

The NEW City of
**CANTERBURY
BANKSTOWN**

Agenda for the

**Independent Hearing
And Assessment
Panel Meeting**

4 July 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 4 July 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

24 June 2016

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REPORT SUMMARIES

1 29 PEMBROKE AVENUE, EARLWOOD: DEMOLITION, CONSTRUCTION OF TWO STOREY DWELLING WITH ATTIC, DETACHED GARAGE, INGROUND SWIMMING POOL AND FRONT FENCE

- It is proposed to carry out construction of a two storey dwelling with attic, detached garage, inground swimming pool and front fence.
- The application is referred to IHAP for determination due to the variation of the front setback. The front setback varies from 2.921m to 5.271m (i.e. 4.2% to 46.9% variation) and is more than 10% variation that would permit the application to be determined under delegated authority.
- The site is zoned R2 Low Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed development is permissible with consent.
- The proposed development has been assessed against the relevant provisions of Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposed development is consistent with our planning controls with the exception of the front setback control of the dwelling. The issue of the non-compliance is addressed in the body of the report.
- The development application was notified in accordance with Part 7 of Canterbury Development Control Plan 2012 and one submission was received.
- It is recommended that the application be approved subject to conditions.

2 1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING

- It is proposed to carry out the alterations and additions to the existing semi-detached dwelling.
- The application is referred to IHAP for determination due to the extent of the variations to the side boundary setback and rear setback requirements being outside the delegation of Council officers.
- The site is zoned R3 Medium Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed development, defined as a 'semi-detached dwelling house', is permissible with consent.
- The proposed development has been assessed against the relevant provisions of the environmental planning instruments and development control plan. The proposed development involves non-compliances with the side boundary setback and rear setback control and these non-compliances are discussed in the body of the report.
- The development application was notified in accordance with Part 7 of Canterbury Development Control Plan 2012 and no submissions were received.
- It is recommended the development application be approved subject to conditions.

3 99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING

- A Development Application has been received for alterations and additions to the existing dwelling and the use of an existing rear outbuilding as a secondary dwelling.
- The application has been referred to IHAP as it falls outside the delegations of Council officers due to a non-compliance with two controls with respect to minimum frontage and side setbacks.
- The proposal relates to a dwelling house, which is permissible in the R4 Medium Density Residential zone, and a 'secondary dwelling' which is not permissible in the R4 Medium Density Residential zone but is permissible under the State Environmental Planning Policy (Affordable Rental Housing) 2009, which overrides the Canterbury Local Environmental Plan 2012.
- The application has been assessed against the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposed development involves a non-compliance with two controls with respect to minimum frontage and side setbacks. This is discussed in the body of this report.
- In accordance with Part 7 of the CDCP 2012, all owners and occupiers of adjoining properties were notified of the proposed development. No submissions were received.
- It is recommended the application be approved subject to conditions.

CANTERBURY WARD**1 29 PEMBROKE AVENUE, EARLWOOD: DEMOLITION, CONSTRUCTION OF TWO STOREY DWELLING WITH ATTIC, DETACHED GARAGE, INGROUND SWIMMING POOL AND FRONT FENCE**

FILE NO: 687/29D
REPORT BY: DIRECTOR CITY DEVELOPMENT
WARD: CANTERBURY

D/A No:	DA-40/2016
Applicant:	Blu Print Designs
Owner:	Mr Theo Theodoulou & Ms Valerie Theodoulou
Zoning:	R2 Low Density Residential under Canterbury Local Environmental Plan 2012
Application Date:	8 February 2016, further information received on 1 April, 2016

Summary:

- It is proposed to carry out construction of a two storey dwelling with attic, detached garage, inground swimming pool and front fence.
- The application is referred to IHAP for determination due to the variation of the front setback. The front setback varies from 2.921m to 5.271m (i.e. 4.2% to 46.9% variation) and is more than 10% variation that would permit the application to be determined under delegated authority.
- The site is zoned R2 Low Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed development is permissible with consent.
- The proposed development has been assessed against the relevant provisions of Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposed development is consistent with our planning controls with the exception of the front setback control of the dwelling. The issue of the non-compliance is addressed in the body of the report.
- The development application was notified in accordance with Part 7 of Canterbury Development Control Plan 2012 and one submission was 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.

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Report:

Site Details

The site is located on the northern side of Pembroke Avenue close to the junction of Nicoll Avenue. The site is regular in shape and has a site area of 554.2m², a site frontage of 12.095m and a depth of 45.72m to the west and 45.75m to the east. It has a rear boundary to Doris Avenue of 12.16m. The existing dwelling is a one and two storey brick clad dwelling with detached fibro garage at the rear of the dwelling. The locality is characterised by a mixture of single and two storey dwellings, with garages at the rear.



Aerial view of site

Proposal

The proposal is for demolition of existing structures and construction of a two storey dwelling with attic comprising an open plan kitchen/dining and living, a study, a powder room, a bathroom, a laundry, a master bedroom with ensuite, three bedrooms and covered terrace together with an outdoor swimming pool at the rear of the dwelling and a study, a w/c and a rumpus room on the attic floor. It is also proposed to construct an outbuilding comprising a double garage, a pergola and w/c at the rear of the dwelling.

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 2004 (Building Sustainability Index: BASIX)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Development Contribution Plan 2013

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Any demolition works requires specific consideration of the Australian Standards 2601 – 1991 Demolition of Structures as required by Clause 92 of the Environmental Planning and Assessment Regulation 2000.

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 (Building Sustainability Index: BASIX) 2004**
BASIX Certificates No.680652S dated 3 February 2016 accompanies this application. The commitments include an outdoor swimming pool, a rain water tank of at least 3000 litres, an instantaneous gas hot water system, low energy lights, insulation, 3 star rating minimum water saving devices, glazing and shading devices. The commitments have been marked on the plan, and the proposal satisfies the provisions of SEPP BASIX.
- Canterbury Local Environmental Plan 2012 (CLEP 2012)**
The subject site is zoned R2 Low Density Residential under Canterbury Local Environmental Plan 2012 where the development, defined as construction of a two storey dwelling including attic with detached garage, swimming pool and front fence is permissible within the zone with development consent. The proposal also meets the objectives of the zone.

Criteria	Development Control	Proposal	Complies
Zoning	R2 Low Density Residential	Two storey dwelling is permissible	Yes
Building height	8.5m	7.75m	Yes

This proposal complies with relevant standards found in the CLEP 2012.

