

Appendix E
CDCP 2021 Compliance Table
PART F2 BUSINESS SITE SPECIFIC

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

Relevant Control		Compliance with Requirements	Consistency Objectives
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. 	It is considered that the Strategies are complied with.	Yes
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</p>	A separate development application has been submitted to the Council for assessment for provision of the infrastructure and public park that are needed to support the whole development site. This is currently under assessment.	Yes

	<p>existing and proposed street tree planting. Indicative street sections are provided in Section 2.3.4.</p>	<p>The applicant has provided to Council a letter of offer to enter into a Planning Agreement for the delivery of the parks and associated public domain works.</p> <p>This has been considered by the Council at its meeting of Wednesday 7 February 2024. Council has resolved to support the Letter of Offer in principle.</p> <p>Relevant conditions are attached to the recommendation. The applicant has entered into a Planning Agreement for the provision of supporting infrastructure such as the park, new roads and stormwater drainage.</p>									
3.3 Building envelope											
3.3.1 Site amalgamation & site frontage	C1. Amalgamation of lots in accordance with Figure 13 is required for redevelopment.	There are no concerns in relation to land amalgamation or lot size.	Yes								
	C2. Where amalgamation is not required by this plan, the minimum site width for redevelopment is 20m.	The allotment exhibits satisfactory dimensions to support the development.	Yes								
	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>The lot has a width of between 17.7 metres and 30.9 metres depending on location.</p> <p>The allotment is supported by the site specific planning controls within Part F2-7 Merrylands Neil Street Precinct and is known as Block D.</p>	<p>No under Control C3.</p> <p>Satisfactory given the specific controls that apply to the site.</p>								
	<table><tr><th>Site width (m)</th><th>Permitted height (storeys)</th></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		
	Site width (m)	Permitted height (storeys)									
20m	Max 3 storeys										
26m	Max 8 storeys										
32m	Max 20 storeys										
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.	Compliance is achieved.	Yes									

	<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>The applicant has provided to Council a letter of offer to enter into a Planning Agreement for the delivery of the parks and associated public domain works.</p> <p>This has been considered by the Council at its meeting of Wednesday 7 February 2024. Council has resolved to support the Letter of Offer in principle.</p> <p>Conditions are provided to the recommendation addressing such matters.</p>	Yes
	<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: <p>Two (2) written valuations indicating the value of the 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</p>	<p>There are no issues in relation to Subpart C6.</p>	Yes

	<p>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.</p>	<p>There are no issues in relation to Subpart C7.</p>	<p>N/A</p>																														
<p>3.3.2 Building & ceiling height</p>	<p>C1. Maximum permitted building height in storeys shall be in accordance with the table below.</p> <table><tr><th>Height (m)</th><th>Storeys</th></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	<p>Building B is 17 storeys or 55.5 metres in height to the highest point.</p> <p>For 17 storeys a height of 56 metres would be allowed under Part 3.3.2.</p> <p>This includes the rooftop corridor and common area access which must be counted as a storey.</p> <p>Excluding this, the building has 16 habitable storeys and with a height of 52.9 metres.</p> <p>The whole of Building B is contained within that part of the site that allows for a 54 metre height limit under the Cumberland Local Environmental Plan 2021.</p> <p>Building C is 13 storeys or 43.05 metres in height whereas 44 metres is the maximum allowed.</p> <p>2 - Building D is 12 storeys or 42.6 metres in height whereas 44 metres is the maximum allowed.</p> <p>Compliance would be achieved for Buildings C and D.</p>	<p>Yes for building B.</p> <p>Yes for Buildings C and D.</p>
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10	1																																
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53	16																																
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		<u>Note:</u> This does not address the height variation under the Cumberland Local Environmental Plan 2021.	
	<p>C2. Each storey shall have the following minimum floor to ceiling heights:</p> <ul style="list-style-type: none"> • ground floor - 3.5m; • first floor (regardless of use) - 3.3m; and • all other floors - 2.7m. 	<p>The floor to ceiling height of the ground storey is not compliant for Buildings B and C. The variation is 400 mm or 11.4%.</p> <p>The floor to ceiling height of the second storey is 3.1 metres resulting in a variation of 6.06%.</p> <p>The floor to ceiling height of the ground floor of Building D is compliant as double height floors are being used. As such, the ground floor of Building D is 6.2 metres in height.</p> <p>The first floor of Building D is 3.1 metres but is the equivalent height of 2 storeys above the ground. This is considered acceptable for the location.</p>	<p>No for Buildings B and C across both floors.</p> <p>Satisfactory for Building D.</p>
	C3. Development in the centre shall establish a consistent building height transition from the edges of the centre to the core of the centre.	<p>Satisfactory.</p> <p>The planning controls allow the built form as proposed for the site.</p>	Yes
	C4. Ensure the achievement of daylight access to public open spaces in accordance with Section 2.6.	The public park that will be constructed to the south (Under a separate development application) will be exposed to sunlight between 11 am and 3 pm during the winter solstice period.	Yes
3.3.3 Street setbacks, road widening and street frontage heights	<p>C1. Street setbacks in accordance with Figure 14 are required for redevelopment.</p> <p>2.5 metres required as per the detailed block plan contained within Figure 44 for Block D.</p>	A street setback of 2.5 metres is maintained for the property boundary facing north towards Neil Street.	Yes Satisfactory.

