

## **SUMMARY**

<b>PROPERTY:</b>	6 Albyn Road, Strathfield
<b>DA NO:</b>	2009/045
<b>APPLICATION TYPE:</b>	Demolition and construction of a new two (2) storey dwelling
<b>REPORT BY:</b>	Cameron Byrne
<b>RECOMMENDATION:</b>	APPROVAL
<b>SUBMISSIONS:</b>	Four (4) submissions received
<b>ZONING:</b>	Residential 2 (a)
<b>DATE APPLICATION LODGED:</b>	18 March 2009
<b>COST:</b>	\$850,000
<b>APPLICANT:</b>	Mrs. T Nguyen 48 Wallis Avenue Strathfield NSW
<b>OWNERS:</b>	Mr. D. C. Le & Mrs. T.T. Nguyen 48 Wallis Avenue, Strathfield NSW

## **INTRODUCTION**

Approval is sought for demolition of existing structures, removal of seven (7) trees and the construction of a new two (2) storey dwelling with basement garage, air-conditioning unit, front fence and an inground pool.

The application is referred to Council with four (4) submissions objecting to the proposal and one (1) variation relating to a rear balcony to the first floor bedroom.

Overall, the proposal is considered to be sympathetic to the adjoining draft heritage item at 8-10 Albyn Road, achieves general compliance with relevant Council controls and is unlikely to result in any adverse amenity impacts to adjoining neighbours.

The proposal is recommended for approval.

## **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is located on the southern side of Albyn Road, with nearby streets including Woodward Avenue to the north, Malvern Crescent to the south, The Boulevard to the east and Kingsland Road to the West. Albyn Road is characterised by several heritage listed dwellings which contribute to the architectural character and heritage value of the street. In summary, the following heritage listed dwellings and conservation areas are located in vicinity to the site:

Dwellings listed under Schedule 9 of the Strathfield Planning Scheme Ordinance as heritage items:

- Federation house located at 12-14 Albyn Road, Strathfield
- 'Delavan' - located at 17 Albyn Road, Strathfield

Dwellings listed under Schedule 10 of the Strathfield Planning Scheme Ordinance as heritage conservation areas:

- Nos. 3-19 Albyn Road, Strathfield (which form part of the Woodward Avenue heritage conservation area)

Dwellings listed under Schedule 2 of the Draft Local Environmental Plan 105 (DLEP105):

- 'Durelli' – Federation Style Bungalow House, adjoining the subject site to the west at 8-10 Albyn Road Strathfield
- 'Kima' – Victorian Italianate house located at 11 Albyn Road, Strathfield
- 'Gwyndoline' – at 13 Albyn Road, Strathfield

Of the items identified above, only 8-10 Albyn Road and 11 Albyn Road have a direct visual catchment of the proposed development.

The site slopes significantly from the south west corner at the rear to the north east corner at the street by approximately 4.06m. A site inspection revealed that the majority of the slope occurs in the rear yard. There are approximately nineteen trees (19) trees of varying significance located on site, with several additional trees located on adjoining properties.

The existing dwelling on site is a single storey red brick terracotta tile dwelling described in the Heritage Impact Statement (HIS) prepared by Patrick O'Carrigan & Partners Pty Ltd as having no individual significance. A Statement of the significance of the existing dwelling from page 7 of the HIS is included below:

*"[No. 6 Albyn Road] makes no contribution to creative architectural ideas, technical innovation or excellence. Its site derives significance from its location immediately opposite the Woodward Avenue Heritage Conservation Area and because of the other items of heritage significance on Albyn Road."*

The site has the following area and dimensions:

**Site Area (approx.): 929m<sup>2</sup>**

**Dimensions (approx.): 15.24m x 60.96m**

## PROPOSAL

The application seeks Council approval for the demolition of a single storey dwelling and garage and the removal of seven (7) trees to allow for the construction of a two (2) storey dwelling with basement and inground pool. The elements of the proposal are:

### Ancillary Works

- demolition of an existing single storey dwelling and garage;
- removal of seven (7) trees; and
- construction of new inground swimming pool

### Dwelling House

#### *Basement*

- *Basement car park for two (2) vehicles*

#### *Ground Floor*

- kitchen and associated meals, family and dining areas;
- pantry;
- bathroom & laundry;
- living room;
- study;
- guest bedroom; and
- rear verandah.

#### *First Floor*

- four (4) bedrooms with individual ensuites; and
- sitting room.

A site plan and elevations are **attached (2)**.

## BACKGROUND

The following is a record of the events which summarise the background of the subject application:

- 18 March 2009 - Development Application lodged;
- 20 March 2009 – 3 April 2009 – Notification period, four (4) submissions received;
- 8 May 2009 – Meeting held with architect to discuss submissions and issues raised;
- 8 May 2009 – Deferral letter issued to the architect outlining several issues with regard to the subject application; and
- 20 May 2009 – Amended plans and additional information received.

