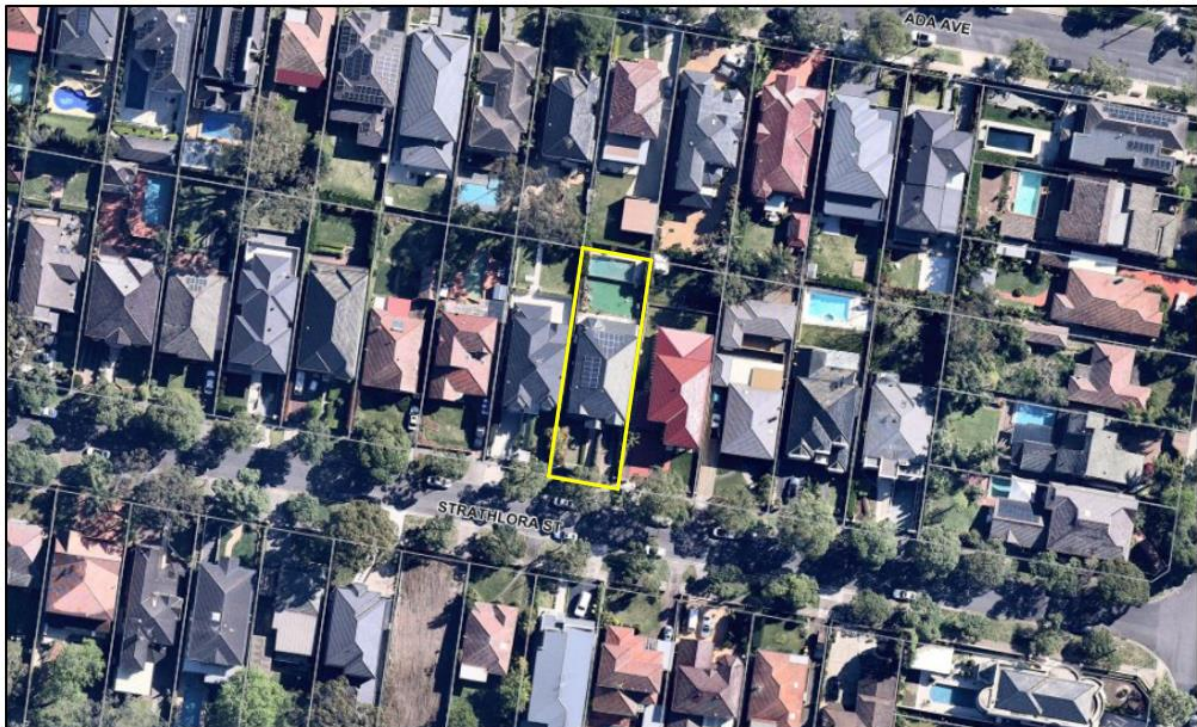


## IDAP REPORT

<b>Property:</b>	9 Strathlora Street STRATHFIELD DA2020/175
<b>Proposal:</b>	Construction of a detached outbuilding (bathroom and changing area) and a swimming pool safety barrier.
<b>Applicant:</b>	G Alagha
<b>Owner:</b>	M. Kamal & M. Khatun
<b>Date of lodgement:</b>	14 October 2020
<b>Notification period:</b>	23 October 2020 to 6 November 2020
<b>Submissions received:</b>	Nil
<b>Assessment officer:</b>	N Doughty
<b>Estimated cost of works:</b>	\$3,500.00
<b>Zoning:</b>	R2-Low Density Residential - SLEP 2012
<b>Heritage:</b>	No
<b>Flood affected:</b>	No
<b>Is a Clause 4.6 Variation Proposed:</b>	No
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>

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**Figure 1:** Locality plan. The subject site is outlined in yellow.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the construction of a detached outbuilding (bathroom and changing area) and swimming pool safety barrier.

### **Site and Locality**

The subject site is legally described as Lot 150 in DP 11856 and is commonly known as 9 Strathlora Street, Strathfield. The site is located west of the T-intersection of Wallis Avenue and Strathlora Street and east of South Street (refer Figure 1).

The site is a regular-shaped residential allotment providing a frontage width of 13.715m, a depth of 45.72m and total site area of 626m<sup>2</sup>. The site contains a gradual slope to the street. A two (2) storey dwelling with basement garage and outdoor swimming pool currently exists on the site.

