - Unit 14 - reduction in size to allow a studio apartment.
 - Unit 15 - layout changes to allow for reposition of intendancy walls.
- Fourth Floor Level
 - The common circulation space has been widened by 220mm in width to allow for servicing and the provision of a garbage chute.
 - Internal layout changes for Units 17, 18 and 19.
- Fifth Floor Level
 - The common circulation space has been widened by 220mm in width to allow for servicing and the provision of a garbage chute.
 - Internal layout changes to units 21, 22 and 23.

The modifications proposed will not result in the provision of any additional units.

Statutory Considerations

In determining an application for modification of the development consent, Council must take into consideration relevant matters referred to in Section 79C(2) and 96(2). The following environmental planning instruments, development control plans, codes and policies are also relevant:

- Section 96(2) of the Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy (Building Sustainability Index) BASIX 2004
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)
- Apartment Design Guide (ADG)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Assessment

- **Section 96(2) of the Environmental Planning and Assessment Act, 1979**
Section 96(2) of the Environmental Planning and Assessment Act, 1979 allows Council to modify development consent if:
 - a) *it is satisfied that the proposed modification is of minimal environmental impact*
The proposed development is not expected to have a significant environmental impact if constructed in accordance with the conditions that form part of the original consent, including any consent issued for the subject modification application. The environmental impact posed by the modifications proposed is discussed in greater detail in the body of this report, under heading's "Apartment Design Guide", "Building Height" and "Canterbury Development Control Plan 2012". Please refer to these sections.
 - b) *it is satisfied that the development to which the consent as modified relates is substantially the same development*
It is considered that the proposed development is substantially the same development as that approved under Development Consent DA-346/2014. The individual and cumulative impacts of the changes proposed are not considered to be significantly greater than what has been previously considered and approved by the Land and Environment Court of NSW in the previous application. The land use, general built form and general building envelope remains largely the same with the subject application.

For the above reasons, it is considered that the development as modified is substantially the same development for which consent was originally granted.
 - c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent*In accordance with Part 7 of Canterbury Development Control Plan 2012–Notification of Development Applications, the subject application was publicly exhibited and notified to affected owners and occupants. No submissions were received.
- **State Environmental Planning Policy (Building Sustainability Index) BASIX 2004**
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX), applies to the residential component of the development and aims to encourage sustainable residential development.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Given the nature of the changes and the fact that the proposal will not result in the provision of any additional units, a revised BASIX Certificate is not required to be submitted. In this regard, the proposal will continue to comply with the approved BASIX Certificate, being BASIX Certificate No. 517283M_02.

- **State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)**

This policy applies to residential apartment development and is required to be considered when assessing this application. SEPP 65 aims to improve the design quality of residential apartment development across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing ‘good design’.

Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from a qualified designer (registered architect) at lodgement of the application that addresses the design quality principles contained in SEPP 65 and demonstrates how the objectives in Parts 3 and 4 of the ADG have been achieved. An updated Design Verification Statement has been submitted with the development.

The proposal is consistent with the provisions of SEPP 65 and requirements of the Environmental Planning and Assessment Regulation 2000.

- **Apartment Design Guide (ADG)**

The original application DA-346/2014 was assessed in accordance with the requirements of the Residential Flat Design Code. However, given that the subject modification application was lodged with us after 19 June 2015 (being the date the Apartment Design Guide was formally adopted), the modifications proposed are now required to be reviewed against the provisions of the Apartment Design Guide (ADG). Assessment of the application reveals that the proposed modifications, particularly the apartment reconfigurations, meet all objectives and requirements of the ADG.

On this basis, the proposal is considered to be of ‘good design’ that will provide future occupants with a better level internal amenity and create minimal adverse impacts upon occupants of the immediate and wider surrounding locality.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

The subject site is zoned B2 – Local Centre under Canterbury Local Environmental Plan 2012. The proposal seeks to make modifications to the mixed use development approved under Development Consent DA-346/2014, which is permissible within the zone subject to the consent of Council.

The controls applicable to this application, as outlined with CLEP 2012 are as follows:

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Principal Standards	Requirement	Proposal	Complies
Height of Buildings	Maximum 18m	21.85 metres	No - see comment [1] below
Floor Space Ratio	No FSR is applicable for B2 zones	N/A	N/A

[1] Building Height

The proposed development was originally approved under DA-346/2014 with a maximum building height of 17.8 metres with exception of part of the roof elements and lift overrun which had an overall height of 21.35 metres. As the application now seeks to increase the floor to ceiling height of each level by 100mm, the overall height of the building will increase by 500mm beyond that originally approved. This results in a departure from the maximum height limit in relation to a small portion of the fifth level roof and raising the lift overrun.



18 metre height limit and extent of variation (lift overrun not shown)

Clause 4.3 of CLEP 2012 provides objectives and provisions that are required to be considered when variations to the maximum building height limit are proposed. These objectives include as follows:

- a) To establish and maintain the desired attributes and character of an area
This objective seeks to establish and maintain the desirable attributes and character of an area. The most significant contribution of the building to the streetscape character is the treatment of the three storey street wall. The proposal maintains compliance with the street setback controls which achieves the intended street wall scale with a recessive upper portion. The modifications proposed will not create any changes to the visual appearance of the building, building setbacks and spatial proportions approved under the original DA. The 500mm increase in overall building height is considered to be minor in nature as it will not be visibly detected when viewed from the street. The design of the building remains responsive to the desired character and spatial proportions anticipated by the applicable controls as it maintains the intended massing and scale at street level.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

The upper levels are well resolved and contain articulated facades that are designed to be recessive through the use of lighter weight building treatments. Therefore, the proposal maintains an appropriate scale to the street which is consistent with the desired attributes of the New Canterbury Road corridor.

b) To minimise overshadowing and ensure there is a desired level of solar access and public open space

Revised shadow diagrams have been submitted as part of the proposal. The most vulnerable properties to be affected by shadows are the dwellings located south of the site. Assessment of these plans reveals that the proposed modifications will not give rise to any significant additional overshadowing. As such, the proposed increase in building height is considered to be suitable as it will not adversely affect or create any significant shadows that will affect the amenity of adjoining and surrounding properties. Further to this, the proposal meets all overshadowing requirements outlined within Part 6.2 of Canterbury Development Control Plan 2012 and the ADG.

c) To support building design that contributes positively to the streetscape and visual amenity of an area

As discussed above, under Objective a), the proposal contains a three storey street wall building that provides the desired spatial relationship to New Canterbury Road which is not changing as part of this modification. The upper levels of the building are recessive in that they are stepped back from the street and are treated with lighter weight materials to ensure the predominant contribution to the street is the lower portion of the building. Thus, despite the proposal containing a small portion of roof line that exceeds the maximum height limit, the building maintains a positive contribution to the streetscape.

d) To reinforce important road frontages in specific localities

The subject site has a frontage to New Canterbury Road which is an extension of the Canterbury Road Corridor and as discussed above, under Objective a) and c), the building has an appropriate street wall contribution to the street wall frontage. The design of the building is such that the roof of the upper level, being the non-compliant portion of the building, is recessive and the increase of 500mm will go unnoticed in the overall scheme of the development. This small level of non-compliance will not detract from the desired scale and character of the development along New Canterbury Road and will provide additional floor to ceiling height to each unit allowing for suitable servicing and improved amenity for future occupants.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

As this application seeks to modify an approved development, a formal variation to this building height departure is not required and instead the merit of the design is considered. The proposal continues an existing non-compliance which does not represent a negative impact to neighbours on a general reduction to the local environmental amenity. On this basis, the proposal is considered to be suitable and worthy of support.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**

The proposed modifications are assessed against the applicable parts of Canterbury Development Control Plan 2012 below:

Part 3 - Business Centres

The proposed modifications comply with all relevant controls outlined within Part 3 of CDCP 2012 with exception of the building height plane requirements outlined within Clause 3.1.8(xi) and (xii) of CDCP 2012. Clause 3.1.8 of CDCP 2012 requires the development establish a 45 degree height plane projected at 6 metres from the residential boundary and provide a minimum 6 metre setback to the residential zone boundary. By raising the height of each level within the building by 100mm, minor portions of the building protrude within the building height plane.



Encroaching portions of the Building Height Plane (lift overrun not shown)

As shown above, the projections beyond the building height plane are confined to portions of the fourth and fifth floor balcony and wall. Given the minor nature of this non-compliance, the projections will not create any significant privacy impacts upon residents of adjoining and surrounding properties.

The proposal also meets the setback objectives outlined within Clause 3.1.8 of CDCP 2012 as the proposed internal reconfigurations maintain established desired spatial proportions and will not cast any unreasonable shadows that will affect the amenity of adjoining properties. On this basis, the modifications proposed are considered to be suitable and worthy of support.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Part 6.1 - Access & Mobility

Condition 78 of Development Consent DA-346/2014 states that the development must be constructed to comply with the Commonwealth Disability (Access to Premises – Buildings) Standard 2010. This remains applicable and no changes to any conditions are required in this regard.

Part 6.2 - Climate and Resource Efficiency

Clause 6A of SEPP 65 states that development control plans that have provisions that are inconsistent with the ADG in relation to solar and daylight access, have no effect in the assessment of residential apartment development applications. Clause 6.2.6 of the CDCP 2012 is therefore not relevant to the assessment of this application. The modifications proposed are required to be assessed against the controls outlined within Part 4A of the ADG.

Notwithstanding this, Part 6.2 of CDCP 2012 requires indoor living areas of existing residential dwellings adjoining the site, and at least 50% of their communal open space areas, must receive a minimum two hours of sunlight between 9am and 3pm on 21 June.

The shadow diagrams submitted with the application reveal that the layout and design modifications will not cast any unreasonable additional shadows upon the adjoining eastern and western properties, being 570 and 584 New Canterbury Road and the adjoining rear properties, being 18 and 20 Duntroon Street, Hurlstone Park. All indoor living areas and communal open space areas of the adjoining properties will receive a minimum two hours of sunlight between 9am and 3pm on 21 June. Thus, the modifications proposed satisfy the solar access requirements of Part 6.2 of CDCP 2012 and are considered to be suitable as they will not adversely affect the amenity of the immediate and surrounding locality.

Part 6.4 - Development Engineering, Flood & Stormwater

Our Development Engineer has reviewed the application and has advised that the proposed modification is sufficient and no objections are raised on engineering grounds.

Part 6.8 - Vehicles, Access & Parking

The subject application was originally approved under DA-346/2014 with a total of 32 car parking spaces in accordance with the requirements of CDCP 2012. However, as the subject site is situated within 800 metres of a railway station or light rail stop in the Sydney Metropolitan area, the subject application now seeks to provide on-site car parking in accordance with the provisions of Part 3J of the Apartment Design Guide (ADG), which overrides the car parking rates outlined within CDCP 2012.

