

CDCP 2021 Compliance Table

Relevant Control	Comment		Compliance
Part A – General Controls			
Part A2 – Subdivision			
2.4 Residential flat building, multi-dwelling development and mixed use development	C1. Development sites involving more than one lot shall be consolidated.	‘Site 2’ the subject of the works has an acceptable size to permit the development.	Yes
	C2. Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	Development Application 2023/0108 addresses the subdivision of the land. In this regard, 3 lots are to be subdivided into 4 lots to permit the entire development.	Yes
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	There are no site isolation issues to address for the site or the adjoining site given that the immediate locality forms part of a redevelopment site incorporating mixed use developments.	Yes.
	C4. The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces. C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	No Strata Title Subdivision of the development is proposed under the development application.	N/A
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	No changes sought to the allotments as per approved DA2022/0776.	N/A
	C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.	No Strata Title Subdivision of the development is proposed under the	N/A

		development application.	
	C7. A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.	No changes sought to the width approved driveways as per DA2022/0776.	Yes
Part A3 – Site Amalgamation & Isolated Sites			
2. Principles	The key principle is to ensure the subject site and adjoining site(s) can achieve development that is consistent with the planning controls. Isolation of small sites should be avoided as it may result in poor built form outcomes. If variations to the planning controls are required, such as non-compliance with a minimum allotment size, both sites will be required to demonstrate how development of appropriate urban form with an acceptable level of amenity for all stakeholders will be achieved.	There are no issues in relation to site isolation to address.	N/A
3. Process	Site amalgamation shall be considered and/or required if: <ul style="list-style-type: none"> • the adjoining site will become isolated by the proposed development; • the subject site cannot satisfy the minimum lot width and size requirements; • there is a likely environmental impact of a proposed development upon the amenity and enjoyment of land locked and/or isolated sites including shadow, privacy, noise, odour and visual impacts; • if there is a better streetscape amenity outcome to be achieved that would also reduce the number of access points along a street frontage; and • the subject site and adjoining site(s) cannot achieve a satisfactory form of 	No site isolation issues are identified. No land consolidation is required under the development application.	N/A

	<p>development that is consistent with the planning controls.</p> <p>If any of the above applies, then negotiations for amalgamation between the owners of the properties should commence at an early stage and prior to the lodgement of the development application. If site amalgamation is not feasible Development proposals that create isolated sites or “landlocking” shall provide documentation with the development application that include details of the negotiations between the owners of the properties. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site(s).</p> <p>Documentation shall, at least, include:</p> <ul style="list-style-type: none"> • two independent valuations that represents potential value of the affected site(s). This may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property; and • evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of the affected adjoining site(s). <p>Note: A reasonable offer shall be of current fair market value and shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of</p>	
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	<p>negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Where a proposed development is likely to result in an isolated site and site amalgamation cannot be achieved, the subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments. Applicants for the development site are to demonstrate how future development on the isolated site can be achieved. To assist in this assessment, an envelope for the isolated site should be prepared which indicates the following:</p> <ul style="list-style-type: none"> • height; • setbacks; • pedestrian and carparking access; • site coverage (both building and basement); • constructability; • envelope separation; and • open space and landscaping. <p>This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other. This includes solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road. Where it has been</p>	
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	demonstrated that the isolated site can be appropriately developed at a later stage, Council may consider alternative design solutions for the subject site.		
Part B – Development in Residential Zones			
Part B3 – Residential Flat Buildings			
2.1 & 2.2 Relationship to SEPP 65/NSW ADG & Development controls	<p>ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails.</p> <p>C1. For residential flat buildings controls on:</p> <ul style="list-style-type: none"> • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout; • private open space and balconies; • common circulation and spaces; • storage; • acoustic privacy; • noise and pollution; • apartment mix; • ground floor apartments; • façades; • roof design; • landscape design; • planting on structures; • universal design; • adaptive reuse; • mixed use; • awnings and signage; • energy efficiency; • water management and conservation; 	A detailed assessment using the Apartment Design Guide has been undertaken. The development is generally satisfactory. A detailed assessment is undertaken in Attachment 9 of this report.	Yes

