

APPENDIX B
CUMBERLAND DEVELOPMENT CONTROL PLAN 2021
Assessment Table

Chapter G - Miscellaneous Development Controls			
Part G1 - Advertising & Signage			
2. Signage	<p>C1 Signs must not:</p> <ul style="list-style-type: none"> • be attached to a vehicle, where the vehicle remains stationary primarily for the purpose of advertising. "Vehicle" means a registered or unregistered vehicle and includes a trailer; • be a temporary poster and sticker affixed to the exterior of the building, power poles, fences, tree, construction hoardings or the like; • be of a portable nature, such as a sandwich board (A-frame signs), placed in, on or over a public place, except in special circumstances specified in the Plan; • include flashing lights, regardless of whether these are for illumination of a fixed sign, to attract attention to an otherwise illuminated sign or as part of an illuminated sign; • be painted on or applied on the roof; or • include inflatable signs or structures, other than temporary signs. 	<p>Application proposes one 2m x 4m sign on the eastern elevation of the building. The sign will be non-illuminated and mounted on a fresh perforated mesh screen background.</p> <p>The sign does not meet any of the requirements stipulated in C1</p>	Yes
	C2 Advertising signs which do not relate to a use, business or activity carried out on the site or building on which the sign is to be placed are discouraged.	Sign relates to the use of the community facility and will include a condition to that effect	Yes
	C3 Advertising and signage shall be displayed in English but may include a translation in another language.	Can comply via condition	Yes
2.2 Language of signs	C4 Content of signage shall not be offensive in nature.	Can comply via condition	Yes
Part G2 – Heritage - (Only relevant controls addressed where relevant given the type of development proposed and location)			
2.2. Conservation and	C1 New development should be consistent with the guidelines and policies of any	The subject site is land on which two heritage items are located under CLEP	Yes

<p>development work on heritage buildings</p>	<p>relevant conservation plan adopted by Council, and where appropriate, with State government requirements.</p> <p>C5 All new development within the curtilage of a heritage item is to be suitably located and retains the visual dominance of the heritage item, with minimal impact upon the fabric and significant landscaping associated with the item.</p> <p>C8 When undertaking any form of development, conservation, maintenance or construction works on a heritage item, the materials, colours, maintenance and construction techniques used shall be appropriate to the heritage item.</p> <p>Curtilage development (Where relevant)</p> <p>C24 Where proposing development within the curtilage of a heritage item, the new development should be designed so that the heritage item retains its visual prominence.</p> <p>C25 The colours and materials used within the new development shall be recessive and complement the colours and materials of the heritage item.</p> <p>C28 New development within the curtilage should not adversely impact upon the significant fabric of a heritage item.</p>	<p>2021. The site is listed as containing two local heritage items, I175 being “Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain” and I187 being “stand of <i>Eucalyptus microcorys</i>”</p> <p>Given the proposal and location in a public reserve there was potential for Aboriginal Archaeological to be impacted.</p> <p>To address both matters the application was accompanied by a Heritage Impact Assessment (HIA) prepared by Weir Phillips and an Aboriginal Heritage Due Diligence Heritage Assessment, prepared by Navin Officer Heritage Consultants Pty Ltd.</p> <p>The HIA assessed the impacts of the proposal on the heritage significance of the items.</p> <p>The HIA concluded the proposed works will have an acceptable impact on the heritage items on the site because no major elements that contribute to their significance will be removed.</p> <p>The Due Diligence Assessment concluded that No Aboriginal sites or area of Aboriginal archaeological potential have been identified within the subject area.</p>	
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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.</p> <p>For recreation facilities (indoor) outside the town centre: 4.5 – 7.5 spaces/100m² of GFA and</p> <p><u>Bicycle</u></p> <p>1 space/ 4 employees and 1 space/200m² for visitors</p> <p>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>A Traffic and Parking Impact Assessment (TIA) has been prepared and accompanies the DA, prepared by PDC Consultants, dated 13 February 2024. The TIA assessed the proposal accordance with the DCP.</p> <p>The site is accessed via vehicle from an existing internal access road off Church Street which currently services a number of lands uses within the Reserve. Access to the site by heavy vehicles including buses, waste collection trucks and construction vehicles will be via Percy Street. Emergency egress to/from the site is via Olympic Drive/Boorea Street. The proposal does not seek to alter the access arrangements for the site. Upgrades to, and realignment of, the internal access roads will be pursued under a different planning pathway outside of the DA.</p> <p>The construction of a car park to support the proposed development will not form part of the DA. Formalisation of the car parking area to the east of the proposal will be addressed separately via an alternate planning pathway under the provisions of SEPP (Transport and Infrastructure) 2021.</p>	Yes

