

## DOCUMENT ASSOCIATED WITH REPORT

### Attachment 3

#### Proposed planning controls – Part 5 Miscellaneous provisions

##### Part 5 – Miscellaneous provisions

Local Environmental Plan clause	Harmonisation approach
5.1 Relevant acquisition authority [compulsory]	Adopt Standard Instrument clause
5.2 Classification and reclassification of public land [compulsory]	Adopt Standard Instrument clause
5.3 Development near zone boundaries [compulsory]	Update – scope to include local content
5.4 Controls relating to miscellaneous permissible uses [compulsory]	Update – scope to include local content
5.5 (Repealed)	Repealed
5.6 Architectural roof features [optional]	Review and update
5.7 Development below mean high water mark [does not apply to Cumberland]	Not relevant to Cumberland
5.8 Conversion of fire alarms [compulsory]	Adopt Standard Instrument clause
5.9 and 5.9AA (Repealed)	Repealed
5.10 Heritage conservation [compulsory]	Adopt Standard Instrument clause

## Clause 5.3 Development near zone boundaries

### Recommendation:

- Endorse distance for development near zone boundaries for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

### 5.3 Development near zone boundaries

(1) The objectives of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Adopt Standard Instrument clause
(2) Controls setting the relevant distance	<b>20m or 10m distance of a boundary between any 2 zones, or Applies to land that is within 1 metre of any zone boundary</b>	<b>Endorse 20m distance</b>
(3) Land to which this clause does not apply (RE1, E1, E2, E3, W1, or land within the coastal zone, or land proposed to be developed for the purpose of sex services or restricted premises.)	Consistent <b>HLEP also includes Zone B4 Mixed Use in addition to Standard Instrument clause</b>	Adopt Standard Instrument clause
(4) Conditions that must satisfy the consent authority	Consistent	Adopt Standard Instrument clause
(5) This clause does not prescribe a development standard that may be varied under this Plan.	Consistent	Adopt Standard Instrument clause

## Controls relating to miscellaneous permissible uses

### Recommendation:

- Endorse draft controls relating to miscellaneous permissible uses for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Bed and breakfast accommodation (Must consist of no more than xx bedrooms)	Consistent – 3 bedrooms	Adopt Standard Instrument option of 3 bedrooms
(2) Home businesses (No more than xx sqm of floor area)	<b>30 sqm (also in HLEP), or 50 sqm in PLEP</b>	Adopt Standard Instrument option of 30 square metres of floor area
(3) Home industries (No more than xx sqm of floor area)	<b>30 sqm (also in HLEP), or 50 sqm in PLEP</b>	Adopt Standard Instrument option of 30 square metres of floor area
(4) Industrial retail outlets (The retail floor must not exceed:)	(a) <b>43%, 10%, 5%</b> of the gross floor area or (b) 400 sqm, whichever is the lesser.	Adopt option of 10% of gross floor area
(5) Farm stay accommodation (Must consist of no more than:)	Consistent – 3 bedrooms	Adopt Standard Instrument option of 3 bedrooms
(6) Kiosks (The gross floor area must not exceed:)	<b>10 sqm (also in PLEP), or 100 sqm in HLEP</b>	Adopt Standard Instrument option of 10 square metres
(7) Neighbourhood shops (The gross floor area must not exceed:)	<b>80 sqm (also in PLEP), or 100 sqm in HLEP</b>	Adopt Standard Instrument option of 80 square metres
(7AA) Neighbourhood supermarkets (The gross floor area must not exceed:)	Consistent – 1,000 sqm	Adopt option of 1,000 square metres
(8) Roadside stalls (The gross floor area must not exceed:)	Consistent – 8 sqm	Adopt Standard Instrument option of 8 square metres
(9) Secondary dwellings (The total floor area of the dwelling must not exceed:)	(a) 60 sqm, (b) <b>25%, 10%, 5%</b> of the total floor area of the principal dwelling, whichever is the greater	Adopt option of 10% of total floor area
(10) Artisan food and drink industry exclusion (The floor area used for retail sales must not exceed:)	(a) <b>43%, 10%, 5%</b> of the gross floor area of the industry, or (b) 400 sqm, whichever is the lesser	Adopt option of 10% of gross floor area

## Clause 5.6 Architectural roof features

**Recommendation:**

- Endorse draft objectives for architectural roof features for inclusion in new Cumberland Local Environmental Plan

**Standard Instrument LEP content**

**Additional Auburn LEP content**

**Additional Holroyd LEP content**

**Additional Parramatta LEP content**

**Common to all 'Cumberland' LEPs**

### 5.6 Architectural roof features

- 1) The objectives of this clause are as follows:
- a) to encourage innovative and high quality design for new buildings
  - b) to allow varying roof forms that contribute positively to the streetscape
  - c) to ensure that new development is consistent with the existing neighbourhood character
  - d) to ensure that any decorative roof element does not detract from the architectural design of the building
  - e) to ensure that prominent architectural roof features are contained within the height limit

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
<b>(1) Objective</b>	<b>Various objectives used</b>	<b>Endorse new objectives</b>
(2) Development consent is required for architectural roof feature that exceeds the height limit set by cl. 4.3	Consistent	Adopt Standard Instrument clause
(3) Conditions that must satisfy the consent authority	Consistent	Adopt Standard Instrument clause