

Statement of Environmental Effects- S96(2)

MODIFICATION TO APPROVED 9 STOREY MIXED USE DEVELOPMENT TO PROVIDE FOR 6 ADDITIONAL UNITS, 5 ADDITIONAL PARKING SPACES, MINOR REDUCTION IN COMMERCIAL FLOOR SPACE AND OTHER MINOR PLAN AMENDMENTS AT 272-276 & 280-284 MERRYLANDS ROAD AND 1 ADDLESTONE ROAD, MERRYLANDS



Prepared by: Think Planners Pty Ltd

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Authority: Holroyd Council



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QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects– S96 to Amend Approved Plans
ADDRESS: 272-276 & 280-284 Merrylands Rd & 1 Addlestone Road,
Merrylands
COUNCIL: Holroyd City Council
AUTHOR: Think Planners Pty Ltd
ARCHITECT: IDraft Architects

Date	Purpose of Issue	Rev	Reviewed	Authorised
23 April 2015	Issue for Lodgement	Draft	JW	JW/AB
22 June 2015	Final Issue for Lodgement	Final	JW	JW/AB
30 July 2015	Revised for SEP 65 & ADG	Final	JW	JW/AB

Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?	
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
Concurrence	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP 71 – Coastal Protection	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

¹ Works with 40m of a watercourse (concrete channel) however S96 only.

² Proposal involves more than 200 parking spaces and required Concurrence, however S96 only.



Executive Summary

This Statement of Environmental Effects has been prepared in support of a Section 96 modification application to amend the approved plans associated with DA2013/450.

DA2013/450 granted consent to the construction of a nine (9) storey mixed use development comprising of 2229m² of commercial floor space on the ground floor with 146 residential dwellings above and 246 car parking spaces within two basement levels and at at-grade.

It is noted that there is no change to the building footprints in terms of setbacks and there is no increase in the overall building height compared to the approved development.

The changes are shown clouded on the submitted plans with notations on each plan of the amendments, with a detailed list provided further in this statement.

The following key amendments form part of the revised Section 96 modification:

- Amendment to basement parking levels to reflect consent conditions regarding column layouts, ramps and adaptable spaces and increase parking from 246 spaces to 251 spaces with the following breakdown:
 - 179 Resident Spaces (DA was 172)
 - 31 Visitor Spaces (DA was 29)
 - 33 Commercial spaces (unchanged) in the basement and 8 commercial spaces at the ground floor.
- Revision to the location of 3 x adaptable units;
- Revised stormwater plans prepared by HKMA to reflect DA requirements and to improve the functionality of the stormwater system;
- Revision to the ground floor to reflect the required changes to fire stairs, mechanical services, and substation locations;
- Minor reduction in commercial gross leasable floor area through removal of 1 commercial tenancy with the revised tenancies as follows:
 - Tenancy 1: 366m²
 - Tenancy 2: 156m²
 - Tenancy 3: 158m²
 - Tenancy 4: 509m²
 - Tenancy 5: 362m²
 - Tenancy 6: 110m²
 - Tenancy 7: 147m²
 - Total: 2043m²



- Increase in total unit numbers from 146 to 152, with the following revised unit mix:
 - 22 x 1 bedroom (DA was 8 x 1 bed)
 - 118 x 2 bedroom (DA was 126 x 2 bed)
 - 12 x 3 bedroom (no change from DA)

The development proposal is appropriately defined as substantially the same development as the original (as modified) consent, with no change to the physical layout of each building and form of the development. The amendments will not result in unreasonable amenity impacts to adjoining properties and the overall form of the development remains unchanged. It is noted that the amendments are internal changes that is to be contained within the approved building.

After a review of the amended plans and consideration of the relevant planning controls it is recommended that Council grant consent to the modification application with appropriate amendment to consent conditions- namely condition 1 of consent to reflect the amended plans.

