

**ATTACHMENT 7 – Cumberland Development Control Plan 2021**

Relevant Control	Compliance with Requirements	Compliance
<b>Part D – Development in Industrial Zones</b>		
<b>General</b>		
C1. Landscape all front setbacks to provide a high-quality streetscape.	Front setback to Church Street provides for an increased landscaped area, with a minimum depth of 4m.	Yes
C2. Front setback areas shall not be used for storage or display of goods or excessive signage, loading/unloading or large areas of car parking.	No storage or goods are displayed in the front setback.	Yes
C3. Ensure landscaping setbacks comprise soft landscaping and deep soil zones only.	Landscaping provided consists of soft landscaping and deep soil zones.	Yes
C5 Where an industrial development adjoins a residential zone, appropriate buffer mechanisms shall be provided to ensure that: <ul style="list-style-type: none"> <li>• neighbourhood residential amenity is maintained;</li> <li>• the primary buildings and structures on the industrial land are visually separated</li> <li>• from neighbouring residential dwellings; and</li> <li>• overshadowing does not occur (see solar access below)</li> </ul>	The site does not directly adjoin residential zoned land. It adjoins SP2 Railway land to the north, west and south and E4 General Industrial land to the east.	Yes
<b>Front setbacks</b>		
C7. Front setbacks are to be 5m. Where the prevailing building setbacks within the street are significantly different, consideration will be given to an alternative setback.	A setback of 5m is provided. There is no prevailing building setback on this portion of Church Street.	Yes
<b>Side and rear setbacks</b>		
C8. Buildings may be built on a nil side or rear setback, except where a setback is required to screen buildings from: <ul style="list-style-type: none"> <li>• public places;</li> <li>• adjoining residential properties;</li> <li>• other sensitive land uses;</li> <li>• where rear access is required; and</li> <li>• where land adjoins the M4 Motorway. In such circumstances, a 4.5m landscape setback is required.</li> </ul>	A nil setback is provided to the northern and eastern boundaries which adjoin railway corridor land and other industrial development respectively.	Yes
C9. Development adjacent to Duck River shall provide a 5m easement for public access within the foreshore building line area along Duck River. This	N/A	N/A

	easement shall be established under a Section 88B instrument and shall be registered with NSW Land Registry Services.		
	<b><i>Setbacks for specific street frontages</i></b>		
	C10. The building lines set out in Table 2 apply to the principal street frontage of land zoned General Industrial IN1 and Light Industrial IN2 within Cumberland City. They are based on a conversion from the previous imperial measures into metric.	N/A	N/A
<b>2.2 Siting &amp; building design</b>	C1. Use non-industrial aspects of a development (e.g. offices) to address the street.	Administrative uses are located at the entry of the development to address Church Street. These uses together with the rooftop garden will provide passive surveillance of Church Street.	Yes
	C2. Avoid long blank walls of warehouse units, by providing articulation to the façade or division of massing, especially on street frontages.	The façade as it presents to Church Street has been articulated through a variety of materials and finishes. Finishes have been carefully selected to differentiate from the main areas of the transfer station to the administrative spaces.	Yes
	C3. Entries to buildings should be clearly visible to pedestrians and motorists and be integrated into the form of the building.	Clear pedestrian and vehicular entries are provided off Church Street. These entries have been designed to integrate with the built form.	Yes
	C4. Architecturally express the structure of the building externally to address the primary street frontage and minimise use of reflective glass or large blocks of one material.	The external structure ensures the primary street frontage is addressed and has been broken up through the utilisation of a variety of materials and finishes.	Yes
	C5. Articulate entrances, office components and stairwells to create rhythm along facades to minimise the appearance of bulk and scale.	The siting and articulation of entrances and office components within the southern façade reduces perceived bulk and scale.	Yes
	C6. Introduce a mix of materials, and incorporate horizontal and vertical modulation, including windows in appropriate proportions and configurations.	The external structure utilises a mix of materials with both horizontal and vertical modulation to create visual interest and reduce bulk and scale.	Yes
	C7. New development on corner sites is to address both street frontages in terms of façade treatment, fenestration and articulation of elevations, to achieve a high standard of environmental design.	N/A	N/A
	C8. Roof ventilation, exhaust towers, mechanical plant and the like should be located so as not to be readily visible from any public or residential area.	Ventilation stacks and lift overrun have been sited away from the street frontage to reduce visual impacts.	Yes

