

**Appendix C - CDCP 2021 Compliance Table  
Part B3 - Residential Flat Buildings**

Relevant Control	Compliance with Requirements	Consistency Objectives	
<b>Part A - General Controls</b>			
<b>Part A2 - Subdivision</b>			
<b>2.4 Residential flat building, multi-dwelling development and mixed use development</b>	C1. Development sites involving more than one lot shall be consolidated.	Only one allotment is affected by the modification application.  No consolidation of allotments is required on the grounds that the site encompasses one city block.	N/A.
	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.	This is not required.	N/A.
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	Compliance is achieved. No issues in relation to Subpart C3.	Yes.
	C4. The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces. C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	No Strata Title subdivision proposed.	N/A.
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site	N/A.	N/A.

	coverage and other controls contained within this Part.		
	C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	N/A.	N/A.
	C7. A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.	N/A.	N/A.
<b>Part A3 - Site Amalgamation &amp; Isolated Sites</b>			
<b>2. Principles</b>	The key principle is to ensure the subject site and adjoining site(s) can achieve development that is consistent with the planning controls. Isolation of small sites should be avoided as it may result in poor built form outcomes. If variations to the planning controls are required, such as non-compliance with a minimum allotment size, both sites will be required to demonstrate how development of appropriate urban form with an acceptable level of amenity for all stakeholders will be achieved.	Satisfactory. The site occupies an entire city block and once complete, will form a critical element to the Merrylands Town Centre.  There are no concerns in relation to isolated sites.	Yes.
<b>3. Process</b>	Site amalgamation shall be considered and/or required if: <ul style="list-style-type: none"> <li>• the adjoining site will become isolated by the proposed development;</li> <li>• the subject site cannot satisfy the minimum lot width and size requirements;</li> <li>• there is a likely environmental impact of a proposed development upon the amenity and enjoyment of land locked and/or isolated sites including shadow, privacy, noise, odour and visual impacts;</li> </ul>	No issues identified.	Yes.

	<ul style="list-style-type: none"><li>• if there is a better streetscape amenity outcome to be achieved that would also reduce the number of access points along a street frontage; and</li><li>• the subject site and adjoining site(s) cannot achieve a satisfactory form of development that is consistent with the planning controls.</li></ul> <p>If any of the above applies, then negotiations for amalgamation between the owners of the properties should commence at an early stage and prior to the lodgement of the development application. If site amalgamation is not feasible Development proposals that create isolated sites or “landlocking” shall provide documentation with the development application that include details of the negotiations between the owners of the properties. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site(s). Documentation shall, at least, include:</p> <ul style="list-style-type: none"><li>• two independent valuations that represents potential value of the affected site(s). This may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property; and</li><li>• evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of the affected adjoining site(s).</li></ul> <p>Note: A reasonable offer shall be of current fair market value</p>		
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	<p>and shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Where a proposed development is likely to result in an isolated site and site amalgamation cannot be achieved, the subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments. Applicants for the development site are to demonstrate how future development on the isolated site can be achieved. To assist in this assessment, an envelope for the isolated site should be prepared which indicates the following:</p> <ul style="list-style-type: none"><li>• height;</li><li>• setbacks;</li><li>• pedestrian and carparking access;</li><li>• site coverage (both building and basement);</li></ul>		
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	<ul style="list-style-type: none"> <li>• constructability;</li> <li>• envelope separation; and</li> <li>• open space and landscaping.</li> </ul> <p>This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other. This includes solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road. Where it has been demonstrated that the isolated site can be appropriately developed at a later stage, Council may consider alternative design solutions for the subject site.</p>		
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**Part B - Development in Residential Zones**

