CDCP 2021 Compliance Table

Relevant Control		Comments	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.	Not applicable.	N/A
	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.	Not applicable.	N/A
	C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.	No adjoining sites will be lefts isolated. The sites to the north can amalgamate and capable of redevelopment, subject to approval. To the south of the site is a laneway and 108 Station Street which has been redeveloped.	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 subdivision of the building is proposed.	N/A
	C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	Not applicable, the development will demolish all structures for the re-development of the site.	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.	Not applicable, strata sub-division is not proposed.	N/A

	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.	Not applicable.	N/A
Part B – Development in Residential Zones			
Part B3 – Residential Flat Buildings			
2.1 & 2.2 Relationship to SEPP 65/NSW ADG & Development controls	ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails. C1. For residential flat buildings controls on: • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout; • private open space and balconies; • common circulation and spaces; • storage; • acoustic privacy; • noise and pollution; • apartment mix; • ground floor apartments; • façades; • roof design; • landscape design; • planting on structures; • universal design; • adaptive reuse; • mixed use; • awnings and signage; • energy efficiency; • water management and conservation; • waste management; and	Noted, an ADG assessment is made under Attachment 8.	Refer to Attachment 8

<table>
<tr><td></td><td>• building maintenance.

Refer to SEPP 65 and the ADG compliance table below.</td><td></td><td></td></tr>
<tr><td>3.1 Building envelope</td><td>C2. Residential flat building development shall be provided in accordance with Table 7 for RFB Setbacks.

<table><tr><td>Front setbacks (min)</td><td>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition</td></tr><tr><td>Secondary street setbacks (min)</td><td>2m for laneways and 4m for other roads</td></tr><tr><td>Side setback (min)</td><td>3m</td></tr><tr><td>Rear setback (min)</td><td>Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site</td></tr><tr><td>Site area</td><td>1,000m²</td></tr><tr><td>Street frontage</td><td>24m</td></tr></table></td><td>Not applicable to this development. The setback controls are referenced in the Part C and Part F2 of the CDCP 2021.</td><td>N/A</td></tr>
<tr><td></td><td>C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of the ADG.</td><td>Noted. This assessed under Attachment 8.</td><td>Noted.</td></tr>
<tr><td>3.2 Basement design</td><td>C1. Basement walls shall be located directly under building walls, wherever practicable.</td><td>This is achieved.</td><td>Yes</td></tr>
<tr><td></td><td>C2. A dilapidation report shall be prepared for all development that</td><td>This will be conditioned.</td><td>Yes, subject to condition.</td></tr>
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<tr><td></td><td>is adjacent to sites which build to the boundary.</td><td></td><td></td></tr>
<tr><td></td><td>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.</td><td>Noted. Basement is built to boundary given the business zoning of the site.</td><td>Noted.</td></tr>
<tr><td></td><td>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.</td><td>This is achieved.</td><td>Yes</td></tr>
<tr><td>3.3 Car parking</td><td>C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.</td><td>Noted.</td><td>Noted.</td></tr>
<tr><td colspan="4">Part B5 Adaptable Housing an Housing Mix</td></tr>
<tr><td>2.1 Adaptable housing</td><td>C1. Adaptable housing complying with AS 4299 is to be provided in multi-dwelling housing, residential flat buildings, and the residential component of mixed use developments in accordance with the following:
Table 9: Adaptable dwelling requirement
<table><tr><th>Total No. of Dwellings in Development</th><th>No. of Adaptable Dwellings Required</th></tr><tr><td>Less than 10</td><td>1</td></tr><tr><td>10 – 20</td><td>2</td></tr><tr><td>More than 20</td><td>20% (unless justification provided for consideration by Council)</td></tr></table></td><td>Based on 59 units, the proposal requires 11.8 (12) units to be adaptable housing. The proposal provides 12 units that can be converted to adaptable units in the future.</td><td>Yes</td></tr>
<tr><td>2.2 Housing Mix</td><td>C1. A minimum 10% mix of one bedroom/studio dwellings and a minimum 10% mix of three plus-bedroom dwelling types shall be provided, with the balance provided as two bedroom dwellings. An alternate mix of dwelling types may be considered by Council where the Applicant can demonstrate that the local demographic statistics indicates otherwise. Specific details would need to be provided with the development application to support this.

<u>Required:</u>
10% of 59 = 5.9 (6) x 1 bedroom units.

10% of 59 = 5.9 (6) x 3 bedroom units.</td><td>Proposal provides:

2 x 1 bedroom units, variation of 66.66%.

25 x 3 bedroom units.

32 x 2 bedroom units.</td><td>

No. Refer to main body of the report for detailed assessment.

Yes.

Yes.</td></tr>
</table>

	Balance of units is a total of 32 being 2 bedroom units.		
	C2. If an equal mix cannot be provided, a minimum 10% of the dwellings shall be three plus-bedroom dwellings.	An equal mix is not provided however 25 units of the 59 are 3 bedrooms (64%) units.	Yes
	C3. A mix of unit sizes in multi-level developments should be located on the ground floor where accessibility is easily achieved for families and the elderly.	Gound floor units are not proposed on the ground floor given the development is for shop-top housing.	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.	32.26 metres	Yes
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: • up to 3 storeys: 20m; and • 4 storeys or greater: 30m.	32.26 metres.	Yes
	C2. Lot size and frontage shall provide an appropriate site configuration that achieves: • adequate car parking area and manoeuvring for vehicles in accordance with AS2890; • ground level frontage that is activated and not dominated by access apertures to car parking areas; and • the required setbacks and building separation set out by this DCP or the Apartment Design Guide.	The lot size is satisfactory.	Yes

