

CDCP 2021 Compliance Table

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.	DA2023/0108 and subsequent modification granted approval for the Torrens title sub-division of 3 lots into 4 to coincide with each applicable zoning and development for the broader site.	N/A
Part C – Development in Business Zones			
2 Relationship with SEPP 65 and Apartment Design Guide	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. Refer to SEPP 65 and the ADG compliance table below.	N/A, the proposal does not incorporate any residential development.	N/A
3.1 Lot size and frontage	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: <ul style="list-style-type: none"> • up to 3 storeys: 20m; and • 4 storeys or greater: 30m. 	N/A. The proposal is zoned RE1 and is designated for a Recreation area under the CLEP 2021. The remainder of the control are not applicable.	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.	N/A	N/A
	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.	N/A, this application only relates to the park, therefore the following controls do not apply and an assessment was not required.	N/A

3.3 Landscaping and open space	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	The proposal provides large areas of landscaping and public open spaces. This is discussed in more detail under Part F2-7 of the CDCP.	Yes
	C2. Landscaping is to form an integral part of the overall design concept.	As above.	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.	N/A	N/A
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	N/A	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.	N/A
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	The paving and other hard surfaces shall be consistent with the draft Public Domain Plan – Merrylands Town Centre.	Yes
	C7. For developments with communal open space, a 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.	N/A	N/A
	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 proposal provides for street planting.	Yes
	C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	This will be conditioned to comply with the draft Public Domain Plan – Merrylands Town Centre.	Yes, via condition.
	C10. Significant existing street trees shall be conserved. Where there is an absence of existing street trees, additional trees shall	Noted. However no significant trees to preserve.	N/A

	be planted to ensure that the existing streetscape is maintained and enhanced.		
	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.	N/A	N/A
	C12. Services shall be located to preserve significant trees.	Noted.	Noted.
	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.	This will be confirmed with a condition.	Yes
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	N/A	N/A
	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.	Noted. The paving shall be consistent with the draft Public Domain Plan – Merrylands Town Centre.	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.	Public Art forms part of this application and is considered acceptable.	Yes
	C2. Public art provided shall develop the cultural identity of the community and reflect the culture of the community.	The public Art is focused on <i>"Life Cycles + Water Cycles and integrated interpretive art elements support Merryland's culturally rich and diverse communities to share communal stories, memories and experiences through artistic forms"</i> .	Yes
	C3. Artworks shall be integrated into the design of buildings and the landscape.	The Artwork is integrated within the future Public Park.	Yes
3.5 Streetscape s	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	N/A. The remainder of these controls are not applicable and an assessment was not required.	N/A

3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	N/A, the proposal is for a public open space and associated civil and public domain works.	N/A
3.7 Façade design, shopfront and materials	C1. Facade 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.	N/A, the proposal does not include any shops. The remainder of these controls are not applicable, and an assessment was not required.	N/A
3.8 Ceiling height	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: <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. 	N/A, no buildings proposed, with the exception of the amenities building.	N/a
	C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	N/A	N/A
3.9 Roof design	C1. Roof design shall be integrated into the overall building design.	N/A	N/A
3.10 Awnings	C1. Continuous awnings are required to be provided to all active street frontages (except laneways).	N/A, awnings are not proposed and therefore the remainder of the controls are not applicable.	N/A
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.	N/A, works only relate to the park. The remainder of the controls were not applicable and therefore an assessment was not required.	N/A
3.12 Hours of Operation	C1. Where no existing hours of operation or conditions exist, the retail and/or commercial development are to operate within the following hours: <ul style="list-style-type: none"> • 6.00 am to 10.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday; or 	N/A	N/A

