



CUMBERLAND
CITY COUNCIL

PART E

OTHER LAND USE BASED DEVELOPMENT CONTROLS

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Part E Contents

Part E1 – Places of Public Worship	E5
1. Introduction	
2. Objectives and controls	
2.1 Bulk and scale	E7
2.2 Traffic, parking and transport	E7
2.3 Acoustic privacy	E8
2.4 Landscaping and open space	E8
2.5 Operational Plan of Management	E8
Part E2 – Community Facilities	E10
1. Introduction	
2. Objectives and controls	
2.1 Bulk and scale	E12
2.2 Traffic, parking and transport	E12
2.3 Landscaping and open space	E12
2.4 Operational Plan of Management	E13
Part E3 - Centre Based Child Care Facilities	E14
1. Introduction	
2. Objectives and controls	
2.1 General	E16
2.2 Bulk and scale	E16
2.3 Traffic, parking and transport	E17
Part E4 – Education Establishments	E19
1. Introduction	
2. Objectives and controls	
2.1 Acoustics	E21
2.2 Traffic, parking and transport	E21
2.3 Operational Plan of Management	E22

Part E5 – Sex Service Premises

E24

- 1. Introduction
- 2. Objectives and controls
 - 2.1 General E25
 - 2.2 Design of premises E25
 - 2.3 Hours of operation E26
 - 2.4 Traffic, parking and transport E26
 - 2.5 Plan of Management E26
 - 2.6 Signage E28
 - 2.7 Health and building matters E28
 - 2.8 Safety and security E28

EXHIBITION DRAFT 2020



CUMBERLAND
CITY COUNCIL

PART E1

PLACES OF PUBLIC WORSHIP

EXHIBITION DRAFT 2020

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1. Introduction

1.1 Land to which this Part applies

This Part of the DCP applies to all land where places of public worship are permissible and specifically applies to development applications for the following:

- the establishment of a new purpose-built place of public worship;
- alterations and/or additions to, or intensification of an existing places of public worship; and
- conversion or adaptation of existing buildings to a place of public worship.

2. Objectives and controls

2.1 Bulk and scale

Objectives

- O1. Ensure compatibility with the scale, streetscape character and future amenity of the locality.
- O2. Ensure new development have facades that define and enhance the public domain and desired street character.
- O3. Ensure that building elements are integrated into the overall building form and façade design.

Controls

- C1. 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.
- C2. 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.
- C3. The front entrance of all places of public worship shall be in clear view of the street.
- C4. 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.
- C5. Building setbacks shall respond to the existing character of the street.

2.2 Traffic, parking and transport

Control

- C1. Development for the purposes of places of public worship will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.

2.3 Acoustic privacy

Objective

- O1. Ensure the design and material of places of public worship provide acoustic privacy to surrounding locality and minimise noise levels.

Controls

- C1. 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.
- C2. Adjoining and nearby developments, especially residential uses, shall not be exposed to unreasonable levels of noise arising from the proposed use.
- C3. 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.
- C4. Council may consider exempting applications for minor modifications or alterations to existing premises from the preparation of a noise impact assessment statement.

2.4 Landscaping and open space

Objectives

- O1. Maintain and enhance the existing streetscape and landscaped character of the location in the Cumberland City.
- O2. Retain existing trees where possible.

Controls

- 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.
- C2. In residential areas, a minimum 1m landscaping strip between side setbacks and the driveway is required.
- C3. Landscaped areas in industrial zones will comply with the requirements of Part D and G7 of this DCP.

2.5 Operational Plan of Management

Objective

- O1. Provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

Controls

- 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.
- C2. This Operational Plan of Management must include, but is not limited to, the following information for each proposed use:
- 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 people 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 people 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 people it will attract;
 - 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 people to be in attendance at regular services, main events and those other times where it is expected that the place of public worship will be in use;
 - 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.



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PART E2

COMMUNITY FACILITIES

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1. Introduction

1.1 Land to which this Part applies

This Part of the DCP applies to all land where community facilities are permissible and specifically applies to development applications for the following:

- the establishment of a new purpose-built community facility;
- alterations and/or additions to, or intensification of an existing community facility; and
- conversion or adaptation of existing buildings to a community facility.

2. Objectives and controls

2.1 Bulk and scale

Objectives

- O1. Maintain and enhance the existing streetscape and landscaped character of its location in Cumberland.
- O2. Ensure new development have facades that define and enhance the public domain and desired street character.
- O3. Ensure that building elements are integrated into the overall building form and façade design.

