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.	Consolidation of allotments is required and proposed, conditions included.	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.	Conditions included.	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.	The matter of amalgamation and site isolation of 5 Marsen Street was considered as part of (DA2022/0253). 5 Marsden Street is the same owners of 14 Railway Street. The site at 5 Marsden Street is currently used as a car park to support 14 Railway Street which was approved as club under DA263/1994.	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 sub-division 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.	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.	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 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.	Satisfactory. Existing surrounding sites have already been redeveloped with the exception of 5 Marsden Street to the east. Concept development option provided for adjoining site at 5 Marsden Street showing it can be developed as a standalone site was provided as Part of the previous application (DA2022/0253). No issues arise.	Yes
3. Process	Site amalgamation shall be considered and/or required if: • the adjoining site will become isolated by the proposed development; • the subject site cannot satisfy the minimum lot width and size requirements; • there is a likely environmental impact of a proposed development upon the amenity and enjoyment of land locked and/or isolated sites including shadow, privacy, noise, odour and visual impacts; • if there is a better streetscape amenity outcome to be achieved that would also reduce the number of access points along a street frontage; and • the subject site and adjoining site(s) cannot achieve a satisfactory form of development	No issues identified.	Yes

	that is consistent with the planning controls. If any of the above applies, then negotiations for amalgamation between the owners of the properties should commence at an early stage and prior to the lodgement of the development application. If site amalgamation is not feasible Development proposals that create isolated sites or “landlocking” shall provide documentation with the development application that include details of the negotiations between the owners of the properties. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site(s). Documentation shall, at least, include: • two independent valuations that represents potential value of the affected site(s). This may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property; and • evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of the affected adjoining site(s). Note: A reasonable offer shall be of current fair market value and shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed		

	reasonable or unreasonable, any relevant planning requirements and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Where a proposed development is likely to result in an isolated site and site amalgamation cannot be achieved, the subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments. Applicants for the development site are to demonstrate how future development on the isolated site can be achieved. To assist in this assessment, an envelope for the isolated site should be prepared which indicates the following: • height; • setbacks; • pedestrian and carparking access; • site coverage (both building and basement); • constructability; • envelope separation; and • open space and landscaping. This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other. This includes solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road. Where it has been demonstrated that the isolated site can be appropriately developed at a later stage, Council may consider alternative		

	design solutions for the subject site.		
Part B – Development in Residential Zones			
Part B3 – Residential Flat Buildings			
2.1 & 2.2 Relationship to SEPP 65/NSW ADG & Development controls	ADG takes precedence over DCP, where there are inconsistencies between the controls, the ADG prevails. C1. For residential flat buildings controls on: • site analysis; • orientation; • public domain interface; • communal and public open space; • deep soil zones; • visual privacy; • pedestrian access and entries; • vehicle access; • bicycle and car parking; • solar and daylight access; • natural ventilation; • ceiling heights; • apartment size and layout; • private open space and balconies; • common circulation and spaces; • storage; • acoustic privacy; • noise and pollution; • apartment mix; • ground floor apartments; • façades; • roof design; • landscape design; • planting on structures; • universal design; • adaptive reuse; • mixed use; • awnings and signage; • energy efficiency; • water management and conservation; • waste management; and • building maintenance. Refer to SEPP 65 and the ADG compliance table.	Noted. The proposed development does not fall under Chapter 4 of the SEPP (Housing) 2021) and therefor the ADG does not apply to this development.	N/A

<table>
<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>Refer to controls for development in business zones and ADG building separation requirements particularly for the co-living component as required by s69(2)(b) of SEPP (Housing) 2021.</td><td>Refer to Attachment 8.</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>The development is not captured by Chapter 4 of SEPP (Housing) 2021.</td><td>N/A.</td></tr>
<tr><td>3.2 Basement design</td><td>C1. Basement walls shall be located directly under building walls, wherever practicable.</td><td>The basement location is located directly under the building where practical.</td><td>Yes.</td></tr>
<tr><td></td><td>C2. A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.</td><td>Conditions included.</td><td>Yes.</td></tr>
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<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>Not practical given the size of basements required. However, the site is located in a town centre and therefore not generally a requirement to provide side setback back for deep soil planting.</td><td>Yes.</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>N/A.</td><td>N/A.</td></tr>
<tr><td></td><td>C1. Refer to Part G3 of this DCP, or section 3J-1 of the ADG for car parking provision requirements.</td><td>Compliance is achieved.</td><td>Yes.</td></tr>
<tr><td colspan="4">Part B4 Boarding Houses</td></tr>
<tr><td>2.2 Character and Amenity</td><td>C1. The design of a boarding house is to be compatible with the character of the local area.</td><td>The boarding house is compatible with the character of the local area.</td><td>Yes</td></tr>
<tr><td></td><td>C2. New boarding houses (including alterations and additions) shall comply with the building setback controls comparable to the predominant building type in the relevant zones as set out below in Table 8.

