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REPORT SUMMARIES

1 38-40 CLYDE STREET, CROYDON PARK: DEMOLITION AND CONSTRUCTION OF AFFORDABLE IN-FILL HOUSING DEVELOPMENT WITH BASEMENT CAR PARKING

- A Development Application (DA) has been received for the demolition of the existing dwellings and construction of an in-fill affordable housing development consisting of twelve units and basement car parking.
- 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, the Canterbury Local Environmental Plan 138 – Canterbury Precinct, Canterbury Local Environmental Plan 2012 and other relevant codes and policy controls. The proposed development involves non-compliances with some of these controls. Issues of non-compliance are discussed in the body of the report.
- In accordance with our Development Control Plan 32 – Notification Policy, all owners and occupiers of adjoining properties were notified of the proposed development. During the notification period, we received six submissions objecting to the proposed development. Issues of concern related to the proposed development being an overdevelopment of the site, amenity issues, traffic and parking issues, loss of privacy, overshadowing, building height and noise pollution. These issues are discussed in the body of this report.
- The Director City Planning has recommended the application be approved subject to conditions.

2 50 HOCKING AVENUE, EARLWOOD: CONSTRUCTION OF A DETACHED DUAL OCCUPANCY DEVELOPMENT

- The proposal involves the construction of a detached dual occupancy development.
- The subject site is zoned Residential 2(a) under the provisions of the Canterbury Planning Scheme Ordinance and the proposed development is permissible with Council’s consent.
- The application has been assessed under the relevant Codes and Policies and generally complies with the provisions of those Codes with the exception of the building height, site width, floor space ratio and side boundary setback control.
- In accordance with our Development Control Plan 32 – Notification Policy, all owners and occupiers of adjoining properties were notified of the proposed development. The application has been notified on two separate occasions. During the first notification period which related to the original design, we received five submissions all objecting to the proposed development.
In May 2013 the design was revised with amendments to façade and garage setbacks. These amendments were renotified in May 2013 during which time three submissions objecting to the proposed development were received. Issues of concern related to the bulk and scale of the development, loss of privacy, height, setback and floor space non-compliances, traffic generation and overshadowing impacts. These issues are discussed in the body of this report.

- The Director City Planning has recommended the application be approved subject to conditions.

3 2A HILLCREST STREET, WILEY PARK: ALTERATIONS AND ADDITIONS TO CONVERT DWELLING FOR USE AS BOARDING HOUSE

- The proposal seeks consent to carry out alterations and additions to convert an existing two storey dwelling into a boarding house. The proposed development will contain ten bedrooms and off street parking for two cars under the in-fill housing provisions in State Environmental Planning Policy (Affordable Rental Housing) 2009.
- The proposal departs from the Floor Space Ratio control in Local Environmental Plan 2012. The variation is sought by the proposed conversion of the existing garage into floor area for the boarding house. There is no increase in the existing building envelope.
- The site is zoned R3-Medium Density Residential under our Local Environmental Plan and its use as a boarding house is permissible in this zone with our consent.
- The application was notified in accordance with our notification policy and six submissions were received. One submission was a petition signed by 19 neighbours. The submissions raised issues relating to privacy, loss of on street parking, anti-social behavior and impacts on property value.
- The Director of City Planning has recommended that the application be approved subject to conditions.
EAST WARD

1  38-40 CLYDE STREET, CROYDON PARK: DEMOLITION AND CONSTRUCTION OF AFFORDABLE IN-FILL HOUSING DEVELOPMENT WITH BASEMENT CAR PARKING

FILE NO: 195/38D
REPORT BY: DIRECTOR CITY PLANNING
WARD: EAST

D/A No: DA-59/2012
Applicant: J Kizana
Owner: Joseph Tannous, William Sleiman and Melissa Sleiman
Zoning: Residential 2(c) under Canterbury Local Environmental Plan 138 – Canterbury Precinct (Density 1) & R4 High Density Residential under CLEP 2012
Application Date: 6 March 2012, additional information provided on 21 February 2013

Summary:

- A Development Application (DA) has been received for the demolition of the existing dwellings and construction of an in-fill affordable housing development consisting of twelve units and basement car parking.
- 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, the Canterbury Local Environmental Plan 138 – Canterbury Precinct, Canterbury Local Environmental Plan 2012 and other relevant codes and policy controls. The proposed development involves non-compliances with some of these controls. Issues of non-compliance are discussed in the body of the report.
- In accordance with our Development Control Plan 32 – Notification Policy, all owners and occupiers of adjoining properties were notified of the proposed development. During the notification period, we received six submissions objecting to the proposed development. Issues of concern related to the proposed development being an overdevelopment of the site, amenity issues, traffic and parking issues, loss of privacy, overshadowing, building height and noise pollution. These issues are discussed in the body of this report.
- The Director City Planning has 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 Urban Development.

Report:

Site Details
The subject site is located on the eastern side of Clyde Street, Croydon Park between Wentworth Street to the south and Georges River Road to the north. The site consists of two lots known as 38 and 40 Clyde Street. The site contains two brick and clad dwellings, a detached garage and storage shed to the rear of the site. The site has a combined frontage of 22.86m to Clyde Street and a site area of 1045.2m$^2$. The land has a slight fall to the street. The site is an accessible site in terms of its proximity to public transport. There is a bus service within 279m of the site on Georges River Road.

Surrounding land uses are predominantly residential characterised by a mix of single and two storey dwellings and two and three storey residential flat buildings. Directly adjoining the site to the south at 42 Clyde Street is a strata titled detached dual occupancy development and to the north at 36 Clyde Street is a dwelling house. To the west are three and four storey residential flat buildings. Further to the north along Clyde Street is a mix of older style two and three storey residential flat buildings.

Proposal
The proposal involves the demolition of the existing site structures and construction of a residential flat building containing twelve, two bedroom units with associated basement level car parking. The proposal has been lodged as an in-fill affordable housing development under Part 2, Division 1 of the State Environmental Planning Policy (Affordable Housing 2009). The development will comprise:
• **Basement**
  – 13 car parking spaces (including one disabled car space);
  – Vehicular access to the basement will be provided from Clyde Street;
  – Storage areas; and
  – Two internal and one external stairways leading to the ground level.

• **Ground floor**
  – Four x two bedroom units with private courtyard areas;
  – Access is provided from Clyde Street via a walkway along the southern side boundary;
  – Two entry points to the internal stairs leading to upper level units;
  – Bin presentation and mail box areas; and
  – Communal courtyard at the rear of the building.

• **First floor**
  – Four x two bedroom units with associated balconies.

• **Second floor**
  – Four x two bedroom units with associated balconies.

The development is designated as affordable housing and will need to dedicate a minimum of 20% of the floor space within the development.

**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 (DCPs), codes and policies are relevant:

• Canterbury Local Environmental Plan 138 – Canterbury Precinct (LEP 138)
• Canterbury Local Environmental Plan 2012 (CLEP 2012)
• State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
• State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)
• State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) (SEPP 2004 BASIX)
• Development Control Plan 13 – Multiple Unit Development (DCP 13)
• Development Control Plan 20 – Car Parking (DCP 20)
• Development Control Plan 29 – Crime Prevention Through Environmental Design (DCP 29)
• Development Control Plan 37 – Energy Smart Homes Code (DCP 37)
• Development Control Plan 45 – Landscaping (DCP 45)
• Development Control Plan 48 – Waste Management (DCP 48)
• Section 94 Contributions Plan.
Assessment
The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

• **Canterbury Local Environmental Plan 138 – Canterbury Precinct (LEP 138)**
  The site is zoned Residential 2(c) under the CLEP 138 – Canterbury Precinct. The proposal involves the demolition of the existing structures and construction of a multiple unit development with basement car park and is permissible under the zone.

  Before granting a consent to a development, Council must consider the objectives of the zone. In this regard, the objectives of the Residential 2(c) zone is to achieve:
  
  (a) Residential development allowed in the Residential “A” zone and multiple unit housing; and
  
  (b) Development which will not detrimentally affect the residential character or amenity of the area.

  The proposed development meets the objectives of the zone in that it will be a multiple unit development that will not detrimentally impact on the amenity of the surrounding area.

  Furthermore, in accordance with Clause 14 of CLEP 148, the base Floor Space Ratio adopted for the assessment of this application under State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) is 0.75:1. This has been adopted as per previous applications where an FSR was required as a basis for SEPP provisions.

  The proposed development is made pursuant to the provision of Part 2 Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP), thus permitting the development on the subject site by virtue of Clause 10(a) which allows for ‘multi dwelling housing’.

  A detailed discussion of all relevant provisions of the ARH SEPP is provided in a later section of this report.

• **Canterbury Local Environmental Plan 2012 (CLEP 2012)**
  This site is zoned R4 High Density Residential under LEP 2012, and residential flat buildings are permissible in the zone. The controls applicable to this application are:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSR</td>
<td>0.75:1</td>
<td>0.89:1</td>
<td>No</td>
</tr>
<tr>
<td>Building height</td>
<td>8.5m</td>
<td>8.6m</td>
<td>No</td>
</tr>
</tbody>
</table>

  However, the savings controls listed in Clause 1.8A of LEP 2012 prevent any determinative weighting from being afforded to its provisions in respect to this application.
The application is for an in-fill affordable housing development lodged pursuant to the provisions of 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. The proposed development involves the construction of a multiple unit development.

The applicant has indicated that 20% of the proposed development will be allocated as affordable rental housing and have commenced negotiations with registered community housing providers to manage the affordable housing. In this regard, in accordance with Clause 17(1)(a) of ARH SEPP, three units in the development will need to be managed by a registered Community Housing Provider for a minimum of 10 years. The proposal has been compared against the relevant provisions of the ARH SEPP as follows:

**Clause 10(1)** The subject site is zoned Residential 2(c) under Canterbury Local Environmental Plan 138 – Canterbury Precinct and has an equivalent residential zone, and therefore is permissible in the zone in accordance with Clause 10(1) of the ARH SEPP.

**Clause 10(2)** of the ARH SEPP requires that in-fill affordable housing developments in the Sydney Region be located within an ‘accessible area’ which is an area in proximity of certain transport nodes, including 400m metres walking distance to a bus stop used by a regular bus service. A bus service provides a regular service on Georges River Road, Croydon Park. This bus stop is within 279 metres walking distance from the site which complies with this control.

**Clause 13** of the ARH SEPP outlines the floor space ratio applicable to in-fill Affordable Rental Housing developments. The floor space ratio is defined as being the maximum floor space allowable in the subject zone plus a floor space bonus based on the amount of floor space to be dedicated to affordable rental housing.

We have adopted a maximum allowable floor space ratio in the Residential 2(c) zone as 0.75:1. Given the amount of floor area provided in the subject development as affordable rental housing, the bonus additional floor space allowance is 0.2:1. The maximum floor space ratio applying to the site is therefore 0.95:1. The proposal has a floor space ratio of 0.89:1 and therefore complies with the requirement of Clause 13 of the SEPP.

**Clause 14** prescribes minimum standards which cannot be used to refuse consent. The following table is an assessment of the proposal against the ARH SEPP standards:

<table>
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<tr>
<th>Control</th>
<th>Requirement</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>Min. 450m²</td>
<td>1045.2m²</td>
<td>Yes</td>
</tr>
<tr>
<td>Landscaped Area</td>
<td>Min 30% of the site area (313.56m²)</td>
<td>36% provided (380.7m²)</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Control | Requirement | Proposal | Complies
--- | --- | --- | ---
Deep Soil Zone | 15% of the site area, or 156.7m². Deep soil zone has a minimum dimension of 3 metres. If practical, at least two-thirds of the deep soil zone is to be located at the rear of the site. | 20.5% (214.3m²) of the site is provided with deep soil zone with minimum dimension of 3m. 73% of the deep soil zone is provided behind the front building line. | Yes
Solar Access | Living rooms and private open space areas for a minimum of 70% of the dwellings are to receive a minimum of three hours sunlight between 9.00am and 3.00pm at the Winter Solstice. | All of the dwellings will receive a minimum of three hours sunlight between 9.00am and 3.00pm at the Winter Solstice. | Yes
Car Parking | At least 1 space for each 2 bedroom dwelling; 12 spaces Total: 12 spaces required | 13 car spaces (incl. one disabled car space). Total: 13 spaces | Yes
Dwelling Size | 70m² per 2 bedroom dwelling | All 2 bedroom dwelling have a gross floor area in excess of 70m² | Yes

Clause 16A of the ARH SEPP requires that a consent authority take into consideration whether the design of the development is compatible with the character of the local area. The current planning controls applying to the land allow for a range of development types, including multiple unit development. The proposed development is similar in bulk and scale (when viewed from the street frontage) to permissible developments envisaged by the existing and likely future planning controls. The design of the proposed development is compatible with existing building forms in Clyde Street. The building has a similar setback to its adjoining neighbours which will further minimise the scale of the development when viewed from the street. The architectural design of the development is in keeping with the style of development in the street.

Consideration should also be given as to whether the new building will reflect the local context. The proposal has attempted to be in keeping with the local streetscape through the use of building materials such as face brick that is of a similar texture and colour to surrounding development. The building provides good amenity and is well articulated to the street and side elevations. The front building line of the proposed development is consistent with that of adjoining development in the street.

The proposal is a consistent form of development permitted by our planning controls and meets the character test controls contained with the ARH SEPP and is worthy of support.

Clause 17 of the ARH SEPP states the affordable housing dwellings within the development will be used for affordable housing for a period of ten years, managed by a registered community housing provider. Relevant conditions can be imposed to ensure that the proposed development satisfies this clause.