- Canterbury Development Control Plan 2012 (CDCP 2012)**
The development has been assessed against Canterbury Development Control Plan 2012, and is summarised in the table below:

Requirements	Numerical requirements	Proposal	Complies
Height	Maximum two storey	Two storey.	Yes
	Maximum external wall height is 7m	External wall height is 4.3m.	Yes
Setback on a regular site with a front boundary less than 12.5m in width	Minimum 5.5 from the front boundary.	2.921m on the eastern side and 5.271m on the western side of the front facade.	No, see comment [1] below
	Minimum 900mm from the side boundary	1.0m from western boundary and 1.0m min. from eastern boundary. Attic – 2.45m from western boundary and 2.469m from eastern boundary	Yes
	Rear setback 6m from the rear boundary	13.3m (to patio)	Yes

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Requirements	Numerical requirements	Proposal	Complies
Maximum floor area	Maximum floor area is 330m ² if the site area is at least 450m ² but less than 600m ² 45m ² for outbuilding	Floor area is 277m ² (for dwelling) +36.1m ² (for outbuilding) Total area = 313.1m ² 36.1m ² for outbuilding	Yes
Maximum site coverage of all buildings on site	50% of the site area if the site area is at least 450m ² but less than 600m ² .	Site coverage is 275.2m ² or 49.6%	Yes
Car Parking	3+ Bedrooms 2 Car spaces	Proposed double garage	Yes
Design control	Features of existing buildings that influence streetscape and local character are preserved	The proposed new work to the front will have no adverse impacts on the streetscape.	Yes
Street address	Clearly identifiable entries. Face at least one habitable room towards the street.	The existing entry is located in the front façade.	Yes
Roof design	Roof design to be consistent with existing streetscape, no noticeability steep slope	Proposed roof is pitched roof to match the existing roof.	Yes
Front masonry fence	Height 1.2m although screens with 50% transparency may be up to 1.8m high	Proposed 0.7m high for masonry wall and 1.4m high for piers with metal railing	Yes
Visual privacy	Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site, and to minimise direct overlooking of rooms and private open space	The proposed windows located on the side are not directly opposite the windows of the adjoining dwelling. The dormer window on attic floor has been raised to 1550mm from attic floor level	Yes
Acoustic privacy	Reasonable level of acoustic privacy are residents, externally and internally, during day and night	Complies with the side setback requirements which will assist in protecting acoustic privacy.	Yes
Minimum open Space	Private open space will usually be a yard in a dwelling house or semi-detached dwellings and minimum dimension of 5m in any direction for attached dwelling and semi-detached dwellings	Private open space in the rear yard approximately 82m ² with more than 5m in any direction.	Yes
	To provide a principal open space adjacent to the main living areas such as living room, dining room, or kitchen to extend the living space and provide direct access from living room, dining room or family room of the dwelling.	There is direct access from the living and dining room.	Yes

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Requirements	Numerical requirements	Proposal	Complies
Daylight and sun access to living room	One living room window (of the adjoining property) is to receive two hours sunlight between 9am and 3pm on June 21.	The living room window (of the adjoining property) is at the rear and will receive two hours sunlight between 9am and 3pm on June 21	Yes
Daylight and sun access to principal open space	Outdoor clothes drying area of the adjoining property is to receive two hours sunlight between 9am and 3pm on June 21.	The outdoor clothes drying area of the adjoining property will receive two hours sunlight between 9am and 3pm on June 21	Yes
Internal space and design	Living area min 3.5m wide, Main bedroom min 3.5m wide	Rumpus room 4.5m Master bedroom 3.7m wide	Yes
Outbuilding	External wall height > 2.7m: 450mm setback from the side boundary. External wall height <2.7m: Nil setback	Proposed wall height of garage is 2.7m with 200mm setback from western boundary	Yes
	Zero setback across no more than 50% of the rear boundary that has frontage to a lane, for garage	Up to 352mm setback across 50% of the rear boundary	Yes
Stormwater management plan	Development Engineer conditions	Reviewed by Development Engineer	Yes
Landscaping	Landscape architect conditions	Reviewed by Landscape Architect	
Crime Prevention	Avoid blind corners, provide clear entry areas, fencing and landscaping to allow natural surveillance to/from street.	No blind corners, clear entry areas, fencing and landscaping allow natural surveillance.	Yes
Waste Management	Statement for demolition and construction phase.	Waste Management Plan submitted.	Yes

[1] Front setback

Pursuant to Part 2.1.7 of Canterbury Development Control Plan 2012 the minimum front setback is 5.5m. The proposed building is located 2.921m on the eastern side and 5.271m on the western side from the front boundary. Notwithstanding this, it is considered that the proposal is acceptable for the following reasons:

- The proposed development provides reasonable separation to adjoining development, and provides a suitable amount of landscaped area in the front to soften the effect of any impact to the street given the location
- The irregular shaped site at the front of the property is located on a bend in Pembroke Street and will create a transition from the existing front setback of the dwelling to the west. Although the proposed setback is 2.921m on the eastern side, it is in line with the setbacks of the building to the east. As such, it will help to provide a better transition to the streetscape which ensures a consistent approach to the established pattern of the adjoining sites.

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- The proposed 5.271m front setback on the western side falls short of the required 5.5m by only 0.229m which is 4.2% variation to the setback control and the setback on the eastern side falls short of the required 5.5m by 2.921m which is 46.9% variation to the setback control. It is considered that the impact on the amenity to the adjoining neighbours is minimal.

Given the above and the practical constraints on the site due to the transition of the site to a curved road, the reduced setbacks are considered reasonable under the circumstances and worthy of support.

- **Canterbury Development Contribution Plan 2013**
The proposed cost of this development is \$540,000.00. In accordance with Canterbury Development Contribution Plan 2013, a monetary contribution of \$5,400.00 is applicable in this application.

Notification

The development application was placed on notification for 14 days as required under Part 7 in CDCP 2012. One submission was received in regard to the application. Issues raised are discussed below.

- **Garage on boundary line**

Comment

The applicant has amended the plans to provide 200mm from the western boundary which complies with our side setback requirement for outbuildings.

- **Stormwater concern**

Comment

Our Development Engineer has reviewed the stormwater drainage plan submitted and has recommended conditions for the stormwater system that 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/NZ3500.3 and Part 6.4 of CDCP 2012.

- **Rain water tank**

Comment

It is confirmed that the rain water tank is to be placed on the eastern side of the property and is considered acceptable.

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- **Privacy and Overshadowing**

Comment

The applicant has amended the plans to lower the pool decking level which is approximately only 100mm above the existing natural ground level and the 1.8m high fence on the western side of the property will act as a barrier to protect the visual privacy of the adjoining property. The applicant has also amended the plan to raise the sill level of the dormer window to 1550mm from the attic floor level. The proposal complies with our requirements in terms of the side setback and solar access. The proposal will not result in additional impacts on the adjoining properties in terms of privacy or overshadowing.

- **Encroachment of eaves and gutters**

Comment

A condition has been recommended requiring a survey report to be submitted prior to the issue of the Occupation Certificate confirming that all structures have been constructed within the boundaries of the allotment and a survey to be provided 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.

- **Front Brick fence**

Comment

The applicant has amended the plan indicating that the existing front side brick fence between 29 and 31 Pembroke Avenue is to be retained.

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 development application is generally in keeping with the applicable controls of the Canterbury Development Control Plan 2012 and Canterbury Local Environmental Plan 2012 with the exception of front setback requirement. This variation is considered acceptable given the character of the site and is consistent with the surrounding streetscape. This application is recommended for approval.