There are no previous applications applicable to the subject proposal.

**ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979**

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

**(a) (i) Environmental Planning Instruments:**

**BASIX**

In accordance with the BASIX SEPP all new housing in NSW is required to meet a designated target for energy and water reduction.

In this regard it should be noted that a BASIX Certificate was submitted with the application which indicates that the proposal meets the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

**Strathfield Planning Scheme Ordinance, 1969**

The subject site is identified as being within the Residential 2 (a) Zone wherein single dwellings are identified as permissible pursuant to the provisions of Clause 22 of the SPSO.

The subject site has a total site area of 929m<sup>2</sup> and a frontage of 15.24m, which complies with Clause 41 of the SPSO.

The proposed development is for the demolition of an existing single storey dwelling and garage and removal of seven (7) trees to allow for the construction of a new two (2) storey dwelling with basement parking and inground pool. The bulk and scale of the proposed dwelling is consistent with the style of developments in the vicinity and the surrounding area. Furthermore, the proposed development is considered to be compatible with the existing and future scale of development in the locality and is unlikely to result in any adverse amenity impacts to adjoining landowners, thus satisfying relevant Clauses of the SPSO.

**(ii) Draft Environmental Planning Instruments:**

**Draft Strathfield Local Environmental Plan, 2008**

The proposed development is situated within the Residential 2 (a) Zone which permits demolition works and construction of dwelling houses. The proposed development meets the objectives by providing a two (2) storey dwelling in an established area predominantly characterised by this form of development.

The proposed development similarly accords with the objectives by providing a development, which is compliant with Council's controls for dwelling houses and has been designed so as to minimise any impacts on the amenity of adjoining residents.

These applicable Clauses have been considered in the assessment of the proposal and found to be satisfactory.

**Draft Local Environmental Plan No. 105**

The subject property is not identified as an item of heritage significance, however is located in vicinity of several Draft Heritage items listed under Council's Draft LEP No. 105.

**(iii) Development Control Plans:**

**1. *Development Control Plan Part H - Waste Management***

Under Clause 2.0 of DCP Part H, all applicants are required to submit a Waste Management Plan (WMP) for single dwellings, where more than 50% of the building is to be demolished or reconstructed.

A WMP has been submitted in accordance with the DCP WMP template and is assessed to be satisfactory, subject to conditions.

**2. *Strathfield Consolidated Development Control Plan 2005 – Part A – Dwelling Houses and Ancillary Structures***

An assessment of the proposal for compliance with the Part A controls is provided in the following table.

Section	Development Standard	Required	Proposed	Compliance
4.3.1 / 4.3.2	Neighbourhood Character and Amenity / Scale, Massing and Rhythm of Street	Location and orientation addresses street and complements existing development.	Brickwork, pitched roofing, consistent with streetscape. Comparable size, height bulk and scale.	Yes
		Incorporates positive streetscape elements.	Consistent with traditional housing styles evident in streetscape.	Yes
		Compatible with existing scale, massing, bulk and rhythm of street.	Sympathetic with surrounding development. Incorporates facebrick and monotone earthy colours.	Yes
		Presents as a single storey building to the street where dominant built form is single storey.	Comparable to single and double storey dwelling evident in the streetscape.	Yes
4.3.3	Street Edge and Garden Setting	Entry is visible and addresses street.	Entry visible from street and addresses street.	Yes
		Existing trees are retained or Arborist Report submitted.	Removal of seven (7) trees supported by Councils Landscape Officer. Condition for replacement trees to be imposed.	Yes
		50% of front setback is deep soil soft landscaping.	61%	Yes

