

Agenda

Strathfield Internal Development Assessment Panel Meeting

Notice is hereby given that a Strathfield Internal Development Assessment Panel Meeting will be held at Main Building Meeting Room, 65 Homebush Road, Strathfield on:

Friday, 26 June 2020

Commencing at 10:00am for the purpose of considering items included on the Agenda

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IDAP AGENDA ITEMS

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TO: Strathfield Internal Development Assessment Panel Meeting - 26 June 2020
REPORT: IDAP – Report No. 1
SUBJECT: DA2019/183/2 - 3 MERLEY ROAD, STRATHFIELD - LOT 12 DP 19348
DA NO. DA2019/183/2

SUMMARY

Proposal: Section 4.55(2) modification application to reconfigure internal and external layout involving the relocation of inground pool and alfresco area, revision of window schedule and external material finishes

Applicant: Bechara Chan & Associates

Owner: F Bechara

Date of lodgement: 20 May 2020

Notification period: 25 May 2020 to 8 June 2020

Submissions received: Nil

Assessment officer: MR

Estimated cost of works: \$2,288,000

Zoning: R2 – Low Density Residential – SLEP 2012
Not a heritage item

Heritage: Not within a heritage conservation area
In the vicinity of heritage item I178 – *Inveresk Park*

Flood affected: Yes

Is a Clause 4.6 variation proposed? No

RECOMMENDATION OF OFFICER: **APPROVAL**

EXECUTIVE SUMMARY

The subject modification application seeks Council approval for reconfiguration of the internal and external layout of the approved development, including the relocation of the in-ground pool and alfresco area, revision of the window schedule and external material finishes of the dwelling.

The application was publicly notified on 25 May 2020 for a minimum period of 14 days, in accordance with Strathfield Council's Community Participation Plan (CPP). No submissions were received as a result.

Due to the nature and extent of works proposed, the proposed modification reflects the same compliance as the approved development, with regard to the relevant matters for planning consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including the Strathfield Local Environmental Plan 2012 (SLEP 2012) and the Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005). Accordingly, the proposed modification is considered supportable and is recommended for approval.

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The application has been referred to the Strathfield Internal Development Assessment Panel (IDAP) as the subject land is flood affected and within the vicinity of a heritage item (I178 – *Inveresk Park*).

BACKGROUND

4 November 2019	DA2019/183 was lodged for the demolition of existing buildings and construction of a two (2) storey dwelling with basement level, swimming pool and associated front fence and landscaping.
6 March 2020	DA2019/183 was determined and approved by the IDAP.
20 May 2020	The subject Section 4.55(2) modification application (DA2019/183/2) was lodged with Council.
25 May 2020	The application was notified for a minimum of 14 days in accordance with the CPP. The notification period ended on 8 June 2020, and no submissions were received during this time.
3 June 2020	A deferral letter was issued to the applicant, raising a matter relating the changes to the front façade of the dwelling.
23 June 2020	The applicant submitted amended plans to address the matter raised in the letter.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 12 in DP 19348 and commonly known as No. 3 Merley Road, Strathfield. The site is within the R2 – Low Density Residential zone, pursuant to the provisions of SLEP 2012. It is a rectangular shaped allotment that is located on the northern side of Merley Road and has an area of 712.7m², a maximum depth of 48.575m and a 16.23m wide frontage (refer to Figure 1). The site is primarily flat with a fall of 0.22m towards the western side boundary.

The property is currently occupied by a single storey, red brick house with ancillary structures such as front brick fencing, an outbuilding containing a laundry and garage, carport and shed. The site benefits from having access via an existing driveway off Merley Road. The site is predominantly modified with the only vegetation comprising scattered shrubs, grassed lawn areas and three (3) trees. One (1) tree is located within the road reserve.

The subject site is located within a typical low density, suburban area characterised by tree-lined streets and single detached dwellings of varying design and scale. Common architectural features and traits in the immediate vicinity include pitched roofing, exposed brick façades (in light brown or dark red), rendered cement façades (in cream/off-white/beige or grey), and front boundary fencing comprising bricks, sandstone or rendered cement.

The site is surrounded by the following properties:

- Adjoining the eastern boundary: a two (2) storey, rendered dwelling that is under construction at No. 1 Merley Road, Strathfield;
- Adjoining the western boundary: a two (2) storey rendered dwelling house with a swimming pool in the rear yard at No. 5 Merley Road, Strathfield;
- Adjoining the northern boundary: a two (2) storey brick and rendered dwelling with detached ancillary structure in the rear yard at No. 8 Coventry Road, Strathfield; and
- South-west of the site and across the road: Inveresk Park, a public open space and locally listed heritage item containing grassed lawn areas, native trees and playground equipment.

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Figure 1: The subject site (as highlighted in yellow) and the surrounding context

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed modification.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The specific elements of the proposed modification sought are as follows:

- Provision of a new lift to access all levels within the building;
- Basement level:
 - Remove door access storage;
 - Amend basement wall to suit structural requirement;
- Ground floor:
 - Remove laundry window;
 - Re-locate pool and alfresco area;
 - Provision of deep soil landscaped area in original location for pool and alfresco area;
- First floor:
 - Re-configuration of master ensuite;
 - Added ensuite for bedroom 4;
 - Added/relocated windows;
 - Modified concrete roof and skylight corresponding with the re-located pool and alfresco area below;
- Front façade:
 - Amend finishing materials.

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Floor Plans and Elevations of the approved development and the proposed modification are shown in Figures 2-11 below.