Controls

- C1. Community facilities 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.
- C2. The front entrance of all community facilities shall be in clear view of the street.
- C3. Where a community facility 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.

2.2 Traffic, parking and transport

Control

- C1. Development for the purposes of a community facilities will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.

2.3 Landscaping and open space

Objectives

- O1. Maintain and enhance the existing streetscape and landscaped character of the location in the Cumberland City.
- O2. Retain existing trees where possible.

Controls

- C1. Where community facilities are proposed in residential zones, a minimum of:
- 25% of the site area shall be landscaped area.
 - 50% of the front setback shall be landscaped area.
- C2. In residential areas, a minimum 1m landscaping strip between side setbacks and the driveway is required.
- C3. Landscaped areas in industrial zones shall comply with the requirements of Part D and G7 of this DCP.

2.4 Operational Plan of Management

Objective

- O1. Provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

Controls

- C1. A development application for the purposes of establishing a new community facility or intensification of an existing community facility or conversion/adaptation of existing buildings to a community facility must 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 development consent.
- C2. This Operational Plan of Management must include, but is not limited to, the following information for each proposed use:
- 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 people 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 people it will attract;
 - 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; and
 - contact persons who will be responsible for managing and responding to community feedback and complaints. This is to be updated periodically.



CUMBERLAND
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PART E3

CENTRE BASED CHILD CARE FACILITIES

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1. Introduction

1.1 Land to which this Part applies

This Part of the DCP applies relates to centre based child care facilities as defined in the Cumberland LEP XXXX.

This Part of the DCP should be read in conjunction with the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the Child Care Planning Guideline.

2. Objectives and controls

2.1 General

Objectives

- O1. Encourage the provision of high-quality child care which meets the needs of the community, including users of the facility and owners and users of surrounding land uses.
- O2. Ensure that child care centres are compatible with neighbouring land uses and integrate into existing residential environments that are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.
- O3. Ensure the amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site.

2.2 Bulk and scale

Objectives

- O1. Promote child care centre building forms that are compatible with the character of existing surrounding residential development.
- O2. Ensure the privacy of surrounding properties is maintained and protected from any potential overlooking.
- O3. Protect the visual and acoustic privacy needs of children using the child care centres, staff and other users.

Controls

- C1. The minimum side setbacks for a new child care centre is 2m to allow for landscaping and separation of uses.
- C2. The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.
- C3. The front setback shall reflect the existing streetscape and desired future character of the locality.
- C4. The child care centre building is to be designed so as to reflect the scale, bulk, size of surrounding residential uses. However, this does not preclude the use of 'U' shaped or

'L' shaped buildings for the purpose of minimising acoustic impacts on neighbouring properties.

- C5. The front setback area:
- may only be used for access, parking and landscaping purposes;
 - shall not be used as an outdoor play space; and
 - shall not be included in calculations of unencumbered outdoor space.

2.3 Traffic, parking and transport

Control

- C6. Development for the purposes of centre based child care facilities will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.

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PART E4

EDUCATIONAL ESTABLISHMENTS

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1. Introduction

1.1 Land to which this Part applies

This Part of the DCP applies to all land where educational establishments are permissible and specifically applies to development applications for any of the following:

- the establishment of a new purpose-built educational establishment;
- alterations and/or additions to, or intensification of an existing educational establishment; and
- conversion or adaptation of existing buildings to an educational establishment.

1.2 Relationship to other documents

This Part of the DCP should be read in conjunction with the *State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017* and Design Quality Guidelines.

2. Objectives and controls

2.1 Acoustics

Objective

- O1. Minimise noise impacts of educational establishments that may impact upon neighbouring or nearby properties.

Controls

- C1. The design of the proposed educational establishment shall minimise the projection of noise from the various activities anticipated to occur within the site. Adjoining and nearby residents should not be exposed to unreasonable levels of noise arising from the proposed use.
- C2. A noise impact assessment statement, prepared by a suitably qualified acoustic engineer, is to be submitted with all applications for development within residential zones or development located in close proximity to residential development. This should describe hours of operation and predicted noise levels for regular lunch and tea breaks and for special events. Where possible, reference should be made to similar operating uses within the Cumberland City.
- C3. Where it can be demonstrated that the development is of a minor nature involving alterations, additions or modifications to an established educational establishment, a noise report may not be required.

2.2 Traffic, parking and transport

Control

- C4. Development for the purposes of an education establishment will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.