	<ul style="list-style-type: none"> • 7.00 am to 9.00 pm Monday to Saturday and no operation on a Sunday or a public holiday, for development adjoining or is opposite a residential lot within a residential zone. 		
	<p>C2. For hours extending outside the times identified in C1, applicants must demonstrate that noise, amenity and light impacts and crime prevention factors have been considered and addressed, through the submission of the following reports for assessment:</p> <ul style="list-style-type: none"> • acoustic report (Note: for developments in town centres where there is no residential development within close proximity of the development site, Council may consider waiving the need for an acoustic report for hours of operation up to midnight); • Crime Prevention Through Environmental Design (CPTED) report; and • Plan of Management. 	N/A	N/A
3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	N/A. The development does not include any residential or commercial uses.	N/A
	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.	The proposed works, being a Park and associated public domain works will not impact the solar access to the dwellings in neighbouring sites.	Yes
	C3. A minimum of 50% of public open spaces and a minimum of 40% of school playground areas are to receive 3 hours of daylight between 9am and 3pm in mid-winter.	N/A, as the development around the proposed Park was considered as part of a previous applications. The Plans approved under DA2022/0722 show that the Park will receive solar access from 11am until 2pm to various locations throughout the Park.	N/A

	C4. Developments shall be designed to control shading and glare.	N/A	N/A
	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 8am and 4pm on 21 June.	Noted.	Noted.
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	N/A	N/A
	C2. Orient buildings to maximise prevailing breezes.	N/A	N/A
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	N/A, the remainder of the controls do not apply and an assessment was not required.	N/A
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.	N/A, the remainder of the controls do not apply and an assessment was not required.	N/A
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.	N/A, the remainder of the controls do not apply and an assessment was not required.	N/A
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. 	N/A, the proposal does not include any tall buildings.	N/A

3.19 Food and drink premises	C1. An acoustic report prepared by a suitably qualified acoustical consultant is to be undertaken if there is the potential for significant impacts from noise emissions from the food and drink premises on nearby residential or sensitive receivers, including those that may be located within the same building/development.	N/A, food and drink premises does not form part of this application. The remainder of the controls do not apply.	N/A
3.20 Safety and security	C1. Development shall address and be consistent with Council's policy on Crime Prevention Through Environmental Design (CPTED principles). The CPTED analysis is to consider the key CPTED principles and address relevant controls set out in this section.	These controls relate to new buildings and therefore not applicable to the subject application. The remainder of the controls do not apply to this proposal.	N/A
3.21 Pedestrian access and building entry	C1. The design of buildings shall comply with Australian Standards for Access and Mobility.	The park will provide for access in accordance with Australian Standards for Access and Mobility. No building is proposed.	N/A
3.22 Pedestrian links, arcades, laneways and new streets	C1. Arcades shall: <ul style="list-style-type: none"> • be a minimum width of 6m, with a minimum floor to ceiling height of 4m, and free of all obstructions (e.g. columns and stairs). Public seating, waste bins, planter boxes and other like furnishings may be included, provided they do not unreasonably impede pedestrian access; • accommodate active uses, such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants; • be obvious and direct thoroughfares for pedestrians; • provide adequate clearance to ensure pedestrian movement is not obstructed; • have access to natural light for all or part of their length and at the openings at each end; • have signage at the entry indicating public accessibility and to where the arcade leads; and 	N/A, however the park will have connection with the built form applications approved on 'Site 1' and 'Site 2' located to the north and south-east of the proposed park.	N/A

	<ul style="list-style-type: none"> • have clear sight lines from end to end with no opportunities for concealment along its length. 		
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.	N/A, the proposal is not for commercial development and therefore does not apply to the site - E2 Commercial Centre (for the Merrylands Town Centre).	N/A
	C2. Minimum front setbacks for B6 Enterprise Corridor zones shall be 5m.	N/A	N/A
	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.	N/A	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.	N/A	N/A
3.25 Vehicle access	C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP.	N/A for the park.	N/A
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. 	Noted.	

