

	<p>devices are permitted.</p> <p>All windows on the ground floor to the street frontage are to be clear glazing.</p>	<p>application.</p> <p>Glazing provided</p>	<p>Yes</p>
3.5	<p>Daylight Access</p> <p>Developments shall be designed to maximise northern aspects for dwellings and offices.</p> <p>Habitable rooms and primary private open spaces should be located on northern, eastern and western aspects.</p> <p>Single aspect dwellings that have a southerly aspect (SW-SE) shall be limited to a maximum of 30% of the total number of dwellings proposed within a development.</p> <p>Living rooms and private open spaces in a minimum of 70% of dwellings within a development shall receive at least 2 hours of direct sunlight between 9am and 3pm in Mid-winter.</p> <p>Maintain 3 hours of direct sunlight to 70% of dwellings in adjoining R4 zones.</p> <p>Direct daylight shall be achieved in communal open spaces between March and September and appropriate shading is to be provided in summer.</p>	<p>The nature of the site and the orientation of the buildings provides for the optimal level of solar access.</p> <p>The design of the living spaces and balconies takes advantage northern, eastern and western sun.</p> <p>26/354 (7%) dwellings are single aspect and face south</p> <p>The plans demonstrate that 249/354 (or 70%) living rooms and private open space areas of units achieve a minimum of 2 hours direct sunlight during mid-winter during 9.00am and 3.00pm.</p> <p>Whilst the adjoining land to the south-east is currently vacant, development consent has been granted for the erection of an 8 storey mixed use development on this site. However, the plans demonstrate that this development will receive the required direct sunlight in the morning period.</p> <p>Direct daylight is achieved to the internal common open space area between this period.</p> <p>Direct sunlight is achieved to more than 50% of the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

		<p>ground level communal open space area for 3 hours between 10am and 1pm at the Spring and Autumn Equinoxes.</p> <p>At the winter solstice, direct sunlight is achieved to the southern portion of the internal communal open space area between the hours of 10.30am to 1.30pm.</p>	
3.6	<p>Visual and Acoustic Privacy</p> <p>Provide adequate building separation and setbacks</p> <p>Building and apartment configuration shall be designed to minimise noise intrusion</p>	<p>Adequate building separation provided as discussed below within the 'Built Environment' section of this report.</p> <p>Visual privacy between units is maintained via blade walls.</p> <p>Standard construction methods in accordance with BCA will ensure acoustic privacy between units.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.7	Managing External Noise and Vibration	Acoustic report submitted to demonstrate compliance with requirements of ISEPP	Yes
3.8	<p>Awnings</p> <p>Awnings:</p> <ul style="list-style-type: none"> • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-3.3m. • Slim vertical facias and/or eaves ≤ 300mm. • To be located over all building entries. 	3m provided to Pitt Street 2.5 metres to secondary streets	<p>Yes</p> <p>To condition</p>
3.10	<p>Flexibility and Adaptability</p> <p>Design commercial uses to permit adaptation and flexibility for future development.</p>	Commercial suites are able to be adapted to suit future uses	Yes

	<p>20% of dwellings to meet adaptable housing requirements</p> <p>Pre- and post-adaptive designs are required to be submitted at DA stage to demonstrate compliance with the relevant sections of the checklist provided in Appendix A of AS 4299-1995.</p> <p>A variety of apartment types between studio, 1, 2 & 3+ bedroom apartments shall be provided in each development.</p> <p>Studios and 1 bedroom apartments are not to exceed 20% of the total apartment mix within each development.</p>	<p>15% provided only. As indicated above, the Applicant has requested that Council impose a condition requiring the development to be amended such that 20% is provided. Council raises no objection to this request.</p> <p>Provided, however, not considered satisfactory to Council's Access Consultant, who has advised that the proposed adaption will not be at 'minimal cost' as required by AS4299.</p> <p>Similarly to the above, it is considered appropriate to impose a condition requiring that amended plans be submitted demonstrating that the required adaption of dwellings can be achieved at minimal cost.</p> <ul style="list-style-type: none"> • 38 x studios • 67 x 1 bedroom units • 223 x 2 bedroom units • 26 x 3 bedroom units <p>Satisfactory mix provided</p> <p>106 / 354 = 30% provided</p>	<p>To condition</p> <p>No</p> <p>To condition</p> <p>Yes</p> <p>No, however considered satisfactory Refer to discussion at the end of this table.</p>
3.18	<p>Waste Management</p> <p>Garbage/recycling storage areas must be located so as to be easily serviced and not cause any negative impacts in terms of visual appearance, noise or smell, to residents, adjoining properties or to the street. Storage areas for bins are to be located away from the front of the development in a</p>	<p>The proposed waste system has been assessed by Council's Waste Management Section and is considered to be satisfactory</p>	<p>Yes</p>

	location with a practical distance from the final collection point.		
4.1	Wind Mitigation Wind Effects report to be submitted for buildings 41 metres in height or greater.	A wind report was submitted which predicts that ground level wind speeds within all public areas surrounding the development should remain at their present levels or be reduced with the addition of the proposed development and its wind mitigation treatments.	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Holroyd DCP 2013, with the exception of the following:

i. Adaptable Housing / Accessible Parking

The proposed development provides 52 adaptable dwellings which equates to 14.6%. 71 dwellings (or 20%) are required to be provided as adaptable housing in accordance with Part M of the Holroyd DCP – *Merrylands Town Centre*. The Applicant has indicated that the provision of 15% was an oversight and 20% would be provided. In this regard, the Applicant has requested that the shortfall be addressed through amended plans to be submitted to the PCA prior to the issue of Construction Certificate. No objection is raised to this request and an appropriate condition has been included within the draft conditions of consent.

ii. Building and Ceiling Height

As indicated above, the proposed development exceeds both the LEP height in metres and the DCP height in storeys. In response, a Clause 4.6 Variation has been submitted, which is discussed in detail within the LEP section of this report. The issue of height is also discussed in detail within the 'Built Environment' section of this report.