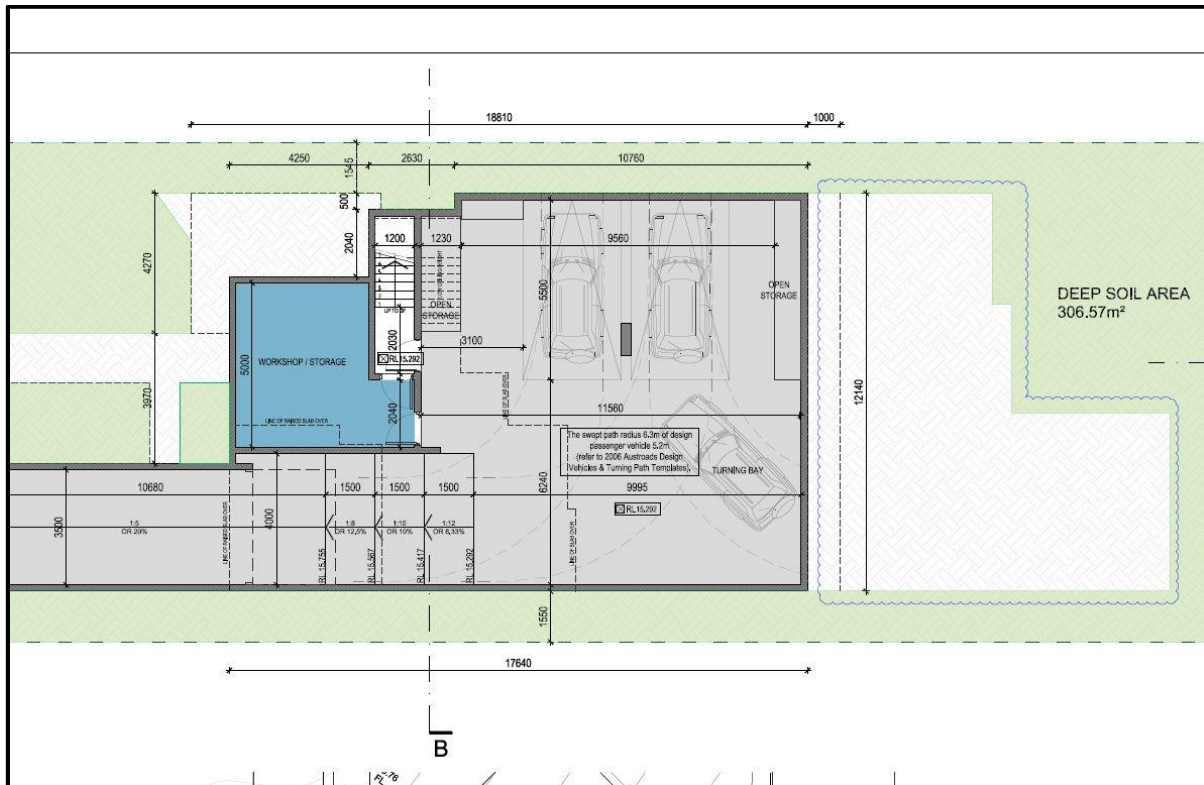


Figure 2: Basement level – approved development

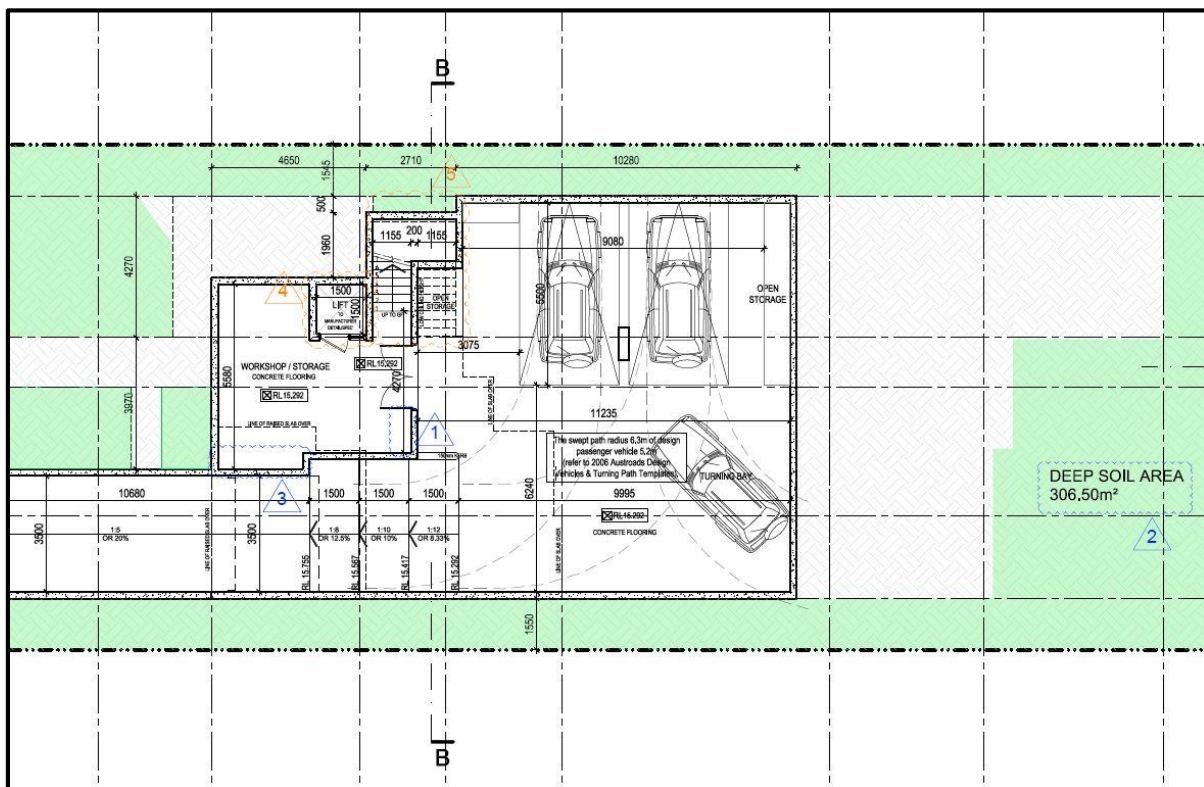
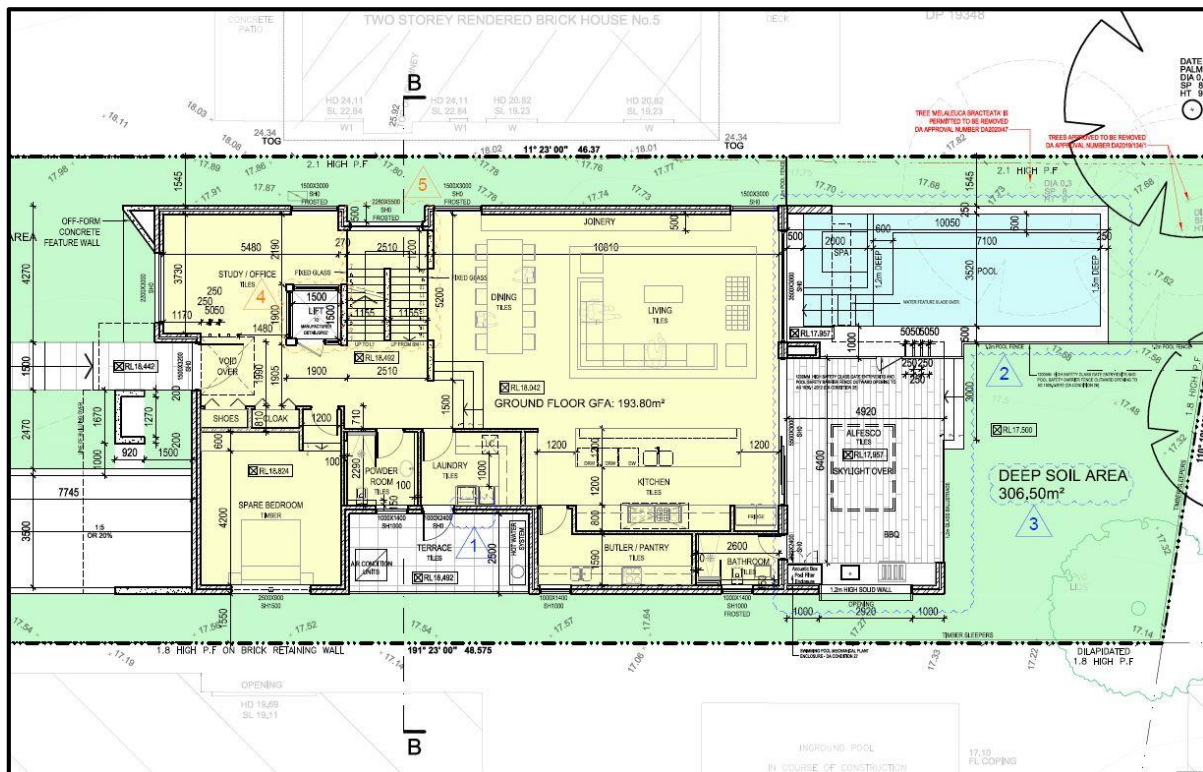
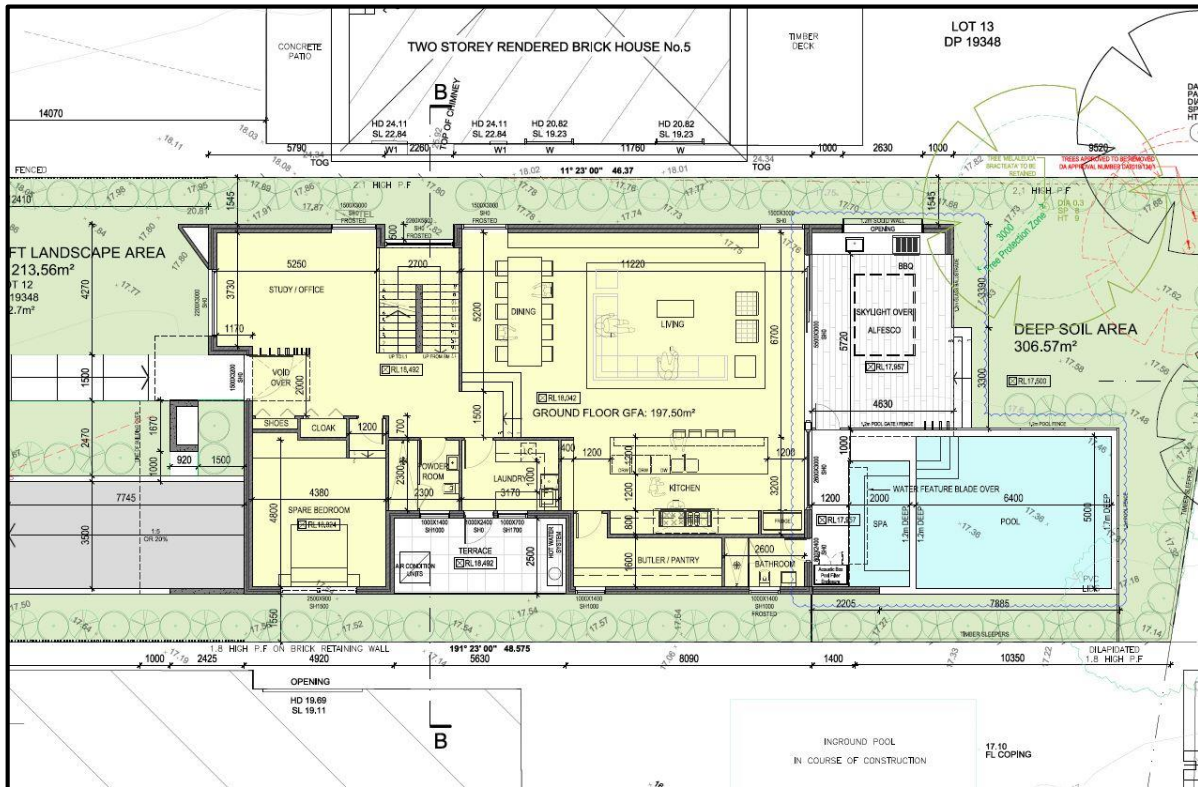


Figure 3: Basement level – proposed modification

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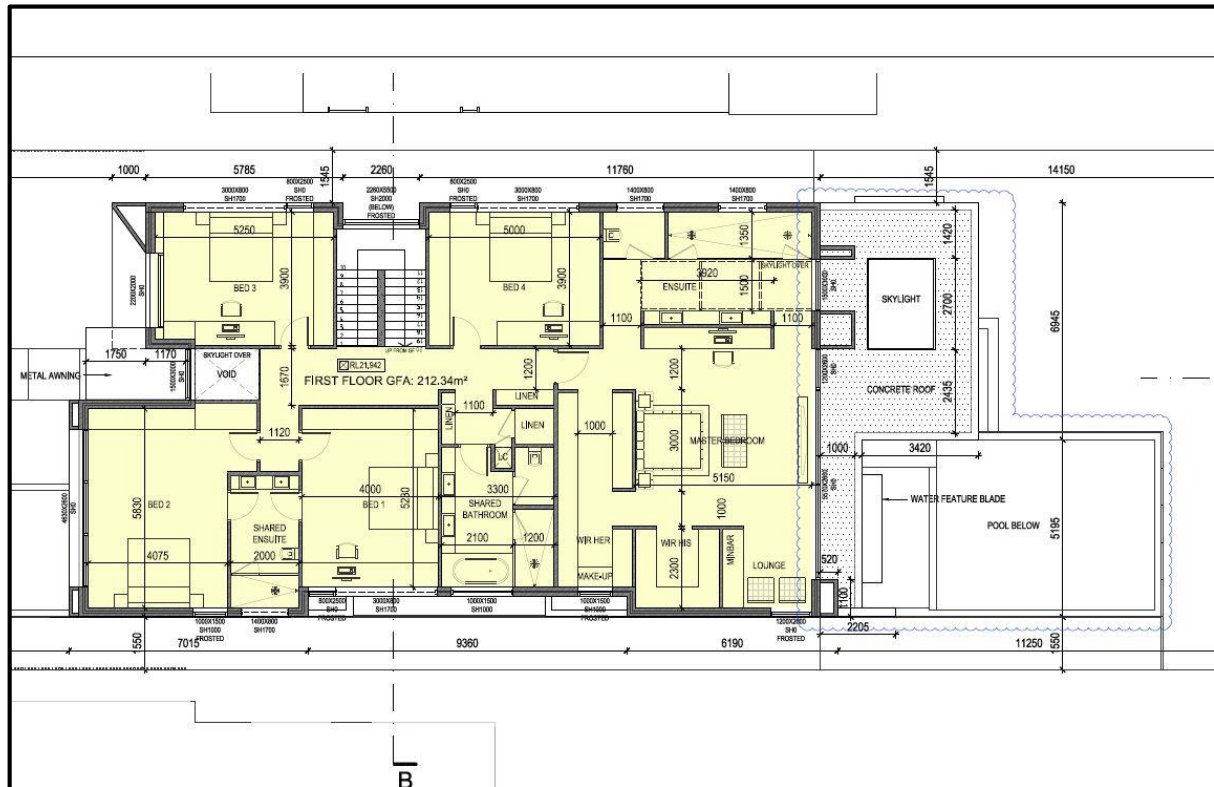


Figure 6: First floor – approved development

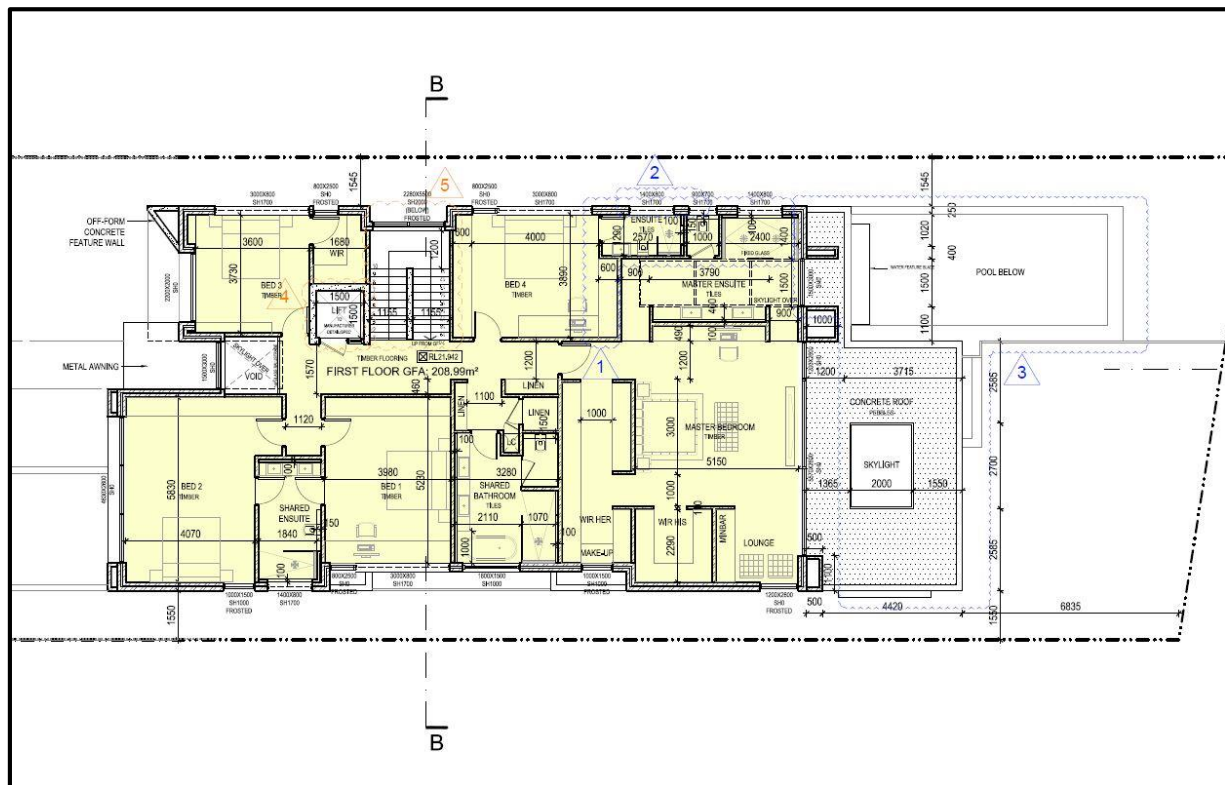


Figure 7: First floor – proposed modification

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Figure 8: South Elevation – approved development



Figure 9: South Elevation – proposed modification

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Figure 10: East Elevation – approved development



Figure 11: East Elevation – proposed modification

It was observed during a site visit conducted on 25 June 2020 that the works for the approved development have not commenced.

SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* states as follows:

“4.55 Modifications of consents – generally

- (2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent

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granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

In regards subclause 'a', Council is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all).

In answering this threshold question, a comparative analysis of the approved development as modified has been undertaken. In this regard, the approved development (comprising a double storey dwelling with basement level, swimming pool, fencing and landscaping works) does not change; the external appearance in terms of bulk and scale as viewed from the adjoining properties and public domain is not altered in a significant or readily discernible manner; and any impacts (associated with the proposed modification) in terms of streetscape, amenity and overshadowing are near identical to the approved development. Accordingly, the development as modified is considered to satisfy the 'substantially the same' test in that it will result in essentially and materially the same development as that originally approved.

In regards subclause 'b', this does not apply as the modification application does not involve the modification to a condition imposed as a requirement of a concurrence to the consent.

In regards subclause 'c' and 'd', the application was notified in accordance with the CPP and no submissions were received.

Section 4.55(3) of the *Environmental Planning and Assessment 1979* also applies to the modification application. Clause 3 states the following:

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in*

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section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting consent for the approved development were as follows:

"The proposed development is considered to be suitable for the site given that it involves a single detached dwelling with ancillary structures, ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling. Therefore, the site is suitable for the proposed development."

Considering the nature of the proposed modification, the above reasons for granting consent apply. The proposed modification retains the approved land use as a dwelling house. The proposed modification only involves minor changes to the arrangement and re-location of spaces, window configuration and external façade of the dwelling. The proposed modification will result in a development that continues to demonstrate consistency and compatibility within the surrounding locality and in context of the low density, residential suburban setting of the site and the adjacent heritage item.

REFERRALS

INTERNAL REFERRALS

Heritage Advisor Comments

Council's Heritage Advisor has commented on the final design of the proposal as follows:

"I am fine with the changes. I'm expecting that the dwelling should be setback from the street so that the composite will not be apparent."

Council's Heritage Advisor offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Stormwater Engineer Comments

Council's Stormwater Engineer has commented on the proposal as follows:

"The previous conditions are still applicable. The only change in the modification is the location of the rainwater tank. From an engineering perspective, the concept stormwater plan is feasible and there are no objections to its approval subject to the following conditions attached."

Council's Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Tree Management Coordinator Comments

The proposed modification involves the re-location of the swimming pool and alfresco area that would impact on an existing *Melaleuca bracteata* tree located on the western side of the rear yard. Condition 1 of the consent was imposed to ensure the tree is retained. A separate application for the removal for this tree (DA2020/47) was approved by Council on 23 March 2020. Accordingly, Council's Tree Management Coordinator advised that the re-located spaces are supported and confirmed that they have no objections to the proposal, subject to the imposition of recommended conditions of consent.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

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In determining a development application, the consent authority is to take into consideration the following matters within Section 4.15 of the *Environmental Planning and Assessment 1979* as relevant to the application:

4.15(1)(a)(i) The provisions of any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – BASIX 2004

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

A BASIX Certificate was submitted as part of the application which indicates that the proposal meets the required reduction targets. An appropriate condition of consent has been imposed as part of the approved development. This condition will be retained to ensure future compliance with the targets stipulated in the certificate.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP 55 are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The site is predominantly modified and is generally devoid of any remnant native vegetation worthy of retaining. Council's Tree Management Coordinator confirmed that the removal of the existing *Melaleuca bracteata* in the rear yard is supported, subject to replacement planting imposed in the tree removal consent for that tree (DA2020/47). Consent conditions will be modified accordingly, and the proposal is considered in-line with the aims/objectives of this SEPP.

STRATHFIELD LOCAL ENVIRONMENTAL PLAN 2012 (SLEP 2012)

An assessment of the proposal against the aims of SLEP 2012 is as follows:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To achieve high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities and neighbourhoods in Strathfield</i>	Yes
(b)	<i>To promote the efficient and spatially appropriate use of land, the sustainable revitalisation of centres, the improved integration of transport and land use, and an appropriate mix of uses by regulating land use and development</i>	Yes
(c)	<i>To promote land uses that provide a wide range of employment, recreation, retail, cultural, service, educational and other facilities for the local community</i>	Yes

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(d)	To provide opportunities for economic growth that will enhance the local community	Yes
(e)	To promote future development that integrated land use and transport planning, encourages public transport use, and reduced the traffic and environmental impacts of private vehicle use	Yes
(f)	To identify and protect environmental and cultural heritage	Yes
(g)	To promote opportunities for social, cultural and community activities	Yes
(h)	To minimise risk to the community by identifying land subject to flooding and restricting incompatible development	Yes

Permissibility

The subject site is zoned R2 – Low Density Residential under Strathfield Local Environmental Plan (SLEP) 2012.

Dwelling houses are permissible with consent within the R2 – Low Density Residential Zone with consent and is defined under SLEP 2012 as follows:

“dwelling house means a building containing only one dwelling”

The proposed modification does not involve changes to the approved use of the site for the purpose of a dwelling house. The development (as proposed to be modified) remains consistent with the definition above and is permissible with consent.

Zone Objectives

An assessment of the proposal against the objectives of the R2 – Low Density Residential Zone is as follows:

Objectives	Complies
➤ To provide for the housing needs of the community within a low density residential environment.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Yes
➤ To ensure that development of housing does not adversely impact the heritage significance of adjacent heritage items and conservation areas.	Yes

Comments: The proposed modification maintains compatibility with site’s setting as its siting and design is not considered excessive and will not have a dominant appearance when viewed from this public space.

The approved land use is retained. Thus, the proposal ensures that the low density residential character of the locality is preserved and the housing needs of the community are met.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions of this part is as follows.

Height of building

Cl.	Standard	Controls	Approved	Proposed	Complies
4.3	Height of building	9.5m	9.5m	9.5m (unchanged)	Yes

Objectives	Complies
(a) To ensure that development is of a height that is generally compatible with or which improves the appearance of the existing area	Yes
(b) To encourage a consolidation pattern that leads to the optimum sustainable	Yes

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capacity height for the area

(c)	To achieve a diversity of small and large development options.	Yes
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Floor space ratio

Cl.	Standard	Controls	Approved	Proposed	Complies
4.4	Floor space ratio	0.575:1 (409.8m ²)	0.575:1 (409.8m ²)	0.55:1 (390m ²)	Yes

	Objectives	Complies
(a)	To ensure that dwellings are in keeping with the built form character of the local area	Yes
(b)	To provide consistency in the bulk and scale of new dwellings in residential areas	Yes
(c)	To minimise the impact of new development on the amenity of adjoining properties	Yes
(d)	To minimise the impact of development on heritage conservation areas and heritage items	Yes
(e)	In relation to Strathfield Town Centre: i. to encourage consolidation and a sustainable integrated land use and transport development around key public transport infrastructure, and ii. to provide space for the strategic implementation of economic, social and cultural goals that create an active, lively and people-oriented development	N/A
(f)	In relation to Parramatta Road Corridor – to encourage a sustainable consolidation pattern that optimises floor space capacity in the Corridor	N/A

Comments: The proposed modification retains the exact roof and building height as the approved development. It involves a reduction in gross floor area due to the inclusion of a lift and associated void spaces. As such, the proposed modification achieves compliance with the maximum height and maximum floor space ratio provisions under the SLEP 2012. The development, as modified, is appropriately designed and scaled in accordance with these development standards and in relation to the dimensions of the subject site. The proposed modification will result in a new dwelling and pool that are consistent in terms of design, bulk and scale with the existing residential development featured along Merley Road and the surrounding locality.

Part 5: Miscellaneous Provisions

An assessment of the proposal against the relevant provisions of this part is as follows.

5.10 Heritage Conservation

	Objectives	Complies
(a)	To conserve the environmental heritage of Strathfield	Yes
(b)	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views	Yes
(c)	To conserve archaeological sites	Yes
(d)	To conserve Aboriginal objects and Aboriginal places of heritage significance	Yes

Subclause 2 of Clause 5.10 states that development consent is required for *the demolishing or moving of a building of a heritage item or a building, work, relic or tree within a heritage conservation area*. The subject site does not contain any heritage items and is not within a heritage conservation area, and therefore, the proposal does not trigger Subclause 2. It is noted; however, that the site is adjacent to heritage item I178 – Inveresk Park and less than 150m east of the Merley Road Conservation Area, Inter-war bungalow style group (C13). This conservation area features an intact streetscape dominated by Inter-War California bungalow style houses. The few

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Federation period houses in the street blend well with the Inter-War houses due to the use of gables facing the street, front verandahs, terracotta tiled roofs and face brick walling contrasted with small areas of render and/or battened fibre and shingles. The final design of the proposed modification retains a near identical external façade as the approved development. The only notable change visible from the heritage item is the colour change to the front door from a 'Axolotl Door – Wood Grain Texture' (dark timber brown) to 'Painted finish with Dulux Domino (charcoal grey)'. Council's Heritage Advisor advised that the modified design is considered appropriate in context of the surrounding area, and the adjacent heritage item and nearby conservation area. Therefore, the proposed modification meets the above objectives under Clause 5.10 of the SLEP 2012.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the SLEP 2012 are addressed below as part of this assessment:

6.1 Acid sulfate soils

The subject site is identified as within Acid Sulfate Soils (ASS) – Class 5 land and the provisions of Clause 6.1 are applicable. The objectives of this clause are to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Within Class 5, the trigger under SLEP 2012 is works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and is likely to lower the water table below 1m AHD on adjacent Class 1, 2, 3 or 4 ASS land. Given the subject land is not located within 500m of Class 1, 2, 3, or 4 ASS land, the proposed modification is not required to be accompanied by an Acid Sulfate Soils Management Plan, and therefore, satisfies the requirements of Clause 6.1.

6.2 Earthworks

The proposed modification retains the approved basement level, which will involve more than 1m of excavation. The imposed condition of consent in the current consent remains applicable to ensure an appropriate management of soils is undertaken during earthworks.

6.3 Flood planning

Council records indicate that the front portion of the subject site is affected by the 1 in 100 year flood event. The conditions imposed as part of the current consent have appropriately addressed the flooding conditions specific to the site. Council's Stormwater Engineer confirmed that these conditions apply to the proposed modification. Accordingly, these conditions will be retained as part of the modified consent.