	C3. Council may require the consolidation of more than 1 existing land holding to be undertaken in order to meet all the requirements of this development control plan.	Not applicable.	N/A
	C4. Commercial development is not permitted on battleaxe lots.	The subject site is not a battleaxe allotment.	Yes
	C5. In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, refer to Part A3 of this DCP.	Not applicable.	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.	Nil front setback.	Yes
	C2. For B2 and B4 zones, or unless otherwise stated in site specific controls within this DCP, a street wall height (i.e. podium height) of 3 storeys with a zero setback to the street is required.	The podium height for the subject site is stated in the site-specific controls. The street-wall height (podium) is discussed in detail under Part F2-14 of the DCP.	Yes
	C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium	This is discussed in detail under Part F2-14 controls.	Refer to assessment under F2-14.
	C4. Levels above street wall height are to be setback to ensure visual separation. This may be achieved through upper level setbacks, material variances and/or horizontal recesses.	The upper levels above the street wall are setback and provides articulation.	Yes
	C5. Council may require alternative street wall heights and setbacks where compatibility with the existing prevailing built form within the immediate context can be demonstrated or is necessary.	Noted.	Noted.
	C6. Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3m.	Not applicable in this instance. The adjoining properties (north and south of the site) are zoned E1 Local Centre.	N/A
	C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	15% of 50.29m = 7.5435metres Proposed: 8.042metres	Yes

3.3 Landscaping and open space	C1. Landscape reinforces the architectural character of the street and positively contributes to maintaining a consistent streetscape character.	Noted.	Noted.
	C2. Landscaping is to form an integral part of the overall design concept.	The proposal provides landscaping on the roof top communal open space, on level 2 and at grade fronting Station Street. A landscaping plan has been provided and is considered satisfactory.	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.	The car parking is located within the built form and basement levels.	N/A
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	Not applicable.	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.	Not applicable.	N/A
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Noted and conditions will be imposed regarding the front of the site along the footpath to be consistent with the Public Domain Plan.	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.	This will be verified with a condition.	Yes, subject to a condition.
	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.	Noted.	Noted.
	C9. Street tree planning shall be consistent with the relevant	This will be conditioned.	Yes, via a condition.

	Public Domain Plan, strategy, plan, guideline or policy.		
	C10. Significant existing street trees shall be conserved. Where there is an absence of existing street trees, additional trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	No existing streets.	Yes
	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.	Not applicable.	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 can be conditioned.	Yes, via a condition.
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	The proposal provides for seating within the front forecourt area of the site within a landscape setting.	Yes
	C15. Open space areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	This is achieved.	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 is not proposed as part of this application and therefore the remainder of the controls are not applicable.	N/A
3.5 Streetscapes	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	The shopfronts provide glazed areas consistent with the area and provide direct access from the footpath.	Yes
	C2. Development shall provide direct access between the footpath and the shop.	Achieved.	Yes
	C3. Security bars, and roller shutters are not permitted; however, transparent security grilles of lightweight material may be used.	Security bars and roller shutters are not proposed.	Yes

	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	No signage is proposed.	N/A
	C5. Require buildings at visually significant locations to be well designed and respond to the different characteristics of the streets the address.	Satisfactory.	Yes
	C6. Development on corner sites will be required to accommodate a splay corner to facilitate improved traffic conditions.	4m x 4m splay proposed in the south-east corner and south western corner of the building.	Yes
	C7. Buildings on corners must address both frontages to the street and/or public realm 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; and • development on corner sites will require land to be dedicated to accommodate a splay corner to facilitate improved traffic conditions.	Not a corner building.	N/A
3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	No residential use is proposed on the ground floor.	Yes
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.	Achieved.	Yes
	C2. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	Satisfactory.	Yes
	C3. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	Satisfactory.	Yes

	C4. Building services, such as drainage pipes, shall be coordinated and integrated with overall façade and balcony design.	This is achieved.	Yes
	C5. Ventilation louvres and carpark entry doors shall be integrated with the design of the overall façade.	This is achieved.	Yes
	C6. Security devices fitted to building entrances and windows shall be transparent to allow for natural surveillance, and made of light weight material.	No security devices fitted to building entries.	Yes
	C7. The ground floor level must have active uses facing streets and public open spaces.	The ground floor provides two commercial tenancies and a forecourt area.	Yes
	C8. Retail outlets and restaurants are located at the street frontage on the ground level.	This can be achieved within the two commercial tenancies on the ground floor.	Yes
	C9. Where possible, offices should be located at first floor level or above.	No offices proposed. The first floor consists of a centre based child care centre.	N/A
	C10. A separate and defined entry shall be provided for each use within a mixed use development.	This is achieved. There are separate entrances to the commercial tenancies and residential component. The child care centre has a separate entrance via the commercial foyer and rear south-eastern corner.	Yes
	C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	Noted.	Noted.
	C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	No roller shutters are proposed.	Yes
	C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	This is satisfactory.	Yes
	C14. Building materials and finishes complement the finishes	This is satisfactory.	Yes

	predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.		
	C15. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. Active street frontages are to maximise the use of glazing.	The building provides glazing to the active street frontage and a painted finish.	Yes
	C16. All street frontage windows located at ground floor level are to be clear glazing.	This is achieved.	Yes
	C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	Materials will not cause glaring.	Yes
	C18. For advertising on shopfronts, refer to Part G1 of this DCP	No advertising is proposed.	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: • 3.5m for ground level (regardless of the type of development); and • 3.3m for all commercial/retail levels above ground level.	Ground floor has a FFL to FCL of 3.9metres. First Floor level has a FFL of 3.1 metres.	Yes No. Refer to main body of the report for discussion (under ADG non-compliance).
	C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	Refer to Chapter 4 SEPP Housing 2021 and ADG assessment in Attachment 8.	Refer to Attachment 8.
3.9 Roof design	C1. Roof design shall be integrated into the overall building design.	Achieved.	Yes
	C2. Design of the roof shall achieve the following: • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and	Achieved, the proposal also includes a higher parapet that will conceal any services. The roof facing Station Street also provides for solar panels.	Yes