<table><tr><th>Zone</th><th>Development Type</th></tr><tr><td>R2 Low Density Residential</td><td>Dwelling houses</td></tr><tr><td>R3 Medium Density Residential</td><td>Multi-dwelling housing</td></tr><tr><td>R High Density Residential</td><td>Residential flat building</td></tr><tr><td>B1 Neighbourhood Centre</td><td>Shop top housing</td></tr><tr><td>B2 Local Centre</td><td>Shop top housing</td></tr><tr><td>B4 Mixed Use</td><td>Shop top housing</td></tr></table></td><td>This is assessed under Part C and Part F2-5 of the CDCP.</td><td>Noted.</td></tr>
<tr><td></td><td>C1. All boarding houses are to have a managing agent,</td><td>The boarding house is required to be managed</td><td>Yes</td></tr>
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2.3 Operational Management	contactable 24 hours per day, 7 days per week. If a boarding house has capacity to accommodate 20 or more lodgers, it is required that there be an on-site resident manager. The on-site resident manager must be 18 years of age or over.	by a community housing provider. This has been conditioned.	
	C2. The name and contact details of the on-site manager or managing agent is to be provided externally at the front entrance of the boarding house and internally within the communal living area.	This will form part of the PoM.	Yes
	C3. A Plan of Management must accompany a development application for any new boarding house or alterations/and or additions to an existing boarding house.	This has been provided and reviewed by Council's Environmental Health Officer as satisfactory.	Yes
	C4. 'House Rules' must be prepared as part of the Plan of Management. The approved House Rules must be clearly displayed within each bedroom and within the communal living area of the boarding house.	Noted.	Noted.
	C5. An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the Plan.	Part 7 of the PoM addressed fire safety.	Yes
	C6. A list of contact details must be clearly displayed within the common area including the contact details for: the managing agent; emergency services including fire, ambulance and police; utilities such as gas, electricity and water, and any approved emergency repair persons, such as a plumber and electrician.	Noted.	Noted.

	C7. Developments of 3 storeys or more must incorporate a lift capable of accommodating a stretcher and must be accessible at each floor.	The lift is capable of accommodating a stretcher to each floor.	Yes
	C8. The Manager/Caretaker bedroom plus ensuite must be a minimum of 16m².	This has been assed as part of the SEPP Housing 2021. Refer to Attachment 8.	Yes
	C9. Secure storage facilities must be provided with a minimum capacity of 1m² per person. This space must be lockable.	This has been provided.	Yes
	C10. Living areas are to have a minimum dimension of 4m.	This is achieved.	Yes
	C11. Communal living area/s must be located on the ground floor and are to be located near commonly used spaces or adjacent to the communal outdoor open space	The communal areas servicing the boarding house are located on levels 5, 6 and 7 and the communal open spaces are located on levels 8 and 14.	Yes
	C12. Communal living area/s should have a northerly aspect, where possible, and should be located where they will have a minimal impact on adjoining properties in terms of noise generation and visual privacy.	This is achieved.	Yes
	C13. Consideration should be given to ensure that bedrooms adjoining the living area/s are protected from excessive noise.	The location of bedrooms are located away from areas of excessive noise.	
	C14. 1 automatic washing machine for the first 12 residents plus 1 automatic washing machine for every additional 12 residents thereafter or part thereof.	Each room is provided with a laundry space.	Yes
	C15. 1 domestic dryer for first 12 residents plus 1 domestic dryer for every additional 12 residents thereafter or part thereof.	Each room is provided with a laundry space.	Yes
	C16. 1 large laundry tub with running hot and cold water for up to 12 residents and 1 additional tub for premises that contain more than 12 residents.	Each room is provided with a laundry space.	Yes
	C17. Drying areas must not be visible from the street, or any public place.	This is achieved.	Yes

	C18. Drying areas shall be located to maximise solar access.	Satisfactory	Yes
	C19. Clothes drying and laundry facilities shall be wheelchair accessible	Achieved.	Yes
2.4 Visual Privacy	C1. Placement of windows and other openings should not result in direct overlooking of adjoining residential uses. Where overlooking may occur, use of highlight windows, window screening or other privacy measures should be provided.	The building separation and visual privacy is assessed as satisfactory. Refer to main body of the report.	Yes
	C2. Landscape screening should be provided within outdoor communal areas to minimise overlooking of adjoining properties.	Achieved.	Yes
	C3. The main entrance of the boarding house should be provided within the front (street) elevation to address the street and to minimise potential privacy impacts upon neighbouring properties.	This is achieved via Marsden Road.	Yes
2.5 General Design	C1. Boarding houses must provide the following facilities within each building: • bedrooms; • laundry facilities; • adequate communal kitchen facilities and dining area (one per floor for multi storey boarding houses) where individual kitchenettes are not provided within the boarding rooms; • individual ensuite and/or adequate communal bathroom facilities; • communal living area (one per floor for boarding houses more than three storeys in height); • communal garbage storage and recycling facilities; • communal outdoor open space area; and • on-site boarding house manager (where 20 or more lodgers).	The boarding house provides facilities and communal open areas and communal open space. An onsite manger's room has been provided.	Yes

