

Appendix A

Cumberland Local Environmental Plan 2021

Clause	Provision	Discussion
1.2	Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in Cumberland in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.	The proposed development is consistent with the relevant aims of the Cumberland Local Environmental Plan 2021 at the following subclauses: Subclause 2(b). Subclause 2(e).
2.3	Zone Objectives and Land Use Table The objectives of the IN1 General Industrial zone are: <ul style="list-style-type: none"> <i>To provide a wide range of industrial and warehouse land uses.</i> <i>To encourage employment opportunities.</i> <i>To minimise any adverse effect of industry on other land uses.</i> <i>To support and protect industrial land for industrial uses.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i> 	It is identified that there are no specific objectives relevant to the proposed development notwithstanding the fact that a place of public worship is a permissible development within the zone. It could be argued that the proposed development will not have adverse impacts upon adjoining industrial premises in which case, the development would be compliant with the third objective being the most relevant.
4.3	Height of Buildings (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The height of a building is not to exceed 12 metres.	The development has a height of 9.123 metres. The height of the building complies with Clause 4.3 of the Cumberland Local Environmental Plan 2021.
4.4	Floor Space Ratio (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio (FSR) for a building on the site shall not exceed 1:1.	The floor space ratio of the site is 0.519:1 which is based on a floor area of 1,256 square metres. The floor space ratio of the building complies with Clause 4.3 of the Cumberland Local Environmental Plan 2021.

<p>4.6</p>	<p>Exceptions to development standards</p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>A Clause 4.6 Variation is not required for the development as no variations are identified.</p>
<p>5.6</p>	<p>Architectural roof features</p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</p> <p>(a) the architectural roof feature:</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully</p>	<p>An architectural roof feature is not proposed for the building.</p>

	integrated into the design of the roof feature.	
5.10	<p>Heritage Conservation (5) Heritage assessment.</p> <p>The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The site is not listed as a heritage item or containing archaeological items within the Cumberland Local Environmental Plan 2021 and no heritage assessment is required.</p> <p>There are no heritage listed items close to or adjoining to the site.</p>
5.21	<p>Flood planning</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of 	<p>The site is subject to minor flooding and overland flow. Development is required to be situated above the flood level.</p> <p>A flood study has been prepared for the site and development proposed.</p> <p>Council engineers have reviewed the engineering plans and flood report submitted and determine that the development is capable of proceeding as a deferred commencement consent. The remaining issues with the flood study are capable of being resolved and the outcomes are known.</p> <p>Appropriate conditions are provided addressing stormwater matters.</p>

	<p>riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	
6.1	<p>Acid Sulphate Soils</p> <p>Development must not impact on acid sulphate soils.</p>	<p>The land is rated 5 for acid sulphate soils.</p> <p>The site is located away from water courses or any specific area where acid sulphate soils could be a threat. It is considered that acid sulphate soils is not an issue for the site.</p>
6.2	<p>Earthworks</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p>	<p>The development application is proposing earthworks to a maximum depth of 10.9 metres below the natural ground level to allow for the construction of a three (3) level basement car park and associated foundations. The proposed works will not impact on any water courses.</p>

	<p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
6.4	<p>Essential Services</p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, e) suitable vehicular access. 	<p>The site is serviced with water and sewer services.</p> <p>The development application has been referred to Endeavour Energy due to works occurring close to powerlines situated along the southern side of the property.</p> <p>Endeavour Energy has raised no objection to the development.</p> <p>The plans are showing an electricity substation on the Woodstock Street frontage to support the development.</p>
6.9	<p>Salinity</p> <p>(2) This clause applies to land shown as "Known Salinity", "High Salinity Potential" or "Moderate Salinity Potential" on the Salinity Map.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following—</p> <ul style="list-style-type: none"> (a) whether the development is likely to have an adverse impact on 	<p>The site is not mapped for salinity and during the site inspection, no evidence of salinity can be ascertained such as sheet, rill and gully erosion, high saline water table and associated vegetation that is suffering from die back.</p>

	<p>salinity processes on the land, (b) whether salinity is likely to have an impact on the development, (c) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
6.12	<p>Urban Heat</p> <p>In deciding whether to grant development consent for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—</p> <p>(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</p> <p>(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</p> <p>(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</p> <p>(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</p> <p>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</p> <p>(f) the building is designed to achieve high passive thermal performance.</p>	<p>The architectural plans are showing a building:-</p> <ul style="list-style-type: none"> • With skylights situated across the roof surfaces which will permit natural light to filter into the main rooms of the building. • A cantilevered first floor to provide partial shade to the entry forecourt situated on the southern side of the building. • The use of landscaping with the planting of ten (10) new trees to provide shade.