# 84 Queens Park Road, Queens Park – Alterations and additions to a detached dwelling including a first floor addition, double garage at the rear and swimming pool (DA 104/2010

Report dated 13 May 2010 from the Development and Building Unit.

Recommendation: Deferred Commencement consent.

Referred to DCC on the request of Cn Main and seconded by Cn Jackson for heritage /

streetscape reasons.

lopment Assessment Report		
DA-104/2010		
84 Queens Park Road, Queens Park		
16 March 2010		
Alterations and additions to a detached dwelling		
including a first floor addition, double garage at the rear		
and swimming pool.		
Waverley Local Environmental Plan 1996		
Residential 2 (a) – Low Density		
Waverley Development Control Plan 2006		
Part D1 – Dwelling House and Dual Occupancy		
Mrs Andrea Shields		
Mrs Andrea Shields		
1a		
Two (2) submissions – Original Proposal		
NSW Land and Environment Court Appeal lodged.		
Now Land and Environment Court Appear louged.		
Excavation, Setbacks, Heritage, Accuracy of Plans		
Deferred Commencement consent		
Site Map		
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# 1. PREAMBLE

# 1.1 The Site and its Locality

The site is located on the northern side of Queens Park Road, between Bourke Street and Blenheim Lane, Queens Park. The site is located directly opposite Queens Park.

The site is rectangular in shape, with a 12.19m frontage to Queens Park Road, eastern side boundary of 54.86m, rear boundary to Arnold Street of 12.19m and western side boundary of 54.86m, providing a total site area of 668.7m<sup>2</sup>. There is a fall down the property from Arnold Street to the sites frontage at Queens Park Road of approximately 3.5m.

Existing on site is a freestanding single storey late Federation Bungalow with a frontage to Queens Park Road. The freestanding late Federation Bungalow (although altered) forms part of a cohesive group of similar form age and alignment of late Federation style Bungalows which are within the immediate vicinity of the site (see photographs 1 to 5). The dwelling contains a rear building line which partially extends beyond established rear building line of the locality.

The site is located within the Queens Park Residential Character Study Area and the proposed Queens Park Heritage Conservation Area. Draft Waverley Local Environmental Plan (Amendment No.33) 1996 is on public exhibition from 2 September 2009.

The site is not listed as an item of heritage significance and but is within a draft heritage conservation area. However the site is located within the vicinity of the heritage listed landscape items of Queens Park and a stone retaining wall to the rear of the site on Arnold Street.

# 1.2 Background

**DA 706/2008** - Refused 18 November 2009.

Demolition of the existing dwelling and the construction of a two storey dwelling, including a double garage and swimming pool, the proposal was refused for streetscape and heritage reasons.

It is also worth noting the DBU's previous comment on this application, quoted below.

"The site is also within a character study area under the DCP with various provisions aimed at retaining local character. The existing building works well in its streetscape and curtilage to the adjoining park lands. This building is considered to have local heritage and character significance. Council's heritage architect has opposed demolition and this view is supported by various heritage controls applicable to the site, the DBU agrees with this view.

The preferred model of development for the site is part retention of the front of the existing dwelling (i.e. the main roof form and front rooms) and provision of a two-storey addition to the rear (with a limited basement if desired) and rear garages / laneway development. Such a model would provide generous accommodation, without the adverse heritage / character impacts identified in this report."

# 1.3 Proposal Description

The proposal provides for alterations and additions to the existing single storey detached dwelling including a first floor addition, double garage and swimming pool. The proposed works are summarised as follows:

#### Ground floor level:

- Sitting room, living room, powder room, laundry, study.
- Dinning room, kitchen and living room.

# Attic/first floor over existing dwelling:

Master bedroom with a walk in robe and en-suite bathroom.

#### First floor addition:

- Gallery as part of the stair well.
- Three (3) bedrooms and bathroom.
- Access door to a roof garden located at the rear.

# Double garage located on Arnold Lane:

- Double garage.
- Bin storage area and rear lane entry.

# Swimming pool and associated landscaping:

- Swimming pool located along the eastern boundary of the site.
- Water feature located on the western side of the dwelling.
- Landscaping works to the front and rear of the site.

# 2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Section 79C of the Environmental Planning and Assessment Act 1979.

# 2.1 Section 79C(1)(a) Planning Instruments.

# 2.1.2 Waverley Local Environmental Plan 1996

# Clause 3 – Specific Aims, Clause 10 – Zone Objectives, Clause 21 – Environmental Considerations

The site is zoned Residential 2(a) under the Waverley Local Environment Plan (LEP) 1996. The proposal provides for alterations and additions to an existing single storey detached dwelling including a first floor addition, double garage and swimming pool as such, the proposal is considered to satisfy the Specific Aims and Objectives in the LEP. The proposal is not considered likely to result in unreasonable environmental impacts and therefore is considered to satisfy clauses 21-26.

# Part 4 – Heritage Provisions

The site is not listed as a heritage item under the LEP nor is the site contained within a gazetted heritage conservation area. However, the site is within the vicinity of a State and local heritage landscape item (the Queens Park and Centennial Park lands) and a local item which is a stone retaining wall, on Arnold Street located at the rear of the site.

