

Appendix D
CDCP 2021 Compliance Table
DEVELOPMENT IN BUSINESS SITE SPECIFIC

Where appropriate, only the relevant provisions are addressed within the assessment table.

Relevant Control	Compliance with Requirements	Consistency Objectives
Part C - Development in Business Zones		
2 Relationship with SEPP 65 and Apartment Design Guide	<p>The residential apartment component of shop top housing developments in the Cumberland City LGA will be assessed in accordance with the ADG. The ADG takes precedence over a DCP. Therefore, the DCP provisions do not repeat or seek to vary any controls under the ADG. Where there are inconsistencies between the controls set out in this DCP and the ADG, the ADG shall prevail.</p> <p>The Apartment Design Guide has been used to address the shop top housing component of the development.</p> <p>There are variations but these are approved. The variations are addressed within the main body of the report.</p>	<p>Generally satisfactory.</p>
3.1 Lot size and frontage	<p>C1. Unless otherwise stated as site specific controls in this DCP, the minimum lot frontage for shop top housing development within Zone B2 Local Centre and Zone B4 Mixed Use shall be:</p> <ul style="list-style-type: none"> • up to 3 storeys: 20m; and • 4 storeys or greater: 30m. 	<p>N/A</p>
	<p>C2. Lot size and frontage shall provide an appropriate site configuration that achieves:</p> <ul style="list-style-type: none"> • adequate car parking area and manoeuvring for vehicles in accordance with AS2890; • ground level frontage that is activated and not dominated by access apertures to car parking areas; and • the required setbacks and building separation set out by this DCP or the Apartment Design Guide. 	<p>Satisfactory.</p>
	<p>C3. Council may require the consolidation of more than 1 existing land holding to be undertaken in order to meet all</p>	<p>N/A</p>

	the requirements of this development control plan.		
	C4. Commercial development is not permitted on battleaxe lots.	Not applicable for the modification application.	N/A
	C5. In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, refer to Part A3 of this DCP.	Not applicable for the modification application.	N/A
3.2 Setbacks and separation	C1. Front Setback: Nil (except for B1 Neighbourhood Centre zoned land). A greater setback may be required to align with the predominant street setback.	<p>Street setbacks are not subject to any change.</p> <p>The setbacks have been established under the parent consent being Development Consent 2015/220/1.</p> <p>A detailed assessment is not required.</p> <p>The site when complete will be bordered by 4 roads and as such, the development has frontages to 4 roads.</p> <p>This is an integrated development incorporating Building A facing west, Building B facing south and east and Buildings C and D facing north towards Neil Street.</p>	Yes
	C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.	<p>The street wall heights and podiums are not being altered.</p> <p>Street setbacks are not subject to change.</p>	Satisfactory for the site.
	C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium	The street setbacks are not subject to change.	Street setbacks are satisfactory.
	C4. Levels above street wall height are to be setback to ensure visual separation. This may be achieved through upper level setbacks, material	<p>Satisfactory.</p> <p>No changes are identified to the setbacks of the upper levels of either tower.</p>	Satisfactory.

	variances and/or horizontal recesses.		
	C5. Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing built form within the immediate context can be demonstrated or is necessary.	This will not be required. All street setbacks were established under the primary development consent 2015/220/1.	Yes
	C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m.	The site occupies an entire city block and will have a frontage to 4 roads. There are no issues raised in relation to side or rear setbacks or proximity to residential zones.	Yes
	C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	There are no issues raised in relation to side or rear setbacks given that the site will have 4 street frontages.	Yes
3.3 Landscaping and open space	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	Satisfactory.	Yes
	C2. Landscaping is to form an integral part of the overall design concept.	Satisfactory. Minimal change proposed.	Yes
	C3. At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large car parks.	There is no car parking at grade within the development.	N/A
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	There is no car parking at grade within the development.	N/A
	C5. Fencing shall be integrated as part of the landscaping theme so as to minimise visual impacts and to provide associated site security.	No fencing is proposed or required.	N/A
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Generally, there is no change to the original approval given.	Yes
	C7. For developments with communal open space, a	There is no change to the approval given.	Yes

	garden, maintenance and storage area are to be provided, which is efficient and convenient to use and is connected to water for irrigation and drainage.		
	C8. Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.	The landscaping plans are showing at least 25 trees being planted at grade along the street frontages.	Yes
	C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	Satisfactory.	Yes
	C10. Significant existing street trees shall be conserved. Where there is an absence of existing street trees, additional trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	There are no street trees existing on or adjacent to the site that could be conserved.	N/A
	C11. Vehicular driveways shall be located a minimum of 3m from the outside edge of the trunk measured 1m above the existing ground level of any street tree to be retained.	The approved driveways servicing the development are not subject to significant change.	Yes
	C12. Services shall be located to preserve significant trees.	Not applicable to the modification application.	N/A
	C13. At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	The landscape plans show street trees to be incorporated into 75 to 200 litre pot sizes depending on size.	Yes
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	Satisfactory.	Yes
	C15. Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	Satisfactory.	Yes
3.4 Public art	C1. Public art is encouraged to be provided within the business centres, in accordance with Council's relevant adopted Policy.	There is no change to the approval given.	Yes

	C2. Public art provided shall develop the cultural identity of the community and reflect the culture of the community.	There is no change to the approval given.	Yes
	C3. Artworks shall be integrated into the design of buildings and the landscape.	There is no change to the approval given.	Yes
3.5 Streetscapes	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	The approved shop fronts are being modified but the general location remains the same. Materials are modified but consistency is retained.	Yes
	C2. Development shall provide direct access between the footpath and the shop.	Satisfactory. Improvements are being made such as more use of ramps within the development.	Yes
	C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	No security bars or grills are proposed for the commercial premises.	N/A
	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	No signage is proposed as part of the modification application.	N/A
	C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	Satisfactory. Tower A is the signature building which is situated along the western side of the site. Tower A has a curved slender appearance when viewed from the north which is not altered. The height of the building is increased but the built form of the building remains generally the same as that approved. While a slender appearance is presented for Tower A at the north west corner, it presents as a solid urban built form along its western façade.	Yes

