

## Statement of Environmental Effects

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DEMOLITION OF EXISTING STRUCTURES INCLUDING REMOVAL OF ALL EXISTING TREES, AND THE CONSTRUCTION OF A 4-19 STOREY MIXED USE DEVELOPMENT CONTAINING 2408M<sup>2</sup> OF COMMERCIAL SPACE, 355 RESIDENTIAL UNITS, AND BASEMENT PARKING FOR 464 VEHICLES AT 224-240 PITT STREET AND 4 TERMINAL PLACE, MERRYLANDS.



**Prepared by:** Think Planners Pty Ltd

**Document Date:** 28 May 2015

**LGA:** Holroyd Council

**Consent Authority:** Sydney West JRPP



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## QUALITY ASSURANCE

**PROJECT:** Statement of Environmental Effects– Mixed Use Development  
**ADDRESS:** 224-240 Pitt Street and 4 Terminal Place, Merrylands  
**COUNCIL:** Holroyd City Council  
**CONSENT AUTHORITY:** Joint Regional Planning Panel: Works over \$20million (\$82.95m)  
**AUTHOR:** Think Planners Pty Ltd  
**ARCHITECT:** Tony Caro Architecture

Date	Purpose of Issue	Rev	Reviewed	Authorised
26 May 2015	Draft Issue for Comment	Draft	JW/AB	JW/AB
28 May 2015	DA Lodgement Issue	Final	JW/AB	AB

<b>Integrated Development (under S91 of the EP&amp;A Act). Does the development require approvals under any of the following legislation?</b>	
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
<b>Concurrence</b>	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP 71 – Coastal Protection	No
SEPP (Infrastructure) 2007	Yes <sup>2</sup>
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

<sup>2</sup> Proposal involves more than 200 parking spaces and requires Concurrence.

## Executive Summary

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures including removal of trees, and the construction of a 4-19 storey mixed use development containing 2408m<sup>2</sup> of commercial space, 355 residential units, and basement parking for 464 vehicles at 224-240 Pitt Street and 4 Terminal Place, Merrylands.

The proposal has the following dwelling mix:

- 84 x 1 bedroom units;
- 245 x 2 bedroom units; and
- 26 x 3 bedroom units.

The site is located within the Neil Street Precinct, with this development application relating to the Rositano Furniture site, nominated as Block 3 under the Neil Street Precinct DCP. Detailed planning across the broader precinct has been undertaken however resolution on flooding and drainage matters is being explored to enable further progression of development elsewhere within the precinct. Future development applications will be submitted for infrastructure works and future development across the broader site upon further resolution of these matters.

The broader site is approximately 1.5Ha in size, noting that the Neil Street Precinct serves to form a series of key sites within the broader precinct that do not necessarily correlate with the existing property boundaries. The subject site is 5162m<sup>2</sup> after taking into account the road locations and the identification of the site within Block 3 of the Neil Street Precinct DCP.

A key component of the current proposal relates to the 'massaging' of the DCP envelopes contained within the DCP, with the proposal reducing the height of northern perimeter building to 5 storeys in order to maximise natural light into the central green space and to enhance amenity for the residential units on the southern and eastern edges of the building. To offset the reduction in height along the northern portion of the site (known as Building C) the tower element fronting Pitt Street (known as Building A) has been increased in height to 19 storeys and the building fronting Terminal Place (known as Building B) has also been increased to 14 storeys. The manipulation of the building heights permits much improved amenity across the entire development and while it does result in height breaches of up to 6.5m (12.3%) the proposal continues to meet the FSR control applying to the site (6.45:1 vs. 6.5:1 control) which ensures the proposal incorporates a suitable density and that the height breach presents a better outcome on the site as compared to strict compliance with the height control.

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.



## Site & Locality Description

The subject site is known as 224-240 Pitt Street and 4 Terminal Place, Merrylands. It is proposed to demolish existing structures on site in order to erect a 4-19 storey mixed use development. Located within Neil Street Precinct and heart of the Merrylands Town Centre the allotment is a significant landholding within 200m of the Merrylands Railway Station.

The broader site is approximately 1.5Ha in size, noting that the Neil Street Precinct serves to form a series of key sites within the broader precinct that do not necessarily correlate with the existing property boundaries. The subject site is 5162m<sup>2</sup> in area with frontage to Pitt Street, Gladstone Street, and Terminal Place. The site is cut along the eastern boundary by a future road envisaged by the Neil Street Precinct DCP.

The site is going to play an important role in establishing the prominence of Merrylands Town Centre and provide a gateway building into the Town Centre for people accessing the CBD from the north. The site is within walking distance to public transport and services within Merrylands Town Centre, being approximately 200m north west of the Merrylands Railway Station and bus interchange. The aerial extract and photographs of the locality provide context to the development site, noting that the current proposal only relates to the western portion of the site as reflected in Image 2.



Image 1: Aerial Map of Subject Site



**Image 2: Context Plan and Works Area**

The image over the page shows the Neil Street Precinct Extract contained in the Merrylands Town Centre DCP to give context to future development on the site and the relationship to future roads and surrounding development.



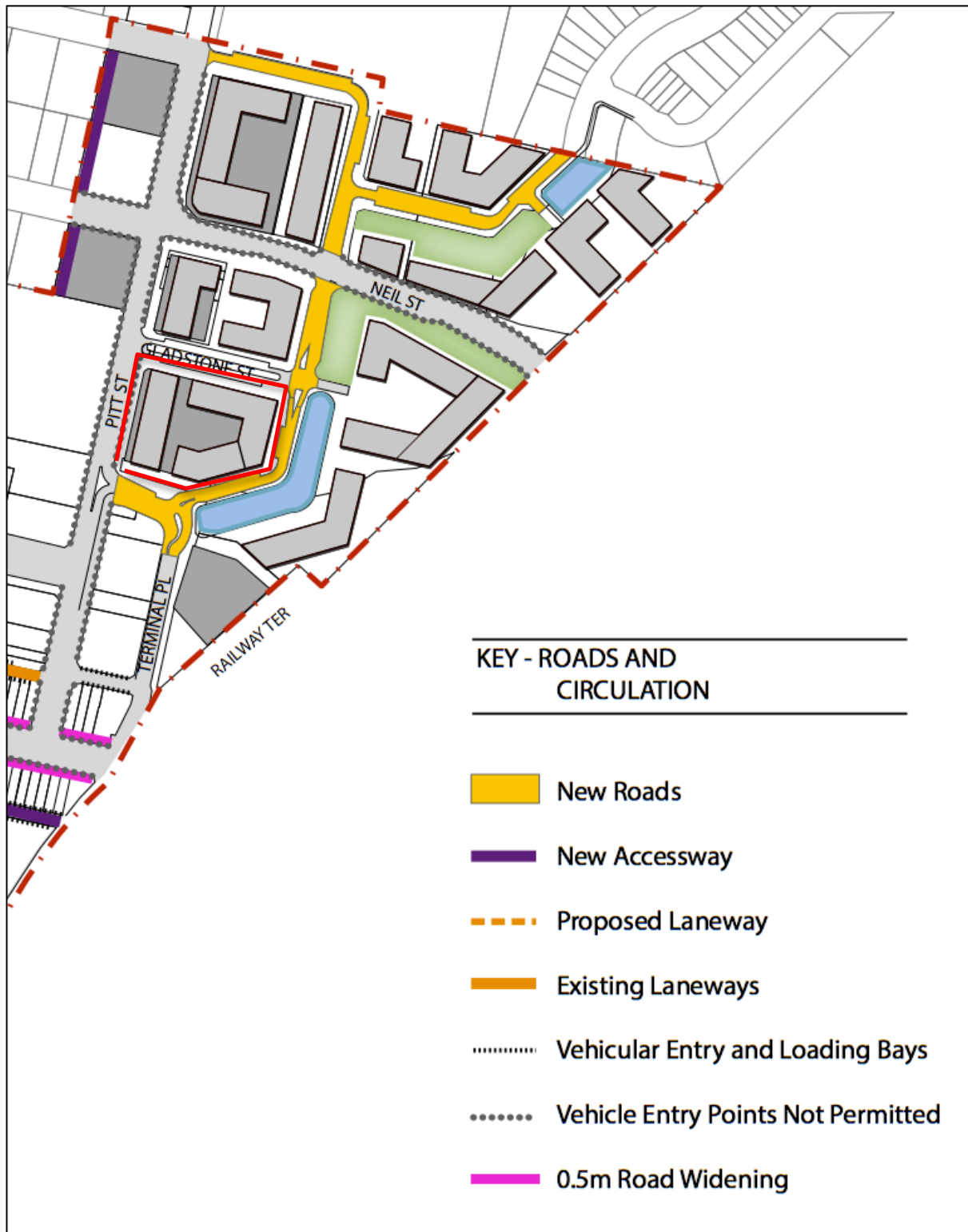


Image 3: DCP Extract Showing Site Location

The site, and Neil Street Precinct in general, is a gateway to the heart of the Merrylands Town Centre and the subject site features a key tower building anticipated to reside within the central part of the Town Centre.

The Sydney Metropolitan Strategy supports higher density residential development in strategic locations to accommodate future population growth, and Holroyd City Council has zoned the subject site as B4 – Mixed Use and R4 High Density Residential, 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 Neil Street are located within close proximity to the subject site.

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 Pitt Street and Gladstone Street.



