



Acid sulfate soils

Recommendation:

- Endorse carry over of objective and controls relating to acid sulfate soils for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
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6.1 Acid sulfate soils

- The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Endorse carry over of existing LEP approach
(2) This clause applies to land shown on Acid Sulfate Soils Map	Consistent	Endorse carry over of existing LEP approach
(3) Conditions that must satisfy the consent authority	Consistent - Requirement of an acid sulfate soils management plan for the proposed works in accordance with the <i>Acid Sulfate Soils Manual</i>	Endorse carry over of existing LEP approach
(4) & (5) Conditions that pre-exempt the need for development consent	Consistent	Endorse carry over of existing LEP approach
(6) Conditions that pre-exempt the need for development consent	Generally consistent, except ALEP describes the works that could involve with the disturbance of less than 1 tonne of soil.	Endorse carry over of ALEP approach



Biodiversity

Recommendation:

- Endorse carry over of objectives and controls relating to biodiversity for inclusion in new Cumberland Local Environmental Plan

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6.2 Biodiversity

- 1) The objective of this clause is to maintain terrestrial and aquatic biodiversity by:
 - (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Generally consistent PLEP covers both terrestrial and aquatic biodiversity.	Endorse new objectives
(2) This clause applies to land identified as 'Biodiversity' on the new Biodiversity Map.	HLEP identified land as 'Remnant Native Vegetation' on the Biodiversity Map. PLEP identified land as 'Biodiversity' on the Natural Resources – Biodiversity Map(NRB_011, NRB_012).	Transfer HLEP maps and PLEP lands that are located within the Cumberland LGA
(3) Conditions that the consent authority must consider	Generally consistent (3)(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	Endorse carry over of HLEP approach
(4) Conditions that must satisfy the consent authority	Generally consistent (4)(a) the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land.	Endorse carryover of HLEP approach



Buffer area between industrial and residential zones

Recommendation:

- Endorse carry over of objectives and controls relating to buffer area between industrial and residential zones for inclusion in new Cumberland Local Environmental Plan

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6.9 Buffer area between industrial and residential zones

- 1) The objectives of this clause are as follows:
 - (a) to maintain an adequate separation between general industrial land uses and residential land uses,
 - (b) to prevent any likely adverse impacts of outputs of industrial land uses (including noise, vibrations, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil) on adjacent residential dwellings,
 - (c) to ensure that neighbouring residents can enjoy a reasonable level of amenity without preventing the operation of general industrial land uses,
 - (d) to provide visual separation of the primary buildings and structures on industrial land from neighbouring residential dwellings.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(2) This clause applies to land identified as 'Industrial-residential buffer area' on the Site Specific Provisions Map.	Clause adopted in HLEP only	Endorse carry over of HLEP clause, as applicable to areas identified in map
(3) Despite any other provision of this Plan, development must not be carried out on land to which this clause applies other than: <i>(Conditions that allow development to be carried out if...)</i>	Clause adopted in HLEP only Allows development to be carried out if the land is in: Zone R2 (all permissible land uses in R2 except for residential accommodation), or Zone IN1(all permissible land uses) and must satisfy consent authority that the development is consistent with the objectives of this clause)	Endorse carry over of HLEP clause, as applicable to areas identified in map



Minimum lot sizes for dual occupancies

Recommendation:

- Note approach to objectives and controls relating to dual occupancies on land for inclusion in new Cumberland Local Environmental Plan

6.11 Dual occupancies on land in Zones R2, R3 and R4

6.xx Minimum lot sizes for dual occupancies

- The objective of this clause are as follows:
 - To ensure the lot size proposed for dual occupancy development facilitates good design that can accommodate an appropriate built form, driveways and sufficient landscaped areas,
 - To retain the low density residential character of the R2 Low Density Residential zone,
 - To identify the appropriate locations for growth and align projected growth with existing and proposed local roads, transport and social infrastructure,
 - To achieve a consistency of minimum lot size for dual occupancy development across LGA.