6.4 Essential services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed modification.

4.15(1)(a)(ii) The provisions of any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) The provisions of any development control plan

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STRATHFIELD CONSOLIDATED DEVELOPMENT CONTROL PLAN 2005 (SCDCP 2005)

An assessment of the proposal against the relevant provisions of this development control plan is as follows.

PART P – HERITAGE

2: Development of Heritage Items

2.1: General objectives

	Objectives	Satisfactory
A.	To ensure that additions to a heritage item and new buildings on the site of a heritage item are of a scale, mass, bulk, orientation, setback and character consistent with the heritage item.	N/A
B.	To ensure that new development respects the contribution of a heritage item to the streetscape and/or townscape, and allows an ongoing application of its heritage significance.	Yes
C.	To retain or reinstate missing original details that contribute to the aesthetic quality and/or significance of a heritage item and to encourage the removal of inappropriate alterations and additions.	N/A
D.	To ensure that important elements of the form or fabric of a heritage item are not obscured or destroyed by alterations and additions.	N/A
E.	To ensure that materials and colours used on both the original heritage item and any alterations and additions are consistent with the significance of the heritage item.	N/A
F.	To provide an appropriate visual setting for heritage items, including landscaping, fencing and car parking.	Yes

Comments: Council's Heritage Advisor confirmed that the modified design is considered appropriate in context of the surrounding area, and the adjacent heritage item and nearby conservation area.

3: Development in the Vicinity of Heritage Items

3.1	Objectives	Satisfactory
A.	To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.	Yes
B.	To ensure that development in the vicinity of a heritage item does not detrimentally impact upon the heritage significance of heritage items and their settings.	Yes
C.	To ensure that new development is compatible with the heritage values of nearby heritage items.	Yes

3.2: Setting

	Objectives	Satisfactory
A.	To ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.	Yes
B.	To ensure that new development respects the contribution of heritage items to the streetscape and/or townscape.	Yes
	Controls	Satisfactory
1.	Development in the vicinity of a heritage item should not be of such bulk or height that it visually dominates or overshadows the heritage item. Ensure the setting of heritage items is not compromised by development in the vicinity of the heritage item.	Yes

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2.	Views to or from a heritage item should not be obscured by new development.	Yes
3.	Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage item should incorporate elements of the dominant style, form and materials in the streetscape.	Yes
4.	Where trees are integral to the significance of a heritage item, development should not be allowed beneath the drip zone of the trees. An arborist report may be required to establish the development will not impact upon trees on nearby heritage items.	Yes

Comments: The proposed modification is considered an appropriate design with a bulk and scale that respects the significance and value of the adjacent heritage item. The setting of the heritage item is appropriately respected and is not compromised by the proposal. There are no significant views or vistas of the heritage item that are obscured by the proposed modification.

3.3: Scale

Objectives		Satisfactory
A.	To ensure that new development in the vicinity of a heritage item is of a scale that does not detract from the significance of the heritage item.	Yes
Controls		Satisfactory
i.	The scale of new development in the vicinity of a built heritage item should not be substantially greater than that of the heritage item.	Yes
ii.	New development that obscures important views of a heritage item is not permitted.	Yes

Comments: As mentioned above, the proposed modification is considered an appropriate design, and the bulk and scale respects the significance and value of the heritage item. Given the scale and features of the heritage item, the proposal will not visually dominate nor overshadow the heritage item. There are no significant views or vistas of the heritage item that are obscured by the proposed modification.

3.4: Siting

Objectives		Satisfactory
A.	To ensure new development in the vicinity of a heritage item is sited so that it does not obscure important views to or from the heritage item.	Yes
B.	To ensure that new development in the vicinity of a heritage item does not adversely impact landscape elements that are significant or are associated with a heritage item	Yes
Controls		Satisfactory
i.	The siting and setback of new development (including alterations and additions) in the vicinity of a heritage item should ensure that important views to or from the heritage item are not adversely impacted on.	Yes
ii.	The siting and setback of new development in the vicinity of a heritage item should ensure that landscape elements associated with or listed as a heritage item are not adversely affected by the development.	Yes

Comments: The siting and setback of the proposal are consistent with the residential properties along Merley Road. The proposed modification does not obscure any important views to or from the heritage item and does not affect the landscape setting of the heritage item.

3.5: Materials and Colours

Objectives	Satisfactory
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A.	To ensure that new development in the vicinity of a heritage item does not detract from the significance of the heritage item.	Yes
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Controls		Satisfactory
i.	Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance and significance of the heritage item being reduced.	Yes

Comments: The architectural features and traits of the modified dwelling is near identical to the approved development. Accordingly, the proposed modification will not result in adverse impacts on the visual importance and heritage significance of Inveresk Park.

3.6 Excavation

Objectives		Satisfactory
A.	To ensure that new development does not put nearby heritage items at risk of damage.	Yes

Controls		Satisfactory
i.	Applications involving excavation adjacent to a heritage item must demonstrate that the proposed excavation will not compromise the structural integrity of the heritage item and will not detract from its setting.	Yes

Comments: As with the approved development, the proposal involves some ground disturbance due to the proposed creation of the basement level. Given that the heritage item is south of the site and across the road and does not contain any buildings, it is unlikely that any excavation required will compromise the structural integrity of the heritage item.

PART A – DWELLING HOUSES AND ANCILLARY STRUCTURES

2: Architectural Design & Streetscape Presentation

2.1	Objectives	Satisfactory
A.	To ensure that development respects the predominant height, scale, character, type, form, colour, materials and architectural qualities of the existing dwelling house (in the case of alterations and additions) and surrounding neighbourhood especially any adjoining or nearby heritage item or heritage conservation area.	Yes
B.	To achieve quality architecture in new development through the appropriate composition and articulation of building elements.	Yes
C.	To ensure that the dominant building rhythm of the streetscape is reflected in the building design in terms of the spacing and proportion of the built elements.	Yes
D.	To ensure that new dwellings have facades, which define, address and enhance the public domain.	Yes
E.	To encourage contemporary architecture that is innovative, uses high quality detailing, and incorporates elements characteristic of Strathfield.	Yes
F.	To promote the continuance of pyramidal roof forms within Strathfield where they are already prevalent.	Yes
G.	To retain a feeling of openness and space between built elements by maintaining landscaped setbacks and preserve the appearance of dwellings set in the treelined streets and park-like environment.	Yes
H.	To reduce the use of highly reflective colours and materials that create visual prominence.	Yes
I.	To ensure fencing is sympathetic to the design of the dwelling and the street and enhances the character of both the individual house and street whilst maintaining casual surveillance of the neighbourhood.	Yes

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J.	<i>To protect and retain the amenity of adjoining properties.</i>		Yes
2.2	Development Controls		Complies
.1.	<i>Streetscape Presentation</i>		
	1	New dwellings address street frontage with clear entry.	Yes
	2	Consistently occurring building features integrated within dwelling design.	Yes
	3	Consideration of streetscape elements	Yes
	4	Integrated security grilles/screens, ventilation louvres and garage doors	Yes
.2.	<i>Scale, Massing & Rhythm of Street</i>		
	1	Scale, massing, bulk and layout complement the existing streetscape and the dominant building rhythm	Yes
	2	Building height and mass maintains amenity to adjacent properties open space or the public domain	Yes
.3.	<i>Building Forms</i>		
	1	Building form articulated.	Yes
.4.	<i>Roof Forms</i>		
	1	Roof form complements predominant form in the locality	Yes
	2	Roof form minimises bulk and scale of building and remains an important architectural element in the street.	Yes
	4	Roof structures are not visible from the public domain	Yes
	<i>Materials</i>		
	5	Materials compatible with the existing dwelling house, adjoining dwelling houses and the streetscape (type, form and colour)	Yes
	6	Monotone face brick walls and terracotta tiles for roofs where common in the streetscape	Yes
	7	New buildings and facades do not result in glare (Reflectivity Report may be required)	Yes
	<i>Colours</i>		
	8	New development incorporates traditional colour schemes	Yes
	9	The external colours integrate harmoniously with the external design of the building	Yes

Comments: The proposed modification features an acceptable design, scale, density, materials and finishes that are consistent and compatible with the surrounding area, adjacent heritage item and the heritage conservation area in proximity of the site. The proposal meets the above requirements.

4: Building Envelope

4.1	Objectives	Satisfactory
A.	<i>To ensure that dwellings are compatible with the built form of the local area and that overall bulk and scale, size and height of dwellings relative to natural ground level responds to the adjoining dwellings, topography and desired future character.</i>	Yes
B.	<i>To minimise impact on the amenity of adjoining properties.</i>	Yes

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C.	<i>To establish and maintain the desired setbacks from the street and define the street edge.</i>		Yes
D.	<i>To create a perception or reinforce a sense of openness in the locality.</i>		Yes
E.	<i>To maintain view corridors between dwellings</i>		Yes
F.	<i>To assist in achieving passive surveillance whilst protecting visual privacy.</i>		Yes
G.	<i>To provide a transitional area between public and private space.</i>		Yes
4.2	Development Controls		Complies
.1.	<i>Floor Space Ratio</i>		
	1	Floor Space Ratio permissible pursuant to SLEP 2012	Yes
	2	Development compatible with the lot size	Yes
<i>Building Height</i>			
.2.	1	Height of building permissible pursuant to SLEP 2012	Yes
	4	The maximum height of the external wall from the existing ground level to the underside of the uppermost ceiling level is to be 7.2 metres	Yes 6.25m
	5	The maximum internal floor to ceiling height is to be 3.0 metres for any residential level.	No 3.3m (See below)
	6	Height of outbuildings, detached garages and carports is 3.5m (max) measured at the highest point on the roof above NGL	Yes
	7	Dwelling houses and any ancillary structures 2-storeys (max)	Yes – Two (2) storeys proposed
	8	Building height responds to the gradient of the site to minimise cut and fill	Yes
.3.1.	<i>Street Setbacks</i>		
	1	Setbacks consistent with minimum requirements of Table A.1	Yes 12.41m
.3.2.	<i>Side and Rear Setbacks</i>		
	1	A combined side setback of 20% of the width of the block (incorporating a 1.2m min side setback on each side). 20% = 3.085m (min. 1.54m each side)	Yes East: 1.55m West: 1.545m 20% combined
	2	A rear setback of 6m (min)	Yes – over 7m
	3	Subject to meeting the minimum landscaped area (as per section 5 of this part of the DCP) in the rear of the site, ancillary facilities such as garages/outbuildings may be located within the rear setback area.	Yes

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	4	Garages and carports setbacks consistent with Table A.2	Yes
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Comments: The proposal has a reduced FSR and maintains the same setbacks and height as the approved development; ensuring the same compliance as approved.