Clause 18 of the ARH SEPP states that such development may be subdivided with development consent. The application does not seek to strata subdivide the building at this stage.
The proposal therefore satisfies the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

- **State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)**
  This policy aims to improve the design quality of residential flat buildings. The proposed development falls within the definition of a residential flat building under this SEPP as it involves the construction of a three-storey building containing more than four residential units. The SEPP requires that registered architects carry out the design of residential flat buildings. A registered architect has designed the proposal. The SEPP requires consideration of the following matters prior to determining the application:

  **Design Quality Principles**
  The applicant has addressed these principles as follows:

1. **Context**
   The subject site is located within a local street generally characterised by a mix of single dwellings and residential flat buildings. Multiple unit development is permitted in the current zoning and the area is earmarked for further high density residential developments under Canterbury LEP 2012. The proposed built form is comparable to existing development in the street and immediate area. The proposal is also comparable to a building envelope that could be achieved under current Council controls with say, a dwelling combination that includes more ‘large dwellings’ as defined under DCP 13 – Multiple Unit Development Code. The design of the building includes a mix of building materials and finishes which breaks up the bulk of the building and presents an acceptable design. The front setback of the proposed building is comparable to the neighbouring developments, and as such maintains the established building line in the street.

2. **Scale**
   The proposed development is consistent with the scale, height and bulk of existing residential flat buildings in the vicinity of the site. The building has been designed in accordance with Council’s relevant controls in terms of height and setback controls. Furthermore, the proposal effectively satisfies the objectives detailed in Clause 7.1 of DCP 13.

3. **Built Form**
   The built form and scale is consistent with other three storey residential flat buildings and two storey residential flat buildings within the vicinity of the site. The proposed combination of recesses in the façade, use of different face bricks and privacy screening will provide a good design response.
4. **Density**
The densities proposed are consistent with the density provisions that apply to the site under State Environmental Planning Policy (Affordable Rental Housing) 2009.

5. **Resource, Energy and Water Efficiency**
The proposal has been assessed against BASIX and adequately meets all required categories of water, thermal comfort and energy.

6. **Landscape**
The proposed development complies with the minimum required landscaped open space areas required under State Environmental Planning Policy (Affordable Rental Housing) 2009.

7. **Amenity**
The development incorporates private courtyards for each unit on the ground floor. One balcony is provided for each unit on the first and second floors along the northern elevation. A setback of 6.03m has been provided between the development and northern side boundary along with privacy screens along the balcony and windows to mitigate privacy impacts. It is acknowledged that the balconies will result in a level of overlooking onto the adjoining property to the north and east, however adequate separation has been provided between the proposal and existing dwellings to the north and east. Further the screening proposed will minimise overlooking onto the adjoining properties. The density and design of the proposed development and the neighbouring developments are such that off-setting of open space areas such as ground floor courtyards is not possible. This is unlikely to impact on the adjoining site to the north as it does not contain balconies or courtyards at the ground floor level. Further, the existing setbacks of the neighbouring buildings, combined with the setbacks for the proposed building provide sufficient distances between buildings to further minimise privacy impacts. The proposed development provides good amenity to future occupants of the development with careful location of private open space and living areas within each dwelling to obtain good access to sunlight. One driveway entry is provided from the Clyde Street frontage of the property accessing the basement car parking area with pedestrian access ways from the front of the property. All dwellings are provided with their own private open space in addition to a communal open space area towards the rear of the development.

8. **Safety and Security**
The proposed access points to the development will achieve good natural surveillance. Safety and security is obtained by the design preventing undesired access into the residential areas of the site. The footpaths leading to the pedestrian entrances are generally straight and visible from the street. The location of the living room windows provides good casual surveillance to the Clyde Street frontage.
9. **Social Dimensions**

The proposed development is located in close proximity to public transport and retail precincts. The proposed development will also add to the affordable housing stock in the area.

10. **Aesthetics**

Adequate visual relief has been provided in the elevations to ensure the development presents well and is compatible with the streetscape. The overall bulk and scale of the development is in keeping with the existing built form in the streetscape.

The proposal is consistent with the Residential Flat Design Code. It is also consistent with the ‘Better Urban Living Guidelines for Urban Housing in NSW’.

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

A BASIX Certificate accompanies this application. The certificate lists a number of commitments, including the installation of a central water tank, gas instantaneous hot water system with a minimum 3 star rating for each dwelling, provision of natural lighting and provision of insulation to floor and walls. These commitments have been shown on the DA plans where required and meet the water, energy and thermal comfort targets and satisfy the requirements of the SEPP.

- **Development Control Plan 13 – Multiple Unit Housing (DCP 13)**

As previously indicated the base FSR adopted for the assessment of this application under AHR SEPP is 0.95:1. This is comparable to Density 4 plus bonus of DCP 13. The proposed building compares to our Multiple Unit Housing Code as follows:

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width of Site</td>
<td>Min frontage of site = 20m (fronting local street)</td>
<td>22.86m</td>
<td>Yes</td>
</tr>
<tr>
<td>Private Open Space (POS)</td>
<td>Medium dwellings min 7m² POS</td>
<td>Medium Dwellings &gt;7m²/dwelling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>POS not overlooked from adjoining properties.</td>
<td>POS of all dwellings is located to minimise overlooking from adjoining properties</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>POS directly accessible from living areas of each dwelling</td>
<td>POS areas directly accessible from the living areas of all dwellings</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Min dimension of POS 2m x 2m</td>
<td>POS has minimum dimensions 2m x 2m</td>
<td>Yes</td>
</tr>
<tr>
<td>Front boundary setback</td>
<td>7.5m for two storey Over 2 storeys = 8.5m (Min.) Open balconies may encroach front setback by 1m</td>
<td>8.5m to first floor Three storey = 8.5m</td>
<td>Yes</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>North elevation - 3m for ground floor</td>
<td>6.03m to ground floor</td>
<td>Yes</td>
</tr>
</tbody>
</table>
As demonstrated in the above table, the proposed development generally complies with the numerical requirements of DCP 13 with the exception of a minor encroachment on the side boundary setback control. This is not an issue in its own right to warrant refusal of the application and there is scope for this control to be varied to support the proposed development given this development has been assessed under the ARHSEPP. This issue warrant some discussion and acts as a guideline control for our consideration. This matter is discussed in greater detail as follows:

**Setbacks**

In regards to the proposed side setbacks along the southern side boundary, Clause 6.2.2(b) permits a variation to the required setback controls to enable design flexibility. An encroachment of 25% of the required setback may be considered. The proposal represents an encroachment of 1.5% on the southern side setback. The setbacks are generally compliant with the exception of a portion of the side setbacks on the first and second floors of the building. This non-compliance of 70mm is minor in nature and extends approximately for 17% of the building depth. To offset this minor encroachment, generous side and rear setbacks have been provided along the side and rear elevations to minimise the bulk of the building. The minor encroachment satisfies the objectives of the side boundary controls which are to provide reasonable privacy and open space, allow adequate solar access and minimise overshadowing on adjoining properties and to provide some flexibility in the siting of buildings. The openings along the southern elevation are bedroom windows and it is proposed to screen specific windows to mitigate potential overlooking into the

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>Three storeys = 9m (max)</td>
<td>3 storeys = 8.6m</td>
<td>Yes</td>
</tr>
<tr>
<td>Clothes drying facilities for each dwelling</td>
<td>Provision of a dryer or external clothes line per dwelling</td>
<td>Clothes drying facilities can be imposed as condition of consent.</td>
<td>Yes</td>
</tr>
<tr>
<td>Storage space per dwelling</td>
<td>Storage space = 5m² to be provided per dwelling in parking area or basement</td>
<td>5m² of storage space per dwelling provided in basement</td>
<td>Yes</td>
</tr>
<tr>
<td>Letter boxes</td>
<td>Letter boxes in accordance with Australia Post requirements</td>
<td>Letter boxes located towards the front boundary at Clyde Street.</td>
<td>Yes</td>
</tr>
<tr>
<td>South elevation</td>
<td>- 4.4m for first and second floors (balconies can encroach 1.5m)</td>
<td>6.03m to upper first and second floors</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>- 3m for ground floor</td>
<td>4.33m – 6.03m to ground floor</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>- 4.4m for first and second floors</td>
<td>4.33 – 6.03m to ground floor</td>
<td>Yes – see comment below</td>
</tr>
<tr>
<td>Rear Elevation</td>
<td>- 3.0m for ground floor</td>
<td>5m for ground floor</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>- 4.4m for first and second floor</td>
<td>5m for upper first and second floor</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As demonstrated in the above table, the proposed development generally complies with the numerical requirements of DCP 13 with the exception of a minor encroachment on the side boundary setback control. This is not an issue in its own right to warrant refusal of the application and there is scope for this control to be varied to support the proposed development given this development has been assessed under the ARHSEPP. This issue warrant some discussion and acts as a guideline control for our consideration. This matter is discussed in greater detail as follows:
southern adjoining properties. Further the bedrooms are low use rooms and are unlikely to impact on the privacy of the adjoining dwellings.

It is noted that the neighbouring site comprises a dual occupancy development under Strata Title which is not likely to be re-developed and therefore the proposed development would not be considered to lead to the isolation of any adjoining land.

- **Development Control Plan 20 – Car Parking (DCP 20)**
  DCP 20 aims to ensure that development provides adequate off-street car parking and access arrangements. However, the minimum requirements contained in Clause 14 of the ARH SEPP override our controls. Under our DCP 20, the proposed development would require 12 resident spaces, 2 common spaces and 2 visitor’s spaces and a car wash bay giving a total of 17 spaces. The proposed development provides 13 car spaces which is surplus to the minimum of 12 spaces required under the ARH SEPP. The SEPP clearly specifies that Council cannot refuse an application on the grounds of parking if the development meets the SEPP’s standards in this regard. As such, the proposed development is acceptable in terms of car parking provided on site.

- **Development Control Plan 29 – Crime Prevention Through Environmental Design (DCP 29)**
  The development application has been assessed against the relevant controls of our DCP 29. The policy adopts three main principles which aim to reduce the likelihood of criminal activity, including natural surveillance, access control and ownership. The proposal compares to the requirements of DCP 29 as follows:

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Surveillance</td>
<td>Avoid blind corners. Provide natural surveillance for public/communal areas. Clearly visible entries. Entrances, exits, service areas and car parking should be well lit.</td>
<td>The proposed development does not include blind corners and provides to natural surveillance of public areas. The developments entrance is clearly visible from adjoining properties.</td>
<td>Yes</td>
</tr>
<tr>
<td>Access Control</td>
<td>Clear entry points. Landscaping not to obstruct surveillance.</td>
<td>The proposal includes clearly delineated access points. The proposal does not include significant fencing or landscaping works that will obstruct natural surveillance of the site.</td>
<td>Yes</td>
</tr>
<tr>
<td>Ownership</td>
<td>Create a ‘cared for’ image. Use materials which reduce opportunity for vandalism. Express a sense of ownership and reduce illegitimate use/entry.</td>
<td>Materials and finishes proposed will reduce opportunity for vandalism.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As highlighted, the proposal is consistent with the objectives of our Crime Prevention Through Environmental Design DCP.
It is recommended that access to stairwells must be restricted to residents only through a security system. Visitors to the residential complex must be provided with access through the internal stairwells via an intercom system. Conditions of consent in this regard will be included.

Furthermore, to encourage greater surveillance of the site, conditions will be included requiring the installation of lighting along the pathways.

- **Development Control Plan 37 – Energy Smart Homes Policy (DCP 37)**
  DCP 37 applies insofar that it aims at protecting and maintaining the solar access of immediately adjoining residential properties by ensuring it receives 2 hours sunlight between 9am and 3pm on June 21 to the various scenarios tabled below:

<table>
<thead>
<tr>
<th>Solar Access Requirement</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To at least 50% or 35m² (which includes a minimum dimension of 2.5m) of the adjoining property’s principal area of ground level private open space (POS), whichever is lesser.</td>
<td>At least 50% of the adjoining properties principal area of ground level private open space will receive at least 2 hours sunlight between 9.00am and 3.00pm on 21 June.</td>
<td>Yes</td>
</tr>
<tr>
<td>One living room window (of the adjoining property) is to receive 2 hours sunlight between 9am and 3pm on June 21.</td>
<td>Will allow one living room window of the adjoining properties to receive at least two hours sunlight between 9.00am and 3.00pm on 21 June.</td>
<td>Yes</td>
</tr>
<tr>
<td>Outdoor clothes drying area of the adjoining property is to receive 2 hours sunlight between 9am and 3pm on June 21.</td>
<td>Any outdoor clothes drying area in the courtyard of the adjoining properties will receive at least two hours sunlight between 9.00am and 3.00pm on 21 June.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

- **Development Control Plan 45 – Landscaping (DCP 45)**
  A landscape plan was submitted as part of the application. The application has been reviewed by our Landscape Architect and was found to be satisfactory with regards to compliance with DCP 45. Conditions have been recommended that require amendments to be made to the development’s landscape plan.

- **Development Control Plan 48 – Waste Management (DCP 48)**
  The DA has been assessed against the relevant provisions of our Development Control Plan 48 – Waste Management as it applies to multiple unit development. Clause 2.3 of the DCP requires that the development be provided with a bin presentation area located within 15 metres of the street kerb to accommodate garbage and recycling bins for each dwelling. A condition of consent will be imposed requiring the provision for a bin bay area located within the front setback which will comply with this requirement of the DCP.

  The stormwater plan submitted with the application has been assessed by our Development Engineers and is in accordance with Council’s requirements.
No objection is raised subject to conditions of consent being attached to any consent granted.

- **Section 94 Contributions Plan**
The proposed development includes twelve medium dwellings which attracts a contribution under the Section 94 Contributions Plan of $97,731.56. This contribution is subject to indexing. Furthermore credit is given to this development, as the subject site is presently occupied by one large dwelling on each of the allotments.

**Other Considerations**
- **Health, Safety and Amenity Considerations during Construction Phase**
During the construction of the development, the health and amenity of workers, the public and adjoining properties alike needs consideration under Section 79C of the EPAA. Accordingly, all works associated with the development will be restricted to daytime hours to ensure the works will not be a nuisance to adjoining occupiers and property owners (by way of standard condition).

- **Acid Sulfate Soils**
The subject site is a Class 5 Acid Sulfate Soil (ASS) affected site. Given the scope of the excavation works proposed and the site being classified as Class 5 Acid Sulphate Soil, should the application be approved, a condition has been recommended for the submission of an Acid Sulphate Soil Management Plan prior to the issue of the Construction Certificate.

