

Subject	DEVELOPMENT APPLICATION: 10.2009.235.1 135 PARK AVENUE ASHFIELD
File Ref	10.2009.235.1
Prepared by	Andrew Johnston - Development Assessment Officer
Reasons	Application requires Council determination – application previously deferred
Objective	For Council to determine the application
Strategic Plan Link	N/A
Management Plan Activity	2.11 Development & Building Control, Strategic Planning

Overview of Report

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to construct a two-storey dwelling house, front fence and rear garage at 135 Park Avenue, Ashfield.

Background

1.0 History of Application

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to construct a two-storey dwelling house, front fence and rear garage at 135 Park Avenue, Ashfield. The front portion of the dwelling house is to be single-storey in height, with the two-storey portion setback approximately 12m from the front boundary.

The site is currently vacant.

This application has been lodged on behalf of the Roads and Traffic Authority (RTA) and would be defined as Crown Development as it was lodged by a public authority. It is comparable to DA: 10.2009. 234.1, which was lodged for the construction of a new dwelling house at 15 Park Avenue.

A report on this matter was previously heard at Council's meeting of 9 March 2010. A copy of this report, recommending the approval of the application, is included at **Attachment 1**.

At this meeting Council resolved:

That Council defer the matter to negotiate with the RTA to amend plans to delete the second storey.

The RTA was advised of this resolution on 10 March 2010. The RTA does not wish to further modify the proposal and wants to proceed with the two-storey dwelling house as detailed in the previously prepared report. A copy of this correspondence is included at **Attachment 2**.

It is therefore requested that Council determine the proposal in its current form.

2.0 Determination of Crown Development Applications

The RTA is defined as a 'public authority' under Clause 226(1)(a) of the Environmental Planning and Assessment (EP&A) Regulations 2000. As such the RTA may lodge applications under the Crown development provisions of Division 4 of Part 4 of the EP&A Act.

Section 89 of the EP&A Act states:

- (1) *A consent authority (other than the Minister) must not:*
 - (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Council is therefore unable to formally refuse this application without the concurrence of the Minister who has delegated this responsibility to the Joint Regional Planning Panel.

Should Council support the development the previously prepared conditions would need to be referred to the RTA for concurrence pursuant to Clause 89(1)(b) of the EP&A Act.

Financial Implications

Based on the supplied value-of-work of \$350,000.00 a Section 94A Contribution of \$3,500.00 would be payable should the application be approved.

Other Staff Comments

See Section 8.1 of the previously prepared report.

Public Consultation

Two (2) submissions were received during the notification of the development application:

Submissions
Ms S Smith 135 Park Avenue ASHFIELD NSW 2131
Ms C Horton PO Box 739 PETERSHAM NSW 2049 (Owner of 133 Park Avenue)

A copy of this submission and a discussion of the matters raised are included in the originally prepared report.

Conclusion

This report has been submitted for the consideration of Council. It has been prepared in response to Council's resolution of 9 March 2010, which deferred the determination of this application.

The RTA has advised that they do not wish to modify the proposal and it is therefore requested that Council determine the current application.

Should Council elect to refuse the application the RTA may take the matter to the Joint Regional Planning Panel. Alternatively, should Council wish to approve the application the concurrence of the RTA would be required for the imposition of conditions.

ATTACHMENTS

Attachment 1	Council Report dated 9 March 2010	34 Pages
Attachment 2	Correspondence with Road and Traffic Authority (RTA)	2 Pages

RECOMMENDATION

That the report is submitted for consideration.

PHIL SARIN
Director Planning & Environment

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File Ref	10.2009.235.1
Prepared by	Andrew Johnston - Development Assessment Officer
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Strategic Plan Link	N/A
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Overview of Report

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to construct a two-storey dwelling house, front fence and rear garage at 135 Park Avenue, Ashfield. The front portion of the dwelling house is to be single-storey in height, with the two-storey portion setback approximately 12m from the front boundary.

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent to construct a two-storey dwelling house, front fence and rear garage at 135 Park Avenue, Ashfield. The front portion of the dwelling house is to be single-storey in height, with the two-storey portion setback approximately 12m from the front boundary.

The site is currently vacant.

Plans of the proposal are included at **Attachment 1**.

This application has been lodged on behalf of the Roads and Traffic Authority (RTA) and is comparable to DA: 10.2009. 234.1 which was lodged for the construction of a new dwelling house at 15 Park Avenue.

2.0 Summary Recommendation

The two-storey portion of the dwelling house is setback from the street, complies with Council's wall height controls and incorporates a hipped roof so as to minimise its impacts on the streetscape. It is therefore considered that the proposal will not detract from the character and significance of the Park Avenue Conservation Area and is recommended for

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conditional approval.

Should the application be approved the concurrence of the RTA would be required for the imposition of conditions.

Background

3.0 Application Details

Applicant	:	Roads and Traffic Authority
Owner	:	Roads and Traffic Authority
Value of work	:	\$350,000.00
Lot/DP	:	LOT: 7 DP: 858369
Date lodged	:	31 December 2009
Date of last amendment	:	16 February 2010
Building classification	:	1A, 10A and 10B
Application Type	:	Local
Construction Certificate	:	No
Section 94A Levy	:	Yes – \$3,500.00

4.0 Site and Surrounding Development

The subject site is located on the northern side of Park Avenue, bounded by Shepherd Street to the east and Milton Street to the west. The property backs onto Park Lane, which may be entered off Shepherd Street. The property has a site area of approximately 304.5m² and is vacant. Surrounding development generally comprises of one and two-storey dwelling houses, with a mixture of Federation, Victorian, Inter-War, Post-War and some modern dwellings. The occasional residential flat building also exists in Park Avenue although this form of development is most prevalent to the north off Blackwood Avenue and Brunswick Parade.

Refer to **Attachment 2** for a locality map.

5.0 Development History

5.1 History of Site

Council's records do not indicate that any building and development applications have been submitted for the subject site.

However, Council's records indicate that the land was part of the Education Park Estate subdivision in 1882. A dwelling house was constructed onsite in 1883. The site was acquired by the Department of Main Roads (the RTA) in 1974 after the dwelling house was demolished in 1963. Following the demolition of the dwelling house the property was leased to Ashfield Council for use as a playground.

The playground equipment, which was installed by Council, was removed in 2008 at the request of the RTA.