		<p>There is no significant change to the appearance of the primary tower.</p> <p>The general appearance of the development is not altered.</p>	
	C6. Development on corner sites will be required to accommodate a splay corner to facilitate improved traffic conditions.	There is no change to the approval given.	Yes
	<p>C7. Buildings on corners must address both frontages to the street and/or public realm to:</p> <ul style="list-style-type: none"> • articulate street corners by massing and building articulation, to add variety and interest to the street; • present each frontage of a corner building as a main street frontage, reflect the architecture, hierarchy and characteristics of the streets they address, and align and reflect the corner conditions; and • development on corner sites will require land to be dedicated to accommodate a splay corner to facilitate improved traffic conditions. 	<p>This is achieved for the entire development.</p> <p>Tower A is the signature tower within the development.</p> <p>The height of the development being building blocks A, B C and D is increasing but the built form including setbacks, mass and appearance does not significantly change.</p> <p>The shape of the allotment of land is not subject to change and matters regarding splays and setbacks were established under the primary consent 2015/220/1.</p>	Yes
3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	<p>This is achieved however:</p> <ul style="list-style-type: none"> • There are two ground floor apartments of Building B being removed which supports Part 3.6. • There are five ground level apartments facing north along Neil Street. These are approved and minimal change is occurring. 	Yes

		Notwithstanding the approved ground floor apartments of buildings C and D, the modified development is consistent with Part 3.6.	
3.7 Façade design, shopfront and materials	C1. Façade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction with the streetscape. Vertical emphasis shall be incorporated above awnings.	This is achieved.	Yes
	C2. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	Satisfactory. The development as modified presents a satisfactory level of glazing to the streetscape elevations.	Yes
	C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	Satisfactory.	Yes
	C4. Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design.	Satisfactory.	Yes
	C5. Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade.	This is achieved.	Yes
	C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance and made of light weight material.	No change to the approval is occurring.	Yes
	C7. The ground floor level must have active uses facing streets and public open spaces.	This is achieved for all the street frontages.	Yes
	C8. Retail outlets and restaurants are located at the street frontage on the ground level.	This is achieved for all the street frontages.	Yes
	C9. Where possible, offices should be located at first floor level or above.	For Tower A, there is a first storey office floor facing Neil Street. The office occupies the entire floor.	Yes

	C10. A separate and defined entry shall be provided for each use within a mixed use development.	This is achieved and no change to the original approval granted.	Yes
	C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	There is no change to the approval granted.	Yes
	C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	No security bars or grills are proposed for the commercial premises.	Yes
	C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	This is achieved.	Yes
	C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	Satisfactory.	Yes
	C15. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. Active street frontages are to maximise the use of glazing.	This is achieved.	Yes
	C16. All street frontage windows located at ground floor level are to be clear glazing.	Satisfactory.	Yes
	C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	This is achieved.	Yes
3.8 Ceiling height	C18. For advertising on shopfronts, refer to Part G1 of this DCP	No signage is proposed as part of the modification application.	N/A
	C1. The minimum finished floor level (FFL) to finished ceiling level (FCL) in a commercial building, or the commercial component of a building, shall be as follows:	For Tower Building A Ground floor 4.2 metres as floor to floor height. First floor 4.2 metres as floor to floor heights.	Yes

		<ul style="list-style-type: none"> • 3.5m for ground level (regardless of the type of development); and • 3.3m for all commercial/retail levels above ground level. 	<p>The minimum floor to ceiling height is achieved.</p> <p>For Tower Building B</p> <p>Ground floor 5.1 metres floor to floor height.</p> <p>The minimum floor to ceiling height is achieved.</p> <p>For the commercial tenancy within Building D 4.7 metres floor to floor height. The minimum floor to ceiling height is achieved.</p> <p>As demonstrated within the report, a reduction in the floor to floor heights is recommended for Tower Buildings A and B to reduce the variation to the overall height of the buildings. This is addressed as a condition attached to the recommendation for Panel consideration.</p>	
		C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	Floor to ceiling heights of apartments are satisfactory.	Yes
3.9 Roof design		C1. Roof design shall be integrated into the overall building design.	Satisfactory.	Yes
		C2. Design of the roof shall achieve the following: <ul style="list-style-type: none"> • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • complement the scale of the building and surrounding development. 	Satisfactory.	Yes

	C3. Roof forms shall not be designed to add to the perceived height and bulk of the building.	It is considered that the proposed roof form is satisfactory to support.	Yes
	C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	This is achieved via the use of trees being used for the planter boxes.	Yes
	C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	This is achieved.	Yes
	C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	This is achieved.	Yes
	C7. Consideration should be given to facilitating the use of roofs for sustainable functions, such as: <ul style="list-style-type: none"> • installing rainwater tanks for water conservation. • orient and angle roof surfaces suitable for photovoltaic applications; and • allow for future innovative design solutions such as water features or green roofs. 	<p>The rooftop areas comprise common open space, landscaped areas, seating and utility features.</p> <p>This softens the rooftop area and promotes the use of the area by the residents.</p>	Yes
3.10 Awnings	There are awnings approved which are not subject to significant change. The awnings provide a degree of shelter for visitors and pedestrians external and within the development. The most significant awnings are associated with Buildings A and B.		
3.11 Visual and acoustic privacy	C1. New development shall be located and oriented to maximise visual privacy between buildings on site and adjacent buildings, by providing adequate building setbacks and separation.	Privacy is assessed as being satisfactory between apartments due to orientation and position of the building with respect to the road layout.	Yes
	C2. Residential components of mixed use developments are to comply with the controls in Part B of this DCP and the Apartment Design Guide (as applicable).	This is achieved. Generally, the approved setbacks between the towers are not changing.	Yes
	C3. Conflicts between noise, outlook and views are to be resolved by using design measures, such as double	Satisfactory.	Yes

	glazing, operable screened balconies and continuous walls to ground level courtyards, where they do not conflict with streetscape or other amenity requirements.		
	C4. Where commercial/office uses and residential uses are located adjacent to each other, air conditioning units, buildings entries and the design and layout of areas serving after hours uses shall be located and designed to minimise any acoustic conflicts.	Satisfactory.	Yes
	C5. Developments shall be designed to minimise the impact of noise associated with uses whose hours may extend outside of normal business hours, including restaurants and cafes. Operation includes loading/unloading of goods/materials, and the use of plant and equipment at a proposed commercial premise.	Satisfactory.	Yes
	C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.	As approved. No change is proposed.	Yes
	C7. Mechanical plant must be visually and acoustically isolated from residential uses.	Satisfactory.	Yes
	C8. New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines as applicable for noise, vibration and quality assurance. This includes: <ul style="list-style-type: none"> •Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines; • NSW Noise Policy for Industry; •Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and 	As per advice from Council's Environment and Health Officers, a verification report will need to be provided for the acoustic report prepared by Rodney Stevens Acoustics (Report R150061R3) dated 23 December 2015, to verify that the modification will not alter the recommendations and the conclusion in the report prepared as part of DA2015/220.	Yes