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

**Notification**
The development application was placed on notification in accordance with the requirements of our Development Control Plan 32 – Notification Policy during which time six submissions were received in regard to the application. The objection letters raised the following issues of concern which are discussed below:

- **Overdevelopment of the site and out of character with the streetscape**
Concerns have been raised that the proposed development is an overdevelopment of the site.

  **Comment**
As discussed earlier in this report, the application has been made under State Environmental Planning Policy (Affordable Rental Housing) 2009. Under the SEPP, there are a number of minimum standards that cannot be used to refuse the development consent. These controls relate to floor space ratio, minimum allotments size, landscaped area, deep soil zones, dwelling size and car parking. As highlighted earlier, the proposed
development as presented complies with these minimum standards and as such, we are unable to refuse consent on these grounds.

- **Parking and Traffic**
  Concerns have been raised that the proposed development does not provide sufficient car parking to meet the likely demands of the proposed development and that the development will generate excessive levels of traffic.

  **Comment**
  Car parking provisions for development assessed under the ARH SEPP are in Clause 14 of the SEPP. As previously noted, this is one of a number of controls that cannot be used as reasons for refusal if such development meets these minimum standards. Under the ARH SEPP, the development is required to provide a minimum of one space per two bedroom dwelling. A total of twelve dwellings are proposed therefore requiring a minimum of twelve off-street car parking spaces. Thirteen spaces (including one disabled car parking space) are provided at the basement level car park to comply with this requirement.

  With respect to traffic generation, the level of traffic generation from the development is not excessive and is not likely to have an impact on the movement of traffic in the local road system. Refusal of the application on parking or traffic grounds cannot be supported.

- **Noise Pollution**
  Concerns have been raised that the proposed development will have an adverse impact on adjoining development by way of increased noise pollution.

  **Comment**
  While the proposal is of a higher density than existing development, the development is of residential scale and noise levels generated will be consistent with that of a domestic nature. Refusal of the application on these grounds cannot be supported.

- **Loss of Privacy**
  Concerns have been raised that the proposed development will have a detrimental impact on the privacy of the adjoining residential properties.

  **Comment**
  The design of the proposal is such that the entrance to development will be via a pathway along the northern side boundary. The side and rear setbacks at the ground and upper floor levels are greater than the minimum requirements. There is sufficient building separation between the subject development and the existing buildings to the north, south and east. The courtyards are not raised higher than the adjoining property to the north and are unlikely to result in direct overlooking onto the adjoining property. In regards to the upper level units, the openings along the northern and southern elevations have been provided with privacy screening to the balconies and some bedroom windows. This will mitigate potential overlooking into the northern and southern adjoining properties. The majority of the bedroom windows are offset from the existing windows of the building on the adjoining sites. Further, the bedrooms are low use rooms and are unlikely to impact on the privacy of the adjoining dwellings.
• **Loss of Property Values**  
Concerns have been raised that the proposed development will have a detrimental impact on property values.

**Comment**  
There is no evidence to suggest that approval of the proposed development will result in any loss of property values. As such, this does not warrant refusal of the development application.

• **Overshadowing**  
Objection was raised in relation to the shadow impact of the development on the adjoining properties.

**Comment**  
The applicant has submitted shadow diagrams which demonstrate that the proposed development satisfies the solar access requirements of DCP 37 and the ARH SEPP 2009 with regard to the provision of solar access to neighbouring residents. The development will allow two hours of solar access to at least one living room window and to 50% of the adjoining properties’ principle private open space areas in the winter solstice.

• **Height of development and compliance with Council controls**  
Concern has been raised regarding the proposed height.

**Comment**  
With regard to the height, the proposal complies with the maximum 9 metre building height control as specified under our Multiple Unit Development Code (DCP 13).

Given the above, the proposed development is considered to offer adequate view sharing opportunities.

**Conclusion**  
The proposed development is for an in-fill affordable rental housing development lodged pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The development complies with the requirements of that policy, including the minimum standards which cannot be used to refuse development consent. While the development would not comply with our car parking controls, these controls conflict with the minimum standards of the ARH SEPP and as such, cannot be used as reasons to refuse development consent.

Given the inherent conflict between the objectives and controls of the ARH SEPP and some of our car parking controls, it is not possible to strictly comply with our DCP 20 controls. For this reason, DCP 20 controls are not fully complied with, as strict compliance would challenge and undermine the fundamental objectives of the SEPP. However, in the context of the ARH SEPP controls and objectives, the proposal is supported notwithstanding that full compliance with DCP 20 controls is not achieved.
RECOMMENDATION:

THAT Development Application DA-59/2012 be APPROVED subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issue of a Construction Certificate:
   1.1. Details of:
       • Protection from termites
       • Structural Engineering Plan including method of shoring during excavation to protect adjoining properties
       • Landscape Plan
       • Hydraulic Plan
       • Building Specifications
       • Sydney Water Notice of Requirements
       • Fire Safety Schedule
       • Fire Separation
       • Soil and Waste Management Plan
       • Basix Requirements
       • Ventilation of basement in accordance with AS 1668.2
       • Compliance with Conditions 7, 8, 55 and 56 of this consent
   1.2. Evidence of an Owner Builder Permit (Class 1 & 10 buildings only); or Evidence of a Home Building (Private) Insurance Certificate.
   1.3. An Acid Sulphate Soil Management Plan must be prepared in accordance with the NSW Acid Sulphate Soils Assessment Guidelines prior to the issue of the Construction Certificate.
   1.4. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
   1.5. Payment to Council of:
      Kerb and Gutter Damage Deposit $3,075.00
      Section 94 Contributions $97,731.56
      Certificate Registration Fee $36.00
      Long Service Levy $5,737.70
      Long Service Levy Commission $19.80
   1.6. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
      Construction Certificate Application Fee $4,300.50
      Inspection Fee $1,618.00
      Occupation Certificate Fee $455.00

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

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

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

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

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

BEFORE COMMENCING THE DEVELOPMENT

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

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over $12,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

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

DEMOLITION

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

GENERAL
6. The development being carried out in accordance with the plans, specifications and details prepared by Kizana Design Group marked Drawing No. DA01-D07 Issue B dated 18 February 2013 as received by Council on 20 February 2013, Landscape Plan prepared by Vision Dynamics Drawing No. 11193DA1 dated 22 November 2011 as received by Council on 6 March 2012 and Materials and Finishes as received by Council on 6 March 2012, except where amended by the conditions specified in this Notice and the following specific condition/s:

7. A dilapidation report/photographic survey prepared by an appropriately qualified engineer is to be undertaken of the adjoining properties being 36 and 1/42 and 2/42
Clyde Street, Croydon Park detailing the physical condition of the properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to occupation of the building, a certificate by an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified 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.

8. A geotechnical engineering report assessing the impact and safety of the proposed works is to be prepared by a suitably qualified and experienced geo practitioner and provided to the Principal Certifying Authority prior to the issue of a Construction Certificate. The report must include the results of subsurface investigations, involving either test pits to rock, or preferably the drilling of cored boreholes (to one metre below the proposed final excavation level). The report shall describe:

- An indication and nature and depth of any uncontrolled fill at the site.
- An indication of the nature and condition of the material to be excavated.
- Indications of groundwater or seepages.
- Required temporary measures for support of excavations deeper than one metre adjacent to property boundaries.
- Statement of required excavation methods in rock and measures required to restrict ground vibrations.
- Other geo-technical information or issues considered relevant to design and construction monitoring.

All findings and recommendations of the Report are to be followed and adhered to throughout the construction process.

9. Thirteen (13) off-street car spaces (which includes one (1) disabled car space) being provided in accordance with the submitted plans.

10. 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 City Council’s Section 94 Contributions Plan 2005, 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 monetary contribution of $97,731.56 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

<table>
<thead>
<tr>
<th>Contribution Element</th>
<th>Contribution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Acquisition</td>
<td>$47092.94</td>
<td>711</td>
</tr>
<tr>
<td>Recreation Facilities</td>
<td>$7903.34</td>
<td>712</td>
</tr>
<tr>
<td>Community Services</td>
<td>$25059.34</td>
<td>713</td>
</tr>
<tr>
<td>Environmental Amenity Improvements</td>
<td>$9759.91</td>
<td>714</td>
</tr>
<tr>
<td>Traffic Control and Management</td>
<td>$1662.53</td>
<td>715</td>
</tr>
<tr>
<td>Monitoring, research and administration</td>
<td>$6253.50</td>
<td>717</td>
</tr>
</tbody>
</table>
Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined. Council’s Section 94 Contributions Plan 2005 may be inspected at Council’s Administration Centre, 137 Beamish Street, Campsie or from Council’s website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council’s Administration Centre, 137 Beamish Street, Campsie during office hours.

11. With the concurrence of the effected adjoining properties, 600mm of lattice being provided along the northern, southern and eastern boundary fences at the applicant’s cost.

12. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.

13. The bathroom and ensuite window(s) being translucent glass.

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

15. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.

16. Council’s warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

17. All building construction work must comply with the National Construction Code.

18. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.

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. 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.

21. Provide a Surveyor’s Certificate to the Principal Certifying Authority prior to the pouring of concrete at basement, ground, first and second floor slab level 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.

22. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council’s Stormwater Management Manual.

23. 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.

24. Materials must not be deposited on Council’s roadways as a result of vehicles leaving the building site.

25. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.

26. An application being made to Council’s City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner’s cost.
27. Toilet facilities shall be provided to the work site in accordance with WorkCover’s NSW “CODE OF PRACTICE” for Amenities for construction work and any relevant requirements of the BCA.

28. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.

29. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.

30. Where excavation is proposed adjacent to existing dwellings or a vacant property, the works shall be carried out in accordance with Part 3.1.1-Earthworks BCA and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)

31. Where erection or demolition of a building involves the closure of a public place, or where pedestrian or vehicular access is to be obstructed or rendered inconvenient, the premises is to be provided with a hoarding and or sufficient awning to be erected to prevent any substance from, or in connection with the work falling onto the public place.

32. The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.

33. 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.

34. 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).

35. Payment of an additional garbage levy for each new dwelling upon completion of work.

36. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:
   a) relevant BASIX Certificate means:
      i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
      ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
   b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

ENGINEERING

37. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 28th February 2013; drawing numbers 578 – S1/3 to S3/3 Rev B & S1/1 Rev A prepared by CPD Trade & Construction P/L and as amended by the following condition.

38. 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.
39. 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 Council’s Stormwater Management Manual - Specification 9 “A Guide for Stormwater Drainage Design”.

40. Full width grated drains being provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council’s Stormwater Management Manual - Specification 9 “A Guide for Stormwater Drainage Design”.

41. Where OSD is required; three (3) copies of plans and calculations must be submitted prior to the issue of Construction Certificate to the Principal Certifying Authority PCA and Canterbury City Council, if Council is not the PCA. The plans must be prepared by a practicing Civil Engineer and include levels reduced to Australian Height Datum (AHD) and full details of the hydraulic evaluation of the entire stormwater drainage system. The details shall be prepared in accordance with Council’s Stormwater Management Manual – Specification 9.

42. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Council’s Stormwater Management Manual – Specification 9.

43. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5.5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.

44. 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.

45. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.

46. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
47. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".

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”.

49. The reconstruction of the kerb and gutter along all areas of the site fronting Clyde Street is required. Work to be carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.

50. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Clyde Street is required. Work being carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.

51. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

LANDSCAPING

52. The three existing street trees growing in the footpath on Clyde Street adjacent to the development site must be retained and protected during the development.

53. The three (3) existing street trees, *Melaleuca stypheloides* (common name: Prickly Paperbark), located in the public reserve on Clyde Street fronting the development site must be retained and protected during construction. Trunk protection measures are required to be implemented in accordance with Section 4.5.2, *AS 4970-2009 Protection of trees on development site*, prior to the commencement of any site works including demolition. Lengths of timber (100mm×50mm×2000mm) must be used to protect the tree’s trunk during construction works. The lengths of timber should be laid over geotextile, underfelt or layers of Hessian and fastened around the trunk at 200mm centres with hoop iron strapping or similar.

54. The two (2) existing site trees are proposed to be removed to accommodate the development. One of them is a mature *Callistemon sp.* (Bottle Brush) with height of 6m. A number of native tree species are proposed to be planted in site, which is considered satisfactory. However, all the trees in the proposed landscape plan should be min. **45L** pot sized.

55. The deep soil zone area along the southern side boundary is largely occupied by paved footpaths near the site southern boundary. To maximize the use of deep soil zones and reducing the paved footpath areas, a continuous **1500mm** wide planting bed must be provided along the full length of the southern boundary with combination of tree and shrub planting that forms sufficient screen planting to the adjoining properties. This details must be provided prior to the issue of the Construction Certificate.

56. The maintenance period for all the approved landscape works on the development site must be set for a minimum of 26 weeks. The Maintenance Schedules for 26 weeks must be provided prior to the issue of Construction Certificate, including, but not limited to:

- replacement strategy for failures in plant materials and built works,
maintenance schedule for watering, weeding and fertilizing during the establishment period.

WASTE
57. The openings providing access to the bin storage / presentation area must be a minimum of 1.2 metres wide. The path of travel to the street kerb from the bin area must be a minimum of 1.2 metres wide and free of steps or obstructions.

58. A minimum of four (4) square metres must be provided for residents to store bulky rubbish [mattresses, whitegoods and the like] awaiting Council’s pre-booked clean up service. This must be addressed on the Construction Certificate plans prior to the issue of the Construction Certificate.

59. The provision for a bin bay area located within the front setback must be provided in accordance with the requirements of DCP 48. This must be shown on the Construction Certificate plans.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN
60. All access points to the buildings stairwells must be restricted to residents only through a security system. Visitors to the residential complex must be provided with access via the intercom.

61. The proposed pathway must to be lit to ensure the safety of pedestrians with consideration being given to adjoining residents. Lighting details are to be in accordance with AS 1158.3.1:1999.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009
62. In accordance with Clause 17(1)(a) of State Environmental Planning Policy (Affordable Rental Housing) 2009, a minimum of 20% of the floor space within the approved development must be used for the purpose of affordable housing for a tenure of 10 years from the date of the issue of the occupation certificate. All affordable rental housing at the site must be managed by a registered community housing provider.