		<p>The DCP controls require 4.5 – 7.5 car parking spaces per 100m² GFA for indoor recreation facilities outside of the town centre. Given the range of existing uses within the Reserve, the TIA applied the following approach to determine the if there is sufficient car parking to cater for the existing land uses as well as the proposal –</p> <ul style="list-style-type: none">• Determine the typical car parking demand generated by the various sports codes that are occurring within and around Wyatt Park.• Assess the car parking demand of the proposal development and the cumulative demands.• Assess any additional car parking requirements to ensure the parking demands of the proposal development are accommodated. <p>The TIA surveyed 545 existing car spaces and found that during peak periods cumulative parking (existing land uses and proposal) would not exceed the existing car parking capacity. The assessment concluded the following –</p> <p><i>For both the weekday and weekend peak parking demands, neither scenario exceed the car parking capacity of 545 spaces (surveyed). This</i></p>	
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		<p><i>suggests that the existing car parking provision of 545 spaces would readily accommodate the car parking demands of the proposed High Performance Facility (HPF) development and demands of the existing sports codes operating within Wyatt Park.</i></p> <p>The TIA acknowledged that the formalisation of the car parking area to the east of the proposal will increase the number of line-marked spaces by 50. It can therefore be concluded that the proposed car parking provision is acceptable and will remain suitable following the formalisation of the car park.</p> <p>The DCP controls require 1 bicycle space per 4 employees and 1 visitor bicycle space per 200m² GFA for indoor recreation facilities.</p> <p>The TIA found the proposal would require a total of 24 bicycle spaces. A total of 24 bicycle spaces are provided. The assessment found that the proposal complies with the DCP and the provision of bicycle parking is acceptable.</p> <p>The application was reviewed by Councils engineering team and whilst it was concluded that the proposed facility is satisfactory, a condition will be imposed that specified the facility is not to receive an occupation</p>	
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		<p>certificate until such time that the future proposed civil works inclusive of car park to the east of the building, public roads, vehicular crossings, pedestrian footpaths, kerb. Guttering and SW drainage works required under a separate approval are to be obtained.</p> <p>This is to ensure servicing and works required to access and accommodate the facility that can be approved under a separate approval pathway are completed prior to the facility receiving an occupation certificate.</p>	
4.6 Loading requirement for commercial and industrial development	C1. Loading bays for trucks and commercial vehicles shall be provided in accordance with Table 2.	<p>The facility accommodates loading bays at the south-western end of the facility. The TIA indicates that the loading facilities will be able to accommodate up to a 12.5m long heavy rigid vehicle (HRV) and an 8.8m long (MRV) at any one time. A swept path analysis has been provided and reviewed by Councils engineering team which have provided conditions of consent. Similar to above the servicing of the loading facilities depends on the completion of the proposed car park and upgrade to the road works which are subject to a separate approval pathway. As indicated above a condition will be imposed requiring the relevant works be</p>	Yes

		completed prior to the facility obtaining an OC.	
	C2. Loading/unloading areas shall be provided in accordance with applicable provisions of Australian Standard (AS 2890).	Complies and conditions provided	Yes
	C3. Provide separation between parking and service areas (i.e. loading/unloading areas).	Provided	Yes
	C4. Locate and design service areas to facilitate convenient and safe usage.	Provided	Yes
	C5. Loading docks shall be located so as to not: <ul style="list-style-type: none"> • 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. 	Located at the south-west end of the building away from pedestrian access and car parking.	Yes
	C6. A minimum of one loading space shall be provided internally within each industrial unit.	N/A	N/A
	C7. Loading areas shall be designed for the largest size vehicle accessing the site.	Accommodated for a 12.5 long HRV	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: <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. 	Council's Development Engineer reviewed the proposal and did not raise any objections subject to conditions.	Yes
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	Council's Development Engineer reviewed the proposal and did not raise any objections subject to conditions.	Yes

