

Item No: C06/19-103

## **PLANNING PROPOSAL - MINIMUM LOT AREA FOR LOW AND MEDIUM DUAL OCCUPANCY HOUSING**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: S-57-63  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This planning proposal seeks to amend the planning controls for the Auburn and Holroyd Local Environmental Plans as follows:

- Minimum lot size of 600m<sup>2</sup> for dual occupancy development
- Inclusion of the planning proposal objectives as development standards

No changes are proposed to the Parramatta Local Environmental Plan as it currently has a minimum lot size planning control of 600m<sup>2</sup> for dual occupancy development.

This proposal has been placed on public exhibition and was reported to the Cumberland Local Planning Panel in May 2019. The Panel provided specific advice on the inclusion of the planning proposal objectives as development standards, and these have been included as part of the planning proposal.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry & Environment for finalisation and gazettal of the associated amendments to the Auburn and Holroyd Local Environmental Plans. Following gazettal of the planning proposal, a three month transition period between current and new controls will also apply.

The planning proposal needs to be urgently submitted, ahead of the introduction of the NSW Government's Low Rise Medium Density Housing Code from 1 July 2019. If the planning proposal is not submitted, a lower minimum lot size of 400m<sup>2</sup> will apply for dual occupancy development in areas under the Auburn and Holroyd Local Environmental Plans.

It is also recommended that a request for deferral of the Code be sought from the Department of Planning, Industry & Environment. While Council has completed its work ahead of the deadline, it is unclear as to the time required by the Department for finalisation and gazettal. This approach will ensure there is a seamless transition between current and new controls.



## RECOMMENDATION

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### That Council:

1. Endorse a minimum lot size planning control of 600m<sup>2</sup> for dual occupancy development across the Cumberland local government area.
2. Endorse the planning proposal and forward it to the Department of Planning, Industry & Environment for finalisation and gazettal of the associated amendments to the Auburn Local Environmental Plan 2010 and the Holroyd Local Environmental Plan 2013.
3. Endorse the resolved minimum lot size planning control for dual occupancy development for inclusion in the new Cumberland Local Environmental Plan.
4. Request a deferral on the Code from the Department of Planning, Industry & Environment until the endorsed minimum lot size for Council comes into effect.

## REPORT

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### **Background**

The planning proposal was initiated in response to *the Low Rise Medium Density Housing Code* (the Code) released by the NSW Government. The Code introduces a minimum lot size requirement for dual occupancies which is lower than what Council's current controls allow. A concern for Council was that the lower minimum lot size requirement of 400m<sup>2</sup> would result in cumulative impacts on the low density areas of Cumberland LGA, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

In July 2018, Council requested deferral of the Code as both the former Auburn and Holroyd City minimum lots size controls were contained their development controls plans (DCP). The minimum lot size controls for the former Parramatta City area were contained in the Parramatta Local Environmental Plan 2011, and the numerical controls for each of the three former council areas differed.

The then Department of Planning & Environment granted Council a temporary deferral of the application of the Code to the Cumberland LGA until 1 July 2019. A condition of the deferral was that councils with minimum lot size controls in their DCPs were required to submit planning proposals to amend their Local Environmental Plans to include the minimum lot size controls.



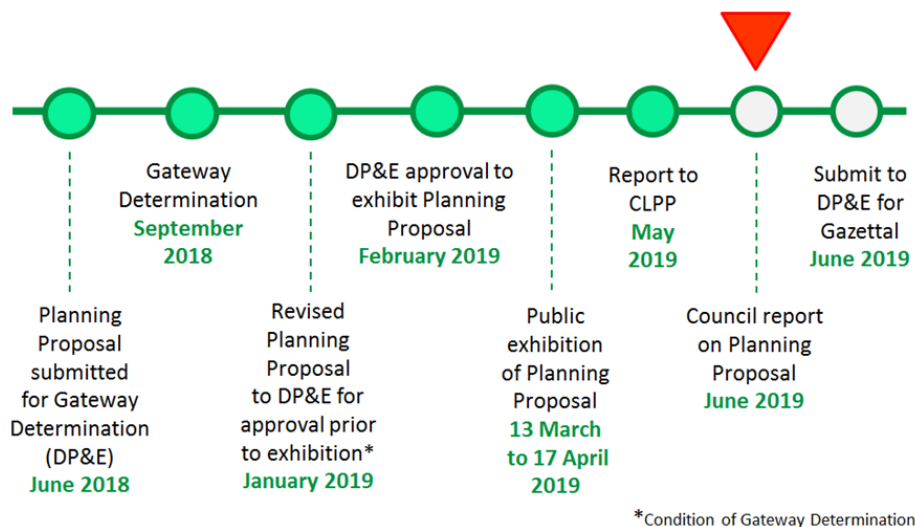


Figure 1: Status of planning proposal

### **Context**

Cumberland has a current population of over 230,000 with an area of 72km<sup>2</sup>, making it the smallest and most densely populated area within the Central City District. The R2 Low Density zone is the predominant land use zone across Cumberland and the majority of suburbs contain land zoned R2. The R3 zone generally applies to land bordering key centres and transport infrastructure, as well as masterplanned estates such as Pemulwuy and Botanica.

The lot sizes in the R2 zone in the former Holroyd area are often larger than those in the eastern areas of Cumberland; however, there are some significant local variations across Cumberland.

### **Planning Proposal**

#### Current Planning Controls

The minimum lot sizes for dual occupancies varies across the Cumberland area, as outlined in Table 1. These controls are either located in the Local Environmental Plan or Development Control Plans.

Planning Controls	Auburn DCP 2010	Holroyd DCP 2013	Parramatta LEP 2011
Minimum Lot Size	<b>450m<sup>2</sup></b> (attached), <b>600m<sup>2</sup></b> (detached) in R2 and R3 zones	<b>500m<sup>2</sup></b> (attached or detached) in R2 and <b>450m<sup>2</sup></b> in R3	<b>600m<sup>2</sup></b> (attached or detached) in R2, R3 and R4 zones

Table 1: Minimum lot size controls for dual occupancy development



### Proposed Planning Controls

The intended outcome of the planning proposal is to introduce the minimum lot size of 600m<sup>2</sup> for dual occupancies to the Auburn LEP 2010 and the Holroyd LEP 2013. This proposed minimum lot size would align with that currently required under the Parramatta LEP 2011, and will implement a consistent minimum lot size for dual occupancy development across the Cumberland LGA.

The proposed outcome will be achieved by the inclusion of a written clause in the Auburn LEP 2010 and the Holroyd LEP 2013 to introduce a minimum lot size provision for the development of a dual occupancy.

The proposed clause will apply to land in the R2 Low Density Residential and R3 Medium Density Residential zones where a minimum lot size of 600m<sup>2</sup> (both attached and detached) would be required for the development of a dual occupancy.

### ***Strategic Assessment***

As part of the preparation of the planning proposal, different minimum lot size control scenarios have been assessed as part of earlier Council reports and in response to Gateway Determination conditions from the then Department of Planning & Environment. Following the receipt of submissions during the public exhibition period, further scenario testing analysis was undertaken. This included:

- eligible lots under the new Code;
- eligible lots with a minimum lot size of 600m<sup>2</sup> (as per the Council resolution);
- eligible lots minimum lot sizes of 500m<sup>2</sup> and 550m<sup>2</sup>, which could be applied across the LGA (including in the former parts of the Parramatta LGA) as possible alternate minimum lot sizes to the 600m<sup>2</sup>; and
- eligible lots with the retention of existing minimum lot size controls (whether in the LEP or DCP) as they currently apply to the Auburn, Holroyd and Parramatta LEPs.

The outcomes of the analysis are provided in Table 2.



	Baseline: Minimum lot size under new Code	Scenario 1: 600m <sup>2</sup> minimum lot size	Scenario 2: 550m <sup>2</sup> minimum lot size	Scenario 3: 500m <sup>2</sup> minimum lot size	Scenario 4: As per current minimum lot size controls
Eligible lots for dual occupancy	R2: 20,478 R3: 2,956 Total: 23,434	R2: 10,613 R3: 1,760 Total: 12,373	R2: 16,917 R3: 2,010 Total: 18,927	R2: 18,457 R3: 2,256 Total: 20,713	R2: 17,527 R3: 2,162 Total: 19,689
Non-eligible lots for dual occupancy	R2: 15,346 R3: 6,875 Total: 22,221	R2: 25,210 R3: 8,071 Total: 33,281	R2: 18,906 R3: 7,821 Total: 26,727	R2: 17,366 R3: 7,575 Total: 24,941	R2: 18,296 R3: 7,669 Total: 25,965
<b>Notes:</b> Analysis based on: <ol style="list-style-type: none"> <li>Lots not meeting the minimum lot frontage requirement of the Code</li> <li>(Lots with 12m~15m frontage should have secondary roads or parallel roads for vehicle access to rear)</li> <li>Lots that are exempted from complying development</li> <li>battle-axed lots</li> <li>business lots with multiple ownerships</li> <li>council-owned or state-owned lots that are reserved for infrastructure</li> <li>lots that are within the planned residential density area</li> </ol>					

Table 2: Outcomes of scenario testing for minimum lot size controls

### ***Cumberland Local Planning Panel***

The planning proposal was reported to the Cumberland Local Planning Panel on 15 May 2019.

The panel was requested to provide advice on:

- Council's resolution of a minimum lot size control of 600m<sup>2</sup>
- alternate minimum lot size scenarios, should Council wish to consider those in making a decision on the proposal.

The Panel provided the following advice to Council:

- that it supported the inclusion of a minimum lot size for dual occupancy development for the Cumberland LGA;
- that the objectives for minimum lot sizes for dual occupancy development as detailed in Section 2.1 of the Planning Proposal should be included as objectives for the Development Standard in the LEPs; and
- supported the recommended minimum lot size of 600 square metres

Based on the advice from the Panel, the following objectives have been included as development standards for the planning proposal:

- 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 the Cumberland area.

### ***Recommended planning controls***

<b>Planning Controls (Auburn DCP 2010 and Holroyd DCPs 2013)</b>	<b>Existing Controls</b>	<b>Public Exhibited Controls</b>	<b>Cumberland Local Planning Panel Advice</b>	<b>Recommended Planning Controls</b>
Minimum lots size	Auburn Attached: 450m <sup>2</sup> Detached: 600m <sup>2</sup>  Holroyd: R2 zone: 500m <sup>2</sup> R3 zone: 450m <sup>2</sup>	600m <sup>2</sup>	600m <sup>2</sup>  Inclusion of planning proposal objectives as development standards	600m <sup>2</sup>  Inclusion of planning proposal objectives as development standards

Table 3: Recommended planning controls

### ***Next Steps***

Should Council decide to endorse a minimum lot size control for dual occupancy development, the planning proposal will be forwarded to the Department of Planning, Industry & Environment for finalisation and gazettal. While Council has completed its work ahead of the deadline, it is unclear as to the time required by the Department for finalisation and gazettal. It is recommended that a request for deferral on the code be sought from the Department of Planning, Industry & Environment. This will ensure there is a seamless transition between current and new controls.

The Gateway Determination from the Department of Planning, Industry & Environment also requires a transition clause from date of gazettal. This means that current minimum lot size controls will continue to apply during this time. A 3 month transition period will apply.

Given the extensive work and consultation undertaken on the minimum lot size controls for dual occupancy development, it is also proposed that these controls are included in the new Cumberland Local Environmental Plan under preparation.

### **COMMUNITY ENGAGEMENT**

The proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019. In addition to the usual communication channels, Council sent out an



exhibition package to all affected landowners via mail. This exhibition package included a FAQ to provide the landowners with an easy to understand overview of the proposal (Attachment 6). Council also posted details on Facebook inviting interested parties to visit Councils Have Your Say page to make a submission during the exhibition period.

A total of 169 written submissions were received. 96 submissions supported and 69 submissions objected to the proposal. 4 submissions did not indicate whether they supported or objected to the proposal. A further 28 individuals made comment via the Facebook post.

The geographic distribution of submissions is outlined in Figure 2.

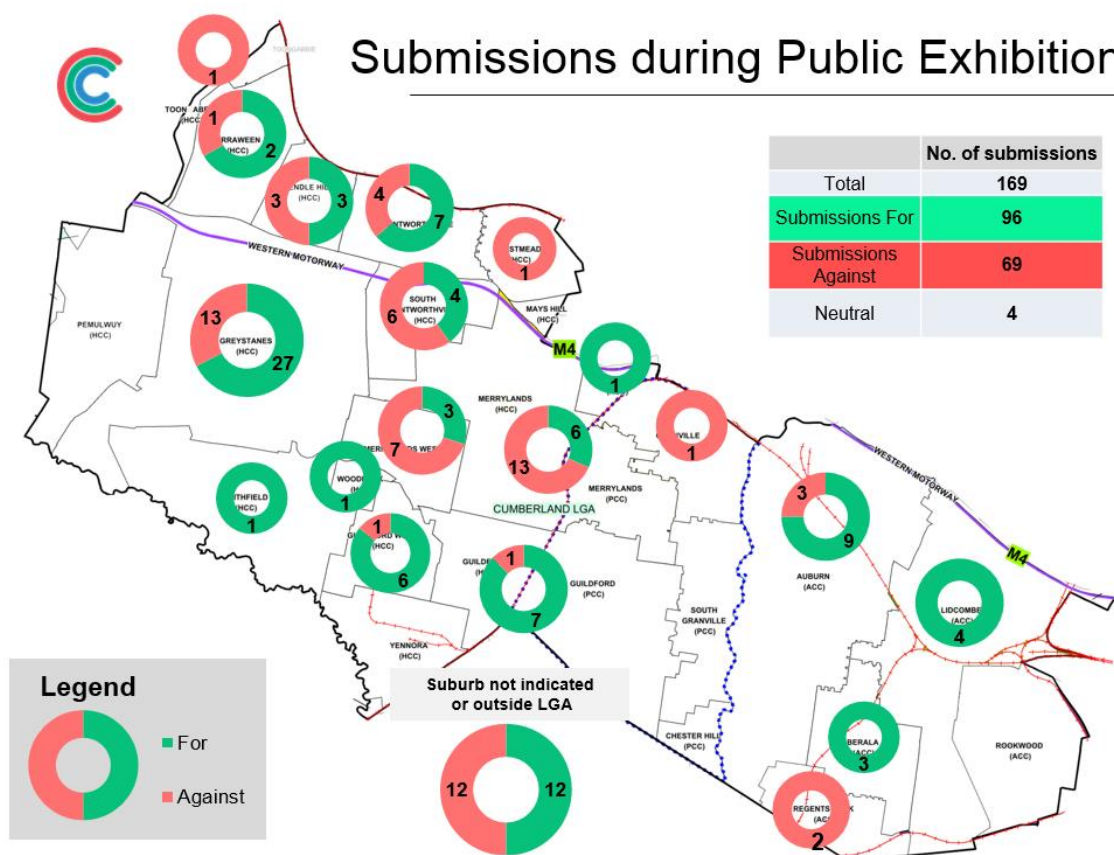


Figure 2: Geographic distribution of submissions for minimum lot size planning proposal

Submissions received in support of the proposal were based on the following key principles that the 600m<sup>2</sup> would:

- reduce street congestion by allowing for sufficient onsite parking;
- allow for sufficient landscaping to protect existing streetscapes;
- limit demand for existing infrastructure and reduce the need for new infrastructure; and



- protect amenity and local character.

Submissions received in opposition to the proposal objected on the basis that the 600m<sup>2</sup> would:

- have a negative impact on landowners existing investment;
- reduces a landowner's ability to derive revenue from their property;
- potential to reduce the property value due to the inability to develop a property for a dual occupancy development; and
- potential to impact housing affordability through reduced housing supply and choice.

Of the submissions in support, 13 requested that a control requiring larger lot sizes of between 650m<sup>2</sup> and 800m<sup>2</sup> apply, and 24 submissions objecting to the proposal requested that smaller lot sizes of between 400m<sup>2</sup> and 550m<sup>2</sup> apply.

## **POLICY IMPLICATIONS**

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Policy implications for Council are outlined in the main body of the report.

## **RISK IMPLICATIONS**

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There are high risk implications for Council if a minimum lot size for dual occupancy development is not resolved at the meeting, with a minimum lot size of 400m<sup>2</sup> applying by default in areas covered under the Auburn and Holroyd Local Environmental Plans from 1 July 2019. This minimum lot size is smaller than current controls for dual occupancy development, and will allow this form of development in areas where this is not currently permitted.

## **FINANCIAL IMPLICATIONS**

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There are no financial implications for Council associated with this report.

## **CONCLUSION**

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A planning proposal has been prepared to amend the minimum lot size for dual occupancy development for Cumberland. It is recommended that Council endorse a minimum lot size for dual occupancy development ahead of the introduction of the NSW Government's Low Rise Medium Density Housing Code from 1 July 2019. If the planning proposal is not submitted by this time, a lower minimum lot size of 400m<sup>2</sup> will apply for dual occupancy development in areas under the Auburn and Holroyd Local Environmental Plans.








It is also recommended that a request for deferral of the Code be sought from the Department of Planning, Industry & Environment. While Council has completed its work ahead of the deadline, it is unclear as to the time required by the Department for



finalisation and gazettal. This approach will ensure there is a seamless transition between current and new controls.

## ATTACHMENTS

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1. Detailed Analysis of Minimum Lot Size Scenarios [↓](#) 
2. Planning Proposal – Minimum Lot Area for Low and Medium Density Dual Occupancy Housing [↓](#) 
3. Meeting Minutes Cumberland Local Planning Panel 15 May 2019 [↓](#) 
4. Report to Cumberland Local Planning Panel 15 May 2019 [↓](#) 
5. Summary of Submissions [↓](#) 
6. Consultation Material for Planning Proposal [↓](#) 
7. Gateway Determination [↓](#) 



**DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103**

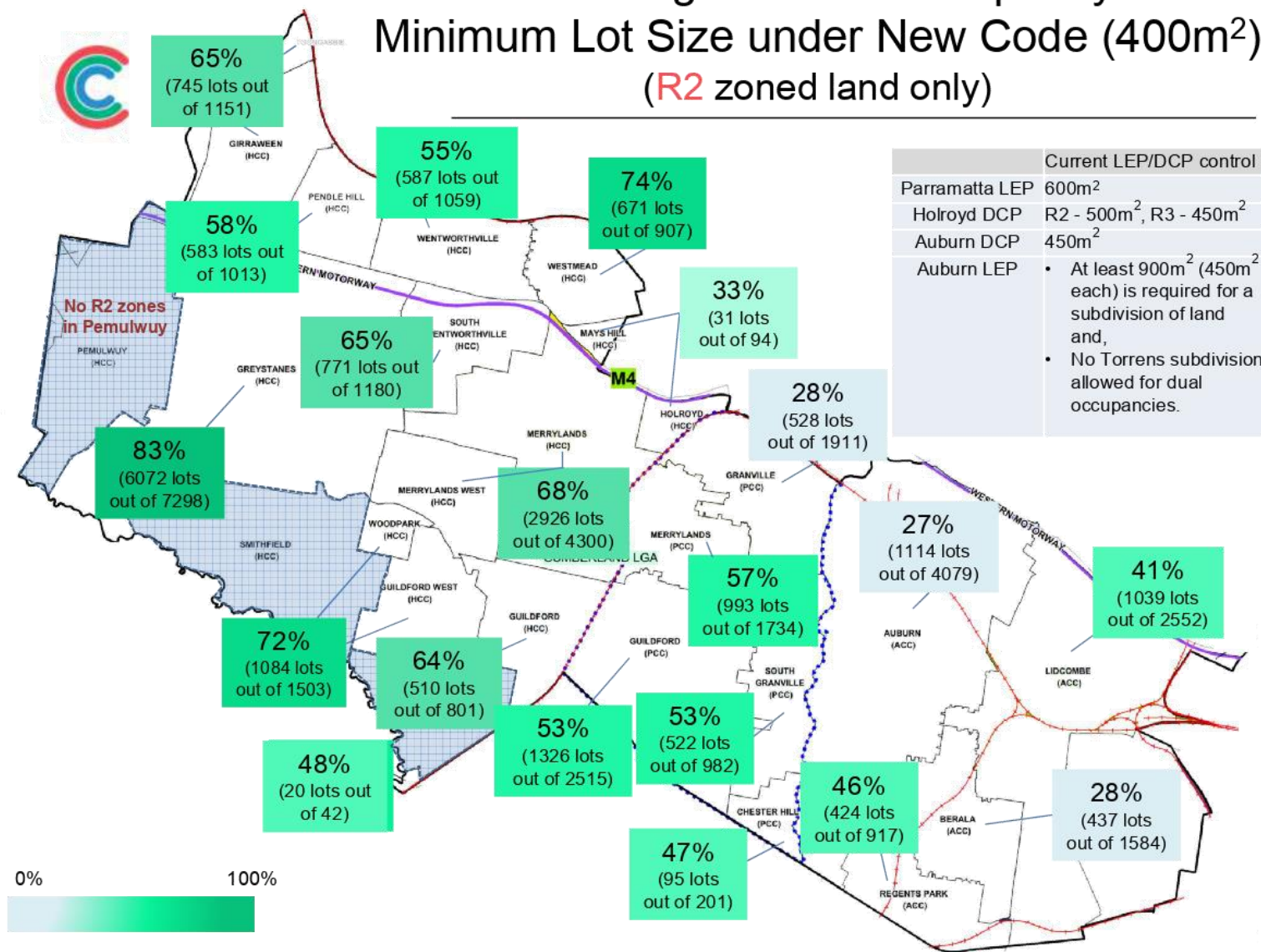
**Attachment 1  
Detailed Analysis of Minimum Lot  
Size Scenarios**