RECOMMENDATION:

THAT Development Application DA-40/2016 be **APPROVED** subject to 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:
 - Structural Engineering Plan
 - Building Specifications
 - Sydney Water quick check stamp

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- BASIX Certificate
- 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	\$1,890.00
Section 94A Contributions	\$5,400.00
- 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$2,783.00
Inspection Fee	\$1,230.00
Occupation Certificate Fee	\$252.00

Note 1: The Long Service Leave Levy 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
 - 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

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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).

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, specifications and details, prepared by blu print designs, John Romanous & Associates Pty Ltd and Michael Siu Landscape Architects as follows:

Drawing No.	Title	Date	Date received
DA01D	Site Analysis, Shadows Roof & Management Plan	31/03/2016	01/04/2016
DA02D	Ground & Attic Plans	31/03/2016	01/04/2016
DA03D	Elevations & Sections	31/03/2016	01/04/2016
1645-S1/2B	Stormwater Drainage/Sediment Control Details (Concept)	23/12/2015	08/02/2016
1645-S2/2B	Stormwater Drainage/Sediment Control Details(Concept)	23/12/2015	08/02/2016
L01/1-K20403	Landscape Planting Plan	22/10/2015	08/02/2016

6. Council has identified an additional demand for public amenities and services as a consequence of this development. Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and Canterbury Development Contributions Plan 2013, a levy of \$5,400.00 must be paid to the Council to meet the cost of providing , extending or augmenting various public amenities and services. The levy amount is based on the estimate of the proposed cost of development being \$540,000.00

Plan – Section 94A	
Section 94 A Contributions	\$5,400.00

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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.

Payment will only be accepted in the form of cash, bank cheque or EFTPOS. Personal cheque and credit card payments will not be accepted.

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

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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. A survey report is to be submitted prior to the issue of the Occupation Certificate confirming that all structures have been constructed within the boundaries of the allotment.

DEMOLITION

11. 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 (Ph. 9370 5099 – Asbestos Hotline).
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (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

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- 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 NSW Community LEAD Advisory Service on 9716 0132 or 1800 626086 (freecall).
 - (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.
12. The proposed structure being erected so as to stand wholly within the boundaries of the allotment.
 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.
 14. Provide a Surveyor's Certificate to the Principal Certifying Authority indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 15. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
 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. 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.
 19. 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.
 20. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 21. 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

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- 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."

SWIMMING POOL

22. The general pool area being completely enclosed with safety fencing at least 1.2 metres in height above existing ground levels and in accordance with the requirements of the Swimming Pools Act 1992 and AS 1926.1.
23. The general pool area bounded by the required safety fencing must contain no structures apart from the swimming pool and other structures wholly ancillary to the swimming pool, such as diving boards and pool filtration plant.
24. Pool safety fencing and gates must be constructed of suitable materials and so as to provide no footholds for young children. The lowest point of the safety fencing must not be more than 100mm above ground level.
25. Gates must be fitted with an automatic closing device that will shut the gate and operate a self-latching mechanism (from any positions, even when the striker is resting on the latching mechanism) and prevent the gate from being re-opened without manually releasing the mechanism. The latching mechanism must be located/shielded in accordance with AS 1926.
26. Gates must be mounted to swing only outward from the pool area.
27. The safety barrier enclosing the general swimming pool area must be maintained in good repair and condition at all times.
28. The pool filter must be drained to the sewer mains in accordance with the requirements of Sydney Water.
29. The pump/filtration equipment must be operated so as not to create a noise nuisance. Provide a suitable acoustic enclosure where necessary to achieve this requirement. Provide the Principal Certifying Authority with a certificate verifying compliance with this condition.
30. A warning notice must be displayed and maintained at all times in a prominent position near the pool in accordance with Section 17(1) of the Swimming Pools Act 1992. The sign must contain the words "Young children should be supervised when using this swimming pool" together with details of resuscitation techniques. A sign complying with this requirement may be purchased from Council's Cashier or the Royal Life Saving Society.
31. The pool must not be filled with water or allowed to accumulate rain or other water until a satisfactory fence barrier inspection is carried out by the Principal Certifying Authority. Failure to meet this requirement may result in institution of legal proceedings against the builder or owner.

LANDSCAPING

32. All existing property trees may be removed to accommodate construction. This is conditional on the additional planting of 2 x 75ltr canopy trees. One to be planted in an appropriate position in the front yard and one to be planted in an appropriate position in the rear yard. This will satisfy the residential tree planting requirement of Canterbury Development Control Plan 2012.
33. The existing street tree, *Callistemon viminalis* (common name Weeping bottlebrush),

29 PEMBROKE AVENUE, EARLWOOD: DEMOLITION, CONSTRUCTION OF TWO STOREY DWELLING WITH ATTIC, DETACHED GARAGE, INGROUND SWIMMING POOL AND FRONT FENCE (CONT.)

growing on the nature strip in front of the property must be retained and protected during construction. A suitable 2 metre radius protective barrier must be erected around the tree's trunk prior to construction. This barrier must be well maintained during construction. No building material or construction activity shall be allowed to encroach within this tree protection zone.

34. The landscaping must be completed according to the submitted landscape plan (drawn by Michael Siu Landscape Architects, drawing no. L01/1-K20403, submitted to council on 8th February 2016) except where amended by the conditions of consent.
35. 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).

ENGINEERING

Prior To Construction Certificate

36. 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:
- The design must be generally in accordance with the plans, specifications and details received by Council on 8th February 2016; drawing number 1645-S1/2, 1645-S2/2 prepared by John Romanous & Associates Pty Ltd.
 - Stormwater runoff from all 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) by a gravity system.
 - 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.
 - If total impervious areas exceed 75% of the lot area on-site detention designed in accordance with Part 6.4 of Canterbury Councils DCP must be provided.
 - All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - 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.
37. 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.
38. 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 Canterbury Councils DCP 2012.
39. 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

29 PEMBROKE AVENUE, EARLWOOD: DEMOLITION, CONSTRUCTION OF TWO STOREY DWELLING WITH ATTIC, DETACHED GARAGE, INGROUNND SWIMMING POOL AND FRONT FENCE (CONT.)

required at least 14 days prior to the levels being required.

Prior To Construction

40. 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.
41. 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

42. 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.
43. 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. The accredited engineer must specifically certify achievement of total impervious areas being less than 75% of the lot area.

Prior To And During Construction

44. 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.
45. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.0 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".
46. The street alignments 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.
47. Diveways, 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.

PUBLIC IMPROVEMENTS

48. 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".

SYDNEY WATER REQUIREMENTS

49. 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

29 PEMBROKE AVENUE, EARLWOOD: DEMOLITION, CONSTRUCTION OF TWO STOREY DWELLING WITH ATTIC, DETACHED GARAGE, INGROUND SWIMMING POOL AND FRONT FENCE (CONT.)

