Merrylands Court Stockland

233, 249- 259 Merrylands Road & 52-54 McFarlane Street Merrylands

Deferral Development Application Submission_Rev 02

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DA-110-006	Basement 02
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DA-110 008	Ground Level
DA-110 010	Level 1
DA-110-020	Level 2
DA-110-030	Level 3
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Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1. Refer to survey drawing prepared by Linker Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report Certification Number 1028425M, Assessor Number 10949

Merrylands Court Stockland

GENERAL
Cover Page

03	24.08.16	CB	Deferral DA Submission
01	13.05.16	CB	DA Issue

Development Application

15036

DA-001-001

02

TURNER

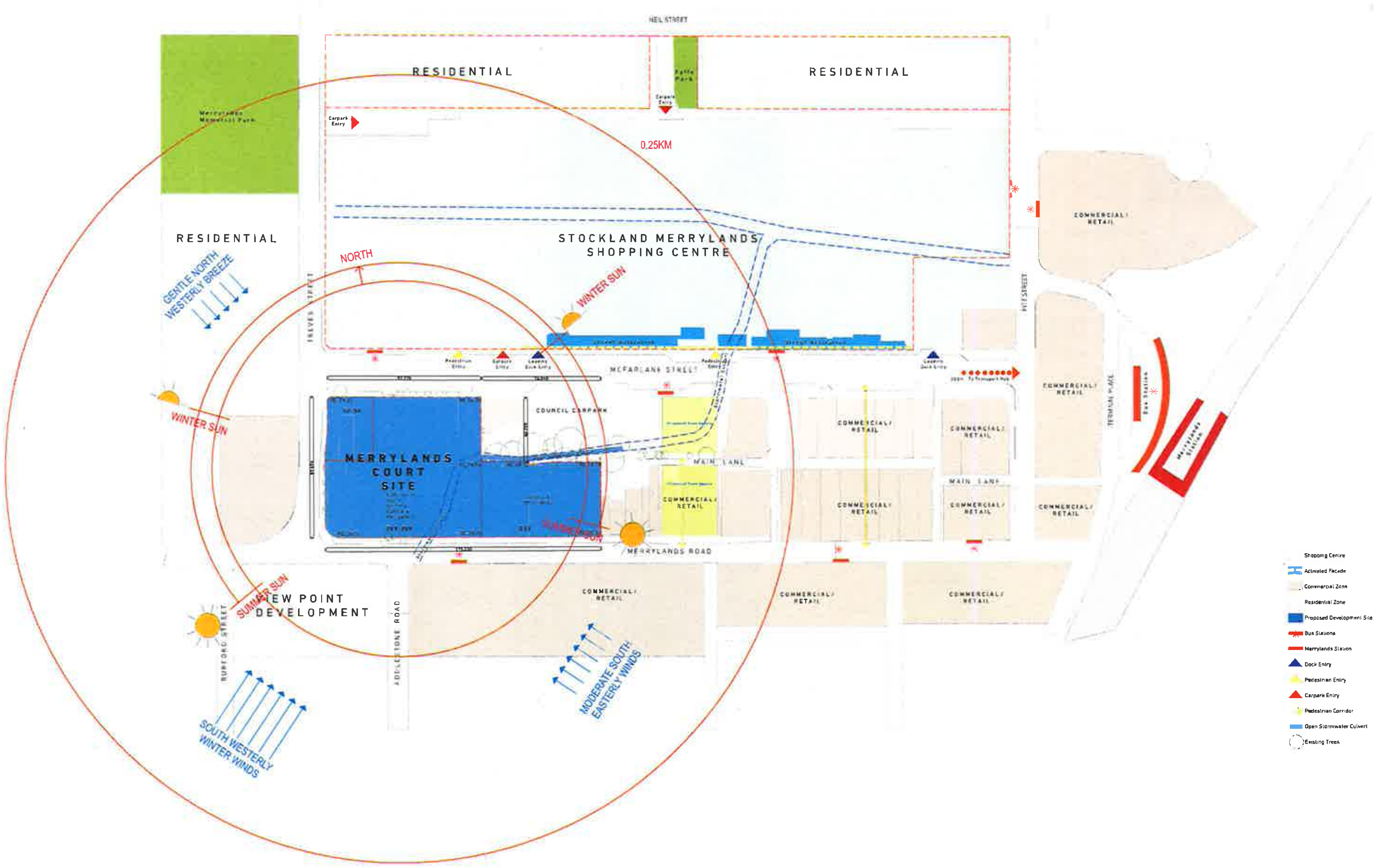
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1. Refer to survey drawing prepared by Lysaght Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to Detail Report: Certificate Number 1003455M4, Assessor Number 10006

Merrylands Court Stockland
Site Plans
Location Plan

Development Application | DA-100-001 | 02

TURNER



Client
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report Certification Number 1008935494, Assessor Number

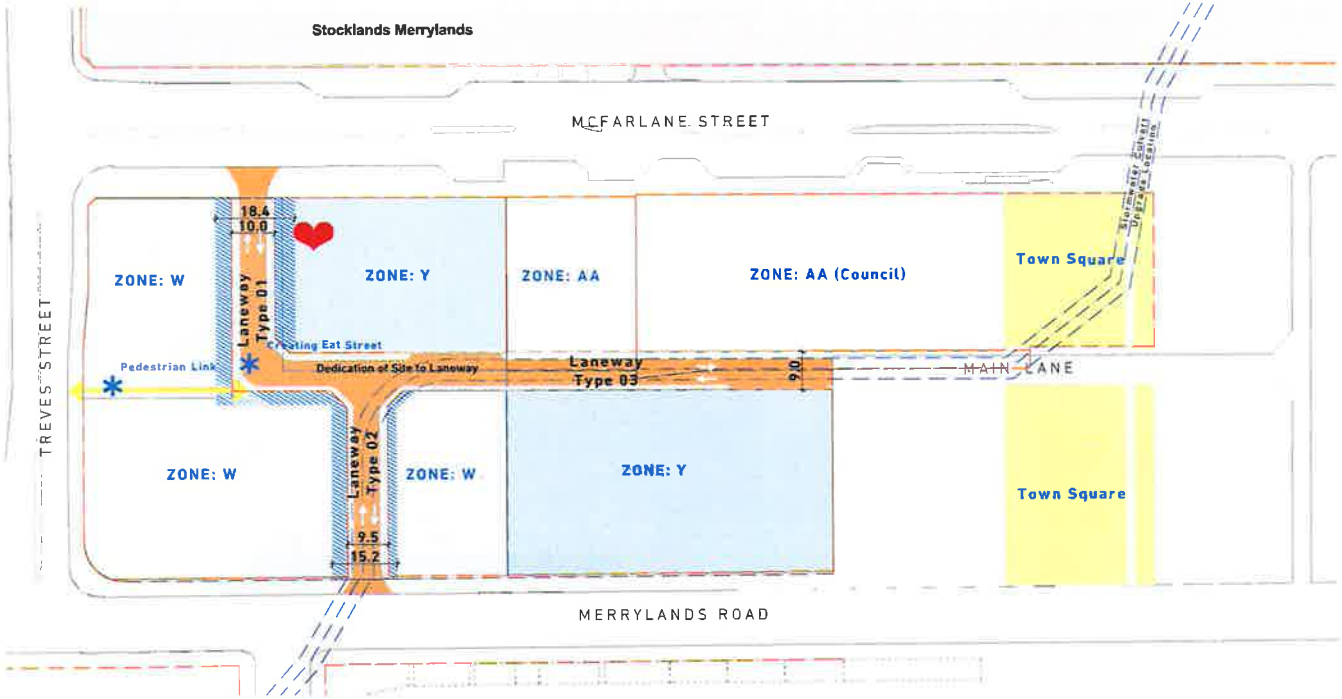
Project Title
Merrylands Court Stockland
233-240 Merrylands Road Merrylands NSW 2160 Australia

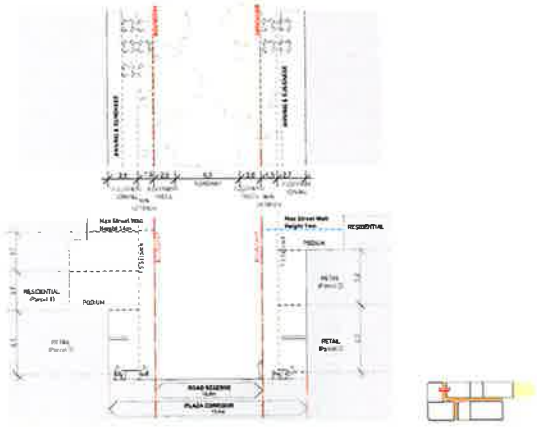
Site Plans
Site Analysis Plan

Rev.	Date	Approved by	Revision Notes
02	24.03.16		Deferred DA Submission
01	18.03.16		DA Issue

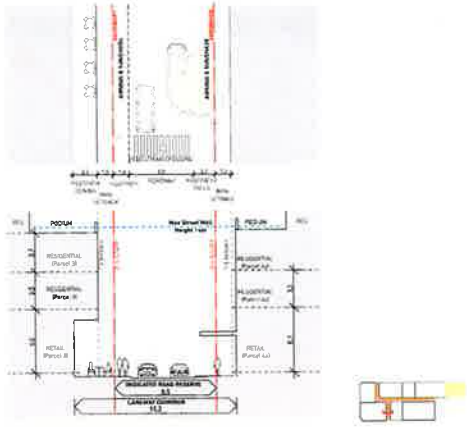
Scale: 1:1000 @ B1
Project No.: 15030
Drawn by: AC,AF,XP,JJ
Status: Development Application
Dwg No.: DA-100-002
Rev: 02

TURNER

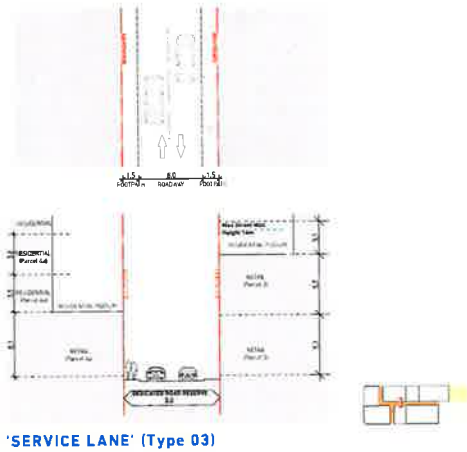




PROPOSED 'EAT STREET' (Type 01)



LANEWAY CONNECTION TO MERRYLANDS ROAD (Type 2)



'SERVICE LANE' (Type 03)

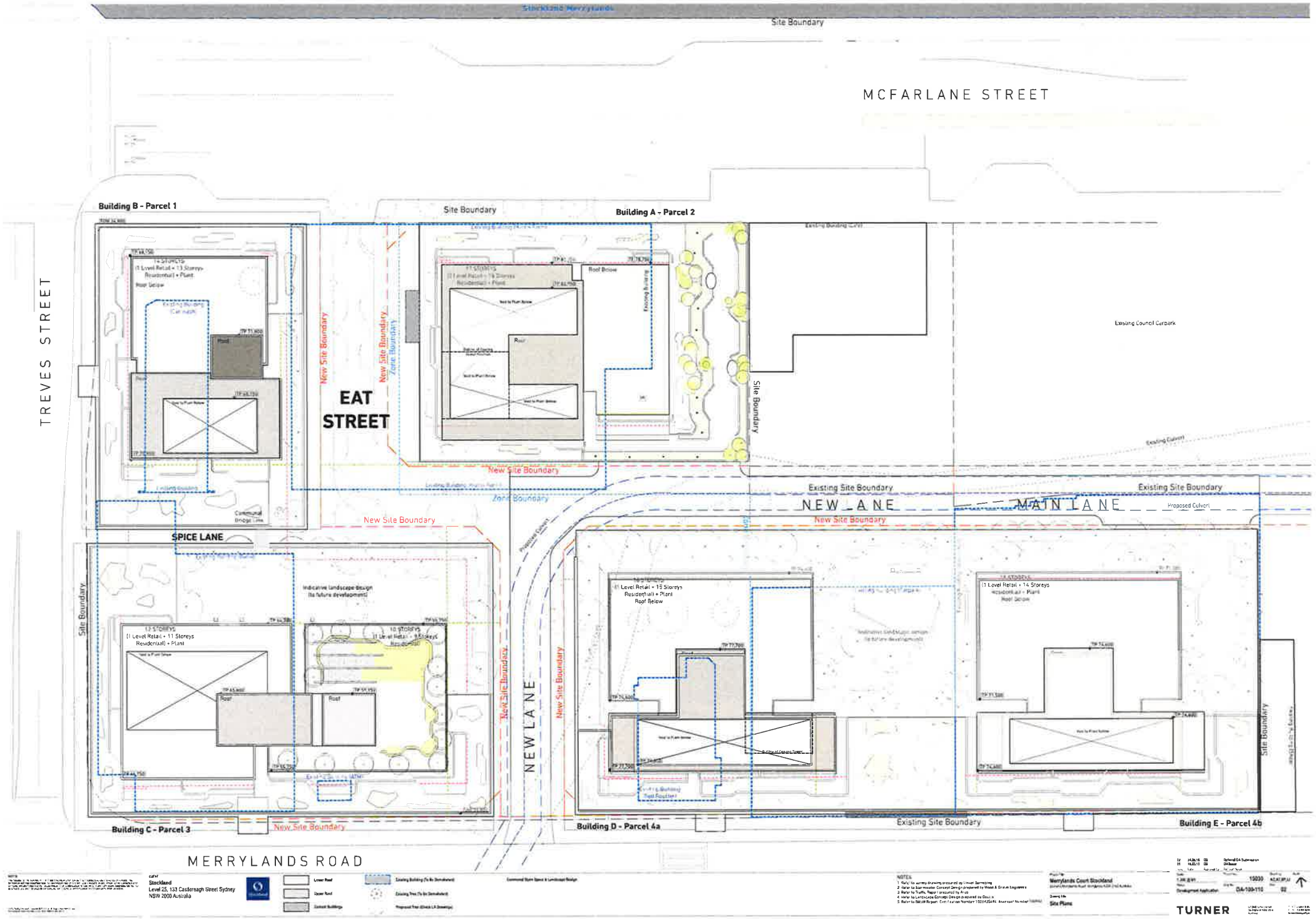
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

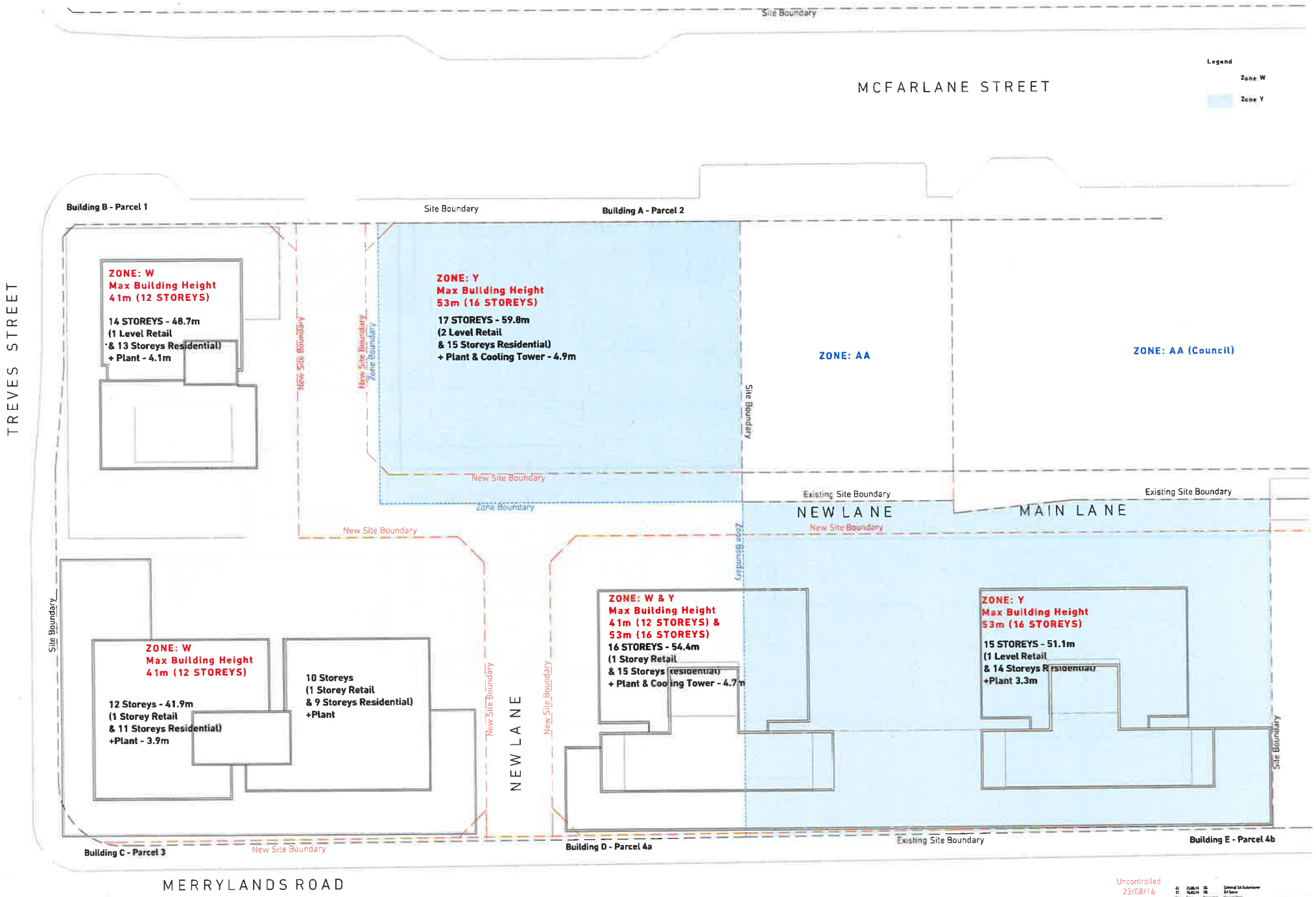
Merrylands Court Stockland

Site Plans
Street Network & Site Strategy

TURNER

Development Application DA-100-010 02


Site Boundary
MCFARLANE STREET
TREVES STREET
Building B - Parcel 1
Site Boundary
Building A - Parcel 2
EAT STREET
New Site Boundary
Zone Boundary
Existing Council Carpark
Site Boundary
Existing Site Boundary
NEW LANE
MAIN LANE
Proposed Culvert
SPICE LANE
Indicative landscape design (to future development)
NEW LANE
Site Boundary
Building C - Parcel 3
Building D - Parcel 4a
Building E - Parcel 4b
MERRYLANDS ROAD



Uncontrolled
23/08/16

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

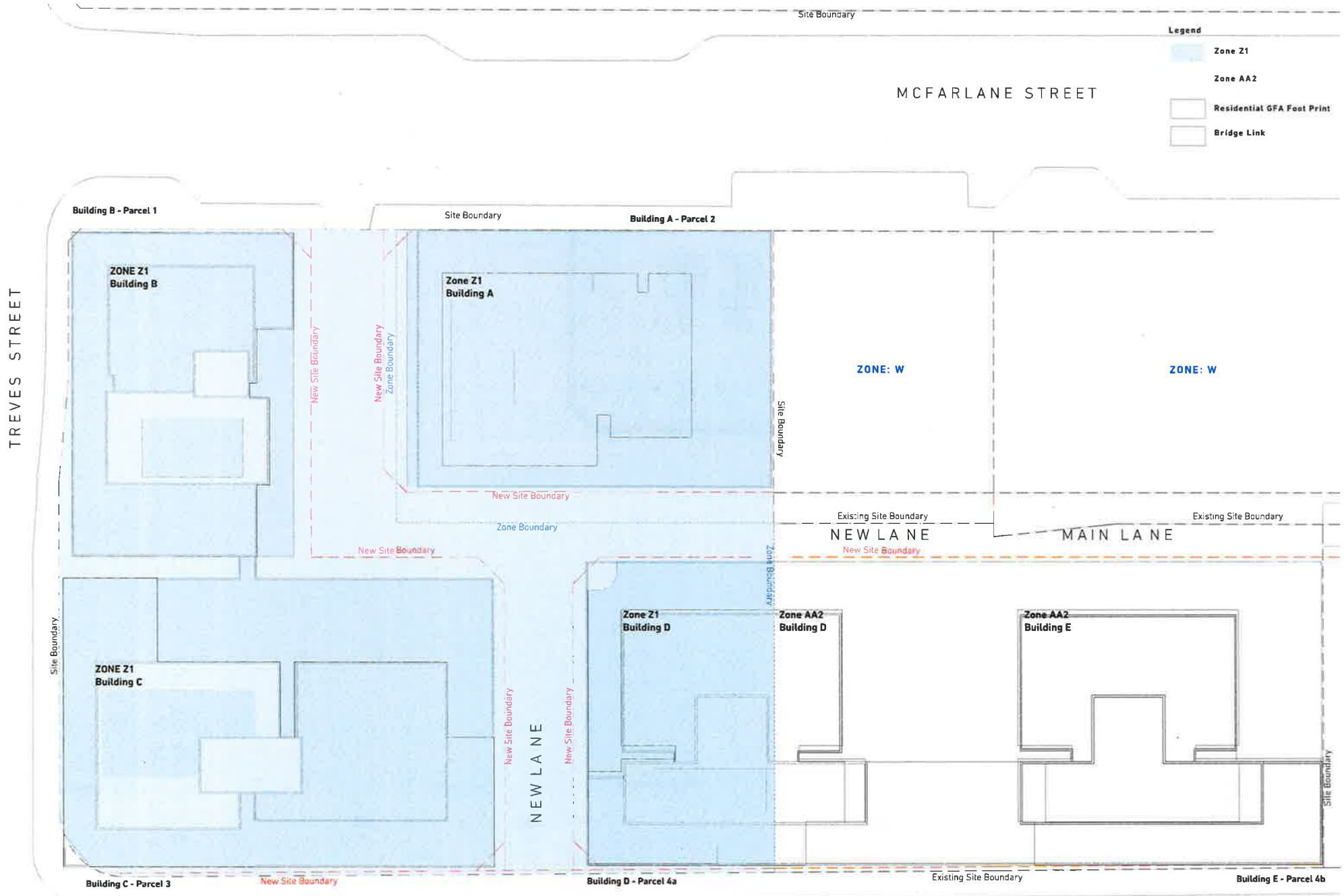
Merrylands Court Stockland

Site Plans
Height Plan Diagram

TURNER

Development Application

DA-100-132



ZONE: Z1 - Max FSR 3.3 Residential
Permissable GFA - 28951m²
ZONE: Z1 - Max FSR 1.7 Retail
Permissable GFA - 14194m²

ZONE: AA2 - Max FSR 4.80 Residential
Permissable GFA - 17496m²
ZONE: AA2 - Max FSR 1.7 Retail
Permissable GFA - 6197m²

Uncontrolled
23/08/16

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report: Certificate Number 1028435M, Assessor Number 100912

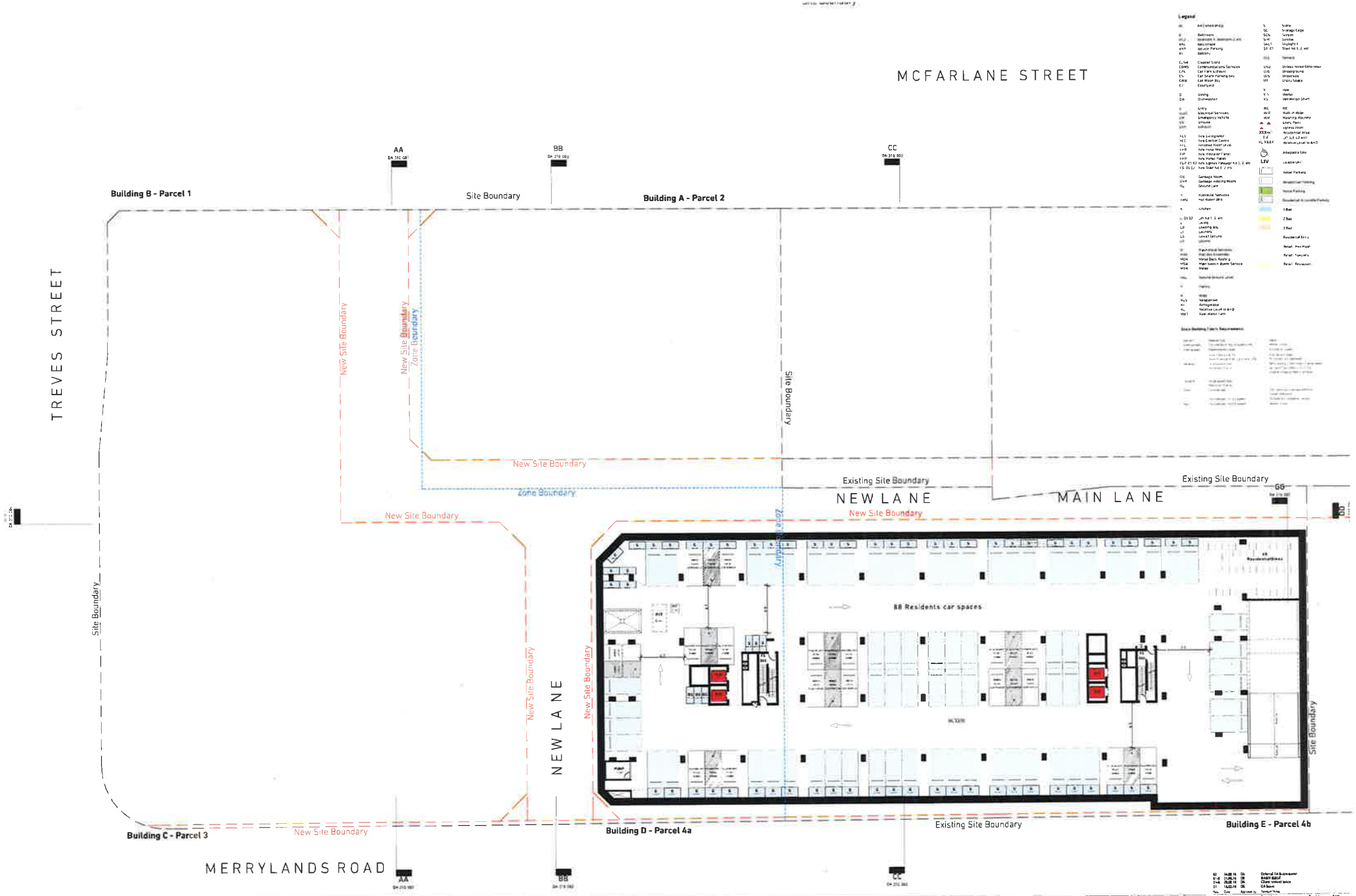
Project Title
Merrylands Court Stockland
153-249 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
Site Plans
FSR Plan Diagram

Development Application

Project No. 15036
Drawing No. DA-100-133
Rev. 02

TURNER



Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

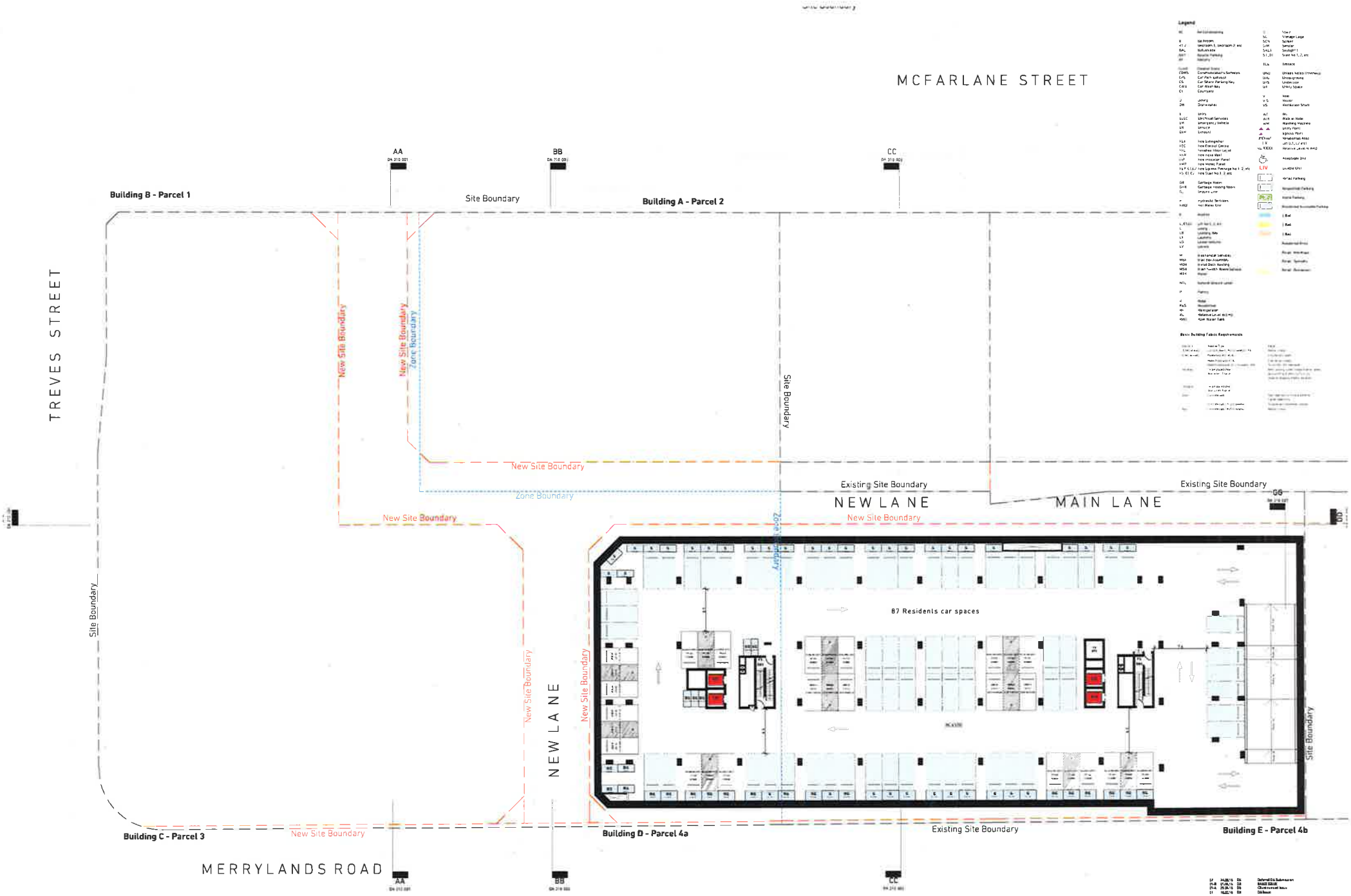
Merrylands Court Stockland
23 and Merrylands Road Merrylands NSW 2160 Australia

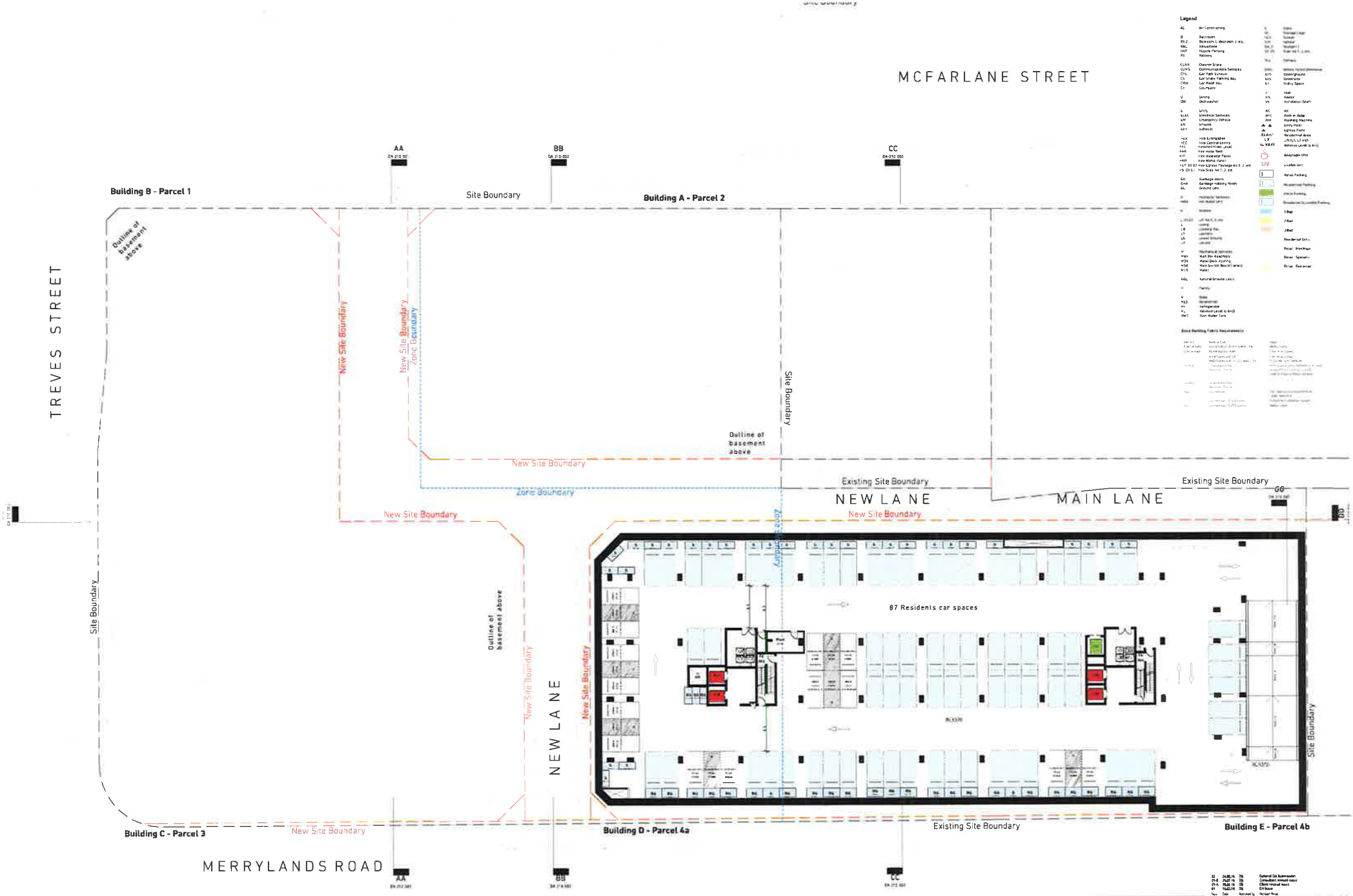
GA Plans
Basement 05

Development Application

DA-110-003 02

TURNER


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
NEW LANE
MAIN LANE
NEW LANE
AA
BB
CC
GG
Building B - Parcel 1
Building A - Parcel 2
Building C - Parcel 3
Building D - Parcel 4a
Building E - Parcel 4b
Site Boundary
New Site Boundary
Zone Boundary
Existing Site Boundary
87 Residents car spaces
Legend
Basix Building Fabric Requirements
NOTES
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia
Merrylands Court Stockland
GA Plans
Basement B4
Development Application
DA-113-004
02
TURNER



Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Merrylands Court Stockland

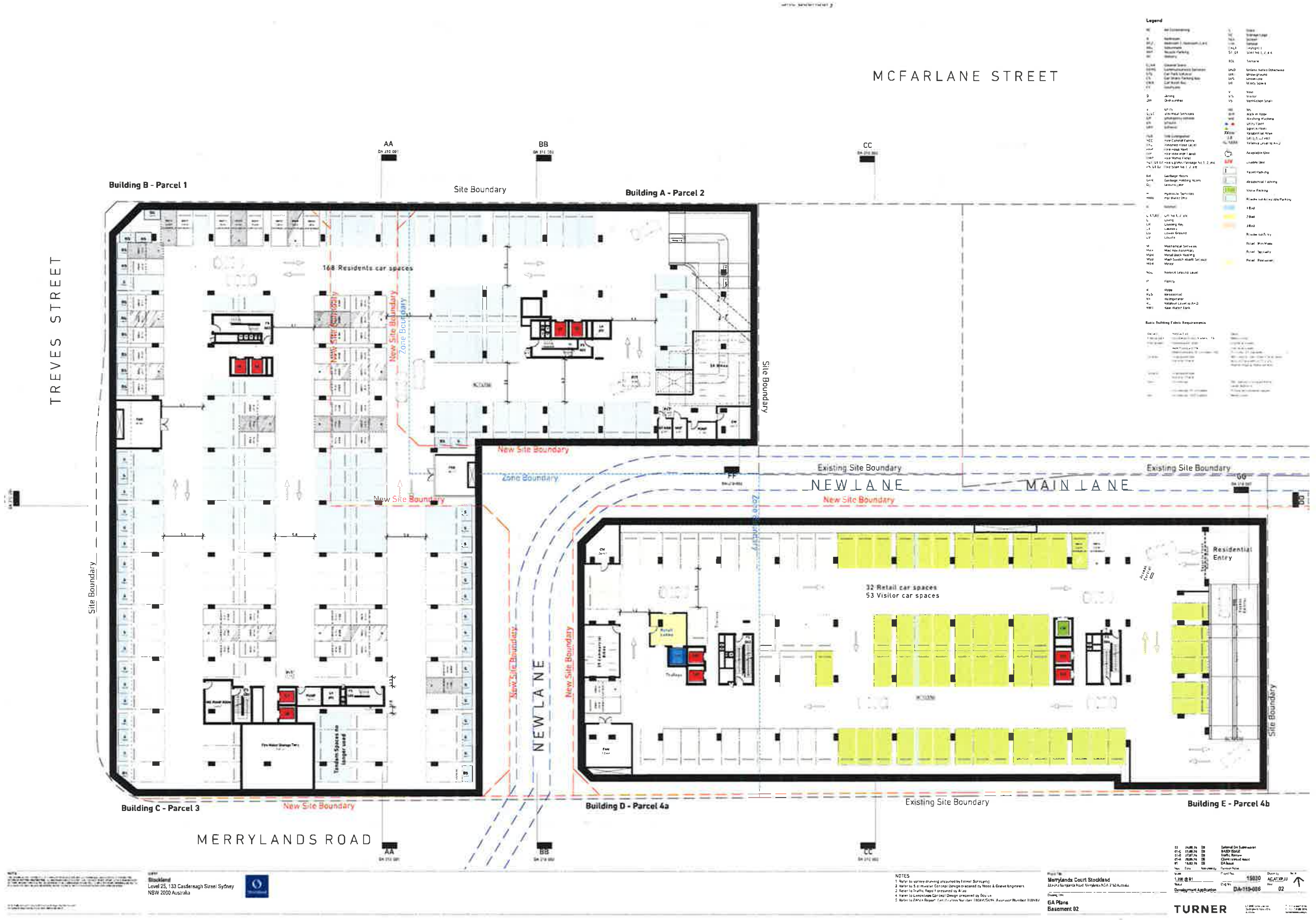
GA Plans
Basement 03

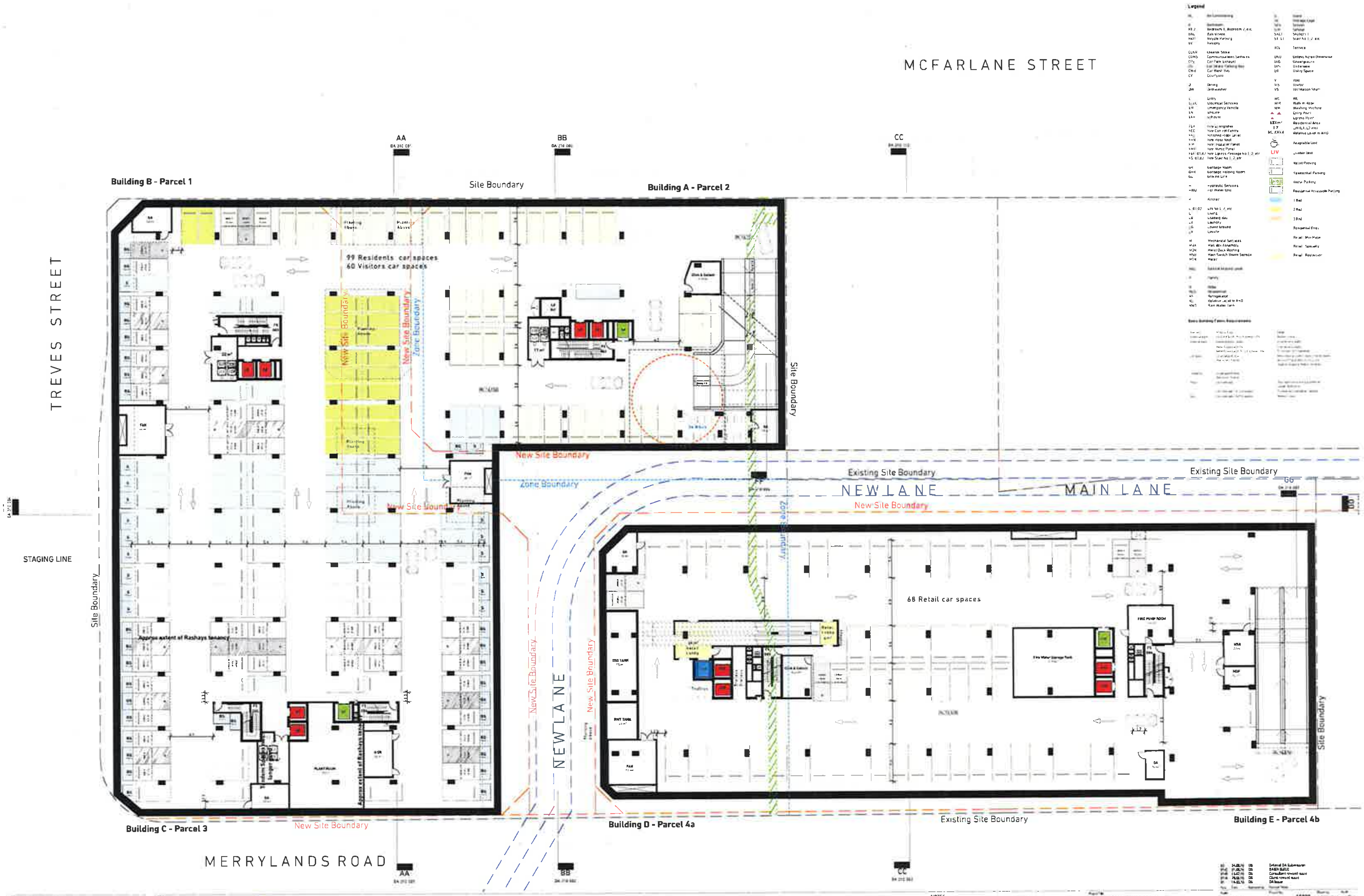
Development Application

DA-110-005

02

TURNER


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
MAIN LANE
NEW LANE
Building B - Parcel 1
Building A - Parcel 2
Building C - Parcel 3
Building D - Parcel 4a
Building E - Parcel 4b
Site Boundary
Existing Site Boundary
New Site Boundary
Zone Boundary
168 Residents car spaces
32 Retail car spaces
53 Visitor car spaces
Residential Entry
Tandem Spaces no longer used
Legend
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia
Merrylands Court Stockland
GA Plans
Basement 02
Development Application
DA-110-006
02
TURNER



