

Item No: C09/19-193

## **PROPOSED PLANNING CONTROLS FOR SCHEDULE 5 OF THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: S-5750-01  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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The preparation of a new Cumberland Local Environmental Plan (LEP) is underway, with the focus on harmonising the planning controls of the three LEPs in operation across Cumberland into a single set of planning controls under a comprehensive LEP.

This report outlines the content of heritage items proposed to be included in the Cumberland LEP. It recommends that Council endorse the carryover of all existing heritage listings in the Cumberland area identified in the Auburn, Holroyd and Parramatta LEPs, with the exception of nine items assessed as no longer meeting the NSW heritage criteria for assessing heritage significance. These items have been considered by an independent heritage consultant and community feedback sought on the exclusion of these heritage items from the Cumberland LEP.

The endorsed heritage items will be included in the planning proposal being prepared for the new LEP.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Endorse the exclusion of the following heritage items from Schedule 5 of the Cumberland Local Environmental Plan, as they no longer meet the NSW heritage criteria for assessing heritage significance:**
  - a. 36 and 38 Jamieson Street, Granville**
  - b. 10 William Street, Granville**
  - c. 9-11 Woodville Road, Granville**
  - d. 4 Myall Street, Merrylands**
  - e. Guildford Railway Station, Railway Terrace, Guildford**
  - f. 1-7 Neil Street, Merrylands (Millmaster Feeds Site)**
  - g. 34 Garfield Street, Wentworthville**
  - h. 15 Abbott Street, Merrylands**

**i. 70 Jersey Road, South Wentworthville**

- 2. Endorse that all other existing heritage items in the Cumberland area, as listed in Schedule 5 of the Auburn, Holroyd and Parramatta LEPs and provided in Attachment 2, be included in the new Cumberland Local Environmental Plan.**
- 3. Note that the heritage items in Attachment 2 will be included in the planning proposal for the new Cumberland Local Environmental Plan.**

## **REPORT**

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### ***Background***

Cumberland Council is currently operating under three separate environmental planning instruments, known as a Local Environmental Plan (LEP), which represent the planning controls from the former Council area within Cumberland prior to amalgamation. These include:

- I. Auburn LEP 2010, which applies to land in the former Auburn City Council area (eastern part of Cumberland)
- II. Parramatta LEP 2011, which applies to land in the former Parramatta City Council area (central part of Cumberland)
- III. Holroyd LEP 2013, which applies to land in the former Holroyd City Council area (western part of Cumberland)

The current approach does not provide an integrated planning framework for the Cumberland area, with inconsistent planning controls in place, and is not aligned to current strategic plans and policies from Council and the NSW Government.

Changes to the Environmental Planning and Assessment Act 1979 in March 2018 require all metropolitan councils to review and amend their existing LEP to ensure it aligns with the relevant District Plan and Greater Sydney Region Plan. Cumberland has been identified as a priority Council by the Greater Sydney Commission. has been identified as a priority Council by the Greater Sydney Commission.

### ***New Cumberland Local Environmental Plan (LEP)***

The preparation of a new Cumberland LEP will be undertaken in the form of a planning proposal. The focus of the planning proposal for the new Cumberland LEP is harmonising the planning controls of the three LEPs in operation across Cumberland into a single set of planning controls under a comprehensive LEP.

The structure of the new Cumberland LEP is based on the Standard Instrument LEP, which is the principal template LEP provided by the NSW Government. Many clauses, provisions and schedules in the Standard Instrument LEP are compulsory and must be included in the new Cumberland LEP. However, there are some areas where

Council has an ability to inform the scope and content on clauses, provisions and schedules to be included in the new LEP.

This report focuses on Schedule 5 of the LEP, which is a listing of all heritage items in the Cumberland area.