The proposal compares to the car parking requirements of Part 3J of the ADG as follows:

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Standard	Requirement	Proposed	Complies
Car and Bicycle Parking	Original Approval – CDCP 2012 Car Parking Rates 24 residential spaces 5 visitor spaces 1 car wash bay 2 commercial parking spaces Total: 32 spaces ADG Car Parking Rates 0.6 spaces per 1 bedroom dwelling, 11 x 0.6 (7 spaces) 0.9 spaces per 2 bedroom dwelling, 12 x 0.9 (11 spaces) 5 visitor spaces 1 car wash bay 2 commercial car parking spaces Total: 26 spaces	A total of 30 car parking spaces, comprising 22 residential car parking spaces, 5 visitor spaces, 2 commercial spaces and 1 car wash bay	Yes

As demonstrated above, the proposed modifications do not significantly alter the development's compliance with the relevant car parking provisions of the ADG and CDCP 2012 and as such the application is considered to be acceptable.

Other Considerations

- Likely impacts of the development**
 The modified built form is in keeping with the approved development and the existing scale of buildings and development in the Hurlstone Park Precinct. The proposed modified design will not significantly alter the perceived bulk and scale of the approved development or pose any adverse impacts on the natural environment.
- Suitability of the site**
 The zoning of the site permits the subject use on the site. As previously demonstrated under the original application, DA-3456/2014, the proposed development is generally compliant with controls and objectives outlined in the relevant plans and policies.
- The public interest**
 Given that the proposed modifications to the development are unlikely to lead to any detrimental impacts on surrounding development, it is considered that supporting the proposed development is not against the public interest.

Having regard to the matters discussed above, the proposed modification is considered to be satisfactory and worthy of support.

Notification

In accordance with Part 7 – Notification of Development Applications of CDCP 2012, the application was publicly exhibited and notified to affected owners and occupants. No submissions were received.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

Conclusion

Given that the proposed development is substantially the same development that was originally considered and approved by the Land and Environment Court of NSW, the proposed modification is considered acceptable having regard to the provision of Sections 79C and 96 of the Environmental Planning and Assessment Act, 1979. Approval of the modification application under Section 96 is recommended.

RECOMMENDATION:

THAT the application to modify the Development Consent DA-346/2014 be **APPROVED** as follows:

The rewording of Condition 5 to read as follows:

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

Drawing No.	Drawing Title	Prepared by	Dated
S96-101_D (Project No. 15-106)	Basement 2	Urban Link	3 June 2016
S96-102_D (Project No. 15-106)	Basement 1	Urban Link	3 June 2016
S96-103_C (Project No. 15-106)	Ground Floor Plan/Site Plan	Urban Link	3 June 2016
S96-104_B (Project No. 15-106)	Level 1 Floor Plan	Urban Link	20 May 2016
S96-105_B (Project No. 15-106)	Level 2 Floor Plan	Urban Link	20 May 2016
S96-106_B (Project No. 15-106)	Level 3 Floor Plan	Urban Link	20 May 2016
S96-107_B (Project No. 15-106)	Level 4 Floor Plan	Urban Link	20 May 2016
S96-108_B (Project No. 15-106)	Level 5 Floor Plan	Urban Link	20 May 2016
S96-109_B (Project No. 15-106)	Roof Plan	Urban Link	20 May 2016
CC-201_B (Project No. 15-106)	Elevations	Urban Link	20 May 2016
CC-202_B (Project No. 15-106)	Elevations	Urban Link	20 May 2016
DA210 (Rev B)	Streetscape	Chanine Design	5 May 2015
CC-203_B (Project No. 15-106)	Cross Section	Urban Link	20 May 2016
DA301 (Rev G)	Driveway Section	Chanine Design	22 May 2015
DA402 (Rev B)	Demolition Plan	Chanine Design	5 May 2015
DA702 (Rev B)	Photomontage & Material Schedule	Chanine Design	5 May 2015

- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1-2004.

578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT (CONT.)

- Storage area of at least 6m³ is to be provided for each one bedroom unit, and 8m³ per two bedroom unit and 10m³ per three bedroom unit.
- The bedroom and ensuite window(s) being translucent glass.
- Communal rooftop antenna to be provided and connected to all units so that it is fully operational prior to the issue of an Occupation Certificate.
- Mailboxes are to be provided at the front of the building along New Canterbury Road where the entrance to the residential lobby is located.
- Cantilevered awnings must overhang the footpath by 3 metres and must be at a height of between 3.2-4.2 metres from natural ground/footpath.

WE ALSO ADVISE:

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

3 13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING

FILE NO: 883/13D
REPORT BY: CITY DEVELOPMENT
WARD: CANTERBURY

D/A No:	DA-101/2016
Applicant: Owner:	Master Granny Flats H Haskakis
Zoning:	R2 Low Density Residential under Canterbury Local Environmental Plan 2012
Application Date:	8 March 2016, additional information received 16 June 2016.

Summary:

- The applicant seeks approval for the demolition of the existing garage and shed and the construction of a new secondary dwelling with associated landscape works.
- The proposal is referred to Independent Hearing and Assessment Panel as it seeks a 15.9% departure from the control for maximum floor space of outbuildings and an 8.3% departure to the minimum site width requirement. These variations are beyond the delegation of Council officers. Despite these variations, the proposal has merit.
- The subject site is zoned R2 Low Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed secondary dwelling is permitted in accordance with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- All adjoining land owners and occupiers were notified of the proposed development in accordance with the requirements of Part 7 of the Canterbury Development Control Plan 2012. One submission was received and the issues raised are addressed in detail within the body of the report.
- The development application is recommended for approval subject to conditions.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

Report:**Site Details**

The site is located at 13 Undercliffe Road, Earlwood and is legally described as Lot 2 in DP 309316. The site is irregular in shape and has an area of 553.8m², with a frontage to Undercliffe Road of 11.335m. The site falls 1.5m to the north (rear of the site). The site currently comprises a single dwelling, detached gym, detached garage and detached shed located at the rear of the site.

13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING (CONT.)

The surrounding development is characterised by a mix of single and two storey detached dwellings. A single detached dwelling directly adjoins the site to the east and west and a two storey detached dwelling directly adjoins the site to the north. Access to the property to the north is via Pine Street. Undercliffe Road directly adjoins the site to the south with residential dwellings located beyond.



Aerial view of site



Proposal

The applicant seeks consent for the demolition of existing garage and shed and the construction of a secondary dwelling at the rear of the subject site. The proposed secondary dwelling will have a gross floor area of 59.52m², comprising two bedrooms, a bathroom, laundry and an open plan living and kitchen area.

13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING (CONT.)

Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013

Assessment

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

- **State Environmental Planning Policy – Affordable Rental Housing 2009 (ARH SEPP)**
Clause 20 of ARH SEPP stipulates that the controls for secondary dwellings apply if the development for the purposes of a dwelling house is permissible on the land. Dwelling Houses are permissible within the R2 Low Density Zone under Canterbury Local Environmental Plan 2012, and therefore, the development standards provided in Clause 22 and Schedule 1 of the ARH SEPP apply to the subject proposal.

An assessment against the provisions of Clause 22 of the ARH SEPP is provided in the table below:

Standard	Required	Proposed	Complies
Number of dwellings on site	Primary and secondary dwellings only	1 primary and one secondary dwelling.	Yes
Floor Space Ratio	0.5:1	0.39:1	Yes
Floor Space of Secondary Dwelling	No more than 60m ²	59.52m ²	Yes
Minimum site area	450m ²	553.8m ²	Yes
Required parking for secondary dwelling	No additional parking required	No additional parking is proposed for the secondary dwelling.	Yes

An assessment against the provisions of Schedule 1 of the ARH SEPP is provided below:

Standard	Required	Proposed	Complies
Part 2 Site Requirements			
Lot Requirements			
Number of dwellings on site	Primary and secondary dwellings only	One primary and one secondary dwelling.	Yes

13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING (CONT.)

Standard	Required	Proposed	Complies
Boundary with primary road	12 metres, measured at the building line.	The site has a boundary with Undercliffe Road, at the building line, of 11m.	No – see comment [1] below
Access to primary road	A lot on which a new secondary dwelling is erected must have lawful access to a public road	The subject site has lawful access to Undercliffe Road.	Yes
Maximum site coverage of all development			
Site coverage	50%	39.3% or 217.8m ² of the site.	Yes
Maximum floor area for principal and secondary dwelling			
Maximum floor area	60m ²	59.52m ²	Yes
Total floor area	The floor area of a principal dwelling, secondary dwelling must not be more than 330 m ²	190.52m ² (principle dwelling, secondary dwelling and garage).	Yes
Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs			
Total floor area	The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12 square metres if: (a) any part of the structure is within 6 metres from a side, or the rear, boundary, and (b) the structure has any point of its finished floor level more than 2 metres above ground level (existing).	No patio is proposed for the secondary dwelling.	N/A
Part 3 Building heights and setbacks			
Building height	8.5 metres.	3.9m.	Yes
Front setback	10.9 metres	The secondary dwelling is located behind the primary dwelling and has a setback of 28.4m from the front boundary. Given the location of the secondary dwelling at the rear of the site, the front setback remains unchanged.	Yes
Side setbacks	0.9m	Eastern 0.9m. Western: 2.6m.	Yes Yes
Rear setbacks	3 metres	12.220m	Yes
Privacy relating to habitable room windows	A window in a new secondary dwelling, or a new window in any alteration or addition to an existing principal dwelling for the purpose of a new secondary dwelling, must have a privacy screen for any part of the window that is less than 1.5 metres above the	Three of the four proposed windows along the elevations of the secondary dwelling are associated with a habitable room. The finished floor level to these habitable rooms is not more	N/A

13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING (CONT.)

Standard	Required	Proposed	Complies
	finished floor level if: (a) the window: (i) is in a habitable room that has a finished floor level that is more than 1 metre above ground level (existing), and (ii) has a sill height that is less than 1.5 metres above that floor level, and (iii) faces a side or rear boundary and is less than 3 metres from that boundary	than 1m above existing ground level and therefore the requirements of this clause are not applicable to the proposed development.	
Privacy	A new balcony, deck, patio, terrace or verandah for the purpose of a secondary dwelling and any alteration to an existing balcony, deck, patio, terrace or verandah of a secondary dwelling that has a floor area of more than 3m ² must have a privacy screen if the balcony, deck, patio, terrace or verandah is: (a) Within 3m of a side or rear boundary and has a floor level that is more than 1m above existing ground floor	No balcony, deck, patio, terrace or verandah is proposed for the secondary dwelling.	N/A
Part 4 Landscaping			
Landscaped area	Minimum landscaped area of 20% or 110.76m ² .	37% or 204.75m ²	Yes
	At least 50% of the landscaped area must be located behind the building line to the primary road boundary.	80% or 165m ²	Yes
	The landscaped area must be at least 2.5 metres wide.	The landscape area has a width greater than 2.5m.	Yes
Principal private open space	Minimum principal private open space of 24m ² required on the lot	A private open space area of 123 m ² is provided to the north of the secondary dwelling.	Yes

[1] Site Width

Schedule 1 of the ARH SEPP comprises development standards for secondary dwellings to meet in order to classify as complying development. In the absence of any development standards specifically for secondary dwellings within CLEP 2012 or CDCP 2012, we refer to the complying development standards within Schedule 1 as a guide when considering secondary dwelling applications.