		The detailed Neil Street Block D controls allows for a northern setback of 2.5 metres.	
	C5. On Neil Street, road widening is required at 185 and 208 Pitt Street; and on Pitt Street, road widening is required at 208 and 212 Pitt Street and 8 Gladstone Street.	The control C5 will not directly apply to the site but.	Noted
	C6. Street wall height of buildings (podium) shall be 3 storeys, with a minimum height of 11m and maximum height of 14m.	<p>No podium level is provided for either building.</p> <p>All three buildings rise directly from the ground without relief from additional setbacks being offered across the higher levels.</p> <p>However, it is identified that variations to the building designs and materials provides a sense of relief to the built form. The solution shown may be supported.</p>	No Satisfactory
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.	Apartments do not exceed a depth of 13 metres.	Yes
	C3. The maximum permissible building envelope depth for residential accommodation is 22m.	<p>The building above the ground floor has a maximum depth of:</p> <p><u>Tower B</u> - 21.9 metres. <u>Tower C</u> - 16.7 metres.</p> <p><u>Tower D</u> - 20.8 metres (East to west) and 26.4 metres (north to south widest point). The variation occurs at that part that encroaches into the setback zone.</p>	<p>Yes Yes</p> <p>No Limited to portions of tower D.</p>
	C4. Residential apartments on the 2nd and 3rd storey levels	There are apartments that vary with variations of:	No

	are limited in depth to 8m from the glass line and 11m from the outer edge of the building envelope.	<ul style="list-style-type: none"> • Greater than 8 metres from a glass line with variations of up to 450 mm. • Greater than 11 metres from the outer edge of the building envelope with variations of up to 700 mm. 	Considered acceptable.
	C5. Where office premises are proposed, all points on an office floor should be no more than 15m from a source of daylight.	No offices are proposed.	N/A
	C6. The maximum horizontal length of any building above the podium shall not exceed 50m.	<p>Tower B is 45 metres in length.</p> <p>Tower C is 33 metres in length.</p> <p>The eastern wall of Tower D is 65 metres in length. The western wall is satisfactory at 38 metres.</p> <p><u>Note</u></p> <p>The site specific controls of Part 3.8 of Chapter F2-7 Merrylands Neil Street Precinct override the controls. As such it is appropriate to refer to the controls provided within Chapter F2-7 below.</p>	<p>Yes</p> <p>Yes</p> <p>No for Tower D (Eastern elevation).</p> <p>Refer to discussion of Chapter F2-7 below - Part 3.8.</p>
	C7. All residential and mixed use developments shall be, or substantially contain, dual aspect apartments.	This is achieved where possible.	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.	There are no such elements proposed within the development.	N/A
	C2. Where a laneway or accessway is required, the minimum rear setback shall be 8m, unless shown otherwise.	Not applicable.	N/A
	C3. Setbacks to secondary streets (above podium) to the property line shall be provided as below:	Street setbacks as relevant are determined as being satisfactory.	Yes