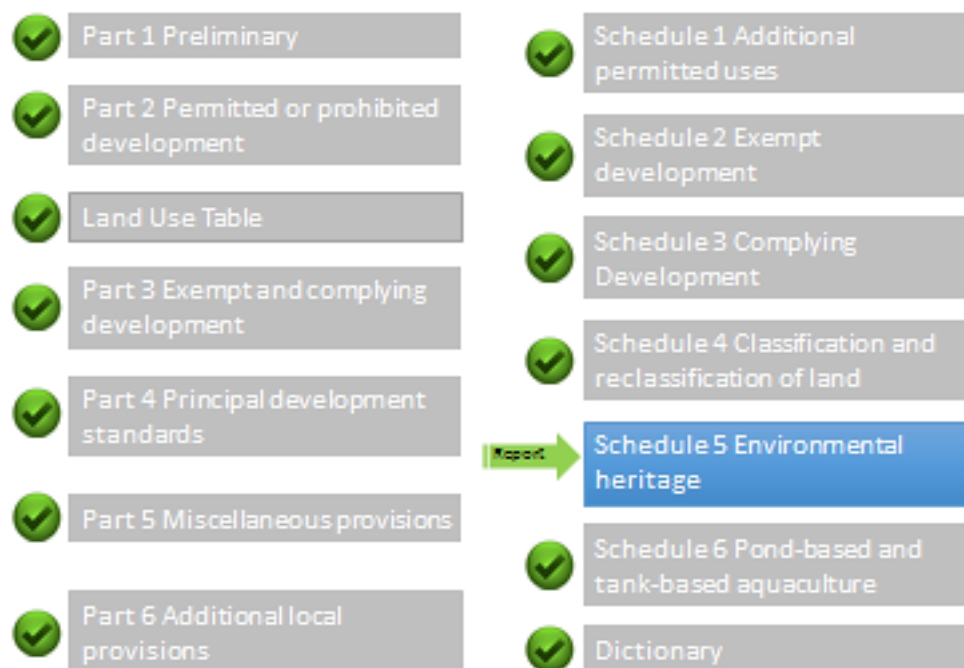


Figure 1: Proposed Planning Controls Covered in Council Report

### Schedule 5: Environmental heritage

This schedule provides a list of local heritage items identified in the area, and includes items, places and conservation areas. There are currently more than 350 heritage items listed for the Cumberland area, and are documented in the Auburn, Holroyd and Parramatta LEPs. Identification on this list provides statutory protection through the LEP and other planning controls.

Cumberland Council has engaged Extent Heritage to undertake a Local Government Area (LGA) wide Heritage Study. The LGA Heritage Study consists of two stages:

- Stage 1 – Prepare a history of the LGA and review all existing listed heritage items (January – September 2019)
- Stage 2 – Identify and assess potential new heritage items (September 2019 – May 2020)

The first stage of the project involved a review of all existing heritage items (including conservation areas) listed in the three LEPs for the LGA and updated listing information

as appropriate. This stage also identified any existing items that were assessed as no longer meeting the NSW heritage criteria for assessing heritage significance.

The criteria used to assess heritage significance included the following:

- An item is important in the course, or pattern, or the cultural or natural history of the local area.
- An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.
- An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
- An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
- An item has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area.
- An item possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area.
- An item is important in demonstrating the principal characteristics of a class of the local area's:
  - cultural or natural places; or
  - cultural or natural environments.

The items listed in Table 1 were assessed as no longer meeting the criteria for heritage significance. Further information is provided in Attachment 1. It is recommended that these are excluded from the new Cumberland LEP.

#	Address and Item # (LEP)	Reason for not retaining as listed heritage item
1	36 and 38 Jamieson Street Granville I137(Parramatta)	While the dwelling pair relates to the concurrent purchase and development of land within Jamieson Street, the dwelling has been heavily modified to a point where significant fabric has been lost and the overall street presentation reduces the quality of the significance of the Granville Conservation Area – Civic Precinct.
2	10 William Street Granville William Street Cottages Group I205 (Parramatta)	The dwelling has been altered considerably in terms of its interior, as well as its exterior. The setting of the cottage as a group of three cottages including 6, 8 and 10 William Street has been compromised with the demolition of the original cottages at 6 and 8 William Street and replacement with new dwellings on both sites.