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

50. 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):

- 50.1. after excavation for, and prior to the placement of any footings, and
- 50.2. prior to paving any in-situ reinforced concrete building element, and
- 50.3. prior to covering of the framework for any floor, wall, roof or other building element, and
- 50.4. prior to covering waterproofing in any wet areas, and
- 50.5. prior to covering any stormwater drainage connections, and
- 50.6. after the construction of the swimming pool and the barrier has been erected and before the pool is filled with water, and
- 50.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

51. 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

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

WE ALSO ADVISE

53. This application has been assessed in accordance with the Building Code of Australia.

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
- Protection from termites
- Smoke alarms
- Glazing
- Wet area waterproofing
- Stormwater
- Survey
- Completion of BASIX

55. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.

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56. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.
57. 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.
58. 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.
59. 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.
60. If you are not satisfied with this determination, you may:
 - 60.1. 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
 - 60.2. 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.

2 1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING

FILE NO: 922/1D
 REPORT BY: DIRECTOR CITY DEVELOPMENT
 WARD: CANTERBURY

D/A No:	DA-109/2016
Applicant:	Modum Pty Ltd
Owner:	Mr Liam Hawke & Ms Hannah Roehr
Zoning:	R3 Medium Density Residential under Canterbury Local Environmental Plan 2012
Application Date:	10 March 2016, further information received 27 April 2016

Summary:

- It is proposed to carry out the alterations and additions to the existing semi-detached dwelling.
- The application is referred to IHAP for determination due to the extent of the variations to the side boundary setback and rear setback requirements being outside the delegation of Council officers.
- The site is zoned R3 Medium Density Residential under the provisions of the Canterbury Local Environmental Plan 2012. The proposed development, defined as a 'semi-detached dwelling house', is permissible with consent.
- The proposed development has been assessed against the relevant provisions of the environmental planning instruments and development control plan. The proposed development involves non-compliances with the side boundary setback and rear setback control and these non-compliances are discussed in the body of the report.
- The development application was notified in accordance with Part 7 of Canterbury Development Control Plan 2012 and no submissions were received.
- It is recommended 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.

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

Report:

Site Details

The subject site is located on the southern side of Ward Avenue close to the junction of Wonga Street. The site is a rectangular in shape and has a site area of 293.9m², a site frontage of 7.94m and a depth of 36.82m. The existing dwelling is a single storey brick semi-detached dwelling with a detached clad garage and a metal shed at the rear of the property. The immediate locality is characterised by low density one and two storey residential dwellings.



Aerial view of the site

Proposal

The proposal is for alterations and additions to the existing semi-detached dwelling including a ground floor addition comprising an open plan kitchen/dining and living, a bathroom, a laundry, a master bedroom with ensuite and a covered terrace at the rear of the dwelling. It is also proposed to construct a new store room to the side of the dwelling.

Statutory Considerations

The relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered and in this regard, the following environmental planning instrument and development control plan are relevant:

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

Any demolition works require specific consideration of the Australian Standards 2601 – 1991 Demolition of Structures as required by Clause 92 of the Environmental Planning and Assessment Regulation 2000. The Compliance table to AS2601-1991 is attached on file.

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:

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

- State Environmental Planning Policy 2004 – (Building Sustainability Index: BASIX)**
 A BASIX Certificate 242257_2 accompanies this application. The Commitments include low energy lights, insulation, 3 star water saving devices, glazing and shading devices. The commitments have been marked on the plan, and the proposal satisfies the provisions of SEPP BASIX.
- Canterbury Local Environmental Plan 2012 (CLEP 2012)**
 This site is zoned R3 – Medium Density Residential under CLEP 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R3 Medium Density Residential	Permissible	Yes
Building height	8.5 metres	4.0 metres	Yes

The proposal complies with the standards found in CLEP 2012.

- Canterbury Development Control Plan 2012 (CDCP 2012)**
 The proposed development has been compared to the requirements of CDCP 2012 as follows:

Standards	Numerical requirements	Proposal	Complies
External wall height	External wall max.7.0m	3.03m	Yes
Detached dwelling on a small site with a front boundary less than 12.5m width	Min. setback 5.5m from the front boundary	5.2m (existing)	Yes
	Side setback External walls -900mm setback from side boundary	Nil setback from eastern (common) boundary and 900mm from western boundary which continues with existing building line. Store – Nil setback from western boundary	No, see comment (1) below
	Min. setback 6m from the rear boundary. (rear setback)	4.75m (posts of covered verandah) 7.05m (to the rear of the building)	No, see comment (2) below
Max. floor area	300m ² for a lot with area less than 450m ²	140m ²	Yes
Max. site coverage for all building on site	60% of site area where lot with an area less than to 450m ²	Site: 293.9m ² 55% or 162.6m ²	Yes
Car Parking	Semi-detached dwelling house – 2 spaces	Existing front carport (No change)	Yes
Street address	Clearly identifiable entries. Face at least one habitable room towards the street.	The existing entry is located in the front elevation. Bedrooms are at the front of the dwelling and remain unchanged.	Yes

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

Standards	Numerical requirements	Proposal	Complies
Façade design and articulation	Avoid long flat walls along street frontage.	Existing with front porch	Yes
Service and Utility areas	Integrate services and utility areas with the design of the whole development.	The proposed dwelling facilities will not be visually obtrusive.	Yes
	Appliances that are fitted to the exterior of a building, and enclosures for service meters do not detract from the desired architectural quality or character of the street scape.	The proposed utilities are located at the side and rear, which do not impact on the street.	Yes
Visual privacy	Orient new living areas, balconies or terraces towards the street and rear of the lot to avoid overlooking.	Proposed construction, location and usage will have minimal impact on privacy.	Yes
Minimum Open Space	Private open space will be usually be a yard in a detached or semi-detached dwelling - 24 m ² .	37.9m ² at the rear.	Yes
Internal dwelling space and design	Dimensions and design interiors to accommodate the range of furniture that is typical for habitable rooms and workspaces.	Width of Living area is more than 3.7m and width of principal bedroom is 3.6m	Yes
Crime Prevention	Avoid blind corners, provide clear entry areas, fencing and landscaping to allow natural surveillance to/from street.	Entry to front façade (existing) No change to low brick fence. Good surveillance	Yes
Waste Management	Statement for demolition and construction phase Single dwellings to allow for bin storage behind building line and out of site.	Waste Management Plan submitted	Yes

[1] Side setback

The proposed nil setback for the store room is limited to a small section of western side boundary (for a length of 3.72m only). This does not strictly comply with the requirements of Part 2.1.7 (xiv) of CDCP 2012 which requires a setback of 900mm as it is attached to the wall of the dwelling.

The non-compliance is a minor variation and it is considered that the proposal is acceptable for the following reasons:

- The non-compliance is mainly due to the unique qualities of the site being a narrow block with a site area of only 293.9m².
- A large 3.6m high double garage immediately adjoins the subject site at 52 Wonga Street. The proposed store room will be located along this boundary which is considered as an outbuilding and therefore provides a consistent built form.