4.3.4	Materials, Colours, Roof Forms, Architectural Detailing	Roof design is of similar pitch, materials and colour.	Roof design, materials and colour similar to surrounding dwellings.	Yes
		Articulated building form.	Dwelling appropriately articulated.	Yes
4.3.5	Fencing	Design and construction materials sympathetic to style of dwelling and fencing on adjoining properties.	Fence sympathetic with surrounding and adjoining dwellings.	Yes
		Solid sections of fencing forward of building line no more than 1m above natural ground level (NGL).	700mm solid sections.	Yes
		Max. Overall height 1.8m.	1.8m max height.	Yes
		Min. 2.4m spacing between piers and sympathetic in design to dwelling & streetscape.	Piers appropriately spaced.	Yes
		1.5m splay to solid fencing adjoining a driveway.	Fence design is acceptable.	Yes
6.3.1	Building Forms <i>NB. Unless minor, flat roofs are not permitted within the front façade</i>	Compatible with existing streetscape in terms of type, colour and form.	Type, colour and form are similar to existing dwellings within the streetscape.	Yes
		Presents as single storey as mostly single storey dwellings in street.	Proposed double storey design is consistent with streetscape.	Yes
6.3.2	Fenestration/Glazing Proportions <i>NB. 2 storey entries or stair halls with excess glazing (incl stained glass) are not supported</i>	Glazing does not comprise more than 35% of front façade.	Approximately 22% glazing proposed.	Yes
		Shade devices provided to north, east and west facing facades.	Eaves provided.	Yes
6.3.3	Colours and Strathfield's Palette	Monotone face bricks, or mottled bricks used where existing in street.	Monotone bricks and tiles proposed.	Yes
6.3.5	Bay Windows	Max. of one (1) singles storey bay window permitted within each side setback, subject to privacy impacts.	One bay window proposed within side setback.	Yes
7.3.1	Solar Access <i>Measured between 9.00am and 3.00pm on June 22</i>  <i>Variations will be assessed on merit where site does not have ideal orientation, is steep or there is an existing shadow impact</i>	Living areas in new dwellings face north.	Living areas oriented north.	Yes
		New dwellings achieve 4 hours to habitable rooms + 50% private open space (POS).	4 hours achieved.	Yes
		Sunlight is substantially maintained (min. 4 hours) where existing to habitable rooms + majority of POS of adjoining properties.	4 hours solar access achieved to adjoining dwellings.	Yes

7.3.5	Water Tanks	Capacity as per BASIX Certificate.	Complies with BASIX 6000L underground water tank proposed.	Yes
8.3	Floor Space Ratio  <i>Include attics with walls more than 1.5m high, stair and floor voids and outbuildings. Basements are excluded from FSR.</i>	Max. 0.5425:1 or 504m <sup>2</sup> maximum for 929m <sup>2</sup> lot (As per Table 1).	0.5425:1 or 504m <sup>2</sup>	Yes
		First floor limited to max. 85% of fully enclosed ground floor GFA.	77%	Yes
9.3.1	Building Height  <i>Max 2 storeys Where a basement exceeds NGL by &gt;1m it will be considered a storey</i>	<u>Dwellings</u>  Underside of ceiling 7.2m max. Max height 9m.	6.42m 8.97m	Yes
9.3.1	Building Envelope	3.5m vertically at boundary & project inwards at 45 <sup>0</sup> .	Complies.	Yes
9.3.2	Roof Pitches and Shape	Between 23.5 <sup>0</sup> and 45 <sup>0</sup> .	27 degrees.	Yes
10.3.1	Minimum Landscaped Areas	Min.45% required for 929m <sup>2</sup> lot (As per Table 2).	45% or 421m <sup>2</sup>	Yes
10.3.3	Private Open Space	Provided in a single parcel.	Single parcel at rear.	Yes
11.3.1	Front Setback	9m (minimum).	Approximately 12m.	Yes
11.3.2	Min. Rear Setback for Dwellings	6m.	Approximately 22m.	Yes
	Min. Side Setbacks for Dwellings	Combined setbacks min. 25% of width of the block with minimum 1.5m setbacks for each side. (3.81m min required).	3.81m provided with minimum 1.55m provided on one side.	Yes
11.3.8	Projections into Setback Areas	Walls > 10m to be indented 1m for a minimum of 3m.	No walls greater than 10m.	Yes
13.3	Basements	Max. internal area 75% of internal GFA of dwelling at ground floor level.	74% provided.	Yes
		Max height of 1m above NGL.	350mm maximum above NGL.	Yes
		Contained entirely within the footprint.	Small section protrudes and does not follow the line of the above ground floor boundary wall, however the basement is considered to be contained within the building footprint.	Yes
		Min. Clearance of 2.2m	2.38m clearance provided.	Yes
		Max. transitions at top and bottom	Maximum 1:5 provided.	Yes
	Max. driveway and ramp width	3m provided.	Yes	Yes

		Turning bay to allow vehicles to enter and leave in a forward direction.	Turning bay allows for ingress and egress in forward direction.	Yes
14.3	Deep Excavation	No cutting permitted within required setbacks.	No excavation within side setbacks.	Yes
15.3.3 15.3.4	Visual Privacy	a. Reduce opportunities for overlooking.  b. Offset windows to neighbours.  c. Rear balconies max. 600mm x 2m.	Appropriate treatment of windows together with sufficient building separation, privacy screens and window siting are acceptable.  Applicant seeks variation with rear balcony proposing 3.4m x 600mm off rear of master bedroom at first floor level.	Yes  No – See discussion.
16.3.1	Address and Entry Sightlines	a. Building design allows visitors to be seen without opening entry door. b. Building allows passive surveillance of street. c. Landscaping and site design not to provide opportunities for concealment.	Dwelling is appropriately designed to address entry, sight lines and surveillance requirements.	Yes
20.2.2	Retaining Walls	No greater than 1.2m in height.	1m maximum retaining wall height provided.	Yes

**Discussion**

Clause 15.3.4 Visual Privacy

**Issue**

The applicant seeks a variation to the above clause by proposing a 0.6m x 3.4m wide balcony.