The surrounding area is characterised by a mixture of both single and two (2) storey development in a range of architectural building styles.

### **Strathfield Local Environmental Plan**

The site is zoned R2-Low Density Residential under the provisions of Strathfield LEP 2012 and the proposal is a permissible form of development with Council's consent. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The application was notified in accordance with Council's Community Participation Plan from 23 October 2020 to 6 November 2020 where no submissions were received.

### **Issues**

- Deep soil landscaping
- Side setbacks; and
- Swimming pool safety fencing.

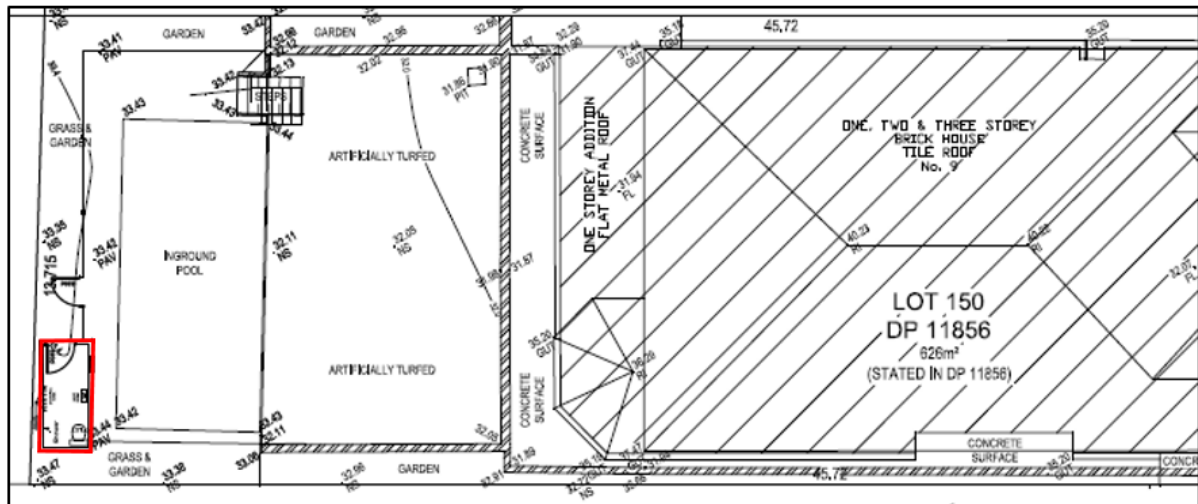
### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2020/175 is recommended for **APPROVAL** subject to the recommended conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the construction of a detached outbuilding comprising of a bathroom, shower and changing area and a swimming pool safety barrier surrounding the existing swimming pool located at the rear of the site. The proposed outbuilding has a total internal floor area of 4m<sup>2</sup>. As the existing swimming pool utilises the boundary fencing as the pool safety barrier, the development includes the construction of a new pool safety barrier so the outbuilding is located outside of the swimming pool area (Figure 2).



**Figure 2:** Site plan (proposed outbuilding outlined in red).

### The Site and Locality

The subject site is legally described as Lot 150 in DP 11856 and is commonly known as 9 Strathlora Street, Strathfield. The site is located west of the T-intersection of Wallis Avenue and Strathlora Street and east of South Street (Figure 1).

The site is a regular-shaped residential allotment providing a frontage width of 13.715m, a depth of 45.72m and total site area of 626m<sup>2</sup>. The site contains a gradual slope to the street. A two (2) storey dwelling with basement garage and an outdoor swimming pool currently exists on the site.

The surrounding area is characterised by a mixture of both single and two (2) storey development in a range of architectural building styles.





**Figure 3:** Existing two (2) storey dwelling at No. 9 Strathlora Street.



**Figure 4:** View of the existing pool and proposed location of the outbuilding towards the rear of the site.

## **Background**

27 August 2019

Development consent for DA2019/111 was approved by Council for the construction of a pool enclosure which included a bathroom outbuilding. The outbuilding was required to be removed by a condition of consent.

23 October 2020 to  
6 November 2020

The subject application was notified for a period of (14) days. No submissions were received.