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. 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 roads and circulation as outlined in sub-part 3.2.1, figure 2 is consistent and considered satisfactory.</p> <p>Sub-part 3.2.2, Figure 3 outlines the proposed pedestrian and bicycle network. However, the location of the bicycle network is more in line with the bicycle network indicated in Part F2-7, sub-part 3.4.1, figure 5 of the CDCP and the draft Public Domain Plan - Merrylands Town Centre.</p>	<p>Yes</p> <p>Refer to discussion under Part F2-7 of the DCP.</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.	No issues raised with site amalgamation of lots. The proposal is for works on the RE1 portion of the site that is specifically embarked for a Recreation area under the CLEP 2021.	Yes								
	C2. Where amalgamation is not required by this plan, the minimum site width for redevelopment is 20m.	N/A	N/A								
	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.	N/A, the proposal does not include built form, with the exception of an amenities building.	N/A								
	<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		
	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.	N/A, the adjoining broader part of the site has been approved for the built forms under DA2022/0722 ‘Site 1’ and DA2022/0776 ‘Site 2’.	N/A									
C5. Development must not prevent the provision of laneways, accessways or	The proposal will not prevent the provision of vehicular access.	Yes									

	vehicular access locations is prevented, or cannot be achieved in accordance with this plan.						
	<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 achieve (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 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	The adjoining broader part of the site has been approved for the built forms under DA2022/0722 'Site 1' and DA2022/0776 'Site 2'.	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>	As above.	Yes				
3.3.2 Building & ceiling height	<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></table>	Height (m)	Storeys	10	1	N/A, no buildings proposed with the exception of a one storey amenities building.	N/A
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		
	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.		N/A	N/A
	C3. Development in the centre shall establish a consistent building height transition, from the edges of the centre, to the core of the centre.		N/A	N/A
	C4. Ensure the achievement of daylight access to public open spaces in accordance with Section 2.6.		The park will receive solar access from 11am – 2pm.	A detailed assessment on solar access to the Park is made under Part F2-7 – Merrylands Neil Street Precinct.
3.3.3 Street setbacks, road widening and street frontage heights	C1. Street setbacks in accordance with Figure 14 are required for redevelopment.		Noted, however not applicable to the subject application.	N/A
	C2. 0.5m road widening is required for both sides of Merrylands Road in accordance with Figure 2.		N/A to the subject site.	N/A
	C3. On Pitt Street a 0.65m road widening is required for 185 Pitt Street, to enable the cycle path connection.		N/A to the subject site.	N/A
	C4. A 3m x 3m splay corner is required at the south-western corner of the Neil Street/Pitt Street intersection.		N/A to the subject site.	N/A

	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.	N/A to the subject site.	N/A									
	C6. Street wall height of buildings (podium) shall be 3 storeys, with a minimum height of 11m and maximum height of 14m.	N/A to the subject proposal.	N/A									
	C7. Upper level (above street wall) street frontage setbacks for Merrylands Road, McFarlane Street and Pitt Street will be based on storey height, in accordance with the table below and Figure 15: <table border="1"><tr><td>Storeys</td><td>Street frontage setback (m)</td></tr><tr><td>4-8</td><td>4m</td></tr><tr><td>9-12</td><td>5m</td></tr><tr><td>13-20</td><td>6m</td></tr></table>	Storeys	Street frontage setback (m)	4-8	4m	9-12	5m	13-20	6m	N/A to the subject proposal.	N/A	
	Storeys	Street frontage setback (m)										
	4-8	4m										
9-12	5m											
13-20	6m											
C8. Upper level street frontage setbacks for Memorial Avenue shall be in accordance with Figure 16.	N/A	N/A										
C9. Minor projections into the street setback will be accepted for sites where 0m setback is required, in accordance with the table below: <table border="1"><tr><td>Permitted projection</td><td>Permitted length of projection</td></tr><tr><td>Awnings</td><td>3m</td></tr><tr><td>Awnings (laneways)</td><td>Max 1.5m</td></tr><tr><td>Balconies (above 3rd storey)</td><td>600mm</td></tr><tr><td></td><td></td></tr></table>	Permitted projection	Permitted length of projection	Awnings	3m	Awnings (laneways)	Max 1.5m	Balconies (above 3 rd storey)	600mm			N/A	N/A
Permitted projection	Permitted length of projection											
Awnings	3m											
Awnings (laneways)	Max 1.5m											
Balconies (above 3 rd storey)	600mm											
3.3.4 Building depth and length	C1. There is no maximum building depth requirement for floors used as commercial premises.	N/A	N/A									
	C2. The maximum permissible building plan depth for residential accommodation is 18m.	N/A, the remainder of the control in this sub-part are not applicable and	N/A									