**Photograph 2:** Showing the subject site as viewed from Terminal Place.



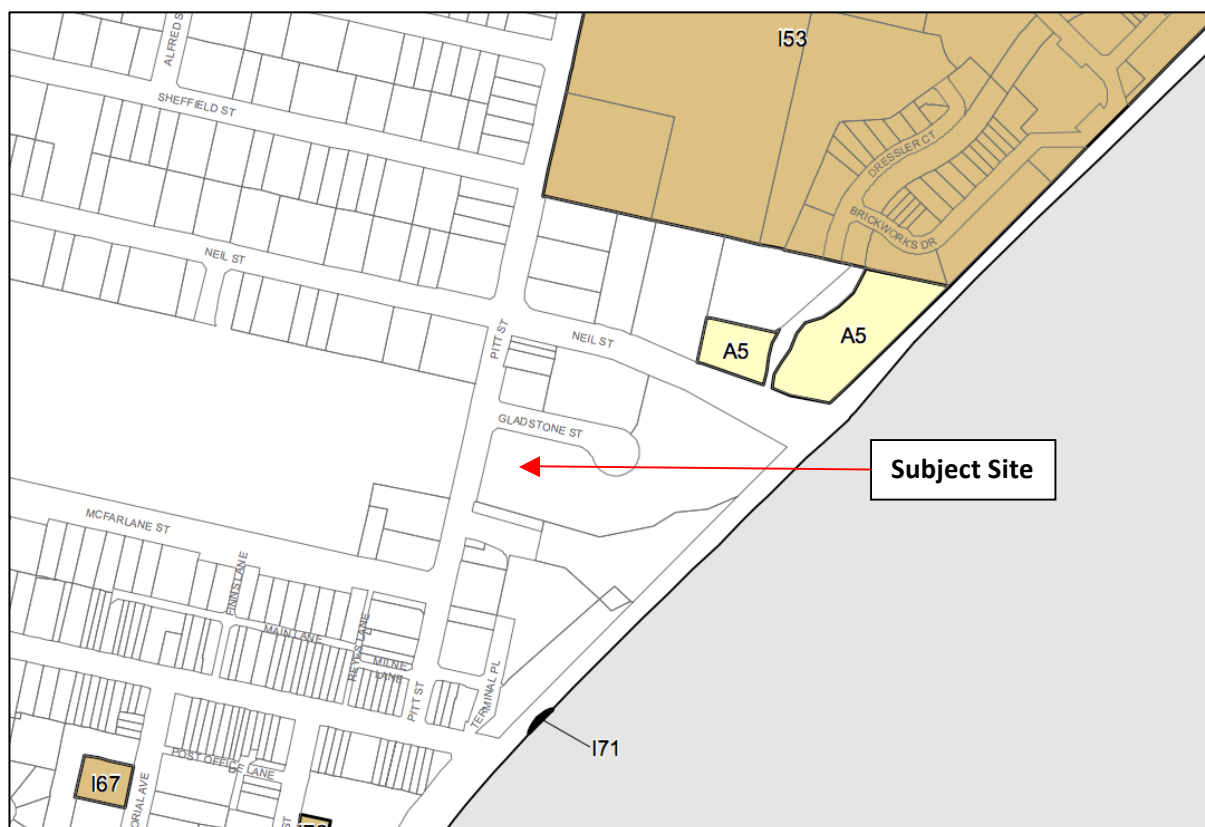
**Photograph 3:** Showing Centro Merrylands Shopping Centre, as viewed from the subject site's frontage to Pitt Street.





## Heritage

There are no heritage items located within the subject site, or in close proximity to the site. This is illustrated by Council's Heritage Map Below that shows Holroyd Gardens and a small number of heritage items located elsewhere within the Merrylands Town Centre.



**Image 4:** Heritage Map Extract

Given the physical separation of the current proposal from nearby heritage items the proposal will have no impact on the heritage significance of any heritage items.

## Flooding

The subject is identified as being flood affected land. 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 that demonstrates that the site is suitable for the proposed development.

## 1. Description of Proposal

The Development Application proposes the demolition of existing structures including removal of trees, and the construction of a 4-19 storey mixed use development containing 2408m<sup>2</sup> of commercial space, 355 residential units, and basement parking for 464 vehicles at 224-240 Pitt Street and 4 Terminal Place, Merrylands.

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

### **Unit Mix**

The development proposal incorporates the following dwelling mix:

- 84 x studio & 1 bedroom units;
- 245 x 2 bedroom units; and
- 26 x 3 bedroom units.

### **Parking**

The proposal includes a total of 464 car parking spaces within the subject site with the following breakdown:

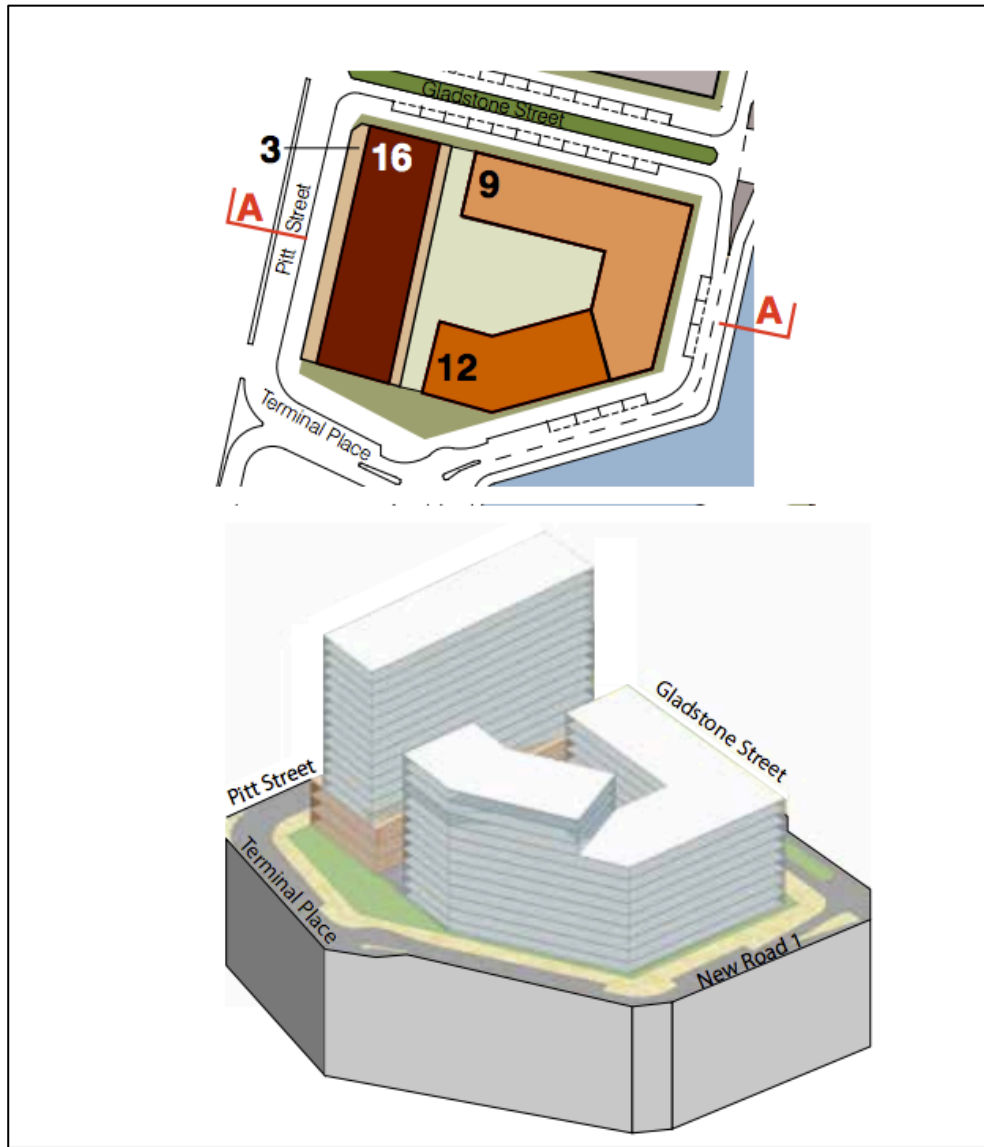
- 345 residential parking spaces;
- 48 commercial/retail spaces;
- 71 visitor parking spaces.
- 224 bicycle parking spaces;

The parking spaces also include a total of 54 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 from a temporary access road connecting to Terminal Place. No new roads are proposed to be constructed at this stage and future development applications will be submitted for these works on resolution of drainage and flooding matters.

### **Design Rationale**

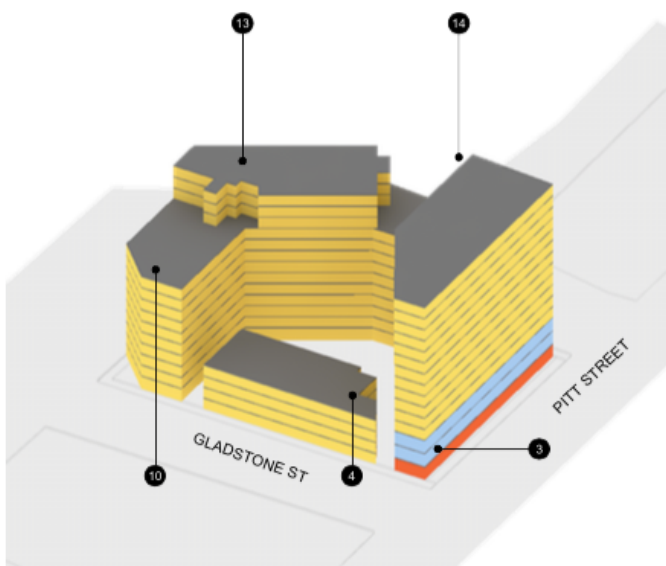
The redevelopment of the broader precinct has been subject to several months of investigations exploring development options in the context of the planning controls and site specific DCP. This has revealed the significant impact of flooding on building locations that has served to stall planning and design elsewhere in the Precinct. Therefore the intention has been to proceed with the detailed planning for 'Site C' that equates to Block 3 in the Town Centre DCP. Detailed design and analysis of the DCP envelopes has been undertaken as well as several meetings with key Council staff, including strategic planning, to discuss the refinement of the DCP envelopes. In essence the design development has identified the 9/12/16 storey approach on the site is not practical once taking into account matters such as required levels of solar access, natural ventilation, building separation and the like.

Therefore a revised 4/10/14/19 storey approach has been taken to enable compliance with SEPP 65 matters. The DCP mass modelling is shown below:

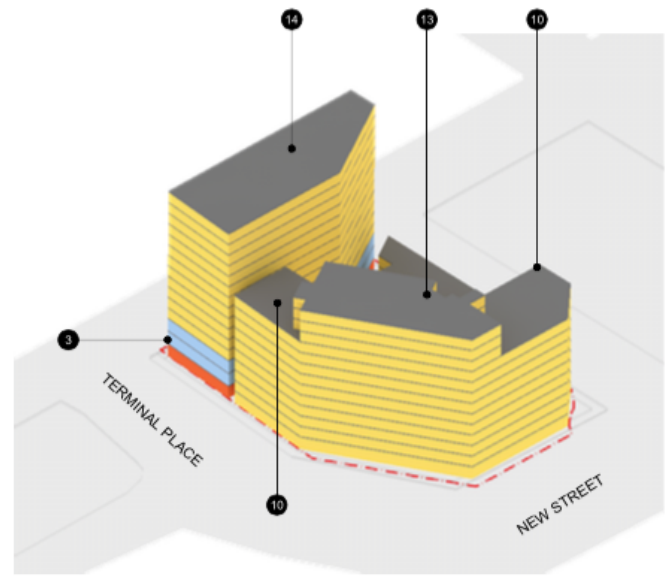


The current proposals indicative mass modelling is shown below, noting that this has been further refined on the submitted DA drawings.





