

Cumberland Local Environmental Plan 2021 Compliance Table

Clause	Comment	Yes	No	N/A
Land use table				
Zone B4 – Mixed Use				
1 Objectives of zone <ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. 	<p>The land subject to the development is zoned RE1 Public Recreation and B4 Mixed Use. The proposal being recreation area is defined as follows and is a permissible land use with consent.</p> <p>recreation area means a place used for outdoor recreation that is normally open to the public, and includes—</p> <p>(a) a children's playground, or</p> <p>(b) an area used for community sporting activities, or</p> <p>(c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Permitted without consent Home occupations	<p>The development also proposes the construction of carriageway ramp within the laneway zoned SP2 Infrastructure that traverses the middle part of the site. The proposal being a road work is also a permissible land use with consent.</p>			
3 Permitted with consent Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4				
4 Prohibited Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages;				

Clause	Comment	Yes	No	N/A
<p>Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies</p> <p>Zone RE1 Public Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. <p>2 Permitted without consent Environmental protection works; Flood mitigation works</p> <p>3 Permitted with consent Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink</p>				

Clause	Comment	Yes	No	N/A
<p>premises; Water recreation structures; Water recycling facilities</p> <p>4 Prohibited Any development not specified in item 2 or 3</p> <p>Zone SP2 Infrastructure</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. <p>2 Permitted without consent Nil</p> <p>3 Permitted with consent Aquaculture; Car parks; Community facilities; Depots; Environmental facilities; Environmental protection works; Freight transport facilities; Funeral homes; Kiosks; Markets; Mortuaries; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Signage; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose</p> <p>4 Prohibited Any development not specified in item 2 or 3</p>				
<p>4.1 Minimum Subdivision Lot Size</p> <p>No minimum size</p>	<p>Subdivision of Lot 45: Lot 450 = 504m² Lot 451 = 148.2m²</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4.3 Height of buildings</p> <p>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 Lots 18G, 1 & D – no limit, Lot 45 – 77m & 105m & Lot 46 – 77m</p>	<p>A maximum 77m to no limit building height applies to the site in accordance with the Height of Buildings map accompanying CLEP 2021.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	The proposal achieves a maximum height of 4.8 metres and is considered acceptable.			
4.4 Floor Space Ratio Lots 18G, 1 & D – no limit, Lot 45 – 8:1 & Lot 46 – 3:1	Nil.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.10 Heritage Conservation (2) Requirement for consent <i>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i> <i>(5) Heritage assessment The consent authority may, before granting consent to any development:</i> <i>(a) on land on which a heritage item is located, or</i> <i>(b) on land that is within a heritage conservation area, or</i> <i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i> <i>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.</i>	Subject site is not listed as an item of local heritage significance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.21 Flood Planning	The site is affected by overland flow and condition has been imposed requiring the submission of flood report prior to the issue of a construction certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Clause	Comment	Yes	No	N/A
6.1 Acid Sulfate Soils Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils. Detailed site investigation submitted stated that acid sulfate soils risk mapping indicates the site is classified as an <i>"extremely low probability of occurrence"</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2 Earthworks Before granting development consent for earthworks, the consent authority must consider the following matters: <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	Earthworks relating site remediation are proposed as part of the subject application, which have been considered within the contamination report submitted with the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.7 Stormwater Management	The proposed stormwater management has been reviewed by Council, which is considered satisfactory subject to condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.9 Salinity This clause applies to land identified as "Known Salinity", "High Salinity Potential" or	The site is identified as Potential Moderate Salinity. Salinity report has been submitted and reviewed by Council,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Clause	Comment	Yes	No	N/A
<p>“Moderate Salinity Potential” on the Salinity Map.</p> <p>Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <ul style="list-style-type: none"> (a) whether the development is likely to have any adverse impact on salinity processes on the land, (b) whether salinity is likely to have an impact on the development, (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	which is considered satisfactory subject to condition.			
<p>6.12 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> <ul style="list-style-type: none"> (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 (b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and (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 (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 (e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and (f) the building is designed to achieve high passive thermal performance. 	The development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>