		therefore an assessment was not made against these controls.	
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.	N/A, this does not apply to the proposal. The remainder of the controls do not apply and therefore an assessment against those controls was not carried out.	N/A
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.	Noted, but does not directly relate to this application.	N/A
3.3.7 Landscaping and open space	C1. Public open spaces for passive recreation and for overland flow paths shall be provide as identified in Figure 4.	The passive recreation areas are consistent with figure 4, however the overland flow paths has slightly been adjusted.	No. Acceptable on merit. Refer to main body of the report for detailed assessment.
	C2. Streetscape planting and public domain works Streetscape planting shall be provided in accordance with Figure 4.	The proposed street trees along the public domain are consistent with figure 4.	Yes
	C3. Planting and public domain works shall be in accordance with Council's Landscape Masterplan.	Noted, this will be verified with a condition.	Yes
	Deep soil zones C4. Deep soil zones shall be provided in accordance with Figure 4.	The proposal provides deep soil zone generally in accordance with figure 4, with the exception to the areas running adjacent to the built forms being 'Site 1' and 'Site 2'.	No. Acceptable on merit. Refer to main body of the report for detailed assessment.
	C5. Where there is limited capacity for water infiltration, stormwater treatment measures are to be integrated with the design of the buildings.	N/A	N/A
3.4 Movement			
C2. Streetscape planting and public domain	C1. Rear laneways and private accessways are to be provided in accordance with Figure 2.	Access into the sites that form part of the broader site were considered under DA2022/0722 and DA2022/0776. This	Yes.

works Streetscape planting shall be provided in accordance with Figure 4.		application does not alter this access.	
	C2. Where buildings front Merrylands Road, McFarlane Road or Pitt Street, vehicular access must be provided from the rear via laneways or private accessways, as indicated in Figure 2. No vehicle entrances are permitted from primary roads, as indicated in Figure 2.	N/A	N/A
	C3. Where other buildings have access to existing laneways, vehicular access must be provided from the laneway.	N/A	N/A
3.4.2 Pedestrian access	C1. Pedestrian site through links shall be provided in accordance with Figures 2 and 3.	Pedestrian site through links provided in accordance with figures 2 and 3.	Yes
	C2. Required pedestrian access identified at 246 Pitt Street, between Terminal Place and Pitt Street, is for an overland flow path and shall be a minimum of 15m wide and 4m high. This may be designed as an arcade.	N/A	N/A
3.4.3 Vehicle access	C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets (as indicated in Figure 2).	N/A	N/A
	C2. Vehicular access in the Neil Street precinct shall comply with Figure 2.	Vehicular access into Neil Street precinct complies with Figure 2. However, the connect from McLeod Road through to Neil Street will not occur until the redevelopment of 2-6 Gladstone Street is undertaken.	Yes
3.4.4 Parking	C1. On-site parking is to be accommodated underground wherever possible.	N/A, parking is proposed as part of this application.	N/A
	C2. On street parking within Neil Street shall be provided as indicated Section 2.5.	N/A	N/A
3.5 Design and building amenity			
3.5.1 Laneway and arcade design	Laneway C1. Laneways identified in Figure 9 shall have active ground floor frontages.	N/A, laneway is not proposed.	N/A

	Arcades C2. Arcades shall be provided in accordance with Figure 3.	An arcade is not required for the subject application.	N/A
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	Noted.	Noted.
	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. • 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 application was referred to Council's Environmental Health Unit who provided a general noise emission condition.	Yes
	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).	An acoustic report was not required for the subject application. The remainder of the controls are not applicable and an assessment against these controls were not required.	N/A
3.5.3 Awnings	Continuous awnings are required to be provided to all active street frontages (except laneways).	N/A to the subject application. The remainder of the controls do not apply to the development and an assessment was not required.	N/A
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	N/A, residential accommodation is not proposed as part of this application.	N/A

