

Statement of Environmental Effects

PROPOSED CONSOLIDATION OF LOTS AND DEMOLITION OF EXISTING STRUCTURES INCLUDING REMOVAL OF ALL EXISTING STREETS, AND THE CONSTRUCTION OF A NINE (9) STOREY MIXED USE DEVELOPMENT CONTAINING 146 RESIDENTIAL UNITS, 6 COMMERCIAL TENANCIES OVER 2 LEVELS OF BASEMENT CARPARKING AND A STAND-ALONE 2 STOREY COMMERCIAL BUILDING, INCLUDING STRATA SUBDIVISION AT 272-276 & 280-284 MERRYLANDS ROAD AND 1 ADDLESTONE ROAD, MERRYLANDS



Prepared by: Think Planners Pty Ltd
Document Date: 30 October 2013
Authority: Holroyd Council



Contents

Executive Summary	4
1. Site & Locality Description	5
2. Description of Proposal	13
3. Pre-DA Meeting.....	17
4. Planning Controls	18
State Environmental Planning Policy BASIX.....	18
State Environmental Planning Policy No. 55 – Contaminated Land	19
State Environmental Planning Policy (Infrastructure) 2007	19
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development	19
Holroyd Local Environmental Plan 2013.....	26
Holroyd Development Control Plan 2013.....	32
5. Conclusion	50
Annexure 1: Clause 4.6 Variation	51

**QUALITY ASSURANCE**

PROJECT: Statement of Environmental Effects– Mixed Use Development
ADDRESS: 272-276 & 280-284 Merrylands Rd & 1 Addlestone Road,
Merrylands
COUNCIL: Holroyd City Council
Joint Regional Planning Panel: Works over \$20million (\$38m)
AUTHOR: Think Planners Pty Ltd
ARCHITECT: IDraft Architects

Date	Purpose of Issue	Rev	Reviewed	Authorised
July 2013	Draft Issue for Pre-DA	Draft	SK/AB	JW/AB
30 October 2013	DA Lodgement Issue	Final	JW/AB	AB

<i>Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>Yes¹</i>
<i>Concurrence</i>	
<i>SEPP 1- Development Standards</i>	<i>No</i>
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>Yes²</i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

¹ Works with 40m of a watercourse (concrete channel).

² Proposal involves more than 200 parking spaces and required Concurrence.

Executive Summary

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures and the construction of a 9 storey mixed use development contain 146 units, 2,237m² of commercial floor space, and 246 parking spaces. The proposal has the following dwelling mix:

- 16 x 1 bedroom units;
- 118 x 2 bedroom units; and
- 12 x 3 bedroom units.

The subject site is located on the corner of Merrylands Road, Addlestone Road, and Burford Street in Merrylands. The site is a large rectangular allotment with a total size of 5,480m². The site has an 80m frontage to Merrylands Road, a 60m frontage to Burford Street, and a 60m frontage to Addlestone Road. The site contains an existing concrete lined stormwater channel that cuts the site into two (2) distinct landmasses.

The site is located on the western fringe of the Merrylands Town Centre at the interface with residential zoned land. The subject site serves as a transition between commercial land uses to the north and north east with residential land uses to the west and south west. The site currently accommodates three single storey commercial buildings and at-grade parking space. Furthermore the eastern section of the site is vacant, unkempt and unoccupied with a drainage channel running through the site. The existing land uses within the subject site significantly underplays the role of the site considering its prominence as a gateway site into Merrylands Town Centre via the west and is considerably underutilising the sites full zoning potential given the sites mixed use zoning.

Being located at the edge of a town centre, the subject area currently contains a mixture of one and two storey commercial buildings, mix use buildings and 3-4 storey residential flat buildings. The Sydney Metropolitan Strategy encourages higher density living around centres with the recently gazetted Holroyd Local Environmental Plan 2013 significantly increasing the density within the Merrylands Town Centre to acknowledge its proximity to local services and public transport.

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to Merrylands Town Centre. The proposed mixed use building aims to provide a prominent gateway building that marks an entry to Merrylands Town Centre. Furthermore, the development will increase housing stock and add to the viability of the town centre by increasing quality retail/commercial space whilst minimising amenity impacts to adjoining properties.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well located land, the application is submitted to Council and the JRPP for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

1. Site & Locality Description

The subject site is known as 272-276 & 280-284 Merrylands Rd & 1 Addlestone Road, Merrylands. Situated on the southern side of Merrylands Road, the subject site is bound by Merrylands Road to the north, Burford Street to the west, Addlestone Road to the east, and existing residential flat buildings to the south.

The site is a large rectangular allotment with a total size of 5,480m². The site has an 80m frontage to Merrylands Road, a 60m frontage to Burford Street, and a 60m frontage to Addlestone Road. The site contains an existing concrete lined stormwater channel that cuts the site into two (2) distinct land masses.

The site currently accommodates a number of commercial buildings and a large at-grade parking area associated with one of the commercial buildings with a drainage channel running through the site. The eastern section of the site is vacant, unkempt and unoccupied and is detracting from the existing streetscape. The existing land uses within the subject site are significantly underplaying the role of the site as a major western gateway site into Merrylands Town Centre and is underutilising the sites full zoning potential given the sites mixed use zoning.

The aerial photo below shows the subject site and its relationship to adjoining properties.



Image1: Aerial Map

The site is a gateway to the western edge of the Merrylands Town Centre and the subject site plays a transitional role between commercial land uses to the north and east with residential land uses to the west and south west. The site is within walking distance to public transport and services within Merrylands Town Centre, being approximately 450m west of the Merrylands Railway Station.

An aerial photograph that demonstrates the sites location in the broader locality is provided below:



Image 2: Broader Locality Aerial Map

The Sydney Metropolitan Strategy supports higher residential development in strategic locations to accommodate future population growth, and Holroyd City Council has zoned the subject site as B4 – Mixed Use, which encourages higher density development within the subject site. Furthermore the subject area is ideal for future urban intensification as it is located within Merrylands Town Centre, and is within walking distance to public transport, services, schools and public reserves. Furthermore, key arterial roads such as Merrylands Road, Pitt Street and Military Road are located within close proximity to the subject site.

Heritage

There are no heritage items located within the subject site, however Merrylands Road provides adequate separation between the subject site and the heritage items to the north (168 and 169). This is illustrated by Council's Heritage Map Below.

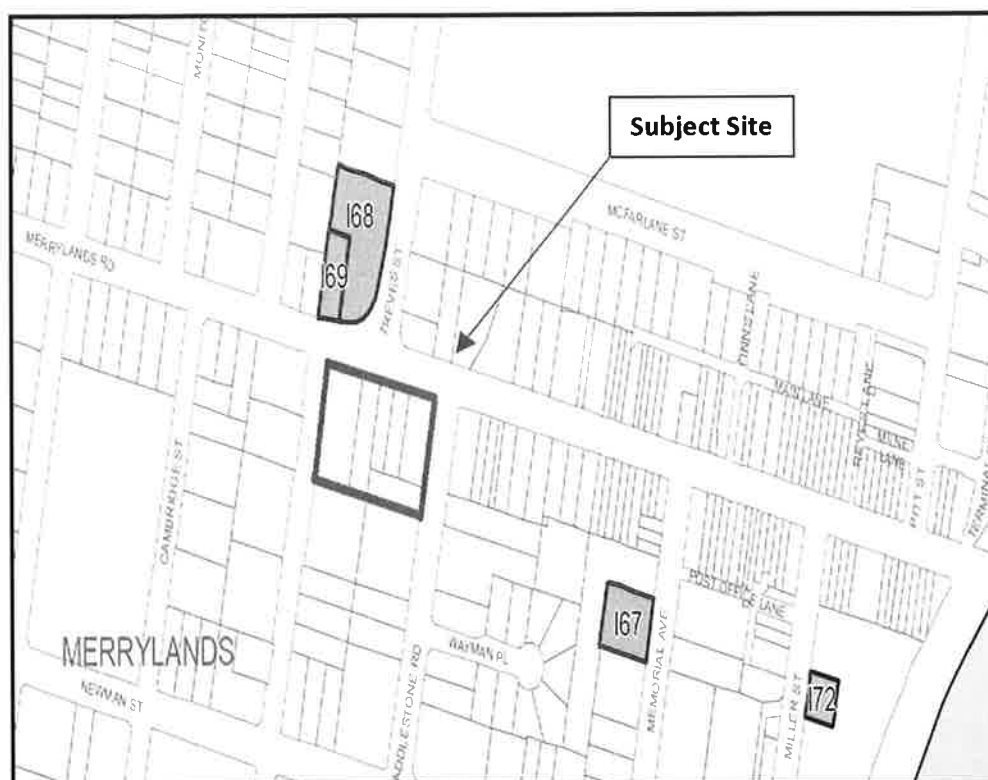


Image 3: Heritage Map Extract

Item 168 is identified as a historical electrical substation located on the northern portion of that site as shown in the photograph below. The current proposal is well removed from this item and will not have any impact on its heritage significance.