**Part B3 - Residential Flat Buildings**

<p><b>2.1 &amp; 2.2 Relationship to SEPP 65/NSW ADG &amp; Development controls</b></p>	<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"> <li>• site analysis;</li> <li>• orientation;</li> <li>• public domain interface;</li> <li>• communal and public open space;</li> <li>• deep soil zones;</li> <li>• visual privacy;</li> <li>• pedestrian access and entries;</li> <li>• vehicle access;</li> <li>• bicycle and car parking;</li> <li>• solar and daylight access;</li> <li>• natural ventilation;</li> <li>• ceiling heights;</li> <li>• apartment size and layout;</li> </ul>	<p>Noted.</p> <p>The modified development is mostly satisfactory when considered under the Apartment Design Guide.</p> <p>A number of variations are identified in relation to:</p> <ul style="list-style-type: none"> <li>• 3E1 - Deep soil zones.</li> <li>• 3F-1 - Visual privacy.</li> <li>• 4A-1 Solar and daylight access.</li> <li>• 4D2 - Habitable room depth exceeds 8 metres (Calculated at 8.5 metres) for 17 south facing apartments.</li> </ul>	<p>No but considered acceptable to support given the previous approvals that exist.</p> <p>Further, the amenity of the development is not eroded.</p>
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	<ul style="list-style-type: none"> <li>• private open space and balconies;</li> <li>• common circulation and spaces;</li> <li>• storage;</li> <li>• acoustic privacy;</li> <li>• noise and pollution;</li> <li>• apartment mix;</li> <li>• ground floor apartments;</li> <li>• façades;</li> <li>• roof design;</li> <li>• landscape design;</li> <li>• planting on structures;</li> <li>• universal design;</li> <li>• adaptive reuse;</li> <li>• mixed use;</li> <li>• awnings and signage;</li> <li>• energy efficiency;</li> <li>• water management and conservation;</li> <li>• waste management; and</li> <li>• building maintenance.</li> </ul> <p>Refer to SEPP 65 and the ADG compliance table below.</p>	<ul style="list-style-type: none"> <li>• 4E-1 - Private open spaces and balconies. In this regard, there are several undersized balconies within the development. These are approved and the variations are not changing.</li> <li>• 4F-1 - Number of apartments off a single corridor exceeds 8 however, there is no change to the approval.</li> </ul> <p>The variations are addressed within the body of the report and considered acceptable to support on the grounds that they are approved.</p>					
<p><b>3.1 Building envelope</b></p>	<p>C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.</p> <table border="1" data-bbox="405 1339 833 2007"> <tr> <td data-bbox="405 1339 624 1854">Front setbacks (min)</td> <td data-bbox="624 1339 833 1854">No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition</td> </tr> <tr> <td data-bbox="405 1854 624 2007">Secondary street setbacks (min)</td> <td data-bbox="624 1854 833 2007">2m for laneways and 4m for other roads</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 setbacks (min)	2m for laneways and 4m for other roads	<p>The proposed street setbacks are consistent with the approvals granted and no changes are identified.</p> <p>The street setbacks are established within the earlier approvals granted.</p> <p>The development once complete will occupy an entire city block and be surrounded by roads. As such, no issues arise in relation to side and rear setbacks.</p>	<p>Yes</p>
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 setbacks (min)	2m for laneways and 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 <sup>2</sup>		
	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.		The development is captured by SEPP 65.  This is satisfactory given the circumstances of the site.	Yes.
<b>3.2 Basement design</b>	C1. Basement walls shall be located directly under building walls, wherever practicable.		Existing "As approved".  It is identified that the basement car park is now under construction.	Yes.
	C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.		This has been addressed within the original consent issued. No change is proposed.	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.		N/A.	N/A.
	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.		N/A.	N/A.
<b>3.3 Car parking</b>	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.		There is adequate car parking to support the modified development.	Yes.
<b>Part G - Miscellaneous Development Controls</b>				
<b>Part G3 - Traffic, Parking, Transport &amp; Access (Vehicle)</b>				