	<ul style="list-style-type: none"> • NSW Road Noise Policy 	This is addressed as a condition attached to the recommendation made.	
	<p>C9. Where a site adjoins a school, place of public worship or public open space, the building design will:</p> <ul style="list-style-type: none"> • incorporate an appropriate transition in scale and character along the site boundary(s); and • present an appropriately detailed facade and landscaping in the context of the adjoining land use. This interface shall be identified in the site analysis plan and reflected in building design. 	The appearance of the building from all current and future street frontages is satisfactory.	Yes
	C10. The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	There are no schools adjacent to or close to the site.	N/A
	C11. Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	No fencing is proposed as part of the modification application.	N/A
	C12. Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged.	Satisfactory and maintained.	Yes
3.12 Hours of operation	Hours of operation do not need to be considered. There is no use of any of the commercial tenancies shown on the plans. A separate application will need to be lodged to the Council for determination for the use of each tenancy as per the requirements of Condition 14 of the original development consent issued. Part 3.12 is not reproduced.		
3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	Generally satisfactory.	Yes
	C2. The living rooms and private open spaces for at least 70% of dwellings on neighbouring sites shall receive a minimum of 3 hours of direct sunlight between 8am and 4pm in midwinter.	<p>The development presents an increase in the level of shadows created to the south. As shown:</p> <ul style="list-style-type: none"> • The internal podium courtyard level (Ground Floor) is already in shadow throughout May / June and July. The increase 	Yes

		<p>in shadowing is not excessive.</p> <ul style="list-style-type: none"> • An improvement is occurring because the ground floor of Building B is now wholly commercial / retail. There are now no apartments on this level. The shadow issue associated with the apartments is removed. • There is an increase in shadowing to the south towards Terminal Place and a car park but there are no particular allotments unreasonably affected. <p>The site occupies an entire city block and will be separated from other developments by roads.</p> <p>This improves amenity and daylight access to future developments within the locality.</p> <p>As demonstrated within the report, a reduction in the floor to floor heights is recommended for Tower Buildings A and B to reduce the variation to the overall height of the buildings. This in turn if approved would result in a minor reduction in the degree of shadowing towards the south.</p> <p>This is addressed as a condition attached to the recommendation for Panel consideration.</p>	
	C3. A minimum of 50% of public open spaces and a minimum of	This is achieved.	Yes

	40% of school playground areas are to receive 3 hours of daylight between 9am and 3pm in mid-winter.		
	C4. Developments shall be designed to control shading and glare.	Satisfactory.	Yes
	C5. Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that the proposal will not reduce sunlight to less than 3 hours between 8 am and 4 pm on 21 June.	The shadow diagrams are satisfactory.	Yes
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	Satisfactory.	Yes
	C2. Orient buildings to maximise prevailing breezes.	Satisfactory.	Yes
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	The is achieved where practical.	Yes
	C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected.	There is no change to the approval given.	Yes
	C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	Satisfactory.	Yes
3.16 Energy efficiency	C1. Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.	Satisfactory.	Yes
	C2. Improve the efficiency of hot water systems by: <ul style="list-style-type: none"> • encouraging the use of solar powered hot water systems. Solar and heat pump systems must be eligible for at least 24 Renewable Energy Certificates (RECs) and domestic type gas systems must have a minimum 3.5 star energy efficiency rating; • insulating hot water systems; and 	A BASIX Certificate issued for the development outlines that the development achieves a high level of compliance for water and energy requirements.	Yes

	<ul style="list-style-type: none"> installing water saving devices, such as flow regulators, 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators. 		
	C3. Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.	Satisfactory.	Yes
	C4. Incorporate a timing system to automatically control the use of lighting throughout the building.	Satisfactory.	Yes
	C5. All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.	This is addressed as conditions attached to the original consent.	Yes
	C6. An Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme or equivalent must be provided for all commercial and industrial development with a construction cost of over \$5 million.	A BASIX Certificate issued for the development outlines that the development achieves a high level of compliance for water and energy requirements.	Yes
3.17 Water efficiency	C1. New developments shall connect to recycled water if serviced by a dual reticulation system for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes.	This is not available at the location.	N/A
	C2. Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses, such as toilet flushing, irrigation, car washing,	<p>A rainwater tank system has not been approved for the site.</p> <p>There are no changes proposed.</p>	N/A

	<p>firefighting and other suitable purposes. Rainwater tanks shall be installed as part of all new development in accordance with the following:</p> <ul style="list-style-type: none"> • the rainwater tank shall comply with the relevant Australian Standards; • the rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • the suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • the overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details, refer to the Stormwater Drainage Part G4 of this DCP. 		
3.18 Wind mitigation	<p>C1. Site design for tall buildings (towers) shall:</p> <ul style="list-style-type: none"> • set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; • ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; • consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and • ensure usability of open terraces and balconies. 	<p>The position of the tower building A is satisfactory.</p> <p>An updated wind assessment report prepared by SLR Reference 610.30747-R01 and dated June 2022 identifies that there are issues in relation to winds.</p> <p>A series of recommendations is provided at Part 8 (Page 27 to 42) to reduce wind impacts.</p>	Yes

		The wind assessment study report will need to be included into any consent issued.	
	C2. A Wind Effects Report including results of a wind tunnel test is to be submitted with the DA for all buildings greater than 35m in height.	The comments provided above at Subpart C1 are relevant to Subpart C2.	Yes
3.19 Food and drink premises	A food and drink premises is not proposed. It is considered unnecessary to address Part 3.19 within the assessment table given that no food and drink premises are proposed.		
3.20 Safety and security	The safety and security measures of the building are not being altered. It is considered that no detailed assessment is required.		
3.21 Pedestrian access and building entry	Pedestrian access has been improved throughout the site in the form of ramps and improved connections.		
3.22 Pedestrian links, arcades, laneways and new streets	The modification application does not propose an arcade, a laneway and or a new road. It is considered unnecessary to include this component into the assessment report.		
3.23 B6 Enterprise Corridor Zone	C1. Commercial development shall be located at least at street level, fronting the primary street and where possible the secondary street.	This is achieved.	Yes
	C2. Minimum front setbacks for B6 Enterprise Corridor zones shall be 5m.	The front setback of the development is not being altered. A variation is identified but this is approved for which no change is proposed.	No Approved. Satisfactory.
	C3. Where development in a B6 Enterprise Corridor zone has access to a rear laneway, development may have a rear setback of 4m at ground level.	There is no laneway situated at the rear of the site.	N/A
3.24 Parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	Car parking has been assessed as being satisfactory and compliant with the relevant provisions.	Yes
3.25 Vehicle access	C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP.	Satisfactory.	Yes
Part F2 - Business Site Specific			
Part F2-6 - Merrylands Town Centre			