	• complement the scale of the building and surrounding development.		
	C3. Roof forms shall not be designed to add to the perceived height and bulk of the building.	Achieved.	Yes
	C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	Achieved.	Yes
	C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	This is achieved.	Yes
	C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	Satisfactory.	Yes
	C7. Consideration should be given to facilitating the use of roofs for sustainable functions, such as: • installing rain water tanks for water conservation; • orient and angle roof surfaces suitable for photovoltaic applications; and • allow for future innovative design solutions such as water features or green roofs.	Achieved with the implementation of solar panels.	Yes
3.10 Awnings	C1. Continuous awnings are required to be provided to all active street frontages (except laneways).	Achieved.	Yes
	C2. Awnings generally: • should be flat; • must be a minimum 2.4m deep; • are to be setback up to 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements; • have a minimum soffit height of 3.2m; and • have slim vertical fascias and/or eaves not to exceed 300mm.	The awning is flat, 3.8m deep, and a soffit height of 4-4.2metres. A condition will be imposed to ensure the awning is setback 1.2m form the kerb.	Yes, via condition.
	C3. Awnings on street corner buildings shall wrap around corners.	Not applicable.	N/A
	C4. Awning design must match building facades and be	Achieved.	Yes

	complementary to those of adjoining buildings and maintain continuity.		
	C5. Canvas blinds along the street edge are not permitted.	Not a canvas blind.	Yes
	C6. Awnings are to be located over all building entries to indicate entry points.	Achieved.	Yes
	C7. In the event of separated buildings, awnings should be complementary to each other in regards to size, design and location.	Not applicable.	N/A
	C8. Awning design shall have consideration of growth pattern of mature trees. Cut outs or offsets in awnings for trees and light poles are not acceptable.	Achieved.	Yes
	C9. Lighting fixtures shall be recessed into the design, with all wiring and conduits to be concealed.	Noted.	Noted.
	C10. The drainage from stormwater from awnings is not be visible from the footpath and it is to be concealed or recessed into the ground floor frontage of the building.	This will be verified with a condition.	Yes, via a condition.
	C11. Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	Achieved.	Yes
	C12. Awnings shall provide weather protection and must not be perforated.	This is achieved.	Yes
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.	This is achieved. An acoustic report has also been provided, and Council's Environmental Health Officer raises no objections subject to conditions.	Yes
	C2. Residential components of mixed use developments are to comply with the controls in Part B of this DCP and the Apartment Design Guide (as applicable).	Noted.	Noted.
	C3. Conflicts between noise, outlook and views are to be resolved by using design	Noted. An acoustic report has been provided with recommendations. This	Yes

	measures, such as double glazing, operable screened balconies and continuous walls to ground level courtyards, where they do not conflict with streetscape or other amenity requirements.	will form part of the approved documentation.	
	C4. Where commercial/office uses and residential uses are located adjacent to each other, air conditioning units, buildings entries and the design and layout of areas serving after hours uses shall be located and designed to minimise any acoustic conflicts.	This is achieved.	Yes
	C5. Developments shall be designed to minimise the impact of noise associated with uses whose hours may extend outside of normal business hours, including restaurants and cafes. Operation includes loading/unloading of goods/materials, and the use of plant and equipment at a proposed commercial premise.	This is achieved.	Yes
	C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.	Satisfactory.	Yes
	C7. Mechanical plant must be visually and acoustically isolated from residential uses.	Satisfactory.	Yes
	C8. New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines as applicable for noise, vibration and quality assurance. This includes: •Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines; • NSW Noise Policy for Industry; •Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • NSW Road Noise Policy	An acoustic report has been submitted with the application. Council's Environmental Health Officer did not raise any objections to the proposal subject to conditions.	Yes

	C9. Where a site adjoins a school, place of public worship or public open space, the building design will: • incorporate an appropriate transition in scale and character along the site boundary(s); and • present an appropriately detailed facade and landscaping in the context of the adjoining land use. This interface shall be identified in the site analysis plan and reflected in building design.	The site is in the vicinity of a Park and a Place of Public Worship. The building provides an appropriate transition and is located on the eastern side of Station Street, the Park and Place of Public worship is located to the west of Station Street.	Yes
	C10. The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	Not applicable.	N/A
	C11. Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	Not applicable.	N/A
	C12. Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged.	This is achieved.	Yes
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: • 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 • 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.	Noted. The hours of operation will form part of consents issued under separate applications for the commercial tenancies. The child care centre will operate: Mondary to Friday from 7:00am to 6:00pm.	Noted. Yes
	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:	Not applicable.	N/A

	•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.		
3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	This is achieved, the taller building is focused towards Station Street.	Yes
	C2. The living rooms and private open spaces for at least 70% of dwellings on neighbouring sites shall receive a minimum of 3 hours of direct sunlight between 8am and 4pm in midwinter.	At least 66.25% of the units at 108 Station Street will receive a minimum of 3 hours of direct sunlight between 8am and 4pm in mid winter.	No. Refer to main body of the report for detailed discussion.
	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.	The proposed development will not result in any overshadowing impacts to Friend Park.	Yes
	C4. Developments shall be designed to control shading and glare.	Satisfactory.	Yes
	C5. Shadow diagrams (plan and elevation) shall accompany development applications for buildings, to demonstrate that the proposal will not reduce sunlight to less than 3 hours between 8am and 4pm on 21 June.	This has been provided and is satisfactory.	Yes
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	Natural ventilation is incorporated into the building. The residential component complies with the ADG in terms of natural ventilation.	Ye
	C2. Orient buildings to maximise prevailing breezes.	Achieved.	Yes
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	Satisfactory.	Yes

	C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected.	Achieved.	Yes
	C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	Achieved.	Yes
3.16 Energy efficiency	C1. Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building.	Achieved.	Yes
	C2. Improve the efficiency of hot water systems by: • encouraging the use of solar powered hot water systems. Solar and heat pump systems must be eligible for at least 24 Renewable Energy Certificates (RECs) and domestic type gas systems must have a minimum 3.5 star energy efficiency rating; • insulating hot water systems; and • installing water saving devices, such as flow regulators, 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators.	The plans indicate for solar panels on the roof. The BASIX indicated for a central hot water system using instantaneous gas.	Yes
	C3. Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.	This is achieved via the sensor lighting.	Yes
	C4. Incorporate a timing system to automatically control the use of lighting throughout the building.	The development will comply with the BASIX commitments for lighting.	Yes
	C5. All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.	Noted. A condition will be imposed that require the development to comply with the national Construction Code (NCC)	Yes
	C6. An Energy Efficiency Report from a suitably qualified consultant that demonstrates a	This will be conditioned.	Yes, via a condition.

	commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme or equivalent must be provided for all commercial and industrial development with a construction cost of over $5 million.		
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.	The BASIX Certificate nominates a water reticulation system. This is achieved.	Yes
	C2. Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses, such as toilet flushing, irrigation, car washing, firefighting and other suitable purposes. Rainwater tanks shall be installed as part of all new development in accordance with the following: • the rainwater tank shall comply with the relevant Australian Standards; • the rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development; • rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards; • the suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and • the overflow from rainwater tanks shall discharge to the site	Noted.	Noted.

	stormwater disposal system. For details, refer to the Stormwater Drainage Part G4 of this DCP.		
3.18 Wind mitigation	C1. Site design for tall buildings (towers) shall: • 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.	Noted.	Noted.
	C2. A Wind Effects Report including results of a wind tunnel test is to be submitted with the DA for all buildings greater than 35m in height.	A Wind Effects report has been provided and provides recommendations to be implemented to protect the occupants from wind effects.	Yes
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.	A food and drink premises is not proposed as part of this application. The remainder of the control are therefore not applicable.	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.	Satisfactory.	Yes
	C2. Buildings (including openings) adjacent to streets or public spaces shall be designed to overlook and allow passive surveillance over the public	This is achieved.	Yes

	domain and common areas (i.e. lobbies and foyers, hallways, recreation areas and carparks).		
	C3. The main entry to a building should face the street.	This is achieved, via Station Street.	Yes
	C4. All entrances and exits shall be made clearly visible from the public realm or communal open space to which they face.	This is achieved.	Yes
	C5. Landscaping and plantings are to be designed to provide uninterrupted sight lines and avoid opportunities for concealment.	The landscaping in the forecourt is considered satisfactory and will not provide for opportunities for concealment	Yes
	C6. Building entrances, exits, urban public spaces and other main pedestrian routes of travel are required to be appropriately illuminated to minimise shadows and concealment of spaces.	Satisfactory.	Yes
	C7. Hidden recesses along or off pedestrian access routes within car parks shall be avoided.	This is satisfactory.	Yes
	C8. CCTV security monitoring of a high definition quality is to be provided.	Noted.	Noted.
	C9. Blind or dark alcoves near lifts and stairwells, at the entrance and within carparks along corridors and walkways are not permitted.	This is satisfactory.	Yes
	C10. Secure entries shall be provided to all entrances to private areas, including car parks and internal courtyards.	This is achieved.	Yes
	C11. Commercial uses must be separated from residential uses in mixed use developments where access (e.g. lifts) is shared.	The commercial tenancies, centre based child care facility and residential component are separated.	Yes
	C12. Commercial and retail servicing, loading and parking facilities shall be separated from residential, access, servicing and parking.	This is satisfactory.	Yes
	C13. Entrances to upper level residential apartments are to be separated from commercial / ground floor entrances to provide security and identifiable addresses.	This is achieved. Entry to the residential lobby form from Station Street is separated from the commercial entry.	Yes

	C14. Shared pedestrian entries to buildings shall be lockable.	Noted.	Noted.
	C15. Clear sightlines are to be provided from building entrances, foyers and lobbies into the public realm.	This is achieved.	Yes
	C16. Loading docks and service entry in the vicinity of main entry areas shall be secured outside business hours.	This can be achieved.	Yes
	C17. Access to a loading dock, car parking or other restricted areas in a building shall only be available to occupants or users via a large security door with an intercom, code, or card lock system.	Achieved.	Yes
	C18. Access from car parks to dwellings should be direct and safe for residents day and night.	This is achieved. The residential car parking is separated from the commercial and CCC.	Yes
	C19. Security grilles shall: • be at least 70% visually permeable; • not encroach or project over Council's footpaths; and • be made from durable, graffiti-resistant materials.	No security grilles proposed.	Yes
	C20. Security bars are not permitted.	None proposed.	Yes
	C21. For at risk premises, security measures such as alarms, appropriate lighting and security patrols shall be included.	Noted.	Noted.
	C22. Adequate lighting shall be provided within a development, such as pedestrian routes and accessways, common areas and communal open space, car parking areas, all entries and under awnings. Timers and motion sensors may be implemented where appropriate to reduce energy consumption.	Satisfactory.	Yes
	C23. Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	This is achieved.	Yes
	C24. Lighting shall be provided to highlight the architectural features of a building and	This is achieved and is satisfactory.	Yes

	enhance the identity and safety of the public domain, but does not floodlight the façade and avoids shadows.		
	C25. Illumination in carparks and building entrances should draw attention to the spaces to increase perceived safety.	This is achieved.	Yes
	C26. Lighting shall not interfere with the amenity of residents or affect the safety of motorists. Excessive lighting shall not be permitted.	This will be verified with a condition of consent.	Yes
	C27. Site planning shall provide clear definition of territory and ownership of all private, semipublic and public places.	This is satisfactory.	Yes
	C28. Demarcate safe routes for pedestrians in car parking areas, using floor markings, ceiling lights and dedicated pedestrian paths.	Noted.	Noted.
3.21 Pedestrian access and building entry	C1. The design of buildings shall comply with Australian Standards for Access and Mobility.	An access report has been submitted with the application.	Yes
	C2. Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors.	This is satisfactory.	Yes
	C3. Developments must provide continuous paths of travel from all public roads and spaces, as well as unimpeded internal access.	This is achieved. An access report has been provided with the application.	Yes
	C4. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.	Separate accesses have been provided.	Yes
	C5. Entries and associated circulation space is to be of an adequate size to allow movement of furniture.	Satisfactory.	Yes
	C6. Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the	This is achieved.	Yes