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The subject property, like the whole northern side of Park Avenue, was zoned for road reservation purposes (the proposed 'Ashfield Bypass'); however, this affectation was removed in 2007 with the gazettal of Amendment No. 114 to Ashfield Local Environmental Plan (LEP) 1985.

5.2 History of Application

- The development application was lodged with Council on 31 December 2009.
- The proposal was notified from 6 January to 2 February 2010.
- A letter requesting additional information and amended plans was sent to the Applicant on 22 January 2010.
- A response to Council's letter and amended plans were received on 16 February 2010.

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned 2(a)-Residential under the provisions of Ashfield LEP.
- The property is located within the Park Avenue Conservation Area.
- The property is not 'Operational' or 'Community' land.

The proposed works are permissible with Council consent.

The site was previously zoned 9(c)-County Road Widening Reservation however Ashfield LEP Amendment No. 114 re-zoned the land to 2(a)-Residential.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 1985 (as amended)

The subject land, which is currently vacant, is located within the Park Avenue Conservation Area. This conservation area contains a wide range of building styles (Victorian, Federation, Inter-War, Post War and modern) and as such a great variety of building forms and materials are in existence. The majority of buildings within Park Avenue are single-storey in height but there are also a significant number of two-storey buildings, such as Victorian terraces, Post War red brick residential flat buildings and modern dwelling houses.

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The supporting study document prepared for the Park Avenue Conservation Area states the area *"contains houses of diverse age, mostly of the Victorian, Federation and Inter-War periods, but with a handful of compatible more recent buildings. They form a rich variety of architectural styles, forms, materials, textures, colours and details, all essentially modest and unassuming in scale and character"*. The study document further suggests new buildings *"should respect the old, not necessarily by imitation, but by careful reference to scale, materials and textures. Perhaps the scale of the street and its components is the most important thing to be safeguarded"*.

Council has generally advocated that the bulk, form and materials of new dwelling houses within heritage conservation areas be based on original buildings within the vicinity, yet care should be taken to avoid mimicry or the unnecessary 'faking' of traditional buildings. This generally means that new buildings should be similar to traditional buildings in terms of general building/roof forms, setbacks, and materials but be of a more simplified design, i.e. elaborate details and joinery should not be replicated.

In this regard it is noted that the proposed dwelling house, whilst contemporary in design, is to consist of traditional bricks and metal roof sheeting. The use of unpainted facebrick for the dwelling house differs from the immediate neighbours (a modified painted Victorian brick cottage at 133 Park Avenue and an indeterminate, possibly Victorian, timber cottage at 137 Park Avenue); however, it is more reflective of Ashfield's traditional residential character. It is further considered that the originally proposed use of rendered brickwork – when coupled with a contemporary design – would stand out to unacceptable degree within the streetscape.

The form and bulk of the front portion of the dwelling house and its roof are simple and modest, and the proposed verandah responds to the traditional context of the street.

The two-storey portion of the dwelling house is set back approximately 12m from the front boundary (the footpath) and incorporates a simple hipped roof form. The wall height of this two-storey element satisfies Council's height controls (see Section 7.3 of this report) and is also broken up with a section of fibro sheeting to reduce its visual bulk. As the wall height of this two-storey element is largely obscured, and the remaining roof is hipped, it is considered that the two-storey dwelling house is of an acceptable scale. Furthermore it is considered that the development – by virtue of its bulk, height, setback, form and materials – is sympathetic to the streetscape and the context of the locality.

Therefore, having considered the provisions of Section 32(5) and 37 of the Ashfield LEP it is considered that the proposal will not detract from the character or significance of the Park Avenue Conservation Area.

Clause 11(1)(b) of the Ashfield LEP outlines that Council shall not consent to the development of a dwelling house on an allotment of land that is less than 500m² within the 2(a)-Residential zone. However Clause 11(2) of the Ashfield LEP states *"Council may consent to the erection of a dwelling house on an allotment of land which does not comply with subclause (1) where the land was in existence as a separate allotment on the appointed day"*. As this allotment was in existence on 20 December 1985 (the appointed

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day) Clause 11(1)(b) does not apply and Council may consider the construction of the dwelling house despite the site having an area of 304.5m².

It should be noted that Clause 55 of the Ashfield LEP, which was introduced by Ashfield LEP Amendment No. 114, outlines a number of controls relating to minimum residential allotment sizes and contamination. However, this is also not applicable to the subject site as it only relates to 151 Park Avenue. Instead the suitability of the dwelling house in terms of density is further discussed in Section 7.3 of this report whilst contamination is discussed in Section 7.1.3 of this report.

It is considered that the proposal generally complies with the provisions of the Ashfield LEP.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 1 – Development Standards

Not applicable.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

Noted. The subject dwelling house would be defined as a two-storey building under this Policy. Two-storey dwellings houses are permissible with the consent of Council pursuant to Clause 12(2)(a) of the Ashfield LEP.

State Environmental Planning Policy No. 55 – Remediation of land

In the rezoning of the allotment of land (with its neighbours) from 9(c)-County Road Widening Reservation to 2(a)-Residential, Council's Strategic Planners did not require any additional investigation of the site's contamination status. This is unlike the property at 151 Park Avenue which needs further investigation subject to Clause 55(3) of the Ashfield LEP. With respect to contamination the Council report dated 12 August 2005 and prepared to support Ashfield LEP Amendment No. 114 states "*the sites to be rezoned for residential ... purposes ... are unlikely to be contaminated because of past residential use*".

As detailed in Section 5.1 of this report, the subject site was originally used for residential purposes and then, after the demolition of the original dwelling house, as a playground. Given this history it agreed that it is unlikely the site is contaminated. As such the remediation of the site is not required prior to the carrying out of the proposed

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development.

State Environmental Planning Policy (Infrastructure) 2007

Not applicable.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Not applicable. As the subject site is less than 500m² in size the construction of a new dwelling house cannot be defined as complying development.

7.2 The provisions of 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.

Not applicable.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Development Control Plan (DCP) 2007:

C1	ACCESS AND MOBILITY	Not applicable to single dwelling houses.
C10	HERITAGE CONSERVATION	As detailed in Section 7.1.1 of this report it is considered that the proposal will not detract from the significance of the Park Avenue Heritage Conservation Area.
C11	PARKING	Complies. A single garage is to be provided to the rear of the property which is accessible off the rear lane.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal was notified in accordance with Council's Public Notification DCP.
C15	HOUSES AND DUAL OCCUPANCIES	See comments below.
C17	151 PARK AVENUE ASHFIELD	Not applicable.