**Comment**

A condition will be imposed to amend the rear balcony to have maximum dimensions of 0.6m x 2m, consistent with Council controls.

**(b) Likely Impacts:**

*Context and Setting*

The proposed double storey dwelling is considered to be consistent with adjoining dwellings, and is comparable in height and scale with the eastern adjoining neighbour and dwellings opposite the site to the north. It incorporates materials and colours compatible with the streetscape, particularly earthy coloured tones in the front façade which feature brickwork and tile roofing.

In addition, it is considered that the front façade is well articulated and assists in reducing the bulk and visual appearance of the dwelling from the street whilst the front fence is of a scale which is sympathetic to and consistent with the streetscape.

Overall, the proposal fits in well with the character and context of the streetscape whilst being designed in a way which does not attempt to mimic nearby heritage dwellings.

#### *Heritage*

The existing single storey dwelling on site is not listed as a heritage item or draft heritage item and is identified by Patrick O’Carrigan and Partners as having no individual significance and does not make any architectural contribution, technical innovation or architectural excellence. Page 11 of the HIS prepared by Patrick O’Carrigan and Associates concludes the following on the existing structure:

*“The current residence is not worthy of retention and is currently in a poor state of repair. It is of a substantially lesser standard than surrounding original or restored properties hence its replacement by a substantial modern sympathetic dwelling is supportable. There is ever reasonable expectation that a correctly designed replacement house will be a better contributor to the streetscape.”*

In an attempt to achieve a positive outcome for the site, the architect has aimed to design a dwelling which respects the characteristics of the area whilst not mimicking it. It is considered that the incorporation of a traditional roof form, materials and colours as well as appropriate use of articulation to reduce the bulk and scale of the dwelling assist in minimising any impacts to heritage in the street. Overall, the proposal is considered to be acceptable in terms of minimising impacts on nearby heritage dwellings.

#### *Water*

Consistent with BASIX, the dwelling has been designed to incorporate a 6000L underground water tank to improve the sustainability of the dwelling.

#### *Waste*

A Waste Management Plan has been submitted with the subject application to assist in the management of waste during the demolition, construction and ongoing use of the proposed dwelling.

#### *Noise and Vibration and Construction*

Standard conditions of consent will be imposed to minimise noise and any vibration impacts to adjoining property owners.

#### *Privacy*

The proposed dwelling is unlikely to result in excessive opportunities for overlooking where appropriate window siting, treatment and location, building separation, topography and timber batten screening has been incorporated.

#### **(c) Suitability of the Site:**

The provisions of the SPSO 1969 state that detached residential dwellings may be erected, carried out or used with Consent within the Residential 2 (a) zone.

The proposal is provided with access to utilities and services and is considered adequate to support the proposed development. In addition, the site is not subject to any particular natural hazards, is compatible with existing development, and is sympathetic to nearby heritage items.

(d) **Submissions:**

**DCP Part L - Public Notification Requirements for Development and Complying Development Applications.**

The application and plans were notified in accordance with DCP Part L from 20 March 2009 to 3 April 2009 and four (4) written submissions were received. A site notice was erected and a site inspection was undertaken on 20 March 2009.

The concerns raised in the submissions are outlined and discussed below.

Issue/ Concern – Privacy

Comment

Three (3) submissions have raised concerns with regard to overlooking. In response to these concerns the architect has incorporated obscure glazing to a height of 1.7m above finished floor level to the sitting room at the eastern elevation to reduce any opportunities for overlooking.

Building separation of approximately 20m to the rear, including topography and vegetation are considered to mitigate any privacy issues to the rear. In addition, it is considered that a 9m separation to the western boundary provides sufficient distance to minimise opportunities for overlooking to the western neighbour.

Any overlooking to adjoining neighbours from bedrooms is unlikely by virtue of these rooms being low traffic rooms. Finally, as previously discussed, the rear balcony off the master bedroom at first floor level will be conditioned to comply with DCP controls.

Issue/ Concern – Removal of a blueberry ash tree at the rear boundary.

Comment

The applicant has proposed to retain this tree, which is supported by Councils Landscape Officer.