VIEW A



VIEW B

It is important to note that the amendments continue to comply with the LEP FSR control however it does result in breaches of the height limits to Buildings A and B with the building on the Gladstone Street frontage being 22m below the maximum permitted building height along the northern perimeter of the building.

### **Landscape Design Elements**

#### *Interface to Street Frontages*

##### *West: Pitt Street*

Strategically located street trees and lower scale plantings are set out for ease of pedestrian movement while adding a sense of sanctuary from the adjoining road for the retail spill out areas.

##### *North: Gladstone Street*

A street tree selection will be allocated within the footpath of this quiet street as required by the Holroyd DCP. An additional planting buffer zone will be established between the path and the building façade.

##### *South and East: Terminal Place and New Street*

This will be an active, vibrant retail area with street awnings and a lively urban character. A pedestrian footpath will provide safe and accessible access to retail areas and building lobbies. A pocket park of lush low planting with some accent planting and an informal path to a passive seating area is proposed over the culvert alignment to the south. Two pad-mount substations will be accommodated in the planting.

### *Swimming Pool*

Arriving via lift at the west end of the pool terrace, residents can directly access the covered BBQ picnic area, restrooms, change facilities and the pool areas. The BBQ areas are protected by a western wall and enjoy open outlook to the north over Gladstone Street. Two picnic tables are provided and palisade fencing allows ventilation and views of the courtyard below. The pool area has surrounding lounging decks encompassed by a mix of raised planters and flush planting. A palisade pool fence provides access along the south edge to a fire stair. A long seating edge overlooks a lower planted edge and the central courtyard below. All edges to the pool terrace are planted to ensure maximum visual planting effect as seen from above. Dark palisade safety fencing is set back within the dense plantings.

### *Central Landscaped Area*

The central communal courtyard is accessible for residents via lobbies, individual ground floor unit courtyards and security controlled gates at street entry locations. The communal courtyard area is located above a one-metre soil depth, allowing very generous soil planting volumes whilst maintaining a circulation, planting and passive recreational network at the level of surrounding courtyards and paths. The area serves as a passive recreational space for residents with discreet small seating areas furnished with seating walls, precast stools and picnic tables.

A generous tree canopy floating overhead provides filtered sight lines across the courtyard. All plant species are selected for best visual and practical application including relatively low water use and minimal maintenance requirements.

The east and north facing walls of retail/commercial spaces adjacent to the central courtyard are conceived as soft, green curtain edge-walls. This is achieved via a generous raised planter area along the base of this wall supporting a vigorous flowering and climbing vine over a marine cable network extending across the full length and height of the wall surfaces. The wires can extend over the lower two residential levels, thereby extending the green wall effect around the courtyard edge.

### *Level 11 Communal Garden*

The north-eastern roof area of Building B will feature an extensive communal vegetable and herb garden area is proposed in this area, consisting of 27 plots with a 500mm raised volume of 2x2 metres area. These planting areas are complemented by an ornamental shade tree. In addition this area will include a sun-sheltered area with picnic tables, a composting area, rest room and a tool/fertilizer storage shed.

## Detailed Description of Proposal

### Block A

Block A incorporates a total of 170 residential units. The development proposal incorporates the following dwelling mix:

- 19 x Studio (44.6m<sup>2</sup>)
- 32 x 1 bedroom units (51.3m<sup>2</sup>-54.7m<sup>2</sup>);
- 102 x 2 bedroom unit (70m<sup>2</sup>-83.8m<sup>2</sup>); and
- 71 x 3 bedroom units (102.6m<sup>2</sup>).

### Block B

Block B incorporates a total of 161 residential units. The development proposal incorporates the following dwelling mix:

- 27 x 1 bedroom units (50m<sup>2</sup>-54.1m<sup>2</sup>);
- 125 x 2 bedroom unit (71.5m<sup>2</sup>-88.7m<sup>2</sup>); and
- 9 x 3 bedroom units (101.3m<sup>2</sup>).

### Block C

Block C incorporates a total of 24 residential units. The development proposal incorporates the following dwelling mix:

- 6 x 1 bedroom units (50m<sup>2</sup>); and
- 18 x 2 bedroom unit (75.5m<sup>2</sup>-86.4m<sup>2</sup>).

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

Level	Inclusions
Basement Level 5	96 car parking space including 13 accessible car parking spaces.
	50 residential bicycle parking space.
	8 x lift core.
	5 x stair well.
	Vehicular ramp to upper level
Basement Level 2-4	92 car parking space per basement level (total car parking spaces: 276) including 14 accessible car parking spaces per level (total: 42)
	54 residential bicycle parking space per basement level (total bicycle parking spaces: 162)
	8 x lift core per level.
	5 x stair wells per level.

	Vehicular ramp to lower level and ramp to upper level
Basement Level 1	90 car parking space including 2 accessible car parking spaces.
	12 commercial and retail bicycle parking spaces.
	4 x waste bin storage area.
	OSD Tank.
	Fire service water storage tank room.
	Pump/valve and sprinkler room.
	8 x lift core.
	5 x stair well.
	Vehicular ramp to lower level and ramp to ground floor.
Ground Floor:	<p>Primary pathway to the centre of the site is provided via a north-south running pathway via Gladstone Street and provides access to Lobby area for Building C, secondary access to retail tenancies, to central communal open space area, stair well and to footpath to the south western portion of the site.</p> <p>Primary access to Building A is via Pitt Street to a large lobby area providing access to residential lobby area which comprises of 3 lift cores and a commercial lobby area comprising of a lift core and stairwell.</p> <p>Primary access to Building B is via lobby area from New Work providing access to lobby areas, ground floor units and access to stair wells and lift cores</p> <p>Direct access to retail tenancies is provided from the site's multiple frontages to Pitt Street, Gladstone Street, planned pathway along the south western portion of the site and a new planned road that is to run along the site's eastern and parts of its southern boundary. New Road.</p>
	1,484.43m <sup>2</sup> of Retail Floor Space. One of the retail tenancies is provided with waste storage area.
	30.9m <sup>2</sup> of Commercial Floor Space

	Communal open space situated at the centre of the site and includes seating areas and planter boxes that permit the planting of small to medium sized trees.
	Planter boxes.
	Multi purpose room.
	Caretaker store room and WC.
	Plant room.
	Fire control room.
	Access to driveway and subsequent access ramp to basement via planned new road with service access driveway via Gladstone Street.
	Large primary garbage room with direct access to service driveway.
	Awning to wrap around the street edge of the proposed mixed use development.
	Ramp and stair access to commercial tenancies and residential lobby areas from street level.
	<b>Building A</b>
	Access to large Lobby area including ramp and stair access via Pitt Street. The lobby area provides access to a residential lobby comprising of three lift cores and a commercial lobby area comprising of a lift core and stairwell.
	<b>Building B</b>
	Access to two lobby areas via the planned new road network, with a chair lift and stairwell access to Lobby A and provides access to 2 residential units, 2 x lift core, access to stair well and waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	2 x 2 bedroom unit.
	<b>Building C</b>
	Access to lobby area from primary pathway via Gladstone Street.
	Lobby are contains access to all residential units, a lift core, stair well and a waste

	storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and private open space that are generally accessed from living areas.
	The ground floor contains the more passive areas of the cross-over units including a bedroom, bathroom and internal stairs to the first floor. It is noted that the private open space of the cross-over units are not provided on the ground floor.
	3 x 1 bedroom unit.
	8 x 2 bedroom unit.
Level 1	Waste storage area.
	<b>Building A</b>
	893.47m <sup>2</sup> of Commercial Floor Space, including waste storage area, 2 x stair well and a lift core.
	<b>Building B</b>
	Building B comprises of two separate lobby area each with 2 x waste storage area, 2 x lift core and 2 x stair well.
	Building B also provides one adaptable unit.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	3 x 1 bedroom unit with balcony.
	11 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	2 x waste storage area.
	<b>Building C</b>
	Building C comprise of lobby area providing access to a lift core and stair well.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	It is noted that the more active areas of the cross-over units is located on the first floor including balcony and internal stair well to the lower level of the cross-over unit.
	1 x 2 bedroom unit with balcony.
	Fire escape stair well.

Level 2	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony.
	2 x 1 bedroom unit with balcony.
	6 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	Waste storage area.
	<b>Building B</b>
	Building B comprises of two separate lobby area each with 2 x waste storage area, 2 x lift core and 2 x stair well.
	Building B also provides one adaptable unit.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	3 x 1 bedroom unit with balcony.
	11 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	2 x waste storage area.
	<b>Building C</b>
	Building C comprises of a lobby area providing access to a lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and private open space that are generally accessed from living areas.
	The ground floor contains the more passive areas of the cross-over units including a bedroom, bathroom and internal stairs to the first floor. It is noted that the private open space of the cross-over units are not provided on the ground floor.
	3 x 1 bedroom unit.
	8 x 2 bedroom unit.
	Waste storage area.

Levels 3	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony.
	2 x 1 bedroom unit with balcony.
	6 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	Waste storage area.
	<b>Building B</b>
	Building B comprises of two separate lobby area each with 2 x waste storage area, 2 x lift core and 2 x stair well.
	Building B also provides one adaptable unit.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	3 x 1 bedroom unit with balcony.
	11 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	2 x waste storage area.
	<b>Building C</b>
	Building C comprise of lobby area providing access to a lift core and stair well.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	It is noted that the more active areas of the cross-over units is located on the first floor including balcony and internal stair well to the lower level of the cross-over unit.
	1 x 2 bedroom unit with balcony.
	Fire escape stair well.
Level 4	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.



	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony.
	2 x 1 bedroom unit with balcony.
	6 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	Waste storage area.
	<b>Building B</b>
	Building B comprises of two separate lobby area each with 2 x waste storage area, 2 x lift core and 2 x stair well. Building B also provides one adaptable unit.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	3 x 1 bedroom unit with balcony.
	11 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	2 x waste storage area.
	<b>Building C</b>
	Rooftop communal open space, comprising of a pool, pool area, BBQ and seating area, storage area, 2 x toilets and a east-west running pathway.
	Planter boxes.
	2 x lift core.
	2 x stair well.
Levels 5-9	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony per level (total studio: 5)
	2 x 1 bedroom unit with balcony per level (total 1 bed: 10).
	6 x 2 bedroom unit with balcony per level (total 2 bed: 35).
	1 x 3 bedroom unit with balcony per level (total 3 bed: 15).