	<ul style="list-style-type: none">• waste management; and• building maintenance. <p>Refer to SEPP 65 and the ADG compliance table below.</p>			
3.1 Building envelope	C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.	Building setbacks are consistent with that approved under DA2022/0776.	Yes	
	Front setbacks (min)			No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition
	Secondary street setbacks (min)			2m for laneways and 4m for other roads
	Side setback (min)			3m
	Rear setback (min)			Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site
	Site area			1,000m ²
	Street frontage			24m
				C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.
3.2 Basement design	C1. Basement walls shall be located directly under building walls, wherever practicable.	The basement car park generally achieves this for most of its footprint.	Yes	

		The basement is generally within the footprint approved under DA2022/0776, however has now been reduced from 6 levels of basement to 3 levels of basement.	
	C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	Transport for New South Wales (Sydney Trains) as part of their referral and correspondence has provided advice specifying that Concurrence will be granted subject to conditions.	Yes
	C3. Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	The basement is generally achieves compliance. The basement footprint is mainly as approved under DA2022/0776, with the exception of the number of basement levels being reduced from 6 to 3.	Yes
	C4. Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	The basement car park is not visible above ground level.	Yes
3.3 Car parking	C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.	Noted. There is adequate car parking to support the development.	Yes
Part 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 	It is considered that the urban design strategies are complied with.	Yes

	<p>ecologically sustainable development.</p> <ul style="list-style-type: none">- 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.			
3.2 Public domain	<p>A number of new intersections, roads, laneways and accessways are proposed under this plan, as indicated in table 1 and in Figure 2 Road widening.</p> <p>Figure 3 includes footpaths, required new pedestrian access and crossings and bicycle access.</p> <p>Figure 4 indicates locations for open spaces and landscaping, including indicative locations for existing and proposed street tree planting.</p> <p>Indicative street sections are provided in Section 2.3.4.</p>	<p>A separate development application was submitted to the Council for assessment for provision of the infrastructure and public park that are needed to support the whole development site. DA2023/0485 was approved by the SCCPP on the 16th of September 2024.</p>	Yes	
3.3 Building envelope				
3.3.1 Site amalgamation & site frontage	<p>C1. Amalgamation of lots in accordance with Figure 13 is required for redevelopment.</p>	<p>There are no concerns in relation to land amalgamation or lot size, this was considered as part of the original application DA2022/0776.</p>	Yes	
	<p>C2. Where amalgamation is not required by this plan, the minimum site width for redevelopment is 20m.</p>	<p>The allotment exhibits satisfactory dimensions to support the development.</p>	Yes	
	<p>C3. The minimum site width achieved shall determine the height of buildings (in storeys) in accordance with the table below. Site width shall be measured at the primary frontage.</p>	<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</p>	<p>No under Control C3.</p> <p>Satisfactory given the specific controls that apply to the site and bonus sought</p>	
	<table><tr><td>Site width (m)</td><td>Permitted height (storeys)</td></tr></table>	Site width (m)	Permitted height (storeys)	
Site width (m)	Permitted height (storeys)			

	20m	Max 3 storeys	Precinct and is known as Block D.	under Clause 16 of the Housing SEPP 2021.
	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
	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.		The proposed development will not prevent the provision of accessways or vehicular access in accordance with this plan.	Yes
	C6. Where required amalgamations cannot be achieved: <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: - 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 		Satisfactory.	Yes
	C7. Where amalgamation (as required) is not achieved the applicants must show that the remaining sites, which are not		Achieved.	Yes

