

**CDCP 2021 Compliance Table
DEVELOPMENT IN SPECIAL PRECINCTS**

Relevant Control		Compliance with Requirements	Consistency Objectives
Part A – General Controls			
Part A2 – Subdivision			
2.4 Residential flat building, multi-dwelling development and mixed use development	C1. Development sites involving more than one lot shall be consolidated.	Yes, both of the sites are proposed to be consolidated.	Yes
	C2. Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	Subject to condition.	Yes
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	Application has been accompanied with details of how adjoining parcels can be redeveloped.	Yes
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	Refer to assessment below.	Yes
	C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	Not proposed.	N/A
Part B – Development in Residential Zones			
Part B3 – Residential Flat Buildings			
2.1 & 2.2 Relationship to SEPP 65/NSW ADG & Development controls	<p>ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails.</p> <p>C1. For residential flat buildings controls on:</p> <ul style="list-style-type: none"> • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; 	Noted.	Refer to ADG section of the report.

	<ul style="list-style-type: none">• bicycle and car parking;• solar and daylight access;• natural ventilation;• ceiling heights;• apartment size and layout;• private open space and balconies;• common circulation and spaces;• storage;• acoustic privacy;• noise and pollution;• apartment mix;• ground floor apartments;• façades;• roof design;• landscape design;• planting on structures;• universal design;• adaptive reuse;• mixed use;• awnings and signage;• energy efficiency;• water management and conservation;• waste management; and• building maintenance. <p>Refer to SEPP 65 and the ADG compliance table below.</p>						
3.1 Building envelope	<p>C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.</p> <table><tr><td>Front setbacks (min)</td><td>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition</td></tr><tr><td>Secondary street</td><td>2m for laneways and</td></tr></table>	Front setbacks (min)	No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition	Secondary street	2m for laneways and	Subject to setbacks under Part F4-2 of the DCP.	See below assessment.
Front setbacks (min)	No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition						
Secondary street	2m for laneways and						

	setbacks (min)	4m for other roads		
	Side setback (min)	3m		
	Rear setback (min)	Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site		
	Site area	1,000m ²		
	Street frontage	24m		
	C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.			
3.2 Basement design	C1. Basement walls shall be located directly under building walls, wherever practicable.	Provided.	Yes	
	C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	Subject to conditions.	Yes	
	C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	Provided.	Yes	
	C4. Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	Provided.	Yes	
3.3 Car parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	Subject ARH SEPP for car parking provision requirements.	Refer to ARH SEPP compliance table.	
Part F4 –Special Precincts				
F4-2 Mays Hill, Finlayson & Sherwood Road Transitway Precinct				
2. Mays Hill Transitway Precinct				
2.2 Objectives & controls	Maintain objectives envisaged for the precinct.	The proposal satisfies the objectives envisaged for the precinct.	Yes	

2.3 Site consolidation & frontage	C1. Amalgamation of lots in accordance with Figure 2 and 3 is required for redevelopment.	Not subject to this amalgamation pattern.	N/A
	C2. Land locking of adjoining sites is not permitted. Properties shall be amalgamated to ensure the minimum frontage is obtainable without reducing the developability of adjacent properties.	No landlocking will be resulted from the proposal.	Yes
	C3. Notwithstanding C1, the minimum lot frontage for all development fronting the Great Western Highway shall be 45m.	Not fronting Great Western Highway.	N/A
	C4. In instances where amalgamation cannot be achieved, the following information must be submitted with any development application: • two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute; and • evidence that a reasonable offer has been made to the owners(s) of the affected sites to purchase and valuation reports.	Not applicable.	N/A
	C5. Alternative consolidation patterns may be considered by Council if it can be demonstrated that development controls can be satisfied on the land and adjoining properties.	Not applicable.	N/A
	C6. Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking and built form.	Not applicable.	N/A
2.4 Private accessway, laneways	C1. Vehicular access to properties fronting the Great Western Highway and those	Not applicable.	N/A

and vehicular access	within the B6 zone on Burnett Street and Robilliard Street must be provided from the rear or side, via laneways or secondary roads.		
	C2. Vehicular entry points shall be located away from intersections.	Not applicable.	N/A
	C3. Vehicular access from the Great Western Highway is not permitted from properties identified on Figure 4 and access must be provided from the rear or side via laneways or secondary roads.	Not applicable.	N/A
	C4. An 8m connecting laneway is required in accordance with Figure 5 for the redevelopment of properties bounded by the Great Western Highway, Burnett Street and Robilliard Street.	Not applicable.	N/A
	C5. A 6m wide vehicular accessway shall be provided from Good Street in accordance with Figure 6.	Not applicable.	N/A
	C6. A pedestrian link shall be provided from Joyner Street that connects with the vehicular access from Good Street in accordance with Figure 6.	Not applicable.	N/A
	C7. A pedestrian link shall be provided between Telfer Place and the Great Western Highway in accordance with Figure 7.	Not applicable.	N/A
	C8. Laneways shall be treated as shared spaces to provide unimpeded access from apartments to common facilities and open space.	Not applicable.	N/A
	C9. Refer to Part G this DCP to ensure that any relevant objectives and controls for vehicular access are complied with.	Provided.	See assessment below.
2.5 Building height	C1. The maximum height for development within the Mays Hill Transitway Precinct is detailed within the Cumberland Local Environmental Plan 2021.	4 storey proposed.	Yes
	C2. The maximum building storey limits are detailed in Figures 8 and 9.	Max 14.3m proposed.	Yes