	C2. Flyscreens are to be provided to all openable windows and doors	Noted.	Noted
	C3. At least one phone must be provided within each communal area to allow residents to contact emergency services.	This can be achieved.	Yes
	C4. A safety switch must be fitted to all electrical meter box/es.	This can be achieved.	Yes
	C5. A maximum of one television antenna is to be provided per boarding house.	Noted.	Yes
2.6 Acoustics	C1. Boarding house design should attempt to locate bedrooms away from significant internal and external noise sources.	This is achieved.	Yes
	C2. During the design of a boarding house consideration must be given to the potential acoustic impact upon adjoining neighbours. The following noise minimisation measures should be considered at the design stage: • offsetting the location of windows in respect to the location of windows on neighbouring properties; • appropriate building separation and setbacks to neighbouring properties; • sensitive location of communal outdoor areas away from main living areas or bedroom windows of any adjoining dwelling; • the use of screen fencing or acoustic barriers as a noise buffer to external noise sources; • incorporation of double glazing for windows; and • locate similar building uses (such as bedrooms or bathrooms) back to back internally within the building, to minimise internal noise transmission.	This is achieved. An acoustic report has been submitted and reviewed by Council's Environmental Health Officer as satisfactory subject to conditions.	Yes
2.7 Car Parking	C1. Car parking will comply with the provisions set out in Part G3 of this DCP.	Car parking has been assessed as being satisfactory and compliant with the relevant provisions.	Yes

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.	Not applicable to this proposal as the residential accommodation is a boarding house and co-living housing.	N/A
3.1 Lot size and frontage	C1. Unless otherwise stated as site specific controls in this DCP, the minimum lot frontage for shop top housing development within Zone B2 Local Centre and Zone B4 Mixed Use shall be: • up to 3 storeys: 20m; and • 4 storeys or greater: 30m.	The site has a frontage to Mark Street of 35.355 metres and 69.035m to Marsden Street to the south and David Place to the north.	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 and frontage are appropriate for the development.	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.	This was addressed under Part A3 of the CDCP 2021.	Yes
	C4. Commercial development is not permitted on battleaxe lots.	The development is not located on a battleaxe allotment.	N/A
	C5. In instances where lot amalgamation in order to meet the requirements of this DCP	Noted. The site achieves an appropriate lot size for redevelopment.	Yes

	cannot be achieved, refer to Part A3 of this DCP.		
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.	4 metre setback from Mark and Marsden Street on the ground floor. This aligns with the predominant street setback of recent approval in the vicinity and the previous approval on the site being DA2022/0253.	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.	Fourteen storey street wall proposed setback between 3.62m-4m to western tower and fifteen storey street wall height proposed at 3.62m along Marsden Road, eastern tower. Similar developments approved with the vicinity of the site have street wall heights of up to 11 storeys.	Yes
	C3. A minimum 3m setback shall be provided for levels above the street wall height for the podium	4 metre setback.	Yes
	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.	Satisfactory.	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.	Satisfactory.	Yes
	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.	N/A
	C7. Rear Setback: 15% of site length where boundary adjoins a residential development or a residential zone.	Not applicable.	N/A
3.3 Landscaping	C1. Landscape reinforces the architectural character of the	Noted.	Noted.

and open space	street and positively contributes to maintaining a consistent streetscape character.		
	C2. Landscaping is to form an integral part of the overall design concept.	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.	No at grade parking proposed. A loading area is proposed off David Place for the collection of waste.	Yes
	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.	Side fence of 1800mm proposed adjacent to 5 Marsden Street and portion along David Place.	Yes
	C6. Paving and other hard surfaces shall be consistent with architectural elements.	Satisfactory.	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.	A landscape plan has been provided that provides irrigation details.	Yes
	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.	Council's Tree Management Officer has provided conditions for street trees.	Yes
	C9. Street tree planning shall be consistent with the relevant Public Domain Plan, strategy, plan, guideline or policy.	Noted.	Yes
	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.	Noted.	Yes
	C11. Vehicular driveways shall be located a minimum of 3m from the outside edge of the trunk	Not applicable.	N/A

	measured 1m above the existing ground level of any street tree to be retained.		
	C12. Services shall be located to preserve significant trees.	Satisfactory.	Yes
	C13. At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.	This will be verified with a condition.	Yes
	C14. Where buildings are setback from the street, the resulting open space shall provide usable open space for pedestrians.	Achieved.	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.	Satisfactory.	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. The remainder of the controls are not applicable and have been deleted.	N/A
3.5 Streetscapes	C1. New shopfronts shall be constructed in materials which complement the existing or emerging character of the area.	The appearance, materials and location of shopfronts is appropriate for the area.	Yes
	C2. Development shall provide direct access between the footpath and the shop.	Direct access is provided from the street to the commercial tenancies.	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 as part of this proposal.	Yes
	C4. Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	Signage does not form part of this application.	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.	No splay proposed or required by Council's engineers. However, the façade is setback from	Yes

