

**DA2023/0164 / PPSSCC - 444 - 7 Hyland Road, GREYSTANES NSW 2145**  
**Attachment 6 - Cumberland Local Environmental Plan 2021 Compliance Table**

Clause	Requirement	Comments	Compliance
<b>1.2 Aims of Plan</b>	<p>The particular aims of this Plan are as follows:</p> <ul style="list-style-type: none"> <li>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</li> <li>(a) to provide a comprehensive planning framework for the sustainable development of land in Cumberland,</li> <li>(b) to provide for a range of land uses and development in appropriate locations to meet community needs,</li> <li>(c) to facilitate economic growth and employment opportunities within Cumberland,</li> <li>(d) to conserve and maintain the natural, built and cultural heritage of Cumberland,</li> <li>(e) to provide for community facilities and services in Cumberland to meet the needs of residents, workers and visitors,</li> <li>(f) to promote development that is environmentally sustainable.</li> </ul>	<p>The proposal is suitably located and is not environmentally sustainable which minimises impacts to adjoining properties and therefore satisfies the aims of Section 1.2 of the CLEP 2021.</p>	Yes
<b>2.3 Zone Objectives and Land Use Table</b>	<p>The objectives of the RE1 Public Recreation zone are:</p> <ul style="list-style-type: none"> <li>• <i>To enable land to be used for public open space or recreational purposes.</i></li> <li>• <i>To provide a range of recreational settings and activities and compatible land uses.</i></li> <li>• <i>To protect and enhance the natural environment for recreational purposes.</i></li> </ul>	<p>The proposed development is defined as a 'community facility' and is permissible in the RE1 Public Recreation zone with consent.</p> <p><b>community facility</b> means a building or place—</p> <ul style="list-style-type: none"> <li>(a) owned or controlled by a public authority or non-profit community organisation, and</li> <li>(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</li> </ul> <p>In May 2020, Council held an expression of interest process for interested community organisations to develop a community facility on Hyland Road Reserve. The Sydney Marae Alliance (SMA) is a registered</p>	Yes

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		<p>charity organisation with the Australian Charities and Not-for-profits Commission (ACNC). The SMA have obtained a 20 year lease from Cumberland City Council in June 2021 for the license area of the site and proposes to develop a community facility that will support cultural and educational activities of a traditional Māori Marae while also being accessible to all communities.</p> <p>The proposed development seeks consent to use the land for public open space purposes, providing for a range of activities and compatible land uses, whilst protecting and enhancing the natural environment for recreational purposes.</p>	
<b>2.6 Subdivision-consent requirements</b>	Subdivision requires development consent.	Subdivision is not proposed under this application.	N/A
<b>2.7 Demolition requires development consent</b>	Demolition requires development consent.	Demolition is not proposed under this application.	N/A
<b>4.3 Height of Buildings</b>	(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.	No maximum height is prescribed for the site. 9.83 metres proposed.	Yes
<b>4.4 Floor Space Ratio</b>	(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.	No FSR is prescribed for the site.	N/A
<b>4.6 Exceptions to development standards</b>	<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>	No exceptions to development standards are proposed.	N/A

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<b>5.10 Heritage Conservation</b>	Heritage conservation	The site is not identified as a heritage listed item and is not located within a heritage conservation area.	N/A
<b>5.21 Flood planning</b>	<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> <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>	Council's Development Engineer has reviewed the proposal and did not raise any objections, subject to conditions.	Yes, subject to conditions.

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	(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.		
<b>6.1 Acid Sulphate Soils</b>	Development consent is required for the carrying out of works described in the table to this subclause on land shown on the <i>Acid Sulfate Soils Map</i> as being of the class specified for those works.	Development is not impacted by acid sulphate soils.	Yes
<b>6.2 Earthworks</b>	Development consent is required for earthworks.	The proposed earthworks will not have a detrimental impact 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
<b>6.4 Essential Services</b>	(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: 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.	These matters can be addressed by the imposition of conditions in any approval of the development.	Yes
<b>6.7 Stormwater management</b>	(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— (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 (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland	Council's Development Engineer has reviewed the proposal and did not raise any objections, subject to conditions.	Yes, subject to conditions.

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	and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact.		
<b>6.9 Salinity</b>	<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> <p>(a) whether the development is likely to have an adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <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> <p>(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or</p> <p>(b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or</p> <p>(c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.</p>	Only minor soil disturbance will be required to install services and construct the footings of the buildings and structures. Measures to manage potential salinity impacts can be addressed by imposition of a condition requiring the submission of plans detailing the proposed methods of construction before the issue of any Construction Certificate.	Yes, subject to a condition.
<b>6.12 Urban Heat</b>	<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</p>	The application is not for a commercial premises, industry or residential accommodation.	N/A

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	<p>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>		