Schedule 1, Clause 2(b)(i) of the ARH SEPP specifies that if a lot has an area of at least 450sqm, but less than 900sqm, the site is to have a boundary with a primary road, measured at the building line, of at least 12m. The site has a boundary to Undercliffe Road and the width, measured at the building line, of 11m. This represents an 8.3% variation to the 12m minimum requirement.

The development on the site including the existing dwelling, detached gym and proposed secondary dwelling complies with the maximum site coverage controls specified within the ARH SEPP, CLEP 2012 and CDCP 2012. The proposed landscape area exceeds the minimum requirements specified within the ARH SEPP. Furthermore, the design of the secondary dwelling utilises the northern orientation of the rear of the site, by locating the primary living area within the northern portion of the development, which will provide a high level of amenity for future occupants.

In light of the abovementioned comments, the minor variation to the site width is acceptable in this instance as the site achieves a high level of compliance with the relevant site coverage and landscape controls and therefore will maintain a high level of amenity to existing and future occupants of the site.

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**
 The BASIX commitments outlined in Certificate No. 707797S, dated 27 February 2016, include installation of water-saving devices, installation of a 2000L rainwater tank, construction of the floor, wall and ceiling/roof in accordance with the specifications, glazing, lighting and ventilation. A condition shall be imposed on the consent requiring compliance with the submitted BASIX certificate.
- Canterbury Local Environmental Plan 2012 (CLEP 2012)**
 The proposed development is compared against the relevant provisions of CLEP 2012 below:

Standard	Requirement	Proposal	Complies
Zoning	R2 Low Density Residential	The proposed secondary dwelling is not a permissible use within the R2 Zone	No (see * below)
FSR	0.5:1	0.39:1	Yes
Building height	8.5m	3.9m.	Yes

* Secondary dwellings are permissible within the R2 Zone in accordance with the ARH SEPP.

- Canterbury Development Control Plan 2012 (CDCP 2012)**
 The proposed development is compared against the relevant provisions of CDCP 2012 below:

Standard	Requirement	Proposal	Complies
Coverage of all Buildings	50% of the site area (sites between 450m ² and 600m ²)	39% (including dwelling, gym and secondary dwelling)	Yes
Outbuilding	Maximum Height: 4.8m	Max 3.9m.	Yes
	Maximum external wall height: 3.5m	Max 2.6m	Yes
	Maximum floor area of all outbuildings on site: 45m ²	Secondary dwelling: 59.52m ² Existing gym: 10m ² Total: 69.52m²	No - see comment [1] below.

[1] Maximum Floor Area of all Outbuildings

Part 2.1.10(vi) of CDCP 2012 specifies that for sites larger than 450m² but less than 600m² the maximum floor area of all outbuildings is not to exceed 45m². The proposed secondary dwelling and existing gym results in a floor area of 69.52m² and therefore exceeds the 45m² maximum. This represents a 15.9% departure from our control. The objective of this control is to ensure all new buildings are of a scale that promotes residential amenity and that appropriate area for landscaping is maintained on the site.

The proposed secondary dwelling is assessed against the relevant provisions of the ARH SEPP. The ARH SEPP specifies that the floor space of a secondary dwelling is not to exceed 60m². This floor space control takes precedence over the outbuilding floor space control within Part 2.1.10(vi) of CDCP 2012. The existing gym is only 10m² in size and therefore does not exceed the 45m² requirement on its own merit. Both dwellings are of single storey nature, are located behind the principle dwelling and are not visible from the streetscape. The location of both buildings within the site, and the design of the secondary dwelling, will not result in adverse solar access or privacy impacts for existing and future occupants within the site, nor on adjoining properties. Furthermore, the site comprises a landscaped area that exceeds the minimum area requirements specified within the ARH SEPP. Despite the variation to the numerical outbuilding control, the development remains consistent with the objective of Part 2.1.10(vi) as well as the requirements of the ARH SEPP and CLEP 2012. For these reasons, the proposed variation is supported in this instance.

Part 6.2 – Climate, Energy and Resource Efficiency

The proposed secondary dwelling is a single storey development and will not result in any significant adverse overshadowing impacts on adjoining properties.

The configuration of the secondary dwelling and installation of windows along the northern, eastern and western elevations will allow at least two hours solar access to the living room of the dwelling. Furthermore, no windows are located along the southern elevation to minimise heat loss during winter or overlooking into the private open space of the primary dwelling. The design of the secondary dwelling therefore achieves compliance with the minimum requirements stipulated within Part 6.2 of CDCP 2012.

Part 6.4 – Development Engineering Flood and Stormwater

The stormwater plan submitted with the application has been assessed by our Development Engineer, who raised no objection, subject to conditions of consent.

Part 6.6 – Landscaping

The application was referred to our Landscape Architect, who raised no objection, subject to conditions of consent.

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Part 6.9 – Waste Management

A Waste Management Plan has been submitted, detailing the construction phases of the proposed development, and is deemed acceptable. The application was also referred to our Project Officer – Resource Management of Programs who raised no objection.

- **Canterbury Development Contributions Plan 2013**

Under the Canterbury Development Contributions Plan 2013, the proposed development attracts a development contribution payment of \$4,406.32.

Notification

The application was publically notified for 14 days in accordance with Part 7 of CDCP 2012. One submission was received. The matters raised within the submission are discussed below:

- **The existing fence on the boundary between the subject site and the property to the east appears to be on the adjoining site and needs to be replaced to the correct boundary line.**

Comment

The proposal is solely for the demolition of the existing garage and construction of a new secondary dwelling at the rear of the site. The application does not comprise the replacement of any boundary fencing. This is a civil matter that is to be resolved by the two affected land owners.

- **There is no guttering at the rear of the patio**

Comment

The patio is existing and does not form part of this application.

- **There is no guttering on the gym**

Comment

The rear building currently used as a gym is existing and does not form part of this application.

- **The existing garage to be removed contains asbestos and is to be removed with extreme care**

Comment

A condition of consent is included in the recommendation to ensure any hazardous materials are demolished, removed and disposed of correctly.

- **The cladding on the eastern wall of the existing dwelling is too close to the adjoining property's boundary**

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Comment

The dwelling on the site is existing and the proposal does not comprise any alteration to the existing dwelling.

Conclusion

The proposed development is permissible in the zone under the provisions of the ARH SEPP. As outlined throughout this report, the site is capable of accommodating the proposed residential development and will not result in any detrimental impact on the amenity of the locality. The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979. In this regard the proposal is considered to be a suitable development for the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT the Development Application DA-101/2016 be **APPROVED** subject to the following:
PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Kerb and Gutter Damage Deposit	\$1,814.00
Certificate Registration Fee	\$36.00
Long Service Levy Commission	\$19.80
Long Service Fee	\$471.95
Section 94 Development Contributions	\$4,406.32
 - 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$1,449.00
Inspection Fee	\$832.00
Occupation Certificate Fee	\$161.00

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

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Industry Long Service Payments Act 1986).

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

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

INSURANCE

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

SITE SIGNAGE

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

DEMOLITION

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

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

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removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

GENERAL

6. The development being carried out in accordance with the plans, specifications and details identified in the table below:

Drawing Title	Drawing No.	Revision No.	Author	Date Received by Council
Site Plan and BASIX Commitments	DA01	C	Master Granny Flats	16 June 2016
Landscape Concept Plan	DA02	C	Master Granny Flats	16 June 2016
Ground Floor	DA03	C	Master Granny Flats	16 June 2016
North Elevation, East Elevation, South Elevation, West Elevation, Section A	DA04	C	Master Granny Flats	16 June 2016
Soil and Water Management Plan	DA05	C	Master Granny Flats	16 June 2016
Demolition Plan	DA06	C	Master Granny Flats	16 June 2016

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

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

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

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

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

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

8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.

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9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
 10. All building construction work must comply with the National Construction Code.
 11. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
 12. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 13. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
 14. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 16. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 17. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 18. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
 19. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.
- ENGINEERING
20. Stormwater management and details, three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority (PCA) and Canterbury City Council, if Council is not the PCA. Stormwater management plans must be designed and certified by an appropriately qualified and practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Section 6.4 of

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Canterbury Development Control Plan 2012.

An appropriately qualified and practicing Civil Engineer is to be registered on the NER of Engineers Australia or be appropriately qualified to be on the register and be experienced in the design of stormwater drainage.

21. The total post development impervious areas must be designed, built and maintained at 70% of the total site area. This must include all roof areas, path and driveways, patios, tanks and pools. If this percentage of impervious areas exceeds 70% an on-site stormwater detention system OSD must be provided. Should an OSD facility be required amended plans to include this facility will be required, this may require an additional application.
22. All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Development Control Plan 2012. Sump depth is to be a minimum of 300mm deep. The pipe line from the silt arrestor to legal point of discharge must drain by gravity, connection details to be provided and comply with Section 6.4 of Canterbury Development Control Plan 2012.
23. All overflows and emergency overflows from the site stormwater system must be directed overland, the flowpath must not cause flood damage or flood nuisance to the site or neighbouring properties. The overflow capacity of the proposed overflow path is to be twice the 1:100 ARI peak flow rate. Such details must be provided to the Principle Certifying Authority prior to the issuing of a Construction Certificate.
24. All guttering are to be sized according to AS/NZS3500.3 2015. Roof area and Rainwater tank size equivalent to that noted on the BASIX certificate to be included. All water reuse is to comply with said BASIX certificate.
25. The charged system for the rainwater tanks must be a closed system without any pits or discharge points other than that at the clean out pit where the lines are terminated and capped for cleaning/clearing out after storms/rainfall. The system must comply with section 6.4.14 of Council's Stormwater Management Manual - Specification 9 "A Guide for Stormwater Drainage Design".
26. All external surfaces to be graded to facilitate subterranean drainage and excess surface waters to the overland flow path(s).
27. A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.
28. All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage
29. All pits to be minimum 450 x 450 with childproof lockable grated lids. Grated trench drain to be min 200mm wide.
30. The applicant is to ensure that landscaping and hydraulic plans are co-ordinated. Hydraulic details such as pits, stormwater lines, detention tanks and retaining walls are to be shown on the Landscape Plan as these can affect layout of garden beds and plantings. Such details must be provided to the Principle Certifying Authority prior to the issuing of a Construction Certificate.
31. The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council Engineers flood advice.
32. Prior to issue of construction certificate the applicant is to prepare a pictorial survey of the surrounding infrastructure depicting the condition of the roadway, pathways