63. Units 4, 9 and 10 must be specified as an affordable housing dwelling. In this regard, a restriction being registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, prior to the issue of the occupation certificate requiring that a minimum of 20% within the approved development to be used for the purposes of affordable housing for 10 years from the date of issue of the occupation certificate in accordance with Clause 17(1)(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

SYDNEY WATER REQUIREMENTS
64. 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. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon 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.

65. A copy of Sydney Water’s Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

66. The approved plans shall be submitted to the appropriate Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business, then Building & Developing, then Building & Renovating, or telephone 13 20 92.

CRITICAL INSPECTIONS

67. Class 2 Buildings

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

67.1. at the commencement of the building work, and

67.2. after excavation for, and prior to the placement of the first footing, and

67.3. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and

67.4. prior to covering any stormwater drainage connections, and

67.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

ADDITIONAL INSPECTIONS

68. 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

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

WE ALSO ADVISE:

70. This application has been assessed in accordance with the NCC.

71. 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
- BASIX completion
- Final fire safety certificate
- Glazing
- Waterproofing

72. Your attention is directed to the following construction requirements of the NCC:

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

74. 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.

75. 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.
76. 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.

77. If you are not satisfied with this determination, you may:
   77.1. 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 receipt of this Notice of Determination; or
   77.2. 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  50 HOCKING AVENUE, EARLWOOD: CONSTRUCTION OF DETACHED DUAL OCCUPANCY DEVELOPMENT

FILE NO: 422/50D
REPORT BY: DIRECTOR CITY PLANNING
WARD: EAST

<table>
<thead>
<tr>
<th>D/A No:</th>
<th>DA-538/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Mr S Maroun</td>
</tr>
<tr>
<td>Owner:</td>
<td>As Above</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Residential 2(a) under Canterbury Planning Scheme Ordinance, R2 Low Density Residential under Canterbury Local Environmental Plan 2012</td>
</tr>
<tr>
<td>Application Date:</td>
<td>21 December 2012, additional information provided 21 May 2013 and 13 June 2013</td>
</tr>
</tbody>
</table>

Summary:
- The proposal involves the construction of a detached dual occupancy development.
- The subject site is zoned Residential 2(a) under the provisions of the Canterbury Planning Scheme Ordinance and the proposed development is permissible with Council’s consent.
- The application has been assessed under the relevant Codes and Policies and generally complies with the provisions of those Codes with the exception of the building height, site width, floor space ratio and side boundary setback control.
- In accordance with our Development Control Plan 32 – Notification Policy, all owners and occupiers of adjoining properties were notified of the proposed development. The application has been notified on two separate occasions. During the first notification period which related to the original design, we received five submissions all objecting to the proposed development. In May 2013 the design was revised with amendments to façade and garage setbacks. These amendments were renotified in May 2013 during which time three submissions objecting to the proposed development were received. Issues of concern related to the bulk and scale of the development, loss of privacy, height, setback and floor space non-compliances, traffic generation and overshadowing impacts. These issues are discussed in the body of this report.
- The Director City Planning has 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 Urban Development.
Report:

Background
50 Hocking Ave (previously known as 48 Hocking Avenue) was originally zoned as residential under the provisions of the originally gazetted Canterbury Planning Scheme Ordinance. In 1983 it was rezoned to open space by way of LEP 26. The land is currently owned by the NSW Department of Lands (Crown Land). It is adjacent to the Wolli Creek Regional Park.

As reported to the City Development Committee on 10 May 2007, this land was initially proposed to be incorporated into the Wolli Creek Regional Park. Ongoing discussions with the former Department of Environment and Conservation, now Department of Environment and Climate Change (incorporating the National Parks and Wildlife Services), concluded that the land is not suitable and therefore not required for incorporation into the Regional Park. The planning intent of the Department of Environment and Climate Change (which will administer the Regional Park) is that for reasons of ongoing safety and park management issues this portion of land should not provide for public access into the Regional Park. Given this position, the land is surplus to the needs of the Crown and it is appropriate that it be disposed of.

Accordingly the Department of Lands concluded that the land is surplus to their requirements and requested that the land be rezoned. The rezoning formalised this arrangement. As the dominant surrounding residential zone is Residential 2(a), this was deemed to be the most suitable zone to apply to the property.

Site Details
The subject site is located on the south-eastern side of Hocking Avenue between The Walk and March Place. The site is irregular in shape with a frontage to Hocking Avenue of 10.075m and widening to 33.505m along the rear boundary. The allotment has an overall site area of 769.7m$^2$. The site slopes steeply away from Hocking Avenue by 13m to the rear boundary. The site is currently vacant and contains dense vegetation and number of trees which are proposed to be removed.

The adjacent properties to the east step down with the slope and cliff presenting three storey facades along the rear elevations to the reserve while maintaining a low scale streetscape to Hocking Avenue. The immediate neighbour to the east is a recently completed detached dual occupancy with attached garages. Further east at 32 Hocking Avenue, an attached dual occupancy of a similar scale was approved (DA-748/2010) on 11 August 2011.

The immediate locality is characterised by a mix of older single storey dwellings and more contemporary dwellings up to two storeys in height. To the north of the site are residential dwellings and to the south of the site is a public reserve and the Wolli Creek Regional Park.
Proposal
It is proposed to construct a detached dual occupancy development. Each of the two dwellings in the development will include:

- **Street Level**: Each dwelling will provide a single car garage and a car space, living/dining area, kitchen, bathroom and deck.
- **Middle Level 2**: Three bedrooms and two bathrooms will be provided on this level.
- **Lower Level 1**: One bedroom, lounge area, laundry and bathroom.

The applicant has indicated that the subdivision of the development will be undertaken as a separate development application at a later stage.

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 (DCPs), codes and policies are relevant:

- Canterbury Local Environmental Plan 138 – Canterbury Precinct (LEP 138)
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) (SEPP 2004 BASIX)
- Development Control Plan 14 – Dual Occupancy Development (DCP 14)
- Development Control Plan 20 - Car Parking (DCP 20)
- Development Control Plan 29 – Crime Prevention Through Environmental Design (DCP 29)
- Development Control Plan 37 – Energy Smart Homes Code (DCP 37)
- Development Control Plan 45 – Landscaping (DCP 45)
- Development Control Plan 48 – Waste Management (DCP 48)
- Section 94 Contributions Plan
Assessment

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

- **Canterbury Local Environmental Plan 138 – Canterbury Precinct (LEP 138)**
  The site is zoned Residential 2(a) under Canterbury Planning Scheme Ordinance and the proposed development, which is defined as a ‘dual occupancy’ is permissible in the zone with Council consent.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**
  This site is zoned R2 Low Density Residential under LEP 2012, and dual occupancies are permissible in the zone. The controls applicable to this application are:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSR</td>
<td>0.5:1</td>
<td>0.47:1</td>
<td>Yes</td>
</tr>
<tr>
<td>Building height</td>
<td>8.5m</td>
<td>8.7m</td>
<td>No</td>
</tr>
</tbody>
</table>

However, the savings controls listed in Clause 1.8A of LEP 2012 prevent any determinative weighting from being afforded to its provisions in respect to this application.

- **State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) (SEPP 2004 BASIX)**
  BASIX Certificate No. 462557S and 462493S accompany this application. The commitments include the installation of a 3000L rainwater tank, wall and roof insulation, provision of 5 star instantaneous gas hot water systems and windows to the kitchen and four bathrooms. These commitments have been indicated on the plans and meet the necessary targets and therefore comply with the requirements of the SEPP.

- **Development Control Plan 14 – Dual Occupancy Development (DCP 14)**
  The development has been assessed against Council’s Dual Occupancy Code, and is summarised in the table below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>600m²</td>
<td>769.7 m²</td>
<td>Yes</td>
</tr>
<tr>
<td>Site Width</td>
<td>15m</td>
<td>10.075m -33.505m</td>
<td>Yes – see comment below</td>
</tr>
<tr>
<td>Subdivision* (see comment below)</td>
<td>Area of new lots = Min 300m² each lot</td>
<td>No. 50 - 390m² No.52 – 380m²</td>
<td>Yes Yes</td>
</tr>
<tr>
<td></td>
<td>Min. width – 7.5m</td>
<td>No. 50 – 4.045m No. 52 – 6.05m</td>
<td>No – see comment below No – see comment below</td>
</tr>
<tr>
<td>New lots to have direct frontage to and access public road</td>
<td>Each new lot has a frontage to Hocking Avenue</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
### Standard Requirement Proposed Complies

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Space Ratio</td>
<td>0.5:1</td>
<td>0.57:1</td>
<td>No – see comment below</td>
</tr>
<tr>
<td>Private Open Space</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 50</td>
<td>94.5 m²</td>
<td>119.14 m²</td>
<td>Yes</td>
</tr>
<tr>
<td>No. 52</td>
<td>88 m²</td>
<td>121.16 m²</td>
<td>Yes</td>
</tr>
<tr>
<td>Private Open Space</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5m x 5m)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 50</td>
<td>75.6 m²</td>
<td>92 m²</td>
<td>Yes</td>
</tr>
<tr>
<td>No. 52</td>
<td>70.4 m²</td>
<td>89 m²</td>
<td>Yes</td>
</tr>
<tr>
<td>Setbacks (Front)</td>
<td>6m</td>
<td>11.2m</td>
<td>Yes</td>
</tr>
<tr>
<td>(Side)</td>
<td>1.2m</td>
<td>1m - 1.2m</td>
<td>No – see comment below</td>
</tr>
<tr>
<td>(Rear)</td>
<td>5m</td>
<td>5m</td>
<td>Yes</td>
</tr>
<tr>
<td>Height/Height above ground level</td>
<td>7.2m/0.5m</td>
<td>8.7m/4.2m</td>
<td>No/No – see comment below</td>
</tr>
<tr>
<td>Garage Width</td>
<td>50% of dwelling width</td>
<td>44% of dwelling width</td>
<td>Yes</td>
</tr>
<tr>
<td>Carparking Spaces</td>
<td>4 spaces</td>
<td>4 spaces</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As outlined above the proposed development generally complies with our DCP, however, the applicant seeks a variation to our site width, floor space ratio, building height and side setback controls of the DCP. These matters are discussed as follows:

**Site Width and Floor Space Ratio**

Clause 5.1(b) of our DCP requires that sites proposed to accommodate dual occupancy developments be at least 15m wide. The site is irregular in shape and enjoys a frontage to Hocking Avenue of 10.075m, the site then increases to a maximum width of 33.505m towards the rear of the site. The site shape is similar to wedge shaped sites found in cul-de-sac streets and would therefore fall under our provisions for irregular or wedged shaped sites mentioned in Clause 5.1(d) of DCP 14.

The maximum total floor space ratio of dwellings in a dual occupancy development is 0.5:1. Having regard to the site area of the subject allotment, the maximum total floor space should not exceed 320sqm. Plans forwarded with the development application indicate that the total floor area of the proposed development is 365sqm which equates to a FSR of 0.57:1, which is based on the exclusion of the site area less than 15m giving an overall site area, for floor space ratio purposes of 640sqm. However, should the total site area be used to calculate the FSR as is currently the case with Canterbury Development Control Plan 2012 which became effective as of 1 January 2013, this will provide a FSR of 0.47:1 which is below the maximum permissible.

The proposed development presents as single storey dwellings when viewed from the street and the perceived bulk of the building is therefore not apparent when viewed from the public domain. It is also accepted that the floor space provided within the building is not discernible when viewed from the street. It is considered that the proposal is sympathetic to the unusual topography of the site without unreasonable impacts on neighbouring properties.
The design as presented provides rear balconies on the upper levels which contain full height privacy screens along each side elevation. These openings within the side elevation of the development will reduce the bulk of the building when viewed from adjacent properties, while also providing sufficient amenity for future occupants without detrimental privacy impacts on adjoining land.

On this basis, a variation to the FSR control is reasonable in this instance.

Subdivision
At this stage, the applicant has confirmed that they do not seek to subdivide the proposed dual occupancy as part of this development application. Despite this, the proposed development can provide a 7.5m width for each allotment (once subdivided) at a 8.5m setback from the front boundary. This meets the objective of Clause 5.2(a) of DCP 14 in that each dwelling can provide a sufficient site area and reasonable access to a public road. As outlined in the table above, a proposed site area of 390sqm and 380sqm has been allocated for each allotment.

Building Height
The DCP states that the maximum height of dual occupancy development (measured to the topmost ceiling) shall be 7.2 metres. The proposed development varies in height between 3.2 metres (for the garages) and 8.7 metres (to the rear of the site). The objectives of the height controls more generally are to ensure that the height of the proposed development is compatible with the streetscape, is not visually prominent from the street and avoids overlooking into neighbouring properties. In this regard, the proposed development presents as single storey from the street alignment well contained within the height limit control. It is only in those sections at the rear of the development as the site falls steeply away from the roadway where the height of the building pushes through the height limit. Potential impacts on privacy are mitigated by the use of small obscured windows for the bathrooms and obscure glazing for the staircase along the side elevations and provision of privacy screens for the elevated rear balconies. The north-eastern elevation provides two bedroom windows and a kitchen window which are offset from the existing windows of the adjoining properties.

It is noted that, given the subject site and adjoining properties are elevated, they already overlook each other. The pathway leading to the entry along the western side of the development will provide further separation between the site and the adjoining residence. The impact of the development as viewed from Hocking Avenue is not significant. The proposed two dwellings are located behind the proposed garage, which is single storey in appearance and not visually intrusive.

Having regard to the above comments, it is considered that the proposal meets the underlying objectives of our height control and as such, a variation to our numerical control is supported in this instance.
Height of Finished Floor Level
The DCP states the finished floor level of a dual occupancy development shall be no more than 500mm above the adjacent natural ground level. Having regard to the topography of the site, the proposed design involves floor levels that are elevated up to 4.2 metres above adjacent ground level which does not comply with this requirement. The topography of the land does not allow full compliance with this control and as discussed above, the proposal does minimise potential impacts on adjoining properties by the use of minimal windows on the side elevations. For these reasons, the height of finished floor level above ground level is considered acceptable.