Item I69 is identified as a former Merrylands School of Arts constructed in the 1920's, with an image provided below.



Given the heritage significance stems primarily from the social role of the site, as opposed to the built form itself (which does not contain any significant architectural period characteristics, the current proposal will have no impact on the heritage significance of the item.

Flooding

The subject is identified as being flooding affected lands. Appropriate measure such as elevating the proposed buildings within the site will be undertaken to manage risk associated with potential flooding. This is addressed in detail in the Flood Impact Assessment prepared by Cardno that demonstrates that the site is suitable for the proposed development.

Photographs are provided below that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 1: Showing the subject site as viewed from the intersection of Merrylands Road and Treves Street



Photograph 2: Showing the existing commercial building as viewed from the intersection of Merrylands Road and Burford Street



Photograph 3: Showing the subject site as viewed from the intersection of Merrylands Road and Addlestone Road.



Photograph 4: Showing the existing streetscape in Merrylands Road, looking east.



Photograph 5: Showing the eastern section of the subject site as viewed from Merrylands Road.



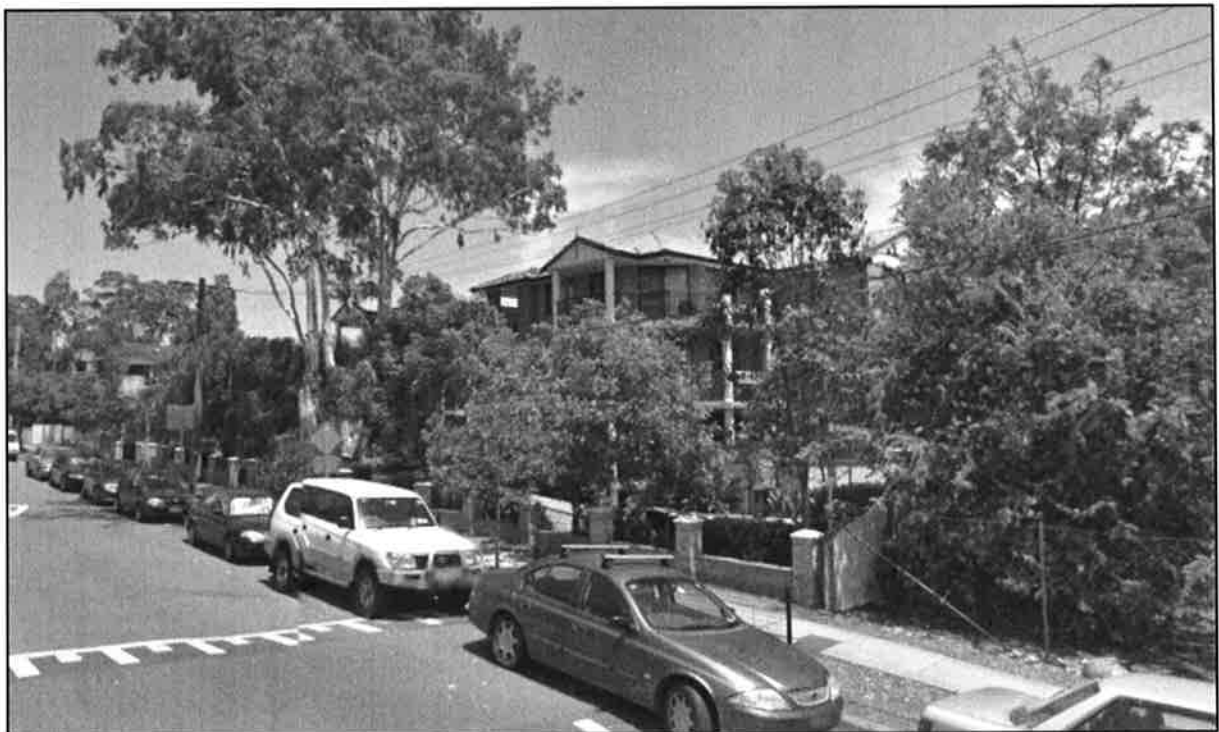
Photograph 6: Showing the adjoining commercial building along the sites eastern boundaries as viewed from Merrylands Road.



Photograph 7: Shows the existing streetscape is Burford Street.



Photograph 8: Shows the existing streetscape in Addlestone Road and the adjoining residential flat building to the south.



2. Description of Proposal

The Development Application proposes the demolition of existing structures on the site, the amalgamation of existing lots and the construction of a nine (9) storey Mixed Use Development and a two storey stand alone commercial building on the other side of the channel. The mixed use development incorporates a total of 2,572m² commercial space, 146 residential units and a total of 246 car parking space over 2 basement levels and at-grade parking with subsequent subdivision.

A summary of the key elements of the proposal are provided below:

Unit Mix

The development proposal incorporates the following dwelling mix:

- 16 x 1 bedroom units;
- 118 x 2 bedroom units; and
- 12 x 3 bedroom units.

Parking

The proposal includes a total of 246 car parking spaces within the subject site with the following breakdown:

- 146 residential + 26 tandem (with tandem allocated to single unit);
- 29 residential visitor/carwash;
- 35 commercial spaces+ 10 visitor commercial spaces;
- 54 bicycle parking spaces;
- 10 motorcycle parking spaces; and
- 3 Loading Bays.

The parking spaces also include a total of thirty (30) accessible spaces. Vehicular access to the mixed use development is by a driveway located on the south western section of the site via Burford Street and access for the two storey stand alone commercial building is by a driveway located on the south eastern section of the site via Addlestone Road.

Dedication of Land

The proposal involves the dedication of 500mm of land along the Merrylands Road frontage to enable road widening to occur.

Landscape Treatment to Channel

The stormwater channel running through the site must remain 'open' as per Sydney Waters requirements, however the proposal incorporates substantial landscape plantings in proximity to the channel to screen it from view that aligns with Pre-DA comments.

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Lower Basement	119 car parking space including: <ul style="list-style-type: none"> - 106 residential + 13 tandem. - 1 carwash bay. - 15 disable car parking spaces.
	5 Motorcycle spaces.
	36 bicycle parking space including: <ul style="list-style-type: none"> - 18 wall mounted bicycle parking spaces. - 18 bicycle parking below ramp.
	Storage Space.
	W/C Cleaner area.
	5 Lift cores and 5 fire stair wells.
	Vehicular ramp.
Upper Basement	Access to the basement is via a double width cross-over in the southern section of the site.
	119 car parking space including: <ul style="list-style-type: none"> - 40 residential + 13 tandem. - 29 residential visitor/carwash. - 28 commercial staff + 9 customers. - 15 disable car parking spaces.
	5 Motorcycle spaces.
	18 Wall mounted bicycle parking spaces.
	Storage Space.
	Cleaner area.
	5 Lift cores and 5 fire stair wells.
	Vehicular ramp.
Ground Floor:	<p>The ground floor accommodates a centrally located breezeway via Burford Street that provides internal pathway to both Addlestone Road and Merrylands Road from the proposed mix use building. It is noted that the central section of the breezeway is to be gated and secured.</p> <p>The forecourt to the Merrylands Road frontage is designed with a large area for outdoor dining recessed under the built form to provide a defined entry and enable activation of the street.</p>