Ashfield DCP 2007 – Part C15 – Houses and Dual Occupancies

The proposal generally satisfies the Houses and Dual Occupancies DCP's numerical controls:

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Permissible Floor Space Ratio (FSR):	0.65:1
Proposed FSR:	Complies – 0.64:1 (based on a gross floor area of approximately 195.6m ²)
Permissible General Landscaping %:	40%
Proposed General Landscaping %:	Complies – 51% (based on an area of approximately 156.3m ²)
Permissible Soft Landscaping/Deep Planting Area %:	28%
Proposed Soft Landscaping/Deep Planting Area %:	Complies – 33% (based on an area of approximately 100.9m ²)
Maximum Wall Height (natural ground level to top of external wall):	6m
Proposed Maximum Ceiling Height:	Complies – The wall height of the two-storey section is 5.8m.

Section 2.2 of the Houses and Dual Occupancies DCP states a “*sympathetic scale is one which takes architectural cues in terms of size, bulk, length, breadth, height and volume of a building or an element, in relation to neighbouring buildings, as well as in relation to the scale and character of the streetscape, which includes the scale of the predominant building styles*”. Whilst the property's immediate neighbours are single-storey, a number of two-storey buildings are also present in the street. Within the vicinity of the subject site a two-storey Victorian house exists at 122 Park Avenue, a two-storey modern house exists at 120 Park Avenue and a two-storey residential flat building exists opposite at 136 Park Avenue.

It is therefore considered that the single-storey front portion of the dwelling house, with its hipped roof and verandah, responds to its single-storey neighbours, whilst the rear two-storey element is sufficiently setback so as to not overwhelm the streetscape.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

The RTA is defined as a ‘public authority’ under Clause 226(1)(a) of the EP&A Regulations 2000. As such the RTA may lodge applications under the Crown development provisions of Division 4 of Part 4 of the EP&A Act.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. The side first floor windows of the dwelling house are non-opening and obscured to a height of 1.5m. This raised height will minimise the overlooking of the neighbouring properties.

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

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7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners, occupants, and Councillors from 6 January until 2 February 2010.

7.7.1 Summary of submissions

Two (2) submissions (**Attachment 3**) were received during the notification of the development application:

Submissions
Ms S Smith 135 Park Avenue ASHFIELD NSW 2131
Ms C Horton PO Box 739 PETERSHAM NSW 2049 (Owner of 133 Park Avenue)

The matters raised in these submissions are detailed below in *italics*, followed by a response from the assessing officer:

The proposed dwelling house is unsympathetic within the streetscape.

Officer's comment: With its front verandah, hipped roofs, material selection, picket fence and first floor setback, the proposed development is considered sympathetic within the streetscape.

The proposed development exceeds the maximum allowable FSR for the site.

Officer's comment: As detailed in Section 7.3 of this report the proposal satisfies Council's numerical controls, including FSR.

The excessive bulk and scale of the proposed dwelling house will result in the overshadowing of the properties at 131 and 133 Park Avenue.

Officer's comment: The development will cast shadows on 137 Park Avenue in the morning however by midday these shadows will be limited to the subject site and the footpath. 133 Park Avenue will not be shadowed by the proposed development until the

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afternoon. It is therefore considered that the development will not unreasonably overshadow the neighbouring properties.

The proposed dwelling house will unreasonably restrict air flow to the dwelling house at 133 Park Avenue.

Officer's comment: The Houses and Dual Occupancies DCP does not set controls for air movement between adjoining properties. It is noted, however, that 133 Park Avenue has two (2) existing windows along its western side and these openings are largely obscured by the existing boundary fence. Therefore, the proposed dwelling house will have a minimal impact on the provision of natural ventilation into the dwelling house via these windows.

The Juliet balcony servicing the first floor bedroom will overlook neighbouring properties.

Officer's comment: Owing to its narrow length the rear balcony is not accessible. Instead this opening serves as a window for the first floor master bedroom.

Privacy screens are proposed for the sides of this opening to minimise overlooking of adjoining properties.

The proposed location of the western courtyard will unreasonably impact on the amenity of 133 Park Avenue in terms of privacy and noise.

Officer's comment: The side courtyard will only raise the height of this area slightly above the existing natural ground level. It is therefore considered that a standard dividing fence (such as the existing fence) will obscure views between the courtyard and the neighbouring property at 133 Park Avenue. In this regard it should also be noted that 133 Park Avenue does not have any windows that are directly opposite this area,

7.7.2 Mediation

Not applicable.

7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of this application. The proposal is considered acceptable and therefore warrants support.

8.0 Referrals

8.1 Internal

Heritage Adviser – Comments from Council's Heritage Adviser are included at **Attachment 4**. The Heritage Adviser is generally supportive of the proposal – in particular regarding the material selection – although he does maintain some concerns with respect to the two-storey form of the building within this section of Park Avenue (as opposed to the dwelling house at 15 Park Avenue which is fully supported). However, as detailed

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elsewhere in this report, the two-storey rear section of the development is considered acceptable on the grounds that it complies with Council's controls and other examples of two-storey buildings exist within the immediate vicinity (such as 122, 124 and 136 Park Avenue)

Building – Council's Construction Assessment Team Leader has raised no objection to the proposal subject to the imposition of standard conditions.

Engineering – Council's Design and Development Engineer has raised no objection to the proposal subject to the imposition of conditions.

The Traffic Engineer has raised no objection to the location of the garage on the rear boundary on the basis that other outbuildings fronting the rear lane are in a similar position. In addition, the garage does not need to be setback within the property for manoeuvring purposes.

Trees – Council's Tree Management Officer has raised no objection to the proposal. The Tree Management officer has commented that the development should have little impact on the root zone of any neighbouring trees at 133 Park Avenue, although some pruning of overhanging branches may be required.

The trees in this neighbouring property are not covered by Council's Tree Preservation Order (TPO).

A Water Gum (*Tristanopsis laurina*) exists on the verge to the front of the property. Should the application be approved a condition will be imposed requiring the protection of this tree during construction works.

8.2 External

Not applicable.

9.0 Other Relevant Matters

Determination of Crown development applications

Section 89 of the EP&A Act states:

- (1) *A consent authority (other than the Minister) must not:*
 - (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

Therefore, should Council wish to approve this application it will have to refer the proposed conditions through to the RTA for their concurrence. The consent of the Minister of Planning would be required should Council wish to refuse the application.