	Waste storage area.
	<b>Building B</b>
	Building B comprises of two separate lobby area each with 2 x waste storage area, 2 x lift core and 2 x stair well.
	Building B also provides one adaptable unit per level.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	3 x 1 bedroom unit with balcony per level (total 1 bed: 15).
	11 x 2 bedroom unit with balcony per level (total 2 bed: 55)
	1 x 3 bedroom unit with balcony per level (total 3 bed: 5)
	2 x waste storage area.
Level 10	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony.
	2 x 1 bedroom unit with balcony.
	6 x 2 bedroom unit with balcony.
	1 x 3 bedroom unit with balcony.
	Waste storage area.
	<b>Building B</b>
	Building B comprises of a residential lobby area providing access to a waste storage area, 2 x lift core, 4 x stair well and access to communal garden and toilet.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	6 x 2 bedroom unit with balcony.
	Community Garden.
	Toilet.

Levels 11-13	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony per level (total studio: 3)
	2 x 1 bedroom unit with balcony per level (total 1 bed: 9).
	6 x 2 bedroom unit with balcony per level (total 2 bed: 18).
	1 x 3 bedroom unit with balcony per level (total 3 bed: 3).
	Waste storage area.
	<b>Building B</b>
	Building B comprises of a lobby area providing access to 2 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	6 x 2 bedroom unit with balcony per level (total 2 bed: 18).
Levels 14-18	<b>Building A</b>
	Building A comprises of a lobby area providing access to 3 x lift core, 2 x stair well and a waste storage area.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x studio with balcony per level (total studio: 5)
	2 x 1 bedroom unit with balcony per level (total 1 bed: 10).
	6 x 2 bedroom unit with balcony per level (total 2 bed: 35).
	1 x 3 bedroom unit with balcony per level (total 3 bed: 5).
	Waste storage area.

## 2. 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

Clause 7 of SEPP 55 provides:

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site Investigation has been 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. The Preliminary Site Investigation prepared by Environmental Investigations concludes:

*On review of the Preliminary Conceptual Site Model (CSM) developed as part of this PSI, it was concluded that the model remains valid for the proposed development. A number of data gaps as outlined in Section 10.1, however, require further investigation and assessment to enable subsequent management and remediation activities.*

*Based on the findings of this report and with consideration of the Statement of Limitations (Section 13), I conclude that the site can be remediated to allow the site to be used for its proposed mixed commercial / residential purposes, provided the recommendations outlined in Section 12 are implemented.*

Based on the information contained within the report the site can be made suitable for residential development subject to the recommendations of the investigation being followed and this would likely be reinforced by consent conditions. Therefore the provisions of SEPP 55 are satisfied.

## State Environmental Planning Policy (Infrastructure) 2007

### *Traffic Impacts*

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.

A traffic report has been prepared by Transport and Traffic Planning Associates that provides detailed assessment of the traffic implications of the development. The report concludes:

*Assessment of the proposed development scheme has concluded that:*

- the proposed parking provision will be adequate and appropriate given the circumstances of Councils DCP criteria and the very convenient public transport services*
- the proposed vehicle access, internal circulation and servicing arrangements will be suitable*
- the projected traffic outcome will be entirely consistent with Council's planning provisions and the assessments which underly that planning*
- there will be no unsatisfactory traffic or traffic related environmental implications*
- the proposed traffic management arrangements will not present any difficulties for the proposed development and its vehicle access requirements*

Therefore the traffic impacts of the development are considered acceptable.

### *Rail Noise*

The development site is located in proximity to the railway line and as a result it is necessary to consider the provisions of Clause 87 of the SEPP. Clause 87 requires a consent authority to consider the impact of the railway on buildings used for residential purposes. In this case a Noise Assessment accompanies the development application to demonstrate that amenity for residents will be below the criteria specified within Clause 87(3). The acoustic report, prepared by RSA Acoustics, concludes:

*Rodney Stevens Acoustics has conducted Road and Rail Traffic and Mechanical Plant Noise Assessment for the proposed mixed business and residential development site at 4 Terminal Place and 224 Pitt Street, Merrylands.*

*The assessment has been conducted to satisfy State Environmental Planning Policy (Infrastructure) 2007 Clause 102 and the Industrial Noise Policy. This requirement will be achieved within the bedrooms and habitable rooms with recommendations set out in this report.*

The mitigation measures include specific glazing requirements to the units that would otherwise have background noise levels above the requirements contained within the SEPP.

It is also not anticipated that the proposal will be referred to Railcorp for concurrence given the basement excavation goes is not within 25m of the railway corridor that does not trigger the provisions of Clause 86 of the SEPP.

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 Tony Caro Architects (Registered Tony Caro), 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 document prepared by TCA also provides detail on the design rationale of the proposal.

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 Holroyd Local Environmental Plan 2013 and supporting Holroyd Development Control Plan 2013.

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 site is subject to a split building height control, and as discussed in detail previously in this statement the proposal has sought to manipulate and massage the building envelopes on the site to maximise residential amenity. This has resulted in an encroachment to the building height of Block A and B by approximately 6.5m to the highest point that relates to 12.5%. The height of building B is 22.5m below the maximum permitted building height that clearly demonstrates that the proposal simply seeks to provide for the most appropriate arrangements of buildings on the site.	Variation to Part of Block A and B

Building depth	<p>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.</p>	<p>The proposed building has been designed with a courtyard form with a series of double loaded corridors and oriented to the north where possible in order to maximise streetscape presentation, natural ventilation, and solar access. The building depth varies to each building:</p> <p>Building A: 9m-20; and Building B: 15m-17m; and Building C: 10m-19m.</p> <p>The depth is consistent with intent of the rule of thumb and the proposal achieves natural cross-ventilation to 67% of units given the corner/split level and cross-through design. In addition 70.4% of units achieve 2 hours solar access meeting the 70% requirement and noting that the proposal is consistent with the rule of thumb applying to development in dense urban areas.</p>	Consistent with Intent
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 5-8 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>Above 9 storeys-</p> <p>24m between habitable rooms/balconies;</p>	<p>Separation between buildings ranges from 7m to 42m dependent upon the respective opposing building. Where separation is less than that contained in the RFDC the proposal is designed with blank walls to mitigate cross-viewing. The varied height of the buildings also means that separation is not a consideration above Level 14.</p> <p>The development is generally compliant with the principles of building separation by blank walls and screens or blade walls that extend past balconies/windows to mitigate cross-viewing at the awkward building junctions where compliance with the building separation is not achievable.</p>	Consistent with Intent

	15m between habitable rooms/balconies and non habitable rooms; and 12m between non habitable rooms.	The design adopts a built to boundary form along its corner frontage to provide a consistent street edge form.	
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 consistent with FSR Controls, noting the overall FSR of 6.45:1 is less than the 6.5:1 permitted across the site. A discussion on split FSR relative to the residential and commercial is provided against the Holroyd LEP 2013 noting the proposal is consistent with the intent of the control.	Yes
<b>Part 2 – Site Design</b>			
Deep soil zones	A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable.  25% common area= 1284  25% of 1284= 321m <sup>2</sup> of required deep soil.	A total of 666m <sup>2</sup> of deep soil areas are provided at the ground floor level- noting the soil depths enables the planting of shrubs and trees and is reasonably considered 'deep soil'. The proposal also does align with the Neil Street DCP in that the central courtyard space is capable of accommodating medium to large sized trees.	Yes
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 for the central common area, rooftop pool area, street frontage works, and rooftop vegetable patch.	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.  5136= 1284	Communal open space is provided with the following areas: <ul style="list-style-type: none"> <li>• Central Ground Floor</li> <li>• Pool Level</li> <li>• Vegetable Patch</li> </ul> This total area is 1875m <sup>2</sup> that equates to approximately 36.5%, which is consistent with Council's controls. The units are also provided with ample private open space areas.	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 70.4% of the units (250) would achieve 2 hours of solar access at mid-winter which is consistent with the Rule of Thumb as applied to dense urban areas which is an appropriate categorisation of the subject site.	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 blank wall treatments. The dwellings within the development enjoy a vista over the communal open space areas at the various levels of the building or over the 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.	The basement car parking spaces provides for a total of 464 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. Those units facing Gladstone Street have direct entry to the ground floor units.	Yes
Vehicle access	Limit width of driveways.  Locate driveways away from main pedestrian entries, and on secondary streets.	The width of the driveways at street frontage is acceptable.  The driveways are not considered to conflict with the pedestrian entrances.	Yes
Part 3 – Building design			
Apartment layout	Depth of single aspect apartment – 8 metres.  Back of the kitchen not more than 8 metres from a window.  Apartment sizes: 1 bed: 50m <sup>2</sup> 2 bed: 70m <sup>2</sup> 3 bed: 95m <sup>2</sup>	Complies, noting that there are a limited number of single aspect units due to the design of the development.  Generally all kitchens are no more than 8m from the main window.  All proposed units comply with the minimum unit size requirements.	Yes  Yes  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: <ul style="list-style-type: none"> <li>• 84 x 1 bedroom/studio units;</li> <li>• 245 x 2 bedroom units; and</li> <li>• 26 x 3 bedroom units.</li> </ul> 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 2m metres.	Yes