<u>20 November 2020</u>	A site visit was undertaken by the Assessment Officer.
<u>24 November 2020</u>	Correspondence was sent to the applicant requesting a schedule of colours and external materials, roof plan and RL's and finished floor levels of the proposed development.
<u>3 December 2020</u>	Correspondence was sent to the applicant requesting the location of the outbuilding be modified to achieve compliance with the Swimming Pools Act 2012 in regards to pool safety fencing or the application be withdrawn.
<u>7 December 2020</u>	Amended architectural plans re-locating the outbuilding from the north-eastern corner to the north-western corner of the site. An amended schedule of colours and external finishes was also submitted.

## **Referrals – Internal and External**

### **Stormwater Comments**

Council's Stormwater Engineer raised no objection to the proposal, subject to the recommended conditions of consent.

## **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*.

### ***(1) Matters for consideration – general***

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:***
- (i) any environmental planning instrument,***

## **Strathfield Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012

## **Part 2 – Permitted or Prohibited Development**

### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2-Low Density Residential and the proposal is a permissible form of development with Council's consent.

## Part 4 – Principal Development Standards

Applicable SLEP 2012 Clause	Development Standards	Development Proposal	Compliance/ Comment
<b>4.3</b> Height of Buildings	9.5m	2.98m	Yes
<b>4.4</b> Floor Space Ratio	0.60:1 (375.6m <sup>2</sup> )	0.59:1 (371m <sup>2</sup> )	Yes

## Part 5 – Miscellaneous Provisions

There are no relevant provisions contained within Part 5 of the SLEP 2012 that are applicable to this development.

## Part 6 – Additional Local Provisions

### Acid Sulfate Soils

The subject site is identified as Class 5 Acid Sulfate Soils and is located within 500m of Class 4 Acid Sulfate Soils. However, as the subject site is not below 5 metres Australian Height Datum, an Acid Sulphate Soils Management Plan was not required to be submitted. Accordingly the provisions of this Clause are satisfied.

### Earthworks

The proposal does not include any significant excavation works. Any excavation required for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

### Flood Planning

The proposed site has not been identified within the flood planning levels and as such, the provisions of this Clause are not applicable to the subject development.

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

### STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

As the value of works is less than \$50,000 or based on the nature of the development type, there is no requirement for the application to be assessed in accordance with the BASIX SEPP.

### STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of Councils records for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not result in the removal or loss of any trees or vegetation that requires Council consent for removal.

The aims and objectives outlined within the SEPP are considered to be satisfied.

**(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and**

There are no draft planning instruments that are applicable to this site.

**(iii) any development control plan,**

### **Ancillary Structures - Outbuilding**

Applicable DCP Controls	DCP Controls	Development Proposal	Compliance/ Comment
<b>Landscaping</b>			
Landscaping /Deep soil Provisions:	41.5% (259.79m <sup>2</sup> )	Existing: 16.43% (104.19m <sup>2</sup> )	No –Refer below
<b>Ancillary Development</b>			
<b>OUTBUILDINGS</b> Area: Height: Side/Rear setback:	40m <sup>2</sup> 3.5m 0.5m	4m <sup>2</sup> 2.98m Western: 950mm Northern: 127mm	Yes Yes Yes No – Refer below.

Contrary to the DCP controls, the outbuilding is setback 950mm from the western side boundary and 127mm from the rear (northern) boundary. A condition of consent has been recommended requiring the outbuilding to be a minimum of 500mm from the rear (northern) boundary, achieving the setback requirements under the SCDP 2005.

The proposed skillion roof design is appropriate, minimising the height of the building whilst creating visual interest. The schedule of colours and external finishes include Colorbond monument, Colorbond wallaby and Dulux shadow beige and are compatible with the colour tones of the existing residential dwelling and swimming pool on the site.



At the site inspection, the Assessment Officer noted that a significant portion of the private open space in the rear yard is artificially turfed and has been forward to Council's Compliance Department for investigation. The proposed condition to amend the location of the outbuilding so it is a minimum of 500mm from the rear boundary will minimise the amount of deep soil required to be removed and utilise the existing swimming pool paving. A condition of consent has also been imposed to ensure that the position of the outbuilding and the swimming fencing complies with the *Swimming Pools Act 2012*.

Due to the south-north orientation of the site and the 2.98m height of the structure, the shadow will move in an eastern direction allowing the rear yard to receive adequate solar access. The proposed structure will not overshadow any adjoining properties.

## **PART H – Waste Management (SCDCP 2005)**

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction phases of the development. It is considered that this plan adequately address Part H and considered satisfactory.

### ***(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,***

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building. Compliance with the above standard is not necessary in this regard.