		the footpath allowing for visibility at corners.	
	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.	This is achieved with the building appropriately addressing all street frontages. The commercial tenancies face Mark Street and Marsden Street.	Yes
3.6 Building use	C1. Ground floor uses in business zones are to comprise non-residential uses.	The ground floor is for commercial uses. There is a communal living area and open space in the north-east corner of the building for the use of the commercial tenancies.	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.	This is 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. The development includes an appropriate amount of glazing.	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.	Satisfactory.	Yes
	C5. Ventilation louvres and carpark entry doors shall be	Satisfactory.	Yes

	integrated with the design of the overall façade.		
	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 proposed.	N/A
	C7. The ground floor level must have active uses facing streets and public open spaces.	The commercial tenancies on the ground floor face Mark Street and Marsden Street and is satisfactory in providing active uses along these frontages.	Yes
	C8. Retail outlets and restaurants are located at the street frontage on the ground level.	The ground floor commercial tenancies will allow for retail and restaurant uses, subject to separate approvals.	Yes
	C9. Where possible, offices should be located at first floor level or above.	Offices are not proposed as part of this application.	Yes
	C10. A separate and defined entry shall be provided for each use within a mixed use development.	A separate and defined entry is proposed for each use.	Yes
	C11. Street and tenancy numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	This will be confirmed with a condition of consent.	Yes
	C12. Solid roller shutters and security bars, either internal or external, that block out or obscure windows or entrances, are not permitted.	No security bars or grills are proposed for the commercial tenancies.	Yes
	C13. High quality design, construction and materials shall be implemented to ensure the building has a long life and requires low maintenance.	High quality design, construction and materials are proposed.	Yes
	C14. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	The development will complement the surrounds.	Yes
	C15. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the	This is achieved.	Yes

	character of buildings in the locality. Active street frontages are to maximise the use of glazing.		
	C16. All street frontage windows located at ground floor level are to be clear glazing.	Glazing of the entire commercial tenancy frontages is proposed.	Yes
	C17. Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre.	Building materials are appropriate.	Yes
	C18. For advertising on shopfronts, refer to Part G1 of this DCP	Signage is not proposed as part of this application.	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 3.75m- 5.1 m FFL to FFL minus 400mm slab thickness (to allow for services and so forth). Ground floor 3.35-4.7m.	No. Refer to main body of the report for discussion to portion of developmen t that does not comply.
	C2. Refer to the ADG for minimum ceiling heights for all residential levels above ground floor in mixed use developments.	Noted. The development above ground level is co-living development and boarding house and therefore the ADG does not apply to the development. The proposal seeks 3 metres FFL to FFL, if 400mm for slab thickness and services is deducted this would provide a FFL to FCL of 2.6 metres to the co-living and boarding house component and would be compliance with the requirements of the national Construction Code.	Yes
3.9 Roof design	C1. Roof design shall be integrated into the overall building design.	Satisfactory.	Yes
	C2. Design of the roof shall achieve the following:	Satisfactory.	Yes

	• concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and • 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.	The proposed roof form is satisfactory.	Yes
	C4. Landscaped and communal open space areas on flat roofs shall incorporate shade structures and wind screens.	The communal open spaces provide some planting for shade and wind breaks along the perimeter.	Yes
	C5. Communal open space, lift overruns and service plants shall be setback from the building edge so as to be concealed.	The lift and lift overruns and services are set back from the boundaries and building edge and will be concealed.	Yes
	C6. Roof design is to respond to the orientation of the site, through using eaves and skillion roofs to respond to sun access.	Achieved.	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.	Provision is made on the roof for 30kW of Photovoltaic System.	Yes
3.10 Awnings	C1. Continuous awnings are required to be provided to all active street frontages (except laneways).	A continuous awning is provided along within the front setback facing Mark Street and Marsden Street.	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;	Satisfactory,	Yes

	• have a minimum soffit height of 3.2m; and • have slim vertical fascias and/or eaves not to exceed 300mm.		
	C3. Awnings on street corner buildings shall wrap around corners.	A continuous awning is provided along within the front setback facing Mark Street and Marsden Street.	Yes
	C4. Awning design must match building facades and be complementary to those of adjoining buildings and maintain continuity.	Satisfactory.	Yes
	C5. Canvas blinds along the street edge are not permitted.	Not applicable.	N/A
	C6. Awnings are to be located over all building entries to indicate entry points.	This is 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.	Cut outs can be made available for tree planting and growth.	Yes
	C9. Lighting fixtures shall be recessed into the design, with all wiring and conduits to be concealed.	Compliance can be achieved.	Yes
	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.	Satisfactory.	Yes
	C11. Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	Satisfactory.	Yes
	C12. Awnings shall provide weather protection and must not be perforated.	Complies.	Yes
3.11 Visual and acoustic privacy	C1. New development shall be located and oriented to maximise visual privacy between buildings	Privacy is satisfactory between apartments due to orientation and position	Yes

	on site and adjacent buildings, by providing adequate building setbacks and separation.	of the building with respect to the road layout.	
	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, however not applicable to this development as the proposal above the ground level is for co-living housing and a boarding house.	N/A
	C3. Conflicts between noise, outlook and views are to be resolved by using design 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.	Satisfactory.	Yes
	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 not occurring.	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.	Satisfactory subject to conditions.	Yes
	C6. Mixed use developments shall be designed to locate driveways, carports or garages away from bedrooms.	Achieved.	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	The acoustic report submitted with the development application is satisfactory.	Yes

