



SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference Number	2016SYW098 DA
DA Number	DA 2016/164
Local Government Area	Cumberland
Proposed Development	Demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a part 4, part 5 and part 7 storey shop top housing comprising 86 residential units; 6 retail tenancies at grade and basement parking accommodating 176 carparking spaces.
Street Address	9-11 Sherwood Road, Merrylands West
Applicant	Revelop Projects Pty Ltd
Owner	Barich Family Group Pty Limited
Number of Submissions	Two (2) submissions
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value \$25,229,133 (>\$20 million)
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • State Environmental Planning Policy (State and Regional Development) 2011 • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (HDCP 2013) • Section 92 of the EP&A Regulation
Recommendation	Approval, subject to conditions
Report by	Ali Hammoud, Consultant Senior Planner, Cumberland Council
Meeting date	30 August 2017



Figure 1 – Perspective from Sherwood Road looking south-west (Source: Architex, 2016)



TABLE OF CONTENTS

1	Executive Summary.....	1
2	Site and Context.....	2
3	The Proposal.....	4
4	Planning Controls.....	7
5	Key Issues.....	8
6	External Referrals.....	13
7	Internal Referrals.....	13
8	Public Comment.....	14
9	Section 79C Consideration.....	14
10	Conclusion.....	15
11	Recommendation.....	16

TABLE OF FIGURES

Figure 1 – Perspective from Sherwood Road looking south-west (Source: Architex, 2016)...	1
Figure 2 – Location Map (Source: Cumberland Council, 2017)	3
Figure 3 – Zoning Map (Source: Cumberland Council, 2017).....	3
Figure 4 – Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)	4

ATTACHMENTS

- Attachment 1 – Development Application Plans
- Attachment 2 – Applicant's clause 4.6 request for variation
- Attachment 3 – Proposed Conditions of Consent
- Attachment 4 – Assessment of compliance with SEPP 65 Apartment Design Guide
- Attachment 5 – Assessment of compliance with Holroyd LEP 2013
- Attachment 6 – Assessment of compliance with Holroyd DCP 2013



1 Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Revelop Projects Pty Ltd proposing a shop top housing development at 9-11 Sherwood Road, Merrylands West. The DA seeks approval for the demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a part 4, part 5 and part 7 storey shop top housing comprising 86 residential units; 6 retail tenancies at grade and basement parking accommodating 176 carparking spaces. A copy of the proposed DA plans are provided at **Attachment 1** to this report.
- 1.2 The proposed development constitutes 'regional development' requiring referral to the Sydney West Central Planning Panel (the Panel), as it has a capital investment value of \$25,229,133. While Council is responsible for the assessment of the DA, the Panel is the consent authority.
- 1.3 The site is zoned B2 Local Centre pursuant to Holroyd Local Environmental Plan (HLEP) 2013. Shop top housing, defined as *"one or more dwellings located above ground floor retail premises or business premises"*, is permissible with development consent and the development is consistent with the objectives of the zone.
- 1.4 The proposal is consistent with the objectives of State Environmental Planning Policy No. 65 (SEPP 65) and satisfactorily achieves the 9 design quality principles listed under Schedule 1. The proposal achieves the objectives of the Apartment Design Guide (ADG) and complies with numerical design criteria, with the exception of the communal open space, building separation, solar access, storage and adaptable dwelling requirements. The variations are discussed in further detail in Section 5 of this Report.
- 1.5 The development complies with the development standards contained within HLEP 2013 with the exception of building height.
- 1.6 The maximum permissible height of buildings on the site is 23 metres from the Sherwood Road boundary 20 metres into the site and 17 metres for the remainder of the site to the Coolibah Street boundary. Various parts of the proposed development exceed the maximum height of building development standard by up to 1.76 metres or 10.4% over the 17 metre height limit and 1.29 metres or 5.6% over the 23 metre height limit. The degree of variations is tabled below:

Building – Component	Maximum Height Permitted	Maximum Height Proposed	Extent of Variation
Building A – Lift Overrun	17 metres	18.76 metres	1.76 metres / 10.4%
Building B – Stair Overrun	17 metres	17.48 metres	480mm / 2.8%
Building C – Lift Overruns	23 metres	24.29 metres	1.29 metres / 5.6%

- 1.7 The applicant has lodged a request under Clause 4.6 of HLEP 2013 seeking a variation to the height of building development standard. A copy of the Clause 4.6 request is provided at **Attachment 2** to this report. The variation is supported as the objectives of the standard are achieved and the proposal results in a better planning outcome for the site with no adverse streetscape, overshadowing or amenity impacts on adjoining properties.



- 1.8 The development is generally consistent with the requirements of the Holroyd Development Control Plan (HDCP) 2013 with the exception of the loading & unloading facilities; dimensions and height clearances for through site link; adaptable dwellings; vehicular access and storey limit controls. The proposed variations are considered acceptable as discussed in further detail in Section 5 of this Report.
- 1.9 The DA was externally referred to the NSW Roads and Maritime Services (RMS), NSW Police, Endeavour Energy and Transgrid for comments, all of which raised no objection to the proposal subject to conditions of consent.
- 1.10 The DA was notified to surrounding property owners and occupiers, during which time a total of 2 submissions were received. The grounds of objection raised in the submissions have been satisfactorily addressed as a part of the DA and are not considered sufficient to warrant refusal of the DA.
- 1.11 The proposed development is considered satisfactory with regard to key issues such as siting and design, bulk and scale, privacy, overshadowing, access, traffic impacts, parking, site contamination, stormwater drainage and social and economic impacts. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979 including the suitability of the site for the development and the public interest, and is considered satisfactory subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.12 In light of the above, it is recommended that the Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 3** to this Report.

2 Site and Context

- 2.1 The subject land is known as Lot 2, DP 616486 and Lot 101, DP 789369, 9-11 Sherwood Road, Merrylands West. The site comprises 2 land parcels that are each regular shaped lots and have a combined frontage of 47.5 metres to the eastern Sherwood Road boundary; a 33.2 metre frontage to the western Coolibah Street secondary frontage, an overall depth along the northern side boundary of 95.47 metres and a depth along the southern side boundary of 95.68 metres. The total site area is 3,734.4sqm. The site is illustrated in Figure 2 below:



Figure 2 – Location Map (Source: Cumberland Council, 2017)

- 2.2 The subject site is currently occupied by a number of commercial buildings and at grade car parking.
- 2.3 The topography of the site creates a slope from the eastern Sherwood Road frontage to the western Coolibah Street frontage with a fall of up to 4.4 metres.
- 2.4 The subject site is zoned B2 Local Centre pursuant to Holroyd Local Environmental Plan (HLEP) 2013 as shown in Figure 3 below:

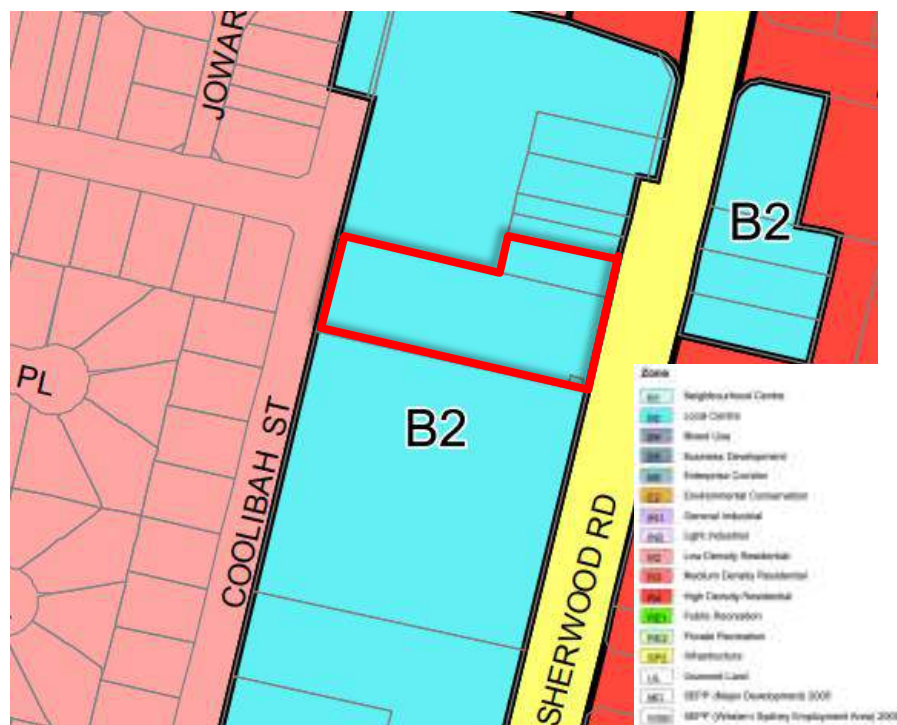


Figure 3 – Zoning Map (Source: Cumberland Council, 2017)



- 2.5 The subject site is situated on the western side of Sherwood Road, Merrylands West and has a secondary street frontage to Coolibah Street to the west of the site as illustrated in Figure 4 below:



Figure 4 – Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)

- 2.6 The subject DA proposes construction of 3 buildings that will be referred to as Buildings A, B and C in this report.
- 2.7 Building A is proposed to be constructed fronting Coolibah Street and is a 5 storey shop top housing development comprising a ground floor commercial level and 4 residential levels above.
- 2.8 Building B is proposed to be constructed in the centre of the site and is a 4 storey building that will be connected to Building A by a common corridor. Building B comprises ground floor commercial tenancies and car parking and 3 residential levels above.
- 2.9 Building C is a separately detached building that will be constructed fronting Sherwood Road and is a 7 storey shop top housing development comprising a ground floor commercial level and 6 residential levels above.
- 2.10 The locality is characterised by existing low rise commercial buildings and zoning to the north and south, low density residential development and zoning to the west and high density residential development and zoning to the east.
- 2.11 The subject site currently benefits from vehicular access directly from both the Sherwood Road and Coolibah Street frontages. Vehicular access to the development is proposed from both street frontages with the main vehicular access to the lower basement levels proposed from the Coolibah Street frontage.
- 2.12 The site has access to the surrounding regional road network of the M4 Motorway and Great Western Highway via Merrylands Road and Cumberland Highway to the west and north.

3 The Proposal



- 3.1 The proposal is for the demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a part 4, part 5 and part 7 storey shop top housing comprising 86 residential units; 6 retail tenancies at grade and basement parking accommodating 176 carparking spaces.
- 3.2 Specific details of the proposed development are as follows:

	Building A	Building B	Building C
<i>No. of Storeys / Height in metres</i>	5 storeys / 18.76 metres for lift overrun and 15.2 metres for main building	4 storeys / 17.48 metres for stair overrun and 15.18 metres for main building	7 storeys / 24.29 metres for lift overrun and 24.24 metres for main building
<i>No. of Units / Unit Mix</i>	20 units • 2 x 1 bed units • 7 x 2 bed units • 11 x 3 bed units	18 units • 0 x 1 bed units • 18 x 2 bed units • 0 x 3 bed units	48 units • 6 x 1 bed units • 42 x 2 bed units • 0 x 3 bed units
<i>Orientation</i>	West, North and South aspects	North and South aspects	West and East aspects
<i>Adaptable</i>	13 adaptable units required (15%) and 8 proposed Condition included to provide 13 units		
<i>Solar</i>	20/86 = 23.5% of Living 41/86 = 48% of POS		
<i>Natural Ventilation</i>	57/86 = 66%		

Overall, a total of 86 residential units are proposed with the following unit mix:

- 8 x 1 bedroom units or 9%
- 67 x 2 bedroom units or 78%
- 11 x 3 bedroom units or 13%

Proposed unit sizes comply with the minimum sizes prescribed by the Apartment Design Guide (ADG). The proposed units generally provide open plan kitchen, living and dining areas with backs of kitchen no more than 8 metres from a window. Each unit is provided with a private open space balcony that comply with or exceed the minimum size prescribed by the ADG. Whilst each unit is provided with internal storage areas as well as individual secure basement storage compliant with or exceeding the minimum required under the ADG, a large number of units are not provided with at least 50% of the storage within the unit. However, the proposal generally provides an appropriate amount of storage overall for each unit and in an appropriate accessible location for each unit. A total of 13 adaptable units (15%) have been conditioned to be provided and overall 20/86 units (23.5%) achieve at least 2 hours of solar access at midwinter and 57/86 units (66%) achieve natural ventilation.

Communal Open Space

The proposal includes both ground floor level and roof-top level communal open spaces totaling 770.5m² (20.6% of the site).

Built Form

The proposed built form comprises 3 buildings ranging in height between 4, 5 and 7 storeys. Buildings A and C are proposed to be built to the front boundary to provide a continuous street edge and Building B is proposed in the centre of the site.



Buildings A and B observe a minimum 6 metre setback to the northern side boundary to allow for half the separation requirements under the SEPP 65 ADG and for the provision of half the required 6 metre wide pedestrian through-site-link along the northern boundary of the site. Similarly, the buildings observe a 6 metre setback from the southern side boundary to allow for half the separation requirements under the SEPP 65 ADG with the exception of the front half of Building A which is to be built to a zero lot line to allow for a continuous street edge.

A total gross floor area (GFA) of 8,134.38m² is proposed for the development which results in a floor space ratio (FSR) of 2.14:1 for lots 1 and 2 and 2.38:1 for lot 101. The proposed GFA is below the maximum permissible GFA across all sites of 8,328.28m². The proposal involves variations to the maximum height of buildings development standard of up to 10.4% over the 17 metre height limit and 5.6% over the 23 metre height limit. The height variations do not result in any net increase in the GFA achievable on the site and are mainly a consequence of lift overruns that provide rooftop access for Buildings A and B.

Car Parking

The proposal includes a 2 level basement beneath the buildings containing a total of 160 parking spaces with an additional 24 parking spaces provided on a partly submerged ground/basement level at the centre of the site, with the following breakdown:

	Resident Spaces	Commercial Spaces	Accessible Spaces	Visitor Spaces	Total	Bicycle
<i>Basement 2</i>	78	0	8 (resi)	0	86	28
<i>Basement 1</i>	26	15	3 (comm) 4 (resi) 2 (visitor)	16	66	32
<i>Ground</i>	0	22	2 (comm)	0	24	0
Total	104	37	19	16	176	60

Access Arrangements

Pedestrian access points into the site and buildings are legible and well-defined with 2 lobbies proposed in accordance with the 2 cores proposed for the buildings. Lift access is provided for all units through the basement levels and ground floor lobbies.

Vehicular access to the development is proposed from both street frontages with the main vehicular access to the lower basement levels proposed from the Coolibah Street frontage.

Servicing

Waste and recycling is proposed to be conveyed via a chute system within each building to bin store rooms located on Level 1. Prior to pick up, bins will be transported to the ground level bin storage area located on the Coolibah Street side of the site that would allow for off-street storage of bins awaiting collection.

Consolidation

The DA seeks to consolidate the existing 3 lots into 1 lot to form the overall development site.



4 Planning Controls

4.1 The planning controls that relate to the proposed development are as follows:

a. State Environmental Planning Policy (State and Regional Development) 2011

Development of a type that is listed in Schedule 4A of the Environmental Planning and Assessment Act, 1979 is defined as 'regional development' within the meaning of SEPP (State and Regional Development) 2011. Such applications require a referral to a Sydney Planning Panel for determination. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) \$25,229,133 which exceeds the \$20 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West Central Planning Panel.

b. State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 ensures that the RMS is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. Schedule 3 identifies development involving more than 300 dwellings or 200 car spaces or 4,000sqm of retail premises as traffic generating development. The DA proposes 84 dwellings and 176 parking spaces and accordingly was not required to be referred to the RMS for comment as a traffic generating development. However, the DA was referred to the RMS in accordance with the Infrastructure SEPP as the site has a frontage to a Classified Road and vehicular access is proposed from the Classified Road. The RMS's comments are outlined in Section 8 of this Report. In addition, a copy of any determination will be forwarded to the RMS in accordance with Clause 101 of the SEPP.

c. State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 aims to provide a state wide planning approach to the remediation of contaminated land. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

A Phase 2 Detailed Contamination Investigation Assessment was submitted with the application and referred to Council's Environmental Health Officer who advised that the report is acceptable and the site is suitable for the proposed development.

d. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been lodged as a part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certification. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores.

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



SEPP 65 and the associated Apartment Design Guide (ADG) apply to the assessment of the subject application as it includes residential flat buildings that are more than 3 storeys in height and contain more than 4 dwellings each. The DA has been accompanied by a design verification statement from a registered architect addressing the 9 'design quality principles' prescribed by the SEPP. The design verification statement has been assessed as being acceptable.

Clause 28 of the SEPP requires a consent authority to take into consideration the provisions of the ADG in the assessment of any DA. The proposed development is considered acceptable having regard to the requirements of SEPP 65 and the ADG with the exception of the communal open space, building separation, solar access, storage and adaptable dwelling requirements. The variations are discussed in further detail in Section 5 of this Report. A detailed assessment against the provisions of the ADG is provided at **Attachment 4** to this Report.

f. Holroyd Local Environmental Plan (HLEP) 2013

HLEP 2013 applies to the site. The development is generally consistent with the provisions of the LEP with the exception of the height of buildings development standard. The applicant has submitted a written request justifying the contravention of the development standard and considers that strict compliance is unreasonable and unnecessary in the circumstances of the case. The variations are discussed in further detail in Section 5 of this Report. A detailed assessment against the provisions of the HLEP is provided at **Attachment 5** to this Report.

g. Holroyd Development Control Plan (HDCP) 2013

HDCP 2013 applies to the site. The development is generally consistent with the provisions of the DCP with the exception of the loading & unloading facilities; dimensions and height clearances for through site link; adaptable dwellings; vehicular access and storey limit controls. The variations are discussed in further detail in Section 5 of this Report. A detailed assessment against the provisions of the HDCP is provided at **Attachment 6** to this Report.

5 Key Issues

5.1 Variations to HLEP 2013 development standards

The proposed variations to principal development standards requested by the Applicant under Clause 4.6 of HLEP 2013 are discussed below:

a. Height of Buildings variation:

The maximum permissible height of buildings on the site is 23 metres from the Sherwood Road boundary 20 metres into the site and 17 metres for the remainder of the site to the Coolibah Street boundary. Various parts of the proposed development exceed the maximum height of building development standard by up to 1.76 metres or 10.4% over the 17 metre height limit and 1.29 metres or 5.6% over the 23 metre height limit. The degree of variations is tabled below:

Building –	Maximum	Maximum	Extent of Variation
------------	---------	---------	---------------------



Component	Height Permitted	Height Proposed	
Building A – Lift Overrun	17 metres	18.76 metres	1.76 metres / 10.4%
Building B – Stair Overrun	17 metres	17.48 metres	480mm / 2.8%
Building C – Lift Overruns	23 metres	24.29 metres	1.29 metres / 5.6%

As detailed above, the proposed building heights are varied by up to 1.76 metres or 10.4% over the 17 metre height limit and 1.29 metres or 5.6% over the 23 metre height limit. The variations arise due to the lift and stair overruns and it is noted that the height exceedance does not result in any additional floor space over what a compliant lower height development would achieve. Furthermore, the development does not pose any adverse overshadowing or amenity impacts for adjoining properties.

The Applicant has provided the following environmental planning grounds to justify the proposed variation:

“The location of the building height departure will ensure that they are not viewable from the street level and in addition, the high quality design of the proposal will contribute towards providing a shop top housing development that reinforces the streetscape and urban context along the site whilst contributing towards expanding the existing town centre and setting the tone and scale for future mixed use development within the subject area.

The exceedance to Block C is not visually apparent as it is contained at the rear and the departure is a function of the topographical cross-fall and the need to maintain a suitable finished floor level to the upper level of the building.

It is noted that the proposal will not result in any additional overshadowing impacts to adjoining properties, especially to land parcels that bound the site to the south and therefore, the non-compliance with the maximum height control is considered appropriate.”

The proposed height variation facilitates the placement of communal open space on the rooftop level of Buildings A and B that would otherwise not be proposed as access to the rooftop level would be unable to be provided without the overruns. As noted with all buildings, the additional height breaches occur as a result of overruns and do not accommodate any additional GFA than that permitted under the LEP.

The proposal is consistent with the objectives of the height of buildings control and so strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

The Clause 4.6 variation is considered to be well founded and the variation is supported. Council is also satisfied that the proposed development will be in the public interest because it is consistent with both the objectives of the standard and the objectives of the zone.

Having regard to the above, it is considered that a better planning outcome would be achieved as the proposal.



5.2 Variations to HDCP 2013 development controls

As noted above, **Attachment 6** provides a table that outlines the proposal's compliance with HDCP. The development is generally consistent with the requirements of the DCP with the exception of the loading & unloading facilities; dimensions and height clearances for through site link; adaptable dwellings; vehicular access and storey limit controls as discussed under the respective headings below.

a. Loading & Unloading Facilities

Loading/unloading areas are required to be provided from a rear lane, side street or right of way where possible. The application proposes loading/unloading areas within parking levels. The application was referred to Council's Traffic Engineer who raised concerns with the height clearance for a MRV not being provided (minimum 4.5 metres as per Table 4.1 of AS 2890.2). However these concerns relate to access from Sherwood Road under the first floor level of Building C. If clearance heights were to be increased at the ground floor level of Building C, this would significantly increase the height of the ground floor to ceiling heights and would create inconsistencies in the streetscape. In the interest of maintaining a better streetscape and achieving a better planning outcome for the site, conditions are included to ensure that only SRV's service the site through the Sherwood Road vehicular access.

b. Dimensions and Height Clearances for Through Site Link

A 6 metre wide and 4 metre high pedestrian connection through the site between Sherwood Road and Coolibah Street is required as per Figure 20. The proposal includes half of the proposed 6 metre wide pedestrian link as shown on the plans through the site which is acceptable. However, only a 3.2 metre height clearance is proposed under Building C. If clearance heights were to be increased, this would significantly increase the height of the ground floor to ceiling heights and would create inconsistencies in the streetscape. In the interest of maintaining a better streetscape and achieving a better planning outcome for the site, the reduced height clearance is considered acceptable. It is further noted that the lower clearance is only for a small depth into the site under Building C where the pedestrian link is increased in width with landscaped sides to improve the openness and compensate for the reduced height.

c. Adaptable Dwellings

The proposed development requires 13 adaptable units (15% of 86 units), with associated disabled car parking spaces. The plans show only 8 adaptable units and Council's Accessibility Consultant has raised concern with the proposed design. However, conditions are included to ensure compliance is achieved.

d. Vehicular Access

Buildings fronting Sherwood Road are required to provide vehicular access from the rear or side, via laneways or secondary roads. Driveway access is proposed from both Coolibah Street and Sherwood Road. The applicant was advised during Pre-DA discussions that access from Sherwood Road would be considered given that there is already a driveway into the site off Sherwood Road, and given the adverse impact upon residents that would result from



concentrating all vehicular movement through Coolibah Street. The DA was referred to the RMS who raised no objection to the driveway off Sherwood Road, subject to left in/left out only arrangement. A median would be required to be provided in the middle of the driveway which are included as conditions of consent.

e. Storey Limit

Figure 21 indicates that the 23 metre height band along Sherwood Road is limited to a 6 storey height limit. Building C has 7 storeys facing Sherwood Road but the 23 metre height complies at the front boundary. The 5th to 7th storeys are setback further than the lower levels by 3 metres so the 7th storey at the street front does not create any bulk or cause adverse impact and is therefore supportable.

Figure 21 indicates that the 17 metre height band at the rear of the site is limited to a 4 storey height limit. Building B is 4 storeys in height and complies. Building A is 5 storeys in height due to the lower level at street level creating an additional storey. The building complies with the maximum LEP height limit of 17 metres. The variation to the number of storeys is considered acceptable as the 5th storey is setback further than the levels below by 3 metres as required by Part C of DCP. The setback is proposed as open, unframed balconies for the upper level units to provide a relief to the building bulk and given that the additional storey is only for part of the building, the proposal is considered acceptable.

5.3 Variations to Apartment Design Guide (ADG)

As noted above, **Attachment 4** provides a detailed assessment against the provisions of the ADG. The development is generally consistent with the requirements of the ADG with the exception of the communal open space, building separation, solar access, storage and adaptable dwelling requirements. However, these non-compliances are considered satisfactory, as discussed below.

a. Communal Open Space:

A minimum 933.6m² of communal open space (COS) is required being 25% of the 3,734.4m² site area. The development proposes 770.5m² of COS area equating to 20.6% of the site and therefore not complying numerically.

It should be noted that the areas adjacent to retail spaces, parts of the pedestrian link and any space undercover of within a walkway have not been included as they would not be functional as COS and ultimately these areas reduce the ground level area available for COS.

While non-compliant, the amount of COS is considered acceptable given that approximately 400m² of the site is lost to the required pedestrian through-site-link and reduces the amount of site area available to be provided as on-ground COS. A rooftop COS has been proposed on the rooftop of Building B which supplements the amount of COS able to be provided at ground level.

b. Building Separation:



Building separation for the first 11.5 metre building depth of Building A along Coolibah Street is considered acceptable given that the DCP requires a nil setback along the street edge to form a consistent street wall.

Separation distances do not comply for level 5 for Buildings A and B to the northern and southern boundaries. However, the development is considered to provide appropriate separation given that the 5 storey development effectively reduces to a 4 storey development approximately 12 metres into the site from Coolibah Street. This in turn would reduce the separation distance requirements to a 4 storey building which would be 6 metres and the development would accordingly comply. The development is considered to provide sufficient separation that meets the objectives of the controls by providing future development to the site sufficient access to sunlight and separation distances for visual and acoustic privacy. The development would also not compromise any future developments on adjoining sites or require greater separation for those developments due to the level changes and interfaces remaining below 4 stories.

In relation to internal separation between Buildings A and B, amendments have been made to the development including offsetting of rooms and windows so that kitchens and bedrooms have an indirect interface with each other and in addition, 200mm deep frames are proposed to further reduce direct sightlines and avoid direct cross views between units. These measures and in particular the offsetting of windows and different rooms facing each other will ensure that the objectives of the separation controls are achieved.

c. Solar Access:

The SEPP 65 ADG requires at least 70% of units in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. The development proposes that 20/86 units (23.5%) achieve at least 2 hours. The private open space of 41/86 units (48%) achieve at least 2 hours.

A review of the plans and site visit indicate the subject allotments are orientated east to west thereby constraining the site in terms of solar access. In this regard, the design of the proposal maximises northerly aspect apartments where allowed by site constraints.