	residential component of the mixed use developments.		
3.22 Pedestrian links, arcades, laneways and new streets	C1. Arcades shall: • 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 • have clear sight lines from end to end with no opportunities for concealment along its length.	Not applicable. The remainder of the controls were therefore not required to be addressed given there is no arcade proposed.	N/A
	C7. Where development adjoins a laneway or through block connection, ground level uses should be designed to provide a direct interface to that space.	The proposal provides waste collection along the southern elevation with vehicular access into the basement via the rear of the site (which will adjoining the future laneway). The proposal also includes an entry lobby area in the south eastern corner of the building.	Yes
	C8. Development shall provide a high level of passive surveillance over the laneway and must install CCTV cameras.	Noted.	Noted.
	C9. Public access to laneways shall be provided in perpetuity, unless otherwise stipulated by Council.	Noted. The land dedicated to Council will be a public laneway.	Yes

	C10. Facade design shall have a high visual quality and strong articulation in form and materials for buildings addressing laneways.	Achieved.	Yes
	C11. Continuous awnings are not required on laneways.	Noted.	Noted.
	C12. Laneways and private accessways shall provide clear sight lines and adequate lighting, be direct and shall allow access for pedestrians.	This is achieved. The proposal also incorporates 4m x 4m splays along the south-eastern and south-western corners of the building.	Yes
	C13. Signage shall be provided that indicates the public accessibility of lanes and rear accessways and the street to which the lane connects.	Noted.	Noted.
	C14. Laneways shall be visually appealing, which may be achieved through building design or the provision of public art.	Design of the laneway does not form part of this application	N/A
	C15. All laneways shall be 8m in width, unless specified otherwise.	Achieved.	Yes
	C16. On sites where a new street is created, the street shall be built to Council's relevant engineering standards.	Noted. The applicant is in discussions with Council on the laneway design.	Yes
	C17. New streets and laneways shall maintain consistency and/or compatibility with the design of existing roads in the locality, as deemed appropriate by Council.	Noted.	Noted.
	C.18 Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well-designed and proportioned facade and incorporates windows, balconies, doorways and landscaping.	This is achieved.	Yes
	C19. New public laneways created within large blocks shall be undertaken in a manner that enhances both pedestrian and vehicle connectivity.	Noted.	Noted.
	C20. Road widths shall be consistent with Part A2 of this DCP.	Noted. The road design does not form part of this application.	N/A

	C21. New streets, roads and laneways shall be dedicated to Council.	A letter of offer dedicated portion of the site for laneway has been provided as part of this application.	Yes
	C22. Redevelopment of sites over 4000m2 shall maximise the permeability of the site and where practicable provide new pedestrian links.	Not applicable.	N/A
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.	Not applicable.	N/A
	C2. Minimum front setbacks for B6 Enterprise Corridor zones shall be 5m.	Not applicable.	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.	Not applicable.	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.	Noted.	Noted.
3.25 Vehicle access	C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP.	This is achieved.	Yes
Part E - Other Land Use Based Development Controls.			
Part E1 - Centre based childcare facilities.			
2.1 General	*Objectives*		
	O1. Encourage the provision of high-quality child care which meets the needs of the community, including users of the facility and owners and users of surrounding land uses.	Noted.	Noted.
	O2. Ensure that child care centres are compatible with neighbouring land uses and integrate into existing residential environments that are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.	The child care centre forms part of a commercial building that incorporates 2 commercial tenancies on the ground floor and residential development rom levels 2 and up.	Yes
	O3. Ensure the amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site.	This is achieved. The application is accompanied by an acoustic report which is found to be satisfactory by Council's	Yes

		Environmental Health Officer, subject to conditions.	
2.2 Bulk and scale	C1. The minimum side setbacks for a new child care centre is 2m to allow for landscaping and separation of uses.	Nil setback along the northern boundary. >2m from the south boundary.	No. Acceptable on merit. Refer to main body of the report for detailed discussion. Yes
	C2. The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.	This is achieved and setbacks are addressed in the relevant parts of the DCP.	Yes
	C3. The front setback shall reflect the existing streetscape and desired future character of the locality.	Achieved.	Yes
	C3. The front setback shall reflect the existing streetscape and desired future character of the locality.	Achieved, the site is located in a Town Centre and the front setback achieves the desired future character of the locality.	Yes
	C5. The front setback area: • may only be used for access, parking and landscaping purposes; • shall not be used as an outdoor play space; and shall not be included in calculations of unencumbered outdoor space.	The front setback area is not use for an outdoor play area. Access for parking is via the rear of the site and given the location of the site in a town centre environment, there is a small portion of landscaping in the forecourt area.	Yes
2.3 Traffic, parking and transport	C6. Development for the purposes of centre based child care facilities will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.	Noted. This is addressed under Part G3.	Noted.
Part F2 – Business Site Specific			
Part F2-14 – Wentworthville Town Centre			
2.1 Site amalgamation	C1. Site amalgamation of properties north of Dunmore Street bounded by Dunmore Street, Station Street, The Kingsway and Cumberland	Not applicable to the subject site.	N/A