	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		
	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 does not adjoin a school, place of public worship or public open space.	N/A
	C10. The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	There are no schools adjacent to or close to the site.	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.	Satisfactory.	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	Condition included.	Yes

	development adjoining or is opposite a residential lot within a residential zone.		
	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: •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.	Not applicable.	N/A
3.13 Solar access	C1. Developments shall be designed to maximise northern aspects for residential and commercial uses.	The floor plates are generally satisfactory, and the development has maximised the number of co-living and boarding rooms facing north as much as practicable.	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.	The shadow cast by the development will fall onto the road and onto land to the south that benefits from development consent but not yet constructed. The shadow impacts to the south are considered acceptable having regard to the solar access and shadow diagrams provided for the approved development to the south.	Yes
	C3. A minimum of 50% of public open spaces and a minimum of 40% of school playground areas are to receive 3 hours of daylight between 9am and 3pm in mid-winter.	The site does not adjoin any public open spaces or school playground areas.	N/A

	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 prop	The shadow diagrams are satisfactory.	Yes
3.14 Natural ventilation	C1. Natural ventilation is incorporated into the building design.	This is achieved and is satisfactory.	Yes
	C2. Orient buildings to maximise prevailing breezes.	Satisfactory.	Yes
3.15 Building maintenance	C1. Windows shall be designed to enable cleaning from inside the building.	The is achieved where practical.	Yes
	C2. Durable materials, which are easily cleaned and graffiti resistant, are to be selected.	Durable materials are proposed.	Yes
	C3. Building maintenance systems are to be incorporated and integrated into the design of the building form, roof and façade.	Satisfactory.	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.	Satisfactory.	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 development makes provision for 30kW of photovoltaic system on the roof.	Yes
	C3. Reduce reliance on artificial lighting and design lighting	Satisfactory.	Yes

	systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.		
	C4. Incorporate a timing system to automatically control the use of lighting throughout the building.	Satisfactory.	Yes
	C5. All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.	Satisfactory.	Yes
	C6. An Energy Efficiency Report from a suitably qualified consultant that demonstrates a 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.	This will be conditioned.	Yes
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.	This is not available at the location.	N/A
	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	Below ground rainwater tank is proposed.	Yes

	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 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.	An Environmental Wind Impact -Desktop Study prepared by SLR Consulting Australia has been submitted with the application.	Yes
	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.	An Environmental Wind Impact -Desktop Study prepared by SLR Consulting Australia has been submitted with the application.	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	A food and drink premises is not proposed. It is considered unnecessary to address Part 3.19 within the assessment table given that no food and drink premises are proposed.	N/A

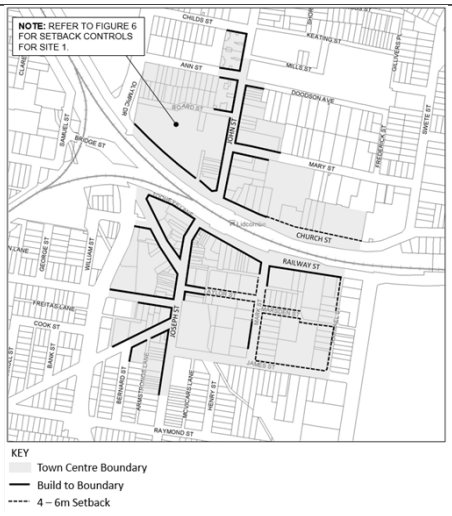
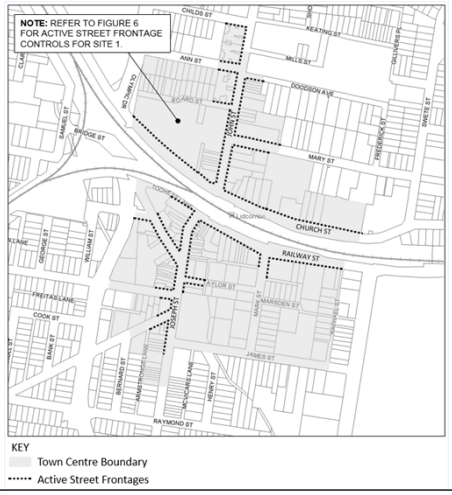
	located within the same building/development.		
3.20 Safety and security	C1. Development shall address and be consistent with Council's policy on Crime Prevention Through Environmental Design (CPTED principles). The CPTED analysis is to consider the key CPTED principles and address relevant controls set out in this section.	The application was referred to NSW Police Area Command. The comments provided by NSW Police will form part of the conditions of any consent granted.	Yes
	C2. Buildings (including openings) adjacent to streets or public spaces shall be designed to overlook and allow passive surveillance over the public domain and common areas (i.e. lobbies and foyers, hallways, recreation areas and carparks).	Achieved with glazed shop fronts and entry lobbies.	Yes
	C3. The main entry to a building should face the street.	Achieved.	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 along Mark and Marden Street	Yes
	C5. Landscaping and plantings are to be designed to provide uninterrupted sight lines and avoid opportunities for concealment.	The landscaping will not obscure sightlines.	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.	This can be achieved.	Yes
	C7. Hidden recesses along or off pedestrian access routes within car parks shall be avoided.	Satisfactory.	Yes
	C8. CCTV security monitoring of a high definition quality is to be provided.	This can be conditioned.	Yes
	C9. Blind or dark alcoves near lifts and stairwells, at the entrance and within carparks along corridors and walkways are not permitted.	Compliance is achieved.	Yes
	C10. Secure entries shall be provided to all entrances to private areas, including car parks and internal courtyards.	Satisfactory.	Yes