The single aspect apartments within Building C face east and west with the western facing apartments having marginal access to direct sunlight. Within Buildings A and B, the single aspect apartments face north and south with the northern facing apartments receiving direct sunlight to living spaces whilst the southern facing apartments do not receive direct sunlight.

It is noted that whilst these apartments do not comply, they are facing away from the roadways and noise sources in the vicinity of the site which is a constraint imposed on the site due to an exposure to major roads and surrounding commercial uses.

A maximum of 15% of units in a building are permitted to receive no direct sunlight between 9am and 3pm at mid-winter. The development proposes 29/86 units (34%) would receive no solar access. Given the east to west orientation of the site, the development is unable to achieve compliance without underdeveloping the site and further maximising the northern orientation of units.



The non-compliance of the proposal is a direct result of the constraints relating to site orientation. Any strict compliance with these controls would be disproportionate to the impacts upon development and site yield and therefore inconsistent with Part 5 "Objects" of the *Environmental Planning and Assessment Act, 1979*. Therefore given the circumstances, the proposal is considered a satisfactory response to the site constraints.

d. Storage:

The ADG requires that at least 50% of the required storage for a apartment is located within the apartment. 57/86 apartments (66%) have a total storage capacity that complies and only 9/38 apartments (10%) have at least 50% of storage within the apartment. The store rooms within the parking levels are all larger than 10m³ (some are up to 30m³ for example) so the areas could be redistributed to provide each apartment with sufficient storage. A condition has been included requiring the redistribution of storage to ensure all units comply.

f. Adaptable Dwellings

The proposed development requires 13 adaptable units (15% of 86 units), with associated disabled car parking spaces. The plans show only 8 adaptable units and Council's Accessibility Consultant has raised concern with the proposed design. However, conditions are included to ensure compliance is achieved.

6 External Referrals

- 6.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

Referral Agency	Comment
Roads and Maritime Services	No objection, subject to conditions.
Holroyd Police Local Area Command	No objection, subject to conditions.
Endeavour Energy	No objection, subject to conditions.
TransGrid	No objection, subject to conditions.

7 Internal Referrals

- 7.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Referral	Comment
Development Engineering Section	No objection, subject to conditions.
Landscaping Section	No objection, subject to conditions.
Traffic Section	No objection, subject to conditions.
Environmental Health Unit	No objection, subject to conditions.
Waste Management Section	No objection, subject to conditions.
Community Services Section (Social Planning)	No objection, subject to conditions.
Accessibility	Some concerns, however resolvable by way of conditions.
Rates Section	No objection, subject to conditions.



8 Public Comment

- 8.1 The DA was notified to surrounding property owners and occupiers and advertised in the local newspapers for a period of 21 days from 18 May 2016 to 8 June 2016. 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 2 submissions.
- 8.2 The following concerns were raised in the submissions and have been discussed within the assessment provided within this report and attachments:
- Traffic and parking;
 - Driveway access;
 - Acoustic privacy;
 - Visual privacy and overlooking;
 - Safety and security;
 - Balcony placement and amenity impacts from hotel;
 - Ongoing operational concerns for adjoining hotel; and
 - Overshadowing.
- 8.3 The concerns also raised the following concerns that are addressed below:

Concern	Comment
Concern regarding the potential for light spill from the adjoining hotel on future residents.	DA/520/2009 approved a DA for alterations and additions to the existing Hotel on the adjoining site. A Carparking Lighting Layout Plan and obtrusive lighting reports, prepared by Haron Robson Electrical Consultants and Lighting Designers, were approved as part of that consent and certified that the car park and signage lighting would not have any obtrusive impacts on neighbouring properties.
Concern regarding the potential for future residents to use the hotel car park illegally.	The development provides a compliant number of car parking spaces. The illegal use of any adjoining property would be a compliance matter.
Concern regarding the potential health risks for future residents from the telecommunication tower on the adjoining property.	There is no evidence of the possibility of health risks from a low impact Telecommunications Tower. Any issues relating to this tower and the resultant emissions are addressed under The Telecommunications Act 1997 and is not within the scope of this assessment.

- 8.4 The grounds of objection raised in the submissions have been satisfactorily addressed as a part of the DA and are not considered sufficient to warrant refusal of the DA.

9 Section 79C Consideration

- 9.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:



Head of Consideration	Comment	Comply
a. the provisions of: (i) any environmental planning instrument (EPI) (ii) any draft environmental planning instrument (EPI) (iii) any development control plan (iiia) any planning agreement (iv) the regulations	The provisions of relevant EPIs and DCPs relating to the proposed development are summarised in Section 5 of this Report and have been satisfactorily addressed in Section 5. Whilst not considered certain or imminent, the proposal is consistent with the draft Amendment to Holroyd LEP for the Neil Street Precinct. There are no existing or proposed planning agreements that relate to the DA.	Yes
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	An assessment of key issues relating to the proposed development is provided in Section 5 of this Report and it is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, heritage, stormwater quality, waste management, soil and groundwater quality and the like have been satisfactorily addressed.	Yes
c. the suitability of the site for the development	The subject site is zoned R4 High Density Residential pursuant to Holroyd LEP 2013. Site and environmental constraints relating to site contamination, salinity, stormwater drainage and the like have been satisfactorily addressed as a part of the DA. The site is located at a prominent gateway entry to the Merrylands Town Centre with generous height and FSR provisions rendering the site suitable for the proposed development.	Yes
d. any submissions made in accordance with this Act or the regulations	The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers in accordance with the Regulations and the Holroyd DCP 2013. Submission have been addressed in Section 9 of this Report.	Yes
e. the public interest	The proposed development is for the purpose of 2 residential flat buildings under Holroyd LEP that will not pose any impacts on the amenity of adjoining properties and the locality. Accordingly, it is considered that the proposal is in the public interest.	Yes

10 Conclusion

- 10.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is



considered to be satisfactory. In this regard it is considered that the site is suitable for the proposed development, the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.

- 10.2 The proposal is consistent with the objectives of Holroyd LEP 2013 and is permissible in the B2 Local Centre zone and the proposal achieves the objectives of the zone. The proposal also generally satisfies the main essential criteria set out in SEPP 65, the Apartment Design Guide and the Holroyd DCP 2013.
- 10.3 The application proposes a satisfactory built form for the site and context; appropriately responds to site constraints; provides an accessible building design; and will have acceptable traffic, social and economic impacts subject to the imposition of suitable conditions of consent to satisfactorily control the development.

11 Recommendation

- 11.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions provided at **Attachment 3**.
- 11.2 The applicant and objectors be advised of the Sydney West Central Planning Panel's decision.

DEVELOPMENT APPLICATION

PROPOSED SHOP TOP HOUSING DEVELOPMENT

SITE AREA

SITE AREA	3734.40 sq.m
BUILDING AREA	3414.00 sq.m
GROSS FLOOR AREA	8058.08sq.m
LANDSCAPE AREA	580.20 sq.m
COMMON OPEN SPACE	1588.50 sq.m
FLOOR SPACE RATIO	2.157:1

GROSS FLOOR AREA

Level 1	121.77 sq.m
Level 2	868.65 sq.m
Level 3	1727.68 sq.m
Level 4	1727.68 sq.m
Level 5	1670.78 sq.m
Level 6	644.14 sq.m
Level 7	644.14 sq.m
Level 8	644.14 sq.m
TOTAL	8048.98 sq.m

SPACE PROVISIONS

	Residents car spaces	Residents Adaptable car spaces	Visitors car spaces	Visitors adaptable car spaces	Commercial car spaces	Commercial Adaptable car spaces	TOTAL CAR SPACES	Storage spaces	Loading Bays	Bicycle Parking
Basement 1	77	8	0	0	0	0	85	35	0	28
Level 1	25	5	16	2	15	3	66	21	1	26
Level 2	0	0	0	0	22	2	24	0	1	0
PROPOSED TOTAL	115		18		42		175	56	2	54

UNIT AREAS

	1 Bed	2 Bed	3 bed	TOTAL	Commercial
Level 1	0	0	0	0	1
Level 2	0	2	3	5	5
Level 3	0	16	3	19	0
Level 4	0	16	3	19	0
Level 5	2	14	3	19	0
Level 6	2	6	0	8	0
Level 7	2	6	0	8	0
Level 8	2	6	0	8	0
TOTAL	8	66	12	86	6
%	9%	77%	14%		



DRAWING LIST

DA 000	Cover Sheet	
DA 01	Basement Level 1	1:200
DA 02	Level 1	1:200
DA 03	Level 2	1:200
DA 04	Level 3	1:200
DA 05	Level 4	1:200
DA 07	Level 6	1:200
DA 08	Level 7 & 8	1:100
DA 09	Roof Level	1:200
DA 10	East Elevation Sherwood Road	1:100
DA 11	West Elevation Coolibah Street	1:100
DA 12	North - South Elevations	1:200
DA 13	Site Elevations	1:100
DA 14	Site Sections	1:200
DA 15	Adaptable Units Layouts	1:50
DA 16	Units Layouts	1:50
DA 17	Units Layouts	1:50
DA 18	Units layouts	1:50
DA 19	Shadow Diagram 9 am - 21st June	1:250
DA 20	Shadow diagram 12 noon - 21st June	1:250
DA 21	Shadow Diagram 3 pm - 21st June	1:250
DA 22	Prelim Model Images and Building Height Plane	
DA 23	Future Development - Level 1	1:250
DA 24	Future Development - Level 2	1:250
DA 25	Future Development - Level 4-7	1:250
DA 26	Demolition Plan	1:200
DA 27	Ramp Details	1:50
DA 28	Waste Management Plan & Mailbox Details	
DA 29	FSR Calculation Diagrams	1:500
DA 30	3D Shadow Diagrams - Coolibah Hotel	
31	Solar Access Diagrams (Block A+B)	
32	Solar Access Diagrams (Block C)	
33	Solar Access Diagrams (Block C)	

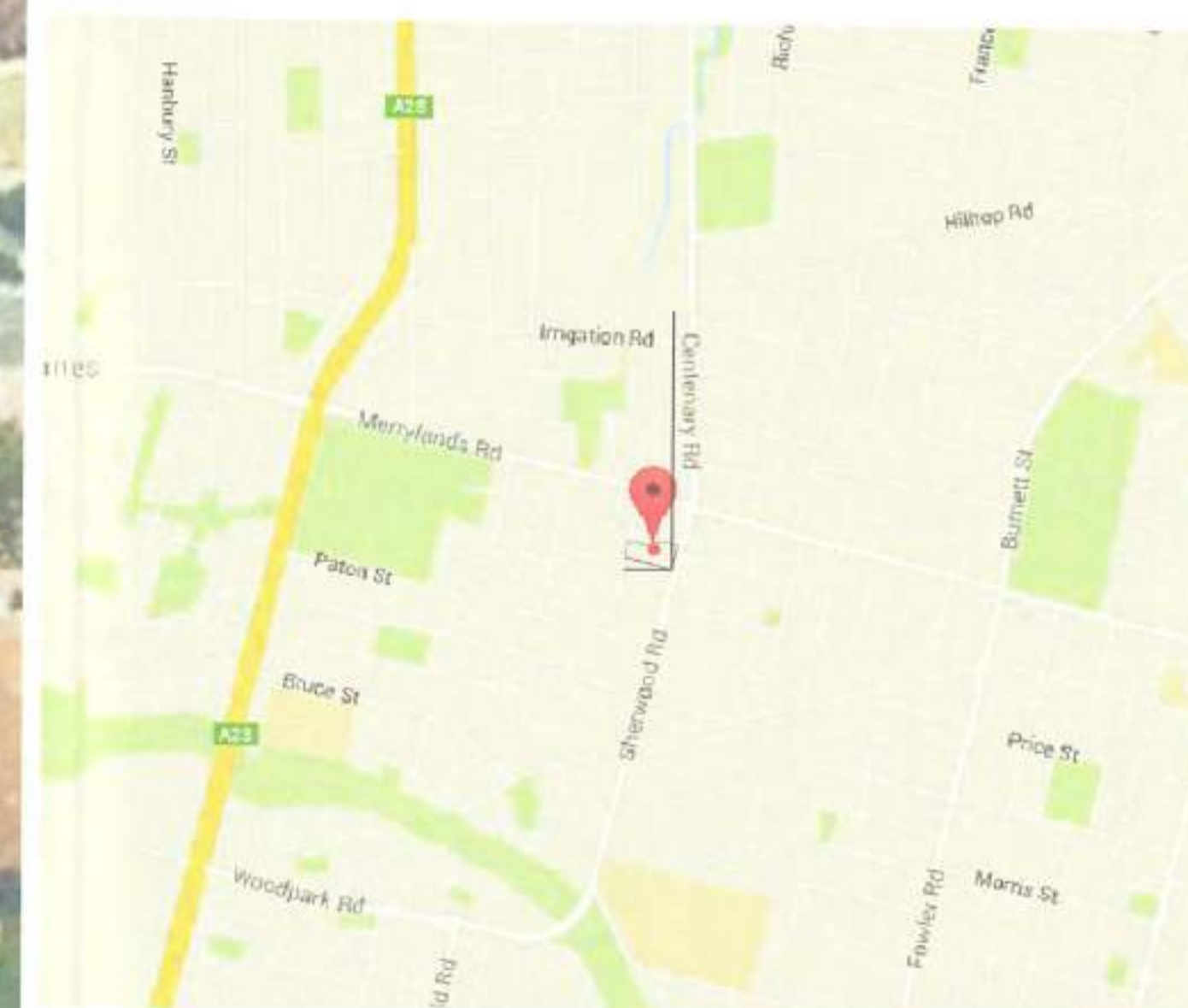
E: Sherwood Road 19-01-17
 Setback Amendments
 Block A North Corner 30-05-17
 Units amended + Solar access diagrams

9 - 11 Sherwood Road, Merrylands

Revelop Pty. Ltd.



1:100
0m 1 2m 5m



SITE MAP
not to scale

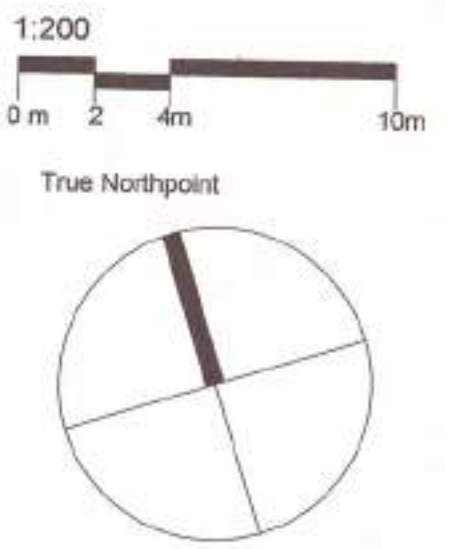
Issue	Issue description	Date
A	Development Application	03-05-16

architex
 Mykon Pty Ltd (t/a Architex)
 Unit 32 063 315 142
 Level 3, 74 Postes Street
 Parramatta NSW 2150
 email@architex.com.au
 www.architex.com.au

T : 9633 5888
 M : 0418 402 919

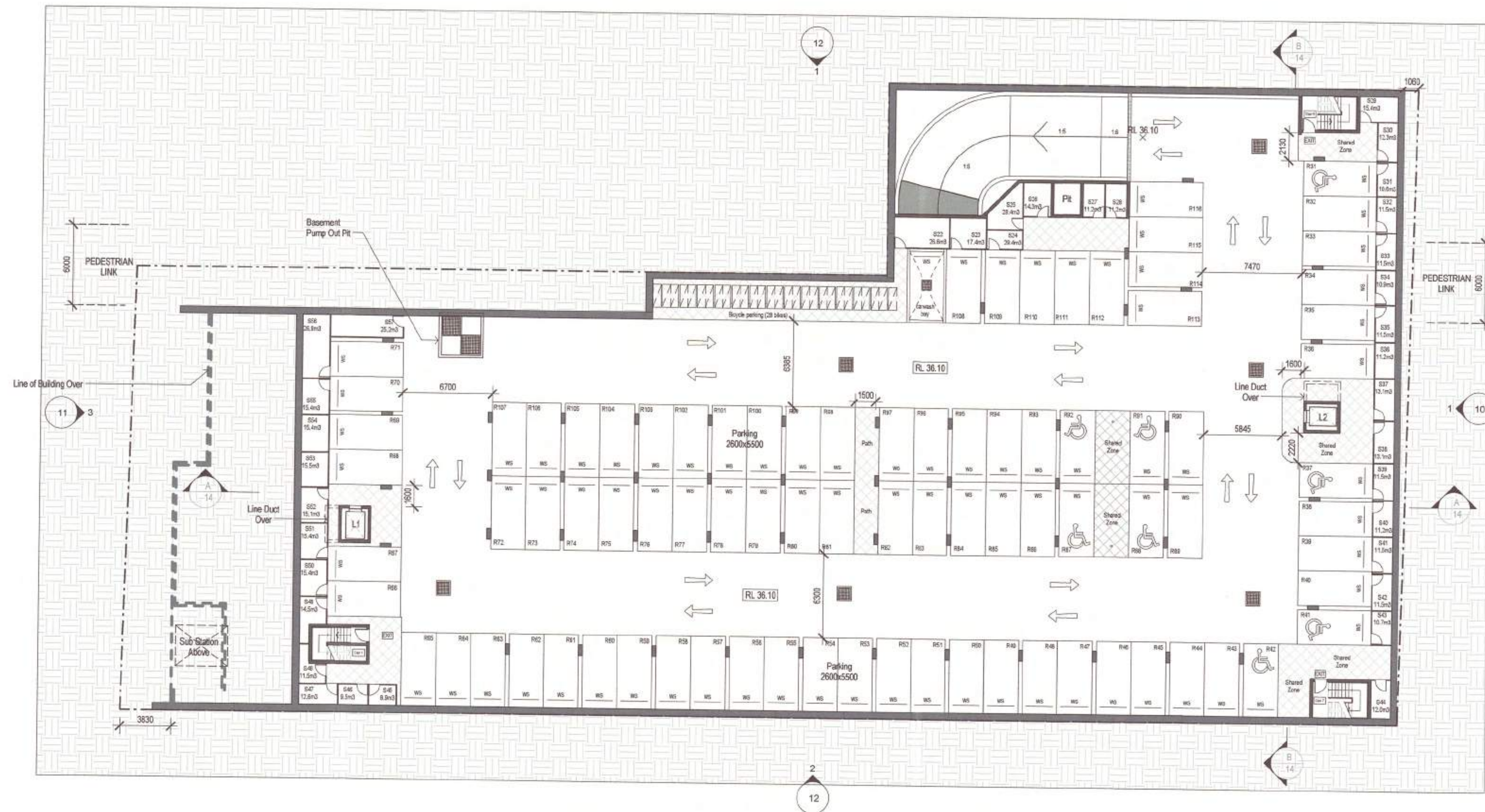
CONSTRUCTION CERTIFICATE			Project
			PROPOSED SHOP TOP HOUSING DEVELOPMENT
			Project Address
			9 - 11 Sherwood Road, Merrylands
			Client
			Revelop Pty. Ltd.
			Title
			Site Analysis
			Drawn
			Author
			Scale
			1 : 500
			Checked
			Checker
			Issue
			2220
			DA00
			A

SITE ANALYSIS
1:500



Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.



Note:
Storage areas to be provided with an alarm system.

- Increase size of bin carousel as per elephants foot details.
- Adjust size of retail unit 1 to allow for bigger bin carousel.
- Introduced bin drop off point / cage.



architex

Dykeston pty ltd t/a architex
c/o bn 32 003 315 142

Level 3, 7K Parkside Street
Parramatta NSW 2150

T : 9633 5888
M : 0418 402 919

email@architex.com.au
www.architex.com.au

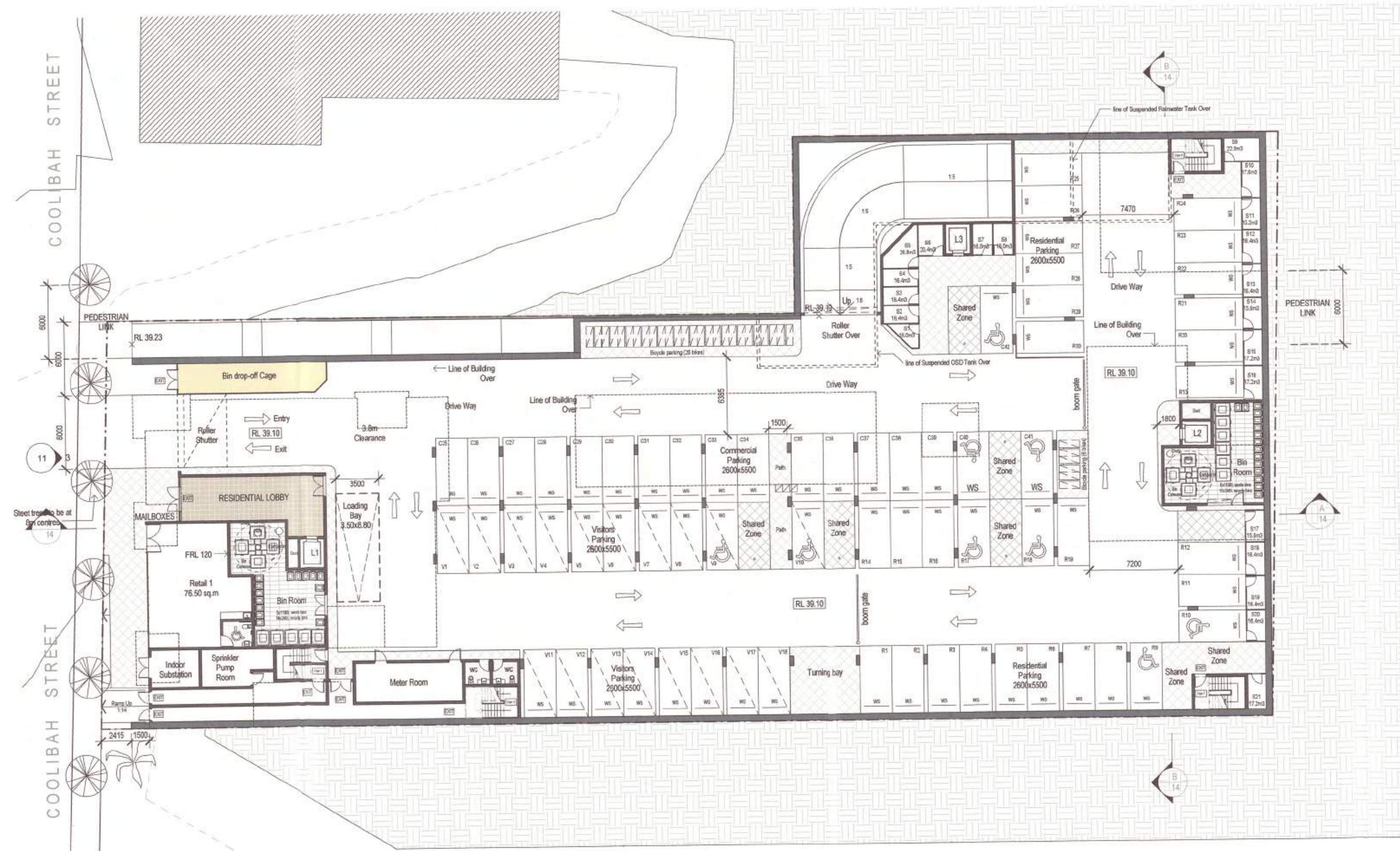
Project
PROPOSED SHOP TOP HOUSING
DEVELOPMENT

Project Address
9 - 11 Sherwood Road, Merrylands

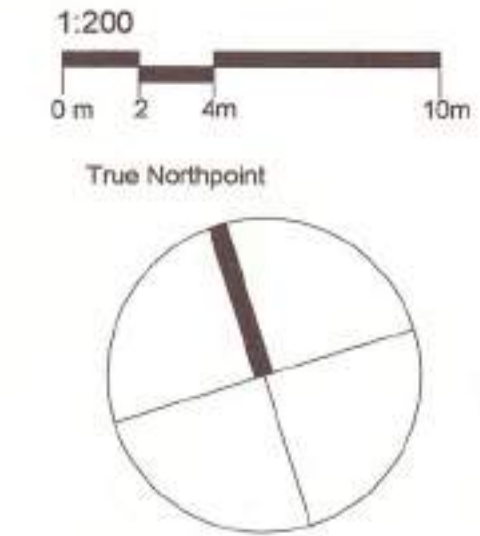
Client
Revelop Pty. Ltd.

Title
Level 1

Drawn HS	Scale 1:200	Checked
Job No. 2220	Drawing No. DA02	Issue G



LEVEL 1
1:200



Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

Note:
Storage areas to be provided with an alarm system.

Note:
Mailboxes to be provided with tubular key locks

- AMENDMENTS**
- Move Building A+B back to be in 6.0m setback
 - Corner units in Block A+B amended
 - Privacy screen removed from bedrooms and balconies
 - Glass louvre windows added for improvements to cross ventilation to all buildings
 - Windows added for improvements to cross ventilation in Block C
 - Blade walls reduced to improve Solar access
 - 6.0m setbacks shown on all plans.