3.1 Urban design strategies	<p>The success of the centre plan is reliant on the achievement of these strategies.</p> <ul style="list-style-type: none"> - Strengthen the economic and employment role of Merrylands. - Provide for an active and vibrant centre. - Ensure buildings are designed to maximise appropriate amenity outcomes for the centre. - Ensure development design promotes the principles of ecologically sustainable development. - Promote public transport use, cycling and walking and reduce reliance on private car travel. - Achieve urban design that acknowledge the role of Merrylands within Cumberland City. - Maintain and create clear linkages within the centre and with adjoining residential precincts. 	<p>Satisfactory.</p>	<p>Yes</p>
3.2 Public domain	<p>A number of new intersections, roads, laneways and accessways are proposed under this plan, as indicated in table 1 and in Figure 2 Road widening.</p> <p>Figure 3 includes footpaths, required new pedestrian access and crossings and bicycle access.</p> <p>Figure 4 indicates locations for open spaces and landscaping, including indicative locations for existing and proposed street tree planting.</p> <p>Indicative street sections are provided in Section 2.3.4.</p>	<p>The modification application does not impact upon any new roads that have been constructed or proposed to be constructed to facilitate the development across the Precinct.</p>	<p>Yes</p>
3.3 Building envelope			
3.3.1 Site amalgamation & site frontage	<p>C1. Amalgamation of lots in accordance with Figure 13 is required for redevelopment.</p>	<p>There are no concerns in relation to lot amalgamation.</p>	<p>Yes</p>
	<p>C2. Where amalgamation is not required by this plan, the minimum site width for redevelopment is 20m.</p>	<p>The allotment exhibits satisfactory dimensions.</p>	<p>Yes</p>

<p>C3. The minimum site width achieved shall determine the height of buildings (in storeys) in accordance with the table below. Site width shall be measured at the primary frontage.</p> <table><tr><td>Site width (m)</td><td>Permitted height (storeys)</td></tr><tr><td>20m</td><td>Max 3 storeys</td></tr><tr><td>26m</td><td>Max 8 storeys</td></tr><tr><td>32m</td><td>Max 20 storeys</td></tr></table>	Site width (m)	Permitted height (storeys)	20m	Max 3 storeys	26m	Max 8 storeys	32m	Max 20 storeys	<p>The site is more than 32 metres in width.</p> <p>Building A comprises 2 levels of retail / commercial floors at the ground level and level 1, 18 levels of apartments above and a common area within the rooftop area. This results in a 21 storey building.</p> <p>This is considered acceptable given that a benefit is provided for residents that does not include habitable floor areas.</p>	<p>No Considered satisfactory.</p>
Site width (m)	Permitted height (storeys)									
20m	Max 3 storeys									
26m	Max 8 storeys									
32m	Max 20 storeys									
<p>C4. Sites must not be left such that they are physically unable to reasonably develop a three storey building in accordance with the controls in Sections 2 and 3 of this Part.</p>	<p>Compliance is achieved.</p>	<p>Yes</p>								
<p>C5. Development must not prevent the provision of laneways, accessways or vehicular access locations is prevented, or cannot be achieved in accordance with this plan.</p>	<p>Compliance is achieved.</p>	<p>Yes</p>								
<p>C6. Where required amalgamations cannot be achieved:</p> <ul style="list-style-type: none">• Applicants are to negotiate with all affected property owners prior to the lodgement of a development application, in an attempt to achieve the preferred development outcome.• In instances where amalgamation cannot be achieved (because a landowner chooses not to take-up a reasonable offer) the following information must be submitted with any development application:<ul style="list-style-type: none">- two (2) written valuations indicating the value of the	<p>There are no issues in relation to Subpart C6.</p>	<p>Yes</p>								

	remaining sites that were to be developed in conjunction with the applicant's properties. These are to be undertaken by two independent Valuers registered with the Australian Institute of Valuers, and - evidence that a reasonable offer has been made to the owner(s) of the affected sites to purchase and valuation reports																																
	C7. 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 (i.e. minimum site frontage of 20m). This includes achieving the required vehicular access, basement parking and built form.	There are no issues in relation to Subpart C6.	N/A																														
3.3.2 Building & ceiling height	C1. Maximum permitted building height in storeys* shall be in accordance with the table below. <table><tr><td>Height (m)</td><td>Storeys</td></tr><tr><td>10</td><td>1</td></tr><tr><td>12.5</td><td>2</td></tr><tr><td>14</td><td>3</td></tr><tr><td>17</td><td>4</td></tr><tr><td>20</td><td>5</td></tr><tr><td>23</td><td>6</td></tr><tr><td>26</td><td>7</td></tr><tr><td>29</td><td>8</td></tr><tr><td>32</td><td>9</td></tr><tr><td>38</td><td>11</td></tr><tr><td>41</td><td>12</td></tr><tr><td>50</td><td>15</td></tr><tr><td>53</td><td>16</td></tr><tr><td>65</td><td>20</td></tr></table>	Height (m)	Storeys	10	1	12.5	2	14	3	17	4	20	5	23	6	26	7	29	8	32	9	38	11	41	12	50	15	53	16	65	20	The only concern under Subpart C1 is the height of Building A. Building A is 21 storeys in height or 71.05 metres high to the highest point of the roof ridge. Generally, the building should be 68 metres in height for 21 storeys. As shown within the planning assessment report, a reduction in the floor to floor heights is recommended for Tower Building A and B to reduce the variation to the overall height of the buildings. This in turn if supported by the Panel would result in the variation to the control being much reduced.	No. Can condition.
Height (m)	Storeys																																
10	1																																
12.5	2																																
14	3																																
17	4																																
20	5																																
23	6																																
26	7																																
29	8																																
32	9																																
38	11																																
41	12																																
50	15																																
53	16																																
65	20																																

		This is addressed as a condition attached to the recommendation for Panel consideration.	
	C2. Each storey shall have the following minimum floor to ceiling heights: • ground floor - 3.5m; • first floor (regardless of use) - 3.3m; and • all other floors - 2.7m.	Satisfactory.	Yes
	C3. Development in the centre shall establish a consistent building height transition, from the edges of the centre, to the core of the centre.	Satisfactory. The planning controls allow the built form as proposed for the site.	Yes
	C4. Ensure the achievement of daylight access to public open spaces in accordance with Section 2.6.	Satisfactory.	Yes
3.3.3 Street setbacks, road widening and street frontage heights	C1. Street setbacks in accordance with Figure 14 are required for redevelopment. 2.5 metres required.	The street setbacks have been established under the primary development consent issued. There is no change to any of the approved street setbacks.	Yes on the grounds that no changes are occurring.
	There are no other provisions under Part 3.3.3 relevant to the development application.		
3.3.4 Building depth and length	C1. There is no maximum building depth requirement for floors used as commercial premises.	Noted.	Noted.
	C2. The maximum permissible building plan depth for residential accommodation is 18m.	There are portions of Buildings A and B that exceed a depth of 18 metres. These are approved and no changes are identified.	Yes On the grounds that the depths are approved.
	C3. The maximum permissible building envelope depth for residential accommodation is 22m.	The buildings forming the development have building envelope depths of less than 22 metres.	Yes
	C4. Residential apartments on the 2nd and 3rd storey levels are limited in depth to 8m from the glass line and 11m from the outer edge of the building envelope.	There are two apartments of Building A situated on the 2 nd and 3 rd levels that have depths exceeding 8 metres. This is calculated at 8.5 metres. Generally, the variation is approved. The affected	Yes These are approved.