	development comply with AS4299-1995 Adaptable House Class C.		
3.5.5 Corner buildings	C1. Generally, Corner building shall be designed to: • 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.	N/A	N/A
3.6 Environmental			
3.6.1 Flood and stormwater management	Commercial and retail C1. On street frontages to Merrylands Road, McFarlane Street and Pitt Street where it is not practical or desirable to achieve floor levels 500mm above the 100-year ARI floor levels, alternative flood management measures (such as flood proofing) must be undertaken.	N/A	N/A
	Neil Street Precinct 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 DA2023/0108 address the land subdivision which is now approved by Council and subsequent modification has been supported by Council engineers subject to appropriate conditions.	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).	N/A	N/A
	C4. Provide a 40m floodway through Neil Street Precinct, comprising roads, parks, swales and a natural creek system.	A swale is proposed along the north-western edge of the park.	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:	Satisfactory.	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. 	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>	Satisfactory.	Yes
	<p>C8. Existing and post development flood contours are shown in Figures 18 and 19</p>	Council engineers have assessed the stormwater drains as being acceptable to support the development	Yes
3.7 General			
3.7.1 Public Art	<p>C1. Public Art is encouraged to be provided within the centre, in accordance with Council's Public Art Policy.</p>	The proposal provides Public Art within the park.	Yes

	C2. Public Art provided shall develop the cultural identity of the community and reflect the culture of the community.	The public Art is focused on <i>“Life Cycles + Water Cycles and integrated interpretive art elements support Merrylands’ culturally rich and diverse communities to share communal stories, memories and experiences through artistic forms”</i> .	Yes
	C3. Artworks shall be integrated into the design of buildings and the landscape.	The artwork is integrated into the park. The ‘life cycles’ is proposed for the Terminal Plaza and the ‘Water Cycles’ is centred towards the middle of the park as a water feature that will provide for creative interaction and social inclusion.	Yes
	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.	Satisfactory as discussed above as well as drawing attention to the site’s relationship to the nearby source of A’Becketts Creek.	Yes
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 from developing their site in accordance with this DCP.	N/A, the proposed works will not restrict the adjoining landowner/s from developing.	Yes
	C2. Development is to ensure activation of the streetscape and high urban design outcomes.	Satisfactory.	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.	N/A	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.	It is considered that the visual character of the building is compliant with this Part.	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 achieved satisfactorily.	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).	The proposal achieves this.	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 proposed park achieves compliance with the access network and public open space.	Yes
3.4 Access network			
3.4.1 Street/access network	C1. Provide new public streets as shown in Figure 4.	Achieved.	Yes
	C2. Refer to Section 3.4 for detailed information regarding the required width, design and location of each street type.	Noted.	Noted.
	C3. Setbacks along streets are to be provided in accordance with Section 3.8.	Satisfactory.	Yes
	C4. The width of footpaths shall be maximised for comfortable pedestrian movement; to facilitate tree planting and where bike routes exist, to allow cycling off road.	Noted.	Noted.
	C5. Streets are to be planted with trees appropriate in character to reflect the street hierarchy and in consultation with Council's landscape architect.	Satisfactory. Council's Landscape and Open Spaces did not raise any objections subject to conditions.	Yes

	C6. New streets are to be dedicated to Council. New streets are to be maintained by the landowner until dedicated to Council.	The applicant has submitted a letter of offer for a Planning Agreement for the delivery of relevant infrastructure to support the development. Council at its meeting on 17th July 2024 resolved to publicly exhibit the draft VPA document for the site.	Yes
	C7. Land owners within the Precinct to consult Council's engineers for detail infrastructure works.	Council's engineer has provided conditions to be imposed on any consent issued.	Yes
3.4.2 Connectivity	C1. Provide through-site links and pedestrian ways as indicated in Figure 5.	The site links are satisfactory and generally consistent with Figure 5.	
	C2. Through-site connection and arcade must: • 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.	N/A	N/A
	C3. Public use of through-site connections should be available at least between the hours of 7.00am to 7.00pm daily.	N/A	N/A
	C4. Connections through foyers and shops are encouraged.	N/A	N/A
	C5. Consider supplementary arcades and through-site connections, with outdoor areas such as courtyards or outdoor rooms.	N/A	N/A
	C6. Vehicular entry points are not permitted along Pitt Street, Neil Street and New Road 1 south of New Road 2.	N/A	N/A
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).	The New road 1 partly relates to the subject site being Figure 11, Section BB which identifies the	Yes