	2,237m ² of Retail/Commercial Space (Net Leasable Area), including 462m ² of commercial space for the proposed stand alone two storey commercial building located along the sites eastern section.
	Awning to wrap around the street edge of the mix use development at 2.5m wide.
	Outdoor dining area
	460m ² of landscaped area
	11 at-grade carparking space to the stand alone commercial building including: <ul style="list-style-type: none"> - 8 customer. - 3 loading bay include 2 loading bay for the mix use development.
	Garbage bay.
	Access to driveway and subsequent access ramp to basement via Burford Street and access to stand alone commercial building via Addlestone Road.
	Two lobby/mail area including lift cores and stair wells, including fire stairs well, fire tunnel and garbage chute. There are a total of five (5) lift cores that service the development.
Levels 1 -2	Ramp and stair access to commercial tenancy and breezeway from street level.
	The proposed mixed use building has been designed as two distinct wings in a 'U' configuration with each wing serviced by two lift cores and two stair wells.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	2 x 1 bedroom units with balcony per level (total 4 units)
	18 x 2 bedroom units with balcony including 8 split level units (total 28 units).
Level 3	3 x 3 bedroom units with balcony per level (total 6 units)
	The proposed mixed use building has been designed as two distinct wings in a 'U' configuration with each wing serviced by two lift cores and two stair wells.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are

	generally accessed from living areas.
	2 x 1 bedroom units with balcony
	15 x 2 bedroom units with balcony
	1 x 3 bedroom units with balcony
Levels 4 -8	The proposed mixed use building has been designed as two distinct wings in a 'U' configuration with each wing serviced by two lift cores and two stair wells.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	2 x 1 bedroom units with balcony per level (total 10 units)
	15 x 2 bedroom units with balcony per level (total 75 units)
	1 x 3 bedroom units with balcony per level (total 5 units)
Rooftop	Common open space including BBQ area (1,492m ²), landscape plantings, and playground areas. The extent of soft landscaping on the rooftop equates to 520m ² .
	4 x lift cores and fire egress stairs.

Waste Management

It is proposed to engage a private contractor to collect waste on a bi-weekly basis rather than utilise Councils collection service. The waste management plan provided with the development application provides additional detail on this aspect and given the commercial arrangements the reduced number of waste bins, as compared to Councils own collection service and bin requirements, is considered appropriate.

Design Intent

The development seeks to utilise the land in accordance with the zoning and present a strong interface to Merrylands Road, Addlestone Road and Burford Street whilst providing a prominent gateway development that marks an entry into the western section of Merrylands Town Centre. The proposal will also contribute towards providing additional business and alternative residential accommodation opportunities whilst activating pedestrian movement at the street level. The proposal will provide additional employment opportunities within the locality both during the construction phase and through an increase of commercial space at the completion of the proposal. The increase of 146 residential units in the locality will provide additional patronage and will contribute towards boosting the local economy of Merrylands.

The proposal has been designed to promote interaction at street level through providing vehicular access on the southern portion of the site and the use of a series of circulation areas at the ground floor level given the substantial allotment size.

The commercial tenancies activate the primary roads and the outdoor dining area is designed to serve as a gathering point for residents and visitors alike.

The proposal addresses all three (3) frontages and proposes a nine (9) storey mix use building and a stand alone two storey commercial building that incorporates contemporary architectural aesthetics that adequately address the streetscape whilst providing a prominent gateway building into the western section of Merrylands Town Centre.

Design consideration has been given to the scale, size and form of the proposal in relation to the desired future character envisioned by Council and embodied within the Holroyd LEP 2013 and associated DCP. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

3. Pre-DA Meeting

A Pre-DA meeting was held with Council staff regarding the proposal with a number of matters discussed. The key issues discussed are addressed in the table below:

Issue	Design Response
Stormwater Channel location means application will be referred to Sydney Water and DA is 'Integrated Development'	Noted and discussions with Sydney Water have been held previously regarding the stormwater channel.
Proposal may require concurrence from the RMS as Traffic Generating Development.	The proposal incorporates 146 dwellings and does not trigger Schedule 1, however as the proposal involves more than 200 parking spaces the proposal requires concurrence under the Infrastructure SEPP.
Preliminary Contamination Investigation to be prepared.	A Preliminary Site Investigation is being prepared for the site to deal with any potential contamination.
SEPP 65 and RFDC	Adriaan Winton has prepared a Design Verification Statement and detail on SEPP 65 and the RFDC is contained further in this SEE.
Holroyd LEP and DCP	An assessment against the relevant controls is contained within this SEE, noting compliance with the FSR control and a minor non-compliance to the building height control to the lift overruns and parapets to

	the upper most level as addressed further in this SEE.
Context Analysis	Idraft has prepared a context analysis.
Building Placement and Massing	The commercial building at the north-east corner is not 'built to street' for flooding reasons. The overall design of the building has been revised to provide for greater articulation and the central portion is recessed to provide a defined step in the façade and assist in presenting two (2) building volumes. See photomontage for further detail.
Ground Floor Arrangement	Retail frontages are provided to Merrylands Road, noting the flooding constraints require the elevation of the finished floor levels. The entry forecourt/outdoor dining area to Merrylands Road has been provided to provide a vista down Treves Street and good solar access at mid-winter. The ground floor circulation area between Burford Street and Addlestone Road has been retained but is designed as a private thoroughfare for residents and visitors.
Communal Open Space on rooftop should be provided.	The communal open space is located on the rooftop with a variety of play areas, shade elements (vegetation), and bbq facilities.

4. Planning Controls

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

State Environmental Planning Policy BASIX

The application has been assessed and is accompanied by a complying BASIX certificate. See attached BASIX Certificate for detail.

State Environmental Planning Policy No. 55 – Contaminated Land

Given the historical use of the site for commercial purposes, land contamination is not likely. However a Preliminary Site Investigation is being prepared to provide further detail on this aspect and to confirm that the provisions of Clause 7 of SEPP 55 are satisfied that the site is suitable for the proposed development.

If any contaminated material or suspected contaminated material is unearthed during the construction process then actions consistent with the legislative requirements and guideline document will be undertaken.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is identified as ‘traffic generating development’ given the proposal incorporates parking for more than 200 vehicles. Therefore the concurrence of the RMS is required and it is anticipated that the application will be referred to them for comment.

The development application is also accompanied by an acoustic report providing detail on measures to ensure noise impacts are mitigated to align with the provisions of Clause 101 of the SEPP. See Acoustic Report prepared by Rodney Stevens Acoustics for further detail.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The development application is accompanied by a design verification statement by Idraft (Registered Adriaan Winton), verifying that they have directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

The table below provides a detailed discussion against the relevant provisions of the Residential Flat Design Code, noting that a number of these provisions are embodied within the Parramatta Local Environmental Plan 2011 and supporting Parramatta Development Control Plan 2011.