5: Landscaping

5.1	Objectives	Satisfactory
A.	To encourage landscaping that is appropriate to the style and scale of the dwelling and adjoining development, and to the streetscape.	Yes
B.	To enhance the existing streetscape and promote a scale and density of planting that softens the visual impact of buildings, structures, vehicle circulation and ancillary areas.	Yes
C.	To preserve existing landscape elements on site (such as existing trees) and encourage their integration into the design of proposals.	Yes
D.	To ensure adequate deep soil planting is retained on each allotment.	Yes
E.	To ensure developments make an equitable contribution to the landscape setting of the locality.	Yes
F.	To ensure both existing and new landscaping provides suitable shade and facilitates convective cooling breeze paths in summer.	Yes
G.	To encourage the use of native flora such as open woodland canopy trees, to provide a habitat for native fauna.	Yes
H.	To ensure that landscaped areas are designed to minimise water use.	Yes
I.	To provide functional private open spaces for active or passive use by residents.	Yes
J.	To provide private open areas with provision for clothes drying facilities screened from the street and lane or a public place.	Yes
K.	To ensure the protection of trees during construction	Yes
L.	To ensure suitable fencing is provided to reduce acoustic impacts and enhance visual privacy between neighbouring residents whilst enabling front fences passive surveillance of the street.	Yes
M.	To maximise the amenity of existing and proposed developments, including solar access, privacy and open space.	Yes
5.2	Development Controls	Complies
.1.	Landscaped area	
	1 Landscaped area in accordance with Table A.3 Minimum required: 43% (306.46m²)	Yes 43.7% (311.7m²)
	2 At least 50% of the minimum landscaped area located behind the building line to the rear boundary	Yes Over 50%
	3 At least 50% of the front yard maintained as deep soil soft landscaping Minimum required:	Yes 61% (132.6m²)

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		50% of 217.3m ² = 108.65m ²	
	4	Minimise hard surface area (concrete/brick/stone paving and bitumen). Run-off directed to permeable surfaces.	Yes
	5	Planting areas soften the built form	Yes
	6	Front gardens respond and contribute to the garden character of Strathfield.	Yes
	7	Retain and reinforce the prevailing streetscape and surrounding locality	Yes
	8	Plant species must be retained, selected and planted to improve amenity	Yes
<i>Tree Protection</i>			
	3	Development provides for the retention and protection of existing significant trees	Yes
	4	New dwellings and alterations and additions are set back in accordance with the Arboricultural Impact Assessment Report	Yes
	6	Opportunities for planting new canopy trees within the front setback	Yes
.2.	7	At least one (1) canopy tree provided in the rear yard.	Yes
	8	Trunk of a proposed canopy tree planted 4m (min) from built structures, or 3m (min) from pier beam footings	Yes
	9	Planting on side boundaries a 0.6m (min) deep root deflection barrier provided 1.5m (min) either side of the tree center	Yes
	10	Driveway construction does not result in the removal, lopping or root damage to any street tree	Yes
	11	25% (min) of canopy trees and other vegetation shall be locally sourced indigenous species	Yes
<i>Private Open Space</i>			
	1	Provided in a single parcel rather than a fragmented space, directly accessible from internal living areas	Yes
	2	Includes a deep soil area compliant with the minimum landscaped area.	Yes
.3.	3	Terraces and decks (at least 10m ²) with one length or width 3m (min) and directly accessible from an internal living area. Decks cannot be located more than 500mm above NGL	Yes
	4	Unless 3m (min) width, areas within setbacks are not to be included as private open space	Yes
	5	Private open space located at the rear of the property.	Yes
<i>Fencing</i>			
	1	Fencing designed to be compatible and sympathetic to the style of the dwelling, adjoining properties and the streetscape	Yes
	2	Landscaping used when the streetscape is characterised by the absence of front fences	Yes
.4.	3	Fencing forward of FBL shall not exceed 1.5m. Solid components shall not exceed 0.7m above NGL with the exception of brick piers	Yes 1.09m Open form with 26mm by 170mm (with 61mm spacing) metal infill panels

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7	Front fences visually permeable	Yes
8	Front fences on busy roads designed to provide acoustic attenuation	Yes
9	Listed undesirable materials and finishes not used forward FBL	Yes
13	Significant trees maintained	Yes
14	Stormwater flows through or under fencing on sloping sites	Yes
16	Gates or entries from private property onto Council parks, reserves, open space, etc. are permitted	Yes

Comments: The proposal maintains the same amount of landscaped area as the approved development and complies with the relevant requirements under the SCDP 2005 in terms of minimum landscaped area, retention of significant trees, private open space and fencing.

6: Solar Access

6.1	Objectives	Satisfactory
A.	<i>To ensure the design of new dwelling houses and alterations and additions maximises solar access to living areas and open space areas.</i>	Yes
B.	<i>To minimise overshadowing of adjoining properties.</i>	Yes
6.2	Development Controls	Complies
.1.	<i>Sunlight Access</i>	
1	New dwellings - 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and 50% of private open space	Yes
2	Alterations or Additions – maintain 3 hours solar access between 9.00am and 3.00pm on June 21 to the windows of habitable rooms and to the majority of private open space	Yes
3	50% of the principal private open space of any adjoining premises receives 3 hours solar access between 9.00am and 3.00pm on June 21	Yes
4	The proposed development does not further reduce the amount of solar access	Yes

Comments: The proposal complies with the relevant requirements under the SCDP 2005 with regard to providing sufficient solar access to both future occupants and neighbouring properties.

7: Privacy

7.1	Objectives	Satisfactory
A.	<i>Development that is designed to provide reasonable privacy to adjacent properties</i>	Yes
B.	<i>To maintain reasonable sharing of views from public places and living areas</i>	Yes
C.	<i>To ensure that public views and vistas are protected, maintained and where possible, enhanced</i>	Yes
D.	<i>To ensure that canopy trees take priority over views</i>	Yes
E.	<i>To ensure that the siting and design of buildings minimises noise impacts from abutting roads, rail corridors and other noise-generating land uses</i>	Yes
7.2	Development Controls	Complies

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.1.	<i>Visual Privacy</i>		
	1	Protect POS, bedrooms, balconies and living rooms of proposed and any existing adjoining dwellings from direct overlooking	Yes
	2	Provide adequate separation of buildings	Yes
	3	Ensure elevation of finished floor levels above NGL is not excessive	Yes
	4	Improve privacy to adjacent properties with screen planting	Yes
<i>Windows</i>			
.2.	1	Windows do not directly face the windows, balconies and courtyards of adjoining dwelling	Yes
	2	A window within 9m of another window in a habitable room of an adjoining dwelling is offset by 0.5m (min) or a sill height of 1.7m (min) above the FFL	Yes
	3	Windows directly facing balconies or courtyards are narrow, incorporate obscure glazing and/or a sill height of 1.7m (min) above FFL	Yes
<i>Elevated Decks Verandahs and Balconies</i>			
.3.	1	Elevated decks, verandahs and upper storey balconies not permitted on side boundaries (exceptions apply)	Yes
	2	Elevated decks, verandahs and balconies incorporate privacy screens	Yes
	3	Rear balconies (no more than 1m (depth) x 2m (length) permitted if the balcony does not unreasonably impact on adjoining premises	Yes
	4	Balconies extending the full width of the front façade are not permitted	Yes
.4.	<i>Acoustic Privacy</i>		
	1	SEPP (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline considered	Yes
	2	Noise-sensitive rooms located away from noise sources	Yes
	3	Suitable acoustic screen barriers or other noise mitigation measures are required where physical separation cannot be achieved	N/A
	4	An acoustic report (where relevant) demonstrates that habitable rooms achieve internal noise levels of no greater than 35 dBA	N/A

Comments: The proposal involves changes to the configuration of internal spaces within the dwelling. These changes are considered minor in nature and will not result in significant privacy impacts. In general, most of the rooms remain the same and no additional high-activity spaces are proposed. Therefore, the proposed modification has been designed to minimise potential privacy impacts on adjoining properties and is acceptable in this regard.

8: Vehicle Access and Parking

8.1	Objectives	Satisfactory
A.	To provide adequate and convenient on-site car parking.	Yes
B.	To ensure that the location and design of driveways, parking spaces and other areas used from the movement of motor vehicles are efficient, safe and convenient.	Yes
C.	To ensure garages, carports, basements and hard standing areas for cars do not visually dominate the street façade of the dwelling.	Yes
D.	To ensure that construction materials used for driveways respect the architectural qualities of the dwelling.	Yes

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E.	<i>To minimise the area of access driveways to minimise impermeable surfaces and maximise landscaped areas.</i>	Yes
F.	<i>To ensure basements have discreet entries, safe access and a high degree of natural cross-ventilation.</i>	N/A
G.	<i>To minimise excavation to reduce disturbance to natural ground level particularly adjacent to site boundaries.</i>	Yes
H.	<i>To ensure that any proposed basement minimises disturbance to natural drainage systems and that flooding, drainage or ventilation impacts would not be created for the site, or for adjoining or nearby properties.</i>	N/A

8.2	Development Controls	Complies
.1.	<i>Driveway and Grades</i>	
	1 Existing driveways must be used (exceptions apply)	Yes
	2 The width of driveways at the property boundary is to be 3m	Yes
	3 The edge of driveway crossings located 1m (min) clear of any existing stormwater pits or poles and 2m clear of tree trunks	Yes
	4 Parking and access points easily accessible and recognisable, non-disruptive to pedestrian flow and safety and located to minimise traffic hazards and potential for vehicles to queue.	Yes
	5 One (1) vehicular crossing (max) to any public road (exceptions apply)	Yes
	6 Vehicles accessing sites which front main roads shall be capable of entering and exiting in a forward direction	Yes
	7 Vehicular turning areas for garages complies with relevant Australian Standard	Yes
	8 Rear lane / secondary street frontage - parking and access provided from the secondary street/lane	Yes
	9 Driveways avoid long and straight appearance by using variations and landscaping	Yes
	10 Driveway set back 0.5 metres (min) from side boundaries	Yes

9: Altering Natural Ground Level (Cut and Fill)

9.1	Objectives	Satisfactory
A.	<i>To maintain existing ground levels and minimise cut and fill to reduce site disturbance.</i>	Yes
B.	<i>To ensure existing trees and shrubs are undisturbed, ground water tables are maintained and impacts on overland flow/drainage are minimised.</i>	Yes

9.2	Development Controls	Complies
	1 Fill limited to 1m (max) above NGL	Yes
	2 Clean fill used only	Yes
	3 Cut and fill batters stabilised consistent with the soil properties	Yes
	4 Vegetation or structural measures are implemented when the site is disturbed.	Yes
	5 Areas of excavation setback from property boundaries in line with building setback controls. No excavation permitted within the minimum required setbacks.	Yes
	6 The work does not affect or undermine the soil stability or structural stability of buildings and Council assets on adjoining properties.	Yes
	7 A dilapidation report for all buildings which adjoin proposed excavation areas as required	N/A

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8	Avoid excessive fill that creates the potential for overlooking of adjoining properties	Yes
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Comments: The proposed modification involves minimal changes to the existing ground level of the site. Therefore, the proposal meets the relevant requirements under the SCDP 2005 with regard to cut and fill.

10: Water and Soil Management

10.1	Objectives	Satisfactory
A.	To encourage the incorporation of Water Sensitive Urban Design (WSUD) and Botany Improvement Plan principles in the development.	Yes
B.	To ensure compliance with Council's Stormwater Management Code	Yes
C.	To ensure compliance with the NSW State Government's Flood Prone Lands Policy.	Yes
D.	To ensure that appropriate soil erosion and sediment control measures are implemented on all sites that involve soil disturbances during construction.	Yes
E.	To ensure new building work does not detrimentally affect the existing drainage system of any area of the Municipality.	Yes
F.	To ensure that new development in areas that may be affected by acid sulphate soils do not adversely impact the underlying ground conditions, soil acidity and water quality.	Yes
G.	To appropriately manage stormwater and overland flow to minimise damage to occupants and property	Yes
10.2	Development Controls	Complies
.1.	Stormwater Management and Flood Prone areas	
	1 Applicant contacted Council regarding site being flood prone land	Yes
	2 Compliance with Council's Stormwater Management Code	Yes
	3 Flood affected properties comply with Council's Interim Flood Prone Lands Policy (Flood Prone Areas & Through Site Drainage)	Yes
	4 Minimum habitable floor height advice obtained for flood affected sites	Yes
	5 A drainage/flood report prepared by a hydraulics engineer submitted for sites affected by overland flows	Yes
	6 Stormwater Management Code compliance	Yes
.2.	Acid Sulfate Soils	
	1 Site managed consistent with the provisions contained in Clause 6.1 SLEP 2012	Yes
.3.	Soil Erosion and Sediment Control	
	1 Soil erosion and sediment control measures detailed and implemented prior to the commencement of work.	Yes
	2 Sediment control measures applied	Yes
	3 Plans provided detailing stormwater quality treatment	Yes

Comments: Council's Stormwater Engineer confirmed that the proposal complies with the relevant stormwater and water and soil management controls under the SCDP 2005 and Council's Stormwater Management Code. The conditions in the current consent relating to stormwater remain applicable and will be imposed.