	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.		
3.3.2 Building & ceiling height	C1. Maximum permitted building height in storeys* shall be in accordance with the table below.	Building B- 22 storeys, 74.76metres.	No. Acceptable on merit and bonus sought under Clause 16 of the Housing SEPP 2021.
		Building C – 16 storeys (17 storeys including lift), 55.714 metres.	
		Building D – part 13 and part 15 storeys, 55.92 metres.	
		Building B - proposed 22 storeys, 74.76metres.	
		Building C - proposed 16 storeys (17 storeys including lift), 55.714 metres.	
		Control C1 outlines the maximum building height in storeys. In this case, the development results in storeys and heights greater than that anticipated within the CDCP 2021. The controls are consistent with the CLEP 2021 building heights. The subject development application is made pursuant to the State Environmental Planning Policy (Housing) 2021 which allows for a bonus to the height and FSR of up to 30% if affordable housing is provided. Therefore, the development benefits	

		from this bonus pursuant to Chapter 2, Division 1, clause 16 of the SEPP Housing 2021. The proposal overall performs satisfactory from a planning perspective, and it therefore supported.	
	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.	The ceiling heights to the 'other floors' being part of this Amending DA are compliant at 2.7metres.	Yes
	C3. Development in the centre shall establish a consistent building height transition, from the edges of the centre, to the core of the centre.	Satisfactory. The planning controls allow the built form as proposed for the site.	Yes
	C4. Ensure the achievement of daylight access to public open spaces in accordance with Section 2.6.	The public park approved under DA2023/0485 will not be adversely impacted by the proposed development.	Yes
3.3.3 Street setbacks, road widening and street frontage heights	C1. Street setbacks in accordance with Figure 14 are required for redevelopment.	A street setback of 2.5 metres is maintained for the property boundary facing north towards Neil Street.	Yes
	C2. 0.5m road widening is required for both sides of Merrylands Road in accordance with Figure 2.	The control C2 will not directly apply to the site.	N/A
	C3. On Pitt Street a 0.65m road widening is required for 185 Pitt Street, to enable the cycle path connection.	The control C3 will not directly apply to the site.	N/A
	C4. A 3m x 3m splay corner is required at the south-western corner of the Neil Street/Pitt Street intersection.	Not applicable.	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.	Not applicable.	N/A
	C6. Street wall height of buildings (podium) shall be 3 storeys, with a minimum height	No changes sought to the street wall podium, as previously approved under DA2022/0776.	Yes

	of 11m and maximum height of 14m.										
	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:	Not applicable.	N/A								
	<table><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
	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.											
C9. Minor projections into the street setback will be accepted for sites where 0m setback is required, in accordance with the table below:											
<table><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			
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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.	Noted. No commercial premises proposed.	N/A								
	C2. The maximum permissible building plan depth for residential accommodation is 18m.	Apartments do not exceed a depth of 15.5 metres.	Yes								
	C3. The maximum permissible building envelope depth for residential accommodation is 22m.	The building above the ground floor has a maximum depth of: Building B – 22.2 metres.	No. but complies with Part F2.7 Merrylands								

		<p>Building C - 16.7 metres. Building D1 - 17.8 metres Building D2 – 43.4 metres</p> <p>The development results in storeys and heights greater than that anticipated in the CDCP 2021 as the controls align with the CLEP 2021 building heights. The subject development application is made pursuant to the State Environmental Planning Policy (Housing) 2021 which allows for a bonus to the height and FSR of up to 30% if affordable housing is provided. Therefore, the development benefits from the bonus pursuant to Chapter 2, Division 1, clause 16 of the SEPP Housing 2021. The proposal overall performs satisfactory from a planning perspective, and it therefore supported.</p>	<p>Neil Street Precinct Chapter – sub-part 3.8.. Yes Yes No. but complies with Part F2.7 Merrylands Neil Street Precinct Chapter – sub-part 3.8.</p>
	C4. Residential apartments on the 2nd and 3rd storey levels are limited in depth to 8m from the glassline and 11m from the outer edge of the building envelope.	Not applicable.	N/A
	C5. Where office premises are proposed, all points on an office floor should be no more than 15m from a source of daylight.	Not applicable.	N/A
	C6. The maximum horizontal length of any building above the podium shall not exceed 50m.	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	Refer to discussion of Chapter F2-7 below - Part 3.8.