1. Site & Locality Description

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

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

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

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



Image1: Aerial Map

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

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

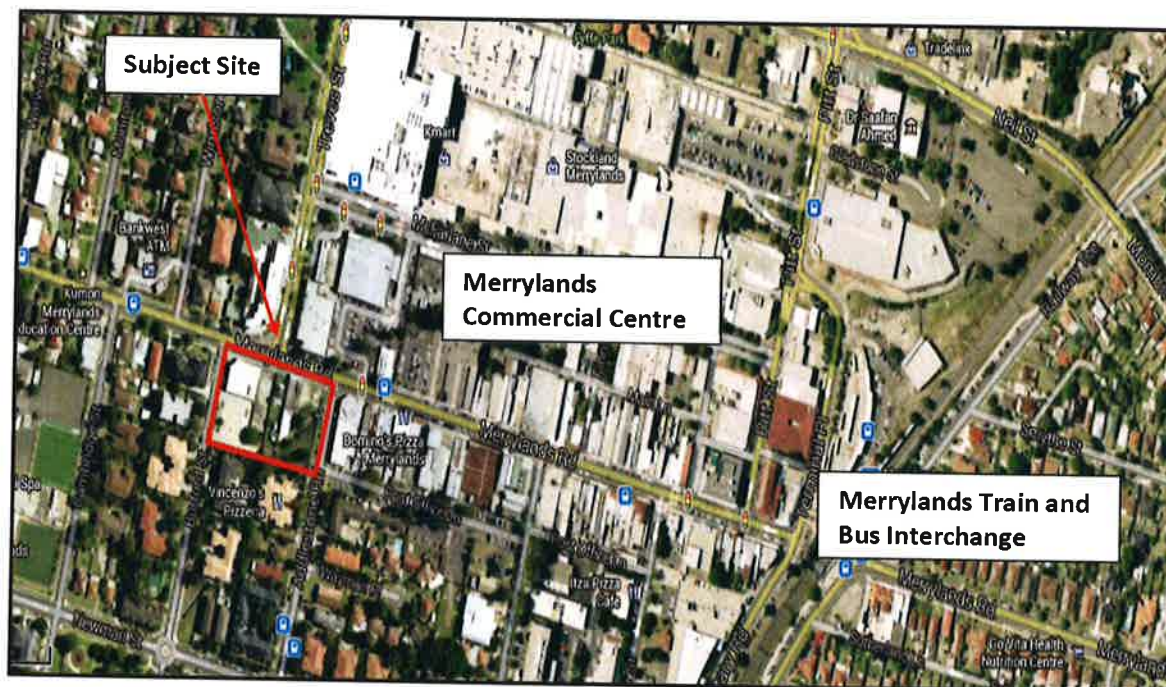


Image 2: Broader Locality Aerial Map

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



1. Description of S.96 (2) Modification

The proposal seeks consent for minor amendments to the approved architectural plans associated with DA2013/450. DA2013/450 granted consent to the construction of a nine (9) storey mixed use development comprising of 2229m² of commercial floor space on the ground floor with 146 residential dwellings above and 246 car parking spaces within two basement levels and at at-grade.

It is noted that there is no change to the building footprints in terms of setbacks and there is no increase in the overall building height compared to the approved development. The changes are shown clouded on the submitted plans with notations on each plan of the amendments. The following key amendments form part of the revised Section 96 modification:

- Amendment to basement parking levels to reflect consent conditions regarding column layouts, ramps and adaptable spaces and increase parking from 246 spaces to 251 spaces with the following breakdown:
 - 179 Resident Spaces (DA was 172)
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 - 33 Commercial spaces (unchanged) in the basement and 8 commercial spaces at the ground floor.
- Revision to the location of 3 x adaptable units;
- Revised stormwater plans prepared by HKMA to reflect DA requirements and to improve the functionality of the stormwater system;
- Revision to the ground floor to reflect the required changes to fire stairs, mechanical services, and substation locations;
- Reduction in commercial gross leasable floor area to 2043m² (2229m² approved) through removal of 1 commercial tenancy with the revised tenancies as follows:
 - Tenancy 1: 366m²
 - Tenancy 2: 156m²
 - Tenancy 3: 158m²
 - Tenancy 4: 509m²
 - Tenancy 5: 362m²
 - Tenancy 6: 110m²
 - Tenancy 7: 147m²
- Increase in total unit numbers from 146 to 152, with the following revised unit mix:
 - 22 x 1 bedroom (DA was 8 x 1 bed)
 - 118 x 2 bedroom (DA was 126 x 2 bed)
 - 12 x 3 bedroom (no change from DA)

The bubbling on the plans adjacent the southern boundary reflects the required acoustic wall.



2. Planning Controls

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

S.96 Environmental Planning and Assessment Act 1979

Pursuant to S.96 (2) of the Act, Council may consider an application to amend a development consent provided that, inter alia:

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

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

The application is substantially the same as the approved development, with the development concept remaining physically the same as that granted consent with minor changes to the approved plans noting that the amendments are largely internal with no change to the overall footprint and building height.



The amendments will have limited, if any, environmental impact given the setbacks and building heights are unchanged and there are limited external amendments.