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11: Access, Safety and Security

11.1	Objectives	Satisfactory
A.	To encourage the incorporation of crime prevention principles in the design of the proposed developments.	Yes
B.	To increase the safety and perception of safety in public and semi-public spaces.	Yes
C.	To provide passive surveillance of the public domain to promote a safe pedestrian environment whilst maintaining the privacy of residents	Yes
D.	To ensure the safety of pedestrians by separating pedestrian access from vehicular access.	Yes
11.2	Development Controls	Complies
.1.	Address and Entry Sightlines	
	1 Occupants able to overlook public places to maximise passive surveillance	Yes
	2 Landscaping design around dwellings and ancillary structures to accommodate plant maturation	Yes
	3 External lighting enhance safe access and security and light spill does not adversely impact on adjoining properties.	Yes
	4 Crime Prevention through Environmental Design (CPTED) principles incorporated.	Yes
.2.	Pedestrian Entries	
	1 Pedestrian entries and vehicular entries suitably separated	Yes
	2 Dwelling entrances easily identifiable	Yes
	3 House numbers are to be clearly visible from the street	Yes

Comments: The proposal is considered to have clearly defined pedestrian and vehicular entries. The front entrance of the dwelling will be visible from the street as the modified door design distinguishable from the rest of the front façade. The landscaping treatments including the retained street tree and the fencing design direct the line of sight towards either the front door or the driveway passage. The overall scheme (as modified) has been adequately designed with a generous street setback to formalise access and to ensure that the above access, safety and security controls are met.

12: Ancillary Development

12.1	Objectives	Satisfactory
A.	To ensure that ancillary development is compatible with the design of the principal dwelling, streetscape and adjoining dwellings in form, materials and colours	Yes
B.	To limit the size, bulk and scale of ancillary structures and minimise their visibility from the public domain.	Yes
C.	To ensure that the provision of ancillary structures improves the amenity of residents whilst ensuring that the amenity of surrounding dwellings and neighbouring lots is maintained.	Yes
D.	To ensure that the provision of ancillary structures, such as air conditioning units, are considered at the design stage of a proposed development.	Yes
12.2	Development Controls	Complies

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.4.	<i>Air-conditioning</i>		
	1	Located away from the habitable rooms of adjoining properties and/or screened by acoustic treatments	Yes
	2	Any building work must not reduce the structural integrity of existing buildings	Yes
	3	Installation of residential grade air conditioners only	Yes
	4	Installation to comply with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008	Yes
<i>Swimming Pools</i>			
.6.	1	Side and rear setbacks from the outside edge of the pool concourse are 1m (min) wide and comprise deep soil soft landscape area	Yes
	2	If greater than 1m above ground, the space between the bond beam/concourse and the ground is finished to Council's satisfaction	N/A
	3	The pool filter and pump equipment designed and located to not emit a noise level that exceeds 5dBA above the ambient background noise level measured at any property boundary. The pool equipment shall be located within an enclosed structure so as to not be readily visible	Yes
	4	Lighting positioned to prevent light spillage and minimise any nuisance to adjoining premises	Yes
	5	Enclosures shall comply with the Swimming Pools Act and relevant Australian Standards as amended.	Yes

Comments: The proposed modification meets the above requirements.

13: Ecologically Sustainable Development

13.1	Objectives	Satisfactory	
A.	To encourage passive and active strategies in the design of dwellings and ancillary structures that promotes the achievement of ecologically sustainable practices and BASIX requirements.	Yes	
B.	To ensure dwellings are designed to allow sufficient natural ventilation and lighting whilst minimising heat gain during summer and maximising solar access during winter, thereby reducing the need for artificial cooling and heating.	Yes	
C.	To minimise the over use of Sydney's limited high quality domestic water supply by ensuring new dwellings incorporate water storage tanks for use in toilet flushing, landscape irrigation and to encourage new dwellings, additions and alterations to incorporate water saving devices and water conservation strategies.	Yes	
D.	To encourage the use of new technology that reduces energy consumption, minimises greenhouse emissions and results in cost savings	Yes	
E.	To encourage the re-use of building materials, thereby reducing waste to landfill, transportation costs, conserving raw materials and reducing energy expenditure. (Refer to Part H Waste Minimisation and Management of SCDP 2005).	Yes	
13.2	Development Controls	Complies	
.1.	Natural Lighting and Heating		
	1	Living areas facing north, sleeping areas facing east/south, and utility areas orientated west/south to maximise winter solar access.	Yes
	2	Trees planted to the north of the dwelling must be deciduous to allow solar access during the winter	Yes
	3	Materials used of high thermal mass	Yes
.2.	Natural Cooling and Ventilation		
	1	Windows and walls on northern facades shaded by shading devices, trees, eaves and louvres sympathetic to the dwelling	Yes

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	2	Windows positioned to capture breezes and allow for cross-ventilation	Yes
<i>Water Tanks</i>			
	1	Located behind the dwelling or behind the front building line and screened from view from the public domain	Yes
	2	Associated support structures and plumbing are a colour that complements the dwelling.	Yes
	3	Above ground water tanks located 450mm (min) from any property boundary	Yes
	4	Above ground water tanks do not exceed 3m in height above NGL	Yes
.3.	5	Overflow piped directly to the approved stormwater drainage system except in cases where stormwater is required to be directed to on-site stormwater detention (OSD) storage	Yes
	6	No part of the water tank or support stand may rest on a wall footing	Yes
	7	Installation does not involve the filling of more than 1m above existing ground level	Yes
	8	The tank not located over or adjacent to a water main or sewer main or installed over any associated structure or fittings	Yes
	9	Support structure installed to the requirements of a qualified practicing structural engineer or to the maker's specifications.	Yes
<i>Hot Water Heater Units</i>			
.4.	1	Located behind the dwelling or wholly behind the dwelling	Yes
	2	Not located on balconies unless screened from public view	Yes
	3	Placed within a short distance of the most frequent point of use	Yes

Comments: The proposal complies with the relevant requirements under the SCDPC 2005 with regard to ecologically sustainable development and the design and siting of rainwater tanks and hot water heater units.

4.15(1)(a)(iia) The provisions of any planning agreement or draft planning agreement

No planning agreement has been entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) The provisions of the regulations

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed modification involves the demolition of a building. Should this application be approved, appropriate conditions contained in the current consent that relate to demolition consent will be imposed to ensure compliance with the requirements of the above standard.

4.15(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Overall, the proposed modification has been considered with respect to adjoining properties to minimise adverse impacts to adjoining neighbours and achieve an appropriate level of streetscape compatibility.

4.15(1)(c) The suitability of the site for the development

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The proposed modification is considered to be suitable for the site given that it involves a single detached dwelling with ancillary structures, ensuring that the low density residential character of the locality is preserved. The subject site does not have any significant environmental constraints that would prevent the development of a single dwelling. Therefore, the site is suitable for the proposal.

4.15(1)(d) Any submissions made in accordance with this Act or the regulations

The application was publicly notified from 25 May 2020 to 8 June 2020 in accordance with the CPP. No submissions were received as a result.

4.15(1)(e) The public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed modification is not considered to be contrary to the public interest.

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LOCAL INFRASTRUCTURE CONTRIBUTIONS

Section 7.13 of the *Environmental Planning and Assessment Act 1979* relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

This Section 4.55(2) application does not trigger any changes to the original condition of consent requiring payment of a Section 7.11 contribution in accordance with Council's Section 94 Contributions Plan.

CONCLUSION

Having regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is considered to be acceptable on its merits and is recommended for approval subject to conditions of consent

PEER REVIEW

The content and recommendation of the development assessment report has undergone peer review and is satisfactory for consideration by the Panel.

RECOMMENDATION

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the proposed modification(s) to Development Consent No. DA2019/183 relating to reconfiguration of internal and external layout, involving the relocation of inground pool and alfresco area, revision of window schedule and external material finishes at 3 Merley Road, Strathfield be **APPROVED**, subject to:

1. The original conditions of consent of Development Application No. (DA2019/183) as approved by IDAP on 6 March 2020 for demolition of existing buildings and construction of two (2) storey dwelling with basement level, pool and associated front fence and landscaping.
2. As modified by the Section 4.55(2) application (DA2019/183/2) as follows:
 - Delete Condition 1; and
 - Modify Condition 2.

Accordingly, Development Consent No. DA2019/183 is approved as following:

SPECIAL CONDITIONS (SC)

1. ~~REVISED STORMWATER PLAN AND LANDSCAPE PLAN (SC)~~

~~A revised Stormwater Plan and revised Landscape Plan must be provided, which reflects the final design of the approved development including the relocated swimming pool and spa. The revised Stormwater Plan must indicate that the rainwater tank is situated below the proposed alfresco area. The revised Landscape Plan must delete any annotations of any~~

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trees being removed. This consent does not approve any tree removal. The existing *Melaleuca bracteata* tree in the rear yard must be shown as an existing tree to be retained.

The revised Stormwater Plan and revised Landscape Plan must be submitted as part of the documentation required for the Construction Certificate, and must be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure consistency with the approved architectural plans.)