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Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
Objective	No current objectives (Draft objectives are identified in the Planning Proposal. Final wording on its objectives and controls will be drafted by PCO.)	Recommended objectives to be confirmed by PCO
(1) Controls setting the minimum lot size and applicable land zoning for the development of a dual occupancy	Applies to a lot with a minimum 600 sqm lot size in Zone R2, R3 and R4. Minimum 585 sqm lot size in Zone R2 and R3 across the Cumberland LGA	Council has previously resolved the minimum lot size planning control of 585sqm on Zone R2 and R3 for dual occupancy development
(2) Conditions that must meet the requirement for detached dual occupancy	For the purpose of detached dual occupancy, a land must contain a heritage item or 2 street frontages	Superseded by planning proposal and Code
(3) Dual occupancy prohibition map	Does not apply to land in the Cumberland LGA	Not applicable, as land outside Cumberland area



Earthworks

Recommendation:

- Endorse carry over of objectives and controls relating to earthworks for inclusion in new Cumberland Local Environmental Plan

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Instrument
LEP content

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Auburn LEP
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6.2 Earthworks (also in ALEP)

1) The objectives of this clause are as follows:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, **cultural** or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without **requiring** separate development consent.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Generally consistent HLEP includes 'cultural items' for consideration	Endorse carry over of HLEP clause
(2) Conditions that pre-exempt the need for development consent	Generally consistent except ALEP (2)(a) allows the work without a need of development consent if the work does not alter the ground level (existing) by more than 600mm.	Endorse carry over of ALEP clause
(3) Conditions that must satisfy the consent authority	Generally consistent except HLEP (3)(h) sets an extra condition that the consent authority must consider. <i>(3)(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	Endorse carry over of HLEP clause



Essential services

Recommendation:

- Endorse carry over of controls relating to essential services for inclusion in new Cumberland Local Environmental Plan

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6.3 Essential services (also in ALEP)

- (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:

- (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 road access.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Conditions that must satisfy the consent authority	Consistent	Endorse carry over of existing LEP approach
(2) This clause does not apply to development for the purpose of following	Consistent	Endorse carry over of existing LEP approach



Flood planning

Recommendation:

- Endorse carry over of objectives and controls relating to flood planning for inclusion in new Cumberland Local Environmental Plan

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LEP content

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Holroyd LEP
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6.3 Flood planning

- 1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Endorse carry over of existing LEP approach
(2) This clause applies to land at or below the flood planning level.	Consistent except ALEP included land identified as 'Flood planning area' on its Flood Planning Map.	Endorse carry over of existing LEP approach Transfer ALEP mapping
(3) Conditions that must satisfy the consent authority	Consistent <i>(Minor wording differences on HLEP where it strictly expresses the condition (3)(b),(d) to read as 'will not...' instead of '...is not likely to...')</i>	Endorse carry over of existing LEP approach
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's Floodplain Development Manual published in 2005	Consistent	Endorse carry over of existing LEP approach



Foreshore building line

Recommendation:

- Endorse carry over of objectives and controls relating to foreshore building line for inclusion in new Cumberland Local Environmental Plan

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Instrument
LEP content

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Auburn LEP
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6.4 Foreshore building line (also in PLEP)

- The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Endorse carry over of existing LEP approach
(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.	ALEP mapped Foreshore Building Line map to identify applicable land that are below the foreshore building line.	Transfer ALEP mapping
(2)(3) Conditions that must meet the following purposes	Consistent	Endorse carry over of existing LEP approach
(3)(4) Conditions that must satisfy the consent authority	Generally consistent except ALEP (4)(h) that requires a consideration of sea level rise or change of flooding patterns as a result of climate change. (Minor wording differences on PLEP where (3)(c) reads as 'will not...' instead of '...is not likely to...'.)	Endorse carry over of existing LEP approach Transfer ALEP (4)(h)



Ground floor development in Zones B2 and B4

Recommendation:

- Endorse carry over of objective and controls relating to ground floor development in Zones B2 and B4 for inclusion in new Cumberland Local Environmental Plan

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Instrument
LEP content

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6.10 Ground floor development in Zones B2 and B4