	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.	Limited excavation is proposed to accommodate the facility.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Council's Development Engineer reviewed the proposal and did not raise any objections 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 2,500m ² , or more in area must be supported by a Water Sensitive Urban Design Strategy, prepared by a qualified civil engineer with suitable experience.	WSUD has been incorporated into the design of the proposal addressing stormwater quality, reducing stormwater flow rate and water conservation. Council's Development Engineer reviewed the proposal and did not raise any objections 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.	The proposal includes appropriate water quality devices. The application was accompanied by a Civil Concept Design Report prepared by Mott MacDonald which recommended appropriate water quality measures. Council's Development Engineer reviewed the proposal and did not raise any objections subject to conditions.	Yes
Part G5 - Sustainability, Biodiversity & Environmental Management			
2.1 Groundwater	Deep excavation work that penetrates to the ground water level will not be occurring. As such, no detailed assessment is required.		
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	The application was accompanied by a Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP), prepared by JBS	Yes

	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>& G, dated February 2024. The DSI concluded the site can be made suitable for the proposed development subject to the implementation of a RAP and an Asbestos Management Plan (AMP).</p> <p>The RAP concluded the actions proposed to remediate the site conform to the requirements of the <i>Contaminated Site Guidelines for the NSW Site Auditor Scheme</i> It is considered that subject to the implementations of the recommendations of the RAP the site will be suitable for the proposed use.</p>	
	<p>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.</p>	<p>The application was accompanied by a Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP), prepared by JBS & G, dated February 2024. The DSI concluded the site can be made suitable for the proposed development subject to the implementation of a RAP and an Asbestos Management Plan (AMP).</p> <p>The RAP concluded the actions proposed to remediate the site conform to the requirements of the <i>Contaminated Site Guidelines for the NSW Site Auditor Scheme</i> It is considered that subject to the implementations of the recommendations of the RAP the site will be suitable for the proposed use.</p>	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.	<p>The development application does not include the removal of trees. However, the arborist report identified 3 trees (T17, 18 and 19), that were within 10m of the proposed building.</p> <p>Trees 17 and 18 were found to be not within the encroachment impact and thus will only require a TPZ and site fencing for protection during construction.</p> <p>T19, identified as <i>Eucalyptus microcorys</i> (Tallowwood), located on the southern extent of the proposed building. The submitted arborist report determined that this tree will need to be subject to further detailed root investigations to determine if the tree can be retained in a viable condition. Subject to the root investigations if its deemed the tree cannot be retained, Councils tree officer has recommended re-planting at a 2:1 ratio, which will form part of conditions of consent.</p>	Yes
Part G7 - Tree Management & Landscaping			
2.1 Preservation of trees	<p>C1. The following are not considered to be substantive criteria for tree removal:</p> <ul style="list-style-type: none"> • flower, leaf or fruit fall causing nuisance; • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; 	Noted	Yes

	<ul style="list-style-type: none"> • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus. 		
	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.		
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>Area of proposal is devoid of any significant vegetation. As indicated above the three trees within the vicinity of the development have been assessed and Trees 17 and 18 were found to be not within the encroachment impact and thus will only require a TPZ and site fencing for protection during construction.</p> <p>T19, identified as <i>Eucalyptus microcorys</i> (Tallowwood), located on the southern extent of the proposed building. The submitted arborist report determined that this tree will need to be subject to further detailed root investigations to determine if the tree can be retained in a viable condition. Subject to the root investigations if its deemed the tree cannot be retained, Councils tree officer has recommended re-planting at a 2:1 ratio, which will form part of conditions of consent.</p>	Yes

	C2. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	Not applicable	N/A
	C6. Trees assessed as having medium or high landscape significance retention value should be retained, with adequate setbacks to any development works to ensure their long-term survival.	Refer to discussion above	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.	Provided	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.	Provided, prepared by Environmental Partnership, revision 2 dated 13 June 2024. Landscape plan was reviewed by Council's landscape officer and Council's Public Spaces and Planning and Design team and the proposal was considered satisfactory subject to conditions	Yes
Part G8 - Waste Management			
Council's Waste Management officers have reviewed the application and has raised no objection to the proposed works. Generally, no conditions are required.			