Side Setback
A side boundary setback of 1.2m is required by DCP 14. The proposal adopts a minimum side setback of 1.2m on the eastern and western sides of the development, however a side setback of 1m is proposed between each dwelling within the development and its respective side boundary.

In considering the variation, it is important to also consider the clause objectives which are to ensure appropriate setbacks to minimise the visual impact on the streetscape and allow for solar access, landscaping and privacy between buildings.

Due to the sloping nature of the site, the proposed side boundary setback for the development will have minimal visual impact on the streetscape or if viewed from the adjoining bushland. Further, the reduced setback does not result in a significant loss of solar access or privacy to any adjoining dwellings.

Having regard to the above comments, the nature and topography of the site and the overall design response, a variation to our setback controls is acceptable in this instance.

As a whole, the proposed dual occupancy development whilst not strictly complying with our DCP, represents a contemporary design response on a steeply sloping property. A dual occupancy development at 48 Hocking Avenue and at 32 Hocking Avenue, Earlwood with similar site circumstances which sought similar variations were granted development consent in 2007 and 2011 respectively. Given these significant site constraints the proposed development is worthy of support as the design response is innovative, well-modulated and represents good urban design.

**Development Control Plan 20 – Car Parking (DCP 20)**
The proposal complies with the numerical requirements of DCP 20 as summarised below.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirement</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling &gt;125m2</td>
<td>2 car spaces</td>
<td>Two spaces per dwelling</td>
<td>Yes</td>
</tr>
<tr>
<td>Garage</td>
<td>Min. internal width = 3m</td>
<td>3.3 metres</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Min. Width of door = 2.4m</td>
<td>2.7 metres</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As demonstrated in the above table, the proposed development satisfies the numerical and design requirements contained within DCP 20.
• Development Control Plan 29 – Crime Prevention Through Environmental Design (CPTED) (DCP29)

The development has been assessed against the provisions of this DCP. As the development is a dwelling, the CPTED element of ownership is assumed due to the use of the building. The CPTED elements of natural surveillance and access points require special consideration and are summarised below:

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of front door – visible to the street/ other properties</td>
<td>Access into each dwelling is provided via well-defined pathways from the side elevations of each dwelling.</td>
<td>Yes</td>
</tr>
<tr>
<td>Habitable rooms with windows to front street or adjacent to public areas</td>
<td>The design of the proposal will provide future occupants with good visibility of the street and adjoining public space at the rear.</td>
<td>Yes</td>
</tr>
<tr>
<td>Visibility to street/ public areas - not obstructed by new/existing landscaping or fencing.</td>
<td>The design of the proposal is similar to other development in the locality. While the proposed access arrangements are not strictly in accordance with the crime prevention principles, it is argued that passive surveillance opportunities will not be obstructed by fencing and sufficient natural surveillance at the from the balconies and windows will be provided to the adjoining open space.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As demonstrated in the above table, the proposed development satisfies the crime prevention objectives contained within DCP 29.

• Development Control Plan 37 – Energy Smart Homes Policy (DCP 37)

This DCP applies insofar as it aims to protect and maintain the solar access of immediately adjoining residential properties by ensuring it receives 2 hours sunlight between 9am and 3pm on June 21 to the various scenarios tabled below:

<table>
<thead>
<tr>
<th>Solar Access Requirement</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>To at least 50% or 35m² (which includes a minimum dimension of 2.5m) of the adjoining property’s principal area of ground level private open space (POS), whichever is lesser.</td>
<td>A minimum of two hours of sunlight will be available to the principal private open space areas of neighbouring residential properties between 9.00am and 3.00pm at the Winter Solstice</td>
<td>Yes</td>
</tr>
<tr>
<td>One living room window (of the adjoining property) is to receive 2 hours sunlight between 9am and 3pm on June 21.</td>
<td>A minimum of two hours of sunlight will be available to a living room window of neighbouring residential properties between 9.00am and 3.00pm at the Winter Solstice</td>
<td>Yes</td>
</tr>
<tr>
<td>Outdoor clothes drying area of the adjoining property is to receive 2 hours sunlight between 9am and 3pm on June 21.</td>
<td>A minimum of two hours of sunlight will be available to the clothes drying areas of neighbouring residential properties between 9.00am and 3.00pm at the Winter Solstice</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As demonstrated in the above table, the proposed development satisfies the solar access requirements contained within DCP 37.
• Development Control Plan 45 – Landscape (DCP 45)
The landscape plan submitted with the application has been assessed by our Landscape Architect and complies with DCP 45. No objection is raised subject to conditions of consent being attached to any consent granted.

• Development Control Plan 48 – Waste Management (DCP 48)
The applicant has submitted a Waste Management Plan in accordance with DCP 48 Waste Management which is considered satisfactory.

• Section 94 Contributions Plan
The proposed development proposes two large dwellings which attracts a contribution under the Section 94 Contributions Plan of $33,389.64. There is no record of any existing dwellings on the site and hence the contribution for two new dwellings on the subject site.

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

• Health, Safety and Amenity during Construction Phase
During the construction of the development, the health and amenity of workers, the public and adjoining properties alike needs consideration under Section 79C of the EPAA. Accordingly, all works associated with the development will be restricted to daytime hours to ensure the works will not be a nuisance to adjoining occupiers and property owners.

• The Public Interest
The public interest is served by the proposed development in that it is consistent with the objective of the zone in providing a dual occupancy development that is unlikely to adversely impact the amenity and character of the surrounding area. The proposed development generally complies with the requirements of the relevant planning instruments and development control plans with the exception of the building height, site width, side setback and floor space ratio controls which are reasonable given the design outcome and their minimal affect on the local amenity. Accordingly, the proposed development is considered to be in the public interest.

Notification
The development application was initially notified in accordance with the requirements of our Development Control Plan 32 – Notification Policy during which time we received five individual submissions in the immediate locality. Amendments to the initial design were undertaken and renotified in May 2013 during which time three submissions objecting to the proposed development were received. The objection letters raised the following issues of concern which are discussed below:
Parking and Traffic Considerations

Concerns have been raised that the proposed development will further exacerbate the limited car parking conditions on Hocking Avenue.

Comment

The proposed car parking arrangements for the development were assessed against Development Control Plan 20 – Car Parking and comply with the minimum of 2 car spaces for each dwelling. In regards to increased traffic generation and on-street car parking, the level of traffic from the development is not excessive and is not likely to have an impact on the movement of traffic in the local road system. Further an amended design was submitted for the driveway which will allow cars to turn within the site and exit the site in a forward direction. The driveway levels have been reviewed by our Development Engineer and comply with the relevant Australian Standards.

Overdevelopment of the site and out of character with the area

Concerns have been raised that the proposed development is an overdevelopment of the site and that the property would be more suited to smaller dwellings on the site.

Comment

The proposed development generally complies with Council’s controls and is a reasonable design response given the steep topography of the site. The proposed scale is consistent with similar developments to the east of the site. The impact of the development as viewed from Hocking Avenue is not significant. The proposed two dwellings are located behind the proposed garage, which is single storey in appearance and not visually intrusive to the Hocking Avenue frontage. It is noted that the provisions of the Single Dwelling Code would permit a similar floor space proposed for this development.

Non-compliance with Council controls relating to floor space, side setbacks and building height

Concerns have been raised with the non-compliances with the garage side setback, overall floor space and building height.

Comment

The matters of non-compliance have been addressed under the table for DCP 14. As outlined, the variations sought to the numerical standards do not impact unduly on the streetscape, or on the amenity of neighbouring residents. As such, the proposed variations to DCP 14 are considered to be acceptable in this instance.

Solar Access

The proposed development will result in a loss of solar access to the adjoining properties.

Comment

As outlined above, the shadow cast by the proposal does not detrimentally affect the private open space or habitable rooms on the adjoining properties.
The adjoining eastern, western and southern properties will receive the minimum 2 hours solar access between 9.00 a.m. and 3p.m. The proposal complies with the requirements of our Energy Smart Homes Policy - DCP 37 with regard to allowing sufficient solar access to neighbouring dwellings. However, the applicant has agreed to provide survey drawings to the IHAP demonstrating the proposal complies with these requirements.

- **Loss of Privacy**

  Concerns have been raised that the proposed development will have a detrimental impact on the privacy of the adjoining residential properties.

  **Comment**

  It is noted that the design of the proposal is such that the entrances to each dwelling will be via a pathway along the side boundary. The pathway and steps leading to the front entry door to the western dwelling is setback in line with the rear of the adjoining building to the west. To minimise overlooking into the adjoining property, a condition of consent will be imposed requiring the installation of a fixed privacy screen with a minimum height of 1.8m from finished floor level along the south-western side and returning along the southern side of the landing leading to the front entry of the dwelling (52 Hocking Avenue).

  In regards to privacy impacts from window AW08 onto the adjoining property, a condition of consent will be imposed requiring window (AW08) on the north-eastern which is shown as a corner window to be obscured along the side elevation.

  In regards to privacy impacts from the Level 3 balconies, it is recommended that a condition be imposed that the balcony for the western dwelling (52 Hocking Avenue) be mirror-reversed so that the longer side of the balcony be located along the south-western side of the dwelling and the shorter side be located on north-eastern side. The privacy screens are to remain for the full length of the side elevations.

**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 application is recommended for approval subject to conditions of consent.

The proposal represents a suitable design response for the site. The departures sought from DCP 14 are considered reasonable given the steep topography of the site. The proposal is considered to be a good design outcome for the site.

The non-compliances with the requirements of DCP 14 do not impact unduly on the streetscape, or on the amenity of neighbouring residents. As such, the proposed variations to DCP 14 are considered to be acceptable in this instance, and the application is recommended for approval.
The proposal represents a contemporary addition to the streetscape and also represents a suitable design response to an irregular and difficult site. The departures sought from our Dual Occupancy Code, while significant, are reasonable given the design outcome and their minimal affect on the local amenity.

RECOMMENDATION:
THAT Development Application DA-538/2012 be APPROVED subject to the following conditions:
PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
   1.1. Details of:
       • Protection from termites
       • Structural Engineering Plan
       • Landscape Plan
       • Hydraulic Plan
       • Building Specifications
       • Firewall Separation
       • Soil and Waste Management Plan
   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 $3075.00
       Section 94 Contributions $33,389.64
       Certificate Registration Fee $36.00
       Long Service Leave Levy $2780.20
       Long Service Levy Commission $19.80
   1.5. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
       Construction Certificate Application Fee $2695.00
       Inspection Fee $1115.00
       Occupation Certificate Fee $265.00

Note 1: Long Service Leave is payable where the value is $25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.
Note 2: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.
Note 3: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.
Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.
Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment
BEFORE COMMENCING THE DEVELOPMENT
2. Before the erection of any building in accordance with this Development Consent;
2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and

2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and

2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:

2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or

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

INSURANCE

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

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:

4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and

4.2. The name of the person in charge of the work site and a telephone number at 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 Mark Hurcum Design Practice Architects marked Drawing No. A01, A04, A05, A06, A07, A08, A09 Issue B dated 20 May 2013 as received by Council on 21 May 2013 and Drawing Plan No. A02, A03, A10, A11, A13, SK08 Issue A dated 20 December 2012 and Schedule of Finishes as received by Council on 21 December 2012, except where amended by the conditions specified in this Notice and the following specific conditions:

5.1. A fixed privacy screen must be provided with a minimum height of 1.8m from finished floor level of along the south-western and returning along the southern side of the landing leading to the front entry of Dwelling No. 52. These details must be shown on the Construction Certificate plans.

5.2. Window (AW08) on the north-eastern elevation which is shown as a corner window is to be obscured along the side elevation. Details must be shown on the Construction Certificate plans.

5.3. The balcony for the western dwelling (No. 52) is to be mirror-reversed so that the longer side of the balcony is located along the south-western side of the dwelling and the shorter side is located on north-eastern side. The privacy screens are to remain for the full length of the side elevations.
6. Four (4) off-street car spaces being provided in accordance with the submitted plans.
7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council’s Section 94 Contributions Plan 2005, 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 monetary contribution of $33,389.64 shall be paid to Canterbury City Council before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

<table>
<thead>
<tr>
<th>Contribution Element</th>
<th>Contribution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Acquisition</td>
<td>$16002.47</td>
<td>711</td>
</tr>
<tr>
<td>Recreation Facilities</td>
<td>$2685.62</td>
<td>712</td>
</tr>
<tr>
<td>Community Services</td>
<td>$8515.32</td>
<td>713</td>
</tr>
<tr>
<td>Environmental Amenity Improvements</td>
<td>$3316.46</td>
<td>714</td>
</tr>
<tr>
<td>Traffic Control and Management</td>
<td>$564.92</td>
<td>715</td>
</tr>
<tr>
<td>Monitoring, research and administration</td>
<td>$2124.85</td>
<td>717</td>
</tr>
</tbody>
</table>

Note: The rates applying to each contribution element are subject to indexing using the Consumer Price Index. The Contributions payable will be adjusted, at the time of payment, to reflect CPI increases which have taken place since the DA was determined. Council’s Section 94 Contributions Plan 2005 may be inspected at Council’s Administration Centre, 137 Beamish Street, Campsie or from Council’s website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council’s Administration Centre, 137 Beamish Street, Campsie during office hours.

8. Finishes and materials including the treatment of external walls, roofing, balcony balustrades, fences, windows and doors being in accordance with the drawings accompanying as received by Council on 21 December 2012, prepared by Mark Hurcum Design Practice Architects. The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the external appearance of the building without the approval of Council.

9. Renewal or provision of fencing, attributable to the proposed development being the responsibility of the developer.

10. Minimum 1.8m high solid privacy screens being provided along the outer sides of the rear upper level balconies.

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

12. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.

13. All building construction work must comply with the National Construction Code.

14. 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.