NOTES
1. Refer to survey drawing prepared by Linker Surveying
2. Refer to Site Concept Design prepared by ... & Greve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

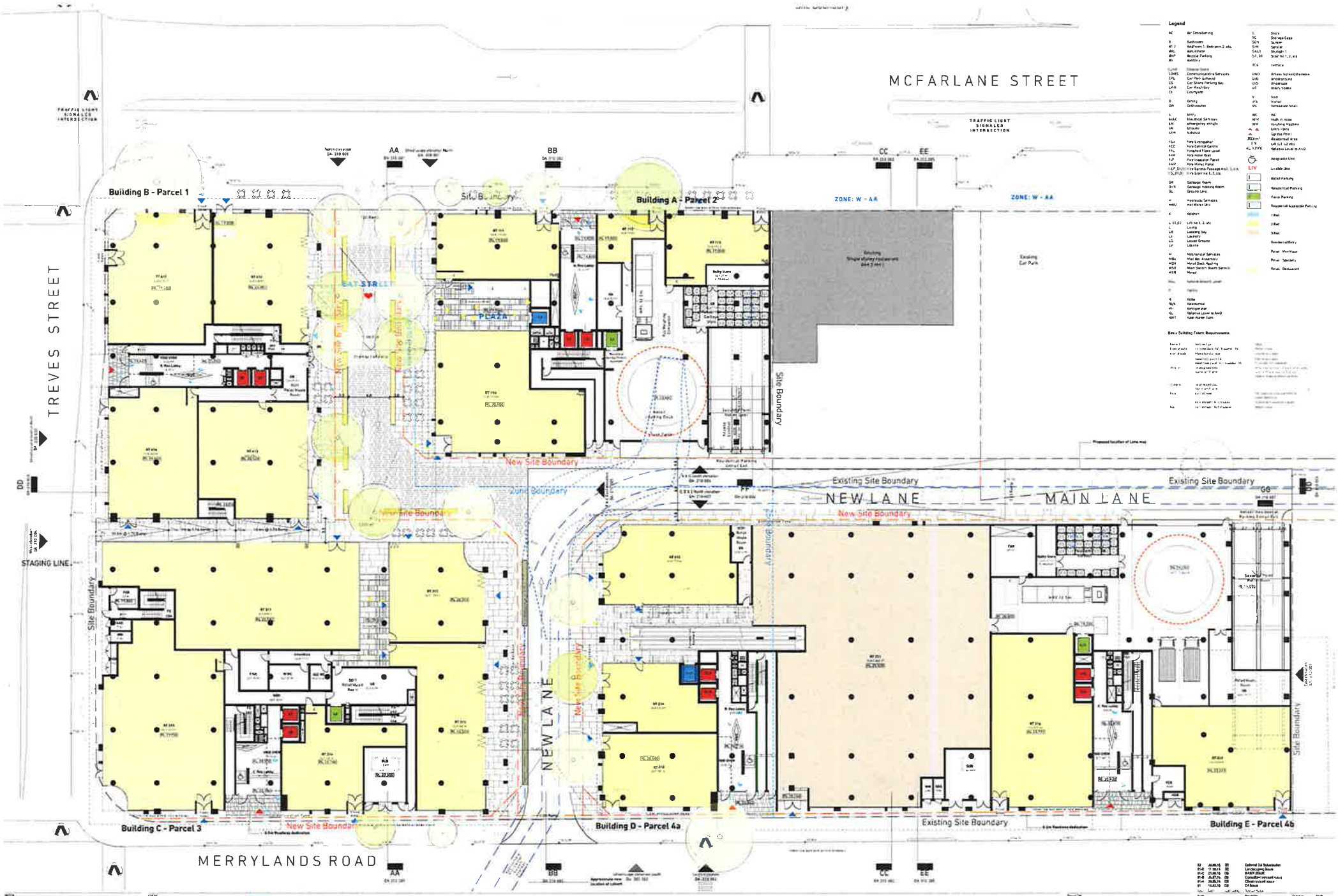
Merrylands Court Stockland

GA Plans
Basement 01

Deferral DA Submission
BASIX ISSUE
Consultant revised issue
Client revised issue
DA Issue

Development Application
15020
DA-110-007

TURNER

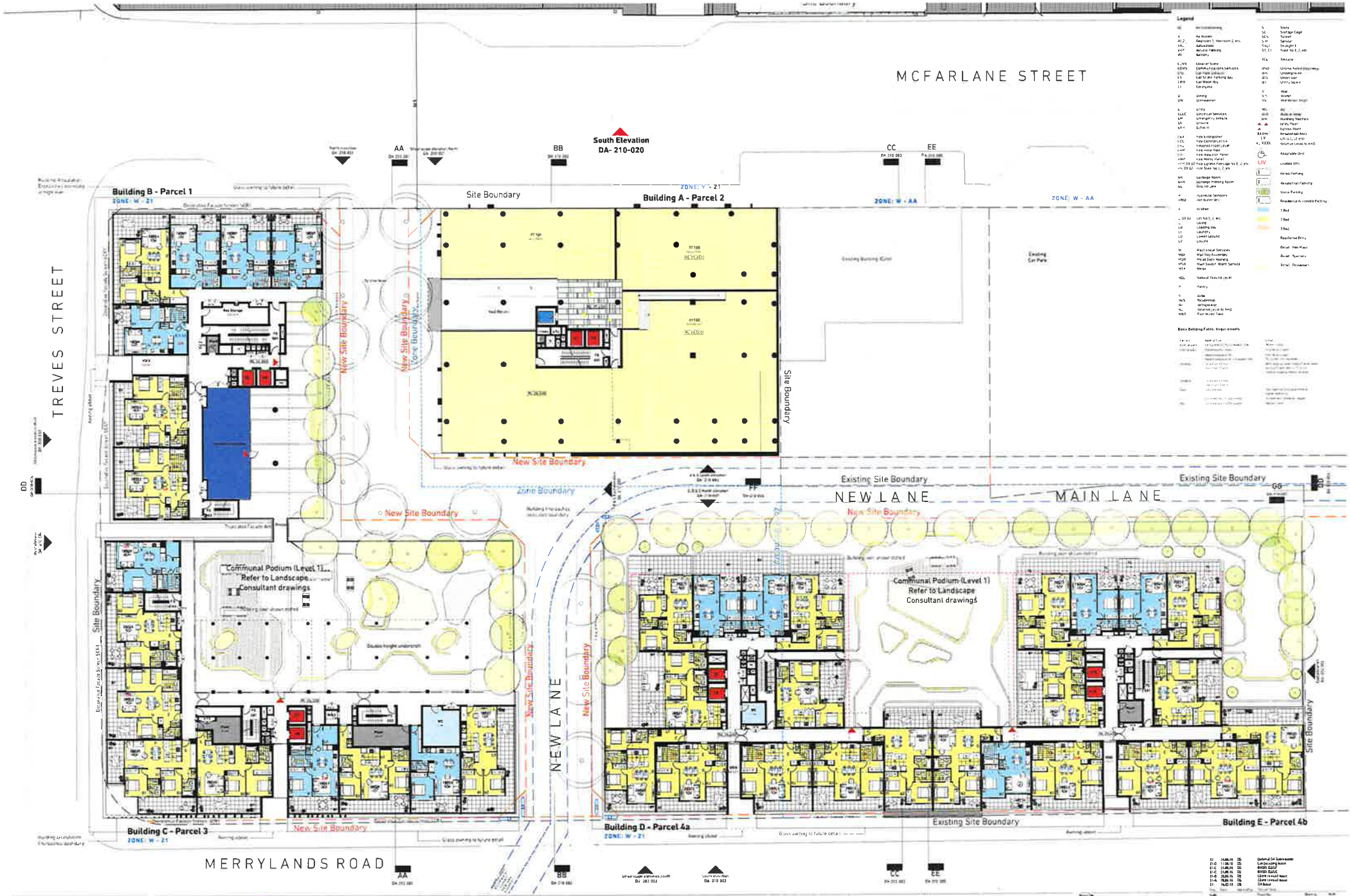


Client
Stockland
Level 25 ,133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1. Refer to survey drawing prepared by Ireker Surveying
2. Refer to Stormwater Concept Design prepared by Nasa & Steele Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report Certification Number 1128912549A, Assessor Number 10998

Project
Merrylands Court Stockland
Drawing Title
GA Plans
Ground Level
Development Application
Project No. 13030
Drawing No. ACAT-SP-11
Rev 02
DA-119-008

TURNER



Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Merrylands Court Stockland

GA Plans
Level 1

15030

DA-110-010

02

Development Application

TURNER


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
NEW LANE
MAIN LANE
Building B - Parcel 1
ZONE: W - Z1
Building A - Parcel 2
ZONE: Y - Z1
ZONE: W - AA
ZONE: W - AA
Building C - Parcel 3
ZONE: W - Z1
Building D - Parcel 4a
ZONE: W - Z1
Building E - Parcel 4b
ZONE: Y - AA2
Site Boundary
New Site Boundary
Existing Site Boundary
Zone Boundary
Void
Retail Below
Communal Podium Below
Existing Car Park
AA
BB
CC
DD
EE
GG
Legend
Stockland
Level 23, 133 Castlereagh Street Sydney
NSW 2000 Australia
Merrylands Court Stockland
GA Plans
Level 2
DA-113-1029
TURNER

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Project Title
Merrylands Court Stockland
224-244 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Plans
Level 3

Development Application

Project No. 10030
Drawing No. DA-113-030
Rev. 02

TURNER

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1. Refer to survey drawing prepared by Linker Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report. Certification Number 1004135496. Assessor Number 10093

Project Title
Merrylands Court Stockland
32-44 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Plans
Level 4 - Level 9

Scale 1:200 @ A1
Date
Drawing No. 15039 AC-AT-XP-11
Issue 02
Development Application DA-119-049

TURNER

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Merrylands Court Stockland

GA Plans
Level 10

TURNER

DA-110-100


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
NEW LANE
NEW LANE
MAIN LANE
Building B - Parcel 1
ZONE: W - Z1
Building A - Parcel 2
ZONE: Y - Z1
Building C - Parcel 3
ZONE: W - Z1
Building D - Parcel 4a
ZONE: W - Z1
Building E - Parcel 4b
ZONE: Y - AA2
Site Boundary
New Site Boundary
Zone Boundary
Existing Site Boundary
Existing Car Park
Landscaped Terrace Below
Roof
AA
BB
CC
DD
EE
Legend
NOTES
1. Refer to survey drawing prepared by Lenvon Surveying
2. Refer to Stormwater Concept Design prepared by Wade & Graeme Engineers
3 Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Site Image
5. Refer to Detail Report Certificate Number : 1004705676, Assessment Number 1027967
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia
Merrylands Court Stockland
GA Plans
Level 11
Development Application
DA-116-110
TURNER

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Site Master Concept Design prepared by Woss & Grauer Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report Certification Number 1088452496, Assessor Number 100492

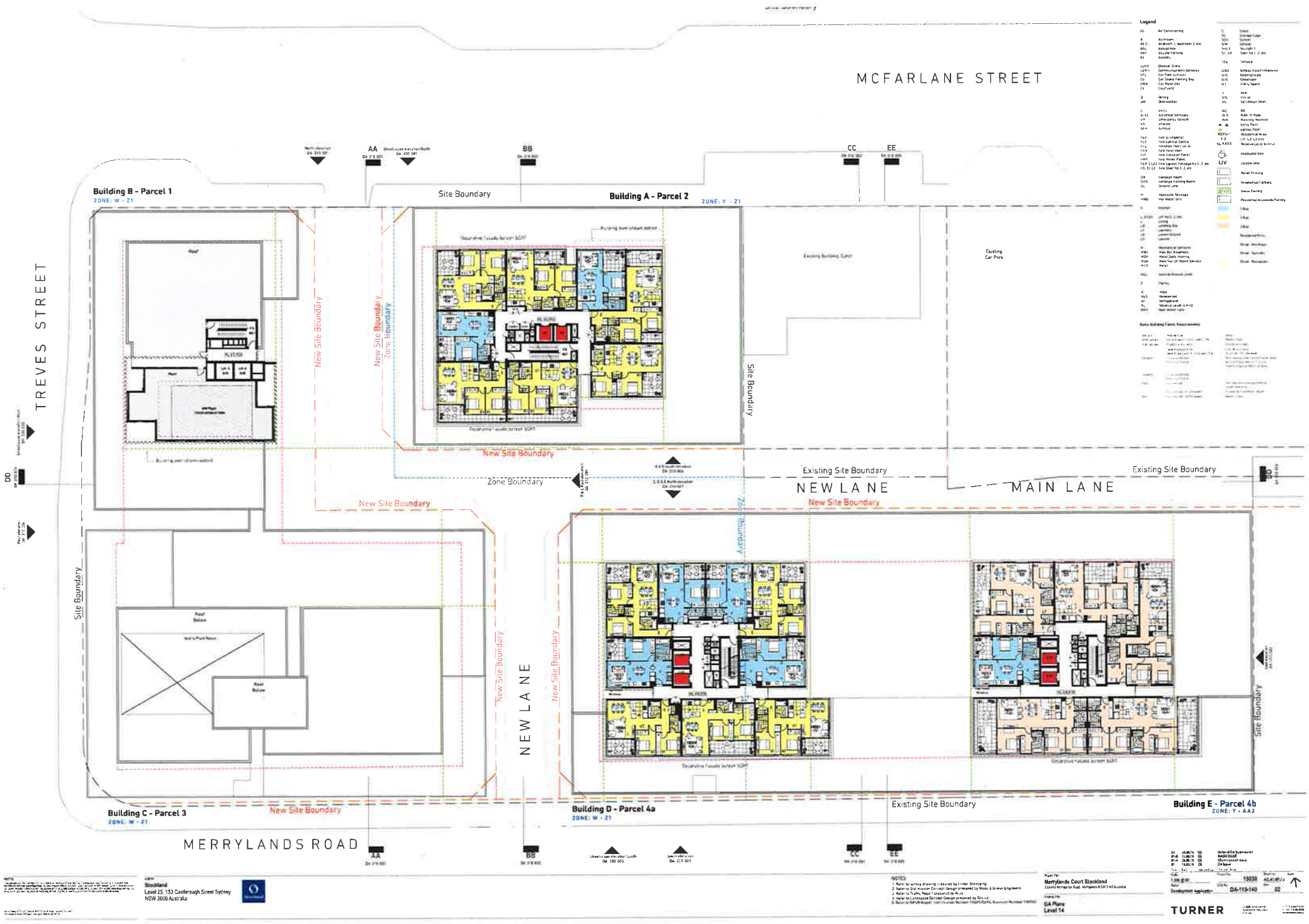
Merrylands Court Stockland
Lot 21 Merrylands Road, Merrylands NSW 2160 Australia

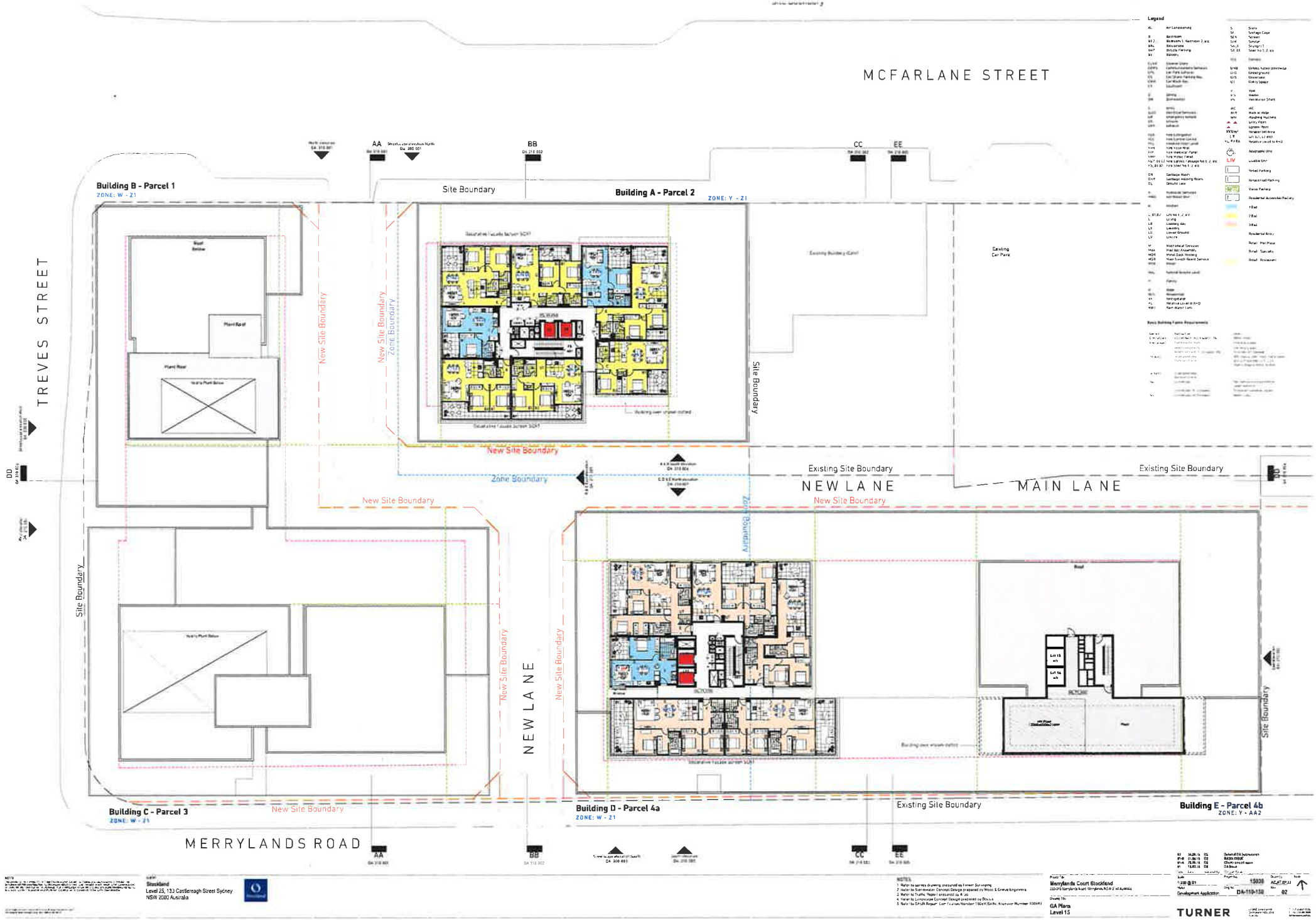
GA Plans
Level 12

15030
DA-113-120
02

TURNER


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
NEW LANE
MAIN LANE
Building B - Parcel 1
ZONE: W - Z1
Building A - Parcel 2
ZONE: Y - Z1
Building C - Parcel 3
ZONE: W - Z1
Building D - Parcel 4a
ZONE: W - Z1
Building E - Parcel 4b
ZONE: Y - AA2
Site Boundary
New Site Boundary
Zone Boundary
Existing Site Boundary
Existing Car Park
Plant Roof
AA
BB
CC
DD
EE


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
Building B - Parcel 1
ZONE: W - Z1
Building A - Parcel 2
ZONE: Y - Z1
Building C - Parcel 3
ZONE: W - Z1
Building D - Parcel 4a
ZONE: W - Z1
Building E - Parcel 4b
ZONE: Y - AA2
Site Boundary
New Site Boundary
Zone Boundary
Existing Site Boundary
NEW LANE
MAIN LANE
Existing Car Park
AA
BB
CC
DD
EE
Legend
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia
NOTES
1. Refer to survey drawing prepared by Linker Surveying
2. Refer to Site Investor Concept Design prepared by Woss & Grower Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Group GSA
Merrylands Court Stockland
214-242 Merrylands Road Merrylands NSW 2160 Australia
GA Plans
Level 14
DA-110-140
TURNER



Client
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

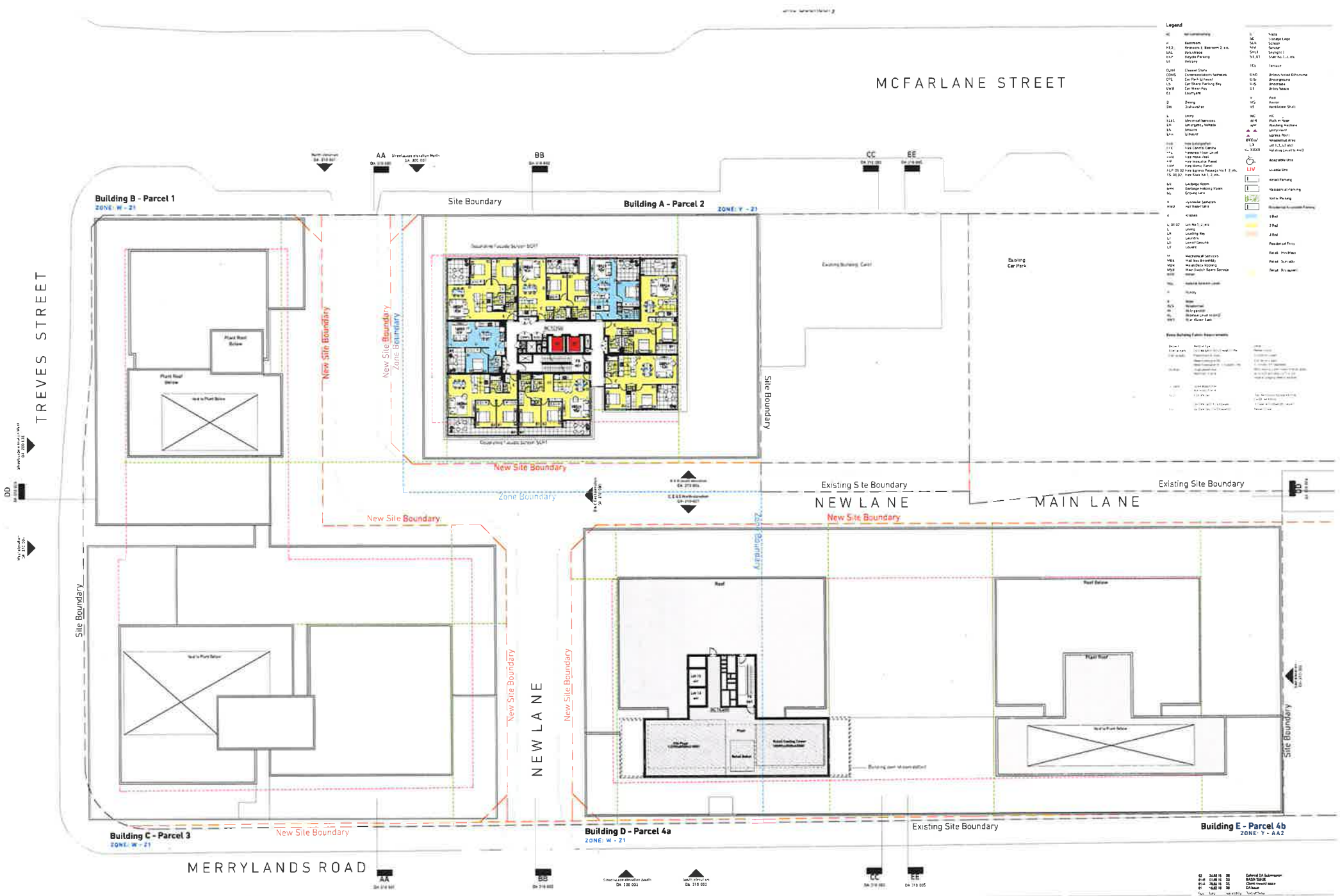
NOTES
1. Refer to survey drawing prepared by Ensoll Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by AECOM
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to DA/LR Report - Lot Yield as Number (150 of 1.54% Allowance Number 100m²)

Project Title
Merrylands Court Stockland
100-110 Merrylands Road, Merrylands, NSW 2160 Australia

Drawing Title
GA Plans
Level 15

Development Application
DA-110-130
02

TURNER



Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Lyttle Surveying
2 Refer to Stormwater Concept Design prepared by Nobo & Greive Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Site 5a
5 Refer to DA1616/Report Cert No Lot/DP/SP/VP, Assessor Number 108982

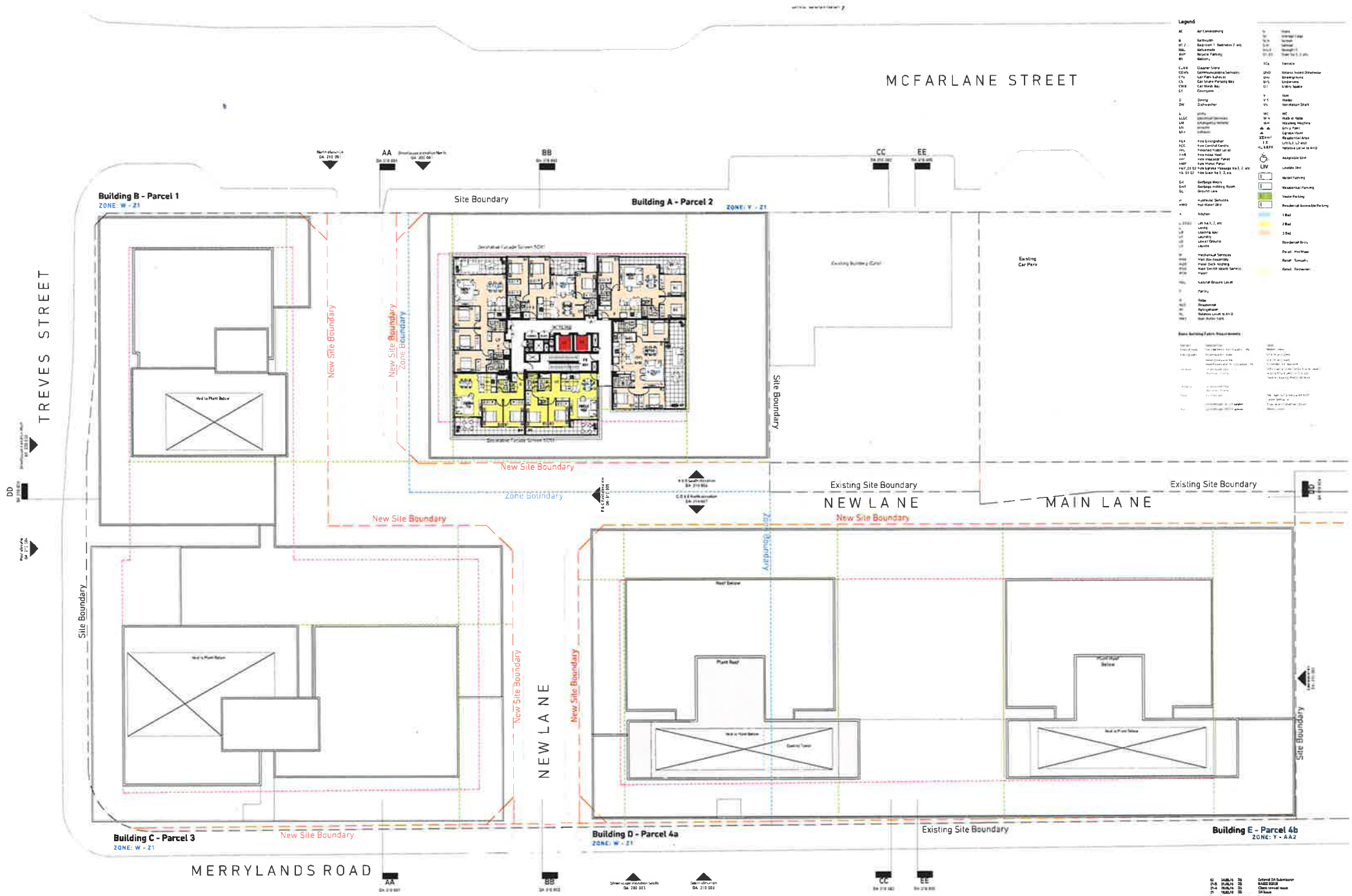
Project Title
Merrylands Court Stockland
203-243 Merrylands Road Merrylands NSW 2160 Australia

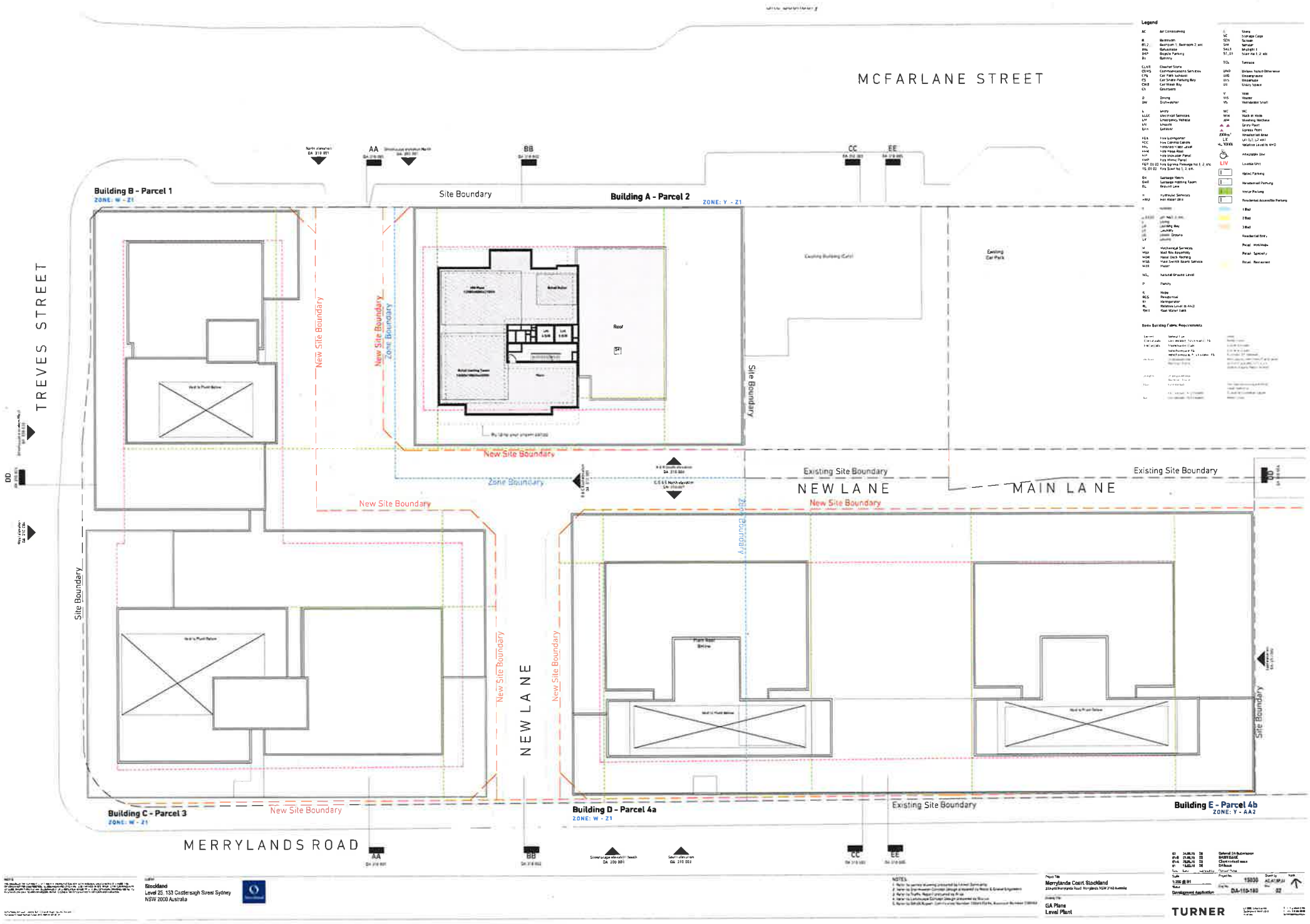
Drawing Title
GA Plans
Level 15

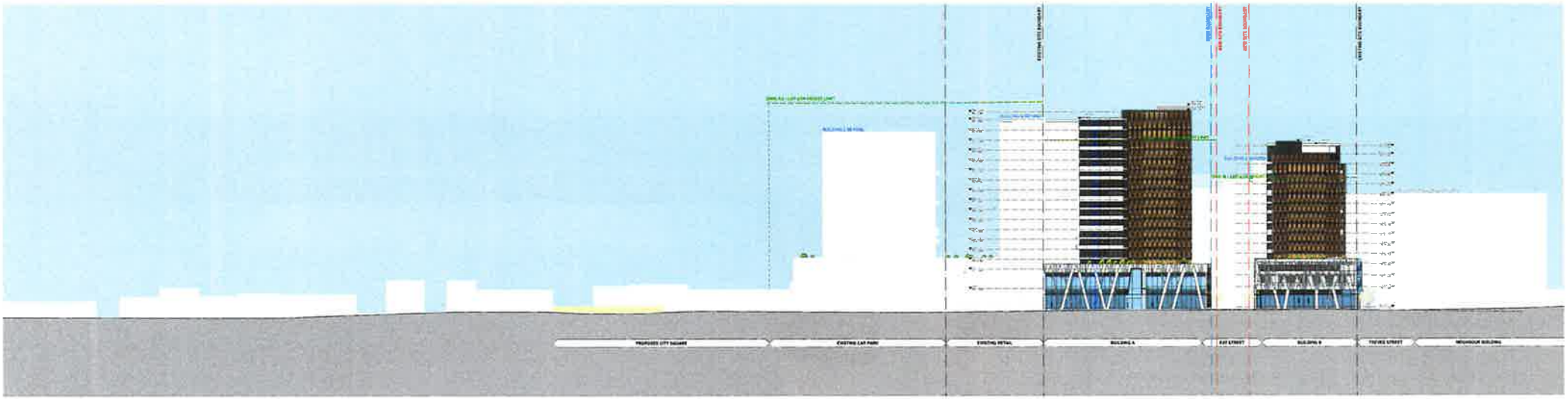
02	24.02.16	DB	General DA Submission
01-D	22.02.16	DB	BASIX Set B
01-C	29.01.16	DB	Client Issued Issue
01	15.01.16	DB	DA Issue

Scale: 1:200 @ A1
Project No.: 15033
Drawn by: DB, AT, BP, JJ
Status: Development Application
Drg No.: DA-110-102
Rev.: 02

TURNER


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
NEW LANE
MAIN LANE
Building B - Parcel 1
ZONE: W - Z1
Building A - Parcel 2
ZONE: Y - Z1
Building C - Parcel 3
ZONE: W - Z1
Building D - Parcel 4a
ZONE: W - Z1
Building E - Parcel 4b
ZONE: Y - AA2
Site Boundary
New Site Boundary
Zone Boundary
Existing Site Boundary
Existing Car Park
Roof Below
Void to Plant Below
Plant Roof
AA
BB
CC
DD
EE
Legend
NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Site Master Concept Design prepared by Hassell & Grimes Lingineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report Certification Number 1088416496, Assessor Number 19192
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia
Merrylands Court Stockland
20-24 Merrylands Road Merrylands NSW 2160 Australia
GA Plans
Level 17
TURNER
13030
DA-119-170
02


MCFARLANE STREET
TREVES STREET
MERRYLANDS ROAD
NEW LANE
MAIN LANE
Site Boundary
New Site Boundary
Zone Boundary
Existing Site Boundary
Building B - Parcel 1
ZONE: W - Z1
Building A - Parcel 2
ZONE: Y - Z1
Building C - Parcel 3
ZONE: W - Z1
Building D - Parcel 4a
ZONE: W - Z1
Building E - Parcel 4b
ZONE: Y - AA2
Roof
Existing Car Park
AA
BB
CC
DD
EE
Legend
Basix Building Fabric Requirements
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia
Merrylands Court Stockland
GA Plans
Level Plant
Development Application
DA-110-103
TURNER



1 Streetscape Elevation McFarlane Street
1:500

KEY

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wave & Grave Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report Certificate Number 1003125A16, Assessor Number 10197

Project Title
Merrylands Court Stockland
22-24 Merrylands Road Merrylands NSW 2160 Australia

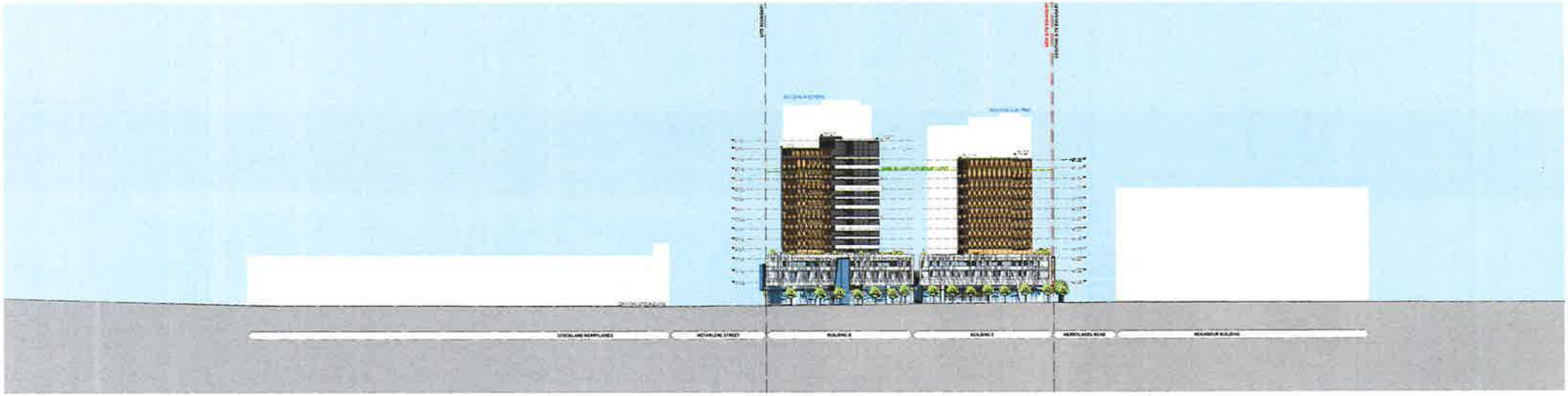
Drawing Title
GA Elevation
Streetscape Elevation McFarlane Street

03	24.05.16	DL	Deferred DA Submission
01	14.05.16	DL	DA Issue
No.	Date	Amended by	Revision Notes

Scale: 1:500 @ B1
Project No.: 15030
Drawn by: MC,AT,BP,JJ
Status: Development Application
Dwg No.: DA-200-001
Rev.: 02