	<p>C2. Lighting, paving, street furniture, landscaped setbacks and tree planting are to be provided following consultation with Council's landscape officers.</p> <p>C3. New Road 1 is to be provided in accordance with Figures 4, 10, 11 and 12.</p>	<p>park width. The remainder of the road and shared zones, parking will apply to the land to the west of proposed park being 2-6 Gladstone Street, which also is emarked under CI5.1A of the CLEP 2021 for part of the site to be acquired for "roads".</p>	
	<p><u>New Road 2</u></p> <p>C4. New Road 2 is to be provided in accordance with Figures 4, 13 and 14.</p>	<p>This does not apply to the subject site.</p>	N/A
	<p><u>Neil Street and Pitt Street</u></p> <p>C5. A 3m x 3m splay corner to be provided at the corner of Neil and Pitt Streets (Affected lot - 185 Pitt Street).</p> <p>C6. A 0.65 road widening to be provided along Pitt Street at 185 Pitt Street to incorporate a cycle path.</p>	<p>N/A, this does not apply to this application.</p>	N/A
3.5 Public open space			
3.5.1 Open space network	<p><u>Landscape design</u></p> <p>C1. Public open space is to contribute to the development of a continuous canopy of native vegetation to encourage native fauna habitat.</p> <p>C2. Public open space is to provide for deep soil planting, and shall have no car parking or access underneath.</p> <p>C3. Public open spaces should have clear pedestrian movement routes, seating and zones of activities that are clearly defined and encourage use.</p> <p>C4. With the exception of Neil Street Park and pathways, the character of the public open space shall primarily be a soft-landscaped area.</p> <p>C5. The design, including paving material and furniture, generally should be consistent with adjacent footpaths and/or Merrylands Centre design.</p> <p>C6. Landscape design shall be compatible with the flood risk.</p>	<p>Satisfactory. Council's Public Spaces Planning and Design unit reviewed the proposal and did not raise any objections subject to conditions.</p>	Yes

	C7. Trees and understorey planting to comply with Crime Prevention Through Environmental Design (CPTED) principles.		
	<u>Solar access</u> 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.	The park will receive solar access from 11am – 2pm.	No. Acceptable on merit refer to main body of report for detailed assessment.
	<u>Accessibility and connectivity</u> C9. Public open space is to be accessible from a variety of points within the wider public domain of Merrylands Centre.	The public open space will be accessible from a variety of points within the wider public domain.	Yes
	<u>Diversity of uses</u> C10. Buildings with zero setback to open spaces are to contain active uses for the full extent of the ground floor.	Noted.	Noted.
	<u>Safety and security</u> C11. All public open space is to be designed to be in accordance with CPTED principles, in particular with regard to the following: <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; • 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. 	The park has been designed in accordance with the CPTED principles in mind. The application was referred to NSW Police who have provided conditions that will be imposed on any consent issued.	Yes
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). 	Neil Street Park provides for a central green space, a waterplay, children's play equipment ('Adventure Play'), an amenities building, paved walkways to allow	Yes