	<table><tr><th>Storeys</th><th>Setback (m)</th></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)																									
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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 site.	N/A																								
C5. Minimum setbacks to side boundaries shall be provided in accordance with the table below: <table><tr><th>Building uses</th><th>Storey</th><th>Side setback (m)</th></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	<p>Building B is setback 1.3 metres from the western boundary of the site.</p> <p>Building C is setback 1.2 metres from the boundary of the site.</p> <p>Building D is setback on the western boundary of the site.</p> <p>The development is not compliant with any of the stated provisions.</p> <p><u>For Building B</u></p> <p>The applicant is using a culvert to act as a buffer between the site and future building across Site 1 to the west.</p> <p>The culvert has a width that varies between 9.1 metres and 9.7 metres.</p> <p>The application has been assessed under the Apartment Design Guide.</p> <p>The north and south wing of the development on Site 1 is 4 storeys in height including the ground floor.</p> <p>The setback between Building A and B is 12 metres which is satisfactory.</p>	No Considered acceptable given how the culvert is functioning in this situation.
Building uses	Storey	Side setback (m)																								
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		The setback between Building A and Building C is 12 metres which is considered as being satisfactory.	
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.	There are 6 neighbourhood shops facing towards the Park on the ground floor of Building D. This will provide activation to the south eastern portion of the proposed future park area.	Yes
	C2. Active frontages consist of the following: <ul style="list-style-type: none"> • 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.	Yes
	C3. At least 70% of street level frontages shall be transparent glazing.	This is satisfactory where appropriate.	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.	This is 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 of the neighbourhood shops within the ground floor of Tower D.	N/A
	C7. Security grilles which are fixed internally to the shop front, fully retractable and are at least	No solid roller shutters are proposed for the ground floor neighbourhood	N/A

	50% transparent when closed, are acceptable.	shops of Tower Building D.	
	C8. The ground floor level of active frontages shall be at the same level as the footpath, unless otherwise required by this plan.	This is determined as being acceptable.	Yes
	C9. The location of fire escapes, service doors, plant equipment and the like are to be minimised on active streets.	This is satisfactory.	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.	This is achieved.	Satisfactory.
	C11. Direct pedestrian access off the primary street front shall be provided.	This is achieved.	Yes
	C12. Direct 'front door' access to residential units is encouraged.	This is achieved for six of the ground floor apartments of buildings B and C where possible.	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.	This is largely avoided.	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.	The built form elements are located within the R4 High Density Residential zone. There are 6 neighbourhood shops proposed for the ground floor of Tower Building D. The shops are appropriately located opposite the new park.	N/A
	C16. Residential development is not permitted to be located at the ground floor level of any development within the B4 zone.	Site 2 lies wholly within land zoned R4 High Density Residential under the Cumberland Local Environmental Plan 2021. Ground floor apartments are permitted within the zone.	N/A

		Neighbourhood shops are permitted within the zone.	
	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.	No commercial floor areas are provided across the first storey of either tower. Such development is not permitted within the zone.	N/A
3.3.7 Landscaping and open space	Public open space C1. Public open spaces for passive recreation and for overland flow paths shall be provide as identified in Figure 4.	The applicant is willing to enter into a planning agreement for the delivery of the parks. Should the Panel approve the development, the Planning Agreement details would need to form part of the consent that is issued. The delivery of the parks, infrastructure and stormwater storm water drainage systems forms part of the separate development application.	Yes
	C2. Streetscape planting and public domain works Streetscape planting shall be provided in accordance with Figure 4.	The comments provided above under Control C1 are relevant to Control C2.	Yes
	C3. Planting and public domain works shall be in accordance with Council's Landscape Masterplan.	The comments provided above under Control C1 are relevant to Control C3.	Yes
	Deep soil zones C4. Deep soil zones shall be provided in accordance with Figure 4.	Compliance is achieved as close as possible with the diagram.	Yes
3.4 Movement			
Streetscape planting and public domain works	C3. Where other buildings have access to existing laneways, vehicular access must be provided from the laneway.	Vehicle access will be from an accessway from Mc Leod Road.	
3.4.2 Pedestrian Access	C1. Pedestrian site through links shall be provided in accordance with Figures 2 and 3.	The delivery of the parks, infrastructure and stormwater storm water drainage systems forms part of the separate development application.	Yes