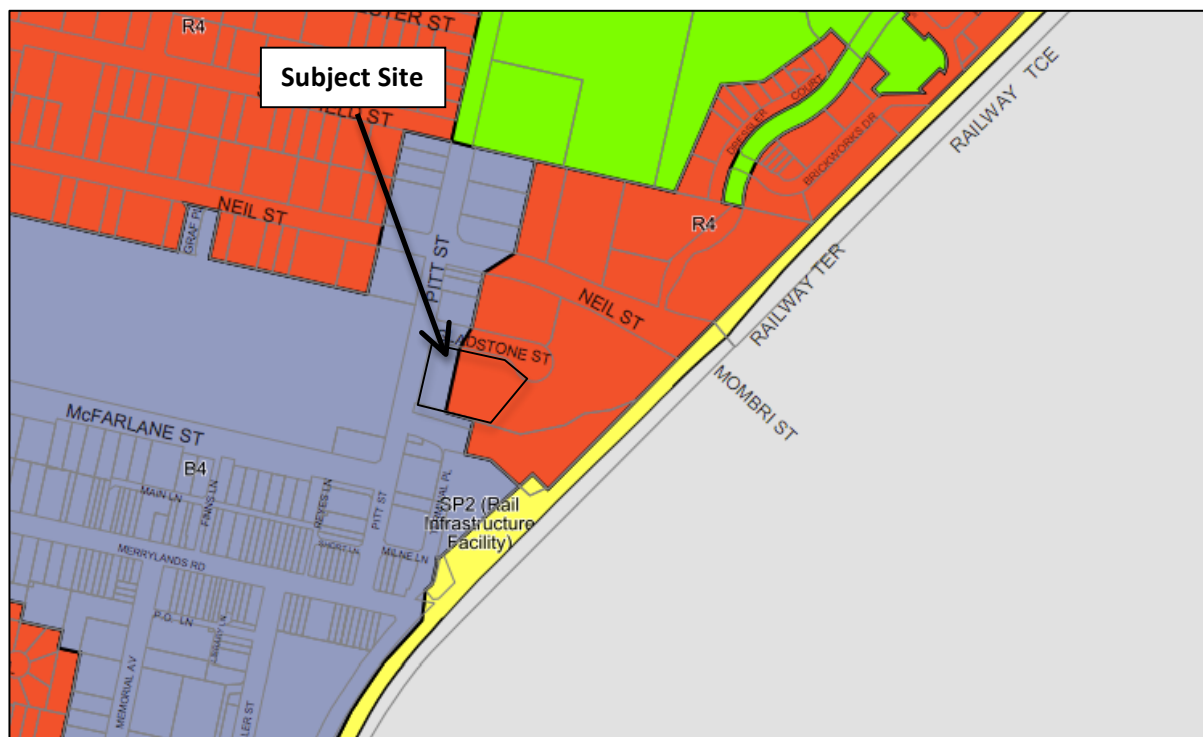
Ceiling heights	Minimum ceiling heights.	The proposed mixed use building is considered to provide for overall acceptable ceiling heights with a 3.6m floor to ceiling height to the ground floor, 3.3m to Level 1 commercial to promote adaptability and a 2.7m floor to ceiling height to the residential units. The units fronting Gladstone Street and those units located at ground level are provided with standard floor to ceiling heights (2.7m) to reflect that they are unlikely to ever be re-used as commercial units.	Yes
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.	<p>The proposed mix use building has been designed with a series of double loaded corridors across each building.</p> <p>The respective blocks feature units per level as follows:</p> <p>Block A: 10 Units served by 3 lifts Block B: 7-8 served by 2 lifts to each wing. Block C: 11 Units- however cross-over/2 storey units mean that the block is not subject to the control.</p> <p>Therefore the proposal is consistent with the intent of the control as the proposal incorporates a number of lift shafts and the proposal also meets the RFDC requirements in terms of solar access and natural ventilation.</p>	Consistent with Intent
Storage	<p>1 bedroom apartments provided with 6m<sup>3</sup>,</p> <p>2 bedroom apartments provided with 8m<sup>3</sup> and</p> <p>3 bedroom apartments provided with 10m<sup>3</sup> storage space.</p>	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- noting 2 hours acceptable in a dense urban environment.  Max of 10% of single aspect units proposed to a southerly aspect.	70.4% (250) of units achieve the required 2 hours of solar access that is appropriate as the site is within a dense urban area given the density of development envisaged within the Neil Street Precinct.  There are 35 single aspect south facing units, noting that Block C features crossover units to give a northerly aspect. 35 units equate to 9.85% and is less than the 10% rule of thumb.	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 67% (238) 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 balconies, framed elements and large glazed areas. The external finishes adopt a variety of paint and render and variety in balustrades. The development provides good address to all street frontages. See SEPP 65 statement for further detail on the architectural expression of the building.  Overall the proposed facade is considered a quality design outcome that is compatible with other development in the locality.	Yes

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. The series of common areas on the roof of each building (except Building A) is an excellent outcome on the site that services the needs of residents and provides a quality vista from the residential units to the various common areas.	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 and Elephants Foot has prepared a detailed waste management plan.	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 part zoned B4 Mixed Use and part zoned R4 High Density, as per the zoning map extract below, under the provisions of the Holroyd LEP 2013.



**Image 5:** 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.

In relation to the commercial floor space on the R4 zoned land the LEP has an enabling clause at Schedule 1 that provides:

### **11 Use of certain land at Neil Street, Merrylands**

(1) This clause applies to land at Neil Street, Merrylands, identified as "APU 11" on the [Additional Permitted Uses Map](#) (the **Neil Street Precinct**).

(2) Development for the purposes of business premises, office premises and retail premises (excluding pubs) is permitted with development consent.

The site is within the mapped area and therefore commercial premises are permitted across the entire site in the form of business, office and retail premises.

The proposal is consistent with the above definitions and is also consistent with the specified zone objectives of the B4 zone:

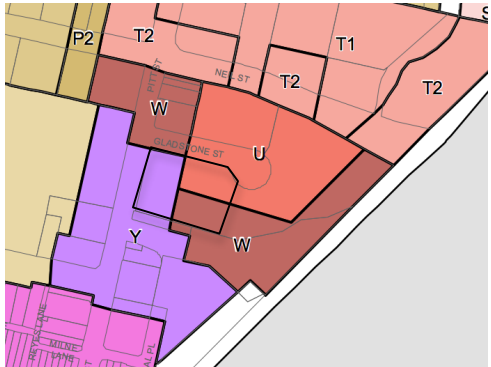
- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To facilitate a vibrant, mixed-use centre with active retail, 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 mixed use building that will provide a gateway building that marks an entry to the northern 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.

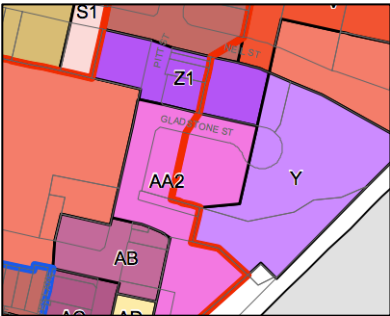
The zone objectives of the R4 zone are of limited relevance in the context of the Neil Street Precinct DCP, however the proposal aligns with the intention to provide for a diversity of housing forms in a high density context.

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
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.6</b>	Subdivision – Consent Requirements	Council consent is not sought for the strata subdivision of the proposal as this will occur later on the site.	N/A
<b>2.7</b>	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	YES
<b>Part 4 Principal Development Standards</b>			
<b>4.1</b>	Minimum Subdivision Lot Size	Holroyd Local Environmental Plan 2013 Lot Size Map Sheet LSZ_009 indicates that there is a minimum lot size of 800m <sup>2</sup> . The site is 5162m <sup>2</sup> and therefore complies.	N/A

<b>4.3</b>	<p>Height of Buildings:</p> <ul style="list-style-type: none"> <li>• 32m (U)</li> <li>• 41m (W)</li> <li>• 53m (Y)</li> </ul>	<p>A variable maximum building height of 32m-53m is identified for the site under Holroyd Local Environmental Plan 2013 Height of Buildings Map Sheet HOB_009. This is reflected below.</p>  <p>The proposal is designed to align with the maximum height to Block C which is identified as 32m and the building is 20.5m, which is substantially below the 32m permitted height.</p> <p>The central portion of Block B has a height of 44.2m that is marginally above the 41m height limit at part of the building. This equates to a variation of 7.8%</p> <p>Block A has a height of 59.5m to the lift overrun which exceeds the maximum height by 6.5m which represents a 12.2% variation to the control.</p> <p>The minor variations are a function of a reduction in the height of Block C, which adopts a 4 storey and 20.5m height vs. the permitted 10 storey and 32m height. This is to permit greater solar access to the development overall and this is discussed in detail in the accompanying Clause 4.6 variation.</p>	<p>Clause 4.6 Variation</p>
<b>4.4</b>	<p>Floor Space Ratio:6.5:1</p>	<p>The proposal complies with the overall maximum permitted FSR of 6.5:1 noting the FSR equates to approximately 6.45:1, being 33,293m<sup>2</sup> of gross floor area.</p>	<p>Complies with Overall FSR.</p>



	<p>Subject to Area B</p> 	<p>The site is within Area B and as such it is understood that Clause 4.4(2B) applies which limits the residential portion on the western side of the site to:  <math>6.5:1 - 1.7:1 = 4.8:1</math> (Residential)</p> <p>The proposal has the following GFA:</p> <p>Total: 33,293m<sup>2</sup>  Residential: 30,855m<sup>2</sup>  Comm/Ret: 2408m<sup>2</sup></p> <p>To ascertain consistency with Clause 4.4(2B) it is necessary to quantify the maximum permitted residential vs. commercial on the western portion of the site. Interpreting from the survey and the zoning map the area identified as AA2 is approximately 1688.9m<sup>2</sup> which would give the following maximum residential gross floor area:</p> <ul style="list-style-type: none"> <li>8106.72m<sup>2</sup> residential;</li> </ul> <p>This leaves 3473.1m<sup>2</sup> of residual site area subject to the 6.5:1 which equates to:</p> <ul style="list-style-type: none"> <li>22,575m<sup>2</sup></li> </ul> <p>Therefore the maximum permitted residential floor area across the site is 30,681m<sup>2</sup> and the proposal incorporates 30,885m<sup>2</sup> and exceeds the maximum by 204m<sup>2</sup> or 0.66% over the maximum permitted FSR. A clause 4.6 variation is provided as an Annexure to this statement.</p>	
<b>Part 5 Miscellaneous Provisions</b>			
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. Extensive landscape embellishment is to be undertaken. The landscape treatment also seeks to soften the built form and integrate with</p>	YES

		the development and the site's context. See Landscape Plan for detail.	
<b>5.10</b>	Heritage Conservation	There are no heritage items located within the subject site or within proximity of the site as noted previously in this SEE.	YES
<b>Part 6 Additional Local provisions</b>			
<b>6.1</b>	Acid Sulfate Soils	The subject site is not identified as being affected Acid Sulfate Soils. Not applicable.	N/A
<b>6.2</b>	Earthworks	<p>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 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- as detailed in the submitted hydraulic plans.</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>	YES
<b>6.3</b>	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.	

