

Appendix B

CDCP 2021 Compliance Table PART E4 - PLACES OF PUBLIC WORSHIP

Relevant Control		Compliance with Requirements	Consistency Objectives
Part E – Other Land Use Based Development Controls			
Part E4 – Places of Public Worship			
2.1 Bulk and scale	C2. Maximum site coverage for places of public worship in residential zones is 50%. Council will consider a variation to site coverage to facilitate at-grade parking if basement parking cannot be incorporated.	The place of public worship is situated within an industrial zone. Part 2.1 will not apply to the development.	N/A.
	C3. Places of public worship are to be designed and landscaped in a manner that enhances the quality and visual amenity of the streetscape and are sensitive to the streetscape character, adjacent uses and buildings as well as views.	Landscaping is incorporated into the development especially along the eastern curtilage to provide a degree of buffering between two different land uses. There is also new landscaping to the north and to the south mainly at the entrances to the site.	Yes.
	C4. The front entrance of all places of public worship shall be in clear view of the street.	This is achieved.	Yes.
	C5. Where a place of public worship has a dual frontage, the development shall be designed to address both streets, by way of windows, architectural features and to provide opportunities for passive surveillance.	There is an entrance from both street frontages and both are different. It is noted that the southern entrance is more prominent although the northern entrance features more landscaping.	Yes.
	C6. Building setbacks shall respond to the existing character of the street.	The following setbacks are achieved:- • Southern building setback is 8.475 metres. • Northern building setback is 10.89 metres.	Yes.

		<p>The southern side features a fencelike structure and portico situated on the property boundary. There are five openable gates incorporated into the structure.</p> <p>It is also identified that a raised podium is presented to the south which does not raise any privacy issues. The podium and associated steps are setback 4.2 metres from the street.</p> <p>The issue of this site is that the adjoining industrial building is setback 25.2 metres from the northern property boundary and 4.2 metre from the southern property boundary.</p> <p>The adjoining dwelling houses to the east are setback:-</p> <ul style="list-style-type: none"> • 6.1 metres from McArthur Street. • 7.2 metres from Woodstock Street. <p>This makes it difficult to achieve a uniform street setback especially given that different zonings and planning controls apply to the various land parcels.</p> <p>It is considered that the architect has provided a reasonable solution to the street setbacks that addresses the different land uses and zonings that occur.</p>	
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2.2 Traffic, parking and transport	<p>C1. Development for the purposes of a places of public worship will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.</p>	<p>The development provides for 133 car parking spaces across a three (3) level basement car park.</p> <p>The development is required to have the following:-</p> <ul style="list-style-type: none"> • 1 space per 8 square metres of gross floor area. • Or 1 space per 3 people whichever is the higher figure. <p>The higher figure to use is the first one being 1 space per 8 square metres of gross floor area.</p> <p>At this level, a minimum of 129 spaces is required.</p> <p>The office is separate and will require 2 spaces for its area (66 square metres).</p> <p>An additional space is also considered for the care takers residence.</p> <p>Thus, 132 car parking spaces is considered reasonable. On this account, there is adequate car parking to support the development.</p>	<p>Yes.</p>
2.3 Acoustic privacy	<p>C2. The design of the proposed place of public worship shall minimise the projection of noise from the various activities anticipated to occur within the site.</p>	<p>This is achieved. Council's Environment and Health Officers have determined that the acoustic report submitted with the development application is satisfactory.</p>	<p>Yes.</p>
	<p>C3. Adjoining and nearby developments, especially residential uses, shall not be exposed to unreasonable levels</p>	<p>"As above".</p> <p>Furthermore, the prayer halls feature solid walls</p>	<p>Yes.</p>

	of noise arising from the proposed use.	toward the east which will assist in preventing noise emissions towards the east.	
	C4. A noise impact assessment statement, prepared by a suitably qualified acoustic engineer, shall be submitted to accompany development of places of public worship within residential zones or which adjoin residential zones. This should detail hours of operation, typical activities and special events, such as festivals. The noise impact assessment should outline how noise impacts will be managed and mitigated and consider any relevant EPA guidance notes.	Council's Environment and Health Officers have determined that the acoustic report submitted with the development application is satisfactory. The report will need to be incorporated into any consent that may be issued.	Yes.
	C5. Council may consider exempting applications for minor modifications or alterations to existing premises from the preparation of a noise impact assessment statement.	This is not applicable to the development application.	N/A.
2.4 Landscaping and open space	C1. Where places of public worship are proposed in residential zones, a minimum of: • 25% of the site area shall be landscaped area; and • 50% of the front setback shall be landscaped area.	The place of public worship is located within an industrial zone.	N/A.
	C2. In residential areas, a minimum 1m landscaping strip between side setbacks and the driveway is required.	While not in a residential area, a 1.2 metre wide landscape strip is provided between the driveway and the fence to provide a buffer between the site and the residential premises to the east.	Yes.
	C3. Landscaped areas in industrial zones will comply with the requirements of Part D and G7 of this DCP.	A landscape buffer of 6.7 metres is provided between the building and the place of public worship. This occurs because the building is setback 6.7 to 7.5 metres from the	Yes.