Issue/ Concern – Rear glazing and associated reflection

Comment

The proposed windows are unlikely to impact on the rear adjoining dwelling due to the building separation and steep topography of the site to the rear which acts as a screen for most of the proposed rear windows.

Issue/ Concern – Rear gable adds bulk to the rear

Comment

The rear of the proposal complies with relevant height, side setbacks and building envelope controls and is not considered to contribute to excessive bulk to the rear.

Issue/ Concern – Reflection from roof tiles

Comment

The roof tiles are standard specification and are unlikely to result in any excessive solar reflectivity to adjoining properties.

Issue/ Concern – Increased front setback

Comment

The proposal is consistent with the adjoining dwelling to the west and provides for a minimum 9m front setback, which complies with DCP requirements.

Issue/ Concern – Construction hours

Comment

Standard conditions restricting hours of demolition and construction will be imposed as part of this consent.

Issue/ Concern – Excavation

Comment

Standard conditions ensuring safe and proper excavation of the site will be imposed as part of this consent.

Issue/ Concern – Protection of a fence pier at 8 Albyn Road, Strathfield

Comment

A condition ensuring that the fence pier at 8 Albyn Road is protected during all demolition and construction works will be imposed as part of this consent.

**(e) Public Interest:**

The proposal is consistent with the public interest as it is compatible with the streetscape and nearby heritage items and incorporates traditional architectural materials and finishes consistent with the streetscape.

Finally, the proposal is unlikely to result in any amenity impacts to adjoining dwellings as it provides for a minimum of four (4) hours solar access to adjoining dwellings and has been amended to minimise opportunities for overlooking.

## **INTERNAL REFERRALS**

The application was forwarded to Council's Development Engineer, Building Surveyor and Landscape Officer and is supported subject to conditions.

## **CONCLUSION**

As amended and where conditioned, the proposed development complies with the numerical controls of the DCP and is permissible in the zone pursuant to the SPSO and the Draft LEP 2008. The proposed dwelling will provide a high level of amenity to future residents, without compromising the amenity of adjoining owners.

## **RECOMMENDATION**

That DA2009/045 for demolition and a new two (2) storey dwelling with basement parking and in-ground pool at 6 Albyn Road, Strathfield be APPROVED subject to the following conditions.

## **CONDITIONS OF CONSENT**

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

<u>Drawing numbers</u>	<u>Date received</u>
Site Plan, Ground Floor & Basement Plan DWG No. 08/12/1 of 2 Rev A	20 May 2009
Sections, Elevations, First Floor & Roof Plan DWG No. 08/12/2 of 2 Rev A	20 May 2009
Erosion & Sedimentation Control Plan DWG No. 08/12	18 March 2009
Stormwater Plan Dwg No. C9001 – SW01 Revision B	18 March 2009
Stormwater Plan Dwg No. C9001 – SW02 Revision B	18 March 2009
Driveway Longitudinal Section Dwg No. 08/12/5	18 March 2009
Arborist Report prepared by <i>Australis Tree Management</i>	18 March 2009
Materials and Colours Schedule	18 March 2009

Materials and Colours Schedule & Front Fence Details	20 May 2009
Waste Management Plan	18 March 2009
BASIX Certificate No. 224911S Issued	28 February 2009

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction/demolition associated with this consent.

The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.

3. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

#### Special Condition

4. The fence pier at the boundary of 6 and 8 Albyn Road, Strathfield shall be appropriately protected from any damage during all demolition and construction works.
5. (i) The proposed balcony at the first floor level off the master bedroom shall be reduced in size to have a maximum width of 2m and maximum depth of 0.6m;  
(ii) The balustrade of both balconies shall comprise of frosted glazing.

Details shall be provided to the **Principal Certifying Authority for approval prior to the issue of a Construction Certificate.**

#### General

6. The building shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate has been issued by the Principal Certifying Authority.
7. **Prior to issue of Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.

#### Financial Matters

8. A security payment of \$13,372 in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply) shall be paid to Council **prior to issue of Construction Certificate**. The security payment is GST inclusive and comprises the following:

Refundable landscape bond	\$1,000
Refundable tree protection bond	\$4,000
Refundable drainage bond	\$2,000

Refundable works bond	\$6,000
Non-refundable administration fee (\$124/bd)	\$372
<b>TOTAL</b>	<b>\$13,372</b>

The security payment covers the following matters:

- (a) road and stormwater drainage works in roadways and public areas;
- (b) installation and maintenance of sediment control measures for the duration of construction activities;

and will be released upon satisfactory completion of these items.