2.3 Operational Plan of Management

Objective

- O1. Provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

Control

- C1. An Operational Plan of Management must be provided for a new education establishment. 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 development consent. The Operational Plan of Management (including amendments, if any) will be incorporated as a condition of development consent. This plan must include, but is not limited to the following information:
- operation hours, including a schedule of the regular classes held, lunch and tea breaks, recurring events (such as sport afternoons) and special events throughout the year and location of these events;
 - the maximum number of full-time equivalent staff;
 - the number of enrolled students to be in attendance at regular classes. details of outdoor space provision (covered and uncovered);
 - details of available public transport links, hub and frequency;
 - a safety audit and its recommendations;
 - consideration and details of CPTED principles to be implemented;
 - a list of the types of community purposes (i.e. community colleges, senior citizens groups, youth groups etc) any building may be used for outside the regular classes, breaks and other events. how often and how many people it will attract;
 - a list of the type of organisations that may lease or use any building and for what purposes. how often and how many people it will attract;
 - an explanation of the measures that will be in place to manage parking, local traffic and pick up and drop off arrangements both in regular operations and when a special event is scheduled;
 - contact persons who will be responsible for complaints handling. This is to be updated periodically;
 - anticipated growth of the educational establishment and how these long- term projections will be factored into the development and managed in the future; and
 - for senior level educational establishments, details of the number of student drivers, the number and location of allocated parking spaces and the measures to monitor the safety of student drivers (e.g. guardian permission slips).

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PART E5

SEX SERVICE PREMISES

1. Introduction

1.1 Development to which this Part applies

This Part applies to sex services premises as defined in the Cumberland LEP XXXX.

1.2 Development application requirements

Any development application for sex service premises shall include:

- Traffic and transport management plan;
- Social impact assessment; and
- Crime prevention and safety audit.

2. Objectives and controls

2.1 General

Objectives

- O1. Regulate and control sex services premises in appropriate locations so as to minimise amenity impacts upon adjoining land uses in the zone.
- O2. Ensure high levels of safety and security are provided for sex services premises for the security and safety of staff, and users or occupiers of the respective premises as well as neighbouring properties.
- O3. Provide an appropriate framework to effectively regulate the operation of sex service premises, through detailed provisions of development consent and plans of management.

2.2 Design of premises

Objectives

- O1. Ensure that sex services premises are designed to minimise their potential impacts in the locality.
- O2. Ensure that the design and external appearance of the premises and any associated structures do not have an adverse impact on and are in keeping with the character of the area.

Controls

- C1. The external appearance of sex services premises must respect the architectural character of the streetscape and not be a prominent feature in the street.
- C2. All entrances and exits to sex services premises shall be designed to facilitate the privacy of staff and visitors without compromising personal safety (through avoiding the use of isolated back lanes and poorly lit areas). Shared access to the premises is not permitted.
- C3. The interior of sex services premises must not be visible from any place in the public domain. Where the interior of sex services premises may be visible from neighbouring

buildings, adequate measures shall be taken to screen the interior of the building, for example using blinds and screens.

- C4. Sex related products, sex workers, or performers, or nude or semi-dressed staff shall not be visible from the public domain.
- C5. Adequate design measures must be provided to ensure the safety and security of sex services premises staff and visitors and where appropriate shall include:
- reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors;
 - design which minimises alcoves and entrapment spaces;
 - adequate safety and surveillance systems; and
 - adequate amenities (i.e. showers, basins and toilets) are to be provided for staff and visitors.

2.3 Hours of operation

Objective

- O1. Ensure that sex services premises operate at times where they will have least impact on the community, the environment and nearby land uses.

Controls

- C1. Council will exercise its discretion in relation to permitted hours of operation of sex services premises by taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.
- C2. Operational requirements are to be supported by Plan of Management(s) and acoustic report(s).
- C3. Sex services premises must not operate between the hours of 2 a.m. and 7 a.m., unless such operation can be justified including consideration of the nature of adjoining uses.

2.4 Traffic, parking and transport

Control

- C4. Development for the purposes of sex service premises will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.

2.5 Plan of Management

Objective

- O1. Limit the potential for adverse social and environmental impact of sex service premises in any locality by controlling the intensity of operation.