It is anticipated that modification may be notified to adjoining property owners although as it has no additional impacts beyond those identified as part of the original assessment and therefore no additional issues are anticipated.

Key Environmental Planning Instruments

Given the proposal is for amendments to the approved plans only those planning instruments and controls relevant to the proposal are addressed in detail below.

State Environmental Planning Policy BASIX

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development & Apartment Design Guide

It is noted that the revised SEPP is now in force and technically applies to the proposal, noting that the previous development proposal was subject to the previous provision of SEPP 65 and the Residential Flat Design Code. Therefore some degree of flexibility needs to be considered as the additional units are being provided within a previously approved building and it does not involve revisions to the entire building.

The development proposal contains limited change to the actual approved development with the revisions being confined to reconfiguration of unit mix and minor internal changes. The building configuration and size is unchanged and with the proposal to only undertake changes to the over-all unit mix and a minor increase in unit numbers (6 units), and as such will not have an impact on the majority of the SEPP 65 and ADG matters. Those areas where discussion is relevant to the current S96 is provided below.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.



The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Requirement	Proposed
3A Site Analysis required	Appendix 1 of the ADG	Provided
3B Orientation	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20% 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	N/A –The S96 does not reduce solar access to adjoining properties as no change to height. As above.
3C Public Domain Interface	The maximum height of street frontage walls is 1m Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	No change to existing as part of S96.
3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site 50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm Minimum dimension of 3m	No change- however Communal open space equates to approximately 27%, which exceeds the 25-30% requirement. . Complies Complies



3E Deep Soil Zones	A deep soil zone equivalent to 7% of the site area must be provided	No change to deep soil, which is approximately 240m ² or 10% and exceed the 7% control.
3F Visual Privacy	12m between habitable rooms (6m)	No change to building separation as part of S96. N/A
Building Separation Up to 4 storeys (up to 12m)	12m between habitable rooms (6m)	
5-8 Storeys (up to 25m)	18m between habitable rooms (9m)	
3J Carparking	Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of: >20 units <u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)	Proposal designed to comply with Holroyd DCP parking requirements as per further discussion.
4A Solar Access	70% of Units to receive 2 Hours Solar Access between 9am and 3pm Mid Winter A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid Winter	Complies, development proposal incorporates 70% of units (109) receiving more than 2 hours direct sunlight. No single aspect south facing units are proposed as part of the S96 proposal.



4B Natural Ventilation	60% of Units are cross ventilated in a building up to 9 storeys Unobstructed window openings should be equal to at least 5% of the floor area served	The S96 proposal adopts a design that supports naturally ventilation with 65% of units being naturally cross-ventilated. Complies
4C Ceiling Height	2.7m for habitable and 2.4m for non-habitable.	Complies
4D Unit Sizes Studio 1 bed 2 bed 3 bed + 5m² for each unit with more than 1 bathroom. Bedroom sizes Master Other Living rooms/dining areas have a minimum width of: 3.6m 4m Habitable Room Depths	35 m² 50m² 70m² 90m² 10m² 9m² Studio/1 br 2br/ 3br limited to 2.5m x Ceiling Height (6.75m depth maximum based on 2.7 floor to ceiling heights)	Relative to Proposed: N/A Complies- Min 55 Complies- Min 77 Complies- 103 No second bathroom provided other than 3 bed Minor Variation Minor Variation Complies to Main Living Complies Main Living Variation -Despite the noncompliance with objective 4D-2, figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is satisfactory for open plan apartments. The proposal is consistent with this.



Open Plan Layouts that include a living, dining room and kitchen.	8m to a window	Complies to habitable rooms except for Unit 52 and 71 layout which marginally exceeds but are reasonable.
4E Private Open Space Balcony Sizes Studio 1 bed 2 bed 3 bed	4m ² 8m ² & 2m depth 10m ² & 2m depth 12m ² & 2.4m depth	N/A Complies Complies Complies
Ground level/ podium apartments	15m ² & 3m depth	N/A
4F Common Circulation and Spaces Common Circulation Units per Plate	8 -12 Unit per Plate	Maximum 12 units per floor. Complies
4G Storage Studio 1 bed 2 bed 3 bed Min 50% of required storage is within the apartment	4m ³ 6m ³ 8m ³ 10m ³	Consistent Consistent Consistent Consistent
4O Landscape Design Site Area 850m2 to 1500m2 >1500m2	1 large tree or 2 medium trees per 90m ² of DSZ 1 large tree or 2 medium trees per 80m ² of DSZ	No change as part of S96.