		apartments have been improved in terms of their circulation.	
	C5. Where office premises are proposed, all points on an office floor should be no more than 15m from a source of daylight.	This is complied with for the first storey office floor associated within Tower Building A.	Yes
	C6. The maximum horizontal length of any building above the podium shall not exceed 50m.	<p><u>Tower Building A</u></p> <p>The building appears as a slender design when viewed from the north west corner being the intersection of Neil Street with Pitt Street.</p> <p>The western elevation of the building is approved at 59 metres in length.</p> <p>A variation of 9 metres or 18% is identified. There is no change to this when assessed against the original consents.</p> <p><u>Block B</u></p> <p>The building complies being the SE elevation.</p> <p>The eastern elevation complies.</p> <p><u>Block C and D</u></p> <p>The northern building encompassing blocks C and D complies.</p>	<p>Yes on the grounds that the variation is approved and no change is occurring.</p> <p>Yes</p> <p>Yes</p>
	C7. All residential and mixed use developments shall be, or substantially contain, dual aspect apartments.	This is achieved where possible and consistent with the original consent issued.	Yes
3.3.5 Setbacks and separation	C1. Where the street setback is 0m, a continuous built edge shall be provided up to the 3rd storey, regardless of use.	The setbacks have already been approved by the Panel. The setbacks are not subject to change.	Yes
	C2. Where a laneway or accessway is required the minimum rear setback shall be 8m, unless shown otherwise.	Not applicable as no laneway is required.	N/A

	C3. Setbacks to secondary streets (above podium) to the property line shall be provided as below:	Street setbacks are not subject to any change. The setbacks are consistent with previous consents.	Yes																								
	<table><tr><td>Storeys</td><td>Setback (m)</td></tr><tr><td>4-8</td><td>3m</td></tr><tr><td>9-20</td><td>6m</td></tr></table>	Storeys	Setback (m)	4-8	3m	9-20	6m																				
	Storeys	Setback (m)																									
4-8	3m																										
9-20	6m																										
	C4. 0m side setback to Terminal Place and or Milne Lane will be accepted for properties 266 Pitt Street and 135-137 Merrylands Road.	Not applicable to the development application.	N/A																								
	C5. Minimum setbacks to side boundaries shall be provided in accordance with the table below:	The site does not exhibit side boundaries. Subpart C5 cannot be applied to the development in this instance.	N/A																								
	<table><tr><td>Building uses</td><td>Storey</td><td>Side setback (m)</td></tr><tr><td rowspan="3">Non habitable rooms & commercial (no windows)</td><td>1-3</td><td>0</td></tr><tr><td>4-8</td><td>3</td></tr><tr><td>9-20</td><td>6</td></tr><tr><td rowspan="3">Habitable rooms/ balconies</td><td>4</td><td>6</td></tr><tr><td>5-8</td><td>9</td></tr><tr><td>9-20</td><td>12</td></tr><tr><td rowspan="3">Habitable rooms/ balconies & non habitable rooms</td><td>4</td><td>4.5</td></tr><tr><td>5-8</td><td>6.5</td></tr><tr><td>9-20</td><td>9</td></tr></table>			Building uses	Storey	Side setback (m)	Non habitable rooms & commercial (no windows)	1-3	0	4-8	3	9-20	6	Habitable rooms/ balconies	4	6	5-8	9	9-20	12	Habitable rooms/ balconies & non habitable rooms	4	4.5	5-8	6.5	9-20	9
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5-8		6.5																									
9-20		9																									
3.3.6 Active frontages, street address and building use	Active frontages C1. Provide Active frontages at street level, orientating onto streets, laneways and public places, as identified on Figure 17.	This is achieved or retained as per the original consent for all street frontages.	Yes																								
	C2. Active frontages consist of the following: • shopfront; • food and Drink premises such as Restaurant or Café; • entrance to public buildings or commercial building foyers; and • customer service areas and receptions (where visible from the street).	This is achieved for both the street frontages and for the internal podium courtyard on the ground level. The commercial tenancies on the ground level facing the internal courtyard area are	Yes																								

		<p>provided with glazing and access provisions.</p> <p>This will ensure an active ground level for the whole building.</p> <p>This is further reinforced by the fact that three pedestrian walkways are provided from the adjoining streets which converge into the courtyard area.</p>	
	C3. At least 70% of street level frontages shall be transparent glazing.	Satisfactory.	Yes
	C4. Blank or solid walls and the use of dark or obscured glass on active frontages are prohibited. Restaurant, cafes and the like are to consider providing openable shop fronts.	Satisfactory.	Yes
	C5. Active frontages located on Merrylands Road (to Addlestone Street) and McFarlane Street should aim to provide at least 10-14 separate tenancy entries per 100m. Large developments shall provide multiple entrances.	Not applicable to the site.	N/A
	C6. Solid roller shutters or the like that obscure windows and entrances are not permitted.	No solid roller shutters are proposed for any part of the complex on the ground level.	N/A
	C7. Security grilles which are fixed internally to the shop front, fully retractable and are at least 50% transparent when closed, are acceptable.	No security grilles are proposed for any tenancy within the tenancy.	N/A
	C8. The ground floor level of active frontages shall be at the same level as the footpath, unless otherwise required by this plan.	<p>No change is proposed.</p> <p>The development is raised off the natural ground level because the site is prone to flooding. The development must be constructed at a level that is above the maximum expected flood levels.</p>	<p>Yes</p> <p>As approved</p>