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

- The proposed store room is 2.7m high and is setback (approximately 6.5m) behind the existing carport and building line.
- As such, it is considered that the proposal will unlikely detract from the streetscape and have no adverse impact to the neighbouring properties.
- In order to provide more suitable living arrangements, the owners seek to provide a three-bedroom and two-bathroom dwelling. The current proposal seeks to minimise the scale of the built form by maintaining the single storey nature of the area, rather than a two storey structure.
- Pursuant to Clause 3.16 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, dwellings can be built to both boundaries if the lot is less than 8m which is consistent with the subject site.
- It is considered that the proposal meets with the objectives of the control in the proposal and does not result in an impact to the amenity of the adjoining residential dwellings.

[2] Rear setback

Pursuant to Part 2.1.7 of Canterbury Development Control Plan 2012 (CDCP 2012) the minimum rear setback of the proposal is required to be 6m.

The proposed building is located approximately 7.05m and the supporting posts (for the verandah) 4.75m from the rear boundary. Accordingly, the proposal does not strictly comply with the control. In this instance, the setback is 1.25m (20.8% variation) short of the minimum rear setback. Notwithstanding this, it is considered that the proposal is acceptable for the following reasons:

- An existing outbuilding and a metal shed are located within the rear of the subject site. The proposal seeks to remove these structures and this will improve the existing situation in terms of built form located near the rear boundary.
- Pursuant to Clause 2.12 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the proposed verandah can potentially be considered as exempt development. It is noted that under the SEPP exempt provisions a verandah can be located up to 900mm from the rear boundary.
- The proposed verandah is located at ground level with a height of approximately 2.8m. Given that there is an outbuilding with no openings and a large tree located at the rear of adjoining properties, the proposal will not cause privacy or overshadowing impacts to nearby residential dwellings.
- The proposal meets the objectives of the control in that sufficient separation is provided between buildings and will not cause an adverse impact to the amenity of the adjoining dwellings.

Taking the above points into consideration, the variations are considered reasonable and therefore worthy of support.

- **Canterbury Development Contributions Plan 2013**
Due to the cost of works Section 94A of the EP&A Act, the proposed development will attract a contribution of 1% (\$3,000.00) of the cost of the works.

Notification

The development application was notified in accordance with Part 7 of Canterbury Development Control Plan 2012 and no submissions were received.

Conclusion

The proposed development has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant development control plans and codes. The proposed development is generally in keeping with the applicable controls of the Canterbury Development Control Plan 2012 and Canterbury Local Environmental Plan 2012 with the exception of the side boundary setbacks and rear setback control. The proposed non-compliance is considered to be acceptable given the character of the subject site and that it meets the objectives of the controls to enhance the streetscape. The application is recommended for approval.

RECOMMENDATION:

THAT the Application DA-109/2016 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:
 - Structural Engineering Plan
 - Building Specifications
 - Sydney Water quick check stamp
 - Basix Certificate
 - 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	\$1,050
 - 1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee	\$2,063.00
Inspection Fee	\$864.00
Occupation Certificate Fee	\$206.00

Note 1: The Long Service Leave Levy 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

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

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).

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, specifications and details, prepared by Modum Pty Ltd, marked Job No. 151178, Page No. 1 of 7 to 7 of 7, SWP and SCP, as received by Council on 10 March 2016.
- 6. Council has identified an additional demand for public amenities and services as a consequence of this development. Pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and Canterbury Development Contributions Plan 2013, a levy of \$3,000.00 must be paid to the Council to meet the cost of providing, extending or augmenting various public amenities and services.
The levy amount is based on the estimate of the proposed cost of development being \$300,000.00.

2013 Plan – Section 94A	
Section 94 A Contributions	\$ 3,000.00

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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.

Payment will only be accepted in the form of cash, bank cheque or EFTPOS. Personal cheque and credit card payments will not be accepted.

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 Friday, 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. A dilapidation report, including photographs (carried out by a qualified structural engineer) of the adjoining property, is to detail the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members, retaining walls and other similar items, and shall be submitted to the Principal Certifying Authority (and Council if it is not the Principal Certifying Authority) prior to the issue of a Construction Certificate.

On completion of the building works and prior to the issue of an Occupation Certificate, a certificate stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority (and Council if it is not the Principal Certifying Authority). If damage is identified which is considered to require rectification or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.

In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received shall be forwarded to the PCA before work commences.

DEMOLITION

11. 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 (Ph. 9370 5099 – Asbestos Hotline).
 - (c) Demolition being carried out in accordance with the requirements of the Occupational Health and Safety Regulation 2001.
 - (d) 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

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

- No demolition is to be carried out on Sundays or Public Holidays.
- (e) Burning of demolished building materials is prohibited.
 - (f) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
 - (g) 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.
 - (h) 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.
 - (i) The capacity and effectiveness of soil and water management devices must be maintained at all times.
 - (j) 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.
 - (k) 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).
 - (l) 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.
 - (m) 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 NSW Community LEAD Advisory Service on 9716 0132 or 1800 626086 (freecall).
 - (n) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
 - (o) 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.
12. The proposed structure being erected so as to stand wholly within the boundaries of the allotment.
 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.
 14. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council's Stormwater Management Manual.
 15. Concrete pumping contractors must not allow the discharge of waste concrete to the
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1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

- stormwater system. Waste concrete must be collected and disposed of on-site.
16. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 17. 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.
 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. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
 20. A survey report is to be submitted prior to the issue of the Occupation Certificate confirming that all structures have been constructed within the boundaries of the allotment.

ENGINEERING

Prior To Construction Certificate

STORMWATER

21. 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 10 March 2016; PAGE number SWP, prepared by Modum Pty Ltd.
 - b) Stormwater runoff from all 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 Ward Avenue.
 - c) Stormwater runoff from paved areas that cannot physically be drained to Ward Avenue may be drained to an absorption pit(s). Designed in accordance with Clause 6.4.12 of Canterbury Council's DCP 2012. The total paved areas on the site draining to absorption pits must not exceed 25m².
 - 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 Council's DCP 2012. Sump depth is to be a minimum of 300mm deep.
 - e) 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.
22. 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

23. 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.

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

Prior To Occupation Certificate

24. 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.
25. 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

26. 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

27. 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):
 - 27.1. after excavation for, and prior to the placement of any footings, and
 - 27.2. prior to paving any in-situ reinforced concrete building element, and
 - 27.3. prior to covering of the framework for any floor, wall, roof or other building element, and
 - 27.4. prior to covering waterproofing in any wet areas, and
 - 27.5. prior to covering any stormwater drainage connections, and
 - 27.6. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
28. 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

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

WE ALSO ADVISE

30. This application has been assessed in accordance with the National Construction Code.
31. 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
 - Protection from termites

1 WARD AVENUE, CANTERBURY: ALTERATIONS AND ADDITIONS TO SEMI-DETACHED DWELLING (CONT.)

- Smoke alarms
 - Glazing
 - Wet area waterproofing
 - Stormwater
 - Survey
 - BASIX Completion
32. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
33. Australian Standards AS3500 Plumbing and Drainage and Part 5 Domestic Installations requires that eaves gutters are installed with continuous overflow measures that prevent water from overflowing gutters flowing back into the building.
34. 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.
35. 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.
36. 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.
37. If you are not satisfied with this determination, you may:
- 37.1. 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
 - 37.2. 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**3 99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING**