	C9. All rooftop or exposed structures including lift motor rooms, plant rooms, together with air conditioning, ventilation and exhaust systems, are to be integrated into the building design in order to ensure interesting and high quality appearance.	Mechanical ventilation and lift overrun have been integrated into the roof design to reduce visual impact and provide a high quality appearance.	Yes
<b>2.3 External materials</b>	Various controls and objectives	The proposal utilises a variety of materials and finishes, including those of lighter colours, to reduce heat gain.	Yes
<b>2.4 Solar access</b>	Various controls and objectives	The proposed development does not adjoin any residential properties, nor is it within proximity to any so that overshadowing would cause any impact.	Yes
<b>2.8 Biodiversity</b>	Various controls and objectives	Council's Tree Management Officer raised no concern in relation to the selection of plant species as shown in the submitted Landscape Plan.	Yes
<b>2.9 Storage areas</b>	C1. Storage areas and other potentially unsightly areas shall be screened from adjacent properties.	No storage areas are located toward the street frontage and cannot be sighted from the public domain.	Yes
<b>2.10 Safety &amp; security</b>	C1. Provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to include: <ul style="list-style-type: none"> <li>• security personnel;</li> <li>• lighting of access ways and car parking areas, particularly in respect of isolated premises;</li> <li>• security doors;</li> <li>• 'active' uses presented to the street to promote surveillance and safety;</li> <li>• premises clearly numbered, with the number clearly visible from the street;</li> <li>• avoid the use of isolated back lanes and poorly lit areas; and</li> <li>• any landscaping that is proposed must not obstruct the visibility from public areas of entrances and exits.</li> </ul>	The proposal provides: <ul style="list-style-type: none"> <li>• External lighting around the main building and at entrances</li> <li>• Secure and lockable gates, including secure roller doors to the main areas of the warehouse building</li> <li>• Security cameras which will be fitted to site entryways and around the main building</li> </ul> <p>These safeguards are considered to be appropriate in ensuring the security of the facility.</p>	Yes
	C2. A crime risk assessment against the Crime Prevention and the Assessment of Development Applications Guidelines is to be undertaken for larger developments. The recommendations of the assessment shall be used to inform the design and operation of the development.	N/A	N/A

<b>2.11 Fencing</b>	C1. Fencing shall be integrated as part of the landscaping theme, so as to minimise visual impacts and to provide associated site security.	Fencing has been provided which integrates with the overall landscaping scheme.	Yes
	C2. Ensure all fencing along the principal street frontage is an open/permeable style, incorporating pickets, slats, palings or the like.	Street front fencing is permeable utilising metal palings.	Yes
	C3. Fencing along the street frontage shall be a maximum height of 1.8m and incorporated with appropriate landscaping.	Proposed fencing along the Church Street frontage ranges from approximately 1.4m to 3m. It is understood that this is in response to the sloping nature of the site at the street frontage. Notwithstanding, alternative options have not been investigated to step the fencing down along the sloped site at this stage given the application is recommended for refusal. This may result in a better outcome in terms of street presentation.	No
	C4. Fences behind the front setback shall be a maximum of 2.1m and incorporated with appropriate landscaping.	Fencing to site side and rear boundaries is below the maximum 2.1m, with a height of approximately 1.8m.	Yes
	C5. Chain wire fencing is not permitted.	No chain wire fencing is provided.	Yes
	C6. Solid metal panel fences (sheet metal or similar) of any height are not permitted along the street frontage or forward of the building alignment.	The proposed front fence does not implement solid metal panels.	Yes
	C7. If the side or rear boundary faces a side or rear boundary of a residential premises, a timber paling/pre-coated metal fencing (commencing at the front building alignment) is permitted along with acoustic fencing and planting.	N/A	N/A
<b>2.12 Operational management</b>	<b><i>Hours of operation</i></b>		
C1. Where an industrial site is located adjoining or adjacent to, or within 200m of residential development, or where in the opinion of Council, truck movements associated with the industry will intrude on residential streets, hours of operation shall generally be restricted to 7am to 6pm Monday to Saturday with no work on Sundays.	The proposal seeks to operate 6am – 10pm Monday to Friday and 8am – 6pm on Saturday. This departs from the control and is not considered appropriate based on the insufficient information provided to date and with respect to the residential areas located 70 metres to the north-west of the site along Church Street and Bachell Avenue.  Additionally, it is noted that the NSW EPA have found the submitted Noise Impact Assessment to be insufficient as it	No	