15. Provide a Surveyor’s Certificate to the Principal Certifying Authority prior to the pouring of concrete at ground and first floor slab level 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.
16. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council’s Stormwater Management Manual.
17. 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.
18. 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.
19. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
20. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
21. Materials must not be deposited on Council’s roadways as a result of vehicles leaving the building site.
22. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
23. An application being made to Council’s City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner’s cost.
24. Toilet facilities shall be provided to the work site in accordance with WorkCover’s NSW “CODE OF PRACTICE” for Amenities for construction work and any relevant requirements of the NCC.
25. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
26. Erection of a hoarding/fence or other measure to restrict public access to the site and to building works, materials or equipment when building work is not in progress or the site is otherwise unoccupied.
27. Where excavation is proposed adjacent to existing dwellings or a vacant property, the works shall be carried out in accordance with Part 3.1.1-Earthworks NCC and, the person/company responsible for doing the excavation shall give 7 days notice of intention to carry out the excavation works to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (An allotment of land also includes a public road and any other public place.)
28. Where erection or demolition of a building involves the closure of a public place, or where pedestrian or vehicular access is to be obstructed or rendered inconvenient, the premises is to be provided with a hoarding and or sufficient awning to be erected to prevent any substance from, or in connection with the work falling onto the public place.
   The site is also to be kept illuminated between sunset and sunrise where it is likely to be dangerous for people using the public place.
29. 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.
   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).
30. Payment of an additional garbage levy for each new dwelling upon completion of work.
31. Under clause 97A(2) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. In this condition:
   a) relevant BASIX Certificate means:
      i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
      ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
   b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

ENGINEERING
32. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 12th June 2013; drawing number 1406 S1-3, prepared by John Romanous & Associates and as amended by the following condition.
33. 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.
34. 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 Council’s Stormwater Management Manual - Specification 9 “A Guide for Stormwater Drainage Design”.
35. Full width light duty vehicular crossings shall be provided at the vehicular entrances to the site, with a maximum width of 3.5 metres at the boundary line respectively. 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”.
36. 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.
37. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
38. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
39. The driveway grades shall be in accordance with Australian Standard AS 2890.1"Off-street Parking Part 1 - Carparking Facilities".
PUBLIC IMPROVEMENTS

40. 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”.

41. The reconstruction of the kerb and gutter along all areas of the site fronting Hocking Avenue is required. Work to be carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.

42. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Hocking Avenue is required. Work being carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.

43. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

44. All easements required for the subdivision being shown on and registered in conjunction with the subdivision plan

LANDSCAPING

45. In accordance with the recommendations of the submitted Arboricultural Impact Assessment (written by Redgum Horticultural and submitted to Council on 21 December 2012) and Australian Standard 4970 -2009 – Protection of trees on development sites and the submitted landscape plan, the existing property trees should be treated as follows:

<table>
<thead>
<tr>
<th>Tree No. /Stand No</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eucalyptus sp.</td>
<td>Eucalypt</td>
<td>Remove and replace</td>
<td>As per species shown on submitted landscape plan</td>
</tr>
<tr>
<td>T1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T2</td>
<td>Ficus rubiginosa</td>
<td>Port Jackson Fig</td>
<td>Remove and replace</td>
<td>As per species shown on submitted landscape plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T3</td>
<td>Cinnamomum camphora</td>
<td>Camphor laurel</td>
<td>Remove</td>
<td>Environmental Weed species</td>
</tr>
<tr>
<td>T4</td>
<td>Dead</td>
<td></td>
<td></td>
<td>NA</td>
</tr>
<tr>
<td>T5/2</td>
<td>Juniperus Sabina</td>
<td>Strand of 4 x</td>
<td>Remove</td>
<td>Insignificant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Savin Juniper</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T6</td>
<td>Pittosporum undulatum</td>
<td>Native Daphne</td>
<td>Remove and replace</td>
<td>As per species shown on submitted landscape plan</td>
</tr>
</tbody>
</table>
The submitted landscape plan (drawn by Ray Fuggle Landscape Architects and Associates, drawing no. L-01 and submitted to council on 21st December 2012) must amended prior to the issue of the Construction Certificate to address the following items:

- The modification of the proposed planting is to consider the inclusion of additional trees as required as replacement trees as listed in the table above.
- The turf species listed in the legend should be modified to be Sir Walter Buffalo Kikuyu (the current species proposed) is a very vigorous and invasive grower and which is not ideal given the sites location.
- The included plant schedule is to be modified to increase the container sizes for trees to be 75ltr.
- Maintenance Schedule including:
  - replacement strategy for failures in plant materials and built works,
  - maintenance schedule for watering, weeding and fertilizing during the establishment period, and
  - the maintenance period for the landscaping must be set for 6 months.

<table>
<thead>
<tr>
<th></th>
<th>Native Daphne</th>
<th>Remove and replace</th>
<th>Additional replacement tree (provided in a min. 75ltr container size) to be included on an amended landscape plan. Proposed tree species to be indigenous to the Canterbury area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>T7</td>
<td><em>Pittosporum undulatum</em></td>
<td>Remove and replace</td>
<td>Additional replacement tree (provided in a min. 75ltr container size) to be included on an amended landscape plan. Proposed tree species to be indigenous to the Canterbury area.</td>
</tr>
<tr>
<td>T9</td>
<td><em>Pittosporum undulatum</em></td>
<td>Remove and replace</td>
<td>Additional replacement tree (provided in a min. 75ltr container size) to be included on an amended landscape plan. Proposed tree species to be indigenous to the Canterbury area.</td>
</tr>
<tr>
<td>T8</td>
<td><em>Ligustrum lucidum</em></td>
<td>Broad leaved Privet</td>
<td>Remove</td>
</tr>
<tr>
<td>T10/3</td>
<td><em>Juniperus Sabina</em></td>
<td>Strand of 4 x Savin Juniper</td>
<td>Remove</td>
</tr>
</tbody>
</table>
SYDNEY WATER REQUIREMENTS

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

48. 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

49. Class 1 and 10 Buildings
The following critical stage inspections must be carried out by the Principal Certifying Authority (either Council or the Accredited Certifier):
49.1. at the commencement of the building work, and
49.2. after excavation for, and prior to the placement of any footings, and
49.3. prior to paving any in-situ reinforced concrete building element, and
49.4. prior to covering of the framework for any floor, wall, roof or other building element, and
49.5. prior to covering waterproofing in any wet areas, and
49.6. prior to covering any stormwater drainage connections, and
49.7. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

ADDITIONAL INSPECTIONS

50. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

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

52. This application has been assessed in accordance with the National Construction Code.

53. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.

54. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
   - Structural engineering work
   - Protection from termites
   - Smoke alarms
   - BASIX completion

55. Your attention is directed to the following construction requirements of the National Construction Code:

55.1. Termite risk management complying with Part 3.1.3 NCC Vol 2; comprising:
   (a) a termite barrier or combination of barriers installed in accordance with:
      (i) AS 3660.1;
or
      (ii) Part 3.1.3.3 of the NCC for concrete slabs on ground; or
      (iii) Part 3.1.3.4 of the NCC for suspended floors
   (b) installation of a durable notice permanently fixed to the building in a prominent location (such as a meter box or the like) indicating:
      (i) the method of termite risk management: and
      (ii) the date of installation of the system; and
      (iii) where a chemical barrier is used its life expectancy as listed on the National Authority label; and
      (iv) the installers or manufacturers recommendations for future inspections.

55.2. Masonry construction complying with Part 3.3 NCC Vol.2.

55.3. Timber framing construction complying with Part 3.4.3 NCC Vol.2, inclusive of requirements for member sizes, spaces, bracing, spans, locations and stress grades. Where roof trusses are to be used, provide full details of same to the Principal Certifying Authority before erection of the roof frame, including bracing details.


55.5. Installation of an automatic smoke detection and alarm system in the Class 1a building complying with Part 3.7.2.2 NCC Vol.2, including smoke alarms:
   (a) installed in on or near the ceiling in:
      (i) any storey containing bedrooms:
         - between each part of the dwelling containing bedrooms and the remainder of the dwelling, and
         - where bedrooms are served by a hallway, in that hallway; and
      (ii) any other storey not containing bedrooms, and
   (b) complying with AS 3786
   (c) connected to the consumer mains power supply where consumer power is supplied to the building.
   (d) provide the Principal Certifying Authority upon completion of work with a certificate from an electrician certifying compliance with this condition.

55.6. Stair construction complying with Part 3.9.1 NCC Vol.2, including geometry and construction requirements.

55.7. Balustrades/barriers complying with Part 3.9.2 NCC Vol.2, and not allowing a sphere 125mm diameter to pass through them.
55.8. Waterproofing of wet areas including bathrooms, showers, laundries, sanitary compartments and the like complying with Part 3.8.1 NCC Vol.2 and Australian Standard 3740.

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

58. The eastern dwelling is to be known as 50 Hocking Avenue and the western dwelling to be known as 52 Hocking Avenue, Earlwood.

59. 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.

60. 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.

61. 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.

62. If you are not satisfied with this determination, you may:

63.1. 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

63.2. 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.
WEST WARD

3 2A HILLCREST STREET, WILEY PARK: ALTERATIONS AND ADDITIONS TO CONVERT DWELLING FOR USE AS BOARDING HOUSE

FILE NO: 417/2AD

REPORT BY: DIRECTOR CITY PLANNING

WARD: WEST

<table>
<thead>
<tr>
<th>D/A No:</th>
<th>DA-64/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Design and Building Group</td>
</tr>
<tr>
<td>Owner:</td>
<td>Aziz Awad Rofail</td>
</tr>
<tr>
<td>Zoning:</td>
<td>R3-Medium Density Residential - Local Environmental Plan 2012</td>
</tr>
<tr>
<td>Application Date:</td>
<td>22 February 2013, additional information received on 13 May 2013</td>
</tr>
</tbody>
</table>

Summary:

- The proposal seeks consent to carry out alterations and additions to convert an existing two storey dwelling into a boarding house. The proposed development will contain ten bedrooms and off street parking for two cars under the in-fill housing provisions in State Environmental Planning Policy (Affordable Rental Housing) 2009.
- The proposal departs from the Floor Space Ratio control in Local Environmental Plan 2012. The variation is sought by the proposed conversion of the existing garage into floor area for the boarding house. There is no increase in the existing building envelope.
- The site is zoned R3-Medium Density Residential under our Local Environmental Plan and its use as a boarding house is permissible in this zone with our consent.
- The application was notified in accordance with our notification policy and six submissions were received. One submission was a petition signed by 19 neighbours. The submissions raised issues relating to privacy, loss of on street parking, anti-social behavior and impacts on property value.
- The Director of City Planning has 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 Urban Development.
Report:

Site Details

The subject site is a corner lot and has frontages onto Hillcrest Street of 15.24m and to Ferguson Avenue of 37.49m. The site has a total area of 569.1sqm and is currently occupied by a two storey dwelling. The existing dwelling has a kitchen, living area located at the ground floor in addition to a bedroom and double garage. The first floor of the existing dwelling house has four bedrooms and two living areas. The existing dwelling has a ground floor porch and first floor balcony which runs the length of the north and east elevations. A front landscaped area and rear private open space area is located at ground floor level.

Proposal

It is proposed to carry out alterations and additions to the existing dwelling to enable its conversion into a ten bedroom boarding house.

The external alterations include:

- The removal of the existing double garage;
- Alteration to the external façade including changes to the schedule of materials and finishes;
- Addition of a detached carport to accommodate two cars (including a disabled access space and its ‘shared zoned’); and,
- A minor increase to the width of the ground floor terrace located at the northern elevation of the subject site.

These works are minor and do not represent a significant difference or visual impact between a similar renovation to a dwelling and the upgrade of this property to accommodate a boarding house.

Internally it is proposed to amend the layout to provide ten boarding room involving eight double and two single rooms, a common area and an administration area. Each room is provided with separate kitchen and toilet facilities.
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 (DCPs), codes and policies are relevant:

- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP 2004 BASIX)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Canterbury Section 94 Contributions Plan 2005.

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

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**
  The site is zoned R3-Medium Density Residential under Canterbury LEP 2012. The proposed alterations/additions and use of the existing dwelling as a boarding house is permissible with consent in the zone and meets the objectives of the zone which are:
  - To provide for the housing needs of the community within a medium density residential environment.
  - To provide a variety of housing types within a medium density residential environment.
  - To enable other land uses that provide facilities or services to meet the day to day needs of residents.

  The proposed boarding house is considered to add to the variety of accommodation available in the locality. The controls applicable to this application are:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>R3 – Medium Density Residential</td>
<td>The proposed development is permissible with our development consent</td>
<td>Yes</td>
</tr>
<tr>
<td>FSR</td>
<td>0.5:1</td>
<td>0.68:1</td>
<td>No</td>
</tr>
<tr>
<td>Building height</td>
<td>8.5m</td>
<td>9.1 meters to ridgeline(existing, no change proposed)</td>
<td>No</td>
</tr>
</tbody>
</table>

The proposed development involves the conversion of an existing dwelling into a boarding house and as such is required to meet the FSR controls of the LEP which are otherwise waived for single dwellings under Clause 4.4 (2A). As such, the applicant has lodged a statement under Clause 4.6 of the LEP.

There are two subclauses in Clause 4.6 of the LEP which apply to this development:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that;
   (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by sub-clause (3);
   (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out;
(b) the concurrence of the Director-General has been obtained.

The applicant has provided a response to Clause 4.6(3)(a) and has stated that the standard is unnecessary in this instance as the proposal involves the conversion of a double garage, which was previously excluded from floor space calculation into habitable floor space. The proposed development does not increase the building height, footprint or bulk of the existing building. It is further stated that as the additional floor space is located at the ground floor level and is adjacent to Ferguson Avenue, the additional floor space will not impact on the existing built or natural environments.

In responding to Clause 4.6(3)(b) the development does not propose to alter the existing building footprint or building height on site. The additional floor space provided by the conversion of the existing internal double garage is for use as a common area and single bedroom. This represents a modest addition to the permissible use of the boarding house and is also supportive of the aims of SEPP 2009 in providing affordable rental accommodation where it is most required. It is considered that the orderly and economic use of the site as a boarding house is supported by the conversion of the garage into floor area and accommodation (noting the off street parking is provided elsewhere on this site) and that the strict compliance with our Floor Space Ratio is outweighed by the provision of necessary affordable accommodation in Wiley Park.