Issue	Issue description	Date
I	Kitchen & Bedroom Flipped	Date 10
H	Kitchen + Laundry Amended	Date 9
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Subsoil Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16

architex

Pylon Pty Ltd 100 Archibex
dn 32 003 315 142

T : 9033 5888
M : 0418 402 919

Level 3, 7K Parkes Street
Parramatta NSW 2150

email@architex.com.au
www.architex.com.au

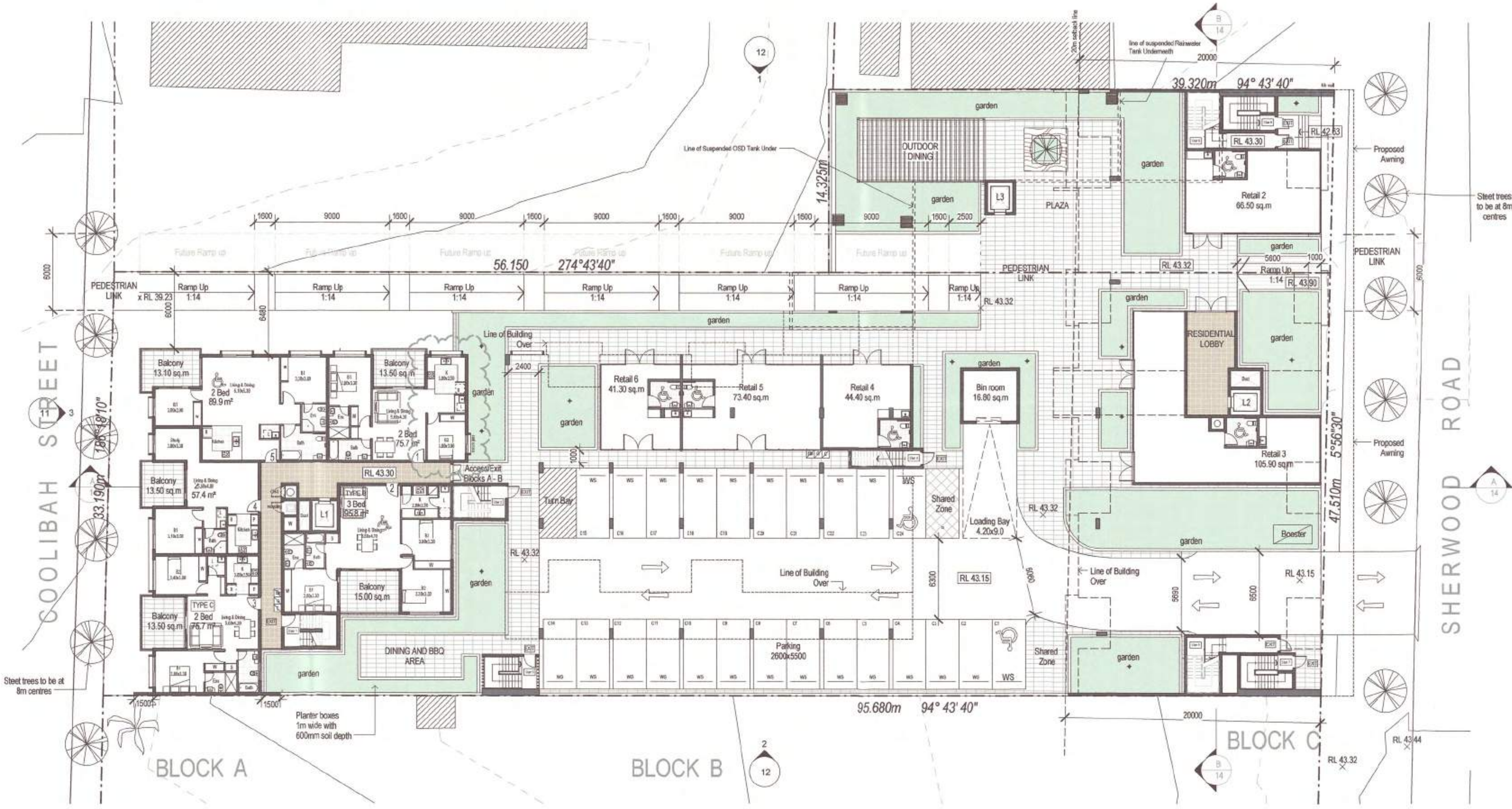
Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 - 11 Sherwood Road, Merrylands

Client
Revelop Pty. Ltd.

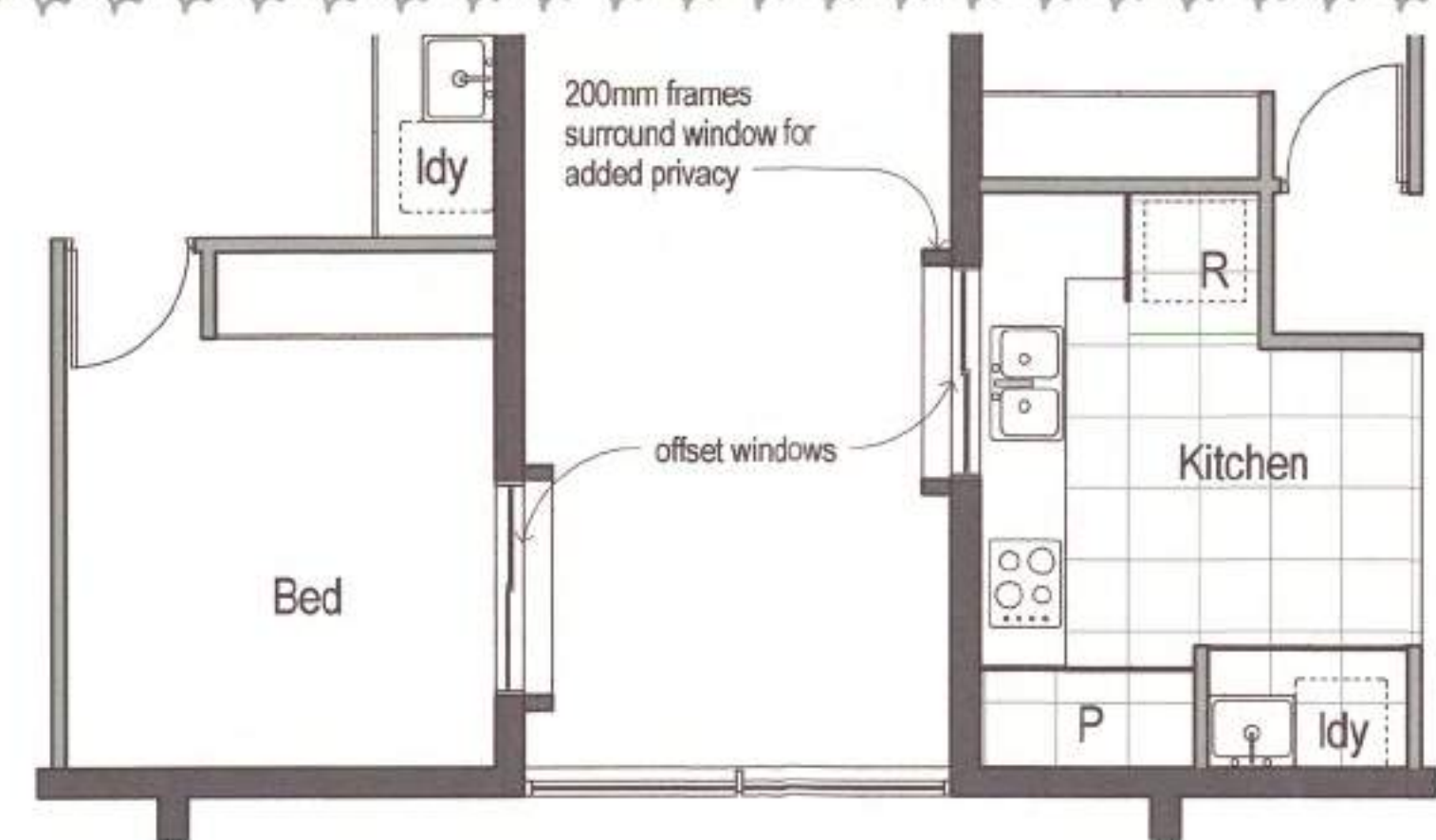
Title
Level 2

Drawn PDP	Scale 1 : 200	Checked
Job No 2220	Drawing No. DA03	Issue 1

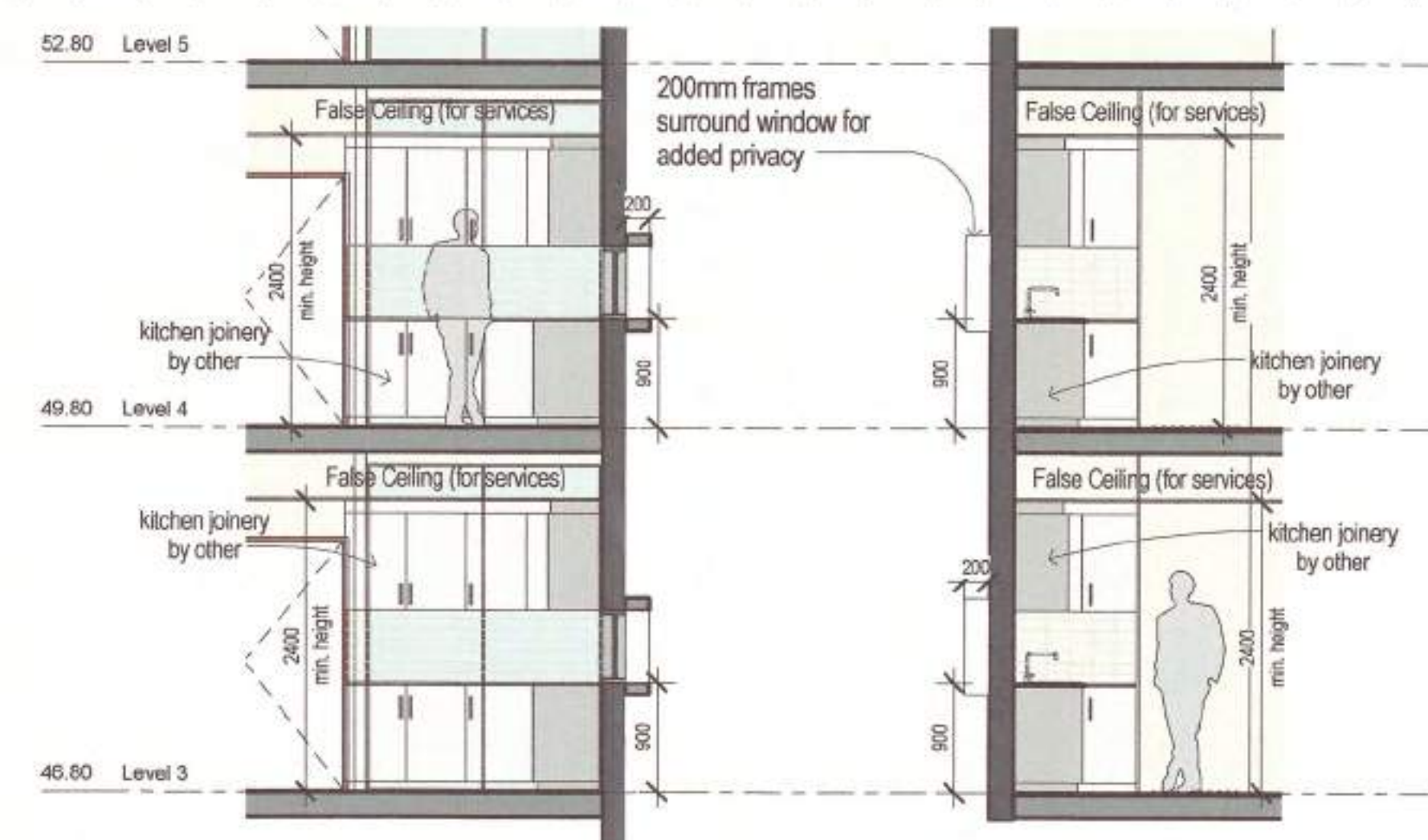


LEVEL 2
1:200

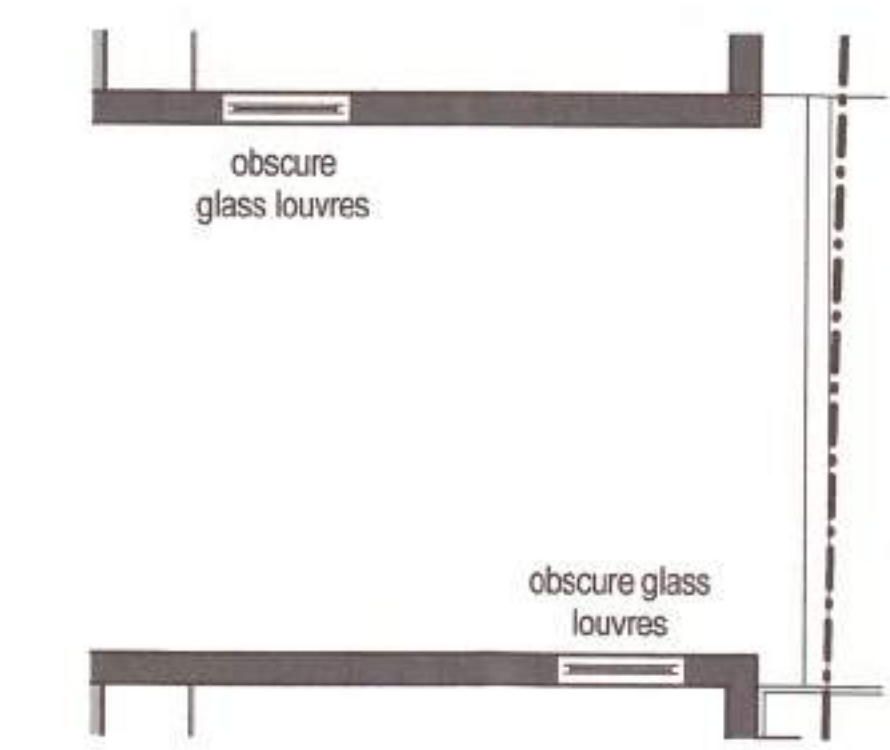
DEVELOPMENT APPLICATION



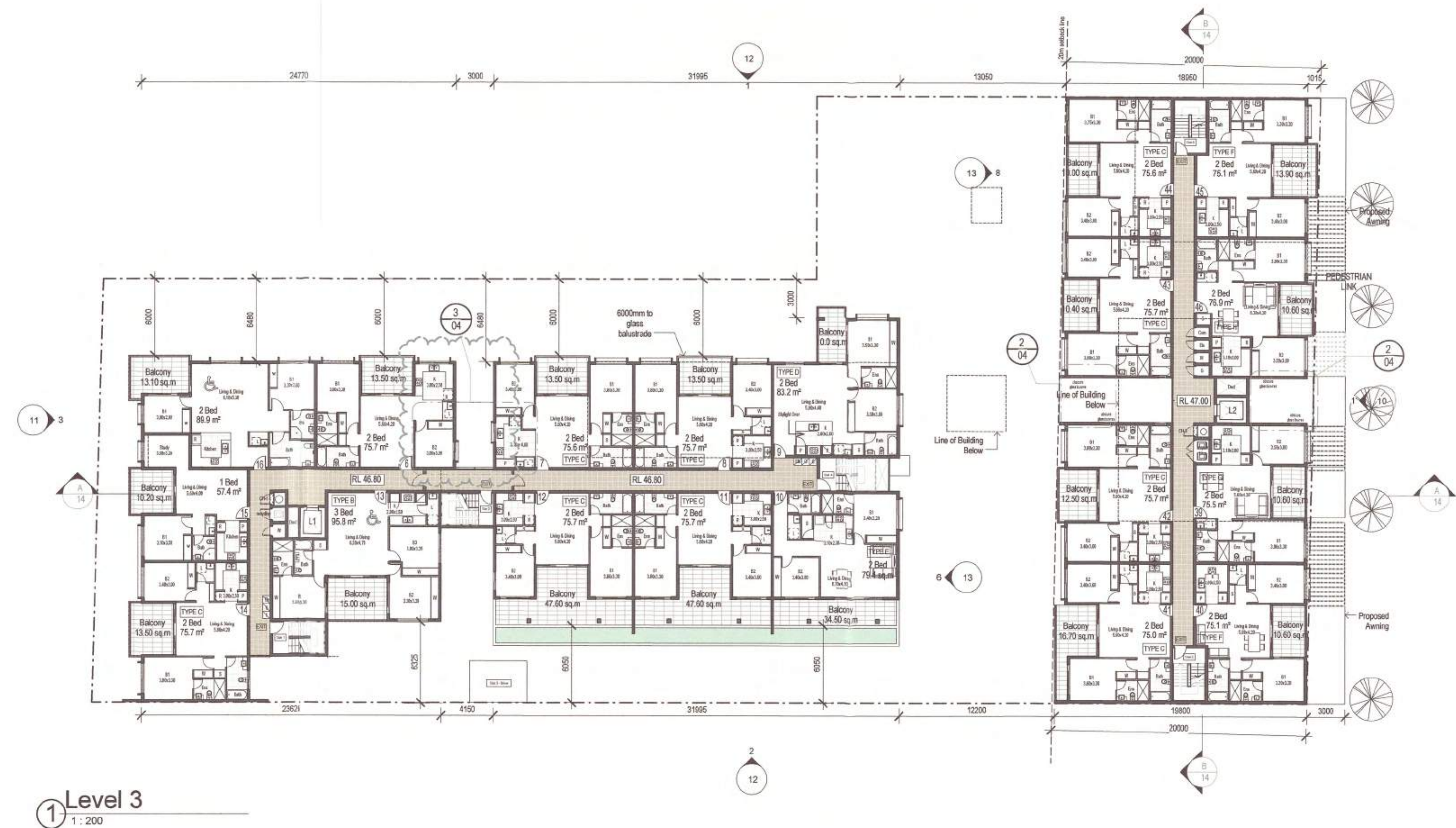
3 Typical Kitchen Windows offset



④ Typical section through Kitchens



② Typical Windows offset



① Level 3
1 : 200

AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

Issue	Issue description	Date
I	Kitchen & Bedroom Flipped	Date
H	Kitchen & Laundry Amended	Date
G	Block A North Corner Units amended + Solar access diagrams	30-06-
F	Shirwood Road Setback Amendments	19-01-
E	General Amendments	12-01-
D	Parking & Balcony amendments	21-12-
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-

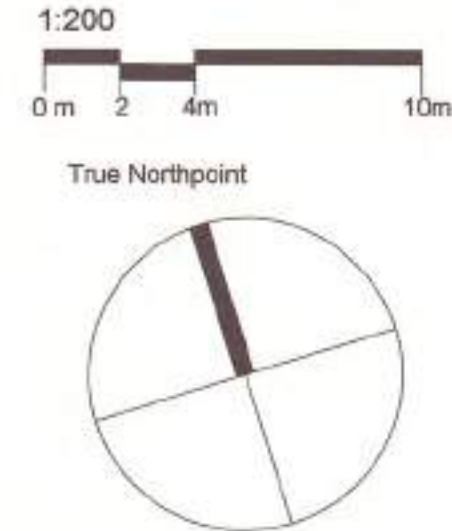
architex
Dyrløren 1411 1100s Architekt
åbn 32 003 315 142

Level 3, 7K Parkside Street
Parramatta NSW 2150

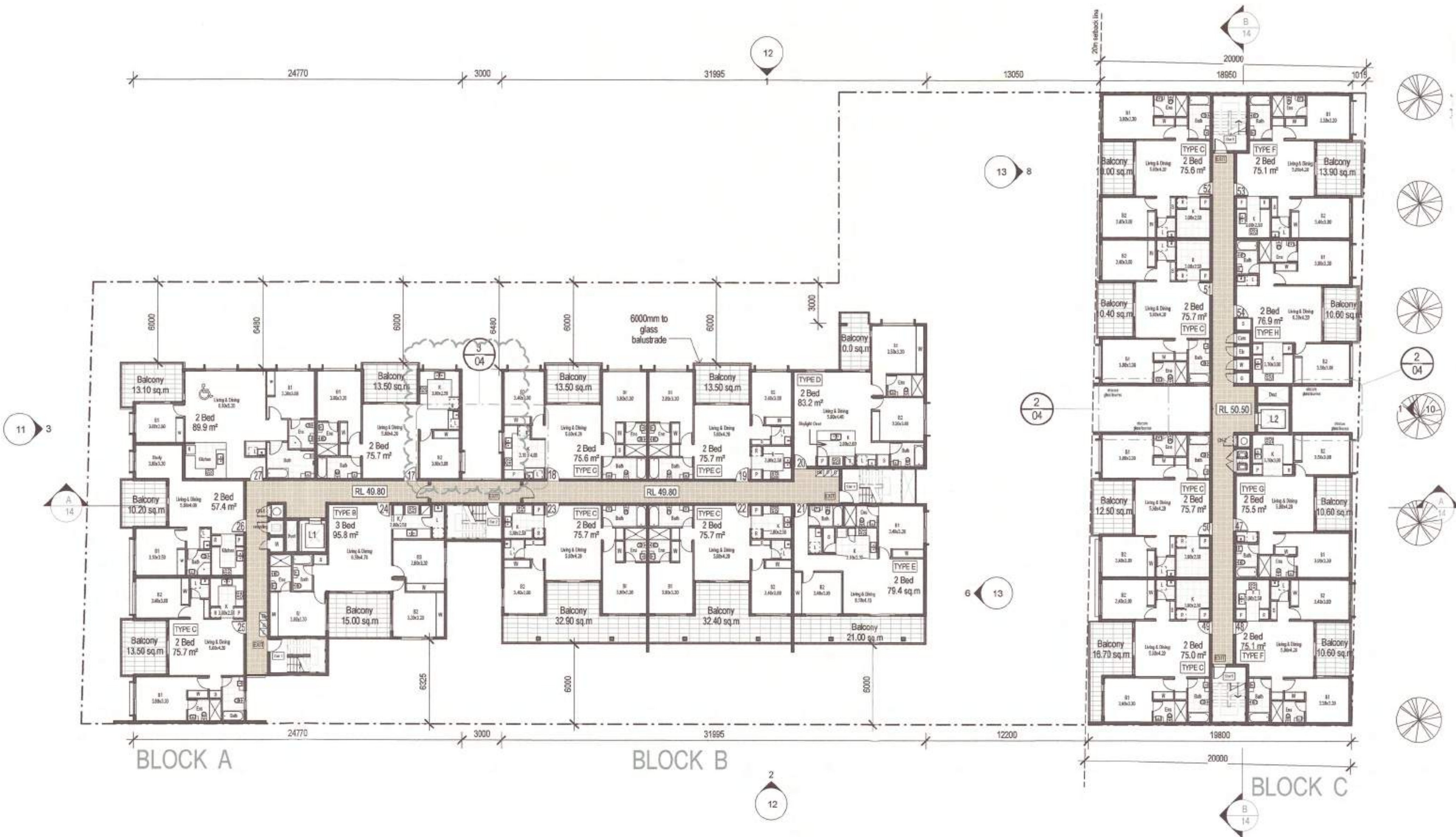
T : 9033 5068
M : 0418 402 919

email@architex.com.au
www.architex.com.au

DEVELOPMENT APPLICATION			Project	
			PROPOSED SHOP TOP HOUSING DEVELOPMENT	
			Project Address	
			9 - 11 Shenwood Road, Merrylands	
			Client	
			Revelop Pty. Ltd.	
			Title	
			Level 3	
Drawn		Scale		Checked
HS		As indicated		
Job No.		Drawing No.		Issue
2220		DA04		1



Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

Issue	Issue description	Date
I	Kitchen & Bedroom Flipped	Date 10
H	Kitchen + Laundry Amended	Date 9
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16

architex

Architex Pty Ltd (t/a Architex)
abc 32 003 315 142
Level 3, 7K Parkes Street
Parramatta NSW 2150
email@architex.com.au
www.architex.com.au

T : 9633 5888
M : 0418 402 919

DEVELOPMENT APPLICATION

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 - 11 Sherwood Road, Merrylands

Client
Revelop Pty. Ltd.

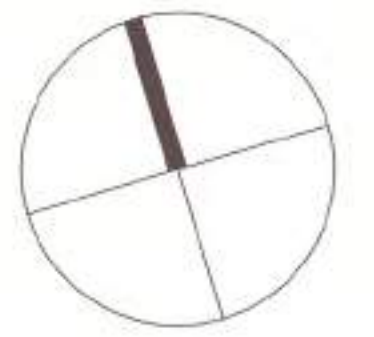
Title
Level 4

Drawn PDP	Scale 1:200	Checked
Job No 2220	Drawing No DA05	Issue I

LEVEL 4
1:200

1:200
0 m 2 4m 10m

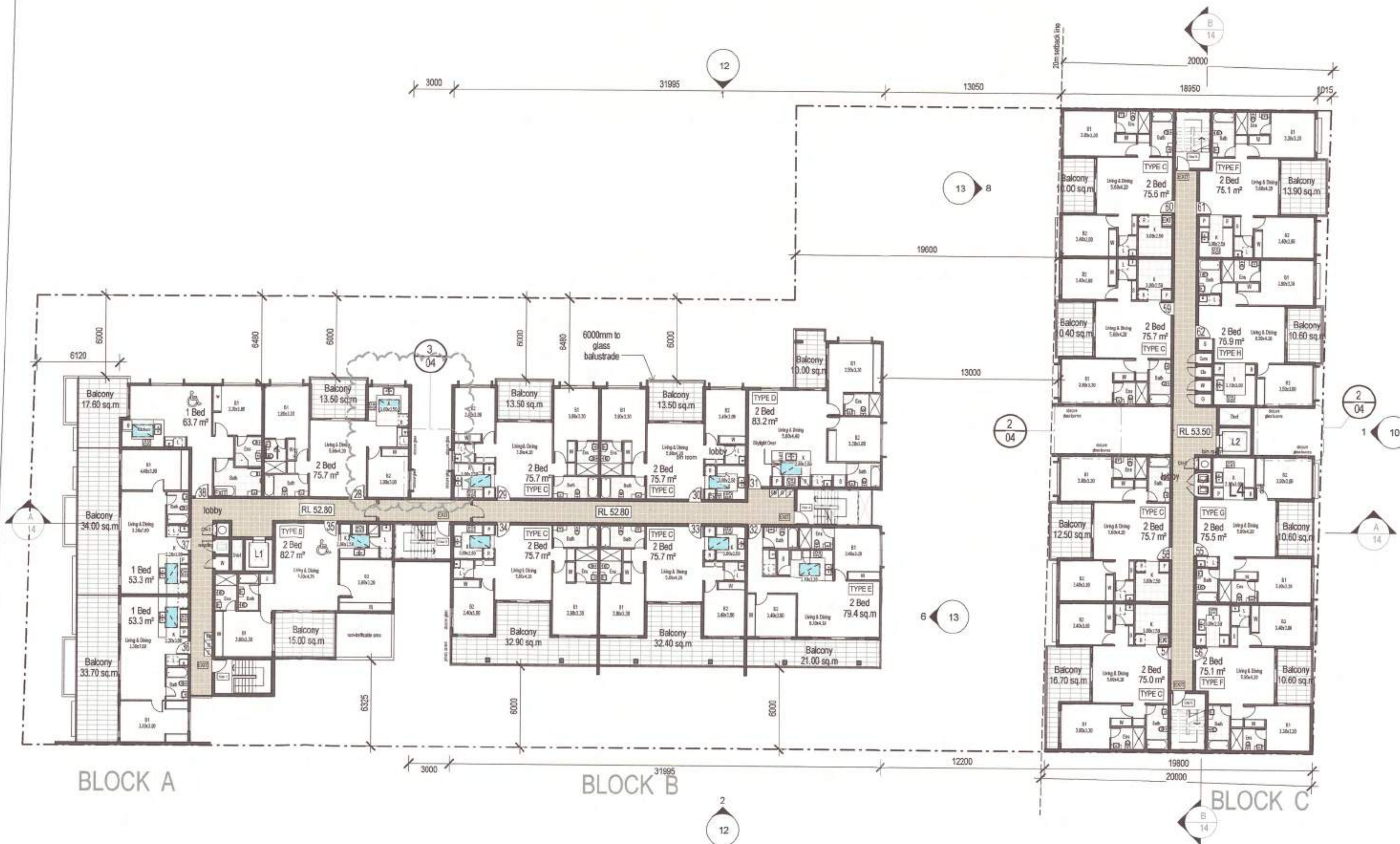
True Northpoint



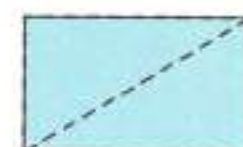
Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.