With regard to 'floor to ceiling heights', the DCP requires 3.5m for the ground floor regardless of use. Due to the 1% AEP flood affectation of the site, the finished floor levels of the ground floor retail space have been raised to provide an adequate freeboard above this flood level. Notwithstanding, grade level access to retail spaces has been provided, then the floor level steps up so that it is above the flood level. In this regard, the floor to ceiling heights range from 3.3m to 4.0m. The minor shortfall is considered satisfactory.

iii. Setbacks

There are 3 minor non-compliances with regard to setbacks, as follows:

- Pitt Street setback – 3 metres is required, 0 metres is provided
- Terminal Place setback – 2.5 metres is required, 0 metres is provided
- 3 storey / 10.5m podium for Pitt Street building (Building A) – 2 storey / 9 metres provided.

The above setbacks for the proposed development were incorporated into the design during discussions with Council staff, and are considered satisfactory. The issue of setbacks is discussed at length in the 'Built Environment' section of this report.

iv. Apartment Mix

Council's DCP allows a maximum 20% for studios and 1 bedroom units. However, the proposed development provides 106/354 (30%) as studio or 1 bedroom apartments. The Applicant has argued that the provision of studio and 1 bedroom units represents market demand for single occupier units closer to the heavy rail corridors. This minor variation is supported.

(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

N/A

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no specific matters prescribed by the Regulations that apply to this development.

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

Natural Environment

Site contamination

As indicated above, a Preliminary Site Investigation was undertaken by Environment Investigations which identified the presence of asbestos containing materials and exceedences of arsenic, copper, nickel and zinc. Groundwater sampling also identified the presence of chloroform, bromodichloromethane and dipromochloromethane. Based on the findings of the report, Environment Investigations conclude that the site can be remediated to enable the site to be used for the proposed mixed commercial/residential purposes, subject to the preparation of a Remediation Action Plan and the preparation of a Hazardous Materials Survey prior to demolition of existing structures.

Accordingly, a Remediation Action Plan (RAP) was prepared by Environmental Investigations and submitted to Council. Having regard to the findings of the Preliminary Site Investigation, Council is satisfied that the site can be made suitable for its intended commercial / residential purpose, subject to the implementation of the Remediation Action Plan.

Arboricultural Impact

An Arboricultural Impact Assessment, prepared by Redgum Horticultural, was prepared and submitted to Council for consideration. The site is considered to be relatively devoid of vegetation and mostly built upon. However, there are two small pockets of landscaped area which contain a handful of trees. All eight (8) trees are recommended to be removed and replaced as they are located within the footprint of the proposed buildings and/or infrastructure. The trees are not significant, and Council's Tree Management Co-ordinator raises no objection to their removal, and to the replacement trees proposed as part of the landscaping documentation.

Stormwater Management

The site is affected by the 1% AEP flood event and is identified as a flood control lot on Council's mapping system. The Applicant's flood engineer has categorised the site as medium flood risk in accordance with Council's flood controls.

Part A of the Holroyd DCP 2013 defines the Medium Flood Risk Precinct as follows:

"Land below the 1% AEP flood subject to low hydraulic hazard (in accordance with the provisional criteria outlined by the Floodplain Development Manual). Development within this Precinct is possible, however appropriate flood management measures must be implemented, to ensure the safety and protection of both person and property during a critical storm event".

Council's DCP also provides specific development controls relating to minimum habitable floor levels and car parking floor levels, building construction, structural adequacy, evacuation and operational management. In this regard, the Applicant has demonstrated that the development can comply with these development controls.

Further to the above, Council's LEP and DCP requires that Council consider the impact of development on flood behaviour in order to avoid significant adverse impacts to surrounding land and land downstream. The Applicant has been able to demonstrate to the satisfaction of Council that the proposed development will not have any unacceptable impacts compared to currently adopted flood levels.

As indicated above in this report, there is a trunk drainage culvert, owned by Sydney Water, which runs along the southern boundary of the site, conveying flow from Pitt Street and upstream to an open stormwater channel to the north-east of the site on the other side of Neil Street.

As part of precinct-wide flood mitigation wide works, the developer is proposing to replace the culvert with 2 x 3300w x 2400h box culverts. Sydney Water has been extensively consulted on this proposal and supports the proposed works subject to the submission of satisfactory and detailed designs being provided prior to the issue of a Construction Certificate that meets Sydney Water's requirements.

Stormwater from the development site itself will be discharged to the Sydney Water culvert via an on-site detention tank. Council's OSD Policy requires that OSD tanks are located above the 1% AEP flood level. Due to difficulties in locating an adequate position for the tank given site and development constraints, the Applicant has proposed to locate the tank at ground level within Building B where it was previously proposed to provide a retail tenancy. This means that, where previously there would have been a glazed shop front at street level, there will be a solid wall, albeit only for a length of 15 metres.

Whilst not an ideal location for an OSD tank, Council notes that it is above the flood level, and is located at the lowest point of the system prior to discharging to the street drainage system.