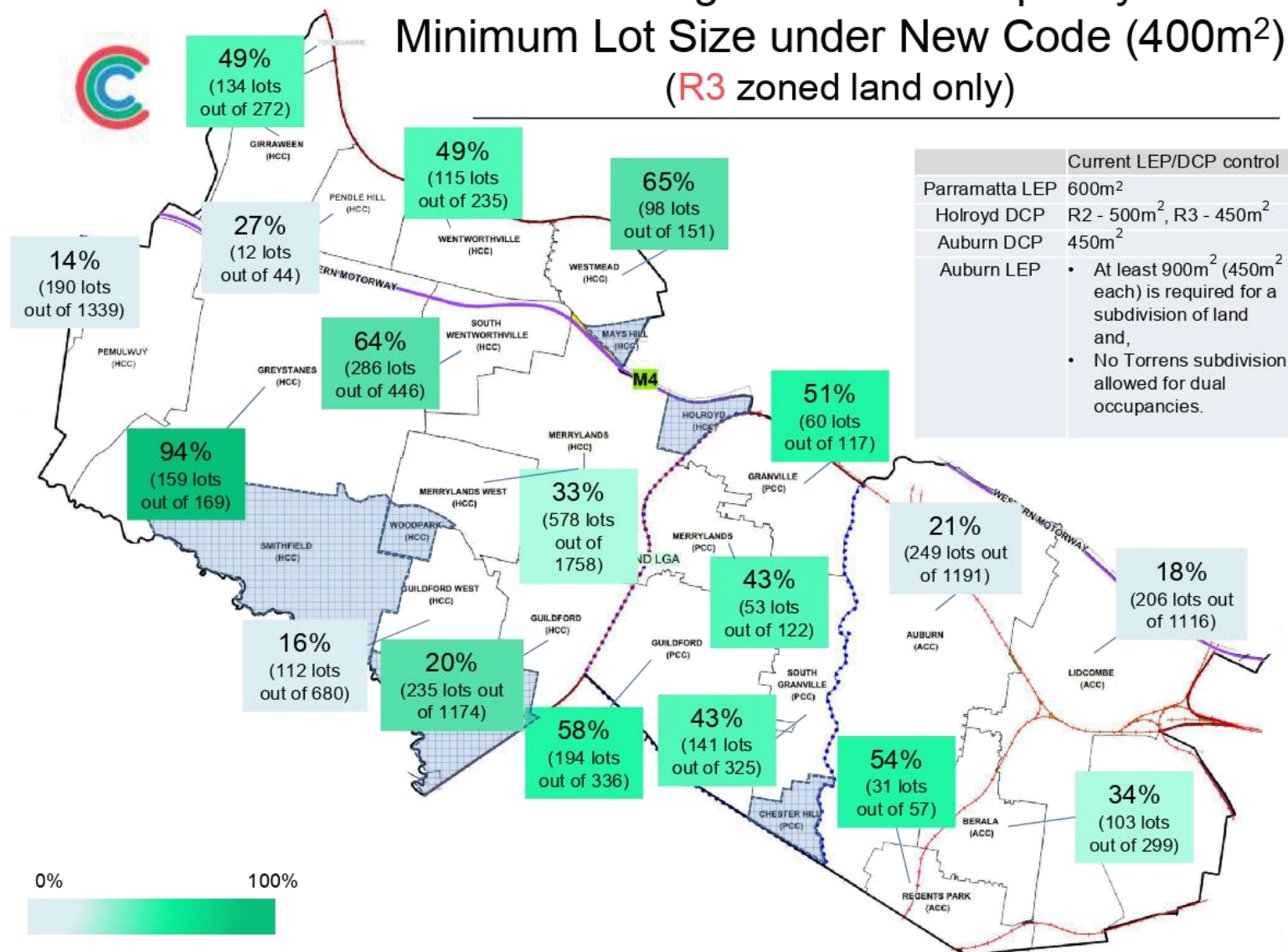


## Baseline: Eligible Dual Occupancy Lots Minimum Lot Size under New Code (400m<sup>2</sup>) (R2 zoned land only)



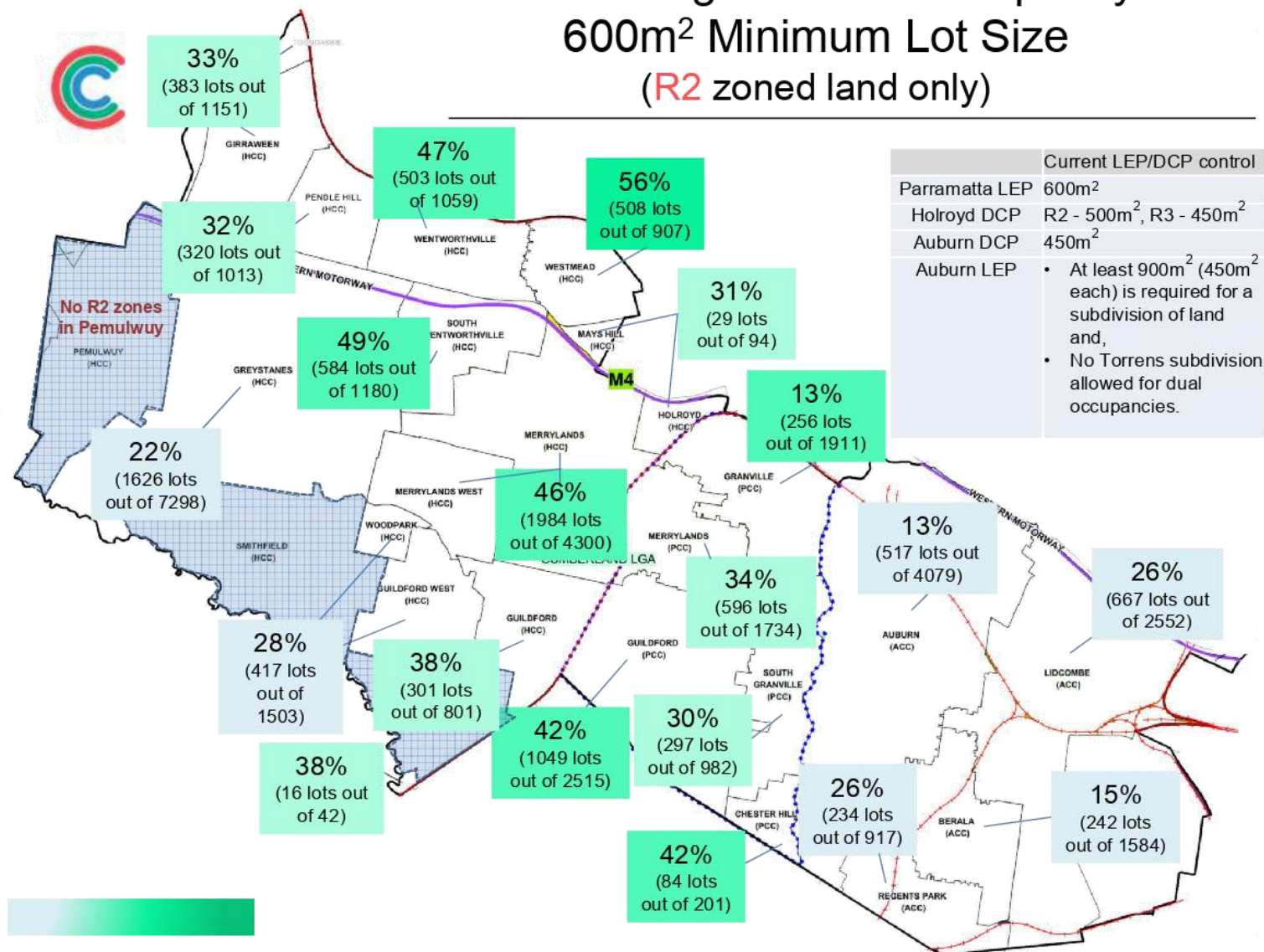


## Baseline: Eligible Dual Occupancy Lots Minimum Lot Size under New Code (400m<sup>2</sup>) (R3 zoned land only)



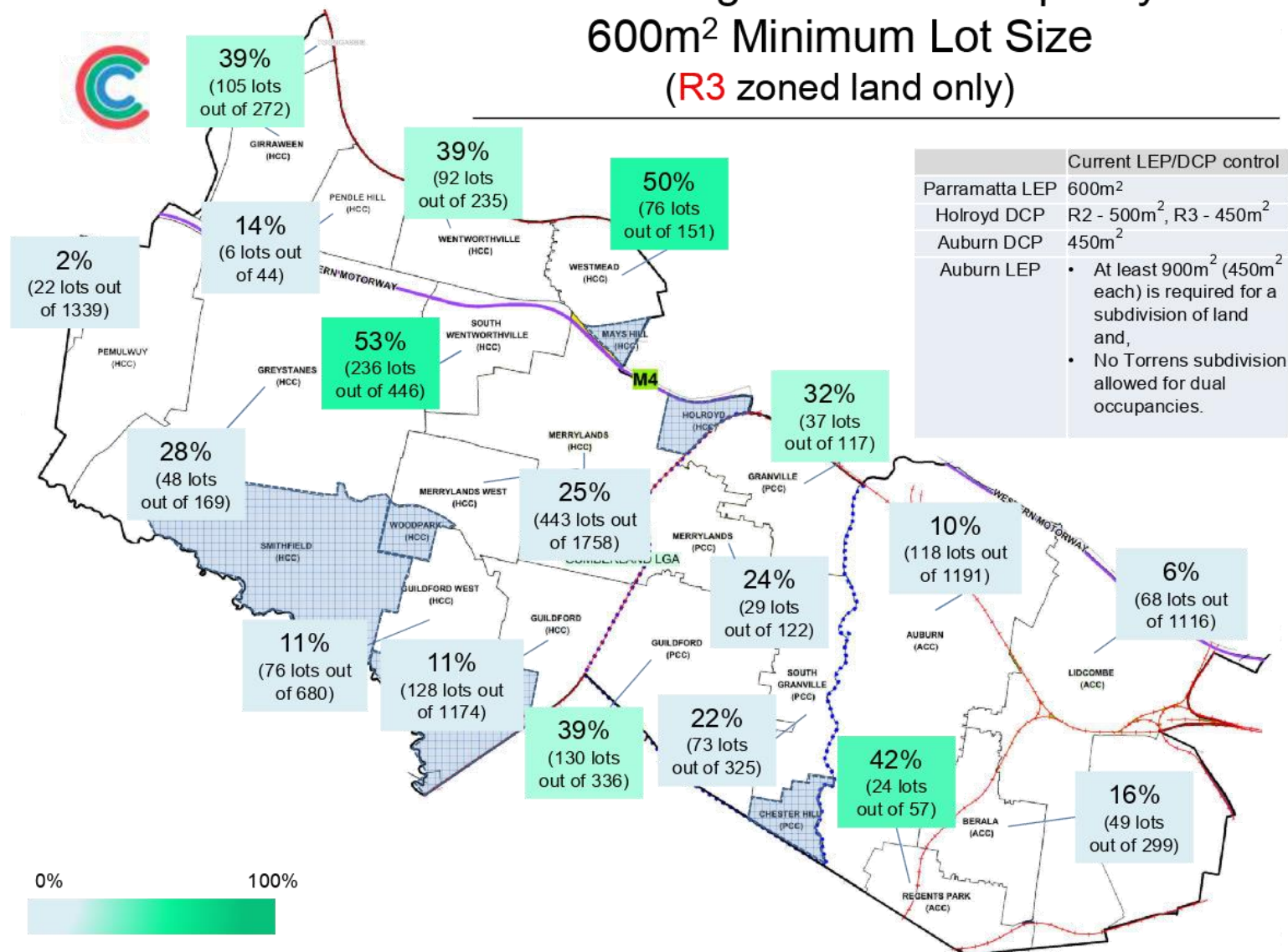


# Scenario 1: Eligible Dual Occupancy Lots 600m<sup>2</sup> Minimum Lot Size (R2 zoned land only)



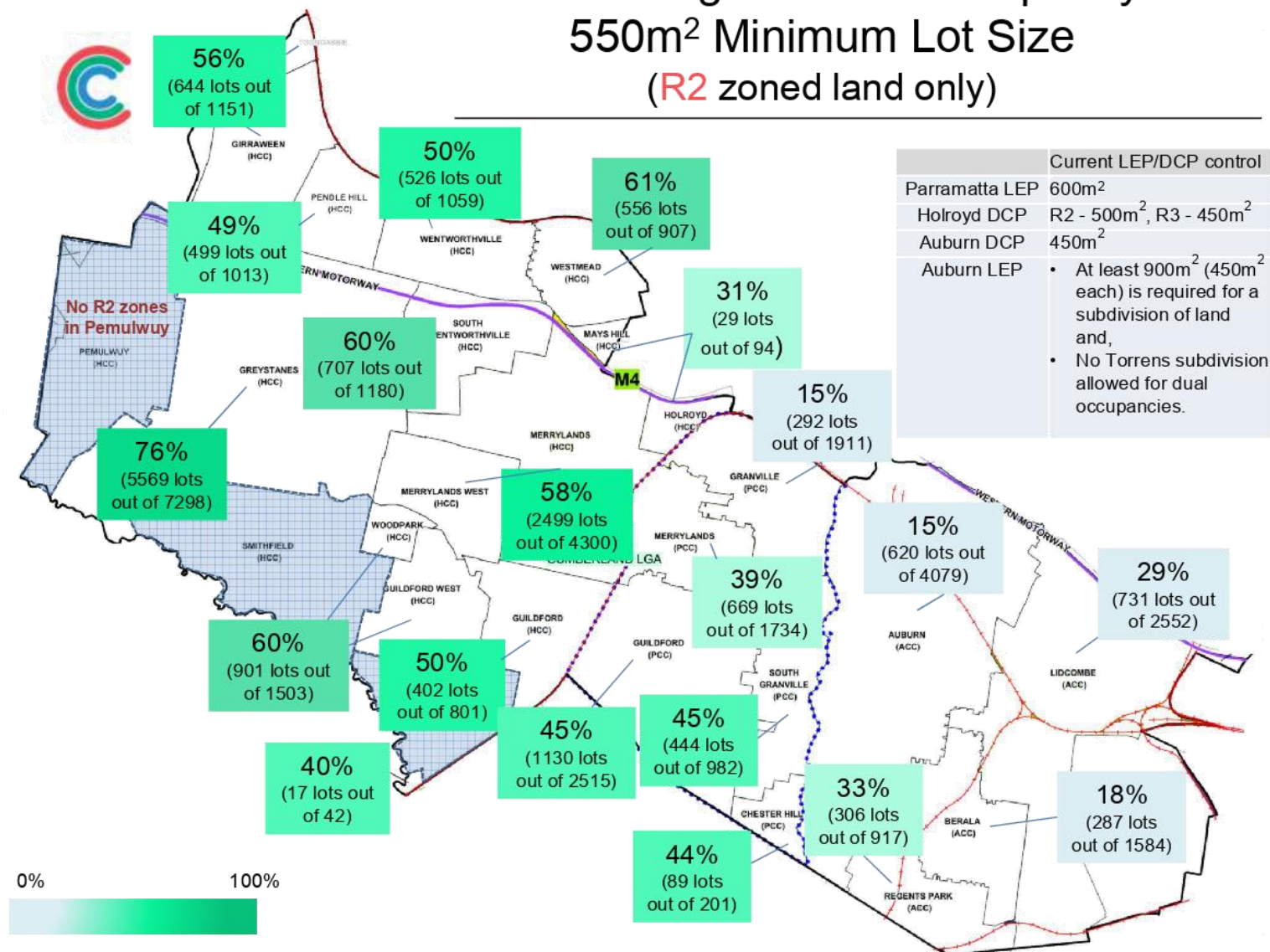


## Scenario 1: Eligible Dual Occupancy Lots 600m<sup>2</sup> Minimum Lot Size (R3 zoned land only)



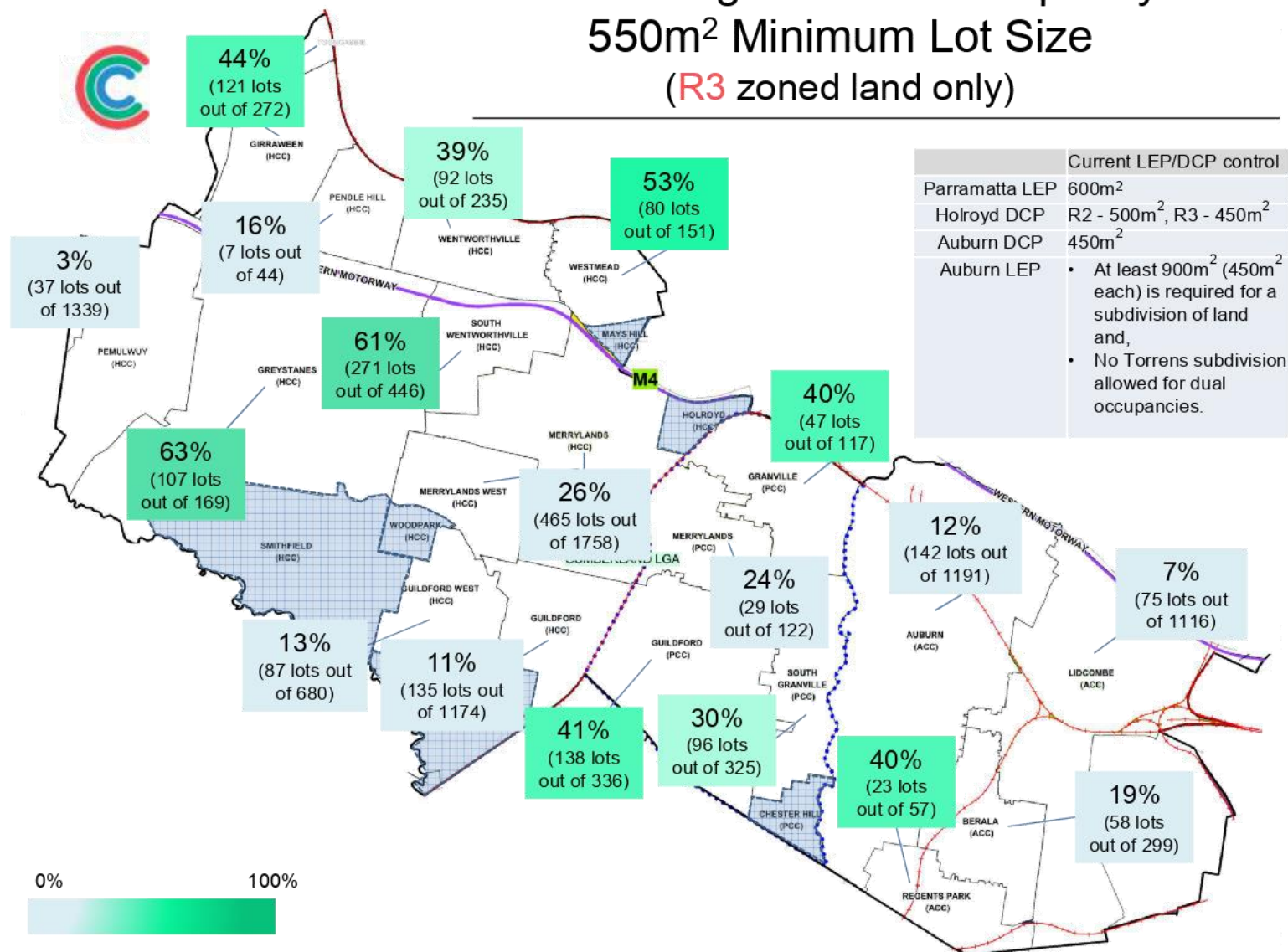


## Scenario 2: Eligible Dual Occupancy Lots 550m<sup>2</sup> Minimum Lot Size (R2 zoned land only)



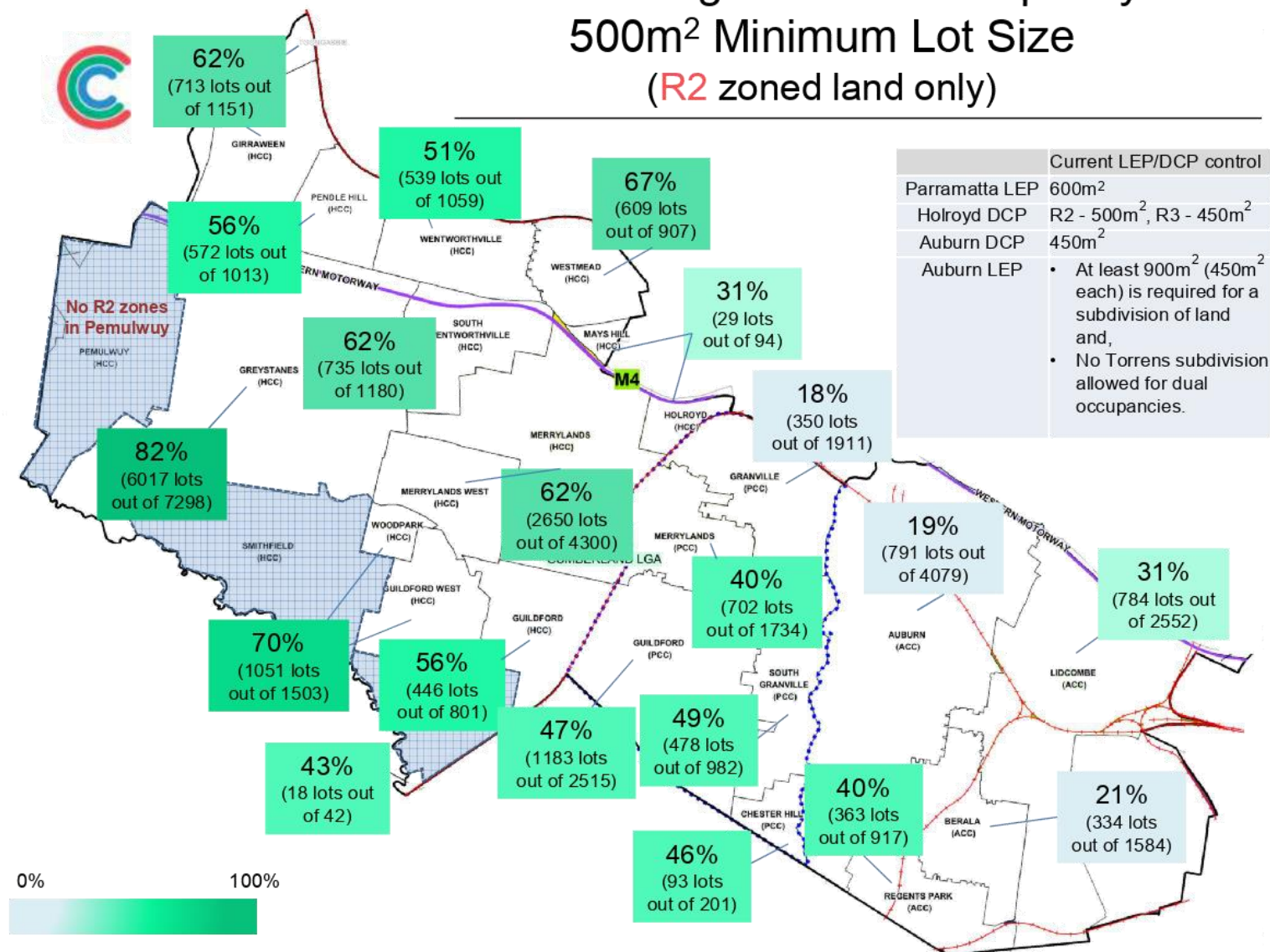


## Scenario 2: Eligible Dual Occupancy Lots 550m<sup>2</sup> Minimum Lot Size (R3 zoned land only)





## Scenario 3: Eligible Dual Occupancy Lots 500m<sup>2</sup> Minimum Lot Size (R2 zoned land only)



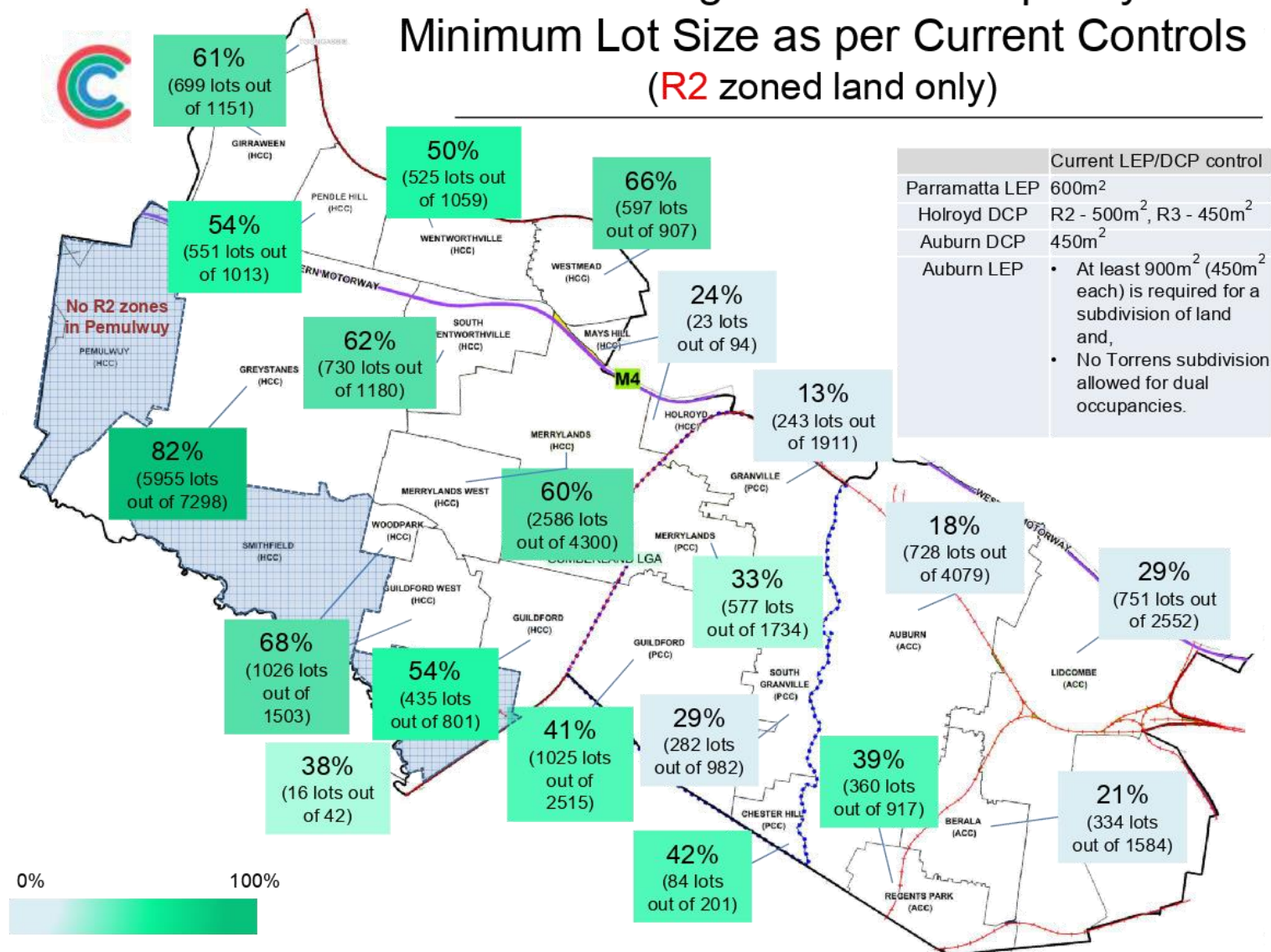


# 500m<sup>2</sup> Minimum Lot Size (R3 zoned land only)

	Current LEP/DCP control
Parramatta LEP	600m <sup>2</sup>
Holroyd DCP	R2 - 500m <sup>2</sup> , R3 - 450m <sup>2</sup>
Auburn DCP	450m <sup>2</sup>
Auburn LEP	<ul style="list-style-type: none"><li>At least 900m<sup>2</sup> (450m<sup>2</sup> each) is required for a subdivision of land and,</li><li>No Torrens subdivision allowed for dual occupancies.</li></ul>