FILE NO: 224/99D
REPORT BY: DIRECTOR CITY DEVELOPMENT
WARD: ROSELANDS

D/A No:	DA-616/2015
Applicant:	Mr Thanh Ha
Owner:	As above
Zoning:	R4 High Density Residential
Application Date:	11 December 2015, further information received 7 March 2016

Summary:

- A Development Application has been received for alterations and additions to the existing dwelling and the use of an existing rear outbuilding as a secondary dwelling.
- The application has been referred to IHAP as it falls outside the delegations of Council officers due to a non-compliance with two controls with respect to minimum frontage and side setbacks.
- The proposal relates to a dwelling house, which is permissible in the R4 Medium Density Residential zone, and a 'secondary dwelling' which is not permissible in the R4 Medium Density Residential zone but is permissible under the State Environmental Planning Policy (Affordable Rental Housing) 2009, which overrides the Canterbury Local Environmental Plan 2012.
- The application has been assessed against the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012. The proposed development involves a non-compliance with two controls with respect to minimum frontage and side setbacks. This is discussed in the body of this report.
- In accordance with Part 7 of the CDCP 2012, all owners and occupiers of adjoining properties were notified of the proposed development. No submissions were received.
- It is recommended 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.

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

Report:

Background

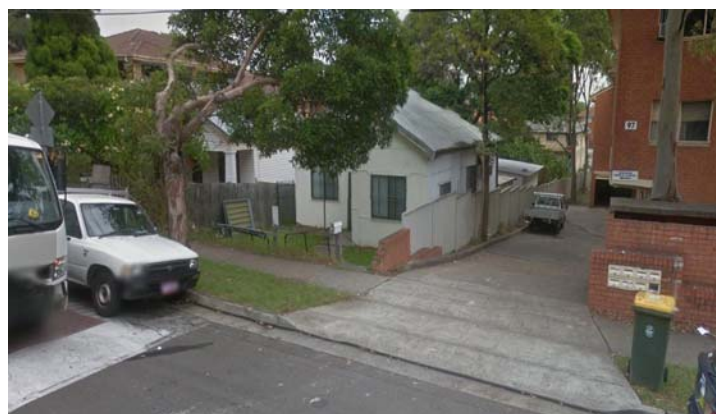
Having converted a rear outbuilding on the site as a secondary dwelling without our consent, the owner lodged a Building Certificate Application to certify the structural adequacy of the unauthorised work. The Building Certificate (BC-71/2015) is acceptable and can be issued pending the favourable consideration of this Development Application 616/2015 to affirm the use of the outbuilding as a secondary dwelling, as well as some subfloor bracing work.

Site Details

The subject site is identified as 99 Croydon Street, Lakemba and Lot A DP 303872. The site is rectangular in shape, having a frontage of 10.365 metres to Croydon Street and a depth of 60.585 metres. The site has an area of 626m². The site is currently occupied by a single storey dwelling house with illegal extensions at its rear, an illegally constructed detached single storey secondary dwelling, and a detached weatherboard shed. Surrounding development consists of dwellings, with a number of three and four storey residential flat buildings.



Aerial view of site



Street view of site

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

Proposal

The subject development proposal seeks consent for:

- the use of an unauthorised outbuilding at the rear as a secondary dwelling comprising two bedrooms; and
- unauthorised additions to the rear of the dwelling house comprising kitchen, two bedrooms and external deck providing access to the rear yard.

There is an existing outbuilding at the rear of the site, which is not the subject of this application. Our records show this outbuilding included on a survey certificate dated 1991, so it has existed on the site for at least 25 years.

The Development Consent relates to the use of the building work, whereas the Building Certificate 71/2015 will retrospectively regularise the unauthorised building work.

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 Contribution 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 (Affordable Rental Housing) 2009 (ARH SEPP)**
The application is for an in-fill affordable housing development lodged pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The ARH SEPP aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, the policy provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and minimum development standards.

Clause 20 of State Environmental Planning Policy (Affordable Rental Housing) 2009 stipulates that its 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 R4 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.

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

An assessment against the provisions of the ARH SEPP is provided below.

Control	Requirement	Proposal	Complies
Clause 22(2) Principal and secondary dwellings only	No other dwelling aside from the principal dwelling and the secondary dwelling is permitted.	There is no other dwelling proposed aside from the dwelling and the secondary dwelling.	Yes
Clause 22(3)(a) Total floor area of principal dwelling	The total floor area of the principal dwelling and the secondary dwelling must be no more than the maximum floor area allowed for a dwelling house on the land under CLEP 2012 (0.75:1)	0.30:1 (186.11m ²)	Yes
Clause 22(3)(b) Total floor area of secondary dwelling	The total floor area of the secondary dwelling must be no more than 60m ²	The secondary dwelling is 52m ²	Yes
Clause 22(4)(a)(ii) Must not refuse consent	Site > 450m ²	626 m ²	Yes

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

Control	Requirement	Proposal	Complies
Site requirements			
Lot requirements	At the completion of the development will have only one principal dwelling and one secondary dwelling	One principal dwelling and one secondary dwelling only	Yes
	Frontage of at least 12 metres	10.365m frontage	No - see comment [1] below
	Must have lawful access to a public road	The subject site has lawful access to Croydon Street	Yes
Site coverage	50% of the area of the lot	33% (209m ²)	Yes
Maximum floor area	60m ²	52m ²	Yes
Total floor area	330m ²	186.11m ²	Yes
Part 3 Building heights and setbacks			
Height	8.5m	4.68m	Yes
Side boundary setbacks	0.9 metres + 0.22m = 1.12m	Secondary dwelling 0.61m and 0.71m	No - see comment [2] below
Rear setback	5.64m	10.55m	Yes
Privacy	A window in a new secondary dwelling, or a new window in any alteration or addition to an existing principal dwelling for the	Secondary dwelling > 3m from rear boundary, therefore no privacy measures required to west-	N/A

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

Control	Requirement	Proposal	Complies
	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.	facing Bed 2 window	
Part 4 Landscaping			
Landscaped area	Minimum landscaped area of 20%, if the lot has an area of at least 450 square metres but not more than 600 square metres	57% (354m ²)	Yes
	At least 50% of the landscaped area must be located behind the building line to the primary road boundary	78%	Yes
	The landscaped area must be at least 2.5 metres wide	All included landscaped areas exceed 2.5m in width	Yes
Principal private open space	Minimum principal private open space of 24 square metres required on the lot	Adequate private open space provided for occupants of secondary dwelling and principal dwelling	Yes
	In this clause, principal private open space means an area that: (a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom; (b) is more than 4 metres wide; (c) is not steeper than 1:50 gradient.	The principal private open space is directly accessible from the dining areas of the principal dwelling and living areas of the secondary dwelling, exceeds 4m in width and is relatively flat.	Yes

The proposed development complies with the controls contained in the ARH SEPP, with the exception of minimum frontage and side setbacks.

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

[1] Site frontage

The minimum frontage for development for a secondary dwelling is 12 metres. The site has a frontage of 10.365 metres, which presents a non-compliance of 13.63%. 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 and located at the rear of the site, and is not highly discernible from the public domain.