It is further noted that, to achieve a good presentation to the street does not necessarily mean to provide active shop front glazing for the full length of the building. There are many instances where alternative treatments are employed. To this end, the architect has devised a series of 'picture-frame' windows (e.g. David Jones, QVB, etc) that could provide displays or public art (provided at Attachment B). Council is supportive of the proposed treatment to this ground floor façade.

Built Environment

Built Form

The site is zoned for high density residential and mixed use development, and has a floor space ratio (FSR) of 6.5:1 with height limits of 53m, 41m and 32m. It is clear that Council envisages a dense, urban environment, with a high level of activation and city-like urban form. This objective is highlighted in the strong, block-defining forms that are illustrated in Part M of the DCP.

The proposed development follows this envisaged form with a few minor exceptions, as follows:

- Height

The DCP provides a building envelope plan for the subject site, which illustrates a 9 storey building on the northern edge of the development site. Given its height, this building will clearly overshadow the internal communal areas, as well as any buildings to the south. The proposed development however proposes a 4 storey building (Building C) along the northern edge in order to increase solar access to the internal communal open space area. Council supports this reduction in height as it is a clear improvement from an amenity perspective.

However, in order to offset this loss, Buildings A and B have been increased in height. This process is often described as 'decanting', whereby the height of one building is redistributed to another building (or buildings) to facilitate a better urban design outcome.

The proposed increase in height for the other two buildings has been assessed with regard to potential overshadowing impacts as well as streetscape presentation. Building A is 10.2 metres higher than LEP, while Building B is 1.8m and 3.9m above the LEP height, as this building spans two height limits.

Given the location and orientation of Building A and Building B, the increased shadowing impact is minimal. Building A is a long, thin building orientated east-west. Development to the south is more than 30 metres away and would still receive direct sunlight in the morning and afternoon. Whilst 3 storeys and 10.2 metres is higher than that envisaged under Council's controls, the additional height does not result in an adverse impact to streetscape.

The northern portion of Building B is only 1.8 metres above the LEP height. This exceedance relates to roof-top elements mainly and overshadowing is not increased. The southern portion of Building B is 3.9 metres. Whilst the shadow impact would be increased as a result, future development to the south of this building will be made up of roadway (New Road 1) and a swale which will form part of public open space. The public open space component however, would still receive the minimum 3 hours of direct sunlight in the morning period.

The additional and non-complying height of Building A & B is supported given the amenity and urban design outcomes achieved with a lowering of the height for Building C.

Concern was initially raised with regard to the 19 storey height of Building A, in that it may compromise the importance of McFarlane Street, which has a height limit of 20 storeys and is seen to be commercial core of the Merrylands Town Centre. Heights within the Merrylands Town Centre have been reconsidered of late, with 20 storey signature buildings in other key locations being considered. Council has also received proposals for buildings exceeding 20 storeys in the core of the CBD, and this is something Council's Strategic Planning section are considering. In this context, the proposed 19 storeys for Building A is within the height

parameters envisaged for the Town Centre, particularly given that the height of the building is a result of 'decanting' height from Building C to allow greater solar access to the internal spaces. Furthermore, the additional height of the building does not result in any reduction to the amenity of surrounding development from either privacy or overshadowing, and it does not result in an adverse impact to the streetscape.

- Building configuration

The other main departure from the DCP is the minor reconfiguration to the building envelopes on the site. The DCP shows 2 buildings, with one fronting Pitt Street and the other wrapping around the northern, eastern and southern edge of the development site. The proposed development however, proposes 3 separate buildings, thus providing 3 breaks between buildings as opposed to 2.

Council supports this departure, as it provides an additional break in built form, thus improving articulation and presentation to the street. It also provides more openings to the internal spaces improving view corridors and allowing more light to internal spaces, further improving internal amenity. The proposal is still edge development, however, it is considered that the proposal is superior in its presentation to the street.

- Setbacks and Separation

The proposed development does not provide a 2.5m setback to the Terminal Place frontage as required by the DCP, and instead provides for a zero setback. Council supports this minor variation as the Terminal Place road reserve is quite large providing a width of up to 15 metres. The proposed development includes landscaping of this area.

The DCP shows Building A as having a 3 metre setback from Pitt Street, and a 3 storey podium with a 4 metre setback to the tower for the street elevation and a 2 metre setback to the tower for the rear elevation.

The proposed development as originally submitted to Council provided for a 3 metre setback to Pitt Street and then a tower development with no podium level. Council's Consultant Urban Designer did not support this design and indicated that a setback was important, both to meet the intent of the DCP in widening the Pitt Street corridor between Holroyd Gardens to the north and Merrylands Road to the south, and to provide an appropriate pedestrian scale for the building wall facing Pitt Street.

It is important to note that Council is currently undergoing a review of the Merrylands Neil Street Precinct. As part of the review, the setback requirements along Pitt Street have been revised in order to facilitate consistency in road widening, in particular the footpath width on the eastern side of Pitt Street, which is adjacent to the development site. The draft review provides for a 1 metre road widening along the Pitt Street frontage of the subject site, but also allows a zero setback from the new alignment. Effectively, this means that Building A can move forward 2 metres toward Pitt Street. However, the 3 storey podium and setbacks to the tower still apply.

After meetings between the Applicant and Council staff, the design was amended to provide for a 1 metre road widening to the Pitt Street frontage, a zero setback to the proposed new road alignment, a 2 storey podium (which by virtue of the commercial floor to ceiling heights and architectural treatment to the façade is almost 3 storeys in height), and a 3 metre setback to the tower along Pitt Street. Whilst not fully compliant with the current or draft review, the proposal meets the intent behind the DCP objectives, which is primarily to set back the tower element from the podium in order to widen the view corridor to Holroyd Gardens and to

provide an appropriate pedestrian scale for the building. The proposed treatment is supported by Council.