		The levels at grade and the finished ground floor level is not changing.	
	C9. The location of fire escapes, service doors, plant equipment and the like are to be minimised on active streets.	This is complied with.	Yes
	Street address C10. Street address in the form of entries, lobbies and/or habitable rooms with clear glazing are required at ground level, in accordance with Figure 17.	Satisfactory. The modified development is consistent with the original approvals granted.	Satisfactory.
	C11. Direct pedestrian access off the primary street front shall be provided.	There is no change to the approval granted.	Yes
	C12. Direct 'front door' access to residential units is encouraged.	This is provided for the apartments facing Neil Street to the north. There is no change to the approval granted.	Yes
	C13. Open space should be oriented to overlook pedestrian access points.	Satisfactory.	Yes
	C14. Blank walls or dark or obscured glass is not permitted.	Satisfactory.	Yes
	Building use C15. Retail and commercial uses are to be located on at the ground floor level for all development within the B4 zone.	This is achieved across the whole development and consistent with the original approval granted.	Yes
	C16. Residential development is not permitted to be located at the ground floor level of any development within the B4 zone.	There are at least 3 apartments facing Neil Street situated on the ground level that are located within the B4 zone. This has prior approval. A variation is identified but the apartments in question are not subject to any significant change.	No The apartments are approved. No change.
	C17. Commercial office space or other suitable non residential uses must be provided at the first floor level of development for the entire premises street frontage.	The original development consent established a first storey commercial floor for Building A.	Satisfactory.

		<p>This has been retained as per the consent issued.</p> <p>The development is in accordance with the previous consents issued.</p> <p>There are no other commercial floor areas situated on the first floor of Blocks B, C and D.</p>	
3.3.7 Landscaping and open space	The provision of public open space and landscaping at grade is not subject to change from the original consent. As such, a detailed assessment is not required.		
3.4 Movement			
	Part 3.4 is not relevant to the modification application and thus is not considered.		
Vehicle access	C2. Vehicular access in the Neil Street precinct shall comply with Figure 2.	Generally, there are no significant changes occurring.	Yes
3.4.4 Parking	C1. On-site parking is to be accommodated underground wherever possible.	Compliance is achieved.	Yes
	C2. On street parking within Neil Street shall be provided as indicated Section 2.5.	No change proposed.	Yes
3.5 Design and building amenity			
3.5.1 Laneway and arcade design	A laneway and arcade is not proposed. It is considered unnecessary to assessment the development under Part 3.5.1.		
3.5.2 Managing external noise and vibration	C1. Development proposals within 60m of the south western railway line and/or adjacent to Neil Street or Pitt Street must provide a report, to be submitted with the development application, demonstrating that the development will comply with the following criteria	<p>As provided by Council's Environment and Health officers, a verification report will need to be provided for the acoustic report prepared by Rodney Stevens Acoustics (Report R150061R3) dated 23 December 2015 to verify that the modification will not alter the recommendations and the conclusion in the report prepared as part of DA2015/220.</p> <p>This may be addressed as a condition attached to any consent issued.</p>	Yes

	<p>C2. The following Australian Standards are to be complied with:</p> <ul style="list-style-type: none"> • AS 1055-1997 Acoustics - Description and Measurement of Environmental Noise. • AS 1259-1990 Acoustics – Sound Level Meters Part 2 Integrating – Averaging. • AS 1633-1985 Acoustics - Glossary of Terms and Related Symbols. • AS 2107-2000 Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors. 	The comment provided above at Subpart C1 is relevant to Subpart C2.	Yes
	<p>C3. The report shall be prepared by an 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).</p>	The comment provided above at Subpart C1 is relevant to Subpart C2.	Yes
	<p>C4. Prior to the issues of an Occupation Certificate, a noise compliance report shall be submitted to the Principal Certifying Authority (PCA) confirming that the building/s comply with the noise criteria following. The report shall be prepared by an acoustic consultant, other than the consultant responsible for the preliminary/design report, having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/ or grad membership of the Australian Acoustical Society (MAAS).</p>	Appropriate conditions may be attached to any favourable recommendation addressing acoustic matters.	Yes
	<p>C5. Acoustic reports prepared under this Plan must be prepared in accordance with the specified methodology provided in the Appendix.</p>	Satisfactory.	Yes

	C6. Floor vibration levels in habitable rooms should comply with the criteria in British Standard BS6472: 1992 Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz). This is the vibration standard recommended by the Department of Infrastructure Planning and Natural Resources (DIPNR) and the Department of Environment and Conservation (DEC). It is similar to AS2670.2 – 1990 but includes additional guidance in relation to intermittent vibration such as that emitted by trains.	Satisfactory.	Yes
3.5.3 Awnings	The approved awnings are retained within the development.		
3.5.4 Adaptable housing	C1. Provide a total of 20% of dwellings as adaptable housing by ensuring that: • a minimum of 10% of all apartments within a development comply with AS4299-1995 Adaptable House Class A; and • a minimum of 10% of all apartments within a development comply with AS4299-1995 Adaptable House Class C.	There are 73 adaptable apartments within the development. As such this reaches 20.1%.	Yes
3.5.5 Corner buildings	C1. Generally, Corner buildings shall be designed to: <ul style="list-style-type: none"> • articulate street corners by massing and building articulation; • to add variety and interest to the street; • present each frontage of a corner building as a main street frontage; • reflect the architecture, hierarchy and characteristics of the streets they address; and • align and reflect the corner conditions. 	This is complied with.	Yes
	C2. Corners identified in Figure 6 shall be emphasised through architectural design and materials.	This is reflected across Tower Building A alongside the western side of the site.	Yes
3.6 Environmental			

	<p>Neil Street Precinct</p> <p>C2. Management of the redevelopment of the Neil Street Precinct must be undertaken in a whole-of-site approach. Site amalgamation and re-subdivision under this DCP is required to manage redirection of the floodway.</p>	<p>The site is prone to flooding and the flood risk has been addressed through previous development applications. Generally, the flood risk is not being modified.</p>	Yes
	<p>C3. Building footprints are to be placed to allow best movement of flood waters (eg. 30m separation between buildings on the southern end of New Road (1) north).</p>	<p>The building footprint of the complex including the finished ground floor levels are not being modified as part of the modification application.</p>	Satisfactory.
	<p>C4. Provide a 40m floodway through Neil Street Precinct, comprising roads, parks, swales and a natural creek system.</p>	<p>Existing. There is no change to this component within the precinct.</p>	Satisfactory.
	<p>Stormwater</p> <p>C5. The peak/volume impact of stormwater on infrastructure is to be reduced by detaining/retarding it on site. Design solutions may include:</p> <ul style="list-style-type: none"> • minimising impervious areas by using pervious or open pavement materials; • retaining runoff from roofs and balconies in water features as part of landscape design or for reuse or activities such as toilet flushing, car washing and garden watering; • landscape design incorporating appropriate vegetation; • minimising formal drainage systems (pipes) with vegetated flowpaths (grass swales); • infiltration or biofiltration trenches and subsoil collection systems in saline areas; • water pollution control ponds or constructed wetlands on larger developments; and • developments shall optimise the amount of deep soil zones within the site, in accordance with Figure 4. 	<p>Stormwater is assessed by Council engineers as being satisfactory.</p>	Yes

