Appendix D
CDCP 2021 Compliance Table
Part B3 - Residential Flat Buildings

Relevant Control		Compliance with Requirements	Consistency Objectives
Part A - General Controls			
Part A2 - Subdivision			
2.4 Residential flat building, multi-dwelling development and mixed use development	C1. Development sites involving more than one lot shall be consolidated.	Site 2 the subject of the works has an acceptable size to permit the development.	Yes
	C2. Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	Development Application 2023/0108 addresses the subdivision of the land. In this regard, 3 lots are to be subdivided into 4 lots to permit the entire development.	Yes
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	There are no site isolation issues to address for the site or the adjoining site given that the immediate locality forms part of a redevelopment site incorporating mixed use developments.	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 of the development is proposed under the development application.	N/A
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	Compliance is achieved in relation to allotment size.	Yes
	C6. Council will allow the strata subdivision of	No Strata subdivision of the building is proposed	N/A

	residential flat buildings subject to compliance with all other related controls contained in this DCP.	under the development application.	
	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.	The vehicle access shown at the south west portion of the site and at the south west portion of Building D is shown on the plans as being 15.05 metres wide at the property boundary. Council engineers have raised no objection under Control C7.	Yes
Part A3 - Site Amalgamation & Isolated Sites			
2. Principles	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.	There are no issues in relation to site isolation to address.	N/A
3. Process	Site amalgamation shall be considered and/or required if: • the adjoining site will become isolated by the proposed development; • the subject site cannot satisfy the minimum lot width and size requirements; • 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,	No site isolation issues are identified. No land consolidation is required under the development application.	N/A

	noise, odour and visual impacts; • 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 • the subject site and adjoining site(s) cannot achieve a satisfactory form of development that is consistent with the planning controls. 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: • 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 • evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of		

	the affected adjoining site(s). Note: A reasonable offer shall be of current fair market value 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: • height; • setbacks; • pedestrian and carparking access;		

	• site coverage (both building and basement); • constructability; • envelope separation; and open space and landscaping. 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.		
Part B - Development in Residential Zones			
Part B3 - Residential Flat Buildings			
2.1 & 2.2 Relationship to SEPP 65/NSW ADG & Development controls	ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails. C1. For residential flat buildings controls on: • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout;	A detailed assessment using the Apartment Design Guide has been undertaken. The development is generally satisfactory. There are variations but these are capable of being answered and justified within the assessment report to the Sydney Central City Planning Panel. Generally, the building the subject of the development application sits within the R4 High Density Residential zone. The main vehicle access is through land zoned RE1 Public recreation.	Yes

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private open space and balconies;
common circulation and spaces;
storage;
acoustic privacy;
noise and pollution;
apartment mix;
ground floor apartments;
façades;
roof design;
landscape design;
planting on structures;
universal design;
adaptive reuse;
mixed use;
awnings and signage;
energy efficiency;
water management and conservation;
waste management; and
building maintenance.

Refer to SEPP 65 and the ADG compliance table below.
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<td>The applicant is willing to enter into a Planning Agreement with Council for provision of the infrastructure works which is supported by the Council.

Appropriate conditions are provided for any favourable recommendation addressing such matters.

All relevant provisions are considered.</td>
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<td>3.1 Building envelope</td>
<td>C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.

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<tr><td>Front setbacks (min)</td><td>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition.</td></tr>
<tr><td>Secondary street setbacks (min)</td><td>2m for laneways and 4m for other roads.</td></tr>
<tr><td>Side setback (min)</td><td>3m.</td></tr>
<tr><td>Rear setback (min)</td><td>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.</td></tr>
<tr><td>Site area</td><td>1,000 sq m.</td></tr>
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<td>The building site is located within the R4 High Density Residential zone part of the site.

The area is undergoing transition. A northern setback of 2.5 metres is considered acceptable. given the allotment pattern and Neil Street alignment within the vicinity of the railway bridge.

The detailed Neil Street Block D controls allows for a northern setback of 2.5 metres.

The detailed Neil Street Block D controls allows for a setback of 6 metres from the eastern boundary and 3 metres</td>
<td>Yes
Complies for the south and east boundaries.

No for Tower D that encroaches into the setback area as identified on Figure 44 Block D setback Plan.</td>
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		Street frontage: 24m.	from the south east boundary. The southern boundary setback should be 6 metres. The eastern and southern side boundary setback is 6 metres. The south east boundary setback is 3 metres. There is a 12 metre setback requirement from the area to be delineated as Terminal Park. The north facing parts of Building D including the ground floor and apartments above are crossing into the setback area by up to 4.12 metres. The basement car park below also crosses into the front setback area but this element is not visible at street level and may be supported. The basement car park is situated alongside the eastern boundary of the site and crosses into the 6 metre setback area. The basement car park is fully underground and not visible at grade or from the railway line. Transport for New South Wales in its correspondence of Tuesday 31 October 2023 has advised that Concurrence consent will be granted subject to conditions.	No for basement.
	C3. For residential flat building not captured by SEPP 65, the development is also to		The development is assessed using the Apartment Design Guide.	Satisfactory.