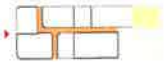
TURNER

Author
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia



1 Streetscape Elevation Treves Street
1:300

KEY



Uncontrolled
23/08/16

NOTES

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

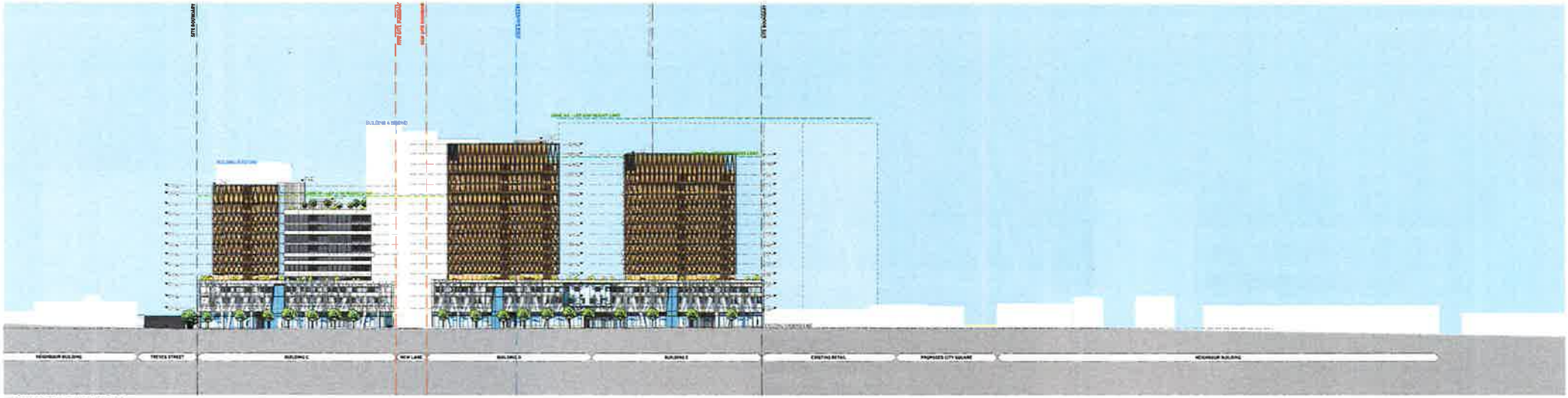
NOTES
1 Refer to survey drawing prepared by Linear Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report, Certification Number 1018145IN, Assessor Number 18893

Merrylands Court Stockland
253-263 Merrylands Road Merrylands NSW 2160 Australia

DA Elevation
Streetscape Elevation Treves Street

Job No.	15330	Drawing No.	DA-200-002
Scale @ A1	1:300	Revision	02
Development Application			

TURNER



Streetscape Elevation Merrylands Road
1:500

KEY

NOTES

1. Refer to survey drawing prepared by Lmap Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arcadis
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report Certification Number 1026935494 Assessor Number 100982

Client
Stockland
Level 25 133 Castlereagh Street Sydney
NSW 2000 Australia

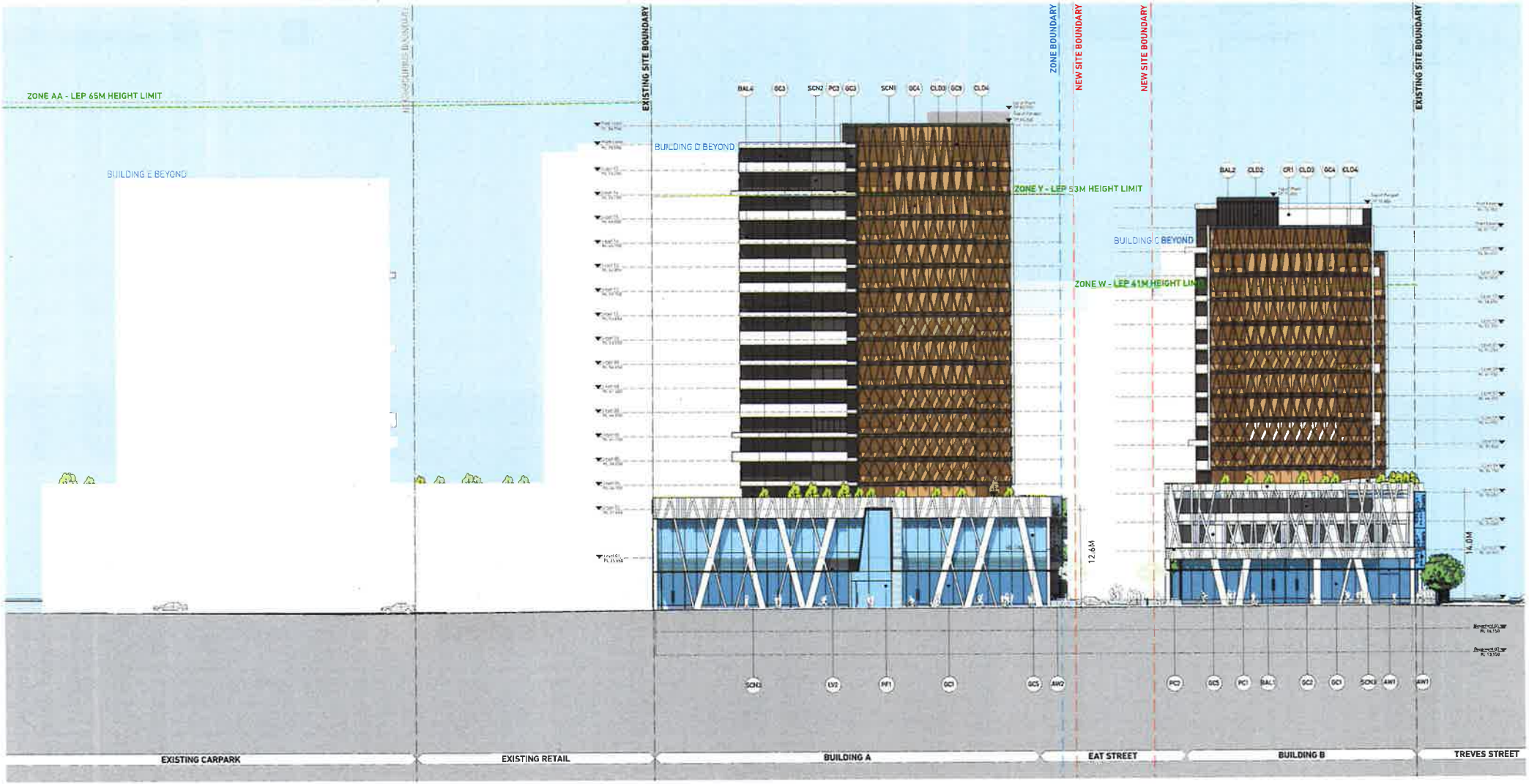
Project Title
Merrylands Court Stockland
253-263 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
EA Elevation
Streetscape Elevation Merrylands Road

Rev	Date	Approved by	Description
02	24.05.19	DS	Updated DA Submission
01	14.05.19	DS	DA Issue

Scale: 1:500 @ A1
Project No.: 15020
Drawn by: AC,AT,SP,JJ
Job No.: DA-230-003
Rev: 02
Development Application

TURNER



1 North Elevation
1:200

NOTES
1. Refer to survey drawing prepared by Ireson Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by AECOM
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to DA114 Report - Land Title Information Number 100/1154944, Account Number 1000

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Project
Merrylands Court Stockland
214-218 Merrylands Road, Merrylands NSW 2160 Australia

GA Elevation
North Elevation

Project No.	15038
Drawing No.	AC-ST-SP-11
Development Application	DA-210-001
Rev.	02

TURNER

3 Elevation across Main Lane (Without Bridge)
1:200

Materials & Finishes

NOTES
1. Refer to survey drawing prepared by Linker Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report

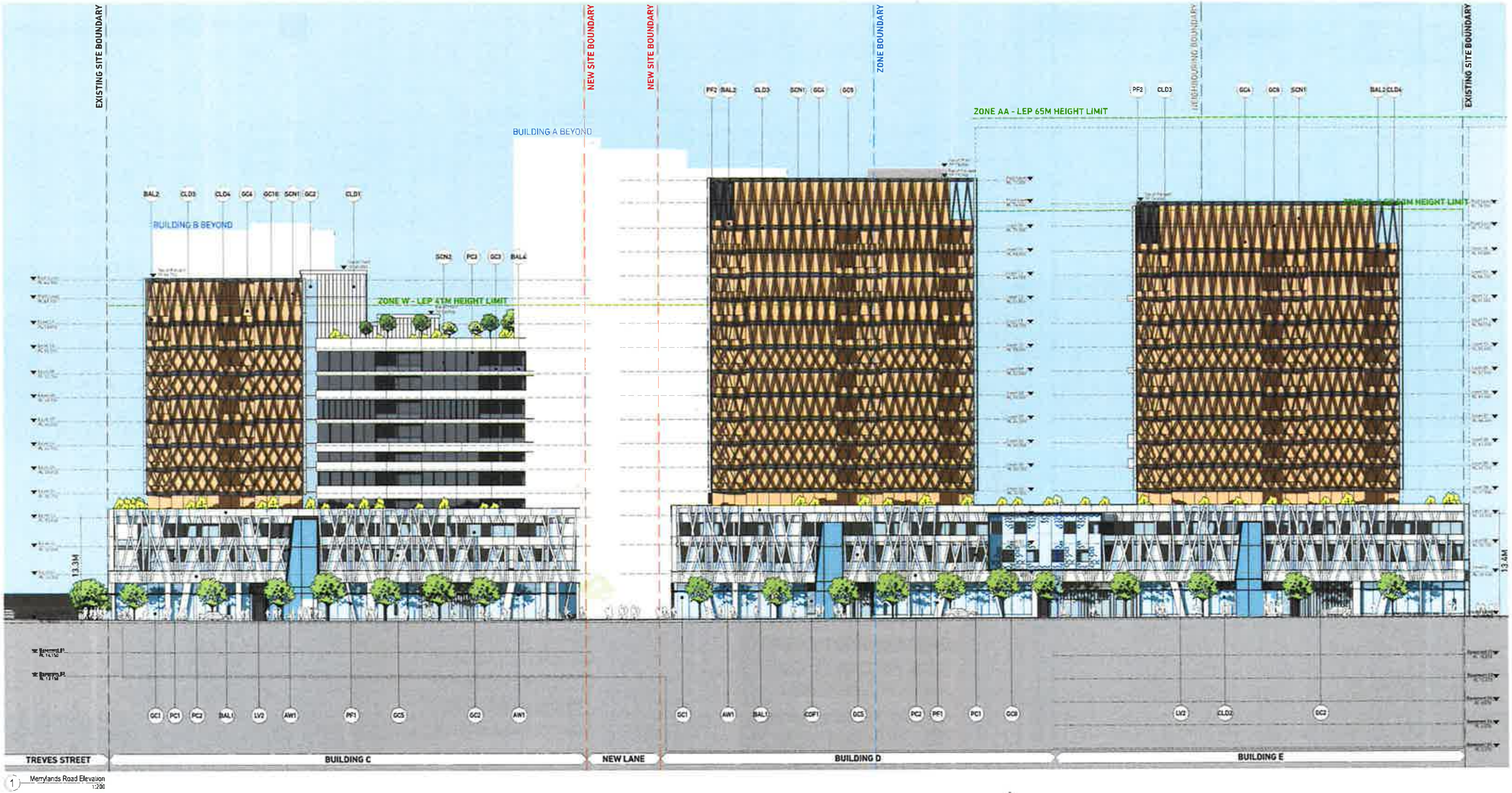
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Merrylands Court Stockland

GA Elevation
East Elevation

1:200 @B1
Development Application
15030
DA-210-002
02

TURNER



1 — Merrylands Road Elevation 1:200

Materials & Finishes

Client
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

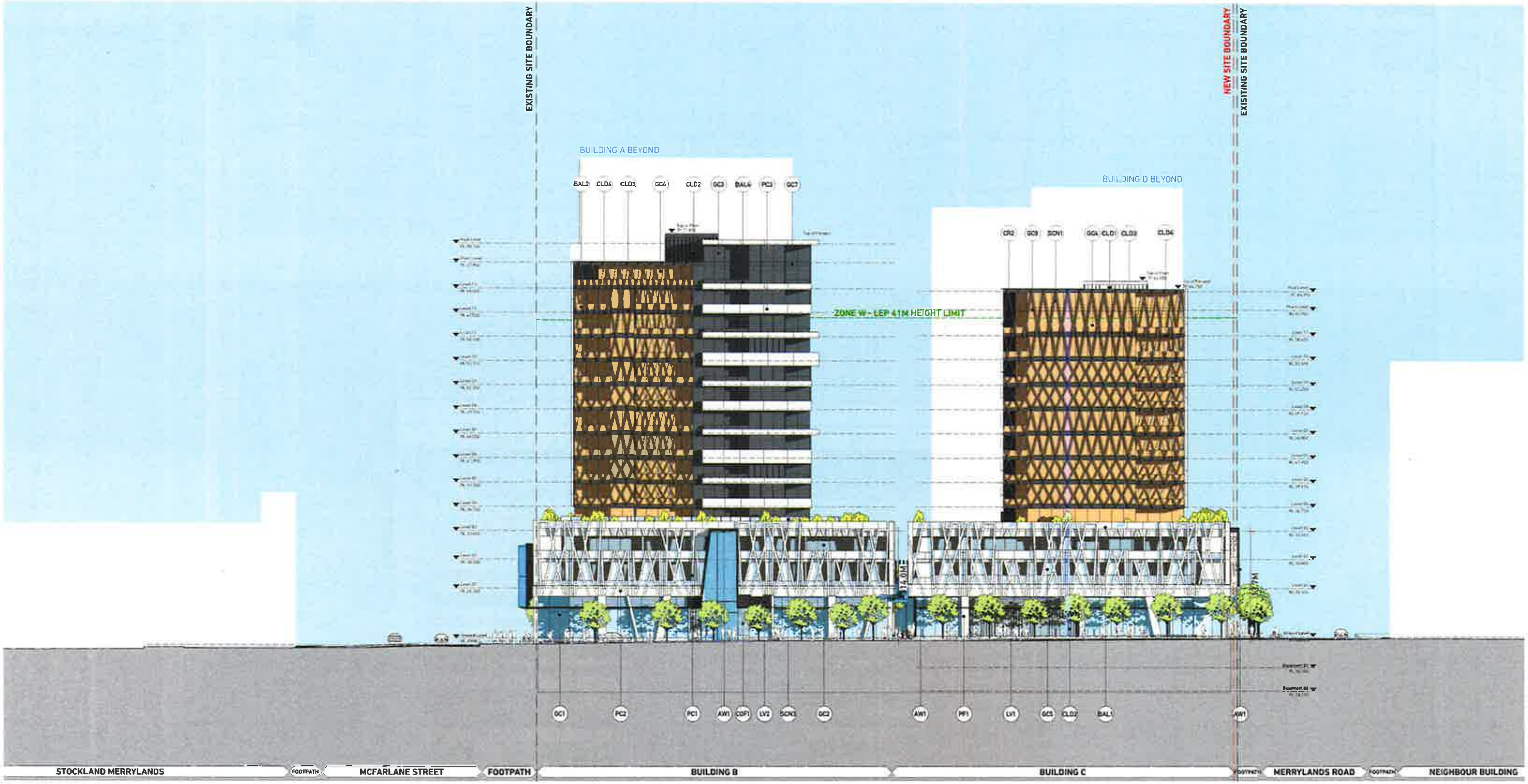
NOTES:
1. Refer to survey drawing prepared by Linker Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus

Project
Merrylands Court Stockland
233-259 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Elevation
South Elevation

Scale 1:200 @ B1
Project No. 15030
Dwg No. DA-210-003
Revision 02

TURNER



3 Treves Street Elevation (Without Bridge)
1:200

Materials & Finishes

BAL4 Balustrade Type 4

CLD1 Cladding Type 1

CLD3 Cladding Type 3

GC1 Glass Clear Type 1

GC3 Glass Clear Type 3

GC5 Glass Clear Type 5 — Glass: White Translucent. Framing system: aluminium frame colour to match PCF1

LV2 Louvre Type 2 — Fixed horizontal mechanical louvre system 100mm profile. Aluminium powder coat finish. Colour and finish to match PCF1

LV3 Louvre Type 3 — Fixed horizontal mechanical louvre system 100mm profile. Aluminium powder coat finish. Colour and finish integral to window system

PCF1 Powdercoat Finish Type 1

PCF2 Powdercoat Finish Type 2

PF1 Paint Finish Type 1

PF2 Paint Finish Type 2

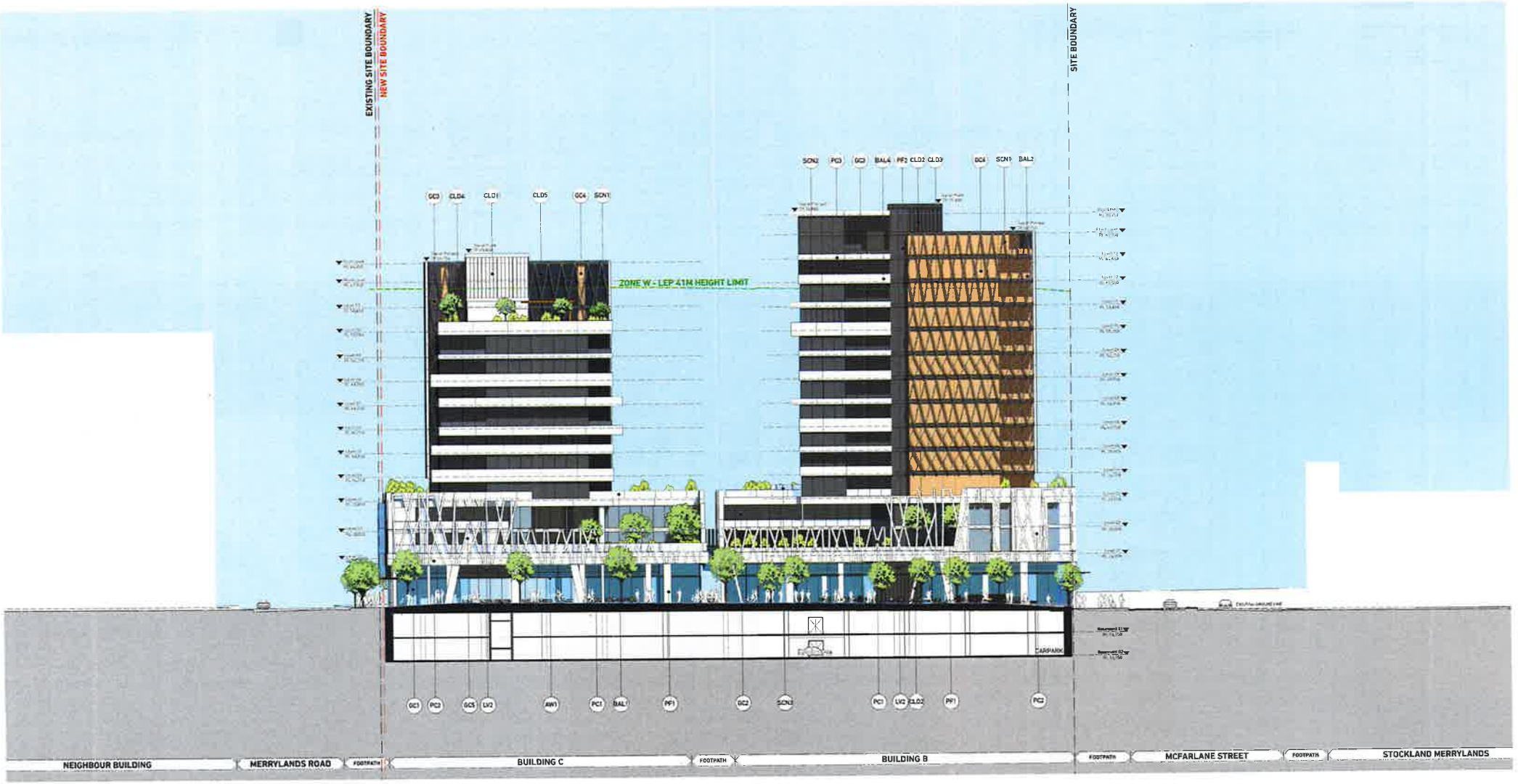
Client: Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Docus
5 Refer to BASIX Report

Project: Merrylands Court Stockland
Drawing title: GA Elevation West Elevation

1:200 @ B1 | 15030 | AC.AT.XP.JJ
Development Application | DA-210-004 | 02

TURNER



1 Building B & C East Elevation
1:200

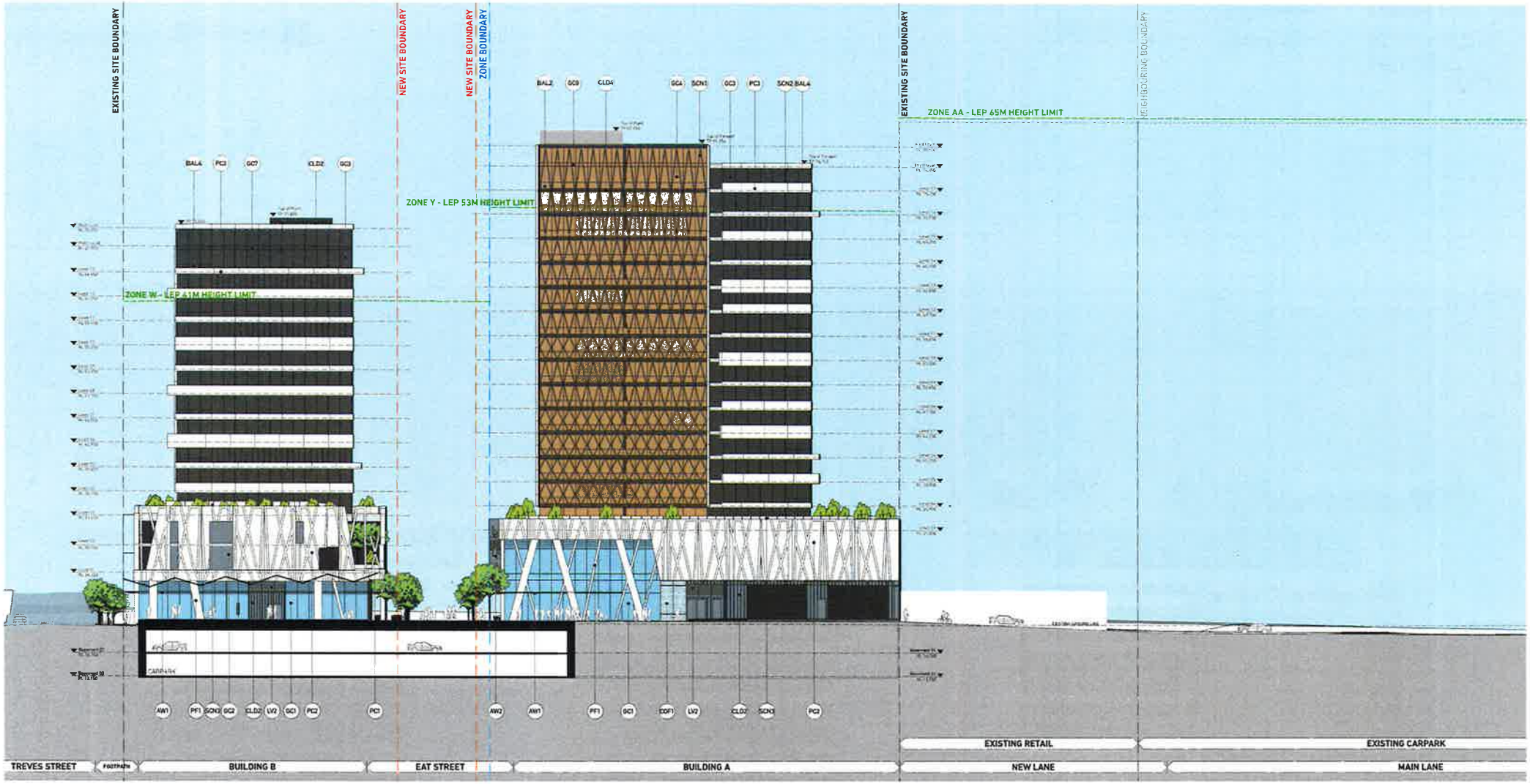
NOTES
1. Refer to survey drawing prepared by Linton Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report, Certificate Number 1004135S4, Alternative Number 1004182

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Merrylands Court Stockland
GA Elevation
Building B & C East Elevation

1:200 @ B1
Development Application
15020
DA-210-005
02

TURNER



Materials & Finishes (Refer to Turner Door Set Further Information)

AW1 Awning Type 1
Solar Protective Decorative Glass - clear, custom pattern integrated to louvred glass curtain wall awning system and face of aluminium colour and finish to match PCF2

AW2 Awning Type 2
White powder coated aluminium perforated pattern fabric and finish to match PCF1

BAL2 Balustrade Type 1
Solar Protective Balustrade Black powder coated aluminium framed balustrade system. Framing colour and finish to match PCF3

BAL4 Balustrade Type 2
Solar Protective Balustrade Black powder coated aluminium framed balustrade system. Framing colour and finish to match PCF3

CLD1 Cladding Type 1
Metal cladding system between balconies with integrated louvre and door to suit building services. Colour and finish to match CM01 Arctic White

CLD2 Cladding Type 2
Metal cladding system between balconies with integrated louvre and door to suit building services. Colour and finish to match CM41 Charcoal (GC2)

CLD3 Cladding Type 3
White cladding to match Dulux Natural Edge or equivalent colour and finish to match CM41 Charcoal (GC2)

CLD4 Cladding Type 4
Aluminium cladding with perforated cladding system. Colour and finish to match PCF2

CLD5 Cladding Type 5
Perforated cladding system. Colour and finish to match PCF2

GC1 Glass Clear Type 1
Artistic Glass clear with integrated anti-bird finish and louvre. Framing system aluminium. Frame colour to match PCF2

GC2 Glass Clear Type 2
Translucent Glass clear with integrated anti-bird finish and louvre. Framing system aluminium. Frame colour to match PCF2

GC3 Glass Clear Type 3
Angled Fin Glass clear. Framing system aluminium. Frame colour to match PCF2

GC4 Glass Clear Type 4
Clear Entry Link Framing system aluminium. Frame colour to match PCF2. Angled, translucent, laminated fritted glass fins with Plant panel to shadow box architectural metal cladding colour refer to elevation drawing and colour detail drawings

GC7 Glass Clear Type 7
Glass Blade Fin Framing system aluminium. Frame colour to match PCF2

GC9 Glass Clear Type 9
Glass Blade Fin with Shadow box integrated to aluminium framing system aluminium. Frame colour to match PCF2

GC6 Glass Clear Type 6
Glass Translucent Framing system aluminium colour to match PCF2. Anti-climb wire. Shadow box to full height assembly with Plant panel to shadow box and mounted metal cladding

GC5 Glass Clear Type 5
Glass Blade Integrated. Framing system aluminium. Frame colour to match PCF3

GB1 Glass Blade Type 1
Decorative Curved Glass clear. Framing system aluminium. Frame colour to match PCF2

GF1 Glass Floor Type 1
Laminated Natural Stone with integrated support. Framing system aluminium

GC7 Glass Clear Type 7
Glass Clear fully frit with Shadow box integrated to sub edge. Framing system aluminium. Frame colour to match PCF2

GL8 Glass Clear Type 8
Decorative Panel clear, custom pattern integrated to louvred glass curtain wall. Framing system aluminium. Frame colour to match PCF2

GC9 Glass Clear Type 9
Glass Blade Integrated with Shadow box integrated to aluminium framing system aluminium. Frame colour to match PCF2

EQF1 Glass Clear Type 9
Glass Blade Integrated with Shadow box integrated to aluminium framing system aluminium. Frame colour to match PCF2

GP1 Glass Pattern Type 1
Solar Protective Decorative Glass - clear, custom pattern integrated to louvred glass curtain wall awning system and face of aluminium colour and finish to match PCF2

LV1 Louvre Type 1
Fixed horizontal mechanical louvre system 130mm profile. Aluminium powder coat finish. Colour and finish to match PCF1

LV2 Louvre Type 2
Fixed horizontal mechanical louvre system 130mm profile. Aluminium powder coat finish. Colour and finish to match PCF2

LV3 Louvre Type 3
Fixed horizontal mechanical louvre system 130mm profile. Aluminium powder coat finish. Colour and finish to match PCF3

PC1 Precast Concrete Type 1
Solid and pre-cast open encaustique façade system. Refer to the drawing schedule for more details. Paint finish to match PC1

PC2 Precast Concrete Type 2
Light weight precast cloud designed façade system. Paint finish to match PC1

PC3 Aerated Concrete Type 3
Polymer based insulation with cast joints. Paint finish to match PC1 finish. Proposed to match existing where it is and 3250 (L) 1750 (H) to height 2200 from RL

PF1 Powdercoat Finish Type 1
Powdercoat finish to match Dulux Natural Edge

PCF2 Powdercoat Finish Type 2
Powdercoat Colour to match Dulux Monument (Gloss)

PF3 Anodised Finish Type 1
Paint finish. Colour to match Dulux Vivid White

PF2 Paint Finish Type 1
Paint finish. Colour to match Dulux Domino

SC01 Screen Type 1
Frame Backwash Wire Mesh Balustrade to existing Timber Platform to match Powdercoat Colour to match PCF2

SC02 Screen Type 2
Metal Perforated Screen to match 3250 (L) 1750 (H) to height 2200 from RL

SC03 Screen Type 3
Frame Backwash Wire Mesh Balustrade to existing Timber Platform to match Powdercoat Colour to match PCF2

SF1 Signage Type 1
Integral Lit Metal Identification Signage - Size and detail as per relevant drawings

Note: Refer to BASIX assessment for performance requirements of specific area and fixtures (Materials)
Refer to landscape documentation for exact detail and material selection for further information regarding materials and finishes selection

NOTES
1. Refer to survey drawing prepared by Ensen Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report Certification Number 1086435M, Assessor Number 100162

GLEN

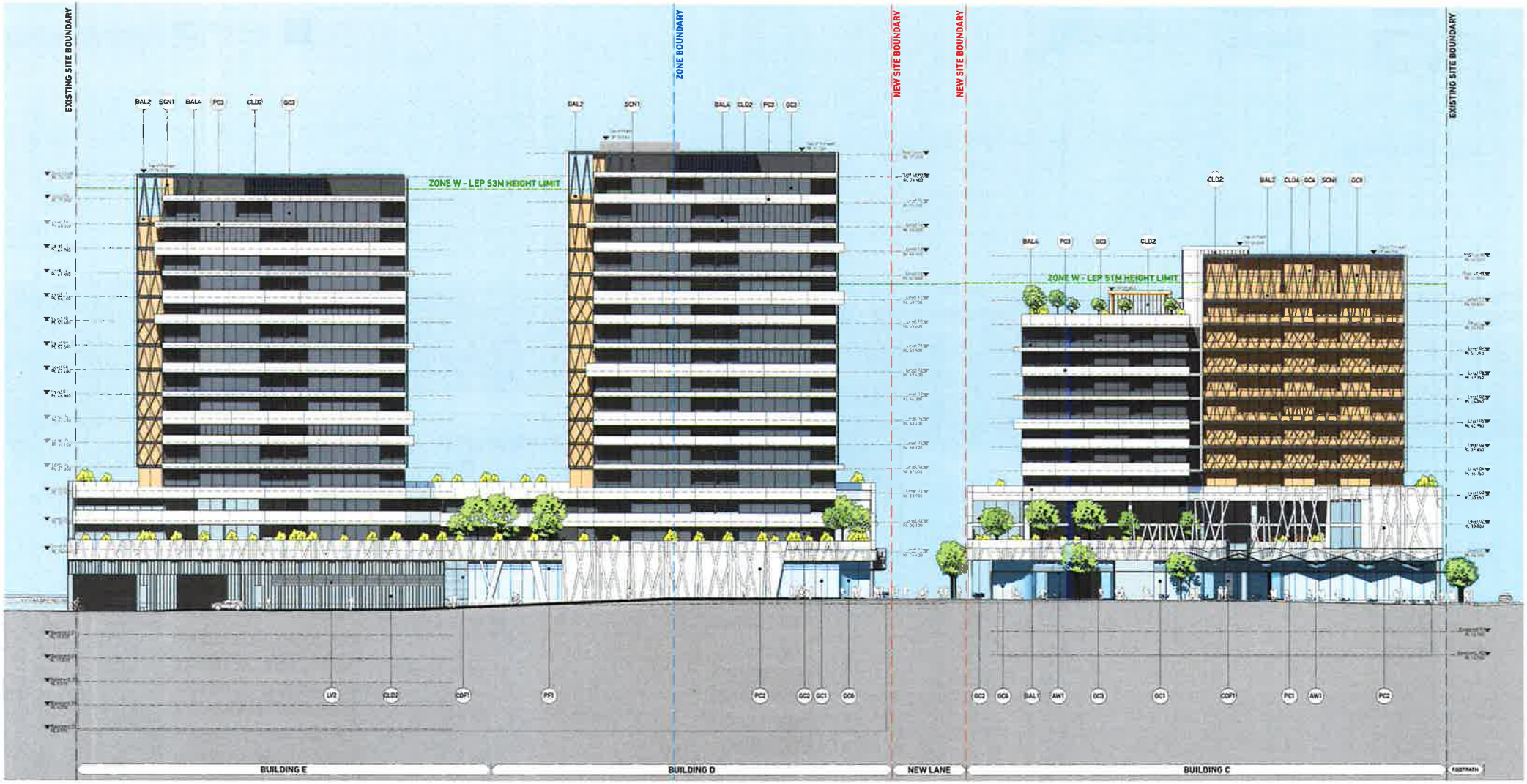
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Project
Merrylands Court Stockland
75-243 Merrylands Road, Merrylands NSW 2160, Australia

Drawing title
GA Elevation
Building A & B South Elevation

Scale 1:500 @ B1
Drawn by AC, AT, RP, JJ
Status Development Application
Drawing No. DA-210-0106
Rev 02

TURNER



Materials & Finishes Refer to Finish Board for Further Information

AW1 Awning Type 1
Semi Frameless Decorative Glass, clear custom pattern integrated to frosted glass surface. Framing system and fascia aluminium colour ring finish to match PCF1

AW2 Awning Type 2
Metal cladding system. Decorative perforated pattern. Colour and finish to match PCF 2

BAL1 Balustrade Type 1
Semi Frameless full height White translucent glass balustrade to match PCF 1 framing system aluminium colour and finish to match PCF1

BAL2 Balustrade Type 2
Semi Frameless full height. Bronze body tint glass balustrade. Framing system powder coat finish colour to match PCF2

BAL3 Balustrade Type 3
Semi Frameless full height Grey tint glass balustrade. Framing system powder coat finish colour to match PCF2

BAL4 Balustrade Type 4
Semi Frameless. Grey tint glass balustrade fixed to precast spandrel system. Framing system powder coat finish colour to match PCF2. Note: Precast spandrel system varies in height 650, 1250 & 1750

CLD1 Cladding Type 1
Metal cladding system (where applicable with integrated louvers and doors to suit building services). Colour and finish to match Apollo MN018 White (C30)

CLD2 Cladding Type 2
Metal cladding system (where applicable with integrated louvers and doors to suit building services). Colour and finish to match Apollo M2991 Charcoal (C30)

CLD3 Cladding Type 3
Metal cladding system (where applicable with integrated louvers and doors to suit building services). Colour and finish to match Apollo [illegible]

CLD4 Cladding Type 4
Aluminium cladding with powdercoated finish. Colour and finish to match PCF2

CLD5 Cladding Type 5
Prefinished cladding system. Colour and finish to match PF2

CON1 Concrete Finish Type 1
Concrete natural finish with integrated signage. Penetrating clear low sheen sealer

GC1 Glass Clear Type 1
Metal - Glass clear with insulated doors and high level fresnair louvers. Framing system aluminium. Frame colour to match PCF2

GC2 Glass Clear Type 2
Balustrade - Glass Clear. Framing system aluminium. Frame colour to match PCF2

GC3 Glass Clear Type 3
Glass Grey tint. Framing system aluminium. Frame colour to match PCF2. Where applicable. Shadow box spandrels with Black paint to shadow box prefinished metal cladding colour where cladding light and dark contrast is given

GC4 Glass Clear Type 4
Glass Bronze tint. Framing system aluminium colour to match PCF2. Where applicable Shadow box to full height spandrels with Black paint to shadow box prefinished metal cladding

GC5 Glass Clear Type 5
Glass White Translucent. Framing system aluminium frame colour to match PCF1

GC6 Glass Clear Type 6
Decorative Corner element. Curved Glass, clear. Framing system aluminium colour to match PCF2

GC7 Glass Clear Type 7
Glass Grey body tint with Shadow box integrated to slab edge. Framing system aluminium. Frame colour to match PCF2

GC8 Glass Clear Type 8
Decorative Glass, clear, custom pattern integrated to frosted glass surface. Framing system aluminium. Frame colour to match PCF2

GC9 Glass Clear Type 9
Glass Bronze tint with Shadow box integrated to slab edge. Framing system aluminium. Frame colour to match PCF2

CR1 Ceiling Render Type 1
Cement render. Paint finish. Paint Finish to match PF1

LV1 Louvre Type 1
Fixed horizontal mechanical louvre system. 100mm profile. Aluminium powdercoat finish Colour and finish to match PCF1

LV2 Louvre Type 2
Fixed horizontal mechanical louvre system. 100mm profile. Aluminium powdercoat finish Colour and finish to match PCF2

LV3 Louvre Type 3
Fixed horizontal mechanical louvre system. 100mm profile. Aluminium powdercoat finish Colour and finish except at to window system

PC1 Precast Concrete Type 1
Light weight precast panel decorative facade system. Anti-infill translucent white glazing where shown to match DA3. Paint finish to match PF1

PC2 Precast Concrete Type 2
Light weight precast panel decorative facade system. Paint finish to match PF1

PC3 Precast Concrete Type 3
Precast Concrete system. Vertical fins integrated into glazing frame. 150mm in depth. Powdercoat finish to match PCF2

PCF1 Powdercoat Finish Type 1
Powder coat Colour to match Interpon Pearl White Matt

PCF2 Powdercoat Finish Type 2
Powder coat Colour to match Interpon Monument Matt

PF1 Paint Finish Type 1
Paint finish. Colour to match Dulux Vivid White

PF2 Paint Finish Type 2
Paint finish. Colour to match Dulux Domino

SCN1 Screen Type 1
Fixed Aluminium Vertical fin integrated into glazing frame. 150mm in depth. Powdercoat finish to match PCF2

SCN2 Screen Type 2
Fixed aluminium screen system 300 in depth. Powder coat finish to match PCF2

SCN3 Screen Type 3
Fixed glass perimeter screening with steel structure support elements to match PCF1

SG1 Signage Type 1
Integral building identification signage. Size and extent as per elevation drawings

Note: Refer to BASIX and Acoustic Requirements for glazing and external treatments. Refer to landscape documentation for pavers, screens and landscape areas for further information regarding finishes and materials.