Primary Control	Guideline	Relevant Control	Compliance
Part 1 – Local Context			
Building height	To ensure the proposed development responds to the desired scale and character of the street and local area, and to allow reasonable daylight access to all developments and the public domain.	The development is consistent with Council’s height (with exceptions of lift overrun and parapet) and FSR Controls and will align with the desired future character of the locality.	Yes

Building depth	Generally, an apartment building depth of 10 – 18 metres is appropriate. Developments that propose wider than 18 meters must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	The proposed building has been designed in a U shape and oriented to the north in order to maximise streetscape presentation, natural ventilation, and solar access. The building depth is 12m-20m that is consistent with intent of the rule of thumb and the proposal achieves natural cross-ventilation to 66% of units given the corner/split level and cross-through design.	Yes
Building separation	<p>Up to 4 storeys –</p> <p>12 m between habitable rooms/balconies; 9m between habitable rooms/balconies and non habitable rooms; and 6m between non habitable rooms.</p> <p>Above 4 storeys-</p> <p>18m between habitable rooms/balconies; 13m between habitable rooms/balconies and non habitable rooms; and 9m between non habitable rooms.</p>	<p>The development is generally compliant with the principles of building separation by incorporating privacy screens, planter boxes or removing or providing highlight windows in circumstances where the prescribed numerical distance is not achieved. The level of separation provided to the rear boundary complies with the RFDC in that it provides for half of the required level of separation results in limited overshadows.</p> <p>The design adopts a built to boundary form along its corner frontage to provide a consistent street edge form.</p> <p>The proposal provides an 8m separation to its southern boundary up to 4 storeys and then a 16m separation above 4 storeys. Complies.</p> <p>Internal separation at the rear of the 'U' complies and the minor non-compliance to the recessed portion fronting Merrylands Road is considered acceptable as there are appropriate mitigation measures.</p>	Partial
Setbacks	To establish the desired spatial proportions of the street and define the street edge. To relate setbacks to the area's street hierarchy.	The proposal is not a traditional residential flat building and as such the minimum front setback control is not particularly relevant to the proposal. The design provides for a street-edge form that is consistent	Yes

		<p>with the desired future character of the locality.</p> <p>The proposal provides sufficient setback along its southern and eastern boundary in compliance with the DCP.</p> <p>Given the commercial zoning of the site the adoption of a built to boundary form is considered appropriate. In addition the setbacks do not result in unreasonable amenity impacts, in terms of reduced solar access or visual privacy/cross-viewing.</p>	
Floor Space Ratio (FSR)	To ensure that development is in keeping with the optimum capacity of the site and the local area. (FSR is not specified in the Design Code).	The development is generally consistent with Council's height and FSR Controls, noting the overall FSR of 2.8:1 is much less than the 4:1 permitted.	Yes
Part 2 – Site Design			
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable.	A total of 240m ² of deep soil areas are provided within the rear setback that does not comply with the RFDC however given the commercial zoning and Mixed Use nature of the development the limited deep soil is considered appropriate.	Variation
Landscape design	To add value to residents' quality of life within the development in the forms of privacy, outlook and views, and provide habitat for native indigenous plants and animals.	The application is accompanied by a concept landscape plan.	Yes
Open space (Communal)	Provide communal open space that is appropriate and relevant to the context of the buildings setting. An area of 25 to 35 percent of the site is to be provided as communal open space.	<p>Communal open space equates to approximately 27.2%, which is consistent with Council's controls.</p> <p>The units are also provided with ample private open space areas.</p>	Yes

Orientation	To protect the amenity of existing development, and to optimise solar access to residential apartments within the development and adjacent development.	The proposed development has been designed to maximise solar access and 70% of the units (103) would achieve 3 hours of solar access.	Yes
Stormwater management	To ensure adequate stormwater management.	A stormwater concept is submitted dealing with the treatment and disposal of stormwater.	Yes
Safety	To ensure residential developments are safe, and contribute to public safety.	It is considered that there are number of opportunities for surveillance by the future residents of the proposed building. In particular the design of the development provides for passive surveillance of the street frontage and of the communal areas. The presence of commercial space on the ground floor also promotes passive surveillance and access to the basement will be security controlled.	Yes
Visual privacy	To provide reasonable levels of visual privacy externally and internally, during the day and at night. To maximise outlook and views from principal rooms and private open space without compromising visual privacy.	The proposal provides for appropriate levels of visual privacy through a combination of building separation, offset windows, and highlight windows. The dwellings within the development enjoy a vista over the communal open space areas or street frontage whilst appropriate separation is provided between balconies.	Yes
Building entry	To create entrances with identity and assist in orientation for visitors.	Separate entries are provided to the commercial tenancy and the residential units, with the residential entry channelling pedestrians towards the entry lobby. The entries are clearly defined through to ensure visitors are able to navigate the site.	Yes
Parking	To minimise car dependency, whilst still providing adequate car parking.	A combination of the commercial at-grade car parking spaces and basement car parking spaces provides for a total of 246 spaces that complies with the provisions of the DCP.	Yes

Pedestrian access	Connect residential development to the street.	The proposal is a mixed use development that means that there is limited scope for direct access from the street to the units. However the development site is serviced by a number of pedestrian entries and stair cores.	Yes
Vehicle access	Limit width of driveways.	The width of the driveways at street frontage is acceptable.	Yes
	Locate driveways away from main pedestrian entries, and on secondary streets.	The driveways are not considered to conflict with the pedestrian entrances.	
Part 3 – Building design			
Apartment layout	Depth of single aspect apartment – 8 metres.	Complies, noting that there are a limited number of single aspect units due to the design of the development.	Yes
	Back of the kitchen not more than 8 metres from a window.	Generally all kitchens are no more than 8m from the main window.	Yes
	Apartment sizes: 1 bed: 50m ² 2 bed: 70m ² 3 bed: 95m ²	All proposed units comply with the minimum unit size requirements.	Yes
Apartment mix	To provide a diversity of apartment types, which cater for different household requirements now and in the future.	A diversity of apartments is proposed: 16 x 1 bedroom apartments 118 x 2 bedroom apartments 12 x 3 bedroom apartments The unit mix is generally considered to offer a variety of housing choice.	Yes
Balconies	Minimum 2 metres in depth.	All principal balconies have been provided with a minimum balcony depth of 2.5 metres.	Yes
Ceiling heights	Minimum ceiling heights.	The proposed mixed use building is considered to provide for overall acceptable ceiling heights with a 3.6m floor to ceiling height to the ground floor, 3.3m to Level 1 to promote	Yes

		adaptability and a 2.7m floor to ceiling height to the residential units.	
Internal circulation	Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.	The proposed mix use building has been designed as two distinct wings attached in the middle with each wing serviced by two lift cores and two stair wells. The 2 lift cores service 9 units per wing per level.	Yes
Storage	1 bedroom apartments provided with 6m ³ , 2 bedroom apartments provided with 8m ³ and 3 bedroom apartments provided with 10m ³ storage space.	Each unit is provided with appropriate storage space within the basement garage, with each bedroom within the proposed development includes wardrobe that would offer reasonable storage. The proposed development is considered to offer reasonable storage spaces.	Yes
Acoustic privacy	To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy.	Yes
Daylight access	Min. 3 hours of direct sunlight between 9am, and 3pm midwinter to 70% of units Max of 10% of single aspect units proposed to a southerly aspect.	70.54% (103) of units achieve the required 3 hours of solar access. There are no single aspect south facing units given the 'U' layout.	Yes Yes
Natural ventilation	Building depths, which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross-ventilated.	The proposal adopts a design that supports naturally ventilation with 66.4% of units is naturally cross-ventilated.	Yes
Facades	Facades should define and enhance the public domain.	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and	Yes

		<p>balconies, framed elements and fixed and operable louvers. The external finishes adopt a variety of paint and render and glass balustrades. The mix use building has been designed to adequately address its two frontages.</p> <p>Overall the proposed facade is considered a quality design outcome that is compatible with other development in the locality.</p>	
Roof design	To integrate the design of the roof into the overall façade.	The proposal has a flat roof that is considered acceptable as it reduces any unnecessary bulk and minimises overshadowing impacts.	Yes
Energy efficiency	To reduce the necessity for mechanical heating and cooling.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes
Waste Management	Supply WMP.	Provided	Yes
	Allocate storage area.	Appropriate waste storage areas are provided.	Yes
Water Conservation	Reduce mains consumption, and reduce the quantity of stormwater runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes

Holroyd Local Environmental Plan 2013

The development site is zoned B4 Mixed Use, as per the zoning map extract below, under the provisions of the Holroyd LEP 2013.



Image 4: Zoning Map Extract

Commercial Premises and *Residential Flat Buildings* are permissible with consent, with the LEP containing the following definitions:

Commercial Premises means any of the following:

- a) *business premises,*
- b) *office premises, and*
- c) *retail premises.*

Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposal is consistent with the above definitions and is also consistent with the specified zone objectives:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

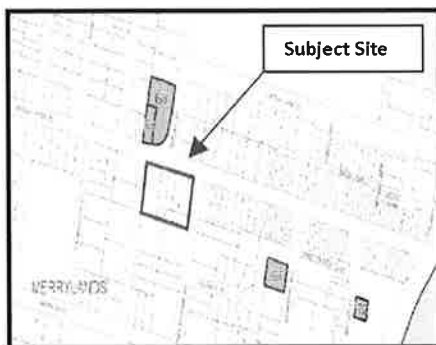
- To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level.
- To encourage the development and expansion of business activities that will strengthen the economy and employment of the Merrylands town centre.