	Highway (Freame Street) is to be carried out in accordance with Figure 2 and Table 1.		
	C2. In instances where amalgamation cannot be achieved, the following information must be submitted with any development application: • two 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.	Not applicable.	N/A
	C3. Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, and the proposed development site, will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking, built form, solar access and connectivity outcomes.	Not applicable.	N/A
2.2 Minimum lot frontage	C1. The minimum site frontage width for properties not required to be amalgamated under Section 2.1 is: • up to 3 storeys – 20m; • 4-8 storeys – 26m; and • 9 storeys and greater – 32m.	The subject site has a site frontage width of 32.26 metres	Yes
2.3 Design excellence	C1. Design excellence applies only to land within the boundaries of the Design Excellence Map that permits development greater than 30m in height. Refer to Figure 3. Cumberland City Design Excellence Guidelines provide further details on relevant criteria and procedures when seeking an	The subject site is not a site that falls under the provisions of the Design Excellence clause in the CLEP 2021. The proposal however is a development that incorporates a building with a height greater than	N/A

	incentive bonus in building height of up to an additional 10% and additional floor space ratio of up to 0.5:1.	25 metres and requires referral to the Design Excellence Panel (DEP). This DEP comments are discussed in Attachment X of this report.	
2.4 Building height	C1. The maximum building height for development within the Wentworthville Town Centre is expressed in metres within the relevant Local Environmental Plan as a written statement and associated maps.	Noted. The proposal will be assessed against the relevant environmental planning instruments.	Noted.
	C2. Each storey shall comprise a minimum floor to ceiling height as defined in the NSW Apartment Design Guide.	The floor to floor heights to the proposed development are as follows: Ground floor – 4.4 metres First Floor – 3.2 metres. Residential levels 3.1 metres.	 Yes No. Refer to main body of report for discussion. Cl4.6 discussion. Yes
	C3. Refer to Section 3 of this Part for further details on varying height controls for sites within certain precinct areas which require design outcomes based on their specific location within the Centre.	Noted.	Noted.
2.5 Building setbacks	C1. All developments are to provide and maintain building setbacks in accordance with Figure 4.	The proposal requires a 2 metre rear setback plus new 8 metre laneway extension of Station Lane. The proposal provides a setback of 8.042 metres plus 2 metres at 'Basement 1'. The proposal provides a setback of 8.042 metres to levels ground-L5. 1.4m (southern side), in lieu of 3m street edge.	 Yes No. Refer to main body of report for discussion. No. Refer to main body of

			report for discussion.
2.6 Primary & secondary active frontages	C1. Continuous ground level active uses must be provided along primary active frontages as shown on Figure 5.	The proposal provides two commercial tenancies directly facing Station Street, which will provide for ground level active uses.	Yes
	C2. Primary active frontages include but not limited to: • retail and commercial shopfronts; • food and drink premises including restaurants and cafes; • entrances to public buildings or commercial building foyers; and • customer service areas and receptions (where visible from the street).	As stated above, the proposal provides two commercial tenancies directly facing Station Street, which will provide for ground level active uses. These tenancies have not nominated the use at this stage, however these spaces can provide for a number of various active uses.	Yes
	C3. Maximise the use of entries, transparent glazing and display windows to encourage visual engagement. Blank walls, roller shutters and the use of dark or obscured glass are not permitted.	Complies. Glazed areas are provided to the commercial tenancies and entry ways.	Yes
	C4. Restaurants, cafes and the like are encouraged to consider providing openable shopfronts.	Noted. The proposal does not seek consent for the specific tenancy uses with the exception of a centre-based childcare centre.	Noted.
	C5. Continuous awnings are to be provided on all primary active frontages.	A continuous awning is marked on the plans.	Yes
	C6. Vehicular access and parking are not encouraged on primary active frontages where alternate access points are available.	The proposal seeks to dedicate a 1.4m wide portion of land along the southern boundary for the purpose of widening the existing laneway to the south. Further land dedication is proposed within the eastern extent of the site, for the purposes of a new laneway (Station Lane), as outlined in the Wentworthville Centre Revitalisation Structure *Plan* and Part F2 of the DCP.	Yes

		This will provide for vehicular access and parking in a basement and access via the rear of the site.	
	C7. Secondary active frontages are preferred locations for vehicle access, car parking, plant and service areas, docks, secondary entrances and the like.	The secondary frontage provides for waste collection to occur on site and a cabinet for the fire hydrant.	Yes
2.7 Street wall heights	C9. A street wall height (podium) of 20m (5 storeys) applies across the Centre with the exception of the following locations. <u>Amalgamated Sites 4,5,6,7</u> Selected sites north of Dunmore Street to facilitate solar access to the public plaza. A street wall height of 17m (4 storeys) applies to amalgamated sites 4, 5, 6 and 7 north of Dunmore Street as shown in Figure 6. Refer to Figure 2 and Table 1 for addresses of sites affected. <u>Amalgamated Sites 6, 7 and 2-8 Station Street</u> A street wall height of 11m (2 storeys) applies to The Kingsway street frontage of Amalgamated Sites 6 and 7 together and Nos. 2 – 8 Station Street to preserve the existing traditional and heritage shopfront pattern. Refer to Figure 6. Refer to Figure 2 and Table 1 for addresses of sites affected.	The proposal provides a 5 storey street wall height (podium).	Yes
2.8 Upper level setbacks	C1. A 3m upper level setback applies across the Centre for buildings above 20m (5 storeys) with the exception of the following location. <u>Amalgamated Sites 4,5,6,7</u> A 6m upper level setback applies to Amalgamated Sites 4, 5, 6 and 7 north of Dunmore Street to facilitate solar access to the public plaza during core	Upper levels facing Station Street vary from 2.4m- 3metres.	No. Refer to main body of the report for discussion.

	lunchtime periods. Refer to Figure 6.		
2.9 Building façade design	C1. Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements; • elements that are proportional and arranged in patterns; • public artwork or treatments to exterior blank walls; and • grouping of floors or elements such as balconies and windows on taller buildings.	Refer to discussion under Attachment 12.	Yes
	C3. Corner buildings are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height and are to comply with Part C of Cumberland DCP 2021.	Not a corner building.	N/A
2.10 Solar access	C1. Buildings to the north of Dunmore Street must maintain solar access to a minimum of 50% of the Dunmore Street Plaza at ground level between the hours of 12:00pm and 2:00pm on the 21st June. Tower elements must be slender in the east-west direction to minimise the duration of overshadowing impacts on the plaza.	The subject site is not north of Dunmore Street. This control does not apply.	N/A
	C2. Redevelopment of sites to the north of Friend Park must maintain 3 hours of direct sunlight to minimum 50% of Friend Park on 21st June between 11:00am and 3:00pm.	The subject site is located to the south-east of Friend Park, therefore this control does not apply.	N/A
	C3. Buildings to the north of the proposed Civic Hub/Library Precinct plaza on land at 2-14 Lane Street must be designed to maintain 3 hours of direct sunlight to minimum 50% of the plaza area on 21st June between 11:00am and 3:00pm. Refer to Section 3.7 of this Part for location of proposed plaza.	The subject site is not north of 2-14 Lane Street. This control does not apply.	N/A