		<p>eastern property boundary.</p> <p>A minimum of 15% of the site is required to be landscaped with soft landscaping which would equate to 363 square metres.</p> <p>Total landscaping occupies 474 square metres or 19.61% of the site.</p> <p>Much of the landscaping across the south east curtilage of the site comprises shrubbery and garden beds.</p> <p>It is identified that all the landscaping except that at the south west portion is situated over the basement car park.</p>	Yes.
2.5 Operational Plan of Management	C1. A development application for the purposes of establishing a new place of public worship or diversification of an established place of public worship and/or conversion/adaptation of existing buildings to a place of public worship shall include an Operational Plan of Management. This will be used both for the assessment of the application as well as a means to manage the ongoing operation of the proposed premises through the conditions of the development consent.	An operational management plan is submitted with the development application.	Yes.
	C2. Hours of operation for new places of public worship in residential areas (without existing development consent) shall be restricted from 7am to 9pm.	<p>The proposed hours of operation are from 5 am to 9 pm daily.</p> <p>This would be a variation to the control.</p> <p>An acoustic report has been prepared by Vipac Engineers and Scientist</p>	No but considered acceptable by Council's Environment and Health Team.

		<p>Limited (ref: 20E-21-0415-TRP-22216-0) and dated Monday 6 December 2021. The proposal has been prepared in accordance with the NSW EPA Noise Policy for Industry. Section 7 of the report provides a number of recommendations for addressing external glazing, frames, seals, external doors, absorption panels and noise barriers. The recommendations also include a Noise Management Plan, which will be the subject of a condition.</p>	
	<p>C3. This Operational Plan of Management must include, but is not limited to, the following information for each proposed use:</p> <ul style="list-style-type: none"> • details of the proposed hours of operation, a schedule of regular services held and recurring events and special events throughout the year. Where special events attracting greater than 250 occupants on site (including all staff, volunteers and attendees) will occur, details including the expected numbers of people are to be provided; • a list of the types of community purposes (e.g. community colleges, senior citizens groups, youth groups and the like) the building may be used for outside the regular services, including how often and how many occupants (including all staff, volunteers and attendees) it will attract; • a list of the type of organisations that may let or use the building and for what purposes, including how often and how many occupants 	<p>The comments provided above are also relevant to Part C3.</p> <p>Council's Environment and Health Officers supported the development application and proposed hours of operation.</p>	<p>Yes</p>

	<p>(including all staff, volunteers and attendees) it will attract;</p> <ul style="list-style-type: none"> • an explanation of the measures that will be utilised to manage parking and local traffic when a special event is scheduled and measures to minimise potential for coinciding traffic peaks between scheduled events; • an explanation of the measures that will be utilised to mitigate noise impacts during main events and crowd control; • the estimated number of occupants on site at regular services, main events and those other times where it is expected that the place of public worship will be in use (with occupants including all staff, volunteers and attendees); • contact persons who will be responsible for managing and responding to community feedback and complaints. this is to be updated periodically; and • anticipated growth of the congregation and how these long-term projections will be factored into the development and managed into the future. 		
Part G – General Controls			
Part G3 – Traffic, Parking, Transport & Access (Vehicle)			
3. Parking rate	<p>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.</p>	<p>Car parking is provided on site and situated within a basement.</p> <p>As identified in Part 2.2 (C1) above, there is adequate car parking to support the development.</p>	Yes.
4.3 Basement parking	<p>C1. Basement garages and driveways shall be permitted in accordance with the relevant</p>	<p>Compliance is achieved.</p>	Yes.