The site is also affected by Draft Waverley Local Environmental Plan (Amendment No.33) 1996 (Draft LEP No.33) that went on public exhibition on 2 September 2009. The Draft Queens Park conservation area has weight under Section 79C of the Act. This Draft LEP provides for the establishment of the Queens Park conservation area. Previously this draft conservation area also had status as an adopted Council policy, as of its endorsement by Council September 2007.

The key heritage issues in this case concern the merits of the existing dwelling (in respect to the draft conservation area and adjoining items). The existing dwelling is considered to be a pleasant example of a Federation cottage and complements neighbouring buildings that are of similar age and style. However, the building is not considered exceptional and it has been modified to the rear. The significance of the building concerns its streetscape character and value in its setting.

It is recognised that the works involve substantial change to the existing house (eg slightly raising the main roof); however these works are considered acceptable, given the level of significance of the existing building and its primary importance in a streetscape and as part of the curtilage of Queens Park.

The proposed works appropriately recognise the significance of the building and are considered compatible and consistent with development in the immediate vicinity of the site and the overall context of the street.

# 2.1.3 Waverley Development Control Plan 2006, Part D1 – Dwelling House

DCP COMPLIANCE CHECK			
Control	Standard	Proposed	Compliance
Height	<ul> <li>Flat roof – 7.5m</li> </ul>	• 7.3m	Yes
Excavation	Max. 3m depth	Unknown	No
	Max. 50% of footprint	Unknown	
	Site slope >25% - require geotech	Unknown	
	Min. side boundary setback 1m	Unknown	
	Habitable room – 1     external wall above     ground level	Unknown	
Floor Space Ratio	• 0.5:1	• 0.59:1	No
(Site Area: 668.7m²)	(334.35m²)	(397m²)	
Setbacks	• Side 900mm	• 700mm – 1400mm	No
	Front est. building	Front retains est.	Yes
	line	building line	
	<ul> <li>Rear est. building</li> </ul>	Rear est. building line	Yes
	line		
Front fencing	1.2 metres	• 1.2m	Yes
Elevated external		Access to first floor roof garden	Vac
decks	10sqm in area	• 2.32m²	Yes
	1.5m depth	• 800mm	Yes

DCP COMPLIANCE CHECK			
Control	Standard	Proposed	Compliance
Vehicular Access and Parking	<ul><li>2 spaces</li><li>Dimensions</li><li>(5.5 m × 2.5m)</li></ul>	<ul><li>2 Space</li><li>5.5m x 2.5m</li></ul>	Yes Yes
	Behind building setback	Constructed at rear of site	Yes
Landscaping	<ul> <li>40% of site area</li> <li>15% of site as soft</li> <li>50% of front lands.</li> <li>50% of front lands.</li> <li>as soft</li> </ul>	<ul><li>40%</li><li>30%</li><li>&gt;50%</li><li>&gt;50%</li></ul>	Yes Yes Yes Yes

#### Excavation

The proposal provides for a basement level containing a pool equipment storage room. However, the submitted architectural plans do not include a basement level floor plan. Nevertheless, from the sections it is clear the basement is approximately 4 m by 4m. Provided the basement is setback a minimum of 1 m from the side boundary, such a basement would comply with Council's controls. A deferred commencement matter recognising the basement is recommended.

# Floor Space Ratio (FSR)

The proposed alterations and additions are considered consistent with the size and shape of the allotment and in character with the type of surrounding development envisaged by Council's DCP. The proposed alterations and additions comply with the objectives for size and bulk of proposed new dwelling and part of the floor space is within a basement and attic roof space. The non-compliance with Council's FSR control is supported in this instance.

#### Setbacks

The proposed alterations and additions provide side setbacks ranging from 700mm to 1400mm. The proposed 700mm side setback is located on the western side of the ground floor addition and is considered acceptable in this instance as the neighbouring property at 82 Queen Park Road contains a zero setback for part of the ground floor rear addition and the first floor level is setback 900mm.

The subject site contains an existing rear building line which extends beyond the established rear building line of the locality. The proposed development seeks to maintain the existing rear building line, as such the proposed rear building line is considered acceptable. The proposed alterations and additions retain the existing front building line and are considered acceptable.

#### Elevated External Decks

The proposed access to the first floor roof garden has been assessed as an elevated external deck and is considered acceptable with regards to Council's objectives and numeric controls for elevated external decks. A condition of consent shall prohibit the use of the first floor roof garden as a elevated external deck.

#### 2.1.4 Other Matters

# **Queens Park Character Study Area and Streetscape**

The retention of the front portion of the house is considered to address the Character Study requirements in the DCP.

# Privacy

The proposed windows/glazing to the ground floor study, laundry and landing area, and the stairwell are considered to have potential privacy impacts on neighbouring dwellings. To protect the visual privacy of neighbouring dwellings those windows are to be translucent.

The remainder of the proposed windows are considered acceptable for domestic scale development and are supported. The proposal has been considered with regards to privacy and is considered acceptable.