(Deleted by DA2019/183/2 – 26 June 2020)

GENERAL CONDITIONS (GC)

2. APPROVED PLANS AND REFERENCE DOCUMENTATION (GC)

The development, except where modified by a condition(s) of consent, is to be carried out in accordance with the following plans and reference documentation:

Plans affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/183:

Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
DA.02	Level 1 Floor Plan Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.03	Basement Level Plan Roof & Site Plan	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.04	Level 1 Floor Plan Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.05	Elevations	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
DA.06	Section A-A, B-B Front Fence	Bechara Chan & Associates Pty Ltd	Rev H 25.02.20	25.02.20
L01/1-K24620	Landscape Planting Plan	Bechara Chan & Associates Pty Ltd	Rev B 18.12.19	20.12.19
D00	Cover Sheet, Legend and Drawing Schedule	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19
D01	Basement Stormwater Drainage Plan & Details	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19
D02	Ground Floor / Site Stormwater Drainage Plan	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19
D03	Erosion and Sediment Control Plan and Details	LOKA Consulting Engineers	Rev A 10.10.19	20.12.19

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Drawing No.	Title/Description	Prepared by	Issue / Revision & Date	Date received by Council
S4.55.02	Basement Plan	Bechara Chan & Associates Pty Ltd	Rev C 23.06.20	23.06.20
S4.55.03	Ground Floor Plan	Bechara Chan & Associates Pty Ltd	Rev C 23.06.20	23.06.20
S4.55.04	First Floor Plan	Bechara Chan & Associates Pty Ltd	Rev C 23.06.20	23.06.20
S4.55.05	Roof and Site Plan	Bechara Chan & Associates Pty Ltd	Rev C 23.06.20	23.06.20
S4.55.06	Elevations	Bechara Chan & Associates Pty Ltd	Rev C 23.06.20	23.06.20
S4.55.07	Section A-A, Section B-B, Front Fence	Bechara Chan & Associates Pty Ltd	Rev C 23.06.20	23.06.20
Dwg L01/1 – K24620	Landscape Planting Plan	Michael Siu	Rev C 29.04.20	20.05.20
D00	Cover Sheet, Legend and Drawing Schedule	LOKA Consulting Engineers	Rev A 10.10.19	20.05.20
D01	Basement Stormwater Drainage Plan & Details	LOKA Consulting Engineers	Rev D 14.05.20	20.05.20
D02	Ground Floor / Site Stormwater Drainage Plan	LOKA Consulting Engineers	Rev D 14.05.20	20.05.20
D03	Erosion and Sediment Control Plan and Details	LOKA Consulting Engineers	Rev A 11.10.19	20.05.20
-	Schedule of Colours and Finishes	Bechara Chan & Associates Pty Ltd	Rev D 23.06.20	23.06.20

Reference Documentation affixed with Council's 'Development Consent' stamp relating to Development Consent No. DA2019/183:

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
BASIX Certificate	Loka Consulting	Certificate No.	04.11.19

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	Engineers Pty Ltd	1042394S 22.10.19	
BASIX Certificate	Loka Consulting Engineers Pty Ltd	Certificate No. 1042394S_02 18.05.20	20.05.20
Nationwide House Energy Rating Scheme Certificate	Nermein Loka	Certificate No. IFASXJA166 22.10.19	22.10.19
Job No. 19NL064-FR01	Flood Risk Management Plan	14.10.19	04.11.19
Gihad Bechara	Waste Management Plan	23.10.19	04.11.19

In the event of any inconsistency, the conditions of this consent shall prevail.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.)

(Modified by DA2019/183/2 – 26 June 2020)

3. CONSTRUCTION HOURS (GC)

No construction or any other work related activities shall be carried out on the site outside the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8am to 1pm Saturdays.

No building activities are to be carried out at any time on a Sunday or public holiday.

Where the development involves the use of jackhammers/rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: To maintain amenity to adjoining land owners.)

4. CONSTRUCTION WITHIN BOUNDARIES (GC)

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

(Reason: Approved works are to be contained wholly within the subject site.)

5. DEMOLITION – GENERALLY (GC)

Alteration and demolition of the existing building is limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is not shown to be altered or demolished.

(Reason: To ensure compliance with the approved development.)

6. DEMOLITION - SITE SAFETY FENCING (GC)

Site fencing is to be erected to a minimum height of 1.8m complying with WorkCover Guidelines, to exclude public access to the site, prior to any demolition works occurring and

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maintained for the duration of the demolition works.

If applicable, a separate Hoarding Application for the erection of an A class (fence type) or B class (overhead type) hoarding/fencing along the street frontage(s) complying with WorkCover requirements must be obtained including:

- payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges before the commencement of work; and
- provision of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained with a copy provided to Council.

(Reasons: Statutory requirement and health and safety.)

7. SITE MANAGEMENT (DURING DEMOLITION AND CONSTRUCTION WORKS)

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- i) All demolition is to be carried out in accordance with Australian Standard AS 2601-2001.
- ii) Demolition must be carried out by a registered demolition contractor.
- iii) A single entrance is permitted to service the site for demolition and construction. Protection pads are to be installed to the kerb, gutter and nature strip where trucks and vehicles enter the site.
- iv) No blasting is to be carried out at any time during construction of the building.
- v) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- vi) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- vii) Any demolition and excess construction materials are to be recycled wherever practicable.
- viii) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- ix) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- x) All waste must be contained entirely within the site.
- xi) A site plan including temporary waste storage locations, construction material storage areas and vehicular access to and from the site must be included with application.
- xii) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- xiii) Details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal or recycling and must be presented to Council and/or Principal Certifying Authority upon request.
- xiv) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997

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- must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- xv) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
 - xvi) Public footways, include nature strips and roadways adjacent to the site must be maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.
 - xvii) Building operations such as brick-cutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
 - xviii) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
 - xix) Any work must not prohibit or divert any natural overland flow of water.
 - xx) Toilet facilities for employees must be provided in accordance with WorkCover NSW.

(Reason: To ensure that demolition, building and any other site works are undertaken in accordance with relevant legislation and policy and in a manner which will be non-disruptive to the local area.)

8. **WASTE – TRACKABLE (GC)**

Removal of trackable waste (as defined by the NSW Environment Protection Authority) from the site must comply with the Protection of the Environment Operations (Waste) Regulation 2005 for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed on land without permission of the land owner and must with the provisions of the Protection of the Environment and Operations Act 1997.

(Reason: To ensure compliance with legislation.)

9. **STORMWATER MANAGEMENT PLAN - CERTIFICATION REQUIREMENT (GC)**

A detailed Stormwater Management Plan (SWMP) in line with Council's Stormwater Management Code is to be prepared and certified by an Accredited Civil/Hydraulic Engineer and submitted to the Principal Certifying Authority and Council, prior to the issue of a Construction Certificate. The SWMP is to be based on the approved development as modified by any conditions of consent.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure public infrastructure in Council's care and control is not overloaded.)

10. **SYDNEY WATER - TAP IN™ (GC)**

The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

(Reason: Compliance with Sydney Water requirements.)

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11. UTILITIES AND SERVICES - PROTECTION OF (GC)

Any footings or excavation to be located or undertaken adjacent to Council's stormwater must be designed to address the following requirements:

- i) All footings and excavation must be located wholly within the site and clear of any easement boundaries;
- ii) All footings and excavation must be located a minimum of 1000mm from the centreline of the pipeline or 500mm from the outside of the pipeline, whichever is the greater distance from the centreline; and
- iii) footings must extend to at least the depth of the invert of the pipeline unless the footings are to be placed on competent bedrock.

If permanent excavation is proposed beneath the obvert of the pipeline, suitable means to protect the excavation and proposed retaining structures from seepage or other water flow from the pipeline and surrounding subsoil, must be provided. The design must be prepared by a qualified practicing Structural/Civil Engineer.

Construction plans must be approved by the appropriate utility's office (e.g. council, Sydney Water Corporation) to demonstrate that the development complies with the utility's requirements.

The applicant must provide written evidence (e.g. compliance certificate, formal advice) of compliance with the requirements of all relevant utility providers (e.g. Water, Energy, Telecommunications, Gas).

(Reason: To ensure protection of Council assets.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE (PCC)

12. BASIX COMMITMENTS (CC)

The approved BASIX Certificate shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Where a change or changes are proposed in the BASIX commitments, the applicant must submit a new BASIX Certificate to the Principal Certifying Authority and Council. If any proposed change in the BASIX commitments is inconsistent with the development consent the applicant will be required to submit a modification to the development consent to Council under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All commitments in the BASIX Certificate must be shown on the plans accompanying the Construction Certificate.

(Reason: Statutory compliance.)

13. BUILDING CODE OF AUSTRALIA - COMPLIANCE WITH (CC)

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract

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of insurance is to be in force before any building work authorised to be carried out by the consent commences.

Details demonstrating compliance with this condition are to be submitted to the Principle Certifying Authority, prior to issue of the Construction Certificate.

(Reason: This is a 'prescribed' condition under clause 98(1) of the Environmental Planning and Assessment Regulation 2000.)

14. **CAR PARKING - BASEMENT CAR PARKING REQUIREMENTS (CC)**

Details demonstrating compliance with the following is to be submitted to the Principal Certifying Authority, prior to issue of the Construction Certificate:

- i) Minimal internal clearance of the basement is 2.2m in accordance with BCA requirements.
- ii) Driveways shall comply with Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and achieve a maximum gradient of 1:4.
- iii) Basement entries and ramps/driveways within the property are to be no more than 3.5m wide.
- iv) Provision of pump-out systems and stormwater prevention shall be in accordance with Council's Stormwater Management Guide.

(Reason: To ensure suitable development.)

15. **CAR PARKING - VEHICULAR ACCESS RAMPS (CC)**

Vehicular access ramps shall comply with the provisions of AS/NZS 2890.1:2004. Plans to be submitted shall contain the following details:

- i) Longitudinal section along the extreme wheel paths of each driveway/access ramp at a scale of 1:25 demonstrating compliance with the scraping provisions of AS/NZS 2890.1:2004. It shall include all levels and grades, including those levels stipulated as boundary levels, both existing and proposed. It shall extend from the centre-line of the roadway through to the parking area.
- ii) Sections showing the clearance to the underside of any overhead structure (minimum headroom requirements 2200mm minimum for standard headroom clearance or 2400mm where disabled access provisions are to be provided) demonstrating compliance with the provisions of AS/NZS 2890.1:2004.
- iii) Longitudinal section along the gutter line showing how it is intended to transition the vehicular crossing into the existing kerb and gutter. Boundary levels shall generally run parallel with the kerb levels.
- iv) Location of verge trees, street furniture and service installations.
- v) Superimposition of vehicle turning circles for access into parking spaces.
- vi) A minimum 1m by 1m splay must be provided at the vehicular access driveway to maintain sight distances for pedestrians and motorists. The areas should be kept clear from obstructions and only allow ground cover vegetation/landscaping as per Council DCP Part A, Clause 5.2.4.
- vii) Certification that the design complies with AS/NZS 2890.1:2004 by a Qualified Engineer.

The certification referred to in (vii) above shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate (for the design) and to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the 'as-built works'.

(Reason: To ensure adequate vehicular access can be achieved.)

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16. CAR PARKING - COMPLIANCE WITH AS/NZS 2890.1:2004 (CC)

Car parking dimensions must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure compliance with Australian Standards relating to parking of vehicles.)

17. CAR PARKING - VEHICULAR CROSSING WIDTH AT PROPERTY BOUNDARY (CC)

Vehicular crossings are to have a maximum width of 3m at the property boundary. Details demonstrating compliance are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

The vehicular crossing (and all associated excavation works) must not be constructed closer than 2 metres from a retained protected street tree.

(Reason: Compliance with SCDGP 2005.)

18. COMMENCEMENT OF WORKS (NO WORKS UNTIL A CC IS OBTAINED)

Building work, demolition or excavation must not be carried out until a Construction Certificate has been issued by either Strathfield Council or a Principal Certifying Authority.

Demolition of any part of a building triggers 'commencement of erection of building' pursuant of section 4.19 of the EP&A Act 1979. Accordingly, demolition works must not commence until a Construction Certificate has been issued, a Principal Certifying Authority has been appointed and a Notice of Commencement has been issued.

(Reason: To ensure compliance with statutory provisions.)

19. COUNCIL PERMITS – FOR ALL ACTIVITIES ON COUNCIL LAND (CC)

Works Permit

(as per Section 68 of the Local Government Act 1993 and Section 138 and 139 of the Roads Act 1993)

A Works Permit is required for construction of a vehicular crossing (driveway), new stormwater down pipe connection to kerb and gutter, new footpath and/or stormwater connection. A Works Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Standing Plant Permit

This permit must be applied for where it is intended to park a concrete pump, crane or other plant on the roadway or footpath. A Standing Plant Permit Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Skip Bin Permit

This permit must be applied for if you intend to place a skip bin on the roadway or footpath. A Skip Bin Application Form is available from Council's Customer Centre or can be downloaded from Council's website. The applicable fees and charges are located on

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Council's website.