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Stormwater Management Code

The Design and Development Engineer has recommended conditions requiring the disposal of stormwater to Council's street gutter via a gravity system. Onsite detention is not required.

Stormwater Pipes

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

Financial Implications

Based on the supplied value-of-work of \$350,000.00 a Section 94A Contribution of \$3,500.00 would be payable should the application be approved.

Other Staff Comments

See Section 8.1 of this report.

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) Clauses (a) to (e) having been taken into consideration. It is considered that the proposal will not detract from the character or significance of the Park Avenue Conservation Area.

The proposal is acceptable and is recommended for conditional approval.

ATTACHMENTS

Attachment 1	Plans of the Proposal	5 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Submissions	3 Pages
Attachment 4	Heritage Advice	1 Page

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RECOMMENDATION

- 1/2 That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2009.235.1 for the construction of a dwelling house, a garage and front fence on Lot 7 in DP: 858369, known as 135 Park Avenue, Ashfield, subject to the conditions in the report, and
- 2/2 That the prepared conditions be referred to the Roads and Traffic Authority for concurrence pursuant to Clause 89(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended).

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers DA01 Rev 'C', DA-02 Rev 'C', DA-03 Rev 'C', DA-04 Rev 'C' and DA-07 prepared by Caldis Cook Group Architects and date stamped by Council 16 February 2010, as well as any supporting documentation received with the application, except as amended by the conditions specified hereunder.

B Design Changes

Nil

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Home Building Act 1989 Insurance

Compliance with Part 6 of the *Home Building Act 1989* is required. A copy of either the Builder's Indemnity Insurance OR a copy of the Owner-Builder's Permit shall be submitted to Council.

(2) Section 94A Contribution

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$3,500.00** shall be paid to Ashfield Council. This fee is based on the supplied value-of-work of \$350,000.00.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

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The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

(3) Long service levy

Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979* – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy at the rate of 0.35%.

$0.35\% \times \$350,000.00 = \$1,225.00$.

(4) Damage deposit – Footpath, road, kerb and gutter

A Damage Deposit of **\$7,000.00** is to be submitted prior to the release of the Construction Certificate covering the repair and/or replacement of adjoining footpath, road shoulder, road pavement, laneway pavement, kerbing, guttering, grass verge and street tree both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to the satisfactory completion of the construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

- ♦ A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.
- ♦ Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.
- ♦ Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.
- ♦ At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(5) Footpath/roadway – Photographs to be submitted

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Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath, kerb and gutter at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

(6) Plantation or recycled timbers

To minimise damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in these construction works. The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms or State Forest Plantations.

Recycled timbers may also be used but these must be inspected and approved by the Principal Certifying Authority prior to their use.

(7) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, 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 the release of an occupation or subdivision certificate

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given notification in writing to Council no later than two (2) days before the building work commences.

A 'Notice of Commencement' form is available from Council's website: www.ashfield.nsw.gov.au

(2) Requirement for a Construction Certificate

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In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two (2) days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the Building Code of Australia.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the Environmental Planning & Assessment Act 1979. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in Landcom's *Managing urban stormwater: Solis and construction Vol. 1* (The 'Blue Book').

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall include the protection of stormwater inlets and gutter systems within the immediate vicinity of the site, as well as protect neighbouring properties from runoff.

This sedimentation and erosion control plan must be submitted with the application for a construction certificate.

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Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(5) Sydney Water approval

The approved plans must be submitted to a 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 Sydney Water on 13 20 92.

(6) Structural engineer's details

To ensure compliance with the provisions of the Building Code of Australia (BCA) structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to the commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls;
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

(7) Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to an authorised Council officer at any time when required.

(2) Building materials – Storage/placement on footpath/roadway – Council approval

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All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without the prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's website www.ashfield.nsw.gov.au

(3) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any sign shall be maintained and not removed until work has been finished.

(4) Demolition/excavation/construction – Hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7:00 am to 6:00 pm Monday to Friday and from 7:00 am to 12:00 pm (noon) on Saturday. Work is prohibited on Sundays and on public holidays.

(5) Security Fencing and Tree Protection

The property is to be secured to prohibit unauthorised entry. The Water Gum (*Tristania laurina*) on the Park Avenue footpath shall also be protected to prevent damage or the death of the street tree.

(6) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

The applicant shall construct a temporary vehicular access crossing for vehicles entering and leaving the site across Council's footpath. Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

(7) Locate structures

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The structures must stand wholly within the boundaries of the allotment.

(8) Building construction – Check survey

A check survey is to be submitted to the Principal Certifying Authority (PCA) for perusal at an early stage of construction indicating excavated levels, boundary distances, site coverage and building alignment to ensure compliance with the approved plans.

(9) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(10) Waterproofing materials/installation – BCA/Australian Standards – Class 1 & 10

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation have been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

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(11) Safety Glazing – BCA

Safety glazing complying with the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(12) Balustrade design requirements

Balustrades shall be constructed in accordance with the following requirements:

- (i) The height is not less than 865mm above the nosings of the stair treads or the floor of a ramp.
- (ii) The height is not less than:
 - (a) 1m above the floor of any access path, balcony, landing or the like; or
 - (b) 865mm above the floor of a landing to a stair or ramp where the balustrade is provided along the inside edge of the landing and does not exceed a length of 500mm.
 - (c) Any opening does not permit a 125mm sphere to pass through it and for stairs the space is tested above the nosings.

(13) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Part 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000:2007 and AS 3786:1993.

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(14) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes dated 16 February 2010 and on the approved plans, except where amended by the conditions hereunder:

- The unpainted brick surfaces to the dwelling house are not to be painted.
- In-plane skylights in clear glazing, close-fitting to the roof and of a rectangular and vertical shape are to be installed.
- A straight concrete or paved path shall be installed from the front entry gate to the front verandah.
- The western side gate shall be setback a minimum of 500mm from the front wall of the dwelling house whilst the eastern side gate shall be setback a minimum of 1000mm from the front wall of the dwelling house.
- A simple roller or panel-lift door with full width horizontal panels shall be installed for the garage, such as B&D's 'Seville' or 'Squareline' models. Sectional doors or those with openings or glazing, such as B&D's 'Statesman', 'Grange' or 'Federation' models, are not to be installed.

