

**DETERMINATION OF THE BUILDING APPEALS BOARD**

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<b>Municipality</b>	City of Hume
<b>Site Address</b>	30 Pymble Gardens Craigieburn 3064
<b>Applicant</b>	Dorid Saadala
<b>Class of Building</b>	1a
<b>Regulation/s to be Determined</b>	P2.3.1 (3.7.1.5), P2.3.4 (3.7.4.0), P2.4.4 (3.8.4.2), P2.4.5 (3.8.5.2), P2.2.1 (3.1.2.3), P2.6.1 (3.12.0.1)/r411, r414

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**Nature of modification of building regulations (S160)**

1. P2.3.1 (3.7.1.5)  
To permit the existing external wall setback 400mm from the southern boundary, as indicated in the submission, to be constructed without the required fire protection or separation i.e without an external wall with an FRL of 60/60/60.
2. r411  
To permit the existing building, including the enclosed alfresco and carport areas as indicated in the submission, to exceed the allowable site coverage to 61.95% in lieu of the maximum allowable 60% as prescribed by Building Regulation 411.
3. P2.3.4 (3.7.4.0)  
To permit the existing enclosed alfresco area, as indicated in the submission, to be have sheet roofing that is combustible and not be constructed in accordance with clause 3.7.4.0 of the BCA inter alia clause 5.5 of AS3959.
4. r414  
To permit the existing enclosed alfresco and garage area, to be constructed 400mm from the southern boundary in lieu of a setback of 1.0 metre as prescribed by Building Regulation 414.
5. P2.4.4 (3.8.4.2)  
To permit habitable room windows required to provide natural light to the kitchen, living room and meals areas to face an enclosed alfresco area, as indicated in the submission, in lieu of the requirements of clause 3.8.4.2 of the BCA.
6. P2.4.5 (3.8.5.2)  
To permit habitable room ventilation requirements to the kitchen, living room and meals areas to be provided by the enclosed alfresco area in lieu of the requirements of clause 3.8.5.2 of the BCA
7. P2.2.1 (3.1.2.3)  
To permit the finished surface level within the class 1a dwelling at the external doorways to be level with the adjacent external finished surface level, as indicated in the submission, in lieu of 50mm as prescribed by clause 3.1.2.3 of the BCA
8. P2.6.1 (3.12.0.1)  
To permit the existing dwelling inclusive of the enclosed alfresco area, to achieve an energy rating of 3.7 stars in lieu of the prescribed minimum energy rating of 6 stars, as indicated in the submission.

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9. r409  
To permit the dwelling to remain as constructed with a minimum street setback of 4 metres in lieu of the minimum setback as prescribed by regulation 409 of the Building Regulations 2006.
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**Decision/s of the Panel**

1. No Modification Required
  2. Approved, with the modifications or variations specified in the application.
  3. Approved, with the modifications or variations specified in the application.
  4. Approved, with the modifications or variations specified in the application.
  5. Approved, with the modifications or variations specified in the application.
  6. Approved, with the modifications or variations specified in the application.
  7. Approved, subject to the floor in the former garage to be raised by 100mm to match the finished floor area of the laundry. The floor to be constructed to prevent the ingress of water into the building to the satisfaction of the Municipal Building Surveyor.
  8. Approved, with the modifications or variations specified in the application.
  9. Approved, with the modifications or variations specified in the application.
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**Panel Members****Date of Hearing**

30/03/2017

Gerard Coutts, Brent Williams, Sharon Houlihan

**ORIGINAL SIGNED**

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**Chairperson, Building Appeals Panel**

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**Registrar****Date signed:** 09/05/2017

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**OFFICE USE Ref:** GD : 449410**Note:**

This determination made pursuant to section 162 of the *Building Act 1993* must not be construed as an approval or endorsement relative to any other Act, regulation control or matter pertaining to the nature to which this determination relates. In particular the determination shall not be taken to authorise any departure from approved documents or other matters that have been or are able to be the subject of other approval procedures pursuant to the *Planning and Environment Act*, *Occupational Health and Safety Act*, *Disability Discrimination Act*, *Heritage Act*, *Health Act* and not limited to any other relevant Acts.