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- kerb and guttering, driveways and other structures, a post development survey is to be carried out prior to completion, Cracked and damaged paved areas of the site are to be repaired and or replaced to the satisfaction of Councils Director of Environmental Services.
33. Retaining walls greater than 1000 mm high or retaining more than 600 mm of cut or fill proposed to be located within one metre of a boundary are to be designed by a Structural Engineer and must have subsoil drainage connected to the site stormwater system. Design plans prepared by an appropriately qualified and practicing structural engineer must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
34. A Works-as-Executed plan must be submitted to Canterbury-Bankstown Council at the completion of the works, the plan must clearly illustrated dimensions and details of all pervious and impervious areas, as well as, the site drainage and the OSD system where applicable. The plan shall be prepared by a registered surveyor or an engineer. The plan shall record all the relevant site geometry and design levels and dimensions of the OSD system where applicable. Such details must be provided to the Principle Certifying Authority prior to the issuing of an Occupation Certificate.
35. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
36. The stormwater drainage works are to be inspected during construction by the Principal Certifying Authority at the following stages:
- Prior to backfilling of trenches
 - On completion of drainage works
37. The reconstruction of any cracked or damaged sections of the concrete footpath paving and associated works along all areas of the site fronting the site is required. Work being carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
38. Prior to the issuing of an Occupation Certificate, the nature strip outside the property shall be repaired as necessary. Work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with AUS-SPEC #1 Specification C273-Landscaping.
39. Certification from an appropriately qualified and practicing Civil Engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards. Such details must be provided to the Principle Certifying Authority prior to the issuing of an Occupation Certificate.

LANDSCAPING

40. The landscaping must be completed according to the submitted landscape plan (drawn by Master Granny Flats, drawing no. 1553 DA02, submitted to council on the 16th of June 2016) except where amended by the conditions of consent.
41. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
42. The application has been submitted with a BASIX certificate (707797S) which outlines
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13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING (CONT.)

a water commitment of 20 square meters indigenous or low water use vegetation for each lot. The landscaping must be completed according to the submitted landscape plan (drawn by Master Granny Flats, drawing no. 1553 DA02, submitted to council on the 16th of June 2016) (except where amended by the conditions of consent) to fulfil this requirement.

43. The existing property tree located in the rear yard may be removed to accommodate construction. This is conditional on the replacement planting of 2 x 75ltr Australian native trees. To be planted in an appropriate position in the rear yard and shown on the Landscape Plan. This will satisfy the residential tree planting requirement of Canterbury Development Control Plan 2012.

SYDNEY WATER REQUIREMENTS

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

CRITICAL INSPECTIONS

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

COMPLETION OF DEVELOPMENT

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

13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING (CONT.)

WE ALSO ADVISE

48. This application has been assessed in accordance with the National Construction Code.
49. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
50. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Survey
 - Waterproofing
 - Electrical
 - Drainage
 - Air handling systems
 - Protection from termites
 - Smoke alarms
 - BASIX completion
51. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
52. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
53. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
54. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
55. If you are not satisfied with this determination, you may:
 - 55.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination.; or
 - 55.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

ROSELANDS WARD**4 54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT**

FILE NO: 107/54D
REPORT BY: CITY DEVELOPMENT
WARD: ROSELANDS

D/A No:	DA-606/2015
Applicant: Owner:	Urban Link Pty Limited S Tang
Zoning:	R3 Medium Density Residential under Canterbury Local Environmental Plan 2012
Application Date:	9 December 2015, additional information received 22 December 2015, 18 April 2016 and 10 June 2016.

Summary:

- The applicant seeks approval for the demolition of existing structures, construction of a multi-dwelling housing development comprising one x four bedroom townhouse and five x three bedroom townhouses with associated car parking and landscaping works.
- The proposal is referred to the Independent Hearing and Assessment Panel as it seeks a departure from the controls for garage door width and setback from the outermost external wall that is beyond the delegation of Council officers. Despite this departure, the proposal has merit.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed multi-dwelling development is permitted within the R3 zone subject to development consent.
- The development application has been assessed against Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 and complies with the requirements of these policies with the exception of the controls relating to garage door width and setback from the outermost external wall within Canterbury Development Control Plan 2012. This non-compliance is discussed in further detail within the body of the report.
- All adjoining land owners and occupiers were notified of the proposed development in accordance with the requirements of Part 7 of Canterbury Development Control Plan 2012. Two submissions were received. The submissions raised concern regarding parking within the site, the height of the development, overshadowing impacts, traffic implications of the development, acoustic implications of the development, removal of the existing pine tree, the species and location of new plantings and privacy. These matters are addressed in detail within the body of the report.
- The development application is recommended for approval subject to conditions.

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Council Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

Report:

Site Details

The subject site is located on the eastern side of Bonds Road at 54 and 56 Bonds Road, Roselands. The site currently comprises two lots, being Lot 2 in DP 311196 and Lot 211 in DP 7398, resulting in a total site area of 1,302.6m². The site falls approximately 3.08m from the north-eastern corner to the south-western corner of the site.

The site is a rectangular shaped parcel of land with a frontage of 27.435m to Bonds Road and the rear of the site (eastern boundary), northern boundary of 47.665m and a southern boundary of 47.915m.

The site currently comprises a single storey detached residential dwelling (54 Bonds Road) with a significant pine tree forward of the building line and a single storey warehouse building occupied by 'Uniroll Australia Pty Ltd' (56 Bonds Road).

The surrounding development includes single detached residential dwellings, a mix of single and two storey detached dwellings and dual occupancy developments. Bonds Road directly adjoins the site to the west, with single detached residential dwellings located beyond. Bonds Road is characterised by a mix of residential development including single and two storey detached residential dwelling and two storey dual occupancy developments.



Aerial view of site

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)



Existing development to the north, view east from Bonds Road



Existing development to the south, view east from Bonds Road

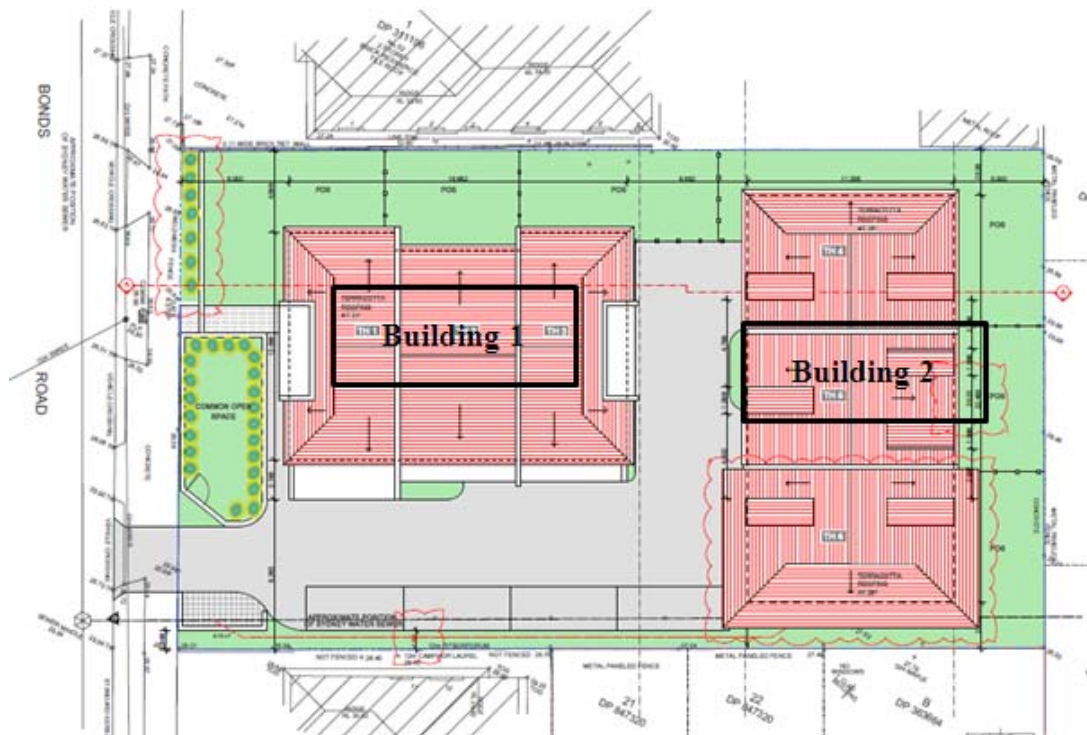


Existing development to the west on the opposite side of Bonds Road, view north-west from Bonds Road

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Proposal

The proposal involves the demolition of existing structures, removal of the existing tree and the construction of a multi-dwelling townhouse development. The proposal comprises one x four bedroom and five x three bedroom townhouses, each with secure parking. A total of 13 car parking spaces are provided on site. The six townhouses are divided between two buildings on the site, being Building 1 located along the Bonds Road frontage and Building 2 located at the rear of the site.



Proposed Building Layout Plan

Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013

Assessment

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerged:

- **State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**

Clause 7 of SEPP requires us to consider whether the land is contaminated prior to granting consent to the carrying out of development on that land. Part of the site has been used as a warehouse and is occupied by 'Uniroll Australia Pty Ltd'

As the land is proposed to be used as residential, we requested the applicant to prepare a Phase 1 Preliminary Site Investigation to determine whether the site is contaminated. In light of the recommendations of the Phase 1 report prepared by Benvron Group Pty Ltd received by Council on 18 April 2016, a Phase 2 Detailed Site Investigation report was requested. Based on the findings of the Phase 2 report, Benvron Group Pty Ltd recommended the following:

- Any soils proposed for removal from the site should initially be classified in accordance with the *"Waste Classification Guidelines, Part 1: Classifying Waste"* NSW DECC (2012).
- If during any potential site works, significant odours and/or evidence of gross contamination (including asbestos) not previously detected are encountered, or any other significant unexpected occurrence, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected outcome.

Our Environmental Health Officer reviewed the report and raised no objection to the proposal subject to the recommendations of the Phase 2 report being imposed as conditions, should the application be approved.

- **State Environmental Planning Policy (Building Sustainability Index) BASIX 2004**

The application is accompanied by BASIX Certificate No. 682718M dated 7 December 2015 which indicates a series of commitments for the DA including the provision for a minimum 1000L rainwater tank for each dwelling, low water use vegetation, a 4.5 star gas instantaneous hot water system, insulation and cooling and heating commitments. The project scores a pass for water, energy and thermal comfort commitments. The design of the proposed development is consistent with the commitments made in the submitted BASIX Certificate. In this regard, the proposed development satisfies the requirements of the BASIX.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

The subject site is zoned R3 Medium Density Residential under CLEP 2012. The proposal compares to the relevant provisions of CLEP 2012 as follows:

Standard	Requirement	Proposal	Complies
Zoning	R3 Medium Density Residential	The proposed development is defined as 'multi-dwelling housing'. Multi-dwelling housing is permitted with consent.	Yes
Height of Buildings	8.5m	Max 8.5m	Yes
Floor Space Ratio	0.5:1	0.5:1	Yes

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

As demonstrated above, the proposed development complies with the relevant provisions of CLEP 2012.