		controls provided within Chapter F2-7 below																								
	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.	Not applicable.	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: <table><tr><td>Storeys</td><td>Setback (m)</td></tr><tr><td>4-8</td><td>3m</td></tr><tr><td>9-20</td><td>6m</td></tr></table>	Storeys	Setback (m)	4-8	3m	9-20	6m	Street setbacks as relevant are determined as being satisfactory.	Yes																	
	Storeys	Setback (m)																								
	4-8	3m																								
	9-20	6m																								
C4. 0m side setback to Terminal Place and or Milne Lane will be accepted for properties 266 Pitt Street and 135-137 Merrylands Road.	Not applicable.	N/A																								
C5. Minimum setbacks to side boundaries shall be provided in accordance with the table below: <table><tr><td>Building uses</td><td>Storeys</td><td>Side setback (m)</td></tr><tr><td rowspan="3">Non habitable rooms & commercial (no windows)</td><td>1-3</td><td>0</td></tr><tr><td>4-8</td><td>3</td></tr><tr><td>9-20</td><td>6</td></tr><tr><td rowspan="3">Habitable rooms/balconies</td><td>4</td><td>6</td></tr><tr><td>5-8</td><td>9</td></tr><tr><td>9-20</td><td>12</td></tr><tr><td rowspan="3">Habitable rooms/balconies & non</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	Storeys	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	4	4.5	5-8	6.5	9-20	9	The proposed additional storeys will match the side setbacks approved under DA2022/0776.	Yes
Building uses	Storeys	Side setback (m)																								
Non habitable rooms & commercial (no windows)	1-3	0																								
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	habitable rooms				
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.			The ground floor to Building D provides for amenity rooms and a manager's office which will service the Build-to-rent component. This will provide activation to the park which will be located to the west of the site.	Yes
	C2. Active frontages consist of the following: • shopfront; • food and Drink premises such as Restaurant or Café; • entrance to public buildings or commercial building foyers; and • customer service areas and receptions (where visible from the street).			Satisfactory.	Yes
	C3. At least 70% of street level frontages shall be transparent glazing.			Satisfactory.	Yes
	C4. Blank or solid walls and the use of dark or obscured glass on active frontages are prohibited. Restaurant, cafes and the like are to consider providing openable shop fronts.			Not applicable.	N/A
	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.			Noted and achieved.	Yes
	C7. Security grilles which are fixed internally to the shop front, fully retractable and are at least 50% transparent when closed, are acceptable.			Not applicable.	N/A
	C8. The ground floor level of active frontages shall be at the same level as the footpath,			Satisfactory.	Yes

	unless otherwise required by this plan.		
	C9. The location of fire escapes, service doors, plant equipment and the like are to be minimised on active streets.	This is achieved.	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 and is satisfactory.	Yes
	C11. Direct pedestrian access off the primary street front shall be provided.	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 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.	Not applicable.	N/A
	C16. Residential development is not permitted to be located at the ground floor level of any development within the B4 zone.	Not applicable.	N/A
	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.	Not applicable.	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.	This was addressed under DA2022/0776.	N/A
	C2. Streetscape planting and public domain works Streetscape planting shall be provided in accordance with Figure 4.	This was addressed under DA2022/0776.	N/A

	C3. Planting and public domain works shall be in accordance with Council's Landscape Masterplan.	This was addressed under DA2022/0776 and DA2024/0473.	N/A
	Deep soil zones C4. Deep soil zones shall be provided in accordance with Figure 4.	This was addressed under DA2022/0776.	N/A
	C5. Where there is limited capacity for water infiltration, stormwater treatment measures are to be integrated with the design of the buildings.	Noted.	N/A
3.4 Movement			
C2. Streetscape planting and public domain works Streetscape planting shall be provided in accordance with Figure 4.	C1. Rear laneways and private accessways are to be provided in accordance with Figure 2.	Not applicable.	N/A
	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.	Not applicable.	N/A
	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.	Yes
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 a separate approval (DA2023/0485).	N/A
	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.	Not applicable.	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).	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.	Vehicular access was considered as part of DA 2022/0776.	N/A
3.4.4 Parking	C1. On-site parking is to be accommodated underground wherever possible.	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	Laneway C1. Laneways identified in Figure 9 shall have active ground floor frontages.	Not applicable.	N/A
	Arcades C2. Arcades shall be provided in accordance with Figure 3.	Not applicable.	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	An acoustic report submitted with the development application has been assessed by Council's Environmental Health Officer as being satisfactory for approval.	Yes
	C2. The following Australian Standards are to be complied with: • 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 acoustic report has provided recommendations, therefore providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the Cumberland Council DCP, NSW Department of Planning and relevant Australian Standards. The acoustic report will form part of the conditions of consent.	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	This is achieved.	Yes