COOLIBAH STREET

SHERWOOD ROAD



LEVEL 5
1:200



Skylight Over - 900 x 1500 (Level 5 Only)

AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

Issue	Issue description	Date
1	Kitchen & Bedroom Floorplan	08-10-17
H	Kitchen & Laundry Amended	08-10-17
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking & Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16

architex
Architect Pty Ltd (t/a) Architect
c/o 32 315 142

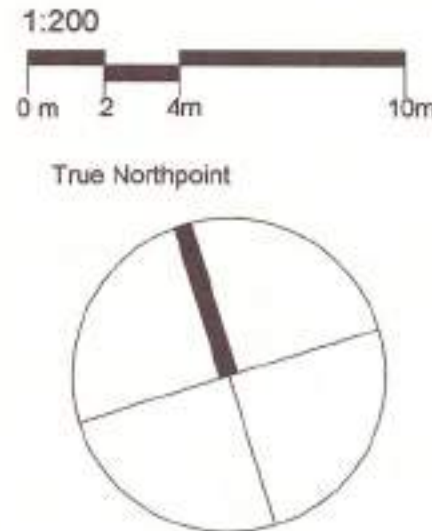
Level 3, 74, Parkes Street
Parramatta NSW 2150

T : 9633 5888
M : 0418 402 919

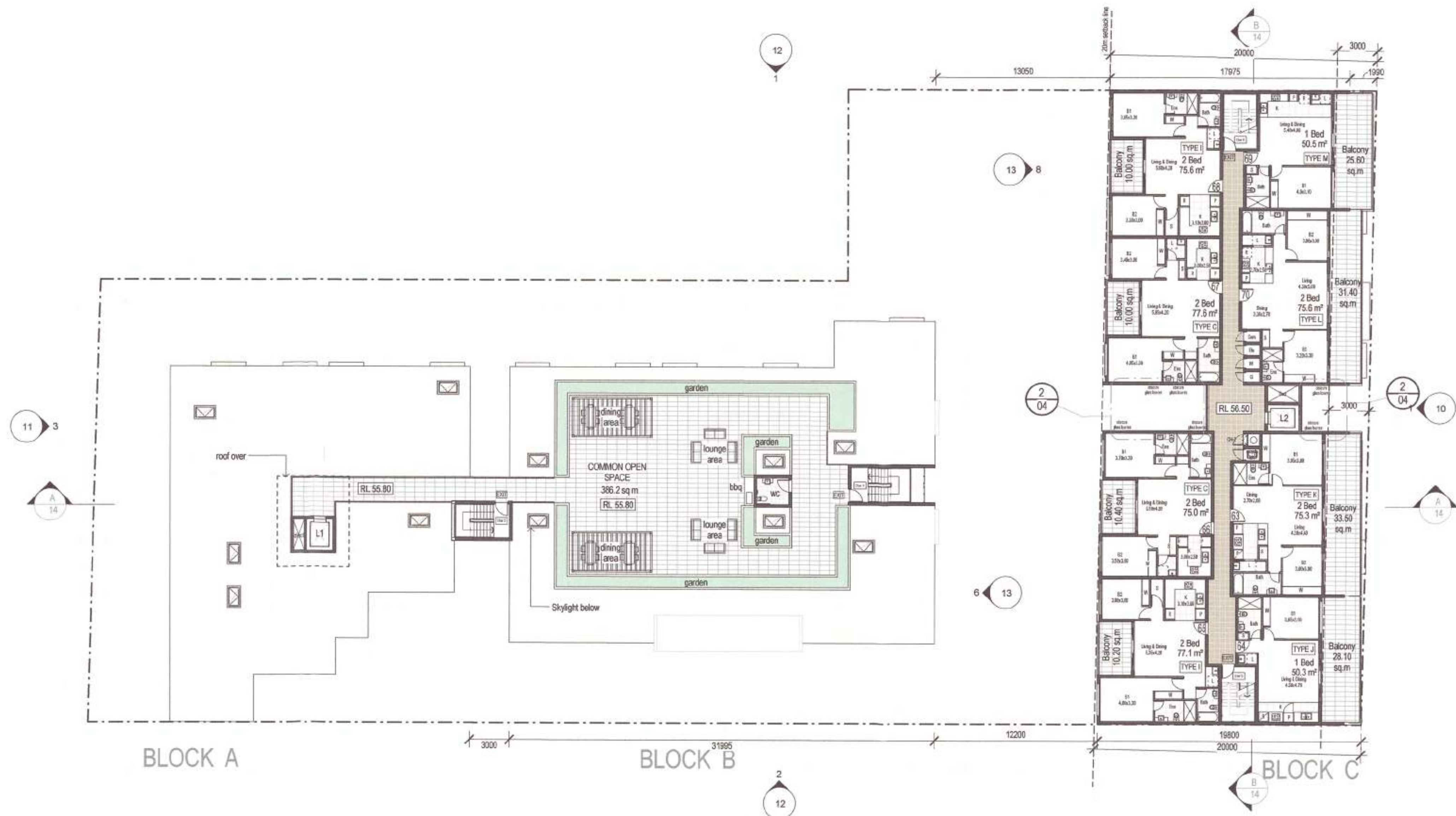
email@architex.com.au
www.architex.com.au

DEVELOPMENT APPLICATION

Project		
PROPOSED SHOP TOP HOUSING DEVELOPMENT		
Project Address		
9 - 11 Sherwood Road, Merrylands		
Client		
Revelop Pty. Ltd.		
Title		
Level 5		
Drawn	Scale	Checked
PDP	As indicated	
Job No	Drawing No.	Issue
2220	DA06	1



Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

Issue	Issue description	Date
G	Block A North Corner Units amended - Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-05-16

architex

Ryleton Pty Ltd was Architex
abn 32 003 315 142

Level 3, 7K Parkes Street
Parramatta NSW 2150

email@architex.com.au
www.architex.com.au

T : 9433 5888
M : 0418 402 919

DEVELOPMENT APPLICATION

Project	PROPOSED SHOP TOP HOUSING DEVELOPMENT	
Project Address	9 - 11 Sherwood Road, Merrylands	
Client	Revelop Pty. Ltd.	
Title	Level 6	
Drawn	HS	Scale
Job No	2220	1:200
Drawing No.	DA07	Checked
Issue	G	

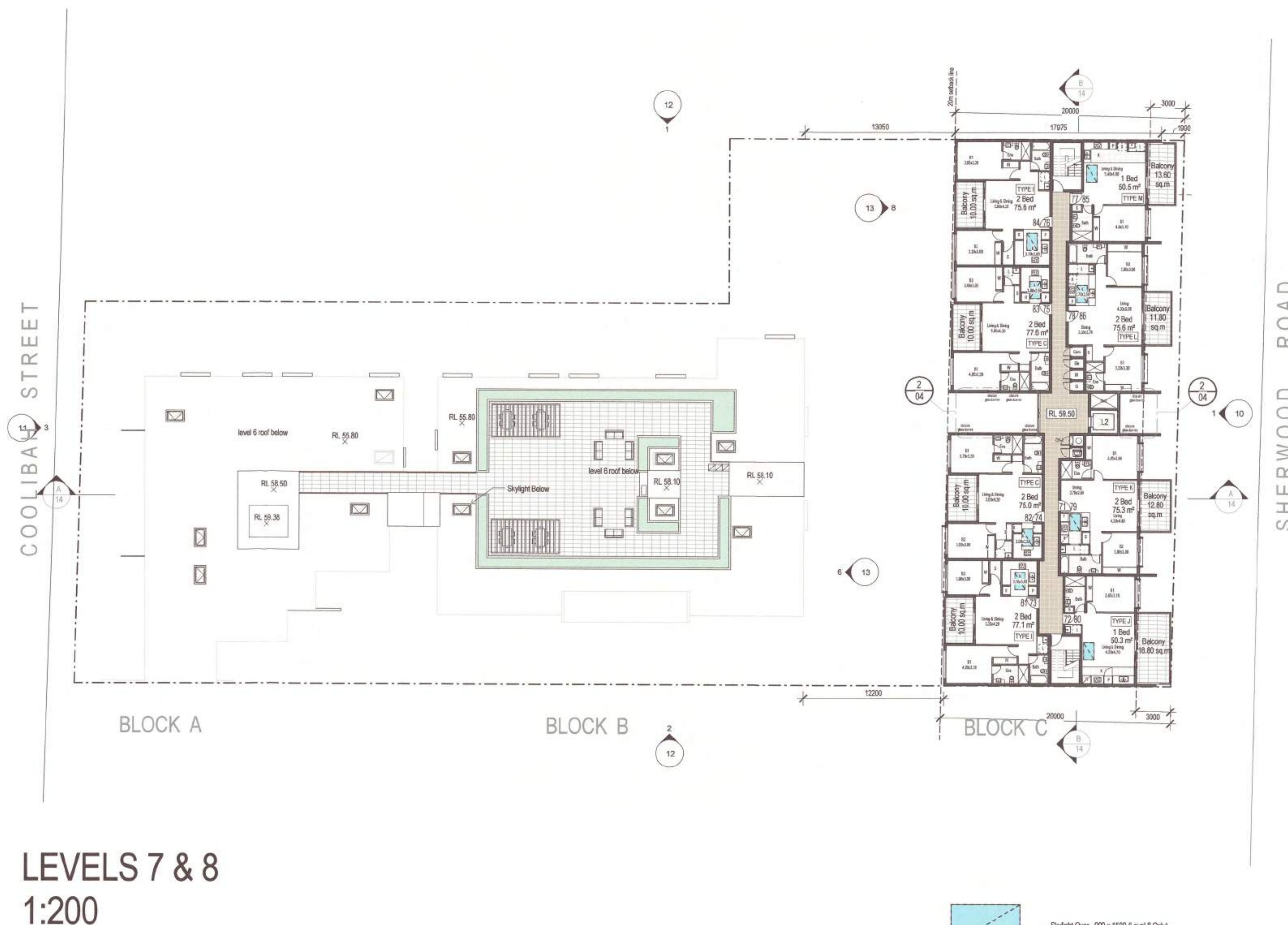
LEVEL 6
1:200

1:200
0 m 2 4m 10m

True Northpoint



Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



LEVELS 7 & 8
1:200

AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

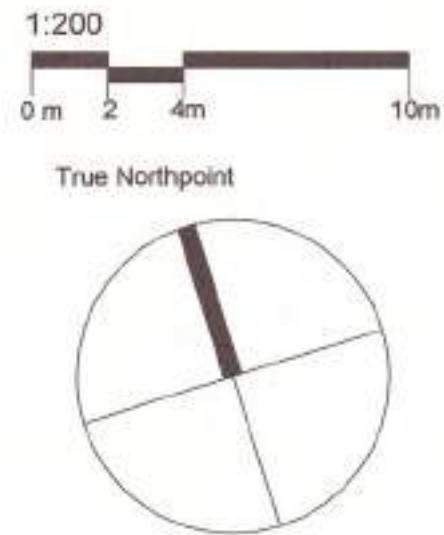
Issue	Issue description	Date
G	Block A North Corner Units amended - Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking - Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	02-10-16
A	Development Application	03-05-16

architex
Ryleton Pty Ltd t/as Architex
abn 32 003 315 142
Level 3, 7X Patios Street
Parramatta NSW 2150
email@architex.com.au
www.architex.com.au

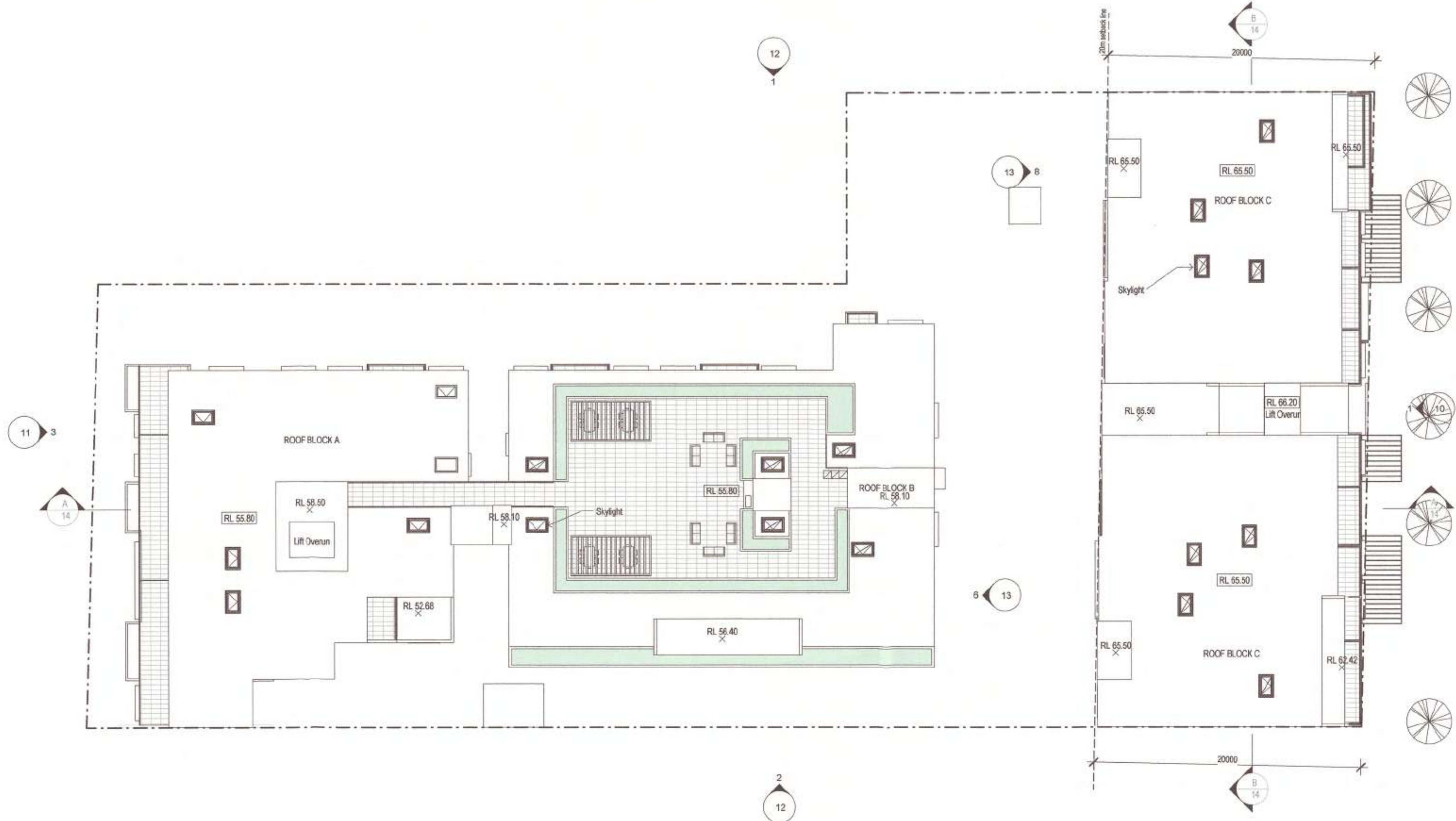
T: 9433 0888
M: 0418 402 919

Project	PROPOSED SHOP TOP HOUSING DEVELOPMENT	
Project Address	9 - 11 Sherwood Road, Merrylands	
Client	Revelop Pty. Ltd.	
Title	Level 7 & 8	
Drawn	Scale	Checked
PDP	As indicated	
Job No	Drawing No.	Issue
2220	DA08	G

DEVELOPMENT APPLICATION



Do not scale, check and verify all dimensions before commencing new work, ground levels may vary due to site conditions.



ROOF LEVEL
1:200

AMENDMENTS

- Move Building A+B back to be in 6.0m setback.
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

Issue	Issue description	Date
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-05-16

architex

1/level 3, 7/11 Raffles Street
Parramatta NSW 2150

1 : 9433 5688
M : 0418 402 919

email@architex.com.au
www.architex.com.au

DEVELOPMENT APPLICATION

Project
PROPOSED SHOP TOP HOUSING
DEVELOPMENT

Project Address
9 - 11 Sherwood Road, Merrylands

Client
Revelop Pty. Ltd.

Title
Roof Level

Drawn HS	Scale 1 : 200	Checked
Job No 2220	Drawing No DA09	Issue G



- AMENDMENTS**
- Move Building A+B back to be in 6.0m setback
 - Corner units in Block A+B amended.
 - Privacy screen removed from bedrooms and balconies.
 - Glass louvre windows added for improvements to cross ventilation to all Buildings.
 - Windows added for improvements to cross ventilation in Block C.
 - Blade walls reduced to improve Solar access.
 - 6.0m setbacks shown on all plans.

Issue	Issue description	Date
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-05-16



architex
Ryleton pty ltd t/as Architex
c/n 32 003 310 142
Level 3, 7K Peters Street
Parramatta NSW 2150
email@architex.com.au
www.architex.com.au

T : 9633 5888
M : 0418 402 919

EAST ELEVATION - SHERWOOD ROAD
1:100

DEVELOPMENT APPLICATION

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 - 11 Sherwood Road, Merrylands

Client
Revelop Pty. Ltd.

Title
**East Elevation
Sherwood Road**

Drawn HS	Scale 1 : 100	Checked
Job No 2220	Drawing No DA10	Issue G



AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

Issue	Issue description	Date
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-05-16

architex
Ryleton Pty Ltd t/a Architex
abn 22 023 315 142
Level 3, 76 Potholes Street
Parramatta NSW 2150
T : 9633 5888
M : 0418 402 919
email@architex.com.au
www.architex.com.au

DEVELOPMENT APPLICATION

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

Project Address
9 - 11 Sherwood Road, Merrylands

Client
Revelop Pty. Ltd.

Title
**West Elevation
Coolibah Street**

Drawn HS	Scale 1 : 100	Checked
Job No 2220	Drawing No. DA11	Issue G

WEST ELEVATION - COOLIBAH ST.
1:200



AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.

NORTH ELEVATION
1:200



SOUTH ELEVATION
1:200

Issue	Issue description	Date
G	Block A North Corner Units amended + Solar access diagrams	30-05-17
F	Sherwood Road Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-12-16
C	Privacy screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-06-16

architex
Stylston Pty Ltd t/as Architex
abr 32 003 315 142
Level 3, 7K Parkview Street
Parramatta NSW 2150
email@architex.com.au
www.architex.com.au

1 : 9633 5888
M : 0418 402 919

DEVELOPMENT APPLICATION

Project	PROPOSED SHOP TOP HOUSING DEVELOPMENT	
Project Address	9 - 11 Sherwood Road, Merrylands	
Client	Revelop Pty. Ltd.	
Title	North - South Elevations	
Drawn	Scale	Checked
HS	1 : 200	Checker
Job No	Drawing No.	Issue
2220	DA12	G



EAST ELEVATION - BLOCK B
1:100

AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.



WEST ELEVATION - BLOCK C
1:100

Issue	Issue description	Date
G	Block A North Corner Units amended + Solar access diagrams	20-05-17
F	Sherwood Road Setback Amendments	18-01-17
E	General Amendments	12-01-17
D	Parking + Balcony amendments	21-10-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-10-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-05-16

architex
 Ryvelon Pty Ltd t/as Architex
 abn 32 003 315 142
 Level 3, 7K Parkes Street
 Parramatta NSW 2150
 email: @architex.com.au
 www.architex.com.au
 T : 9653 5888
 M : 0418 402 919

DEVELOPMENT APPLICATION

Project
PROPOSED SHOP TOP HOUSING DEVELOPMENT

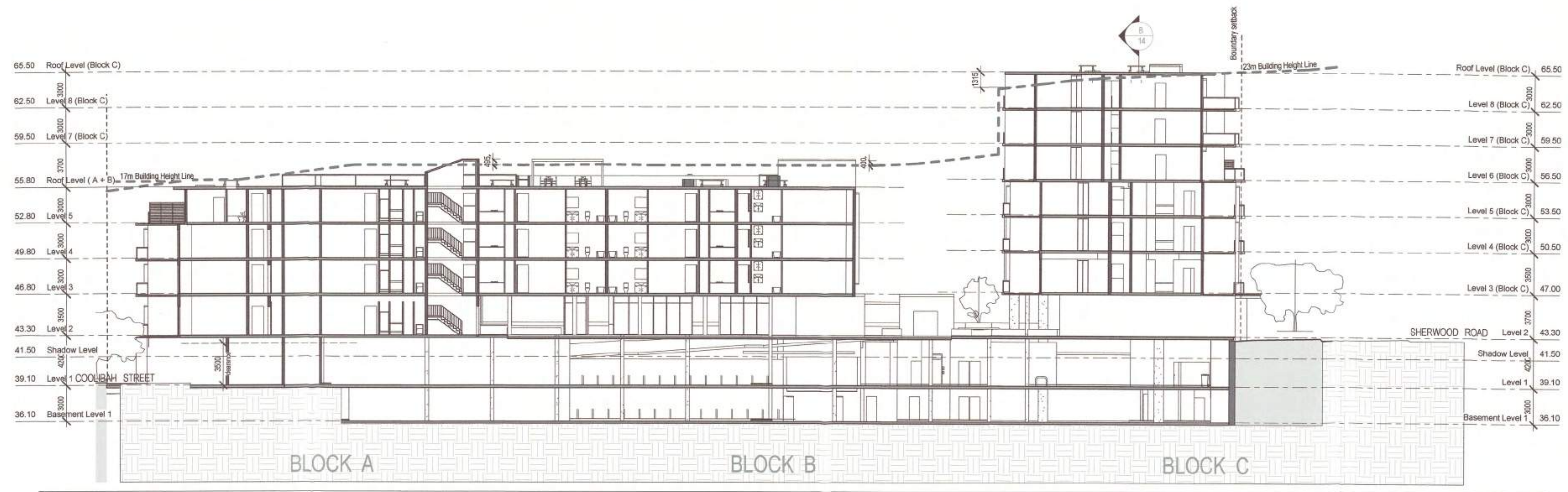
Project Address
9 - 11 Sherwood Road, Merrylands

Client
Revelon Pty. Ltd.

Title
Site Elevations

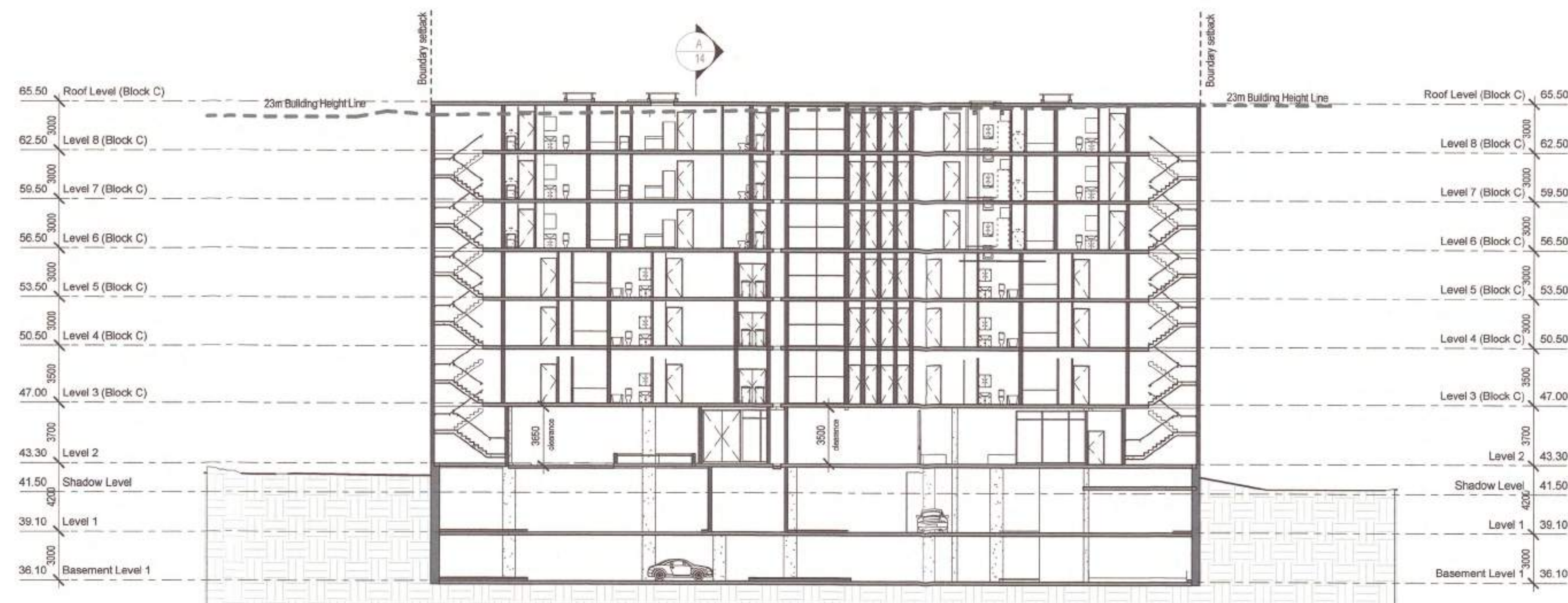
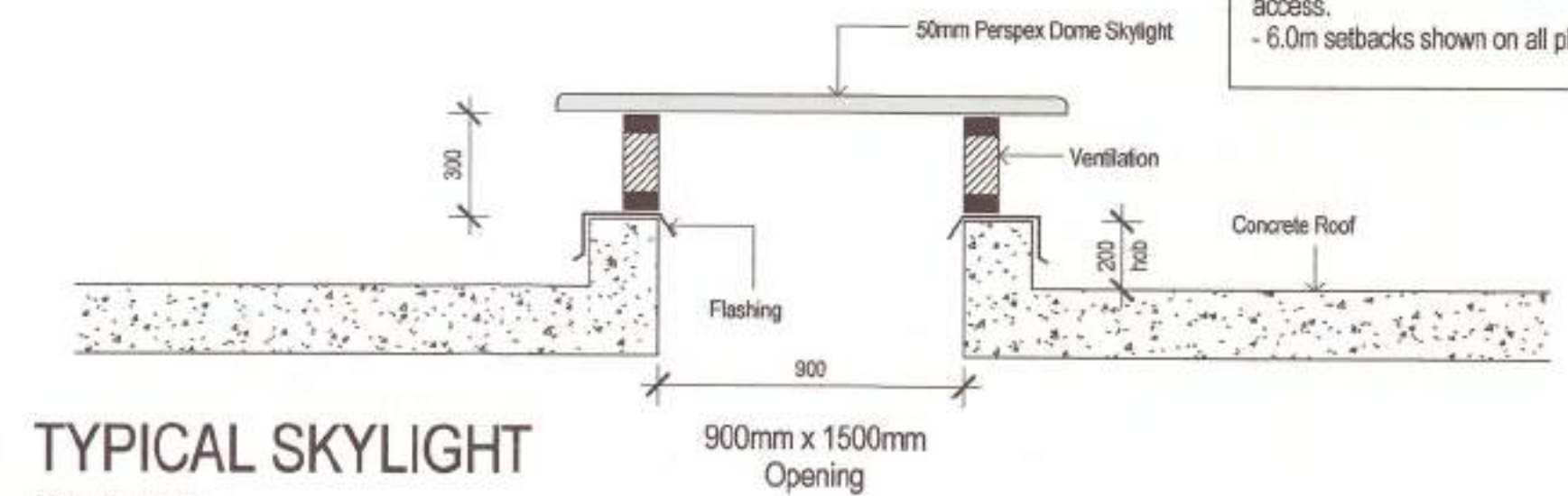
Drawn HS	Scale 1 : 100	Checked
Job No 2220	Drawing No. DA13	Issue G

1:200
0 m 2 4m 10m



AMENDMENTS

- Move Building A+B back to be in 6.0m setback
- Corner units in Block A+B amended.
- Privacy screen removed from bedrooms and balconies.
- Glass louvre windows added for improvements to cross ventilation to all Buildings.
- Windows added for improvements to cross ventilation in Block C.
- Blade walls reduced to improve Solar access.
- 6.0m setbacks shown on all plans.