	C6. Stormwater quality shall be maintained through the use of the following: • litter or gross pollutant traps to capture leaves, sediment and litter should be used; • sediment filters, traps or basins for hard surfaces; and • treatment of stormwater collected in sediment traps on soils containing dispersive clays.	Stormwater is assessed by Council engineers as being satisfactory.	Yes
	C7. Where sites are next to the rail corridor, adequately dispose of or manage drainage from the development such that it is not distributed into the rail corridor unless prior approval has been obtained from Sydney Trains.	The site is not situated next to the rail corridor. There is a separation distance of more than 60 metres between the development site and the railway line.	Yes
	C8. Existing and post development flood contours are shown in Figures 18 and 19	No change is proposed.	Yes
3.7 General			
3.7.1 Public Art	C1. Public Art is encouraged to be provided within the centre, in accordance with Council's Public Art Policy.	No change is proposed.	Existing.
	C2. Public Art provided shall develop the cultural identity of the community and reflect the culture of the community.	No change is proposed.	Existing
	C3. Artworks shall be integrated into the design of buildings and the landscape.	No change is proposed.	Existing
	C4. Within the Neil Street Precinct, the following thematic areas are to be considered in the public art/design: • industrial heritage of the locality including the grain mills, brick works and railway; and • A'Becketts Creek and the natural environment.	No change is proposed.	Existing
3.7.2 Interim development	C1. All minor development associated with existing buildings including but not limited to alteration and additions, change of use, outdoor dining, subdivision and signage must not restrict or prohibit an adjoining landowner	Not applicable to the modification application.	N/A

	from developing their site in accordance with this DCP.		
	C2. Development is to ensure activation of the streetscape and high urban design outcomes.	This is being achieved.	Yes
	C3. Alterations and additions must not exceed 60m ² of additional floor space on to or associated with an existing building. Only 1 application for this addition, per lot, is permissible, as from the date of adoption of this DCP.	Not applicable to the modification application.	Yes
Part F2-7 - Merrylands Neil Street Precinct			
3.1 General	Meet the objectives, ensure the Precinct will be characterised by a high-quality, well-designed and safe environment.	This is complied with.	Yes
3.2 Urban design	Meet the objectives, maintain and develop spaces that encourage social interaction for all people, which will contribute to people's sense of place.	This is complied with.	Yes
3.3 The structure plan			
3.3.1 Desired future character	The visual character of certain locations within the Precinct such as the intersection of Neil Street and New Road 1, the intersection of Pitt and Neil Streets, the intersection of Neil Street and the Neil Street Bridge are significant as they provide opportunities to position locational buildings, which will enhance the skyline of the Precinct within the broader Merrylands Centre context (Refer Figure 2).	It is considered that the visual character of the development is compliant with this Part.	Yes
3.3.2 Urban structure plan	The Structure Plan reflects and builds on the existing land uses and functions within the broader Merrylands Centre to implement the vision for Neil Street as a high-quality, well designed, safe and liveable environment (Refer Figure 3).	The development is consistent with the Structure Plan and planning controls that apply to the site.	Yes
3.4 Access network			
3.4.1 Street/access network	A detailed assessment is not required because the road network or the approved road network is not subject to change.		

3.4.2 Connectivity	A detailed assessment is not required because the connections to and from the building and site are not subject to change.		
3.4.3 Streets	No new roads are proposed as part of the modification application and as such, it is considered that no detailed assessment is required.		
3.5 Public open space			
3.5.1 Open space network	<p>A detailed assessment is not required because there are no changes proposed to the locality in terms of approved open space provisions.</p> <p>A new public park called Neil Street Park is shown to the east to be separated from the site by a new road to be constructed. The modified development will not have significant impact onto any future park for the locality.</p>		
3.5.2 Design criteria for public open spaces			
Neil Street Park	<u>Desired character</u> <ul style="list-style-type: none">• Activation of ground floor commercial uses along New Road 2 and development to the north; and• create a sense of place (Refer Figure 17).	There is no change to the approval given in relation to parklands of the locality.	Yes
	C1. Provide a minimum 1,500sqm public open space - Neil Street Park as shown in Figure 18. C2. Neil Street Park is to be in public ownership.	<p>A new public park known as Neil Street Park is shown to the east to be separated from the site by a new road to be constructed.</p> <p>The development is oriented towards the future park area and connections to and from the park and the development site are retained.</p> <p>The additional shadows created by the development resulting from the increase in building height will not have adverse impact towards the park due to location.</p>	Yes
3.6 Built form			
3.6.1 Built form network	Opportunities for taller buildings have been identified. These sites spatially locate important places within the Precinct such as key entry point and parks (Refer Figure 26).	<p>As per figure 26, the site is identified as having a main street height corridor.</p> <p>This is retained.</p>	Yes
3.6.2 Built Form	The building footprints indicated on Figure 27	Compliance is achieved or retained.	Yes

Structure Plan	represent the preferred building configuration. Buildings are to be designed in accordance with Section 3.8 – Site Specific Controls.		Generally, the modified development does not deviate from the approved layout to any significant degree.	
3.7 Site amalgamation	Site amalgamation matters have been addressed in earlier development applications. The matter concerning site amalgamation or allotment size does not need to be revisited.			
3.8 Site specific controls				
General Controls	Building envelopes Maximum Horizontal Length of Buildings (above any podium)	<ul style="list-style-type: none">• 9 to 12 storeys = Max. 75m• 13-20 Storeys = Max. 55m The max. horizontal length of any building without substantial articulation shall not exceed 45m	The maximum horizontal length of the building is 59 metres (Building A only). A variation of 4 metres or 7.27% is identified. In response to this, Building A in its form is approved. There is no change to the variation. There are no other concerns raised.	No Satisfactory given that the approval is not being altered.
	Building breaks	Please refer to the detailed Block controls		
	Solar Access			
	Residential	Min. 2 hours direct sunlight access to 70% of apartments between 9.00am to 4.00pm at the winter solstice (22 June).		
	Street Activation		At least 283 apartments receive sunlight or 77.9%. Generally satisfactory.	Yes
	Pitt Street and Terminal Place	<ul style="list-style-type: none">• Fully activate at least 2 storeys with commercial/r etail uses. B4 zone		
			Compliance is achieved. No change to the approval granted except for changes to the size of commercial tenancies and shape. This is achieved.	Yes