Client
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

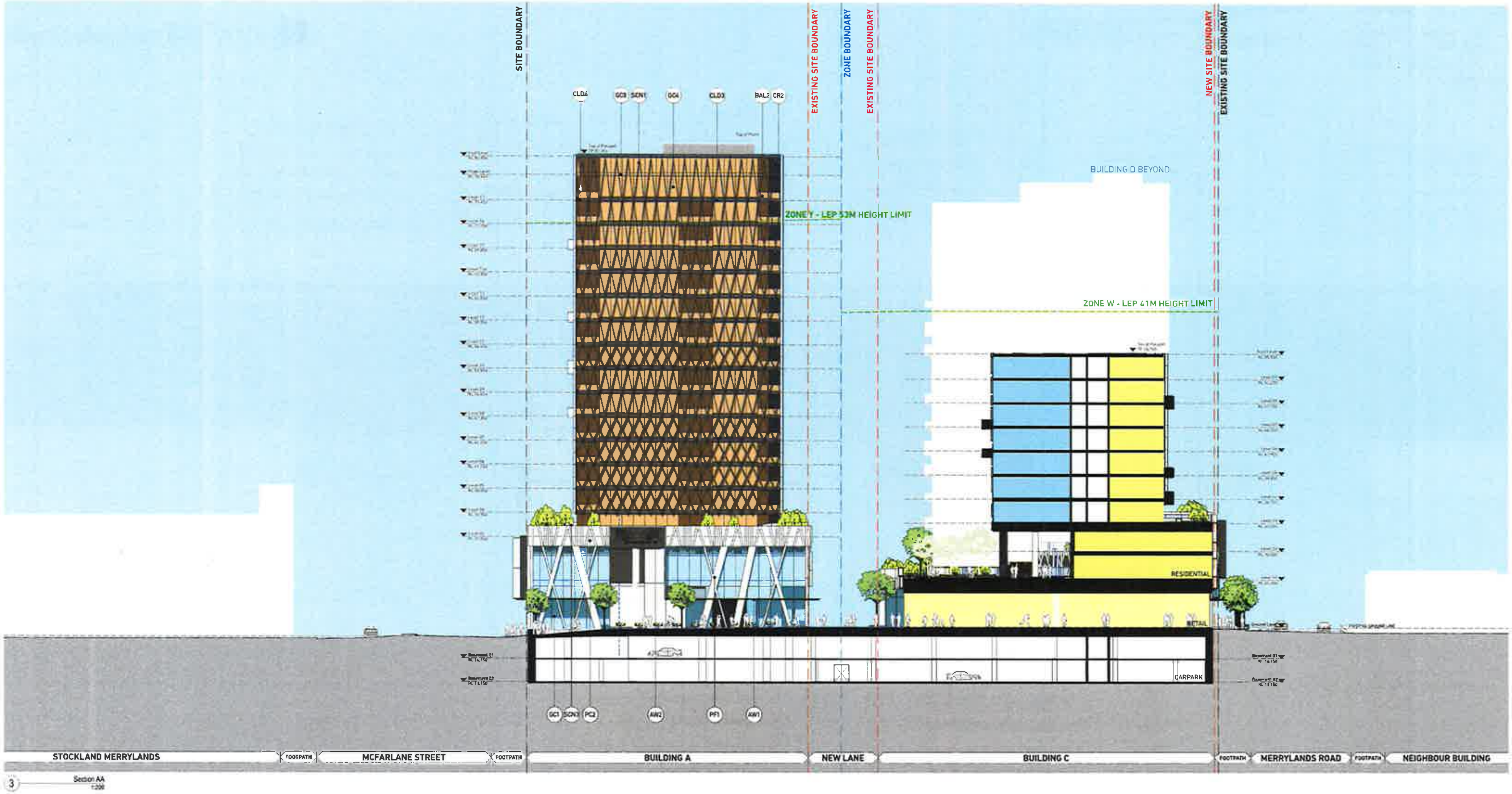
NOTES
1. Refer to survey drawing prepared by Lindsay Surveying
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report. Certificate Number 1088925494, Assessor Number 100182

Project Title
Merrylands Court, Stockland
22-240 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Elevation
Building C, D & E North Elevation

Scale 1:200 @ B1
Drawing No. 19038 AC-07-01-01
Revision 02
Development Application DA-219-007

TURNER



3 Section AA 1:200

Materials & Finishes

Client
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

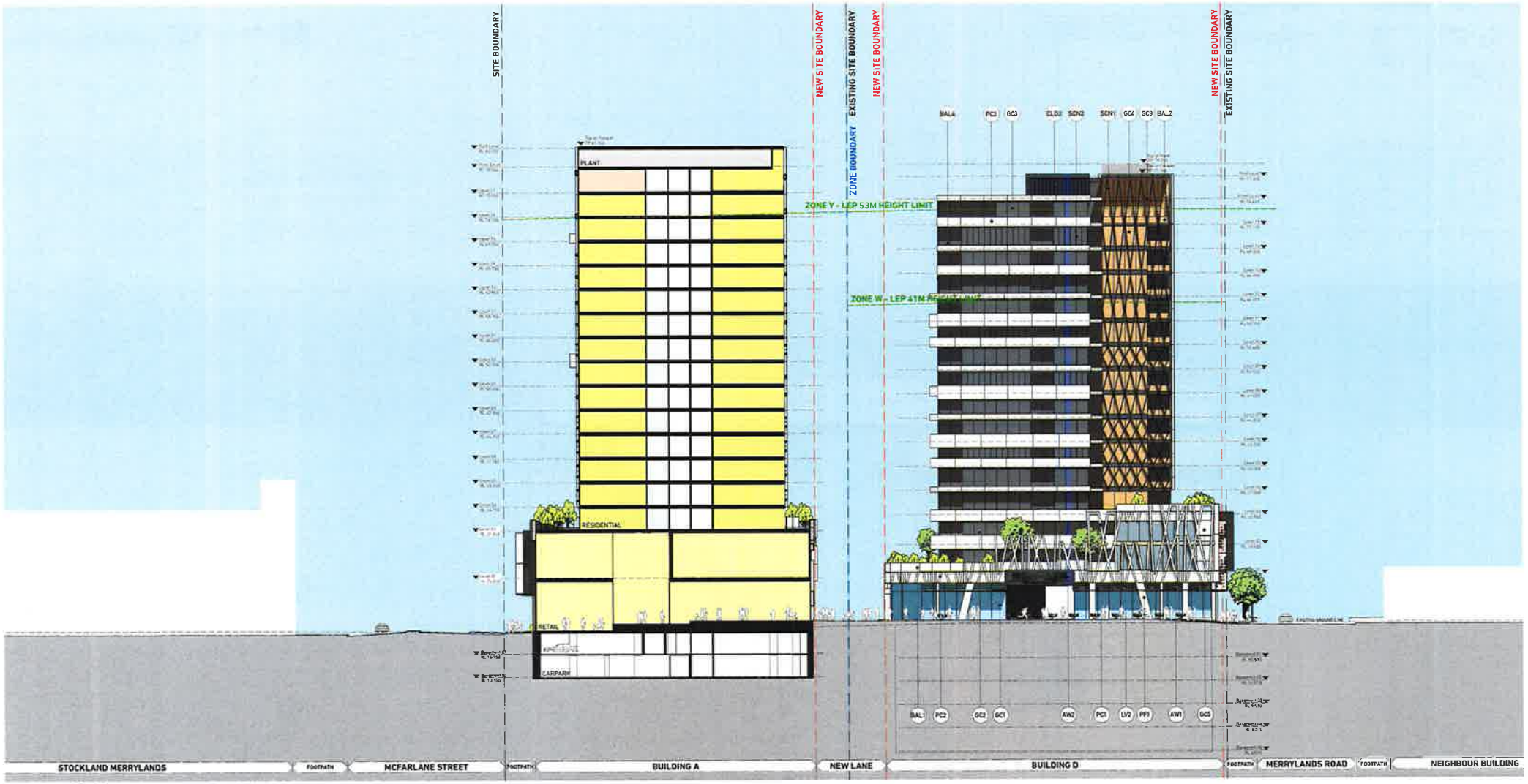
NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Corkus
5 Refer to BASIX Report, Certification Number 1000H (?)

Project Title
Merrylands Court Stockland
Merrylands Road, Merrylands NSW 2160 Australia

Drawing Title
GA Sections
Section AA - Eat Street & Building C

Scale 1:200 @ A1
Development Application
Project No. 15030
Drawing No. DA-310-001
Revision 02

TURNER



3 Section BB 1:200

KEY

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

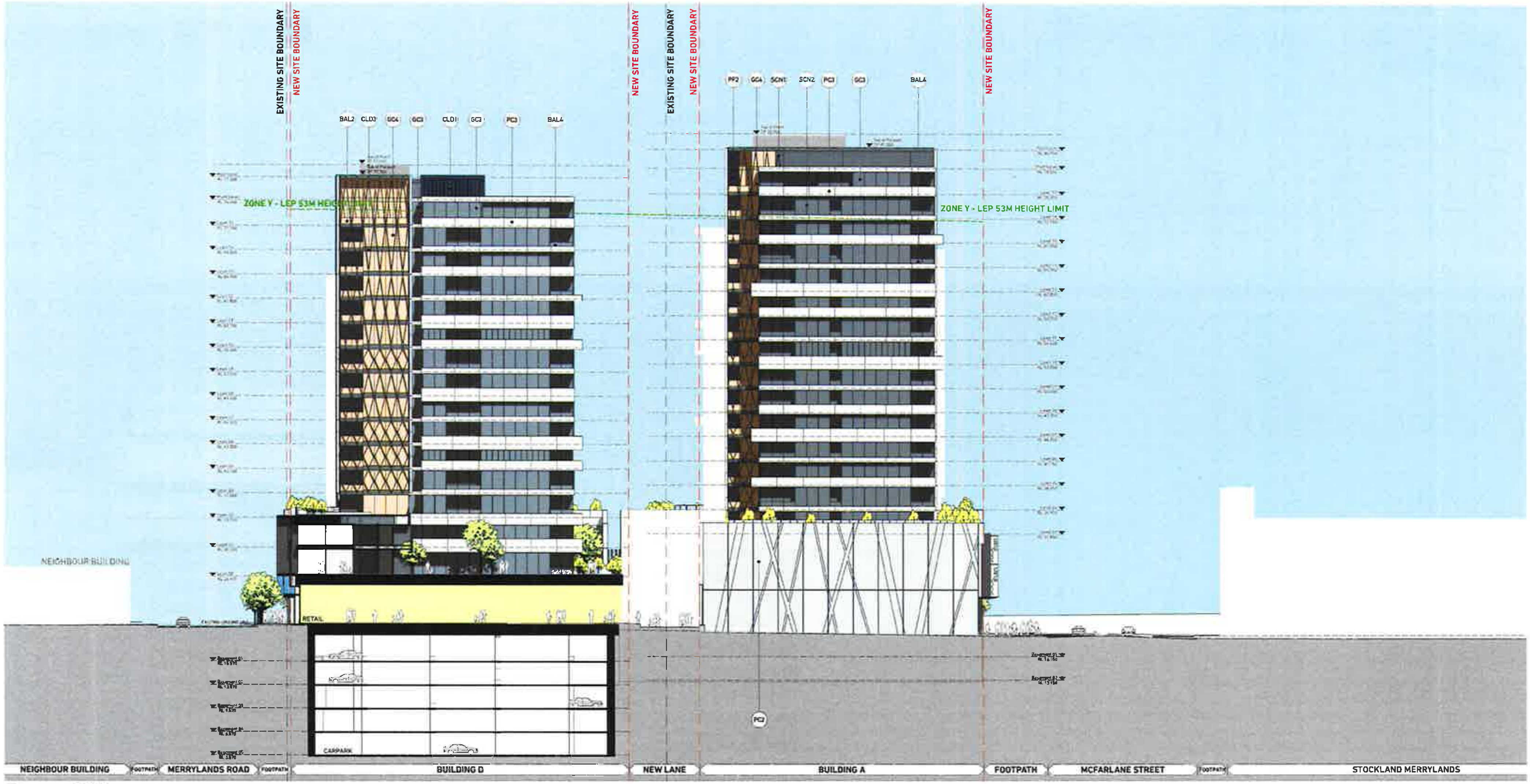
NOTES
1. Refer to survey drawing prepared by Ireal Surveyors
2. Refer to Site Investigation Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to BAL 19 Report, Ref: Project Number 150810SMA, Report Number 150810

Project
Merrylands Court Stockland
133-153 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Sections
Section BB - Building A & New Lane

Scale 1:200 @ A1
Drawing No. 15030 AC-AT-39-JJ
Status Development Application
Job No. DA-310-002
Revision 02

TURNER



3 Section CC 1:200

Materials & Finishes

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report

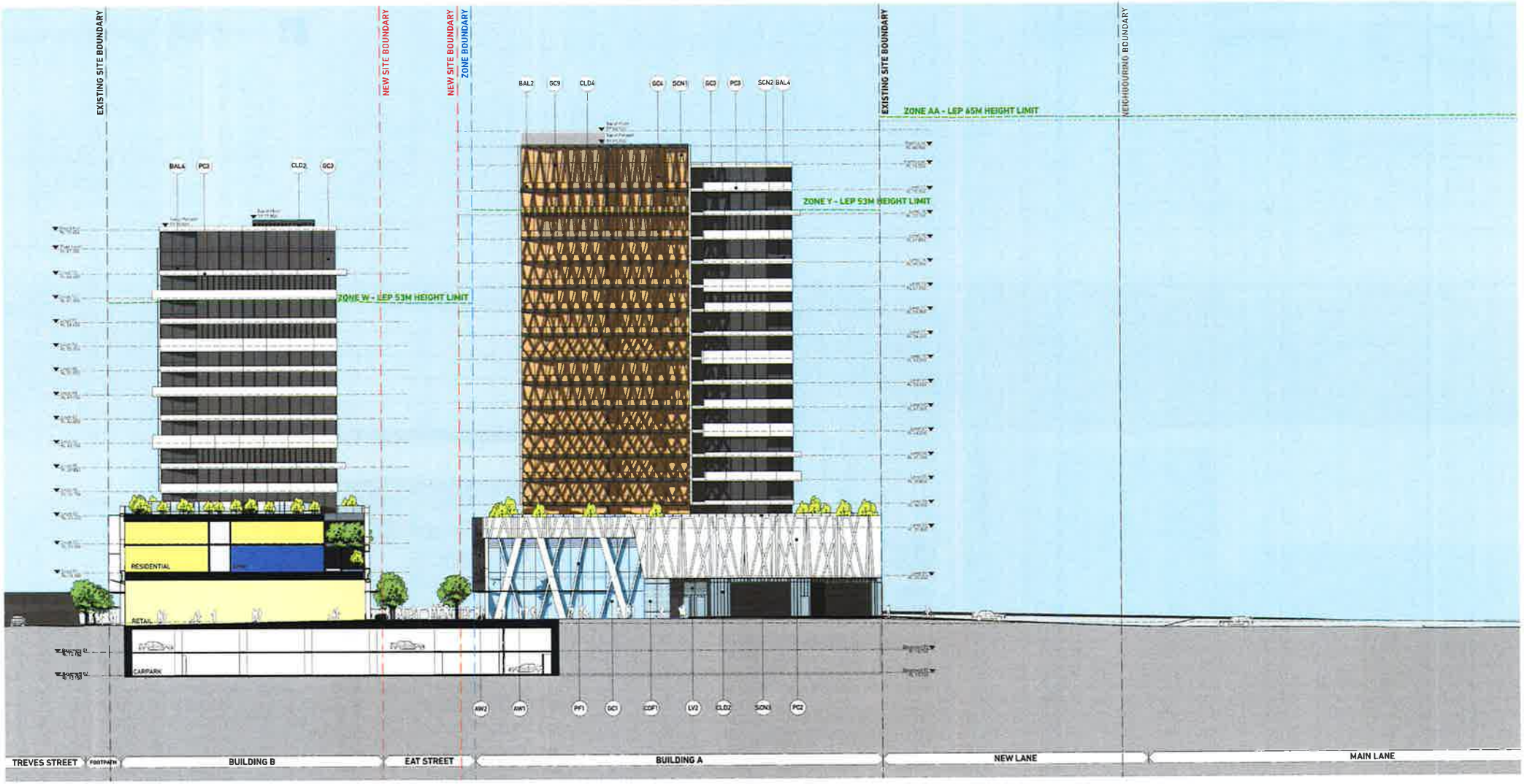
Client
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Project
Merrylands Court Stockland

Drawing title
GA Sections
Section CC - Through Building D

Development Application
15030
DA-310-003
02

TURNER



1 Section DD
1:200

Materials & Finishes (Refer to Façade Sheets for Further Information)

AW1	Awning Type 1 Semi-Transparent, Perforated Fabric Cover. Custom pattern comprising triangular semi-circular shading system and fabric aluminium colour and finish to match PF2	GL01	Balustrade Type 1 Semi-Transparent, Grey tint, glass balustrade fixed to precast spandrel system. Framing system powder coat finish colour to match PF2 / Semi-Private spandrel system and to comply with AS1288 & PTAR
AW2	Awning Type 2 Metal cladding system, coloured and perforated pattern colour and finish to match PF2	GL02	Balustrade Type 2 Semi-Transparent, Grey tint, glass balustrade fixed to precast spandrel system. Framing system powder coat finish colour to match PF2 / Semi-Private spandrel system and to comply with AS1288 & PTAR
BAL4	Balustrade Type 4 Semi-Transparent, full height Metal / powdercoated glass balustrade to match PF2. Framing system aluminium with colour and finish to match PF2	GL03	Balustrade Type 3 Metal cladding system with integrated louvers and steel finish to match PF2
BAL2	Balustrade Type 2 Semi-Transparent, full height, Bronze tinted glass balustrade. Framing system powder coat finish colour to match PF2	GL04	Balustrade Type 4 Semi-Transparent, full height, Bronze tinted glass balustrade. Framing system powder coat finish colour to match PF2
BAL1	Balustrade Type 1 Semi-Transparent, full height, Bronze tinted glass balustrade. Framing system powder coat finish colour to match PF2	GL05	Cladding Type 5 Perforated cladding system Colour and finish to match PF2
CLD1	Cladding Type 1 Metal cladding system with integrated louvers and steel finish to match PF2	GL06	Cladding Type 6 Metal cladding system with integrated louvers and steel finish to match PF2
CLD2	Cladding Type 2 Metal cladding system, coloured and perforated pattern colour and finish to match PF2	GL07	Balustrade Type 7 Semi-Transparent, full height Metal / powdercoated glass balustrade to match PF2. Framing system aluminium with colour and finish to match PF2
CLD3	Cladding Type 3 Metal cladding system colour and finish to match PF2	GL08	Balustrade Type 8 Semi-Transparent, full height Metal / powdercoated glass balustrade to match PF2. Framing system aluminium with colour and finish to match PF2
CLD4	Cladding Type 4 Aluminium capping and perforated cladding system Colour and finish to match PF2	GL09	Balustrade Type 9 Semi-Transparent, full height Metal / powdercoated glass balustrade to match PF2. Framing system aluminium with colour and finish to match PF2

NOTES
1. Refer to survey drawing prepared by Ernest Somerville
2. Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3. Refer to Traffic Report prepared by Arup
4. Refer to Landscape Concept Design prepared by Oculus
5. Refer to DP/SP 85 part Cnr Lot 1 in DP 1202155, Road Lot Number 1 in DP 1202155

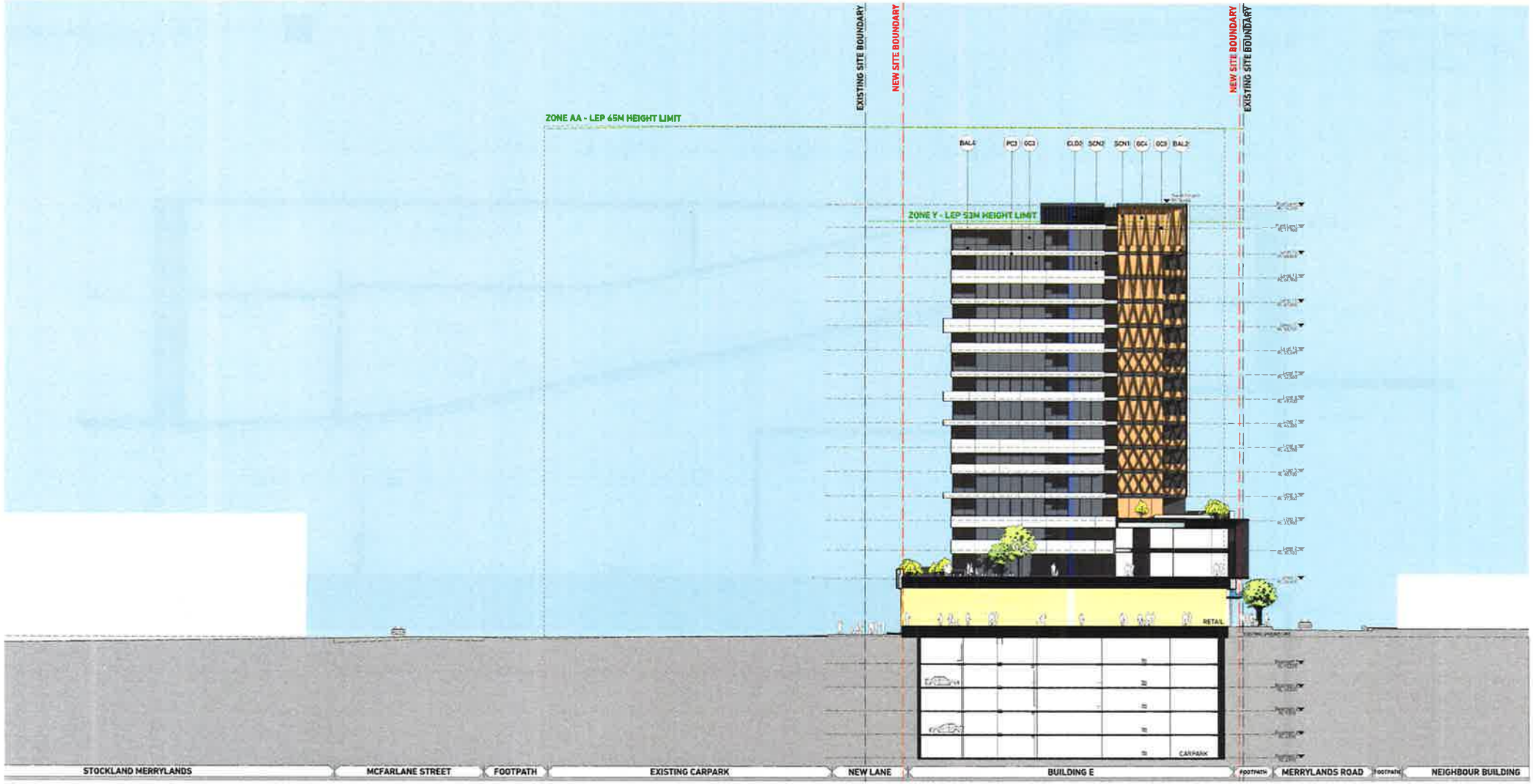
Merrylands Court Stockland
Lots 1 in DP 1202155, Road Lot Number 1 in DP 1202155, Merrylands NSW 2160, Australia

Drawing Title
GA Sections
Section DD - Through Building B & New Lane

Scale	@ A1	Project No.	15030
Status	Development Application	Dwg No.	DA-213-004
		Rev.	02

TURNER

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia



1 Section EE
1:200

Materials & Finishes Refer to Section Sheet for further information

AW1 Awning Type 1
Semi Frameless Decorative Glass clear / custom pattern integrated to finished glass w/ face Framing system and fascia aluminium colour and finish to match PCF 2

AW2 Awning Type 2
Metal cladding system Diagonal ve perforated pattern Colour and finish to match PCF 2

BAL1 Balustrade Type 1
Semi Frameless full height White translucent glass balustrade to match UCF Framing system aluminium colour and finish to match PCF1

BAL2 Balustrade Type 2
Semi Frameless full height Bronze tint body tint glass balustrade Framing system powder coat finish colour to match PL1

BAL3 Balustrade Type 3
Semi Frameless full height Bronze tint body tint glass balustrade Framing system powder coat finish colour to match PL1

BAL4 Balustrade Type 4
Semi Frameless Grey tint glass balustrade Fixed to precast spandrel system Framing system powder coat finish colour to match PCF2 (Note: Precast spandrel system varies in height 650 1250 & 1750)

CLD1 Cladding Type 1
Metal cladding system Interior applicator with integrated louvers and doors to suit building services Colour and finish to match Alpolic MR10 White (G20)

CLD2 Cladding Type 2
Metal cladding system (where applicable with integrated louvers, and doors to suit building services) Colour and finish to match Alpolic MM91 Charcoal (G30)

CLD3 Painting Type 1
Metal cladding System in colorbond Colour and Finish to match Alpolic MM91 Charcoal (G30)

CLD4 Cladding Type 4
Aluminium capping with prefinished coating system Colour and finish to match PCF 2

CLD5 Cladding Type 5
Prefinished cladding system Colour and finish to match PF2

CON1 Concrete Finish Type 1
Concrete natural finish with integrated signage Penetrating clear low sheen sealer

GC1 Glass Clear Type 1
Retail Glass clear with integrated doors and full un level frameless louvers Framing system aluminium Frame colour to match PCF1

GC2 Glass Clear Type 2
Residential Glass clear Framing system aluminium Frame colour to match PCF2

GC3 Glass Clear Type 3
Glass Fin rib Framing system aluminium Frame colour to match PCF 2 Where applicable Shadow box w/ behind with Back pans to shadow box prefinished metal cladding colour selection providing light and dark colour to glass

GC4 Glass Clear Type 4
Glass Bronze tint Framing system aluminium colour to match PCF2 Where applicable Shadow box to full height openings with Back pans to shadow box prefinished metal cladding

GC5 Glass Clear Type 5
Glass Bronze tint Framing system aluminium colour to match PCF2 Where applicable Shadow box to full height openings with Back pans to shadow box prefinished metal cladding

GC6 Glass Clear Type 6
Decorative Perforated Curved Glass clear Framing system aluminium colour to match PCF 2

GC7 Glass Clear Type 7
Glass Grey body tint with Shadow box integrated to slab edge Framing system aluminium Frame colour to match PCF2

GC8 Glass Clear Type 8
Decorative Glass clear custom pattern integrated to finished glass surface Framing system aluminium Frame colour to match PCF2

GC9 Glass Clear Type 9
Glass Bronze tinted with Shadow box integrated to slab edge Framing system aluminium Frame colour to match PCF2

GR1 Cement Render Type 1
Cement render Paint Finish Paint Finish to match PF1

LV1 Louvre Type 1
Fixed horizontal mechanical louvre system 150mm profile Aluminium powder coat finish Colour and finish to match PCF1

LV2 Louvre Type 2
Fixed horizontal mechanical louvre system 150mm profile Aluminium powder coat finish Colour and finish to match PCF2

LV3 Louvre Type 3
Fixed horizontal mechanical louvre system 150mm profile Aluminium powder coat finish colour and finish integral to window system

PC1 Precast Concrete Type 1
Light weight precast open decorative façade system With white translucent white glazing where shown to match GC1 Paint finish to match PF1

PC2 Precast Concrete Type 2
Cement render paint finish Paint Finish to match PF2

PC3 Precast Concrete Type 3
Precast façade system vertical joints Paint finish to match PF1 Note: Precast spandrel system varies in height 650 1250 & 1750 and is depth 200 & 150

PCF1 Powdercoat Finish Type 1
Powder coat Colour to match Interpon Pearl White Matt

PCF2 Powdercoat Finish Type 2
Powder coat Colour to match Interpon Monument Matt

PF1 Paint Finish Type 1
Paint finish Colour to match Dulux Vivid White

PF2 Paint Finish Type 2
Paint Finish Colour to match Dulux Domino

SCN1 Screen Type 1
Fixed Aluminium Vertical fins integrated onto cladding Panels in situ with Powder coat finish to match PCF2

SCN2 Screen Type 2
Fixed glass perimeter screening with slim full volume support elements to match PCF1

SG1 Signage Type 1
Integral building identification signage Size and extent as per elevation drawings

Note: Refer to 5960A associated for all proposed signage elements of planning and eventual Marketing)
Refer to landscape documentation for public domain signage and wayfinding strategy and facilities and more

NOTES
1. Refer to survey drawing prepared by Lifesize Surveying
2. Refer to Stormwater Concept Design prepared by Nixon & Groves Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5. Refer to BASIX Report Certification Number 1103A/SA4. Assessor Number 10592

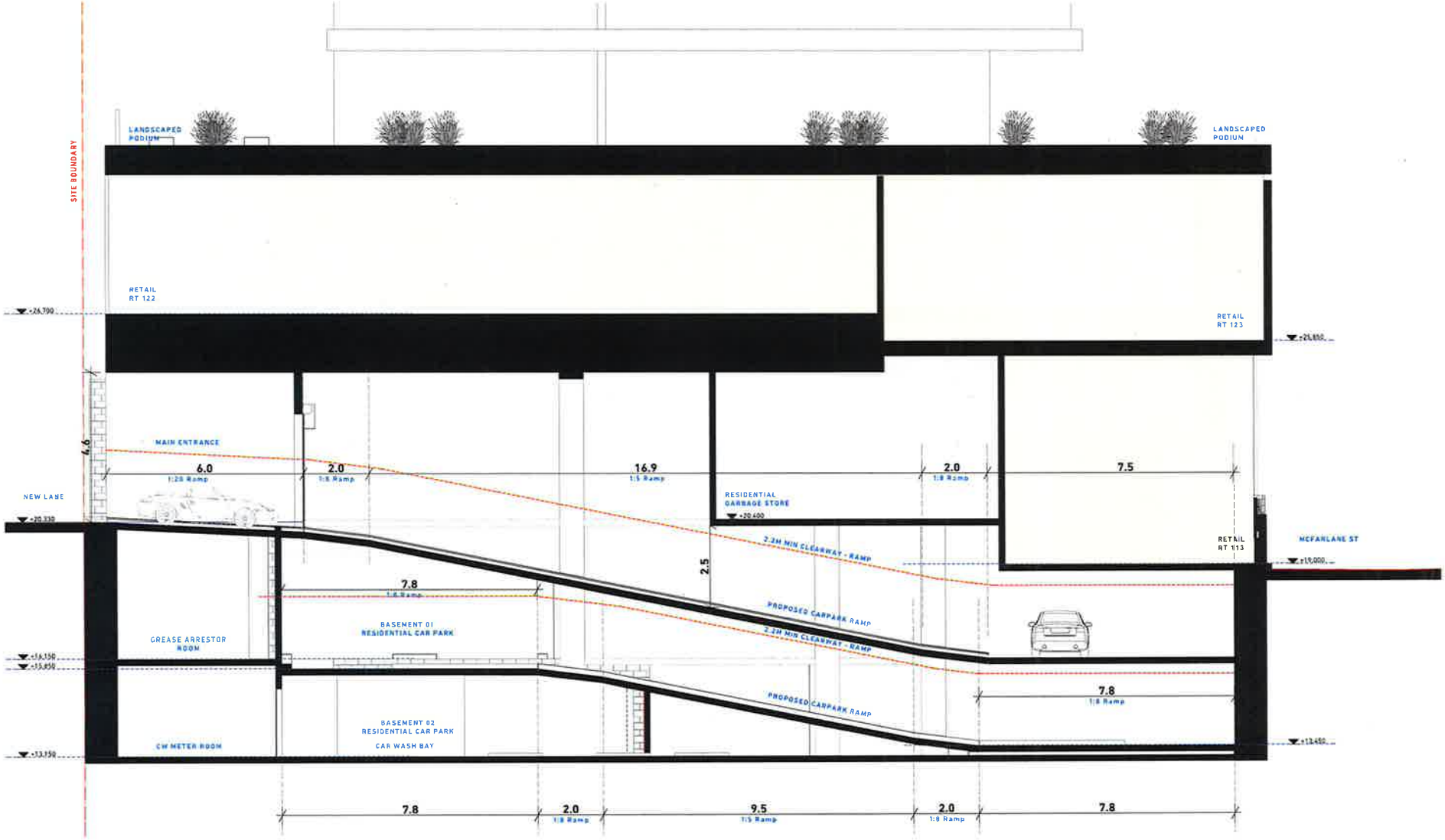
Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

Project No.
Merrylands Court Stockland
203and Merrylands Road, Merrylands NSW 2160 Australia

Drawing Title
GA Sections
Section EE - Through Building E

Scale	1:200 @ A1
Project No.	15032
Drawing No.	DA-310-005
Revision	02
Development Application	

TURNER



NOTES

Stockland
Level 25, 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wade & Grams Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report Certification Number 1084925M6 Assessor Number 10899

Project Title
Merrylands Court Blacktown
20-29 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Sections
Section FF - Through Carpark Ramps

Rev	Date	Approved by	Description
3	24.05.16	CD	Deferred DA Submission
2	18.03.16	CD	DA Issue

Scale: 1 : 200 @ A1
Project No: 15830
Drawing No: MCMCP-DA
Issue: 02
Status: Development Application
DA-210-010

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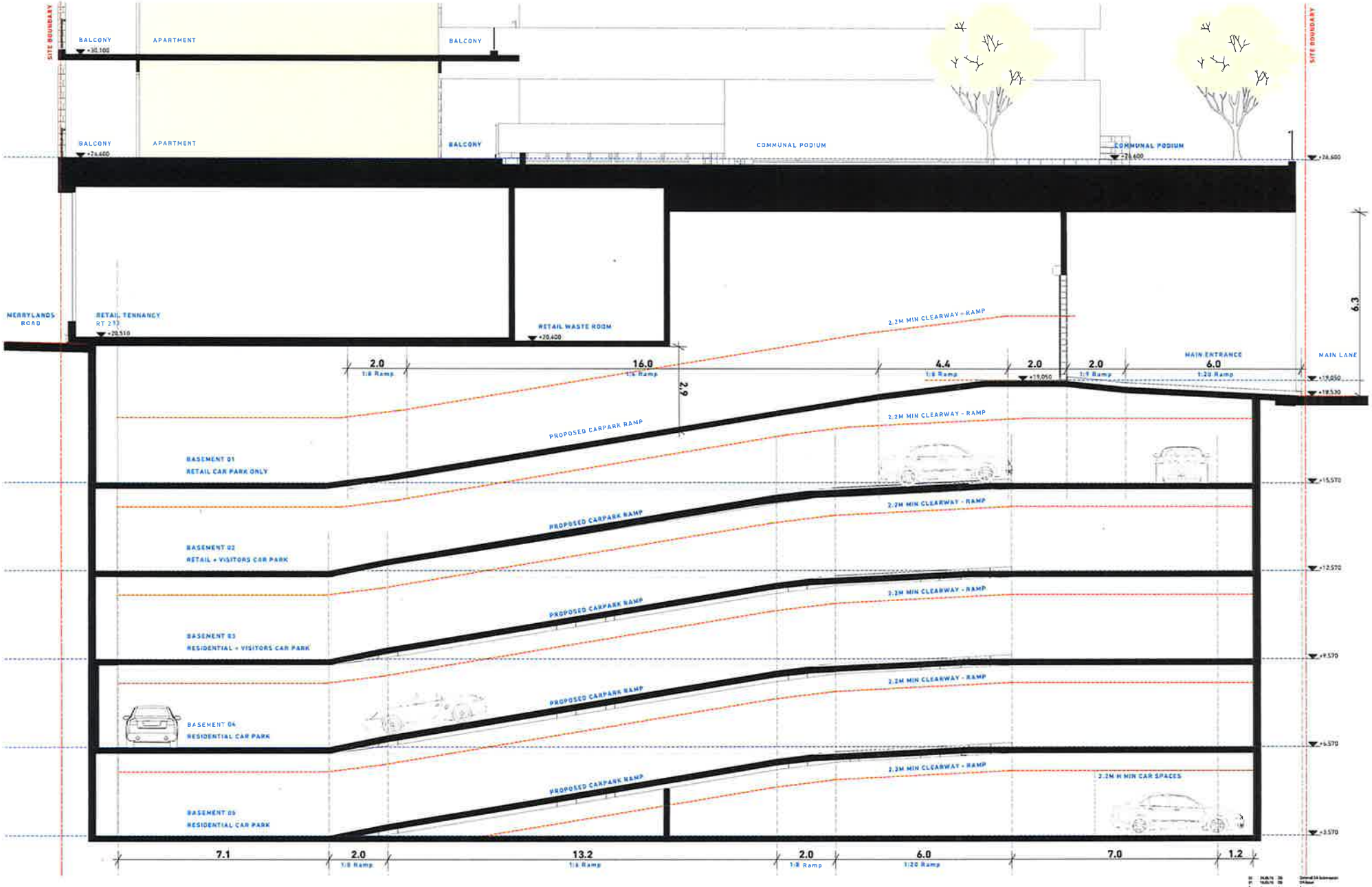

Stockland
Level 25 133 Castlereagh Street Sydney
NSW 2000 Australia

NOTES
1 Refer to survey drawing prepared by Linker Surveying
2 Refer to Stormwater Concept Design prepared by Wood & Grieve Engineers
3 Refer to Traffic Report prepared by Arup
4 Refer to Landscape Concept Design prepared by Oculus
5 Refer to BASIX Report Certification Number 1008435M, Assessor Number 13097

Project Title
Merrylands Court Stockland
110-130 Merrylands Road Merrylands NSW 2160 Australia

Drawing Title
GA Sections
Section GG - Through Carpark Ramps

Rev	Date	Amended By	Description
01	06.08.19	DB	General DA Submission
02	13.09.19	DB	Development Application

Scale: 1:50 @ A1
Project No.: 15030
Drawing No.: DA-319-011
Drawn by: AC,AI,BP,JJ
Rev: 02
Development Application

TURNER

Our Reference: 2016/127
Contact: Mr E Miletic
Phone: 02 9840 9827

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

DEFERRED COMMENCEMENT

TBA

Stockland Development
Level 25 133 Castlereagh Street
SYDNEY NSW 2000

Dear Sir/Madam

Pursuant to Section 81 of the Act, the Sydney West Central Planning Panel has [INSERT DECISION] to your Development Application described as follows:

PROPERTY:	**Lots 5 to 8, DP 736930; Lot 12, DP 1178575; Lots 9 and 10, DP 244047; Lots 22 and 25 to 29, Section A, DP 7916; Lot 10, DP 814298; and Lot 5, DP 17401**
STREET ADDRESS:	**233-259 Merrylands Road and 52-54 McFarlane Street Merrylands**
DEVELOPMENT CONSENT NO:	**2016/127/1**
DECISION:	INSERT DECISION
DATE FROM WHICH CONSENT OPERATES:	**TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE 'A'**
DATE OF EXPIRY OF CONSENT:	**TBA**
PROPOSED DEVELOPMENT:	**Demolition of existing structures; construction of 5 mixed use buildings ranging in height between 10 and 17 storeys over 2 separate basements ranging between 2 and 5 levels accommodating a total of 542 residential units; 7,876m2 of commercial floor; 731 carparking spaces; construction of a new road; and Torrens subdivision into 5 lots**

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland City 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.

PURSUANT TO SECTION 80(3) OF THE ACT, THIS CONSENT IS NOT TO OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN SATISFIED.

Consent to the demolitions of existing structures; construction of 5 mixed use buildings ranging in height between 10 and 17 storeys over 2 separate basements ranging between 2 and 5 levels accommodating a total of 562 residential units; 7,876m2 of commercial floor; 742 carparking spaces; construction of a new road; and Torrens subdivision into 5 lots shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Please note that this consent shall lapse if the approved development is not physically commenced by the "date of expiry of consent" shown on the front page of this document. It is therefore in your interest to attend to the following matters as soon as possible. When Council is satisfied that Schedule "A" has been complied with, a letter will be issued advising of the "date from which Consent operates".

Splay corners

1. The development shall make provisions for a 4 metre by 4 metre splay corner (curved or straight) within the site. The splay shall be provided for the new roads and where the new road intersections McFarlane Street and Merrylands Road and at the corner of Treves Street and McFarlane Street. In this regard, the applicant shall address the following:

    a. Ensure that no structures at grade or above (excluding the awning) encroach over the splay corners.
    b. The designer shall also ensure that the awning proposed is 600mm setback from the kerb return.

On Site Detention Design

2. A completed On Site Detention (OSD) design submission checklist is to be submitted to Council by the designer, as a full OSD design has not been provided for Buildings A – Parcel 2, Building B – Parcel 1 and Building C – Parcel 3.

3. A catchment plan for each OSD system shall be provided ensuring that the catchment for each system coincides with the OSD design summary calculations. OSD Bypass areas shall also be clearly shown.

4. A softcopy of the MUSIC model shall be provided to Council.

Basement Pump Out system

5. Pump out systems shall be provided for basement level carparks for seepage and/or runoff from access ramps and shall be in accordance with the criteria set out under Part A, 7.3 Stormwater Drainage – Technical, Development Controls of Holroyd Development Control Plan 2013. Full details shall be shown on the amended stormwater plans, addressing the following:

    a. Council requires the provision of basement stormwater storage in case of pumpout failure to accommodate the 1% AEP storm event - 12 hour duration storm event. Included in the storage shall be an above ground component which will act as a visual warning to the occupiers of the building. In this regard the basement storage shall consist of the following:

        i. A Below ground storage tank shall be provided and capable of storing the volume of stormwater run-off generated from the catchment area draining to the pump out

system in the 1% AEP (100 year ARI) - 90-minute storm event. The tank shall be clearly delineated on the stormwater drawings.

ii. An Above ground storage area shall be provided and capable of storing the difference in volume of stormwater run-off generated from the catchment area draining to the pump out system between the 1% AEP (100 year ARI) 90 minute and the 1% AEP (100 year ARI) 12 hour storm event. The above ground storage area shall be clearly delineated on the stormwater drawings.

b. Adequate finished surface levels shall be shown for the above ground storage area to ensure it will be constructed correctly.

c. The basement car parking area shall be graded to fall to the sump and pump system.

d. The storage room within basement shall be set a minimum of 100mm above the top of water level of the above ground storage within the basement.

e. The Location of a "pump failure warning sign" and flashing strobe light shall be indicated on the OSD Drawing, which shall be visible to vehicles entering the basement.

6. Four (4) copies of plans and calculations for the design shall be submitted to Council, together with the payment of a **$675.70** checking fee. Inadequately prepared drawings and calculations will incur an additional checking fee of **$225**.

Sydney Water

7. The proponent shall make suitable arrangements with Cumberland Council and Sydney Water for the adjustment and deviation of the existing Sydney Water stormwater assets to ensure no buildings are proposed over or within 1 metre of the stormwater asset footprint. In this regard, see Sydney Water 'Building Over and Adjustment Guidelines' for further detail.

8. All adjustment and deviation works are to be undertaken at no cost to Sydney Water. For further details of Sydney Water stormwater requirements please contact Jeya Jeyadevan of Land and Waterways on 8849 6118 or email jeya.jeyadevan@sydneywater.com.au.