<b>6.4</b>	Flood Planning	The subject is identified as being flooding affected lands. Appropriate measures such as elevating the proposed buildings have been undertaken to align with Councils flood policy in terms of freeboard levels and flood-proofing.	YES
<b>6.5</b>	Terrestrial Biodiversity	The subject site is not identified as containing Biodiversity Land under Holroyd Local Environmental Plan 2013. Not applicable.	N/A
<b>6.6</b>	Riparian Land and Watercourses	The subject site is not identified as containing Riparian Land under Holroyd Local Environmental Plan 2013. Not applicable.	YES
<b>6.7</b>	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
<b>6.8</b>	Salinity	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.	YES

## Holroyd Development Control Plan 2013

All relevant Council controls have been considered in the following compliance table, noting that the citywide Residential Controls and 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
<b>3. Car Parking</b>			
3.	<p>Minimum Parking Spaces:</p> <p>Dwellings in B4 Mix Use Zone:</p> <p>1 bedroom unit: 0.8 =67 2 &amp; 3 bedroom unit: 1 = 271</p> <p>Visitor/dwelling: 0.2/dwelling = 71</p> <p>Resident Required: 338 Visitor Required: 71</p> <p>Commercial in B4 Mix Use Zone: 1 space per 50m<sup>2</sup> = 48.16</p> <p>Total= 457 required.</p> <p>As per the detail in the traffic report 227 bicycle spaces are required.</p>	<p>The development proposes the construction of a sixteen (16) storey mixed use development with:</p> <ul style="list-style-type: none"> <li>• 2408m<sup>2</sup> of commercial/retail space</li> <li>• 84 x studio /1 bedroom apartments</li> <li>• 245 x 2 bedroom apartments</li> <li>• 26 x 3 bedroom apartments</li> </ul> <p>The required levels of parking are specified in the column adjacent and totals 457 spaces. The proposal has 464 spaces and complies.</p> <p>The car parking area for the proposed mixed use building will be serviced via a driveway/ramp that will be accessible from the temporary access road connecting to Terminal Place where as the driveway for the waste collection vehicles will be accessible via Gladstone Street.</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 driveways will not contribute to the creation of traffic hazards.</p> <p>The proposal provides 227 bicycle parking spaces within the 5 basement levels.</p>	Yes

		<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> Landscaping 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 of the proposal.	YES
3.6.	Parking for the Disabled	The proposal provides 54 disabled car parking spaces and complies with Council's car parking dimensions for car parking spaces for the disable. Complies.	YES
<b>4. Tree and Landscape Works</b>			
4.1	Preservation of Trees	<p>The subject site is substantially clear and is within a well established commercial area. 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.</p>	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 amenity of adjoining properties.	YES
6.2	Site Contamination and Land Filling	A preliminary site investigation has been prepared to address any potential contamination on the site- see discussion against SEPP 55.	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 on flood prone land. Appropriate flood mitigation strategies have been implemented including the adoption of the required freeboard levels to residential units and the flood proofing of the commercial suites to mitigate impacts to future tenants as far as practicable.	YES
9. Managing External Road Noise and Vibration			
		An 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 all street frontages and the common areas located at the ground floor and the rooftop areas.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p>	YES

		<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>	
<b>11. Waste Management</b>			
11	Site Waste Minimisation and Management Plan	A Waste Management Plan prepared by Elephants Foot is submitted as part of the Development Application. See Waste Management Plan and report for further detail.	YES
<b>12. Services</b>			
		Adequate services are available to the development.	YES
<b>Holroyd Development Control Plan 2013 – Part B Residential Controls Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Complies</b>
<b>1. General Residential Controls</b>			
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.	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 amenity currently enjoyed by adjoining properties.</p> <p>See acoustic report for detail.</p>	YES
1.5	Landscaping and Open Space.	<p>Proposed landscaping is appropriate on site and is consistent with established landscaping in the area. The proposed landscaping will positively contribute to 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 metre 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>	YES- noting in Town Centre.

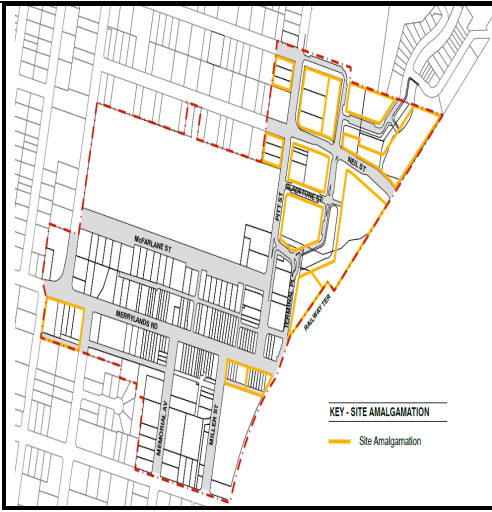
		<p>The proposed development incorporates open space and landscaped areas that are consistent with and achieve the objectives of Council controls and will permit stormwater penetration, minimising run off from the site.</p> <p><u>Private Open Space</u></p> <p>The proposal incorporates appropriate private 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 10m<sup>2</sup> 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 all street frontages 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. 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>	YES

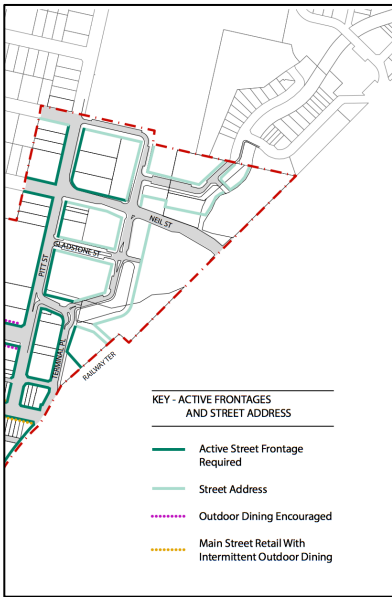
		<p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
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. The dwellings adopt passive solar design principles through the orientation of the majority of living and private open space areas in a 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>	YES
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 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 70.4% of units with 2 hours of solar access and 67% are cross-ventilated.</p>	YES- Meets 2 Hour Rule

		<p>This is considered appropriate given the site is a dense urban area and the RFDC allows sites in this situation to adopt a 2 hour solar access required.</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 Tony Caro verifying that he has 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>	
1.9	Easement and Overland Flow Paths	A stormwater drainage pipe runs to the south of the site. The proposal will not result in any building, structures to be erected over the existing stormwater drainage lines- noting that the broader stormwater works for the Precinct will occur at a later stage.	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><i>Vehicular Access and Driveways</i></u></p> <p>The car parking area for the mix use building will be serviced via a driveway that will be accessible from the new access road and the bin collection will occur via loading zone accessed from Gladstone Street.</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 arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p> <p><u><i>Basement Parking</i></u></p> <p>The mix used building provides parking within 5 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>	YES
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Holroyd Development Control Plan 2013 – Part M Merrylands Town Centre Compliance Table			
Clause	Controls	Comment	Complies
<b>3. Public Domain</b>			
3.1	Roads and Circulation	<p>The development proposal does not involve the construction of roads on the site at this stage, with the exception of a temporary access road from Terminal Place.</p> <p>The final road layouts and drainage swales are still being resolved and will occur as part of a separate development application. However the proposal is designed to enable the delivery of the required roads and footpaths in the future.</p>	YES
3.2	Pedestrian and Bicycle Network	The development proposal facilitates the delivery of pedestrian paths and the like.	YES
3.3	Landscaping and Open Space	The development proposal involves landscaping works to the street frontages (existing) that aligns with the DCP. Street trees to future roads will occur in the future as part of a separate development application for roads and infrastructure.	YES
3.4	Indicative Street Sections	The indicative street sections are able to be delivered, however this will occur as part of a separate DA in the future-noting there is currently an intention to amend the DCP.	
<b>4. Building Envelope</b>			
4.1	Site amalgamation and Minimum Frontage	The site aligns with the site amalgamation drawing that identified the site as requiring consolidation. Therefore the proposal complies.	YES

		 <p>The subject site has a side width of greater than 32m and as such is permitted to have a maximum of 20 storeys.</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 commercial floor to Building A at 3.3m and ceiling height of all other floors at 2.7m.</p> <p>The table in the DCP identifies a 16 storey building where there is a 53m height control and the proposal involves 4-19 storeys and does not comply. A detailed discussion against the building height provisions is provided against the Neil Street Precinct Controls.</p> <p>In addition a Clause 4.6 variation is provided relating to the overall height given the changes to the indicative block structure proposed to achieve greater amenity for the residential units.</p>	<p>Yes</p> <p>Variation to Storey Control- See discussion against Neil Street Precinct.</p>
4.3	<p>Street Setbacks, Road Widening and Street Frontage Height</p> <p>Pitt Street: 3m</p> <p>Other Streets: 2.5m</p>	<p>The proposal provides a street setback of 3m to Pitt Street and a 2.5m setback to all other roads that aligns with the DCP. There are minor encroachments to corners however this is considered reasonable given that the road reserve</p>	YES

		<p>widens in these areas which will give the perception of an increased setback- it also enables definition of the corners.</p> <p>The stepped setback controls are not applicable to the site as the Neil Street Precinct Controls prevail.</p> <p>Awnings do not project beyond 3m from building line. Complies.</p>	
4.4	<p>Building Depth and Length</p> <p>18m depth</p> <p>22m envelope depth</p> <p>Horizontal Length not to exceed 50m</p>	Neil Street Precinct Prevails.	N/A
4.5	Setbacks and Separation	Neil Street Precinct controls apply and no side or rear setbacks as site is effectively an 'island' surrounded by existing and future road networks.	N/A
4.6	<p>Active Frontages, Street Address and Building Use</p> 	<p>The proposal will provide active frontages with commercial/retail space and pedestrian circulation areas to Pitt Street and Terminal Place that aligns with the mapping.</p> <p>The remaining frontages have direct address to align with the DCP.</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 on the B4 portion and the height of the first floor in the B4 is increased to 3.3m to provide flexibility for future users.</p>	YES



