

ATTACHMENT 5 – CLEP Compliance Table

Clause	Comments	Compliance
1.2 Aims of Plan	<p>The particular aims of this Plan are as follows:</p> <ul style="list-style-type: none"> (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) to provide a comprehensive planning framework for the sustainable development of land in Cumberland, (b) to provide for a range of land uses and development in appropriate locations to meet community needs, (c) to facilitate economic growth and employment opportunities within Cumberland, (d) to conserve and maintain the natural, built and cultural heritage of Cumberland, (e) to provide for community facilities and services in Cumberland to meet the needs of residents, workers and visitors, (f) to promote development that is environmentally sustainable. <p><u>Comment:</u> The proposal is suitably located and is environmentally sustainable which minimises impacts to adjoining properties and therefore satisfies the aims of Section 1.2 of the CLEP 2021.</p>	<p>Yes</p>
2.3 Zone Objectives and Land Use Table	<p>The objectives of the E3 Productivity Support zone are:</p> <ul style="list-style-type: none"> • <i>To provide a range of facilities and services, light industries, warehouses and offices.</i> • <i>To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.</i> • <i>To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.</i> • <i>To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.</i> • <i>To provide opportunities for new and emerging light industries.</i> • <i>To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.</i> <p><u>Comment:</u> The proposed development is consistent with the objectives of the E3 Productivity Support zone through the provision of hotel accommodation and specialised retail premises that are compatible with the surrounding local and commercial centres. The proposed development is an employment generating land use within an employment zone.</p>	<p>Yes</p>

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2.6 Subdivision-consent requirements	Subdivision is not proposed under this application.	N/A.
2.7 Demolition requires development consent	Consent is sought for demolition works.	Yes
4.3 Height of Buildings	<p>(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.</p> <p><u>Comment:</u> The proposed building includes hotel and motel accommodation and is subject to the maximum 27 metre building height.</p> <p>The building maintains a maximum height of 29.23 metres to the stair overrun, which equates to a building height exceedance of 2.23 metres, or 8.3%.</p> <p>The DA is accompanied by a Clause 4.6 variation request, refer to Attachment 6 of this Report.</p> <p>Refer to the discussion in the body of the Report.</p>	No. Subject to a clause 4.6 submission. Refer to the main body of the assessment report for discussion.
4.4 Floor Space Ratio	<p>(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.</p> <p><u>Comment:</u> (a) 1.5:1 for specialised retail premises, entertainment facilities, function centres and registered clubs, (b) 3:1 for office premises and hotel or motel accommodation.</p> <p>(a) 1.5:1 for specialised retail premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.</p> <p>The development includes both specialised retail premises and hotel accommodation.</p> <p>The specialised retail component of the development proposes a total gross floor area of 9,060sqm, which equates to a floor space ratio (FSR) of 0.9:1.</p> <p>The hotel component of the development proposes a total GFA of 8,805sqm, which equates to an FSR of 0.87:1.</p>	Yes
4.6 Exceptions to development standards	(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:	Yes

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	<p>(g) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(a) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p><u>Comment:</u> A written request in accordance with Clause 4.6 of CLEP 2021 to vary the building height development standard has been submitted.</p> <p>The exceedance in building height is supported in this instance, having regard to the circumstances of the case. Refer to the discussion in the body of the Report.</p>	
5.10 Heritage Conservation	<p>The site is not identified as a heritage item and is not within a heritage conservation area.</p> <p>The site is in proximity to an archaeological item, being the 'Clyde Marshalling Yards' (Item no. A50), located to the west of the subject site.</p> <p>The subject site is considered to be sufficiently removed from the item, which is in the order of 340 metres to the west of the site, so as not to have any impact on the significance of the archaeological item.</p>	Yes
5.21 Flood planning	<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> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(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</p> <p>(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</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of 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>	Yes, subject to conditions.

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	<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> <p><u>Comment:</u> The site is affected by flooding, subject to 1% AEP flooding and requires flood control lot measures. Council's Development Engineer review the proposal and did not raise any objections subject to conditions.</p>	
6.1 Acid Sulphate Soils	Development is not impacted by acid sulphate soils.	Yes
6.2 Earthworks	The proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The proposal is satisfactory subject to compliance with standard conditions.	Yes
6.4 Essential Services	<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> <p>a) the supply of water,</p> <p>b) the supply of electricity,</p> <p>c) the disposal and management of sewage,</p> <p>d) stormwater drainage or on-site conservation,</p> <p>e) suitable vehicular access.</p> <p><u>Comment:</u> These matters can be addressed by the imposition of conditions in any approval of the development.</p>	Yes
6.7 Stormwater management	<p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact.</p> <p><u>Comment:</u> Stormwater management has been addressed and conditions of consent have been recommended.</p>	Yes

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6.9 Salinity	<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"> (d) whether the development is likely to have an adverse impact on salinity processes on the land, (e) whether salinity is likely to have an impact on the development, (f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or (b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact. <p><u>Comment:</u> The site is not affected by salinity.</p>	N/A
6.12 Urban Heat	<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 	Yes

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	<p>(f) the building is designed to achieve high passive thermal performance.</p> <p><u>Comment:</u> The DA is accompanied by an Energy Efficiency & Ecologically Sustainable Design Report which includes recommendations to be implemented for the development to achieve Energy Efficiency. The recommendations of this document have been enforced through a condition of consent.</p> <p>The proposed development is considered to be satisfactory with regard to the provisions of this clause.</p>	