

**APPENDIX B**  
**Cumberland Local Environmental Plan 2021**

Clause	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><u>Comment:</u> The proposal is suitably located on a parcel of land and is environmentally sustainable which minimises impacts to adjoining properties and 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 subject site is zoned E4 General Industrial zone, and the objectives of the E4 General Industrial zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide a range of industrial, warehouse, logistics and related land uses.</i></li> <li>• <i>To ensure the efficient and viable use of land for industrial uses.</i></li> <li>• <i>To minimise any adverse effect of industry on other land uses.</i></li> <li>• <i>To encourage employment opportunities.</i></li> <li>• <i>To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.</i></li> </ul> <p><u>Comment:</u></p> <p>The proposed development is defined as is defined as a 'centre-based child care facility' and a 'warehouse' which are permissible with consent in the E4 General Industrial zone. The definition of the uses are:</p> <p><b>centre-based child care facility means—</b></p> <p>(a) <i>a building or place used for the education and care of children that provides any one or more of the following—</i></p> <ul style="list-style-type: none"> <li>(i) <i>long day care,</i></li> <li>(ii) <i>occasional child care,</i></li> <li>(iii) <i>out-of-school-hours care (including vacation care),</i></li> </ul>	Yes

	<p>(iv) preschool care, or</p> <p>(b) an approved family day care venue (within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i>),</p> <p><b>Note—</b>  <i>An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the <i>Children (Education and Care Services) National Law (NSW)</i>) is provided.</i>  <i>but does not include—</i></p> <p>(c) a building or place used for home-based child care or school-based child care, or</p> <p>(d) an office of a family day care service (within the meanings of the <i>Children (Education and Care Services) National Law (NSW)</i>), or</p> <p>(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or</p> <p>(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or</p> <p>(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or</p> <p>(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.</p> <p><b>Note—</b>  <i>Centre-based child care facilities are a type of <b>early education and care facility</b>—see the definition of that term in this Dictionary.</i></p> <p><b>warehouse or distribution centre</b> means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>The proposal seeks consent for the construction of 96 warehouse units and a centre based child care facility.</p> <p>The uses proposed meet the objectives of the zone as it provide warehouse units meeting objective dot point 1, 2, 3 and 4.</p> <p>The centre based child care centre will encourage employment opportunities and provide for non-industrial land uses that will provide a service to meet the needs of</p>	
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	the business and workers within the locality. Meeting objectives dot point 4 and 5 above.	
<b>2.6 Subdivision-consent requirements</b>	Subdivision is not proposed under this application.	N/A
<b>2.7 Demolition requires development consent</b>	Consent is sought for demolition of the existing structures.	Yes
<b>4.3 Height of Buildings</b>	<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 maximum height of building for the site is 12 metres.</p> <p>Building D3 is proposed at 12metres (maximum), being RL 30.97- EGL 18.97. All other buildings are below the maximum height of building for the site.</p>	Yes
<b>4.4 Floor Space Ratio</b>	<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 maximum floor space ratio (FSR) for a building on the site shall not exceed 1.1:</p> <p>FSR complies at 0.72:1, based on a GFA of 19,205.87 square metres.</p>	Yes
<b>4.6 Exceptions to development standards</b>	The proposed development does not seek any exceptions to vary a development standard.	N/A
<b>5.10 Heritage Conservation</b>	<p>The site is not identified as a heritage listed item and is not located within a heritage conservation area.</p> <p>However, the subject site is located within the vicinity of a local heritage item identified under Schedule 5, Part 1 as 7-11 Ferndell Street, South Granville known as 'Acrow building' I240. The proposed development is not considered to impact on the significance of the heritage item given there is sufficient separation and the industrial buildings along Ferndell Street provide a sufficient buffer between the heritage item and the subject site.</p>	Yes
<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> <ul style="list-style-type: none"> <li>(a) is compatible with the flood function and behaviour on the land, and</li> <li>(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</li> <li>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for</li> </ul>	N/A

	<p>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> <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 subject site is not flood affected. Furthermore, Council's Development Engineer reviewed the proposal and did not raise any objections subject to conditions.</p>	
<b>6.1 Acid Sulfate Soils</b>	<p>The subject site is identified on Class 5 Acid Sulfate soils.</p> <p>The proposed works are not located within 500 metres of adjacent class 1, 2, 3 and 4 land and therefore the proposal is considered satisfactory.</p>	Yes
<b>6.2 Earthworks</b>	<p>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. There is minimal earthworks proposed. The proposal is satisfactory subject to compliance with standard conditions.</p>	Yes
<b>6.4 Essential Services</b>	<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> <p>In addition, the application is also proposing two sub-</p>	Yes

	stations within the front setback, the applicant has provided a letter by an ASP Level 3 stating that <i>“Preliminary maximum demand calculation has confirmed that two (2) 1000kVA kiosk type substations are required to supply the development,</i>	
<b>6.7 Stormwater management</b>	<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"> <li>(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</li> <li>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</li> <li>(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.</li> </ul> <p><u>Comment:</u> Council’s Development Engineer reviewed the proposal and did not raise any objections subject to conditions.</p>	Yes
<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> <ul style="list-style-type: none"> <li>(d) whether the development is likely to have an adverse impact on salinity processes on the land,</li> <li>(e) whether salinity is likely to have an impact on the development,</li> <li>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul> <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"> <li>(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or</li> <li>(b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or</li> <li>(c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.</li> </ul> <p><u>Comment:</u> The subject site is not affected by salinity.</p>	N/A
<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> <ul style="list-style-type: none"> <li>(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,</li> </ul>	Yes

	<p>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><u>Comment:</u> The proposed development is considered to be satisfactory with regard to the provisions of this clause.</p>	
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