Issue	Issue description	Date
G	Block A North Corner Units amended - Solar access diagrams	30-05-17
F	Sherwood Flood Setback Amendments	19-01-17
E	General Amendments	12-01-17
D	Parking - Balcony amendments	21-12-16
C	Privacy Screens added and Level 5 amended and Block C Level changes	16-12-16
B	C.O.S added on Block B roof	12-10-16
A	Development Application	03-05-16

architex
Rykelton pty ltd t/a architex
abn 32 003 315 142
Level 3, 74 Parkes Street
Parramatta NSW 2150
email@architex.com.au
www.architex.com.au

T : 9633 5868
M : 6418 402 919

DEVELOPMENT APPLICATION

Project	PROPOSED SHOP TOP HOUSING DEVELOPMENT	
Project Address	9 - 11 Sherwood Road, Merrylands	
Client	Revelop Pty. Ltd.	
Title	Site Sections	
Drawn	HS	Scale
Job No	2220	As indicated
Drawing No.	DA14	Checked
Issue	G	



Proposed Top Shop Housing Development

9 - 11 Sherwood Road, Merrylands



Proposed Top Shop Housing Development

9 - 11 Sherwood Road, Merrylands



Proposed Top Shop Housing Development

9 - 11 Sherwood Road, Merrylands



Internal Courtyard View 2

Proposed Top Shop Housing Development

9 - 11 Sherwood Road, Merrylands

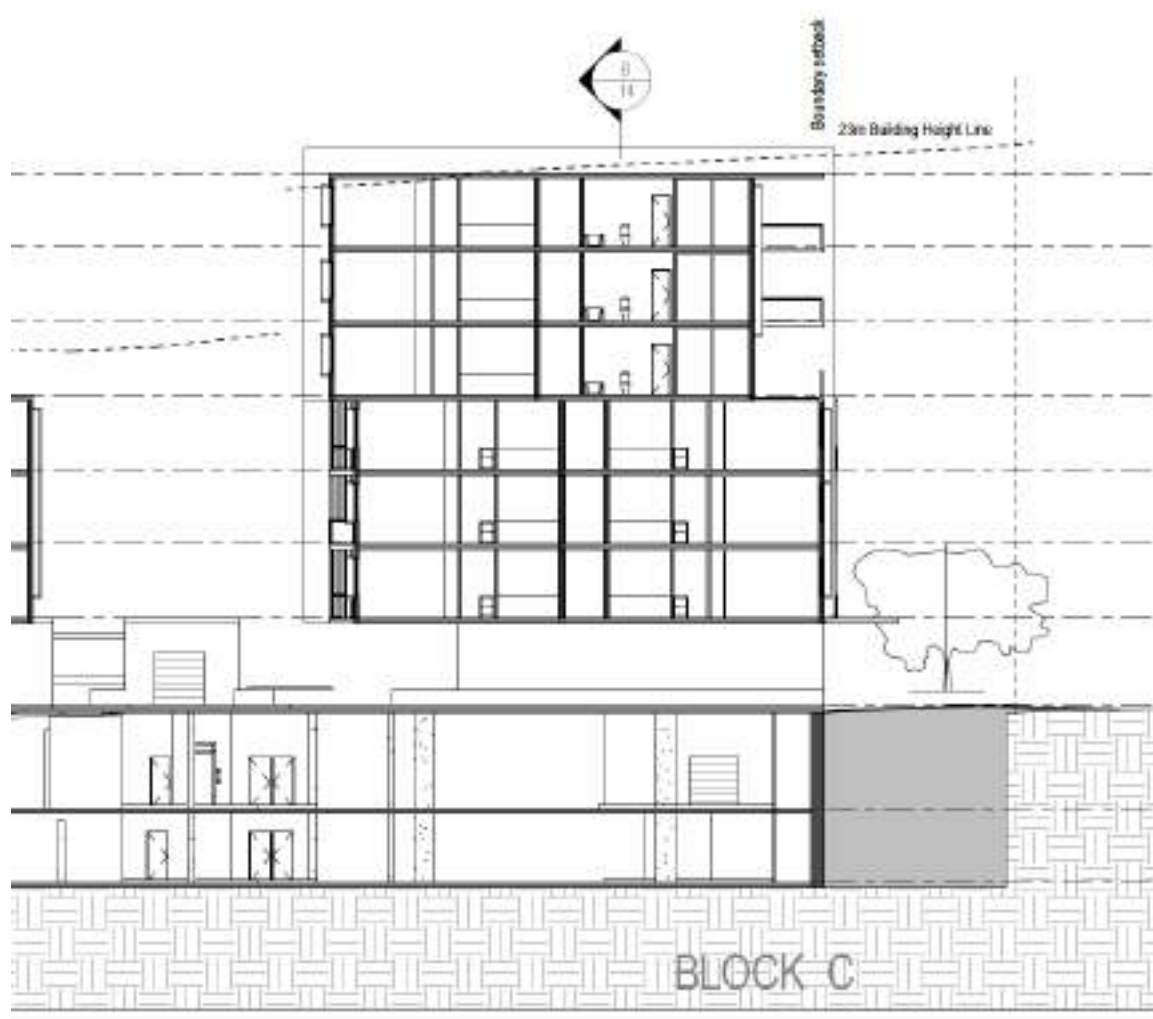


Shop Top Housing: 9-11 Sherwood Road, Merrylands

Appendix 1: Clause 4.6 Variation to Building Height

As shown on the sections below, the proposed development predominantly complies with the 23m maximum building height control with the exception of a portion of the parapet roof form and upper most level of the rear of Block C with a maximum building height of 23.3m which represents a 300mm departure to the control or 1.3%. This is a function of the cross-fall on the site and the need to provide for a consistent ground floor level and subsequent levels above.

□



Therefore, the proposal is non-compliant with Clause 4.3 – height of buildings that stipulates that the height of a building is not to exceed 23m on the subject site.



Shop Top Housing: 9-11 Sherwood Road, Merrylands

The location of the building height departure will ensure that they are not viewable from the street level and in addition, the high quality design of the proposal will contribute towards providing a shop top housing development that reinforces the streetscape and urban context along the site whilst contributing towards expanding the existing town centre and setting the tone and scale for future mixed use development within the subject area.

It is noted that the proposal will not result in any additional overshadowing impacts to adjoining properties, especially to land parcels that bound the site to the south and therefore, the non-compliance with the maximum height control is considered appropriate.

Clause 4.6 of the Holroyd Local Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*



Shop Top Housing: 9-11 Sherwood Road, Merrylands

Each of these provisions is addressed individually below.

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 building height 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 predominantly consistent with the building height with the exception of the external corridors containing lift shafts, stairwells and garbage rooms and a small portion of the roof form and the proposal remains consistent with the objectives based on the following:

- The development proposal is consistent with the intent of the maximum height control as the minor 300mm non-compliance and location at the rear of the building will ensure that the proposal complies with the height limit relative to the streetscape;
- The proportion of the building that protrudes above the 23m height contains limited habitable floor space, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather from the topographical fall from Sherwood Road towards Coolibah Street;
- The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors;
- Detailed shadow analysis demonstrates that the property to the south retains reasonable solar access. Of key importance is that Council controls permit a zero front, rear and side setback for the sites within this B2 zone and the current design enables future redevelopment on adjoining sites and doesn't compromise solar access.
- The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR control that demonstrates an appropriate density.

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



Shop Top Housing: 9-11 Sherwood Road, Merrylands

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 building height control. In addition, the proposal is consistent with the objectives of the B2 Zone, being:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To permit residential development that is complementary to, and well-integrated with, commercial uses.*

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 building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building 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 based on the observed building forms in the locality and based on the unique site attributes.

Strict compliance with the prescriptive building 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, which is earmarked for future mixed use land uses. The proposal promotes the economic use and



Shop Top Housing: 9-11 Sherwood Road, Merrylands

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.

ATTACHMENT 1 - ORIGINAL REPORT

Our Reference:
Contact:
Phone:

2016/164
Mr M. Stephenson
02 8745 9761

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 NOTICE OF DETERMINATION OF APPLICATION

To be advised

Revelop Projects Pty Ltd
PO Box 313
BAULKHAM HILLS NSW 1755

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lot 101, DP 789369, Lots 1 & 2, DP 616486,

STREET ADDRESS: 9 Sherwood Road, Merrylands West

DEVELOPMENT CONSENT NO: 2016/164/1

DECISION: To be advised

DATE OF EXPIRY OF CONSENT: To be advised

PROPOSED DEVELOPMENT: Demolition of existing structures, consolidation of 3 lots into 1 lot, construction of a part 5 / part 7 storey shop top housing development comprising 86 residential units, 6 retail tenancies at grade and basement parking accommodating 184 car parking spaces.

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the attached endorsed plans and documentation:

Architectural Plans (Job No. 2220)

Drawing	Title	Issue	Date	Prepared by
DA 01	Basement Level 1	F	12/01/2017	architex
DA 02	Level 1	H	30/05/2017	architex
DA 03	Level 2	L	08/09/2017	architex
DA 04	Level 3	L	08/09/2017	architex
DA 05	Level 4	L	08/09/2017	architex
DA 06	Level 5	L	08/09/2017	architex
DA 07	Level 6	L	08/09/2017	architex
DA 08	Levels 7 & 8	L	08/09/2017	architex
DA 09	Roof Level	L	08/09/2017	architex
DA 10	East Elevation	L	08/09/2017	architex
DA 11	West Elevation	L	08/09/2017	architex
DA 12	North – South Elevations	L	08/09/2017	architex
DA 13	Site Elevations	L	08/09/2017	architex
DA 14	Site Sections	L	08/09/2017	architex
DA 15	Adaptable Units Layouts	A	03/05/2016	architex
DA 16	Unit Layouts	L	08/09/2017	architex
DA 17	Unit Layouts	A	03/05/2016	architex
DA 18	Unit Layouts	F	12/01/2017	architex
DA 23	Demolition Plan	A	03/05/2016	architex
DA 24	Ramp Details	A	03/05/2016	architex
DA 28	Waste Management Plan & Mailbox Details	H	30/05/2017	architex

Engineering Plans (Job No. 152022016DA)

Drawing	Title	Issue	Date	Prepared by
15202-01/B	Erosion & Sediment Control Plan	B	19/12/2016	ING Consulting Engineers
15202-02/B	Basement Plan	B	19/12/2016	ING Consulting Engineers
15202-03/B	Level 1 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-04/B	Level 2 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-05/B	Level 3 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-06/B	Level 4 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-07/B	Level 5 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-08/B	Level 6 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-09/B	Level 7 & 8 Floor Plan	B	19/12/2016	ING Consulting Engineers
15202-10/B	Roof Plan	B	19/12/2016	ING Consulting Engineers
15202-11/B	Notes & Details	B	19/12/2016	ING Consulting Engineers
15202-12/B	Notes & Details 2	B	19/12/2016	ING Consulting Engineers
Council's OSD No. 2017-068				

Landscape Plans

Drawing	Title	Issue	Date	Prepared by
1297.L.01	Landscape Plan Level 2 Area 1	B	18/12/2016	Greenland Design
1297.L.02	Landscape Plan Level 2 Area 2	B	18/12/2016	Greenland Design
1297.L.03	Landscape Plan Level 3 Planters	B	18/12/2016	Greenland Design
1297.L.04	Landscape Plan Level 6	B	18/12/2016	Greenland Design
1297.L.05	Landscape Details & Specification	B	18/12/2016	Greenland Design

Documentation

- Stage 2 Detailed Site Investigation, prepared by SLR global environmental solutions, Report No. 610.16797-R01, dated 7 October 2016;
 - Noise Impact Assessment prepared by Acoustic Logic, Reference No. 20160183.1/2104A/R3/MF, Revision 3, dated 21 April 2017;
 - Traffic and Parking Assessment prepared by McLaren Traffic Engineering, Reference No. 16086.01FA, dated 4 May 2016, and addendum report prepared by McLaren Traffic Engineering, Reference No. 16511.01FA, dated 13 January 2017;
 - Schedule of External Colours and Finishes submitted to Council on 5 May 2016;
 - BASIX Certificate No. 722281M_03 dated 19 January 2017;
 - Waste Management Plan submitted to Council on 5 May 2016;
 - Correspondence prepared by Roads & Maritime Services, Ref SYD16/0067/02, dated 12 April 2017 and all conditions contained therein; and
 - Correspondence prepared by NSW Police, Holroyd LAC, Reference No. D/2016/244136, dated 9 June 2016 and all conditions contained therein.
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier
 regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Demolition

7. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
8. Permission is granted for the demolition of the existing structures on the property, subject to strict compliance with the following:-
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition.

Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

- b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to

Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840 9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.

- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the DECCW on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
- i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2007 Part A, Section 9.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and**

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

9. Payment of **\$459.20** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

10. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

Future Use

11. No approval is granted or implied for the commercial tenancies. Separate development consent is required PRIOR to occupation.

Substations and Fire Hydrant Boosters

12. No approval is granted or implied for the installation of substations and fire hydrant booster pumps and construction of associated encasing structures i.e. blast walls and radiant heat shields. Separate Development Consent is required.

Cranes on Building Sites

13. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any such cranes.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Payment of Bonds, Fees and Long Service Levy

14. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Section 94 Contribution

15. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 8 x 1 b/r, 66 x 2b/r & 12 x 3b/r dwellings and 408m² of commercial floor space is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$1,182,150**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Civic Centre located at 1 Susan Street Auburn between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

16. A cash bond/bank guarantee of **\$5,872.10** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property (such as road pavement, kerb and guttering, footway, stormwater drainage etc.), unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

17. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

18. Payment of a **\$636** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

19. Payment of a **\$1013.70** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
20. Payment of a **\$854.00** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
21. Payment of a **\$854.00** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
22. Payment of a **\$830.90** fee for the inspection by Council of the stormwater drainage, Onsite Stormwater Detention System and Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
23. Payment of a **\$232.40** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
24. The applicant shall lodge with Council a **\$4,500.00** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
25. The applicant shall lodge with Council a **\$7,200.00** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
26. The applicant shall lodge with Council a **\$8,200.00** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering adjacent to the site.

This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
27. The applicant shall lodge with Council a **\$6,000.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention

System and Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Amended Plans

28. The following amendments are to be incorporated into the consent plans:
- o The proposal is to provide 13 separate adaptable apartments.
 - o The site is to be serviced by SRV vehicles only.
 - o An additional lift is to be provided next to the proposed lift within Block A.

Required Submissions to Certifying Authority

29. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

30. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
31. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
32. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
33. Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
34. A lighting plan shall be provided, detailing lighting along pedestrian access ways, common areas, communal open space areas, car parking entries and all entries. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Acoustic Measures

35. Plans and/or specifications indicating how compliance with the recommendations of the Acoustic Report prepared by Acoustic Logic, Reference No. 20160183.1/2104A/R3/MF,

Revision 3, dated 21 April 2017, will be achieved, shall be submitted to the Principal Certifying Authority.

Design Verification Statement

36. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (ii) That the qualified designer has designed or directed the design of the subject development;
 - (iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

N.B. The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Salinity

37. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

Residential Flat Development Residential Waste Storage Area

38. The waste storage area shall be roofed, screened from public view and provided with:-
- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
 - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)

- The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

Plans and specifications for the storage room shall be submitted with the application for the Construction Certificate.

On-site stormwater detention (OSD)

39. The development has been identified as requiring an On-site Stormwater Detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2017-068 and Council's On-site Detention (OSD) policy shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

Water Sensitive Urban Design (WSUD)

40. The development has been identified as requiring water sensitive urban design (WSUD) which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the WSUD system. In this regard, design and construction details of the WSUD system demonstrating compliance with Holroyd DCP 2013 Part A section 7.5 shall be submitted to the certifying authority prior to the issue of a construction certificate.
41. The Pollution Control Device(s) shall be within the subject property and maintenance, replacement etc. shall be the total responsibility of the property owner.

Note:

All electronic models shall be provided to Council.

Structures near Easements

42. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement to protect Council's stormwater drainage infrastructure. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A Structural Engineer's certificate for the special footings referred to above is to be submitted to the Principal Certifying Authority.

Road Works

43. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$511.20** fee for the assessment of the Traffic Management Plan by

Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Construction and Traffic Management Plan

44. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
 - (a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - Signage type and location to manage pedestrians in the vicinity;
 - The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - Locations and type of any hoardings proposed along all street frontages;
 - Area of site sheds and the like;
 - Location of any proposed crane standing areas;
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
 - (b) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
 - (i) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).
The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
 - (ii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
 - a. Light traffic roads and those subject to a load or height limit must be avoided at all times; and

- b. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- (iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
- (iv) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
- (v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.
- (d) Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- (e) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- (f) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- (g) Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- (h) Subject to an application for the occupation of public roadway or footway(Section 138, Local Govt. Act 1993), and Covered by a \$20M public liability insurance policy, with the policy noting Council as an interested party.

Sight Distance

- 45. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
- 46. Details of any control device (if proposed) for the roller door shall be shown on the plans. The control device should be located on drivers' side of vehicles entering the site; the control device shall not reduce the width of the access driveway below the minimum in accordance with AS 2890.1-2004, not impact on the flow of traffic (e.g. vehicles queuing wholly within the site, etc.) and road safety.

Accessibility

47. Prior to the issue of a construction certificate, plans must be submitted to the certifying authority demonstrating that the new development has been designed to comply with the requirements of the Disability (Access to Premises – Building) Standards 2010.

Storage

48. Secured storage areas for each residential unit shall be provided at the following rates:-

- 1 bedroom units - 6m³
- 2 bedroom units - 8m³
- 3 bedroom units - 10m³

At least 50% of the required volume is to be provided within each unit and any basement storage is to be clearly allocated to individual units. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

49. Signs and line marking plans shall be prepared prior to the issue of a construction certificate and be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

Car Wash Bay

50. A vehicle wash bay shall be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:-

- Have an adequate parking and washing floor space.
- Provide a water supply.
- Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
- Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
- Be located so that washing can occur with minimal disturbance to other residents.

Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Air Conditioning

51. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by the Principal Certifying Authority.

PRIOR TO WORKS / DEMOLITION COMMENCING

The following conditions are to be complied with prior to any works / demolition commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

52. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

53. The person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
 - (c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Notification to Relevant Public Authority

54. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Required Submissions to Certifying Authority

55. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practicing structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- a) job address and builder's name
 - b) design wind velocity
 - c) terrain category
 - d) truss spacing
 - e) roof pitch
 - f) material of roof
 - g) roof batten/purlin spacing
 - h) material of ceiling
 - i) job number

Photographic Record of Council Property – Damage Deposit

56. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority

57. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

58. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

59. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

60. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

61. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

62. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd's "Erosion & Sediment Control Policy."
Note: On-the-spot fines may be issued by council where measures are absent or inadequate.
63. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
64. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

65. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
 - a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

66. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

Toilet Facilities

67. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- Each toilet provided:
- a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Roadworks

68. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$168.60** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
69. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
70. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority, which shall be undertaken by the applicant. All costs associated with the proposed works shall be borne from the applicant at no cost to Council.
71. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.

Works within Councils Reserve

72. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
73. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
74. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

75. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to hcc@cumberland.nsw.gov.au or contact Council's Rates Section by Phone on 9840 9767.

Council's 'Allocation of Property Numbers' policy is available on Council's website www.cumberland.nsw.gov.au.

Residential Building Work - Insurance

76. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Holroyd City Council) has given Holroyd City Council written notice of the following information:-

- (a) in the case of work for which a Principal Contractor is required to be appointed:
 - (i) the name and licence number of the Principal Contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:-

Endorsed Plans & Specifications

77. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

78. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

79. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
80. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
81. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

82. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

- ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).

Note: The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

- 83. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 84. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

85. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Construction

86. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

87. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

88. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/ Site Works

89. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
90. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.
91. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

Tree Protection

92. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

Underground Cabling

93. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

Underground Power Connection

94. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

Alarms

95. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.
96. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell

within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council's Engineer.

Basement Parking

97. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
98. An intercom device is to be located:
 - i) on the driver's side wall near the security shutter to the basement car park, so that visitors can access the visitor car parking spaces; and
 - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Vehicle Cleansing

99. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

100. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Remediation/Demolition/Construction

101. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be notified to Council immediately.

Works within Council's Reserve

102. All works within the Council reserve shall be suitably fenced to prevent public access to the work site during construction of the stormwater drainage.

Inspection of On Site Detention Works

103. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.
 - (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.

(c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)

(d) Final Inspection

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Inspection of Pollution Control Device/s

104. The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control device/s.

(b) After completion of storage but prior to installation of fittings (e.g. screens, etc.)

(c) Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Roadworks and Footpaving

105. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".

106. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Acoustic Measures

107. The recommendations provided within the Noise Impact Assessment prepared by Acoustic Logic, Reference No. 20160183.1/2104A/R3/MF, Revision 3, dated 21 April 2017, shall be implemented.

PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of a final occupation certificate:-

Certificate/ Documentary Evidence

108. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
109. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Principal Certifying Authority prior to the issue of a final occupation certificate.

Landscape/Tree Protection

110. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
111. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified and licensed contractor that the specified planter boxes have been waterproofed and drained in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA a copy of the certification is to be provided to Council with the Occupation Certificate.
112. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

113. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with Australian Standard 2890.1 – 2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.
114. Boundary and courtyard fences must be erected and finished in a professional manner.
115. Increased plantings are to be provided throughout the proposal by way of larger planter boxes on lower levels with a minimum internal width of 1m and internal depth of 600mm. Where current planter box widths are 1.5m or greater suitable small trees are to be provided (for example, Magnolia ‘Teddy Bear’.)
116. Green roof/roof top gardens shall be provided with planter boxes and communal facilities such as seating and shade structures.
117. *Tristaniopsis laurina* ‘Luscious’ shall be provided as street trees to the Sherwood Road frontage, min 100L pots, at 8m spacings.
118. A Structural Engineer’s certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer’s requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.
119. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that a minimum of 13 dwellings have achieved the desired level of adaptability (i.e. “Adaptable House Class A or B”).

Parking/Driveway

120. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans. These numbers shall also be consistent with any strata plan for the completed development.
121. All resident, visitor and commercial parking spaces shall be signposted and line marked in accordance with Australian Standards 2890.1.2004 and 2890.6.2009.
122. All bicycle facilities shall be designed in accordance with AS 2890.3:1993. Bicycle parking shall have a clearance of 900mm from a wall or fence.
123. The entry / exit driveway shall be indicated with appropriate signage and line marking to avoid conflict at the driveway.
124. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
125. Directional signage shall be designed and provided on site to direct visitors to the residential and commercial visitor parking spaces. The signage shall be positioned in a

location which will not impact on vehicle movements or damage the signage, visible to drivers and to be endorsed by a suitably qualified Traffic Practitioner.

126. Directional arrows for internal circulation shall be proximately displayed on the pavement approaches to, and within, the car park area.
127. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
128. All disabled parking spaces shall be provided with a shared area, bollards and slip resistant surface in accordance with Australian Standard 2890.6.2009.
129. Wheel stops shall be provided at appropriate parking locations and in accordance with AS 2890.1-2004.
130. The entry point shall be provided with a suitable communication system to allow the security gate to be opened remotely by occupants of the building. The width of the access driveway/ramp adjacent to the control devices shall not restrict access for residents / visitors and shall be in accordance with Australian Standards.
131. The height clearance at any entry/exit point of the ramp shall be in accordance with AS 2890.1-2004.
132. A Give-Way sign and line marking shall be provided at the entry of the basement car park to ensure any traffic conflict is avoided when entering and exiting the basement.
133. The design envelope around a parked vehicle is to be kept clear of columns, walls or other obstructions in accordance with AS 2890.1-2004.

Lighting

134. Adequate lighting shall be provided within the development (i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries) and shall comply with AS 1680.0:2009.