		does not effectively assess impacts to nearby residential receivers at 2-36 Church Street.	
	C2. Retail trade in industrial zones are to be undertaken within the hours of 7am to 6pm, Monday to Saturday and 7am to 2pm on Sunday.	N/A	N/A
	C3. Where an extension to the above hours is required due to the nature of the activities to be undertaken, a detailed submission shall be lodged with Council, demonstrating how environmental impacts can be minimised to acceptable levels to support the proposed extended hours of operation inclusive of an acoustic report and operation management plan.	Given the location of the site and proximity to residential development, it is not considered that a departure to the operational hours control is justified. In particular, it is noted that the NSW EPA find the submitted NIA to not appropriately assess impacts to nearby high-density residential developments, and therefore the proposed operational hours cannot be supported.	No
<b>Hazardous goods and chemicals</b>			
	C4. Where a development involves the storage and/or use of dangerous goods, full details of the quantities and types of goods and chemicals are to be submitted with the development application, together with the storage locations, mediums and the use intended for the goods and chemicals.	<p>The proposed development would store some hazardous goods and chemicals for the necessary ongoing operations of the facility. The amounts stored would not exceed the applicable thresholds prescribed under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p> <p>The proposal will store the following dangerous goods:</p> <ul style="list-style-type: none"> <li>• Diesel fuel</li> <li>• Sodium Hypochlorite</li> <li>• Sodium Hydroxide</li> </ul> <p>The development will ensure hazardous substances are stored separately in appropriate containers and bunds complying with applicable Australian Standards.</p> <p>Council's EHO raised no concern in relation to storage of chemicals at the site and provided recommended conditions of consent.</p>	Yes
	C5. Development is to comply with the requirements of SEPP 33 – Hazardous and Offensive Development. Based on the types and quantities of hazardous goods and of materials used/stored in a development, Council may require an assessment in accordance with SEPP 33.	Noting the proposal does not exceed the relevant <i>Applying SEPP 33</i> thresholds, a Preliminary Hazard Analysis was not warranted.	Yes

<b>Environmental Management Plan</b>		
<p>C6. An Environmental Management Plan (EMP) shall be submitted with the application if the development is considered to pose a high risk of adverse environmental impacts. The plan should detail how all environmental impacts will be controlled and/or managed within the site during ongoing operation of the development. Depending on the extent and nature of the proposal under consideration, this could include but may not be limited to:</p> <ul style="list-style-type: none"> <li>• noise and vibration control;</li> <li>• surface water management and stormwater protection;</li> <li>• trade waste arrangements (if applicable);</li> <li>• control and treatment of air emissions;</li> <li>• dust and erosion control (including stockpiles, if applicable);</li> <li>• waste management, including handling of potentially contaminated material;</li> <li>• identification of relevant person/s on site who are responsible for control strategies, including their position title and contact details; and</li> <li>• details of complaints handling arrangements.</li> </ul>	<p>An Operational Environmental Management Plan (OEMP) was submitted with the application. The OEMP details how environmental impacts will be monitored and reviewed to ensure proper mitigation of any impacts.</p>	<p>Yes</p>
<b>Noise</b>		
<p>C7. Sources of noise, such as plant equipment and machinery, shall be sited away from adjoining properties as far as practicable and, where necessary, screened by walls or other acoustical treatment.</p>	<p>The odour management system is located within its own room to attempt to minimise any potential noise impacts. Notwithstanding, as detailed above, the NSW EPA have found that the NIA is insufficient in appropriately assessing impacts to surrounding receivers.</p>	<p>No</p>
<p>C8. Operations are to be conducted so as to avoid unreasonable noise and interference to adjoining development, particularly residential development.</p>	<p>Given the insufficient assessment and information contained within the submitted NIA, it is considered that the extent of noise impacts are unknown and therefore cannot be supported at this stage.</p>	<p>No</p>
<p>C9. Operations are to be undertaken in accordance with licences and guidelines from relevant authorities.</p>	<p>Given the nature of the proposed development, the proponent is required to obtain an Environmental Protection Licence (EPL) prior to operations.</p>	<p>No</p>