9. Fees are payable where Council is appointed as principal certifying authority to carry out the post-approval inspections. A quotation for the fees can be obtained by contacting Council and the fees shall be paid **prior to the carrying out of any of the inspections.**

Any re-inspection which is necessary due to site access not being available, defective work, or the matter not being ready for inspection will be charged in accordance with Council's Fees and Charges Policy. Council will advise in writing if an additional re-inspection is required and the re-inspection fee shall be paid **prior to release of the damage deposit.** If the additional fee is not paid it will be deducted from the damage deposit.

#### **Parking/Traffic Matters**

10. (1) A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council controlled areas. This includes any work on the nature strip, footpaths, driveways, stormwater outlets, Council's drainage, kerb & guttering and roadways.
- (2) The permit must be retained on site at all times and produced on request from any Council Officer.

#### **Drainage/Stormwater**

11. Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the street gutter as shown on concept plans No's C9001 –SW01, SW02.
12. A 150mm crest shall be provided at the top section of the ramp to prevent any flooding into the basement from the street gutter during heavy rainfalls. Revised ramp gradients shall be submitted and approved by the Principal Certifying Authority **prior to issue of Construction Certificate.**
13. In this project the endorsed engineering plans are satisfactory as Concept plans. The assessment authority, (either (a) Council, or (b) a Private Certifier), is to satisfy themselves of the adequacy of the above plans for the purposes of construction. They are to independently determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

Where a Private Certifier issues the Construction Certificate a copy must be provided to Council, once the Construction Certificate is issued.

14. Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path system draining the site.
15. **The following documents shall be submitted to the principal Certifying Authority prior to the issue of an Occupation Certificate.**
  - a. Written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans.
  - b. Full work-as-executed plans prepared and signed by a registered surveyor or engineer. Where changes have occurred the plans shall be marked-up in red ink and shall include levels and locations for all drainage structures and works, buildings, and finished ground and pavement surface levels, and the extent of pervious and impervious areas.
16. Temporary measures shall be provided and regularly maintained during demolition, excavation and construction to prevent sediment and polluted waters discharging from site. Plans showing such measures in accordance with the NSW Department of Housing, Managing Urban Stormwater, Soils and Construction Manual dated August 1998 shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
17. Any redundant vehicular crossings shall be removed and replaced with kerb and gutter and footpath at no cost to Council.
18. Clause 162A of the Environmental Planning and Assessment Regulation 2000, prescribes critical stage inspections which must be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. The following critical stage inspections must be carried out for the various classes of building as defined in the Building Code of Australia:
  - (a) Sediment control measures (inspected prior to work commencing and in conjunction with other inspections listed below) to ensure they are maintained during construction to prevent pollution of the stormwater system and impacts on adjoining properties;
  - (b) Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling;

#### **Landscaping/Tree Matters**

19. A minimum 1.5m wide garden is to be established to the full width of the property frontage (except for vehicular crossings and pedestrian ways). The garden bed is to be planted with suitable shrubs and ground cover plants.

20. Three (3) copies of a landscape plan prepared by a suitably qualified landscape architect in accordance with Landscaping Provisions of Part A of Strathfield Consolidated DCP and the conditions of consent shall be submitted to and approved by the Principal Certifying Authority **prior to issue of a Construction Certificate.** Such plan to be generally in accordance with the Landscape Concept Plan.
21. Any existing trees on the site which are covered by Council's Tree Preservation Order (set out in the Advice at the end of this Consent) and any street tree shall not be removed, lopped or pruned unless :-
- (a) there is express permission stipulated in a condition of this consent; or
  - (b) there is written approval from the Council.
22. Before any site works begin (including any demolition/excavation), a tree protection zone shall be established around each tree. The tree protection zone shall cover a minimum area of 2m radius (or as specified in the related condition) from the base of the tree and the following shall be carried out and/or complied with during the entire development phase:-
- (a) A tree protection barrier shall be constructed around the whole perimeter of the tree protection zone. The tree protection barrier shall be a minimum 1.2m height and constructed so as to preclude pedestrian and vehicular entry into the tree protection zone.
  - (b) No concrete slurry or wash shall enter the tree protection zone.
  - (c) No building materials, builders' rubble, excavation spoil or similar shall be placed or stored within the tree protection zone. No site sheds or amenities are to be located within the tree protection zone.
  - (d) The whole of the tree protection zone shall be mulched to a minimum depth of 75mm. Mulch shall be organic, free from deleterious and extraneous matter including soil, weeds, rocks, twigs and the like.
  - (e) A satisfactory temporary irrigation system is to be provided to the tree protection zone.
23. (1) No Council street tree shall be removed, lopped or pruned in any way except with the written consent of Council.
- (2) No excavations or driveway crossing construction shall occur within two (2) metres of any street tree. Any excavations outside of the two (2) metre exclusion zone and within the dripline of any Council street tree shall be performed by hand.
- (3) Any major structural roots encountered shall be pruned either by a qualified arborist or under direct supervision of Council's landscape officers.
24. A minimum 600mm deep root deflection barrier shall be provided on both sides of the proposed driveway crossing(s) and footpaths.