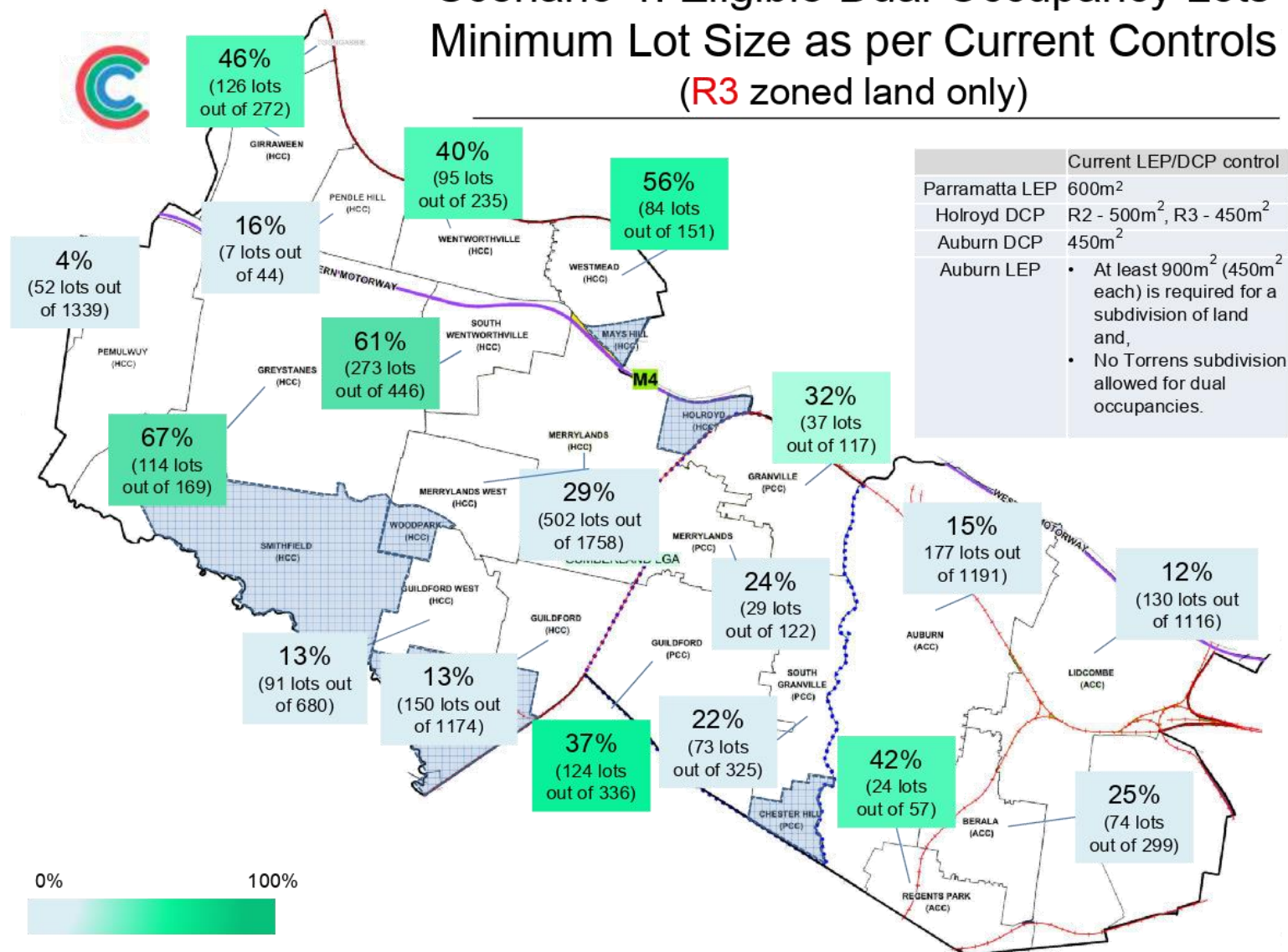


## Scenario 4: Eligible Dual Occupancy Lots Minimum Lot Size as per Current Controls (R2 zoned land only)





## Scenario 4: Eligible Dual Occupancy Lots Minimum Lot Size as per Current Controls (R3 zoned land only)





DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103

Attachment 2

Planning Proposal – Minimum Lot  
Area for Low and Medium Density  
Dual Occupancy Housing









# PLANNING PROPOSAL

Minimum Lot Area for Low and Medium Density Dual Occupancy Housing

**June 2019**



## CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>3</b>
1.1	EXECUTIVE SUMMARY .....	3
1.2	PURPOSE OF THIS PROPOSAL .....	3
1.3	THE PROPOSAL .....	4
1.4	BACKGROUND .....	4
1.5	LAND TO WHICH THIS PLANNING PROPOSAL APPLIES .....	5
1.6	LOCAL CONTEXT .....	5
1.7	CURRENT PLANNING CONTROLS.....	5
<b>2</b>	<b>PLANNING PROPOSAL</b>	<b>7</b>
2.1	PART 1 - OBJECTIVES OR INTENDED OUTCOMES.....	7
2.2	PART 2 - EXPLANATION OF PROVISIONS .....	7
2.2.1	Proposed Auburn LEP 2010 and Holroyd LEP 2013 Amendments .....	7
2.3	PART 3 - JUSTIFICATION .....	9
2.3.1	Section A. Need for the Planning Proposal .....	9
2.3.2	Section B. Relationship to strategic planning framework.....	11
2.3.3	Section C. Environmental, social and economic impact.....	19
2.3.4	Section D. State and Commonwealth interests .....	22
<b>3</b>	<b>MAPPING</b>	<b>24</b>
<b>4</b>	<b>COMMUNITY CONSULTATION</b>	<b>25</b>
4.1	PROPOSED POST-GATEWAY COMMUNITY CONSULTATION .....	25
<b>5</b>	<b>ANTICIPATED PROJECT TIMELINE</b>	<b>26</b>
<b>7</b>	<b>ATTACHMENTS</b>	<b>27</b>

Report History	
Date	Status
27/07/2018	Planning Proposal sent to the DP&E for a Gateway Determination
11/01/2019	Amended Planning Proposal (Post Gateway)
06/05/2019	Amended Planning Proposal with a further analysis following the community consultation



# 1 INTRODUCTION

## 1.1 EXECUTIVE SUMMARY

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the relevant Department of Planning and Environment (DP&E or Department) guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. This Planning Proposal has been amended to provide further analysis supporting the proposal as per the conditions listed on the Gateway Determination issued on 6 September 2018.

This Planning Proposal is prepared in accordance with the resolution (Min.223, C07/18-136), of Council on 18 July 2018 and the previous Council report and resolution (Min.175, C06/18-106) of 6 July providing an initial review of the new *Low Rise Medium Density Housing Code* (the Code). The Code forms a new section of the *State Environmental Planning Policy (Exempt and Complying Development Code) 2007 (SEPP)*.

The Code allows dual occupancies, manor houses and terraces as complying development in the R1, R2 and R3 residential zones where permitted under a *Local Environmental Plan* (LEP). The Code provides development standards such as a minimum lot size of 400m<sup>2</sup> for dual occupancies. The Code's standards will apply to the new development for the above listed housing types unless the lot size provisions are contained within an LEP.

The review of the Code identified a number of concerns about the inconsistency of minimum lot size that apply under the Code and to the LEPs that apply to the Cumberland LGA, being *Auburn LEP 2010*, *Holroyd LEP 2013*, *Parramatta LEP 2011*, and associated Development Control Plans (DCPs), as the existing lot standards requirement varies across the three LEPs and DCPs.

The provisions of the Code will permit dual occupancies on allotments which are up to 100m<sup>2</sup> smaller than Council's current DCP controls. This could result in larger building capacity and residential population than envisaged under the LEPs and DCPs which would have implications to the local and surrounding areas, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

The Planning Proposal will set a minimum lot size control of 600m<sup>2</sup> for dual occupancies to all R2 Low Density Residential and R3 Medium Density Residential zones. The Planning Proposal seeks to add a clause in the *Auburn LEP 2010* and the *Holroyd LEP 2013* to introduce a minimum lot size provision for the development of a dual occupancy. No change is proposed for the *Parramatta LEP 2011*.

## 1.2 PURPOSE OF THIS PROPOSAL

The Planning Proposal has been prepared in response to a resolution of Council on 18 July 2018 (Min. 223, C07/18-136) below:

***CARRIED 18 July 2018 (Min. 223, C07/18-136)***

*"That Council:*

*1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.*

*2. Nominate 600m<sup>2</sup> as the minimum lot area for the development of dual occupancies within Cumberland LGA.*

Cumberland Council • 3



## Planning Proposal

3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.”

The Council minutes and report are included at Attachment 1 of this report.

A separate Planning Proposal may be developed in the near future that may seek to exclude certain lands, such as those within environmentally sensitive areas, from the Code's complying development.

### 1.3 THE PROPOSAL

The Planning Proposal seeks to insert a clause setting minimum lot area standard provisions for dual occupancies under the Part 4 Principal development standards of the *Auburn LEP 2010* and *Holroyd LEP 2013*.

The proposed minimum lot area is 600m<sup>2</sup> on R2 and R3 zoned land. This is to ensure the lot size proposed for dual occupancy development facilitates good urban design outcomes and to retain the low density residential character. The proposed 600m<sup>2</sup> would also achieve a consistency of minimum lot size across Cumberland LGA.

### 1.4 BACKGROUND

The Department of Planning and Environment (DP&E or Department) released the new *Low Rise Medium Density Housing Code* (the Code) and an associated Design Guide, which commenced on 6 July 2018.

The Code forms a new section of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It allows dual occupancies, manor houses and terraces (multi-dwelling housing (terraces)) as complying development in the R1, R2 and R3 residential zones where permitted under a Council's *Local Environmental Plan* (LEP).

The Code also provides development standards such as minimum lot size requirements for a development of dual occupancies, manor houses and terraces. Note that a minimum lot size under the Code is 400m<sup>2</sup> for dual occupancies. The Code's standards will apply to the new development for the above listed housing types unless the Council LEP specifies lot sizes.

The Council report [Item C07/18-136] for Council meeting of 6 June 2018 provides Council officer's initial review of the Code (Attachment 2). The report identified a number of concerns about the Code's inconsistency with Council's *Local Environmental Plans* (LEPs) being *Auburn LEP 2010*, *Holroyd LEP 2013* and *Parramatta LEP 2011*, and associated *Development Control Plans* (DCPs).

The Council at the meeting of 6 June 2018, resolved that:

*‘Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils.’*

Consistent with this resolution, a letter requesting a deferral of the commencement of the Code within Cumberland, pending a new Housing Strategy and draft comprehensive *Cumberland Local Environmental Plan*, was sent to the DP&E.



## Planning Proposal

At a subsequent meeting with the DP&E staff, which discussed the requested deferral, the DP&E advised that Councils who have their minimum lot size controls in their DCPs will be required to submit Planning Proposals in order for the DP&E to defer the Code for a year (being the time anticipated for the finalisation of the Planning Proposal). Accordingly Cumberland Council would need to submit a Planning Proposal to the DP&E by 27 July 2018 to amend minimum lot size control within the LEPs, with the intention that this amendment be finalised by July 2019.

Council has subsequently received correspondence from the Acting Executive Director, Planning Policy at the Department advising that in response to Council's request, the Code will be deferred in the Cumberland local government area (LGA) until 1 July 2019 (See Attachment 3).

Therefore this Planning Proposal is to amend the *Auburn LEP 2010* and *Holroyd LEP 2013* to impose a minimum lot size of 600m<sup>2</sup> on R2 and R3 zoned land. This amendment is to minimise and manage the impacts of the Code, particularly in terms of amenity in the R2 Low Density Residential zone, as well as pressure on existing infrastructure.

### 1.5 LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

This Planning Proposal applies to all R2 Low Density Residential and R3 Medium Density Residential zoned land within Cumberland LGA.

Cumberland Local Government Area (LGA) includes the suburbs of Auburn, Berala, Chester Hill (part), Girraween, Granville (part), Greystanes, Guildford, Guildford West, Holroyd, Lidcombe (part), Mays Hill (part), Merrylands, Merrylands West, Pemulwuy, Pendle Hill (part), Regents Park (part), Rookwood, Smithfield (part), South Granville, South Wentworthville, Toongabbie (part), Wentworthville (part), Westmead (part), Woodpark and Yennora (part).

### 1.6 LOCAL CONTEXT

Cumberland LGA has a current population of 231,604 with an area of 72km<sup>2</sup> bounded by the City of Parramatta in the north, the Strathfield LGA in the east, the City of Canterbury Bankstown and Fairfield LGA in the south and Blacktown LGA in the west. Cumberland LGA is within the Central City District along with the Blacktown, Parramatta and the Hills Shire LGA's as recognised in the *Central City District Plan*.

R2 Low Density and R3 Medium Density Residential zones across Cumberland vary in local character and lot sizes as the objectives of zone and permitted uses differ across the three LEPs.

The lot sizes in the R2 zone in the former Holroyd LGA are often larger than those in the more eastern areas of Cumberland.

### 1.7 CURRENT PLANNING CONTROLS

There are three LEPs and three DCPs that apply to respective areas of the LGA.

- *Auburn Local Environmental Plan 2010* and *Auburn Development Control Plan 2010*
- *Holroyd Local Environmental Plan 2013* and *Holroyd Development Control Plan 2013*
- *Parramatta Local Environmental Plan 2011* and *Parramatta Development Control Plan 2011*

The minimum lot sizes for dual occupancies stated in these LEPs and DCPs are provided in Table 1.



**Minimum Lot Size Controls for Dual Occupancies**

Planning Controls	Auburn LEP 2010	Auburn DCP 2010	Holroyd LEP 2013	Holroyd DCP 2013	Parramatta LEP 2011	Parramatta DCP 2011
Minimum Lot Size	Not specified	<b>450m<sup>2</sup></b> (attached), <b>600m<sup>2</sup></b> (detached) in R2 and R3 zones	Not specified	<b>500m<sup>2</sup></b> (attached or detached) in R2 and <b>450m<sup>2</sup></b> in R3	<b>600m<sup>2</sup></b> (attached) in R2, R3 and R4 zones	<b>600m<sup>2</sup></b>

**Table 1. Comparison of lot size controls for dual occupancies of three LEPs and DCPs**

The *Auburn LEP 2010* and the *Holroyd LEP 2013* do not provide the minimum lot size controls for dual occupancies. Controls for minimum lot sizes are contained within the corresponding development control plan (DCP).



## Planning Proposal

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment (DP&E) guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Section 3.33 (2) of the EP&A Act outlines that a Planning Proposal must include the following components:

- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument;
- The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under 9.1);
- Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

This Planning Proposal has been amended to update the Planning Proposal to include conditions of requirement as per the Gateway Determination issued on 6 September 2018.

### 2.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The key objectives for this Planning Proposal are:

- 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.

The intended outcomes of the Planning Proposal are:

- To introduce the minimum lot size for dual occupancies under the *Auburn LEP 2010* and the *Holroyd LEP 2013*. This minimum lot size would align with that currently provided with the *Parramatta LEP 2011* and will implement a consistent minimum lot size for dual occupancy development across the Cumberland LGA.
- Utilise the objectives of the Planning Proposal as objectives of the development standard.

### 2.2 PART 2 - EXPLANATION OF PROVISIONS

#### 2.2.1 Proposed *Auburn LEP 2010* and *Holroyd LEP 2013* Amendments

The proposed outcome will be achieved by the inclusion of a written clause in the *Auburn LEP 2010* and the *Holroyd LEP 2013*, to introduce a minimum lot size provision for the development of



Planning Proposal

a dual occupancy. As requested by the Cumberland Local Planning Panel, the objectives of the planning proposal are proposed to form objectives of the development standard.

The proposed clause will apply to land in the R2 Low Density Residential and R3 Medium Density Residential zones where a minimum lot size of 600m<sup>2</sup> (both attached and detached) will be introduced for the development of a dual occupancy.

Table 2 below compares the existing Auburn and Holroyd LEPs and DCPs' minimum lot size controls to the proposed amendment to the respective LEPs. The draft Minimum Lot Sizes for Dual Occupancy Development Maps are provided in Appendix 1.

Auburn LEP 2010 Controls	Existing ALEP 2010 Controls	Existing ADCP Controls	Proposed ALEP 2010 Controls in R2 & R3 zones
Minimum Lot Size for dual occupancies (attached)	N/A	450m <sup>2</sup>	600m <sup>2</sup>
Minimum Lot Size for dual occupancies (detached)	N/A	600m <sup>2</sup>	600m <sup>2</sup>

Holroyd LEP 2013 Controls	Existing HLEP 2013 Controls	Existing HDCP Controls	Proposed HLEP 2013 Controls in R2 & R3 zones
Minimum Lot Size for dual occupancies (attached or detached) on a lot in Zone R2	N/A	500m <sup>2</sup>	600m <sup>2</sup>
Minimum Lot Size for dual occupancies (attached or detached) on a lot in Zone R3	N/A	450m <sup>2</sup>	600m <sup>2</sup>

**Table 2. Existing and Proposed Controls**

The proposed outcome delivers a consistent approach to lot sizes for dual occupancy development across the Cumberland LGA. The proposed minimum lot area of 600m<sup>2</sup> ensures that there is sufficient area available on a lot for adequate landscaping and setbacks. It also aims to deliver a built form that does not detract from the low density residential character of a neighbourhood.

The inclusion of the proposed clause in the *Auburn LEP 2010* and *Holroyd LEP 2013* would improve certainty relating to consistent minimum lot sizes for Council and the local community. It will also achieve a density that is consistent with the R2 Low Density Residential zoning and the associated planned infrastructure. It is unlikely that the proposed lot size will impact on the planned densities of the R3 Medium density zone as multi dwelling housing will be the preferred land use as it achieves the highest and best use of the land from a development perspective.

The Planning Proposal does not propose to amend the planning controls relating to the site for zoning, height of buildings, or floor space ratio.

The inclusion of a savings provision of up to 3 months is proposed to allow for the industry to respond to the new controls. This should ensure that the new controls do not affect any existing Development Applications.



## Planning Proposal

No amendment to the *Parramatta LEP 2011* is proposed since a minimum lot size of 600m<sup>2</sup> is already specified under clause 6.11 of this LEP.

## 2.3 PART 3 - JUSTIFICATION

### 2.3.1 Section A. Need for the Planning Proposal

#### Q1: Is the Planning Proposal a result of any strategic study or report?

Yes. The Planning Proposal was prepared as a result of the Council report, Item C07/18-136 and resolution of 18 July 2018 (Attachment 1). The Council report was prepared following Council officer's review of the *State Environmental Planning Policy (Exempt and Complying Development Code) 2007* (SEPP) which introduces the *Low Rise Medium Density Housing Code* (the Code).

The Code allows dual occupancies, manor houses and terraces as complying development in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones where permitted under a Council's *Local Environmental Plan* (LEP). Details of the review findings are provided in Council report, Item C06/18-106 for the Council meeting on 6 June 2018 (Attachment 2).

The Council reports identify a number of concerns about the Code's inconsistency with Council's LEP and DCP and raises implications for Cumberland. The Code provides built form, landscape and amenity development standards such as minimum lot size requirements, maximum gross floor area, minimum setbacks, minimum landscaped area, car parking and vehicle access requirements. The Code states that a development must meet the minimum lot size requirements under the relevant LEP, and if the LEP does not specify lot sizes, the Code's standards will apply.

In the case of Cumberland LGA, the existing lot standards requirement for dual occupancies varies across the three LEPs and DCPs.

The Parramatta LEP specifies a minimum 600m<sup>2</sup> lot area which will continue to apply. However, for the remainder of Cumberland (i.e. land within former Auburn and Holroyd LGAs), lot size controls are specified in the DCPs only. These lot sizes are 450m<sup>2</sup> in Auburn DCP and 500m<sup>2</sup> in Holroyd DCP. These controls would be overridden by the Code's minimum 400m<sup>2</sup> of lot size. This will result in the minimum lot size being inconsistent across different low density areas of Cumberland LGA.

The Council report identifies adverse impacts of this inconsistency to Council's development standard to low density residential areas of Cumberland LGA. The provisions of the Code will permit dual occupancies on allotments which are up to 100m<sup>2</sup> smaller than Council's current DCP controls. This larger building capacity and residential population could result in cumulative impacts on surrounding areas, particularly in terms of pressure on, and capacity of, existing infrastructures. Roads, transport and social infrastructure are currently planned for a population based on low population density and the existing planned local character of low density suburban areas.

Therefore, this Planning Proposal has been prepared to protect the general low-density scale of Cumberland's residential neighbourhoods and minimise any unintended implication of the reduced lot size requirement by the Code on the amenity of the R2 and R3 zones and on the capacity of local infrastructure.

It is also important to note that Cumberland Council is one of the priority councils allocated funding to prepare a new comprehensive Cumberland LEP over the next 2 years. The comprehensive Cumberland LEP would be supported by a Residential Housing Strategy and Local Strategic Planning Statement, which will identify local character and consideration of how and where future housing density increases should occur.



**Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, a Planning Proposal is the best means of achieving the objectives and intended outcomes as amendments are required to the two LEPs; *Auburn LEP 2010* and *Holroyd LEP 2013* to stipulate the minimum lot size for dual occupancies in R2 and R3 zones.

Council considered following scenarios, minimum lot size for dual occupancies as shown in Table 3. On 18 July 2018, Council resolved to adopt Scenario 3 which will provide uniform approach to lot sizes for dual occupancy development across the entire Cumberland LGA.