- Canterbury Development Control Plan 2012 (CDCP 2012)**

The proposed development is compared to the relevant provisions of CDCP 2012 as follows:

Criteria	Development Control	Proposed	Complies
Part 2 – Residential Neighbourhoods			
Avoid isolating undeveloped sites	No isolation of neighbouring properties so that it is incapable of being reasonably developed	The proposed development will not result in the isolation of adjoining properties. The properties adjoining the north of the site consist of single detached dwellings and/or dual occupancy developments and therefore could be redeveloped in conjunction with the adjoining properties. The development to the south known as 58 Bonds Road (corner of Bonds Road and Payten Avenue) could be redeveloped with adjoining properties to the east.	Yes - see comment [1] below.
Minimum street frontage	Min 27m	27.435m	Yes
Cut and Fill development without basement parking	Max 1m cut Max 600m fill	Max 700mm cut <600mm fill	Yes Yes
Height	Max one storey where building is located >20m (or distance of 65% of total length of lot) + street setback from front boundary	Dwellings 4, 5 and 6 are located within the rear 35% of the site and are single storey (with attic).	Yes
	Max two storeys otherwise	The front dwellings (dwellings 1, 2 and 3) are two storeys.	Yes
	Max 3.8m external wall height for single storey portion	All single storey plus attic dwellings (dwellings 4 to 6) comply with the 3.8m external wall height limit.	Yes
	Max 7m external wall height for two storey portion	Dwellings 1-3 comprise a max 5.5m external wall height.	Yes
Depth/ footprint	20m depth for buildings	18.662m	Yes
Front setback	Min 6m	The building is setback 6m from the front boundary.	Yes

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Criteria	Development Control	Proposed	Complies
Side setbacks	1.5m for the front part of the development and 2.5m for the rear part of the development	<u>Building 1:</u> The main building line is setback min 4.5m from northern side boundary and 8.265m from southern side boundary. The pergolas are setback 2m from the northern boundary. <u>Building 2:</u> The main building is setback 2.52 from the northern side boundary and 2.50m from southern side boundary.	Yes Yes
Rear setback	Min 5m where attic is proposed	5m	Yes
Building Separation	Min 5m between buildings on one site	6.661m separation provided between both buildings on site.	Yes
Deep soil	Min 5m width deep soil along front and rear boundaries	Min 5m width deep soil area provided along front and rear boundaries with the exception of the driveway and paved entry path.	Yes
	Min 1m deep soil along both side boundaries	At least 1m deep soil provided along northern and southern boundary.	Yes
Car Parking Provision	3+ Bedrooms: 2 spaces per dwelling (12 spaces required) Visitor: 1 space per 5 dwellings (1.2 spaces required) Bicycle spaces: For residents, min 1 space per 5 dwellings. For visitors, min 1 space per 10 dwellings (1.8 spaces required) Total required: 13.2 car parking spaces (2 per each dwelling) and 1.8 bicycle parking spaces	The proposed development comprises 13 car parking spaces. Each dwelling is allocated two car parking spaces either in the form of a double garage or single garage with an external parking space to be allocated to the respective dwelling as part of any strata subdivision. This requirement will be enforced via condition of consent should the application be supported. A visitor space is also provided at grade along the southern boundary. The external at-grade parking is acceptable given they are located behind the building line, behind the bin enclosure and will therefore be screened from the streetscape. Two bicycle spaces are provided to the south of dwelling 6.	Yes - via condition of consent Yes
At-grade parking (garages)	The combined width of garage doors, not to occupy more than 30% of the overall width of any façade.	The garages associated with dwellings 1 and 3 occupy 100% of the façade. The garage associated with dwelling 2 occupies 85% of the façade. The proposed garages doors of building 2 occupy 40% of the overall façade.	No - see comment [2] below
	Garages are to be setback at least 1m from the outermost alignment of external walls.	The proposed garages are located in front of the building line or in line with the external building walls.	No - see comment [2] below

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Criteria	Development Control	Proposed	Complies
	Maximum of one double garage or carport per dwelling.	Maximum of one double garage is provided per dwelling	Yes
General design	At least 1 habitable room towards street	The combined kitchen and living as well as bedrooms of dwelling 1 are orientated towards Bonds Street.	Yes
	Design entries to residential buildings so they are clearly identifiable.	The entrance to dwelling 1 is obtained directly from the street. Appropriate landscaping, secure access and paving have been included to demarcate the entry point and facilitate passive surveillance in and out of the site. The main entry point to the remaining dwellings is demarcated through the inclusion of letterboxes adjacent to the driveway. Separate entries are provided to the remaining dwellings within the site. Entry points are demarcated through the use of appropriate paving and landscaping (where possible).	Yes
	Do not obstruct sight lines to the street or internal spaces, from habitable rooms or entrances.	No obstruction to sight lines through the inclusion of appropriate fencing and landscaping.	Yes
	Modulate façades with a scale and rhythm that reflects the intended use of the building, and the desired context as expressed on the building envelope diagrams.	Facades adequately modulated through the use of different materials and finishes.	Yes
Multi Dwelling Housing	Courtyards located within front setback should be setback at least 1m from the street boundary to accommodate a landscape strip.	The private open space area associated with dwelling 1 is setback 1m from Bonds Road to accommodate a landscape strip.	Yes
	Combined width of front fencing is not to occupy more than 50% of the frontage of the site.	The combined frontage of fencing is less than 50% of the site frontage as the fencing comprises 50% transparency.	Yes – via condition of consent
	Dwellings that face the street should have private entrances direct from the street path.	A private entry to dwelling 1 direct from Bonds Road is provided.	Yes
Windows	Locate and proportion windows to minimise scale and bulk of new building. The majority of windows should be rectangular.	Proportion of windows is acceptable. The majority of windows are rectangular.	Yes

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Criteria	Development Control	Proposed	Complies
	Dormer windows on buildings in the residential zone should not appear as an additional storey. Max width 1.5m Min 2.5m separation between dormers Dormers should not extend above the ridgeline of the building.	Dormer windows do not present as a second storey. Maximum width <1.5m Minimum 2.523m separation. Dormer windows do not extend above the ridge line.	Yes Yes Yes Yes
Roof design	Use a simple pitched roof, with appropriate pitch, that accentuates the shape of exterior walls, and minimises bulk and scale.	The proposed roof design comprises a 22 degree pitched and tiled roof. The design considers the topography of the site and complies with the building height standard.	Yes
	Use minor gables only to emphasise rooms or balconies that project from the body of a building	Gables used adequately to emphasise balconies.	Yes
Fences	Street fencing to have max height of 1.2m, screens with 50% transparency may be up to 1.8m	A condition of consent is to be imposed requiring the front fencing to be solid up to 1.2m in height with 50% transparency up to 1.8m.	Yes – via condition of consent
Visual privacy	New development to maximise visual privacy between buildings	Visual privacy is maximised through the inclusion of appropriate separation between buildings and setbacks and use of high sill windows and privacy screens (where appropriate).	Yes
	Provide adequate building separation and setbacks	The proposed development exceeds the minimum building separation and setback requirements.	Yes
	Orient windows of new living areas, and balconies or terraces, towards the street and rear of the lot	The living areas and balcony for dwelling one are orientated towards Bonds Road. The living areas of dwellings 3 to 6 are orientated towards the rear of the lot.	Yes
Open space	Min private open space of 40m ²	The private open space areas for the proposed dwellings range between 40.22-85.16m ² in size.	Yes
	Min dimensions of 5m	The private open space area for each dwelling comprises minimum dimensions of 5m.	Yes
Internal Dwelling Space and Design	Living room and main bedroom min 3.5m dimension, Secondary bedrooms to have minimum 3m width	Living rooms and main bedrooms have a min 3.5m dimension in at least one direction. Secondary rooms have a minimum dimension of 3m.	Yes

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Criteria	Development Control	Proposed	Complies
	Storage: 6m ³ per one bedroom dwelling 8m ³ per two bedroom dwelling 10m ³ per three+ bedroom dwelling	Each dwelling comprises a layout that can accommodate the minimum storage requirement.	Yes – via condition of consent
Housing Choice	10% accessible / adaptable units to suit residents with special needs	Dwelling 1 (16.7% of proposed dwellings) is an adaptable dwelling. The Access Compliance Report prepared by Vista Access Architects Pty Ltd received by Council on 9 December 2015, identifies that the design of the dwelling is capable of compliance with the essential criteria of AS4299 – Adaptable Housing.	Yes
Part 6.2 - Climate and Energy			
Site layout and building orientation	Design and orientate the building to maximise solar access and natural lighting, without unduly increasing the building's heat load	The site has an east-west orientation, with majority of the dwellings (four of the six dwellings) comprises at least a northerly aspect. The remaining two dwellings have at least a dual aspect (east-west). Windows have been provided to bathrooms, bedrooms and living areas to allow natural lighting.	Yes
	Design and site the building to avoid casting shadows onto neighbouring buildings, outdoor space and solar cells on the site and on adjoining land	The building has been designed to minimise shadow impact on adjoining properties through substantial setback of the two storey building (building 1) from the southern boundary.	Yes
	Coordinate design for natural ventilation with passive solar design techniques	Design allows for natural ventilation and incorporates passive solar design techniques.	Yes
	Provide adequate external clothes drying areas for all residents in the building	Adequate clothes drying facilities are provided in the private open space areas for each dwelling. Where possible, clothes drying facilities have been provided along the northern elevation to maximise solar access.	Yes

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Criteria	Development Control	Proposed	Complies
Internal layout	Configure the building to maximise solar access to rooms that are occupied during the day. Locate service areas to the south and west of the building	The development has been configured to maximise solar access. Where possible, principal living areas are located in the northern portion of each dwelling to benefit from the northern aspect. Where a northerly aspect is not possible, the remaining living rooms are located in the eastern portion of each dwelling to benefit from the morning sun. The driveway and at-grade parking area is located along the southern boundary.	Yes
Windows and glazing	Place more windows on the northern side than on other sides of the building, so that there are more windows gaining heat than there are losing heat in winter months, and sun penetration is reduced in summer	Placement of windows on the northern elevation has been incorporated into the design.	Yes
Insulation and thermal mass	Use insulation in the roof, ceiling, walls and floors to deflect heat and prevent the building from heating up in summer, and to contain heat and prevent the building from cooling down in winter	This has been addressed in the BASIX Certificate.	Yes
Daylight and sun access	Living room windows and principal ground level open space receive reasonable sunlight between 9.00 am and 3.00 pm in mid-winter	The site has an east-west orientation, however the three dwellings located within building 1 are orientated in a north-south direction. The principle living rooms and private open space areas of these dwellings are orientated north and will receive solar access between 9am-12noon (3 hours) at a minimum. The three dwellings located within building 2 have an east-west orientation. The principle living rooms and private open space areas of these dwelling are orientated east and will receive solar access between 9am-12noon (3 hours) at a minimum.	Yes