# Overshadowing and Solar Access

The proposed alterations and additions retain the existing rear building line, while the proposed non-compliant western ground floor side setback of 700mm is not considered to result in unreasonable solar access or overshadowing to the neighbouring dwelling as 86 Queens Park Road has a nil side setback for a portion of the ground floor. While the proposed northern side, first floor side setbacks and proposed maximum height complies with Council's numeric controls. Therefore, any additional overshadowing to neighbouring dwellings or private open space is considered acceptable in this instance.

# Raised Natural Ground Floor Level (rear of dwelling)

The proposed rear ground floor (this level is spilt, rising to the rear) will contain an RL67.310 as apposed to the existing RL 66.00 (as indicated on the submitted survey plan). The proposed rear ground floor level results in an increase to the rear ground floor level of approximately 1.31m. The increased rear ground floor level is proposed to provide a level ground floor for the primary open plan living spaces of the dwelling including the kitchen, breakfast, dining and family room areas.

The proposed increase to the natural ground floor level at the rear of the site is considered acceptable as it is unlikely that the proposal will result in unreasonable amenity impacts on neighbouring properties given high boundary fencing is conditioned to be retained.

The proposal complies with Council's flat roof height control; existing masonry walls on the eastern side will provide adequate privacy for 86 Queens Park Road. While the proposed masonry and timber paling fence along the western side of the property is considered to provide adequate privacy for the 82 Queens Park Road and the subject site.

### Swimming pool

The proposed swimming pool constructed along the eastern side boundary of the site is considered acceptable and unlikely to result in unreasonable privacy and amenity impacts on neighbouring properties. Given the existing masonry dividing wall, imposing a 900mm side setback is considered unlikely to provide additional privacy to neighbouring properties. A condition of consent has been included indicating that the pool is to be constructed to an RL 67.310 which is consistent with the ground floor b level.

#### **ESD**

A BASIX Certificate has been submitted with the application, demonstrating compliance with ESD principles.

#### Safety and security

Safety and security will remain generally unchanged.

#### 3 REFERRALS

#### 3.1 Internal

# Heritage and Urban Design

The application addresses the concerns raised in respect to demolition of the existing dwelling and the heritage significance of the building.

# Tree Management Officer

The application was internally referred to Council's Tree Management Officer the recommended conditions are attached.

# **Technical Services (Car Parking and Stormwater)**

The application was internally referred to Council's Technical Services for comments regarding car parking and stormwater requirements, the recommended conditions of consent are attached.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposed works are generally considered satisfactory and are not likely to unduly impact upon the natural and built environment including social and economic impacts in the locality.

Section 79C(1)(c) - The suitability of the site for the development.

The proposal is generally suitable in the Residential 2(a) – Low Density zone.

#### 4. PUBLIC SUBMISSION

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2006, Part C3 – Advertised and Notified Development.* Two (2) submissions were received. All of the issues and concerns raised by the objectors are discussed and summarised below.

Property	Location	Summary of Objections
82 Queens Park Road	Neighbouring (west)	Queens Park Character Study and heritage requirements.
		Rear streetscape concerns.
		Proposed new slate roof has a steeper pitch than existing.
		Excessive FSR.
		Privacy impacts from new western front entry.
		Rear building line and raised ground floor level.
		Loss of privacy and overshadowing.
		Previous submissions regarding DA- 706/2008.

Property	Location	Summary of Objections
86 Queens Park Road	Neighbouring	Rear streetscape concerns.
	(east)	Excavation of the site and raised natural ground level.
		Building height and overshadowing.
		Alterations to existing cottage and heritage concerns.
		Side and rear setbacks.
		Rooftop garden potential privacy impacts.
		Privacy impacts from study and bedroom window.
		Excessive FSR.
		Swimming pools should be setback from the eastern boundary.
		Modifications to masonry boundary wall.

# 82 Queens Park Road, Queens Park

Issue: Queens Park character study and heritage requirements

**Comment -** See Sections 2.1.2 and 2.1.4 of this report.

Issue: Rear streetscape concerns.

Comment - See Sections 2.1.4 of this report and DBU comment.

Issue: Proposed new slate roof has a steeper pitch than existing.

**Comment –** See Section 2.1.4 of this report and the new roof is acceptable.

Issue: Excessive FSR

**Comment – See Section 2.1.3 of this report.** 

Issue: Privacy impacts from new western entry.

**Comment** – The proposal provides for the retention of the existing main entry to the dwelling, the proposed additional door located on the western side of the ground floor is not considered to result in unreasonable privacy impacts on 82 Queens Park Road and a condition in this regard is recommended.

Issue: Rear building line and raised ground floor level.

Comment – See Sections 2.1.3 and 2.1.4 of this report.

Issue: Loss of privacy.

**Comment – See Section 2.1.4 of this report.** 

Issue: Previous submissions regarding DA-706/2008.

**Comment –** The previous submission made in regards to DA-706/2008 are not considered relevant to the subject proposal.

### 86 Queens Park Road, Queens Park

Issue: Rear streetscape concerns.

**Comment -** See Sections 2.1.4 of this report.

Issue: Excavation of the site and raised natural ground level.

Comment – See Sections 2.1.3 and 2.1.4 of this report.

