

APPENDIX A
Cumberland Local Environmental Plan 2021

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"> <i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i> <i>(a) to provide a comprehensive planning framework for the sustainable development of land in Cumberland,</i> <i>(b) to provide for a range of land uses and development in appropriate locations to meet community needs,</i> <i>(c) to facilitate economic growth and employment opportunities within Cumberland,</i> <i>(d) to conserve and maintain the natural, built and cultural heritage of Cumberland,</i> <i>(e) to provide for community facilities and services in Cumberland to meet the needs of residents, workers and visitors,</i> <i>(f) to promote development that is environmentally sustainable.</i> <p><u>Comment:</u> The proposal is suitably located and will provide a public open space that will meet the needs of the residents, workers and visitors 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 RE1 Public Recreation zone are:</p> <ul style="list-style-type: none"> <i>• To enable land to be used for public open space or recreational purposes.</i> <i>• To provide a range of recreational settings and activities and compatible land uses.</i> <i>• To protect and enhance the natural environment for recreational purposes.</i> <p><u>Comment:</u> The proposed development is defined as a 'recreation areas' and is permissible in the RE1 Public Recreation zone with consent.</p> <p>recreation area means a place used for outdoor recreation that is normally open to the public, and includes—</p> <ul style="list-style-type: none"> <i>(a) a children's playground, or</i> <i>(b) an area used for community sporting activities, or</i> <i>(c) a public park, reserve or garden or the like,</i> <p><i>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</i></p> <p>The objectives of the E2 Commercial Centre zone are:</p> <ul style="list-style-type: none"> <i>• To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i> <i>• To encourage investment in commercial development that generates employment opportunities and economic growth.</i> 	<p>Yes</p>

	<ul style="list-style-type: none"> • To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. • To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. <p><u>Comment:</u> The works proposed along Mcleod Road are ancillary works to roads and therefore are permissible with consent and also satisfy clause 5.1A of the CLEP 2021.</p>	
2.6 Subdivision-consent requirements	Subdivision is not proposed under this application.	N/A
2.7 Demolition requires development consent	Demolition is not proposed under this application.	N/A
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 RE1 portion of the site does not have a building height limit.</p>	N/A
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> The RE1 portion of the site does not have a floor space ratio requirement.</p>	N/A
4.6 Exceptions to development standards	<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 style="padding-left: 40px;">(g) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p style="padding-left: 40px;">(a) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p><u>Comment:</u> No exceptions to development standards are proposed.</p>	N/A
5.1A Development on land intended to be acquired for public purposes	<p>(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.</p> <p>(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the table to this clause that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.</p>	Yes

	<p>(3) Development consent must not be granted to development on land to which this clause applies other than development for a purpose specified for the land in Column 2.</p> <table><tr><th>Column 1</th><th>Column 2</th></tr><tr><th>Land</th><th>Development</th></tr><tr><td>Zone RE1 Public Recreation and marked "Local open space"</td><td>Recreation areas</td></tr><tr><td>Zone SP2 Infrastructure and marked "Classified road"</td><td>Roads</td></tr><tr><td>Zone R2 Low Density Residential and marked "Local road widening"</td><td>Roads</td></tr><tr><td>Zone R4 High Density Residential and marked "Local road"</td><td>Roads</td></tr><tr><td>Zone E1 Local Centre and marked "Local road widening"</td><td>Roads</td></tr><tr><td>Zone E2 Commercial Centre and marked "Local road widening"</td><td>Roads</td></tr><tr><td>Zone E3 Productivity Support and marked "Local road"</td><td>Roads</td></tr><tr><td>Zone SP2 Infrastructure and marked "Local road"</td><td>Roads</td></tr><tr><td>Zone SP2 Infrastructure and marked "Drainage"</td><td>Drainage</td></tr><tr><td>Zone C2 Environmental Conservation and marked "Local environmental conservation"</td><td>Environmental facilities</td></tr></table> <p><u>Comment:</u> The proposed works is sited on the subject site that is land intended to be acquired for public purpose. This relates to the RE1 portion of the site.</p> <p>The proposed works along the public domain of Mcleod Road are works ancillary to a 'road'.</p> <p>The proposal is for 'Recreation Areas' and 'roads' and therefore satisfies this clause.</p>	Column 1	Column 2	Land	Development	Zone RE1 Public Recreation and marked "Local open space"	Recreation areas	Zone SP2 Infrastructure and marked "Classified road"	Roads	Zone R2 Low Density Residential and marked "Local road widening"	Roads	Zone R4 High Density Residential and marked "Local road"	Roads	Zone E1 Local Centre and marked "Local road widening"	Roads	Zone E2 Commercial Centre and marked "Local road widening"	Roads	Zone E3 Productivity Support and marked "Local road"	Roads	Zone SP2 Infrastructure and marked "Local road"	Roads	Zone SP2 Infrastructure and marked "Drainage"	Drainage	Zone C2 Environmental Conservation and marked "Local environmental conservation"	Environmental facilities	
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5.10 Heritage Conservation	The site is not identified as a heritage listed item and is not located within a heritage conservation area.	N/A																								
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> <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 riparian vegetation or a reduction in the stability of riverbanks or watercourses. <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> <ul style="list-style-type: none">(a) the impact of the development on projected changes to flood behaviour as a result of climate change,(b) the intended design and scale of buildings resulting from the development.	Yes, subject to conditions.																								

	<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> 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/No/N/A
6.2 Earthworks	The proposed earthworks will not have a detriment ion 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> <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><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> <ul style="list-style-type: none"> (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 and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact. <p><u>Comment:</u> Council's Development Engineer has reviewed the proposal and did not raise any objections, subject to conditions.</p>	Yes
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. 	Yes, via a condition of consent.

	<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> Only minor soil disturbance is proposed. Measures to manage potential salinity impacts can be addressed by imposition of a condition.</p>	
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 (f) the building is designed to achieve high passive thermal performance. <p>24 Use of certain land at Mays Hill, Merrylands, Pendle Hill and Westmead</p> <p>(1) This clause applies to land in Zone E2 Commercial Centre or Zone E3 Productivity Support in Mays Hill, Merrylands, Pendle Hill and Westmead, shown as “24” on the <i>Additional Permitted Uses Map</i>.</p> <p>(2) Development for the purposes of shop top housing is permitted with development consent. The proposed development is considered to be satisfactory with regard to the provisions of this clause, the proposal provides minimal built form.</p>	N/A

Additional Permitted Uses	<p>24 Use of certain land at Mays Hill, Merrylands, Pendle Hill and Westmead</p> <p>(1) This clause applies to land in Zone E2 Commercial Centre or Zone E3 Productivity Support in Mays Hill, Merrylands, Pendle Hill and Westmead, shown as “24” on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of shop top housing is permitted with development consent.</p> <p><u>Comment:</u> The works do not fall within ‘Site1’ and therefore the additional permitted uses where shop -top housing is permitted with development consent do not apply to this application.</p> <p>The APU also applies to the E2 Commercial Centre zone of Mcleod Road, however the proposal only seeks public domain works ancillary to roads’ to this portion of the site.</p>	<p>N/A</p>
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