		Notwithstanding, the NSW EPA have not granted concurrence.	
	<b>Staff amenities</b>		
	C10. Provide a high level of staff facilities and recreation space including as a minimum: <ul style="list-style-type: none"> <li>• indoor and outdoor breakout/communal space;</li> <li>• kitchen; and</li> <li>• end of trip facilities.</li> </ul>	The proposal provides for both indoor and outdoor space for staff, end of trip facilities at ground floor and a large administrative space which will include kitchen facilities.	Yes
	<b>Plan of Management</b>		
	C11. A plan of management is required to be prepared for the development. The plan is to bring together other plans related to the development and identified in this DCP, and to provide a framework for the management of complaints. A review mechanism shall also be provided to ensure the effectiveness of the plan of management and to refine the plan as required. The plan of management shall be made to available to Council or other relevant authority at any time if requested.	An Operational Environmental Management Plan was submitted with the application. Notwithstanding, given concerns raised in relation to outstanding information pertaining traffic, noise and air quality, this is not considered satisfactory at this point in time.	No
<b>2.13 Environmental management</b>	<b>Air Quality</b>		
	C1. Details of any equipment, processes and air pollution control or monitoring equipment shall be submitted to Council with a development application including an assessment of air quality according to EPA standards.	An Air Quality Impact Assessment (AQIA) was provided as part of the Odour Modelling and Management Assessment. Both the NSW EPA and Council's Resource Recovery Officer raised concern with the submitted AQIA and the scope of the assessment. It was identified that the proposed development and associated AQIA failed to assess the air quality impact to nearby residential receivers and could therefore not be supported.	No
	<b>Waste</b>		
	C2. An on-going waste management plan is required to be submitted with the application to detail how all solid and liquid wastes handled on site will be managed. The plan may include, but is not limited to, details on: <ul style="list-style-type: none"> <li>• all waste storage areas (including internal and external areas/rooms);</li> <li>• waste collection arrangements, including collection location and times/frequency;</li> <li>• measures to prevent potential pollution from waste</li> </ul>	A Waste Management Plan (WMP) was submitted with the application. The WMP details waste storage areas, collection arrangements, mitigation measures and removal of hazardous waste.  A number of matters were requested to be addressed in relation to waste management in Council's RFI dated 11 August 2023. A review of the updated information by Council's Resource Recovery Officer demonstrated that the submitted Waste Management Plan still lacked	No