Issue: Building height and overshadowing.

**Comment – See Sections 2.1.3 and 2.1.4 of this report.** 

Issue: Queens Park character study and heritage requirements.

**Comment -** See Sections 2.1.2 and 2.1.4 of this report.

Issue: Side and rear setbacks.

**Comment – See Section 2.1.3 of this report.** 

**Issue:** Rooftop garden potential privacy impacts. **Comment –** See Section 2.1.4 of this report.

Issue: Privacy impacts from a number of windows.

Comment - See Section 2.1.4 of this report.

Issue: Excessive FSR.

**Comment –** See Section 2.1.3 of this report.

Issue: Swimming pools should be setback from the eastern side boundary.

**Comment –** See Section 2.1.4 of this report.

Issue: Concerns regarding 'make good the existing brick wall built to the east boundary.

Comment – The subject site contains a brick boundary wall built to the eastern side boundary. The objector has raised concerns regarding the applicant's intentions to 'make good' the existing wall. The objector is requesting that the wall be retained, and a condition in this respect is recommended.

# Section 79C(1)(e) - The public interest.

The proposal is considered suitable with regards to Section 79C(1)(e) of the Act.

# 5. DEVELOPMENT AND BUILDING UNIT (DBU) REVIEW

The DBU reviewed the proposal and inspected the site. In generally it was acknowledged that the scheme addressed the substantial reasons for refusal of the previous development application (DA 104/2010 to demolish the existing and house and rebuild). The substantial retention of the front portion of the existing house and the provision of a two storey addition behind, addresses the advice given to the applicant by the DBU.

Nevertheless, the plans submitted are inaccurate in respect to the basement level that is not shown and the works to the existing dwelling is unclear. Side elevations are also not clear, as the size and position of windows were also partly covered by fencing in the elevations provided. In this regard accurate plans are sought via deferred commencement consent.

The rear building line proposed for the new works is acceptable, as this alignment addresses the rear setback of the existing building but at a two-storey scale.

Various concerns were raised by neighbours about side boundary fencing and it is noted that there is existing high side fencing that is to be retained. This matter was confirmed with the

project's architect and the retention of side fencing is also considered to address concerns regarding the level changes in the rear yard. A condition to confirm this aspect of the development is recommended.

This application, subject to the deferred commencement matters and conditions recommended, is considered to generally comply with Council's planning controls for the site. Nevertheless, it should be noted that this addition will have a substantial impact on the amenity of neighbours because current housing around this site is single storey. This affords good rear yard privacy and solar access to all properties. However, under Council's current controls two-storey rear additions are envisaged in this locality. This type of development creates greater impacts (eg views from first level bedrooms) not present in single storey housing. However, this impact is considered acceptable given the planning controls for this site.

# 6. RECOMMENDATION

That Development Application No. 104/2010 at 84 Queens Park Road, Queens Park for alterations and additions including a first floor addition, rear garage and swimming pool to an existing single storey detached dwelling, be granted deferred commencement consent, subject to the following matters

#### **Deferred commencement matters**

- (i.) A separate demolition plan be provided for the existing house and the ground floor plan amended to show an accurate layout of existing work to be retained. In particular, the front two rooms and associated openings, in a longitudinal sense, are to be generally retained.
- (ii.) Accurate side elevations reflecting the above are to be submitted (free of side fencing) and new ground floor openings are to be highlight window (ie sill heights a minimum of 1700mm above the finished floor level) where these windows oppose neighbouring side windows.
- (iii.) A floor plan for the basement level is to be submitted, this area is to be generally no larger than 16 sqm and setback a minimum of 1 m from the side boundary.

On satisfaction of the above matters the following conditions apply.

#### A. APPROVED DEVELOPMENT

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos. DA1000, DA1001, DA2000, DA2230, DA2240, DA3000, DA3001 and DA3100, prepared by Jorge Hrdina Architects Pty Ltd, dated 11 March 2010, and received by Council on 16 March 2010;
- (b) Landscape Drawing No. 0410 prepared by Fiona Cole Landscape Architect, dated February 2010 and last amended 9 March 2010, and received by Council on 16 March 2010;
- (c) BASIX Certificate;

(d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2006.

Except where amended by the following conditions of consent.

#### 2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The front door entry to the premises is to be off the front verandah and the secondary side entry off Queens Park Road is to be deleted and / or used as an internal drying area for the adjoining laundry only.
- (b) The proposed windows/glazing to the ground floor study, laundry and first floor bathroom areas and the stairwell are to be obscured glass or highlight windows with a minimum sill height of 1700mm above the finished floor level.
- (c) Existing side masonry fencing is to be retained. Where on the east side, a portion of the existing wall on the side boundary is to demolished and rebuilt as a boundary fence, that fencing is to be no higher than the existing wall (that being RL 69.29)
- (d) The brick fence being designed in accordance with the requirements of Council's Standard for Brick Fences.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### 3. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by the following changes:

- (a) Delete proposed plantings on the eastern and western sides of the dwelling. Species proposed will not grow well in conditions of low light. Replace with more suitable species;
- (b) The proposed fencing on the western boundary needs to remain as a timber paling fence;
- (c) Indicative Plant Schedule to show a two (2) 100-litre container size tree to be planted within the front setback of the site.
- (d) The Prunus species (Flowering Cherry) tree located at the front western boundary of 86 Queens Park Road has to be shown on the plan; and
- (e) All landscaping on the site (trees, shrubs and groundcovers) are to be representative of a minimum 50% local native species.
- (f) Garden bed along the rear western side of the property be increased to a minimum of 2.0 metres wide and proposed replacement species of Acmena smithii 'Compact' be planted no closer than 1.0 metres from the boundary fence.