The proposed development provides a mix use building that will provide a gateway building that marks an entry to the western section of Merrylands Town Centre. Furthermore, the development will contribute towards providing additional business and alternative residential accommodation opportunities whilst promoting pedestrian activation at the street level. The site is well located and is situated within proximity to essential services, public transportation and recreation opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Holroyd Local Environmental Plan 2013 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	B4 – Mixed Use	A mixed commercial and residential premise is permissible with Council consent in the B4 – Mixed Use zone.	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	<p>The development application is consistent with the zone objectives, in that the proposal will increase additional commercial opportunities by providing high quality commercial space within the town centre.</p> <p>The site as it is currently exists is under utilised in terms of its potential. The proposal will appropriately fulfil the subject site's zoning potential.</p> <p>Furthermore, the proposal will contribute towards maximising public transport patronage and will encourage walking as it is located within Merrylands town centre and within walking distance to major public transport hubs such as Merrylands Train Station and Merrylands Bus Interchange.</p>	YES
2.6	Subdivision – Consent Requirements	Council consent is sought for the strata subdivision of the proposal.	YES

2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	YES
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size	Holroyd Local Environmental Plan 2013 Lot Size Map Sheet LSZ_009 indicated that there are no minimum lot size requirements for the subject site. The development proposes the amalgamation of Lot 8 Section 1 DP 752, Lots 1A, 2A, 3A DP 315369 & Lot 41 & 42 DP 1005784 and will have a total area of 5,480m ² . Complies.	YES
4.3	Height of Buildings: 29m	A maximum building height of 29m is identified for the site under Holroyd Local Environmental Plan 2013 Height of Buildings Map Sheet HOB_009. As shown on the attached plans the maximum height to the lift overruns and the corner light well pop up element exceeds the maximum building height control. The maximum building height, at the worse affected point is 32.2m, which equates to a 10% variation to the control. Given that no part of the habitable floors of the building exceed the maximum building height the extent of variation is considered acceptable. See Clause 4.6 variation at Annexure 1 for further detail.	YES
4.4	Floor Space Ratio: 4:1	A maximum floor space ratio of 4:1 is identified for the site under Holroyd Local Environmental Plan 2013 Floor Space Ratio Map Sheet FSR_009. The extent of floor space for each use is as follows: 2,572m ² commercial and 12,604m ² residential, with the residential component equating to 2.3:1 and complying with the FSR limit on residential accommodation on the site. The total FSR is 2.8:1 which is much less than the maximum 4:1 permitted under the LEP.	YES

Part 5 Miscellaneous Provisions			
5.9	Preservation of Trees or Vegetation	<p>The majority of the subject site is substantially clear and is within a well established commercial area, having historically been used for commercial purposes. The subject site does not contain any significant trees or vegetation.</p> <p>This application seeks Council consent for the removal of trees on site as identified in the attached plans. Extensive landscape embellishment is to be undertaken. The landscape treatment also seeks to soften the built form and integrate with the development and the site's context. See Landscape Plan for detail.</p>	YES
5.10	Heritage Conservation	<p>There are no heritage items located within the subject site, however as addressed previously there are two (2) items to the north-west.</p>  <p>As outlined previously in this SEE the proposal will permit the subject site to develop to its zoning potential whilst minimising impacts upon the heritage items.</p>	YES
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	The subject site is not identified as being affected Acid Sulfate Soils. Not applicable.	N/A
6.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have	YES

		<p>minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area- see flood report prepared by Cardno.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
6.3	Essential Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	
6.4	Flood Planning	The subject is identified as being flooding affected lands. Appropriate measures such as elevating the proposed buildings have been undertaken in accordance with the recommendations of the Cardno Report that accompanies the DA submission.	YES
6.5	Terrestrial Biodiversity	The subject site is not identified as containing Biodiversity Land under Holroyd Local Environmental Plan 2013. Not applicable.	N/A
6.6	Riparian Land and Watercourses	The subject site contains an artificial waterway and the proposal provides for landscape plantings to soften the appearance of the channel without affecting the flood characteristics of the site.	YES

6.7	Stormwater Management	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. See attached Stormwater Management Plan for detail.</p>	YES
6.8	Salinity	<p>The subject site has been identified as being affected by moderate salinity potential. Given the nature of the proposal detailed measures to mitigate salinity impacts will be prepared prior to the issue of a Construction Certificate and it is anticipated that conditions of consent will reinforce this.</p>	YES

Holroyd Development Control Plan 2013

All relevant Council controls have been considered in the following compliance table, noting that the Commercial Controls are not addressed in detail given the proposal is for a mixed-use development in the Merrylands Town Centre and therefore the Part A and Part M controls are of most relevance.

Holroyd Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	Controls	Comment	Complies
3. Car Parking			
3.	<p>Minimum Parking Spaces:</p> <p>Dwellings in B4 Mix Use Zone:</p> <p>1 bedroom unit: 0.8 = 12.8 2 & 3 bedroom unit: 1= 130 = 142.8</p> <p>Visitor/dwelling: 0.2/dwelling = 29.2</p> <p>Commercial in B4 Mix Use Zone:</p> <p>1 space per 50m² = 44.74</p> <p>Total= 218 required.</p>	<p>The development proposes the construction of a nine (9) storey mixed use development with:</p> <ul style="list-style-type: none"> • 2,237m² of commercial space (NLA); • 16 x 1 bedroom apartments • 118 x 2 bedroom apartments • 12 x 3 bedroom apartments <p>As per the DCP , for dwelling within the B4 Mix Use Zone, 1 space must be provided for every 50m² of gross commercial floor, 0.8 space for every 1 bedroom unit and 1 to be provided for every 2 or 3 bedroom unit. Additionally 0.2 spaces are to be provided per dwelling for visitor parking. Taking into account this requirement a minimum of 218 car parking spaces are to be provided on site.</p> <p>The development proposes the provision of 246 carparking space within the two level of basement including 30 accessible car parking spaces and 11 at grade car parking spaces including 3 loading bay spaces and as such complies with Council car parking controls. The proposal also provides one car wash bay within Basement Level 2.</p> <p>The car parking area for the proposed mix use building will be serviced via a driveway/ramp that will be accessible from Burford Street where as the driveway for the proposed two storey stand alone commercial building will be accessible via Addlestone Road.</p>	YES

		<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking area and ancillary driveways will not contribute to the creation of traffic hazards.</p> <p>The proposal provides 54 bicycle parking space and 10 motorbike parking spaces within the two basement levels. The extent of bicycle parking provided, whilst non-compliant with the DCP, is considered appropriate within a Town Centre context as residents are less likely to cycle to local shops and facilities and the railway station given they are within walking distance (400m) of the site. Therefore the extent of bicycle parking provided is considered sufficient in a Town Centre context.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.</p> <p>Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site. See attached plans for detail.</p>	
3.2	Parking Design Guidelines	<p><u>External Appearance:</u></p> <p>Landscaping along the sites southern boundary is provided to soften the impact of the car parking driveway from adjoining properties.</p>	YES
3.3	Dimensions and Guidelines	Proposed dimensions for car parking spaces, including motor cycle parking are consistent with Council control. See plan for detail.	YES
3.5	Access, Manoeuvring and Layout	See traffic report for further detail on this aspect.	YES