	<p>storage/handling activities on site;</p> <ul style="list-style-type: none"> <li>• any trade waste arrangements; and</li> <li>• measures for dealing with contaminated and/or hazardous waste.</li> </ul>	<p>detail in regards to odour management as well as waste vehicle management.</p>	
	<p>C3. Garbage storage areas shall be designed so as to:</p> <ul style="list-style-type: none"> <li>• be readily serviced within the confines of the site with minimum impact on adjoining uses;</li> <li>• incorporate ventilation measures; and</li> <li>• have suitable access to water to maintain waste storage areas.</li> </ul>	<p>The proposal ensures garbage storage areas can be readily serviced and have suitable access to water.</p>	<p>Yes</p>
<p><b>Contamination</b></p>			
	<p>C4. An assessment is to be made by the applicant under SEPP No. 55 – Remediation of Land (or equivalent) as to whether the subject land is contaminated prior to the submission of a development application.</p>	<p>An assessment was made under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> including the undertaking of a Detailed Site Investigation (DSI). The DSI concludes that the historic use of the site has not resulted in any contamination and therefore no remediation works are required.</p>	<p>Yes</p>
	<p>C5. All underground petroleum storage systems (UPSS) must be designed, installed and operated in accordance with the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2019 (the Regulation) and guideline to the Regulation published by the NSW EPA.</p>	<p>N/A</p>	<p>N/A</p>
	<p>C6. An application involving installation or modification to a UPSS must be accompanied by:</p> <ul style="list-style-type: none"> <li>• detailed plans of the UPSS; and</li> <li>• certification that the plans and proposed design comply with the Regulation and Australian Standard 897 – 2008</li> </ul> <p>The design, installation and operation of underground petroleum storage systems.</p>	<p>N/A</p>	<p>N/A</p>
	<p>C7. Service station forecourts must be designed and managed in accordance with environmental best practice as outlined in the NSW EPA Practice Note Managing runoff from service station forecourts (2019). An application for a service station must be accompanied by detailed plans of forecourt areas which identify all proposed design features and</p>	<p>N/A</p>	<p>N/A</p>



	measures to manage runoff in accordance with the Practice Note.		
<b><i>Sustainability and energy efficiency</i></b>			
	<p>C8. Improve the efficiency of hot water systems by:</p> <ul style="list-style-type: none"> <li>• providing solar powered hot water systems where possible. 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;</li> <li>• insulating hot water systems; and</li> <li>• 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</li> </ul>	The proposal does not provide for any renewable energy sources. The applicant notes that solar panels could be conditioned, however, this is not considered satisfactory by Council.	No
	<p>C9. 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.</p>	An Energy Efficiency Report has not been provided.	No
	<p>C10. The amount of exposed glazing to the eastern and western facades of buildings shall be minimised.</p>	Glazing is kept to a minimum at the eastern and western elevations.	Yes
	<p>C11. Building design shall minimise reliance on existing energy supplies through the use of renewable energy sources including incorporation of photovoltaic cells, wind turbines, battery storage and solar hot water wherever practicable.</p>	The proposal does not provide for any renewable energy sources.	No
<b><i>Water pollution and stormwater management</i></b>			
	<p>C12. For industrial developments such as mechanical repair workshops and garages, pollution control monitoring equipment, e.g. retention pits, traps, or bunding shall be used to control the discharge of pollutants into the stormwater system.</p>	The proposal was referred to Council's Stormwater Engineer who raised no concern in relation to stormwater management arrangements.	Yes
	<p>C13. If the premises are subject to licence under the Protection of the Environment Operations Act 1997, development is to comply with any conditions of such</p>	No conditions as the NSW EPA have not granted concurrence to the application in its current form.	No

	licence that form part of any building approval.		
<b>Part G3 – Traffic, Parking, Transport &amp; Access (Vehicle)</b>			
<b>3. Parking rate</b>	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.	A parking study has been included in the Traffic Impact Assessment (TIA).  The TIA was referred to Council's Traffic Engineer who raised no concern in relation to parking rates.	Yes
<b>4.5 Development in industrial zone</b>	C1. Parking rates shall comply with the minimum parking rates for cars and bicycles in Section 3 of this Part of the DCP.	As above, no prescribe parking rate, however, a parking study has been provided to determine appropriate parking provisions.	Yes
	C2. On-site parking is to be designed so that large expanses of bland concrete paving in the car parking and driveway areas are avoided.	To reduce unsightliness of large expanses of hardstand, administrative spaces have been cantilevered above parking areas. This also provides shelter within provided car parking area.	Yes
	C3. 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 carparks.	The proposal provides only 18 car parking spaces. This is not considered to be a large area of car parking.	N/A
	C4. In open parking areas, 1 shade tree per 10 spaces shall be planted within the parking area.	N/A	N/A
	C5. A traffic and transport management plan is to be prepared for the development. The plan is to include, at a minimum, details on the following items: <ul style="list-style-type: none"> <li>• type of transport used for the development, including operations, staff and visitors;</li> <li>• frequency and duration of movements, including operations, staff and visitors;</li> <li>• size of the largest vehicle accessing the site;</li> <li>• internal management arrangements for vehicle movements, parking and access;</li> <li>• potential scope for public transport, walking and cycling</li> </ul>	An Operational Environmental Management Plan (OEMP) was submitted with additional information on 31 October 2023. The OEMP provided detail on traffic and transport management.  Notwithstanding, the OEMP and TIA were reviewed by Council's Traffic Engineer who found that insufficient information has been provided in relation to truck movement including movements, turning paths and access and egress.	No

