

Our reference | HOA/56450

Your Ref | DA 242/2013

Sydney East Joint Regional Planning Panel
GPO Box 39
Sydney NSW 2001

Attention: Angela Kenna

Dear Ms Kenna,

CROWN DEVELOPMENT APPLICATION: DA 242/2013

**PROPOSED DEMOLITION OF EXISTING DWELLING, REMOVAL OF TREES AND THE CONSTRUCTION OF 3 STOREY RESIDENTIAL FLAT BUILDING COMPRISING OF 10 UNITS AND 5 x 2 STOREY TOWNHOUSES RESULTING IN A TOTAL OF 15 UNITS, 7 PARKING SPACES, ASSOCIATED LANDSCAPING AND CONSOLIDATION INTO A SINGLE LOT
118 – 120 HANNANS ROAD NARWEE**

Thank you advising that the Land and Housing Corporation is required to respond to the draft non prejudice conditions of consent forwarded by Canterbury Council on 23 January 2014 for the above development application.

The Land and Housing Corporation has examined the proposed Development Consent conditions and pursuant to Section 89(1)(b) of the Environmental Planning and Assessment Act advises as follows:

Draft

Draft Condition No	Response
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- | | |
|--------|---|
| 1. 1.1 | Agreed, subject to the first sentence being re-worded as follows, "The following must be submitted to the Land and Housing Corporation and a copy provided to Council prior to Construction:"

Pursuant to S.109R of the Act, the Department, as a Crown authority, is authorised to certify its own building works as complying with the state's building laws (i.e. the Building Code of Australia) and is therefore exempt from the need to obtain a construction certificate or appoint a principal certifying authority. |
| 1.2 | Agreed, subject to the word "Leave" being replaced with "Levy" for accuracy purposes. |
| 1.3 | Agreed, subject to the total Section 94 Contributions rate being reduced to \$62,235.03 as explained in the response to proposed Condition 8. |

- 1.4 Not agreed as per the previous comments contained in proposed Condition 1.1. In addition, pursuant to S.109M(2)(d) of the Act, the Land and Housing Corporation, as a Crown authority, is not required to obtain occupation certificates. Deletion of this proposed condition is therefore requested.

Note 1 Noted.

Note 2 Not applicable as no Principal Certifying Authority is required.

Note 3 Not applicable as no Construction Certificate is required.

Note 4 Noted.

Note 5 Noted.

2. 2.1 Not agreed as per the previous comments contained in proposed Condition 1.1. Deletion of this proposed condition is therefore requested.
- 2.2 Not agreed as per the previous comments contained in proposed Condition 1.1. Deletion of this proposed condition is therefore requested.
- 2.3 Agreed.
- 2.4 2.4.1 Agreed.
- 2.4.2 Not agreed as there will be no owner-builder. Deletion of this proposed condition is therefore requested.
3. Not agreed as this condition is not applicable as the proposal is for a multi storey building. Deletion of this proposed condition is therefore requested.
4. 4.1 Not agreed as no Principal Certifying Authority is required as per the previous comments contained in proposed Condition 1.1. Deletion of this proposed condition is therefore requested.
- 4.2 Agreed.
- 4.3 Agreed.
5. (a – p) Agreed.
6. 6.1 Agreed.
7. Agreed.
8. Agreed, subject to the following amendments:
- Reduce the total Section 94 Contribution rate from \$120,112.48 to \$62,235.03;
 - The Corporation has reviewed Council's Section 94 Contributions Plan 2005 and considers that there is no nexus between the proposed development and the open space proposed to be acquired in the plan. In addition, there is no open space land within the locality identified for acquisition in Council's Development Contributions Plan 2013. It is therefore requested that the

Open Space Acquisition Contribution amount of \$57,877.45 be deleted from the Contribution Element Table; and

- deletion of the words “release of the Construction Certificate” contained in the last sentence of the “Note:” and replace with “commencement of Construction” as per the previous comments contained in proposed Condition 1.1.

9. Agreed.
10. Agreed.
11. Agreed.
12. Agreed.
13. Agreed.
14. Agreed.
15. Agreed.
16. Agreed, subject to the deletion of the words “from my site visit”.
17. Agreed.
18. Agreed.
19. Agreed.
20. Agreed.
21. Agreed, subject to the first sentence being reworded as follows for accuracy purposes, “Certification from an accredited engineer must be provided to the Land and Housing Corporation and a copy provided to Council for information to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards”.
22. Agreed.
23. Not agreed as this condition is not considered to be applicable as the driveway falls away from the front boundary and towards the rear of the site. Deletion of this draft condition is therefore requested.
24. Agreed, subject to the first sentence being reworded as follows “Where OSD is required, three (3) copies of plans and calculations must be submitted to the Land and Housing Corporation prior to construction and a copy submitted to Canterbury City Council for information”, as per the previous comments contained in proposed Condition 1.1.

25. Agreed, subject to the following amendments:
- Deletion of “illustrated” and replace with “illustrate” for accuracy purposes and;
 - third sentence being reworded as follows “A construction compliance certification must be submitted to the Land and Housing Corporation and a copy submitted to Canterbury City Council for information, 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”.
26. Agreed.
27. Agreed.
28. Agreed.
29. Agreed.
30. Agreed.
31. Agreed.
32. Agreed.
33. Agreed.
34. Agreed, subject to the first sentence being reworded as follows “The granting of service easements within the properties is to be undertaken in accordance with Council’s policies” as no Private Certifier is required as per the previous comments contained in proposed Condition 1.1.
35. Agreed.
36. Agreed, subject to the last sentence bring reworded as follows “The Section 73 Certificate must be submitted to the Land and Housing Corporation and a copy submitted to Council for information prior to occupation of the development”, as per the previous comments contained in proposed Condition 1.1.
37. Agreed, subject to the last sentence being reworded as follows, “The Land and Housing Corporation will obtain the stamped plans from the Quick Check Agent and copies of the stamped plans shall be forwarded to Council for information prior to construction”, as per the previous comments contained in proposed Condition 1.1.
38. Not agreed. Pursuant to S.109R of the Act, the Land and Housing Corporation, as a Crown authority, can certify its own building works as complying with the state’s building laws (ie the Building Code of Australia) and, therefore supervision and inspections carried out by Council or an Accredited Person are not required for Crown development. The Land and Housing Corporation will ensure compliance with the relevant standards of the Building Code of Australia. Deletion of this proposed condition is therefore requested.

39. Not agreed for the reasons contained in proposed Condition 38. Deletion of this proposed condition is therefore requested.
40. Not agreed for the reasons contained in proposed Condition 1.4. Deletion of this proposed condition is therefore requested.
41. Noted.
42. Not applicable as a Principal Certifying Authority is not required to be appointed for Crown Applications. Deletion of this advice note is therefore requested.
43. This is considered to be an incomplete sentence but is essentially a repeat of proposed Condition 12 which has been agreed to. Deletion of this advice note is therefore requested.
44. Noted.
45. Noted.
46. Noted.
47. Noted.
48. Noted.
49. Noted.
50. 50.1 Section 82A of the Act does not apply to the Crown, by virtue of the operation of S.89 of the Act. Deletion of this note is therefore requested.
- 50.2 Section 97 of the Act does not apply to the Crown, by virtue of the operation of S.89 of the Act. Deletion of this note is therefore requested.

Any enquiries or correspondence concerning this development should initially be directed the undersigned, who can be contacted by telephone on (02) 8753-8427 or by email at anna.tomas@facs.nsw.gov.au

Yours sincerely



Anna Tomas
A/Manager Planning, Technical Services
14 February 2014