2.11 Awnings	C1. Continuous awnings are to be provided on all primary active frontages.	A continuous awning is marked on the plans.	Yes
	C2. Compliance with Part C of this DCP for relevant awning controls.	Noted and assessed under Part C of the DCP.	Noted.
2.12 Fine grain shopfront	C1. Development located on Dunmore Street (between Cumberland Highway and Lane Street) and Station Street (between Pritchard St East and The Kingsway) is to provide a fine grain retail shop front character by: • ensuring ground floor frontages provide for active non-residential uses with at-grade pedestrian access; and • minimal use of blank walls with frontages divided into discrete sections to maintain a fine grain, human-scale appearance.	The subject development is not located on Dunmore Street.	N/A
	C2. Where development adjoins a laneway or through site link, ground level uses should be designed to provide a direct interface to that adjoining laneway or a through site link.	Not applicable to this site.	N/A
3. Special Precincts			
3.2 Station Street East & Lane Street precinct	The Station Street East/Lane Street Precinct is affected by the extension and widening of Station Lane. Its location on the fringe of the Centre, adjoining a medium density residential area to the east, also necessitates a sensitive transition in building height across each site. Typical building heights are to range from 20 – 30m (5 – 8 storeys) across sites. The sites affected by proposed widening and extension of Station Lane are identified in Section 3.4 and Figure 14. Required building setbacks to Station Lane are detailed in Figure 4.	The proposal provides a 5 storey street wall height (podium). The proposal requires a 2 metre rear setback plus new 8 metre laneway extension of Station Lane. The proposal provides a setback of 8.042 metres plus 2 metres at 'Basement 1'. The proposal provides a setback of 8.042 metres to levels ground-L5.	Yes Yes No. refer to main body of the report for discussion.
3.5 Vehicular access & laneways	C1. Vehicular access is discouraged on primary active frontages as identified in Figure 5.	Vehicular access is not from the primary active frontage, the driveway will be accessed from the rear	Yes

		of the site, via the newly created laneway.	
	C2. Vehicular access to 53-71 Dunmore Street is to be provided via a formalised existing service lane over The Kingsway car park – refer to Figure 14.	Not applicable.	N/A
	C3. Maintain existing vehicular access to 73-75 Dunmore Street with the option to utilise alternative vehicular access from the rear service lane across The Kingsway car park.	Not applicable.	N/A
	C4. Widen and extend Station Lane for vehicle access over adjoining properties as identified in Table 2 and Figure 14.	Land dedication is acceptable.	Yes
	C5. Development is not to preclude the delivery of the main street bypass as identified in Figure 14.	Noted.	Noted.
3.6 Parking	C2. On-site car parking rates for Commercial Premises are 1 space per 50 sqm of gross leasable floor area.	Based on a GLFA of 206.5 sqm, the commercial tenancies require 4.13 (5) car spaces, 4 spaces have been nominated, however the proposal has excess parking that can accommodate the 1 short fall and this will be verified with a condition of consent.	Yes, via condition
3.7 Pedestrian connectivity & amenity	C2. Through site links are to be provided in future redevelopment proposals on sites described in Controls C3 to C7 below and as shown in Figure 15.	Not applicable.	N/A
3.8 Public domain	C1. Create three new public places as shown in Figure 16 and described in Controls C2 to C4 below.	Not applicable.	N/A
3.9 Green walls & planting on structures	C5. Minimum soil standards for plant types and sizes are to adhere to Table 5, Part 4P of the NSW Apartment Design Guide (ADG).	Noted and can be achieved.	Yes
3.10 Safety by design	C1. Compliance with Cumberland DCP 2021 Part C – Safety and Security	Noted. This is assessed under Part C of the CDCP 2021.	Noted.
Part G – General Controls			

Part G3 – Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed 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.	This is achieved. The parking for the development complies.	Yes
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.	This is achieved.	Yes
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	No unreasonable bulk is created.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Council's Senior Development Engineer reviewed the proposal and raised no objections, subjection to conditions.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	No privacy issues raised.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	The basement allows for vehicles to enter and exit in a forward direction.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	This is satisfactory. Council's Senior Development Engineer did not raise any objections to the proposal.	Yes

4.4 Development in business zone	C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets, where possible.	The entry into the basement is via the rear of the site and will be from the newly created laneway.	Yes
	C2. If a building has access to a rear lane or side street, the loading and unloading facilities and service access shall be provided from that lane.	This is achieved, the loading and unloading is onsite with access off the existing lane (and portion of site to be dedicated for a laneway).	Yes
	C3. The location of vehicular access shall consider existing services (eg. power, drainage) and street trees.	This is satisfactory.	Yes
	C4. Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.	This is achieved. The car park entry is not located along the primary retail street.	Yes
	C5. Driveways shall be located at the required distance from the intersection of two roads.	Achieved. Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
	C6. Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.	Satisfactory.	Yes
	C7. All vehicles must be able to enter and leave the site in a forward direction.	This is achieved and will be conditioned.	Yes
	C8. The width of driveways is limited to a maximum of 8 metres at the boundary, including development with commercial loading docks and servicing (including waste servicing).	The basement entry is 7.2 metres.	Yes
	C9. Pedestrian safety is to be maintained through design, including ensuring clear sight lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.	This is achieved and splays are provided to ensure sightlines around the corners of the building.	Yes
	C10. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	Noted. This is addressed under section 3 of this Part of the CDCP.	Noted.