	C3. Street wall heights, setbacks and minimum floor to ceiling heights are to be as set out in Parts B2 and C of this DCP.	Provided.	See assessment under Part B2 of the DCP
2.6 Building setbacks	C1. Setbacks shall be in accordance with Figures 10 and 11.	4m proposed, side setbacks variation discussed under the ADG compliance table.	Yes
	C2. A 4m setback is required for properties fronting the Great Western Highway between Joyner Street and Good Street to allow for mixed use development to occur and sufficient space for landscaping.	Not applicable.	N/A
	C3. The residential component of developments fronting the Great Western Highway between Burnett Street and Robilliard Street shall have a setback of 1m for all levels above the first floor.	Not applicable.	N/A
	C4. Buildings facing the Great Western Highway are to be built to the boundary of adjoining properties to form a continuous street edge.	Not applicable.	N/A
2.7 Site design & appearance	C1. Developments shall be oriented to front boundaries.	Provided.	Yes
	C2. Development on properties 84-88 Great Western Highway shall incorporate high quality, innovative and sustainable design solutions to emphasise and represent their gateway location.	Not applicable.	N/A
	C3. Vertical articulation and a break in the building facade is required above the fourth storey for buildings exceeding 25m in length.	Not applicable.	N/A
2.8 Road widening	C1. Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5m from the kerb to the property boundary as indicated in Figure 12.	Not applicable.	N/A
	C2. Properties located behind the Transitway stops shall have a 4m separation between the rear of the bus shelter and the	Not applicable.	N/A

	<p>building line to allow for the continuation of the shared pedestrian/ cycle footpath. Note: The 5.5m wide setback shall allow for a shared footpath consisting of the following dimensions:</p> <ul style="list-style-type: none"> • a 1.5m verge from the kerb; • a 2.5m shared path; and • a 1.5m distance from the shared path to the building line. <p>Note: The amount of land required to meet the minimum 5.5m reserve is variable and will depend on each individual property's existing setback.</p>		
Part G – General Controls			
Part G1 – Advertising & Signage			
Part G3 – Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	<p>Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council. Additional parking objectives and controls are provided in Section 4 of this DCP.</p>	Subject to ARH SEPP requirements.	Refer to ARH SEPP compliance table
4.3 Basement parking	<p>C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.</p>	Satisfactory, subject to conditions.	Yes
	<p>C2. Basement parking shall be located within the building footprint.</p>	Provided.	Yes
	<p>C3. Basement parking shall not unreasonably increase the bulk and scale of development.</p>	Provided.	Yes

	C4. Basement parking shall provide, where required, a pumpout drainage system according to Council's engineering requirements.	Satisfactory, subject to conditions.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	Provided.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Provided.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Satisfactory, subject to conditions.	
Part G4 – Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	C1. All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	Satisfactory, subject to conditions.	Yes
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	Not affected by flooding.	N/A
	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.	Not affected by flooding.	N/A
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Not affected by flooding.	N/A
Part G5 – Sustainability, Biodiversity & Environmental Management			
2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any	Satisfactory, subject to conditions.	Yes

	application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.		
2.3 Land contamination	C1. Prior to the submission of a development application, an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated prepared in accordance with the relevant Department of Planning, Industry and Environment Guidelines and the Guideline to Asbestos Management in Cumberland Council 2018.	PSI and DSI submitted have been reviewed by Council.	Refer to assessment under clause 4.6 SEPP Resilience and Hazards
	C2. In accordance with Clause 7 (1) of SEPP No. 55 Council will not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.	The land is considered suitable for the proposed use.	Refer to assessment under clause 4.6 SEPP Resilience and Hazards
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	No trees on site to be removed hold any biodiversity values.	Yes
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	Satisfactory.	Yes
Part G7 – Tree Management & Landscaping			
2.1 Preservation of trees	C1. The following are not considered to be substantive criteria for tree removal: • flower, leaf or fruit fall causing nuisance;	Considered.	Yes

	<ul style="list-style-type: none"> • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus. 		
	C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	No trees on site to be removed hold any biodiversity values.	Yes
2.2 Tree management and proposed development	C1. Development shall be designed to incorporate existing trees that are identified as being suitable for retention, with adequate setbacks to any works and protection measures stipulated in accordance with AS 4970-2009 to ensure their long-term survival.	Satisfactory, subject to conditions.	Yes
	C2. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	Satisfactory, subject to conditions.	Yes
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document, and submitted with development applications when any existing trees are to be retained.	Provided.	Yes
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person	Provided.	Yes

	such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.		
Part G8 – Waste Management			
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	Satisfactory, subject to conditions.	Yes
	C6. All developments must ensure separate residential and commercial bin storage areas, which shall be located behind the primary building line and adequately screened.	Satisfactory, subject to conditions.	Yes
	C28. Low rise medium density housing and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as mattresses, furniture, cardboards, appliances and other goods to be collected by Council's waste collection service.	Satisfactory, subject to conditions.	Yes
3.4 Waste chute and service room requirements	C1. Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	Not proposed, however considered satisfactory given that the residential flat building is for affordable housing.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Provided.	Yes
	C6. An electric portable bin tug device must be used for bin	Not applicable	N/A

	movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.		
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	On street.	Yes