The amended landscape plan is to be submitted to Waverley Council's Tree Management Officer with the plans for the Construction Certificate.

# 4. USE OF DWELLING AND ROOF GARDEN AREA

The premises are to be used only as a single unit dwelling house and the roof gardens are to be non-trafficable areas (access is to be for maintenance only).

#### 5. SWIMMING POOL LEVEL

The proposed swimming pool is to be constructed to the ground floor level B containing RL 67.310.

# 6. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

### 7. INSTALLATION OF AIR CONDITIONING

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

#### B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

#### 8. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:
  - (1) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

(2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

#### **Advisory Note**

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the <u>full</u> cost of the development.

### 9. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$10,000.00 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

#### 10. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

### 11. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, including demolition, must not be commenced until:

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and

- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

### 12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2006 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

# 13. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

# 14. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2006 (Amendment No. 4) - Part G4 prior to the issue of a Construction Certificate.

# 15. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

# 16. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

#### 17. MAKING GOOD EXISTING SIDE FENCES NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed making-good of the existing side fences, including the footings, is to encroach beyond the boundaries of the subject property.

#### 18. HOARDING REQUIRED

A standard A-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

#### 19. BRICK FENCES

The proposed brick fence being designed and constructed in accordance with the requirements of Council's Standard for Brick Fences. In this regard, details are to be provided prior to the issue of the Construction Certificate. Alternatively, a Certificate prepared by a practising Structural Engineer is to be submitted certifying that the footings are designed to withstand a maximum wind force of 0.8Kpa.

### 20. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

# 21. LONG SECTION OF DRIVEWAY

A long section of the driveway shall be submitted with the Construction Certificate. The long section is to be drawn at a scale of 1:25 and shall include Reduced Levels (RLs) of the road centreline, kerb, road reserve, and pavement within the property and garage floor. The RLs shall include the existing levels and the design levels.

#### 22. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

#### 23. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

#### 24. TREE PLAN

Only trees with the approval of Council for removal may be removed from the site.

Species	Location	Action
2 x Olea species (African Olive)	Front setback	Removal and Replacement x 2
	Rear setback	Removal and Replacement x 4
	Front setback	Removal

The replacement tree(s) must be local native tree species of a minimum container size of 45 litres and shall be maintained until they attain a mature height of at least four (4) metres, whereby they will be protected by Council's Tree Preservation Order.

Two (2) 100-litre container size tree of local native species to be planted within the front setback of the site.

Trees shall not be tied to stakes unless support is essential. All advanced trees are to be planted in holes containing good quality soil and humus. In lawn areas, grass is too kept back for a radius of at least 450mm from stems and trunks, a depression should be formed for the collection of water and the area mulched.

Woodchip mulch is to be installed to a depth of 75-90mm to all mass planted garden areas and around the base of trees in lawn areas. The mulch should be kept at least 50mm away from plant stems to reduce the risk of collar rot.

If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Council's Tree Preservation Order the tree/s shall be replaced with the same species at no cost to Council.

# 25. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;

- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

All trees and shrubs identified for retention and within 7.5m of the building work are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work.

# Trees to be retained and protected

Species	Location	Action
1 x Eucalyptus sideroxylon (Red Ironbark)	Council Street tree	Protect & Retain TPZ of 2.0 m as per conditions below
	Rear eastern boundary of 82 Queens Park Road	Protect & Retain TPZ of 3.0 m as per conditions below
1 x Prunus species (Flowering Cherry)	Front western boundary of 86 Queens Park Road	Protect & Retain as per conditions below

\*TPZ- Tree Protection Zone

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Established boundary fences or site boundary fences are to remain in place at all times to physically protect any existing trees and vegetation on neighbouring sites.

Soil levels are not to be changed around any trees.

No mechanical excavation shall be undertaken within the tree canopy spread (within the dripline) of any tree, shrub or vegetation.

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If major tree roots from the Grevillea robusta on the neighbouring property are uncovered during the construction of the proposed terrace, the shape of the terrace is to be adjusted to avoid any damage to these roots.

If any trees on neighbouring properties require pruning then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

To ensure the preservation of the trees NO APPROVAL is granted for severing of significant tree roots. Footings for any structures constructed within the area, defined by the canopy driplines of the following trees, should be constructed using an isolated pier and beam construction method, to bridge any existing roots exceeding 30mm, where excavation identifies roots exceeding this diameter. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed. All roots severed must be treated with a root hormone to encourage the development of new roots.