	<p>access and facilities for staff and visitors on the site;</p> <ul style="list-style-type: none"> <li>• management arrangements should traffic and transport impacts flow outside the site where the development is located; and</li> <li>• review mechanisms to confirm the effectiveness of the plan and to refine the plan as required.</li> </ul>		
<b>Part G4 – Stormwater &amp; Drainage</b>			
<b>2.2 Method of stormwater disposal from the site</b>	Various controls and objectives	Council's Stormwater Engineer has reviewed the proposal and is satisfied with stormwater drainage arrangements, subject to conditions.	Yes
<b>2.3 Application requirements for stormwater drainage</b>			
<b>2.4 Types of stormwater systems</b>			
<b>2.5 Technical details of stormwater drainage system</b>			
<b>2.6 Flood Risk Management</b>			
<b>2.7 Water Sensitive Urban Design, water quality and water re-use</b>			
<b>Part G5 – Sustainability, Biodiversity and Environmental Management</b>			
<b>2.1 Groundwater</b>	Various controls and objectives	The proposed development would not have any impact on groundwater.	Yes
<b>2.2 Surface water</b>	Various controls and objectives	<p>Concern was raised by Council's Environmental Health Officer (EHO) in relation to wastewater in their Request for Further Information dated 1 September 2023. It was noted that the water assessment did not assess the dirty material that will be tracked out of the site and onto the driveway and roadway when exiting the facility.</p> <p>Additional information was provided by the applicant on 31 October 2023 which was reviewed by Council's EHO. Council's EHO raised no concern and provided</p>	Yes

		recommended conditions of consent.	
<b>2.3 Land contamination</b>	Various controls and objectives	A Detailed Site Investigation (DSI) was submitted with the original application. The DSI was reviewed by Council's Environmental Health Officer who raised no concern in relation to contamination. The site could be made readily suitable for the development.	Yes
<b>2.4 Air quality</b>	Various controls and objectives	An Air Quality Impact Assessment was submitted with the DA. Additionally, further information was provided in response to Council's Request for Information dated 11 August 2023.  The AQIA is insufficient in appropriately modelling and testing air quality impacts, particularly those to the high density residential development to the west.	No
<b>2.6 Energy efficiency and renewables</b>	Various controls and objectives	The proposal promotes energy efficient design and implements the use of skylights and appropriate materials.	Yes
<b>Part G7 – Tree Management and Landscaping</b>			
<b>2.1 Preservation of trees</b>	Various controls and objectives	Council's Tree Officer raised no concern in relation to the proposed landscaping scheme and provided recommended conditions of consent.	Yes
<b>2.2 Tree management and proposed development</b>			
<b>2.3 Landscaping</b>			
<b>2.4 Landscaping specification</b>			
<b>2.5 Tree removal and/or pruning</b>			
<b>2.7 Construction</b>			
<b>Part G8 – Waste Management</b>			
<b>3.1 Demolition and Construction</b>	Various controls and objectives	The application was referred to and reviewed by Council's Waste Specialist.  A number of matters were requested to be addressed in relation to waste management in Council's RFI dated 11 August 2023. A review of the updated information by Council's Waste	No
<b>3.5 Bin transfer requirements</b>			
<b>3.6 Collection area requirements</b>			

<b>3.7 Collection vehicle requirements</b>		Specialist demonstrated that the submitted Waste Management Plan still lacked detail in regards to odour management as well as waste vehicle management.	
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