The applicant’s written statement adequately covers matters required by sub-clause 3.

The proposed development is in the public interest and is in keeping with the objectives of Clause 4.4 Floor Space Ratio of the LEP as the bulk of the development and its relationship with neighbouring properties and the streetscape will not be altered or changed in any negligible way. The proposed development is also in keeping with the objectives of the zone as mentioned previously in this report.

The concurrence of the Director General is assumed having regard to previous advice received from the Department of Planning and Infrastructure in Circular PS-08-003.
In varying a Development Standard we must also have regard to the “test” for this established by the NSW Land and Environment Court, known as the Winton test. In this test the Court provides a guide as to assess variations to Development Standards.

The proposed variation is consistent with the Winton test and no objection is raised to the variation here and it is considered appropriate in this instance to support the submission under Clause 4.6 of LEP 2012 and vary the FSR standard to permit the proposed development.

- **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP 2004 BASIX)**
  BASIX Certificate 448935S_03 dated 09 April 2013 accompanies this application. The commitments to be shown at DA stage include the provision of a 2400L rainwater tank, a 4 star instantaneous gas hot water system and ventilation commitments for the proposed development. The DA plans submitted illustrate the commitments made in the BASIX Certificate. The proposed development satisfies the objectives of SEPP 2004.

- **State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)**
  The proposed development compares to the boarding house provisions outlined in Part 2, Division 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) as follows:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a boarding house has five or more boarding rooms, at least one communal living room must be provided.</td>
<td>10 boarding rooms and one communal living room are proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>No boarding room is to have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25m².</td>
<td>Each boarding room has a gross floor area of less than 25m².</td>
<td>Yes</td>
</tr>
<tr>
<td>No boarding room is to be occupied by more than two adult lodgers.</td>
<td>A condition can be imposed on any consent issued to ensure that no boarding room is to be occupied by more than two adult lodgers.</td>
<td>Yes</td>
</tr>
<tr>
<td>Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.</td>
<td>Adequate bathroom and kitchen facilities are provided within each boarding rooms for the use of each lodger.</td>
<td>Yes</td>
</tr>
<tr>
<td>If the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street must be used for residential purposes unless another environmental planning instrument permits such a use.</td>
<td>The subject site is zoned R3- Medium Density Residential and a boarding house is permissible within the zone.</td>
<td>Yes</td>
</tr>
<tr>
<td>Standard</td>
<td>Proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>At least one parking space must be provided for a bicycle, and one for a motor cycle, for every five boarding rooms. Given 10 boarding rooms are proposed, a total of two motorbike spaces and two bicycle spaces are required to be provided on-site.</td>
<td>The plans indicate 2 car parking spaces (one of them accessible), 2 motorcycle spaces and 2 bicycle spaces are provided behind the rear building setback.</td>
<td>Yes</td>
</tr>
<tr>
<td>If accommodation is provided on-site for a boarding house manager – one area of open space at least 8m² with a minimum dimension of 2.5m is provided adjacent to that accommodation.</td>
<td>No accommodation is provided on-site for a boarding house manager</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard (A consent authority must not refuse consent to the development if)</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least the following private open space areas are provided (other than the front setback area): one area of at least 20m² with a minimum dimension of 3 metres must be provided for the use of the lodgers</td>
<td>A private open space area of at least 40.64sqm with a minimum dimension of 3m is proposed at the rear of the site for the use by lodgers.</td>
<td>Yes</td>
</tr>
<tr>
<td>The landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</td>
<td>The proposed landscape treatment of the front setback area is compatible with the streetscape. The proposal enhances the existing dwelling’s landscaped treatment</td>
<td>Yes</td>
</tr>
<tr>
<td>The development provides for one or more communal living rooms, at least one of those rooms must receive a minimum three hours of direct sunlight between 9am and 3pm in mid-winter.</td>
<td>The proposal provides one communal living room on the ground floor level, within the eastern side of the building. This communal living room will receive a minimum of three hours sunlight between 9am and 3pm on 21 June.</td>
<td>Yes</td>
</tr>
<tr>
<td>In the case of development in an ‘accessible area’ – at least 0.2 parking spaces are to be provided for each boarding room. Note: The subject site is located within an ‘accessible area’ as the nearest Wiley Park Railway Station is located less than 800m walking distance from the subject property.</td>
<td>As 10 boarding rooms are proposed to be provided, a total of 2 car parking spaces must be provided on-site. The proposed development fulfils the car parking requirements of the Affordable Rental Housing SEPP as a total of two car parking spaces, including one accessible car space, are provided at the rear of the subject site.</td>
<td>Yes</td>
</tr>
<tr>
<td>Each boarding room must have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12m² in the case of a boarding room intended to be used by a single lodger; or (ii) 16m² in any other case.</td>
<td>Double Rooms: Room 1: 16.23sqm Room 2: 16.52sqm Room 5: 21 sqm Room 6: 16.1sqm Room 7: 16.2sqm Room 8: 16.6sqm Room 9: 17sqm Room 10: 18.8sqm</td>
<td>Yes each room meets the minimum required room size.</td>
</tr>
</tbody>
</table>
The proposed development is considered to comply with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Canterbury Development Control Plan 2012 (CDCP 2012)

As the proposal does not seek any new building works, only some minor alterations and the conversion into a boarding house, the controls in CDCP 2012 are mostly irrelevant. However some, mostly those involving the amenity of neighbours remains applicable and are discussed below.

<table>
<thead>
<tr>
<th>Part 2.3 Performance Controls</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual Privacy</td>
<td>The proposed development is designed so that it does not compromise visual privacy enjoyed by future occupants and neighbouring residents.</td>
</tr>
<tr>
<td>Acoustic Privacy</td>
<td>The proposed development provides for a reasonable level of acoustic privacy. The site is not located adjacent to major road or rail corridors.</td>
</tr>
</tbody>
</table>

Visual Privacy

The proposed development involves the internal reconfiguration to accommodate the conversion of the existing dwelling into ten boarding rooms. The development is adjoined to the west and south by residential development. The existing windows continue to service bedrooms and therefore it is considered that the development will not be likely to cause significant impacts on the residential amenity of the adjoining residential property.

One of the external alterations proposed as part of this application is the relocation of a ground floor window on the western (side) elevation. This window (servicing Boarding Room 2) allows for direct overlooking into the adjoining property. This is not acceptable. In order to allow Boarding Room 2 reasonable access to light and ventilation and also to protect the privacy of the adjoining neighbours, a condition of consent is recommended that, with the adjoining neighbours concurrence, a 600mm high lattice screen be established on the dividing fence between this site and the western adjoining property.
As part of the application it is also proposed to construct a rear facing balcony at first floor level to serve Boarding Room 8. However, it is considered that this would result in substantial privacy impacts and a condition has been recommended which requires the removal of the proposed balcony and associated roof.

- **Part 6.1 Access and Mobility**
  A copy of the development application was referred to our Disability Access Committee who raised no objection to the proposed development subject to suitable conditions being imposed.

- **Part 6.3 Crime Prevention Through Environmental Design**

<table>
<thead>
<tr>
<th>Standards</th>
<th>Requirements</th>
<th>Proposal</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Surveillance</td>
<td>Avoid blind corners, provide natural surveillance for public/communal areas, clearly visible entries/exits, service areas and car parking should be well lit.</td>
<td>Proposal does not involve blind corners, provides natural surveillance for public/communal areas, front of the property is clearly visible from the street, as are the proposed entry/exit points.</td>
<td>Yes</td>
</tr>
<tr>
<td>Access Control</td>
<td>Prevent unintended access.</td>
<td>Front door access only, front boundary of property to be clearly demarcated from nature strip, entry clearly defined.</td>
<td>Yes</td>
</tr>
<tr>
<td>Ownership</td>
<td>Create a ‘cared for’ image. Use materials that reduce the opportunities for vandalism. Express a sense of ownership and reduce illegitimate use/entry.</td>
<td>Front landscaping will create a ‘cared for’ image and a tangible sense of ownership, entry to development clearly defines public, semi-public and private space.</td>
<td>Yes</td>
</tr>
<tr>
<td>Natural Surveillance</td>
<td>Fence design to maximize natural surveillance.</td>
<td>Natural observance exists with proposed design and height of front fence.</td>
<td>Yes</td>
</tr>
<tr>
<td>Access Control</td>
<td>Dwellings clearly identified by street number. Security for dwelling.</td>
<td>Boarding house is to be secured, numbers to be on street front.</td>
<td>Yes</td>
</tr>
<tr>
<td>Ownership</td>
<td>Dwellings and communal areas design to provide sense of ownership.</td>
<td>Front and rear of dwelling to be landscaped and designed to provide a sense of ownership.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

- **Part 6.4 Development Engineering, Flood and Stormwater**
  The stormwater plan submitted with the application has been assessed by our Development Engineer and is in accordance with our stormwater disposal requirements. No objection is raised subject to conditions of consent being attached to any consent granted.
- **Part 6.6 Landscaping**
The proposal has been reviewed by our Landscape Architect who has advised that no objection is raised from a landscaping perspective, subject to appropriate conditions, being imposed on any consent issued.

- **Part 6.9 Waste Management**
The applicant has submitted a Waste Management Plan which adequately addresses waste management during the construction phase of the proposed development. In regard to ongoing waste management, provision has been made to accommodate an adequate number of bins within the rear setback. The application was also referred to our waste management co-ordinator who raised no objection to proposed development. In this regard, the proposal satisfies the requirements of Part 6.9 of CDCP.

The proposed development complies with the applicable requirements of Development Control Plan 2012.

- **Canterbury Section 94 Contributions Plan 2005**
The provisions contained in our Section 94 Contribution Plan apply to development that creates further demand to improve or upgrade existing facilities, amenities or services. For the purposes of calculating Monetary Contributions the proposed development involves the alterations and additions to an existing dwelling to create a boarding house with ten rooms. A credit of one large dwelling is given for the existing dwelling onsite. A total contribution of $40,410.08 is payable to Council.

**Other Considerations**
- **Standards for Places of Shared Accommodation**
The proposal is regulated by the Standards for Places of Shared Accommodation under the Local Government (General) Regulation 2005. These Standards refer to the Public Health (General) Regulation 2002 which requires that each room has a floor area of 5.5sqm or more for each person (in the case of long-term sleeping accommodation) or 2sqm or more for each person (in any other case). The proposed development complies with this requirement.

An appropriate condition would be placed on the consent requiring compliance with the Places of Shared Accommodation Standard which requires the premises to be kept in a clean and tidy state, and for furniture and fittings to be maintained in good order.

To ensure compliance with the above standard, annual inspections are carried out by our Officers of all places of shared accommodation. Therefore these premises would be the subject to an annual inspection.

- **Traffic**
In assessing potential traffic issues it was noted that there is a bus stop and bus zone signs outside the adjoining properties at 1 and 1A Ferguson Avenue. However, no objection was raised to the proposed widening of the driveway crossing for the proposed development as it is considered that it will not interfere with the 20m bus zone in front of the two adjoining sites. The bus zone does not interfere with the
subject site or its proposed driveway.

Notification
In accordance with our Notification Policy (Part 7 of DCP 2012), the application was notified to adjoining and affected neighbouring property owners and occupiers. A total of six submissions were received, which included three submissions supporting the proposed development and three submissions objecting to the proposed development. One submission objecting to the proposed development was a petition signed by 19 neighbours. Concerns which were raised in relation to proposed development included the following.

- **Increase in noise pollution which the proposed development will bring into the street, both in terms of traffic and number of people**

  **Comment**
  The proposed boarding house will be used for residential purposes only and is located within a medium density residential zone. Ten rooms are proposed in the boarding house, with eight rooms containing a maximum of two persons and two rooms containing a maximum of one person resulting in a maximum of eighteen residents.

  Further, it is a general characteristic of boarding houses that the occupants have low car ownership and usage rates and as such a significant increase in the traffic in the adjoining streets is unlikely to be experienced as a result of the proposed development. Notwithstanding the rates of parking generated for this, or any given boarding house, this proposal satisfies the parking requirements established by the NSW Government for boarding houses in State Environmental Planning Policy (Affordable Rental Housing) 2009.

- **The proposed development’s potential to compromise security and safety in the street with the type of people that may be residing in the boarding house. Issues such as anti-social behaviour, drugs and unethical use of the boarding house are of concern**

  **Comment**
  Boarding houses are a valid alternative type of residential accommodation which address the needs of a particular section of our community.

  The applicant has submitted a Plan of Management which outlines the code of conduct for the proposed use. In addition to this, the applicant has also detailed how the proposed boarding house will be managed and also how complaints will be dealt with. The adjoining neighbours will also be given the contact details for the person responsible for the proposed boarding house to address any concerns.

  If the boarding house is operated in accordance with the conditions of consent and the Plan of Management, it is unlikely that the use will adversely impact on the surrounding area.
Issues such as anti-social or unethical behaviour are not matters that can reasonably be assessed as part of a development application. Such issues can occur in any form of development, including single dwellings and other low density development. Any anti-social behaviour from this boarding house, or any other property, can be reported to the NSW Police as well as to the boarding house management as appropriate.

- **Loss of privacy which will be experienced by neighbouring residents as a result of the proposed development**

  **Comment**
  The proposed balcony on first floor on the southern elevation is not supported as it does represent an unreasonable loss of privacy and is to be deleted by a condition of consent. In addition to this a condition has been recommended to be imposed that would require the applicant liaise with the adjoining, western property owner to establish a 600mm high lattice privacy screen across the common boundary fence.

  It is further noted that the existing two storey dwelling has balconies located addressing Hillcrest Street and Ferguson Avenue at both ground and first floor. It is proposed as part of this application, to maintain and utilise these balconies as additional areas of private open spaces for the occupants of the proposed boarding house. It is considered that this is reasonable as the existing balconies address both Hillcrest Street and Ferguson Avenue and do not directly overlook the private open space of the adjoining properties.