Alarms

135. Documentary evidence is to be produced from the contracted security company that the building has been provided with a burglar alarm system which has back to base monitoring, such that residents can connect thereto from each individual unit.

Lift

136. The lift provided from the commercial basement level is to be installed with a security measure so as to not allow visiting persons of the commercial tenancies access to the residential levels and the roof top terrace.

Lot Consolidation

137. Lot 101 in DP 789369 and Lots 1 & 2 in DP 616486, are to be consolidated into one lot on title and all works shall be completed in accordance with this consent.

Fire Safety

138. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:–
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
 2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
 3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.
139. A copy of the Fire Safety Certificate, together with a copy of the current Fire Safety Schedule, is to be given to the Commissioner of New South Wales Fire Brigades, and a further copy of the Certificate and Schedule is to be prominently displayed in the building.
140. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

House/Street Number

141. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website, www.cumberland.nsw.gov.au.

Design Verification Statement

142. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment

Development”, the subject development must be undertaken or directed by a “qualified designer” (i.e., a “registered architect” under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-

- (i) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Noise Compliance Report

- 143. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed in the Noise Impact Assessment prepared by Acoustic Logic, Reference No. 20160183.1/2104A/R3/MF, Revision 3, dated 21 April 2017, have been implemented, and confirm that the noise emissions from the premises complies with Council’s noise criteria specified in this consent.

On-site Stormwater Detention, Certification and Covenants

- 144. A copy of the as approved stormwater drainage, On Site Detention and Pollution Control Device plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention.
- 145. A certificate of compliance in accordance with Council’s standards and specifications for stormwater drainage, On Site Detention and Pollution Control Device shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
- 146. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.
- 147. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention and Pollution Control Device shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction on Use shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site

Detention and Pollution Control Device is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

Stormwater Detention Plate

148. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements. This plate is required to be displayed prominently among the other required signage, as specified in the current Upper Parramatta River Catchment Trust handbook & on the Approved Plans.

Stormwater Drainage connection to the kerb in Coolibah Street: -

149. The site's stormwater drainage connection into the existing kerb in Coolibah Street shall be in accordance with Council's Works Specification and standard Drawings.

Maintenance Schedule

150. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

Roadworks

151. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
152. A full width **heavy** duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 6 metres and a minimum width of 4 metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
153. The reconstruction of kerb and gutter and associated works along all areas of the site at the corner of Sherwood Road and Coolibah Street. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.

Footpath Construction and Reconstruction

154. The removal of existing and construction of footpath paving to the site frontage. Generally the works shall be in accordance with Council's Town Centre Master Plan report (current version), and Council issued design and levels. These works shall be carried out by a

licensed construction contractor at the applicant's expense, shall be in accordance with Council's standard drawing SD 8100 & issued level sheets, and shall address the following:

- i) A minimum 2.5m wide footpath paving and associated works along all areas of the site fronting Sherwood Road, Merrylands West.
 - ii) A minimum 1.5m wide footpath paving and associated works along all areas of the site fronting Coolibah Street, Merrylands West.
 - iii) **Street tree planting.** In this regard trees shall be sited considering awnings, traffic signals, sight lines etc. Trees shall be planted in accordance with Council requirements for street trees e.g. Numbers, species, size, guards, surface treatments, root barriers.
 - iv) All footpath areas within the road reserves that are not concrete shall be turfed with ST85 Buffalo or 'Sir Walter'.
155. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
156. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

General

157. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
158. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.
159. The glazing proposed for the commercial units on the ground floor shall be maintained to clear glass.
160. All privacy measures including privacy screens shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.

Pedestrian Pathway

161. The thorough pedestrian pathway, providing a pedestrian linkage between Sherwood Road and Coolibah Street shall be maintained at all times for use by general public at no cost to Council.

CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Safety & Amenity

- 162. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 163. Access to the residential areas of the development shall be limited to residents via an intercom swipe card system.

Mechanical Ventilation System – Car Park

- 164. Noise and vibration from the use of the (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays.
- 165. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.

Traffic and Parking

- 166. All vehicles shall enter and leave the site in a forward direction.
- 167. All loading and unloading of service vehicles shall be undertaken within the site.
- 168. The car wash bay shall be a common, independent area, and not serve as a visitor parking space.
- 169. Visitor/residents parking spaces and commercial/retail spaces shall be separated. Visitor/residents parking spaces shall not be used by commercial/retail visitors.
- 170. The roller gate shall not restrict access for visitors of the residential car park areas.
- 171. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 172. At least 184 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents, employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
- 173. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

Emergency Procedures

174. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

Car Wash – Residential/Commercial

175. Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.
176. The car wash bay shall be managed and maintained so that the following requirements are met:
- a) The Owners Corporation or building owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
 - b) Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

Signage on Stormwater Drains (Commercial)

177. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H₂O only'.

Lighting

178. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

Maintenance of Waste Storage Area – Residential

179. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.
180. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.

Alarms

181. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
182. Identification number/s is/are to be clearly displayed at the front of the premises.
183. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
184. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
185. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
186. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

General Noise Conditions

187. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
188. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
189. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Clean Water Discharge

190. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

Waste Collection

191. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste disposal from the site, and be made available to Council Officers on request.
192. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
193. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.

Waste Arrangements

194. The waste arrangements for the building is as follows:
 - a) Garbage: 21 x 240 litre bins collected once per week.
 - b) Recycling: 14 x 240 litre bins collected once per fortnight.

These bins will be required to be presented on Sherwood Road for servicing by Council.

Mechanical Ventilation

195. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.

Future Use

196. No approval is granted or implied for the use of the commercial tenancies. Separate consent is required PRIOR to occupation of each separate commercial tenancy.

General

197. All privacy measures shall be maintained at all times, throughout the lifetime of the development.
198. No roller shutters are permitted to be installed for the commercial tenancy at any time.

ADVISORY NOTES**Other Necessary Approvals**

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.
- It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.
- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. DEMOLITION

- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
- (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Cumberland Council has a Tree Management Order which applies to the entire City of Cumberland. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.
- (g) There shall be no burning of any waste, as this is prohibited within the City of Cumberland.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

H. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to "**Banks**" and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

I. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

J. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of *AS3660.1-2000 Protection of building from subterranean termites* and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

K. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with *AS3740 Waterproofing of wet areas within residential buildings*.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

L. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1:50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

M. SARKING

To reduce the risk of injury during works to the roof, sarking with fall arresting ability is to be provided to the underside of the roof. Manufacturers specifications for the sarking is to be submitted to Council prior to its installation.

N. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and

- filter and recycle wash water where possible.

O. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee in accordance with Council's adopted fees and charges is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

P. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in multi-residential development (Class 2 and 3 buildings and Class 9c Aged Care buildings), separating walls must be constructed in accordance with Part F5 of the Building Code of Australia.

Q. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.

R. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

S. FIRE SAFETY

Paths of travel a minimum of 1000mm wide in accordance with D1.6 of the Building Code of Australia are to be clearly defined and line marked on the floor prior to occupation.

T. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

U. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.

V. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

W. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes

APARTMENT DESIGN GUIDE (ADG)				
No.	SEPP 65 Apartment Design Guide		Relevant Control	Comply
Part 3 - Siting the Development				
3A	Site Analysis			
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.		Yes	Yes
3B	Orientation			
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.		The streets are defined as Building A is oriented to Coolibah Street and Building C to Sherwood Road. Direct access from each street is provided. Adequate solar access is achieved for a sufficient number of dwellings.	Yes
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.		Overshadowing falls onto the southern adjoining property which contains the Coolibah Hotel. Overshadowing of that property is not unreasonable given that it is a commercial property and dos not contain any habitable areas within. The shadow diagrams indicate that the site would be provided with suitable levels of solar access to the existing north facing outdoor terraces of the hotel (approved in DA-520/2009) between 11:00am and 3:00pm on 21 June and any future residential development on the site as illustrated at Annexure A.	Yes
3C	Public Domain Interface			
3C-1	Transition between private and public domain is achieved without compromising safety and security.		Appropriate transition is proposed between the private and public domains.	Yes
3C-2	Amenity of the public domain is retained and enhanced.		The public domain will be enhanced by providing a pedestrian link through the site from Coolibah Street to Sherwood Road as required by the DCP. Service, loading and waste areas are out of public view and within the car parking or basement levels of the building. The proposed buildings are aesthetically pleasing.	Yes
3D	Communal and Public Open Space			
3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.			
	Design Criteria	Communal open space has a minimum area equal to 25% of the site & depth 3m	Required: 25% of 3,734.4m ² 933.6m ² required Proposed: 770.5m ² (20.6%)	No, however acceptable . Refer to Section 5 of Report.
		Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Main pocket of COS is in the north-western corner at the rear of Building C and will achieve reasonable solar access.	Yes
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.		COS areas allow for some active and passive recreation. A mixture of BBQ's, lounges, dining, seating and garden areas	Yes

APARTMENT DESIGN GUIDE (ADG)																																				
No.	SEPP 65 Apartment Design Guide		Relevant Control	Comply																																
			are proposed within the COS areas. Principal area is 11.5 metres wide clear of pedestrian path.																																	
3D-3	Communal open space is designed to maximise safety.		Good surveillance of COS areas from the units is achieved.	Yes																																
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.		N/A	N/A																																
3E	Deep Soil Zones																																			
3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.																																			
	Design Criteria	Deep soil zones are to meet the following minimum requirements: <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table> Design guidance On some sites it may be possible to provide larger deep soil zones, depending on the site area and context: • 10% of the site as deep soil on sites with an area of 650m² - 1,500m² • 15% of the site as deep soil on sites greater than 1,500m²	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	Refer to assessment against Part C of DCP.	Refer to DCP																				
Site area	Minimum dimensions	Deep soil zone (% of site area)																																		
less than 650m ²	-	7%																																		
650m ² - 1,500m ²	3m																																			
greater than 1,500m ²	6m																																			
greater than 1,500m ² with significant existing tree cover	6m																																			
3F	Visual Privacy																																			
3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.																																			
	Design Criteria	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	The site is zoned B2 Local Centre and Council's DCP requires buildings to be built to the Sherwood Road and side boundaries without any separation or setbacks. This results in no side boundary separation requirements for Building C. A 3 metre setback is required to the Coolibah Street boundary (i.e. Building A). The development proposes a number of non-compliant separation distances between side boundaries and between buildings internally as detailed below: <table><tr><th colspan="4">Building A</th></tr><tr><th>Setback</th><th>Req'd</th><th>Prop</th><th>Comply</th></tr><tr><td>North – L2 to L4</td><td>6m</td><td>6m</td><td>Yes</td></tr><tr><td>North – L5</td><td>9m</td><td>6m</td><td>No</td></tr><tr><td>South – first 11.5m depth –</td><td>6m</td><td>0m</td><td>No but complies with DCP</td></tr></table>	Building A				Setback	Req'd	Prop	Comply	North – L2 to L4	6m	6m	Yes	North – L5	9m	6m	No	South – first 11.5m depth –	6m	0m	No but complies with DCP	Part Yes and Part No. Refer to Section 5 of Report.
Building height	Habitable rooms and balconies	Non-habitable rooms																																		
up to 12m (4 storeys)	6m	3m																																		
up to 25m (5-8 storeys)	9m	4.5m																																		
over 25m (9+ storeys)	12m	6m																																		
Building A																																				
Setback	Req'd	Prop	Comply																																	
North – L2 to L4	6m	6m	Yes																																	
North – L5	9m	6m	No																																	
South – first 11.5m depth –	6m	0m	No but complies with DCP																																	

APARTMENT DESIGN GUIDE (ADG)								
No.	SEPP 65 Apartment Design Guide		Relevant Control				Comply	
			L2 to L4					
			South – remaining depth – L2 to L4	6m	6m	Yes		
			South - first 11.5m depth – L5	9m	0m	No but complies with DCP		
			South – remaining depth – L5	6m	6.3m	Yes		
			Building B					
			Setback	Req'd	Prop	Comply		
			North	6m	6m	Yes		
			South	6m	6m	Yes		
			Internal Between Buildings					
			Setback	Req'd	Prop	Comply		
			North - Building A to B for levels 3 and 4	9m	3m	No		
			North - Building A to B for level 5	13.5m	3m	No		
			South - Building A to B for levels 3 and 4	9m	4.15m	No		
			South - Building A to B for level 5	13.5m	4.15m	No		
			Building C to B – Level 3 to 5	12m	13m	Yes		
			Building C Levels 6 to 8 to B COS	13.5m	19m	Yes		
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		Separation results in appropriate levels of privacy and appropriate levels of access to light and air.				Yes	
3G	Pedestrian Access and Entries							
3G-1	Building entries and pedestrian access connects to and addresses the public domain.		A central and wide pedestrian access point is proposed off both street frontages. Residential and retail entries are separate.				Yes	
3G-2	Access, entries and pathways are accessible		Achieved.				Yes	

APARTMENT DESIGN GUIDE (ADG)			
No.	SEPP 65 Apartment Design Guide		Relevant Control
			Comply
	<i>and easy to identify.</i>		
3G-3	<i>Large sites provide pedestrian links for access to streets and connection to destinations.</i>		A 6 metre wide pedestrian link is required under Part N of the DCP, half of which is proposed along the northern boundary of the site.
3H	Vehicle Access		
3H-1	<i>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</i>		2 separate vehicle entries are proposed from each street frontage and separate from pedestrian entries.
3J	Bicycle and Car Parking		
3J-1	<i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i>		
	Design Criteria	For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	The site is not located within 800 metres from a Railway Station, therefore DCP rates apply. See DCP table below.
		The car parking needs for a development must be provided off street.	Parking is proposed off-street and within basement levels.
3J-2	<i>Parking and facilities are provided for other modes of transport.</i>		Bicycle parking is proposed within the basement levels.
	Design guidance Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas Conveniently located charging stations are provided for electric vehicles, where desirable		
3J-3	<i>Car park design and access is safe and secure.</i>		Basement 1 is residential. Level 1 is part commercial and part residential (including visitor parking). Level 2 is all commercial. The configuration of the parking on level 1 is considered acceptable with the inclusion of secure access (boom gates) that will separate residential spaces from commercial and visitor spaces.
3J-4	<i>Visual and environmental impacts of underground car parking are minimised.</i>		Parking will not be visible from the streets.

APARTMENT DESIGN GUIDE (ADG)				
No.	SEPP 65 Apartment Design Guide		Relevant Control	Comply
3J-5	Visual and environmental impacts of on-grade car parking are minimised.		Some at grade parking is proposed however is located behind the building and will not be visible from the street frontages or the southern boundary (side boundary wall proposed to conceal).	Yes
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.		Basement 1 carpark is all below NGL and would not be visible at any point. When viewed from both street frontages, the car parking on levels 1 and 2 would not be visible from the street frontages. Level 2 is at grade at Sherwood Road then its FFL is elevated up to approximately 4.2 metres above NGL at Coolibah Street. The level would be visible from the southern side boundary however a high wall is proposed along the southern end of the parking area to conceal the parking spaces from the south.	Yes
Part 4 - Designing the Building				
4A	Solar and Daylight Access			
4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.			
Design Criteria	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	20/86 = 23.5% of living rooms achieve at least 2 hours 41/86 = 48% of POS achieve at least 2 hours.		No, however acceptable . Refer to Section 5 of Report.
	A maximum of 15% of units in a building receive no direct sunlight between 9 am & 3 pm at mid-winter.	29/86 = 34% get nil		No, however acceptable . Refer to Section 5 of Report.
4A-2	Daylight access is maximised where sunlight is limited.		The proposal orientates the building to take advantage of solar access and maximises the number of units with a direct north aspect.	Yes
4A-3	Design incorporates shading and glare control, particularly for warmer months.		Louvres, screens and blade walls are proposed along balcony edges.	Yes
4B	Natural Ventilation			
4B-1	All habitable rooms are naturally ventilated.		All habitable rooms have a window	Yes
4B-2	The layout and design of single aspect apartments maximises natural ventilation.		The development maximises natural cross flow ventilation.	Yes
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.			
Design Criteria	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels	57/86 = 66% of units are naturally cross ventilated (includes top floor units with skylights).		Yes

APARTMENT DESIGN GUIDE (ADG)																
No.	SEPP 65 Apartment Design Guide		Relevant Control	Comply												
		allows adequate natural ventilation and cannot be fully enclosed.														
		Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No unit exceeds a depth of 18 metres.	Yes												
4C	Ceiling Heights															
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.															
	Design Criteria	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table> These minimums do not preclude higher ceilings if desired.	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	The proposed ceiling heights are as follows: Buildings A & B: Level 1 Com 3.5 metres Level 2 Res 3.3 metres Level 3 to 5 Res 2.8 metres Building C: Level 1 (parking) Level 2 Com 3.3 metres* Levels 3 to 8 Res 2.8 metres *200mm assumed for drop ceiling for services	Yes
Minimum ceiling height for apartment and mixed use buildings																
Habitable rooms	2.7m															
Non-habitable	2.4m															
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area															
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope															
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use															
4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.		Satisfactory	Yes												
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.		Ceiling heights will allow for flexibility of building use over the life of the building.	Yes												
4D	Apartment Size and Layout															
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.															
	Design Criteria	Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All unit sizes comply – see calculations provided as Annexure B.	Yes		
Apartment type	Minimum internal area															
Studio	35m ²															
1 bedroom	50m ²															
2 bedroom	70m ²															
3 bedroom	90m ²															
		Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Every habitable room has a window in an external wall.	Yes												
		Design Guidance for Objective	Kitchens are clear of circulation space in	Yes												

APARTMENT DESIGN GUIDE (ADG)																			
No.	SEPP 65 Apartment Design Guide		Relevant Control	Comply															
		4D-1 Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).	all units.																
4D-2	Environmental performance of the apartment is maximised.																		
	Design Criteria	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Complies.	Yes															
		In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Single aspect unit habitable rooms are less than 8 metres from a window.	Yes															
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.																		
	Design Criteria	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All bedroom sizes comply.	Yes															
		Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms are more than 3 metres x 3 metres excluding wardrobes.	Yes															
		Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments.	Living room widths comply for all units. Dimensions shown on plans.	Yes															
		The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All units have a width in excess of 4 metres.	Yes															
4E	Private Open Space and Balconies																		
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.																		
	Design Criteria	All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>5m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	5m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	All Balconies meet minimum dimension and area requirements – see calculation sheet at Annexure C.	Yes
		Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m ²	-																	
1 bedroom apartments	5m ²	2m																	
2 bedroom apartments	10m ²	2m																	
3+ bedroom apartments	12m ²	2.4m																	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	No ground floor units are proposed.	Yes																	
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.		All POS balconies are located off living rooms.	Yes															

APARTMENT DESIGN GUIDE (ADG)														
No.	SEPP 65 Apartment Design Guide		Relevant Control	Comply										
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		Satisfactory	Yes										
4E-4	Private open space and balcony design maximises safety.		Satisfactory	Yes										
4F	Common Circulation and Spaces													
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments.													
	Design Criteria	The maximum number of apartments off a circulation core on a single level is eight.	Buildings A and B are joined and served by one lift and 3 stairwells, so 4 cores in total. A maximum of 11 units are proposed per floor, so 2.75 units per core.	Yes										
		For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Building C has one lift and 2 stairwells, so 3 cores. A maximum of 8 units are proposed per floor, so 2.66 units per core.											
	Design Guidance	Daylight & natural ventilation be provided to CCSs above ground level. Windows should be at ends of corridors or next to core	N/A	N/A										
		Corridors to all buildings have large windows opposite cores and at the end of circulation corridors which would allow natural light and ventilation.		Yes										
4F-2	Common circulation spaces promote safety and provide for social interaction between residents.		Satisfactory	Yes										
4G	Storage													
4G-1	Adequate, well designed storage is provided in each apartment.													
	Design Criteria	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage use volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage use volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	57/86 units (66%) have a total storage capacity that complies and only 9/86 units (10%) have at least 50% of storage within the units. The store rooms within the parking levels are all larger than 10m ³ (some are 30m ³) so the areas could be redistributed to provide each units with sufficient storage, subject to a condition.	No, however acceptable subject to condition. Refer to Section 5 of Report.
Dwelling type	Storage use volume													
Studio apartments	4m ³													
1 bedroom apartments	6m ³													
2 bedroom apartments	8m ³													
3+ bedroom apartments	10m ³													
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.		As above	Yes										
4H	Acoustic Privacy													
4H-1	Noise transfer is minimised through the siting of buildings and building layout.		Units adjoin no more than 2 others. Lifts directly adjoin one unit per floor. BCA compliant party walls will address noise transfer.	Yes										
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.		A revised Acoustic Report has been submitted and referred to Council's Environmental Health Officer who considers the proposal to be satisfactory subject to conditions of consent.	Yes										
4J	Noise and Pollution													
4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.		The site is located on a busy road and is adjoined by a Hotel to the south that has a license to operate until 3am. A revised Acoustic Report has been submitted and referred to Council's Environmental	Yes										

SEPP 65 Apartment Design Guide Compliance Assessment

APARTMENT DESIGN GUIDE (ADG)			
No.	SEPP 65 Apartment Design Guide	Relevant Control	Comply
		Health Officer who considers the proposal to be satisfactory subject to conditions of consent.	
4J-2	<i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</i>	A revised Acoustic Report has been submitted and referred to Council's Environmental Health Officer who considers the proposal to be satisfactory subject to conditions of consent.	Yes
4K	Apartment Mix		
4K-1	<i>A range of apartment types and sizes is provided to cater for different household types now and into the future.</i>	86 units comprising: 8 x 1 bed 67 x 2 bed 11 x 3 bed Includes adaptable units	Yes
4K-2	<i>The apartment mix is distributed to suitable locations within the building.</i>	Satisfactory	Yes
4L	Ground Floor Apartments		
4L-1	<i>Street frontage activity is maximised where ground floor apartments are located.</i>	Ground floor units not permitted and none are proposed.	N/A
4L-2	<i>Design of ground floor apartments delivers amenity and safety for residents.</i>	N/A	N/A
4M	Façades		
4M-1	<i>Building facades provide visual interest along the street while respecting the character of the local area.</i>	Visual interest is achieved on the façades.	Yes
4M-2	<i>Building functions are expressed by the façade.</i>	Satisfactory	Yes
4N	Roof Design		
4N-1	<i>Roof treatments are integrated into the building design and positively respond to the street.</i>	Flat roof is considered satisfactory.	Yes
4N-2	<i>Opportunities to use roof space for residential accommodation and open space are maximised.</i>	Rooftop COS is proposed above Buildings A and B to maximum outdoor open space.	Yes
4N-3	<i>Roof design incorporates sustainability features.</i>	Considered satisfactory as vented skylights and landscaped planter beds are proposed.	Yes
4O	Landscape Design		
4O-1	<i>Landscape design is viable and sustainable.</i>	The application was referred to Council's Landscape and Tree Management Officer who raised no objection to the proposal, subject to conditions.	Yes
4O-2	<i>Landscape design contributes to the streetscape and amenity.</i>	Part N of the DCP requires a 3 metre setback for the Coolibah Street. A 3 metre setback is provided and will provide increased amenity.	Yes
4P	Planting on Structures		
4P-1	<i>Appropriate soil profiles are provided.</i>	The application was referred to Council's Landscape and Tree Management Officer who raised no objection to the proposal, subject to conditions.	Yes
4P-2	<i>Plant growth is optimised with appropriate selection and maintenance.</i>	As above	Yes
4P-3	<i>Planting on structures contributes to the quality and amenity of communal and public open spaces.</i>	As above	Yes
4Q	Universal Design		
4Q-1	<i>Universal design features are included in apartment design to promote flexible housing for all community members.</i>	Council's Accessibility Consultant has raised concern with the proposed design. However the concerns are able to be addressed by conditions.	No, however acceptable subject to

APARTMENT DESIGN GUIDE (ADG)			
No.	SEPP 65 Apartment Design Guide	Relevant Control	Comply conditions
4Q-2	<i>A variety of apartments with adaptable designs are provided.</i> Design guidance Adaptable housing should be provided in accordance with the relevant council policy	15% = 13/86 Adaptable units required, with disabled car parking spaces. 8 adaptable units shown on plans and Council's Accessibility Consultant has raised concern with the proposed design. However the concerns are able to be addressed by conditions.	No, however acceptable subject to conditions
4Q-3	<i>Apartment layouts are flexible and accommodate a range of lifestyle needs.</i>	Satisfactory	Yes
4R	Adaptive Reuse		
4R-1	<i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</i>	N/A	N/A
4R-2	<i>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</i>	N/A	N/A
4S	Mixed Use		
4S-1	<i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</i>	Active street frontages to both streets are proposed with an awning over Sherwood Road footpath to protect pedestrians. Good pedestrian access is proposed on both street frontages.	Yes
4S-2	<i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</i>	Residential levels of the building are integrated with the overall development and safety and security for residents would be achieved.	Yes
4T	Awnings and Signage		
4T-1	<i>Awnings are well located and complement and integrate with the building design.</i>	An awning is proposed along the Sherwood Road frontage that complies with the DCP.	Yes
4T-2	<i>Signage responds to the context and desired streetscape character.</i>	N/A	N/A
4U	Energy Efficiency		
4U-1	<i>Development incorporates passive environmental design.</i> Design guidance Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	BASIX certificate confirms energy targets reached. ABSA Certificate provided.	Yes
4U-2	<i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</i>	The development incorporates passive solar design with an appropriate level of dwellings achieving solar access, low levels of single aspect dwellings and maximised cross flow ventilation.	Yes
4U-3	<i>Adequate natural ventilation minimises the need for mechanical ventilation.</i>	Adequate number of units are natural cross-ventilated.	Yes
4V	Water Management and Conservation		
4V-1	<i>Potable water use is minimised.</i>	BASIX Certificate confirms that the proposal can achieve target scores for Water, Thermal Comfort and Energy.	Yes
4V-2	<i>Urban stormwater is treated on site before being discharged to receiving waters.</i>	The application was referred to Council's Development Engineer who raised no objection with the proposal, subject to conditions.	Yes
4V-3	<i>Flood management systems are integrated into site design.</i>	The site is not flood affected.	N/A
4W	Waste Management		
4W-1	<i>Waste storage facilities are designed to minimise impacts on the streetscape, building</i>	Council's Waste Management Officer has reviewed the proposal with regard to the	Yes