3.6.	Parking for the Disabled	The proposal provides 30 disable car parking spaces and complies with Council's car parking dimensions for car parking spaces for the disable. Complies.	YES
4. Tree and Landscape Works			
4.1	Preservation of Trees	The subject site is substantially clear and is within a well established commercial area, having historically been used for urban purposes. Council consent is sought for the removal of a number of trees as shown on the submitted plans. The proposal provides landscaping embellishment work that will improve and enhance the subject site than what currently exists. The landscape treatment also seeks to soften the built form and integrate with the development and the site's context.	YES
5. Biodiversity			
		The proposed development will not impact on any significant flora and fauna. It is noted that the proposal is for the erection of a mixed commercial and residential building within the edge of the commercial centre. It is noted that the site has previously been used for commercial purposes and is substantially clear. The development proposes appropriate open space and landscaped areas undertaken in accordance with Council controls.	YES
6. Soil Management			
6.1	Cut & Fill and Retaining Walls	The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area and addresses the flood affectation of the site. It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties.	YES

		The fill works associated with the development is not to be undertaken over the stormwater easement/drainage channel that runs through the site.	
6.2	Site Contamination and Land Filling	<p>A preliminary site investigation is being prepared to address any potential contamination on the site.</p> <p>If any contaminated material or suspected material is unearthed during the construction process then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	YES
6.3	Erosion and Sediment Control	Appropriate measures will be undertaken during the construction and construction phase of the development application to ensure that all soil materials will be contained on the site.	YES
6.4	Erosion and Sediment Control Plan	An Erosion and Sediment Control Plan is attached as part of this application.	YES
6.5	Salinity Management	The subject site has been identified by Council's Salinity Map - Sheet SAL 009 to have moderate salinity potential. Detailed will be submitted at CC stage addressing the impact of salinity on building materials.	YES
7. Stormwater Management			
		The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. See attached Stormwater Management Plan for detail.	YES

8. Flood Prone Land			
		The subject site is located within flood prone land. Appropriate flood mitigation strategies have been implemented as per the information contained within the flood report prepared by Cardno.	YES
9. Managing External Road Noise and Vibration			
		A acoustic report has been prepared by Rodney Stevens Acoustics detailing that the development will comply with relevant noise criteria.	YES
10. Safety and Security			
		<p>The proposed development incorporates an active façade and provides public open space that will permit casual surveillance of Merrylands Road, Addlestone Road and Burford Street.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>Appropriate lighting will be provided to the lobby and communal areas and access to the residential component of the development will be security controlled.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	YES


11. Waste Management			
11	Site Waste Minimisation and Management Plan	A Waste Management Plan is submitted as part of the Development Application.	YES
12. Services			
		Adequate services are available to the development.	YES
Holroyd Development Control Plan 2013 – Part B Residential Controls Compliance Table			
Clause	Controls	Comment	Complies
1. General Residential Controls			
1.1	Building Materials	The building materials will be consistent with other mix use development within the locality.	YES
1.2	Fences	Proposed fencing is to be consistent with the character and style of the proposal. The proposed fencing is compliant with Council controls. See attached plans for detail.	YES
1.3	Views	The proposal is not located within a significant view corridor. Not applicable.	YES
1.4	Privacy	<p>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. This includes the siting/internal layout of dwellings, location/size of windows, location/size of balconies, proposed building materials as well as the incorporation of other elements including setbacks and screening.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p> <p>See acoustic report for detail.</p>	YES
1.5	Landscaping and Open Space.	Proposed landscaping is appropriate on site and is consistent with established landscaping in the area. The proposed landscaping will positively contribute to	YES- noting commercial zone.

		<p>the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development. The proposed landscaping and open space areas will provide for a range of passive and active recreational activities and will contribute to a high level of residential amenity on site.</p> <p>Appropriate landscaped embellishment works and common open space area are proposed within the southern section of the site. Furthermore, between the sites southern boundaries and access driveway, landscape strips of 1 meter or more is provided to minimise the visual impact of the hard surface upon adjoining properties to the south. See landscaping plan for detail.</p> <p>The proposed development incorporates open space and landscaped areas that are consistent with and achieve the objectives of Council controls and will permit stormwater penetration, minimising run off from the site.</p> <p><u>Private Open Space</u></p> <p>The proposal incorporates appropriate private open space for each dwelling with direct access from a main living area of the dwelling. Majority of balconies have good solar access and provide space for external clothes drying. It is noted that in excess of 10m² is provided for each dwelling as private open space.</p> <p>Private balcony areas are sufficiently separated from adjoining properties to mitigate privacy impacts and appropriate measures such as incorporating privacy screens, planter boxes or providing highlight windows to minimise overlooking opportunities.</p>	
--	--	---	--

1.6.	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of Merrylands Road, Addlestone Road and Burford Street as well as common open space areas of the proposal.</p> <p>The proposed retail space on ground floor will encourage pedestrian activity whilst the proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	YES
1.7	Building and Site Sustainability	<p>The proposal is accompanied by a complying BASIX certificate demonstrating a commitment to energy efficiency and water conservation.</p> <p>The dwellings adopt passive solar design principles through the orientation of the majority of living and private open space areas in a</p>	YES

		<p>northerly direction as well as ensuring natural ventilation can also be provided. The proposed landscaping will positively contribute towards softening the impact of the development and permit stormwater penetration, minimising run off from the site.</p>	
1.8	<p>Sunlight Access</p> <p>Living rooms and private open space for at least 70% of dwelling shall receive a minimum of 3 hours of direct sunlight.</p> <p>A minimum of 50% of the required private open space areas and any adjacent dwellings shall have access to 3 hours of direct sunlight.</p>	<p>The proposed mixed use building has been designed to reduce the potential for overshadowing of neighbouring properties. It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached plans.</p> <p>The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings, noting the proposal provides 70% of units with 3 hours of solar access and 66% are cross-ventilated.</p> <p>The subject site has a north/south orientation and where appropriate, the majority of the dwelling's living areas, major windows and outdoor recreation areas oriented to maximise northern exposure.</p> <p>It is highlighted that the development application is accompanied by a design verification statement prepared by IDraft verifying that they have directed and designed the proposal, and that the design quality principles set out in Part 2 of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development are achieved.</p> <p>It is considered that the proposal will provide a high standard of residential amenity for future residents that is designed to increase energy efficiency and that will have minimal adverse environmental impacts.</p>	YES

1.9	Easement and Overland Flow Paths	A stormwater drainage runs through the site. The proposal will not result in any building, structures to be erected over the existing stormwater drainage and a flood report has been prepared by Cardno detailing flood impacts.	YES
1.10	Cut and Fill	The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area. It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties.	YES
1.11	Demolition	Demolition will be undertaken in compliance with Council controls.	YES
1.12	Car Parking and Roads	<p><u>Vehicular Access and Driveways</u></p> <p>The car parking area for the mix use building will be serviced via a driveway that will be accessible from Burford Street and the proposed stand alone Retail buildings will be serviced via a driveway, accessible from Addlestone Road. A 1.5m landscaped strip provides sufficient buffer between the driveway and property boundary to the south.</p> <p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The driveway and basement parking arrangement permits vehicular to drive onto and off the subject site in a forward direction.</p> <p>It is considered that the proposal provides an appropriate outcome on site that provides adequate parking</p>	YES

		<p>arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p> <p><u>Basement Parking</u></p> <p>The mix use building provides parking within two basement levels that is compliant with the Australian Standard for Driveway gradients and BCA for Ventilation and accessibility.</p> <p>The proposed basement car parking arrangement is to be appropriately integrated into the proposal and is consistent with existing, surrounding development. It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p>	
Holroyd Development Control Plan 2013 – Part M Merrylands Town Centre Compliance Table			
Clause	Controls	Comment	Complies
4. Building Envelope			
4.1	Site amalgamation and Minimum Frontage	<p>The proposal proposed the amalgamation of Lot 8 Section 1 DP 752, Lots 1A, 2A, 3A DP 315369 & Lot 41 & 42 DP 1005784, in accordance with Figure 5 below.</p>  <p>The subject site has a side width of</p>	YES