	achieve the objectives and design criteria of the ADG.		
3.2 Basement design	C1. Basement walls shall be located directly under building walls, wherever practicable.	The basement car park generally achieves this for most of its footprint. Concern is being raised that: • The eastern and southern parts of the basement car park is situated outside the building footprint. • There are parts of the basement car park area that encroaches outside the building D footprint (Western side of the building). In relation to the above: • Transport for New South Wales in its correspondence has granted Concurrence subject to conditions. • The basement situated outside the footprint of Building D is not raising adverse amenity issues for the proposed future park area and may be supported.	No Satisfactory
	C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	Transport for New South Wales (Sydney Trains) as part of their referral and correspondence has provided advice specifying that Concurrence will be granted subject to conditions.	Yes
	C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m	Much of the basement wall area is situated on the boundaries of the site.	Yes Satisfactory.

	from the side boundary to allow planting.	The basement car park has been extensively assessed in relation to the presence of easements and proximity to Transport for New South Wales (Sydney Trains). As per written advice: • Sydney Water Corporation has provided Council with conditions in relation to the impact of the development along the Sydney Water Corporation asset (The culvert). • Transport for New South Wales (Sydney Trains) has granted Concurrence subject to conditions. • Council engineers have supported the development	
	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.	The basement car park is not visible above ground level.	Yes
3.3 Car parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	Noted. There is adequate car parking to support the development.	Yes
Part G - General Controls			
Part G3 - Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	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	The minimum car parking requirement for residents and visitors outlined in the Guide to Traffic Generating Developments will apply. The site is within 800 metres of the Merrylands Railway Station.	Yes Satisfactory.

	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.	The minimum car parking requirement for residents and visitors outlined in the Guide to Traffic Generating Development will apply. • 28 x 1 bedroom apartments. • 228 x 2 bedroom apartments. • 47 x 3 bedroom apartments. The development will require: • 28 x 0.6 = 17 spaces. • 228 x 0.9 = 205 spaces. • 47 x 1.4 = 66 spaces. **For a total of 288 spaces**. There will need to be at least 61 visitor spaces. For a total of 349 spaces. A minimum of 11 spaces are required for the commercial floor area. **Total 360 spaces.** Provided 439 spaces comprising of: Residential - 351 spaces. Visitor - 77. The excess is 79 spaces. If the Council DCP were to be applied: • The development would need 28 spaces for the 1 bedroom apartments.	

		• The development would need 228 spaces for the 2 bedroom apartments. • The development would need 71 spaces for the three bedroom apartments. **Total 327 spaces.** Including visitors - 76 spaces. Plus 11 spaces for the shops. **Total 414 spaces.** The surplus is reduced to 25 spaces. The surplus of spaces is reduced under the Cumberland provisions.	
4.1 Development in residential zones	C1. Only one driveway crossover shall be permitted per residential property where the property frontage is less than 15m.	N/A	N/A
	C2. A maximum of 2 driveway crossovers shall be permitted for residential properties with a residential frontage of 15m or more.	The development will be serviced via one vehicle access to be constructed off the new road called Mc Leod Road.	Yes
	C3. Single vehicle driveways shall be a maximum width of 3.5 metres along the front property boundary.	A single vehicle driveway would not be adequate to service a development of the size shown. Council engineers have supported the driveway.	N/A
	C4. Driveways which service a double garage shall be a maximum width of 6m.	N/A	N/A
	C5. All new driveways shall be located a minimum of 1 metre from the side property boundaries.	This is achieved.	Yes
	C6. Where rear access is available, driveway access shall be located at the rear of the site.	Not applicable.	N/A

	C7. Driveways servicing car parking including manoeuvring areas to the parking bays shall comply with AS 2890 - Parking Facilities unless otherwise specified by Council.	This is achieved.	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.	Compliance is achieved.	Yes
	C9. Minimum clearance of 1.2 metres shall be provided to structures, such as power poles, service pits and drainage pits.	There are no obstructions to address in relation to the driveway.	Yes
	C10. Vehicular access points and parking areas are to be: • easily accessible and recognisable to motorists; • located to minimise traffic hazards; and • located to minimise the loss of on-street car parking.	This is achieved. The driveway is appropriately located given the site constraints that exist.	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.	An extensive landscaping regime is proposed for all areas to the immediate west of the development. This area will form part of the public parkland that will feature pedestrian areas, landscaping and public art features.	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.	Compliance is achieved.	Yes
4.3 Basement parking	C1. Basement garages and driveways shall be permitted	Compliance is achieved.	Yes