- **Insufficient provision of on-site car parking and increase of traffic and parking demand in the street**

  **Comment**
  Clause 29(2)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 requires the proposed development provide at least 0.2 parking spaces for each boarding room. Given that ten boarding rooms are proposed a total of two car parking spaces are required to be provided on-site. The proposal includes two spaces, including one accessible car space, which are provided within the rear setback area of the site.

  In regard to traffic generation, it is a general characteristic of boarding houses that the occupants have low car ownership and usage rates. It is also noted that the subject site is located within close proximity and within a walkable distance to Wiley Park Railway Station and a bus service operates from the adjoining property. As such, many tenants are expected to use public transport to access the site.
• Potential litter/loitering from various occupants

Comment
The issue of litter is unlikely to be an issue as a suitable waste storage area which accommodates five general waste bins and two recycling bins is provided. The issue of litter cannot reasonably be assessed as this can occur in any form of development. The proposal provides for an internal communal area for residents, as well as an outdoor rear common area where residents can congregate, much like a family room or garden for a dwelling house.

• Impact of the proposed development on the existing bus zone

Comment
The proposed development does impact the existing bus zone which is located directly in front of the adjoining site at 1A Ferguson Avenue. It is proposed to widen an existing crossing to allow for access to the proposed rear two space carport. As detailed above, the application was referred to our Traffic section who raised no objection on this specific issue.

• Devaluation of the price of adjoining property as a result of the development

Comment
There is no evidence to suggest that the subject application will have any impact of the property values of the surrounding properties. Therefore, potential impact on the property values is not a reason to warrant refusal.

Conclusion
The proposed development is permissible within the R3 – Medium Density Residential zone and complies with the relevant requirements that apply to boarding houses.

The bulk and scale of the boarding house remains unchanged from its existing use as a dwelling and is consistent with surrounding residential developments in the locality and the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Should the application be supported and the proposed boarding house is operated in accordance with the conditions of consent and the plan of management, it is unlikely that the use will adversely impact the surrounding area.

RECOMMENDATION:

THAT Development Application DA-64/2013 be approved subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
   1.1. Details of:
   • Protection from termites
   • Structural Engineering Plan
   • Building Specifications
• Fire Safety Schedule
• Landscape Plan
• Hydraulic Plan
• Soil and Waste Management Plan
• BASIX Certification
• Mechanical ventilation
• Disability (Access to Premises – Buildings) Standards (2010)
• Amendment of the plans to show compliance with the Conditions 6.1-6.4 of this consent.

1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.3. Payment to Council of:
- Kerb and Gutter Damage Deposit $1677.00
- Section 94 Contributions $40,410.08
- Certificate Registration Fee $36.00
- Long Service Levy $855.20

1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- Construction Certificate Application Fee $1437.78
- Inspection Fee $755.00
- Occupation Certificate Fee $148.00

Note 1: 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 2: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 3: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
   2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
   2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
   2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
   2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
   2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

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

SITE SIGNAGE

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

DEMOLITION

5. Demolition must be carried out in accordance with the following:
   (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
   (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
   (c) Demolition being carried out in accordance with the requirements of the 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 WorkCover’s NSW “CODE OF PRACTICE” for Amenities for construction work and any relevant requirements of the BCA.

(n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.

(o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.

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

GENERAL

6. The development being carried out in accordance with the plans, specifications and details prepared by DGB Design Building Group, marked Drawing Nos. DA04 Rev E - DA10 Rev E, dated 9 April 2013, as received by Council on 13 May 2013 except where amended by the conditions specified in this Notice:

6.1. Drawing Number DA05 issue E “Proposed First Floor Plan” is to be amended to show the proposed first floor rear facing balcony which services Boarding Room 8 being removed. Details must be shown on the Construction Certificate plans.

6.2. Drawing Number DA 04 issue E “Proposed Ground Floor Plan” is to be amended to show the bed and shower located in the administration area being removed. This area must not be used for accommodation purposes. The Staff WC (but not the shower) may be retained. Details must be shown on the Construction Certificate plans.

6.3. That with the written concurrence of the adjoining owner of 4 Hillcrest Ave, the applicant install and pay for a 600mm high lattice privacy screen on the dividing fence, in order to reduce overlooking from the boarding house into the adjoining site. Details must be shown on the Construction Certificate plans.

6.4. Drawing Number DA 04 issue E “Proposed Ground Floor Plan” is to be amended to show the rear barbeque area relocated in accordance with the submitted landscape plan (Drawing no 0500.L.01, drawn by Greenland Design Pty Ltd and submitted to council on 22 February 2013).

7. This condition has been levied on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with Canterbury City Council’s Section 94 Contributions Plan 2005, 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 monetary contribution of $40,410.08 shall be paid to Canterbury City Council before a Construction
Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

<table>
<thead>
<tr>
<th>Contribution Element</th>
<th>Contribution</th>
<th>Account No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Acquisition</td>
<td>$28,804.40</td>
<td>7200.5910</td>
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<tr>
<td>Recreation Facilities</td>
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<tr>
<td>Community Facilities / Services</td>
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<tr>
<td>Environmental Amenity Improvements</td>
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<td>7200.5905</td>
</tr>
<tr>
<td>Traffic Control and Management</td>
<td>$1,016.60</td>
<td>7200.5920</td>
</tr>
</tbody>
</table>

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

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

8. The building not being used at any future time other than for the purpose of a ten room boarding house.

9. As indicated on the plans submitted to Council, the Boarding rooms numbered 1, 2, 6, 7, 8, 9, 10 are to sleep no more than two persons. Boarding rooms numbered 3 and 4 are to sleep no more than one person.

10. A total of eighteen boarders being accommodated on-site at any one time.

11. A security system is to be installed at the entrance to the building to prevent unauthorised access into the complex. Visitors should only be able to gain access into the building via a buzzer system.

12. The use shall be operated in accordance with the approved Plan of Management received by Council on 22 February 2013 at all times. The applicant/operator of the boarding house shall, as part of the Plan of Management, provide Council and all neighbouring properties in Hillcrest Street and Ferguson Avenue with a 24-hour telephone contact number to be used for the registering of complaints. This shall occur on the issue of any Occupation Certificate for the use of the boarding house. The applicant/operator of the use is to monitor the number and nature of complaints, shall formally register all complaints received and shall detail the action taken to rectify the problems that have arisen. This information shall be collated into a Complaints Log and be made readily available to Council at any time upon request.

13. Strata subdivision of the boarding house is not permitted.

14. Two (2) off-street car spaces, including one disabled car space, being designed in accordance with AS 2890.1, provided in accordance with the submitted plans and being sealed and linemarked to the satisfaction of the Principal Certifying Authority.

15. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general.

16. The proposed use of the premises and machinery equipment installed including air conditioning equipment must not create noise so as to interfere with the amenity of the neighbourhood.
If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Principal Certifying Authority concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level.

16. As per the plan of management the external common open areas are to be used from Sunday to Thursday between 7am and 8pm and from Friday to Saturday between 7am and 10 pm only.

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

18. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.

19. All building construction work must comply with the National Construction Code.

20. In accordance with Section 93 & 94 of the Environmental Planning and Assessment Regulations 2000, the premises is required to be upgraded in accordance with the following conditions or an alternative solution be submitted which complies with the performance requirements of the National Construction Code Volume One - Building Code of Australia.

21. The building shall be constructed in Type B construction under BCA Specification C1.1, inclusive of fire resistance levels required for walls, beams, columns, floors, roofs and lintels or the like.

22. The openings in the external walls being protected in accordance with BCA Clause C3.2. Protection may be by means of:
   (i) Doorways – internal or external wall-wetting sprinklers as appropriate used with doors that are self-closing, or automatic closing, or -/60/30 fire doors (self-closing or automatic closing).
   (ii) Windows – internal or external wall wetting sprinklers as appropriate used with windows that are automatic or permanently fixed in the closed position, -/60/- fire windows (automatic or permanently fixed in the closed position) or -/60/- automatic fire shutters.
   (iii) Other openings – internal or external wall wetting sprinklers as appropriate or construction having a FRL not less than -/60/-.

23. Width of stairs, surface finishes of treads and landings, construction of treads and risers and handrails/balustrades to stairs complying with BCA Part D2.

24. Services and equipment (other than gas/fuel/hot products chutes which are prohibited) installed in any non fire isolated exit or paths of travel to any exit complying with BCA Clause D2.7, including enclosure by non combustible construction or fire protective covering and doorways sealed against smoke spreading from the enclosure.

25. Install portable fire extinguishers selected, located and distributed to BCA Clause E1.6/Table E1.6 and AS 2444. This item is an essential fire or other safety measure.

26. The installation of an automatic smoke detection and alarm system in the building, comprising an automatic smoke detection and alarm system complying with Specification E2.2a of the National Construction Code, (inclusive of system monitoring to Clause 7, unless otherwise approved by the NSWFB). This is an essential fire or other safety measure.
27. Emergency lighting complying with AS/NZS 2293.1 being installed throughout the building where required under BCA Clause E4.2. This item is an essential fire or other safety measure.

28. Exit signs being provided in accordance with BCA Clause E4.5. This item is an essential fire or other safety measure.

29. The sanitary compartments and the shower rooms being mechanically ventilated in accordance with BCA Clause F4.5.

30. The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having Sound Transmission and Insulation rating and being constructed in accordance with the provisions of BCA Part F5.

31. Structural Engineer’s details being approved by the Principal Certifying Authority for all concrete footings, slabs, retaining walls and structural steel prior to building work reaching each respective stage. The details must be prepared by a suitably qualified (eg. Bachelor of Engineering) practising structural engineer who has/is eligible for membership of the Institution of Engineers Australia, and be accompanied by a completed Structural Design Certificate (SC1101a copy attached).

32. The proposed structure being erected so as to stand wholly within the boundaries of the allotment.

33. 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, the BASIX Certificate that is applicable to the development when this development consent is modified); or
      ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
      BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

34. 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.

35. Adequate signage is to be provided to indicate waste and recycling bins.

DEVELOPMENT ENGINEER

36. That the stormwater system be constructed in general, in accordance with the plans, specifications and details received by Council on 22 February 2013; drawing numbers 2aHill – H 101, 201 & 301 E, prepared by Lomford Engineers and as amended by the following conditions:

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 Council’s DCP 2012.

38. 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 Councils DCP 2012. Sump depth is to be a minimum of 300mm deep.
39. 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 Councils DCP 2012.

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. 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”.

42. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.

LANDSCAPE ARCHITECT

43. The landscape works must be completed according to the submitted landscape plan (Drawing no 0500.L.01, drawn by Greenland Design Pty Ltd and submitted to council on 22 February 2013), and with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees, except where amended by the conditions of consent. The landscaping is to be maintained at all times to the Council’s satisfaction.

44. Two street trees are to be provided on the nature strip adjoining the development. These trees are to be 2 x *Tristaniopsis laurina* (common name Water Gum) species and be provided in 75ltr size (container size). The planting of these trees are to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council. One tree is to be located along the nature strip along Hillcrest Street and the other within the nature strip of Ferguson Avenue.

DISABILITY ACCESS

45. A continuous accessible path of travel is to be provided from the street alignment to the building entry, and from the accessible parking space, to and within the adaptable unit. It shall not contain a step or other impediment, and shall have an unobstructed width of at least 1000mm, and vertical clearance of 2000mm. Vegetation in landscaped areas should not overhang an accessible path of travel. Trees should provide a vertical clearance of at least 2000 mm from the ground level to the underside of the canopy.

46. For the benefit of people with vision impairment, all glazed doors and panels along an accessible path of travel are required to have a transom or contrast strip at a height between 900mm and 1100mm above the floor level. The strip is to provide a luminance contrast of at least 30% to its surroundings, when viewed from either the inside or the outside the door.

47. All common areas are to be fully accessible to all persons.

48. Ramps shown on the drawings with gradients of 1:19 and 1:15 are to have compliant handrails on each side.
49. The Disability (Access to Premises-Buildings) Standards, 2010, require all doorways to provide a minimum clear width of 850 mm, when the door is fully open. Internal and external latch-side clearances are to comply with AS1428.1 (2009).

50. Landings at doorways in the communal open space are to be at least 1400 mm long.

51. Door hardware is to comply with AS1428.1 (2009).

52. The stairway is to have compliant handrails on each side, opaque risers and contrast nosings on each step.

53. All external paving is to be non-slip, with consideration being given to compliant slip resistance on sloped surfaces.

54. Drainage grates on an accessible path of travel are to have slots with a maximum width of 13 mm.

55. Floor tiles in the bathroom and kitchens are to be non-slip, in wet and dry conditions.

56. The minimum vertical clearance in the accessible parking space is to be 2500 mm.

SYDNEY WATER REQUIREMENTS

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

58. 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.

59. CRITICAL INSPECTIONS
Class 2, 3 or 4 Buildings

59.1. at the commencement of the building work, and

59.2. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and

59.3. prior to covering any stormwater drainage connections, and

59.4. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

60. 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.
INDEPENDENT HEARING AND ASSESSMENT PANEL

2A HILLCREST STREET, WILEY PARK: ALTERATIONS AND ADDITIONS TO CONVERT DWELLING FOR USE AS BOARDING HOUSE (CONT.)

COMPLETION OF DEVELOPMENT

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

62. 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.

WE ALSO ADVISE:

63. Disposal of any hazardous materials such as asbestos is to be carried out in accordance with Workcover and EPA guidelines.

64. This application has been assessed in accordance with the National Construction Code.

65. 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.

66. 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
   • Air handling systems
   • Protection from termites
   • Fire safety
   • Glazing
   • Drainage
   • Survey
   • Waterproofing
   • Premises standard
   • BASIX completion

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

68. 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.

69. 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.

70. Compliance with the National Construction Code does not guarantee protection from prosecution under “The Disability Discrimination Act”. Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.

71. 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.
72. If you are not satisfied with this determination, you may:
   72.1. 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 receipt of this Notice of Determination and be accompanied by the relevant fee; or
   72.2. 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.