* * * * * * * * * * * * * * * *

SCHEDULE "B"

This consent cannot operate until such time as the Council is satisfied that the deferred commencement conditions in the Schedule A have been complied with and has notified the applicant in writing of the date from which this consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 3 years from the date on which this consent operates. Any person entitled to act on the consent may apply to Council at least 30 days before this three year period expires, for an extension of one year (in accordance with Section 95A of the Environmental Planning & Assessment Act 1979), provided that good cause is shown. **Note: Failure to lodge an application for extension of consent will mean the consent lapses and a fresh application will be required that will be assessed in accordance with current controls.**

2. Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:

Doc No.	Rev	Title	Prepared By	Date
Architectural Plans, Project No. 15030				
DA-000-001	02	Cover Sheet	Turner Architects	24.08.16
DA-100-110	02	Site Plan/ Demolition	Turner Architects	24.08.16
DA-110-003	02	Basement 05	Turner Architects	24.08.16
DA-110-004	02	Basement 04	Turner Architects	24.08.16
DA-110-005	02	Basement 03	Turner Architects	24.08.16
DA-110-006	02	Basement 02	Turner Architects	24.08.16
DA-110-007	02	Basement 01	Turner Architects	24.08.16
DA-110-008	02	Ground Level	Turner Architects	24.08.16
DA-110-010	02	Level 1	Turner Architects	24.08.16
DA-110-020	02	Level 2	Turner Architects	24.08.16
DA-110-030	02	Level 3	Turner Architects	24.08.16
DA-110-040	02	Levels 4 - 9	Turner Architects	24.08.16
DA-110-100	02	Level 10	Turner Architects	24.08.16
DA-110-110	02	Level 11	Turner Architects	24.08.16
DA-110-120	02	Level 12	Turner Architects	24.08.16
DA-110-130	02	Level 13	Turner Architects	24.08.16
DA-110-140	02	Level 14	Turner Architects	24.08.16
DA-110-150	02	Level 15	Turner Architects	24.08.16
DA-110-160	02	Level 16	Turner Architects	24.08.16
DA-110-170	02	Level 17	Turner Architects	24.08.16
DA-110-180	02	Roof Plan	Turner Architects	24.08.16
DA-200-001	02	Streetscape Elevation McFarlane Street	Turner Architects	24.08.16
DA-200-002	02	Streetscape Elevation Treves Street	Turner Architects	24.08.16
DA-200-003	02	Streetscape Elevation Merrylands Road	Turner Architects	24.08.16
DA-210-001	02	North Elevation	Turner Architects	24.08.16
DA-210-002	02	East Elevation	Turner Architects	24.08.16
DA-210-003	02	South Elevation	Turner Architects	24.08.16
DA-210-004	02	West Elevation	Turner Architects	24.08.16
DA-210-005	02	Building B & C East Elevation	Turner Architects	24.08.16
DA-210-006	02	Building A & B South Elevation	Turner Architects	24.08.16
DA-210-007	02	Building C, D & E North Elevation	Turner Architects	24.08.16
DA-310-001	02	Section AA	Turner Architects	24.08.16

DA-310-002	02	Section BB	Turner Architects	24.08.16
DA-310-003	02	Section CC	Turner Architects	24.08.16
DA-310-004	02	Section DD	Turner Architects	24.08.16
DA-310-005	02	Section EE	Turner Architects	24.08.16
DA-310-010	02	Section FF	Turner Architects	24.08.16
DA-310-011	02	Section GG	Turner Architects	24.08.16
DA-710-120	02	Staging Plan Phase 01	Turner Architects	24.08.16
DA-710-121	02	Staging Plan Phase 01	Turner Architects	24.08.16
DA-710-122	02	Staging Plan Phase 01	Turner Architects	24.08.16
DA-740-001	03	Typical Adaptable Apartment Typologies	Turner Architects	24.08.16
DA-740-010	03	Apartment Typologies 01	Turner Architects	24.08.16
DA-740-011	03	Apartment Typologies 02	Turner Architects	24.08.16
DA-740-012	03	Apartment Typologies 03	Turner Architects	24.08.16
DA-740-013	03	Apartment Typologies 04	Turner Architects	24.08.16
DA-740-014	03	Apartment Typologies 05	Turner Architects	24.08.16
DA-810-001	02	Schedule of External Materials & Finishes	Turner Architects	24.08.16
Civil Works Plans, Job No. 29068-SYD-				
C-001	A	Cover Sheet and Locality Plan	Wood & Grieve Engineers	24.08.16
C-101	C	Civil Design Plan – Ground Floor	Wood & Grieve Engineers	24.08.16
C-102	C	Civil Design Plan - Basement	Wood & Grieve Engineers	24.08.16
C-106	C	On-Site Detention Tank Plans, Sections and Details	Wood & Grieve Engineers	24.08.16
C-111	C	Sediment & Erosion Control Plan	Wood & Grieve Engineers	24.08.16
C-112	C	Sediment & Erosion Control Details	Wood & Grieve Engineers	24.08.16
Landscape Plans, Job No. S15-054				
DA_L-000	1	Landscape Cover Sheet	Oculus	11.3.16
DA_L-010	3	Ground and Level 1 Landscape Programming Diagrams	Oculus	11.3.16
DA_L-011	3	Level 3 and Level 10 Landscape Programming Diagrams	Oculus	11.3.16
DA_L-100	3	Landscape Concept Design Ground Floor Plan	Oculus	11.3.16
DA_L-101	1	Landscape Concept Design Ground Floor Sections	Oculus	11.3.16
DA_L-102	3	Landscape Concept Design Level 1 Plan	Oculus	17.3.16
DA_L-103	2	Landscape Concept Design Level 1 Sections	Oculus	17.3.16
DA_L-104	2	Landscape Concept Design Level 1 Sections	Oculus	17.3.16
DA_L-105	3	Landscape Concept Design Level 3 Plan	Oculus	17.3.16
DA_L-106	2	Landscape Concept Design Level 10 Plan	Oculus	17.3.16
DA_L-107	2	Landscape Concept Design Level 10 Sections	Oculus	17.3.16
DA_L-200	1	Landscape Concept Design Tree Species Selection	Oculus	17.3.16
DA_L-201	1	Landscape Concept Design Plant Species Selection	Oculus	17.3.16
DA_L-202	1	Landscape Concept Design Plant Species Selection	Oculus	17.3.16
DA_L-203	1	Landscape Concept Design Design Materials Selection	Oculus	17.3.16

- Landscape Design Statement prepared by Oculus, dated 22 July 2016;
- Remediation Action Plan prepared by DLA Environmental Services, Report No. DL3692_S005763, Revision 4.1, dated 17 November 2016;
- Hazardous Materials Survey and Register prepared by DLA Environmental Services, Report No. DL3821_S004449, Version 1.0, dated 20 April 2016;
- Acoustic Report prepared by Acoustic Logic, Reference No. 20160168.1, Revision 0, dated 11 February 2016;

- Arboricultural Impact Assessment prepared by Birds Tree Consultancy, dated 17 February 2016;
- Traffic and Transport Assessment Report prepared by Arup, Reference No. 246308, Revision A, dated 3 August 2016;
- Stormwater Management Report prepared by Wood & Grieve Engineers, Reference No. 29068-SYD-C-R-SMP, Revision C, dated 17 March 2016;
- Flood Statement prepared by Greenarrow, Reference No. 215-1439, dated 14 March 2016;
- Natural Ventilation Statement prepared by Windtech, Reference No. 215-1439, dated 14 March 2016;
- Lift Evaluation prepared by Floth Sustainable Building Consultancts, dated 22 July 2016;
- Access Review prepared by Morris-Goding Accessibility Consulting, Project No. 15030, dated 25 August 2016;
- Qualitative Wind Impact Assessment prepared by SLR, Report No. 610.15975-R1, Revision 0, dated 15 March 2016;
- Waste Management Plan prepared by Elephants Foot, Revision B, dated 27 July 2016;
- Basix Certificate No. 712485M_02, dated 25 August 2016;
- Correspondence prepared by Roads and Maritime Services (RMS), Reference No SYD16/00679/02, dated 15 November 2016 (copy attached), and all conditions contained therein.
- Correspondence prepared by Sydney Water, dated 20 June 2016 (copy attached), and all conditions contained therein;
- Correspondence prepared by Department of Primary Industries Office of Water, Ref. No. 10ERM2016/0383, dated 14 June 2016 (copy attached), and all conditions contained therein;
- Correspondence prepared by Endeavour Energy, dated 27 October 2016 (copy attached), and all conditions contained therein; and
- Correspondence prepared by NSW Police Holroyd Local Area Command, Reference No. D/2016/244137, dated 1 June 2016 (copy attached), 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. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. 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 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 Holroyd City 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 Holroyd City 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 Holroyd City 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 OEH 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 2013, Part A, Section 11. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and

iii) Until 31 December 2012, air monitoring may be carried out by a licensed asbestos assessor, or a person competent to carry out atmospheric monitoring at the workplace, as provided by clause 261 of the *Occupational Health and Safety Regulation 2001* (OHS Regulation).

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 **$445.60** 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.

General

11. No approval is granted or implied for the use of the business portion of the development. Separate Consent is required PRIOR to occupation.

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.

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/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. 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

13. 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

14. 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 562 units made up of, 192 x 1 bedroom units, 354 x 2 bedroom units and 16 x 3 bedroom units, 7,876m² of GFA and 43 car parking spaces, is to be paid to Council. At the time of this development consent, the current rate of the contribution is **$9,115,756**. 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.holroyd.nsw.gov.au or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

15. Pursuant to Holroyd Section 94 Development Contributions Plan 2013 ('CP'), the applicant shall dedicate to Council free of cost proposed Lot 5 shown on the Plan of Proposed Subdivision, Ref No. 42879PS, dated 29/2/16, having a total area of approximately 343sqm. The value of this land has been applied as an offset against the monetary contributions totalling $10,318,170 that would otherwise be authorised under the CP at the date of this consent. The value of this land is the value of the land shown in the CP – $1,202,413. Such land shall be dedicated prior to the issue of any Construction Certificate. All necessary title documents and surveys shall be prepared by the applicant at no cost to Council.

Damage Deposit

16. A cash bond/bank guarantee of **$5,701.10** 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, 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 Fees and Bonds

18. Payment of a **$440** 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.

19. If Council is engaged to provide a construction certificate, a fee of **$880** is to be paid for the assessment of the required fully documented landscape plans for the areas remaining in private ownership.

20. The following bond/s shall be lodged with Council prior to works commencing against the retention, protection during demolition/construction and adaptation to the altered environment, of the following tree/s identified on the endorsed plans:

Tree No & Species		Bond
7	Plane Tree	$5,000
17	Plane Tree	$5,000
18	Plane Tree	$5,000
25	Plane Tree	$5,000

The bond/s will be retained for a minimum period of twelve (12) months from the date of issue of a Final Occupation Certificate after which a further inspection will be undertaken by the PCA to ensure the satisfactory adaptation of the tree/s to its/their altered environment.

The bond/s will be retained pending final inspection being obtained from Council in relation to the trees and the demolition/construction works.

If Council is not the PCA, a report on the health and condition of the tree/s, from the Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted, is to be submitted to Council at the completion of works and expiry of the bond period prior to the release of bond/s. If the report indicates that the tree/s require remedial works, which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved, before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.

If the trees are not retained, protected or managed to Council's or the PCA's satisfaction, bond monies will be forfeited at the following rates unless remedial works are implemented:-

(a) An initial breach of any tree protection condition – 20% of total bond for particular tree/s.

(b) A second or the continuing breach of any tree protection condition - 40% of total bond for particular tree/s.

(c) If after 40% of the bond is retained, further breaches of the tree protection conditions occur, Council may instigate legal proceedings for the cessation of all works on the site.

(d) Death of any protected tree/s due to non-compliance with tree protection conditions – 100% of total bond for particular tree/s and possible legal action by Council.

Note: Retention of bonds for twelve (12) months provides for the tree/s to adapt to its/their altered situation over a full cycle of seasons.

Engineering Fees and Bonds

21. Payment of a **$1,351.60** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.

22. Payment of a **$4,087.60** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.

23. Payment of a **$4,087.60** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.

24. Payment of a **$460.80** fee for the inspection by Council of the stormwater drainage, Onsite Stormwater Detention System, Compensatory Flood Storage, Overland Flowpath and Pollution Control Devices at the key stages, where Council is the Principal Certifying Authority.

25. The applicant shall lodge with Council a **$6,000** 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.

26. The applicant shall lodge with Council a **$33,000** 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.

27. The applicant shall lodge with Council a **$43,000** 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.

28. The applicant shall lodge with Council a **$6,000** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System, Compensatory Flood Storage, Overland Flowpath and Pollution Control Devices. 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.

29. The applicant shall lodge with Council a **$9,000** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all frontages of 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.

Structures near Easements

30. 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, which ever 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.

Required Submissions to Certifying Authority

31. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any Sydney Water wastewater and water mains, stormwater drains and/or easement.

    A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

    Please refer to the website www.sydneywater.com.au.

32. 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.

33. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

34. 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.

35. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

36. Details showing compliance of the development with the Disability Access to Premises – Building Standards 2010 shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

37. Storage areas for each unit shall be provided at the following rates:-

    - 1 bedroom units - 6m^3
    - 2 bedroom units - 8m^3

- 3 bedroom units - 10m³

A minimum of 50% of the storage area shall be provided within the unit.

Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

38. 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. Light spillage shall comply with AS 4282-1997.

39. Details of all proposed awnings shall be shown on plan and in elevation/section and shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Awnings shall be 2.5m deep along Merrylands Road and 3m deep along other frontage and designed in accordance with Part C of the Holroyd Development Control Plan 2013.

40. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

41. The portion of the eastern elevation of Building E that is set back 8.6m from the eastern boundary shall be designed as a blank wall with no openings and screened with the approved façade screening material. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

42. Details of the 368 bicycles spaces required within the basement shall be shown on the plans accompanying the Construction Certificate.

43. 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. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

44. Prior to the issue of a construction certificate, fully documented landscape plans are to be prepared for all relevant areas of the site to remain in private ownership by a qualified Land Architect/Designer (LA/LD). The plans are to accord with the approved landscape plans and satisfy any relevant conditions of this consent. Certification from the LA/LD that the plans comply with this Development Consent is to be submitted to the Principal Certifying Authority with the plans.

Design and Construction Specifications

45. All engineering works shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:

- Council's Specification for Subdivisions and Developments;
- Council's Development Control Plan;
- AUSTROADS – Guide to Traffic Engineering Practice
- Australian Standard AS1742.13 - Manual of Uniform Traffic Control Devices, Part 13 – Local Area Traffic Management

- RMS Technical Directions
- For any works proposed or required within the existing public roads, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of the road authority (Council or RMS). In this regard the authority which is accountable for the particular area of the road reserve shall be as per the Roads Act. The design and construction of the above works shall be to the total satisfaction of the relevant road authority.

Main Lane Extension - Temporary Access Road

46. The applicant shall construct a temporary access road linking Main Lane, McFarlane Street and Merrylands Road to provide access to the site. The final design shall coincide with Council's Road and Drainage Design for the Merrylands CBD Precinct.

47. Engineering plans shall be lodged in quadruplicate for the proposed temporary access road to the site from the Main Lane extension. If the access is temporary it shall be designed to minimise the works required to convert the 'temporary road' for the future New Road. The applicant shall submit satisfactory engineering drawings and details for the road and drainage, including section details of the road at minimum 20m intervals, long-sections of the road, a typical section detail.

48. All works to be provided, as listed below, shall be shown on the submitted drawings prior to the issue of a Construction Certificate for the development and works commencing.

- A 9 metre laneway connecting Main Lane, McFarlane Street and Merrylands Road shall be provided in accordance with Part M of the Council's Development Control Plan 2013.
- The cross sections and long sections for the temporary access road shall comply with Australian Standards, RMS guides and Council's specifications.
- Road pavements shall be designed by a Professional Civil Engineer with NPER3 accreditation based upon soil tests performed by a registered N.A.T.A Soils Laboratory. The pavement and designs plus traffic loadings and associated Geotechnical report for the proposed temporary roadway detailing the strength of the existing sub-grade.
- Vehicular Crossings shall be provided in accordance with Councils Vehicular Crossing Policy and coincide with the future finished levels of the new road.
- All kerb returns shall be shown with 150mm kerb and gutter starting at the tangent point of the road.
- Traffic sign posting and line markings shall be provided for the new roadway. In this regard, the sign posting and line marking shall be in accordance with RMS Guidelines and accepted by Council's Traffic Engineer. Plans shall be submitted to Council for assessment.
- All pavement line marking proposed on the new roads shall be thermoplastic

Note: The applicant shall liaise with Council's Engineer to ensure that the temporary access road coincides with Council's final design of the laneway so as to minimise remedial works.

Vehicular Crossings

49. Details shall be provided showing a full width heavy duty vehicular crossing opposite each Loading Dock entrance to the site, with a maximum width of 10 metres and a minimum width of 8 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

50. Details shall be provided showing a full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 8 metres and a minimum width of 6 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

Street Lighting

51. All proposed awnings (over footpath areas) shall be located clear of the existing street lighting in accordance with Endeavour Energy's requirements.

52. High standard lighting of the temporary access shall be designed by a suitably qualified person. Design plans for lighting shall be forwarded to Council for approval, after approval has been obtained from the responsible utility authority for lighting and shall be in accordance with AS 1158. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all lighting fixtures being proposed and underground power reticulation shall be allowed for in the design. The following shall also be provided:

- Lighting design category shall be provided by Council.
- Light poles and lanterns shall be plain hot dipped galvanised steel and to Endeavour Energy Rate (2) two type or equivalent.

Stormwater Management

53. Full details of the hydraulic evaluation of the entire stormwater drainage system shall be prepared by a practising Civil Engineer with NPER3 accreditation. Plans shall include details for the design and construction of a stormwater drainage system for the collection and disposal of all roof and surface water drainage from the site.

54. All of the design drainage modelling and the design plans shall be provided to Council in electronic format.

55. All design and construction shall be done in accordance with the latest addition of Australian Rainfall and Runoff, and the NSW Floodplain Management Manual (April 2005) except if specified otherwise in the following conditions and/or Councils' Specification for Subdivisions and Developments, including the Standard Plans therein. The design of the conduit bedding and class shall also be based on the construction loading received during construction of the development.

56. As per Clause 1.6.4, Note 3, of Councils' Specification for Subdivisions and Developments, all stormwater conduits shall have the size, class, manufacturers name, and date of manufacture, indelibly marked on the obvert of each conduit length.

57. As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking', shall be complied with. Satisfactory testing shall be carried out at subgrade level, prior to proceeding with the next layer.

58. The material and installation of the proposed drainage structures including pits, pipes, channels and culverts shall be resistant to the effects of salinity.

59. No headwalls shall discharge stormwater into lots created by this development, i.e. all drainage through the proposed lots shall be piped. Headwalls and discharges are permitted into proposed/future public open space and future roads.

60. Maintenance schedules for the Gross Pollutant Traps shall be submitted to Council.

61. The proposed stormwater pipelines draining the public property (proposed and existing) shall be designed at a minimum grade of 1% and shall be designed to convey a minimum 20% AEP storm event. In this regard, the hydraulic grade line for the 20% AEP and 1% AEP storm events shall be included on the long-section of the proposed drainage system. All conduits draining public property shall be RCP (flush joints with sand band joints), FRC pipes or precast reinforced concrete box culverts; for slopes equal to or greater than 10%, the pipes shall be RRJ.

62. Full detailed designs and calculations for the proposed road drainage system shall be submitted to Council which include all pipe sizes and grades, pit sizes and locations including their surface and invert levels, long section of the proposed drainage system and the location of overland flow paths which shall be designed to convey the 1% AEP storm event. The street drainage system shall be designed using a computer-modelling program, eg. Ilsax, and shall be to the satisfaction of Council's Engineer.

63. The culvert relocation works within the site shall be to the satisfaction of Sydney Water.

Note: The applicant shall liaise with Council's Engineer to ensure that the public drainage system coincides with Council's final design of the laneway and drainage design.

64. All high hazard stormwater flows up to the 1% AEP storm, as defined by the NSW Floodplain Management Manual (April 2005) shall be eliminated.

Public Domain Works

65. Detailed designs and specifications shall be prepared by a qualified Landscape Architect and Civil Designer and submitted to the Council prior to any civil and landscape works being undertaken on the road reserve. The Public Domain works proposed along the site fronting Treves Street, McFarlane Street and Merrylands Road will consist of the following:

- Kerb and gutter upgrades and realignment, including landscaped blisters
- Bluestone pavers for footpaths;
- Landscaping and street trees, including tree guards and protectors;
- Seats and benches, including bus shelters;
- Rubbish bins;
- Tactile Ground Surface Indicators, DDA;
- Traffic and Parking signage

The above works shall generally be in accordance with Council's Merrylands Public Domain Strategy and design palette. The applicant shall liaise with Council's Engineer and Landscape Architect to ensure that the Public Domain works coincides with Council's final design.

Public Utilities

66. A detailed engineering plan with all public utilities layout shall be submitted to Council to ensure that street lights, electrical pillars, sewer manholes, street trees, vehicular crossings and footpaths do not conflict.

67. Alterations to existing services and/or installation and commissioning of new public utility services eg Water, Telephone, Gas, Electricity etc. and conduits for same shall be provided in accordance with the requirements of each utility authority at the applicant's expense. Reticulation of services shall be within the footpath area.

Engineering Fees

68. If it is the applicant's intention to engage Cumberland Council to undertake the checking of the engineering design plans and issue the Engineering Construction Certificate, it will be necessary to lodge all detailed engineering drawings and specifications in order that a quote for service may be provided.

    Note: - A quotation will be provided within 5 days based upon Council's fees schedule.

69. If it is the applicant's intention to engage Cumberland Council to undertake Construction inspections and the issue of the Engineering Compliance Certificate, it will be necessary to contact Council's Development Engineer in order that a quote for service may be provided.

    Note: - A quotation will be provided within 48 hours based upon Council's fees schedule.

On-site stormwater detention

70. 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 2016-286 and Council's On-site Stormwater Detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:

    - Pump out systems shall be provided for basement level carparks for seepage/subsoil and runoff from access ramps and shall be in accordance with the criteria set out under 7.3 clause C12 in Part A of Council's Development Control Plan. Full details shall be shown on the amended stormwater plans.
    - The roof gutter and downpipe system shall be design to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.

Water Sensitive Urban Design (WSUD)

71. The development site has been identified as requiring WSUD which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed:

- Demonstrate compliance with WSUD as stipulated in Stormwater Management Report prepared by Wood Grieve Engineers dated 18 March 2016.

Flooding

72. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed:

- Demonstrate compliance with the Flooding Advice as stipulated in Stormwater Management Report prepared by Wood Grieve Engineers dated 18 March 2016.
- Design and construction of the shop fronts along McFarlane Street, Treves Street and Merrylands Road is flood proofed up to and including the FPL (1% AEP flood plus 500mm freeboard).
- A notation on the plans shall be provided ensuring that 'All electrical switchboards, electrical signs/connections and power points shall be built 0.5m above the ground level' for retail areas 111, 112 and 113.
- A notation on the plans shall be provided ensuring that 'All fixed materials (i.e. flooring, glazing etc) from 0.5m above the ground level shall be built with flood compatible materials for retail areas 111, 112 and 113.in accordance with Council's requirements.

Traffic Management Plan

73. 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 $482.70 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 Management Plan

74. The applicant shall also provide a Construction 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 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

- All necessary concurrences and approvals from RMS must be obtained for any construction works impacting on the traffic signals at Treves Street/Merrylands Road and Treves Street/McFarlane Street intersections.

- A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following:
  - 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.
  - 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:
    - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
    - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
  - Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
  - 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;
  - 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.

- 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.

- Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.

- 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.

- Dependent on the circumstances of the site, Council may request additional information to that detailed above.

Fire Safety Upgrading & Essential Services

75. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

Car Wash Bay

76. 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

Design Verification Statement

77. 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.

Residential Flat Development Residential Waste Storage Area

78. 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.

Salinity

79. 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

On-site Stormwater detention (OSD)

80. 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 and Council's On-Site Detention Policy shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Acoustic Measures

81. Plans and/or specifications indicating how compliance with the recommendations as outlined in Section 9 and 10 of the acoustic report prepared by Acoustic Logic (Doc Ref: 20160168.1/1102A/R0/BW) dated 11 February 2016, will be achieved, are to be submitted to the Principal Certifying Authority.

82. Prior to the issuing of the Construction Certificate an acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park). The report should be prepared in accordance with the NSW Environment Protection Authority *Industrial Noise Policy*.

83. Prior to the issuing of the Construction Certificate an acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade

membership of the Australian Acoustical Society (MAAS). The report should consider noise emissions from the development including but not limited to construction noise and vibration impact. This report can be submitted by way of a construction noise and vibration plan. The report should be prepared in accordance with the NSW Environment Protection Authority *Industrial Noise Policy* and *Interim Construction Noise Guidelines.*

84. The glazing requirements for the proposed development are required to satisfy the glazing requirements as outlined in the acoustic report prepared by Acoustic Logic (Doc Ref: 20160168.1/1102A/R0/BW) dated 11 February 2016.

Site Remediation

85. Prior to the issuing of the Construction Certificate and the commencement of any demolition works, a Site Environmental Management Plan is required to be submitted to Council for approval.

Fire Safety

86. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.

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

87. 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

88. 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.

Required Submissions to Council or the Principal Certifying Authority

89. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising 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

90. 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

91. 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

92. 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

93. 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

94. 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

95. 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

96. 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 City Council's "Erosion & Sediment Control Policy."

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

97. 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.

98. 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

99. 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).

100. 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

101. 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.

Residential Building Work - Insurance

102. 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 Holroyd City Council) has given Holroyd City 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.

Tree Protection Conditions

103. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.

104. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the Birds Tree Consultancy report from dated 17/2/2016 and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

Roadworks

105. 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 **$163.70** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.

106. The new road is to be provided with underground electricity reticulation for street lighting and residential allotments. The applicant shall arrange with Integral Energy for the laying of service conduits and cables in the road and footpath areas prior to the construction of the road carriageway, vehicular crossings and concrete footpaving.

107. 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.

108. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority and shall be undertaken by the applicant at no cost to Council.

109. 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 Council's Reserve

110. 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.

111. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.

112. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of $10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

113. 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@holroyd.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.holroyd.nsw.gov.au.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:-

Endorsed Plans & Specifications

114. 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

115. 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

116. 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.

117. 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.

118. 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

119. 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 received 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

120. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.

121. 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

122. 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

123. 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

124. 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

125. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.

126. 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

127. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report from Birds Tree Consultancy dated 17/2/16 and relevant conditions of this Consent.

128. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:

i) Sets out maintenance work carried out on tree/s; and
ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

The report should also provide documentary evidence that the tree protection conditions are being complied with in the form of site notes and photographs and be provided at three monthly intervals during construction works that are within 5m of any tree.

129. 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.

130. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

Works within Council's Reserve

131. 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

132. 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 Drainage and Culvert Works

133. The stormwater drainage and road works shall be inspected during construction, by the Council. 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) Prior to backfilling of any public stormwater drainage lines;
Note: As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking', shall be complied with. Satisfactory testing shall be carried out at subgrade level, prior to proceeding with the next layer of backfill.

(b) After each layer of constructed road pavement is completed. (i.e. Roller Test, min. 10 ton)

(c) Prior to pouring any concrete kerbs, drainage culverts, ramps, footpaths, pits or any other concrete work on the proposed roadway and verge.

(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.

Note: A private certifier or PCA cannot be engaged to do this inspection.

Inspection of Pollution Control Device/s

134. 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 (eg. 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.

Structures Near Easements

135. The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

Road Works and Footpaving

136. 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".

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

Underground Cabling

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

Underground Power Connection

139. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.

Alarms

140. 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.

141. 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

142. A convex mirror is to be provided so that drivers can see up the driveway from within each of the basements.

143. An intercom device is to be located:

i) on the driver's side wall at the top of the driveway of each basement carpark, so that visitors can access the visitor carparking spaces; and

ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Vehicle Cleansing

144. 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

145. 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 Demolition / Construction

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

Driveways

147. All new driveways shall be located at least 1.5 metres away from the side boundaries with the area between the driveway and the boundary suitably landscaped.

Acoustic Measures

148. The recommendations provided within the Acoustic Report prepared by Acoustic Logic (Doc Ref: 20160168.1/1102A/R0/BW) dated 11 February 2016, and the acoustic report required to be prepared in accordance with Condition 50, shall be implemented.

Remediation Works

149. Remediation and validation works shall be carried out in accordance with the Remediation Action Plan prepared by DLA Environmental Services, DL3692_S005763, Revision 4.1, dated 17 November 2016. The applicant shall inform Council in writing of any proposed variation to the remediation works which are to be approved by Council in writing.

Cranes

150. 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 approval, 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 the installation of any such cranes.

PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

151. A final clearance is to be obtained from Endeavour Energy if such clearance has not previously been issued.

152. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.

153. 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.

154. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that 113 units have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping/Tree Protection

155. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, 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.

156. 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.

157. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.

158. 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.

159. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

160. 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.

161. 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.

162. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.

163. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.

164. Directional signage shall be designed and provided on site to direct visitors to the residential and commercial visitor parking spaces. The signage shall be position 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.

165. Directional arrows for internal circulation shall be proximately displayed on the pavement approaches to, and within, the car park area.

166. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

167. All disabled parking spaces shall be provided with a shared area, bollards and slip resistant surface in accordance with Australian Standard 2890.6.2009.

168. Wheel stops shall be provided at appropriate parking locations and in accordance with AS 2890.1-2004.

169. A convex mirror is to be provided so that drivers can see up the driveway from within each of the basements.

170. Tandem spaces cannot be allocated to separate units or visitor spaces. The minimum number of non-tandem parking spaces shall be provided for each type of units (i.e. 1 bedroom, 2 bedroom, etc.) and visitor spaces.

171. 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.

172. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid conflict at the driveway.

Fire Safety

173. 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.

On-site Stormwater Detention, Certification and Covenant

174. A copy of the as approved stormwater drainage, Onsite Stormwater Detention System and Pollution Control Devices 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.

175. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage, Onsite Stormwater Detention System and Pollution Control Devices shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

176. 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.

177. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed Onsite Stormwater Detention System and Pollution Control Devices 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, Compensatory Flood Storage, Overland Flowpath and Pollution Control Devices 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.

178. 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.

179. An On-site Storm water 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.

Road Works

180. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.

181. The reconstruction of kerb and gutter and associated works along all areas of the site fronting McFarlane Street, Merrylands Road and Treves 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.

182. The construction or reconstruction of kerb ramps and associated works at McFarlane Street, Merrylands Road and Treves 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 SD8101 and issued level sheets.

183. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Merrylands Road and McFarlane 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-8010.

184. 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.

185. 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.

186. Dedication and construction of a 4 metres by 4 metres splay corner in favour of Council. Documents relative to the creation of the splay corner shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.

187. Dedication and construction of 0.5 metres of road and footpath widening along Merrylands Road. Documents relative to the creation of the road and footpath widening shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the road and footpath widening are to be borne by the applicant.

188. The pipeline trench within the Council reserve shall be backfilled, compacted and turfed to the satisfaction of Council's Engineer. This includes restoring any disturbance to Council's property.

189. Prior to the issue of the Occupation Certificate, the following works shall be completed –
- The Main Lane extension (within the site) shall be completed connecting McFarlane Street and Merrylands Road.
- All costs associated with the land transfer to Council shall be borne by the applicant.
- Public Domain works along the full frontage of the site including McFarlane Street, Treves Street and Merrylands Road shall be provided generally in accordance with Council's Merrylands Public Domain Strategy and design palette.

Advisory Note: The public road may be dedicated to Council upon completion of the remaining development stages within the CBD, or at another time as may be agreed by Council and the applicant through Voluntary Planning Agreement.

190. Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed temporary access road and associated drainage works.

191. The applicant shall at their own expense engage an N.A.T.A. registered soil testing authority to ensure that the standard of compaction achieved within the proposed temporary access road pavements is in accordance with the approved specifications. The fill material to be used shall be properly compacted to achieve a minimum relative density of 98% standard compaction in accordance with AS1289 and that the completed works will accept the anticipated loads without exceeding reasonable settlement limits. A report shall be submitted to Council prepared by a qualified Geotechnical Engineer stating the level of compaction achieved is in accordance with the relevant Australian Standards.

192. Filling and levelling of the site shall be carried out to the satisfaction of Council's Engineer. Special attention is drawn to the following requirements of Council's Works Specification – Civil:
- Submission of compaction certificates for fill within temporary access road reserves etc.
- Submission of compaction certificates for temporary access road subgrade.
- Submission of compaction certificates for temporary access road pavement materials.
- Certificates from road material suppliers.

193. The removal of existing and construction of footpath paving to the entire site frontage. Generally the works shall be in accordance with Council's Merrylands Public Domain Strategy and design palette and Council issued design and levels. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall address the following:

- Full width footpath paving and associated works, including pavers concrete etc, along all areas of the site fronting McFarlane Street, Treves Street and Merrylands Road.

- 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 eg. Numbers, species, size, guards, surface treatments, root barriers.

Maintenance Bond

194. All roadwork's and drainage to be dedicated or to benefit Council shall be maintained in the approved condition by the applicant for a period of twelve (12) months following the issue of the Final Occupation Certificate. The bond amount shall be 5% of the total cost of works (amount not less than $5000) and will be released following a satisfactory twelve (12) months maintenance period following completion of these works or Final Occupation Certificate (whichever occurs last).

Note: If the roadway remains in private ownership (following the issue of the Final Occupation Certificate) until the remaining section of Main Lane (east of the site) is completed, the developer shall maintain the roadway and Council will retain the maintenance bond until the new road has been dedicated to Council.

Flood protection

195. All flood works as per the items listed under Prior to Issue of Construction Certificate of the Development Consent and the approved plans shall be completed.

Plan of Subdivision

196. The plan of subdivision approved under this development consent shall be registered prior to the issue of any occupation certificate.

House/Street Number

197. 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.holroyd.nsw.gov.au.

Design Verification Statement

198. 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, prior to the issue of an occupation certificate 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. 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

199. 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 within the Acoustic Report prepared by Acoustic Logic (Doc Ref: 20160168.1/1102A/R0/BW) dated 11 February 2016, and the acoustic report required to be prepared in accordance with Condition 50, have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Site Remediation

200. After completion of the remedial works, a copy of the Validation Report shall be submitted to an EPA Site Auditor and to Holroyd City Council. The Occupation Certificate shall not be issued until Council approves this Validation Report. The validation report shall be prepared in accordance with the NSW EPA "Guidelines, Consultants Reporting on Contaminated Sites" and the National Environment Protection (Assessment of Site Contamination) Measure (2013), and shall:
    - describe and document all works performed;
    - include results of validation testing and monitoring;
    - include validation results of any fill imported on to the site;
    - show how all agreed clean-up criteria and relevant regulations have been complied with; and
    - include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

201. Prior to the issuing of the Occupation Certificate a Site Audit Statement/Site Audit Report is required to be submitted to Council for review that identifies that the site is suitable for the proposed land use.

General

202. 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.

203. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.

204. The windows proposed to the commercial unit on the ground floor shall be maintained to clear glass.

205. A storage area (i.e 3m x 4m garage/storage room with a secured roller door) shall be provided onsite adjacent to the ground floor residential garbage room in Building A or E to enable a Council Street Sweeper to be kept onsite and secured at all times.

206. 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.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of a Subdivision Certificate:-

Linen Plan

207. The linen plan for the subdivision when lodged for final approval must be accompanied by four (4) copies and linen plan release fee of **$325**.

208. Proposed Lots 3 and 4 are not to be dedicated to Council under this Linen Plan unless agreed by Council and the applicant through a Voluntary Planning Agreement. A temporary public positive covenant and right of way to the benefit of Council pursuant to Section 88B of the Conveyancing Act shall be created over the whole of proposed Lots 3 and 4 to facilitate temporary Council and public access until dedicated public road access is provided.

Public Utilities

209. The Principal Certifying Authority is to be provided with a current Section 73 Certificate for the property from Sydney Water.

210. Public utility services (including water, sewer, electricity and telephone) shall be provided and any easements necessary created to the satisfaction of the relevant servicing authorities. Evidence of such is to be submitted prior to release of the linen plan of subdivision.

88B Instrument

211. As per Condition 177 of this Development Consent a restriction on the use of the land and a positive Covenant are to be created for the protection and ongoing maintenance of the On-Site Detention System and Pollution Control Device/s. The Section 88B instrument required is to be created in association with the subdivision and is to be in accordance with Holroyd City Council's standard wording. The instrument should also be used to create any Right of Carriageway and easement required. Provision is to be made for the General Manager of the Council or his/her designate to sign the document and it is to be appropriately noted on the linen plan.

CONDITIONS RELATING TO USE

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

Safety & Amenity

212. 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.

213. No approval is granted or implied for the use of the business premises/commercial tenancies. Separate Consent is required PRIOR to occupation of the business premises.

214. The future use of the business premises shall comply with the nominated prescribed land uses within Council's Local Environmental Plan 2013.

Mechanical Ventilation System – Car Park

215. 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.

Traffic and Parking

216. 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.

217. At least 742 car parking spaces and 368 bicycle 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.

218. All vehicles shall enter and leave the site in a forward direction.

219. The size of the largest heavy vehicle that will enter / exit the site shall be restricted to a 12.5m long vehicle.

220. All loading and unloading shall be undertaken on the site and not on surrounding streets.

221. The car wash bay shall be a common, independent area and not serve as a visitor parking space.

222. Tandem car parking spaces shall be allocated to the same residential unit.

Refuse & Trade Waste

223. 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.

Maintenance of Waste Storage Area

224. 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.

225. 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.

Waste Storage Area

226. The waste storage area shall comply with the requirements of Part A, Section 11 of Council's Holroyd Development Control Plan 2013, including:
- A water supply is to be provided to the storage area for cleaning purposes.
- The floor is to be graded and drained to the sewer with the consent of Sydney Water.
- The access ramp is to have a maximum grade of 1:8.
- Ventilated to applicable standard.

Alarms

227. 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. (Note: Condition 94 above, prevents the developer/builder from installing audible alarms).

Emergency Procedures

228. 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.

Noise

229. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

230. 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).

231. 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.

232. 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.

Signage on Stormwater Drains (Commercial)

233. 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 'H_2O only'.

Car Wash – Residential/Commercial

234. Washing of vehicles shall be conducted in a car washbay, 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.

235. The car wash bay shall be managed and maintained so that the following requirements are met:
- The Body Corporate or 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.
- 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.

Lighting

236. 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*.

Landscaping

237. 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.

Privacy Measures

238. All privacy measures 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.

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 Local Environmental Plan 2013, Part 3 *"Exempt and Complying Development"*.
   (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.

   NOTE: * If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

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) Holroyd City Council has a Tree Management Order which applies to the entire City of Holroyd. 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 Holroyd City Council.
(g) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
(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 per certificate (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. 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.

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. 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.

T. 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.

U. 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. For further information please refer to the following information on Council's website:
www.holroyd.nsw.gov.au/building and development/local plans and policies/dividing fences

Yours faithfully

Aleks Milinkovic
MANAGER DEVELOPMENT SERVICES

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Clause 4.6 – Building Height Development Standard

233 AND 249-259 MERRYLANDS ROAD AND 52-54 MCFARLANE STREET, MERRYLANDS

August 2016

Prepared under instructions from
Stockland Development Pty Ltd

by

Aaron Sutherland
B Town Planning UNSW

aaron@sutherlandplanning.com.au
Tel: (02) 9894 2474
PO BOX 6332 BAULKHAM HILLS BC NSW 2153

CONTENTS

1.0 CLAUSE 4.6 REQUEST - HEIGHT

1.1 Introduction

This request for an exception to a development standard is submitted in respect of the development standard contained within Clause 4.3 of the Holroyd Local Environmental Plan 2013. The request relates to an application for the demolition of all existing improvements on the site and the erection of a mixed use retail and residential development comprising 5 buildings ranging in height between 10 to 17 storeys above 2 to 5 basement levels, subdivision and a new road at 233 and 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands.

1.2 Clause 4.6 Exceptions to development standards

Clause 4.6(2) 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 imposed by the Holroyd Local Environmental Plan 2013, or any other environmental planning instrument.

However, clause 4.6(3) states that 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 circumstance of the case, and
>
> (b) there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6 requires a qualitative merit assessment based on evaluative questions that are specific to each particular development application, and which must be assessed against the context of that particular site. It advocates an entirely performance-based approach to the assessment of each application, based upon the "the circumstances of the case", and whether compliance is subjectively considered by the consent authority to be "unreasonable or unnecessary" in the particular circumstances.

Clause 4.6 does not provide any quantitative or numerical limitation to cap the extent of non-compliance that may be approved. This conclusion has been confirmed by the Courts on a number of occasions such as the Court upheld decision of North Sydney Council to approve a building where the applicable FSR control was 3.5:1 and the approved FSR was 15:1 and the applicable height control was five storeys whereas the approved height was 17 storeys: Legal and General Life v North Sydney MC. (1989) 68 LGRA 192. Similarly, in another matter the Court approved an FSR of 5:1 on a site where the allowable FSR was 1:1: Hosking Munro Pty Limited v City of Sydney Council [2008] NSWLEC 1485.

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied.

1.3 Development Standard to be varied

Clause 4.3 states:

> (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.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building height (or height of building) is defined as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

There are two height controls on the subject site being 53 metres (Zone Y) on the eastern portion of the site and 41 metres (Zone W) for the remainder of the site.