	C11. Commercial uses must be separated from residential uses in mixed use developments where access (e.g. lifts) is shared.	The commercial uses are separated as much as possible from the residential uses. The commercial car parking is separate from the residential uses.	Yes
	C12. Commercial and retail servicing, loading and parking facilities shall be separated from residential, access, servicing and parking.	This is achieved.	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.	Yes
	C14. Shared pedestrian entries to buildings shall be lockable.	Satisfactory.	Yes
	C15. Clear sightlines are to be provided from building entrances, foyers and lobbies into the public realm.	Clear sightlines to entryways and lift lobbies provided.	Yes
	C16. Loading docks and service entry in the vicinity of main entry areas shall be secured outside business hours.		
	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.	This is achieved.	Yes
	C18. Access from car parks to dwellings should be direct and safe for residents day and night.	This is satisfactory.	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.	N/A
	C20. Security bars are not permitted.	No security bars proposed.	N/A
	C21. For at risk premises, security measures such as alarms, appropriate lighting and security patrols shall be included.	Satisfactory,	Yes

	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.	This is achieved.	Yes
	C23. Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.	Pedestrian walkways and car parking are direct and clearly defined. This is achieved.	Yes
	C24. Lighting shall be provided to highlight the architectural features of a building and enhance the identity and safety of the public domain, but does not floodlight the façade and avoids shadows.	Satisfactory,	Yes
	C25. Illumination in carparks and building entrances should draw attention to the spaces to increase perceived safety.	Noted.	Noted.
	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 conditioned.	Yes
	C27. Site planning shall provide clear definition of territory and ownership of all private, semipublic and public places.	Achieved.	Yes
	C28. Demarcate safe routes for pedestrians in car parking areas, using floor markings, ceiling lights and dedicated pedestrian paths.	Satisfactory.	Yes
3.21 Pedestrian access and building entry	C1. The design of buildings shall comply with Australian Standards for Access and Mobility.	An access report prepared by Vista Access Architects 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 has been addressed as part of access report prepared by Vista Access Architects.	Yes
	C4. Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.	This is achieved.	Yes
	C5. Entries and associated circulation space is to be of an adequate size to allow movement of furniture.	This is satisfactory. The entries and circulation space are of satisfactory size.	Yes
	C6. Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	Conditions included.	Yes
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.	This is not applicable. Therefore, an assessment against the other controls was not required.	N/A
3.23 B6 Enterprise	C1. Commercial development shall be located at least at street level, fronting the primary street	The subject site is zoned E1 Local Centre, this sub-	N/A

<table>
<tr><td>Corridor Zone</td><td>and where possible the secondary street.</td><td>part does not apply to this site.</td><td></td></tr>
<tr><td>3.24 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>Car parking has been assessed as being satisfactory and compliant with the relevant provisions.</td><td>Yes</td></tr>
<tr><td>3.25 Vehicle access</td><td>C1. Vehicle access will comply with the provisions set out in Part G3 of this DCP.</td><td>Satisfactory.</td><td>Yes</td></tr>
<tr><td colspan="4">Part B5 Adaptable Housing and 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 406 rooms (101 co-living and 305 boarding rooms), 16 are nominated as accessible.</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.</td><td>Not applicable to co-living and boarding house development.</td><td>N/A</td></tr>
<tr><td></td><td>C2. If an equal mix cannot be provided, a minimum 10% of the dwellings shall be three plus-bedroom dwellings.</td><td>N/A</td><td>N/A</td></tr>
<tr><td colspan="4">Part F2 – Business Site Specific</td></tr>
<tr><td colspan="4">Part F2-5 – Lidcombe Town Centre</td></tr>
<tr><td>2.1 Setbacks</td><td>C1. Setbacks within the town centre shall be consistent with Figure 2.</td><td>4 metre setback from Mark and Marsden Street on the ground floor. This aligns with the predominant street setback of recent approval in the vicinity and the previous approval</td><td>Yes</td></tr>
</table>