		<p>greater than 32m and as such is permitted to have a maximum of 20 storeys, however the LEP prescribes maximum height of 29m that is much less than the permitted 20 storeys under the DCP.</p> <p>The DCP had identified that the southern section of the site is to be converted into an accessway to link Burford Street with Addlestone Road (subject to Sydney Water consideration). The development proposal will not interfere or prevent the provision of said accessway.</p>	
4.2	Building and Ceiling Height	<p>The minimum ceiling height on the ground floor of the proposed mix use building and ground floor of the stand alone commercial building is 3.5m, with the minimum ceiling height of the second floor of the stand alone commercial building at 3.3m and ceiling height of all other floors at 2.7m.</p> <p>The table in the DCP identifies an 8 storey building where there is a 29m height control and the proposal involves 9 storeys and does not comply. However as discussed in the Clause 4.6 variation the habitable floors of the building are located wholly below the maximum building height and the extent of non-compliance is limited to the lift overruns and parts of the upper level parapets as shown the section plans. For the reasons contained within the Clause 4.6 variation the variation to the maximum permitted storey control is considered acceptable in the context of the site and also noting that the proposal presents a built form with much less floor space than that permitted by the FSR control contained within the LEP.</p>	Variation to Storey Control
4.3	Street Setbacks, Road Widening and Street Frontage Height	The proposal provides a street setback of 0m and as such is compliant with DCP setback provisions (noting 500mm land dedication to Council). The proposal has	YES

		<p>incorporated the 0.5m road widening along Merrylands Road in its design and the proposal is consistent with the zero line setback envisaged with the first 3 storeys of the building.</p> <p>The proposal complies with the 3 storey street wall height Street wall height of building shall be 3 storeys, with a minimum height of 11m and maximum height of 14m.</p> <p>Upper levels (above street wall) are setback 4m to provide a street wall and lighter top to the building. The minor variation to the upper most level is considered acceptable given the strong presentation to the street and the limited benefit in providing an additional 1m setback at the upper most level and the consistency of the development with the underlying objectives of the control (to present an appropriate 'human scale') at the street front.</p> <p>Awnings do not project beyond 3m from building line. Complies.</p>	
4.4	Building Depth and Length	<p>Maximum permissible building plan depth for residential accommodation is 18m and maximum permissible building envelope depth for residential accommodation is 22m. The proposal incorporates a 16m-20m plan depth that aligns with the intent of the control to provide appropriate amenity to units noting compliance with the RFDC in relation to solar access and ventilation.</p> <p>The maximum building envelope depth of 22m is complied with to the upper levels however the first 3 floors marginally exceed the control given the additional balcony depths provided. Given these areas are not enclosed and don't contribute to bulk and scale and actually improve amenity the minor variation is considered acceptable when considering the built form outcome and</p>	YES

		<p>when considering consistency with the RFDC.</p> <p>The majority of units within the proposed mixed use building comprise of dual aspect apartments/corner apartments of double height units.</p>	
4.5	Setbacks and Separation	<p>Proposal provides a continuous built edge up to the 3rd storey.</p> <p>Proposal provides a rear setback of 8m-16m and aligns with the control.</p> <p>The proposal provides setback to secondary street of 4m that complies with the control. The minor encroachment to the 6m required at the top floor is considered appropriate given the overall height of the development and the appropriate bulk and scale exhibited from street level.</p>	YES
4.6	Active Frontages, Street Address and Building Use	<p>The proposal will provide active frontages with commercial/retail space and a forecourt seating area along Merrylands Road.</p> <p>70% of the street front elevations are glazed to provide good activation and appropriate entry points are provided.</p> <p>Pedestrian and residential access is provided by a series of access spines that enable access to any of the three (3) street frontages.</p> <p>Only retail and commercial uses are provided on the ground floor and the height of the first floor enables future conversion to commercial uses as there is limited demand for commercial floor space in the current market. Given the proposal will not prejudice future conversion of the space to office suites the provision of residential uses at the first floor is considered appropriate.</p>	YES
4.7	Landscaping and Open Space	Planting and landscaping is compliant	YES

		<p>with Council's Landscape Masterplan. See landscaping plans for detail.</p> <p><u>Deep Soil Zones</u></p> <p>Figure 4 does not nominate required deep soil plantings, with the required landscaping being 'planting on structures' which the proposal provides as well as additional street tree plantings.</p> <p>The proposal incorporates a series of roof gardens as detailed on the submitted landscape plans.</p>	
6. Movement			
6.1	Rear Laneways and Private Accessways	<p>The proposal has incorporated the proposed accessway at the rear of the site which enables future connectivity should Sydney Water permit enclosure of the stormwater channel in the future.</p> <p>Vehicular access to the proposed mix use building is via Burford Street and access to the stand alone two storey commercial building via Addlestone Road, ensuring that vehicular access is not provided from Merrylands Road. This will minimise traffic impacts of the proposed development.</p> <p>The proposal provides a pedestrian accessway via Burford Street that permits access into the commercial components and residential component of the proposed mixed use building.</p>	YES
6.2	Pedestrian Access	<p>The proposal has incorporated potential for the future access way.</p> <p>The developments comply with Disability (Access to buildings - Premises - Building) Standards 2010.</p> <p>The proposal provides direct unimpeded access from the two basement car parking levels to all residential units and commercial uses</p>	YES

		<p>within the proposed mix use building. The proposal also provides direct unimpeded access from its at grade parking to the stand alone two storey commercial building.</p> <p>The main building entry point via Merrylands Road is visible, well lit and enhanced via building design and treatment.</p>	
6.3	Vehicle Access	<p>The car parking area for the proposed mixed use building will be serviced via a driveway/ramp that will be accessible from Burford Street and the driveway for the stand alone two storey mix use building provided from Addlestone Road.</p> <p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposed basement car parking arrangement is to be appropriately integrated into the proposal and is consistent with existing, surrounding development.</p> <p>It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p> <p>Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site. See attached plans for detail.</p>	YES
6.4	Parking	Proposal is compliant with the parking	YES

		<p>rates under the DCP noting variation to the bicycle parking requirements that is considered acceptable when considering the site is walkable to all essential services and public transport.</p> <p>The majority of the parking is to be provided within two levels of basement. The proposed stand alone two storey commercial building is to provide parking at-grade. This is considered appropriate as parking area is to be adequately screened.</p>	
7. Design and Building Amenity			
7.1	Laneway and Arcade Design	The proposal will provide activation at street level via providing commercial/retail space along its frontages to Merrylands Road, Burford Street and Addlestone Road.	YES
7.2	Managing External Noise Vibration	An acoustic report has been prepared and is submitted as part of the development application indicating that the residential units will comply with relevant acoustic criteria.	YES
7.3	Awnings	Awnings are compliant with Council controls.	YES
7.4	<p>Apartment Layout</p> <p>Depth of single aspect apartment – 8 metres.</p> <p>Back of the kitchen not more than 8 metres from a window.</p> <p>Apartment sizes:</p> <p>1 bed 50m² 2 bed 70m² 3 bed 95m²</p>	<p>No residential units are more than 8m from the glassline.</p> <p>Single aspect units are up to 8m.</p> <p>All kitchens are no more than 8m from the main window.</p> <p>All proposed units comply with the minimum unit size requirements. with single aspect units</p>	YES
7.5	Corner Buildings	The proposed mix use building is located on a corner site and has been designed to address each street frontage with an attractive facade. The corners are given visual prominence	YES

		through the use of facades and changes in the building articulation, materials and colours.	
8. Environmental			
8.1	Flood and Stormwater Management	<p>The subject is identified as being flooding affected lands. The basement car parking entrances and basement vents are located 1500mm above 100-year ARI flood levels. Further, to mitigate potential flood impacts, ramps are 1500mm above the 100-year ARI flood levels.</p> <p><u>Commercial and Retail</u></p> <p>Flood proofing has been undertaken for retail space fronting Merrylands Road.</p> <p><u>Stormwater</u></p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>See flood report for further detail.</p>	YES
9.1	Public Art	The proposal provides appropriate opportunities to provide public art in the seating/forecourt area fronting Merrylands Road. It is considered that this matter could be conditioned as part of any consent.	YES