	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.		
	C2. Basement parking shall be located within the building footprint.	As specified under Part 3.2 (Control C1) above, parts of the basement car park is situated outside the footprint established by the development. In relation to the above: • Transport for New South Wales in its correspondence has granted Concurrence subject to conditions. • The basement situated outside the footprint of Building D is not raising adverse amenity issues for the proposed future park area.	No Considered satisfactory.
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	This is achieved.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Satisfactory.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	Satisfactory.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Council engineers considers the basement car park to be satisfactory for approval.	Yes
	C7. Basement access/ramp design shall comply with ramp	Satisfactory.	Yes

	requirements specified in AS2890.		
Part G4 - Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	C1. All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: a public drainage system, or a) an inter-allotment drainage system, or b) an on-site disposal system.	Council engineers have determined that stormwater drainage and the method for addressing flooding and overland flow is satisfactory.	Yes
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	The site is subject to flooding and the flooding situation is increased due to the presence of a culvert to the immediate east of the site. Council engineers have assessed the application as being acceptable on the grounds that the flood risk is mitigated.	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.	The comments provided above in Control C1 are relevant. In addition to the above comments, the culvert comprises an underground drainage channel with the architectural and landscaping plans showing the area as being part of the ground level pedestrian and common open space areas.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	This has been achieved.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m2, or more in area must be supported by a Water Sensitive Urban Design	This has been achieved.	Yes

	Strategy, prepared by a qualified civil engineer with suitable experience.		
	C2. Development for the subdivision of sites of 2,500m2 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.	A subdivision of the site is not proposed.	N/A
	C3. All other developments shall provide appropriate water sensitive treatments.	Not applicable to the development.	N/A
	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.	This is achieved.	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 1500m2) and 10,000 litres (for site area greater than 1500m2).	The stormwater and engineering plans submitted are showing the installation of rainwater harvesting systems into the development for use for watering common area landscaping and for use for the car wash bay.	Yes
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	This is complied with.	Yes
Part G5 - Sustainability, Biodiversity & Environmental Management			

2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.	Dewatering activities are required. The development application has been declared as being 'Integrated Development" for the purpose of Section 90(2) of the Water Management Act 2000. Water New South Wales has granted a General Terms of Approval for the dewatering activities required. All conditions associated with this component are included into the recommendation for Panel consideration.	Yes
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	The comments provided above under Control C1 are relevant to Control C2.	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.	The comments provided above under Control C1 are relevant to Control C2. In this regard, the conditions provided by Water New South Wales are crucial for the development for the dewatering activities.	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: • changes in the behaviour of groundwater created by the method of construction chosen; and/or • changes to the behaviour of groundwater of the surrounding area, created by the nature of the	The comments provided above under Control C1 are relevant to Control C4.	Yes

	constructed form and groundwater management system used.		
2.3 Land contamination	C1. Prior to the submission of a development application, an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated prepared in accordance with the relevant Department of Planning, Industry and Environment Guidelines and the Guideline to Asbestos Management in Cumberland Council 2018.	A Detailed Site Investigation (DSI) was prepared by Environmental Consulting Services Pty Ltd, dated Monday 23 January 2023 (Revision 2). The consultant has advised that heavy metals were found within the groundwater of the site above recommended drinking water guidelines. The detailed site investigation report recommended a remedial action plan to specify the required works associated with further investigation, address data gaps and specify the required validation testing. A remediation action plan has been prepared by Environmental Consulting Services Pty Ltd, dated Friday 20 January 2023 (Revision 1). The consultant has identified a suitable pathway so that the site can be used safely for the proposed development. Matters concerning land contamination are addressed in a satisfactory manner.	Yes Subject to conditions.
	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	Satisfactory as per comments above under Control C1.	Yes

	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.		
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	There are no issues to address under Part 2.5 given the location of the site within the edge of the Merrylands town centre.	N/A
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	Satisfactory.	Yes
Part G7 - Tree Management & Landscaping			
2.1 Preservation of trees	There are no issues to resolve in relation to tree removal.		
2.2 Tree management and proposed development	There are no issues to resolve in relation to tree management.		
2.3 Landscaping	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.	Detailed landscape plans prepared by PTW have been assessed as being satisfactory by Council staff.	Yes
Part G8 - Waste Management			
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	The waste bin stores are assessed as being satisfactory	Yes
	C6. All developments must ensure separate residential and commercial bin storage areas, which shall be located	This is achieved.	Yes

	behind the primary building line and adequately screened.		
	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.	A bulky waste bin store is provided on the ground floor of Building D.	Satisfactory.
3.4 Waste chute and service room requirements	C1. Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	Waste chutes are provided within each tower building.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Satisfactory.	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.	This is not required within the development.	N/A
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Waste removal will be occurring within the ground floor of Building D and not visible from the street.	Yes.
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	The head height of the driveway is 4.6 metres with the minimum set at 4.4 metres. As such, a waste removal vehicle	Yes

		can be driven into the car park area to allow waste removal from the site.	
	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.	A waste removal vehicle can be driven into the ground floor car park area to allow waste removal from the site.	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 circumstances, supporting documentation is to be provided with the development application.	Not applicable for the development.	N/A