Criteria	Development Control	Proposed	Complies
Daylight and sun access to adjoining properties	At least 2 hours of sunlight between 9am and 3pm on 21 June shall be retained for existing indoor living areas and at least 50% of the principal portion of the existing open space	Given the east-west orientation of the site, the four properties to the south will be most impacted by the development of the site. The two storey dwellings located within Building 1 are substantially setback from the southern boundary to minimise potential privacy and overshadowing of the adjoining properties to the south. Solar access will be maintained to the north facing windows and at least 50% of the principal open space of the four properties to the south in mid-winter as follows: - 58 Bonds Road: 10am-1pm (3 hours). - 107A Payten Ave: 9am-2pm (5 hours). - 107 Payten Ave: 9am-12noon (3 hours). - 105 Payten Ave: 9am-1pm (4 hours).	Yes
Ventilation	Incorporate features to facilitate natural ventilation and convective currents – such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents)	Satisfactory design features have been included to facilitate natural ventilation.	Yes
Part 6.3 - Crime Prevention Through Environmental Design			
Site and Building Layout	Some dwellings are to address the street	Dwelling 1 is orientated towards Bonds Road.	Yes
	Habitable rooms with windows at front of dwellings	The windows of habitable rooms of associated with dwelling 1 address Bonds Road.	Yes
	Avoid blind corners in pathways, stairwells, hallways and car parks	The building layout avoids blind corners.	Yes
Access Control	Access to the individual units be clearly marked and apparent to visitors	The entry to each Unit is to be clearly numbered.	Yes – via condition of consent
	Install intercom, code or card locks or similar to main entries to buildings, including car parks	Controlled access measures to be installed at each building entry point.	Yes – via condition of consent

 54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

Criteria	Development Control	Proposed	Complies
	That concealment points be eliminated	The proposal eliminates concealment points through the orientation of buildings within the site. The windows to principal living areas of each unit are orientated into the site which facilitates passive surveillance within the site.	Yes
Ownership	Dwellings and communal areas to provide sense of ownership	Sense of ownership achieved through the use of design features, including landscaping, building materials and site layout.	Yes

[1] Isolation of Sites

Part 2.1(i) of CDCP 2012 states that new development is not to isolate a neighbouring property so that it will be unable to reasonably accommodate redevelopment. The properties adjoining the north of the site consist of single detached dwellings and/or dual occupancy developments and therefore could be redeveloped in conjunction with the adjoining properties.

If the property to the south known as 58 Bonds Road (corner of Bonds Road and Payten Avenue) was amalgamated with this lot it will not achieve an appropriate design outcome given its size and location on a corner. The existing subdivision pattern along Payten Avenue means 58 Bonds Road would be better suited to amalgamate with the adjoining properties to the east facing Payten Avenue. The properties to the east consist of dual occupancy developments and detached dwellings and therefore the property could be redeveloped with the adjoining properties to the east. On this basis, the proposed development will not isolate 58 Bonds Road.

[2] Garage Doors

Part 2.1.11(v) of CDCP 2012 requires that the percentage of the combined width of garage doors cannot occupy more than 30% of the overall width of any façade. Furthermore, Part 2.1.11(x) of CDCP 2012 requires garages to be setback 1m from the outermost alignment of external walls.

The garage doors associated with dwellings 1 and 3 occupy 100% of the façade, the garage associated with dwelling 2 occupies 85% of the façade and the garage associated with dwellings 4-6 occupy 40% of the overall façade. Furthermore, the garages are located either in front or in line with the outermost alignment of external walls. The objective of these controls is to ensure that parking is available for residents and their visitors on the site as well as ensure that parking structures do not detract from the appearance of green streetscapes and residential streets.

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

The proposed development provides 13 parking spaces which complies with the parking requirements outlined within the CDCP 2012. Given the orientation and location of the garages within the site, they will not be readily visible from the street and subsequently will not detract from the appearance of the Bonds Road streetscape. In this regard, the proposed variation to the garage width and setback is acceptable and worthy of support.

Part 6.4 – Development Engineering, Flood and Stormwater

The stormwater proposal submitted with the application has been assessed by our Development Engineer and is in accordance with our stormwater disposal requirements. No objection is raised subject to conditions of consent.

Part 6.6 – Landscaping and Part 6.7 – Preservation of Trees or Vegetation

The landscape proposal submitted with the application has been assessed by our Landscape Architect who raised no objection to the proposed development subject to conditions of consent. While the removal of the site significant and signature pine tree is unfortunate it does impede the orderly and economic use of this site. Its removal is compensated by the establishment of canopy trees on the site which will provide a more subtle, less dramatic, landscaped response for the site.

Part 6.9 – Waste Management

The applicant submitted a Waste Management Plan which adequately addresses waste management during the demolition, construction and on-going phases. In this regard, it is considered that the proposal satisfies the requirements of Part 6.9 of CDCP 2012. Furthermore, the application was referred to our Waste Contracts Coordinator who raised no objection to the proposal, subject to conditions of consent.

- **Canterbury Development Contributions Plan 2013**

The proposed development which involves five x three bedroom dwellings and one x four bedroom dwelling attracts a monetary contribution of \$94,757.63 under the Canterbury Development Contributions Plan 2013.

Other Considerations

- **Demolition**

The development includes demolishing an existing building/ structure or part of, to accommodate the proposed development. The provisions of AS2601-1991 *The Demolition of Structures* have been considered as required by Clause 92 of the Environmental Planning and Assessment Regulation. Standard conditions regarding demolition are included to the development consent.

- **National Construction Code**

The development application has been reviewed and assessed by our Building Officer who has raised no objection to the proposal subject to appropriate conditions being imposed, including that full compliance with the National Construction Code is to be achieved.

- **Sediment and Erosion Control**

The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

- **Likely Impacts of the Development**

The proposed multi dwelling development is permissible within the R3 Medium Density Residential zone. The proposal will not result in any significant environmental, social, amenity or economic adverse impacts on the locality given the following:

- The proposed development complies with the maximum building height and floor space ratio controls stipulated within CLEP 2012.
- The proposal achieves a high level of compliance with the development controls outlined within CLEP 2012 and CDCP 2012 including, but not limited to, controls relating to height, setbacks, private open space, car parking, landscaping and solar access.
- Despite the proposed variation to the design of the garages, they do not detract from the appearance of green streetscapes and residential streets, which is consistent with the objective of the relevant control.
- The proposed development will maintain at least two hours of solar access to the existing properties located to the south which complies with the minimum requirements specified within Part 6.2.6 of CDCP 2012.
- The development comprises a communal open space area at the front of the site, which is above and beyond the requirements for multi-dwelling housing stipulated within CDCP 2012. The communal open space area contributes to a greater level of amenity for future occupants of the site and their visitors.
- The design incorporates one adaptable dwelling which will provide for a variety of social mix within the development.

- **Suitability of Site for the development**

The site is zoned R3 Medium Density Residential under CLEP 2012. The proposed multi dwelling housing development is permissible in the subject site's current zoning. The proposal has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act 1979, and as demonstrated throughout the body of this report, the proposal achieves a high level of compliance with our controls. The proposed variations, regarding controls relating to garage doors have been assessed on their merit and are acceptable for the reasons outlined within the body of the report.

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- **The Public Interest**

The proposed multi dwelling development replaces an existing warehouse building and therefore better utilises an existing underutilised site by providing greater housing opportunities for the locality. The building consists of one accessible dwelling which provides for additional and affordable residential accommodation opportunities.

The design provides a positive contribution to the locality in terms of design quality and amenity for future occupants without creating an adverse impact on adjoining land uses. The proposed development is therefore considered to be in the public interest.

Notification

The adjoining land owners were notified of the proposed development for 14 days in accordance with Part 7 of Development Control Plan 2012. Two submissions were received. The matters raised within the submissions are discussed below:

- **The existing pine tree on site is too big and should be removed**

Comment

The existing pine tree on the site will be removed as part of the application.

- **The proposed development is too high**

Comment

The proposed two storey development is consistent with our maximum building height of 8.5m. This style of two storey “townhouse” style development is both suitable and desirable in the area’s medium density zone.

- **The development comprises insufficient parking**

Comment

The proposed development generates a requirement for 13 car parking spaces. The design of the development accommodates 13 parking spaces by providing three single garages, three double garages and four at-grade car parking spaces along the southern boundary. The four at-grade parking spaces incorporate one visitor space. The proposed development complies with the car parking generation rate requirements specified within Canterbury Development Control Plan 2012.

- **The development will result in significant overshadowing impacts on adjoining properties, particularly those to the south of the site**

Comment

The overshadowing diagrams received by Council on 18 April 2016 demonstrate that at least 3 hours solar access will be retained to at least 50% of the private open space and the north facing windows of the properties to the south.

This level of solar access complies with the minimum two hour solar access requirement specified within Canterbury Development Control Plan 2012.

- **The overshadowing diagrams submitted do not consider the overshadowing impacts resulting from existing trees**

Comment

The overshadowing diagrams do not consider the overshadowing impacts resulting from existing trees. This is not a requirement for many reasons including, but not limited to the fact that trees can be lopped, topped, removed and/or loose foliage trimmed at any point and are therefore not a permanent structure. Our overshadowing requirements solely require applicants to consider the overshadowing impact resulting from any proposed new structure. The existing trees on the site are proposed to be removed.

- **The development will result in privacy impacts on adjoining properties**

Comment

The proposed development satisfies, and in some cases exceeds the minimum setback requirements specified within Canterbury Development Control Plan 2012. Furthermore, a 1.5m high privacy screen will be applied to the proposed south facing first floor balconies associated within dwellings 1 to 3 to ensure and potential privacy impacts are appropriately mitigated.

On this basis, an appropriate level of privacy will be provided to future occupants of the site as well as existing occupants on adjoining properties.

- **The increased density of the site will result in adverse noise impacts as a result of additional persons and vehicles travelling to and from the site**

Comment

The proposed development is permissible with consent on the site and achieves a high level of compliance with our key development controls specified within Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. This type of development is envisaged in this area. Amenity for future residents and neighbours is required and this development does not represent an unreasonable use of this site, such that it would significantly reduce the amenity of neighbours.