Holroyd Local Environmental Plan 2013

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

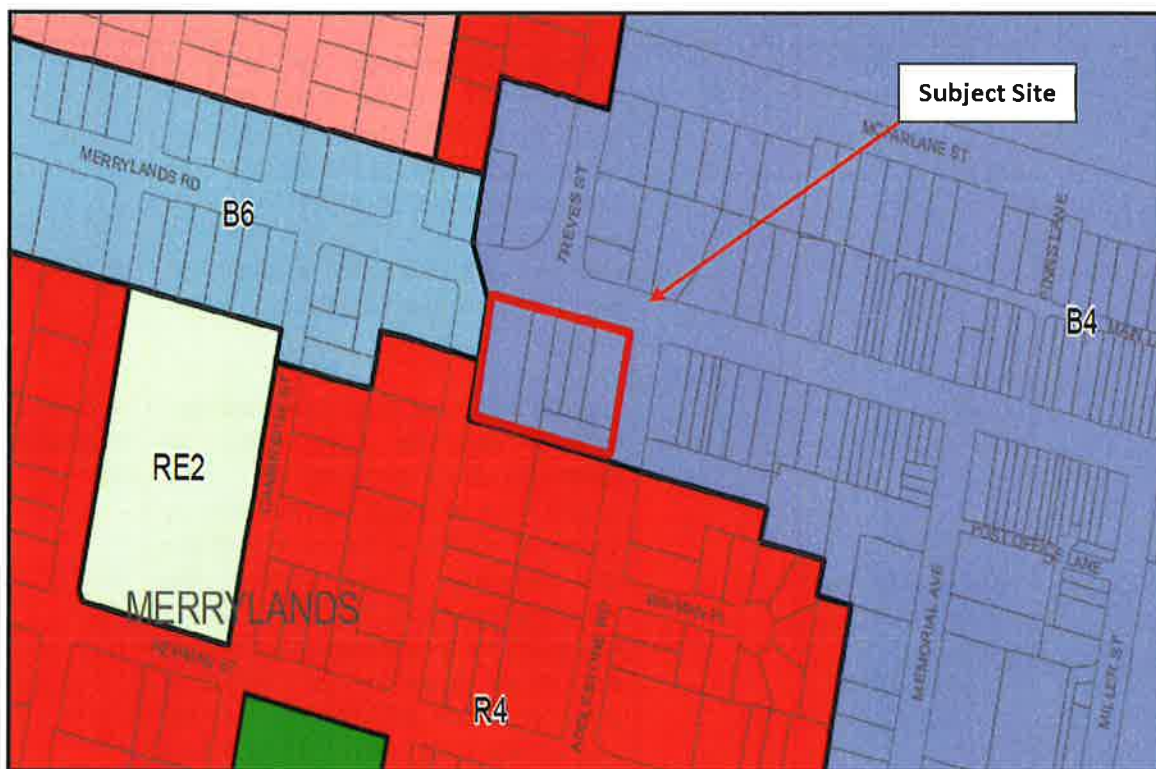


Image 4: Zoning Map Extract

Commercial Premises and *Residential Flat Buildings* are permissible with consent, and the proposal continues to be permitted with consent.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions, noting given the nature of the proposal only those matters relevant to the proposal are listed in the table below.

Holroyd Local Environmental Plan 2013 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	B4 – Mixed Use	A mixed commercial and residential premise is permissible with Council consent in the B4 – Mixed Use zone.	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The Section 96 continues to meet the zone objectives.	YES
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	N/A



2.7	Demolition Requires Consent	No change from original DA.	N/A
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size	No change from original DA.	N/A
4.3	Height of Buildings: 29m	No change from original DA.	N/A
4.4	Floor Space Ratio: 4:1	A maximum floor space ratio of 4:1 is identified for the site under Holroyd Local Environmental Plan 2013 Floor Space Ratio Map Sheet FSR_009. The proposal continues to be well below the maximum FSR of 4:1, being 2.74:1. The total FSR is 2.74:1 which is much less than the maximum 4:1 permitted under the LEP. The site is subject to a 'residential cap' on the allowable floor space for residential dwellings, being 4:1 – 1.7:1 (2.3:1). The proposal exceeds this by 384m² or 3.04% of the control. Given the proposal is well below the maximum permitted FSR, and continues to provide for an activated ground floor, the minor departure is considered acceptable. See the discussion at the end of this table noting that a Clause 4.6 variation is not required based on case law regarding development standards and Section 96 modifications.	YES Variation to Residential Cap
Part 5 Miscellaneous Provisions			
5.9	Preservation of Trees or Vegetation	No change from original DA.	N/A
5.10	Heritage Conservation	No change from original DA.	N/A
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	No change from original DA.	N/A
6.2	Earthworks	No change from original DA.	N/A
6.3	Essential Services	No change from original DA.	N/A
6.4	Flood Planning	No change from original DA.	N/A
6.5	Terrestrial Biodiversity	No change from original DA.	N/A
6.6	Riparian Land and Watercourses	No change from original DA.	N/A