Attachment 4

SEPP 65 Apartment Design Guide Compliance Assessment

APARTMENT DESIGN GUIDE (ADG)			
No.	SEPP 65 Apartment Design Guide	Relevant Control	Comply
	<i>entry and amenity of residents.</i>	additional information submitted on 31 May 2017. The waste officer has no objections with to the proposal.	
4W-2	<i>Domestic waste is minimised by providing safe and convenient source separation and recycling.</i>	Council's Waste Management Officer has reviewed the proposal with regard to the additional information submitted on 31 May 2017. The waste officer has no objections with to the proposal.	Yes
4X	Building Maintenance		
4X-1	<i>Building design detail provides protection from weathering.</i>	Considered satisfactory.	Yes
4X-2	<i>Systems and access enable ease of maintenance.</i>	Considered satisfactory.	Yes
4X-3	<i>Material selection reduces ongoing maintenance costs.</i>	Considered satisfactory.	Yes

ANNEXURE A
Shadow Diagrams

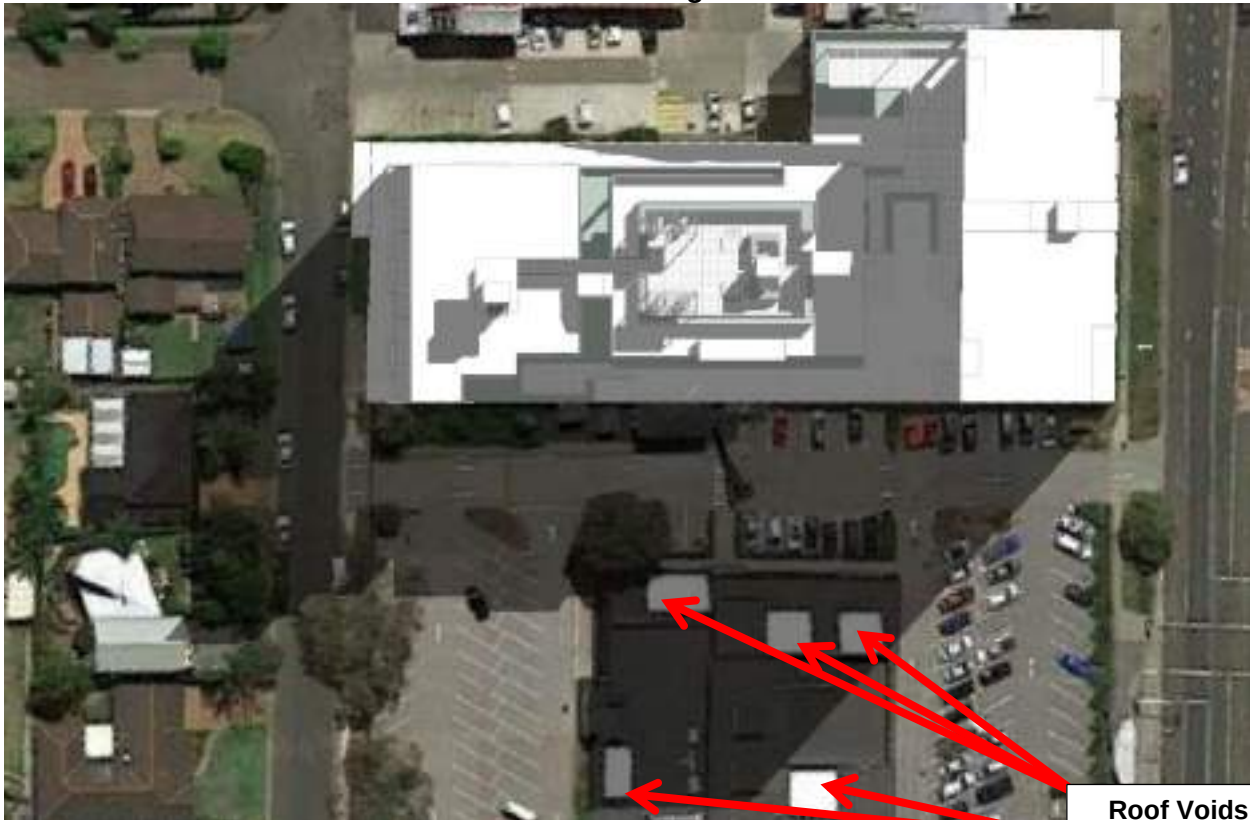


Figure 1 – Shadow Diagram for 9:00am at 21 June

Roof Voids for
Outdoor Terraces
for Hotel

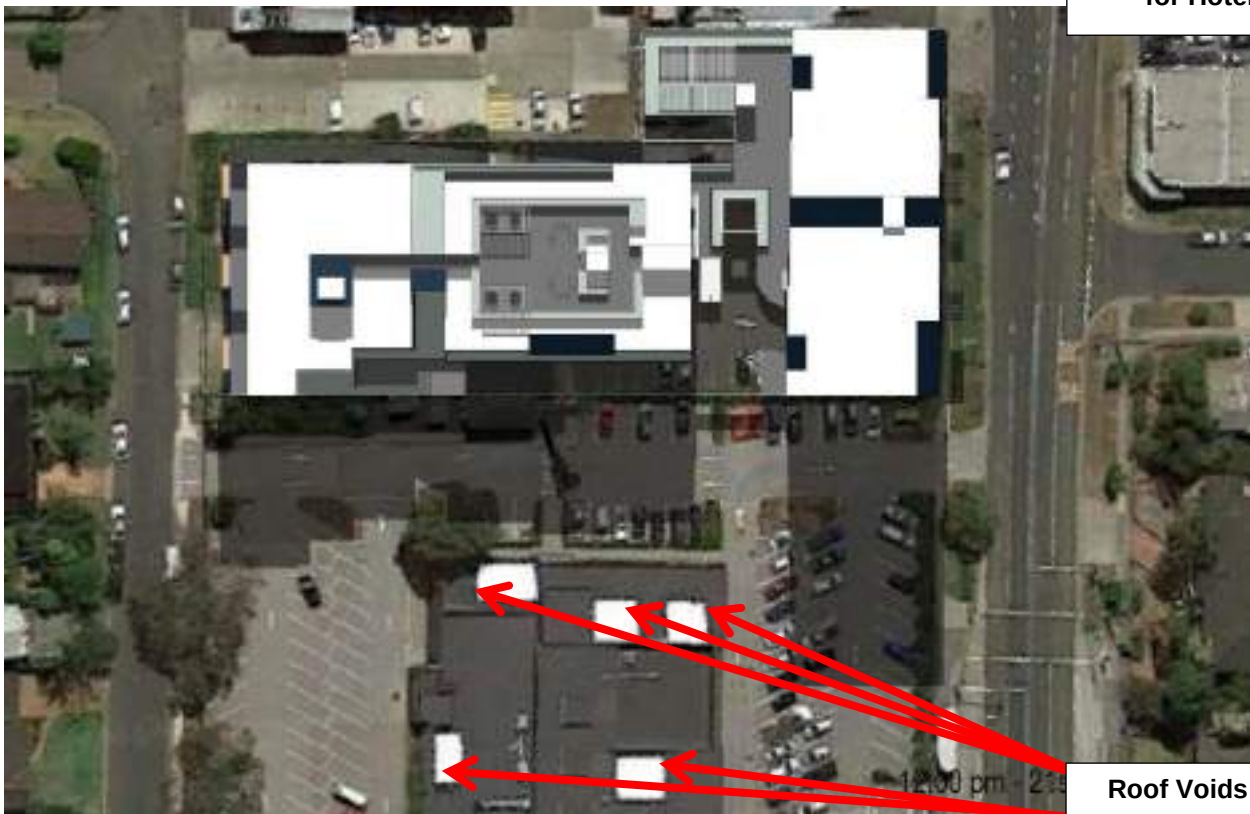


Figure 2 – Shadow Diagram for 12:00pm at 21 June

Roof Voids for
Outdoor Terraces
for Hotel

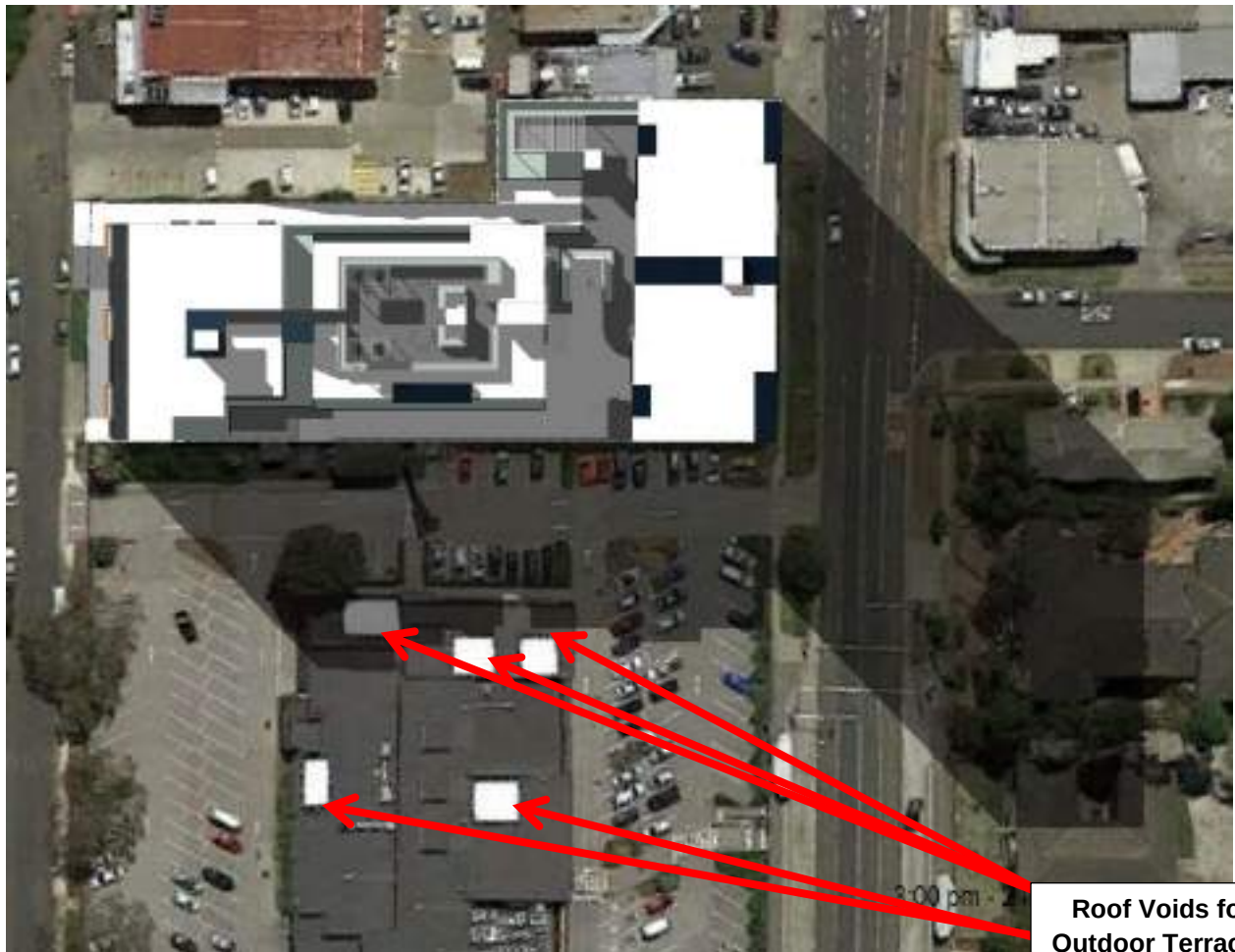


Figure 3 – Shadow Diagram for 3:00pm at 21 June

Roof Voids for
Outdoor Terraces
for Hotel

ANNEXURE B

ADG Apartment Size Calculations

L2	Beds & Baths	Area Req'd	Area Prop	Comply?
1	3 bed,2 bath	95	95.3	Y
2	3 bed,2 bath	95	95.8	Y
3	2 bed,2 bath	75	75.7	Y
4	2 bed,2 bath	75	75.7	Y
5	3 bed,2 bath	95	95	Y
L3				
6	3 bed,2 bath	95	95.3	Y
7	2 bed,2 bath	75	75.7	Y
8	2 bed,2 bath	75	75.7	Y
9	2 bed,2 bath	75	83.2	Y
10	2 bed,2 bath	75	79.4	Y
11	2 bed,2 bath	75	75.7	Y
12	2 bed,2 bath	75	75.7	Y
13	3 bed,2 bath	95	95.8	Y
14	2 bed,2 bath	75	75.7	Y
15	2 bed,2 bath	75	75.6	Y
16	3 bed,2 bath	95	95	Y
39	2 bed,2 bath	75	75.5	Y
40	2 bed,2 bath	75	75.1	Y
41	2 bed,2 bath	75	75	Y
42	2 bed,2 bath	75	75.7	Y
43	2 bed,2 bath	75	75.7	Y
44	2 bed,2 bath	75	75.6	Y
45	2 bed,2 bath	75	75.1	Y
46	2 bed,2 bath	75	76.9	Y
L4				
17	3 bed,2 bath	95	95.3	Y
18	2 bed,2 bath	75	75.7	Y
19	2 bed,2 bath	75	75.7	Y
20	2 bed,2 bath	75	83.2	Y
21	2 bed,2 bath	75	79.4	Y
22	2 bed,2 bath	75	75.7	Y
23	2 bed,2 bath	75	75.7	Y
24	3 bed,2 bath	95	95.8	Y
25	2 bed,2 bath	75	75.7	Y
26	2 bed,2 bath	75	75.6	Y
27	3 bed,2 bath	95	95	Y
47	2 bed,2 bath	75	75.5	Y
48	2 bed,2 bath	75	75.1	Y
49	2 bed,2 bath	75	75	Y
50	2 bed,2 bath	75	75.7	Y
51	2 bed,2 bath	75	75.7	Y
52	2 bed,2 bath	75	75.6	Y
53	2 bed,2 bath	75	75.1	Y
54	2 bed,2 bath	75	76.9	Y

L5	Beds & Baths	Area Req'd	Area Prop	Comply?
28	3 bed,2 bath	95	95.3	Y
29	2 bed,2 bath	75	75.7	Y
30	2 bed,2 bath	75	75.7	Y
31	2 bed,2 bath	75	83.2	Y
32	2 bed,2 bath	75	79.4	Y
33	2 bed,2 bath	75	75.7	Y
34	2 bed,2 bath	75	75.7	Y
35	3 bed,2 bath	95	95.8	Y
36	1 bed,1 bath	50	53.3	Y
37	1 bed,1 bath	50	53.3	Y
38	2 bed,2 bath	75	84	Y
55	2 bed,2 bath	75	75.5	Y
56	2 bed,2 bath	75	75.1	Y
57	2 bed,2 bath	75	75	Y
58	2 bed,2 bath	75	75.7	Y
59	2 bed,2 bath	75	75.7	Y
60	2 bed,2 bath	75	75.6	Y
61	2 bed,2 bath	75	75.1	Y
62	2 bed,2 bath	75	76.9	Y
L6				
63	2 bed,2 bath	75	75.3	Y
64	1 bed,1 bath	50	50.3	Y
65	2 bed,2 bath	75	77.1	Y
66	2 bed,2 bath	75	75	Y
67	2 bed,2 bath	75	77.6	Y
68	2 bed,2 bath	75	75.6	Y
69	1 bed,1 bath	50	50.5	Y
70	2 bed,2 bath	75	75.6	Y
L7				
71	2 bed,2 bath	75	75.3	Y
72	1 bed,1 bath	50	50.3	Y
73	2 bed,2 bath	75	77.1	Y
74	2 bed,2 bath	75	75	Y
75	2 bed,2 bath	75	77.6	Y
76	2 bed,2 bath	75	75.6	Y
77	1 bed,1 bath	50	50.5	Y
78	2 bed,2 bath	75	75.6	Y
L8				
79	2 bed,2 bath	75	75.3	Y
80	1 bed,1 bath	50	50.3	Y
81	2 bed,2 bath	75	77.1	Y
82	2 bed,2 bath	75	75	Y
83	2 bed,2 bath	75	77.6	Y
84	2 bed,2 bath	75	75.6	Y
85	1 bed,1 bath	50	50.5	Y
86	2 bed,2 bath	75	75.6	Y



ANNEXURE C ADG POS Calculations

Unit	UNIT SIZES	POS		
L2	Beds & Baths	POS Reqd	POS Prop	Comply?
1	3 bed,2 bath	12	15	Y
2	3 bed,2 bath	12	15	Y
3	2 bed,2 bath	10	13.5	Y
4	2 bed,2 bath	10	13.5	Y
5	3 bed,2 bath	12	15.2	Y
L3				
6	3 bed,2 bath	12	15	Y
7	2 bed,2 bath	10	13.5	Y
8	2 bed,2 bath	10	13.5	Y
9	2 bed,2 bath	10	19.1	Y
10	2 bed,2 bath	10	34.5	Y
11	2 bed,2 bath	10	47.6	Y
12	2 bed,2 bath	10	47.6	Y
13	3 bed,2 bath	12	15	Y
14	2 bed,2 bath	10	13.5	Y
15	2 bed,2 bath	10	13.5	Y
16	3 bed,2 bath	12	15.2	Y
39	2 bed,2 bath	10	10.6	Y
40	2 bed,2 bath	10	10.6	Y
41	2 bed,2 bath	10	16.7	Y
42	2 bed,2 bath	10	12.5	Y
43	2 bed,2 bath	10	10.4	Y
44	2 bed,2 bath	10	10	Y
45	2 bed,2 bath	10	13.9	Y
46	2 bed,2 bath	10	10.6	Y
L4				
17	3 bed,2 bath	12	15	Y
18	2 bed,2 bath	10	13.5	Y
19	2 bed,2 bath	10	13.5	Y
20	2 bed,2 bath	10	19.1	Y
21	2 bed,2 bath	10	21	Y
22	2 bed,2 bath	10	32.4	Y
23	2 bed,2 bath	10	32.9	Y
24	3 bed,2 bath	12	15	Y
25	2 bed,2 bath	10	13.5	Y
26	2 bed,2 bath	10	13.5	Y
27	3 bed,2 bath	12	15.2	Y
47	2 bed,2 bath	10	10.6	Y
48	2 bed,2 bath	10	10.6	Y
49	2 bed,2 bath	10	16.7	Y
50	2 bed,2 bath	10	12.5	Y
51	2 bed,2 bath	10	10.4	Y
52	2 bed,2 bath	10	10	Y
53	2 bed,2 bath	10	13.9	Y
54	2 bed,2 bath	10	10.6	Y

L5	Beds & Baths	POS Reqd	POS Prop	Comply?
28	3 bed,2 bath	12	15	Y
29	2 bed,2 bath	10	13.5	Y
30	2 bed,2 bath	10	13.5	Y
31	2 bed,2 bath	10	19.1	Y
32	2 bed,2 bath	10	21	Y
33	2 bed,2 bath	10	32.4	Y
34	2 bed,2 bath	10	32.9	Y
35	3 bed,2 bath	12	15	Y
36	1 bed,1 bath	8	33.7	Y
37	1 bed,1 bath	8	34	Y
38	2 bed,2 bath	10	24.16	Y
55	2 bed,2 bath	10	10.6	Y
56	2 bed,2 bath	10	10.6	Y
57	2 bed,2 bath	10	16.7	Y
58	2 bed,2 bath	10	12.5	Y
59	2 bed,2 bath	10	10.4	Y
60	2 bed,2 bath	10	10	Y
61	2 bed,2 bath	10	13.9	Y
62	2 bed,2 bath	10	10.6	Y
L6				
63	2 bed,2 bath	10	33.5	Y
64	1 bed,1 bath	8	28.1	Y
65	2 bed,2 bath	10	10.2	Y
66	2 bed,2 bath	10	10.4	Y
67	2 bed,2 bath	10	10	Y
68	2 bed,2 bath	10	10	Y
69	1 bed,1 bath	8	25.6	Y
70	2 bed,2 bath	10	31.4	Y
L7				
71	2 bed,2 bath	10	12.8	Y
72	1 bed,1 bath	8	18.8	Y
73	2 bed,2 bath	10	10	Y
74	2 bed,2 bath	10	10	Y
75	2 bed,2 bath	10	10	Y
76	2 bed,2 bath	10	10	Y
77	1 bed,1 bath	8	13.6	Y
78	2 bed,2 bath	10	11.8	Y
L8				
79	2 bed,2 bath	10	12.8	Y
80	1 bed,1 bath	8	18.8	Y
81	2 bed,2 bath	10	10	Y
82	2 bed,2 bath	10	10	Y
83	2 bed,2 bath	10	10	Y
84	2 bed,2 bath	10	10	Y
85	1 bed,1 bath	8	13.6	Y
86	2 bed,2 bath	10	11.8	Y

Holroyd Local Environmental Plan 2013			
Standard	Required/Permitted	Comment	Comply
Part 2 Permitted or prohibited development			
Zoning B2 Local Centre Objectives	- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. - To encourage employment opportunities in accessible locations. - To maximise public transport patronage and encourage walking and cycling. - To permit residential development that is complementary to, and well-integrated with, commercial uses	The proposed development is defined as a “ <i>shop top housing</i> ” development which is permissible with consent. The proposed development is considered to achieve the zone objectives by providing a range of retail and business uses that serve the needs of people who live in, work in and visit the local area; encouraging employment opportunities in an accessible location; and proposing residential development that is complementary to, and well-integrated with the proposed and existing commercial uses.	Yes
Permissible uses	Residential Flat Building	The development is defined as “ <i>shop top housing</i> ” and is permissible with consent.	Yes
2.7	Demolition requires consent.	Demolition is proposed and suitable conditions will be imposed.	Yes
Part 4 Principal development standards			
4.3	Height of buildings 23 metres from Sherwood Road (20 metres into site) and 17 metres for remainder	<u>Building A (max 17 metre height limit applies):</u> - RL 59.38 metres to lift overrun and RL 55.8 metres to rooftop - RL 39.79 metres existing site RL at SW corner & RL 40.6 metres beneath Building A = 18.76 metres maximum for lift overrun – Refer to Clause 4.6 Assessment. = 15.2 metres for main building – complies. <u>Building B (max 17 metre height limit applies):</u> - RL 58.1 metres to lift overrun and RL 55.8 metres to rooftop - RL 40.62 metres existing site RL = 17.48 metres maximum for stair overrun – Refer to Clause 4.6 Assessment. = 15.18 metres for main building – complies. <u>Building C (max 23 metre height limit applies):</u> - RL 66.2 metres to lift overrun and RL 65.5 metres to rooftop - RL 41.91 metres existing site RL below lift overrun & lowest RL 41.26 metres below building = 24.29 metres maximum for lift overrun – Refer to Clause 4.6 Assessment.	No Clause 4.6 Variation submitted. Refer to discussion in Section 5 of the Report.

Holroyd Local Environmental Plan 2013			
Standard	Required/Permitted	Comment	Comply
		= 24.24 metres for main building – Refer to Clause 4.6 Assessment.	
4.4	Floor Space Ratio 2.4:1 for lot 101 2.2:1 for lot 1 & lot 2 Max. Total GFA = 8,328.28m²	<u>Lot 1 & 2:</u> GFA – 6,794.5m ² Site – 3,171.4m ² FSR – 2.14:1 <u>Lot 101:</u> GFA – 1,339.88m ² Site – 563m ² FSR – 2.38:1 Total GFA of all buildings – 8,134.38m ²	Yes
4.6	Clause 4.6	The applicant has submitted a written request justifying the contravention of the height of buildings development standard and considers that strict compliance is unreasonable and unnecessary in the circumstances. There are sufficient environmental planning grounds to justify varying the development standard. A copy of the Applicant's written request is provided at Attachment 2 to the main report. The variation will not have unreasonable impacts on neighbouring properties or the character of the area. The proposal achieves the objectives of the development standard and the B2 Local Centre zone. In accordance with Clause 64 of the Environmental Planning and Assessment Regulation 2000, a consent authority, in this case the Sydney West Central Planning Panel, has 'assumed concurrence' from the Secretary of the Department of Planning and Environment.	Yes Clause 4.6 variation submitted at Attachment 2 to Report. Refer to discussion in Section 5 of the Report.
Part 5 Miscellaneous provisions			
5.9	Preservation of trees or vegetation	The site contains 2 trees, none of which are proposed to be retained. The DA was referred to Council's Landscape and Tree Management Officer who raised no objection to the proposal, subject to conditions.	Yes
5.10	Heritage	The subject site is not heritage listed, is not located in the vicinity of any heritage items and is not located within or in the vicinity of any Heritage Conservation Areas.	N/A
Part 6 Additional local provisions			
6.1	Acid Sulfate Soils	The site is not affected by potential acid sulfate soils.	N/A



Holroyd Local Environmental Plan 2013			
Standard	Required/Permitted	Comment	Comply
6.4/6.7	Flood Planning and Stormwater Management	The site is not affected by the 1% AEP flood and is not subject to a flood planning level. The application was referred to Council's Development Engineer who raised no objection with the proposal, subject to conditions.	Yes
6.5	Terrestrial Biodiversity	The site is not identified as being affected by biodiversity.	N/A
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity.	To be conditioned

HOLROYD DEVELOPMENT CONTROL PLAN 2013**Part A – General Controls****2.4 Access: Vehicular Crossings, Splay Corners, Kerb & Guttering**

Control	Provided	Complies (Yes/No)
VC to be reconstructed if in poor condition, damaged or design doesn't comply (check on site)	Existing VCs to be removed and new VCs to be provided. No objection from RMS subject to conditions and subject to conditions by Council's Development Engineer.	Yes
Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc or condition their relocation (check on site and survey plan)	Subject to conditions by Council's Development Engineer.	Yes.
Corner sites VC to be min. 6m from the tangent point	The site is not a corner site.	N/A
Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated	The site is not a corner site.	N/A

2.7 Road Widening: check maps in Appendix K

Comment: Appendix K Map 8 shows Road widening along Sherwood Road for B2 sites to the north. The subject site is not affected.