Scenario	Options to proceed with the Planning Proposal	Assessment
1	<p>Adopt existing lot size controls as specified in DCPs to the relevant LEPs.</p> <p><i>Auburn LEP 2010</i></p> <ul style="list-style-type: none"> <li>- Minimum lot area of 450m<sup>2</sup></li> </ul> <p><i>Holroyd LEP 2013</i></p> <ul style="list-style-type: none"> <li>- Minimum lot area of 500m<sup>2</sup></li> </ul> <p><i>Parramatta LEP 2011</i></p> <ul style="list-style-type: none"> <li>- No change required as PLEP already sets a minimum 600m<sup>2</sup> lot area</li> </ul>	<p>Scenario 1 delivers the minimal impact to the community since the same minimum lot size requirements are currently being enforced under the assessment of development applications under the Council's DCPs.</p> <p>Incorporating the controls set in the DCPs into the LEPs allows the future development to be consistent with the planned residential density and would not have any greater impact on the capacity of the existing infrastructure than currently envisaged.</p> <p>However, this approach does not unify the controls across the entire Cumberland LGA nor does it take into account the difference in the existing subdivision/lot size patterns in different parts of the LGA.</p>
2	<p>Adopt existing lot size controls of Holroyd DCP to <i>Auburn LEP 2010</i> and <i>Holroyd LEP 2013</i>.</p> <p><i>Auburn LEP 2010</i></p> <ul style="list-style-type: none"> <li>- Minimum lot area of 500m<sup>2</sup></li> </ul> <p><i>Holroyd LEP 2013</i></p> <ul style="list-style-type: none"> <li>- Minimum lot area of 500m<sup>2</sup></li> </ul> <p><i>Parramatta LEP 2011</i></p> <ul style="list-style-type: none"> <li>- No change required as PLEP already sets a minimum 600m<sup>2</sup> lot area</li> </ul>	<p>Scenario 2 is the middle ground approach between the Scenario 1 and 3. This Scenario applies the existing minimum 500m<sup>2</sup> lot area set in Holroyd DCP to <i>Auburn LEP 2010</i> and <i>Holroyd LEP 2013</i>.</p> <p>It would increase the minimum lot size requirement for attached dual occupancies by 50m<sup>2</sup> for the former Auburn LGA, and for the R3 zone in the former Holroyd LGA reducing the existing development potential for the lots between 450m<sup>2</sup> and 499m<sup>2</sup> in these locations.</p> <p>This approach would not affect a large number of lots, but would provide a more consistent approach than Scenario 1 within the Cumberland LGA.</p>
3	<p>Adopt existing lot size controls of Parramatta LEP 2011 to <i>Auburn LEP 2010</i> and <i>Holroyd LEP 2013</i>.</p> <p><i>Auburn LEP 2010</i></p> <ul style="list-style-type: none"> <li>- Minimum lot area of 600m<sup>2</sup></li> </ul>	<p>Scenario 3 delivers a uniform approach to lot sizes for dual occupancy development throughout the entire Cumberland LGA.</p> <p>This approach ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that</p>

Cumberland Council • 10



Planning Proposal

	<p><i>Holroyd LEP 2013</i></p> <ul style="list-style-type: none"> <li>- Minimum lot area of 600m<sup>2</sup></li> </ul> <p><i>Parramatta LEP 2011</i></p> <ul style="list-style-type: none"> <li>- No change required as PLEP already sets a minimum 600m<sup>2</sup> lot area</li> </ul>	<p>does not detract from the local residential character. It would maintain a density that is consistent with the planned Low Density Residential zoning and the associated planned infrastructure.</p> <p>The increased minimum lot size would also minimise the fragmentation of land, and allow more space between driveways for on street parking and street tree planting.</p> <p>It would increase of the minimum lot size for former Auburn and Holroyd LGAs by 150m<sup>2</sup> and 100m<sup>2</sup> respectively, reducing the existing development potential for these areas where the provision of the smaller lot sizes was allowed under Council's DCPs. However, it is noted that currently at least 900m<sup>2</sup> (450m<sup>2</sup> each) is required for Torrens subdivision of dwelling houses under the Auburn LEP provisions. This uniformed approach is considered reasonable given merit assessment of design and impact is being removed.</p> <p>Dual occupancy development is not currently highly prevalent in the east (because of current Torrens subdivision limitation) and will be introduced to this area under the Code. It is also noted that there are more large (600m<sup>2</sup>+) lots available in the central-west area of Cumberland compared to the far west and east, and sufficient to ensure that there would continue to be ample opportunity for small residential developers on the most suitably sized lots. This approach is also the most consistent with the standard for most comparable Sydney Councils.</p>
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**Table 3. Review of minimum lot size Scenario 1, 2 and 3 for dual occupancies**

Increasing the minimum lot size for development of dual occupancy (in comparison to the minimum lot sizes used in the Code) will allow for building forms, landscaped areas and vehicle access provision that is compatible with the local residential character and maintains a reasonable level of amenity for residents. The Planning Proposal aims to maintain a density that is consistent with the planned low density residential zoning and the associated infrastructure.

The nominated lot sizes also enable the planting or retention of trees on private lands and increase opportunities for street tree planting which will help to mitigate heat island effects and improve streetscapes which also supports the vision of the *Greater Sydney Green Grid*.

The Planning Proposal adopting the 600m<sup>2</sup> minimum lot area also feed into the preparation of Council's Housing Strategy and the Local Strategic Planning Statement, as part of the preparation of the new comprehensive Cumberland LEP.

### **2.3.2 Section B. Relationship to strategic planning framework**

#### **Q3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

The Planning Proposal is consistent with the relevant actions and provisions of the following state government strategic planning policies:

- Greater Sydney Region Plan - A Metropolis of Three Cities

Cumberland Council • 11



Planning Proposal

- Central City District Plan

**Greater Sydney Region Plan – A Metropolis of Three Cities**

The Greater Sydney Commission's *Greater Sydney Region Plan – A Metropolis of Three Cities (the Plan)*, is built on a vision of three cities (to 2056) where most residents live within 30 minute of their jobs, services and great places. Cumberland is within the Central River City. The Plan seeks to achieve the vision by aligning land use, transport and infrastructure outcomes for Greater Sydney concurrently with *Future Transport 2056* (Transport for NSW) and *State Infrastructure Strategy* (Infrastructure NSW). The Plan identifies objectives and actions under 10 Directions for the Metropolis, under the following four key themes:

Themes	Directions
Infrastructure and collaboration	1. A city supported by infrastructure 2. A collaborative city
Liveability	3. A city for people 4. Housing the city 5. A city of great places
Productivity	6. A well-connected city 7. Jobs and skills for the city
Sustainability	8. A city in its landscape 9. An efficient city 10. A resilient city

**Central City District Plan**

The *Central City District Plan* (Greater Sydney Commission, March 2018) outlines planning priorities and actions to support the *Greater Sydney Region Plan*, under the same set of themes and directions. Part 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires planning authorities to give effect to the District Plan in preparing or considering Planning Proposals.

The *Greater Sydney Region Plan* and the *Central City District Plan*'s key planning priorities and actions relevant to this Planning Proposal are discussed below in Table 4 and details are provided at Appendix 2.

Directions for a Greater Sydney	Greater Sydney Region Plan - Objectives	Central City District Plan - Planning Priority	Central City District Plan - Actions	Consistency
<b>1. A city supported by Infrastructure</b>	O2. Infrastructure aligns with forecast growth	C1. Planning for a city supported by infrastructure	A3. Align forecast with infrastructure	Consistent
<b>4. Housing the City</b>	O10. Greater housing supply O11. Housing is more diverse and affordable	C5. Providing housing supply, choice and affordability, with access to jobs and services	A16. Prepare local or district housing strategies A17. Prepare Affordable Rental Housing Target schemes following development of implementation arrangements	Consistent



Planning Proposal

<b>5. A city of great places</b>	O13. Environmental heritage is conserved and enhanced	C6. Creating and renewing great places and local centres, and respecting the District's heritage	A18. Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by:	Consistent
<b>8. A city in its landscape</b>	O25. The coast and waterways are protected and healthier and the corresponding strategies	C13. Protecting and improving the health and enjoyment of the District's waterways	A60. Protect environmentally sensitive waterways.  A62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impact of development including coordinated monitoring of outcomes.	Not inconsistent
	O27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced  O28. Scenic and cultural landscapes and protected.	C15. Protecting and enhancing bushland and biodiversity	A65. Protect and enhance biodiversity.  A66. Identify and protect scenic and cultural landscapes.	Not inconsistent
	O30. Urban tree canopy cover is increased  O32. The Green Grid links parks, open spaces, bushland, and walking and cycling paths	C16. Increasing urban tree canopy cover and delivering Green Grid connections	A68. Expand urban tree canopy in the public realm.  A69. Progressively refine the detailed design and delivery of.	Not inconsistent
<b>10. A resilient city</b>	O36. People and places adapt to climate change and future shocks and stresses  O37. Exposure to natural and urban hazards is reduced  O38. Heatwaves and extreme heat are	C20. Adapting to the impacts of urban and natural hazards and climate change	A82. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.  A83. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.	Not inconsistent



Planning Proposal

managed				
<b>Implementation</b>	O39. A collaborative approach to city planning	C21. Preparing local strategic planning statements informed by local strategic planning	A86. The Greater Sydney Commission will require a local environmental plan review	Not inconsistent

**Table 4. Consistency with key Planning Priorities and Actions**

**Q4: Is the Planning Proposal consistent with a council's local strategic or other local strategic plan?**

***Cumberland Community Strategic Plan 2017-2027***

Council's *Community Strategic Plan 2017-27* provides a 10 year strategic vision and planning framework for balancing its commitment to social cohesion, the local economy, the natural and built environments and the wider community. The key strategies relevant to the Planning Proposal are:

- Strategic Goal 1 - A great place to live
- Strategic Goal 4 - A strong local economy
- Strategic Goal 5 - A resilient built environment

The Planning Proposal is consistent with strategic goals of the Cumberland Community Strategic Plan as outlined in Table 5.

Relevant CSP Strategic Goals	Relevant CSP outcome/s	Council's commitment to the outcome	How the proposal achieves the outcome
Strategic Goal 1. A great place to live	We have high quality community facilities and spaces that fit our purposes	Council encourages the provision of facilities in line with community expectations, population growth and intended uses	The Planning Proposal proposes the amendment to the <i>Auburn LEP 2010</i> and <i>Holroyd LEP 2013</i> to introduce minimum lot area standard provisions for dual occupancies.  This ensures that the amenity of the R2 Low Density Residential zone is maintained and minimises the impacts of the Code to the pressure on existing local infrastructure from unplanned population growth and density.
Strategic Goal 4. A strong local economy	We have access to great local education and care services	Council continues to advocate on behalf of our growing community for continual increases in access to education at all levels.	The Planning Proposal aims to align the planned social infrastructure with the planned population growth by setting minimum lot area standard provisions for dual occupancies.
Strategic Goal 5. A resilient built environment	Our planning decisions and controls ensure the	Council ensures planning controls benefit the community	The Planning Proposal aims to maintain a density that is consistent with the planned



	community benefits from development;  We have a range of transport options that connect our town centres and to wider Sydney	and decisions are made with consideration to a strategic vision;  Local infrastructure is maintained and used sustainably.	Low Density Residential zoning and the associated infrastructure.
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**Table 5. Consistency with the Cumberland Community Strategic Plan.**

#### **Cumberland Residential Housing Strategy and comprehensive Cumberland LEP**

The forthcoming preparation of Council's Residential Housing Strategy as part of the comprehensive Cumberland LEP will enable this issue to be considered in more detail and also in the context of infrastructure provision, as well as giving due consideration to local character and amenity. The Planning Proposal's uniform approach of setting a minimum lot size across the entire Cumberland LGA would support the preparation of comprehensive Cumberland LEP.

#### **Q5: Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

*State Environmental Planning Policies* (SEPPs) and *Regional Environmental Plans* (deemed SEPPs) deal with issues significant to the state and people of New South Wales.

The Planning Proposal is consistent or justifiably inconsistent with the applicable SEPPs and deemed SEPPs as outlined below with details provided in Appendix 3.

- **SEPP 55 Remediation of Land** provides a State wide planning approach for the remediation of contaminated land. The *Low Rise Medium Density Code* permits dual occupancy and medium density housing as complying development. The Code permits (and in some cases encourages) basement car parking as complying development, increasing the likelihood of disturbing contaminants that may affect human health. These matters would normally be considered as part of a DA, however, this assessment would not occur under the Code.

Council's mapping shows lands in the R2 and R3 zones identified by Council or the EPA as contaminated. Some of these have been remediated and have Site Audit Statements to verify this. Further work is required to update the remediation status of these contaminated lands for parts of the LGA.

A separate Planning Proposal may be developed to recognise sites that are identified by Council or the EPA as contaminated, but which do not have Site Audit Statements be identified, seeking possible exclusion from the Code's complying development.

- **SEPP Exempt and Complying Development Codes 2008** aims to provide a streamlined assessment process for development that complies with specified development standards. The *Low Rise Medium Density Code* when in effect, will form part of this SEPP. This Planning Proposal seeks amendments to the Auburn and Holroyd LEPs to address issues raised as a result of this, as discussed throughout this Planning Proposal and the Reports to Council at 6 June and 18 July 2018.

- **SEPP (Affordable Rental Housing) 2009** aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing. The SEPP includes provisions providing FSR incentives for infill housing, such as dual



Planning Proposal

occupancies and multi dwelling housing in locations within 800m walking distance from a rail station or 400m from a bus stop.

Permitting complying development for dual occupancies in the R2 zones, and manor houses, terraces, and dual occupancies in the R3 zones, at the lot sizes and FSRs proposed in the Code would discourage applicants from providing infill affordable housing via the Affordable Rental Housing SEPP. The applicants would favour the Code's provision for similar development potential for such sites.

However, a review of DAs lodged under the Affordable Housing SEPP for this type of infill housing for the former Holroyd and Auburn areas identified that only one DA lodged in each of the relevant areas, both of them for dual occupancies. Both used the SEPP to seek a dual occupancy on a lot below the permitted lot size under the LEP or DCP. Only one sought to use the FSR incentive (in part). A review of similar DAs for the former Parramatta LGA has not been undertaken, as the lot size provisions are already contained in the *Parramatta LEP 2011*.

No applications for townhouses under this SEPP have reached beyond pre-lodgement stage, with significant issues identified for the limited sites where interest has been expressed.

Given the apparent minimal uptake of this form of affordable housing, it is considered that the Planning Proposal is justifiably inconsistent with SEPP (Affordable Housing) 2009.

- **SEPP 19 - Bushland in Urban Areas** aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.

The SEPP requires a consent authority to consider the aims of the policy, and give priority to retaining bushland unless there are significant environmental, economic or social benefits which outweigh the value of the bushland.

The residential land affected by the Code includes land that adjoins land containing bushland, zoned or reserved for public open space, which is subject to the SEPP. The Code does not make any provision to avoid adverse impacts on such bushland from the residential development types identified as complying. Given the urgent need for this Planning Proposal, there has not been opportunity to map these lands. Nevertheless, SEPP (Vegetation in Non-Rural Areas) 2017 still requires a permit or other consent for the removal of bushland. In addition, the Codes SEPP requires the new development to be compliant with the relevant DCP in relation to stormwater drainage. These requirements will minimise, but not prevent, other potential adverse impacts on adjoining publicly reserved bushland.

Whether such lands should be included on an 'Environmentally sensitive areas – Buffer Map' could be considered as part of Council's Biodiversity Strategy which is currently being prepared. It is also anticipated that a separate Planning Proposal will be developed that may seek to exclude these identified lands in environmentally sensitive areas, from the Code's complying development.

- **SREP (Sydney Harbour Catchment) 2005** aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.

Most of Cumberland LGA is within this catchment. Planning principles for development under this SREP include (but are not limited to):

- Protection and where practicable, improvement of the hydrological, ecological and geomorphological processes on which the catchment depends;



## Planning Proposal

- Improvement of water quality, rehabilitation of watercourses, wetlands, riparian corridors remnant native vegetation and ecological connectivity;
- Protection and rehabilitation of land affected or potentially affected by urban salinity;
- Minimisation of the disturbance of acid sulfate soils;
- Reduction of quantity and frequency of urban runoff;
- Protection of the functioning of natural drainage systems on floodplains;
- Protection of visual qualities of the foreshores; and
- Take into account the cumulative impacts of development in the catchment.

A number of waterways and riparian zones within Cumberland LGA are identified on the SREP *Foreshores and Waterways Area Map*. The planning principles for the development of land within these areas include:

- Protection and enhancement of natural assets, visual qualities and the unique environmental qualities of the foreshores; and
- Increasing public access along foreshores and to the waterways while minimising the impact on watercourses, wetlands, riparian lands and remnant vegetation.

Development under the *Low Rise Medium Density Code* has certain requirements regarding the management of stormwater, to support some of the above principles in relation to the catchment as a whole.

However, where sites are located within riparian lands and waterways, it would result in a number of inconsistencies with the above principles, both for the catchment as a whole, and for the identified foreshores and waterways. For example, such development would result in increased impermeable surfaces, reduce vegetated riparian areas, and/or areas that could be rehabilitated to assist in filtering pollutants from runoff and protect the stability of creek banks.

Limiting the areas by the topographical features as described, means that land near most channelled waterways is not excluded from the Code. Council may consider a future Planning Proposal to address.

Clause 1.19 (1) (e) of the Exempt and Complying Development SEPP excludes complying development from land identified by an environmental planning instrument as being within a 'river front area'. Again, the terminology is not consistent with the SREP.

To ensure consistency with the SREP, and to protect the environmental and social qualities of the waterways and adjoining lands, a separate Planning Proposal may be prepared seeking to exclude the application of the Code to riparian areas in the LGA that retain the topography to support the above principles.

The Holroyd and Parramatta LEPs have mapped lands identified as 'Riparian lands and Watercourses' and 'Natural Resources – Riparian Land and Waterways'. It is anticipated that mapping of such lands will be updated if needed in these areas, and a similar map included for the former Auburn Council area in the future, under the title 'Environmentally sensitive areas'. This would exclude them from Complying Development.

As listed above, the SREP also seeks to minimise the disturbance of acid sulphate soils and to protect and rehabilitate land affected or potential affected by urban salinity. Acid sulphate soils are discussed under the relevant Ministerial Direction. Urban Salinity is discussed under the Section 2.3.3 in regard to other environmental impacts.

**Other relevant SEPPs**

The following SEPPs and deemed SEPPs are relevant to the type of residential development proposed under the Code.

Cumberland Council • 17



Planning Proposal

- **SEPP (Building Sustainability Index – BASIX) 2004** aims to ensure consistency in the implementation of the BASIX scheme throughout the State.

Compliance with this SEPP BASIX is required for complying development of the types permitted under the Code.

- **SEPP (Coastal Management) 2018** aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. Certain lands in Cumberland LGA are identified as part of the coastal zone, mapped as coastal wetlands, and proximity area for coastal wetlands.

Clause 1.19 of *SEPP (Exempt and Complying Codes) 2008* identifies coastal wetlands and lands within 100m of these wetlands (ie land that is mapped as 'Proximity to coastal wetlands') as land within an 'environmentally sensitive area'. To protect these areas consistent with the Coastal Management SEPP, the Codes SEPP does not permit complying development on this land.

- **SEPP (Vegetation in Non-Rural Areas) 2017** aims to protect the biodiversity and amenity values of trees and other vegetation in non-rural areas of the State.

The Code would not override the need for a permit or other consent for the removal of vegetation identified in Council's DCPs and other vegetation specified in the SEPP.

**Q6: Is the Planning Proposal consistent with applicable Ministerial Directions (sec 9.1)?**

Section 9.1 directions are directions to councils from the Minister for Planning and Infrastructure that need to be considered or given effect to in the preparation of draft LEPs.

The following Directions are relevant to this Planning Proposal. The Planning Proposal is consistent or justifiably inconsistent with these Directions. Discussion of these is provided in Appendix 4.

S9.1 Ministerial Directions	Consistency with the Planning Proposal
2.1 Environment Protection Zones	Consistent
2.2 Coastal Protection	Consistent
2.3 Heritage Conservation	Consistent
3.1 Residential Zones	Consistent
3.4 Integrating Land Use and Transport	Consistent
4.1 Acid Sulfate Soils	Consistent
4.3 Flood Prone Land	Consistent
5.10 Implementation of Regional Plans	Consistent
6.1 Approval and Referral Requirements	Consistent
6.3 Site Specific Provisions	Not applicable
7.1 Implementation of a Plan for Growing Sydney	Consistent
7.3 Parramatta Road Corridor Urban Transformation Strategy	Consistent
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Consistent



**Table 6. Consistency with section 9.1 Directions.**

The Planning Proposal is consistent with Direction 3.1 Residential Zones as the Planning Proposal does not intend to restrict residential development, reduce the planned residential density, nor reduce the opportunity for housing diversity. The Planning Proposal does not back zone land nor does it seek to reduce the range of permissible residential land uses in the R2 or R3 zones.

The Planning Proposal only seeks to introduce a minimum lot size requirement of 600m<sup>2</sup> for dual occupancy development under the Auburn and Holroyd LEPs to align with the minimum lot size control of the Parramatta LEP. The introduction of lot size requirement for dual occupancy development across Cumberland LGA would minimise the adverse impact to the capacity of existing local infrastructure.

The proposed minimum lot size of 600m<sup>2</sup> provides better opportunities for good design and ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.

Council has undertaken further analysis to ensure that the planning proposal does not constrain housing supply. The Code would still apply to over 12,200 lots within the Cumberland LGA.

### 2.3.3 Section C. Environmental, social and economic impact

**Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

This Planning Proposal is not anticipated to create any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitat, as it applies to land zoned R2 Low Density Residential and R3 Medium Density Residential only.

The initial review of land identified as 'Remnant Native Vegetation' on the Biodiversity Map of the *Holroyd LEP 2013*, and land identifies as 'Biodiversity' on the Natural Resources - Biodiversity Map of the *Parramatta LEP 2011*, revealed that most of the lands are identified within RE1 Public Recreation zone or IN1 General Industrial zone.

However, many of these RE1 zoned lands are bounded by R2 Low Density Residential and R3 Medium Density Residential zones. Development of residential zoned lands in vicinity of these identified RE zoned lands were assessed as merit based through Council's Development Application. However the eastern section of Cumberland LGA could not be assessed as the *Auburn LEP 2010* does not have a Biodiversity Map.

Council may consider a future Planning Proposal to further address this, or it may address this more thoroughly through its forthcoming comprehensive Cumberland LEP Review.

**Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

***Flooding***



## Planning Proposal

The *Low Rise Medium Density Housing Code* does not enable low and medium density housing on any part of a lot with the following characteristics in relation to flooding:

- a flood storage area;
- a floodway area;
- a flow path;
- a high hazard area; or
- a high risk area.

There are also controls in the Code that apply to 'flood control lots' to minimise flood risk, such as minimum floor levels.

While it is noted that increased density outside these areas, either on the same site or other sites, there will be some continued mitigation if the requirements for stormwater management under the Code are properly applied by designers and overseen by certifiers.

It is therefore not considered feasible to exclude such lands from the Code.

***Riparian protection***

There are a number of creeks and rivers running through the LGA. While many have been channelled as part of previous development, before there was general recognition of the important values of a natural waterway and the adjoining lands, there remain areas where the waterways are open. Some of these are protected by appropriate zonings, such as E2 Environmental Conservation, W1 Natural Waterways or RE1 Public Recreation; however, some are on private land, including land in R2 and R3 residential zones.

It is anticipated that Council may prepare a separate future Planning Proposal to seek to better address this issue.

***Urban salinity***

Concentrations of salt and certain kinds of salt can affect plant growth, soil chemistry and structure as well as the lifespan of materials such as bitumen, concrete, masonry and metal. This means that both ecosystems and various aspects of any development and infrastructure can be affected.

Urban salinity is caused by urban development however, the impacts can be moderated by careful design, construction methods and use of materials. For development on these sites, Council imposes conditions of consent requiring the use of measures to minimise the potential for salinity.

The Code does not include such conditions. Accordingly, it is appropriate that a DA be required for dual occupancy or medium density development, at least in those areas identified as having high salinity potential.

The former Holroyd LGA is identified as having moderate potential for urban salinity, with certain areas identified in the LEP as having high potential.

There are also lands within the former Parramatta and Auburn LGAs which have high salinity potential. However relevant maps are not provided in the Auburn and Parramatta LEPs.

Further work would be required to map these lands for the consistent approach across the Cumberland LGA, potentially as part of the comprehensive Cumberland LEP.

**Q9: Has the Planning Proposal adequately addressed any social and economic effects?**



## Planning Proposal

Yes. The Planning Proposal seeks to improve certainty relating to consistent minimum lot sizes for Council and the local community.

The proposal would best maintain a density that is consistent with the R2 and R3 zone area and the associated planned infrastructure.

Details of its effects are addressed below.

***Character and amenity and human health impacts***

Stipulating the minimum lot size for dual occupancy development (in comparison to the minimum lot sizes used in the Code) to 600m<sup>2</sup> will allow for building forms, landscaped areas and vehicle access provision that is compatible with the local residential character and would better maintain a reasonable level of amenity for existing and future residents.

In addition, this 600m<sup>2</sup> lot area would enable planting or retention of tree canopy on private land which is important to mitigate the urban heat island effect and for streetscape.

***Infrastructure and services***

The proposed minimum 600m<sup>2</sup> lot area would maintain a low density population in largely car-dependent areas which have not been planned for medium density development, limiting the impact on existing road network, parking, stormwater and social infrastructure.

Low and medium density suburban areas of Cumberland, such as Pemulwuy, Auburn south, Regents Park east or Greystanes where services and public transport are less available have the potential to be impacted significantly with the Code's 400m<sup>2</sup> minimum lot size for dual occupancy and the potential resulting increase in building capacity.