(15) BASIX Requirements

The new works shall be constructed in accordance with, and comply with, the undertakings given on BASIX (Building Sustainability Index) Certificate No. 256702S as obtained on 23 November 2009 from the Department of Planning.

For more information visit www.basix.nsw.gov.au

(16) Roof guttering and drainage system – Disposal of stormwater

Stormwater runoff from all roof and paved areas, including the overflow from rainwater tanks, shall be collected and discharged by means of a gravity pipe system to Council's kerb and gutter in Park Avenue. Any redundant stormwater outlets located on Council property must be replaced with concrete footpath and kerb.

The roof shall be provided with a guttering system in accordance with the provisions of Part 3.5.2 'Gutters and Downpipes' of the Building Code of Australia (BCA) and AS/NZS 3500.5 – 2000. On completion of the works, a qualified plumber shall furnish the Principal Certifying Authority a certificate certifying that the guttering system complies with Part 3.5.2 of the BCA and AS/NZS 3500.5 – 2000.

Advisory Note: In Planning Circular BS 08-001 the Department of Planning advised that the use of high-front guttering has been associated with water penetration into the building and non-compliance with the standard.

(17) Rainwater Tanks

Rainwater tanks must comply with the following requirements:

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- (a) the tank must be designed to capture and store roof water from gutters or downpipes on a building;
- (b) the tank must not collect water from a source other than gutters or downpipes on a building or a water supply service pipe;
- (c) the tank must be structurally sound and installed in accordance with the instructions of the manufacturer or designer of the tank;
- (d) the tank must not be installed over or immediately adjacent to a water main or a sewer main, unless it is installed in accordance with any requirements of the public authority that has responsibility for the main;
- (e) the tank must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank;
- (f) a sign must be affixed to the tank clearly stating that the water in the tank is rainwater;
- (g) any overflow from the tank must be directed to the street gutter;
- (h) the tank must be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures, such as mosquitoes;
- (i) any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken:
 - (i) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
 - (ii) in accordance with any requirements by the public authority for the plumbing work, and
 - (iii) by a licensed plumber in accordance with the *New South Wales Code of Practice—Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales;
- (j) any motorised or electric pump used to draw water from the tank or to transfer water between tanks:
 - (i) must not create an offensive noise, and
 - (ii) in the case of a permanent electric pump, must be installed by a licensed electrician; and
- (k) the tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water.

(18) Finished ground levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(19) Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

(20) Surface water – Regraded areas

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Any regraded areas shall be free draining, away from the dwelling house, and shall not direct surface water into adjoining properties.

(21) Road opening permit- Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(22) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for the new vehicular crossing, footpath, kerb and gutter at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After completion of any pits.
- (v) After pipes have been laid and prior to backfilling.
- (vi) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(23) Footpath, kerb and gutter reconstruction

The public footpath and verge outside the site in Park Avenue shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(24) Vehicle access driveways

The applicant shall construct the following works at the rear of the site in Park Lane:

- (a) Construct a full width residential vehicular layback opposite the vehicular entrance to the site.
- (b) Construct kerb and gutter for the full site frontage in Park Lane except opposite the vehicular entrance and exit points.
- (c) Carry out a full depth one metre wide road reconstruction for the full site frontage in Park Lane.

This work shall be carried out prior to the release of the Occupation Certificate.

(25) Traffic control on public roads

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Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

F Conditions that must be complied with prior to installation of services

Nil

G Conditions that must be complied with before the building is occupied

(1) Approval to use/occupy building

The dwelling house shall not be occupied or the garage used until an Occupation Certificate has been obtained from the Principal Certifying Authority (PCA). The occupation certificate is not to be released until all the undertakings detailed in the BASIX Certificate are complied with.

Note: The lodgement of an application form and the payment of the applicable fee will be required to obtain an occupation certificate should Council be elected as the Principal Certifying Authority.

H Conditions that are ongoing requirements of development consents

(1) Single dwelling use only

The dwelling house shall be used as a single domicile only and shall not be adapted or occupied in two or more parts as a dual occupancy or residential flat building.

I Advisory Notes

(1) Modifications to your consent – Prior approval required

Works or activities other than those authorised by the approval, including changes to building configuration or use, will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

(2) Work in close proximity to the boundary

Building work in close proximity to the boundary may be a sensitive matter for each property owner and can often end in an unsatisfactory relationship between the

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neighbours. You are advised that the consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act 1991* that gives certain rights to adjoining owners, including use of the common boundary. In the absence of any structure standing well clear of the common boundary you need to make yourself aware of your legal position, which may involve a survey to identify the allotment boundary.

It is strongly recommended that a formal written agreement be arranged between the parties prior to the commencement of any building works. Such an agreement can assist in the works being completed amicably and with a minimum of inconvenience to all concerned. Noise and/or vibration during construction, repair works, stormwater disposal and fencing are some of the matters that may need to be considered and agreed upon. Where the matters of concern involve costs, contractual agreements, compensation or other private issues both parties may wish to seek their own legal advice to protect their respective interests.

Note: This consent does not override your obligations under the *Dividing Fences Act 1991*.

(3) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company or other service authorities to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority.

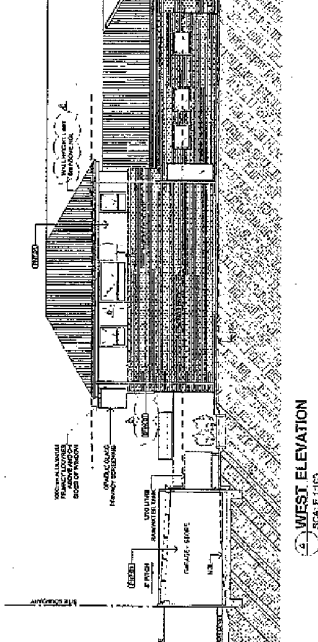
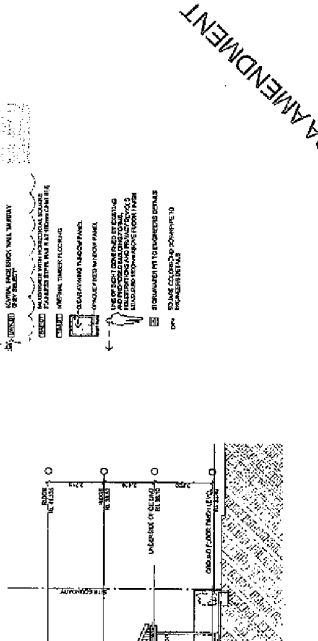
For information on the location of these services contact the "Dial before you Dig" service on 1100 or visit their website www.dialbeforeyoudig.com.au

(4) Road Regulations and Safety

All vehicles associated with the building site must comply with road and parking regulations at all times. Where vehicular movements from the site interfere with the normal traffic of the road, accredited traffic controllers and approved devices are to be used to control the traffic. No sections of road are to be blocked off or "reserved" for the site's use without approval.