Temporary Full or Part Road Closure Permit

This permit must be applied for if you require a full or a part road closure to take place to assist in your construction works. Please use the Works Permit Application Form, which is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website. Please note a Road Closure Permit is not required for standing plant.

Hoarding/Fencing Permit

This permit must be applied for if you intend to erect a Class A (fence type) or Class B (overhead type) hoarding/fencing along the street frontage(s). A Hoarding Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Work Zone Permit

This permit must be applied for if you require permanent parking along the kerbside at the front of the site during construction works. A Work Zone Permit Application Form is available from Council's Customer Service Centre or can be downloaded from Council's website. The applicable fees and charges are located on Council's website.

Ground Anchoring Permit

This permit must be applied for, for the installation of ground anchors under Council's footway/road reserve. It does not cover ground anchors under private properties. A separate approval is required to be obtained from Roads and Maritime Services (RMS) if it is proposed to install ground anchors under a State or Classified Regional Road (please refer to the end of this application form for more information).

(Reason: Council requirement.)

20. **EROSION AND SEDIMENTATION CONTROL PLAN (CC)**

An Erosion and Sediment Control Plan is to be prepared where construction or excavation activity requires the disturbance of the soil surface and existing vegetation. Details including drawings and specifications must provide adequate measures for erosion and sediment control to ensure:

- i) Compliance with the approved Soil and Water Management Plan.
- ii) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval).
- iii) All uncontaminated run-off is diverted around cleared or disturbed areas.
- iv) Silt fences or other devices are installed to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways.
- v) All erosion and sediment controls are fully maintained for the duration of demolition/development works.
- vi) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadways.
- vii) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- viii) All water pumped or otherwise removed from excavations or basement areas is filtered to achieve suspended solids/non filterable residue levels complying with the Australian Water Quality guidelines for Fresh and Marine Waters.
- ix) Pumped or overland flows of water are discharged so as not to cause, permit or allow erosion before the commencement of work (and until issue of the occupation certificate).

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Details of the proposed soil erosion and sedimentation controls are to be submitted to the Principal Certifying Authority with the Construction Certificate Application. Under no circumstances are any works to commence, prior to these details being approved by the Principal Certifying Authority and the controls being in place on the site.

(Reason: Environmental protection.)

21. **FLOODING - COMPLY WITH FLOOD IMPACT REPORT (CC)**

The applicant shall comply with the flood recommendations provided in the Flood Risk Management Plan prepared by Loka Consulting Engineers Pty Ltd, Job No. 1914 October 2019. A certificate from a suitably qualified Engineer shall be submitted to the Certifying Authority stating compliance with these recommendations, prior to the issue of a Construction Certificate.

(Reason: To mitigate flood risk and associated damage.)

22. **NOISE – CONSTRUCTION CC)**

All works carried out on site during construction/demolition/excavation/earthworks shall comply with the NSW Protection of the Environment Operations Act 1997, the Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control on construction, demolition and maintenance sites” for the control of construction noise which specifies that:

- Construction period of 4 weeks and under – The L90 Level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 20 dB(A) at the boundary.
- Construction period greater than 4 weeks but not exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 dB(A) at the boundary.
- Construction period exceeding 26 weeks – The L90 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 5 dB(A) at the boundary.

Should complaints of a noise nuisance be substantiated, Council may require the acoustic treatment of the premises to ensure compliance with the NSW Department of Environment and Climate Changes “Interim construction noise guideline” and AS 2436-2010 – “Guide to noise and vibration control, demolition and maintenance sites” for the control of construction noise. A further acoustic assessment and report will be required to be provided to Council assessing the premises in working order.

(Reason: Noise attenuation.)

23. **SECTION 7.12 CONTRIBUTION PAYMENT - INDIRECT CONTRIBUTIONS PLAN) (CC)**

In accordance with the provisions of Section 7.13 of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$22,880.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

Contributions must be receipted by Council and submitted to the Accredited Certifier, prior to the issue of any Construction Certificate.

A copy of this condition is to be presented to Council's Customer Service Centre when paying the contribution so that it can be recalculated.

Note: A copy of Strathfield Council's Section 7.12 Indirect Development Contributions Plan may be downloaded from Council's website.

(Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.)

24. STORMWATER - RAINWATER RE-USE (CC)

A rainwater re-use system shall be provided in accordance with either the BASIX minimum requirements, any relevant Council Rainwater Policy and/or specification of the management of stormwater, whichever is applicable. A detailed stormwater plan showing the proposed re-use system shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance and amenity.)

25. STORMWATER DRAINAGE (CC)

The following stormwater precautions are required to be provided on the site:

- i) Grated drains shall be provided along the driveway/basement entry at the vehicular crossing(s) and are to connect to the internal drainage system.
- ii) Overflow paths shall be provided to allow for flows in excess of the capacity of the pipe/drainage system draining the site.
- iii) Allowance shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties
- iv) Boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

(Reason: To ensure the site is drained appropriately and does not interfere with the natural flow of flood waters.)

26. SWIMMING POOLS / SPAS (CONSTRUCTION OF)

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Safety and statutory compliance.)

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27. SWIMMING POOLS / SPAS - MECHANICAL PLANT ENCLOSURE (CC)

Any mechanical plant associated with the swimming pool and spa shall be acoustically treated to comply with the Protection of the Environment Operations Act 1997. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To ensure the acoustic amenity of the neighbouring residents.)

28. TREE BONDS (CC)

A tree bond of **\$10,000** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to existing trees to be retained on Council's road reserve, during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

A refund of the Tree Bond must be made in writing.

Tree Bonds may be forfeited if a tree is dead, made dangerous or has been terminally damaged, or will be held until tree/s have fully recovered from the construction damage or were replacement/planted trees have become fully established and are over 6 metres in height.

(Reason: To ensure the protection of trees to be retained on Council's Road Reserve.)

29. SECURITY PAYMENT – DAMAGE DEPOSIT FOR COUNCIL INFRASTRUCTURE (CC)

A security (damage deposit) of **\$18,000.00** (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council, prior to the issue of a Construction Certificate.

The deposit is required as security against any damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the Building Code of Australia.

Payment may be accepted in the form of cash, bank guarantee, cheque or credit card (financial transactions fees apply). Note: Additional fees apply for the lodgement of a bank guarantee in lieu of cash bond applies in accordance with Council's adopted Fees and Charges.

Any costs associated with works necessary to be carried out to rectify any damages caused by the development, shall be deducted from the Damage Deposit.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's

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interest for it to be as full and detailed as possible.

The damage deposit shall be refunded upon completion of all works upon receipt of a Final Occupation Certificate stage and inspection by Council.

(Reason: Protection of Council infrastructure.)

30. **VEHICULAR CROSSINGS - WORKS PERMIT FOR CONSTRUCTION OF (CC)**

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footpath at the entrance(s) and/or exit(s) to the site and designed in accordance with Council's guidelines and specifications. In this regard, a Works Permit is to be obtained (available from Council's Customer Services Centre or downloaded from Council's website), and the appropriate fees and charges paid, prior to the lodgement of a Construction Certificate.

(Reason: To ensure appropriate access to the site can be achieved.)

31. **WORKS ZONE - APPROVAL BY COUNCIL'S TRAFFIC COMMITTEE (CC)**

An application for a 'Works Zone' must be submitted to and approved by the Strathfield Council Traffic Committee prior to the commencement of any site work (including demolition).

The suitability of the proposed length and duration of the Works Zone is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Strathfield Council Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

(Reason: Council requirement.)

32. **WATER HEATING SYSTEMS - LOCATION OF (CC)**

Water heating systems shall be located so as not to be visible from public places and the ground level of adjoining properties. Details (type and location) of the water heaters shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: To maintain streetscape character.)

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS (PCW)

33. **APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA) (CW)**

No work shall commence in connection with this Development Consent until:

- i) A construction certificate for the building work has been issued by the consent authority or a Principal Certifying Authority.
- ii) The person having the benefit of the development consent has appointed a principal certifying authority for the building work, and notified the principal certifying authority

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- that the person will carry out the building work as an owner/builder, if that is the case.
- iii) The principal certifying authority has, no later than 2 days before the building work commences:
- notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- iv) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
- appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved;
 - notified the principal certifying authority of such appointment; and
 - unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.
- v) The person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirement.)

34. **HOME BUILDING COMPENSATION FUND (CW)**

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- i) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 981(b) Environmental Planning and Assessment Regulation 2000.
- ii) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder).
- iii) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner -builder permit required under the Home Building Act 1989.
- iv) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the Environmental Planning and Assessment Regulation 2000):
- In the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989.

In the case of work to be done by an owner-builder:

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- the name of the owner-builder; and
- if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Note: Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement.)

295. **NOTICE OF COMMENCEMENT (CW)**

No work shall commence until the following details are submitted to Council:

- a Notice of Commencement (form will be attached with issue of a Construction Certificate or available from our website) within two (2) days of the date on which it is proposed to commence works associated with the Development Consent;
- details of the appointment of a Principal Certifying Authority (either Council or another Principal Certifying Authority); and
- details of the name, address and licence details of the Builder.

(Reason: Statutory requirement.)

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND BUILDING WORKS (DBW)

306. **FILL MATERIAL (DW)**

The only waste derived material which may be received at the development site is:

- Virgin excavated material (within the meaning of the Protection of the Environment Operations Act 1997), and
- any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any (b)-type material received at the development site must be accompanied by documentation certifying by an appropriately qualified environmental consultant the materials compliance with the exemption conditions; and this documentation must be provided to the Principal Certifying Authority on request.

(Reason: To ensure imported fill is of an acceptable standard for environmental protection purposes.)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE (POC)

317. **STORMWATER - CERTIFICATION OF THE CONSTRUCTED DRAINAGE SYSTEM (OC)**

The constructed stormwater system shall be certified by a suitably qualified person, in accordance with Council's Stormwater Management Code, prior to the issue of any Occupation Certificate.

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(Reason: Adequate stormwater management.)

328. **SWIMMING POOLS / SPAS - REGISTRATION AND REQUIREMENTS (OC)**

The approved swimming pool/spa must comply with all relevant legislation including:

- i) Swimming Pools Amendment Act 1992 (as amended);
- ii) Swimming Pools Regulations 2008; and
- iii) Australian Standard AS1926.1-2012 – Safety Barriers for Swimming Pools.

Swimming pool owners must register their swimming pool or spa on the NSW Swimming Pool Register. A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots.

A copy of a valid certificate of compliance or relevant occupation certificate must be attached to new residential tenancy agreements to rent property with a swimming pool or spa pool. Note: This requirement does not apply to a lot in strata or community title schemes with more than two lots; or for any off the plan contacts.

Details demonstrating compliance with this condition shall be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: Safety and statutory compliance.)

39. **OCCUPATION OF BUILDING (OC)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- i) all required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- ii) any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement.)

40. **RAINWATER TANKS (OC)**

Rainwater tanks must be installed on residential properties by a suitably qualified and licensed plumber and in accordance with the following:

- i) Australian/New Zealand Standard AS/NZS 3500:2003;
- ii) NSW Code of Practice Plumbing and Drainage, 2006 produced by Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR); and
- iii) Council's rainwater tank policy.

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Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

(Reason: To protect public health and amenity.)

ATTACHMENTS

There are no attachments for this report.

Note: This meeting is closed session and is not available for the public to attend
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