6.7	Stormwater Management	No change from original DA.	N/A
6.8	Salinity	No change from original DA.	N/A

Case Law Regarding S96 and Development Standards

As stated above the proposed modification results in a minor variation to the maximum permitted FSR associated with residential development on the site noting that the proposal exceeds this by 384m² or 3.04% of the control.

A variation pursuant to Clause 4.6 would normally be required, however the wording of Clause 4.6 relates to the 'granting of consent' (i.e. Development consent must not be granted for development) rather than the 'modification of consent' and therefore technically Clause 4.6 does not apply.

The consideration of development standards pursuant to Section 96 amendments has been an ongoing issue dealt with in the Land and Environment Court. It is important to note that the Court has consistently described the section 96 modification provision of the Act as "beneficial and facilitative". It is designed to assist the modification process rather than to act as an impediment to it; "It is to be construed and applied in a way that is favourable to those who seek to benefit from the provision" (see *North Sydney Council v Michael Standley & Associates Pty Limited* 1998). Consistent with this philosophy it is noted that a Council can approve a section 96 modification application even where it would contravene a development standard. In such cases, neither a SEPP 1 nor Clause 4.6 variation is required.

In *North Sydney Council v Michael Standley & Associates Pty Ltd* the judgement identified that section 96 is a 'free-standing provision'. This means that a section 96 "modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application."

It is clear that Section 96 authorises the development to be approved irrespective of any breach of development standards. The tests for a section 96 are different to that of a development application, as it includes that of "substantially the same". Accordingly, a determination pursuant to Section 96 does not require a SEPP 1 or Clause 4.6 variation to give Council power to approve. It was argued by Sutherland Shire Council in *Gann v Sutherland Shire Council* that it is illogical for a developer to have the opportunity to gain consent for a compliant development by virtue of a Development Application and then be granted opportunity to ignore development standards via the section 96 modification process. The Court noted:

"This does not mean that development standards count for nothing. Section 96(3) still requires the consent authority to take into consideration the matters referred to in s 79C, which in turn include the provision of any environmental planning instrument. That is, any development standard in an environmental planning instrument must be taken into consideration by the consent authority, but the absolute prohibition against the carrying out of development otherwise than in accordance with the instrument in s 76A(1) does not apply."



Having regard to the above discussion, we note that section 96 authorises the approval of modifications to be given by the consent authority where there is a breach of a development standard. Neither Clause 4.6 nor SEPP 1 are applicable to a Section 96 modification, as these are only relevant during the development application and assessment stage. However a consent authority is still to have regard to the control and the merit, or otherwise, of supporting a variation to a control.

Accordingly, and having regard to the above discussion, we believe that there is no legal impediment to Council accepting, assessing and determining a s.96 to permit the minor departure from the residential floor space control associated with the site.

The actual variation to the control is considered acceptable based on the following:

- The development proposal is substantially below the maximum permitted FSR control across the broader site of 4:1, which means that the overall bulk and scale of development is appropriate for the site;
- The proposal continues to provide for 2043m² of useable commercial/retail space to activate the ground floor level and to ensure that the extent of space provided does not prejudice the delivery of commercial floor space in the Merrylands Town Centre;
- The extent of commercial space is adequate having regard to the fact that the site is located at the western edge of the Town Centre and that the site is constrained through the existing Sydney Water channel;
- The additional residential dwellings have no impact on the streetscape activation, achieved by the development;

Therefore the request to vary the FSR control (residential accommodation component) is considered appropriate in the context of the subject site.



Holroyd Development Control Plan 2013

All relevant Council controls applicable to the Section 96 have been considered in the following compliance table, noting that the Commercial Controls are not addressed in detail given the proposal is for a mixed-use development in the Merrylands Town Centre and therefore the Part A and Part M controls are of most relevance.