For example, Pemulwuy, a medium density residential suburb in a remote location away from major transport, has a density of 18 dwellings per hectare and will reach 22 dwellings per hectare on completion. These car-dependent suburbs have a high level of car ownership and experience street car parking issues. As it has developed over the past 15 years the additional pressure placed on road networks and car parking at stations has been visible.

***Housing supply and diversity***

It is expected that a total of 12,200 lots are eligible for Dual Occupancy development under the proposed 600m<sup>2</sup> of minimum lot size control. Based on current approval rates for Dual Occupancy development, this planning proposal provide would provide up to 52 years' worth of housing supply for dual occupancy development.

To determine this figure, Council undertook a scenario mapping exercise to identify total number of eligible lots that would be available for Dual Occupancy development under the following scenarios;

- Baseline: Applying the controls of the LRMDH Code,
- Scenario 1: Applying the proposed 600m<sup>2</sup> of minimum lot size control,
- Scenario 2: Applying 550m<sup>2</sup> of minimum lot size control,
- Scenario 3: Applying 500m<sup>2</sup> of minimum lot size control,
- Scenario 4: Under Council's current LEP/DCP control,

Above scenario exercises also considered controls for minimum lot frontage requirement and excluded certain lots that are exempted from complying development.

The scenario mapping exercise also excluded the following lots:



**Planning Proposal**

- Strata Planned, Schools, Battle-axe lots, Business lots with multiple ownerships and Council-owned or State-owned Lots that are reserved for Infrastructure, as well as lots that are within the planned residential density area; i.e. former Lidcombe Hospital precinct (Botanica).

	<b>Baseline: Minimum lot size under new Code</b>	<b>Scenario 1: 600m<sup>2</sup> minimum lot size</b>	<b>Scenario 2: 550m<sup>2</sup> minimum lot size</b>	<b>Scenario 3: 500m<sup>2</sup> minimum lot size</b>	<b>Scenario 4: As per current minimum lot size controls</b>
<b>Eligible lots for dual occupancy</b>	R2: 20,478 R3: 2,956 Total: 23,434	R2: 10,613 R3: 1,760 Total: 12,373	R2: 16,917 R3: 2,010 Total: 18,927	R2: 18,457 R3: 2,256 Total: 20,713	R2: 17,527 R3: 2,162 Total: 19,689
<b>Non- eligible lots for dual occupancy</b>	R2: 15,346 R3: 6,875 Total: 22,221	R2: 25,210 R3: 8,071 Total: 33,281	R2: 18,906 R3: 7,821 Total: 26,727	R2: 17,366 R3: 7,575 Total: 24,941	R2: 18,296 R3: 7,669 Total: 25,965

**Table 7. Analysis of eligible lots for development of dual occupancies under three Scenarios.**

Council also undertook a review of approvals for dual occupancy development to determine the current demand for dual occupancy development with Council approving a total of 1,166 dual occupancies developments over the past five years or 233 dual occupancy developments per year.

	<b>Former Auburn LGA</b>	<b>Former Parramatta LGA</b>	<b>Former Holroyd LGA</b>
Approved DAs (from 2013 to October 2018*)	184	155	827
<b>Note.</b> The above data is generated based on Council's recording of DAs that have been approved over the past five years, up to the first week of October 2018* when this research was conducted. The count of approved DAs includes deferred commencement.			

### 2.3.4 Section D. State and Commonwealth interests

**Q10: Is there adequate public infrastructure for the Planning Proposal?**

The introduction of the Code would have some adverse impact to the public infrastructure of Cumberland. The population density will increase incrementally without consideration of the implications to existing infrastructure and its capacity.



## Planning Proposal

Cumberland is established and (in part) densely populated LGA, with a population density of 32.32 per hectare, and the majority of the land zoned as R2 Low Density Residential but with higher density areas and centres. Therefore it is crucial to plan for a growth to align with any planned and existing public infrastructure, so forecast growth population can be accommodated with adequate infrastructure support.

A dwelling density of 15-20 dwellings per hectare that this Planning Proposal will achieve is consistent with the planned density of the R2 Low density residential zone and will ensure that future dual occupancy development will increase a locations dwelling density to a point that will place strain on the capacity of existing and planned infrastructure.

**Q11: What are the views of state and commonwealth public authorities consulted in accordance with the Gateway Determination?**

The Gateway Determination has been issued on 6 September 2018, which advises Council to undertake a public exhibition for a minimum of 28 days. Prior to undertaking exhibition, the Planning Proposal is required to be revised to meet the conditions set in the Gateway Determination and the revised Planning Proposal to be referred to the Department for review.

No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.



### 3 MAPPING

Please refer to Appendix 1 for an indicative amendment to the *Auburn LEP 2010* and the *Holroyd LEP 2013* - introducing a Minimum Lot Sizes for Dual Occupancy Development Map, should the Planning Proposal be adopted.



## 4 COMMUNITY CONSULTATION

### 4.1 POST-GATEWAY COMMUNITY CONSULTATION

The Planning Proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019.

Council sent out an exhibition package to all affected landowners via mail. This exhibition package included a FAQ to provide the landowners with an easy to understand overview of the proposal. Council also posted details on Facebook inviting interested parties to visit Council's Have Your Say page to make a submission during the exhibition period.

A total of 169 written submissions were received. 96 submissions supported and 69 submissions objected to the proposal. 4 submissions did not indicate whether they supported or objected to the proposal. A further 28 individuals made comment via the Facebook post.

Submissions received in support of the proposal were based on the following key principles that the 600m<sup>2</sup> would:

- reduce street congestion by allowing for sufficient onsite parking;
- allow for sufficient landscaping to protect existing streetscapes;
- limit demand for existing infrastructure and reduce the need for new infrastructure; and
- protect amenity and local character.

Submissions received in opposing the proposal objected for the following principles that the 600m<sup>2</sup> would:

- have a negative impact on landowners existing investment;
- reduces a landowner's ability to derive revenue from their property;
- potential to reduce the property value due to the inability to develop a property for a dual occupancy development; and
- potential to impact housing affordability through reduced housing supply and choice.

Of the submissions in support, 13 requested that a control requiring larger lot sizes of between 650m<sup>2</sup> and 800m<sup>2</sup> apply, and 24 submissions objecting to the proposal requested that smaller lot sizes of between 400m<sup>2</sup> and 550m<sup>2</sup> apply.

Following the receipt of submissions, further scenario testing analysis (beyond what was requested by the then DP&E as part of the Gateway) was undertaken. The outcomes of this scenario testing is provided in Table 7.



## 5 ANTICIPATED PROJECT TIMELINE

(An amended timeline followed by a post-gateway public exhibition)

The timeline presented below indicates the anticipated steps for completion of the Planning Proposal and submission of the final, exhibited and amended version to the Department for making and notification (gazettal) of the *Auburn LEP 2010* and *Holroyd LEP 2013*.

PP Actions	July 2018	Aug 2018	Sep 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019
Submit PP to the Department for Gateway Determination												
Gateway Determination made by the Department of Planning & Environment												
Revise PP to meet the conditions of Gateway Determination												
Public exhibition of PP												
Receive and evaluate submissions and revise controls of PP												
Report to CLPP												
Report PP to Council												
Submit PP to the Department for legal drafting and finalisation												
Notification of LEP amendment												



## 7 ATTACHMENTS

The following documents are provided in support of the Planning Proposal:

- Attachment 1. Council report and minutes of 18 July 2018 (Min. 223, C07/18-136)
- Attachment 2. Council report and minutes of 6 June 2018 (Min. 175, C06/18-106)
- Attachment 3. DP&E Response to Council Request for Exemption to LRMDH Code
- Appendix 1. draft Minimum Lot Sizes for Dual Occupancy Development Map
- Appendix 2. Consistency with NSW broader strategic framework
- Appendix 3. Consistency with SEPPs and deemed SEPPs
- Appendix 4. Consistency with Section 9.1 Ministerial Directions



Planning Proposal

**Attachment 1. Council report and minutes of 18 July 2018 (Min. 223, C07/18-136)**



Planning Proposal

**Attachment 2. Council report and minutes of 06 June 2018 (Min. 175, C06/18-106)**



Planning Proposal

**Attachment 3. DP&E Response to Council Request for Exemption to LRMDH Code**



Planning Proposal

**Appendix 1. draft Minimum Lot Sizes for Dual Occupancy Development Map**



## Appendix 2. Consistency with NSW broader strategic framework

### Greater Sydney Region Plan and Central City District Plan

Directions for a Greater Sydney	Greater Sydney Region Plan - Objectives	Central City District Plan - Planning Priority	Central City District Plan - Actions	Consistency
<b>1. A city supported by Infrastructure</b>	O2. Infrastructure aligns with forecast growth	C1. Planning for a city supported by infrastructure	A3. Align forecast with infrastructure	<p><b>Consistent</b></p> <p>The Planning Proposal seeks to impose minimum lot size requirement for dual occupancies under the Auburn and Holroyd LEPs. This minimum lot size is consistent with that already in place under the <i>Parramatta LEP 2011</i>. As such the minimum lot size for dual occupancy would be 600m<sup>2</sup>.</p> <p>Current and planned infrastructure is based on the low and medium densities of residential areas and not increased capacity - unplanned - as would be permitted under the lot size prescribed by the Code.</p> <p>If the Code comes in effect without amendment to Council's LEPs, It is envisaged that the existing infrastructure of Cumberland may not be serviced fully to accommodate the unplanned population density.</p> <p>Future housing need and associated infrastructure would be considered under the future Cumberland Residential Housing Strategy and Local Strategic Planning Statement and the Cumberland LEP.</p>



Planning Proposal

Directions for a Greater Sydney	Greater Sydney Region Plan - Objectives	Central City District Plan - Planning Priority	Central City District Plan - Actions	Consistency
<b>4. Housing the City</b>	O10. Greater housing supply O11. Housing is more diverse and affordable	C5. Providing housing supply, choice and affordability, with access to jobs and services	A16. Prepare local or district housing strategies A17. Prepare Affordable Rental Housing Target schemes following development of implementation arrangements	<b>Consistent</b>  This Planning Proposal and subsequent LEP amendment will support Council in the planned growth in housing across the LGA. It will also inform the future Cumberland Residential Housing Strategy and the preparation of the Cumberland LEP.
<b>8. A city in its landscape</b>	O25. The coast and waterways are protected and healthier and the corresponding strategies	C13. Protecting and improving the health and enjoyment of the District's waterways	A60. Protect environmentally sensitive waterways.  A62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impact of development including coordinated monitoring of outcomes.	<b>Not Inconsistent</b>  The Planning Proposal is not inconsistent with the directions and objectives of the <i>Greater Sydney Region Plan</i> and the <i>Central City District Plan</i> .  The nominated lot size of 600m <sup>2</sup> for dual occupancies permit the planting or retention of trees on private lands and increase opportunities for street tree planting which will help to mitigate heat island effects and supports the <i>Greater Sydney Green Grid</i> links.  The grant of 1 year deferral of the Code to July 2019 within Cumberland allows a DA merit assessment to be undertaken for affected lands, instead of the Code's complying development which could without requiring that DA assessment, result adverse impacts on Cumberland's waterways, bushland and biodiversity.
	O27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced O28. Scenic and cultural landscapes and protected.	C15. Protecting and enhancing bushland and biodiversity	A65. Protect and enhance biodiversity.  A66. Identify and protect scenic and cultural landscapes.	
	O30. Urban tree canopy cover is increased O32. The Green Grid links parks, open spaces, bushland, and walking and cycling paths	C16. Increasing urban tree canopy cover and delivering Green Grid connections	A68. Expand urban tree canopy in the public realm. A69. Progressively refine the detailed design and delivery of.	
<b>10. A resilient</b>	O36. People	C20. Adapting to	A82. Avoid	

Cumberland Council • 33



Planning Proposal

Directions for a Greater Sydney	Greater Sydney Region Plan - Objectives	Central City District Plan - Planning Priority	Central City District Plan - Actions	Consistency
<b>city</b>	and places adapt to climate change and future shocks and stresses O37. Exposure to natural and urban hazards is reduced O38. Heatwaves and extreme heat are managed	the impacts of urban and natural hazards and climate change	locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards. A83. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.	A separate Planning Proposal may be developed seeking to exclude certain lands within environmentally sensitive area from the Code's complying development. Ideally, the revised controls and its separate Planning Proposal would come into effect as soon as possible after July 2019.
<b>Implementation</b>	O39. A collaborative approach to city planning	C21. Preparing local strategic planning statements informed by local strategic planning	A86. The Greater Sydney Commission will require a local environmental plan review	<b>Not Inconsistent</b> The Planning Proposal and associated LEP amendment would inform and be taken into consideration in the preparation of a Residential Housing Strategy and a Local Strategic Planning Statement, as part of development of comprehensive Cumberland LEP.



**Appendix 3. Consistency with SEPPs and deemed SEPPs**

**State Environmental Planning Policies (SEPPs)**

No.	Title	Summary	Application and Consistency
1	<b>Development Standards</b>	Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	<b>Does not apply to Cumberland LGA.</b> SEPP repealed by <i>Auburn LEP 2010</i> , <i>Holroyd LEP 2013</i> and <i>Parramatta LEP 2011 (clause 1.9)</i> .
55	<b>Remediation of Land</b>	Provides a State wide planning approach for the remediation of contaminated land.	<b>Applies State-wide</b> Justifiably Inconsistent  The <i>Low Rise Medium Density Housing Code</i> permits dual occupancy and medium density housing as complying development. The Code permits (and in some cases encourages) basement car parking as complying development, increasing the likelihood of disturbing contaminants that may affect human health. These matters would normally be considered as part of a DA, however this assessment would not occur under the Code's complying development.  Certain lands in the R2 and R3 zones are identified by Council's mapping as contaminated. Some of these have been remediated and have Site Audit Statements to verify this. Further work is required to update the remediation status of these lands for parts of the LGA.  Accordingly, it is recommended that a separate Planning Proposal to be developed to recognise sites that are identified by Council or the EPA as contaminated, but which do not have Site Audit Statements be identified, and seeks to exclude these sites from Code.
70	<b>Affordable Housing (Revised Schemes)</b>	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	<b>Does not apply to the Cumberland LGA</b> Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt.
	<b>Building Sustainability Index: BASIX 2004</b>	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	<b>Applies State-wide</b> Compliance with this BASIX is required for complying development of the types permitted under the Code.



Planning Proposal

No.	Title	Summary	Application and Consistency
	<b>Exempt and Complying Development Codes 2008</b>	Aims to provide streamlined assessment process for development that complies with specified development standards.	<p><b>Applies State-wide</b></p> <p>Consistent</p> <p>The <i>Low Rise Medium Density Housing Code</i> when in effect, will form part of this SEPP. This Planning Proposal seeks amendments to the Auburn and Holroyd LEPs to address issues raised as a result of this, as discussed throughout this Planning Proposal and Council reports.</p> <p>On 5 July 2018, Cumberland Council was granted a deferred application of the Code until 1 July 2019. The amendment to the Auburn and Holroyd LEPs as sought under this Planning Proposal should be finalised by 1 July 2019.</p>
	<b>Affordable Rental Housing 2009</b>	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	<p><b>Applies State-wide</b></p> <p>Justifiably Inconsistent - outside the control of Council</p> <p>Permitting complying development for dual occupancies in the R2 zones, and manor houses, terraces, and dual occupancies in the R3 zones, at the lot sizes and FSRs proposed in the <i>Low Rise Medium Density Housing Code</i> would discourage applicants from providing infill affordable housing in these forms via the Affordable Rental Housing SEPP, as the Code provides for similar development potential for such sites in many instances.</p>
	<b>Urban Renewal 2010</b>	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	<p><b>Applies Cumberland LGA</b></p> <p>Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Granville - parts of which are within the Cumberland LGA.</p>
	<b>Three Ports 2013</b>	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle.	<p><b>Does not apply to Cumberland LGA</b></p> <p>Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle.</p>



Planning Proposal

Deemed SEPPs

No	Title	Summary	Application and Consistency
9	<b>Extractive Industry No. 2 1995</b>	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	<p><b>Applies to the Cumberland LGA</b> Applies to LGAs listed in Schedule 4 (includes former Parramatta and Holroyd LGAs).</p> <p>Not Inconsistent</p> <p>Residential zoned land would not likely be affected by this SEPP.</p>
	<b>SREP (Sydney Harbour Catchment) 2005</b>	<p>Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.</p> <p>Planning principles for development under the SEPP include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Protection and where practicable, improvement of the hydrological, ecological and geomorphological processes on which the catchment depends,</li> <li>• Improvement of water quality, rehabilitation of watercourses, wetlands, riparian corridors remnant native vegetation and ecological connectivity</li> <li>• Protection and rehabilitation of land affected or potentially affected by urban salinity</li> <li>• Minimisation of the disturbance of acid sulfate soils</li> <li>• Reduction of quantity and frequency of urban runoff</li> <li>• Protection of the functioning of natural drainage systems on floodplains</li> <li>• Protection of visual qualities of the foreshores</li> <li>• Take into account the cumulative impacts of development in the catchment.</li> </ul>	<p><b>Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River.</b></p> <p>Justifiably Inconsistent</p> <p>Applies to some land within the Cumberland LGA. A number of waterways and riparian zones within Cumberland LGA are identified on the <i>SREP Foreshores and Waterways Area Map</i>.</p> <p>Development under the <i>Low Rise Medium Density Housing Code</i> has certain requirements regarding the management of stormwater to support principles of this Plan in relation to the catchment as a whole. However, where sites are located within riparian lands and waterways, it would result in a number of inconsistencies with the principles, both for the catchment as a whole, and for the identified foreshores and waterways.</p> <p>For example, such development would result in increased impermeable surfaces, reduce vegetated riparian areas, and/or areas that could be rehabilitated to assist in filtering pollutants from runoff and protect the stability of creek banks.</p> <p>Limiting the areas by the topographical features as described, means that land near most channelled waterways is not excluded from the Code. It is anticipated that further work to finalise boundaries may be required as part of the work for the comprehensive Cumberland LEP.</p> <p>It is appropriate that any proposed development that would increase density or permeable surfaces on these lands be assessed through the DA process.</p>



#### Appendix 4. Consistency with Section 9.1 Ministerial Directions

Direction	Applicability / Consistency
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	<p><b>Consistent</b></p> <p>The Planning Proposal does not reduce the environmental protection standards that apply to the land.</p> <p>However, certain lands in R2 Low Density Residential and R3 Medium Density Residential zones are identified in areas with high salinity potential and contaminated land.</p> <p>Council is undertaking a separate study in relation to this issue and anticipated to prepare a separate Planning Proposal to exclude these identified lands from the <i>Low Rise Medium Density Housing Code's</i> complying development so that development on these lands would be assessed based on the usual DA merit assessment process.</p>
2.2 Coastal Protection The objective of this direction is to protect and manage coastal areas of NSW. This direction applies to land that is within the coastal zone, as defined under the <i>Coastal Management Act 2016</i> – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area – and as identified by the <i>State Environmental Planning Policy (Coastal Management) 2018</i> .	<p><b>Consistent</b></p> <p>Certain lands in R2 and R3 zones are identified as part of the coastal zone, mapped as coastal wetlands and proximity area for coastal wetlands.</p> <p>Clause 1.19 of <i>SEPP (Exempt and Complying Codes) 2008</i> identifies coastal wetlands and lands within 100m of these wetlands as land within an 'environmentally sensitive area'. To protect these areas consistent with the Coastal Management SEPP, the Codes SEPP does not permit complying development on this land.</p>
2.3 Heritage Conservation	<p><b>Consistent</b></p> <p>The <i>Low Rise Medium Density Housing Code</i> does not enable these forms of housing as complying development on heritage sites or heritage conservation areas.</p>
2.4 Recreation Vehicle Areas	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A



Planning Proposal

Direction	Applicability / Consistency
<b>3. Housing, Infrastructure and Urban Development</b>	
<p>3.1 Residential Zones</p> <p><b>What a relevant planning authority must do if this direction applies:</b></p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p><b>Consistency</b></p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land</li> </ul>	<p><b>Consistent</b></p> <p>The Planning Proposal does not intend to restrict residential development nor reduce the opportunity for housing diversity.</p> <p>The Planning Proposal does not back zone land nor does it seek to reduce the range of permissible residential land uses in the R2 or R3 zones</p> <p>The Planning Proposal only seeks to introduce a minimum lot size requirement of 600m<sup>2</sup> for dual occupancy development under the Auburn and Holroyd LEPs to align with the minimum lot size control of the Parramatta LEP. The introduction of lot size requirement for dual occupancy development across Cumberland LGA would minimise the adverse impact to the capacity of existing local infrastructure.</p> <p>The proposed minimum lot size of 600m<sup>2</sup> provides better opportunities for good design and ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.</p> <p>Council has undertaken further analysis to ensure that the planning proposal does not constrain housing supply. The Code would still apply to over 12,200 lots within the Cumberland LGA.</p> <p>In addition, the report analysed increased impact potential for each different lot sizes over the council's current LEP/DCP controls to the controls of the Code. The result revealed that the proposed 600m<sup>2</sup> lot size conveys the least impact to the built form and the site coverage when applying the controls of the Code.</p> <p>The proposed 600m<sup>2</sup> lot area would allow for building forms, landscaped areas and vehicle access provisions that is more compatible with the low density residential character and would better maintain a reasonable level of amenity for residents.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A



Planning Proposal

Direction	Applicability / Consistency
<p>3.4 Integrating Land Use and Transport</p> <p><b>What a relevant planning authority must do if this direction applies</b></p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <p><b>Consistency</b></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy which: <ul style="list-style-type: none"> <li>(i) gives consideration to the objective of this direction, and</li> <li>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</li> <li>(iii) is approved by the Director-General of the Department of Planning, or</li> </ul> </li> <li>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</li> <li>(d) of minor significance.</li> </ul>	<p><b>Consistent</b></p> <p>The Planning Proposal seeks to minimise the disconnect between increased density as provided through the Code and the location of existing transport infrastructure. This disconnect may result in increased dependence on cars, and distances travelled by car, contrary to the objectives of the Direction and the associated Guidelines.</p> <p>It is recognised that the types of development permitted by the Code are already permitted in the relevant zones, in this urban infill area, and that parts of these zones have reasonable transport choice. However, requiring larger minimum lot sizes and widths will reduce the overall increase in new dwellings located away from rail stations, especially in the Greystanes area, which has the poorest public transport access in the LGA.</p>
3.5 Development Near Licensed Aerodromes	N/A
<b>4. Hazard and Risk</b>	
<p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p><b>Consistent</b></p> <p>The <i>Low Rise Medium Density Housing Code</i> does not enable these forms of housing as complying development on lands affected by Class 1 or Class 2 Acid Sulfate Soils that is the most sensitive sites. Accordingly, the Planning Proposal does not seek any changes in regard to this matter.</p>
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	<p><b>Consistent</b></p> <p>The <i>Low Rise Medium Density Housing Code</i> does</p>



Planning Proposal

Direction	Applicability / Consistency
	not enable these forms of housing on high risk flood prone land or certain other flood prone sites. Accordingly, the Planning Proposal does not seek any changes in regard to this matter.
4.4 Planning for Bushfire Protection	N/A
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
5.9 North West Rail Link Corridor Strategy	N/A
5.10 Implementation of Regional Plans	<b>Consistent</b> Consistency with the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> is discussed in the main body of this Planning Proposal and in Appendix 2.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development, and minimise the inclusion of concurrence, consultation or referral requirements to other agencies.	<b>Consistent</b> The Planning Proposal does not seek any concurrence or referrals to other agencies, nor nominate any development as 'designated development'.
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. <i>When this direction applies</i> (3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	<b>Not applicable</b> This Planning Proposal does not seek to allow a particular development to be carried out that is not already permitted.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i> .	<b>Consistent</b> The <i>Greater Sydney Region Plan – A Metropolis of Three Cities (2018)</i> states that: <i>'In line with legislative requirements, a review of the current regional plan for Greater Sydney, A Plan for Growing Sydney (2014) identified that while most of the directions in A Plan for Growing Sydney were still relevant, they required updating</i>



Planning Proposal

Direction	Applicability / Consistency
Note. The Greater Sydney Region Plan is now the Metropolitan Plan, effective from March 2018.	<p><i>or strengthening to respond to new challenges for planning Greater Sydney to 2056.'</i></p> <p>The <i>Greater Sydney Region Plan</i> has now been made, and incorporates, updates or strengthens the requirements of the earlier plan.</p> <p>Consistency with the subsequent <i>Greater Sydney Regional Plan</i> is discussed above (at Direction 5.10) and in the main body of this report and in Appendix 2.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A
<p>7.3 Parramatta Road Corridor Urban Transformation Strategy</p> <p>The objectives of this Direction are to:</p> <p>(a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit,</p> <p>(b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and</p> <p>(c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</p>	<p><b>Consistent</b></p> <p>Though the majority of the land within Cumberland that is affected by the <i>Parramatta Road Corridor Urban Transformation Strategy</i> are business/enterprise or industrial zoned lands at present, there are also R2 and R3 zoned lands within the Auburn precinct (designated for release now) and R2 zoned lands in the Granville Western Frame area (designated for release after 2023).</p> <p>Council is working with the City of Parramatta and the Department of Planning to prepare a transport study, required to enable this Strategy. Following this, a Planning Proposal will be prepared to implement the Strategy. Landowners are aware of the Strategy, and some landholders are already keen for it to be implemented. Where the Strategy will result in greater development potential, it is unlikely landholders would develop using the Code, which would then make further redevelopment more expensive.</p> <p>The Planning Proposal, the subject of this report, will not prevent the achievement of the objectives of the Strategy, or prevent consistency with the various requirements of the Implementation Toolkit.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
<p>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p> <p>The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the interim Plan)</p>	<p><b>Consistent</b></p> <p>Residential land in the Parramatta Road corridor is located within the area identified in this Plan. This has been discussed above.</p> <p>R2 and R3 zoned land in Westmead is also located within the area identified under this plan. This area is being progressed as a Planned Precinct by the Department of Planning &amp; Environment.</p>
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A



DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103

Attachment 3

Meeting Minutes Cumberland  
Local Planning Panel 15 May  
2019







Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 15 May 2019.