- **A tall tree is proposed to be planted along the southern boundary which will further reduce the level of solar access provided to the properties to the south**

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Comment

The two trees proposed to be planted along the southern boundary consist of a species that reach to approximately 3m in height. This is acceptable and does not cast significant shadow into neighbours.

- **The development will result in adverse traffic impacts on the existing local road networks**

Comment

The proposed development has been reviewed by our Team Leader Traffic and Transportation who raised no objection to the proposal.

Conclusion

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant development control plans, codes and policies and has been found to be satisfactory and worthy of support. The proposed variations to the design controls relating to garage doors will not result in any significant adverse impact on the amenity of future occupants of the site as well as existing residents on adjoining properties. The proposed development is well designed in providing good amenity for future occupants of the subject dwellings, and minimising impacts onto neighbouring residents. As such, it is recommended that the development application be approved.

RECOMMENDATION:

THAT the Development Application DA-606/2015 be **APPROVED** subject to the following:

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

Kerb and Gutter Damage Deposit	\$6,656.00
Development Contributions	\$94,757.63
Certificate Registration Fee	\$36.00
Long Service Levy Commission	\$19.80
Long Service Fee	\$4,410.85

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

Construction Certificate Application Fee	\$4,961.00
Inspection Fee	\$1,785.00
Occupation Certificate Fee	\$492.00

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

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

INSURANCE

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

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
- 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
- 4.2. The name of the person in charge of the work site and a telephone number at

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- which that person may be contacted during and outside working hours, and
- 4.3. That unauthorised entry to the work site is prohibited.

DEMOLITION

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

- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
- (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
- (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
- (f) Burning of demolished building materials is prohibited.
- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6,

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

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

GENERAL

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

Drawing Title	Drawing Number	Drawing Revision	Prepared By	Received by Council On
Plan showing contours, detail and levels over Lot 2 in DP 311196 and Lot 211 in DP 7398	14210	-	D.J. Hore Pty Limited	9 December 2015
Site Analysis/Demolition Plan	01	D	Urban Link Pty Limited	18 April 2016
Site/Roof Plan	02	D	Urban Link Pty Limited	18 April 2016
Ground Floor	03	D	Urban Link Pty Limited	18 April 2016
First Floor	04	D	Urban Link Pty Limited	18 April 2016
Sections and Elevations	05	D	Urban Link Pty Limited	18 April 2016
Schedule of Finishes/Streetscape	07	D	Urban Link Pty Limited	18 April 2016
Proposed Landscape Plan – Ground Floor	L/01	C	Discount Landscape Plans	10 June 2016

- 6.1. A total of two bicycle parking spaces are to be provided on the site as shown on Drawing No. 03 prepared by Urban Link received by Council on 18 April 2016.
- 6.2. The three external parking spaces associated with dwellings 2, 4 and 6 are to be allocated to such dwellings (one space per dwelling) as part of any future strata subdivision of the site.
- 6.3. The one visitor parking space provided at-grade along the southern boundary is to be clearly marked and signposted. Revised plans indicating such details are to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
- 6.4. At-grade resident and visitor car parking shall be clearly signposted at the

- entry to the car parking area.
- 6.5. At least one dwelling is to be adaptable in accordance with the stamped plans.
 - 6.6. The individual entry point to each dwelling is to be clearly numbered.
 - 6.7. An intercom is to be installed at the main entry point of each dwelling for access control.
 - 6.8. The fencing along the Bonds Road frontage of the site is to be of solid material and no higher than 1.2 metres with additional 600mm being of materials that is 50% transparent (totaling maximum height of 1.8m).
 - 6.9. Each dwelling is to comprise 10m³ of storage space. Revised plans indicating such details are to be provided to the Principal Certifying Authority prior to the issuing of a Construction Certificate.
 - 6.10. A 1.5m privacy screen is to be installed to the southern elevation of the first floor balconies for dwellings 1-3 in accordance with the stamped plans.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury Development Contributions Plan 2013, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area.

The amount of the contribution (as at the date of this consent) has been assessed as \$94,757.63. The amount payable is based on the following components:

Contribution Element 2013	Contribution
• Community Facilities	\$ 8,571.07
• Open Space and Recreation	\$ 83,775.78
• Plan Administration	\$ 2,410.78

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

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

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

8. All bicycle spaces are to be provided in accordance with AS2890.3.
9. The bathroom and ensuite window(s) being translucent glass.
10. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
11. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
12. All building construction work must comply with the National Construction Code.
13. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.

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14. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
15. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
In this condition:
 - a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
16. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
17. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
18. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
19. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
20. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
21. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.

LANDSCAPING

22. The landscaping must be completed according to the submitted landscape plan (drawn by Discount Landscape Plans, drawing no. L/01, received by Council on 10 of June 2016) except where amended by the conditions of consent.
23. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
24. All scheduled plant stock shall be **pre-ordered**, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
25. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to

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the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.

26. A Maintenance Schedule for the Landscape works is to be submitted to Council or certifier prior to the issue of the Construction Certificate.

This is to include:

- Replacement strategy for failures in plant materials and built works,
- Maintenance schedule for watering, weeding and fertilizing during the establishment period
- A maintenance period of a minimum of 12 months.

ENGINEERING

27. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:

- (a) The design must be generally in accordance with the plans, specifications and details received by Council on 9 December 2015; drawing numbers A5375-Cover, A5375-SW01, A5375-SW02, A5375-SW03, A5375-SW04, and A5375-SW05, prepared by Alpha Engineering and Development.
- (b) Stormwater runoff from all pervious, roof, and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) to the kerb and gutter of Bonds Road.
- (c) The design must make provision for the natural flow of stormwater runoff from uphill properties/lands. Runoff from uphill lands must be collected and discharged to the kerb and gutter of Bonds Road. The development must not obstruct/divert runoff from uphill lands and must not concentrate runoff onto downstream lands.
- (d) All stormwater must pass through a silt arrestor pit prior to discharge to kerb and gutter. Silt arrestor pit is to be sized in accordance with Canterbury Development Control Plan 2012. Sump depth is to be a minimum of 300mm deep.
- (e) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.
- (f) The calculated orifice diameter must be increased to 97 millimetres. Note – if the Maximum Head is altered, the orifice diameter must be recalculated.
- (g) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
- (h) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- (i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.

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

28. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

- standards.
29. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Canterbury Development Control Plan 2012, Part 6.4.
 30. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Canterbury Development Control Plan 2012, Part 6.4.
 31. OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Canterbury Development Control Plan 2012, Part 6.4.
 32. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1 March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Canterbury Development Control Plan 2012, Part 6.4.
 33. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
 34. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
 35. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
 36. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
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37. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
- (a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
 - (b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
 - (c) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
 - (d) Minimum lines of sight for pedestrian safety must be provided in accordance Figure 3.3 of AS/NZS 2890.1:2004.
 - (e) All gates must be inward opening within its own boundary, and must not obstruct the pedestrian pathway.
 - (f) A longitudinal section along the worst case outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
 - (g) The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking.
- The design must be certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

PUBLIC IMPROVEMENTS

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

ENVIRONMENTAL HEALTH

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42. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
43. All recommendations as outlined in Section 16 of the Stage Two Detailed Site Investigation (dated 22 May 2016 - page 63- Ref: E845 prepared by Benviron Group Pty Ltd) and received by Council on 10 June 2016, are to be undertaken.

WASTE

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

SITE IDENTIFICATION

46. Future Street Addressing for the proposed Plan of Subdivision within DA-606/2015, is advised as follows: **54 Bonds Road, Roselands NSW 2196.**
47. All sub-property numbering must be unique, and numbered as follows: **Units: 1, 2, 3, 4, 5, and 6.**

SYDNEY WATER REQUIREMENTS

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

CRITICAL INSPECTIONS

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

54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT (CONT.)

nominated in this development consent.

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

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE:

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

5 54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING

FILE NO: 617/54D
REPORT BY: CITY DEVELOPMENT
WARD: ROSELANDS

D/A No:	DA-71/2016
Applicant: Owner:	Randa Nadir As above
Zoning:	R3 Medium Density Residential
Application Date:	24 February 2016, with additional plans submitted on the 15 and 20 June 2016. Suitably amended plans were received on the 28 June 2016.

Summary:

- An application has been received for the construction of a secondary dwelling at the rear of the site.
- This application has been referred to the Independent Hearing and Assessment Panel due to a non-compliance to the minimum frontage control which exceeds delegations.
- The subject site is zoned R3 Medium Density Residential under Canterbury Local Environmental Plan 2012. The proposed development is permissible pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- The application has been assessed against the relevant environmental planning instruments and development control plan and seeks variations to the minimum site width. This issue of non-compliance is discussed in the body of this report.
- In accordance with our notification policy, all owners and occupiers of adjoining properties were notified of the proposed development. One submission was received
- It is recommended that the development application be approved, subject to conditions.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

Report:**Site Details**

The subject site, known as 54 Moreton Street, Lakemba, is located on the south western side of Moreton Street. The site is a regular shaped allotment and has a primary frontage of 10.65m a depth of 50.52m and a total site area of 543.8m². Existing on site is a double storey, brick dwelling built in accordance with DA-462/2014 and PCA-79/2015.

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

The surrounding development consists of a mixture of low density residential developments and interspersed with dual occupancy developments.



Aerial view of site



Location of Secondary Dwelling

Proposal

The proposal seeks consent for the construction of a secondary dwelling to the rear of the site. The proposed secondary dwelling will have a gross floor area of 60m², comprising two bedrooms, one bathroom and an open plan living and kitchen area.

Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

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

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contributions Plan 2013

Assessment

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**
A BASIX Certificate (Certificate No.699922s_02) accompanies this application. The certificate lists a number of commitments which have been shown on the DA plans and the proposal meets the energy targets of the SEPP.
- **State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)**
Clause 20 of the ARH SEPP stipulates that the controls for secondary dwellings apply if development for the purposes of a dwelling house is permissible on the land. Dwelling houses are permissible within the R3 Zone under the CLEP 2012, and as such, the development standards provided in Clause 22 and Schedule 1 of the ARH SEPP apply to the subject proposal.

An assessment against the provisions of Clause 22 of the ARH SEPP is provided below:

Standard	Required	Proposed	Complies
Number of dwellings on site	Primary and secondary dwellings only	One primary and one secondary dwelling	Yes
Floor Space of Secondary Dwelling	Max 60m ²	60m ²	Yes
Minimum site area	450m ²	543.8m ²	Yes
Required parking for secondary dwelling	No additional parking required	No additional parking proposed	Yes

An assessment against the provisions of Schedule 1 of the ARH SEPP is provided below. As there are no provisions in the ARH SEPP for lots with an area less than 450m², the provisions for lots of at least 450m² but not more than 900m² in size have been applied.