### ***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

The proposed development is compatible with the existing residential dwelling and is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

### ***(c) the suitability of the site for the development,***

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

### ***(d) any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

### ***(e) the public interest.***

The proposed development is of a scale and character that does not conflict with the public interest.



## Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

### STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.11 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan 2010-2030 as the proposed works are less than \$100,000.

## Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the SLEP 2012 and SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2020/175 should be **APPROVED**, subject to the recommended conditions of consent.

**Signed: N. Doughty**  
**Planning Officer**

**Date: 8 December 2020**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

**Signed: P. Santos**  
**Development Assessment Planner**

**Date: 8 December 2020**

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## **DEVELOPMENT DETAILS**

### **1. Approved Plans & Documentation**

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Site Plan & Details	DA-01	7/12/2020	C	Mile Designs Pty Ltd
Waste Management Plan	-	23/08/2020	-	A. Kamal

### **2. Building Height**

The height of the building measured from Australian Height Datum (AHD) must not exceed Relative Level (RL) 36.40 AHD to the ridge of the building.

## **SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION**

### **3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift,

crane or the like;

- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au). For further information, please contact Council’s Customer Service Centre on (02) 9748 9999.

## **REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES**

### **4. Sydney Water – Tap in™**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application 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 endorsed. For details please refer to ‘Plumbing, building and developing’ section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then see ‘Building’, or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **5. Fees to be Paid**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council’s adopted Fees and Charges applicable at the time of payment (available at [www.strathfield.nsw.gov.au](http://www.strathfield.nsw.gov.au)).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

A summary of the fees to be paid are listed below:

Fee Type	Fee
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## GENERAL FEES

Security Damage Deposit	<b>\$260.00</b>
Administration Fee for Damage Deposit	<b>\$127.00</b>

### 6. Required Design Changes

The following changes are required to be made, shown on the Construction Certificate plans and approved by the Principal Certifying Authority:

Outbuilding Setback	Amended plans and details are required to show that all side and rear setbacks of the outbuilding are a minimum of 500mm from the site boundaries. This is required to comply with Council's setback control.
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The location of the outbuilding must achieve compliance with all relevant swimming pool fencing legislation and standards including the *Swimming Pools Act 2012*.

### 7. Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$260.00**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: **\$127.00**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

### 8. Site Management Plan

#### Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, waste management plans, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.



The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

**9. Erosion & Sedimentation Control**

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

**10. Drainage System – Maintenance of Existing System**

Where elements of the existing drainage system are to be utilised, the existing drainage system shall be overhauled and maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a registered plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifying Authority, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows having regard to any relevant standards and/or Sydney Water requirements.

**11. Compliance with Swimming Pool Act 1992**

The outbuilding subject of this consent must not generate any non-compliances with the Swimming Pools Act 1992, Swimming Pool Regulation 2018 and the Building Code of Australia. Details of compliance to be illustrated on the plans lodged with the application for the Construction Certificate.

## **PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)**

### **12. Dial Before You Dig**

The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

## **DURING CONSTRUCTION**

### **13. Site Sign – Soil & Erosion Control Measures**

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

### **14. Hours of Construction for Demolition and Building Work**

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

**Note:** A penalty infringement notice may be issued for any offence.

## **OPERATIONAL CONDITIONS (ON-GOING)**

### **15. Lighting – General Nuisance**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

## **OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

### **16. Requirement for a Construction Certificate**

The erection of a building must not commence until a Construction Certificate has been issued.

**17. Appointment of a PCA**

The erection of a building must not commence until the applicant has:

- (a) Appointed a PCA for the building work; and
- (b) If relevant, advised the PCA that the work will be undertaken as an Owner - Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) Appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) Notify the PCA of the details of any such appointment; and
- (e) Notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

**18. Notification of Critical Stage Inspections**

No later than two days before the building work commences, the PCA must notify:

- (a) The consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

**19. Notice of Commencement**

The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

**20. Critical Stage Inspections**

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

**21. Notice to be Given Prior to Critical Stage Inspections**

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

**22. Occupation Certificate**

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

## **PRESCRIBED CONDITIONS**

### **23. Clause 98 – Building Code of Australia & Home Building Act 1989**

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

### **24. Clause 98A – Erection of Signs**

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

### **25. Clause 98B – Home Building Act 1989**

If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

## **ADVISORY NOTES**

### **i. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

### **ii. Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

### **iv. Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.