**PRESENT:**

Stuart McDonald (Chairperson), Lindsay Fletcher, David Ryan and Paul Moulds.

**IN ATTENDANCE:**

Karl Okorn, Monica Cologna, Michael Lawani, Sohail Faridy, Glenn Dawes, Elma Sukurma, Harley Pearman, Esra Calim, Sarah Sheehan, Laith Jammal and Somer Ammar.

**NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING**

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:30am.

**DECLARATIONS OF INTEREST:**

A reasonably perceived conflict of interest was declared by Paul Moulds in relation to Item LPP033/19 as his employer, the Salvation Army own the building adjacent to the development which he works from. The Chair indicated the declaration to be one of a non-significant, non-pecuniary interest and accepted that Mr Moulds was able to maintain Panel involvement in the matter. In relation to Item LPP033/19 Lindsay Fletcher advised that he had previously worked with Alison Davidson at Planning Ingenuity but that he had no involvement in the matter and had not been employed there for several years. The Chair indicated that Mr Fletcher was able to maintain Panel involvement in the matter.

**ADDRESS BY INVITED SPEAKERS:**

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	<u>Item No. Subject</u>
Gopi Ponnampalam	LPP034/19 - Minimum Lot Size Planning Proposal

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel.

<u>Speakers</u>	<u>Item No. Subject</u>
Alison Davidson	LPP033/19 - 172 South Parade, Auburn



Elizabeth Lawrence LPP034/19 - Minimum Lot Size Planning Proposal

Julie Nixon LPP034/19 - Minimum Lot Size Planning Proposal

Ken Pham LPP034/19 - Minimum Lot Size Planning Proposal

The open session of the meeting here closed at 12:08pm.

The closed session of the meeting here opened at 12:09pm.

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ITEM LPP032/19 - DEVELOPMENT APPLICATION FOR 322 RAILWAY TERRACE,  
GUILDFORD

**RESOLVED:**

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1. That Development Application 441/2017 for “Demolition of an existing building and construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, a ground floor residential apartment and four levels of apartments above including a two storey split level basement car park” under State Environmental Planning Policy Affordable Rental Housing 2009 be approved as deferred commencement consent subject to conditions as outlined in the attachment provided.

**For:** Stuart McDonald (Chairperson), Lindsay Fletcher, David Ryan and Paul Moulds.

**Against:** Nil.

**Reasons for Decision:**

1. The Development will provide additional affordable housing within the Guilford Town Centre in a location well served by transport options.
2. The application, inclusive of the additional floor space available under the SEPP Affordable Rental Housing 2009 (SEPP ARH), is generally consistent with the built form controls for a mixed use development including those contained within SEPP ARH, SEPP 65, the Apartment Design Guide, Parramatta LEP 2011 and Parramatta DCP 2011.
3. The Development subject to the recommended conditions of consent, will not have any unacceptable impacts on adjoining properties or location.
4. Given Items 1-3 above and noting that there were no submissions, approval of the application is considered to be in the public interest.



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ITEM LPP033/19 - SECTION 4.55(1A) MODIFICATION TO 172 SOUTH PARADE,  
AUBURN

**RESEOLVED:**

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1. That Development Application No. DA-219/2015/B for Section 4.55(1A) modification to the roof form, including minor changes to the lift overrun and mechanical plant room heights, removal of windows on the south western elevation and changes to the street awning on land at 172 South Parade, AUBURN NSW 2144 be approved subject to the conditions in the assessment report and the following additional condition.
2. Condition 126. The plant room on the South-Eastern part of the rooftop communal open space shall not be higher than the balustrade being 1.2 metres.
3. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

**For:** Stuart McDonald (Chairperson), Lindsay Fletcher, David Ryan and Paul Moulds.

**Against:** Nil.

**Reasons for Decision:**

1. The Panel is satisfied that the development as modified is substantially the same development as originally approved and is of minor environmental impact.
2. The Panel notes that the application was amended in order to address and overcome the concern raised in the one written submission.
3. The Panel also notes that the removal of the en-suite glass panels on the South-West elevation will have no adverse impact on the amenity of neighbouring properties or the subject apartments.
4. Subject to the recommended conditions and the additional condition as adopted by the Panel, the modified development will have no unacceptable impacts.

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ITEM LPP034/19 - MINIMUM LOT SIZE PLANNING PROPOSAL

**PANEL'S ADVICE:**

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**That the Cumberland Local Planning Panel (CLPP) advises:**

1. That it supports the inclusion of a minimum lot size for dual occupancy development for the Cumberland LGA.



2. **That the objectives for minimum lot sizes for dual occupancy development as detailed in Section 2.1 of the Planning Proposal be included as objectives for the Development Standard.**
3. **Support for the recommended minimum lot size of 600 square metres.**

**For:** Stuart McDonald (Chairperson), Lindsay Fletcher, David Ryan and Paul Moulds.

**Against:** Nil.

The closed session of the meeting here closed at 1:35pm.

The open session of the meeting here opened at 1:36pm. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 1:40pm.

Signed:



Stuart McDonald  
Chairperson



**DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103**

**Attachment 4**

**Report to Cumberland Local  
Planning Panel 15 May 2019**







Item No: EEELPP034/19

### MINIMUM LOT SIZE PLANNING PROPOSAL

Responsible Division: Environment & Planning  
Officer: Manager Strategic Planning  
File Number: S-57-63

Lodged for a Gateway Determination	27 July 2018 (Council-initiated Planning Proposal)			
Land related to the Proposal	Land zoned R2 Low Density Residential and R3 Medium in the former Auburn and Holroyd Local Government Area (LGA)			
Proposal Summary	<p>Seeks to amend both the <i>Auburn Local Environmental Plan 2010 (Auburn LEP 2010)</i> and the <i>Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013)</i> by inserting an LEP clause setting minimum lot area standard provisions for dual occupancies.</p> <p>A minimum lot size of 600m<sup>2</sup> is proposed for dual occupancy development within Cumberland LGA. No amendment to the <i>Parramatta LEP 2011</i> is proposed, since the minimum lot area provisions for dual occupancies are already specified under that LEP.</p>			
Objectives of the Planning Proposal	<ul style="list-style-type: none"> <li>• to maintain reasonable residential amenity and dwelling density in low density areas of Cumberland</li> <li>• to mitigate the capacity of local infrastructure in line with the projected population growth</li> <li>• to ensure the future dual occupancy development facilitates good urban design outcome with appropriate built form, driveways and sufficient landscaped areas</li> <li>• to achieve a consistency of minimum lot size controls across Cumberland LGA</li> </ul>			
Existing and Proposed Planning Controls	<b>Existing Parramatta LEP 2011 Controls</b>	<b>Existing Auburn LEP 2010 Controls</b>	<b>Existing Holroyd LEP 2013 Controls</b>	<b>Proposed Controls in R2 &amp; R3 zones</b>
Minimum lot size for dual occupancies (attached)	600m <sup>2</sup>	N/A (450m <sup>2</sup> under the Auburn DCP)	N/A (500m <sup>2</sup> under the Holroyd DCP)	600m <sup>2</sup>
Minimum lot size for dual occupancies (detached)	600m <sup>2</sup>	N/A (600m <sup>2</sup> under the Auburn DCP)	N/A (500m <sup>2</sup> in R2 zone under the Holroyd	600m <sup>2</sup>



			DCP and 450m <sup>2</sup> in R3 zone)	
Heritage	Nil			
Disclosure of political donations and gifts	Nil			
Previous Consideration	Council Report (Item C07/18-136) of 18 July 2018 Council Report (Item C06/18-106) of 6 June 2018			

#### **SUMMARY:**

The purpose of this report is to provide the Cumberland Local Planning Panel (CLPP) details of a Council-initiated Planning Proposal that seeks to amend both the Auburn Local Environmental Plan 2010 (Auburn LEP 2010) and the Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013) to insert an LEP clause that sets a minimum lot area of 600m<sup>2</sup> for dual occupancy development. This development standard is already contained in the Parramatta LEP 2011 and thus no amendment to the Parramatta LEP is sought.

This planning proposal has been initiated in response to the introduction of the State Government's Low Rise Medium Density Housing Code which introduces, amongst other things, a minimum lot size of 400m<sup>2</sup> for dual occupancy development, unless a minimum lot size is specified in a council's LEP.

Cumberland Council was granted a 12 month deferral from the introduction of the Code because it currently has three LEPs applying across the LGA and only one of these contains minimum lot size controls.

The status of the planning proposal is provided in Figure 1. Public exhibition has now been completed together with the additional analysis required by the Gateway Determination, which is discussed in this report.



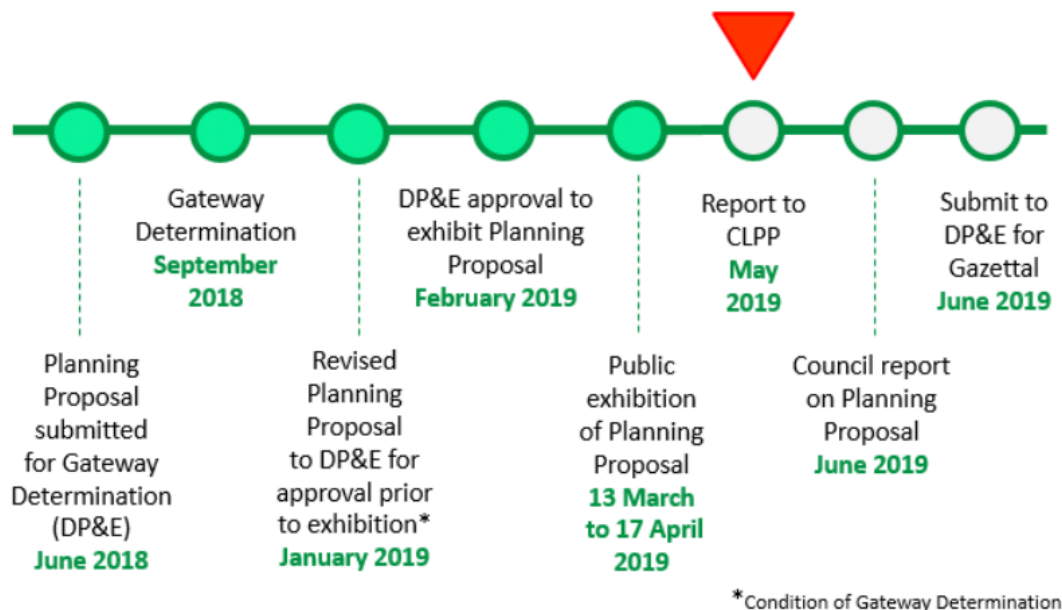


Figure 1: Status of the Planning Proposal

## REPORT:

### 1. Background

The planning proposal was initiated in response to the Low Rise Medium Density Housing Code (the Code) released by the NSW State government. The Code introduces a minimum lot size requirement for dual occupancies which is lower than what Council's current controls allow. A concern for Council was that the lower minimum lot size requirement of 400m<sup>2</sup> would result in cumulative impacts on the low density areas of Cumberland LGA, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

In July 2018, Council requested deferral of the Code as both the former Auburn and Holroyd City minimum lots size controls were contained their development controls plans. The minimum lot size controls for the former Parramatta City area were contained in the LEP, and the numerical controls for each of the three former council areas differed.

The then Department of Planning & Environment (DP&E) granted Council a temporary deferral of the application of the Code to the Cumberland LGA until 1 July 2019. A condition of the deferral was that councils with minimum lot size controls in their DCPs were required to submit planning proposals to amend their LEPs to include the minimum lot size controls.

As part of the preparation of the planning proposal, a report was prepared for Council that assessed different minimum lot size control scenarios. The report provided an assessment of the number of eligible lots and the likely future mid- and long-term dwelling densities (Attachment 4). Council resolved to proceed to public exhibition



Extraordinary Cumberland Local Planning Panel Meeting  
15 May 2019

with a 600m<sup>2</sup> LGA wide minimum lot control for dual occupancy development, as this control was considered to:

- protect the general low-density scale of our residential neighbourhoods;
- minimise any unintended implication of the reduced lot size requirement by the Code on the amenity of the R2 and R3 zones and on the capacity of local infrastructure;
- provide better opportunities for good design and ensure sufficient areas available for adequate landscaping, setbacks and a built form that does not detract from the local residential character; and
- align with the minimum lot size control of the Parramatta LEP, potentially introducing a consistent approach across Cumberland.

On 6 September 2018, the then DP&E issued a Gateway Determination with conditions that required additional scenario-based analysis that compared potential and existing dwelling capacity as follows.

The planning proposal was revised and forwarded to the then DP&E with Council receiving approval to release the proposal for public consultation in February 2019. The proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019 (refer to Section 6 of this report for further discussion).

## ***2. Land to which the Planning Proposal applies***

This Planning Proposal applies to all R2 Low Density Residential and R3 Medium Density Residential zoned land within Cumberland LGA.

## ***3. Local Context***

Cumberland LGA has a current population of 231,604 with an area of 72km<sup>2</sup> making it the smallest and most densely populated LGA within the Central City District. The R2 Low Density zone is the predominant land use zone across Cumberland and the majority of suburbs contain land zoned R2. The R3 zone generally applies to land bordering key centres and transport infrastructure, as well as masterplanned estates such as Pemulwuy and Botanica.

The lot sizes in the R2 zone in the former Holroyd LGA are often larger than those in the eastern areas of Cumberland; however, there are some significant local variations across the LGA.

## ***4. Planning Controls (Auburn DCP 2010 and Holroyd DCP 2013)***

The minimum lot sizes for dual occupancies stated in these LEPs and DCPs are provided in Table 1.



**Table 1 - Minimum Lot Size Controls for Dual Occupancies**

Planning Controls	Auburn DCP 2010	Holroyd DCP 2013	Parramatta LEP 2011
Minimum Lot Size	450m <sup>2</sup> (attached), 600m <sup>2</sup> (detached) in R2 and R3 zones	500m <sup>2</sup> (attached or detached) in R2 and 450m <sup>2</sup> in R3	600m <sup>2</sup> (attached or detached) in R2, R3 and R4 zones

### **5. The Planning Proposal**

The key objectives for this planning proposal are 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;
- retain the low density residential character of the R2 Low Density Residential zone;
- identify the appropriate locations for growth, and to align projected growth with existing and proposed local roads, transport and social infrastructure; and
- achieve a consistency of minimum lot size across LGA.

The intended outcome of the planning proposal is to introduce the minimum lot size for dual occupancies to the Auburn LEP 2010 and the Holroyd LEP 2013. This proposed minimum lot size would align with that currently required under the Parramatta LEP 2011, and will implement a consistent minimum lot size for dual occupancy development across the Cumberland LGA.

The proposed outcome will be achieved by the inclusion of a written clause in the Auburn LEP 2010 and the Holroyd LEP 2013 to introduce a minimum lot size provision for the development of a dual occupancy.

The proposed clause will apply to land in the R2 Low Density Residential and R3 Medium Density Residential zones where a minimum lot size of 600m<sup>2</sup> (both attached and detached) would be required for the development of a dual occupancy.

### **6. Community Consultation**

The proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019.

Council sent out an exhibition package to all affected landowners via mail. This exhibition package included a FAQ to provide the landowners with an easy to understand overview of the proposal (Attachment 2). Council also posted details on Facebook inviting interested parties to visit Council's Have Your Say page to make a submission during the exhibition period.

A total of 169 written submissions were received. 96 submissions supported and 69 submissions objected to the proposal. 4 submissions did not indicate whether they supported or objected to the proposal. A further 28 individuals made comment via the Facebook post.



Extraordinary Cumberland Local Planning Panel Meeting  
15 May 2019

Submissions received in support of the proposal were based on the following key principles that the 600m<sup>2</sup> would:

- reduce street congestion by allowing for sufficient onsite parking;
- allow for sufficient landscaping to protect existing streetscapes;
- limit demand for existing infrastructure and reduce the need for new infrastructure; and
- protect amenity and local character.

Submissions received in opposing the proposal objected for the following principles that the 600m<sup>2</sup> would:

- have a negative impact on landowners existing investment;
- reduces a landowner's ability to derive revenue from their property;
- potential to reduce the property value due to the inability to develop a property for a dual occupancy development; and
- potential to impact housing affordability through reduced housing supply and choice.

Of the submissions in support, 13 requested that a control requiring larger lot sizes of between 650m<sup>2</sup> and 800m<sup>2</sup> apply, and 24 submissions objecting to the proposal requested that smaller lot sizes of between 400m<sup>2</sup> and 550m<sup>2</sup> apply.

#### ***7. Response to submissions requesting smaller minimum lot sizes***

Following the receipt of submissions, further scenario testing analysis (beyond what was requested by the then DP&E as part of the Gateway) was undertaken. This included:

- eligible lots under the new Code;
- eligible lots with a minimum lot size of 600m<sup>2</sup> (as per the Council resolution);
- eligible lots minimum lot sizes of 500m<sup>2</sup> and 550m<sup>2</sup>, which could be applied across the LGA (including in the former parts of the Parramatta LGA) as possible alternate minimum lot sizes to the 600m<sup>2</sup>; and
- eligible lots with the retention of existing minimum lot size controls (whether in the LEP or DCP) as they currently apply to the Auburn, Holroyd and Parramatta LEPs.

The outcomes of the analysis is provided in Table 2.



Extraordinary Cumberland Local Planning Panel Meeting  
15 May 2019

**Table 2 - Additional Analysis undertaken to address the Gateway requirements**

	<b>Baseline: Minimum lot size under new Code</b>	<b>Scenario 1: 600m<sup>2</sup> minimum lot size</b>	<b>Scenario 2: 550m<sup>2</sup> minimum lot size</b>	<b>Scenario 3: 500m<sup>2</sup> minimum lot size</b>	<b>Scenario 4: As per current minimum lot size controls</b>
Eligible lots for dual occupancy	R2: 20,478 R3: 2,956 Total: 23,434	R2: 10,613 R3: 1,760 Total: 12,373	R2: 16,917 R3: 2,010 Total: 18,927	R2: 18,457 R3: 2,256 Total: 20,713	R2: 17,527 R3: 2,162 Total: 19,689
Non- eligible lots for dual occupancy	R2: 15,346 R3: 6,875 Total: 22,221	R2: 25,210 R3: 8,071 Total: 33,281	R2: 18,906 R3: 7,821 Total: 26,727	R2: 17,366 R3: 7,575 Total: 24,941	R2: 18,296 R3: 7,669 Total: 25,965

**Notes:**

Analysis based on:

- i. Lots not meeting the minimum lot frontage requirement of the Code
- ii. (Lots with 12m–15m frontage should have secondary roads or parallel roads for vehicle access to rear)
- iii. Lots that are exempted from complying development
- iv. battle-axed lots
- v. business lots with multiple ownerships
- vi. council-owned or state-owned lots that are reserved for infrastructure
- vii. lots that are within the planned residential density area

**CONCLUSION:**

In response to the State Government's introduction of the new Low Rise Medium Density Housing Code, Cumberland Council resolved to proceed to public exhibition of a proposed minimum lot size of 600m<sup>2</sup>. A minimum lot size of 600m<sup>2</sup> would maintain the suburban character of Cumberland lower density suburbs as well as providing sufficient space to enable good design of dual occupancy development, particularly in terms of setbacks, landscaping and accommodating parking on site. A minimum lot size control of 600m<sup>2</sup> would also introduce a consistent requirement across Cumberland as a whole.

Public consultation has been undertaken on the planning proposal, with more than 160 submissions received. The majority of submission were in support of the proposed minimum lot size.

Following public exhibition, further detailed analysis was undertaken on a number of different minimum lot size scenarios.

Advice is sought from the Cumberland Local Planning Panel on the minimum lot size planning proposal, including scenarios tested, prior to being considered by Council.

**CONSULTATION:**

Post Gateway consultation has been completed and the outcomes of this consultation are outlined in section 6 of this report.



**FINANCIAL IMPLICATIONS:**

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There are no financial implications for Council associated with this report.

**POLICY IMPLICATIONS:**

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The timing of this planning proposal has been set by the State Government, and it is anticipated that the proposed minimum lot size amendment to the Auburn and Holroyd DCPs will be in place prior to the new Cumberland LEP being completed. On this basis, the new minimum lot size controls resulting from the planning proposal is intended to be included in the Cumberland LEP when this is prepared.

**COMMUNICATION / PUBLICATIONS:**

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The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

**REPORT RECOMMENDATION:**

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**That the Cumberland Local Planning Panel (CLPP) recommend:**

- 1. That the Panel provides advice on Council's resolution of a minimum lot size control of 600m<sup>2</sup>; and**
- 2. That the Panel provides advice on alternate minimum lot size scenarios, should Council wish to consider those in making a decision on the proposal.**

**ATTACHMENTS**

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1. Slides Illustrating Additional Analysis
2. FAQ Consultation Sheet
3. Gateway Determination
4. Council Report of 18 July 2018 [Item C07/18-136]
5. Minimum Lot Sizes Planning Proposal (May 2019)
6. Summary of Submissions Received



DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103

Attachment 5  
Summary of Submissions







Ref. No.	Suburb	Received	Position	Key themes	Issues raised	Response
1	Auburn	18/03/2019	Support	Infrastructure, Parking, Dwelling density	<b>Supportive</b> The submission expressed concerns on the capacity of current infrastructure to the increased density. Concerns raised on the issue of a build-up of street parking resulting from the increased dwelling density.	Noted. The submitter may have misinterpreted the term; minimum lot size to minimise lot size. Concerns raised in the submission are related to the implication of the increased dwelling density that may be happen if Council lowers the lot size control for dual occupancies. Submission is considered to be supportive of the proposal as the proposed control will maintain the low density of residential character.
2	Merrylands	18/03/2019	Support	Good design	<b>Supportive</b> The submission supports the proposal by commenting that the proposed 600sqm is optimum size for duplex that provides for good design.	Noted. Aligns with the proposed outcome.
3	Greystanes	18/03/2019	Support	Public transport	<b>Supportive</b> The submission expressed concerns on the implication of the LRMDH Code to Cumberland.	Noted. Aligns with the proposed outcome.
4	South Wentworthville	18/03/2019	Support	Landscape, Good design	<b>Supportive</b> The submission supports the proposal by commenting on the issues of current dual occupancy development that are lacking, including providing adequate landscapes and good design built form. The submission further raised a concern on the affordability of house prices for a single dwelling house, due to house price increases from development favouring land for dual occupancies.	Noted. Aligns with the proposed outcome.
5	Greystanes	18/03/2019	Support		<b>Supportive</b> The submission supports the proposed changes to the minimum lot size requirement for development of dual occupancies.	Aligns with the proposed outcome.
6	Girraween	18/03/2019	Support	Landscape, Urban heat island, Traffic, Infrastructure, Dwelling density	<b>Supportive</b> The submission expressed concerns on the increased dwelling density from the development of dual occupancies over a removal of 'single storey bungalows'. Raised concerns on the urban heat island effect from the lack of tree planting and increased density. Issues also raised on the capacity of infrastructure and on roads.	Noted. Aligns with the proposed outcome.
7	Greystanes	19/03/2019	Neutral/ alternate lot size	Alternate lot size	<b>Alternate lot size</b> The submission proposes an alternate minimum lot size of 650sqm.	Noted. The submitter's proposed alternate lot size is larger than Council's proposal.
8	Guildford	19/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
9	Guildford	19/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.