The generous rear setback provides ample garden area, and the lack of provision of vehicular access means obviates the necessity for site width on this basis. The secondary dwelling departs from the minimum side setback controls (610mm and 710mm are sought where 1.12m is required) but this does not cause any detrimental impacts on the amenity of the adjacent property. The proposal responds reasonably to the site and the non-compliance with site frontage does not create additional impacts to surrounding properties.

Accordingly, despite non-compliance with the site width control, the site is capable of accommodating the secondary dwelling, there are no significant impacts to adjoining properties, and the proposal is supported.

[2] Setbacks

The secondary dwelling does not comply with the side setback controls contained in the ARH SEPP with respect to the northern boundary only. The building is set back 610mm (north-western corner) to 710mm (north-eastern corner) where 1.12m is required, representing a departure of 45.5% and 36.6% respectively.

The building is reasonably sympathetic in scale, its gutter level along the northern boundary varying between 2.74m and 3.74m above the existing ground level. The secondary dwelling is less than 10m in length (9.627m), and contains no windows. The roof is shallow and is orientated east-west, meaning it is hipped to its closest boundary. Adjacent to this building at 97 Croydon Street is a residential flat building set back approximately 3 metres from the boundary, where its basement storage is located. The lowest level of residential use in this residential flat building is located at first floor level which looks over the subject secondary dwelling.

The secondary dwelling does not create any significant visual, privacy or shadow impacts, and is reasonable in the circumstances of the case. This secondary dwelling can easily comply with the Building Code of Australia, and the conditions of consent require the northern walls of the secondary dwelling to achieve a 1 hour fire rating due to this wall being located less than 900mm from the allotment boundary.

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**
 The BASIX commitments outlined in Certificate Nos. 691028S and A243379 dated 10 December 2015 and 5 March 2016 respectively, include installation of water-saving devices, construction of the floor, walls 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 certificates.
- Canterbury Local Environmental Plan 2012 (CLEP 2012)**
 The site is zoned R4 High Density Residential under CLEP 2012. Secondary dwellings are not a permissible use within the R4 High Density Residential Zone as per CLEP 2012. However, secondary dwellings are permissible under the State Environmental Planning Policy (Affordable Rental Housing) 2009. Accordingly, the proposal has been assessed under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R4 High Density Residential	The proposed secondary dwelling is not a permissible use within the R4 zone	No (see * below)
FSR	0.75:1	0.30:1 (186.11m ²)	Yes
Building height	8.5m	4.68m	Yes

* Secondary dwellings are permissible in the R4 zone under the ARH SEPP

As demonstrated in the table above, the proposal complies with the standards found in CLEP 2012, with the exception of permissibility, whereby secondary dwellings are permissible in the R4 zone under the provisions of the ARH SEPP.

- Canterbury Development Control Plan 2012 (CDCP 2012)**
 Whilst the secondary dwelling has been assessed under the ARH SEPP, the rear additions to the dwelling house are assessed under the CDCP 2012. An assessment of the dwelling's rear additions against the relevant provisions of Part 2 of the Canterbury Development Control Plan 2012 is provided below:

Standard	Required	Proposal	Complies
Streetscape	Compatibility with existing scale, rhythm of built elements, fenestration and building materials, street edge	Both the dwelling alterations and additions and the secondary dwelling are located at the rear of the site and are not be highly visible from Croydon Street.	Yes
Side setbacks for dwellings on a narrow lot	Dwelling house 0.9m	North: 803mm	No -see comment [1] below
		South: 1.35m	Yes

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

Standard	Required	Proposal	Complies
Rear setback	6m	10.55m (secondary dwelling), 36m to primary dwelling	Yes
Maximum height	Maximum external wall height 7m and two storeys	4.34m (dwelling) One storey	Yes
Cut and fill	Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.	No cut proposed	Yes
	Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.	No fill proposed	Yes
Total floor area	380m ² for lot size between 600m ² and 900m ²	209m ²	Yes
Maximum floor area of outbuildings	60m ² for lot size over 600m ²	22.89m ² (existing)	Yes
Maximum site coverage of all buildings	40% for lot size over 600m ²	33%	Yes
Adequate room dimensions	The primary living area and principal bedrooms have a minimum width of 3.5m, and secondary bedrooms have a minimum width of 3m.	Complies	Yes

[1] Side setbacks for dwellings on a narrow lot

The setback of the proposed dwelling house extension does not comply with the 0.9m side setback control.

The new wall extending from the rear of the dwelling house is located 803mm from the northern boundary, maintaining the setback of the existing dwelling house, and represents a departure of 10.8%. The addition adopts a skillion roof form and reasonably complements the existing dwelling house in terms of height and form, and results in acceptable amenity impacts on the adjoining property. A small high-level window serving the kitchen is located in this northern wall of the dwelling house. This window does not create any detrimental privacy impacts to the adjoining property. However, in any event, is now proposed to be blocked up to comply with fire requirements.

These fire requirements apply to walls located within 900mm of the allotment boundary in accordance with the National Construction Code. The architect has addressed this requirement by notating 60/60/60 fire rating to all walls less than 900mm and, as mentioned above, closing off the window. A condition of consent requires that the window be removed and the panel of the wall replaced to avoid any unattractive patch work. Taking above points into account the continuation of the wall for the extension is considered reasonable to support under the circumstances.

Part 6.2 Climate, energy and resource efficiency

The primary and proposed secondary dwellings are single storey, and are located on the northern side of the site, and do not result in overshadowing on adjoining properties. In this regard the proposal does not cause overshadowing to adjacent buildings such that they receive less than two hours of sunlight between 9.00am and 3.00pm on 21 June, and comply with our controls.

Our controls also require that at least two hours of sunlight is received by proposed indoor living areas and at least half of the principal area to each dwelling's private open space between 9.00am and 3.00pm on 21 June. In its north-eastern elevation the secondary dwelling has a window measuring 902mm x 466mm, which is not considered to sufficiently enhance the internal residential amenity of this secondary dwelling. A condition of consent requires a skylight measuring at least 1m² to be installed above the living area of the secondary dwelling. Likewise, since the north-facing window of the primary dwelling is being removed for fire-rating purposes, there is inadequate sunlight provision to that room. To remedy this non-compliance a condition of consent requires a skylight measuring at least 1m² to be installed above the kitchen/dining room. With these conditions of consent the proposal meets our controls for daylight and sun access.

The solar access for the secondary dwelling is compliant due to its large northern elevation windows. The principal dwelling has compliant solar access into its kitchen/family room due to large north-east facing sliding doors on the rear verandah.

Part 6.4 – Development Engineering, Flooding and Stormwater

The development application was referred to our Development Engineer, who deemed the proposal satisfactory subject to the imposition of conditions.

Part 6.6 – Landscape

The development application was referred to our Landscape Architect, who deemed the proposal satisfactory subject to the imposition of conditions.

- **Canterbury Development Contribution Plan 2013**
In accordance with Section 94A of the EP&A Act, the proposed development will attract a contribution of \$4,406.32.