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C L D I S A R C H I T E C T S
1251 E. 17TH ST.
CHICAGO, IL 60614
TEL: 312/321-4221
FAX: 312/321-4222

C O O K

G R O U P

1001 KENNESAW
NORTH AVENUE, SUITE 300, 3RD FL.
CHICAGO, IL 60610
TEL: 312/321-4220

CONSULTANTS

HYDRAULIC ENGINEERS & CO.
David Ruddle & Associates
Suite 1, 3rd Fl.
EASTWOOD ROAD 3122
PH: 02 3004 5500

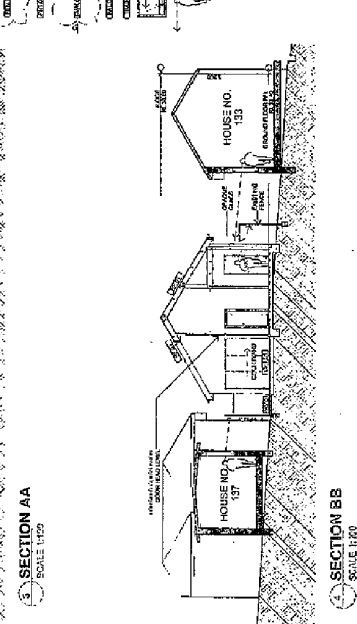
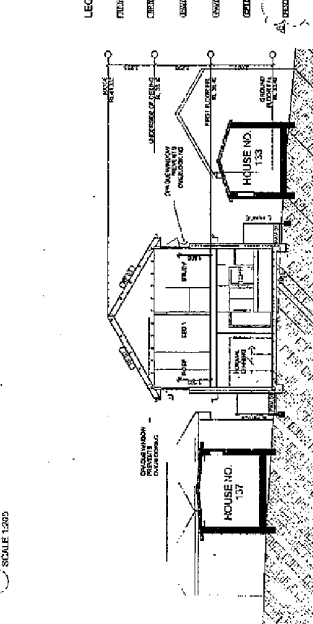
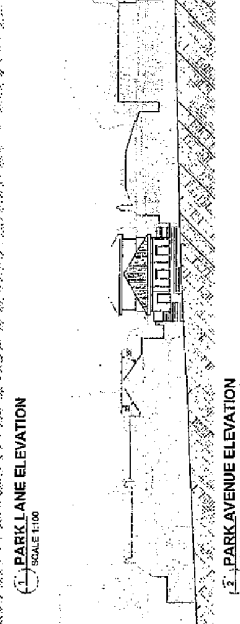
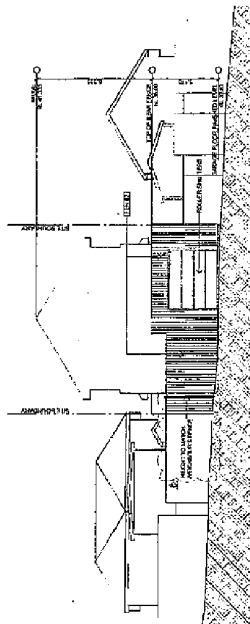
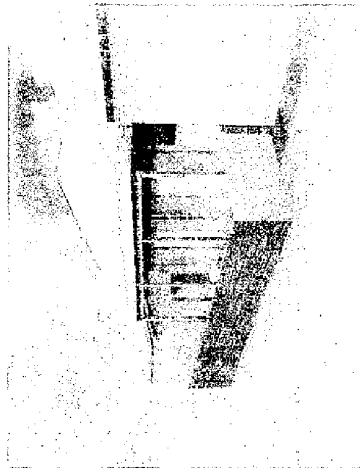
ENVIRONMENT
G. A. McKee & Associates
100/102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000, 1002, 1004, 1006, 1008, 1010, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040, 1042, 1044, 1046, 1048, 1050, 1052, 1054, 1056, 1058, 1060, 1062, 1064, 1066, 1068, 1070, 1072, 1074, 1076, 1078, 1080, 1082, 1084, 1086, 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288, 1290, 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1346, 1348, 1350, 1352, 1354, 1356, 1358, 1360, 1362, 1364, 1366, 1368, 1370, 1372, 1374, 1376, 1378, 1380, 1382, 1384, 1386, 1388, 1390, 1392, 1394, 1396, 1398, 1400, 1402, 1404, 1406, 1408, 1410, 1412, 1414, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1480, 1482, 1484, 1486, 1488, 1490, 1492, 1494, 1496, 1498, 1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1516, 1518, 1520, 1522, 1524, 1526, 1528, 1530, 1532, 1534, 1536, 1538, 1540, 1542, 1544, 1546, 1548, 1550, 1552, 1554, 1556, 1558, 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574, 1576, 1578, 158

CLIENT
ROADS AND TRAFFIC
AUTHORITY OF NSW

PROJECT
HOUSE AT 125 PARK AVENUE.

DRAWING ELEVATIONS AND PERSPECTIVES

PROJECT No.	2743, No. DIA-04
C8-162	SCALE 1:100, 1:200



QUALITY CHECK			
NO.	DESCRIPTION	DATE	BY
1	DESIGN	11/11	MB
2	CONSTRUCTION	11/11	MB
3	OPERATION	11/11	MB
4	MAINTENANCE	11/11	MB

APPENDICES

LEGEND

NOTES

1. All dimensions are in millimetres unless otherwise stated.
2. All materials shall be of a quality suitable for the intended use.
3. All work shall be carried out in accordance with the relevant standards and specifications.
4. All work shall be completed by the date specified in the programme of works.
5. All work shall be carried out in accordance with the relevant standards and specifications.

