

Attachment 6 – Cumberland Local Environmental Plan 2021 Compliance Table

Clause	Development Standard	Compliance
Section 2.3 Zone objectives and Land Use Table	E4 General Industrial	<p>No - The land is zoned E4 General Industrial and the proposed use of the premises is 'waste or resource transfer station', which is categorised as a 'waste or resource management facility' under the provisions of CLEP 2021. A 'waste or resource management facility' is permitted with consent in the E4 – General Industrial land zone which applies to the site.</p> <p>Notwithstanding, the proposal has not demonstrated that it is consistent with the objectives of the E4 zone noting that the effects of the proposal on other land uses has not been minimised and remains unknown as additional information has not been satisfactorily provided.</p>
Section 2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Yes - The development application proposes the construction of a new industrial building for use as a waste transfer station and as such consent is sought for the demolition of existing structures at the site.
Section 4.3 Height of Buildings	N/A	N/A – There is no prescribed height of building control applying to the site.
Section 4.4 Floor Space Ratio	1:1	Yes – The application proposes a gross floor area of 3394m ² (0.76:1).
Section 5.10 Heritage Conservation	N/A	N/A - The subject site does not contain any items of heritage significance nor is it within a heritage conservation area.
Section 5.21 Flood Planning	<p><i>(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—</i></p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p>	Yes – the site is affected by the floor level control area as advised by Council on 11 April 2023 which has been included as part of the lodgment package for the application. Council's stormwater engineer has not raised any issues in relation to flooding.

		<p>(3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <p>(a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p>(b) <i>the intended design and scale of buildings resulting from the development,</i></p> <p>(c) <i>whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i></p> <p>(d) <i>the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i></p>	
Section 6.1	Acid Sulfate Soils	<p>(1) <i>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i></p>	<p>The site is identified as containing Class 5 Acid Sulfate Soils. Accordingly, it is not anticipated that the proposed works would have any significant impact to soils.</p>
Section 6.2	Earthworks	<p>(2) <i>Development consent is required for earthworks unless—</i></p> <p>(a) <i>the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p>(b) <i>the earthworks are ancillary to other development for which development consent has been given.</i></p> <p>(3) <i>In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—</i></p> <p>(a) <i>the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>(b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>(c) <i>the quality of the fill and the soil to be excavated,</i></p> <p>(d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>(e) <i>the source of the fill material and the destination of the excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>(h) <i>appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>Yes – The proposal requires minor earthworks for leveling the building pad.</p>

<p>Section 6.4 Essential Services</p>	<p><i>(1) Development consent must not be granted to development unless the consent authority is satisfied that the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable vehicular access.</i></p> <p><i>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing an essential service referred to in this clause.</i></p>	<p>N/A – Existing essential services will be utilised as per subsection 2 of this clause.</p>
<p>6.5 Biodiversity</p>	<p><i>(2) This clause applies to land shown as “Remnant Native Vegetation” on the Biodiversity Map.</i></p>	<p>N/A - The site is not identified on the Biodiversity Map.</p>
<p>Section 6.7 Stormwater management</p>	<p><i>(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—</i></p> <p><i>(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</i></p> <p><i>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</i></p> <p><i>(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</i></p>	<p>Yes - The stormwater plans have been reviewed internally by Council’s Development Engineer who raised no concerns in relation to stormwater management.</p>
<p>Section 6.9 Salinity</p>	<p>N/A</p>	<p>N/A – The site is not affected by saline soils.</p>
<p>Section 6.10 Buffer area between Zone E4 and residential zones</p>	<p>N/A</p>	<p>N/A – The site is not identified on the ‘Site Specific Provisions Map’ as an ‘Industrial-Residential Buffer Area’</p>
<p>Section 6.12 Urban Heat</p>	<p><i>(2) In deciding whether to grant development consent for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—</i></p> <p><i>(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</i></p> <p><i>(b) the awnings and eaves of the building are designed to provide shelter</i></p>	<p>Yes – The proposal utilises appropriate materials for roofing and facades to reduce adverse effects of solar heat.</p>

	<p><i>from the sun and improve public comfort at street level, and</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</i></p> <p><i>(f) the building is designed to achieve high passive thermal performance.</i></p>	
<p>6.14 Excellence</p>	<p>Design N/A</p>	<p>N/A</p>