Standard	Required	Proposed	Complies
Part 2 Site Requirements			
Lot Requirements			
Number of dwellings	Primary and secondary dwellings only	One primary and one secondary dwelling	Yes
Boundary with primary road	Site shall have a boundary with a primary road, measured at the building line, of at least 12 metres.(10.65m	No - see comment [1] below

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

Standard	Required	Proposed	Complies
Access to primary road	A lot on which a new secondary dwelling is erected must have lawful access to a public road.	The subject site has lawful access to Moreton Street	Yes
Maximum site coverage of all development			
Site coverage	50%	42% (231 m ² is inclusive of the principal and secondary dwelling gross floor area)	Yes
Maximum floor area for principal and secondary dwelling			
Maximum floor area	60m ²	60m ²	Yes
Total floor area	330m ²	290.50 m ² (230.50m ² + 60m ² inclusive of the principal and secondary dwelling gross floor area and outbuilding)	Yes
Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs			
Total floor area	12m ²	7m ²	Yes
Part 3 Building heights and setbacks			
Building height			
Building height	8.5m	3.8m	Yes
Setbacks from side boundaries			
Side setbacks	0.9m	North side: 2.12m South side: 1.6m	Yes Yes
Setbacks from rear boundaries			
Rear setbacks	3m	3m	Yes
Privacy			
Privacy relating to habitable room windows	A window in a new secondary dwelling, or a new window in any alteration or addition to an existing principal dwelling for the purpose of a new secondary dwelling, must have a privacy screen for any part of the window that is less than 1.5 metres above the finished floor level if: (a) the window: (i) is in a habitable room that has a finished floor level that is more than 1 metre above ground level (existing), and (ii) has a sill height that is less than 1.5 metres above that floor level, and (iii) faces a side or rear boundary and is less than 3 metres from that boundary.	The proposed finished floor level is less than 1m. As such, this control does not apply.	N/A

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

Standard	Required	Proposed	Complies
Part 4 Landscaping			
Landscaped area	20%	32% (176.86m ²)	Yes
	Min. 50% of landscaped area behind building line.	All of the landscaping is proposed behind building line.	Yes
	The landscaped area must be at least 2.5 metres wide.	Landscaped area is 3m wide	Yes
Principal private open space	Minimum 24m ² principal private open space.	31m ² is provided for the Secondary Dwelling only. 133m ² is proposed for the Principal Dwelling. Adequate private open space provided for secondary dwelling and principal dwelling.	Yes
	Principal private open space must be: (a) directly accessible from, and adjacent to, a habitable room, other than a bedroom, and (b) more than 4 metres wide, and (c) is not steeper than 1:50 gradient.	The principal private open space is directly accessible from the living areas of the principal dwelling and secondary dwelling, exceeds 4m in width and is relatively flat.	Yes

[1] Site frontage

Part 2(2)(1)(b) of Schedule 1 of the ARH SEPP stipulates that sites shall have a boundary with a primary road, measured at the building line, of at least 12m wide. The site frontage to Moreton Street is 10.65m metres wide and therefore does not comply with this control by 11.25%.

While no objectives are contained in the ARH SEPP, our DCP states that the aims of the minimum frontage controls are to ensure that land is appropriate in size and dimension for the proposed building, there is adequate garden area and that appropriate vehicle access can be accommodated. The proposed secondary dwelling is modest in scale, provides reasonable separation to adjoining development, whilst providing opportunities for landscaped open space. There are no implications on vehicle access arrangements as no changes have been proposed as part of this application.

Taking the above into account the variation to the frontage control is reasonable under the circumstances. The proposal complies with all the other controls in ARH SEPP 2009.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

The site is zoned R3 Medium Density Residential under CLEP 2012. Secondary dwellings are not a permissible use within the R3 Zone under CLEP 2012. However, secondary dwellings are permissible under the ARH SEPP. Accordingly, the proposal shall be assessed under the provisions of the ARH SEPP. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R3 Medium Density Residential	The proposed secondary dwelling is not a permissible use within the R3 Zone	No *
Building height	8.5m	3.8m	Yes

* Secondary dwellings are permissible in the R3 Zone under the ARH SEPP

The proposal complies with the standards found in CLEP 2012, and is permissible in the R3 zone pursuant to the provisions of the ARH SEPP.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**

The proposal compares to the relevant provisions of Part 2 of the CDCP 2012 as follows:

Standard	Required	Proposal	Complies
Streetscape	Compatibility with existing scale, rhythm of built elements, fenestration and building materials, street edge.	The proposed secondary dwelling is situated in the rear setback and shall not be visible from Moreton Street	Yes

Part 6.2 - Climate, and energy and resource efficiency

The design of the proposed development allows the required sunlight to the living room windows of the proposed secondary dwelling. Given that the proposed secondary dwelling is a single story development there is no expected overshadowing of the neighboring properties.

Part 6.8 Parking and Vehicular Access

Existing parking provided on site to the principal dwelling. Secondary dwellings do not generate the need for off-street parking,

Part 6.9 Waste Management

A Waste Management Plan has been provided, detailing the demolition, construction and operational phases of the proposed development. Space is provided, as part of the proposal, for bins for the secondary dwelling.

Sediment and Erosion Control

The submitted development plans show details of sediment and erosion control measures to be installed as part of the construction of the development. Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

- **Canterbury Development Contributions Plan 2013**

In accordance with Council's Development Contributions Plan 2013, the proposed development will attract a payment of \$4 406.32.

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

Notification

The development application was placed on notification as required under Part 7 in CDCP 2012. One submission was received. The submission raised the following concerns:

- **Concerns were raised about the garage using the shared driveway and how it will impact on the neighbouring property including noise, access and light**

Comment

The proposal no longer includes a garage at the rear of the property. As such, there is no expected traffic and noise from vehicles.

- **Noise and Passing foot traffic**

Comment

By nature of the narrow subdivision pattern noise from residents passing between houses is expected and an unfavorable consideration of this application on these grounds could not be defended. While amplified or consistent noise can be assessed, noise from talking neighbours is a reality of medium density living. The proposed Secondary Dwelling does introduce a new household on site but this is not considered to introduce unreasonable noise. Excessive noise can be reported to Campsie police as a civil matter.

- **Privacy – Setback to close**

Comment

The required side setback is 1.2m but the proposed is actually setback 2.125m, this exceeds the control from the adjoining neighbour and creates greater separation. The unfavourable consideration of the application on these grounds could not be defended. The privacy impacts are considered reasonable.

- **Overdevelopment and Bulk**

Comment

The original plans that were submitted to Council proposed a significant over development of the site. However the amended plans demonstrate that side setback, heights and site coverage complies with State Environmental Planning Policy (Affordable Rental Housing) 2009 and our Local Environmental Plan 2012. Whilst the site itself is narrow, such that development consent is required for the secondary dwelling rather than a Complying Development Certificate, the building itself complies with the building envelope controls.

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

- **Loss of vegetation**

Comment

A suitable landscaping plan was submitted as part of the development application and will form part of this consent. DA-462/2014 permitted the removal of the existing street tree, subject to the replacement of another street tree at the cost of the applicant.

Conclusion

The proposed development is permissible in the zone and despite the non-compliance with the site is capable of accommodating the proposed Secondary Dwelling without having any detrimental impact on the local amenity. It is considered to be a suitable development for the site. It is recommended that the development application be approved, subject to conditions.

RECOMMENDATION:

THAT Development Application DA-71/2016 be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Kerb and Gutter Damage Deposit	\$2 723.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$330.20
Long Service Levy Commission	\$19.80
Development Contributions	\$4 406.32
 - 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$1 194.00
Inspection Fee	\$832.00
Occupation Certificate Fee	\$161.00

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

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

INSURANCE

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

SITE SIGNAGE

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

GENERAL

5. The development being carried out in accordance with:

Plan	Prepared By	Issue	Date	Date received
Proposed Site Plan	Superdraft	3	June 2016	28 June 2016

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

Drawing Number A.01.1				
Proposed Site Analysis and Roof Plan Drawing Number A.01.2	Superdraft	3	June 2016	28 June 2016
Proposed Floor Plan Drawing Number A.02.1	Superdraft	3	June 2016	28 June 2016
Proposed Elevation 1 & 2 Drawing Number A.03.1	Superdraft	3	June 2016	28 June 2016
Proposed Elevation 2 & 3 Drawing Number A.03.2	Superdraft	3	June 2016	28 June 2016
Proposed Section Drawing Number A.04.1	Superdraft	3	June 2016	28 June 2016
Colour Schedule	Superdraft	4	30 October 2015	28 June 2016
Landscape Plan Drawing 2 of 2	Ivoni Hristovska		June 2016	14 June 2016
Landscape Plan Drawing 2 of 2	Ivoni Hristovska		June 2016	14 June 2016

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

The amount of the contribution (as at the date of this consent) has been assessed as \$4406.32. The amount payable is based on the following components:

Contribution Element 2013	Contribution
• Community Facilities	\$398.48
• Open Space and Recreation	\$3895.94
• Plan Administration	\$111.90

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

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

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

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

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

- exact location of all external walls in relation to allotment boundaries.
11. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 12. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 13. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 14. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 15. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 16. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
 17. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.
 18. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 19. The proposed structure being erected so as to stand wholly within the boundaries of the allotment.
 20. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 21. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
 22. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
 23. Payment of an additional garbage levy for each new dwelling upon completion of work.
 24. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.
- In this condition:
- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."
-

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

ENGINEERING

25. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
- 25.1. The design must be generally in accordance with the plans, specifications and details received by Council on 20 June 2016; drawing number 2015050 H01, prepared by ANA civil Pty Ltd.
 - 25.2. The proposed pump out pit must be designed for 2 hour 10 year storm, which would require a storage capacity of 5.2m².
 - 25.3. A clean out pit designed in accordance with Figure 1 of the Appendices to Part 6.4 of Canterbury Council's DCP 2012, must be located on the nadir of each charged line.
 - 25.4. Plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required.
26. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.

Prior to Construction Commencing

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

Prior to Occupation Certificate

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

SYDNEY WATER REQUIREMENTS

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

54 MORETON STREET, LAKEEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

32. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/QuickCheck , or telephone 13 20 92. The consent authority or a private accredited certifier must ensure that a Quick Check agent has appropriately stamped the plans before the issue of any Construction Certificate.

CRITICAL INSPECTIONS

33. Class 1 and 10 Buildings

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

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

COMPLETION OF DEVELOPMENT

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

WE ALSO ADVISE:

36. This application has been assessed in accordance with the National Construction Code.
37. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
38. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
- Structural engineering work
 - Waterproofing
 - Glazing
 - Protection from termites
 - Smoke alarms
 - BASIX completion
39. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.

54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING (CONT.)

40. Before you dig, call “Dial before you Dig” on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
41. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
42. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council’s various Codes and Policies.
43. If you are not satisfied with this determination, you may:
 - 43.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
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