C LDIS ASSOCIATES
COOK
GROPP
CONSULTANTS

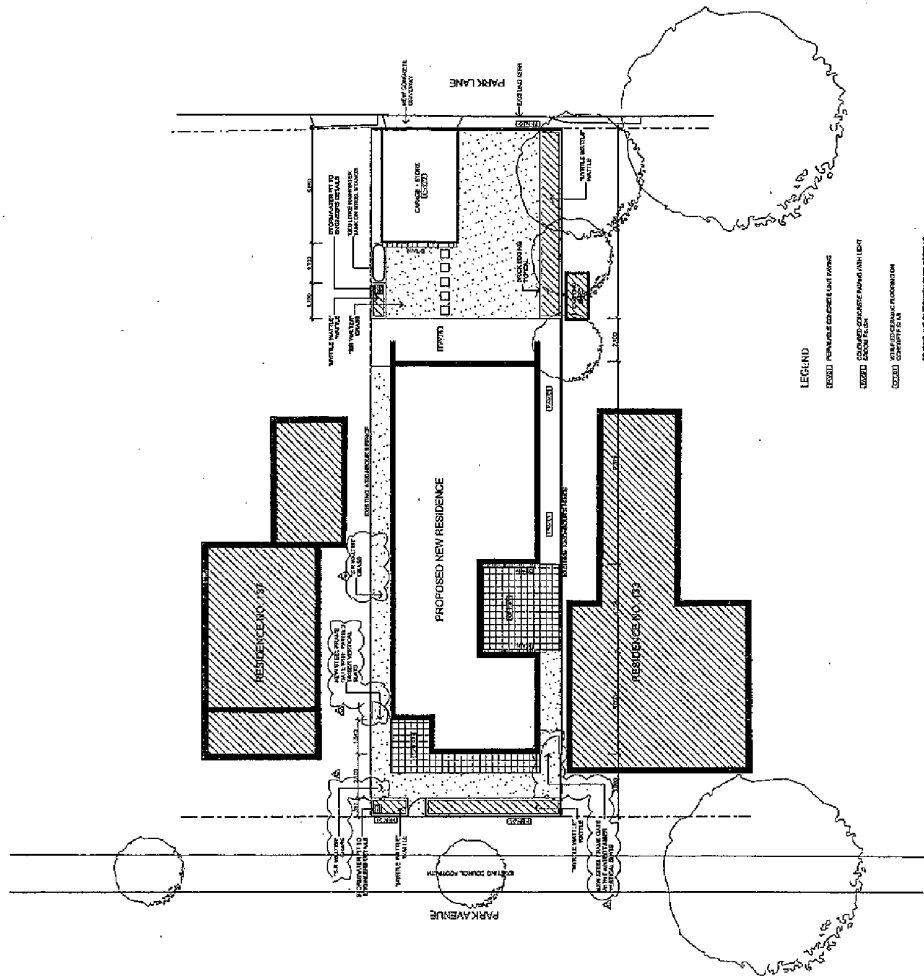
HYDRAULIC ENGINEERING
 100, 101 & 102, Park Avenue
 Ashfield, Notts NG10 2JF
 Tel: 01930 211 212
 Fax: 01930 211 213

SWINER
 100, 101 & 102, Park Avenue
 Ashfield, Notts NG10 2JF
 Tel: 01930 211 212
 Fax: 01930 211 213