		on the site being DA2022/0253. Fourteen storey street wall proposed setback between 3.62m-4m to western tower and fifteen storey street wall height proposed at 3.62m along Marsden Road, eastern tower. Similar developments approved with the vicinity of the site have street wall heights of up to 11 storeys.	No. Refer to main body of the report for discussion.
2.2 Active frontages	C1. As a minimum, buildings shall provide active street frontages consistent with Figure 3. 	Active frontage is not required for the site, however, is proposed to both street frontages.	Yes
2.3 Laneways	C1. Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 4.	Existing laneway to the rear of the site is maintained and used for vehicular access.	Yes
2.4 Key Sites	<u>Site 7 – Marsden Street Precinct</u> C1. Development shall be designed to address Railway, Mark, James, Marsden, Davey and Raphael Streets.	The development addresses Mark and Marsden Streets.	Yes
	C2. Vehicular access to new developments shall not be permitted to or from Davey Street, to permit the pedestrianisation of the street.	Existing laneway to the rear of the site is maintained and used for vehicular access.	Yes
	C3. Development along Raphael Streets shall dedicate to Council sufficient land of a minimum width of 2.5m to provide a	Not applicable.	N/A

	pedestrian footpath and widened carriageway on the west side of the street.		
	C4. Development along Davey Streets shall dedicate to Council sufficient land of a minimum width of 2m to provide a pedestrian footpath on the south side of the street.	Not applicable.	N/A
	C5. New buildings are to be setback a minimum of 4m from all open space uses and the new boundaries of Davey Street and Raphael Street created after the dedication described in control C29 and C30 above.	Not applicable.	N/A
	C6. New buildings to the north of the central open spaces shall be designed to minimise the loss of solar access to the open spaces.	Not applicable.	N/A
	C7. Outdoor dining and active uses shall be encouraged facing onto the proposed park on the corner of Railway and Mark Streets, to provide casual surveillance of the park and improve safety.	Not applicable.	N/A
	C8. Development adjacent to the existing and proposed public open spaces shall be designed	Not applicable.	N/A
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.	The commercial car parking complies with the CDCP and the co-living and boarding house component meets the requirements of the SEPP (Housing) 2021. All required car -parking is met on site. Commercial/retail requires 34 car spaces based on a GFA of 1351.32 sqm.	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	A basement is proposed, as would be expected for a development of this nature. There have been some concerns raised by	Yes

	basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.	Council's Engineers in relation to design of the basement levels and compliance with Australian Standards which will be appropriately addressed by conditions.	
	C2. Basement parking shall be located within the building footprint.	The basement extends beyond the building footprint however is considered acceptable in the circumstances and given the nature of the proposed development.	No. Refer to main body of the report for discussion.
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Compliance is achieved.	Yes
	C4. Basement parking shall provide, where required, a pump out drainage system according to Council's engineering requirements.	Council's Senior Development Engineer has reviewed the application and raised no objections subject to conditions.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	The proposed basement will not affect the privacy of adjacent residential development.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	All vehicles can enter and exit the site in a forward direction.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Council's Senior Development Engineer has reviewed the application and raised no objections subject to conditions.	Yes
4.4 Development in business zone	C1. Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets, where possible.	Existing laneway to the rear of the site is maintained and used for vehicular access.	Yes
	C2. If a building has access to a rear lane or sidestreet, the loading and unloading facilities and service access shall be provided from that lane.	Existing laneway to the rear of the site is maintained and used for vehicular access including service vehicles and loading and unloading.	Yes
	C3. The location of vehicular access shall consider existing	Satisfactory.	Yes

	services (eg. power, drainage) and street trees.		
	C4. Car park entries and driveways shall be kept to a minimum and shall not be located on primary or core retail streets.	This has been achieved.	Yes
	C5. Driveways shall be located at the required distance from the intersection of two roads.	The driveway is located more than 28.5 metres from the corner, Council's Senior Development Engineer did not raise any objections to the driveway location.	Yes
	C6. Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.	Vehicular access is integrated with the overall design of the building.	Yes
	C7. All vehicles must be able to enter and leave the site in a forward direction.	All vehicles can enter and exit in a forward direction.	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 driveway is 11 metres wide, when combined with the loading dock. Although greater than 8 metres, the width is required for the combined 2 way entry/exit and loading dock and avoids the creation of multiple vehicular access crossings.	No. Refer to main body of the report for discussion.
	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.	Pedestrian safety is maintained and achieved.	Yes
	C10. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	Complies, as detailed in assessment earlier.	Yes
	C11. On-site parking is to be accommodated within a basement wherever possible.	All parking is proposed within the basement.	Yes
	C12. Consolidate basement parking areas under building footprints to maximise the area available for landscaping.	The basement has been consolidated as much as possible without needing a fourth basement level.	Yes