- The objective of this clause is to ensure that active uses are provided at the street level in certain business zones to encourage the presence and movement of people.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(2) Applies to land in the following zones:	(a) Zone B2 Local Centre, (b) Zone B4 Mixed Use.	Endorse carry over of HLEP clause
(3) Conditions that must satisfy the consent authority that the ground floor of the building:	(a) will not be used for the purpose of residential accommodation, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.	Endorse carry over of HLEP clause
(4) Conditions that allows flexibility on subclause (3)(b)	If the site is >60m in depth from all street frontages, or has a gradient steeper than 15%, or is to be used as a public or commuter car park owned by a public authority.	Endorse carry over of HLEP clause
(5) Conditions that allows flexibility on subclause (3)(c)	If any part of a building faces a service land that does not require active street frontages, or is used for i. a lobby, ii) access for fire services, iii) vehicular access	Endorse carry over of HLEP clause



Particular dual occupancy subdivisions must not be approved

Recommendation:

- Note the approach on controls relating to dual occupancy subdivision for inclusion in new Cumberland Local Environmental Plan

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Instrument
LEP content

Additional
Auburn LEP
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6.6 Particular dual occupancy subdivisions must not be approved (also in PLEP)

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Land applied to this clause	South Parramatta Conservation Area on the PLEP Heritage Map	Not applicable, as land outside Cumberland area
(1) (2) Conditions prohibiting a subdivision of dual occupancy that would create separate titles	Applies to all lands in ALEP Applies to land identified as 'South Parramatta Conservation Area' in PLEP	Not to be included, as inconsistent with other provisions under Part 4 of the new Cumberland LEP
(2) (3) This clause does not apply in relation to a subdivision under: (a) the <i>Community Land Development Act 1989</i> , (b) the <i>Strata Schemes Development Act 2015</i> .	Consistent	Not to be included, as covered in other provisions under Part 4 of the new Cumberland LEP



Restricted premises

Recommendation:

- Endorse carry over of controls relating to restricted premises for inclusion in new Cumberland Local Environmental Plan

6.8 Restricted premises

*Note that restricted premises are permissible in **Zone B2, B4 in ALEP, HLEP** and **Zone IN1, IN2, B2, B3, B4 in PLEP**.*

SI Definition.

Restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

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Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Land applied to this clause	Not permitted on land that adjoins land, or is separated by a road from land within Zone R2, R3, R4 or RE1.	Endorse carry over of PLEP controls
(2) Conditions that must satisfy the consent authority	Clause adopted in PLEP only	Endorse carry over of PLEP controls
(3) Conditions that the consent authority must consider	The impact the proposed development would have on any place that is regularly frequented by children for educational, recreational or cultural activities.	Endorse carry over of PLEP controls



Riparian land and watercourses

Recommendation:

- Endorse carry over of objectives and controls relating to riparian land and watercourses for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
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6.6 Riparian land and watercourses (also in PLEP as 6.5 Water protection)

- The objectives of this clause is to protect and maintain the following:
 - water quality within watercourses,
 - the stability of the bed and banks of watercourses,
 - aquatic and riparian habitats,
 - ecological processes within watercourses and riparian areas.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Generally consistent	Endorse carry over of existing LEP approach
(2) Land applies to this clause	<p>Land identified as 'Riparian Land' on HLEP's Riparian Lands and Watercourses Map,</p> <p>Land identified as 'Riparian Land and Waterways' on PLEP's Natural Resources – Riparian Land and Waterways Map (NRR_011).</p>	<p>Transfer HLEP mapping</p> <p>Transfer lands from PLEP that are within the Cumberland area</p>
(3) Conditions that the consent authority must consider	Varies Added subclauses in HLEP that the consent authority must consider if development is likely to increase water extraction and any appropriate measures are proposed.	Endorse carry over of HLEP clause
(4) Conditions that the must satisfy the consent authority	Generally consistent (Minor wording difference)	Endorse carry over of existing LEP approach



Salinity

Recommendation:

- Endorse carry over of objectives and controls relating to salinity for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

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Holroyd LEP
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6.8 Salinity

- The objectives of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP approach
(2) Land applies to this clause	Land identified as 'Known Salinity', 'High Salinity Potential' or 'Moderate Salinity Potential' on the Salinity Map.	Endorse carry over of HLEP mapping
(3) Conditions that the consent authority must consider	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(4) Conditions that the must satisfy the consent authority	Clause adopted in HLEP only	Endorse carry over of HLEP clause



Stormwater management

Recommendation:

- Endorse carry over of objectives and controls relating to stormwater management for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
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Additional
Holroyd LEP
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Additional
Parramatta
LEP content

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LEPs

6.7 Stormwater management

- 1) The objectives of this clause are as follows:
 - (a) to minimise the impacts of urban stormwater on properties, native vegetation and receiving waters,
 - (b) to avoid any adverse impacts on soils and land stability,
 - (c) to protect the environmental values of water identified for urban waterways in the Sydney Harbour and Parramatta River and Georges River catchments.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Clause adopted in HLEP only	Endorse carry over of HLEP approach
(2) Conditions that must satisfy the consent authority	Clause adopted in HLEP only	Endorse carry over of HLEP clause



Design excellence

Recommendation:

- Endorse carry over of objectives and controls relating to design excellence for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
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Holroyd LEP
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6.11 Design excellence

- The objective of this clause is to ensure that development to which this clause applies exhibits the highest standard of architectural and urban design as part of the built environment

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Clause adopted in HLEP only	Endorse carry over of HLEP approach
(2) Application of clause	Clause adopted in HLEP only Design Excellence Maps provided	Endorse carry over of HLEP clause Transfer HLEP maps
(3) Development consent considerations	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(4) Consent authority considerations	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(5) (6) Specific bonus provisions	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(7) (Repealed)	Clause adopted in HLEP only	Endorse carry over of HLEP clause



Location of sex services premises

Recommendation:

- Endorse carry over of objective and controls relating to location of sex services premises for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
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Holroyd LEP
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6.7 Location of sex services (premises) (also in PLEP)

- The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Only in ALEP	Endorse carry over of ALEP approach
(1) (2) Controls setting buffer distance	Generally consistent except PLEP removed sub (c) that requires more than 50m distance from any public utility such as a railway station entrance, bus stop, taxi rank or the like.	Endorse carry over of ALEP approach
(2) Condition that prohibit this use if any part of the access is shared with the building that contains a dwelling.	Only in PLEP	Endorse carry over of PLEP approach
(3) Conditions that must satisfy the consent authority	Generally consistent except Consent authority also required to consider 'hours of operation' of the proposed development under (3)(d) of ALEP.	Endorse carry over of ALEP approach



Site specific controls

Recommendation:

- Endorse carry over of site specific controls for inclusion in new Cumberland Local Environmental Plan

Standard
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Local Environmental Plan clause	ALEP	HLEP	PLEP	Harmonisation approach
Development in the Commercial Precinct	X 6.9 Applies to lands identified as 'Commercial Precinct' on the ALEP's Key Sites Map (KYS_002, KYS_006). Retail premises are permissible with consent on these lands in Zone B6 Enterprise Corridor.			Endorse carry over of existing LEP approach and mapping
Development of certain land at 1A and 1B Queen Street, Auburn	X 6.11 Applies to Lots 1 and 2, DP 1160950, 1A and 1B Queen Street, Auburn. This clause provides conditions that the consent authority must consider before granting consent to development on land.			Endorse carry over of existing LEP approach
Development on land at 42-44 Dunmore Street, Wentworthville		X 6.12 Applies to Lot 11, DP 746515, 42-44 Dunmore Street, Wentworthville. This clause provides additional variance on FSR under the condition that must satisfy the consent authority.		Endorse carry over of existing LEP approach



Urban heat management

Recommendation:

- Endorse draft controls on urban heat management for inclusion in new Cumberland Local Environmental Plan

- 1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment and protects community health and wellbeing.
- 2) Development consent must not be granted to any commercial, industrial, or residential flat development unless the consent authority is satisfied that the new development incorporates design features to reduce urban heating to protect community health and wellbeing.

Such design features may include but not limited to:

- a) building roof, paved surfaces and podium design to reflect and re-radiate absorbed solar heat away from urban areas; or
 - b) inclusion of landscaping and water sensitive urban design; or
 - c) inclusion of the awnings and eaves; or
 - d) passive design principles to reduce the need for heating or cooling, which may include insulation, glazing or drought proofing
- 3) In this clause:
 - a) *Solar heat* means radiant heat contained in the full spectrum of sunlight.
 - b) *Urban heat* refers to higher ambient temperatures (over 28°C) that pose a risk to our communities and infrastructure.