Vehicle access	C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets (as indicated in Figure 2).	Vehicle access will be via an accessway from Mc Leod Road. The location of the vehicle access area is supported.	Yes
	C2. Vehicular access in the Neil Street precinct shall comply with Figure 2.	The location of the vehicle access area as shown on the architectural plans is the only suitable location that exists. The vehicle access is crossing through land zoned RE1 Public Recreation. The relevant matters including permissibility issues are addressed within the main report.	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 on street car parking is proposed for the development.	N/A
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 assess 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	An acoustic report submitted with the development application has been assessed by Environment and Health as being satisfactory for approval.	Yes
	C2. The following Australian Standards are to be complied with: <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. 	The site has higher acoustic requirements given the proximity of the works to the railway line. The entire site lies within zone A for railway noise and vibration. Detailed assessments undertaken by Transport for New South (Sydney Trains) and Council's	Yes

	<ul style="list-style-type: none"> • AS 1633-1985 Acoustics - Glossary of Terms and Related Symbols. • AS 2107-2000 Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors. 	<p>Environment and Health Officers identify that the acoustic report is satisfactory.</p> <p>In particular, the acoustic report makes numerous recommendations at Part 3 concerning noise reduction. The recommendations cover:</p> <ul style="list-style-type: none"> • Glazing. • Thickness of glazed elements. • Building façade construction. • Separation between commercial and residential elements for Tower Building D (Ground and first floors). • Mechanical services. <p>The acoustic report should be incorporated into any consent issued given the recommendations that are made.</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).	This is achieved.	Yes
	C4. Prior to the issue 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,	Appropriate conditions may be attached to the recommendation addressing acoustic matters.	Yes

	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).		
	C5. Acoustic reports prepared under this Plan must be prepared in accordance with the specified methodology provided in the Appendix.	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	<p>A single awning is provided above the ground level alongside the southern, western and eastern elevation of Building D.</p> <p>The west facing awning will need to be removed to avoid any encroachment into the REI Public Recreation zone.</p> <p>Other than this issue, the awnings are acceptable and do not raise additional planning concerns</p>		
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 61 adaptable apartments which is 20.1 % of the total number of apartments within the development.	Yes
3.5.5 Corner buildings	C1. Generally, Corner buildings shall be designed to:	This is complied with.	Yes

	<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. 		
3.6 Environmental			
	<u>Neil Street Precinct</u> 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.	Development application number 2023/0108 address the land subdivision which is now approved by Council. Council engineers have supported the development and provided a package of appropriate conditions addressing the flooding issue.	Yes
	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).	The building footprint of the tower is satisfactory and consistent with the planning controls that apply to Site 2.	Yes
	C4. Provide a 40m floodway through Neil Street Precinct, comprising roads, parks, swales and a natural creek system.	The applicant is willing to enter into a planning agreement for the delivery of such matters. Appropriate conditions are attached to the recommendation addressing such matters.	Yes
	Stormwater C5. The peak/volume impact of stormwater on infrastructure is to be reduced by detaining/retarding it on site. Design solutions may include:	Stormwater is assessed by Council engineers as being satisfactory. A package of conditions are provided by the Council engineers for inclusion into any consent that may be issued.	Yes

	<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>C6. Stormwater quality shall be maintained through the use of the following:</p> <ul style="list-style-type: none"> • 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
	<p>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.</p>	<p>The development application has had input from Transport for New South Wales (Sydney Trains).</p> <p>Outstanding issues have been resolved. Council has received concurrence from Transport for New South Wales (Sydney</p>	Yes

		Trains) and conditions are included into the recommendation made for Panel consideration	
	C8. Existing and post development flood contours are shown in Figures 18 and 19	Council engineers have assessed the stormwater drains as being acceptable to support the development.	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.	<p>The landscape and architectural plans are showing public art forms provided for the proposed park to the immediate west and north west.</p> <p>The art forms do not need to be assessed as part of the current development application as this is covered by a separate development application addressing the provision of the park, infrastructure, road access and stormwater drainage for the site.</p>	N/A
	C2. Public Art provided shall develop the cultural identity of the community and reflect the culture of the community.	<p>Compliance would be achieved but an assessment is not required under the current development application.</p> <p>The comments provided under Control C1 above are relevant to Control C2.</p>	N/A
	C3. Artworks shall be integrated into the design of buildings and the landscape.	The comments provided under Control C1 above are relevant to Control C2	N/A
	<p>C4. Within the Neil Street Precinct, the following thematic areas are to be considered in the public art/design:</p> <ul style="list-style-type: none"> • industrial heritage of the locality including the grain mills, brick works and railway; and • A'Becketts Creek and the natural environment. 	The site is not within the vicinity of A Becketts Creek and not located close to the heritage area including the grain mills and brick works.	N/A
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 building 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	C1. Provide new public streets as shown in Figure 4.	The applicant has submitted a letter of offer for a Planning Agreement for the delivery of relevant infrastructure to support the development. The matters are addressed as conditions attached to the recommendation.	Yes
	C3. Setbacks along streets are to be provided in accordance with Section 3.8.	The relevant street setbacks (Neil Street) are complied with.	Yes
	C5. Streets are to be planted with trees appropriate in character to reflect the street hierarchy and in consultation with Council's landscape architect.	The landscape plans submitted with the development application fully details the planting	Yes