	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.	The basement car park has adequate size to support the number of car parking spaces proposed plus relevant services.	
	C2. Basement parking shall be located within the building footprint.	Compliance is achieved.	Yes.
	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 engineers have supported the basement car park and associated stormwater system.	Yes.
	C5. Basement parking shall not affect the privacy of adjacent residential development.	This is achieved.	Yes.
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	This is achieved.	Yes.
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	This is achieved.	Yes.
4.7 Other land use	C1. Car parking for places of public worship shall comply with rates provided in Table 1 except for where the circumstances set out in C2 of this section apply.	<p>It is considered appropriate to use the car parking provisions as outlined in Table 1 given that most of the provisions outlined in C2 below will not apply to the development.</p> <p>The provisions of Table 1 have higher requirements than that specified under Subpart C2.</p> <p>The development is determined as having an acceptable number of car parking spaces as described in Part 2.2 above.</p>	Yes.
	C2. For places of public worship in industrial zones where:	Subpart C2 cannot apply due to its location.	N/A.

	<ul style="list-style-type: none"> the majority services are conducted outside normal business hours; and the location of the development does not have any residential accommodation permitted: <ul style="list-style-type: none"> in a zone adjacent to the proposed development; or abutting against the proposed development; or on the opposite side of the roadway; or within 400 metres (as the crow flies) of the proposed development. the required car parking rates are to be calculated as provided in Table 3. <p><i>Whichever is the greater of: 1 space / 12m² GFA (total) or 1 space / 4 people</i></p>		
	C3. Council may consider a reduction in on-site car parking provision on merit considering, for example, the ability to provide other parking arrangements and alternative modes of transport, including provision of cycle spaces and public transport availability.	This is not required as an adequate supply of car parking is provided to support the development.	N/A.
	C4. All vehicles shall be able to enter and leave the site in a forward direction.	This is achieved.	Yes.
	C5. Car parking shall be provided in addition to the minimum landscape area required.	This is achieved.	Yes.
	<p>C6. A traffic and parking impact statement is to be included with the development application. The statement shall:</p> <ul style="list-style-type: none"> assess the traffic and transport impact upon the surrounding streets and the measures proposed to mitigate such impacts; identify the number of parking spaces required in this DCP; identify the activities (e.g. carnivals, celebrations, festivals) and other gatherings which are likely to attract larger than normal 	<p>A traffic study has been submitted and prepared by Multi Pro Consultants Pty Ltd and dated December 2021.</p> <p>Council engineers have assessed the study as being ---</p>	

	<p>attendances at the premises, the attendance numbers associated with such events and measures to mitigate and manage their impacts associated with traffic movements and parking. This is to be addressed in the ongoing traffic and transport plan of management;</p> <ul style="list-style-type: none"> adequately consider future parking needs that may result from anticipated growth in the congregation of places of public worship; and identify opportunities for access by public transport, school transport, walking and cycling. 		
	C7. Car parking design shall comply with AS 2890.	Compliance is achieved.	Yes.
	C8. Basement or at-grade parking must be provided for all new developments. At grade parking shall be considered where it does not adversely impact streetscape character. Where at grade parking is provided, it shall be landscaped to a high quality and incorporate shade trees.	A basement car park is to be constructed on site to support the development.	Yes.
	C9. Worship services shall not commence until thirty minutes have elapsed following the completion of any preceding service to manage traffic flow.	This is not expected to occur based upon the management plan submitted.	N/A.
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: <ul style="list-style-type: none"> (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system. 	The stormwater system is assessed by Council engineers as being satisfactory.	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.	This is achieved.	
	C7. The filling of flood prone land, where acceptable and	No filling of the land is proposed and the site	N/A.

	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.	does not adjoin a waterway.	
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Compliance is achieved.	Yes.
2.7 Water Sensitive Urban Design, water quality and water re-use	Water Sensitive Urban Design (WSUD) C1. All development applications for sites of 2,500m ² , or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	The site occupies an area of 2.417 square metres which is less than 2,500 square metres in area. A water sensitive urban design strategy is not required for the site.	N/A.
	C2. Development for the subdivision of sites of 2,500m ² or more in area must achieve the stormwater flow targets in the Water Sensitive Urban Design Strategy, unless public water quality and flow structures downstream of the site allow these targets to be met. Details of compliance must be included in the Water Sensitive Urban Design Strategy supporting the development application.	This is not required.	N/A.
	C3. All other developments shall provide appropriate water sensitive treatments.	The stormwater plans show appropriate levels of treatment for water on site.	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.	This is achieved.	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	(Engineers)	