Species	Location	Radius from Trunk (Metres)
1 x Prunus species	Front western boundary of 86	2.0 m
(Flowering Cherry)	Queens Park Road	

### 26. DILAPIDATION REPORT

A dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority, Council and the owners of the adjoining properties prior to the commencement of demolition, bulk excavation or building works, detailing the current condition and the status of all buildings (both internal and external), including ancillary structures located upon the adjoining properties.

# C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

### 27. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

#### 28. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

#### 29. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

### 30. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

#### 31. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven 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.

# 32. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;

- (a) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (b) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

#### 33. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

#### 34. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint:
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

### 35. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

#### 36. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the DECC's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

# 37. STOCKPILES

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

### 38. LOCATION OF BUILDING OPERATIONS

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

# 39. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

#### 40. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

# 41. CONSTRUCTION NOISE - PERIODS OF 4 WEEKS OR UNDER

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed at any sensitive noise receiver.

### 42. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

### 43. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

# 44. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling the pool.

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

### 45. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

#### 46. ROOFING MATERIAL TO MATCH EXISTING

The proposed new slat tiled roof is to have a uniform appearance and finish to match the roof covering over the existing dwelling house.

# 47. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

# 48. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed alterations and addition including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

#### 49. WATER PROOFING

The floor and wall surfaces of the proposed wet areas are to be protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

# 50. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

### 51. SERVICE PIPES

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

### 52. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

#### 53. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The finished level of the proposed pool is not to exceed a maximum height of **[state]** mm above the existing natural ground level;
- (d) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard 1926-1993 "Fencing for Private Swimming Pools". This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (e) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

# 54. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

#### 55. FRONT FENCE HEIGHT

The proposed fence abutting the front boundary of the site is not to exceed a height of 1200mm above the level of Council's footpath.