In terms of setbacks between buildings, the development proposes a minor departure from the DCP. The required separation between Buildings A and C is 6 metres, whereas a separation of only 4 metres is provided. It is noted that Building C is only 4 storeys in height (not 9 storeys as envisaged by the DCP), and the western façade of Building C, which faces this setback area, is predominantly back-of-house area (being lift and fire-stair). The studio apartments that also face this area provide a setback ranging from 5 metres to 7 metres (6 metres to bedroom window). Separation requirements as provided in the RFDC would necessitate a 12 metre setback in this situation.

The separation between Buildings B & C is 6.2 metres, where 12 metres would be required under the RFDC. Further, the separation provided between Buildings A & B is 6 metres where 12 metres would be required for the first 4 storeys, 18 metres for 5 to 8 storeys and 24 metres for 9-10 storeys under the RFDC.

Council's Consultant Urban Designer considers that whilst a stepped separation of 12 – 24 metres would technically apply between Buildings A & B, a more modest average setback of 10 metres is more appropriate. Council officers do not agree with this position, as it is contrary to the DCP, which stipulates a 6 metre setback.

It is important to note that the RFDC is a guide which also provides guidance to Council in the preparation of DCPs. The RFDC states that *"Building separation may be varied in response to site and context constraints"*. The Applicant's architect has argued that the RFDC separations are more applicable where buildings are designed as 'free-standing' structures on a single site, not 'block-defining' structures within a precinct. This argument seems to be supported by the RFDC, which also advises Council in the preparation of development controls to *"Coordinate building separation controls with side and rear setback controls. For example, in a suburban area where a strong rhythm has been established between buildings, smaller building separations may be appropriate (see side + rear setbacks)"*.

One of the objectives of the side setback controls under the RFDC is *"To retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not just what is left over around the building form"*.

As indicated above, the DCP stipulates a setback or separation of 6 metres between buildings. The DCP is trying to create a strongly defined built edge to the street. A stepped separation of up to 24 metres would not achieve this intent.

Notwithstanding the above, Council agreed to these reduced separation distances as one elevation would be designed as non-habitable and therefore privacy would be maintained. However, in order to achieve adequate cross-ventilation, windows have been added to habitable rooms on these elevations, meaning that privacy is affected.

In such instances, it is considered appropriate to provide hi-light windows where this window is a secondary source of light (such as bedrooms on the western elevations of Buildings B & C, and the kitchen windows on the eastern elevation of Building C), and external privacy screens up to a height of 1.5m from finished floor level, where the window is a primary source of light (such as the bedroom windows on the eastern elevations for Building C). It is considered that the architect for the project can design suitable privacy screens that can complement the architecture of the respective buildings. Appropriate conditions have been included within the draft conditions of consent.

Solar access and overshadowing

As indicated in the RFDC and DCP assessment tables provided above, the plans demonstrate that 249/354 (or 70%) of living rooms and private open space areas of units achieve a minimum of 2 hours direct sunlight between 9am and 3pm during mid-winter. Whilst the RFDC requires 3 hours, Council's DCP requires 2 hours for mixed use developments. Additionally, it is noted that the new Apartment Design Guide (ADG) also requires only 2 hours direct sunlight between 9am and 3pm, and in this regard, it is considered appropriate to afford the subject development the benefit of this design guidance.

The shadow diagrams indicate that properties to the south and south-east (none are currently residential) will still receive 3 hours of direct sunlight either in the morning or afternoon periods.

With regard to the internal communal open space area provided at ground level, Council's DCP requires that direct daylight shall be achieved between March and September and appropriate shading is to be provided in summer. It is considered that direct daylight (as opposed to direct sunlight) is achieved to the internal common open space area between this period, and the area is adequately shaded through the use of pergolas and landscaping.

Direct sunlight is achieved to more than 50% of the common open space area for 3 hours between 10am and 1pm at the Spring and Autumn Equinoxes. At the winter solstice, direct sunlight is achieved to the southern portion of the internal common open space area between the hours of 10.30am to 1.30pm.

It is important to note however, that while sunlight access to the ground level communal open space area is important, it represents only 857sqm out of 2,826sqm of common open space provided on the site. Additionally, as indicated above, Building A to the north of the ground level common open space area is proposed as a 4 storey building, while Council's DCP allows 9 storeys. In this regard, the Applicant has reduced the height of this building to increase direct sunlight to this communal open space area.

It is considered that the architect has designed the development having regard to the satisfactory provision of solar access to living spaces, private balconies and common areas. The development as proposed is considered satisfactory and is supported.

Road and Infrastructure Provision

As indicated above, as part of precinct-wide flood mitigation works, the developer is proposing to replace the existing Sydney Water culvert with 2 x 3300w x 2400h box culverts. Sydney Water has been extensively consulted on this proposal and supports the proposed works subject to the submission of satisfactory and detailed designs being provided prior to the issue of a Construction Certificate that meets Sydney Water's requirements.

In addition to stormwater infrastructure, the DCP provides an indicative future road layout for the precinct. A concurrent Development Application is also before Council proposing the road layout and infrastructure provision for the whole precinct. The proposed design is similar, if not the same as, the indicative design provided in Council's DCP. Council's consultants are currently in the process of finalising the road design and the stormwater infrastructure for the precinct. Once finalised, it is envisaged that an approval in relation to the concurrent Development Application will be issued for the provision of the new road layout and associated stormwater infrastructure for the precinct.