5. Conclusion

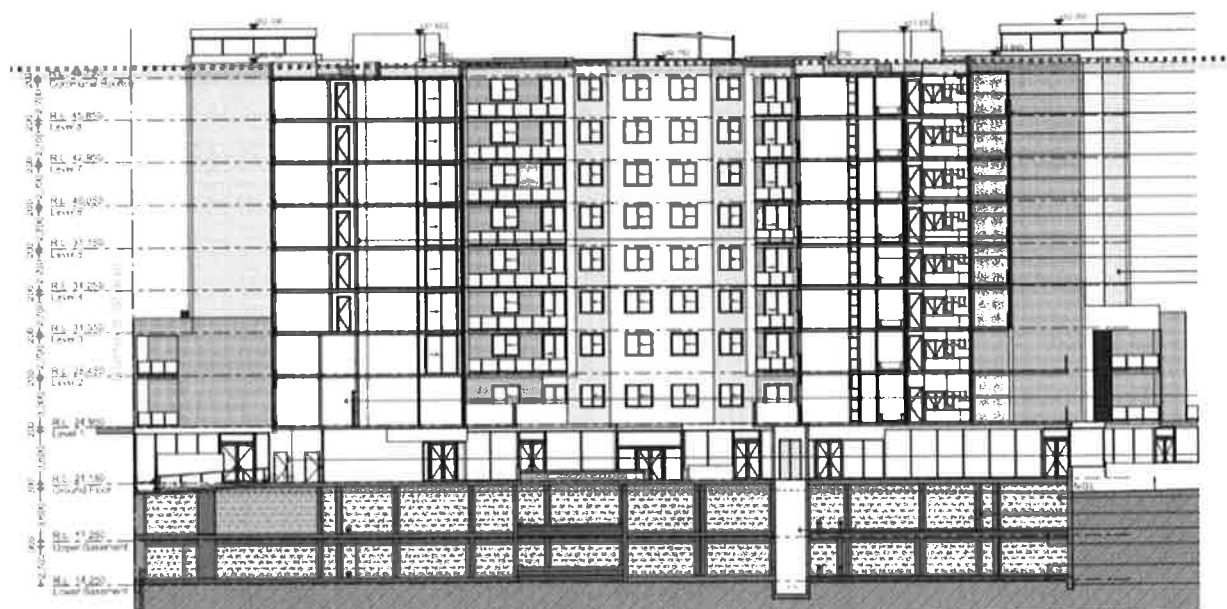
Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

Annexure 1: Clause 4.6 Variation

The development proposal adopts a 9 storey building form that incorporates a maximum building height of 32.2m at the worst affected point. This equates to a 3.2m departure from the maximum permitted height of 29m and an approximate 10% variation to the control. Extracts from the sections are provided below to demonstrate the height line and extent of non-compliance. As shown on the plans the variations apply to the lift overruns, pop-up light well element, as well as a portion of the parapet element to the roof. It is noted that there are no habitable floors located above the maximum permitted building height.



The non-compliance is generated, in part, from the increased floor to ceiling heights at the lower level and also through the provision of the communal open space on the roof that necessitates lift access, noting the lifts are recessed from the perimeter of the building to ensure they are not visible from street level. The pop-up void element is essentially an architectural roof feature that enhances the design and provides for an element of visual interest.

The relevant provisions of Clause 4.6 of the LEP are addressed below in order to permit Council to vary the LEP requirement in these unique circumstances.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the height of buildings development standard are stated as:

(1) The objectives of this clause are as follows:

- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
- (b) to ensure development is consistent with the landform,*
- (c) to provide appropriate scales and intensities of development through height controls.*

The current development proposal is consistent with the above objectives and is considered to be appropriate on environmental planning grounds based on the following:

- A fundamental component of the proposal is ensuring that the proposal provides an appropriate transition between the B4 land and the adjoining R4 land, with the current design providing an 8m-16m separation to the south to ensure that a transition of scale is achieved and that privacy impacts and overshadowing impacts are mitigated. Given the level of separation proposed there will be unreasonable privacy impacts to adjoining properties and the shadow analysis submitted indicates that the level of overshadowing to the residential flat buildings is acceptable.
- A series of photomontages have been prepared, some of which are reproduced below, to demonstrate the contextual fit of the development. The montages, and submitted architectural plans, demonstrate the building presents an appropriate bulk and scale commensurate with the size and scale of the site. As addressed previously there are no habitable floor levels located above the building height line which indicates that the non-compliance with the height control does not contribute in any discernible way to the overall bulk and scale of the building- with the non-compliances limited to services areas and a portion of the roof form itself.
- A compliant built form, through removal of communal open space (and hence lift overruns) and the feature roofing element, would reduce amenity for residents and result in a building with less architectural merit. In addition the extent of variation is

likely to be imperceptible as compared to a fully compliant building to the naked eye from public areas;

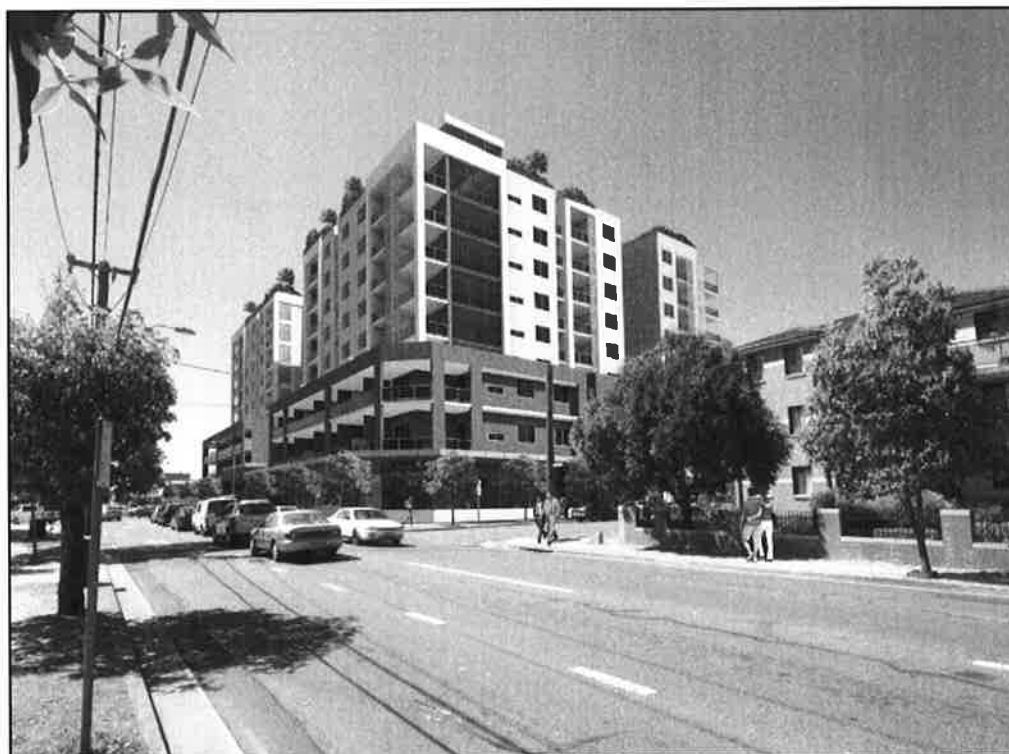
- The development site is constrained by flooding which has necessitated an increase to the natural ground level to provide an adequate freeboard that effectively increases the height of the building to ensure that flood waters cannot enter the building;
- The proposal has been designed to comply with the maximum permitted FSR on the site and also complies with key controls pertaining to setbacks, open space, and car parking which indicates an appropriate scale of development on the site;
- The proposal will not obstruct existing view corridors;

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Photomontage extract: Merrylands Road



Photomontage extract: Merrylands Road



Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the height control. In addition the proposal is consistent with the objectives of the zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within a high-density urban centre context. The development site is in close proximity to public transport and existing facilities. The design concept recognises the key site attributes and provides for an attractive built form that relates to the existing and future site context.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the highly unique site attributes that are not replicated in any meaningful way elsewhere Merrylands Town Centre; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the proposal is responding to the unique site attributes to provide an appropriate transition between the B4 and R4 land and addressing the flooding constraints. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality in the context of the current planning controls, which is characterised by residential and mixed-use development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.