	Australian Acoustical Society (MAAS).		
	C4. Prior to the issues of an Occupation Certificate, a noise compliance report shall be submitted to the Principal Certifying Authority (PCA) confirming that the building/s comply with the noise criteria following. The report shall be prepared by an acoustic consultant, other than the consultant responsible for the preliminary/design report, having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/ or grad membership of the Australian Acoustical Society (MAAS).	Appropriate conditions may be attached to the recommendation addressing acoustic matters.	Yes
	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	Continuous awnings are required to be provided to all active street frontages (except laneways).	A single awning is provided above the ground level alongside the southern, western and eastern elevation of Building D. The amending DA does not later the awning approved.	Yes

	C2. Awnings on Merrylands Road shall be 2.5m deep.	Not applicable.	N/A
	C3. Awnings are permitted on laneways where active frontages are required and shall be retractable and only used in hours of operation.	Not applicable.	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 development comply with AS4299-1995 Adaptable House Class C.	90 adaptable units (out of 449 units), this equates to 20%.	Yes
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.	This is achieved.	Yes
	C2. Corners identified in Figure 6 shall be emphasised through architectural design and materials.	Not applicable.	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.	Not applicable.	N/A
	Neil Street Precinct C2. Management of the redevelopment of the Neil Street Precinct must be undertaken in a whole-of-site	Development application number 2023/0108 address the land subdivision which is now approved by Council.	Yes

	approach. Site amalgamation and re-subdivision under this DCP is required to manage redirection of the floodway.		
	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 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.	Satisfactory.	Yes
	<p>Stormwater</p> <p>C5. The peak/volume impact of stormwater on infrastructure is to be reduced by detaining/retarding it on site. Design solutions may include:</p> <ul style="list-style-type: none"> • minimising impervious areas by using pervious or open pavement materials; • retaining runoff from roofs and balconies in water features as part of landscape design or for reuse or activities such as toilet flushing, car washing and garden watering; • landscape design incorporating appropriate vegetation; • minimising formal drainage systems (pipes) with vegetated flowpaths (grass swales); • infiltration or biofiltration trenches and subsoil collection systems in saline areas; • water pollution control ponds or constructed wetlands on larger developments; and • developments shall optimise the amount of deep soil zones within the site, in accordance with Figure 4. 	Stormwater is assessed by Council's Senior Development Engineer as being satisfactory as per original approval.	Yes
	<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; 	Stormwater is assessed by Council's Senior Development Engineer as being satisfactory as per original approval.	Yes

	<ul style="list-style-type: none"> • sediment filters, traps or basins for hard surfaces; and • treatment of stormwater collected in sediment traps on soils containing dispersive clays. 		
	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.	Stormwater is assessed by Council's Senior Development Engineer as being satisfactory as per original approval.	Yes
	C8. Existing and post development flood contours are shown in Figures 18 and 19	Council's Senior Development Engineer have assessed the stormwater drains as being acceptable to support the development as originally approved.	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.	Noted. Public Art forms part of the public domain works for the Park (DA2023/0485).	Noted.
	C2. Public Art provided shall develop the cultural identity of the community and reflect the culture of the community.	Compliance would be achieved but an assessment is not required under the current development application. The comments provided under Control C1 above are relevant to Control C2.	N/A
	C3. Artworks shall be integrated into the design of buildings and the landscape.	Not applicable to this application.	N/A
	C4. Within the Neil Street Precinct, the following thematic areas are to be considered in the public art/design: <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
3.7.2 Interim development	C1. All minor development associated with existing buildings including but not limited to alteration and additions, change of use,	Not applicable.	N/A