In the interim, with regard to the construction of road works, in so far as is required to service the proposed development, the Applicant has provided Council with a staging plan for the

preliminary construction of new roads. This staging plan also provides clarification on the temporary operation of such roads, prior to the final road design being constructed.

This plan provides that, in accordance with the civil works package, prepared by AT&L dated 24 February 2016, a temporary road for the purpose of access and construction works will be constructed from Pitt Street to Terminal Place. This temporary road will comprise the reconstruction of Gladstone Street and the construction of 'New Road 1' and will be constructed as per the indicative design in the DCP. 'New Road 1' will remain in private ownership and access post construction will be maintained for occupants of the development. Gladstone Street will remain in public ownership as it currently provides access to the occupants of the commercial and light industrial properties to the north.

With regard to the above temporary road construction, final road construction and dedication of land to Council for the purpose of public road, the Applicant has provided Council with draft wording for conditions of consent to be imposed in any development consent. Such conditions have been prepared by Addisons Lawyers, who represent the Applicant. Council has reviewed this draft wording and has prepared conditions as appropriate, held at Attachment I to this report.

Traffic & Parking

- Parking

An assessment of the proposed development against Council's controls shows that the development provides the minimum number of car parking spaces. However, it does not show a compliant number of accessible parking spaces in accordance with Council's requirements (20% adaptable dwellings/spaces required, only 15% provided). In this regard, the Applicant has indicated that this was a mistake and has requested that the shortfall be addressed through amended plans to be submitted to the PCA prior to the issue of Construction Certificate.

- Traffic impact

It is noted that a development of this scale has the potential to have an impact on the local traffic network. As such, the Applicant prepared a traffic impact assessment report to assess the likely traffic implications of the development, to determine whether the development is satisfactory, and recommend appropriate remedial measures if required.

The report, prepared by Transport and Traffic Planning Associates, dated May 2015 states that, based on RMS rates, the following traffic generation rates apply to the proposed development:

- Residential component

Traffic generation of 0.19 and 0.15 vehicle trips per hour (vtph) for the morning and afternoon peak periods respectively (for sites that have convenient access to rail service, which the subject site has). For the subject development (354 units), this equates to 68vtph in the morning peak and 54vtph in the afternoon peak.

- Commercial component

Traffic generation of 1.6vtph per 100sqm of commercial office floor space in the morning peak period and 1.2vtph per 100sqm in the afternoon peak period. For the subject development (1,000sqm of GLFA), this equates to 16vtph in the morning peak and 12vtph in the afternoon peak.

- Retail component

For the Thursday PM peak, a retail floor space of 1,286sqm will result in a generation rate of approximately 60vtph, while the AM peak will be 25% of this PM peak, equating to 15vtph.

The total traffic generation rate for the whole development is presented as follows:

	AM	PM
• Residential (354 units)	68	54
• Commercial	16	12
• Retail	15	60
• Total	99 vtph	126 vtph

The Applicant's traffic consultant indicates that the traffic generation of the proposed development will be spread over a number of approach and departure routes both in the short term and in the long term when the proposed road layout for the Neil Street precinct is finalised and constructed.

Having regard to the projected traffic generation rates and the existing and future proposed local road network, the Applicant's traffic consultant concludes that there will be no unsatisfactory traffic or traffic related environmental implications.

Council's Traffic Engineer has reviewed the proposed development and submitted traffic report, and has advised that the projected traffic generation results in minimal impact to local roads and nearby intersections. Council's Traffic Section raises no objection to the development, subject to conditions.

It is further noted that the application and associated traffic report was referred to the RMS for their consideration and no objection was raised to the proposed development.

Social Impacts

Social Impact Assessment

In accordance with Council's *Social Impact Assessment Policy August 2012*, a Social Impact Assessment (SIA) was prepared and submitted for Council's consideration. Council's Social Planner has assessed the report and found that the report followed Council's methodology by reviewing the proposal's potential impact on population change, housing, mobility and access, cultural values, community connectedness, health and wellbeing, crime and safety, and the local economy.

Council's Social Planner reported that the major identified positive impacts are as follows:

- Supply of a more diverse and affordable housing mix (with 84 x 1, 245 x 2 and 26 x 3b/r units including 52 adaptable) at a suitable location (i.e. adjacent to the Merrylands Town Centre and an easy walk to Merrylands rail station and bus interchange)

- Improved social connectivity (between new residents and between the new residents and the existing community) provided by common lobbies and extensive communal open space areas (including open grass areas, swimming pool, BBQ's, children's playground and communal vegetable/herb garden) and a small public park
- Improved safety in the locale from the implementation of CPTED principles, use of security controls, activation of the streetscape by the commercial tenancies, and the additional 'casual surveillance', by new residents, of communal open space, the new public park and surrounding streets
- Potential for increased 'active transport' due to the provision of 212 bicycle storage spaces in the basement (to encourage cycling) and proximity to Merrylands Town Centre, Merrylands rail station and Holroyd Gardens
- Enhanced opportunities for active recreation provided by the communal open space, proximity to Holroyd Gardens and pedestrian links to the Merrylands Town Centre
- The short term generation of employment in the excavation, construction and fit out stages of the development, permanent employment associated with the commercial tenancies and on-going support of local shops by the new residents
- Improved amenity/presentation of the site
- Enhanced provision for mobility and access – with lift access to all levels, smooth and continuous paths of travel throughout the development, 52 adaptable units and accessible parking spots

Council's Social Planner indicated that potential negative impacts are confined to minor noise issues (particularly during construction) and minor traffic and parking issues.