# D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

# 56. FINAL OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

# 57. POOL MANUFACTURER'S CERTIFICATION

The proposed fibreglass pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

### 58. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

# 59. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

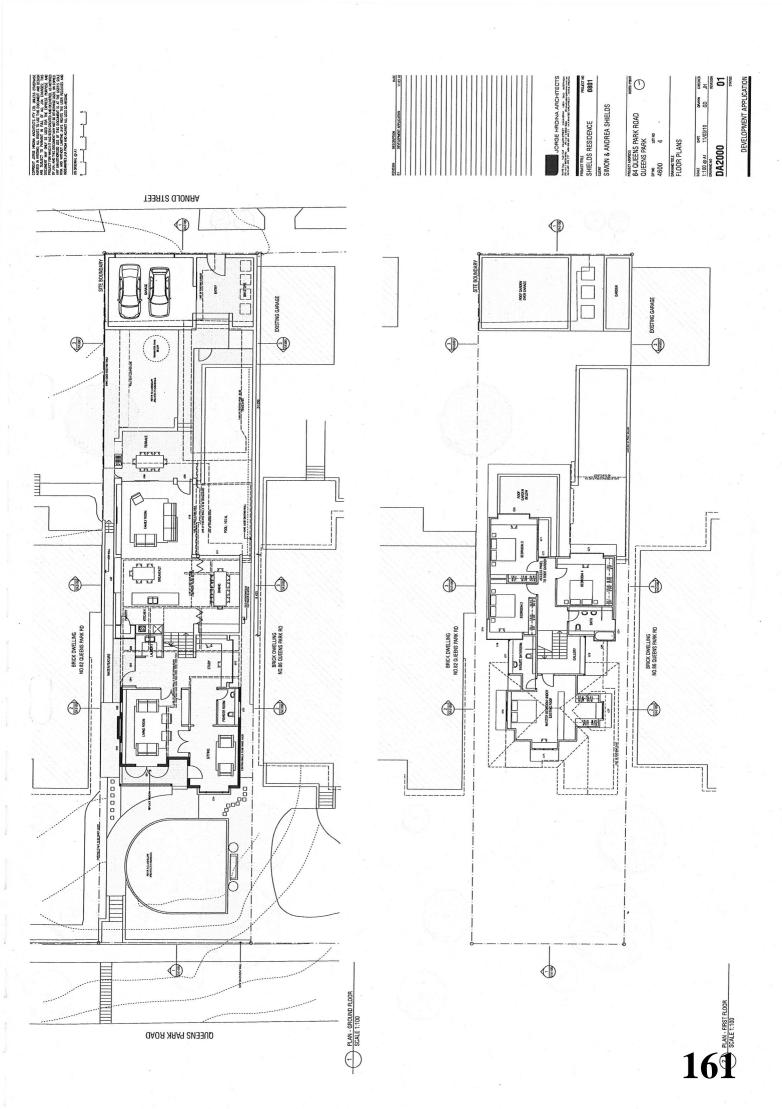
#### 60. LIGHTING

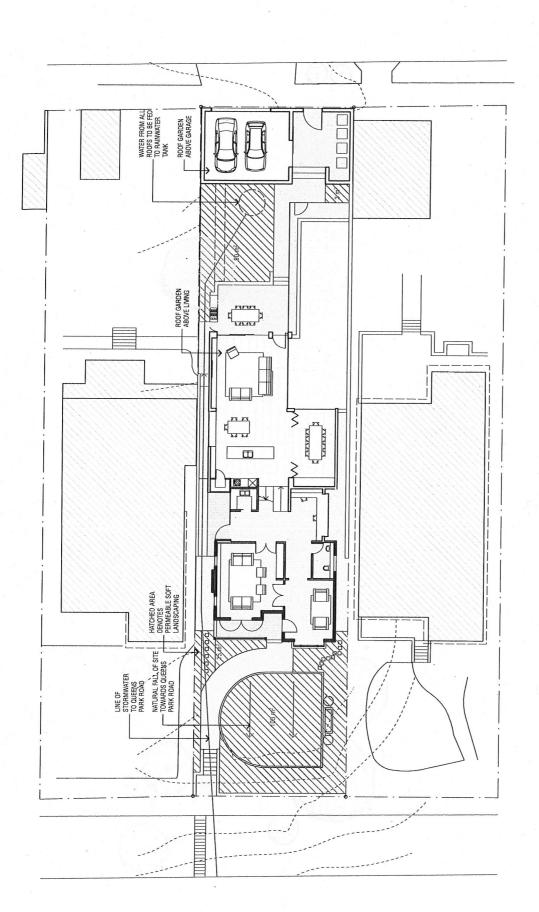
Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

#### 61. STREET NUMBER

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

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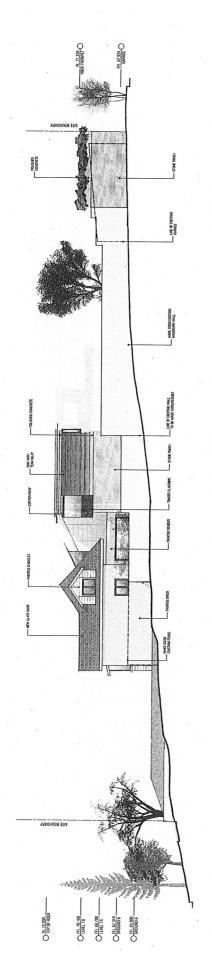


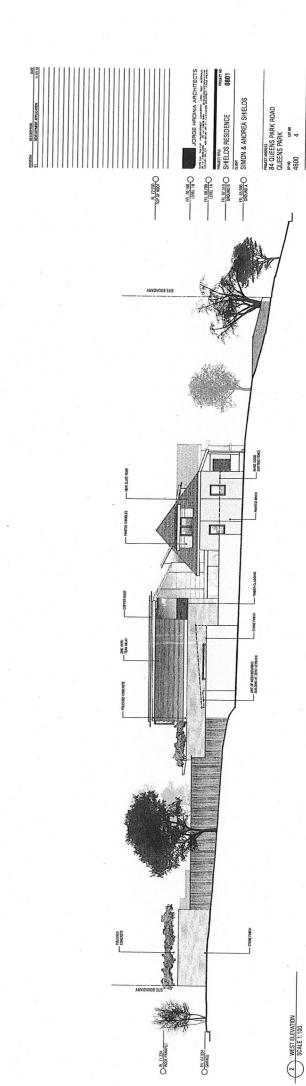
СНЕСКЕD ЈН REVISION 5 **DEVELOPMENT APPLICATION** DRAWN DATE 11/03/10 DA2240 SCALE 1:200 @ A3 DATE DRAWING NO STATUS PROJECT NO DRAWING TITLE 0801 WATER MANAGEMENT PLAN DESCRIPTION
DEVELOPMENT APPLICATION REVISION 01 NORTH POINT ON ORIGINAL @ A3 PROJECT TITLE
SHIELDS RESIDENCE 84 QUEENS PARK ROAD PROJECT ADDRESS

> SUITE 202, 506-508 MILLER STREET CANAMERAY NSW 2 062 AUSTRALLA [P] +61 2 9929 9490 [F] +61 2 9929 3860 [E] studio@orgenforms.com.au ACN 091 485 237 ABN 99 091 485 23 NOMINATED ARCHITECT - JORGE HEDINA JORGE HRDINA ARCHITECTS

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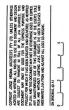




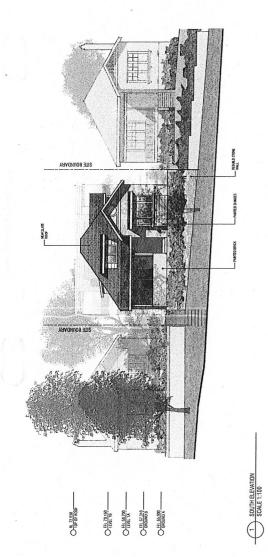


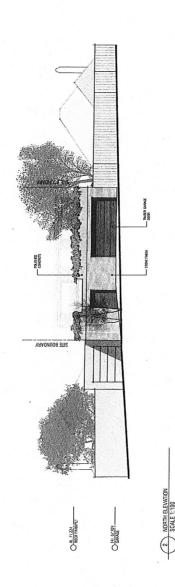
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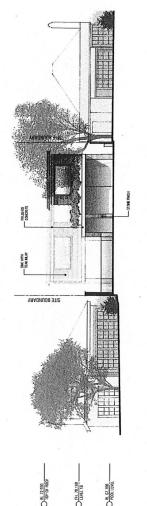
ELEVATIONS EAST & WEST