		<p>Minimum non residential GFA equivalent to 40% of the ground floor building footprint area.</p> <p>B6 Zone Minimum non-residential GFA equivalent to 20% of the ground floor building footprint area except for the site at the southeast corner of Neil Street and new Road 1 where the minimum requirement for street activation is 50% of the ground floor building footprint area.</p>	<p>The two apartments on the ground floor of Building B are removed from the development and replaced with retail / commercial floor space.</p> <p>The apartments facing Neil Street are not subject to significant change.</p> <p>Retail floor space is generally consistent with earlier approvals granted.</p>	<p>Yes</p> <p>Yes</p>
	Western Side of New Road 1	Area between Terminal Place and Neil Street to be intermittently activated as a secondary active frontage	Street activation is retained generally as per the approval given.	Yes
	Street Wall Height Along Pitt Street	3 storey podium with a minimum height of 11m and	Street wall heights are retained. Street setbacks are not subject to change.	Satisfactory

		maximum 14m.	The basement car park is satisfactory in terms of location and access. The basement cannot be increased in size.	Yes		
	Parking	Parking must be provided in the basement underground. Underground parking is not permitted to encroach into the setback areas or under public open space areas. • Please refer to Part G – Parking and Access				
	Building Envelope Depth					
	Commercial / retail (above podium)	• Max 25m (unless specified in Section 3.8).			The depth of the commercial premises does not exceed 24 metres.	Yes
	Residential	• Max 22m (unless specified in Section 3.8).			The depth of the residential components of the development does not exceed 18.5 metres.	Yes
	Public Domain Interface Vehicle Access	Vehicle access should not ramp along boundary alignments facing a street or public open space.			Satisfactory. No change to the approval.	
	Awning Along Pitt Street and Eastern Edge of Boulevard Park	Awnings should be provided along Pitt Street. • Min. 3m deep. • Preferred minimum soffit height of 3.3m. • Slim vertical fascias /			Awnings are retained generally as per the original approvals granted.	Yes

		<p>eaves not more than 300mm in height.</p> <ul style="list-style-type: none"> • Wrap awnings around corners where a building is sited on a street corner. 	Satisfactory.	Yes
	Site and Building Design	<p>Unless otherwise specified in this DCP, please refer to the NSW Apartment Design Guide (ADG) for design of apartments/ mix use building design.</p>		
	Stormwater Management	<p>Merrylands Neil Street Precinct is affected by the 1 in 100 year flood. Roads and open space network have been designed as overland flow path to manage the impact of flooding. To ensure appropriate flood management :</p> <ul style="list-style-type: none"> • Width and location of the overland flow path to be in 		

		accordance with Section 3.4 and 3.8. • Please refer to Part G Stormwater.		
BLOCK C 3.8.3 Site and building design	C1. Primary active frontages are to be provided where shown in Figure 38.	Satisfactory.	Yes	
	C2. Primary active frontages are to be vibrant and inviting.	Satisfactory. Generally, no change is proposed to likely street activity.	Yes	
	C3. Development should comply with Block B Height Plan which indicates the maximum number of permissible storeys (Refer Figure 38).	<p>The height limit is shown on Figure 38.</p> <p>The development is non compliant with the provisions in storeys and in metres.</p> <p>The development is approved and heights in storeys have been established and determined under Development Consent 2015/220/1 and associated modifications granted thereafter.</p> <p>The introduction of a common area onto the roof of Tower A provides an additional storey to the development.</p> <p>A reduction in the floor to floor heights is recommended for Tower Buildings A and B to reduce the variation to the overall height of the buildings. This is addressed as a condition attached to the recommendation for Panel consideration.</p>	No Satisfactory subject to a condition.	
	C4. Provide setbacks as shown in Figure 39.	Setbacks for the site are governed by the earlier consents issued.	Yes	

		There are no changes occurring to street setbacks in any of the Buildings A, B, C and D.																
	C5. Underground parking is not permitted to encroach into the setback areas.	Satisfactory. There is no change to the size of the basement car park or setbacks.	Yes															
	C6. Driveways and vehicular crossings are not permitted along Pitt Street	Satisfactory and not subject to change.	Yes															
	C7. Driveways and vehicular crossings are to be provided from New Road 1. Indicative locations are shown in Figure 38.	Compliance is achieved and not subject to change.	Yes															
	<table><tr><td colspan="2">Building Height</td></tr><tr><td>Along Pitt Street</td><td>Max. 16 storeys (Refer Figure 38)</td></tr><tr><td>Terminal Place</td><td>Max. 12 storeys (Refer Figure 38)</td></tr><tr><td>Gladstone Street</td><td>Max. 8 storey</td></tr><tr><td colspan="2">Building Use</td></tr><tr><td>B4 Zone - Corner of Gladstone Street and New Road 1</td><td>Ground floor and above Residential</td></tr><tr><td>B4 Zone - Along Pitt Street and Terminal Place</td><td>Ground floor and first floor • Commercial / retail Second floor and above • Commercial / retail / Residential</td></tr></table>		Building Height		Along Pitt Street	Max. 16 storeys (Refer Figure 38)	Terminal Place	Max. 12 storeys (Refer Figure 38)	Gladstone Street	Max. 8 storey	Building Use		B4 Zone - Corner of Gladstone Street and New Road 1	Ground floor and above Residential	B4 Zone - Along Pitt Street and Terminal Place	Ground floor and first floor • Commercial / retail Second floor and above • Commercial / retail / Residential	The height in storeys is not compliant with the stated provisions. All other provisions of the table are complied with. Generally, the building is not being altered in terms of setbacks, land uses, building depths or built form. The only issue to address is that of height in storeys and metres which is covered within the primary report.	No for height. Can condition. All other provisions are complied with.
	Building Height																	
	Along Pitt Street	Max. 16 storeys (Refer Figure 38)																
Terminal Place	Max. 12 storeys (Refer Figure 38)																	
Gladstone Street	Max. 8 storey																	
Building Use																		
B4 Zone - Corner of Gladstone Street and New Road 1	Ground floor and above Residential																	
B4 Zone - Along Pitt Street and Terminal Place	Ground floor and first floor • Commercial / retail Second floor and above • Commercial / retail / Residential																	

	B6 Zone - New Road 1	Ground floor • Commercial / retail All floors above ground floor • Commercial / residential		
	Building Envelope Depth			
	Commercial / retail and residential on all floors above podium	Max 22m		
	Setback			
	Street Setback	Pitt Street - 0m Gladstone Street - Min. 2.5m Terminal Place - Min. 0m New Road 1 - Min. 2.5m		
	Street Wall Height Along Pitt Street	3 storey podium with minimum height of 11m and maximum 14m		
	Awning Along Pitt Street	Min. 3m deep		