1.4 Extent of Variation to the Development Standard

A comparison of the proposed heights against the development standard applicable to the site is illustrated below:

Element	Proposed Height	Variation to current 41m control	Variation to current 53m control
Building A	59.8m – parapet 64.7m - top of plant	N/A	+11.7m (22% over)
Building B	48.7m – parapet 52.8m - top of plant	+11.87m (29% over)	N/A
Building C – 12 storey	41.9m – parapet 45.8m - top of plant	+4.8m (12% over)	N/A
Building C – 10 storey	35.1m – parapet	Complies	
Building D (intersects both the 41m and 53m height controls)	54.4m – parapet 59.1m - top of plant	+18.1m (44% over)	+6.1m (11.5% over)
Building E	51.1m – parapet 54.4m - top of plant	N/A	+1.4m (2.6% over)

1.5 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in Wehbe v Pittwater Council. [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The Land and Environment Court in Four2Five Pty Ld v Ashfield Council [2015] NSWLEC 90 has recently required additional ways of establishing that compliance is unreasonable or unnecessary beyond consistency

with the standard and zone objectives to be established. For completeness, this request addresses the five part test described in Wehbe v Pittwater Council [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. **the objectives of the standard are achieved notwithstanding non-compliance with the standard;**

   The specific objectives of the building height development standard, as specified in clause 4.3 of the Holroyd Local Environmental Plan 2013 are identified below. A comment on the proposal's consistency with each objective is also provided.

   > (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

   The proposed variation to the height control allows the proposed floor space within the development to be accommodated within slimmer buildings with much greater separation between the buildings. The variation to height also allows the introduction of a permeable ground floor plane with a road network which extends through the site from south to north. This facilitates a greater level of modulation in scale between the various buildings within the development as well as reduced impacts on surrounding properties. The varied architectural language generates a high level of visual interest whilst the unifying language of the differing functions within the overall development ensures that the residential and non-residential uses are clearly understood.

   > (b) to ensure development is consistent with the landform,

   The design of the proposed development is respective of the existing landform incorporating ground levels at or near existing ground levels, as well as floor levels designed so as to minimise the impact of flooding. The site, consistent with surrounding land, has a gradual fall from its highest point where the site adjoins Merrylands Road. The proposed variation to the height control will not compromise the existing landform and will provide a development consistent with the density provisions of the HELP that provides a high level of modulation to the skyline.

   > (c) to provide appropriate scales and intensities of development through height controls.

   The proposed height variation facilitates higher buildings (Buildings A and E) on the eastern portion of the site which anchors this part of the site within the Merrylands Centre. The decreased scale of Buildings B, C, and D provide a transition in scale to the west such that the proposed arrangement of heights is appropriate for the site and its context.

2. **the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

   The underlying objectives and purpose of the height control is relevant to the proposed development. However, the proposed development is consistent with those objectives on the basis that the proposed height will facilitate an appropriate scale of development having regard to the location of the site within the Merrylands Centre. The development will sit comfortably with the context of the site with no significant adverse impacts to surrounding properties.

3. **the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

The underlying objective of the height control is to achieve an appropriate height on the site which is compatible with the emerging context of the site. Due to the design, location and configuration of the proposed development, it successfully achieves these objectives. Strict compliance with the height control would lead to a less satisfactory outcome as it would require a redistribution of mass across the site and result in a bulkier built form. Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the height control because it would encourage a less desirable outcome for the subject site and surrounding area.

4. **the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;**

Council has historically adopted a relatively flexible approach to the implementation of the height control in circumstances where the objectives of the control are achieved and has indicated a willingness to considered redistribution of height in such circumstances where this facilitates an improved urban design outcome.

5. **the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.**

The proposed zoning of the land is considered to be reasonable and appropriate.

Strict compliance with the building height development standard is unreasonable and unnecessary in the circumstances of the case in that:

- The height controls applicable to the site have been designed to align with the lane location anticipated under the Development Control Plan. The proposed relocation of the lane results in a height non-compliance for Building D which straddles the two height zones.
- The DCP also does not require the entire lane network from Merrylands Road through to McFarlane Street to be provided on the subject site and only requires a small portion of the lane at the eastern end of the site. This means that the entire western end of the site could accommodate a three storey commercial podium with no permeability and residential towers above. However, the proposed development instead seeks to introduce provide the entire laneway connection through the subject site from Merrylands Road to McFarlane Street and to create a highly activated permeable lane network throughout the site. The proposed height variations are therefore also directly attributable to a displacement of floor area from the lower levels of the site as a result of the introduction of an activated laneway throughout the site which represents a significant improvement in comparison to a strictly DCP compliant scheme on the site.
- The proposed variation to the height control allows the proposed floor space within the development to be accommodated within slimmer buildings with much greater separation as well as appropriate definition of the street corners. This facilitates a greater level of modulation in scale between the various buildings within the development as well as improved environmental performance within the development, reduced impacts on surrounding properties, and a much higher level of visual permeability throughout the site.
- The proposed height variation facilitates higher buildings than anticipated by the height control (Buildings A, B and D) towards the northern and eastern portions of the site which anchors this

part of the site within the Merrylands Centre, with the scale of the other buildings dropping away to provide a transition in scale to the west such that the proposed arrangement of heights is appropriate for the site and its context.

- The proposed development provides an appropriate built form response for the site and will provide a clearly defined entry into Merrylands Centre from the west.
- A solar analysis prepared by Turner Architects accompanies the subject application and demonstrates that the proposal does not result in a significant adverse impact to the surrounding properties.
- The scale of the proposed buildings will not be perceived as jarring or antipathetic in the future streetscape and urban design context which will develop in the area.

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

1.6 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The DCP does not require the provision of a complete laneway connection through the subject site from Merrylands Road to McFarlane Street and would allow the majority of the western end of the site to be occupied by a very large three storey commercial podium with residential buildings above. This form of podium could have a frontage of nearly 100 metres to Merrylands Road, nearly 100 metres to McFarlane Street and approximately 85 metres to Treves Street. Furthermore, the DCP intention for laneways is to simply provide vehicular access to the rear of sites and the DCP does not require active frontages to laneways. And so the eastern side of the podium could potentially present as a three storey blank wall to the lane within the only punctuation being basement and loading dock entries.

However, the proposal seeks to achieve a significantly improved outcome by providing the entire north-south laneway network within the subject site so that it is delivered as part of this one development rather than relying on another party to complete the connection from Merrylands Road to McFarlane Street. In addition, the proposal intends to treat the laneway not as a rear service space but as a highly activated pedestrian destination characterised by outdoor dining and a high quality retail offering. This space will enjoy sunlight and serve to create a very attractive urban space.

The consequence of providing this active and permeable laneway network throughout the site and the creation of a pedestrian friendly ground floor plane throughout the development is that it displaces density from what could otherwise be a very large podium area into the levels above resulting in some height non-compliances. However, the proposed variation to the height control as a result of displacing floor space from the podium area of the development facilitates a profoundly better urban design outcome than what could be contemplated for the site under the DCP controls.

The proposed distribution of the density from the podium areas to the buildings above is the result of a considered analysis of the future desired context of the site and the desire to deliver a positive urban design outcome.

Buildings A, D and E are provided with a building height which anchors this part of the site within the Merrylands Centre, with the scale of the other buildings dropping away to provide a transition in scale to the west such that the proposed arrangement of heights is appropriate for the site and its context. The height of the buildings on the eastern portion of the site responds to the higher envisaged scale of development to the east of the site.

The location and scale of the buildings have been specifically designed as a robust architectural solution for the site which optimises solar access both within the site and for adjacent sites as well as providing a high level of modulation to the skyline. In addition, the scale of each individual building within the overall development is also modulated which further assists in creating opportunities for differing architectural language and visual interest.

The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of solar access, loss of privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on surrounding properties.

The scale of the buildings will not be perceived as jarring or antipathetic in the future streetscape and urban design context which will develop in the area.

Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public. Furthermore strict compliance with the height control would not support the provision of an active and permeable lane network throughout the site as it would force density to be provided at lower areas of the development. In this particular circumstance there are sufficient environmental planning grounds to warrant the proposed variation to the current height controls as the proposal will achieve a superior outcome with a higher level of residential amenity within the site and without any significant adverse impact to adjacent sites.

1.7 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in Wehbe v Pittwater Council [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

1.8 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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.

Whilst the objectives of the development standard have already been addressed previously in this written request, for the purpose of completeness these objectives are again considered below in specific reference to Clause 4.6(4)(a)(ii).

Objective of the Development Standard

The specific objectives of the building height development standard, as specified in clause 4.3 of the Holroyd Local Environmental Plan 2013 are identified below. A comment on the proposal's consistency with each objective is also provided.

> (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

The proposed variation to the height control allows the proposed floor space within the development to be accommodated within slimmer buildings with much greater separation between the buildings as well as the creation of an active and permeable ground floor plane throughout the site. This facilitates a greater level of modulation in scale between the various buildings within the development as well as reduced impacts on surrounding properties. The varied architectural language generates a high level of visual interest whilst the unifying language of the differing functions within the overall development ensures that the residential and non-residential uses are clearly understood.

> (b) to ensure development is consistent with the landform,

The design of the proposed development is respectful of the existing landform incorporating ground levels at or near existing ground levels, as well as floor levels designed so as to minimise the impact of flooding. The site, consistent with surrounding land, has a gradual fall from its highest point where the site adjoins Merrylands Road. The proposed variation to the height control will not compromise the existing landform and will provide a development consistent with the density provisions of the HELP that provides a high level of modulation to the skyline.

> (c) to provide appropriate scales and intensities of development through height controls.

The proposed height variation facilitates a permeable laneway network through the site as well as higher buildings (Buildings A and E) on the eastern portion of the site which anchors this part of the site within the Merrylands Centre. The decreased scale of Buildings B, C, and D provide a transition in scale to the west such that the proposed arrangement of heights is appropriate for the site and its context.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B4 Mixed Use zone pursuant to the Holroyd Local Environmental Plan 2013 (HLEP) which has the following objectives:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level.
- To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.

The proposed development provides for a shop-top housing development which comprises a genuine mixture of non-residential uses (15%) and residential apartments (85%). The ground floor retail uses

and introduction of a shareway as part of the new north-south laneway will result in a vibrant public domain areas both in and around the site. The new north-south laneway and extension of Main Lane will provide a high level of pedestrian permeability, significantly improving linkages within the Merrylands Centre. The retail component of the development will strengthen the economic and on-going employment role of Merrylands. The development will also increase the residential population which will support local businesses. The proposal will also deliver a quantum of residential apartments and retail uses on the site which will maximise public transport patronage, cycling and walking. The proposal will achieve a much needed revitalisation within the Merrylands Centre.

For the reasons given the proposal is considered to be consistent with the objectives of the B4 Mixed Use zone.

1.9 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

> (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
>
> (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The architectural package prepared by Turner Architects which accompanies the subject application illustrates the relationship of the proposed development within the context of the site. It demonstrates a high quality outcome for the site which will result in the delivery of an integrated community of buildings with significant separation around a central pedestrian network which will contribute significantly to the amenity afforded to the shoppers and future occupants alike. This approach is only possible with a variation to the height controls.

The development application has therefore demonstrated that it is appropriate in this circumstance to provide flexibility in the application of the building height development standard because this will achieve a significantly better urban design outcome in this instance.

1.10 Conclusion

Strict compliance with the building height development standard contained within clause 4.3 of the Holroyd Local Environmental Plan 2013 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition there are sufficient environmental planning grounds to justify the variation. In this regard it is reasonable and appropriate to support the proposed minor variation to the floor space ratio development standard in this circumstance.

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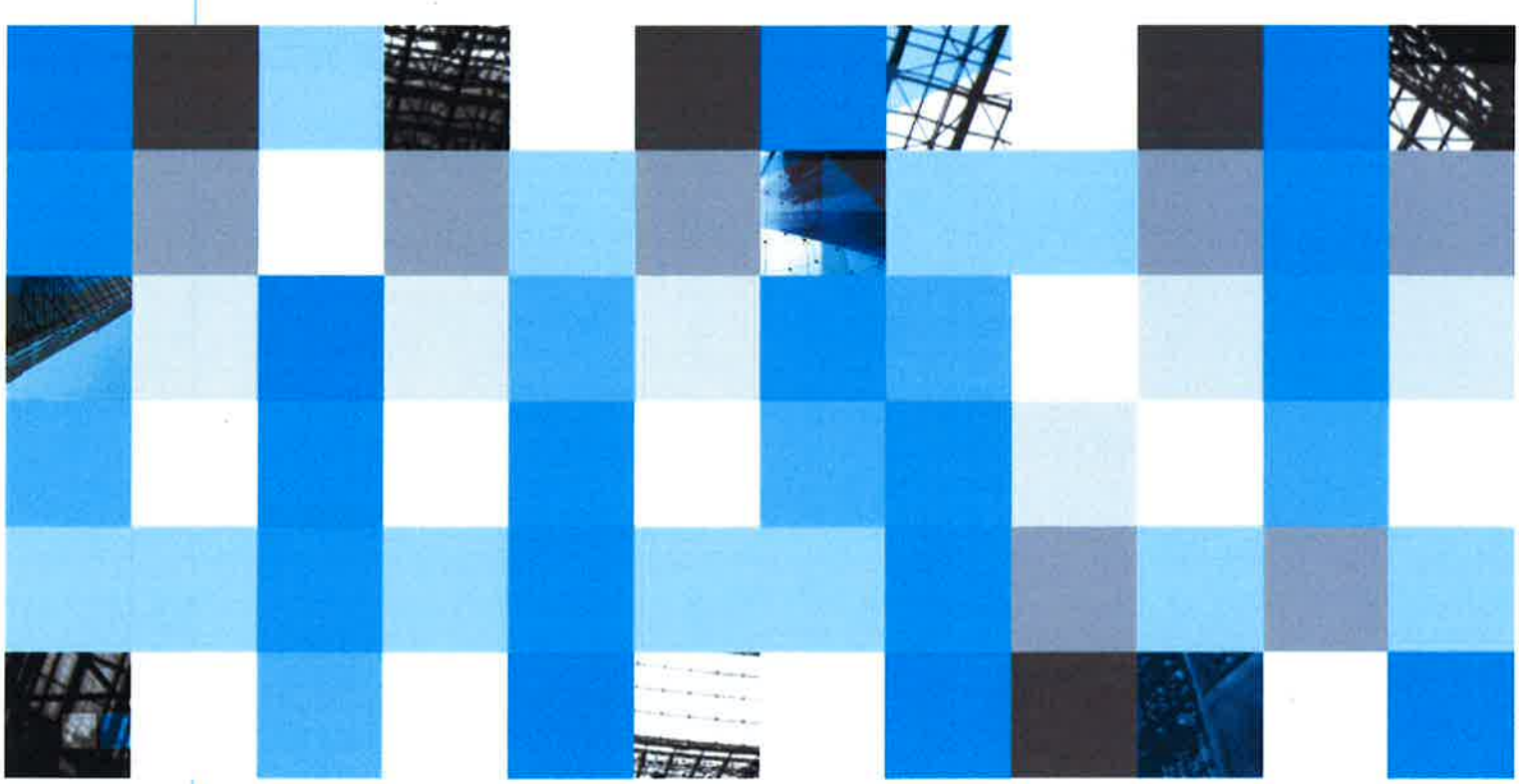


233 and 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands

Clause 4.6 – FSR Development Standard

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Clause 4.6 – FSR Development Standard

233 AND 249-259 MERRYLANDS ROAD AND 52-54 MCFARLANE STREET, MERRYLANDS

August 2016

Prepared under instructions from
Stockland Development Pty Ltd

by

Aaron Sutherland
B Town Planning UNSW

aaron@sutherlandplanning.com.au
Tel: (02) 9894 2474
PO BOX 6332 BAULKHAM HILLS BC NSW 2153

CONTENTS

1.0 CLAUSE 4.6 REQUEST - FSR DEVELOPMENT STANDARD

1.1 Introduction

This request for an exception to a development standard is submitted in respect of the floor space ratio development standard contained within Clause 4.4(2) of the Holroyd Local Environmental Plan 2013 (HLEP 2013). The request relates to an application for the demolition of all existing improvements on the site and the erection of a mixed use retail and residential development comprising 5 buildings ranging in height between 10 to 17 storeys above 2 to 5 basement levels, subdivision and a new road at 233 and 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands.

1.2 Clause 4.6 Exceptions to development standards

Clause 4.6(2) 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 imposed by the Holroyd Local Environmental Plan 2013, or any other environmental planning instrument.

However, clause 4.6(3) states that 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 circumstance of the case, and
>
> (b) there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6 requires a qualitative merit assessment based on evaluative questions that are specific to each particular development application, and which must be assessed against the context of that particular site. It advocates an entirely performance-based approach to the assessment of each application, based upon the "the circumstances of the case", and whether compliance is subjectively considered by the consent authority to be "unreasonable or unnecessary" in the particular circumstances.

Clause 4.6 does not provide any quantitative or numerical limitation to cap the extent of non-compliance that may be approved. This conclusion has been confirmed by the Courts on a number of occasions such as the Court upheld decision of North Sydney Council to approve a building where the applicable FSR control was 3.5:1 and the approved FSR was 15:1 and the applicable height control was five storeys whereas the approved height was 17 storeys: Legal and General Life v North Sydney MC. (1989) 68 LGRA 192. Similarly, in another matter the Court approved an FSR of 5:1 on a site where the allowable FSR was 1:1: Hosking Munro Pty Limited v City of Sydney Council [2008] NSWLEC 1485.

In accordance with clause 4.6(3) the applicant requests that the floor space ratio development standard be varied.

1.3 Development Standard to be varied

Clause 4.4 states:

> (1) The objectives of this clause are as follows:
>
> (a) to support the viability of commercial centres and provide opportunities for economic development within those centres,

(b) to facilitate the development of a variety of housing types,

(c) to ensure that development is compatible with the existing and desired future built form and character of the locality

(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Floor space ratio is defined under Clause 4.5 of the HLEP as:

"the ratio of the gross floor area of all buildings within the site to the site area."

There are two floor space ratio controls shown for the land on the Map for the site being 5:1 in area 'Z1' and 6.5:1 in area 'AA2'. The site is also located within "Area B" on the Floor Space Ratio Map. Clause 4.4(2B) states that if a building on land identified as "Area B" on the Floor Space Ratio Map is used for the purposes of residential accommodation or tourist and visitor accommodation, or a combination of such uses, the maximum floor space ratio for that part of the building that is used for such purposes is (FSR max – 1.7:1). The relevant FSRs are therefore shown in the table below:

FSR	Area Z1	Area AA2
Total maximum	5:1	6.5:1
Residential maximum	3.3:1	4.8:1
Non-residential maximum	1.7:1	1.7:1

1.4 Extent of Variation to the Development Standard

The proposed floor space ratios are illustrated in the table below. The overall FSR of the proposed development is substantially less than the maximum within each FSR zone. However, the proposal seeks to redistribute 3,323 square metres of residential floor space from the AA2 area (south-eastern portion of the site) to the Z1 area (northern and western sides of the site) component of the site which achieves a better urban design outcome.

Critically, the application of the two FSR controls for residential development provides a total site benefit of 46,447 square metres. The proposed total residential floor space of 46,447 square metres complies with this maximum.

FSR	Area Z1 (8,773sqm)	Proposed	Complies	Area AA2 (3,645sqm)	Proposed	Complies
Total max	5:1 43,865sqm	4.36:1 38,293sqm	Yes (5,572sqm under)	6.5:1 23,693sqm	4.39:1 16,000sqm	Yes 7,693sqm under)
Resi max	3.3:1 28,951sqm	3.68:1 32,274sqm	No **(3,323sqm over)**	4.8:1 17,496sqm	3.89:1 14,173sqm	Yes **(3,323sqm under)**
Non-resi maximum	1.7:1 14,914sqm	0.69:1 6,019sqm	Yes (8,895sqm under)	1.7:1 6,197sqm	0.5:1 1,827sqm	Yes (4,370sqm under)

1.5 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in Wehbe v Pittwater Council. [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The Land and Environment Court in Four2Five Pty Ld v Ashfield Council [2015] NSWLEC 90 has recently required additional ways of establishing that compliance is unreasonable or unnecessary beyond consistency with the standard and zone objectives to be established. For completeness, this request addresses the five part test described in Wehbe v Pittwater Council [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. **the objectives of the standard are achieved notwithstanding non-compliance with the standard;**

The specific objectives of the floor space ratio development standard, as specified in clause 4.4(1) of the Holroyd Local Environmental Plan 2013 are identified below. A comment on the proposal's consistency with each objective is also provided.

> (a) to support the viability of commercial centres and provide opportunities for economic development within those centres,

The proposed development does not exceed the total maximum residential floor space for the overall site. Whilst there is a proposed exceedance of the residential floor space within area Z1, this is equally balanced by a reduction in residential floor space in Area AA2. Accordingly, the proposed variation does not consume any non-residential floor space and therefore does not compromise economic development within the centres. The proposed development also introduces an active ground floor plane and seeks to provide a place-making development with a unique laneway dining destination which will contribute significantly to the vibrancy and economic success of the Merrylands town centre.

> (b) to facilitate the development of a variety of housing types

The proposed residential accommodation comprises 192 x 1 bedroom apartments (34%), 354 x 2 bedroom apartments (63%), and 16 x 3 bedroom apartments (3%). A review of Development Applications approvals between May 2012 and April 2015 (3 year period) has identified that a total of 1,594 apartments have been approved in the Holroyd Local Government Area of which 257 apartments comprise of studios/1 bedroom apartments which equates to only 16% of the supply. The proposed provision of 34% of 1 bedroom apartments is appropriate given the identified shortfall of 1 bedroom apartments supplied by other development approvals in the Holroyd Local Government Area. The proposed development provides a suitable variety of housing types.

> (c) to ensure that development is compatible with the existing and desired future built form and character of the locality

The proposed development has a total FSR which is significantly lower than the maximum permissible FSR and the proposed variation to the residential floor area within area Z1 is equally balanced by a reduction in residential floor area in Area AA2. The proposed scale and density of development is generally consistent with that which is expressed by the current planning controls and also consistent with the future desired character as expressed by the Merrylands Station and McFarlane Street Precinct Proposal which was endorsed by Council on 3 May 2016. The proposed development is consistent with the intent of the applicable built form controls and responds positively to the particular site circumstances, without unreasonable adverse impact to the amenity of adjoining development generally. The proposed development delivers substantial public domain improvements and will provide a catalyst for urban renewal within Merrylands and is compatible with the desired future built form character of the locality.

> (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping

The proposed development is not located within an exclusively residential area. Notwithstanding this, the proposed development will provide for a high level of amenity for the area with adequate provision of vehicle and pedestrian access, private open space and above podium landscaped areas.

2. **the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

The underlying objectives and purpose of the floor space ratio control are relevant to the proposed development. However, the proposed development is consistent with those objectives on the basis that the total floor space ratio is not exceeded and the variation of 3,323 square metres within area z1 is balanced exactly by a reduction of 3,323 square metres of residential floor space within area AA2. The proposed floor space ratio results in a development which is compatible with the emerging scale of development within the visual catchment of the site and will sit comfortably with the future desired context of the site with no significant adverse impacts to adjacent properties.

3. **the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

The underlying objective of the floor space ratio control in this instance is to ensure that the development is compatible with the role of the site within a major centre and also that the bulk and scale of the development is compatible with the future desired context. Due to the design, location and configuration of the proposed development, the proposal successfully achieves these objectives and

will provide a considered built form response given the sites location in a prominent position which signifies a gateway to the Merrylands centre. However, strict compliance with the floor space ratio control would result in additional bulk for Buildings D and E with less building separation and would therefore lead to a less satisfactory outcome. Accordingly, it is considered that strict compliance would in this instance diminish the achievement of the underlying objectives of the floor space ratio control for compatibility with the desired future character and also as it would likely reduce residential amenity.

4. **the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;**

Council has adopted a flexible approach towards the application of the floor space ratio control to allow a redistribution of floor space across a site where the combined maximum floor space is not exceeded and the redistribution results in an improved urban design outcome. An example of this is the "Rositano" development at 224-240 Pitt Street Merrylands (DA2015/220) which was approved by the JRPP on 25 May 2016 where strict compliance with the FSR control was considered to be unreasonable and unnecessary in the circumstances of the case as the variation did not increase the total Gross Floor Area otherwise achievable on the site and the variation resulted in a preferred urban design solution. The subject development similarly does not exceed the total residential floor space of 46,447 square metres for the site and achieves a preferred urban design outcome.

5. **the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.**

The proposed zoning of the land is considered to be reasonable and appropriate.

Strict compliance with the floor space ratio development standard is unreasonable and unnecessary in the circumstances of the case in that:

- The site is located within an important strategic centre and is a highly appropriate location for density, particularly having regard to its very close proximity to the Merrylands train station.
- The proposed development does not exceed the total available residential gross floor area of 46,447 square metres and only seeks to redistribute 3,323 square metres from the AA2 area to the Z1 area.
- The redistribution of residential floor space allows Buildings D and E to be slimmer and to have greater separation between the buildings which results in an improved urban design outcome for the site with improved residential amenity, reduced width of shadows and significantly improved visual permeability between buildings.
- The redistribution of scale and density towards the northern end of the site (Buildings A and B in particular) is also consistent with Council's identified future desired character for the Merrylands town centre as expressed in the Merrylands Station and McFarlane Street Precinct Proposal which was endorsed by Council on 3 May 2016.
- The proposed variation to the residential floor space ratio control within the Z1 area does not prevent achievement of the 9 principles of SEPP 65. Apartments within the development are provided with a high level of amenity as the proposal provides for cross ventilation, solar access and open space in accordance with the relevant requirements therefore strict compliance with the floor space ratio control is considered to be unnecessary and unreasonable to achieve an appropriate level of amenity within the development.

- There are no adverse impacts in terms of shadow, view, visual and acoustic privacy impacts to adjacent sites resulting from the proposed variation to the residential floor space ratio development standard for area Z1 which would warrant strict compliance.
- The proposed variation allows for the most efficient and economic use of the land.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- The variation with the floor space ratio control does not prevent the achievement of a compatible relationship with the future surrounding context.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

As the proposal is consistent with the objectives of the floor space control, compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

1.6 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The following environmental planning grounds are sufficient to justify contravention of the development standard:

- The overall development is well below the maximum permissible FSR within the Z1 and also the AA2 FSR areas which apply to the site.
- The proposed development does not exceed the total available residential gross floor area of 46,447 square metres and only seeks to redistribute 3,323 square metres from the AA2 area to the Z1 area.
- The redistribution of residential floor space allows Buildings D and E to be slimmer and to have greater separation between the buildings which results in an improved urban design outcome for the site with improved residential amenity, reduced width of shadows and significantly improved visual permeability between buildings.
- The redistribution of scale and density towards the northern end of the site (Buildings A and B in particular) is also consistent with Council's identified future desired character for the Merrylands town centre as expressed in the Merrylands Station and McFarlane Street Precinct Proposal which was endorsed by Council on 3 May 2016.
- The redistribution of residential floor space across the site does not result in any adverse impacts in terms of shadow, view, visual and acoustic privacy impacts to adjacent sites which would warrant strict compliance.
- The proposed variation to the floor space ratio control will facilitate an improved diversity and quantum of housing within a strategically identified town centre which will assist in meeting demand generated by changing demographics and housing needs in an existing urban area with excellent access to transport and services.

Having regard to the fact the above the subject site is demonstrated to have the environmental capacity to absorb the proposed redistribution of residential density and there are sufficient environmental planning grounds to justify contravening the development standard in this circumstance.

1.7 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in Wehbe v Pittwater Council [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

1.8 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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.

Whilst the objectives of the development standard have already been addressed previously in this written request, for the purpose of completeness these objectives are again considered below in specific reference to Clause 4.6(4)(a)(ii).

Objective of the Development Standard

The specific objectives of the floor space ratio development standard, as specified in clause 4.4(1) of the Holroyd Local Environmental Plan 2013 are identified below. A comment on the proposal's consistency with each objective is also provided.

> (a) to support the viability of commercial centres and provide opportunities for economic development within those centres,

The proposed development does not exceed the total maximum residential floor space for the overall site. Whilst there is a proposed exceedance of the residential floor space within area Z1, this is equally balanced by a reduction in residential floor space in Area AA2. Accordingly, the proposed variation does not consume any non-residential floor space and therefore does not compromise economic development within the centres. The proposed development also introduces an active ground floor plane and seeks to provide a place-making development with a unique laneway dining destination which will contribute significantly to the vibrancy and economic success of the Merrylands town centre.

> (b) to facilitate the development of a variety of housing types

The proposed residential accommodation comprises 192 x 1 bedroom apartments (34%), 354 x 2 bedroom apartments (63%), and 16 x 3 bedroom apartments (3%). A review of Development Applications approvals between May 2012 and April 2015 (3 year period) has identified that a total of 1,594 apartments have been approved in the Holroyd Local Government Area of which 257 apartments comprise of studios/1 bedroom apartments which equates to only 16% of the supply. The proposed provision of 34% of 1 bedroom apartments is appropriate given the identified shortfall of 1

bedroom apartments supplied by other development approvals in the Holroyd Local Government Area. The proposed development provides a suitable variety of housing types.

> (c) to ensure that development is compatible with the existing and desired future built form and character of the locality

The proposed development has a total FSR which is significantly lower than the maximum permissible FSR and the proposed variation to the residential floor area within area Z1 is equally balanced by a reduction in residential floor area in Area AA2. The proposed scale and density of development is generally consistent with that which is expressed by the current planning controls and also consistent with the future desired character as expressed by the Merrylands Station and McFarlane Street Precinct Proposal which was endorsed by Council on 3 May 2016. The proposed development is consistent with the intent of the applicable built form controls and responds positively to the particular site circumstances, without unreasonable adverse impact to the amenity of adjoining development generally. The proposed development delivers substantial public domain improvements and will provide a catalyst for urban renewal within Merrylands and is compatible with the desired future built form character of the locality.

> (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping

The proposed development is not located within an exclusively residential area. Notwithstanding this, the proposed development will provide for a high level of amenity for the area with adequate provision of vehicle and pedestrian access, private open space and above podium landscaped areas.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B4 Mixed Use zone pursuant to the Holroyd Local Environmental Plan 2013 (HLEP) which has the following objectives:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level.
- To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.

The proposed development provides for a shop-top housing development which comprises a genuine mixture of non-residential uses (15%) and residential apartments (85%). The ground floor retail uses and introduction of a shareway as part of the new north-south laneway will result in a vibrant public domain areas both in and around the site. The new north-south laneway and extension of Main Lane will provide a high level of pedestrian permeability, significantly improving linkages within the Merrylands Centre. The retail component of the development will strengthen the economic and on-going employment role of Merrylands. The development will also increase the residential population which will support local businesses. The proposal will also deliver a quantum of residential apartments and

retail uses on the site which will maximise public transport patronage, cycling and walking. The proposal will achieve a much needed revitalisation within the Merrylands Centre.

For the reasons given the proposal is considered to be consistent with the objectives of the B4 Mixed Use zone.

1.9 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

> (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
>
> (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The architectural package prepared by Turner Architects which accompanies the subject application illustrates the relationship of the proposed development within the context of the site. It demonstrates a high quality outcome for the site which will result in the delivery of an integrated community of buildings with significant separation around a central pedestrian network which will contribute significantly to the amenity afforded to the shoppers and future occupants alike. This approach is only possible with a variation to the residential FSR control which applies to area Z1.

Therefore, this is a circumstance where flexibility in the application of the residential floor space ratio standard is appropriate as it will achieve a better outcome by virtue of an improved urban design outcome. Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the residential floor space ratio development standard will achieve a better outcome in this instance in accordance with objective 1(b).

1.10 Conclusion

Strict compliance with the floor space ratio development standard contained within clause 4.4(2) of the Holroyd Local Environmental Plan 2013 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition there are sufficient environmental planning grounds to justify the variation. In this regard it is reasonable and appropriate to support the proposed variation to the residential floor space ratio development standard in Area Z1 in this circumstance.

MERRYLANDS COURT

233-249 Merrylands Road & 52-54 Macarthur Street Merrylands

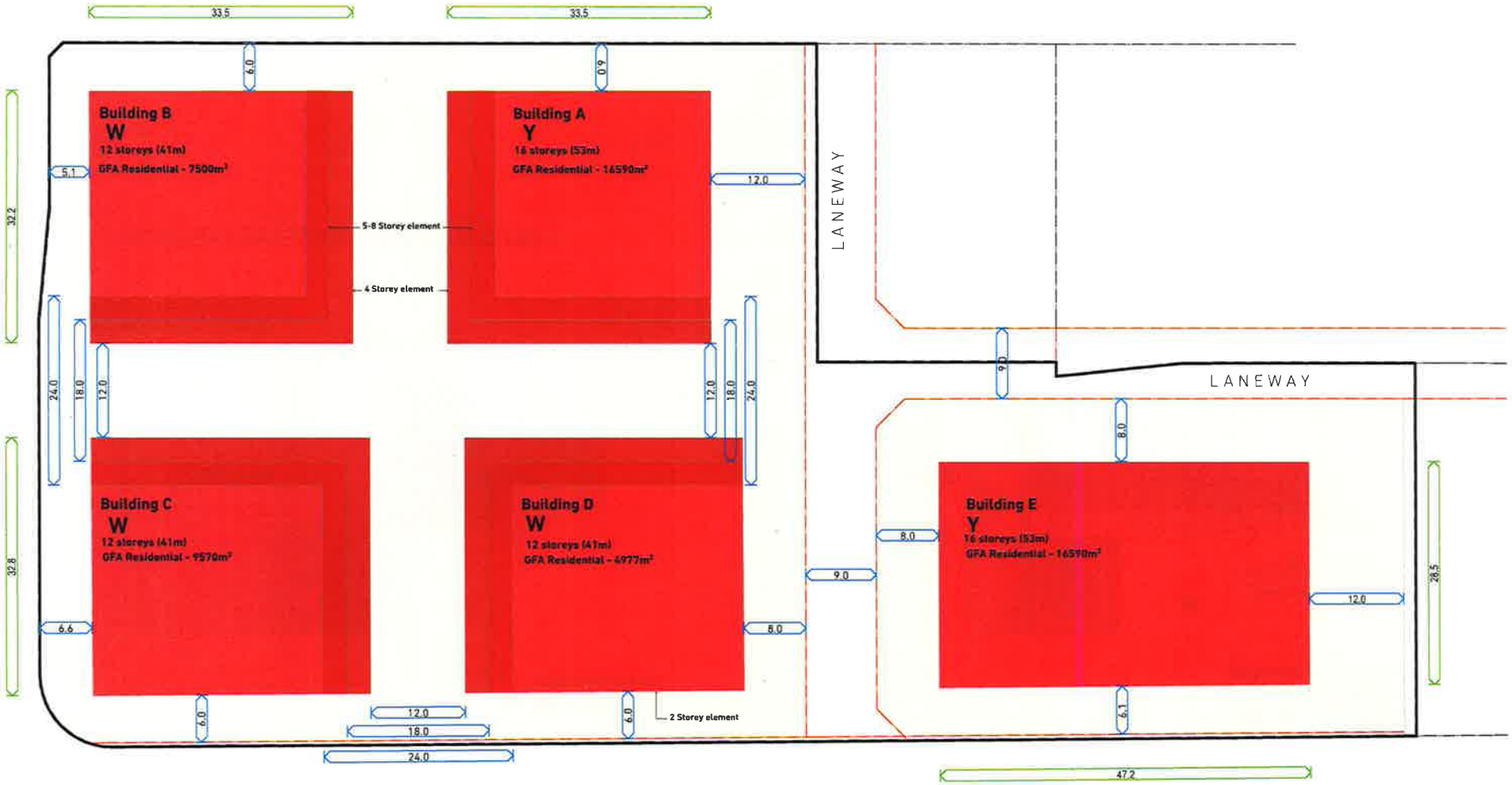
Response to Cumberland Council

23.08.16

TURNER

ON BEHALF OF STOCKLAND

PART ONE
Site Strategy



Merrylands Court Stockland

LEP/DCP Compliant Building Envelopes

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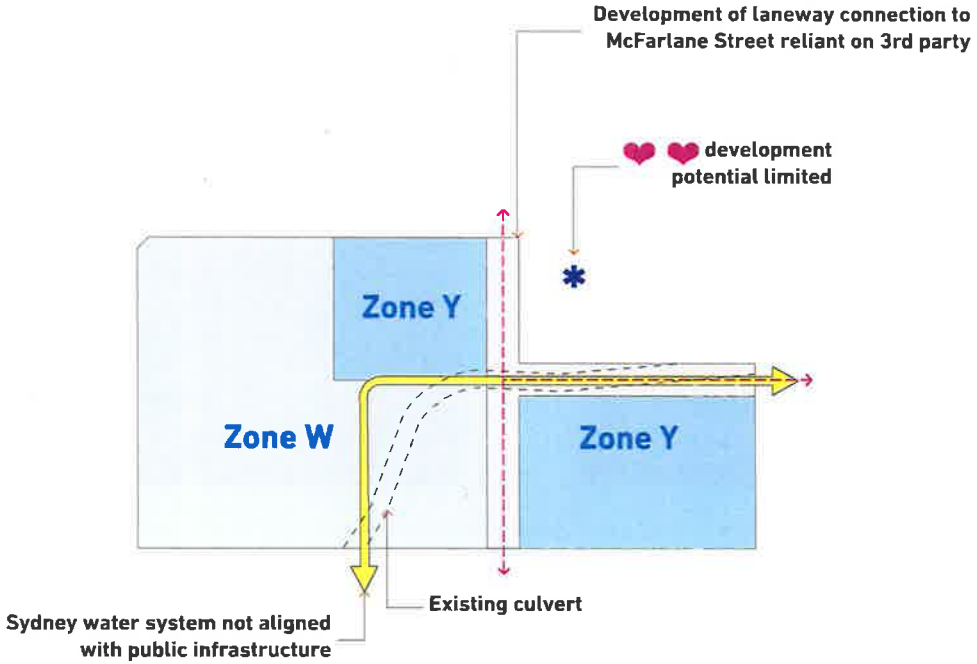
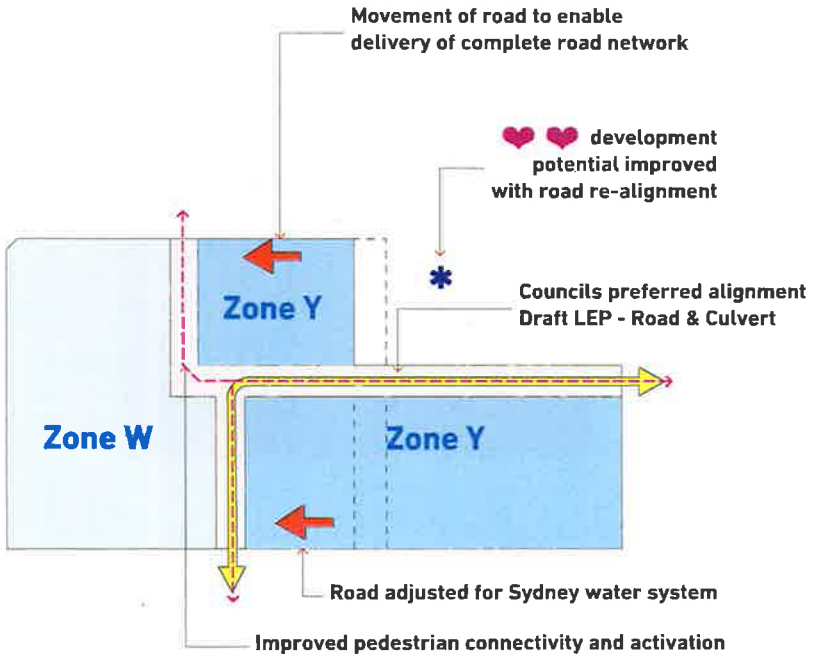
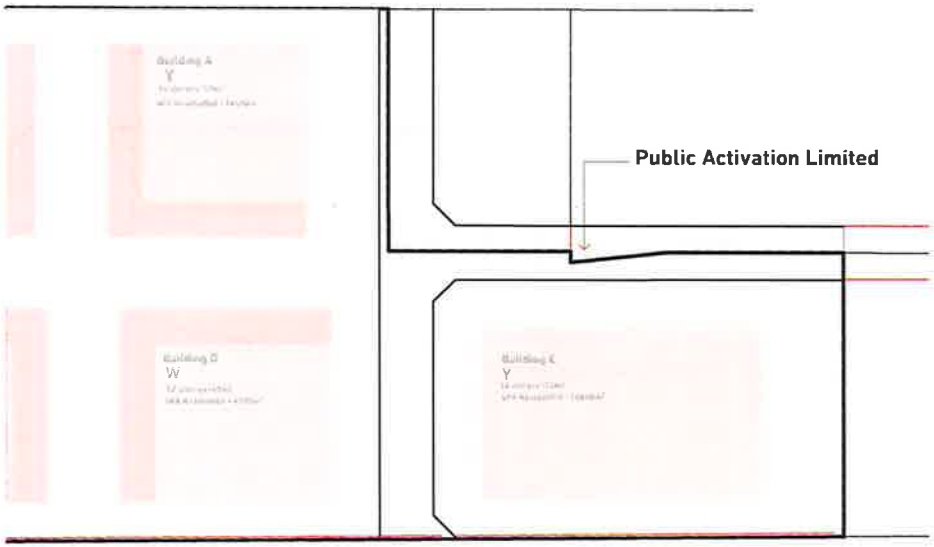
TURNER