25. All noxious weeds on the site shall be removed and destroyed as per their classification under the Noxious Weeds Act.
26. (1) The existing trees listed below have been identified following a site inspection. These trees shall be retained during all site works, including any demolition or excavation works and shall:
- (a) be protected by the establishment of a **tree protection zone** including the erection of a protection barrier which is to be erected at the stated distance from the trunk, and
- (b) shall have **no excavation or construction carried out** within the stated distances (Excavation Zone) from the base of the trunk surface:

<u>Species</u>	<u>Height/ Girth (m)</u>	<u>Location</u>	<u>Protection Zone (m)</u>	<u>Excavation Zone (m)</u>
a) <i>Camellia sasanqua</i> Sasanqua Camellia	5	Front Yard Western Boundary	2	2
b) <i>Ulmus parvifolia</i> Chinese Elm Tree	5	Rear Yard Western Boundary	3.6	4
c) <i>Elaeocarpus reticulartis</i> Blueberry Ash	5	Rear Boundary	2	2
e) <i>Stenocarpus sinuatis</i>	10	Neighbouring Property 8 Albyn Rd adjacent boundary	4	5

- (2) Hereinafter these trees shall be referred to only by their corresponding reference number as per the above list.
- (3) All plans will be modified to mark the trees to be retained as per the above condition **prior to issue of construction certificate.**
27. The following listed trees are existing and may be removed to accommodate the proposed development:

<u>Species</u>	<u>Height/ Girth (m)</u>	<u>Location</u>
1) <i>Thuja orientalis</i> Chinese Cedar	5	Western Boundary Front Yard
2) <i>Crytomeria japonica</i> Japanese Cedar	4	Eastern Boundary Front Yard
3) <i>Thuja puctata</i> Western Red Cedar	3.5	Eastern Boundary Front Yard
4) <i>Juniperus chinensis</i> 'variegata' Chinese Juniper variegated	4.5	Eastern Boundary Front Yard
4) <i>Juniperus chinensis</i> Chinese Juniper	5	Eastern Boundary Front Yard
5) <i>Lagerstroemia indica</i> Crepe Myrtle	4	Eastern Boundary Rear Yard
6) <i>Rothmannia globosa</i> Tree Gardenia	4	Eastern Boundary Rear Yard
7) <i>Celtis sinensis</i> Chinese Nettle Tree	8	Western Boundary Rear Yard
8) <i>Acokanthera oblongifolia</i> Bushmans Poison	3	Western Boundary Rear Yard

28. All trees permitted to be removed by this consent shall be replaced by species selected from Council's recommended planting list or landscape code. Replacements shall be a minimum 50 litre container size unless otherwise specified and shall be maintained until maturity.
29. A minimum of one (1) street tree shall be provided within Council's nature strip in accordance with the following:
- (a) Plants shall be a minimum 50 litre container size. Plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy roots systems with no evidence of root curl, restriction or damage. Trees are to have a single leader and clear straight trunk.
  - (b) The replacement tree must be a Brushbox *Lophostemon confertus*.
  - (c) All trees are to be staked and tied with a minimum of three (3) hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
  - (d) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
  - (e) Apply soil conditioner/fertilizer/moisture retention additive/s in accordance with manufacturer's recommendations, and mix into the backfilling soil after planting tree/s.
  - (f) Minimum 75mm depth of organic mulch shall be placed within an area 0.5m from the base of the tree. Mulch shall be free from deleterious and extraneous matter including soil, weeds, rocks, twigs and the like, and shall be placed so that it is not in contact with the stem of the plant.
30. General maintenance of Council's nature strip adjoining the development site, including regular lawn mowing, edging, irrigation of the lawn and street trees and restricting the storage of materials, rubbish and parking or driving of vehicles on the nature strip, must be carried out during the full period of all approved works (including any demolition and excavation).
31. Evergreen shrubs in minimum container size which have a minimum mature height of 3 metres shall be planted along southern, eastern and western boundaries to provide privacy screening and be maintained at all times. Details of the selected plants and design of the screening shall be submitted to and approved by Council **prior to the issue of a Construction Certificate.**
32. Between the proposed swimming pool and adjacent common boundaries a minimum one (1) metre wide landscape strip must be provided. The landscape strip is to be planted with a continuous row of evergreen shrubs of minimum litre container size with a minimum mature height of three (3) metres.