	C13. On-site parking is to be suitably screened from view of an active or main street frontage.	All parking is proposed within the basement.	Yes
	C14. Parking areas shall be designed to ensure pedestrian amenity and safety.	All parking is proposed within the basement.	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.	Satisfactory.	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.	Satisfactory.	Yes
	C17. Safe and secure access is to be provided from on-site parking for building users, including direct access from parking to lobbies.	Direct access proposed.	Yes
	C18. Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	Pedestrian pathways will be marked.	Yes
	C19. Private car parking within mixed use developments must be clearly identified and separated from commercial car parking.	Parking will be line marked and sign posted.	Yes
	C20. Visitor parking shall be clearly identified and shall not be provided in the form of stacked/ tandem parking	No stacked/tandem proposed.	Yes
4.6 Loading requirements for commercial and industrial development	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 with applicable provisions of Australian Standard (AS 2890).	Council's Senior Development Engineer reviewed the proposal and raised no objections, subject to conditions.	Yes
	C3. Provide separation between parking and service areas (i.e. loading/unloading areas).	This 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 is satisfactory.	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, being a Heavy Rigid Vehicle.	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.	Stormwater drainage is considered satisfactory by Council's Senior Development Engineer 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.	Satisfactory.	Yes
	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.	No filling proposed, excavation and basement is proposed.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Considered satisfactory by Council's Senior Development Engineer subject to conditions.	Yes
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m2, or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified	The site area is 2,441 sqm.	N/A

	civil engineer with suitable experience.		
	C2. Development for the subdivision of sites of 2,500m2 or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	Not applicable.	N/A
	C3. All other developments shall provide appropriate water sensitive treatments.	Considered satisfactory by Council's Senior Development Engineer 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.	Considered satisfactory by Council's Senior Development Engineer 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).	Considered satisfactory by Council's Senior Development Engineer subject to conditions.	Yes
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Considered satisfactory by Council's Senior Development Engineer subject to conditions.	Yes
Part G5 – Sustainability, Biodiversity & Environmental Management			
2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or	Satisfactory, subject to conditions.	Yes

	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.		
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Satisfactory, subject to conditions.	Yes
	C3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required.	Satisfactory, subject to conditions.	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.	Satisfactory, 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 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.	The application was referred to Council's Environmental Health Officer who did not raise any objections to the proposal, subject to conditions.	Yes

	C2. In accordance with Clause 7 (1) of SEPP No. 55 Council will not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.	The Detailed Site Investigation (DSI) reports that site filling and the presence of lead in surface soil was identified as the main potential contaminant sources at the site. Contaminants of potential concern at the site include asbestos, heavy metals, benzene, toluene, ethylbenzene, xylenes (BTEX), volatile organic compounds (VOCs), total 5 recoverable hydrocarbons (TRH), polyaromatic hydrocarbons (PAH), organochlorine pesticides (OCP), organophosphorous (OPP) and polychlorinated biphenyls (PCB). The results of chemical analyses of the selected soil samples were compared with NEPM (1999, 2013) HIL-B, HSL-B, NEPM (1999, 2013) management limits for TPH fraction in soils and CRCCARE's human health screening criteria for petroleum hydrocarbons. The Potential Contaminants of Concern (PCoC) detected in the selected soil samples in the areas investigated were low and at levels that would not present an unacceptable risk to human-health. Based on this information, the DSI concludes that the site is considered suitable for the proposed development.	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.	Not applicable.	N/A
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	The development makes provision for a Photovoltaic System on the roof to each tower.	Yes
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.	Noted.	Noted.
2.2 Tree management and proposed development	C1. Development shall be designed to incorporate existing trees that are identified as being suitable for retention, with adequate setbacks to any works and protection measures stipulated in accordance with AS 4970-2009 to ensure their long-term survival.	Noted.	Noted.

	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.	The application was referred to Council's Tree Management Officer who raised no objections to the proposal subject to conditions.	Yes
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document, and submitted with development applications when any existing trees are to be retained.	The application was referred to Council's Tree Management Officer who raised no objections to the proposal subject to conditions.	Yes
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 landscaping plan has been submitted with the application and found to be 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.	The application was referred to Council's Waste Management Officer for comment who initially provided comments raising items for the applicant's consideration. The amended application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory and can be supported subject to conditions of consent.	Yes
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	The application was referred to Council's Waste Management Officer for comment who	Yes

		initially provided comments raising items for the applicant's consideration. The amended application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory and can be supported subject to conditions of consent.	
	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. Waste storage rooms are integrated int the building and accessed via David Place.	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 storage room is provided.	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.	The application does not propose a waste chute system and is not defined as a residential flat building. The application was referred to Council's Waste Management Officer who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.	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 bin storage area is located adjacent to the loading dock for easy and direct collection.	Yes

	the facility and permit easy transfer of bins to the collection point.		
	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.	Not applicable.	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).	The waste will be collected on site via David Place.	Yes
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	The bin storage area is located adjacent to the loading dock for easy and direct collection.	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.	The loading bay has been designed to accommodate Council's 10.4m long rear loading HRV collection.	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.	The loading bay has been designed to accommodate Council's 10.4m long rear loading HRV collection, which will reverse into the site from David Place, service the bins and exit the site in a forward direction. The servicing of bins will take place from the Loading Bay, without obstructing vehicle movements in and out of the basements below or the developments to the north of the site.	Yes