

**APPENDIX A**  
**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 proposed Torrens title subdivision meets aims b and e above as it allows for the sub-division to align with the land various land zoning over the subject site. This will allow for future re-development of each lot in accordance with the objectives of that zone and permissible land uses.</p>	Yes
<b>2.3 Zone Objectives and Land Use Table</b>	<p>The objectives of the R3 Medium Density Residential zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a medium density residential environment.</i></li> <li>• <i>To provide a variety of housing types within a medium density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a medium density residential environment.</i></li> <li>• <i>To encourage residential development that maintains the amenity of the surrounding area.</i></li> </ul> <p>The objectives of the SP2 Infrastructure zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for infrastructure and related uses.</i></li> </ul>	Yes

	<ul style="list-style-type: none"> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul> <p><u>Comment:</u> Yes. The proposed Torrens title subdivision will facilitate future redevelopment of the subject site.</p> <p>Subdivision is permissible within the above specified land zonings. The form of Subdivision being Torrens Title is consistent with Clause 2.6 of the Cumberland Local Environmental Plan 2021.</p>	
<b>2.6 Subdivision-consent requirements</b>	Consent is being sought for a three lot Torrens Title Subdivision.	Yes
<b>2.7 Demolition requires development consent</b>	Demolition is not proposed as part of this application.	N/A
<b>4.1 Minimum Subdivision Lot Size</b>	<p>(3C) The minimum lot size for development on land shown edged blue and identified as “Former Lidcombe Hospital Site” on the <a href="#">Lot Size Map</a> is as follows in relation to development for the purposes of—</p> <p>(a) dwelling houses—</p> <ul style="list-style-type: none"> <li>(i) 350 square metres, or</li> <li>(ii) if a garage will be accessed from the rear of the property—290 square metres, or</li> <li>(iii) if the dwelling house will be on a zero lot line—270 square metres,</li> </ul> <p>(b) semi-detached dwellings—270 square metres,</p> <p>(c) multi dwelling housing—170 square metres for each dwelling,</p> <p>(d) attached dwellings—170 square metres.</p> <p><u>Comment:</u> For the site, minimum lot size controls only exist for that part of the site zoned R3 Medium Density Residential.</p> <p>The provisions of Clause 4.1(3C) have been considered. The development application proposes to create a residential super lot of 3.16 hectares. A future subdivision application would be required to subdivide the residential super lot into smaller lots to permit future housing.</p>	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 height of building development standard only applies to land zoned R3 Medium Density Residential.</p> <p>On the account that no buildings are proposed, there is no requirement to assess the height of any building across the site.</p>	N/A
<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.	N/A

	<p><u>Comment:</u> The FSR development standard only applies to land zoned R3 Medium Density Residential.</p> <p>On the account that no buildings are proposed, there is no requirement to assess the floor space ratio of any building across the site.</p>	
<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 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> The proposal does not seek to vary any development standards.</p>	N/A
<b>5.10 Heritage Conservation</b>	<p>The site is not listed as a heritage item within the Cumberland Local Environmental Plan 2021.</p> <p>There are no heritage listed sites adjacent to or adjoining to the land parcel the subject of the development application.</p> <p>Further to the south of the subject site is the 'Former Lidcombe Hospital' Heritage Conservation Area (C07144) to the east is the Archaeological site identified as Rookwood Cemetery/Necropolis a State Heritage Item (A00718) and Rookwood Cemetery/Necropolis, No.1 Section a local heritage item (I00718). The proposed development will have no known impact upon the affected heritage item given the distance separation that prevails.</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> <p style="padding-left: 40px;">(a) is compatible with the flood function and behaviour on the land, and</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p style="padding-left: 40px;">(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the</p>	Yes

	<p>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> <ul style="list-style-type: none"> <li>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</li> <li>(b) the intended design and scale of buildings resulting from the development,</li> <li>(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,</li> <li>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</li> </ul> <p><u>Comment:</u> A large portion of the site is affected by an overland flow path. The flow path traverses the site from nearby Ironbark Crescent toward Joseph Street.</p> <p>It is appropriate that the two drainage lots be maintained for stormwater drainage given what already occurs.</p>	
<b>6.1 Acid Sulphate Soils</b>	The land is located on Class 5 Acid Sulphate Soil. There are no concerns raised in relation to acid sulphate soils.	N/A
<b>6.2 Earthworks</b>	<p>Under the proposed subdivision application, no earthworks are proposed.</p> <p>However, under a future development application for the various roadworks, stormwater works, drainage, lighting and a new intersection, earthworks will be required. This will be assessed at the time the development application is lodged for such works.</p>	N/A
<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> <ul style="list-style-type: none"> <li>a) the supply of water,</li> <li>b) the supply of electricity,</li> <li>c) the disposal and management of sewage,</li> <li>d) stormwater drainage or on-site conservation,</li> <li>e) suitable vehicular access.</li> </ul> <p><u>Comment:</u> This is not critical for the paper subdivision but will be a requirement for the subdivision works that will be required. Such works will form part of a separate development application.</p> <p>However, as addressed in the main body of the report the 'Restriction on the Use of Land' shall be imposed on the title to proposed lots 2 and 3 to ensure future landowners/developers are aware of the requirement that</p>	N/A

	access is only via Joesph Street.	
<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> Matters concerning stormwater drainage across the site will need to be addressed under the future development application for construction work.</p> <p>For this application, no assessment is required.</p>	N/A
<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>	N/A

	<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 proposal is for a paper subdivision and does not involve any building works.</p>	
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