### Construction Matters

33. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to issue of Construction Certificate.**
34. Footings shall be designed in accordance with the soil classification of H, or Highly Reactive (unless determined to the contrary by a suitably qualified person).
35. If the soil conditions require it 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 adequate provision must be made for drainage.
36. Certification shall be obtained from a registered surveyor at the following stage(s) of construction confirming that the building has been constructed in accordance with the approved plans including any approved amendments (S.96 approvals) and plans and details required by Council as conditions of development consent:
- (a) footings excavation prior to placement of concrete;
  - (b) car park/garage level prior to placement of concrete or pavement;
  - (c) ground floor and first floor levels;
  - (d) roof ridge height;
  - (e) all floors of the building, roof eaves and all roof ridges;
  - (f) wall setbacks from property boundaries and street alignment;
  - (g) dimensions and areas of balconies/courtyards;
  - (h) vehicular ramp gradients.

Copies of the surveyor's certificates must be submitted to and accepted by Council at the stages nominated above.

37. The existing ground levels shall not be altered except in accordance with the levels shown on the approved plans as part of this consent. Finished ground surface levels shall match the existing levels at the property boundary. Any survey plan shall also show the extension of these levels in relation to adjoining properties.

If the existing ground levels are altered during construction, Council may require a survey plan of the finished ground levels to be prepared and submitted **prior to issue of Occupation Certificate** to determine if there have been changes to the pre-development levels and if there are any impacts on adjoining properties as a result.

38. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
39. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

40. If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- Must preserve and protect the building from damage; and
  - If necessary, must underpin and support the building in an approved manner, and
  - Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
41. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### **Sustainability**

42. Water collected in the rainwater tank must be roof water only and not surface water. Water from the rainwater tank must only be used for following purposes and not for human consumption:
- Toilet flushing;
  - Clothes washing;
  - Garden irrigation;
  - Car washing and similar outdoor uses;
  - Filling swimming pools, spa pools and ornamental ponds; and
  - Fire fighting.

### **Demolition**

43. Demolition shall be carried out in accordance with Australian Standard 2601 - 'The demolition of structures' or any subsequent standard and the relevant legislation.
44. The demolition of the building shall be carried out by a licensed demolition contractor. A copy of the licence shall be submitted to Council and the Principal Certifying Authority **prior to any work commencing on site.**
45. Details demonstrating that excavated and demolished materials including asbestos-based materials will be disposed of at an approved site shall be submitted to the Principal Certifying Authority **prior to any work commencing on site.**
46. The cleared ground surface of the site shall be suitably stabilised to prevent the generation of dust and the erosion of soil on the site.

### **Swimming Pool**

47. The swimming pool shall be provided with safety fencing as required by the Swimming Pool Act, 1992 and in accordance with Australian Standard 1926.1-1993 or any subsequent standard and comply with the following:

- Any discharge of water from the pool shall be drained to the sewer in accordance with the requirements of Sydney Water.
- Vertical depth markers shall be permanently fitted so as to be clearly visible at the deep and shallow ends of the pool.
- A weatherproof resuscitation poster (similar to those by the Royal Life Saving Society) shall be displayed in a prominent location adjacent to the pool prior to the pool being filled with water.

**Note:** Resuscitation posters can be purchased from Council's Customer Service Centre.

48. A permit shall be obtained from Sydney Water prior to the filling of the swimming pool.

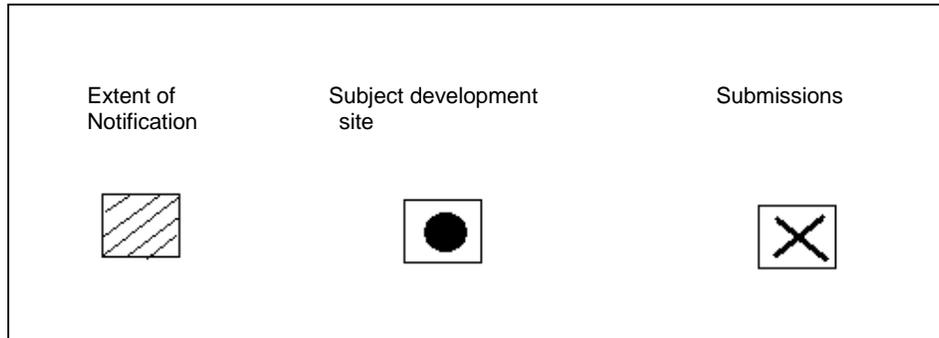
**Waste Management**

49. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to the Principal Certifying Authority upon request.
50. The site must be kept free of any overgrown vegetation at all times and measures must be taken to prevent the accumulation of rubbish.

## **LIST OF ATTACHMENTS**

**1. Locality map.**

Key:



**2. Site plans and elevations.**

**3. Submissions.**