	outdoor dining, subdivision and signage must not restrict or prohibit an adjoining landowner from developing their site in accordance with this DCP.		
	C2. Development is to ensure activation of the streetscape and high urban design outcomes.	Not applicable.	N/A
	C3. Alterations and additions must not exceed 60m ² of additional floor space on to or associated with an existing building. Only 1 application for this addition, per lot, is permissible, as from the date of adoption of this DCP.	Not applicable.	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.	Satisfactory, no changes sought from the approval of DA2022/0776 and DA2023/0485.	N/A
	C2. Refer to Section 3.4 for detailed information regarding the required width, design and location of each street type.	Not applicable.	N/A
	C3. Setbacks along streets are to be provided in accordance with Section 3.8.	The relevant street setbacks (Neil Street) are complied with and no changes sought as part of this amending DA.	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.	Satisfactory.	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 techniques to be used for the site. Council's Tree Management officer has supported the development 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.	Achieved.	Yes
	C7. Land owners within the Precinct to consult Council's engineers for detail infrastructure works.	Noted.	Noted.
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. In addition, the layout of Towers B, C and D are consistent with the suggested layout shown in Figure 5.	Yes
	C2. Through-site connection and arcade must: • provide a clear sight-line from one end to the other for	N/A arcade is not proposed.	N/A

	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.		
	C3. Public use of through-site connections should be available at least between the hours of 7.00am to 7.00pm daily.	Noted and can be achieved.	Yes
	C4. Connections through foyers and shops are encouraged.	There are no connections through foyers or shops within the ground floor.	N/A
	C5. Consider supplementary arcades and through-site connections, with outdoor areas such as courtyards or outdoor rooms.	An arcade is not proposed for the development site.	N/A
	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. Vehicular points were considered and approved under DA2022/0776.	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 footprint of the buildings is not changing from that previously approved under DA2022/0776.	Yes
	C2. Lighting, paving, street furniture, landscaped setbacks and tree planting are to be provided following consultation with Council's landscape officers.	Not applicable.	N/A
	C3. New Road 1 is to be provided in accordance with Figures 4, 10, 11 and 12.	Not applicable.	N/A
	<u>New Road 2</u> C4. New Road 2 is to be provided in accordance with Figures 4, 13 and 14.	Not applicable.	N/A

	<u>Neil Street and Pitt Street</u> C5. A 3m x 3m splay corner to be provided at the corner of Neil and Pitt Streets (Affected lot - 185 Pitt Street). C6. A 0.65 road widening to be provided along Pitt Street at 185 Pitt Street to incorporate a cycle path.	Not applicable.	N/A
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.	The landscaping design on the ground floor is consistent with that approved under DA2022/0776. No changes sought as part of the Amending DA.	Yes
	<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 public open space areas are situated towards the north and north west of the site. The increase to the building height will not create adverse shadowing towards the new future parklands	Yes

		including Neil Park that will become the cornerstone of the larger site.	
	<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.	This is achieved for the site.	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.	Building D situated alongside the southern part of the site is providing for 'amenity spaces' and a manager's office that will face the future public park. This control is achieved.	Yes
	<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 comments provided above under Part 3.5.1 and Control C7 are relevant to Control C11.	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). 	New Road 2 is not situated adjacent to or adjoining to the site.	N/A
	C1. Provide a minimum 1,500sqm public open space -	The Neil Street Park will be provided and was considered under a	Yes

	Neil Street Park as shown in Figure 18. C2. Neil Street Park is to be in public ownership.	separate DA which was approved by the Sydney Central City Planning Panel on the 16 th of September 2024.	
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).	Noted. This was considered as part of the original DA, the Amending DA is seeking higher/taller buildings pursuant to Clause 16 of the Housing SEPP 2021.	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.	<p>The development is identified as being generally compliant with the footprints indicated on Figure 27.</p> <p>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.</p> <p>The Amending DA does not alter the above, the additional storeys are above the three approved buildings.</p>	Yes
3.7 Site amalgamation	C1. Amalgamation of lots in accordance with Figure 28 is desired for redevelopment.	Site amalgamation was approved under DA2023/0108. The rest of the controls do not apply and therefore no assessment was required.	N/A
3.8 Site specific controls			
General Controls	<div>Building envelopes</div> <div>Maximum Horizontal Length of Buildings (above any podium)</div> <div> <ul style="list-style-type: none"> • 9 to 12 storeys = Max. 75m • 13-20 Storeys = Max. 55m </div> <div>The max. horizontal length of any building</div>		