	litres (for site area less than 1500m ²) and 10,000 litres (for site area greater than 1500m ²).		
	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Council engineers have supported the stormwater design.	
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.	Council's Environment and Health Department have recommended an appropriate condition addressing dewatering activities.	Yes.
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Council's Environment and Health Department have recommended an appropriate condition addressing dewatering activities and ground water control.	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.	The comment provided above in Part C3 is relevant to this part.	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: <ul style="list-style-type: none"> • changes in the behaviour of groundwater created by the method of construction chosen; and/or • changes to the behaviour of groundwater of the surrounding 	A dilapidation report will be required which may be addressed as a condition attached to any consent issued.	Yes.

	area, created by the nature of the constructed form and groundwater management system used.		
2.3 Land contamination	C1. Prior to the submission of a development application, an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated prepared in accordance with the relevant Department of Planning, Industry and Environment Guidelines and the Guideline to Asbestos Management in Cumberland Council 2018.	<p>The development application has been referred to Council's Environment and Health Department for assessment following the submission of a detailed site investigation report prepared by Foundation Earth Sciences (Reference Number E2740) and dated Tuesday 30 November 2021.</p> <p>The report concludes that the site is capable of being made suitable to support the development subject to the recommendations made at Section 17 of the report. Appropriate conditions are provided by Council's Environment and Health Department addressing land contamination matters.</p>	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 comments provided above in Part 2.3 is relevant to Subpart C2.	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	All trees on site will need to be removed to facilitate the development. The removal of the trees and impact of this has been assessed by Council's	

	on remnant native ground cover species.	Tree Management Officer who has advised that:-	
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.	There are skylights incorporated across the roof of the place of public worship which will allow sunlight to penetrate the main floor areas of the building.	Yes.
Part G7 – Tree Management & Landscaping			
2.1 Preservation of trees	C1. The following are not considered to be substantive criteria for tree removal: <ul style="list-style-type: none"> • flower, leaf or fruit fall causing nuisance; • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus. 	<p>All seventeen (17) trees on site will need to be removed to facilitate the development.</p> <p>The list provided at Subpart 2.1 are not reasons for their removal.</p>	Yes.
	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.	<p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 has been applied to the removal of the trees on site.</p> <p>The removal of the trees is acceptable when considered under the State Policy.</p>	Yes.
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.	<p>The arborist report prepared by The Tree MD Pty Ltd and dated Tuesday 30 November 2021 identifies that:</p> <ul style="list-style-type: none"> • Nine (9) of the trees are assessed as having medium retention value while the remaining eight (8) trees have been assessed as 	Yes.

		<p>having low retention value.</p> <ul style="list-style-type: none"> • The older trees are at least sixty (60) years of age while some of the younger species are self seeded less desirable species such as Camphor Laurels and the African Olive Olea Europaea subspecies. <p>Many of the larger trees have been managed and pruned over time with the majority of the work conducted in accordance with the Australian Standard Pruning of Amenity Trees AS 4373 200710. If retained, further canopy management is recommended. The limited garden beds can reduce a trees long term viability however many of the subject trees are moderately impacted and optimised under the hard surfaces. The reduced soil media may have contributed to previous branch failures and dieback which may continue. The subdominant nature of smaller trees has limited the long-term retention value of trees on site.</p> <p>The report recommends the removal of all trees on site.</p> <p>Council's Tree Management Officer has assessed the report submitted and has agreed to the conclusions made.</p>	
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	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.	This has been addressed by the development.	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.	An arborist report has been submitted with the development application and appropriately assessed by Council officers.	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 landscape plan has been prepared by Greenland Design Landscape Architects and assessed as being adequate for the development.	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.	Waste management is satisfactory.	Yes.
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Satisfactory.	Yes.
	C6. An electric portable bin tug device must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device	This is not suggested by Council's Waste Management Officer.	N/A.

	are provided as a guide in Table 3.		
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Waste collection will be from the kerbside although the place of public worship is unlikely to generate significant waste by virtue of its operations.	Yes.
3.7 Collection vehicle requirements	C1. All proposed developments will need to accommodate a Heavy Rigid Vehicle (HRV) for all waste collection.	Waste collection will not be on site. As such, this would not be necessary.	N/A.
	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.	Waste collection will not be on site. As such, this would not be necessary.	N/A.
	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.	Waste collection will not be on site. As such, this would not be necessary.	N/A.