Council's Social Planner agreed with the findings of the SIA that social impacts are mainly positive and that the population increase (of around 700 people) will not generate significant negative social impacts. Additionally, the infrastructure needs of the new residents are likely to be accommodated by the proposed communal open space, existing facilities in the locality and the normal planning arrangements of required new services

Council's Social Planner recommended that a Construction Management Plan be adopted as a condition of development consent

Acoustic Amenity

As identified above, given the proximity of the development site to the nearby rail corridor and road network, an Acoustic Report prepared by Rodney Stevens Acoustics was submitted to Council in support of the development application, having regard to the requirements of the SEPP Infrastructure 2007, the Department of Planning's publication entitled *Development Near Rail Corridors and Busy Roads – Interim Guideline*, and the Industrial Noise Policy.

The acoustic report presents an assessment of the potential noise impact from road and rail traffic, principally rail noise from the adjacent train lines and road noise from Pitt Street and Terminal Place, noise from mechanical plant associated with the operation of the development, and noise from construction works.

Road and rail noise and vibration

The acoustic report states that the predicted internal noise levels indicate that road traffic and rail noise on the proposed residential dwellings will potentially exceed the relevant environmental noise criteria with windows opened and closed on all floors. When windows are opened, noise in the living areas and sleep areas on all floors will exceed the criteria by up to 31 dB(A) and 36 dB(A) respectively. When windows are closed, road traffic noise in the

living areas and sleep areas on the 1st to 6th floors will exceed the criteria by up to 21 dB(A) and 26 dB(A) respectively.

In order to meet the environmental noise criteria contained within the ISEPP, the acoustic consultant has provided glazing requirements that will need to be incorporated into the proposed development. The acoustic consultant has indicated that, where internal noise criteria cannot be achieved with windows and doors open, a system of comfort ventilation is recommended to enable glazing to remain closed during noisier periods.

Construction noise and vibration

The acoustic consultant has indicated that, where the environment noise guidelines for construction noise and vibration cannot be achieved during normal operation, the construction contractor will need to employ mitigation and management measures to reduce noise generation and associated impacts. The acoustic consultant has provided a construction noise and vibration management plan to deal with such instances.

Operational noise emissions

The acoustic report has indicated that, whilst mechanical plant selection is unknown at this stage, it is likely that the relevant environmental noise criteria will be met through the use of conventional noise amelioration methods. The acoustic consultant recommends that an appropriately qualified acoustic consultant review the mechanical plant associated with the development at the detailed design stage when final plant selections have been made.

Council's Environmental Health Unit has assessed the proposed development having regard to the submitted acoustic report and considers the development to be satisfactory, subject to the implementation of the report recommendations.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

With regard to site contamination, a Preliminary Site Investigation with Limited Sampling was prepared by Environmental Investigations was submitted in support of the development application. Based on the findings of the report, Environment Investigations concluded that the site can be remediated to enable the site to be used for the proposed mixed commercial/residential purposes, subject to the preparation of a Remediation Action Plan and the preparation of a Hazardous Materials Survey prior to demolition of existing structures.

The site is quite large with a total site area of 5,612.2sqm and meets the minimum requirements for redevelopment in accordance with the DCP.

At a strategic level, the site has been assessed during the comprehensive LEP process as being able to sustain a higher heights and higher density.

(d) any submissions made

The application as initially lodged with Council, was placed on public exhibition for a period of twenty-one (21) days. Letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. In response, Council received one (1) submission objecting to the proposal.

The application was subsequently amended to its current proposal and renotified for a period of fourteen (14) days. In response, Council received one (1) submission objecting to the proposal, from the same submitter as previous. The concerns raised are addressed below:

1. As the development exceeds the LEP 'height of buildings' standard, the development will surely foster overdevelopment and overpopulation

As indicated above, Building A is 10.2 metres higher than the LEP maximum of 53m, whilst Building B is 1.8m higher than the 32m maximum (north-east portion) and 3.9m than the 41m maximum (Building B spans 2 height zones). Building C is 12.8 metres lower than the 32m LEP height. It is noted that the height exceedances for Building B relate mainly to roof-top elements such as lift over-runs and fire stairs.

The main exceedance is Building A which is 10.2m higher than the 53m LEP maximum and is 3 storeys higher than the 16 storey height envisaged in the DCP. The main reason for this is a superior urban design outcome for Building C.

The DCP provides a building envelope plan for Building C of 9 storeys. However, this height will clearly overshadow the internal communal open space areas, as well as any buildings to the south. The proposed development however proposes a 4 storey building along the northern edge in order to increase solar access to the internal communal open space area. Council supports this reduction in height as it is a clear improvement from an amenity perspective.

However, in order to offset this loss, Buildings A & B have been increased in height. This process is often described as 'decanting', whereby the height of one building is redistributed to another building to facilitate a better urban design outcome.

If both the height and the floor space ratio (FSR) were over the maximum, then it could be described as an overdevelopment of the site. However, the proposed FSR of 6.33:1 is well below the maximum of 6.5:1. The residential gross floor area (GFA) has been calculated at 341.4sqm less than the maximum floor area prescribed for the site. In this regards, whilst there is an exceedance in height in order to achieve a better urban design outcome than envisaged by the DCP, this has not resulted in an increased density.