		without substantial articulation shall not exceed 45m	The tower buildings are articulated.	Yes
	Building breaks	Please refer to the detailed Block controls		
	Solar Access		Solar access to 70% of apartments is achieved at mid winter, meeting the minimum requirement.	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.	Satisfactory.	Yes
	Street Activation			
	Pitt Street and Terminal Place	• Fully activate at least 2 storeys with commercial/re tail uses.		
	Western Side of New Road 1	• Area between Terminal		

		Place and Neil Street to be intermittently activated as a secondary active frontage	activation towards the proposed park.	
	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 	<p>The basement car park is underground which is compliant however, issues arise being:</p> <ul style="list-style-type: none"> The basement encroaches into the setback zones. 	
	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	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	<p>Awnings should be provided along Pitt Street.</p> <ul style="list-style-type: none"> Min. 3m deep. 		

		<p>Preferred minimum soffit height of 3.3m.</p> <ul style="list-style-type: none"> • 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	<p>Unless otherwise specified in this DCP, please refer to the NSW Apartment Design Guide (ADG) for design of apartments/mix use building design.</p>		
	Stormwater Management	<p>Merrylands Neil Street Precinct is affected by the 1 in 100 year flood. Roads and open space network have been designed as overland flow path to manage the impact of flooding. To ensure appropriate flood management:</p> <ul style="list-style-type: none"> • Width and location of the overland flow 		

		path to be in accordance with Section 3.4 and 3.8. • Please refer to Part G Stormwater. • Consult with Council’s engineers prior to submitting a DA.		
Block D				
3.8.4 Site and building design Refer to Section 3.5 for the future desired character of Neil Street Park.	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).		Building B 22 storeys Building C 16 Storeys Building D 13 and 15 storeys	No. Acceptable on merit, refer to main body of report for detailed discussion.
	C4. Provide setbacks as shown in Figure 44		Setbacks as approved under DA2022/0766.	Yes
	C5. Driveways and vehicular crossings are not permitted along Neil Street		None proposed.	N/A
	C6. Driveways and vehicular crossings are to be provided from New Road 1. Indicative locations are shown in Figure 43.		No new driveways are proposed as part of this amending development application.	N/A
	Building Height		Refer to control C3 above.	Refer to control C3 above.
	Corner of Neil Street and New Road 1	Max. 20 storeys (Refer Figure 43)		
Corner of Neil Street and Railway Line	Max. 16 storeys (Refer Figure 43)			
All other buildings	Max. 12 storeys (Refer Figure 43)			

	Building Use		N/A.	N/A
	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		
	Building Envelope Depth			
	All buildings except for the 20 storey tower	Max 22m		
	20 Storey Tower	Max. 20m		
	Setback		No changes to setbacks.	N/A
	Street setback	From Neil Street - Min. 2.5m		
	Open Space setbacks	All other lots - comply with Figure 44		
	Rear setbacks	From the Railway Corridor • Min. 6m (Min. 3m in the southern corner) From Merrylands Transit Interchange • Min. 6m		
	Awning	Along Boulevard Park - Min. 3m deep	No change to the approved awning.	N/A

Part G – General Controls			
Part G3 - Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking	Car parking is addressed under Attachment 8 of this report and is found to be satisfactory.	Yes

	requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council. Additional parking objectives and controls are provided in Section 4 of this DCP.		
4.3 Basement parking	C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.	Satisfactory.	Yes
	C2. Basement parking shall be located within the building footprint.	The basement footprint was approved under DA2022/0776, the Amending DA reduces the number of basement car parking from 6 levels to 3 levels.	N/A
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Satisfactory.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Satisfactory.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	The basement will not affect or create any privacy issues to adjoining residential development.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	All vehicles are able to enter and exit the basement in a forward direction.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Satisfactory.	Yes
Part G4 – Stormwater & Drainage			
2.2 Method of stormwater disposal from the site	C1. All stormwater collecting as a result of the carrying out of development under this DCP	Council's Senior Development Engineer has not raised any matters of concerns	Yes