10	Pendle Hill	19/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
11	Lidcombe	18/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
12	Auburn	18/03/2019	Support	Dwelling density, Parking, Streetscape, Infrastructure	<b>Neutral/Supportive</b> The submission expressed concerns on the implications of increased dwelling density that is present on the streets in Auburn. Issues raised on the lack of community cohesion and a limited kerbside space due to a build-up of street car parking and a lack of infrastructure to support the population growth. Raised a question on how Council is approaching and spending to improve current lack of infrastructure.	Noted. The submitter raised concerns on the increase in residential density and the implication to the capacity of infrastructure and social cohesion. The intended outcome of Council's proposal is to maintain the low density residential character and to achieve better outcomes for built form, landscapes and to maintain reasonable residential amenity and on the capacity of local infrastructure. The submission comments raised are aligned with the proposed outcome.
13	Greystanes	20/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
14	Greystanes	20/03/2019	Support		<b>Supportive</b> The submission supports the proposal. The comments raised on the implication of the current smaller lot size requirement.	Noted. Aligns with the proposed outcome.
15	Greystanes	19/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
16	Greystanes	19/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
17	Greystanes	19/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
18	Merrylands West	20/03/2019	Support	Landscape, Amenity, Local character	<b>Supportive</b> The submission supports the proposal. Commented that the proposed lot size will ensure retaining the current low density character, amenity and green space	Noted. Aligns with the proposed outcome.
19	Wentworthville	20/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
20	Greystanes	21/03/2019	Support	Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character	<b>Supportive</b> The submission supports the proposal. Issues raised included the current status of street congestion, lack of car parking, reduced area for landscaping and lack of good design.	Noted. Aligns with the proposed outcome.



21	Merrylands	19/03/2019	Neutral/ alternate lot size	Alternate lot size, Landscapes, Streetscape, Local character, Parking, LRMDH Code	<b>Alternate lot size</b> The submission proposes an alternate minimum lot size of 700sqm. Commented that the larger land area is required to allow for sufficient landscaping, car parking space, and maintain consistent streetscapes, residential amenity and local character.	Noted. The submitter's proposed alternate lot size is larger than Council's proposal. The comments raised are aligned with the proposed outcome.
22	Greystanes	20/03/2019	Support	Dwelling density, Parking, Landscapes, Streetscapes, Local character, Infrastructure LRMDH Code	<b>Supportive</b> The submission supports the proposal. Issues raised on the increased dwelling/population density and its consequences on street parking issues, lack of landscapes (trees) and infrastructure. Commented on the developments that are happening around the neighbourhood that did not undergo community consultation and raised the need for regulation to control the density to Aligns with the limited parkland and infrastructure	Noted. Aligns with the proposed outcome.
23	Pendle Hill	20/03/2019	Support		<b>Supportive</b> The submission supports the proposal. Comments made on high rise development (outside scope of this proposal)	Noted. Aligns with the proposed outcome.
24	Guildford West	20/03/2019	Support	Street congestion, Parking, Dwelling density Private space	<b>Supportive</b> The submission supports the proposal. Issues raised on the current status of street congestion on narrow streets that weekly services struggle to pass through. Comments made on the population/dwelling density - too crowded and loss of sense of	Noted. Aligns with the proposed outcome.
25	Greystanes	20/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
26	Auburn	18/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
27		18/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
28	Guildford	21/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
29	Greystanes	21/03/2019	Support	Street Congestion, Dwelling density, Streetscape, Landscapes	<b>Supportive</b> The submission supports the proposal. Issues raised on the street congestion from the increased dwelling/population density that creates more cars parking on the road. Comments made on the need for adequate backyards.	Noted. Aligns with the proposed outcome.
30	Woodpark	22/03/2019	Support	Street Congestion, Parking, Streetscape	<b>Supportive</b> The submission supports the proposal. Issues raised on the street congestion from the increased dwelling/population density that creates more cars parking on the road and increased illegal rubbish/abandoned vehicles.	Noted. Aligns with the proposed outcome.



31		21/03/2019	Support	Street Congestion, Amenity	<b>Supportive</b> The submission supports the proposal. Comments made that the proposal would reduce congestion and increase amenity.	Noted. Aligns with the proposed outcome.
32	Greystanes	22/03/2019	Support	Street Congestion, Parking, Amenity, Dwelling density	<b>Supportive</b> The submission supports the proposal. Concerns raised on the street congestion from the increased dwelling/population density that creates more cars parking on the road that leads to insufficient road space available for service vehicles(garbage collections).	Noted. Aligns with the proposed outcome.
33	Guildford West	23/03/2019	Support	Local character, Built form	<b>Supportive</b> The submission supports the proposal. Comments made that the proposed lot size would support buildings that will not detract from the local residential character.	Noted. Aligns with the proposed outcome.
34	Lidcombe	24/03/2019	Support	Built form, LRMDH code	<b>Supportive</b> The submission supports the proposal. Comments made that the Code's 400sqm is too small for a dual occupancy.	Noted. Aligns with the proposed outcome.
35	Greystanes	24/03/2019	Neutral/ alternate lot size	Alternate lot size, Street Congestion, Built form, Parking, LRMDH code	<b>Alternate lot size</b> The submission proposes an alternate lot size of 700 sqm with Council's approval as opposed to the Code's complying development on dual occupancies. Issues raised on the street congestion from the increased dwelling/population density that creates street blockage with parked cars. Raised concern on the speeding issue on local roads and safety concerns. Recommends a speed bump on Millicent Street Greystanes	Noted. The submitter's proposed alternate lot size is larger than Council's proposal. The comments raised are aligned with the proposed outcome.
36		23/03/2019	Support		<b>Supportive</b> The submission supports the proposal. Comments made that even Council's proposed 600 sqm is too small, and that Council's letter did not state the current minimum lot size.	Noted. The notification letter invites the community to view further information available on Council's website and libraries, and the planning proposal report includes a detailed information including the current minimum lot size required for dual occupancy development.
37	Wentworthville	23/03/2019	Support/ alternate lot size	Dwelling density, Amenity, Street Congestion, Infrastructure	<b>Supportive / Alternate lot size</b> The submission supports Council's proposed increase in minimum lot size requirement. Recommends an alternate lot size of 690 sqm. Issues raised on the street congestion from the increased dwelling/population density that creates street blockages with parked cars. Issues raised on the insufficient road space available for garbage collections and the social and educational infrastructure that are not aligned with the increased density. Commented that the elderly are put under pressure by developers to sell.	Noted. Aligns with the proposed outcome.



38		25/03/2019	Support	LRMDH Code, Infrastructure, Landscapes	<b>Supportive</b> The submission supports the proposal. Comments made that the controls in the LRMDH code do not seem to consider the impact on infrastructure such as the increased pressure on roads, traffic, waste management and structure of society. Commented on the importance of open space for children to grow and play in a safe backyard. Sought clarification as to whether Council is proposing any other changes for dual occupancy development such as frontage, FSR and setbacks.	Noted. Aligns with the proposed outcome. No changes proposed for site frontage width, FSR or setbacks at this stage. Council's proposal is for the increase in minimum lot size requirement only.
39	Guildford West	25/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
40	Lidcombe	25/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
41	Greystanes	25/03/2019	Support	Street Congestion, Parking	<b>Supportive</b> The submission supports the proposal. Issues raised on the insufficient road space available due to street parking in Greystanes. Recommends at least two parking spaces to be required per dwelling.	Noted. Aligns with the proposed outcome. The issues raised on the parking requirement will be considered as part of future planning work.
42	Girraween	26/03/2019	Support	Dwelling density, Local character	<b>Supportive</b> Comments raised on the increase in dwelling density in Girraween and its impact on local character. Recommends no more new development approvals except for knockdown and rebuild of single dwellings, and a 5 year freeze on new development.	Noted. Council's proposal is addressing issues on impact of the LRMDH Code on potential increase in dwelling density in low density residential area. The proposed 600sqm minimum lot size would effectively limit dual occupancy development to larger blocks and helps to provide better designed built form that suits to the local character. The proposal does not related to the regulation around new development approvals.
43		25/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
44		25/03/2019	Support	Street Congestion, Parking, Dwelling density	<b>Supportive</b> The submission supports the proposal. Comments made on the insufficient road space available, especially around schools due to increased population density. Commented that the proposed regulation should have been put in place a long time ago.	Noted. Aligns with the proposed outcome.



45		26/03/2019	Neutral/Support	Street Congestion, Parking, Dwelling density	<b>Neutral/Supportive</b> The submission did not indicate whether the submitter is supportive or objective for the proposal. However, the submitter raised an issue on the increase in on-street parking by the people occupying dual occupancies. Commented that there are more than two or three families living in one of half a dual occupancy with three to four cars park on a street.	Noted. The content of the submission raised issues on the impact of increased dwelling density and increased number of dual occupancy developments, which leads to on-street parking issues. Council's proposal is addressing issues of this potential dwelling density and the impact on resident's amenity and street car parking.
46	Merrylands West	28/03/2019	Support	Built form	<b>Supportive</b> The submission supports the proposal. Comments made on the larger built form.	Noted. Aligns with the proposed outcome.
47	Greystanes	29/03/2019	Support	Local character, Built form, Parking	<b>Supportive</b> The submission supports the proposal. Raised issues on dual occupancies that do not blend in with the other houses, i.e. flat roofs and small garage spaces that are used as storage resulting vehicles parked on the street.	Noted. Aligns with the proposed outcome.
48	Greystanes	29/03/2019	Support	Local character, Built form, Parking	<b>Supportive</b> The submission supports the proposal. Raised issues on dual occupancies that do not blend in with other houses, i.e. flat roofs and small garage spaces that are used as storage instead resulting vehicles park out on the street.	Noted. Aligns with the proposed outcome.
49	Greystanes	29/03/2019	Support	Street Congestion, Parking	<b>Supportive</b> The submission supports the proposal. Comments made that there is way too much unwanted development in the area. Recommends a minimum of two off street parking spaces to be provided as the streets are more congested due to apartment building.	Noted. Aligns with the proposed outcome.
50	South Wentworthville	29/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
51	Auburn	29/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
52	Auburn	29/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
53	Auburn	29/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
54	Greystanes	30/03/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
55	South Wentworthville	1/04/2019	Support	Landscape, Setbacks, Local character	<b>Supportive</b> The submission supports the proposal. Commented that the proposed lot size would provide opportunity for better design for landscaping, setbacks and type of building that does not detract from local character.	Noted. Aligns with the proposed outcome.



56	Guildford	2/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
57	Merrylands	2/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
58	Wentworthville	3/04/2019	Support	Alternate lot size, LRMDH Code, Landscape, Tree preservation	<b>Supportive</b> The submission supports the proposal. Recommends further increase of minimum lot size to 700 sqm. Comments made are supportive of Council's objectives. Raised issue that when LRMDH Code comes effect, Council will no longer be the approval authority and the future development may not be regulated. Recommends retention of trees on private land, and that tree preservation on properties and street tree planting should be mandatory in Council's DAs and proposals.	Noted. Aligns with the proposed outcome.
59	Merrylands	3/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
60	Guildford	3/04/2019	Support	Built form, Local character	<b>Supportive</b> The submission supports the proposal. Comments made on the existing dual occupancy developments that are not aligned with the local character and built form.	Noted. Aligns with the proposed outcome.
61	Smithfield	1/04/2019	Support	Street Congestion, Parking	<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
62	Guildford West	5/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
63	Guildford West	7/04/2019	Support	Landscape, Street Congestion	<b>Supportive</b> The submission supports the proposal. Comments made on the protection of front and backyards in houses. Raised issue of street congestion arising from the increased dwelling density in Guildford and Merrylands.	Noted. Aligns with the proposed outcome.
64	Wentworthville	5/04/2019	Support		<b>Supportive</b> The submission supports the proposal. Supports having a minimum lot size for dual occupancies and allowing dual occupancy development without the need for council approval or consideration of community views.	Noted. Aligns with the proposed outcome.
65		5/04/2019	Support	Street Congestion, Infrastructure, Landscapes	<b>Neutral</b> Comments raised included street congestion issues (street parking, damages due to traffic on local streets, increase in number of accidents due to speeding), capacity of infrastructure and loss of green spaces in land blocks.	Noted.



66		7/04/2019	Support	Alternate lot size, Affordability	<b>Supportive / Alternate lot size</b> The submission supports Council's proposed increase in minimum lot size requirement. Recommends an alternate lot size of 400 to 450 sqm for the corner lots in line with LRMDH and existing complying development standards.	Noted.
67		8/04/2019	Support	Street Congestion, Parking, Dwelling density	<b>Supportive</b> The submission supports the proposal. Commented that the proposal would control the growth of already too busy traffic in residential areas. Comments made that it is already a struggle to secure a parking spot on the street due to increased number of dwellings.	Noted. Aligns with the proposed outcome.
68		28/03/2019	Support	LRMDH Code, Infrastructure, Landscapes	<b>Supportive</b> The submission supports the proposal. General concerns the LRMDH Code and development under the SEPP (exempt and complying development) are not adequately addressing the impacts of the developments permitted without referral to Endeavour Energy to consider the impact on electricity infrastructure. In some instances, Endeavour Energy has had to seek the assistance of Council to acquire new pad mount substation sites within public reserves as a way of meeting the increased electricity load. Safety concerns such as a minimum safe setback distance from existing overhead power lines to the road verge/ roadway and separation between driveways and poles is also required.	Noted. Aligned with the proposed outcome.
69		8/04/2019	Support	Parking, Street Congestion, Amenity	<b>Supportive</b> The submission supports the proposal. Recommends further increase of minimum lot size for dual occupancies. Concerns raised about street congestion resulting from increased dwelling density and garbage bin collection.	Noted. Aligned with the proposed outcome.
70	Greystanes	9/04/2019	Support	Parking, Street Congestion, Amenity, Dwelling density	<b>Supportive</b> The submission expressed concerns on increased dwelling density in the area, on-street congestion and parking, and garbage bin collection.	Noted. Aligned with the proposed outcome.
71	Greystanes	9/04/2019	Support	Alternate lot size	<b>Supportive / Alternate lot size</b> The submission supports the proposal. Further recommends Council to allow exceptions on land sizes between 500-600 sqm with wide street frontage of 30m or more (such as a corner block)	Noted.
72	Guildford	10/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.



73	Merrylands	10/04/2019	Support	Dwelling density, Street congestion	<b>Supportive</b> The submission supports the proposal. Recommends further consideration be given to street frontage. Comments raised on street congestion on narrow streets in the areas from increased population.	Noted. Aligns with the proposed outcome.
74	Merrylands	10/04/2019	Support	Alternate lot size	<b>Supportive</b> The submission supports the proposal. Recommends alternate lot size of 700 sqm.	Noted. Aligns with the proposed outcome.
75	Auburn	10/04/2019	Support	Alternate lot size	<b>Supportive</b> The submission supports the proposal. Recommends further increase in minimum lot size for dual occupancies. Commented that other Councils set higher target such as 650 sqm (for Canterbury Bankstown LGA) and 750 sqm (Sutherland Shire).	Noted. Aligns with the proposed outcome.
76	South Wentworthville	13/04/2019	Support	Parking, Street congestion	<b>Supportive</b> The submission supports the proposal. Comments raised about on-street congestion due to increased dwelling density and street parking.	Noted. Aligns with the proposed outcome.
77	Auburn	14/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Noted. Aligns with the proposed outcome.
78	Wentworthville	14/04/2019	Support	lifestyle, character	<b>Supportive</b> The submission supports the proposal. Comments made that the proposal would help to balance the new LRMDH code with providing adequate space on the property to support healthy lifestyles and to retain a similar local residential character.	Noted. Aligns with the proposed outcome.
79	Greystanes	15/04/2019	Neutral	Alternate lot size, Parking, Built form	<b>Alternate lot size</b> Recommends alternate lot size of 750 sqm or more. Comments made on the larger requirement needed on the street frontage width. Issues raised on the build up of on-street parking, and some dual occupancies built too close to the boundary.	Noted.
80	Greystanes	15/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
81	Greystanes	15/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Aligns with the proposed outcome.
82	Greystanes	16/04/2019	Support	Dwelling density, LRMDH Code, Local Character	<b>Supportive</b> The submission supports the proposal. Comments raised on the implication of increased dwelling density from dual occupancies that are built out of local context and character. Comments made on some dual occupancies that are built for two duplexes in one block of land that increases dwelling/population density around the area.	Noted. Aligns with the proposed outcome.
83	Holroyd	16/04/2019	Support	Setbacks	<b>Supportive</b> The submission supports the proposal. Comments raised on dual occupancies that are being built on small blocks with less setbacks which creating noise for immediate neighbours.	Noted. Aligns with the proposed outcome.



84	Auburn	16/04/2019	Support	Dwelling density, Built form, Landscapes, Streetscapes, Street congestion, Parking	<b>Supportive</b> The submission supports the proposal. Concerns about loss of substantial on-street parking spaces, landscapes, streetscapes due to increased dwelling density. Further commented that increased density in low density residential area is contributing towards a loss of community.	Noted. Aligns with the proposed outcome.
85	Greystanes	16/04/2019	Support	Dwelling density, Infrastructure, Local character	<b>Supportive</b> The submission supports the proposal. Comments made that Council's proposal would ensure that there is sustainable growth within the local area and that there are sufficient infrastructure available and maintaining local character.	Noted. Aligns with the proposed outcome.
86	Lidcombe	16/04/2019	Support	Alternate lot size, Built form, Parking, Street congestion	<b>Alternate lot size</b> Raised issues of on-street parking and street congestion on a narrow street in the area from increased dwelling density from dual occupancies. Comments made that Council's proposed 600 sqm is not sufficient.	Noted.
87	Greystanes	17/04/2019	Support	Landscapes, Trees, Amenity, Infrastructure	<b>Supportive</b> The submission supports the proposal. Comments raised on the loss of trees and landscaped area from development of duplexes and secondary dwellings with no passive solar design. Recommends consideration be given to retention of landscaped	Noted. Aligns with the proposed outcome.
88	Berala	16/04/2019	Support	Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character	<b>Supportive</b> The submission supports the proposal. Comments raised about substantial loss of on-street parking spaces, landscapes, streetscapes due to increased dwelling density. Comments made that the increase in dual occupancy seems to lead to an increase in rubbish on the streets and over flowing waste bins.	Noted. Aligns with the proposed outcome.
89	Berala	16/04/2019	Support	Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character	<b>Supportive</b> <i>Same content as submission #88</i>	Noted. Aligns with the proposed outcome.
90	Berala	16/04/2019	Support	Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character	<b>Supportive</b> <i>Same content as submission #88</i>	Noted. Aligns with the proposed outcome.



91	Wentworthville	17/04/2019	Support	Street congestion, Noise	<b>Neutral</b> The submission expresses concerns on the noise and traffic generated from increased dwelling density. Comments made that smaller dual occupancy dwellings would create problems.	Noted.
92	Guildford	17/04/2019	Support	Built form, Local character	<b>Supportive</b> The submission supports the proposal. Comments made on the quality of dual occupancy. Supports Council's proposal to protect the character of residential areas while supporting development in the area.	Noted. Aligns with the proposed outcome.
93	Wentworthville	17/04/2019	Support	Local character, Landscapes, Streetscapes, Investment, Parking, Street Congestion, Infrastructure,	<b>Supportive</b> The submission supports the proposal. The submitter made following comments on the implication of the smaller lot size: 1. Loss of green space/landscaped area, 2. Increase in number of street parking, 3. Capacity of infrastructure. Smaller lot size than Council's proposed 600 sqm would only benefit the developers. Consideration should be given to future grandchildren being deprived of a playing area	Noted. Aligns with the proposed outcome.
94	Merrylands West	17/04/2019	Support	Alternate lot size, Dwelling density, Parking, Local character, Landscape, Urban heat island	<b>Supportive / Alternate lot size</b> The submission supports the proposal. Recommends an alternate lot size of 800 sqm. Comments raised on the implication of the smaller lot size - street parking issues, loss of landscaped area and urban heat island. A larger lot allows for more on site parking and less street parking. There are a larger number of trades and small business occupations in the district which means their work vehicles also need off street parking space.	Noted. Aligns with the proposed outcome.
95	Guildford West	17/04/2019	Support		<b>Supportive</b> The submission supports the proposal.	Noted. Aligns with the proposed outcome.
96	Pendle Hill	18/04/2019		Alternate lot size, Street congestion, Parking	<b>Alternate lot size</b> Recommends alternate lot size of 700-800 sqm. The submission raised issues on already built-up street parking and street congestion on a narrow street (such as Boyne Avenue) from increased dwelling density in the area.	Noted. The proposed 600sqm minimum lot size would effectively limit dual occupancy development in low to medium density area and would mitigate the issues raised.



97	Merrylands West	18/03/2019	Negative	Alternate lot size, Revenue, Local jobs, House market, Housing density	<b>Objection/ Alternate lot size</b> Opposed to the proposal. Proposed an alternate lot size of 450 sqm for attached and 500 sqm for detached dual occupancy in all R2 zones and 500 sqm for attached, 450 sqm for detached dual occupancy in all R3 zones. Commented that the larger lot size requirement would lower the number of dual occupancy development that leads to less revenue for Council and lower the number of local jobs. Commented that the house market in Cumberland would be affected and the area become less desirable for buyers wanting smaller lot size with a capacity for growth. Commented further that the current control of 500 sqm (for the former Holroyd LGA) did not hurt the density of the land.	Noted. As outlined in the exhibition material, when the new LRMDH Code comes in effect, dual occupancy development will be carried out under a complying development approval. Council will no longer be the approval authority for development of dual occupancy.
98	Merrylands West	18/03/2019	Negative	Duplicate of above	<b>Duplicate of above</b>	Noted. As outlined in the exhibition material, when the new LRMDH Code comes in effect, dual occupancy development will be carried out under a complying development approval. Council will no longer be the approval authority for development of dual occupancy.
99	Greystanes	18/03/2019	Negative	Investment, Development potential, Roads	<b>Objection</b> The submission oppose the proposal. Comments raised on the loss of development potential. The submitter recommends Government to take attention on the roads and to the non-satisfactory builders and owner builders. The submitter is satisfied with the current control and recommends the current regulation set for dual occupancies be remained.	Noted on the implication of proposed larger lot size requirement on the investment properties. Council's proposal is to maintain the low density residential character and to aligns with the planned density and infrastructure.
100	Regents Park	18/03/2019	Negative	Alternate lot size	<b>Objection/Alternate lot size</b> Opposed to the proposal. Commented that many blocks in Auburn, Berala, Lidcombe and Regents Park are of 500 sqm and that 600 sqm is too large and a rarity. Proposed an alternate lot size of 500 sqm.	Noted.
101	Toongabbie	18/03/2019	Negative	Investment, Property value	<b>Objection</b> Opposed to the proposal. Comments raised on the loss of development potential by losing a capacity for dual occupancies.	Noted on the implication of proposed larger lot size requirement. Council's proposal is to maintain the low density residential character and to Aligns with the planned density and infrastructure.
102	South Wentworthville	19/03/2019	Negative	Alternate lot size	<b>Objection/ Alternate lot size</b> The submission oppose the proposal. Proposed an alternate lot size of 550 sqm.	Noted.
103	Merrylands	19/03/2019	Negative	Alternate lot size	<b>Objection/ Alternate lot size</b> The submission oppose the proposal. Proposed an alternate lot size of 550 sqm.	Noted.