4.7	Landscaping and Open Space	Neil Street Precinct Controls Apply.	N/A
<b>5.0 Neil Street Precinct</b>			
5.0	Block 3: Specific Controls	See discussion at end of the table for further discussion on compliance.	YES
<b>6. Movement</b>			
6.1	Rear Laneways and Private Accessways	The proposal has incorporated the proposed accessway at the rear of the site (temporary road connecting to Terminal Place) to align with the principles of the DCP.	YES
6.2	Pedestrian Access	<p>The proposal has incorporated an envelope consistent with the Block 3 controls, with permeability provided to the development and central common area.</p> <p>The developments comply with Disability (Access to buildings - Premises - Building) Standards 2010.</p>	YES
6.3	Vehicle Access  Neil Street Precinct to Align with Figure 2.	<p>The car parking area for the proposed mixed use building will be serviced via a driveway/ramp that will be accessible from a temporary access road accessed off Terminal Place.</p> <p>The proposal also enables future road construction as per Figure 2 of the DCP.</p>	YES
6.4	Parking	<p>Proposal is compliant with the parking rates under the DCP.</p> <p>All parking is to be provided within 5 levels of basement.</p>	YES
<b>7. Design and Building Amenity</b>			
7.1	Laneway and Arcade Design	The proposal will provide activation at street level via providing commercial/retail space along its frontages to Pitt Street, Terminal Place and the future 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	YES

		the residential units will comply with relevant acoustic criteria.	
7.3	Awnings	Awnings are compliant with Council controls.	YES
7.4	Adaptable Housing  10% Class A  10% Class C	See access report for further details.	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 through the use of facades and changes in the building articulation, materials and colours.	YES
<b>8. Environmental</b>			
8.1	Flood and Stormwater Management	<p>The subject is identified as being flood affected lands. The proposal enables future works to manage redirection of the floodway (not subject to current DA but likely future DA for works).</p> <p><i>Commercial and Retail</i> Flood proofing has been undertaken for retail space fronting each street. .</p> <p><i>Stormwater</i> A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	YES
9.1	Public Art	The proposal provides appropriate opportunities to provide public art in the common areas. It is considered that this matter could be conditioned as part of any consent.	YES

As the site is identified as Key Block 3 the key controls are nominated below.

<b>Provision</b>	<b>Control</b>	<b>Proposed/Commentary</b>
Pitt Street Height:	16 Storeys	<p>19 Storeys: Site specific design response through transferring height from Gladstone Street building (9 storeys permitted) to the Pitt Street building to maximise solar access to the development.</p> <p>The proposal does present a marginal variation to the LEP height control however this is offset by a substantially lower building facing Gladstone Street and the overall FSR is compliance with the LEP.</p> <p>Therefore the adoption of a 19 storey form to Pitt Street is appropriate.</p>
Gladstone/Terminal Place	9-12 Storeys	4-14 Storeys with height transferred from Gladstone Street to enable improved solar access relative to the DCP mass modelling. The overall FSR is compliant (maximum 6.5:1) and the heights are more site responsive than the DCP modelling.
Building Use Along Pitt Street	Ground/First Commercial/Retail/Residential	Consistent with commercial/retail fronting Pitt/Terminal and part of Gladstone.
Building Use Along New Road and Gladstone Street	Second Floor Above Commercial/Retail/Residential	The proposal provides for commercial space at the first floor of Pitt Street to provide 2 levels of commercial which is consistent with the intent of the DCP. The extent of commercial is appropriate relative to demand and also aligns with the intention to activate the ground floor.

Building Depth	Ground 25m: 23m Glass Line First and above: 22m and 18m glass line to glass line.	The proposal is generally compliant, with some parts that meet the overall building depth but presents minor variation to the glass line control to a small portion of cross through units along the southern edge facing the new road- with the variation only being 1m to a small number of units which is reasonable given the size and scale of development on the site.
Street Setbacks	Pitt Street: 3m  Terminal/New Road/Gladstone: 2.5m	3m: Complies  2.5m: Complies.  The proposal does not provide for the nominal step in the building façade facing Pitt Street however this is considered an appropriate design response on the site as the minor step serves limited function.
Rear Setback	Comply with Separation	As the site is bound by existing and proposed roads the key is internal separation that has been designed to be consistent with SEPP 65 principles as discussed previously in this report.
Deep Soil + Open Space	Comply as indicated on building envelope plan and sections.	The DCP contains limited detail on landscaped area, with the proposal providing for the landscaping at the Terminal Place frontage and the central common open space area that aligns with the DCP.
Buildings to follow bend in road.	Any building along New Road is to follow the bend of the road (as shown in the building envelope plan) in order to reinforce the spatial quality of the road and to orient pedestrians and vehicles	The building is designed to follow the curvature of the road as per the DCP controls.

### **3. 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: Building Height

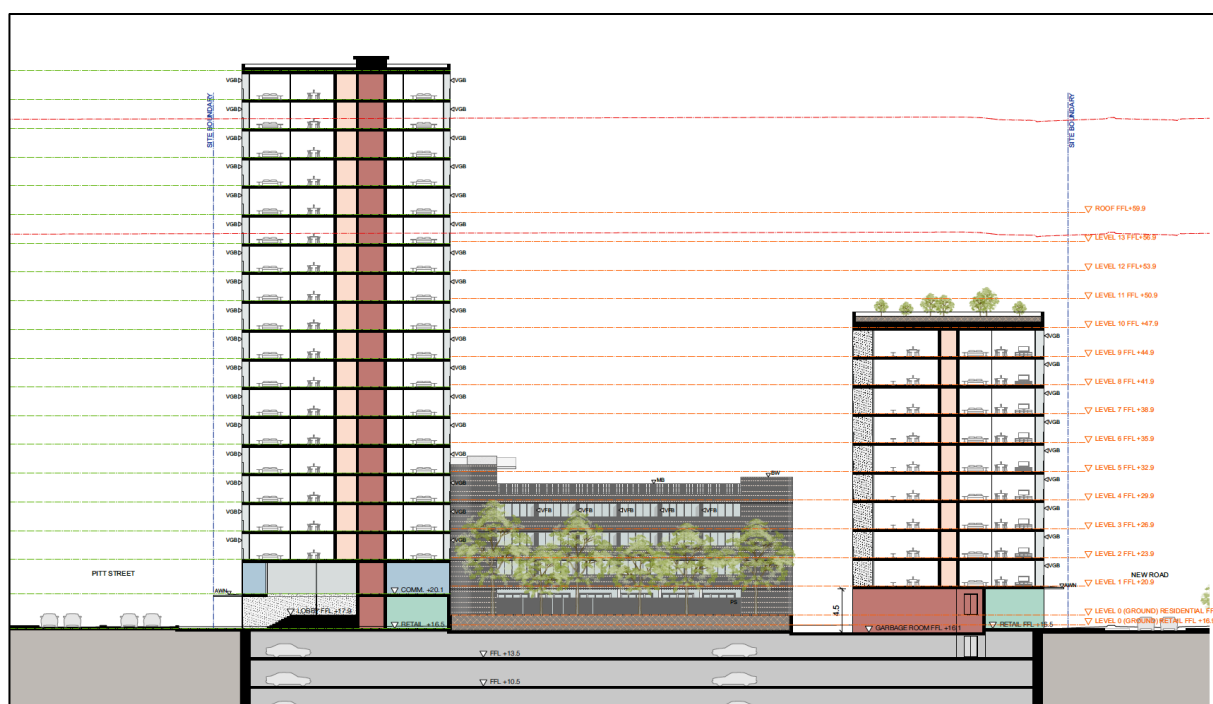
The proposal is designed to align with the maximum height to Block C which is identified as 32m and the building is 20.5m, which is substantially below the 32m permitted height.

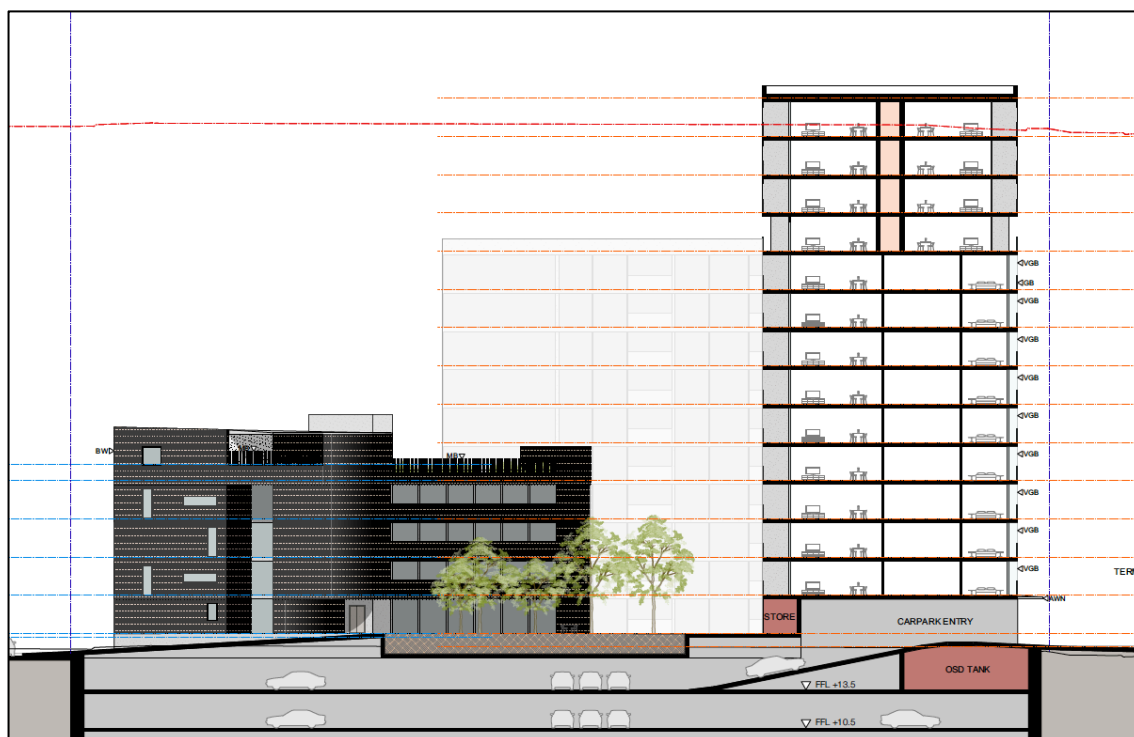
The central portion of Block B has a height of 44.2m that is marginally above the 41m height limit at part of the building. This equates to a variation of 7.8%.

Block A has a height of 59.5m to the lift overrun which exceeds the maximum height by 6.5m which represents a 12.2% variation to the control.

The minor variations are a function of a reduction in the height of Block C, which adopts a 4 storey and 20.5m height vs. the permitted 10 storey and 32m height. This is to permit greater solar access to the development overall as indicated further below.

The extracts of the building height controls are outlined below.