Holroyd Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	Controls	Comment	Complies
3. Car Parking			
3.	Minimum Parking Spaces: Dwellings in B4 Mix Use Zone: 1 bedroom unit: $0.8 \times 22 = 17.6$ 2 & 3 bedroom unit: $1 \times 130 = 130$ = 147.6 Visitor/dwelling: $0.2/\text{dwelling} = 30.4$ Commercial in B4 Mix Use Zone: 1 space per 50m^2 = 40.8 Total= 218 required.	The development proposes the construction of a nine (9) storey mixed use development with: • $2,043\text{m}^2$ of commercial space (NLA); • 22 x 1 bedroom apartments • 118 x 2 bedroom apartments • 12 x 3 bedroom apartments Taking into account this requirement a minimum of 217.8 car parking spaces are to be provided on site. The development proposes the provision of 253 carparking space within the two levels of basement including: • 178 Resident • 30 resident visitor; and • 45 commercial spaces. Therefore the proposal complies.	YES
5. Biodiversity			
		No change from DA.	N/A
6. Soil Management			
6.1	Cut & Fill and Retaining Walls	No change from DA.	N/A
6.2	Site Contamination and Land Filling	No change from DA.	N/A
6.3	Erosion and Sediment Control	No change from DA.	N/A
6.4	Erosion and Sediment Control Plan	No change from DA.	N/A



6.5	Salinity Management	No change from DA.	N/A
7. Stormwater Management			
		No change from DA.	N/A
8. Flood Prone Land			
		No change from DA.	N/A
9. Managing External Road Noise and Vibration			
		No change from DA.	N/A
10. Safety and Security			
		No change from DA.	N/A
11. Waste Management			
11	Site Waste Minimisation and Management Plan	No change from DA.	N/A
12. Services			
		No change from DA.	N/A
Holroyd Development Control Plan 2013 – Part B Residential Controls Compliance Table			
Clause	Controls	Comment	Complies
1. General Residential Controls			
1.1	Building Materials	No change from DA.	N/A
1.2	Fences	No change from DA.	N/A
1.3	Views	No change from DA.	N/A
1.4	Privacy	No change from DA.	N/A
1.5	Landscaping and Open Space.	<i>Private Open Space</i> 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 ² is provided for each dwelling as private open space.	YES
1.6.	Safety and Security	No change from DA	N/A
1.7	Building and Site Sustainability	No change from DA	N/A



1.8	Sunlight Access	No change from DA- proposal complies with RFDC.	N/A
1.9	Easement and Overland Flow Paths	No change from DA	N/A
1.10	Cut and Fill	No change from DA	N/A
1.11	Demolition	No change from DA	N/A
1.12	Car Parking and Roads	No change from DA	N/A
Holroyd Development Control Plan 2013 – Part M Merrylands Town Centre Compliance Table			
Clause	Controls	Comment	Complies
4. Building Envelope			
4.1	Site amalgamation and Minimum Frontage	No change from DA	N/A
4.2	Building and Ceiling Height	No change from DA	N/A
4.3	Street Setbacks, Road Widening and Street Frontage Height	No change from DA	N/A
4.4	Building Depth and Length	No change from DA	N/A
4.5	Setbacks and Separation	No change from DA	N/A
4.6	Active Frontages, Street Address and Building Use	No change from DA	N/A
4.7	Landscaping and Open Space	No change from DA	N/A
6. Movement			
6.1	Rear Laneways and Private Accessways	No change from DA	N/A
6.2	Pedestrian Access	No change from DA	N/A
6.3	Vehicle Access	No change from DA	N/A
6.4	Parking	Proposal is compliant with the parking rates under the DCP.	YES
7. Design and Building Amenity			
7.1	Laneway and Arcade Design	No change from DA	N/A
7.2	Managing External Noise Vibration	No change from DA	N/A
7.3	Awnings	No change from DA	N/A
7.4	Apartment Layout	No residential units are more than 8m from the glassline.	YES
	Depth of single aspect apartment – 8 metres.	Single aspect units are up to 8m.	
	Back of the kitchen not more than 8 metres from a window.	All new kitchens are no more than 8m from the main window.	



	Apartment sizes: 1 bed 50m ² 2 bed 70m ² 3 bed 95m ²	All proposed additional units comply with the minimum unit size requirements.	
7.5	Corner Buildings	No change from DA	N/A
8. Environmental			
8.1	Flood and Stormwater Management	No change from DA	N/A
9.1	Public Art	No change from DA	N/A

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 modification application, subject to required amendments to conditions of consent, including plan references.