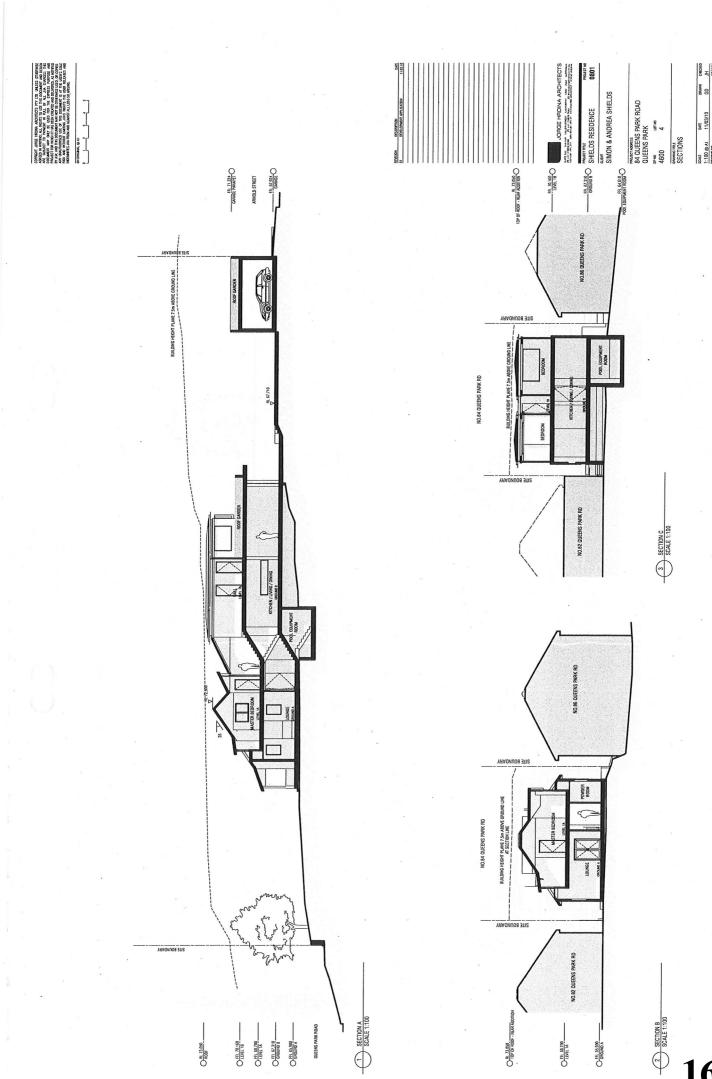




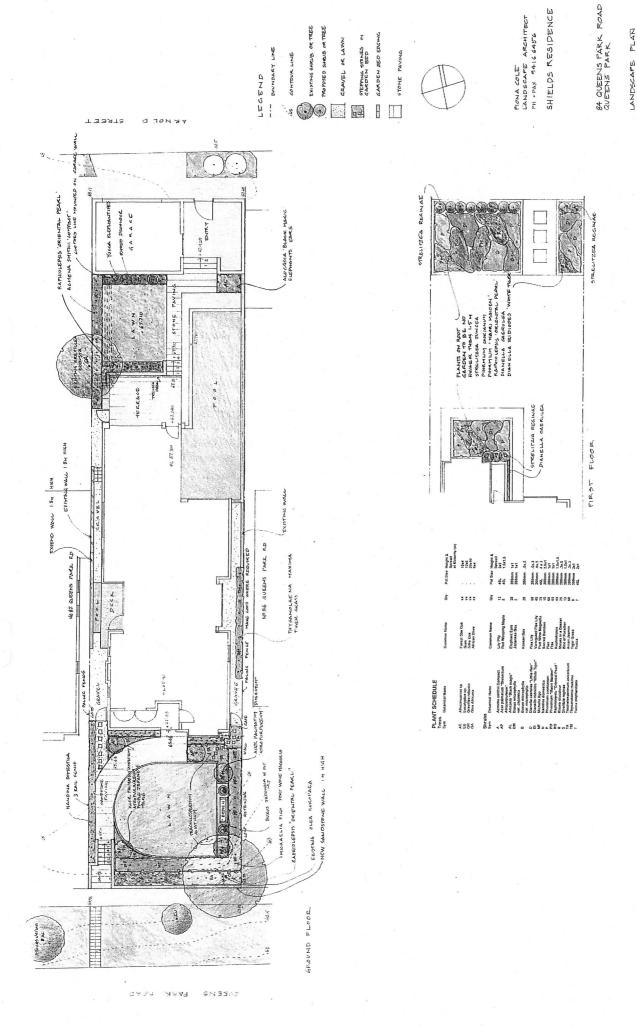




3 NORTH INTERNAL ELEVATION SCALE 1:100



DEVELOPMENT APPLICATION



56415 1:100 PEB 2010 AMENDED 3.3.10 AMENDED 9.3.10

DWG NO. 0410