2. Council should ensure that the minimum parking spaces are provided, and that the basement design complies with the relevant standards for parking and manoeuvrability. Will the basement levels affect the adjacent creek/culvert?

The residential component requires 339 residential parking spaces and 71 visitor spaces. The development provides 410 spaces (339 for residents and 71 for visitors). The commercial component requires 46 parking spaces and 50 parking spaces have been provided. Car parking for the development exceeds the minimum requirements.

With regard to bicycle parking, the DCP requires 219 bicycle parking spaces and the development provides 212. This minor shortfall is considered satisfactory.

Separation between residential/visitor and commercial spaces has been provided through the use of boom gates. The design of the carpark generally complies with the Australian Standards for parking and manoeuvrability. Any non-compliances will be subject to conditions for amendments to the plans prior to the issue of a Construction Certificate.

Whilst there are 5 levels of basement proposed, this will not affect the stormwater overland flow path, or the Sydney Water culvert, that traverse the site. The development has been

designed to accommodate the 1% AEP flood event, and the Applicant has proposed to upgrade the Sydney Water culvert to mitigate precinct-wide flood impacts.

3. The setbacks are inadequate, particularly for both Gladstone Street and Terminal Place, and there is no upper storey setback.

The required setback to both Gladstone Street and Terminal Place is 2.5 metres. Whilst the Gladstone Street setback is provided, development fronting Terminal Place provides a zero setback. This is considered appropriate given the large public space in front of the buildings and the commercial nature of the development which fronts this space. It is noted that the proposed development is located within the town centre where commercial development is usually set to the boundary given its higher density and commercial nature.

Other than the podium level for Building A, there are no upper storey setbacks requirements for this block in Part M of the Holroyd DCP 2013, entitled *5.3 – Block 3*.

4. The development will compound and increase traffic issues that already exist in this area, near the Neil Street Bridge, close to the railway station and the Merrylands Town Centre. Pitt Street is already a bottle-neck at peak morning and afternoon periods. How will 464+ cars be able to be accommodated, entering and leaving the site and immediate area.

The Applicant's traffic report indicates the following vehicle trips per hour (vtp) for the proposed development, which is based on Roads and Maritime Services (RMS) rates for traffic generation:

	AM	PM
• Residential (354 units)	68	54
• Commercial	16	12
• Retail	15	60
• Total	99 vtp	126 vtp

The Applicant's traffic consultant indicates that the traffic generation of the proposed development will be spread over a number of approach and departure routes both in the short term and in the long term when the proposed road layout for the Neil Street precinct is finalised and constructed.

Having regard to the projected traffic generation rates and the existing and future proposed local road network, the Applicant's traffic consultant concludes that there will be no unsatisfactory traffic or traffic related environmental implications.

The development application and associated traffic report was referred to Council's Traffic Section and the RMS for their consideration. Neither the RMS nor Council's Traffic Engineer raised concern with the proposed development and its impact to the locality.

It is noted that this application does not include any connection into Neil Street. The new intersection between Neil Street and 'New Road 1' forms part of a separate application for the Neil Street precinct. Whilst this intersection is envisaged in Council's DCP, its design is yet to be finalised.

- 5. How will the new roads be funded, and what the new roads will actually achieve. It is understood that the RMS has grave concerns about new roads entering Neil Street.**

There are a number of future new roads envisaged within the precinct. Part M of the Holroyd DCP 2013 and the Holroyd Section 94 Contributions Plan 2013 provide information relating to the provision of new roads. Land for 'New Road 1' which links Gladstone Street with Terminal Place is to be dedicated as public road. Such dedication would normally be offset through a reduction in s.94 contributions. The construction of the new road, which the developer has indicated that they will undertake, would also normally be offset through a reduction in s.94 contributions. Given the number of new dwellings envisaged for the precinct, the new roads will provide vehicle access to those dwellings.

- 6. Sunlight / daylight access – is 3 hours between the hours of 9.00am and 3.00pm to 70% of dwellings achieved.**

Council's DCP requires that 70% of dwellings receive at least 2 hours of direct sunlight during midwinter. The plans demonstrate that 249/354 (or 70%) of living rooms and private open space areas of units achieve a minimum of 2 hours direct sunlight during this time. This is also consistent with the Apartment Design Guide (ADG) which has now superseded the Residential Flat Design Code (RFDC).

- 7. Is adequate acoustic privacy achieved given the proximity to the railway and main roads, and is adequate separation between buildings to ensure both visual and acoustic privacy is maintained.**

Given the proximity of the development site to the nearby rail corridor and road network, an Acoustic Report prepared by Rodney Stevens Acoustics was submitted to Council in support of the development application, having regard to the requirements of the SEPP Infrastructure 2007, the Department of Planning's publication entitled *Development Near Rail Corridors and Busy Roads – Interim Guideline*, and the Industrial Noise Policy.

The acoustic report presents an assessment of the potential noise impact from road and rail traffic, principally rail noise from the adjacent train lines and road noise from Pitt Street and Terminal Place, noise from mechanical plant associated with the operation of the development, and noise from construction works. The acoustic report recommends an number of measures to be implemented to ensure that the relevant environmental noise criteria as provided in the above documents is achieved.