	must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	regarding stormwater drainage and the method for addressing flooding and overland flow as part of the Amending DA.	
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	The site is subject to flooding and the flooding situation is increased due to the presence of a culvert to the immediate east of the site. Council's Senior Development Engineer has no raise any issues from a flooding perspective.	Yes
	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.	The comments provided above in Control C1 are relevant.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	This has been achieved and no changes are sought from that originally approved.	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 Amending Da does not alter the previously approved WSUD. No further assessment on the other controls is required.	N/A
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	Noted.	Noted.

	accompanied by a Dewatering Management Plan.		
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Noted.	Noted
	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.	A geotechnical report is submitted with the application and is satisfactory.	Yes
	C4. The applicant must demonstrate that there will be no adverse impacts on surrounding or adjacent properties, infrastructure or groundwater dependant ecosystems as a result of: • changes in the behaviour of groundwater created by the method of construction chosen; and/or • changes to the behaviour of groundwater of the surrounding area, created by the nature of the constructed form and groundwater management system used.	A geotechnical report is submitted with the application and is satisfactory.	Yes
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.	Noted.	Noted.
	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	Council's Senior Environmental Health Officer has reviewed the application and advised that given that the current proposal is	Yes

	<p>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.</p>	<p>increasing density of use but not changing use of the premises.</p> <p><i>"It is noted that contamination has been adequately addressed in the approved DA2022/0776, dated 13 June 2024. These conditions are to remain with the site subject to an approved remediation action plan referred to in the consent, along with Site Audit Statement requirements to confirm remediation prior to the issue of a construction certificate.</i></p> <p><i>The current proposal is reducing the amount of excavation on site by reducing the basement levels.</i></p> <p><i>No further assessment of contamination is therefore required, noting that the approval of a residential building confirms the site can be made suitable for its intended purpose, and appropriate mechanisms are in place to manage this process".</i></p> <p>As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.</p>	
2.5 Biodiversity	<p>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.</p>	<p>There are no issues to address under Part 2.5 given the location of the site within the edge of the Merrylands Town Centre.</p>	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.	Achieved and satisfactory.	Yes
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; • 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. 	Noted.	Noted.
	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.	No tree removal sort as part of this application.	N/A
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.	There are no issues to resolve in relation to tree management. The remainder of the controls are not applicable to this application.	N/A
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of	Detailed landscape plans prepared by PTW have been assessed as being satisfactory by Council's Senior Tree Management Officer.	Yes

	1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.		
Part G8 – Waste Management			
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	The waste bin stores are assessed as being satisfactory.	Yes
	C6. All developments must ensure separate residential and commercial bin storage areas, which shall be located behind the primary building line and adequately screened.	Satisfactory.	Yes
	C28. Low rise medium density housing and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as mattresses, furniture, cardboards, appliances and other goods to be collected by Council's waste collection service.	A bulky waste area is located on the ground floor of Building D.	Yes
3.4 Waste chute and service room requirements	C1. Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	Waste chutes are provided within each tower building.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Satisfactory.	Yes
	C6. An electric portable bin tug device must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.	This is not required within the development.	N/A

3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Waste removal will be occurring within the ground floor of Building D and not visible from the street.	Yes
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	The head height of the driveway is 4.6 metres with the minimum set at 4.4 metres. As such, a waste removal vehicle can be driven into the car park area to allow waste removal from the site.	Yes
	C2. Proposed developments that require a waste collection vehicle to enter the site for the collection of waste, a swept path analysis for a 10.5m HRV with a height clearance of 4.5m must be clearly demonstrated in the Architectural Plans, Waste Management Plan, and Traffic and Transport Management Plan. If a hook lift bin is to be used, the height clearance will increase and greater height clearance will be required.	A waste removal vehicle can be driven into the ground floor car park area to allow waste removal from the site.	Yes
	C9. Should there be a case for a smaller rigid garbage collection vehicle to be used consideration will be given to alternative building design requirements. In these circumstances, supporting documentation is to be provided with the development application.	Not applicable for the development.	N/A