Road way based on Holroyd DCP 2013

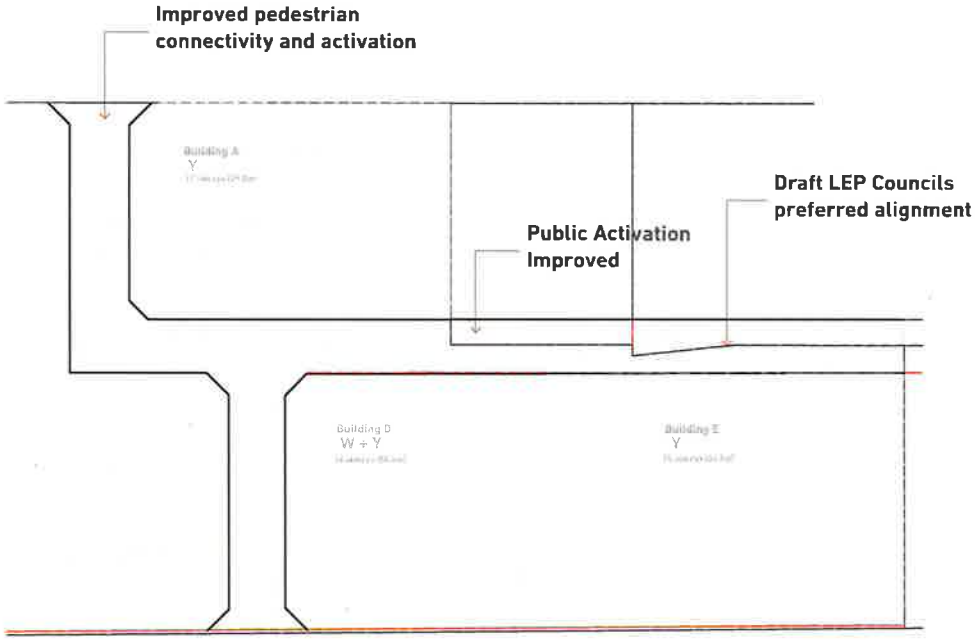


Proposed re-aligned road way to suit Sydney Water system



Public Road based on Holroyd DCP 2013

Allows flexibility of planning one large site



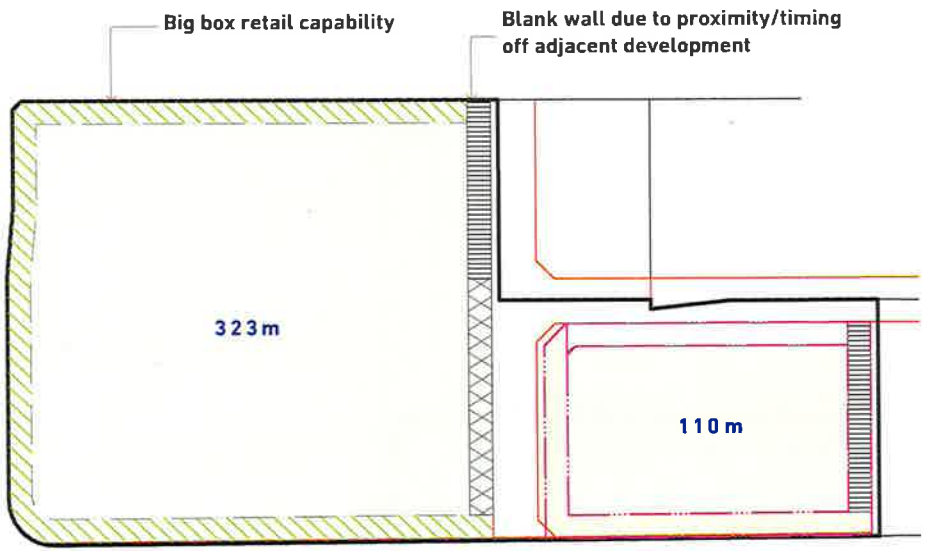
Public Road re-aligned to improve Activation

45% Increase in Public Activation Zone

Inability for flexibility, large site cut into smaller lots

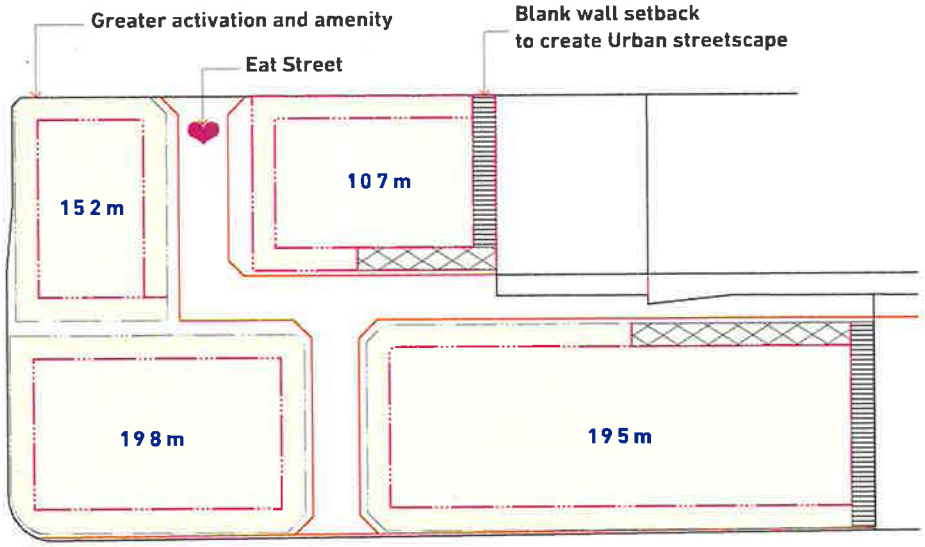
Request dispensation for height due to reduced flexibility imposed by laneway breakup of the larger site

Public Road



Public Activated Zone based on Holroyd DCP 2013

Total Activated Facade 433m



Re-alignment of laneway to maximise Public Activated Zone

Total Activated Facade 652m
50% Additional Activated facade

Activated Facade Comparison
Project No 15030 Rev B Council Response 23/08/2016
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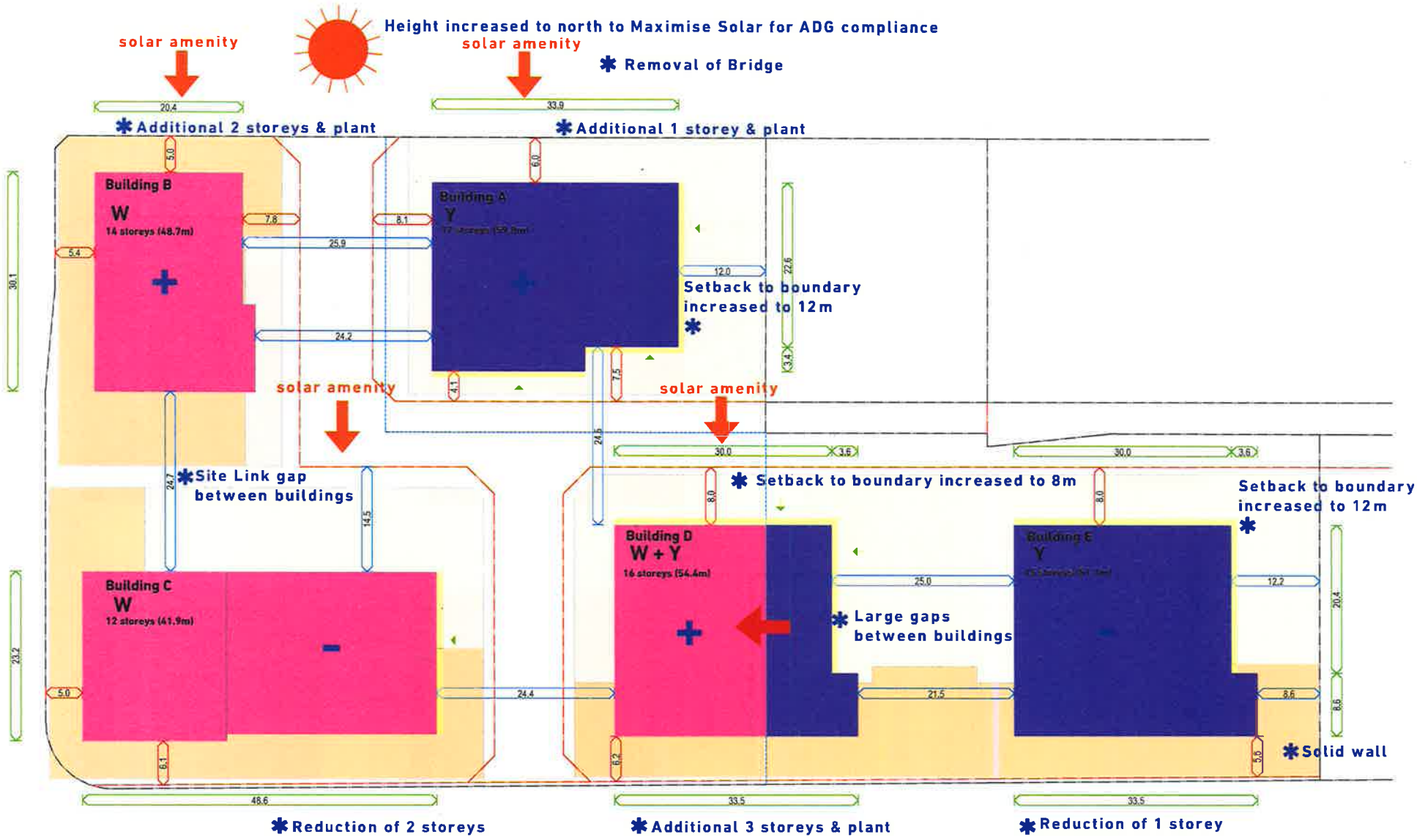

Merrylands Court Stockland

Current Proposed Building Envelopes (Incorporating setback comments)

Project No 15030 Rev B Council Response 23/09/2016

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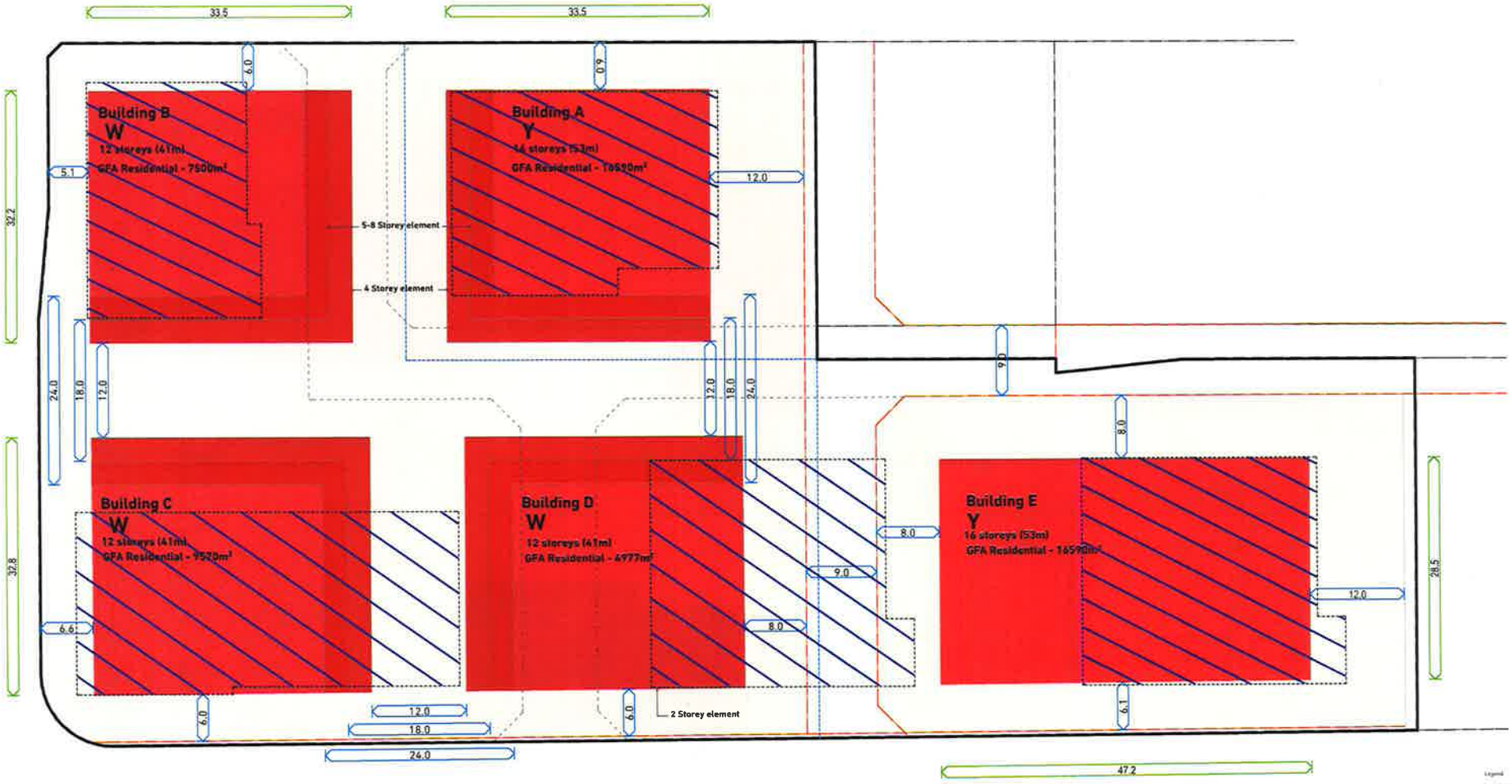


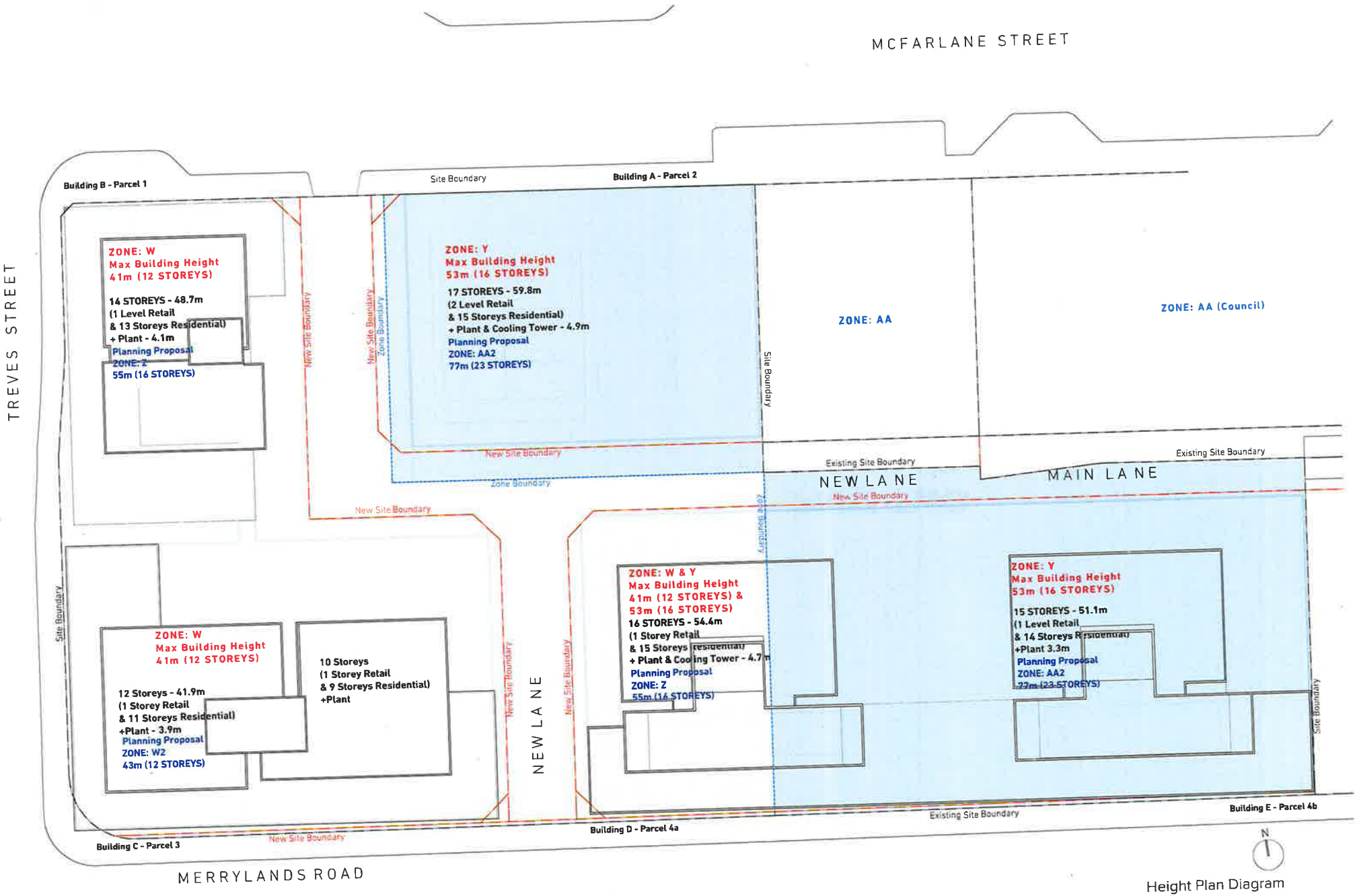
Merrylands Court Stockland

DCP/LEP Compliant and Proposed Envelope Overlays

Project No 15030 Rev B Council Response 23/08/2016

TURNER

PART TWO
LEP height controls



Height Plan Diagram

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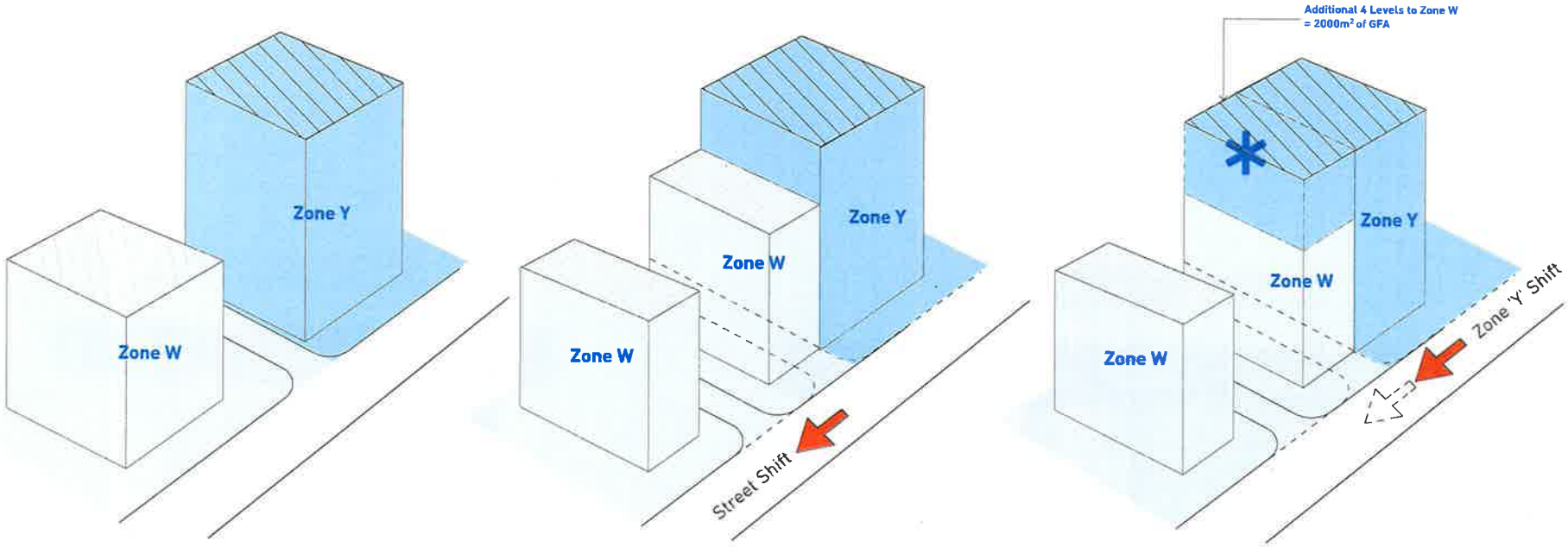
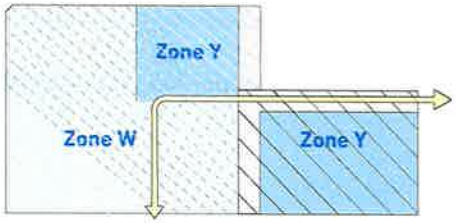
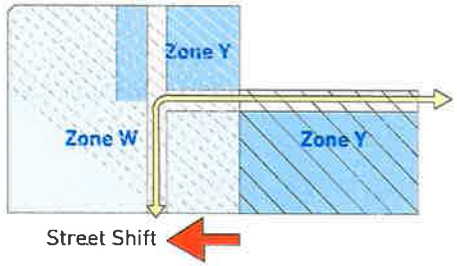
TURNER

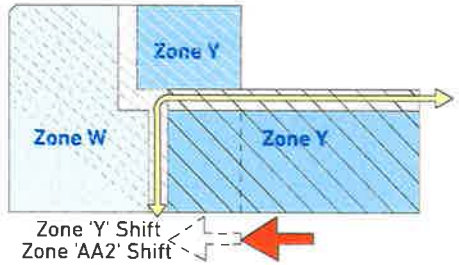




Road way based on Holroyd DCP 2013

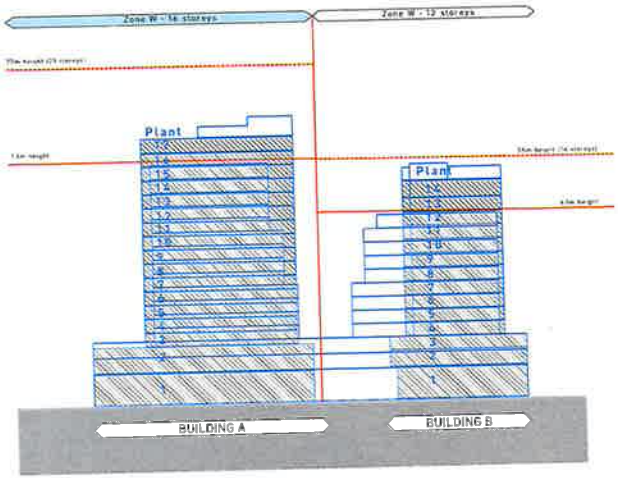


Council initial Laneway configuration and affect on HLEP 2013 height map

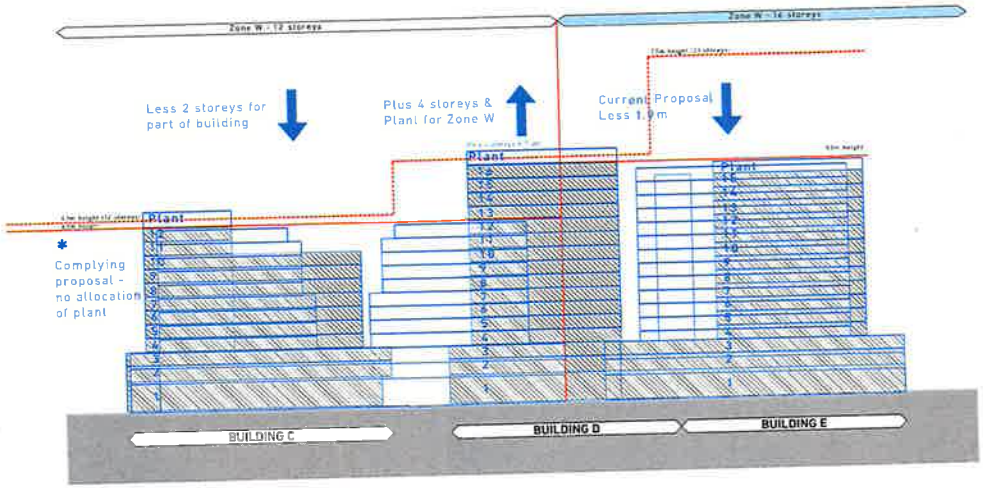


Proposed Height zone adjustment to suit Council Laneway position

✱ Height increased to north to Maximise Solar for ADG compliance



Comparison Envelope - Height Variation
McFarlane Street Elevation



Comparison Envelope - Height Variation
Merrylands Road Elevation

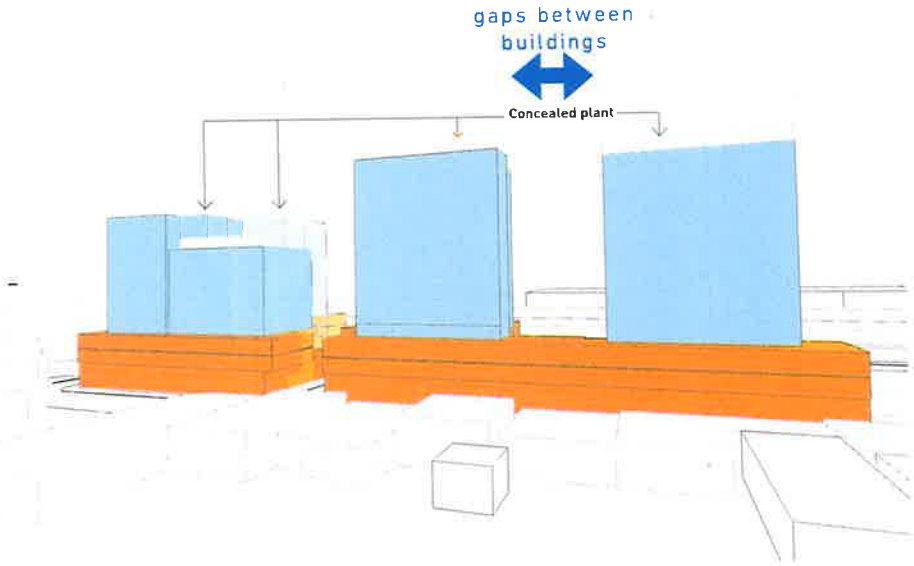
LEP/ DCP scheme
Current Proposal
DCP Elevation
Draft LEP 16/05/16 Height Envelope

Comparision Elevations

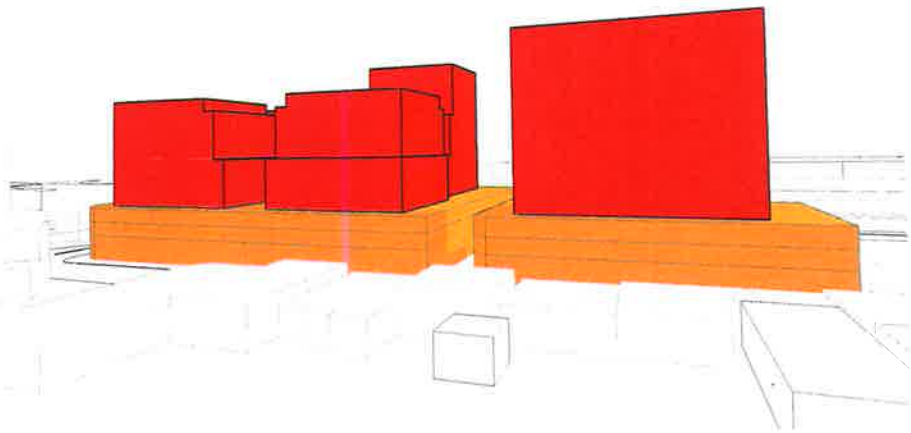
Project No 15030 Rev. B Council Response 23/08/2016

TURNER

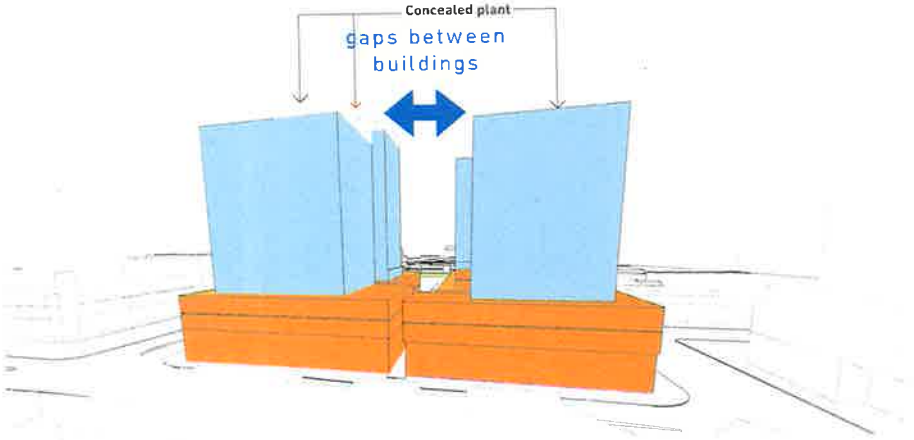
PART THREE
Massing Comparison



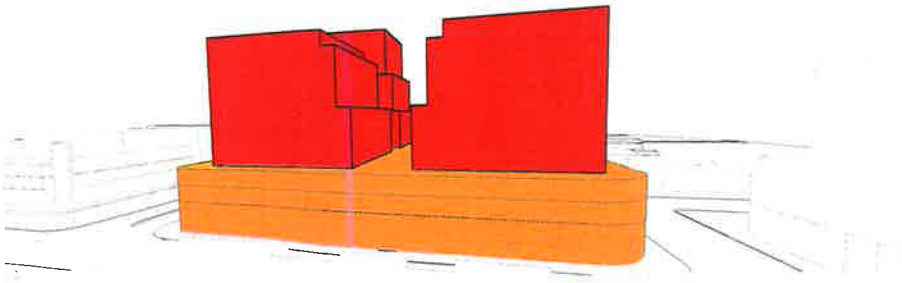
VIEW FROM MERRYLANDS ROAD - CURRENT PROPOSED MASSING



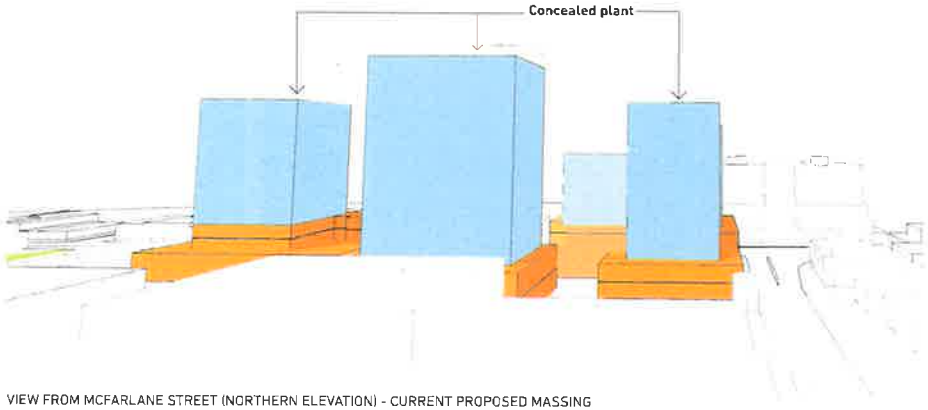
VIEW FROM MERRYLANDS ROAD - DCP/LEP COMPLIANT MASSING



VIEW FROM TREVES STREET - CURRENT PROPOSED MASSING

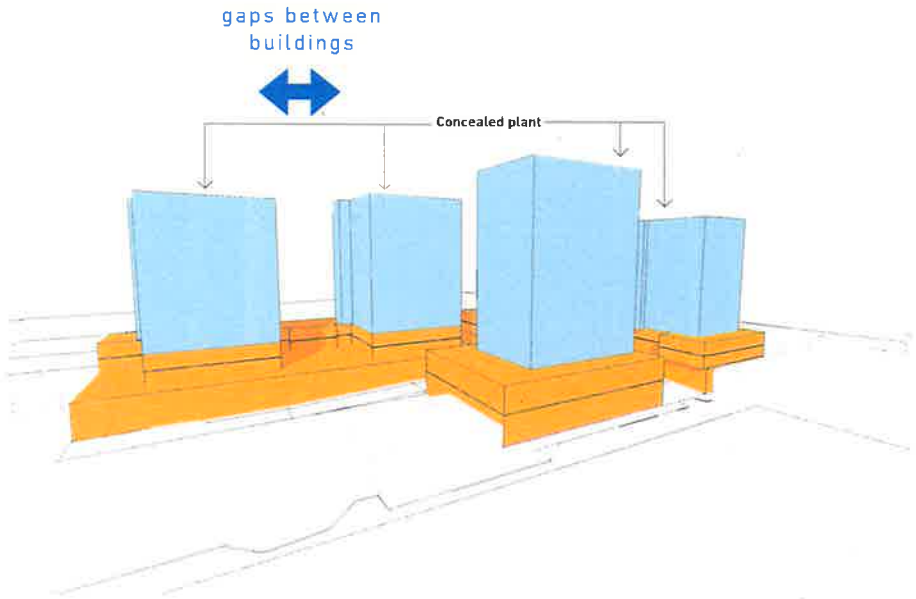


VIEW FROM TREVES STREET - DCP/LEP COMPLIANT MASSING

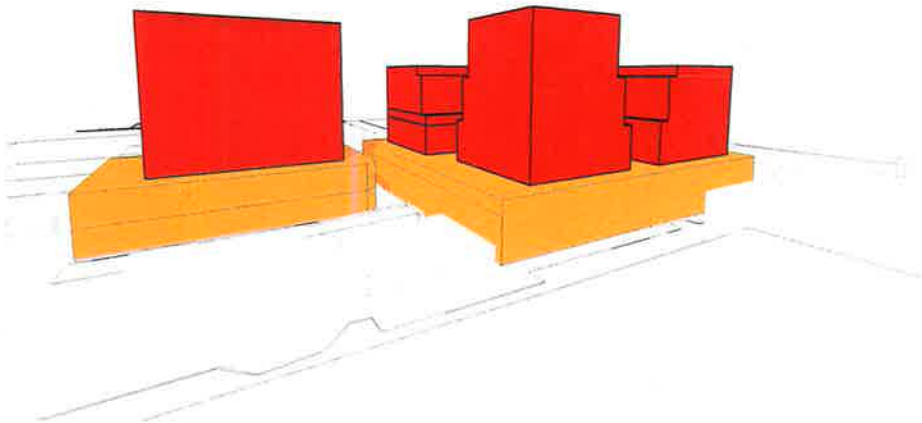


VIEW FROM MCFARLANE STREET (NORTHERN ELEVATION) - CURRENT PROPOSED MASSING

VIEW FROM MCFARLANE STREET (NORTHERN ELEVATION) - DCP/LEP COMPLIANT MASSING

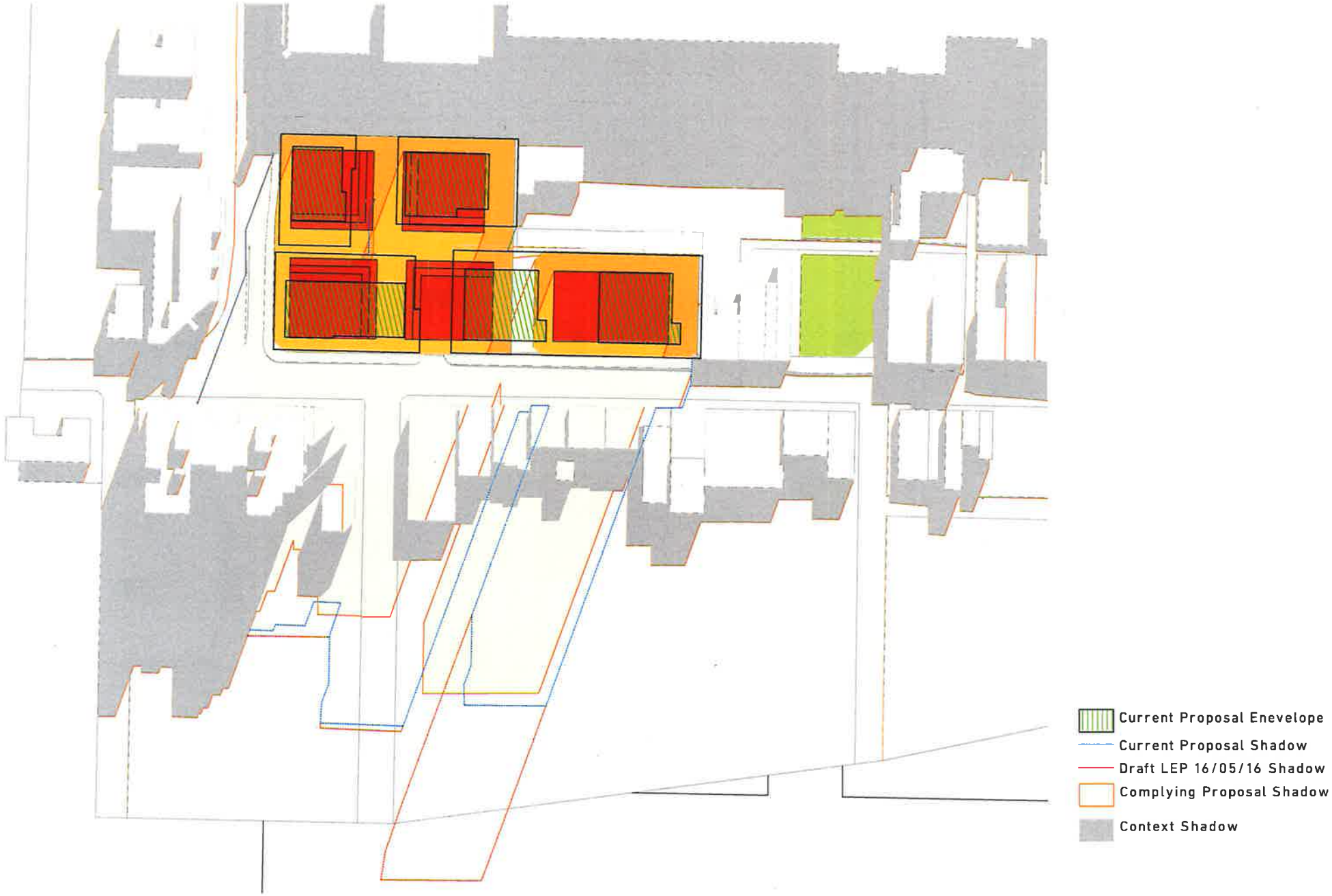


VIEW FROM MCFARLANE STREET (NORTH-EAST ELEVATION) - CURRENT PROPOSED MASSING



VIEW FROM MCFARLANE STREET (NORTH-EAST ELEVATION) - DCP/LEP COMPLIANT MASSING

PART FOUR
Shadow Comparison



Merrylands Court Stockland

Shadow Comparison 9am

Project No 15030 Rev B Council Response 23/08/2016

TURNER

Merrylands Court Stockland

Shadow Comparison 12pm

Project No 15030 Rev. B Council Response 23/08/2016

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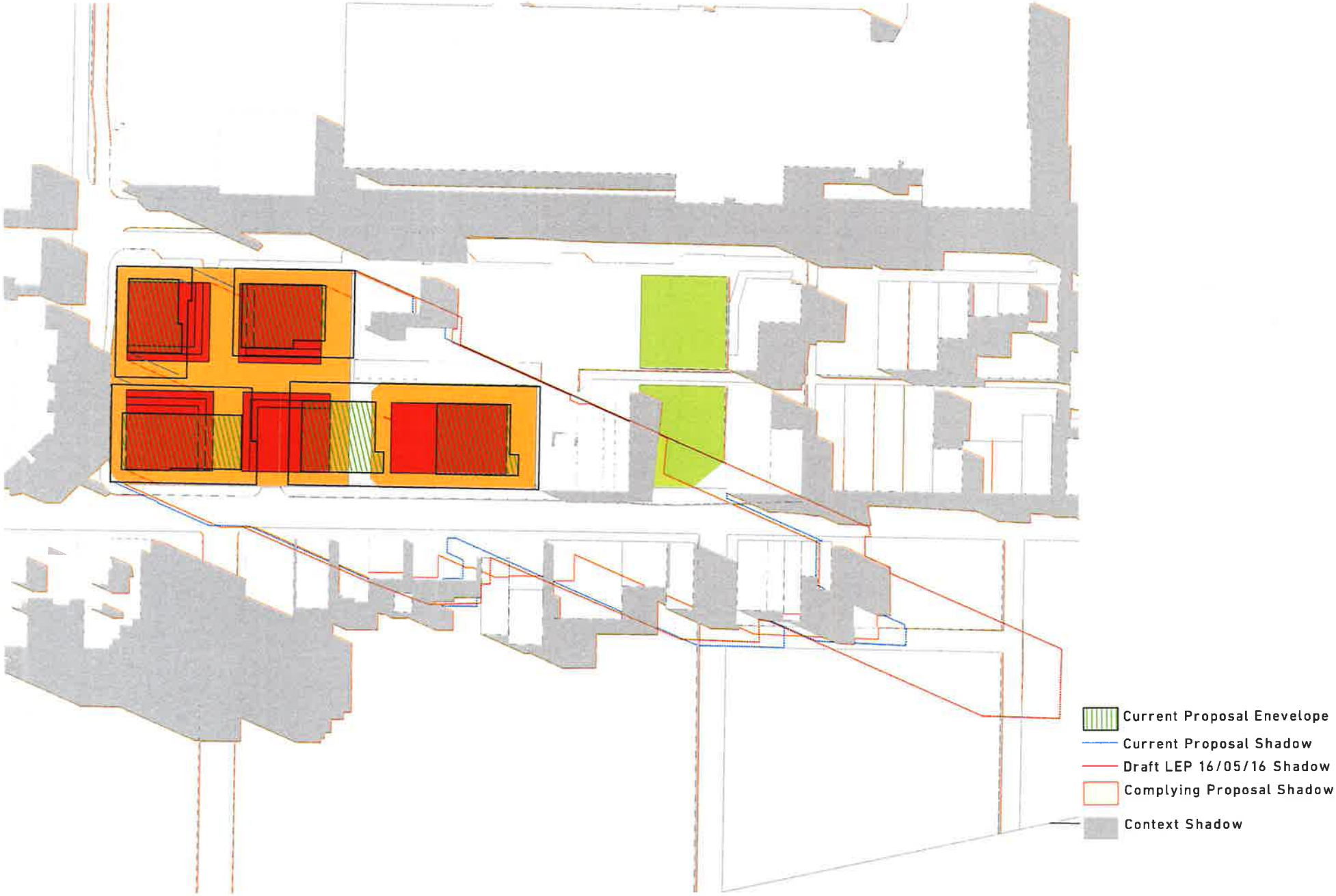

Merrylands Court Stockland

Shadow Comparison 3pm

Project No 15030 Rev B Council Response 23/08/2016

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Apartment Design Guidelines			
No.	**Requirement**	**Proposal**	**Compliance**
Part 2 - Siting the Development			
2F	*Building Separation* *Up to four storeys (approximately 12m):* • *12m between habitable rooms/balconies;* • *9m between habitable rooms/balconies and non-habitable rooms; and* • *6m between non habitable rooms* *Five/eight storeys (approximately25m):* • *18m between habitable rooms/balconies13m between habitable rooms/balconies and non-habitable rooms; and* • *9m between non habitable rooms* *Nine storeys and above (over 25m):* • *24m between habitable rooms/balconies;* • *18m between habitable rooms/balconies and non-habitable rooms; and* • *12m between non-habitable rooms*	Ground: Commercial built to boundaries Levels 1 & 2: • 17m habitable to non-habitable between Buildings A and B • 3m to blank walls with small offset openings for study and bedroom between Buildings B and C • 18m habitable to habitable between Buildings C and D • 25m habitable to habitable between Buildings D and E • 15m to 17m habitable to non-habitable between Buildings E and A Level 3: • 23.5m habitable to habitable between Buildings A and B • 20m habitable to habitable between Buildings B and C • 19.5m habitable to habitable between Buildings C and D • 18m habitable to habitable between Buildings D and E • 20m habitable to habitable between Buildings E and A Levels 4 to 9: • 24m habitable to habitable between Buildings A and B • 24.5m habitable to habitable between Buildings B and C • 24.5m habitable to habitable between Buildings C and D • 21m to 25m habitable to habitable between Buildings D and E • 21.5m to 24.5m habitable to habitable between Buildings E and A Levels 10 to 11: • 24m habitable to habitable between Buildings A and B • 24.5m habitable to habitable between Buildings B and C • 47.5m habitable to habitable between Buildings C and D • 21m to 25m habitable to habitable between Buildings D and E • 21.5m to 24.5m habitable to habitable between Buildings E and A	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes No, minor 2.5m to 3m variation considered acceptable As above. Yes Yes Yes No, minor 2.5m to 3m variation considered acceptable As above.