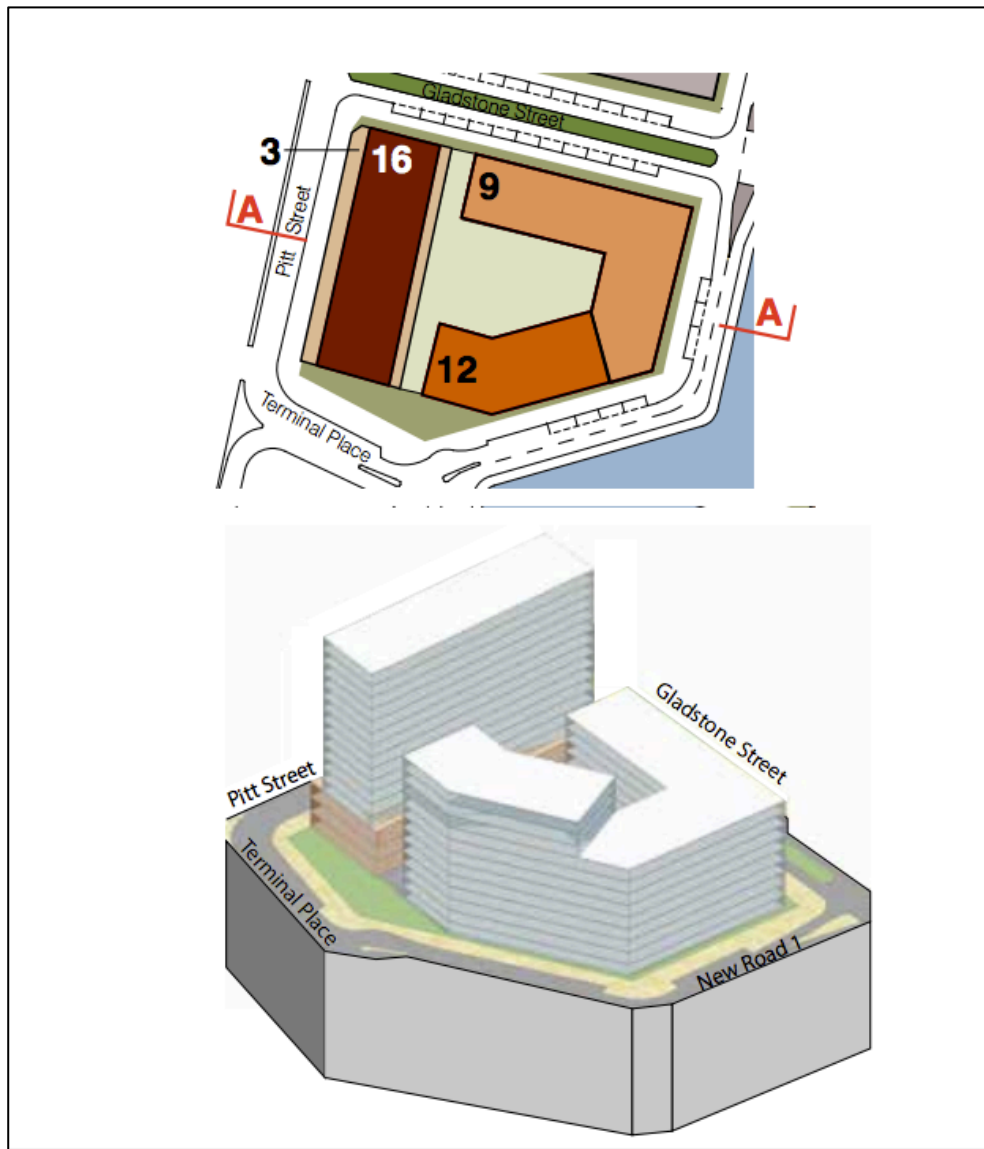




### Design Rationale

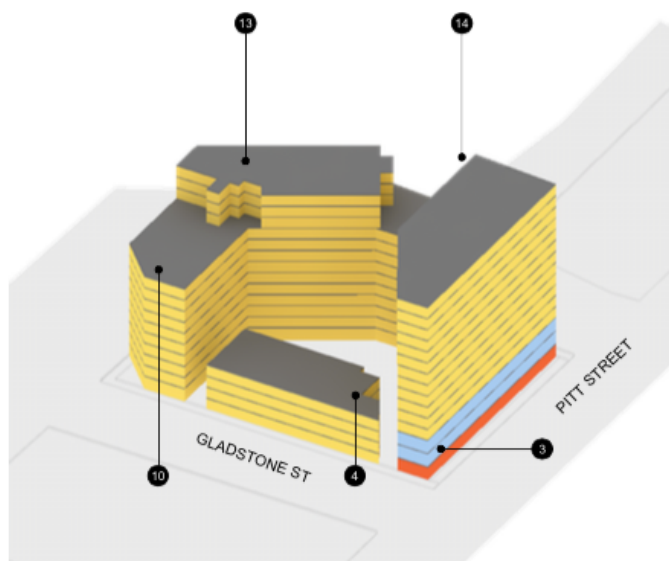
The redevelopment of the broader precinct has been subject to several months of investigations exploring development options in the context of the planning controls and site specific DCP. This has revealed the significant impact of flooding on building locations that has served to stall planning and design elsewhere in the Precinct. Therefore the intention has been to proceed with the detailed planning for 'Site C' that equates to Block 3 in the Town Centre DCP. Detailed design and analysis of the DCP envelopes has been undertaken and in essence the design development has identified the 9/12/16 storey approach on the site is not practical once taking into account matters such as required levels of solar access, natural ventilation, building separation and the like. Therefore a revised 4/10/14/19 storey approach has been taken to enable compliance with SEPP 65 matters.

The DCP mass modelling is shown below:

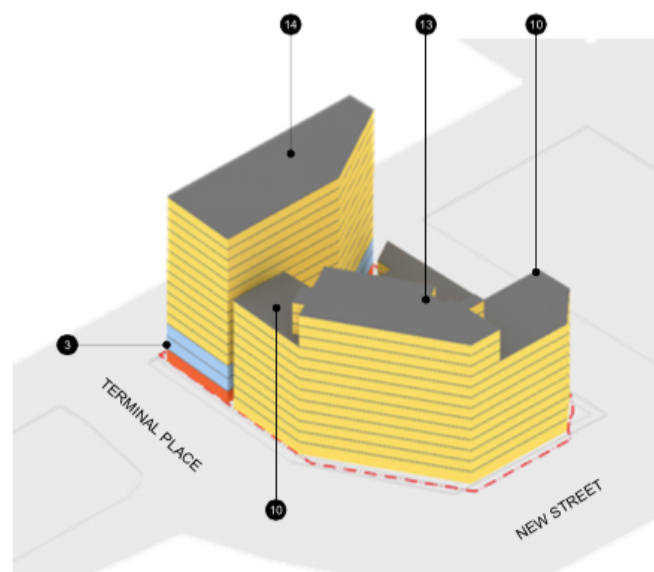


The current proposals indicative mass modelling is shown below, noting that this has been further refined on the submitted DA drawings.





VIEW A



VIEW B

It is important to note that the amendments continue to comply with the LEP FSR control however it does result in breaches of the height limits to Buildings A and B with the building on the Gladstone Street frontage being 22m below the maximum permitted building height along the northern perimeter of the building.

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:

- The design rationale has been driven through analysis of solar access to the site and the reduced height to the northern perimeter is offset by the increased height along

Pitt Street and part of the new road at the south-east corner which is the driver of the height variation;

- The proposal adopts a total FSR of 6.45:1 which is less than the 6.5:1 FSR which demonstrates that the height variation is not a means of capturing additional yield- but a site specific design response to acknowledge the sites opportunities and constraints;
- Given the overall heights of the development, a compliant built form, 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;
- The spatial arrangements of buildings is appropriate and aligns with the overall intent of the split height controls on the site and presents the best outcome in terms of achieving required levels of amenity and solar access.

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.

#### **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 as it relates specifically to this Block within the Neil Street Precinct; 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 in terms of orientation and solar access. 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.

## Annexure 2 Clause 4.6 Variation: Floor Space Ratio

The development proposal complies with the overall FSR control of 6.5:1, with a total FSR of 6.45:1 across the site. However Clause 4.4 (2B) provides:

*(2B) Despite subclauses (2) and (2A), if a building on a site area on land identified as “Area B” on the [Floor Space Ratio Map](#) is used for the purposes of residential accommodation or tourist and visitor accommodation, or a combination of such uses, the maximum floor space ratio for that part of the building that is used for such purposes is:*

$$(FSR_{max} - 1.7):1$$

*where:*

***FSR<sub>max</sub>** is the maximum floor space ratio in accordance with this clause.*

When applying this over the site this gives a maximum permitted residential gross floor area of 30,681m<sup>2</sup> whereas the proposal incorporates a total residential gross floor area of 30,855m<sup>2</sup>.

Therefore the proposal exceeds the maximum residential component by 204m<sup>2</sup> or 0.66% over the maximum permitted FSR.

It is also understood that the control seeks to provide for sufficient streetscape activation and the delivery of sufficient commercial space on the site. The proposal provides 2408m<sup>2</sup> of commercial space across the site at the ground and first floor levels (Pitt Street) that aligns with the intent of the control.

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 support the viability of commercial centres and provide opportunities for economic development within those centres,*
- (b) to facilitate the development of a variety of housing types,*
- (c) to ensure that development is compatible with the existing and desired future built form and character of the locality,*
- (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.*

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

- The variation is minor and there is no discernible difference between a compliant building form in terms of bulk and scale given the variation is only 0.6% of the control;
- The proposal adopts a total FSR of 6.45:1 which is less than the 6.5:1 FSR which demonstrates that the variation is not a means of capturing additional yield and the overall density is suitable on the site;
- The proposal provides for a variety of housing type with a mix of 1, 2, and 3 bedroom units;
- The proposal provides for high levels of amenity given the manipulation of the DCP envelopes to maximise solar access to the overall development;
- The proposal is consistent with the desired future built form and desired future character of the locality;
- The development proposal provides for a suitable amount of commercial space on the site in those areas which are most amenable to the delivery of this space- i.e. along the most active frontages;

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.

#### **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 FSR 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:

- c) The contravention of the FSR control does not raise any matter of significance for State or regional environmental planning given that the proposal is consistent with the overall maximum FSR applying to the site; and
- d) 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 in terms of orientation and solar access. The departure from the FSR 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 FSR 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.



*Mixed Use Development: Merrylands*

The proposal will not have any adverse effect on the surrounding locality in the context of the current planning controls, which is characterised by future 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.