		<p>techniques to be used for the site.</p> <p>Council's Tree Management officer has supported the development subject to conditions.</p>	
	C6. New streets are to be dedicated to Council. New streets are to be maintained by the landowner until dedicated to Council.	The comments under Control C1 above are relevant to this part	
3.4.2 Connectivity	C1. Provide through-site links and pedestrian ways as indicated in Figure 5.	<p>The site links are satisfactory and generally consistent with Figure 5.</p> <p>In addition, the layout of Towers B, C and D are consistent with the suggested layout shown in Figure 5.</p>	Yes
	<p>C2. Through-site connection and arcade must:</p> <ul style="list-style-type: none"> • provide a clear sight-line from one end to the other for surveillance and accessibility, in midblock locations; • have a minimum width of 12m; • extend and enhance the public domain and have a public domain character; and • be designed to consider pedestrian safety and the security of adjacent businesses, particularly at night. 	An arcade is not proposed.	N/A
	C3. Public use of through-site connections should be available at least between the hours of 7.00am to 7.00pm daily.	This is complied with.	Yes
	C4. Connections through foyers and shops are encouraged.	There are no connections through foyers or shops within the ground floor neighbourhood shops of Tower Building D.	N/A
	C5. Consider supplementary arcades and through-site connections, with outdoor areas	An arcade is not proposed for the development site.	N/A

	such as courtyards or outdoor rooms.		
	C6. Vehicular entry points are not permitted along Pitt Street, Neil Street and New Road 1 south of New Road 2.	No vehicle entry point is proposed from Neil Street.	Yes
3.4.3 Streets	<u>New Road 1</u> C1. Buildings are required to be setback from streets (Refer Section 3.8 for street setbacks). C2. Lighting, paving, street furniture, landscaped setbacks and tree planting are to be provided following consultation with Council's landscape officers. C3. New Road 1 is to be provided in accordance with Figures 4, 10, 11 and 12.	Compliance is achieved for the relevant provisions in terms of street setbacks and how the new roads will be delivered.	Yes
3.5 Public open space			
3.5.1 Open space network	<u>Landscape design</u> C1. Public open space is to contribute to the development of a continuous canopy of native vegetation to encourage native fauna habitat. C2. Public open space is to provide for deep soil planting and shall have no car parking or access underneath. C3. Public open spaces should have clear pedestrian movement routes, seating and zones of activities that are clearly defined and encourage use. C4. With the exception of Neil Street Park and pathways, the character of the public open space shall primarily be a soft-landscaped area. C5. The design, including paving material and furniture, generally should be consistent with adjacent footpaths and/or Merrylands Centre design. C6. Landscape design shall be compatible with the flood risk. C7. Trees and understorey planting to comply with Crime Prevention Through Environmental Design (CPTED) principles.	This will be achieved via the planning agreement. Satisfactory. The development application was referred to the Cumberland Police Area Command for a CPTED Assessment. As per the correspondence dated Thursday 9 February 2023, the development is determined as being acceptable subject to conditions addressing crime prevention and safety.	Yes Yes