		Levels 11 to 13: • 24m habitable to habitable between Buildings A and B • 21m to 25m habitable to habitable between Buildings D and E • 21.5m to 24.5m habitable to habitable between Buildings E and A Level 14 to 15: • 21m to 25m habitable to habitable between Buildings D and E • 21.5m to 24.5m habitable to habitable between Buildings E and A Level 15: • 21.5m to 24.5m habitable to habitable between Buildings E and A Levels 16 and 17 (Building A only) no separation requirement	Yes No, minor 2.5m to 3m variation considered acceptable As above. No, minor 2.5m to 3m variation considered acceptable As above. No, minor 2.5m to 3m variation considered acceptable As above. N/A
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.*	Site Analysis provided with the DA is considered satisfactory.	Yes
3B	**Orientation**		
3B-1	*Building types and layouts respond to the streetscape and site while optimising solar access within the development.*	Proposal adequately addresses street frontages, while south facing units are minimised	Yes
3B-2	*Overshadowing of neighbouring properties is minimised during mid-winter.*	The proposal will not unreasonably overshadow any adjoining properties.	Yes
3C	**Public Domain Interface**		
3C-1	*Transition between private and public domain is achieved without compromising safety and security.*	Active street frontages with glazing provided to all ground floor frontages. Upper level balconies and windows provide casual surveillance of the public domain. Utility areas are either in the basement, off the rear lane or out of sight.	Yes
3C-2	*Amenity of the public domain is retained and enhanced.*	Building entries are legible and mail boxes within street front lobbies of each building. Car parking levels are below finished ground level reducing large areas of painted materials or car park vents.	Yes

<table>
<tr><td>3D</td><td colspan="2">Communal and Public Open Space</td><td colspan="2"></td></tr>
<tr><td>3D-1</td><td colspan="2">An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</td><td>5,116sqm of communal open space provided. 3,104sqm of landscaping on structure provided. Provision of communal open space and landscaped area considered satisfactory</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>Communal open space has a minimum area equal to 25% of the site.

Required: 0.25 x 12,418.3 = 3,105.57m2 needed.</td><td>5,116sqm of communal open space provided or 41% based on gross site area.</td><td>Yes</td></tr>
<tr><td></td><td></td><td>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).</td><td>Yes</td><td>Yes</td></tr>
<tr><td>3D-2</td><td colspan="2">Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</td><td>Range of activities provided include bench seating, BBQ areas, communal tables and chairs internal gymnasium, rooftop open air cimena, hard paving, turfed area, pergolas and covered areas.</td><td>Yes</td></tr>
<tr><td>3D-3</td><td colspan="2">Communal open space is designed to maximise safety.</td><td>Safety has been maximised with secure lift entry to residents only</td><td>Yes</td></tr>
<tr><td>3D-4</td><td colspan="2">Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</td><td>No public open space is provided. However, the public domain is improved by the proposal with activated laneway and street frontages and extensive outdoor dining areas.</td><td>N/A</td></tr>
<tr><td>3E</td><td colspan="2">Deep Soil Zones</td><td colspan="2"></td></tr>
<tr><td>3E-1</td><td colspan="2">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.</td><td>No deep soil at ground due to 100% site coverage in commercial setting. However, extensive planting on structure is provided to allow for and support healthy plant and tree growth.</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>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 650m^2</td><td>-</td><td rowspan="4">7%</td></tr>
<tr><td>650m^2 - 1,500m^2</td><td>3m</td></tr>
<tr><td>greater than 1,500m^2</td><td>6m</td></tr>
<tr><td>greater than 1,500m^2 with significant existing tree cover</td><td>6m</td></tr>
</table>

Required: 0.07 x 12,418.3 = 869.28m^2 needed with 6m width.</td><td>3,104sqm of landscaping on structure provided or 24.9%</td><td>Yes</td></tr>
<tr><td>3F</td><td colspan="2">Visual Privacy</td><td colspan="2"></td></tr>
</table>

<table>
<tr><td>3F-1</td><td colspan="2">Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</td><td>Building separation generally complies with numerical requirement and satisfactory visual privacy is achieved subject to conditions.</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>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>
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td><td><u>East Side</u>

A 0m blank wall is provided up to Level 2 of Buildings A and E adjacent to the eastern property boundary.

Building A provides 12m separation from Level 3 and above to the eastern property boundary with 38-40 McFarlane Street.

Building E provides 8.6m to 12m separation from Level 3 and above to the eastern property boundary with 231 Merrylands Road. The variation relates to a 9m length of wall with habitable openings and balcony, which is screened with a decorative façade treatment. A condition will be imposed requiring this section of the eastern elevation of Building E to be a blank wall (covered with the decorative screening) to remove any potential visual (and acoustic) privacy concerns.

<u>Within the site</u>

As noted under Building Separation, compliance is achieved for all buildings with the exception of minor 2.5m to 3m point encroachments for balconies/habitable rooms between:

• Buildings D and E relating to a 9m section of wall; and
• Buildings E and A relating to a point encroachment at the corner of the balconies between Units A.3.08 and above (Building A) and Units D.4.06 and above. This equates to a 0.4m variation up to 8 storeys and a 3.4m variation above 8 storeys.

These variations are considered acceptable as adequate visual privacy will be achieved with the proposed decorative façade screen. In addition, it is noted that a number of building “slots” are proposed with openings, but these have been assessed as</td><td>Yes

Yes

No, but considered acceptable subject to condition

No, but considered acceptable subject to condition</td></tr>
</table>

			acceptable given the openings are generally to one side opposite blank wall.	
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.*		Satisfactory privacy is achieved without compromising access to light and air and views from habitable rooms and private open space.	Yes
3G	**Pedestrian Access and Entries**			
3G-1	*Building entries and pedestrian access connects to and addresses the public domain.*		Pedestrian access points are legible and well-defined with separated residential and commercial lobbies. Lift access is provided for all units via basement and ground floor lobby.	Yes
3G-2	*Access, entries and pathways are accessible and easy to identify.*		Each building has a main entry off the primary street frontage	Yes
3G-3	*Large sites provide pedestrian links for access to streets and connection to destinations.*		A north-south laneway as well as a pedestrian through link off Treves Street provides a highly permeable site for all buildings	Yes
3H	**Vehicle Access**			
3H-1	*Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.*		Vehicular access is proposed to the rear via the 9m wide westerly extension of Main Lane (to be delivered by Council) and a new 9m wide and variable north-south laneway connecting the Main Lane extension with McFarlane Street and Merrylands Road.	Yes
3J	**Bicycle and Car Parking**			
3J-1	*Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.*		Car parking provision is based on lower RMS parking rates given the site is within 800m of a railway station.	Yes
	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 car parking needs for a development must be provided off street.*	Based on the RMS rates, the required car parking is: 192 x 0.6 = 115.2 354 x 0.9 = 318.6 16 x 1.4 = 22.4 Sub-total = 456.2 Visitor 562 x 0.2 = 112.4 Residential: 568.6 spaces Retail: 7,028sqm/50 = 141 (Note, the Traffic Report identifies	Yes

		<table><tr><td>*Control*</td><td></td></tr><tr><td>*1 bedroom*</td><td>*0.6 spaces*</td></tr><tr><td>*2 bedroom*</td><td>*0.9 space*</td></tr><tr><td>*3 bedroom*</td><td>*1.4 spaces*</td></tr><tr><td>*4+ bedroom*</td><td>*1.4 spaces*</td></tr><tr><td>*Visitor / dwelling*</td><td>*0.2 spaces*</td></tr></table>	7,150sqm retail GLA requiring 143 car spaces) Total retail parking capped at 70% on site as per Section 94 plan = 100 spaces. Remaining 43 car space to be provided offsite via section 94 contributions. TOTAL: 669 spaces required onsite plus 43 offsite Provided: 642 residential spaces 100 retail spaces Total 742 car spaces onsite 43 retail car space offsite 313 bicycle space provided. 368 required in accordance with HDCP 2013. Condition to be imposed for the provision of an additional 55 bicycle spaces onsite.	
3J-2	*Parking and facilities are provided for other modes of transport.*			Yes
3J-3	*Car park design and access is safe and secure.*			Yes
3J-4	*Visual and environmental impacts of underground car parking are minimised.*			Yes
3J-5	*Visual and environmental impacts of on-grade car parking are minimised.*			N/A
3J-6	*Visual and environmental impacts of above ground enclosed car parking are minimised.*			N/A
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. **Required:** 70% x 15 units = 10.5 units so 11	Overall, 397 out of 562 units achieve 2 hours solar access on mid winter, which equates to 70.6%. However, Buildings C and D achieve 64.3% and 60.3%, respectively, on a per building basis. This is primarily due to the south	No but acceptable

			facing frontage to Merrylands Road and internal overshadowing from the higher buildings directly to the north off McFarlane Street. Therefore, this is considered acceptable noting only 13.7% of units overall do not receive any solar access.	
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. **Maximum:** 15% x 562 units = 84.3 units	77 units receive no direct sunlight, which equates to 13.7%.	Yes
4A-2	*Daylight access is maximised where sunlight is limited.*			Yes
4A-3	*Design incorporates shading and glare control, particularly for warmer months.*			Can be incorporated
4B	**Natural Ventilation**			
4B-1	*All habitable rooms are naturally ventilated.*			Yes condition
4B-2	*The layout and design of single aspect apartments maximises natural 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 allows adequate natural ventilation and cannot be fully enclosed. **Required:** 60% x 15 units = 9 units	204 units up to level 9 are cross ventilated or 60%	Yes
		Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	11m provided to units D1.10, D1.07, D2.10 and D2.07.	Yes
4C	**Ceiling Heights**			
4C-1	*Ceiling height achieves sufficient natural ventilation and daylight access.*			Yes
	Design Criteria	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	4.5m to 6m ground floor ceiling heights 3.3m to 5.5 first floor ceiling heights 3.3m second floor ceiling heights	Yes

<table>
<tr><td></td><td></td><td><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 used 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.</td><td>2.7m ceiling heights above</td><td></td></tr>
<tr><td>4C-2</td><td colspan="2">Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</td><td>N/A</td></tr>
<tr><td>4C-3</td><td colspan="2">Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>Yes</td></tr>
<tr><td>4D</td><td colspan="3">Apartment Size and Layout</td></tr>
<tr><td>4D-1</td><td colspan="2">The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>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>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.</td><td>Proposed unit sizes vary from 50sqm to 59sqm for 1 bedroom units, 71sqm to 78sqm for 2 bedroom units and 95sqm to 108sqm for 3 bedrooms.</td><td>Yes</td></tr>
<tr><td></td><td>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.</td><td>Yes</td><td>Yes</td></tr>
<tr><td>4D-2</td><td colspan="2">Environmental performance of the apartment is maximised.</td><td></td></tr>
<tr><td></td><td>Design Criteria</td><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td><td>Yes</td><td>Yes</td></tr>
<tr><td></td><td></td><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>Yes</td><td>Yes</td></tr>
</table>

<table>
<tr><td>4D-3</td><td colspan="3">Apartment layouts are designed to accommodate a variety of household activities and needs.</td><td></td></tr>
<tr><td></td><td>Design Criteria</td><td>Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space).</td><td>Master bedrooms >10sqm and other bedrooms >9m</td><td>Yes</td></tr>
<tr><td></td><td></td><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</td><td>>3m</td><td>Yes</td></tr>
<tr><td></td><td></td><td>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.</td><td>>3.6m for 1 bedroom units and >4m for 2 or 3 bedrooms units</td><td>Yes</td></tr>
<tr><td></td><td></td><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>>4m</td><td>Yes</td></tr>
<tr><td>4E</td><td colspan="4">Private Open Space and Balconies</td></tr>
<tr><td>4E-1</td><td colspan="3">Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</td><td></td></tr>
<tr><td></td><td>Design Criteria</td><td>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>4m^2</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m^2</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m^2</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m^2</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</td><td>Balcony sizes range from 8sqm to 17sqm for 1 bedroom units, 10sqm to 32sqm for 2 bedrooms and 13sqm to 43sqm for 3 bedrooms. Minimum depths provided.</td><td>Yes</td></tr>
<tr><td></td><td></td><td>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.</td><td>Podium level terraces range from 22sqm to 78sqm with a minimum depth of 3m</td><td>Yes</td></tr>
<tr><td>4E-2</td><td colspan="3">Primary private open space and balconies are appropriately located to enhance liveability for residents.</td><td>Yes</td></tr>
<tr><td>4E-3</td><td colspan="3">Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td><td>Yes</td></tr>
<tr><td>4E-4</td><td colspan="3">Private open space and balcony design maximises safety.</td><td>Yes</td></tr>
<tr><td>4F</td><td colspan="4">Common Circulation and Spaces</td></tr>
<tr><td>4F-1</td><td colspan="3">Common circulation spaces achieve good amenity and properly service the number of apartments.</td><td>Yes</td></tr>
<tr><td></td><td>Design</td><td>The maximum number of apartments off a</td><td>Buildings A and B comply. 10 units for Building C and 9 units for</td><td>No but</td></tr>
</table>

<table>
<tr><td></td><td>Criteria</td><td>circulation core on a single level is eight.</td><td>Buildings D and E provided off a circulation core. However, this is less than the maximum of 12 units provided under the Design Guidance.</td><td>acceptable</td></tr>
<tr><td></td><td></td><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>Each building is over 10 storeys. Double lifts have been provided for each building. A Lift Service Report prepared by Floth Sustainable Building Consultants was submitted with the DA, which confirms that the level of lift servicing for the proposed development is satisfactory.</td><td>Yes</td></tr>
<tr><td>4F-2</td><td colspan="3">Common circulation spaces promote safety and provide for social interaction between residents.</td><td>Yes</td></tr>
<tr><td>4G</td><td colspan="4">Storage</td></tr>
<tr><td>4G-1</td><td colspan="3">Adequate, well designed storage is provided in each apartment.</td><td></td></tr>
<tr><td></td><td>Design Criteria</td><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
<table><tr><th>Dwelling type</th><th>Storage size 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.</td><td>Each unit is provided with internal storage areas as well as individual secure basement storage based on a minimum of 6 cubic metres for 1 bedroom apartments, 8 cubic metres for 2 bedrooms and 10 cubic metres for 3 bedrooms.</td><td>Yes, to be conditioned</td></tr>
<tr><td>4G-2</td><td colspan="3">Additional storage is conveniently located, accessible and nominated for individual apartments.</td><td>Yes</td></tr>
<tr><td>4H</td><td colspan="4">Acoustic Privacy</td></tr>
<tr><td>4H-1</td><td colspan="3">Noise transfer is minimised through the sitting of buildings and building layout.</td><td>Yes</td></tr>
<tr><td>4H-2</td><td colspan="3">Noise impacts are mitigated within apartments through layout and acoustic treatments.</td><td>Yes</td></tr>
<tr><td>4J</td><td colspan="4">Noise and Pollution</td></tr>
<tr><td>4J-1</td><td colspan="3">In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful sitting and layout of buildings.</td><td>Yes</td></tr>
<tr><td>4J-2</td><td colspan="3">Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</td><td>Yes</td></tr>
<tr><td>4K</td><td colspan="4">Apartment Mix</td></tr>
<tr><td>4K-1</td><td colspan="3">A range of apartment types and sizes is provided to cater for different household types now and into</td><td>Yes</td></tr>
</table>

	the future.	
4K-2	*The apartment mix is distributed to suitable locations within the building.*	Yes
4L	**Ground Floor Apartments**	
4L-1	*Street frontage activity is maximised where ground floor apartments are located.*	N/A
4L-2	*Design of ground floor apartments delivers amenity and safety for residents.*	N/A
4M	**Façades**	
4M-1	*Building facades provide visual interest along the street while respecting the character of the local area.*	Yes
4M-2	*Building functions are expressed by the façade.*	Yes
4N	**Roof Design**	
4N-1	*Roof treatments are integrated into the building design and positively respond to the street.*	Yes
4N-2	*Opportunities to use roof space for residential accommodation and open space are maximised.*	Yes
4N-3	*Roof design incorporates sustainability features.*	Yes
4O	**Landscape Design**	
4O-1	*Landscape design is viable and sustainable.*	Yes
40-2	*Landscape design contributes to the streetscape and amenity.*	Yes
4P	**Planting on Structures**	
4P-1	*Appropriate soil profiles are provided.*	Yes
4P-2	*Plant growth is optimised with appropriate selection and maintenance.*	Yes
4P-3	*Planting on structures contributes to the quality and amenity of communal and public open spaces.*	Yes
4Q	**Universal Design**	
4Q-1	*Universal design features are included in apartment design to promote flexible housing for all community members.*	Yes
4Q-2	*A variety of apartments with adaptable designs are provided.*	Yes
4Q-3	*Apartment layouts are flexible and accommodate a range of lifestyle needs.*	Yes
4R	**Adaptive Reuse**	
4R-1	*New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.*	N/A
4R-2	*Adapted buildings provide residential amenity while not precluding future adaptive reuse.*	N/A
4S	**Mixed Use**	

4S-1	*Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.*	Yes
4S-2	*Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.*	Yes
4T	**Awnings and Signage**	
4T-1	*Awnings are well located and complement and integrate with the building design.*	Yes
4T-2	*Signage responds to the context and desired streetscape character.*	N/A
4U	**Energy Efficiency**	
4U-1	*Development incorporates passive environmental design.*	Yes
4U-2	*Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.*	Yes
4U-3	*Adequate natural ventilation minimises the need for mechanical ventilation.*	Yes
4V	**Water Management and Conservation**	
4V-1	*Potable water use is minimised.*	Yes
4V-2	*Urban stormwater is treated on site before being discharged to receiving waters.*	Yes
4V-3	*Flood management systems are integrated into site design.*	Yes
4W	**Waste Management**	
4W-1	*Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.*	Satisfactory
4W-2	*Domestic waste is minimised by providing safe and convenient source separation and recycling.*	Yes
4X	**Building Maintenance**	
4X-1	*Building design detail provides protection from weathering.*	Yes
4X-2	*Systems and access enable ease of maintenance.*	Yes
4X-3	*Material selection reduces ongoing maintenance costs.*	Yes

Holroyd LEP 2013			
Standard	**Required/Permitted**	**Provided**	**Compliance**
Zoning B4 Mixed Use Objectives	• To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level. • To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.	The proposed development provides for a shop-top housing development which comprises a genuine mixture of non-residential uses (14.4%) and residential apartments (85.6%). The retail component has been designed to activate the existing Merrylands shopping precinct as well as the laneways internal to the development. The proposal has been designed to provide a high level of pedestrian permeability and creates new linkages with the nearby by Stockland Merrylands. The commercial component will provide a significant contribution to Merrylands and will provide employment and services within Merrylands and maximise public transport patronage, cycling and walking. The proposal will achieve a much needed revitalisation within the Merrylands Centre which is necessary to enhance its role as a major centre with a high level of intensity and mix of land uses.	Satisfactory
Permissible uses	Shop top housing	The definition of "shop top housing" requires the dwellings to be located above ground floor retail or business premises. All dwellings are located above ground floor retail or business premises.	Satisfactory
2.7	Demolition requires consent.	Consent is being sought for demolition of the existing buildings on the site.	Yes
4.3	Holroyd LEP stipulates the following maximum heights for the subject site: 53m – eastern portion	Eastern portion (53m max): Building A: 64.2m Building D (part): 59.1m Building E: 54.4m	**No** Clause 4.6 Variation submitted. Refer to

	41m – western portion The objectives of the of height of buildings development standard 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.	Western portion (41m max): Building B: 52.8m Building C: 45.8m Building D (part): 59.1m Whilst the proposal does not comply with the numerical standards, it is considered that the proposal achieves the objectives of the standard by providing: a. a taller, slimmer built form with larger separation distances between buildings and suitable visual privacy treatments where required, b. greater ground level permeability and street level activation throughout the site, c. faster moving shadows that are wholly contained within the B4 Mixed Use Merrylands Centre likely future built form context d. the minimum flooding freeboard requirements for safe future use, e. appropriate transition in scale emphasising the corner elements, but increasing in height towards Merrylands station in accordance with the desired future character of the locality	discussion in Section 7 of the Report.
Standard	**Required/Permitted**	**Provided**	**Compliance**
4.4	Floor Space Ratio - Max. 6.5:1 ('AA2' eastern portion) - Max. 5:1 ('Z1' western portion) **AA2 eastern portion** **Max Total: 3,645 x 6.5 =23,693sqm** **Max. Residential: 3,645x 4.8 =17,496sqm** **Z1 western portion** **Max Total: 8,773 x 5 = 43,865sqm** **Max Residential: 8,773 x 3.3 =**	**Site Area 12,418sqm** **AA2 site – 3,645sqm** **Z1 site – 8,773sqm** **AA2 eastern portion** Total 16,000sqm/ 3,645 = 4.39:1 Res. 14,173sqm / 3,645 = 3.89:1 **Z1 western portion** Total 38,293sqm/ 8,773 = 4.36:1	 Yes Yes Yes

	28,951sqm Aggregate = 67,558sqm The objectives of the FSR development standard are as follows: (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, (c) to ensure that development is compatible with the existing and desired future built form and character of the locality, (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.	Res. 32,274sqm / 8,773 = 3.68:1 **Aggregate 54,293sqm** Whilst the proposal does not comply with the numerical standards in relation to residential floor space over the Z1 portion of the site, it is considered that the proposal achieves the objectives of the standard by: a. maintaining overall compliance with the maximum residential floor space cap on an aggregated basis across the site, b. providing a suitable mix of uses with 15% commercial provision across the site, totalling 7,876sqm of commercial floor space, c. ensuring future flexibility for further commercial provision with higher ceiling heights at Levels 1 and 2 throughout the development, d. delivering a mix of housing for the locality with a high level of amenity and adequate provision of vehicle and pedestrian access, private open space and landscaping, e. ensuring compatibility with the existing and desired future built form and character of the locality	No Clause 4.6 variation submitted Refer to discussion in Section 7 of the Report.
	Minimum Lot Size - No minimum in Town Centre	The subject site has an area of 12,418m^2.	N/A
4.6	Clause 4.6 requires consideration of the following: 1. Has the applicant submitted a written request 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	The applicant's written request has justified that compliance with the height and FSR development standards is unreasonable and unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify varying the development standards. A copy of the Applicant's written request	Yes Clause 4.6 variation submitted at Attachment 3. Refer to discussion in Section 7 of the Report.

	circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard; 2. Is the proposed development 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; 3. Has the concurrence of the Secretary been obtained?	is held at Attachment 3. The variations will not have unreasonable impacts on neighbouring properties or the character of the area. The proposal is also consistent with the objectives of the development standards and the B4 Mixed Use 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 (formerly the Director-General) of the Department of Planning and Environment.	
5.10	Heritage	The site is located opposite two local heritage items. A Heritage Impact Statement was submitted as a part of the DA. Council's Heritage advisor has reviewed the Heritage Report and raised no objections to the proposal.	Yes
6.1	Acid Sulfate Soils	The site is not affected by ASS	N/A
6.4/6.7	Flood Planning and Stormwater Management	Council's records indicate that the site is affected by the 1% Annual Exceedance Probability (AEP) storm event. A flood impact assessment report was submitted and the findings were accepted by Council's Development Engineering Section. The proposed stormwater drainage concept plan for the site is also considered satisfactory.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	N/A
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity.	To be conditioned
6.10	Ground Floor Development in Zones B2 and B4	The ground floor of the building: (a) will not be used for the purposes of residential	Yes

		accommodation, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building	

Holroyd DCP 2013			
Part A – General Controls			
Standard	**Required/Permitted**	**Provided**	**Compliance**
3.1	Car Parking: <u>Residential</u> Refer to SEPP 65 RMS parking requirements <u>Commercial</u> - 1/50sqm GLFA - 7,028sqm of GLFA @ 1/50sqm = 140.56 Total = 141 spaces <u>Bicycle</u> Commercial GF: Staff: 1/300sqm = 5,567/300 Visitor: 1/2500sqm = 5,567/2500 Total = 20.78 required Commercial FF: Staff: 1/200sqm = 1,461/200 Visitor: 1/750sqm = 1,461/750 Total = 9.25 required Residential: 0.5 per dwelling 0.1 per dwelling for visitors = 337.2 required	642 provided 100 provided on site and 43 provided offsite - 367.23 bicycle spaces are required. A condition will be imposed requiring the minimum number of bicycle spaces to be provided as part of the development.	Yes Yes Yes, subject to condition
3.3	Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring.	Council's Traffic Engineer has assessed the submitted plans and documentation and advised the proposal is acceptable, subject to conditions.	Yes
3.5	**Driveways** Driveways shall be setback a minimum of 1.5m from the side boundary.	The proposed driveways are located a minimum of 1.5 metres from the side boundaries.	Yes
3.6	**Accessible parking** - 1 space per adaptable dwelling - 2 spaces per 100 spaces for	109 accessible spaces for residents provided (109 required) 3 accessible spaces for visitors (3 required)	**Yes**

	visitors		**Yes**
6.1	**Retaining walls** - Generally <1m in height.	There are no proposed retaining walls higher than 1m.	Yes
6.3	**Erosion and Sediment Control**	A detailed sediment and erosion control plan was submitted and is considered to be acceptable.	Yes
7.4	**Stormwater Management**	Council's Development Engineer has reviewed the Stormwater Drainage Plans and calculations and advises that the design is acceptable.	Yes
11	**Site Waste Minimisation and Management Plan (SWMMP)**	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that they are acceptable.	Yes
Part M – Merrylands Centre Controls			
Standard	**Required/Permitted**	**Provided**	**Compliance**
3	**Public Domain**		
3.1	**Roads and Circulation** The DCP requires the provision of a new laneway 8m wide identified as Section K-K	New Lane 9m wides services the development. Additional lane provided through the site. This issue is discussed in greater detail in the traffic section of this report.	Considered satisfactory
3.3	**Landscaping and Open Space** Given the commercial nature of the site / locality, the DCP indicates that the site is required to provide 'planting on structures' as the opportunity to provide deep soil zones is limited.	The proposed landscaping / common open space / deep soil zone is consistent with DCP requirements. 5,116sqm (41%) of the gross site area is provided as communal open space, of which 3,104sqm of landscaping on structure provided.	Yes Yes
4	**Building Envelope**		

<table>
<tr><td></td><td>Site amalgamation and Minimum Frontage

Amalgamation of lots in accordance with Figure 5 is required for redevelopment.
The minimum site width achieved shall determine the height of buildings (in storeys) Site width shall be measured at the primary frontage.
Site width (m) / Max. Height (storeys)
20m / Maximum 3 storeys
26m / Maximum 8 storeys
32m / Maximum 20 storeys</td><td>N/A

The site meets the minimum requirements.</td><td>N/A

Yes</td></tr>
<tr><td>4.2</td><td>Building and Ceiling Height

Maximum permitted building height in storeys shall be in accordance with the following table (refer DCP for full table).

<table><tr><td colspan="2">Permitted Height (storeys)</td></tr><tr><td>Height (m)</td><td>Storeys</td></tr><tr><td>53</td><td>16</td></tr><tr><td>41</td><td>12</td></tr><tr><td>32</td><td>9</td></tr></table>
Ceiling Heights – refer to SEPP 65 ADG requirements</td><td>Eastern portion (53m / 16 storeys max):
Building A: 17 storeys
Building D (part): 16 storeys
Building E: 15 storeys

Western portion (41m / 12 storeys max):
Building B: 14 storeys
Building C: part 12, part 10
Building D (part): 16 storeys

Complies with ADG</td><td>No

Refer to discussion within Section 7 of the Report

Yes</td></tr>
<tr><td>4.3</td><td>Street Setbacks, Road Widening and Street Frontage Heights

Street setbacks in accordance with Figure 6 are required for redevelopment.

0.5m Road Widening to Merrylands Road

3 storey (11-14m) podium

Upper level (above street wall) front setbacks
<table><tr><td>Storeys</td><td>Setbacks</td></tr><tr><td>4-8</td><td>4</td></tr><tr><td>9-12</td><td>5</td></tr><tr><td>13-20</td><td>6</td></tr></table></td><td>Required – 0m
Provided – 0m

Provided

3 storey (14m) street wall height provided.

Building C provides a 5m setback for Levels 9 and above, which is a minor 1m variation</td><td>Yes

Yes

Yes

No but considered acceptable</td></tr>
</table>

<table>
<tr><td>4.4</td><td>Building Depth and Length

Max Bld. Plan depth – 18m

Max Bld. Envelope depth – 22m

Max apartment depth 8m to glassline and 11m to edge of balcony

Max horizontal length 50m</td><td>Building B building envelope depth is 26 metres than the required 22 metres in the DCP. Units B2.06/B3.06, C2.06/C3.09, D2.02/D3.02, D2.10/D3.10. E1.07/E2.07 and E2.02/E3.02 are also greater in depth than 11 metres from the outer edge envelope in Buildings B, C, D and E. However often these apartments have two aspects. This is deemed acceptable as the proposed development satisfies the solar access, cross ventilation and apartment size and layout design criteria specified within the ADG.

Above the podium level, all buildings meet the requirements for a building length less than 50 metres which helps to minimise the perceived bulk of the development.</td><td>No but considered acceptable

Yes</td></tr>
<tr><td>4.5</td><td>Setbacks and Separation

Min Side Setbacks (above podium):

<table><tr><th>Storeys</th><th>Setbacks</th></tr><tr><td>4</td><td>3m non-habitable
6m habitable</td></tr><tr><td>5-8</td><td>3m non-habitable
9m habitable</td></tr><tr><td>9-20</td><td>6m non-habitable
12m habitable</td></tr></table>
Min Rear Lane Setback – 8m</td><td>Building A
12m side setback provided above podium

Building E
Level 3 – 6m to 12m to habitable/balcony
Levels 4 and above – 8.6m to 12m from habitable/balcony. A condition will be imposed requiring the encroaching wall to be blank wall to ensure no visual or acoustic privacy impact.

Building A varies the rear lane setback by 4m and Building B has a 2m variation. This is acceptable as it is</td><td>Yes

No, but acceptable subject to condition

No, but variation considered acceptable</td></tr>
</table>

		contained within the site and overall building separation and visual and acoustic privacy is acceptable.	
4.6	**Active Frontage, Street Address and Building Use** Provide Active frontages at street level, orientating onto streets, laneways and public places, as identified on Figure 9. Active frontages consist of the following: - Shopfront - Food and Drink premises such as Restaurant or Café - Entrance to public buildings or commercial building foyers - Customer service areas and receptions (where visible from the street)	Active frontages provided to all streets and laneways, with the ability to provide retail and outdoor dining facilities.	Yes
	Commercial office space or other suitable non-residential uses must be provided at the first floor level for the entire premises street frontage.	Building A provided with first floor non-residential, but Buildings B to E are not. The proposal has provided higher first and second floor ceiling heights in accordance with the Apartment Design Guide to promote flexibility for future use and conversion to commercial when the demand is generated. Given the 7,876sqm of commercial gross floor area provided across the site, which equates to 15% of non-residential uses across the site, and noting the proposal complies with the definition of shop top housing, it is considered that the commercial floor space provision is acceptable in this instance.	No, but variation considered acceptable

6.3	**Vehicle Access** Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets (as indicated in Figure 2)	Access to basements and service entrances provided off proposed laneways.	Yes
7.2	**Managing External Noise and Vibration**	Acoustic report submitted as per ISEPP requirements. Council's Environmental Health Unit assessed and considers the proposed development to be satisfactory.	Yes
7.3	**Awnings** Continuous awnings are required to be provided to all active street frontages (except laneways). Awnings on Merrylands road shall be 2.5m deep	Continuous awning provided. The required depths shall be provided via a condition of any approval	Yes Yes To condition
7.4	**Adaptable Housing** 20% of dwellings to be provided as adaptable, as follows: 10% Class A; 10% Class B	The development provides 20% of dwellings as adaptable	Yes
7.5	**Corner Buildings** Generally, Corner building shall be designed to: i) Articulate street corners by massing and building articulation, ii) to add variety and interest to the street, iii) Present each frontage of a corner building as a main street frontage, iv) reflect the architecture, hierarchy and characteristics of the streets they address, and v) align and reflect the corner conditions.	Proposed architecture for corner elements considered satisfactory.	Yes
Part C – Commercial Controls –			
Standard	**Required/Permitted**	**Provided**	**Compliance**

1.2	**Site Coverage, Floor Area and Building Use** Commercial development shall be located at street level, fronting the primary street, and where possible the secondary street. Residential development is not permitted at ground floor in Zone B4.	Commercial development along all street and lane frontages. Complies	Yes Yes
2.3	**Building Entries** Equal accessibility is to be ensured for all, in both residential and commercial uses. The main entrance of buildings must be accessible for all members of the community. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments. Residential entries must be secure where access (e.g. lifts) is shared between commercial and residential uses. Multiple cores which access above ground uses are to be provided where the site frontage is over 30m.	All entrances provide equal access via ramps and lifts. As above Separate entries are provided. Secure access provided. Multiple cores provided.	Yes Yes Yes Yes Yes
2.2	**Pedestrian Access** Direct access shall be provided from the car park to all residential and commercial units. Main building entry points shall be clearly visible.	Provided Entry points are clearly visible.	Yes Yes
2.4	**Vehicle Access** Driveways shall be provided from laneways, private access ways and secondary streets where possible.	Vehicle access to basement and service areas provided from laneways.	Yes

	Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible. One two-way driveway is permitted per development site up to 10,000m². Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.	Loading / unloading facilities provided off laneway. 2 x two-way driveway provided 2 vehicular access points provided.	Yes Yes Considered satisfactory
2.5	**Parking** Onsite parking is to be provided underground where possible. Basement parking shall be consolidated under building footprint to maximise landscaping. Parking shall not be visible from main street frontages. Natural ventilation or ventilation grills shall be provided to basement parking. Visitor parking is not to be stacked parking.	Basement parking provided. Basement parking occupies most of the site area, however compliant deep soil, common open space and landscape areas provided. Basement parking provided for main building. Basement car park will be mechanically ventilated Development complies	Yes Yes Yes Yes Yes
3	**Design and Building Amenity**		
3.1	**Safety and Security** Casual surveillance is to be achieved through active street frontages and creating views of common internal areas. 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.	Casual surveillance provided to all street frontages, loading areas and communal open space areas. Building entries visible	Yes Yes

	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. Landscaping shall avoid opportunities for concealment.	To be conditioned Landscaping considered satisfactory	Yes, subject to condition Yes
3.2	**Façade Design and Building Materials** All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements forward of the building line max. 600mm.	The design of the building is considered satisfactory	Yes
3.4	**Shop Fronts** Solid roller shutters and security bars are not permitted. Open grill (concertina) and transparent grill shutter security devices are permitted. All windows on the ground floor to the street frontage are to be clear glazing.	Roller shutters not proposed. Shutters on shop fronts not proposed as part of this application. Glazing provided	Yes Yes Yes
3.5	**Daylight Access** Developments shall be designed to maximise northern aspects for dwellings and offices. Habitable rooms and primary private open spaces should be located on northern, eastern and western aspects. Single aspect dwellings that have a southerly aspect (SW-SE) shall be limited to a maximum of 30% of the total number of dwellings proposed within a development. Living rooms and private open spaces in a minimum of 70% of	Refer to ADG Refer to ADG Refer to ADG	Yes Yes Yes

	dwellings within a development shall receive at least 2 hours of direct sunlight between 9am and 3pm in Mid-winter. Maintain 3 hours of direct sunlight to 70% of dwellings in adjoining R4 zones. Direct daylight shall be achieved in communal open spaces between March and September and appropriate shading is to be provided in summer.	Refer to ADG The proposal does not adjoin any R4 zones to the west, south and east. At the winter solstice, direct sunlight is achieved to the southern portion of the internal communal open space area between the hours of 10.30am to 1.30pm.	Yes Yes Yes
3.6	**Visual and Acoustic Privacy** Provide adequate building separation and setbacks Building and apartment configuration shall be designed to minimise noise intrusion	Refer to Visual Privacy requirements under ADG Standard construction methods in accordance with BCA will ensure acoustic privacy between units.	Yes Yes
3.7	**Managing External Noise and Vibration**	Acoustic report submitted to demonstrate compliance with requirements of ISEPP	Yes
3.8	**Awnings** Awnings: • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-3.3m. • Slim vertical facias and/or eaves ≤300mm. • To be located over all building entries.	3m provided McFarlane Street & Merrylands Road 2.5 metres to secondary streets	Yes **To condition**
3.10	**Flexibility and Adaptability** Design commercial uses to permit adaptation and flexibility	Commercial suites are able to be adapted to suit	

	for future development. 20% of dwellings to meet adaptable housing requirements Pre- and post-adaptive designs are required to be submitted at DA stage to demonstrate compliance with the relevant sections of the checklist provided in Appendix A of AS 4299-1995. A variety of apartment types between studio, 1, 2 & 3+ bedroom apartments shall be provided in each development. Studios and 1 bedroom apartments are not to exceed 20% of the total apartment mix within each development.	future uses 20% provided Provided Satisfactory mix provided 34% provided	Yes Yes Yes Yes No, however considered satisfactory. Refer to discussion in Section 7 of the Report.
3.18	**Waste Management** Garbage/recycling storage areas must be located so as to be easily serviced and not cause any negative impacts in terms of visual appearance, noise or smell, to residents, adjoining properties or to the street. Storage areas for bins are to be located away from the front of the development in a location with a practical distance from the final collection point.	The proposed waste system has been assessed by Council's Waste Management Section and is considered to be satisfactory	Yes
4.1	**Wind Mitigation** Wind Effects report to be submitted for buildings 41 metres in height or greater.	A wind report was submitted which predicts that ground level wind speeds within all public areas surrounding the development should remain at their present levels or be reduced with the addition of the proposed development and its wind mitigation treatments.	Yes