Control

- C1. A Plan of Management shall be submitted for all sex services premises and shall include the following information:

Business Details

- name and contact details of the operator(s) and manager(s);
- ABN, registered business name, trading name and insurance;

- record keeping procedures for employees;
- the procedure for recording and dealing with complaints regarding the operation of the premises or the behaviour of visitors arriving or leaving the premises; and
- all of the above information, approvals for the establishment of the premises, the Plan of Management are to be made available to the public and be kept on the premises at all time. Confidential information on employee details is not expected to be released to the public.

Note: The consent authority must be advised of any changes of ownership, management, registered business or trading name during the period of consent.

Safety and Security

- detail systems ensuring safety for staff and visitors including:
 - risk management procedures appropriate to the service provisions (e.g. accident and injury, violent behaviour);
 - the number and role of security personnel;
 - procedures for the safe handling of money;
 - the method of surveillance of common areas; and
 - monitoring of alarms.

Induction and Training

- staff training and induction procedures and emergency evaluation procedures.

Health Access

- access arrangement for the attendance of health service providers must be detailed; and
- health and safety policies for workers together with incident reports and accident register.

Cleaning and Cleanliness

- detail of cleaning systems
- details of the surface materials of equipment and facilities including stages, sling room facilities, etc;
- details of cleaning products and equipment;
- identified cleaning areas for equipment and other removable items;
- details of cleaning procedures including staff allocations; and
- details of cleaning and management systems for swimming pools and spas and douching.

Waste

- details of disposing of commercial waste; and
- details for managing the safe disposal of sharps

Equipment

- details of all specialist equipment, including information on how it is to be used, and how it is to be cleaned and maintained.

2.6 Signage

Objectives

- O1. Ensure signage is discreet and suitably located for sex service premises and consider the amenity of the surrounding area.
- O2. Ensure signage does not result in visual clutter or other visual impacts upon a locality.
- O3. Minimise the potential for signage to cause offence to the public.

Controls

- C1. A maximum of one (1) external sign per premises is permitted and shall indicate only the name of the business operated and/or the address. Additional signage for parking and traffic management may be provided.
- C2. Where primary pedestrian access is from the rear of the site or from a car park, a second sign may be provided on the site indicating only the name of the business operated and the street number or address.
- C3. The sign is to be limited in size to 0.3 x 0.6m (or other dimensions, but of equivalent surface area of 0.18m²).
- C4. Signs may be illuminated. Flashing signs are not permitted.
- C5. The sign shall not display words or images, which are, in the opinion of the consent authority, sexually explicit, lewd or otherwise offensive.
- C6. A clearly visible street number is to be displayed on the premises to avoid disturbance to surrounding premises.

2.7 Health and building matters

Objectives

- O1. Ensure sex services premises comply with relevant health and building regulations.
- O2. Promote the operation of sex services premises, in a manner which will ensure the meeting of best practice health standards.

Control

- C1. Sex services premises shall comply with the relevant legislation and health requirements.

2.8 Safety and security

Objective

- O1. To maximise the safety and security of sex workers, other staff, clients and the general public at all times by ensuring the development upholds the principles of Crime Prevention through Environmental Design (CPTED).

Controls

- C1. The pedestrian entrance to a building must be easily recognisable and provided at the front of the building.
- C2. New buildings or alterations and additions to existing buildings should avoid the creation of recesses in the building form. In existing developments to which no new works are proposed, appropriate lighting should be provided.
- C3. Opportunities to provide surveillance of common areas shall be maximised. CCTV shall be strategically placed to improve safety and security both internally and externally.

Blind corners

- C4. Pathways must be direct and blind corners are to be avoided.
- C5. All barriers beside pathways must be low in height or visually permeable including landscaping, fencing and the like.

Lighting

- C6. The pedestrian entrance to the building must be well lit but not to the extent where it becomes a prominent feature in the streetscape. Details must be provided with the development application.
- C7. External lighting should be vandal resistant by being high mounted and/or protected and must be directed towards access/egress routes rather than towards buildings (including the subject or neighbouring buildings).

Landscaping

- C8. Landscaping must not conceal the building entrance from the street or obstruct sight lines between the building and the street.
- C9. Any proposed plantings must not create opportunities for concealment.

Security measures

- C10. All premises are to have either an intercom or a duress alarm in each room that is used for sexual activity. Alarms are to connect back to a central base (such as reception) that is to be monitored at all times.
- C11. External storage areas, including waste storage, are adequately secured to prevent unauthorised access.
- C12. All intruder alarm systems, security screens, door and window locks and intruder resistant materials used in the development should comply with relevant Australian Standards.