104	Merrylands	19/03/2019	Negative	Investment	<b>Objection</b> The submission oppose the proposal. Comments raised on the loss of development/investment potential by losing a capacity for dual occupancies on land between 500-600 sqm.	Noted on the implication of proposed larger lot size requirement on investment properties. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
105	Merrylands	19/03/2019	Negative	Duplicate of above	<b>Duplicate of above</b>	Noted on the implication of proposed larger lot size requirement on investment properties. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
106	Merrylands West	19/03/2019	Negative	Property value	<b>Objection</b> The submission oppose the proposal. Commented that the proposal would affect more than 18,000 other homes and would reduce property value.	Noted on the implication of larger lot size requirement. Council's proposal is to maintain the low density residential character and to align with the planned density and infrastructure.
107	Merrylands	18/03/2019	Negative	Housing market, Streetscape, Setback, Local jobs	<b>Neutral / Objection</b> The submission raised issues on the affordability of current housing market and potential loss of development capacity for dual occupancies and loss of local jobs. Commented that the market does not favour a big rear back yards but consideration need to be given to the set backs and streetscapes.	Noted. The proposed 600 sqm is to provide better opportunity for good design, adequate landscapes and setbacks. When the new LRMDH Code comes in effect, the required minimum lot size would be smaller than what Council proposes. The Code's control would not provide adequate setback and landscape controls for lots smaller than 600 sqm.
108		18/03/2019	Negative	Alternate lot size, Revenue, Local jobs, House market, Housing density	<b>Objection/ Alternate lot size</b> <b>Very similar to #97 .</b>	Noted. As outlined in the exhibition material, when the new LRMDH Code comes in effect, dual occupancy development will be carried out under a complying development approval. Council will no longer be the approval authority for development of dual occupancy.
109		18/03/2019	Negative	Alternate lot size, Revenue, Local jobs, House market, Housing density	<b>Objection/ Alternate lot size</b> <b>Very similar to #97.</b>	Noted. As outlined in the exhibition material, when the new LRMDH Code comes in effect, dual occupancy development will be carried out under a complying development approval. Council will no longer be the approval authority for development of dual occupancy.
110	South Wentworthville	19/03/2019	Negative	Alternate lot size	<b>Objection/Alternate lot size</b> The submission oppose the proposal. Proposed an alternate lot size of 550 sqm. Commented that the proposed change is unfair for landowners whose land size is around 550 sqm.	Noted on the implication of proposed larger lot size requirement for landowners with 550sqm lot size.



111	Merrylands	20/03/2019	Negative	Housing market, Investment	<b>Objection</b> Opposes the proposal. Issues raised include loss of potential development capacity for development of dual occupancies. Commented on the growing demands and pressures of the property market and cost of living.	Noted on the implication of proposed larger lot size requirement on the loss of development capacity.
112	Merrylands	20/03/2019	Negative	Housing market, Investment	<b>Objection</b> Opposes the proposal. Issues raised include loss of potential development capacity for development of dual occupancies. Commented on the growing demands and pressures of the property market and cost of living.	Noted on the implication of proposed larger lot size requirement on the loss of development capacity.
113	Girraween	20/03/2019	Negative	Property value, Investment	<b>Objection</b> Opposes the proposal. Issues raised on the potential reduction of property values and the loss of potential development capacity for development of dual occupancies.	Noted on the implication of proposed larger lot size requirement on the loss of development capacity.
114	South Wentworthville	20/03/2019	Negative		<b>Objection</b> The submission opposes the proposal.	Noted.
115	South Wentworthville	20/03/2019	Negative		<b>Objection</b> The submission opposes the proposal.	Noted.
116	Wentworthville	20/03/2019	Negative	Alternate lot size	<b>Objection/ Alternate lot size</b> Proposed an alternate lot size of 450 sqm.	Noted.
117	South Wentworthville	21/03/2019	Negative	Investment, Property value	<b>Objection</b> The submission oppose the proposal. The submitter intends to subdividing their land and develop a total of 3 dwellings. Concerns that the proposed lot size with the current regulation on subdivision would be restricting the capacity for such development. Recommends Council to consider a smaller increase in developed areas or alternatively would provide an undertaking that future development consent for a total of 3 dwellings would not be withheld.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
118		21/03/2019	Negative	Revenue, Granny flats, Parking	<b>Neutral / Objection</b> The submission commented on the implication of the proposal that may lead to an increased number of granny flats developments over dual occupancies. Comments raised on the consequences of granny flat development including less regulation required on stormwater controls and parking controls than dual occupancies, meaning that Investors would seek to build more granny flats.	Noted the implication of proposed larger lot size requirement.
119	Merrylands	25/03/2019	Negative	Alternate lot size	<b>Objection/Alternate lot size</b> The submission oppose the proposal. Proposed an alternate lot size of 550 sqm.	Noted.



120		20/03/2019	Negative	LRMDH Code, Property value	<b>Objection</b> The submission oppose the proposal. Concerns raised about limiting development capacity for dual occupancy against the growing population and the LRMDH Code. Issues raised on the impact of house prices.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
121	Wentworthville	29/03/2019	Negative	Investment	<b>Objection</b> Opposes the proposal. Comments made that due to the changed minimum lot size provision for dual occupancies, they lost their dream to build a new home.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
122	Greystanes	29/03/2019	Neutral	Street congestion, Landscape	<b>Objection</b> Opposes development of any dual occupancy dwellings. Issues raised include street congestion and on-street car parking, and the ratio of landscaped area to dwelling area.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure. The increased lot size requirement would enable better landscape outcome.
123	Greystanes	1/04/2019	Negative	Property value, Local character	<b>Objection</b> Opposes the proposal. Commented that the proposal would de-value properties that are smaller than the proposed lot size, and put owners at a disadvantage to sell and downsize. Commented that development of dual occupancies would not detract from local residential character that are made up of duplexes, villas and town houses.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
124	Pendle Hill	2/04/2019	Negative	Local character, Street congestion, Parking, Infrastructure	<b>Objection</b> Opposes the proposal. Issues raised include street congestion, parking issues, not enough parks and playing fields for children, and lost local character due to over development in the area.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure. The increased lot size requirement would enable better landscape outcome.
125	Pendle Hill	3/04/2019	Negative	No change	<b>Objection</b> The submission oppose the proposal. Recommends no change in current control.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
126	Merrylands	31/03/2019	Negative	Property value, Alternate lot size	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends alternate lot size of 400 sqm. Submitter has been advised by a real estate agency that the proposed changes are likely to significantly reduce the value of their property.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
127	Merrylands	2/03/2019	Negative	Duplicate of above	<b>Duplicate of #126</b>	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
128	Merrylands	2/04/2019	Negative	Property value, Alternate lot size	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends alternate lot size of 400 sqm. Submitter has been advised by a real estate agency that the proposed changes are likely to significantly reduce the value of their property.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.



129	Merrylands	2/04/2019	Negative	Property value, Alternate lot size	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends alternate lot size of 400 sqm. Submitter has been advised by a real estate agency that the proposed changes are likely to significantly reduce the value of their property.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
130	Greystanes	3/04/2019	Negative	Landscape, Local character, Built form, Infrastructure	<b>Objection</b> Opposes development of any dual occupancy dwellings. Concerned about lack of landscaping and street car parking issues from development of dual occupancies.	Noted. The proposed 600 sqm is to provide better opportunity for good design, adequate landscapes and setbacks. The submitter may have misunderstood the proposed change to the minimum lot size as the proposal increase the lot size requirement.
131	Westmead	4/04/2019	Negative	Local character, Property value	<b>Objection</b> Opposes the proposal. Recommends no change to current control, which protects the residential character. The outcome of dual occupancy is better than villas.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
132	Greystanes	4/04/2019	Negative	Investment	<b>Objection</b> Opposes the proposal. Comments made that most of lot sizes are around 556 sqm and the majority of the community will be disadvantaged for not being able to add a dual occupancy for a second income.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
133	Greystanes	4/04/2019	Negative	Property value, Investment, Alternate lot size	<b>Objection / Alternate lot size</b> The submission oppose the proposal. Recommends alternate lot size of 550 sqm. Commented that potential buyer had an intention to divide the lot but if Council's proposal comes effect, this will limit redevelopment plan and reduce potential sale value.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
134	Guildford	31/03/2019	Negative	Alternate lot size	<b>Objection / Alternate lot size</b> The submission oppose the proposal. Recommends alternate lot size of 500 sqm or keep the current control as it is. Comments made that sites within close proximity to the railway line should allow more development.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
135	Merrylands West	4/04/2019	Negative	Property value, Investment, Local character	<b>Objection</b> Opposes the proposal. Council's proposed change would limit the capability for dual occupancy and impact on their property value. Commented that older residents have relied on the return on their property for a independent retirement.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
136	Pendle Hill	4/04/2019	Negative		<b>Objection</b> The submission opposes the proposal.	Noted.
137	Merrylands	4/04/2019	Negative	Dwelling density, Young family	<b>Objection</b> The submission opposes the proposal. Comments made that Merrylands is a fast growing community with young families moving into the area for schools and amenities. The proposed change would impact on the growth of these young family households.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.



138	Regents Park	5/04/2019	Negative	Local character, Affordability, Young family, Alternate lot size	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends alternate lot size of 500-550 sqm, especially within a certain radius of train lines to help with affordable living. Comments raised on the consequences of granny flats in terms of increased on-street parking.	Noted.
139	Greystanes	6/04/2019	Negative	Affordability	<b>Objection</b> Opposes the proposal. More dual occupancies are needed in the area to accommodate smaller households who cannot afford big new houses.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
140	Merrylands	8/04/2019	Negative	Alternate lot size, Investment	<b>Objection</b> Opposes the proposal. Recommends alternate lot size of 500 or 550 sqm.	Noted.
141	Parramatta	8/04/2019	Negative		<b>Objection</b> The submission oppose the proposal.	Noted.
142		9/04/2019	Negative	Investment	<b>Objection</b> Opposes the proposal because it would prevent people from building dual occupancies. Commented that street facing dual occupancies should be allowed in an R2 zone.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
143		9/04/2019	Negative	Affordability	<b>Objection</b> Opposes the proposal. Smaller homes on smaller lots create affordability for the young generation, allowing them to buy close to their families	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
144		9/04/2019	Negative	Investment, Property value	<b>Objection</b> Opposes the proposal. Comments made that Council's proposed change would limit the capability for dual occupancy development, and would impact on their property value.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
145	Merrylands West	10/04/2019	Negative	Alternate lot size, Investment	<b>Objection</b> Opposes the proposal. Recommends alternate lot size in a range of 500-600 sqm.	Noted.
146	Wentworthville	11/04/2019	Negative		<b>Objection</b> Opposes the proposal for the areas of Westmead and Wentworthville.	Noted.
147	Granville	11/04/2019	Negative	Built form	<b>Objection</b> Opposes the proposal. Commented that consideration should be given to lots with a wide frontage and lot size close to the 600 sqm.	Noted.
148	Merrylands	11/04/2019	Negative	Alternate lot size	<b>Objection</b> Opposes the proposal. Recommends maintaining the current minimum lot size for dual occupancy.	Noted.
149		11/04/2019	Negative	Alternate lot size	<b>Objection</b> Opposes the proposal. Recommends maintaining the current minimum lot size for dual occupancy.	Noted.



150	Merrylands West	11/04/2019	Negative	Granny flats	<b>Objection</b> Opposes the proposal. Commented that smaller lot sizes are often favoured for granny flats rather than dual occupancies due to fewer regulations. Concerns raised about granny flats included: no additional council rates payable, potential storm water issues, potential parking issues.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
151		11/04/2019	Negative		<b>Objection</b> Opposes the proposal.	Noted.
152	Wentworthville	12/04/2019	Negative	Alternate lot size	<b>Objection</b> Opposes the proposal. Recommends maintaining the current minimum lot size for dual occupancy.	Noted.
153	Greystanes	13/04/2019	Negative	Alternate lot size	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends an alternate lot size of 550 sqm.	Noted.
154	Greystanes	14/04/2019	Negative	Alternate lot size	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends an alternate lot size of 550 sqm.	Noted.
155	Merrylands West	14/04/2019	Negative		<b>Objection</b> Opposes the proposal.	Noted.
156	Greystanes	14/04/2019	Negative		<b>Objection</b> Opposes the proposal.	Noted.
157		15/04/2019	Negative		<b>Objection</b> Opposes the proposal.	Noted.
158	Auburn	16/04/2019	Negative	Alternate lot size, LRMDH Code	<b>Objection / Alternate lot size</b> Opposes the proposal. Concerned that the proposed 600 sqm would deny development potential, and that DA applicants would invariably submit cl.46 variations, negating the Development Control Standards. Recommends that minimum lot size should align with the provisions of the LRMDH Code - this would allow consistency with adjoining councils.	Noted. Council's proposal would enable a provision to be set under the LEP. Adjoining councils may also be proceeding with similar minimum lot size proposals, or already have existing LEP controls which differ from the Code (eg 900 sqm for R2 zones in Fairfield Council, 600 sqm for Blacktown Council).
159	Catherine Field	16/04/2019	Negative		<b>Objection</b> Opposes the proposal.	Noted.
160	Greystanes	17/04/2019	Negative	Aged housing stock	<b>Objection</b> Opposes the proposal. Comments made about the insufficient amount of housing stock for older people.	Noted.
161	Auburn	16/04/2019	Negative	LRMDH Code, Housing diversity,	<b>Objection</b> Opposes the proposal. There is a need for more housing diversity within Cumberland LGA to accommodate Sydney's continuous growth. Comments made that Cumberland's dwelling mix is unbalanced and predominately detached houses.	Noted. The proposed 600sqm would still enable complying dual occupancy development across Cumberland.



162	Auburn	16/04/2019	Negative	Alternate lot size, Granny flats	<b>Objection / Alternate lot size</b> Opposes the proposal. Recommends alternate lot size of 560 sqm, or each submission be judged on its own merits. Submission author indicated their intention to redevelop their existing house for a dual occupancy but Council's proposed lot size would limit the development potential, and they would need to look at other options such as granny flats.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
163	Greystanes	17/04/2019	Negative	Development potential	<b>Objection</b> Opposes the proposal. Submission author indicated they had bought the land of 550 sqm with an intention to redevelopment for a dual occupancy.	Noted.
164	Guildford West	17/04/2019	Negative	Development potential	<b>Objection</b> Opposes the proposal. Intended to redevelop their land (560 sqm) for dual occupancies as they are surrounded by dual occupancies. Comments raised that their future financial potential would be impacted.	Noted.
165	Greystanes	18/04/2019	Negative	Local character, Property value, LRMDH code	<b>Objection</b> Opposes the proposal. Commented that dual occupancies (in most cases) improve the general appearance of the suburb. Concerns raised about the impact on property value of lots under 600 sqm.	Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.
166	North Parramatta	18/03/2019	N/A	Not relevant	<b>Not relevant</b> Opposes rezoning of the dwelling [sic].	Noted. The submission is not relevant to the proposal - proposal does not involve any rezoning.
167	Parramatta	22/03/2019	N/A	Neutral	<b>Neutral</b> Sydney Water has determined that the proposed changes do not require commentary by Sydney Water at this stage.	Noted.
168	Westmead	9/04/2019	N/A	Not relevant	<b>Not relevant</b> Opposes any development for units. Commented that such development causes issues in terms of traffic, parking, privacy and school capacity.	Noted. The proposal does not involve any residential unit development or the R4 high density zone.
169	Merrylands	15/04/2019	N/A	Not relevant, Dwelling density, R4 zone, LRMDH code	<b>Not relevant</b> The submission did not address Council's proposal, and instead focused on high density residential development. Also recommended Council consider lot sizes for all residential areas. Commented that the LRMDH Code and its complying development provisions for dual occupancies should have been highlighted in this exhibition.	Noted. Issues raised in the submission are predominantly related to development in high density residential zones. Council's proposal focuses on the R2 and R3 zones and provisions of the Code. Council provided a detailed Fact Sheet and notification letter, as well as information in Council's libraries, Administration Centres and on the website as part of this exhibition.



**DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103**

**Attachment 6  
Consultation Material for Planning  
Proposal**









13 March 2019

Our Reference	S-57-63
Contact	Customer Service
Telephone	8757 9000

Dear Landowner

**HAVE YOUR SAY: 13 MARCH TO 17 APRIL 2019  
PROPOSED CHANGES TO MINIMUM LOT SIZE FOR DUAL OCCUPANCY DWELLINGS**

Cumberland Council is proposing changes to planning controls on minimum lot sizes for dual occupancy dwellings in residential areas.

These changes are in response to the NSW Government's *Low Rise Medium Density Housing Code*, which will allow dual occupancy dwellings in residential areas without the need for Council approval or consideration of community views.

The proposal is to introduce a minimum lot size for dual occupancy dwellings of 600 square metres across all residential areas of Cumberland. The proposed changes aim to protect the character of residential areas while supporting urban development in these locations.

We encourage you to have your say on these proposed changes between **13 March and 17 April 2019**. You may wish to provide a submission to support or oppose the proposed changes, or provide an alternative minimum lot size for consideration by Council.

Submissions on the proposed changes can be sent to Cumberland Council, including:

- 'Have Your Say' link on [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)
- E-mail on [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)
- Mail to General Manager, Cumberland Council, PO Box 42, Merrylands NSW 2160

Community views on the proposed changes will be carefully considered before a final decision is made by Cumberland Council.

Further information on the proposal is attached to this letter, on Cumberland Council's website [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au), and at Council's customer service centres and libraries. You are also able to contact our Customer Service Team on 02 8757 9000 if you have any questions on the proposed changes.

Yours faithfully



MONICA COLOGNA  
MANAGER STRATEGIC PLANNING

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
T 02 8757 9000 F 02 9840 9734 E [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) W [cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)  
ABN 22 798 563 329

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**PROPOSED CHANGES TO MINIMUM LOT SIZE FOR DUAL OCCUPANCY DWELLINGS  
PLANNING STATEMENT ON PROPOSAL**

Cumberland Council is proposing changes to planning controls on minimum lot sizes for dual occupancy dwellings in residential areas.

These changes are documented as a planning proposal to amend both the *Auburn Local Environmental Plan 2010* (Auburn LEP 2010) and the *Holroyd Local Environmental Plan 2013* (Holroyd LEP 2013) to include a minimum lot size requirement for dual occupancy development within Cumberland LGA.

The planning proposal seeks to:

- amend the Auburn LEP 2010 to include a minimum lot size control of 600m<sup>2</sup> for dual occupancy development in all R2 Low Density Residential and R3 Medium Density Residential zones
- amend the Holroyd LEP 2013 to include a minimum lot size control of 600m<sup>2</sup> for dual occupancy development in all R2 Low Density Residential and R3 Medium Density Residential zones
- retain existing provisions under the Parramatta LEP 2011 on R2 and R3 zoned land within Cumberland, which has 600m<sup>2</sup> minimum lot size requirement for dual occupancies.

The planning proposal has been prepared in response to the NSW Government's mandatory *Low Rise Medium Density Housing Code*. The introduction of this mandatory code in Cumberland has been deferred until July 2019 to allow Council to put in place a minimum lot size control for dual occupancy development in its LEPs.

Council is exhibiting the Planning Proposal for a minimum of 28 days in accordance with section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act 1979*.

Council is seeking the views of the Cumberland community before this proposal is reported to the Cumberland Local Planning Panel (CLPP) for advice, followed by a decision at a Council meeting.

All written comments will be taken into consideration and will be formally acknowledged. All submissions must clearly state the name, email address, postal address, and telephone contact details (business hours) of the submission author. No anonymous submissions will be accepted or considered.

All submissions are subject to a request for access by the applicant or other interested persons under the *Government Information (Public Access) Act 2008* (GIPA Act). If such a request is received, your submission, including your name and address, may be made available for inspection.

You may request for your personal information to be suppressed under Section 58 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act). Council will consider this request in accordance with the PPIP Act.

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
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## Proposed changes to minimum lot size for dual occupancy dwellings March 2019



### What is a dual occupancy dwelling?

A dual occupancy dwelling includes attached buildings commonly referred to as 'duplexes' or 'semis' and detached buildings (where one is typically located at the rear of the other). Dual occupancy dwellings are allowed in low and medium density residential zones across Cumberland, subject to Council approval.

### What planning controls are changing for dual occupancy dwellings?

The NSW Government has introduced a new Planning Code on dual occupancies which will commence in July 2019 for Cumberland. This *Low Rise Medium Density Housing Code* allows larger dual occupancy buildings than what Council controls currently allow. For a typical block in Cumberland's low density residential zones, this could be as much as 80% larger. This would be allowed without Council approval or the need to consult with the community.

To find out more information on the *Low Rise Medium Density Housing Code*, refer to the Department of Planning website:

<http://planning.nsw.gov.au/mediumdensity>



### What is Council proposing in response?

In response to this change, Council is proposing to increase the minimum lot size required for a dual occupancy development to 600m<sup>2</sup> in residential zones (R2 Low Density Residential and R3 Medium Density Residential).

The proposed minimum lot size of 600m<sup>2</sup> provides better opportunities for good design and ensures that sufficient area is available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.

For landholders with a lot size less than 600m<sup>2</sup>, the proposal would mean that the ability for dual occupancy development on their site is no longer available.

### How can I have a say on the proposal?

Consultation on the proposal will be held from 13 March 2019 to 17 April 2019. We will be asking the community on their views whether they support or object to the proposal, or would like to propose an alternative minimum lot size.

### You can provide your comment by:

- completing an online submission on Council's **Have Your Say** page or
- emailing [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) or
- write to us at: **The General Manager, Cumberland Council PO Box 42, Merrylands NSW 2160.**

Please quote 'S-57-63' as the subject reference on your submission.

### What happens next?

Following public consultation, Council will consider community submissions and make a decision on whether to proceed with the proposal to limit dual occupancies to lots over 600m<sup>2</sup>.

Any change would not come into effect until later in 2019.

### What happens with dual occupancy applications in the meantime?

Development applications for dual occupancies are still being accepted and considered under Council's existing controls including current minimum land area requirements.

If you would like to enquire about lodging a development application for a dual occupancy dwelling, please contact Council's development enquiry officers on 8757 9000.

### How does this affect granny flats?

Dual occupancies do not include secondary dwellings. Secondary dwellings (commonly known as 'granny flats') are separately defined under NSW planning legislation. These dwellings are limited in size and cannot be subdivided from the main house.

Any proposed minimum land area for dual occupancies does not apply to secondary dwellings. If the proposal to limit dual occupancies is adopted, secondary dwellings (granny flats) would continue to be permitted on land smaller than 600m<sup>2</sup>.

If you would like to enquire about granny flats, please contact Council's development enquiry officers on 8757 9000.



DOCUMENTS  
ASSOCIATED WITH  
REPORT C06/19-103

Attachment 7  
Gateway Determination









## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_CUMBE\_002\_00):** to amend the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
  - (a) amend the objectives to justify the planning proposal on the basis of demonstrated urban design outcomes and maintaining local character rather than mitigating the impacts of complying development;
  - (b) update the explanation of provisions to remove the suggested legal drafting and include a plain English explanation that clearly outlines the intent of the planning proposal;
  - (c) complete further analysis of current lot sizes in the R2 Low Density Residential and R3 Medium Density Residential zone to demonstrate that the proposed minimum lot size is appropriate. This should include confirming the total number of lots within the LGA that are capable of accommodating dual occupancies under:
    - i. a 400m<sup>2</sup> minimum lot size scenario under the Low Rise Medium Density Housing Code;
    - ii. Council's current controls; and
    - iii. the proposed 600m<sup>2</sup> lot controls.
  - (d) include a summary of the number of dual occupancy developments approved under Council's current 450m<sup>2</sup> (Auburn), 500m<sup>2</sup> (Holroyd) and 600m<sup>2</sup> (Parramatta) controls in the past five years, the minimum development lot size and the number of dual occupancies produced;
  - (e) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
  - (f) include a new saving transition clause to ensure that the proposed amendments do not affect any development applications or appeal processes.
2. The revised planning proposal is required to be referred to the Department for review and approval prior to exhibition.

PP\_2018\_CUMBE\_002\_00 [IRF18/4365]



**Planning &  
Environment**

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days;
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016);
  - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition; and
  - (d) Council is to write to the City of Parramatta Council advising of the planning proposal.
4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The LEP is to be completed by 1 July 2019.

Dated 6<sup>th</sup> day of *September* 2018.

  
**Stephen Murray**  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment  
  
Delegate of the Greater Sydney Commission

PP\_2018\_CUMBE\_002\_00 [IRF18/4365]