With regard to separation between buildings to achieve both visual and acoustic privacy, as identified above in this report, minimum building separation as required by the RFDC is not achieved, however, the 6 metre separation between buildings as envisaged by Part M of the DCP is achieved (the separation between Building A & C ranges from 5m to 7m, with a distance of 6m to the bedroom windows on Levels 2-4 of Building C). Given the higher density and commercial nature of the precinct, which requires edge-to-edge, block-defining structures, the envisaged 6 metres is considered appropriate. In most cases, primary windows servicing living rooms, bedrooms and kitchens are orientated away from each other (i.e. face the street or the internal communal open space area). However, there are a few instances where windows between buildings face each other in order to achieve cross-ventilation. In these cases, privacy measures are recommended to ensure that privacy is maintained.

- 8. How will the subject development and the adjacent approved development at 4 Terminal Place, with over 460 units and 587 cars, operate in this already congested main thoroughfare of the Merrylands Town Centre, around Pitt Street and Terminal Place and the Station. Is there adequate separation between these**

two buildings to ensure acoustic and visual privacy, sunlight and daylight access, etc.

The development of the Neil Street Precinct, which is located directly adjacent to the Merrylands Railway Station and the Merrylands Town Centre, has been on the agenda of Holroyd Council since the inception of the Merrylands Neil Street Precinct DCP No. 44 prepared by the Urban Design Advisory Service (UDAS), dated December 2004. This site specific DCP was carried over as a stand-alone document forming part of the Holroyd DCP 2007, and was finally transferred into what is now known as Part M of the Holroyd DCP 2013. The envelope plans and road layout have remained mostly unchanged. As is the case across most of Holroyd, and across most LGAs, heights and densities have increased to meet State Government targets in relation to population growth, particularly for centres which are near commercial hubs and rail corridors.

As was case for the 2004 and 2007 DCPs, the Holroyd LEP 2013 and Holroyd DCP 2013 were reviewed by Roads and Maritime Services (RMS) and the road layout and densities were considered satisfactory.

Having regard to the above, in particular the RMS endorsement of the precinct, it is considered that the traffic impact of the development within the precinct will not have a detrimental impact on the local road network.

With regard to separation between the two developments, given they are to be separated by a new road and public open space, the distance between the two buildings is more than 40 metres. The previously approved building on Terminal Place would receive direct sunlight from 9.00am to at least 12.00 midday.

(e) the public interest

Given the positive benefits of the proposal, which were identified by Council's Social Planner, are considered to outweigh any negative impacts that may arise as a result of the proposal, it is considered that the proposal is in the public interest.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Development Engineering Section	No objection, subject to conditions
Traffic Section	No objection, subject to conditions
Landscaping Section	No objection, subject to conditions
Environmental Health Unit	No objection, subject to conditions
Waste Management Section	No objection, subject to conditions
Strategic Planning Section	No objection
Community Services Section (Social Planning and Accessibility)	No objection
Consultant Urban Design Advisor	No objection, however advised that greater separation between buildings should be provided

EXTERNAL REFERRALS

Comments were also sought from a number of external authorities, as provided below:

Sydney Water	No objection, subject to conditions
Roads and Maritime Services	No objection
Holroyd Police	No objection
Endeavour Energy	No objection

SECTION 94 CONTRIBUTIONS

The subject site is located within the Merrylands Centre – Neil Street Precinct contributions area. The following contributions apply to mixed residential / commercial development in this area:

- Residential
 - 38 x studio and 67 x 1 b/r units @ \$13,218 per unit = \$1,387,890
 - 223 x 2 b/r units @ \$22,354 per unit = \$4,984,942
 - 26 x 3 b/r units @ \$31,295 per unit = \$813,670
 - Subtotal **\$7,186,502**
- Commercial
 - 2,145sqm of GFA @ \$283 per sqm = **\$683,445**
- Car parking
 - 20% of parking spaces within the B4 zone
 - 1,980sqm of GFA / 50sqm x 20% = 7.92 / 8 spaces
 - 8 spaces @ \$29,706 = **\$237,648**
 - Total **\$8,107,595**

RECOMMENDATION

As identified above, it is considered that the form of the development is consistent with the building envelope plan provided within the Holroyd DCP 2013 and is consistent with what is envisaged for the site and the precinct. Whilst the proposed heights exceed the DCP and indeed the maximum allowable height in metres as prescribed by the LEP, this is a result of redistributing height from one building to another in order to achieve a better urban design outcome, in this case to improve solar access to internal apartments and common open areas.

Whilst the distances between buildings do not meet minimum separations as provided with the Residential Flat Design Code (RFDC), the proposal is generally consistent with separations envisaged within the DCP, and further to this, the RFDC states that building separation may be varied in response to site and context constraints. In this case, the DCP envisages edge-to edge development with strongly defined built edge to the street.

Servicing of the development, both in relation to car parking and waste management is also considered satisfactory.

From an amenity perspective, the buildings achieve good solar access and cross ventilation, whilst maintaining privacy, subject to the implementation of appropriate privacy measures in few instances. The architectural expression is creative and interesting, with each building providing an appropriate presentation to the street. Overall, the scale, form and architectural presentation of the development is considered appropriate for the site and will provide a positive impact to the Merrylands Town Centre.

More importantly, the development results in an increase in the supply of housing and mixed housing types, maintenance of social diversity, a reinforcement in the viability of the Merrylands Town Centre, and improvement to the built environment. It is considered that these positives outweigh any perceived negative aspects of the proposed development.

Having regard to the above, it is recommended that the application proposing demolition of existing structures and construction of a mixed use development containing 3 separate buildings ranging in height between 4 and 19 storeys comprising 354 residential units and 2,286sqm of commercial floor space over 5 levels of basement parking accommodating 460 car parking spaces, be approved subject to conditions as outlined in Attachment I of this report.