CLIENT
 ROADS AND TRAFFIC
 AUTHORITY OF NEW
PROJECT
 HOUSE AT 185 PARK AVENUE,
 ASHFIELD

DRAWING
 LANDSCAPE PLAN

PROJECT NO.
 08-162
DATE
 11/11

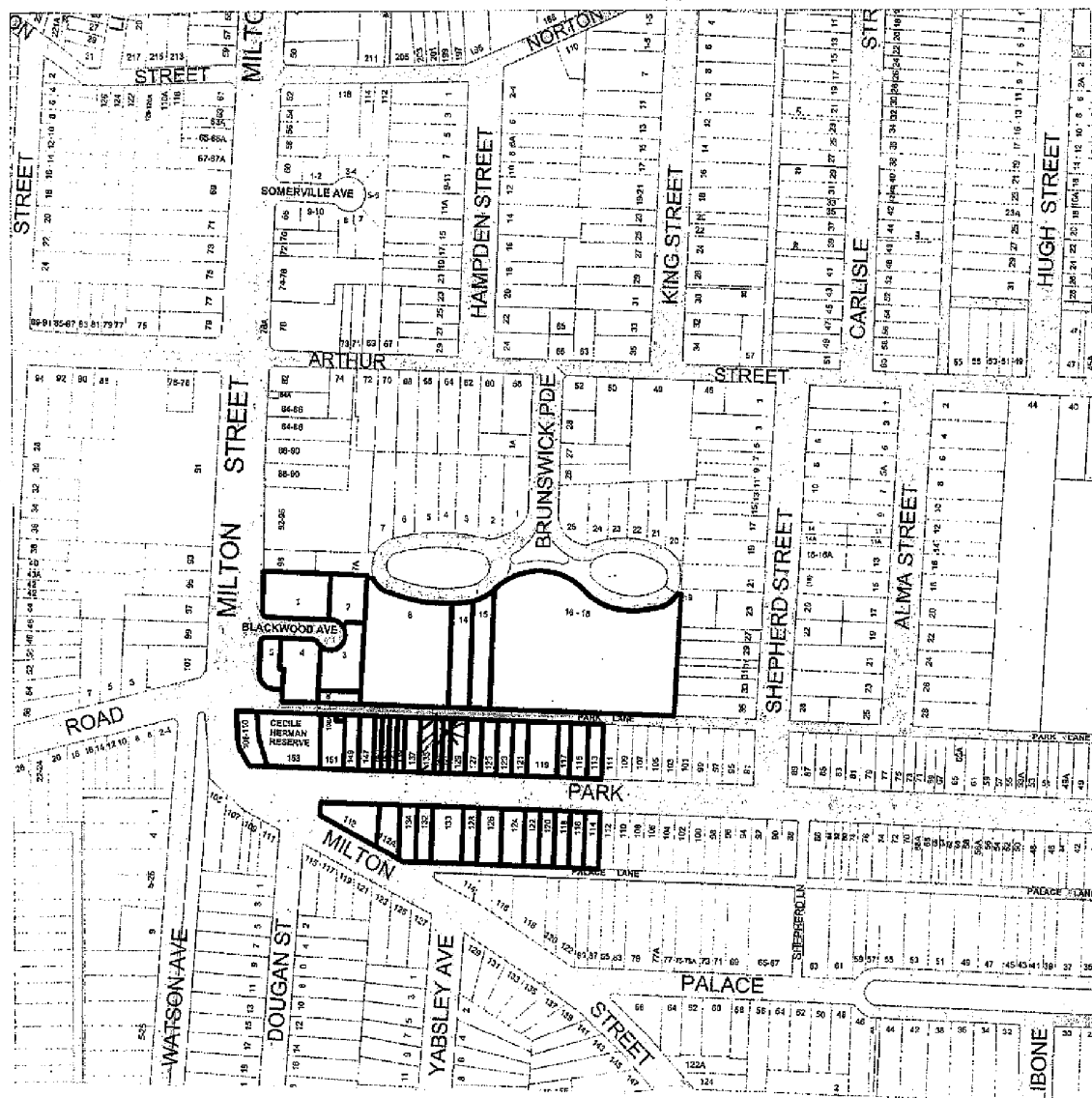


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LANDSCAPE PLAN
 SCALE 1:100

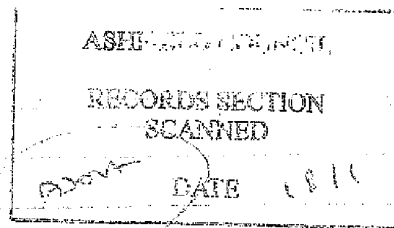
DAAMENMENT

DA 10.2009.235 - 135 Park Avenue



Location Plan

Site Notification Area Objectors (Two - 131 + 133
PARK AVE)



12.11.10.
131 Park Ave
Ashfield. 2131

Ashfield Council,

Re: Notification of Development Application
Development Site @ 135 Park Ave, Ashfield
Application No: 10.2009.235.

Dear Sir,

Please accept this as my strong objection to the above proposal. I am the owner of one of the two semis next to this block of land.

1. My privacy of being able to walk in my own back yard will be overshadowed by a two storey dwelling with balcony looking into my property.
2. There were no sun/shadow diagrams sent to me but it seems "sun" very unlikely now for my property. As this will be the only two storey dwelling at this end of the street it will block all the "sun" I have at the moment.

Would you kindly submit my objection of this dwelling and please keep me informed by updates,

Yours Sincerely,
Sandra Smith.

0432431218 - sandrasmith1@opkonet.com.au

RECORDS SECTION SCANNED	Postal	P.O. Box	recg. 235
11/10 DATE	2009	13	
General Manager		Mob.	
Ashfield Council			
P.O. Box 1145 Ashfield NSW 1500			

Dear Sir/Madam,
ASHFIELD

RE: Development App. N/O. 10.2009.235-
ORIGINAL SENT TO OFFICE
735 Park Ave. Ashfield

In my opinion The proposed development should be refused on the following grounds:

- ① Double storey dwelling is unsympathetic to the conservation street scape -
- ② Rear double storey will tower over my home causing a huge over-shadowing and an air flow problem.
- ③ I am in this present environment situation) consider solar power for both power & heating. This proposed D/A will put my home in shade most of the day - thus making solar impossible. In the winter the sun is lower & the problem would be worse!
- ④ I feel that I am entitled to receive maximum ^{sun} and light to retain healthy living. This D.A. is unhealthy.
- ⑤ What Ratio is the D/A to the land? To me the development seems to swallow the block?
- ⑥ If this development is approved my home & others will be plunged into darkness - thus requiring extra use of electricity - lights - heating. As you know electricity is becoming too expensive to use. To dry our clothes we will have to use clothes drier.
- ⑦ There appears to be a rear boundary at the upper storey. This would take away all my backyard privacy.



**DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS**

PDA No.:	10.2009.293
ADDRESS:	15 Park Avenue, Ashfield
ADVISOR	Robert Moore
DATE:	9 November 2009

The dwelling proposed for this site is virtually identical to that proposed at 135A Park Avenue for the same owner, applicant and by the same designers. While situated in the same conservation area, the immediate context of the site at No15 is different in that a 2 storey dwelling is located to one side at No 13 Park Avenue and a pair of semis at Nos 17 & 19 Park Avenue are presented as if one dwelling under a hipped roof straddling both properties. These circumstances make for a more comfortable fit of the design at No15 than at No.135A Park Avenue. I would suggest the same concerns apply about the rear gable and that it would be better replaced by a hipped end matching the front of the 2 storey section. The same concerns would apply in regard to the careful selection of materials and colours.

Subject to the amendment of the gable end the proposal appears to be worthy of Council's consideration.

Robert Moore

*Met with PTA
on 13/11/09 &
went through
issues. Amended
plans to be
submitted.
RM*



RE: 10.2009.235.1 for 135 Park Avenue, Ashfield

MORONEY Aurora P o Andrew Johnston

10/03/2010 04:51 PM

Cc: John Ward, BLAIR Glen J , WALKER Ross S

Hi Andrew

I have noted the advice regarding the proposed deferment of the subject DA, and that if the RTA decides to modify the proposed dwelling into a single storey instead of the current two-storey dwelling, then a fresh DA and plans will need to be lodged but Council will not charge new fees.

From both a planning perspective and a property perspective, I do not see any grounds for withdrawing the current DA. The RTA will continue with the proposed dwelling, as submitted.

Please refer the application back to Council for determination, as submitted.

Thank you for your prompt action in advising the RTA of Council's recommendation to defer consideration of the DA.

Regards

Aurora Moroney

Portfolio Planner

Property Strategy

From: Andrew Johnston [mailto:Andrew.J@ashfield.nsw.gov.au]

Sent: Wednesday, 10 March 2010 4:42 PM

To: MORONEY Aurora P

Subject: DA: 10.2009.235.1 for 135 Park Avenue, Ashfield

Dear Aurora,

As discussed verbally, DA: 10.2009.235.1 for the construction of a two-storey dwelling house at 135 Park Avenue, Ashfield, was deferred at last night's Council meeting. At this meeting the Councillors suggested that the proposal be modified to consist of a single-storey dwelling house only.

Please advise me of the Road and Traffic Authority's feelings on this, i.e. would the RTA consider modifying the proposal so that it is single-storey?

A new application would need to be submitted should you wish to modify the proposal however no assessment or notification fees would be charged by Council.

Upon the receipt of your feedback I will refer the application back to Council for determination.

Regards,

Andrew Johnston Development Assessment
Officer

260 Liverpool Road Ashfield NSW 2131

Tel (02) 9716 1973

info@ashfield.nsw.gov.au www.ashfield.nsw.gov.au



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MailMarshal

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