3.1 Minimum Parking Spaces**Residential flat buildings, dwellings in B1, B2 and B6 business zones (including shop top housing)**

Land Use	Category	Qty	Minimum Rate	Maximum Rate	Range required	Proposed	Comply
RFB	Studio / 1 bed	8	0.8 per unit	1 per unit	6.4 – 8	116	Yes
	2 bed	67	1 per unit	1.5 per unit	67 – 100.5		
	3 bed	11	1.2 per unit	2 per unit	13.2 – 22		
	4+ bed	0	1.5 per unit	2 per unit	-		
Sub Total	Residential	86	-	-	86.6 – 130.5		
Res visitor	Visitor	86 units	0.2 per unit	0.5 per unit	17.2 - 43	18	Yes
Sub Total	Res & Vis	-	-	-	103.8-173.5	134	Yes
Commercial	Level 1	85.60m ²	1 per 20m ²	1 per 10m ²	4.3 – 8.6	42	Yes – 9 over max
	Level 2	331.5m ²	1 per 20m ²	1 per 10m ²	16.6 – 33.2		
Total	Residential & Commercial	-	-	-	124.7 – 215.3 (125 – 215)	176	Yes

The number of commercial spaces exceeds the maximum but the total falls within the range when residential and commercial spaces are calculated as a whole. Even if the 9 spaces over were to be reassigned to residential or visitor, then the number of residential, visitor and commercial spaces would not exceed the maximum calculated separately or combined.

Separate carwash bay is also proposed and has been shown on the plans.

Bicycle Parking

Land Use	Category	Qty	Minimum Rate	Maximum Rate	Min required	Proposed	Comply
RFB	Studio	0	0	Unlimited	43	60	Yes
	1 bed plus unit	86	0.5 per unit		8.6		
Res visitor	Visitor	86 units	0.1 per unit		51.6		
Sub Total	Res & Vis	-	-		1.4		
Commercial Ground floor	Employee	417.1m ²	1 per 300m ²		0.17		
	Visitor	417.1m ²	1 per 2500m ²		1.5		
Sub Total	Commercial	-	-		53.1	60	Yes
Total	Residential & Commercial	-	-				



3.3 Car Parking, Dimensions & Gradient

Controls	Complies (Yes/No)
Min. clear length 5.5m (5.4m AS2890.1-2004)	Yes
Min. clear width 2.4m for open space; 3m for between walls.	Yes
Min. clearance height 2.3m	Yes

Comment: The application was referred to Council's Traffic Engineer who has outstanding concerns with the unsatisfactory height clearance for MRV's. However these concerns relate to access from Sherwood Road under the first floor level of the building. If clearance heights were to be increased, this would significantly increase the height of the ground floor to ceiling heights and would create inconsistencies in the streetscape. In the interest of maintaining a better streetscape, conditions are included to ensure that only SRV's service the site through the Sherwood Road vehicular access.

3.5 Access, Maneuvering and Layout

Controls	Complies (Yes/No)
Minimum 1.5m setback from side property boundaries	Yes

3.6 Parking for the Disabled

Control	Required	Provided	Complies (Yes/No)
2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof	4	5 commercial disabled	Yes
AS 4299 Control - 1 accessible space shall be provided per adaptable unit.	13	13 residential adaptable	

6.1 Retaining Walls: max. 1m (if >1m need engineering detail)

Comment: Retaining wall detail to be provided at CC stage.

6.3/6.4 Erosion and Sediment Control Plan

Comment: Erosion and Sediment Control Plan is considered satisfactory.

7.4 Stormwater Management – Easements

Comment: The application was referred to Council's Development Engineer who raised no objection with the proposal, subject to conditions.

9 External Road Noise & Vibration

Comment: The application was referred to Council's Environmental Health Officer who has reviewed the amended Acoustic report accompanying the application. The proposal is now satisfactory in this regard subject to conditions of consent.

11 Site Waste Minimisation and Management Plan (SWMMP)

Comment: The application was referred to Council's Waste Management Officer who has no issues and no objections to the approval of the application.

Part B – Residential

1 General Residential Controls

1.1 Building Materials

Comment: The proposed building materials are robust and considered acceptable in the context of the street.

1.2 Fences

Controls	Complies (Yes/No)
Max. 1.5m	N/A
Front fences solid ≤1m and be ≥50% transparent to 1.5m	N/A

1.3 Views

Comment: No views are obstructed by the proposed development.

1.4 Visual Privacy

Control	Provided	Complies (Yes/No)
To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open spaces.	Refer to ADG.	Yes

1.5 Landscape Area

Control	Required	Provided	Complies (Yes/No)
Max. 50% of provided landscaped area shall be forward of the front building line.	Refer to ADG	Refer to ADG	Yes
Majority of landscaped area to be to the rear of the building.	Refer to ADG	Refer to ADG	Yes

1.6 Safety and Security

Comment: CPTED compliant – see comments below:

Surveillance

The front entrance to the development is visible from both street frontages, overlooked by windows and clearly visible from the driveways. No blank walls are proposed along the street frontages. Landscaping is provided in planter boxes and on raised levels that would not allow would-be intruders to hide.

Access Control

Conditions can be imposed to address the access control requirements.

Ownership

Street numbering will be installed and will be visible from the street. Property lines and private areas will be appropriately defined via building materials, fencing and landscaping.

1.8 Sunlight Access

Control	Provided	Complies (Yes/No)
1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	Refer to ADG.	Yes
Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June	Refer to ADG.	Yes

1.9 Cut & Fill

Control	Provided	Complies (Yes/No)
Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed	Satisfactory	Yes
Fill: max. 0.3m within 0.9m of side/rear boundary; ≥0.6m to be contained within the building; if > 0.15m shall occupy max. 50% of the landscaped area.	Satisfactory	Yes
Not within easements		N/A

1.10 Demolition

Comment: The application includes demolition. Demolition related conditions will be included on any DC.

1.11 Vehicular Access and Driveways

Control	Provided	Complies (Yes/No)
---------	----------	-------------------



Attachment 6

Holroyd Development Control Plan 2013 Compliance Assessment

VC min. 3m wide and max. 5m wide at boundary.	6.5 metre wide driveway off Sherwood Road proposed as per RMS requirements. 6 metre wide driveway proposed off Coolibah Street which is considered acceptable.	Yes
Council favours the use of a central under-building access driveway.	Achieved	Yes

- 1.13 Subdivision:** Strata subdivision of residential flat buildings is permitted
Comment: Subdivision not proposed

Part C – Commercial, Shop Top & Mixed Use Development

Building Envelope

1.1 Lot Size and Frontage

Control	Provided	Complies (Yes/No)
Min. lot frontage for Zone B2, B4, B5 and B6 is: - Up to 3 storeys – 20m 4-8 storeys – 26m ≥9 storeys – 32m No min. lot frontage applicable to Zone B1.	26 metres needed to both streets. The site has a width of 33.2 metres to Coolibah Street and 47.5 metres to Sherwood Road.	Yes
Commercial development is not permitted on battleaxe lots.	Not a battle-axe lot.	N/A
Council may require consolidation of more than 1 existing allotment to meet the DCP.	Part N recommends a specific consolidated pattern involving 7 lots. 2 of these lots will be consolidated.	Yes – Subject to Conditions.
Proposals that cannot be amalgamated shall: - Provide two written independent valuations representing the affected sites value. - Provide evidence that a reasonable offer has been made to the affected owners. - Demonstrate how future development on the isolated sites will achieve vehicle access, basement parking and appropriate built form.	Correct procedure followed – see Part N below.	Yes

1.2 Floor Area

Control	Provided	Complies (Yes/No)
Bulky good development: bulky goods shall occupy min. 60% TFA.	N/A	N/A
Food and drink premises in Zone B6: Max. GFA 1000m ² .	N/A	N/A
Shops in Zone B1: Max. GFA 1000m ² .	N/A	N/A

Building Use

Control	Provided	Complies (Yes/No)
Commercial development shall be located at street level, fronting the primary St, and where possible the secondary St.	Commercial fronts primary and secondary street	Yes
Residential development is permitted at ground floor in Zone B1 and B6.	Zone B2 - N/A	N/A
Residential development is not permitted at ground floor in Zone B2 and B4.	Zone B2 - Residential units at Level 2 and above.	Yes

Where residential development is located at ground level and faces the street, they shall be constructed as flexible floor plates to enable future commercial development.	N/A	N/A
--	-----	-----

1.3

Building Height

Control	Provided	Complies (Yes/No)																																		
Maximum building height in storeys shall be provided in accordance with the table below: <table><tr><th colspan="2">Permitted Height (storeys)</th></tr><tr><th>Height</th><th>Storeys</th></tr><tr><td>10m</td><td>1</td></tr><tr><td>11m</td><td>2</td></tr><tr><td>12.5m</td><td>2</td></tr><tr><td>14m</td><td>3</td></tr><tr><td>17m</td><td>4</td></tr><tr><td>20m</td><td>5</td></tr><tr><td>23m</td><td>6</td></tr><tr><td>26m</td><td>7</td></tr><tr><td>29m</td><td>8</td></tr><tr><td>32m</td><td>9</td></tr><tr><td>38m</td><td>11</td></tr><tr><td>41m</td><td>12</td></tr><tr><td>50m</td><td>15</td></tr><tr><td>53m</td><td>16</td></tr><tr><td>65m</td><td>20</td></tr></table>	Permitted Height (storeys)		Height	Storeys	10m	1	11m	2	12.5m	2	14m	3	17m	4	20m	5	23m	6	26m	7	29m	8	32m	9	38m	11	41m	12	50m	15	53m	16	65m	20	See discussion under Part N	Refer to Part N
Permitted Height (storeys)																																				
Height	Storeys																																			
10m	1																																			
11m	2																																			
12.5m	2																																			
14m	3																																			
17m	4																																			
20m	5																																			
23m	6																																			
26m	7																																			
29m	8																																			
32m	9																																			
38m	11																																			
41m	12																																			
50m	15																																			
53m	16																																			
65m	20																																			

1.4 Setbacks, Separation and Depth		
Front Setback		
Control	Provided	Complies (Yes/No)
Zone B1 shall observe established front setbacks.	N/A	N/A
Zone B2 and B4 are within site specific section of DCP.	Part N applies	Yes
Zone B5: - Greystanes and Smithfield – 10m. - Holroyd/Granville – 6m. - Church St Granville – 0m. - All other areas not stated in other sections of DCP – 4m.	N/A	N/A
Zone B6: - South Wentworthville – 6m. - All others areas not stated in other sections of DCP – 4m.	N/A	N/A

Upper Storey Setback

Control	Provided	Complies (Yes/No)
Street wall height of 3 storeys (11-14m) is required for all commercial development and mixed use development, unless otherwise stated in site specific controls.	Part N does not specify a street wall height. Sherwood Road presents as a 4 storey street wall which is 12.5 metres high and falls within the 11 to 14 metre range. The proposal satisfies the intent to address spatial proportions, reduce bulk, provide articulation and visual privacy.	Yes



	Coolibah Street elevation is 5 storeys in height straight up with no step back. Although non-compliant, this complies with the 3 metre setback requirement of Part N.	
3m setback required above street wall height.	Building A does not observe a setback to the 4 th & 5 th storeys. Although non-compliant, this complies with the 3 metre setback requirement of Part N. Part N required Building C to build to street edge and no setback. Proposal includes a 3 metre setback to levels 6, 7 & 8.	Yes

Side Setback

Control	Provided	Complies (Yes/No)
Where site adjoins a business zone, no side setback requirement, unless otherwise stated in site specific controls.	Nil setback provided. Refer to ADG.	Yes
Where site adjoins a residential zone (not separated by road), side setback shall be 3m and shall demonstrate solar access and privacy to adjoining residential development.	Does not adjoin residential zone. Setbacks determined by ADG. Refer to discussion under ADG assessment in Section 5 of the Report.	Yes

Rear Setback

Control	Provided	Complies (Yes/No)
Development adjoining residential shall have a rear setback of 6m.	Does not adjoin residential zone.	NA
In Zone B6, 0m setback where access to rear laneway provided.	Not B6 zone	N/A

1.5 Landscaping and Open Space

Control	Provided	Complies (Yes/No)
Landscaped areas & deep soil zones not required in business zones, unless stated in site specific controls.	B2 zone. Although not required the site has been landscaped on podium.	N/A

2 Movement

2.1 Rear Laneways and Private Access ways

Control	Provided	Complies (Yes/No)
Vehicular access must be provided where access to existing laneways is possible.	Vehicular access is from both streets, but mainly secondary (Coolibah).	Yes
Laneways shall be min. 8m in width.	No laneway proposed or required.	N/A

2.2 Pedestrian Access

Control	Provided	Complies (Yes/No)
Direct access shall be provided from the car park to all residential and commercial units.	Direct access is provided from the commercial parking on Level 1 to the commercial tenancies on Level 2, through a dedicated lift (Lift 3).	Yes

	Separate residential access lifts and lobbies are proposed from the parking levels.	Yes
Main building entry points shall be clearly visible.	The main building entries are clearly visible from the public domain.	Yes

2.3 Building Entries

Control	Provided	Complies (Yes/No)
Separate entries from the street shall be provided for cars, pedestrians, multiple uses and ground floor apartments.	Separate entries have been provided for vehicles and pedestrians.	Yes
Residential entries must be secure where access is shared between residential and commercial uses.	Separate residential and commercial entries are proposed.	Yes
Multiple cores which access above ground uses shall be provided where the site frontage $\geq 30\text{m}$.	Multiple cores are provided.	Yes

2.4 Vehicle Access

Control	Provided	Complies (Yes/No)
Driveways to be from laneways, private access ways & secondary streets where possible.	Vehicular access is provided mainly from secondary street, but also from Sherwood Road as recommended by Council. No objection from RMS.	Yes
Loading & unloading facilities shall be provided from a rear lane, side street or right of way where possible.	Loading/unloading areas are provided within parking levels. The application was referred to Council's Traffic Engineer who has outstanding concerns with the height clearance for a MRV not being provided (min 4.5 metres as per Table 4.1 of AS 2890.2). However these concerns relate to access from Sherwood Road under the first floor level of the building. If clearance heights were to be increased, this would significantly increase the height of the ground floor to ceiling heights and would create inconsistencies in the streetscape. In the interest of maintaining a better streetscape, conditions are included to ensure that only SRV's service the site through the Sherwood Road vehicular access.	No, however acceptable
One two-way driveway is permitted per development site up to 10,000m ² .	2 x 2 way driveways are proposed to the parking levels, one per street frontage.	Yes
Driveways to be maximum of 6m or 8m for commercial loading docks & servicing.	6.5 metre wide driveway off Sherwood Road proposed as per RMS requirements. 6 metre wide driveway proposed off Coolibah Street which is considered acceptable.	Yes
Pedestrian safety shall be maintained	Considered satisfactory. Half of 6 metre wide pedestrian pathway through the site is proposed with a 1:14 ramp.	Yes

2.5 Parking



Control	Provided	Complies (Yes/No)
Onsite parking is to be provided underground where possible.	Some at-grade parking is proposed however is located behind the building and will not be visible from the street frontages or the southern boundary (side boundary wall proposed to conceal). Residential basement is underground but due to slope of land, upper 2 parking levels are partly above NGL.	Yes
Basement parking shall be consolidated to maximise landscaping.	Parking is consolidated under buildings.	Yes
Parking shall not be visible from main street frontages.	Parking is not visible from either street, shielded by first floors.	Yes
Natural ventilation or ventilation grills shall be provided to basement parking.	Some natural and some mechanical ventilation required for basements.	Yes
Visitor parking is not to be stacked parking.	Visitor parking is not proposed to be stacked.	Yes

3 Design and Building Amenity

3.1 Safety and Security

Control	Provided	Complies (Yes/No)
Casual surveillance is to be achieved through active street frontages and creating views of common internal areas.	The commercial and residential components provide casual surveillance to both streets. Central COS and pedestrian link are overlooked by units.	Yes
Building entries are to be provided with clear lines of site, should be provided in visually prominent locations and separate residential and commercial entries shall be observed.	Provided	Yes
Blind or dark alcoves near lifts, stairwells, entrances, corridors & walkways not permitted	Parking level lifts and pedestrian pathways are open to passive surveillance.	Yes
Landscaping shall avoid opportunities for concealment.	Satisfactory.	Yes

3.2 Façade Design and Building Materials

Control	Provided	Complies (Yes/No)
All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements forward of the building line max. 600mm.	The proposed façades of the development are adequately articulated through the provision of varying windows, screens, awnings, parapet walls, balconies and material finishes.	Yes

3.3 Laneways

Control	Provided	Complies (Yes/No)
Laneways shall: • Define private and public spaces. • Ensure clear lines of sight. • Eliminate spaces that enable hiding. • Ensure overlooking through balcony / window location. • Provide suitable lighting. • Public access shall be provided at all times.	No laneway	N/A

Arcades

Control	Provided	Complies (Yes/No)
Min. width of 6m and minimum 4m high.	A 6 metre wide pedestrian link through the site is proposed as required by Part N of the DCP.	Yes
	However, only a 3.2 metre height clearance is proposed under Building C and 4 metres is required. If clearance heights were to be increased, this would significantly increase the height of the ground floor to ceiling heights and would create inconsistencies in the streetscape. In the interest of maintaining a better streetscape, the reduced height clearance is considered acceptable. It is further noted that the lower clearance is only for a small depth into the site under Building C where the pedestrian link is increased in width with landscaped sides to improve the openness and compensate for the reduced height.	No, however acceptable
Direct and unrestricted access to be provided during business trading hours.	Can be conditioned.	Yes
Active frontage	5 commercial tenancies and the residential lobby for Building C face the walkway.	Yes

3.4**Shop Fronts**

Control	Provided	Complies (Yes/No)
Solid roller shutters and security bars are not permitted.	None proposed – can be conditioned.	Yes
Open grill (concertina) and transparent grill shutter security devices are permitted.	None proposed – can be conditioned.	Yes
All windows on the ground floor to the street frontage are to be clear glazing.	Yes.	Yes

3.5**Daylight Access**

Control	Provided	Complies (Yes/No)
Design and orientate dwellings to maximise northerly aspect.	The proposed development maximises the northerly aspect through the orientation of living spaces and POS's.	Yes
1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	Complies – no adjoining dwellings to south.	Yes
Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm.	Complies – no adjoining dwellings to south.	Yes

Notwithstanding the above, overshadowing falls onto the southern adjoining property which contains the Coolibah Hotel. Overshadowing of that property is not unreasonable given that it is a commercial property and does not contain any habitable areas within. The shadow diagrams indicate that the site would be provided with suitable levels of solar access to the existing north facing outdoor terraces of the hotel between 11:00am and 1:00pm on 21 June and any future residential development on the site.

3.8**Awnings**



Control	Provided	Complies (Yes/No)
Awnings: • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-3.3m. • To be located over all building entries.	Awning is 3 metres deep, flat, setback from kerb more than 600mm, has a height clearance of 3.2 metres, extends the full length of the Sherwood Road frontage and covers all building entries.	Yes
Permitted on laneways where active street frontages are required. Shall be retractable and only used in hours of operation.	No laneway so N/A	N/A
Shall wrap around street corners.	Not a corner	N/A
Canvas blinds along street frontages not permitted.	N/A	N/A

3.10 Flexibility and Adaptability:

Control	Provided	Complies (Yes/No)
15% of units shall be adaptable units.	15% = 13 Adaptable units required, with disabled car parking spaces. 8 adaptable units shown on plans and Council's Accessibility Consultant has raised concern with the proposed design. However, conditions are included to ensure compliance is achieved.	No, however acceptable subject to conditions

3.11 Corner Buildings: Corner buildings shall articulate street corners and present each frontage as a main street frontage.

Comment: Not a corner building

3.18 Waste Management

Control	Provided	Complies (Yes/No)
Garbage/recycling storage areas should be located to be easily accessible.	Separate residential and commercial bin store rooms are proposed along with garbage chutes throughout the residential levels. The application was referred to Council's Waste Management Officer who originally raised issues regarding the serviceability of the site by Council's garbage trucks (i.e. MRV access and height clearance of 4.5 metres) and the bin carousel not being compliant for 1,100 litre garbage bins. Additional information has been provided addressing these issues and the proposal is now satisfactory with regards to waste management.	Yes

5 General Signage

Control	Provided	Complies (Yes/No)
Should not obscure important architectural features.	N/A	N/A
Should not protrude above awnings.	N/A	N/A
Roof signs which project above the parapet are not permitted.	N/A	N/A



Fin signs and projecting wall signs are limited to 1 per 25m street frontage or 1 per site.	N/A	N/A
Fin signs and projecting wall signs must not project more than 900mm from the facade or within 300mm of the residential level of the building.	N/A	N/A
Painting or cladding the building facade to act as a large billboard is not permitted.	N/A	N/A

5.3 Hours of Operation

Control	Provided	Complies (Yes/No)
Merrylands west B2 zone 6am to midnight permitted.	No commercial uses known yet – to be conditioned.	Yes
For hours extending outside 6am – 10pm, applicants must submit an acoustic report, social impact statement, CPTED report and plan of management.	N/A	N/A

PART J – SITE SPECIFIC GUIDELINES

N/A

PART L – TOWN CENTRE CONTROLS

N/A

PART N – Transitway Station Precinct Controls

3 Sherwood Transitway Station Precinct

3.1 Site Consolidation

Control	Provided	Complies (Yes/No)
Amalgamation of lots in accordance with Figure 19 is required for redevelopment.	Figure 19 shows amalgamation of 7 lots. The subject application consolidates 2 of these and leaves 5 lots to the north (currently fragmented ownership). See comment below regarding offers made to purchase adjoining sites.	Yes
The minimum lot frontage for all development in the Sherwood Precinct shall be 30 metres.	The site achieves a frontage of 33.2 metres to Coolibah Street and 47.5 metres to Sherwood Road.	Yes
Where amalgamation cannot be achieved two written valuations and evidence that a reasonable offer has been made to be submitted.	The remaining sites are: • 530 Merrylands Road; • 3 Sherwood Road; • 5 Sherwood Road; • 5A Sherwood Road; and • 7 Sherwood Road. The DA was accompanied by letters of offer to the 5 remaining property owners making offers to purchase the sites. The original letters of offer were considered to not reflect the highest valuation obtained but rather were the average of the 2 valuations and were not considered “reasonable”. The applicant has since lodged amended letters of offer which are consistent with or slightly above the highest valuations obtained. The offers are considered to be acceptable having regard to the process outlined in Section 3.1 of Part N of the DCP. The applicant has advised that no responses were received from adjoining owners.	Yes



Where amalgamation is not achieved demonstrate remaining sites can be developed as per DCP 2013	No site will be left landlocked as a result of the proposed development. Remaining lots can be consolidated with others and are all zoned B2. The applicant has provided plans showing how the lots can be developed as a single development site.	Yes
Sites must not be left physically unable to develop as per DCP	No site will be left landlocked as a result of the proposed development. Remaining lots can be consolidated with others and are all zoned B2. The applicant has provided plans showing how the lots can be developed as a single development site.	Yes

3.2

Private Accessways, Vehicular Entries and Land Dedication

Control	Provided	Complies (Yes/No)
Buildings fronting Sherwood Road should provide vehicular access from the rear or side, via laneways or secondary roads	Driveway access is from Coolibah Street and Sherwood Road. Applicant advised at the Pre-DA Meeting that access from Sherwood Road would be considered given that there is already a driveway into the site off Sherwood Road, and given the adverse impact upon residents that would result from concentrating all vehicular movement through Coolibah Street. The DA was referred to the RMS who raised no objection to the driveway off Sherwood Road, subject to left in/left out only. A median would be required to be provided on Sherwood Road to facilitate left-in / left-out movements.	No, however acceptable
Dedication of land at corner of intersection of Sherwood & Merrylands Rds as per Figure 20	Subject site is not on corner, N/A.	N/A
A 12m wide connecting laneway between Merrylands Rd & Coolibah St is required as per Figure 20	A laneway is required over 530 Merrylands Road and the subject site is not affected.	N/A
A pedestrian connection between Sherwood Rd & Coolibah St is required as per Figure 20	The subject site is affected by a 6 metre wide pedestrian connection requirement. The proposal includes half of the proposed 6 metre wide pedestrian link as shown on the plans through the site.	Yes
	However, only a 3.2 metre height clearance is proposed under Building C and 4 metres is required. If clearance heights were to be increased, this would significantly increase the height of the ground floor ceiling height and would create inconsistencies in the streetscape. In the interest of maintaining a better streetscape, the reduced height clearance is considered acceptable. It is further noted that the lower clearance is only for a small depth into the site under Building C where the pedestrian link is increased in width with landscaped sides to improve the openness and compensate for the reduced height.	No, however acceptable

3.3

Building Height

Control	Provided	Complies (Yes/No)
---------	----------	-------------------

The maximum height for development within the Sherwood Transitway Precinct is detailed within the Holroyd LEP 2013, as a written statement & associated maps	The subject site is mapped in LEP 2013 as having 2 different height “bands”. Towards Sherwood Road and for a depth of 20 metres into the site, a 23 metre height limit applies. The remainder of the site to the west and to the Coolibah Street boundary is subject to a 17 metre height limit. Buildings A and B breach the height limit, but only for their lift overruns and Building C breaches the height for both the lift core and rooftop. See discussion above in LEP table.	Refer to Clause 4.6 Assessment
The maximum building storey limits are detailed in Figure 21	Figure 21 indicates that the 23 metre height band along Sherwood Road is limited to a 6 storey height limit. Building C has 7 storeys facing Sherwood Road but the 23 metre height complies at the front boundary. The 5th to 7th storeys are setback further than the lower levels by 3 metres so the 7th storey at the street front does not create any bulk or cause adverse impact and is therefore supportable. Figure 21 indicates that the 17m height band at the rear of the site is limited to a 4 storey height limit. Building B is 4 storeys in height and so complies. Building A is 5 storeys in height due to the lower level at street level creating an additional storey. The building complies with the maximum LEP height limit of 17 metres. The variation to the number of storeys is considered acceptable as the 5th storey is setback further than the levels below by 3 metres as required by Part C of DCP. The setback is proposed as open, unframed balconies for the upper level units to provide a relief to the building bulk and given that the additional storey is only for part of the building, the proposal is considered acceptable.	No, however acceptable
Street wall heights, setbacks & minimum floor to ceiling heights are referenced in Parts B & C of the DCP.	Refer to Part C assessment in this report above.	Refer to Part C

3.4**Building Setbacks & Separation**

Control	Provided	Complies (Yes/No)
Setbacks shall be in accordance with Figure 22.	Figure 22 requires a 3 metre front setback from Coolibah Street, nil setback from Sherwood Road and nil side boundary setbacks that have all been provided.	Yes
Development along Sherwood Rd is to be built to the boundary of adjoining properties to form a continuous street edge.	Building C facing Sherwood Road is built to the front and side boundaries and will form a continuous street edge.	Yes