<p><b>3. Parking rate</b></p>	<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>	<p>The provision of the “Guide to Traffic Generating Developments” are:</p> <ul style="list-style-type: none"> <li>• 132 x 1 bedroom apartments = 79.2 spaces.</li> <li>• 200 x 2 bedroom apartments = 180 spaces.</li> <li>• 31 x 3 bedroom apartments = 43.4 spaces.</li> </ul> <p>Total number = 302.6 residential.</p> <p>Visitor parking = 73 spaces.</p> <p>Total number required = 376 spaces.</p> <p>The plans show the following:</p> <ul style="list-style-type: none"> <li>• 394 residential spaces.</li> <li>• 73 visitor spaces.</li> </ul> <p>There is also 2,936.2 square metres of retail / commercial floor space proposed for the development. The applicant has allocated 67 spaces for such land uses.</p> <p>Car parking for the retail is split between the B4 and B6 zones</p> <ul style="list-style-type: none"> <li>• B4 zones - 2,311 square metres at 1 space per 50 square metres = 46 spaces.</li> <li>• B6 zone 624.28 square metres at 1</li> </ul>	<p>Yes.</p>
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		<p>space per 40 square metres = 15.6 spaces.</p> <p>Total 62 spaces.</p> <p>There is adequate car parking for the modified development.</p>	
<p><b>4.1 Development in residential zones</b></p> <p><b>(Used as a guide).</b></p>	C1. Only one driveway crossover shall be permitted per residential property where the property frontage is less than 15m.	Existing and approved. No significant change proposed to the driveways servicing the development.	Yes.
	C2. A maximum of 2 driveway crossovers shall be permitted for residential properties with a residential frontage of 15m or more.	Existing and approved. No significant change proposed to the driveways servicing the development.	Yes.
	C3. Single vehicle driveways shall be a maximum width of 3.5 metres along the front property boundary.	Existing and approved. No change proposed.	Yes.
	C4. Driveways which service a double garage shall be a maximum width of 6m.	Existing and approved. No change proposed.	Yes.
	C5. All new driveways shall be located a minimum of 1 metre from the side property boundaries.	Existing and approved. No significant change proposed.	Yes.
	C6. Where rear access is available, driveway access shall be located at the rear of the site.	Existing and approved. No change proposed.	Yes.
	C7. Driveways servicing car parking including manoeuvring areas to the parking bays shall comply with AS 2890 – Parking Facilities unless otherwise specified by Council.	Existing and approved. Satisfactory.	Yes.
	C8. The maximum gradient for a driveway shall be 20% or 1:5 (with appropriate transitions). However, in extreme circumstances, gradients up to 25% or 1:4 (with appropriate transitions) may be considered by Council, subject to individual merit.	Existing and approved. No significant change proposed.	Yes.

	C9. Minimum clearance of 1.2 metres shall be provided to structures, such as power poles, service pits and drainage pits.	Existing and approved. No change proposed.	Yes.
	C10. Vehicular access points and parking areas are to be: <ul style="list-style-type: none"> <li>• easily accessible and recognisable to motorists;</li> <li>• located to minimise traffic hazards; and</li> <li>• located to minimise the loss of on-street car parking.</li> </ul>	Existing and approved. No change proposed.	Yes.
	C11. The area between the driveway and the property boundary shall be suitably landscaped to minimise the visual impacts of vehicular access points and to maximise the visual quality of the streetscape.	Existing and approved. No change proposed.	Yes.
	C12. Driveways shall be designed and constructed in materials to avoid glare and large expanses of plain concrete, whilst ensuring the driveway colour does not detract from the development and character of the street.	Existing and approved. No change proposed.	Yes.
<b>4.3 Basement parking</b>	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.	The basement car park is subject to change. The overall size is not being increased.	Yes.
	C2. Basement parking shall be located within the building footprint.	Compliance is achieved.	Yes.
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Compliance is achieved.	Yes.
	C4. Basement parking shall provide, where required, a	Existing and approved. No change proposed.	Yes.

	pump out drainage system according to Council's engineering requirements.		
	C5. Basement parking shall not affect the privacy of adjacent residential development.	Existing and approved. No change proposed.	Yes.
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Satisfactory.	Yes.
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Existing and approved. No change proposed.	Yes.
<b>Part G4 - Stormwater &amp; Drainage</b>			
<b>2.2 Method of stormwater disposal from the site</b>	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.	Stormwater drainage is not subject to any significant change.	Yes.
<b>2.6 Flood Risk Management</b>	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.	Existing and approved. No change proposed.	Yes.
	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.	Existing and approved. No change proposed.	Yes.
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Existing and approved. No significant change proposed.	Yes.
<b>2.7 Water Sensitive Urban Design, water quality</b>	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of	Existing and approved. No change proposed.	Yes.