	C11. On-site parking is to be accommodated within a basement wherever possible.	This is achieved where possible, however due to the slope of the site part of the parking is not within a basement.	Yes
	C12. Consolidate basement parking areas under building footprints to maximise the area available for landscaping.	Achieved where possible.	Yes
	C13. On-site parking is to be suitably screened from view of an active or main street frontage.	The on-site parking is not visible from Station Street.	Yes
	C14. Parking areas shall be designed to ensure pedestrian amenity and safety.	This is achieved.	Yes
	C15. Natural ventilation is to be facilitated to basement and sub-basement car parking areas, wherever possible, and with regard to any flooding issues.	Council's Senior Development Engineer did not raise any objections to the proposal., subject to conditions.	Yes
	C16. Ventilation grilles and structures shall be integrated into the façade and landscape design, should not be provided at active frontage and should not be near windows of habitable rooms and open space areas.	Noted.	Noted.
	C17. Safe and secure access is to be provided from on-site parking for building users, including direct access from parking to lobbies.	This is achieved.	Yes
	C18. Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	This is satisfactory.	Yes
	C19. Private car parking within mixed use developments must be clearly identified and separated from commercial car parking.	The residential car parking is separate from the commercial and child care centre uses.	Yes
	C20. Visitor parking shall be clearly identified and shall not be provided in the form of stacked/ tandem parking	Visitor parking is clearly marked and not in a stacked or tandem arrangement.	Yes
4.6 Loading requirements for commercial and	C1. Loading bays for trucks and commercial vehicles shall be provided in accordance with Table 2.	This is achieved.	Yes
	C2. Loading/unloading areas shall be provided in accordance	Satisfactory.	Yes

industrial development	with applicable provisions of Australian Standard (AS 2890).		
	C3. Provide separation between parking and service areas (i.e. loading/unloading areas).	Separation is achieved.	Yes
	C4. Locate and design service areas to facilitate convenient and safe usage.	This is satisfactory,	Yes
	C5. Loading docks shall be located so as to not: • interfere with visitor and employee parking spaces; • interfere with pedestrians or vehicle circulation and access; and • result in delivery vehicles queuing on any public road, footway, laneway or service road.	This satisfactory. Council's Senior Development Engineer did not raise any objections subject to conditions.	Yes
	C6. A minimum of one loading space shall be provided internally within each industrial unit.	Not applicable.	N/A
	C7. Loading areas shall be designed for the largest size vehicle accessing the site.	This is achieved.	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 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.	Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	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.	Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Council's Senior Development Engineer did not raise any	Yes

		objections to the proposal subject to conditions.	
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m2, or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	Not applicable.	N/A
	C2. Development for the subdivision of sites of 2,500m2 or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	Not applicable.	N/A
	C3. All other developments shall provide appropriate water sensitive treatments.	Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
	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.	Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
	Water reuse C5. For all developments (excluding single dwellings and dual occupancies), rainwater tanks or a water reuse device shall be incorporated into the stormwater drainage system with a minimum storage size of 5,000 litres (for site area less than 1500m2) and 10,000 litres (for site area greater than 1500m2).	Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
	C10. The ESCP shall be in accordance with the standards	This is satisfactory.	Yes

	outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.		
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.	Noted. Any consent grated will provide a condition regarding dewatering.	Yes, subject to a condition.
	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.	Noted.	Noted.
	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.	Noted. Council's Senior Development Engineer did not raise any objections to the proposal subject to conditions.	Yes
2.3 Land contamination	C1. Prior to the submission of a development application, an assessment is to be made by the	The application was referred to Council's Environmental Health	Yes

	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.	Officer who did not raise any objections to the proposal, subject to conditions.	
	C2. In accordance with Clause 7 (1) of SEPP No. 55 Council will not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is 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.	A Preliminary site investigation has been carried out for the development and a report prepared by CEC Geotechnical reference ER24037A dated 12 December 2024. Samples and ground water monitoring wells resulted in below accepted levels of Heavy Metal contamination. The consultants also recommend that a de-watering plan be developed, so the standard condition for dewatering off site will also be conditioned. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021.	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 development will not adversely impact any canopy trees. The proposal is not expected to impact any indigenous flora. Council's Senior Tree Management Officer has reviewed the application and did not raise any objections to the proposal.	Yes
2.6 Energy efficiency	C1. New development shall implement energy efficient	The proposal provides solar panels on the roof	Yes

and renewables	design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	facing (facing Station Steet).	
Part G7 – Tree Management & Landscaping			
2.1 Preservation of trees	C1. The following are not considered to be substantive criteria for tree removal: • 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.	The development application does not include the removal of any trees.	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.	Council's Senior Tree Management Officer reviewed the application and did not raise any objections, subject to conditions.	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.	Council's Senior Tree Management Officer reviewed the application and did not raise any objections. There are no neighbouring trees that are affected by the development.	Yes
	C7. Council may require an Arborist Report and/or Tree	An arborist report was not required for this	N/A

	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.	application, as there is no impact to any trees on site or adjoining the site.	
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	A landscape plan has been submitted with the application and is satisfactory.	Yes
Part G8 – Waste Management			
3.2 Commercial development	C1. The number of bins required and size of storage area will be calculated against the current standard NSW commercial waste generation rates are those established by the Combined Sydney Region of Councils set out in Table 1.	This is satisfactory.	Yes
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	This has been met in the design.	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.	This is achieved.	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	A residential bulky waste room has been provided in 'Basement 1'	Yes

	by Council's waste collection service.		
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.	A waste chute is provided and each floor has a space for a bin.	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.	This is achieved.	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 satisfactory.	Yes
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).	Collection will be on site.	Yes
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	The amended loading bay arrangement ensures that all development servicing activities, by vehicles up to and including 8.8m long Medium Rigid Vehicles (MRVs), are capable of being wholly accommodated within the site, without impacting or restricting the use of the adjacent laneway.	No. refer to main body of the report for discussion.
	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	Refer to discussion in main body of the report.	Yes

	Plan. If a hook lift bin is to be used, the height clearance will increase and greater height clearance will be required.		
	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.	Refer to discussion in main body of the report.	Yes