	<p><u>Solar access</u></p> <p>C8. As a general rule, at least 50% of the public open space shall have access to sunlight between 9.00am and 4.00pm at the winter solstice.</p>	<p>The public open space areas are situated towards the north and north west of the site.</p> <p>The buildings will not create adverse shadowing towards the new future parklands including Neil Park that will become the cornerstone of the larger site.</p>	Yes
	<p><u>Accessibility and connectivity</u></p> <p>C9. Public open space is to be accessible from a variety of points within the wider public domain of Merrylands Centre.</p>	<p>This is achieved for the site.</p>	Yes
	<p><u>Diversity of uses</u></p> <p>C10. Buildings with zero setback to open spaces are to contain active uses for the full extent of the ground floor.</p>	<p>Building D situated alongside the southern part of the site is providing active uses facing the future public park and open space areas. This area of Site 2 is set to become an activation point. Given the proximity of the site and especially Building D to the railway station, it is essential that some form of activation be achieved for this area.</p> <p>The site specific planning controls and Figure 44 for Block D allows for a building zone adjacent to the future Terminal Place Park to activate the area.</p>	Yes
	<p><u>Safety and security</u></p> <p>C11. All public open space is to be designed to be in accordance with CPTED principles, in particular with regard to the following:</p> <ul style="list-style-type: none"> • open sightlines and landscaping that allow high levels of public surveillance by users and residents; • clear distinction between private and public open areas; 	<p>The comments provided above under Part 3.5.1 and Control C7 are relevant to Control C11.</p>	Yes

	<ul style="list-style-type: none"> external lighting (in accordance with Australia Standards AS1158 - Road Lighting) which makes visible potential 'hiding spots'; and entrances to areas of public open space that encourage pedestrian use and provide visual security through the establishment of clear sightlines. 		
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). 	New Road 2 is not situated adjacent to or adjoining to the site.	N/A
	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.	The Neil Street Park will be provided but under a separate development application. This is also addressed by the Planning Agreement.	Yes
Terminal Place Park	<u>Desired Character</u> <ul style="list-style-type: none"> Predominantly soft landscape with hardscape elements to accommodate seating and public art; and open lawn areas for passive recreation (Refer Figure 19). 	This is achieved.	Yes
	C1. Provide a minimum width of 25m as shown in Figure 18.	The proposed park and associated landscape infrastructure varies in width of between 22 and 25 metres. All works associated with the development site are contained within the R4 High Density Residential zone. There are no such building works occurring into or within the REI Public Recreation zone. A variation is noted but there appears to be an inconsistency with the development control plan	Satisfactory as the development does not contribute to the variation.

		with the local environmental plan.		
Boulevard Park	<u>Desired character</u> <ul style="list-style-type: none">• Activation of ground floor retail/commercial edge to the east and western edge of New Road 2.• Design should reflect the desire line to Holroyd Gardens (Refer Figure 21).	This is related to Site 1 rather than Site 2.	N/A	
	C1. Provide a minimum width of 16.5m as shown in Figure 23.	This is related to Site 1 rather than Site 2.	N/A	
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).	As per figure 26, the site is identified as having an opportunity for a secondary significant building situated at the far north east corner of the site. This is achieved with Tower Building B.	Yes	
3.6.2 Built Form Structure Plan	The building footprints indicated on Figure 27 represent the preferred building configuration. Buildings are to be designed in accordance with Section 3.8 - Site Specific Controls.	The development is identified as being generally compliant with the footprints indicated on Figure 27. The only difference is that Buildings, B, C and D are broken into three separate apartment buildings rather than having two buildings wrapping around the eastern and southern portions of the site. This improves the view lines towards the east and reduces the bulk and mass of such a development.	Yes	
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	13-20 Storeys = Max. 55m The max. horizontal length of any building without	The whole development is compliant.	Yes.

	(above any podium)	substantial articulation shall not exceed 45m	The tower buildings are articulated.	Yes
	Building breaks	Please refer to the detailed Block controls		
	Solar Access		At least 224 apartments or 73.9% have satisfactory sunlight penetration.	Yes
	Residential	Min. 2 hours direct sunlight access to 70% of apartments between 9.00am to 4.00pm at the winter solstice (22 June).		
	Public open space	Neil Street Park Min. 2 hours direct sunlight between 12noon to 3.00pm at the winter solstice (22 June) to min. 50% of the area Other Public Open Spaces • Min. 2 hours direct sunlight between 9am and 4.00pm at the winter solstice (22 June) to min. 50% of the area.	This is achieved for the new park.	Yes
	Street Activation			
	Pitt Street and Terminal Place	Fully activate at least 2 storeys with commercial / retail uses.	Only 1 storey of retail uses for Tower Building D due to zoning controls that prevail for the site. The applicant is activating the ground floor of Tower Block D which is supported given location close to the train station.	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.	The basement car park is underground which is compliant however, issues arise being: • The basement encroaches into the setback zones. • The basement encroaches into the open space areas but	Yes for car parking. No for the other matters.