Other Considerations

- **Sediment and Erosion Control**
The proposal has already been constructed however a condition of consent will ensure that sedimentation controls are installed for any additional work required as part of this consent, like stormwater work.

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

- **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 need consideration under Section 79C of the Environmental Planning and Assessment Act. 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 proposed development is permissible in the subject site's current zoning under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. 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 generally complies with the provisions of all relevant state environmental planning policies, development control plans, codes and policies with the exception of the controls relating to setbacks.

Notification

The development application was placed on notification for 14 days as required under Part 7 in DCP 2012 until 29 May 2015. 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 and has been found to be satisfactory and worthy of support. The proposed development provides good amenity for future occupants of the subject secondary dwelling and minimises impacts onto neighbouring residents. The design of the proposed development is compatible with the future and desired local character of the area and will positively contribute to the local built environment. As such, it is recommended that the development application be approved subject to conditions.

RECOMMENDATION:

THAT Development Application DA-616/2015 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. Amendment of the plans to indicate the existing north-facing window serving the kitchen of the dwelling house closed up and external wall material to cover the area and finished in an attractive manner.
 - 1.2. For the purposes of ensuring adequate sunlight is received to the secondary dwelling and to enhance the internal residential amenity enjoyed by its occupants, a skylight measuring at least 1m³ must be installed above the living area of the secondary dwelling.
 - 1.3. For the purposes of ensuring adequate sunlight is received to the primary dwelling and to enhance the internal residential amenity enjoyed by its occupants, a skylight measuring at least 1m³ must be installed above the

99 CROYDON STREET, LAKEMBA: ALTERATIONS/ADDITIONS TO DWELLING AND USE OF OUTBUILDING AS SECONDARY DWELLING (CONT.)

kitchen/dining room of the primary dwelling.

- 1.4. 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
- 1.5. 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.
- 1.6. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only); or Evidence of a Home Building (Private) Insurance Certificate.
- 1.7. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.8. Payment to Council of:
- | | |
|--------------------------------------|------------|
| Kerb and Gutter Damage Deposit | \$1814.00 |
| Certificate Registration Fee | \$36.00 |
| Long Service Levy | \$577.50 |
| Section 94 Development Contributions | \$4,406.32 |
- 1.9. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- | | |
|--|-----------|
| Construction Certificate Application Fee | \$1593.00 |
| Inspection Fee | \$832.00 |
| Occupation Certificate Fee | \$161.00 |

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: 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: 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

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- 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.
 - 2.5. 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.
 - 2.6. 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.

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, specifications and details prepared by:

Sheet no.	Prepared by	Title	Received by Council on:
DA00(rev B)	Arthur Velliss Architects	Legend	7 March 2016
DA01(rev B)	Arthur Velliss Architects	Existing ground level and extension	7 March 2016
DA02(rev B)	Arthur Velliss Architects	Existing roof plan	7 March 2016
DA03(rev B)	Arthur Velliss Architects	Existing site plan	7 March 2016
DA04(rev B)	Arthur Velliss Architects	Existing eastern & western elevation	7 March 2016

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DA05(rev B)	Arthur Velliss Architects	Existing northern & southern elevation	7 March 2016
691028S	Terry Pazpinis	BASIX	14 December 2015
A243379	Terry Pazpinis	BASIX	8 March 2016
140720	PAZ Engineering	Drainage Plan	11 December 2015
140721	PAZ Engineering	Drainage Plan	11 December 2015
140722	PAZ Engineering	Drainage Plan	11 December 2015
Engineering Details	PAZ Engineering	Structural Certificate	2 October 2015

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 \$4,406.32. The amount payable is based on the following components:

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

Note: The contributions payable may be adjusted, at the time of payment, to reflect Consumer Price Index increases (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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.

Payment will only be accepted in the form of cash, bank cheque or EFTPOS. Personal cheque and credit card payments will not be accepted.

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. 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

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- 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."
11. 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.

STORMWATER

12. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate.
13. The submitted stormwater drainage design must be generally in accordance with the plans, specifications and details received by Council on 2nd October 2015; drawing number 140720, 140721 and 140722, prepared by PAZ Engineering.
14. Stormwater runoff from all 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 Croydon Street.
15. The pump system is to be designed in accordance with Section 8 'Pumped Systems' of the AS/NZS 3500.3 and Council's DCP 2012, Part 6.4.
16. The pump system volume provided is to be maintained, however it is to be provided underground as per Council's DCP 2012, Part 6.4.
17. All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage.
18. 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.
19. If total impervious areas exceed 75% of the lot area on-site detention designed in accordance with Part 6.4 of Canterbury Councils DCP must be provided.
20. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
21. 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.
22. 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.
23. 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.
24. 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

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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.

LANDSCAPING

25. The existing street tree *Lophostemon confertus* (common name Brushbox), growing on the nature strip in front of the property is to be retained and protected during demolition and construction. A tree protection zone (TPZ) of 3 metre radius (measured from the edge of the tree trunk) 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. No building material storage or construction activity shall be allowed to encroach within this TPZ.
26. The existing property trees must be retained and protected during construction. A 2 metre radius (measured from the edge of the tree trunk) tree protective barrier must be erected around the tree's trunk prior to construction. This tree protection barrier must be of rigid construction and is to be erected around the perimeter of the TPZ prior to the commencement of any site works. This barrier must be well maintained during construction. No building material or construction activity shall be allowed to encroach within this tree protection zone.

SYDNEY WATER REQUIREMENTS

27. 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

28. 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):

- 28.1. prior to covering of the framework for any floor, wall, roof or other building element unless certified by a suitably qualified structural engineer, and
- 28.2. prior to covering waterproofing in any wet areas, and
- 28.3. prior to covering any stormwater drainage connections, and
- 28.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
29. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a

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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

30. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.
31. Prior to the issue of an Occupation Certificate, 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.
32. Prior to the issue of an Occupation Certificate, 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. The accredited engineer must specifically certify achievement of total impervious areas being less than 75% of the lot area.
33. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the pump out system. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
34. The Operation and Management Plan pump out system, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
35. Compliance with the requirements of Development Control Plan No. 37 - Energy Smart Homes Policy must be demonstrated by submitting to the Principal Certifying Authority relevant Certificates of Compliance (Hot water system, plumbing fittings, insulation, clothes dryer) before the issue of an Occupation Certificate. Copies of Certificates of Compliance may be found in the appendices of DCP 37 and must be completed by appropriately qualified persons.
36. Certification must be provided from a suitably qualified person that the fire-rating of walls has been carried out in accordance with the requirements of the National Construction Code.

WE ALSO ADVISE

37. This application has been assessed in accordance with the National Construction Code.
38. 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.
39. Where Council is appointed as the Principal Certifying Authority, you will be required

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to submit Compliance Certificates in respect of the following:

- Structural engineering work
 - Air handling systems
 - Protection from termites
 - Smoke alarms
 - BASIX completion
40. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
41. 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.
42. 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.
43. 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.
44. If you are not satisfied with this determination, you may:
- 44.1. 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
 - 44.2. 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.