<b>and water re-use</b>	2,500m <sup>2</sup> , or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.		
	C2. Development for the subdivision of sites of 2,500m <sup>2</sup> or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	N/A.	N/A.
	C3. All other developments shall provide appropriate water sensitive treatments.	Existing and approved. No significant change proposed.	Yes.
	Water quality C4. Water quality devices are required to prevent pollutants from commercial, industrial developments and car parking areas entering the waterways in order to improve waterway health and to develop and maintain ecologically sustainable waterways.	Existing and approved. No change proposed.	Yes.
	Water reuse C5. For all developments (excluding single dwellings and dual occupancies), rainwater tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500m <sup>2</sup> ) and 10,000 litres (for site area greater than 1500m <sup>2</sup> ).	Existing and approved. No change proposed.	Yes.
	C10. The ESCP shall be in accordance with the standards outlined in	Existing and approved. No change proposed.	Yes.

	Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.		
<b>Part G5 - Sustainability, Biodiversity &amp; Environmental Management</b>			
<b>2.1 Groundwater</b>	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 application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.	This has been addressed under the original development consent issued for the site.	Yes.
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	This has been addressed under the original development consent for the site. No change is proposed or required.	Yes.
	C3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required.	This has been addressed under the original development consent for the site. No change is proposed or required.	Yes.
	C4. The applicant must demonstrate that there will be no adverse impacts on surrounding or adjacent properties, infrastructure or groundwater dependant ecosystems as a result of: <ul style="list-style-type: none"> <li>• changes in the behaviour of groundwater created by the method of construction chosen; and/or</li> <li>• changes to the behaviour of groundwater of the surrounding area, created by the nature of the constructed</li> </ul>	This has been addressed under the original development consent for the site. No change is proposed or required.	Yes.

	form and groundwater management system used.		
<b>2.3 Land contamination</b>	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.	This has been addressed under the original development consent for the site. No change is proposed or required.	Yes.
	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.	This has been addressed under the original development consent for the site. No change is proposed or required.	Yes.
<b>2.5 Biodiversity</b>	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.	N/A.	N/A.
<b>2.6 Energy efficiency and renewables</b>	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.	This is achieved where required.	Yes.
<b>Part G7 - Tree Management &amp; Landscaping</b>			
<b>2.1 Preservation of trees</b>	There are no trees on site affected by the modification works. It is considered that no detailed assessment is required.		

<b>2.2 Tree management and proposed development</b>			
<b>2.3 Landscaping</b>	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person 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.	The landscape plan is satisfactory for the development and consistent with the approvals granted.	Yes.
<b>Part G8 - Waste Management</b>			
<b>3.3 Residential</b>	C1. The waste service requirements for residential developments shall comply with Table 2.	This is achieved.	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.	This is achieved.	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.	Yes.
<b>3.4 Waste chute and service room requirements</b>	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	It is identified that each tower or building is provided with a waste chute system which is retained.	Yes.

	room(s). This is in the form of a waste chute system.		
<b>3.5 Bin transfer requirements</b>	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.	No change to what was approved under the original development consent.	Yes.
	C6. An electric portable bin tug device must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.	N/A	N/A
<b>3.6 Collection area requirements</b>	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).	The approved bin store is not subject to significant change.	Yes.
<b>3.7 Collection vehicle requirements</b>	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	The waste vehicle access has been addressed under the original development consent. No significant change is required.	Yes.
	C2. Proposed developments that require a waste collection vehicle to enter the site for the collection of waste, a swept path analysis for a 10.5m HRV with a height clearance of 4.5m must be clearly demonstrated in the Architectural Plans, Waste Management Plan, and Traffic and Transport Management Plan. If a hook lift bin is to be used, the height clearance will increase and greater height clearance will be required.	The waste vehicle access has been addressed under the original development consent. No significant change is required.	Yes.
	C9. Should there be a case for a smaller rigid garbage collection vehicle to be used consideration will be given to alternative building design requirements. In these	The waste vehicle access has been addressed under the original development consent. No change is required.	Yes.

	circumstances, supporting documentation is to be provided with the development application.		
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