		Refer to Part G - Parking and Access.	does not encroach into the RE1 zoned land.	
	Building Envelope Depth		Complies	Yes
	Commercial / retail (above podium)	Max 25m (unless specified in Section 3.8).	A variation occurs to Tower Building D where a building depth of 26.4 metres (north to south widest point) occurs. The variation occurs at that part that encroaches into the setback zone.	No (Impacts Tower D).
	Residential	Max 22m (unless specified in Section 3.8).		
	Public Domain Interface Vehicle Access	Vehicle access should not ramp along boundary alignments facing a street or public open space.		
	Awning Along Pitt Street and Eastern Edge of Boulevard Park	Min. 3m deep. Preferred minimum soffit height of 3.3m. Slim vertical fascias/eaves not more than 300mm in height. Wrap awnings around corners where a building is sited on a street corner.	The awning is 3 metres in width.	Yes
	Site and Building Design	Unless otherwise specified in this DCP, refer to the NSW Apartment Design Guide (ADG) for design of apartments / mix use building design.	Satisfactory.	Yes
	Stormwater Management	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: • Width and location of the	Satisfactory.	Yes

		overland flow path to be in accordance with Section 3.4 and 3.8. • Refer to Part G Stormwater.		
3.8.4 Site and building design	C1. Secondary active frontage is to be provided where shown in Figure 43 (gymnasium, child care centre, corner shop, café).		This is not applicable to Site 2.	N/A
	C2. Secondary active frontage is to have a civic character, providing colonnades for the building at the intersection of Neil Street and New Road 1.		This is not applicable to Site 2.	N/A
	C3. Development should comply with Block D Height Plan which indicates the maximum number of permissible storeys (Refer Figure 43 and 45).		<p>Figure 43 shows at the north eastern corner within the same area for Building B two different height limits being:</p> <ul style="list-style-type: none"> • Western frontage facing Building A 8 storeys or 27 metres. • Eastern side 16 storeys or 54 metres. <p>The plan for Building B is inconsistent with the diagram which shows a 17 storey building (16 storeys across the whole footprint of Building B plus a top floor access).</p> <p>Buildings C at 13 storeys and Building D at 12 storeys in height are satisfactory.</p>	No For building B
	C4. Provide setbacks as shown in Figure 44		Most setbacks are compliant except for those related to Building D. In this regard, there is a significant encroachment into the setback area which is identified on the plans. The setbacks reach 4.1 metres and affects 2 ground floor shops plus the apartments above.	<p>Yes for Buildings B and C.</p> <p>No for part of Building D.</p>

	C5. Driveways and vehicular crossings are not permitted along Neil Street	There are no driveway crossings proposed along Neil Street.	Yes												
	C6. Driveways and vehicular crossings are to be provided from New Road 1. Indicative locations are shown in Figure 43.	Compliance is achieved.	Yes												
	<table><tr><td colspan="2">Building Height</td></tr><tr><td>Corner of Neil Street and Railway Line</td><td>Max. 16 storeys (Refer Figure 43)</td></tr><tr><td>All other buildings</td><td>Max. 12 storeys (Refer Figure 43)</td></tr><tr><td colspan="2">Building Use</td></tr><tr><td>B6 Zone - Ground and first floor of 20 storey building</td><td>Commercial / retail / residential</td></tr><tr><td>All other buildings + All floors above first floor of B6 Zone</td><td>Residential</td></tr></table>		Building Height		Corner of Neil Street and Railway Line	Max. 16 storeys (Refer Figure 43)	All other buildings	Max. 12 storeys (Refer Figure 43)	Building Use		B6 Zone - Ground and first floor of 20 storey building	Commercial / retail / residential	All other buildings + All floors above first floor of B6 Zone	Residential	Tower Building B is 17 storeys in height from the ground floor to the topmost part which includes a lift access, an accessway and a toilet. Towers C and D are 13 and 12 storeys in height including the rooftop accesses and lifts. <
	Building Height														
	Corner of Neil Street and Railway Line	Max. 16 storeys (Refer Figure 43)													
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