#	Address and Item # (LEP)	Reason for not retaining as listed heritage item
3	9-11 Woodville Road, Granville I214 (Parramatta)	While the dwellings historically relate to the development of housing in the 1880s, they have been heavily modified to a point where significant fabric and aesthetic significance has been lost. In their current form, the dwellings are not representative of their style and have low aesthetic significance as an individual item.
4	4 Myall Street, Merrylands	While the dwelling historically relates to the development of Merrylands in the 1900s, the cottage has been extensively modified to a point where the heritage value of the property has been lost. The main impact has been the inclusion of a dominant second storey extension which has adversely altered the overall form of the dwelling, as well as changes to the fabric of the façade
5	Guildford Railway Station Railway Terrace, Guildford I43 (Holroyd)	Original structures included an 1876 platform and station building, a 1891 platform, the purchase of a Station Masters Residence in 1924 and a 1937 timber station building. However, all structures and remnants relating to this early station development have now been removed. The remaining structures on site date from c.1970, c.2002 and 2016-2017, and have no heritage value
6	1-7 Neil Street, Merrylands Millmaster Feeds Site A5 (Holroyd)	All structures and remnants relating to its former uses have been removed and the site is currently undergoing redevelopment. Any built features relating to its former significance are no longer present, and any archaeological potential would be considered low/nil and likely to be highly disturbed.
7	34 Garfield Street, Wentworthville I129 (Holroyd)	The Federation period bungalow was demolished in 2016. The house has now been replaced with a modern dwelling of no heritage value.
8	15 Abbott Street, Merrylands Former shop and dwelling I312 (Holroyd)	The Former Shop and Dwelling has been demolished. The site has now been replaced with a late twentieth century dwelling of no heritage value.
9	70 Jersey Road, South Wentworthville I100 (Holroyd)	The Late Victorian cottage was demolished c.2015. The block remains empty and the extant shed does not relate to the early arrangement of the site which is visible on the 1943 aerial image of the site.

Table 1: Heritage Items to be excluded from the New Cumberland LEP

## **Next Steps**

Subject to endorsement, the proposed planning controls will be included in the planning proposal that is being prepared for the new Cumberland LEP. The planning proposal will be provided for consideration by Council prior to seeking a Gateway Determination by the Department of Planning, Industry and Environment. This is required to be undertaken by the end of September 2019.

## **COMMUNITY ENGAGEMENT**

An extensive consultation program is in place for the preparation of the new Cumberland LEP. The first stage is early consultation on the new LEP, which is currently underway until the end of August 2019, and represents pre-Gateway consultation in accordance with Council's Planning Proposal Notification Policy. The second stage is formal consultation on the draft planning proposal for the new LEP in early 2020, subject to Gateway Determination by the Department of Planning, Industry and Environment.

In addition, community feedback was sought on the proposed exclusion of heritage items from the new Cumberland LEP. A total of seven (7) submissions were received from the community and property owners.

## **POLICY IMPLICATIONS**

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The preparation of the Cumberland Local Environmental Plan (LEP) is required under the *Environmental Planning and Assessment Act 1979*. The Cumberland LEP will also align with the strategic directions outlined in Council's Community Strategic Plan and *Draft Cumberland 2030: Our Local Strategic Planning Statement*.

## **RISK IMPLICATIONS**

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Council is required to submit a planning proposal on the new Cumberland LEP by the end of September 2019. The release of funds from the grant is also lined to this milestone. Endorsement of the proposed planning controls will assist Council in meeting this milestone.

## **FINANCIAL IMPLICATIONS**

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Work undertaken on the Cumberland Local Environmental Plan (LEP), including strategic studies and planned community consultation activities, is being funded from the accelerated Local Environmental Plan Funding Grant provided by the NSW Government.

## **CONCLUSION**



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The preparation of a new Cumberland Local Environmental Plan (LEP) is underway. This report outlines the proposed heritage listings for the new LEP. It recommends that Council endorse the carryover of all existing heritage listings in the Cumberland area identified in the Auburn, Holroyd and Parramatta LEPs, with the exception of nine items assessed as no longer meeting the NSW heritage criteria for assessing heritage

significance. These items have been considered by an independent heritage consultant and community feedback sought on the exclusion of these heritage items from the Cumberland LEP. The recommended heritage items will be included in the planning proposal being prepared for the new LEP.

## ATTACHMENTS

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1. Initial Assessment of heritage items nominated to be excluded from Cumberland LEP [↓](#) 
2. Heritage Items for Schedule 5 of the Cumberland LEP [↓](#) 



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Councillor(s) For the Motion: Attie, Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil

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**Min.673 C09/19-193 Proposed Planning Controls for Schedule 5 of the new Cumberland Local Environmental Plan**

**Resolved (Attie/Garrard)**

That Council:

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2. Endorse that all other existing heritage items in the Cumberland area, as listed in Schedule 5 of the Auburn, Holroyd and Parramatta LEPs and provided in Attachment 2, be included in the new Cumberland Local Environmental Plan.
3. Note that the heritage items in Attachment 2 will be included in the planning proposal for the new Cumberland Local Environmental Plan.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Nil