		movement around the Park, swale and tiered retaining walls for seating.	
	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.	Neil Street Park will provide at least 2550sqm of public open space as per the approved subdivision for the broader site.	Yes
Terminal Place Park	<u>Desired Character</u> • Predominantly soft landscape with hardscape elements to accommodate seating and public art; and • open lawn areas for passive recreation (Refer Figure 19).	As result of the new road Council officers finalised a subdivision application, to permit a boundary adjustment of the road to ensure vehicle / pedestrian access could be provided to the buildings to cross over the RE1 zoned land. The boundary adjustments have been registered with NSW Land Registry on 22 May 2024. As a result of the above the 'shape' of Terminal Place Park has been adjusted accordingly. However, the desired character has been maintained with a variety of soft and hard landscaping, tiered retaining walls for seating and Public Art 'Life Cycles' and to the north-east of the 'road' is an area containing slopped lawn.	Yes
	C1. Provide a minimum width of 25m as shown in Figure 18.	The width varies from 14.2metres - 21.2metres.	No. Acceptable on merit. Refer to main body of report for detailed discussion.
Boulevard Park	<u>Desired character</u> • Activation of ground floor retail/commercial edge to the east and western edge of New Road 2.	DA2022/0722 and subsequent modifications allow for a ground floor retail activation. The works within the park area	Yes

	<ul style="list-style-type: none"> • Design should reflect the desire line to Holroyd Gardens (Refer Figure 21). 	to the proposed 'Boulevard Park' will allow for paved areas for the general public to sit outside, slopped lawns and a swale. The desired character for this Park is achieved.	
	C1. Provide a minimum width of 16.5m as shown in Figure 23.	The width of this park is 15.6metres - 19metres.	No. Acceptable on merit. Refer to main body of report for detailed discussion.
Canal Greenway	<u>Desired character</u> <ul style="list-style-type: none"> • Soft landscaping integrating where possible the Sydney Water Canal corridor; • ability to accommodate passive recreation; and • planting of endemic and cultural species. 	N/A	N/A
	C1. Provide minimum widths as shown in Figure 23.	N/A	N/A
Woodland Reserve	<u>Desired Character</u> <ul style="list-style-type: none"> • Accommodate range of experiences and activities including informal walking tracks and seating (Refer Figure 25); • continue the natural woodland character of the existing A'Becketts Creek to the north with planting of indigenous native species; and • low maintenance, robust plant species and finishes. 	N/A	N/A
	C1. Provide minimum widths as shown in Figure 23.	N/A	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).	This is not applicable to the subject application.	N/A
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.	N/A	N/A

3.7 Site amalgamation	C1. Amalgamation of lots in accordance with Figure 28 is desired for redevelopment.	The subject site falls within ‘Block D’ and for the Park. The broader site or ‘Block D’ has previous approval for the built forms identified as DA2022/0722 ‘Site 1’ and DA2022/0776 ‘Site 2’. Given the above the remainder of the controls do not apply to this development.	Yes
3.8 Site specific controls			
General Controls	Building envelopes Maximum Horizontal Length of Buildings (above any podium)	• 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 solar controls to the Public Open Space are the only General Controls that apply to this development.
	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).	
	Public Open Space	Neil Street Park • Min. 2 hours direct sunlight between 12noon to 3.00pm at the winter solstice (22 June) to	
		The Plans approved under DA2022/0722 show that the Park will receive solar access from 11am until 2pm at the winter solstice to various locations throughout the three Parks identified as Terminal Place Park, Neil	No. Acceptable on merit. Refer to main report for a detailed assessment.

		<p>min. 50% of the area</p> <p>Other Public Open Spaces</p> <ul style="list-style-type: none">• Min. 2 hours direct sunlight between 9am and 4.00pm at the winter solstice (22 June) to min. 50% of the area.	Street Park and Boulevard Park.	
	Street Activation			
	Pitt Street and Terminal Place	<ul style="list-style-type: none">• Fully activate at least 2 storeys with commercial/re tail uses. <p>B4 zone</p> <p>Min. non residential GFA equivalent to 40% of the ground floor building footprint area.</p> <p>B6 Zone</p> <p>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</p>		

		ground floor building footprint area.		
	Western Side of New Road 1	<ul style="list-style-type: none"> Area between Terminal Place and Neil Street to be intermittently activated as a secondary active frontage 		
	Street Wall Height Along Pitt Street	<ul style="list-style-type: none"> 3 storey podium with a minimum height of 11m and maximum 14m. 		
	Parking	<p>Parking must be provided in the basement (underground).</p> <ul style="list-style-type: none"> 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)	<ul style="list-style-type: none"> Max 25m (unless specified in Section 3.8). 		
	Residential	<ul style="list-style-type: none"> Max 22m (unless specified in Section 3.8). 		
	Public Domain Interface	Vehicle access should not ramp along		

	Vehicle Access	boundary alignments facing a street or public open space.		
	Awning Along Pitt Street and Eastern Edge of Boulevard Park	<p>Awnings should be provided along Pitt Street.</p> <ul style="list-style-type: none"> • 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. 		
	Site and Building Design	Unless otherwise specified in this DCP, please refer to the NSW Apartment Design Guide (ADG) for design of apartments/mix use building design.		
	Stormwater Management	Merrylands Neil Street Precinct is affected by the 1 in 100 year flood. Roads and open space network have been designed as		

		<p>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. • Consult with Council's engineers prior to submitting a DA. 		
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Block D 3.8.4 Site and building design –

As the application does not relate to the built form the controls in 3.8.4 are not relevant. A detailed assessment of the Park and future desired character of Neil Street Park the is made under Section 3.5 above.

Part G – General Controls

Part G3 – Traffic, Parking, Transport & Access (Vehicle)

The proposal is for a Park and associated works. As this Park will be dedicated as a 'Public Park' to service the community car parking is not applicable.

Part G4 – Stormwater & Drainage

2.2 Method of stormwater disposal from the site	<p>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:</p> <p>(a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.</p>	Satisfactory, subject to a deferred commencement consent.	Yes
2.6 Flood Risk Management	<p>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.</p>	Satisfactory.	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.	Satisfactory.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Satisfactory. Council's Senior Development Engineer has reviewed the application and has provided conditions.	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 2,500m ² , or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	The application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.	Yes
	C2. Development for the subdivision of sites of 2,500m ² or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	N/A, subdivision is not proposed.	N/A
	C3. All other developments shall provide appropriate water sensitive treatments.	N/A	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.	N/A	N/A
	Water reuse C5. For all developments (excluding single dwellings and dual occupancies), rainwater	N/A	N/A

	tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500m ²) and 10,000 litres (for site area greater than 1500m ²).		
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Satisfactory.	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.	The application does not propose any dewatering.	N/A
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	The application proposes minimal disturbance of ground surfaces and is unlikely to impact groundwater.	N/A
	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 application proposes minimal disturbance of ground surfaces and is unlikely to impact groundwater.	N/A
	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	The application proposes minimal disturbance of ground surfaces and is unlikely to impact groundwater.	N/A

	<ul style="list-style-type: none"> • changes to the behaviour of groundwater of the surrounding area, created by the nature of the 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.	Refer to main assessment report and assessment against Chapter 4 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> .	Yes
	C2. In accordance with Clause 7 (1) of SEPP No. 55 Council will not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.	Refer to main assessment report and assessment against Chapter 4 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> .	Yes
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.	The proposed development will not impact on any Biodiversity values.	Yes
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	N/A	N/A
Part G7 – Tree Management & Landscaping			
2.1 Preservation of trees	<p>C1. The following are not considered to be substantive criteria for tree removal:</p> <ul style="list-style-type: none"> • flower, leaf or fruit fall causing nuisance; 	Noted. No trees are proposed to be removed as part of this application.	N/A

	<ul style="list-style-type: none"> • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus. 		
	C2. SEPP (Vegetation in Non-Rural Areas) 2017 applies to all trees and vegetation defined as any woody perennial plant that is 4m or greater in height, measured from the base of the tree at ground level to the highest point of live foliage.	Noted.	Noted.
2.2 Tree management and proposed development	C1. Development shall be designed to incorporate existing trees that are identified as being suitable for retention, with adequate setbacks to any works and protection measures stipulated in accordance with AS 4970-2009 to ensure their long-term survival.	Satisfactory.	Yes
	C2. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	Noted.	Noted.
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document, and submitted with development applications when any existing trees are to be retained.	Noted.	Noted.
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person	Satisfactory.	Yes

	such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.		
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Part G8 – Waste Management

The application was reviewed by Council's Resource Recovery Unit who advised that there is sufficient space and access to manage waste.