

Item No: C03/20-388

## **UPDATE ON PLANNING PROPOSAL FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN**

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

### **SUMMARY**

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This report provides an update on the planning proposal for the new Cumberland Local Environmental Plan, including advice from the Cumberland Local Planning Panel and status of the Gateway Determination process.

### **RECOMMENDATION**

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**That Council:**

- 1. Note the advice of the Cumberland Local Planning Panel on the planning proposal for the new Cumberland Local Environmental Plan; and**
- 2. Note the status of the Gateway Determination process on the planning proposal for the new Cumberland Local Environmental Plan.**

### **REPORT**

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#### ***Background***

In September 2019, Council resolved to endorse the draft Cumberland Local Environmental Plan (LEP) and submit the LEP planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination [Min 686, Item C09/19-219]. The LEP planning proposal seeks to harmonise the three existing LEPs currently in operation across Cumberland, with the aim of creating a consolidated and clear planning framework under a single Cumberland LEP.

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

The planning proposal for the new Cumberland LEP was considered by the Cumberland Local Planning Panel on 20 February 2020. The Panel generally supported the proposal and its progression to a Gateway Determination.

The Panel noted that a number of requests for zoning and/or planning control changes, raised by speakers who addressed the Panel, would best be addressed as part of Council's future planning for its strategic corridors and centres.

The Panel also provided further advice on a range of matters for further consideration by Council. These matters are best placed to be considered following Gateway Determination, informed by feedback received during public exhibition.

Further information on the Panel meeting is provided in Attachments 1 and 2.

### ***Gateway Determination process***

Council officers continue to liaise with the Department of Planning, Industry and Environment during the Gateway Determination process. A range of clarifications have been provided to the Department on the contents of the planning proposal for the new Cumberland LEP. Advice from the Cumberland Local Planning Panel and Council's resolution on this paper will also be provided to the Department as part of the Gateway Determination process. It is anticipated that a Gateway Determination will be provided on the planning proposal in the near future.

## **COMMUNITY ENGAGEMENT**

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An extensive consultation program on the draft planning proposal for the new Cumberland LEP will be undertaken, subject to Gateway Determination by the Department of Planning, Industry and Environment. This consultation will be statutory consultation, and will be undertaken in accordance with the relevant conditions of the Gateway Determination.

## **POLICY IMPLICATIONS**

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

## **RISK IMPLICATIONS**

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Council is required to submit a planning proposal on the new Cumberland LEP to the Department of Planning, Industry and Environment for finalisation by 30 June 2020. The release of funds from the accelerated Local Environmental Plan funding grant provided by the NSW Government is also linked to this milestone. Support of the planning proposal by the Panel and noting of the advice by Council assists in meeting this milestone.

## **FINANCIAL IMPLICATIONS**

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Work undertaken on the Cumberland LEP, including strategic studies and planned community consultation activities, is funded by the accelerated Local Environmental Plan Funding Grant provided by the NSW Government. The planning proposal for the new Cumberland LEP is required to be submitted to the Department of Planning, Industry and Environment for finalisation by 30 June 2020, in accordance with funding and delivery commitments between Council and the Department.

## CONCLUSION

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This report provides an update on the planning proposal for the new Cumberland Local Environmental Plan, including status of the Gateway Determination process and advice from the Cumberland Local Planning Panel

## ATTACHMENTS

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1. Cumberland Local Planning Panel – Minutes – 20 February 2020 [↓](#) 
2. Cumberland Local Planning Panel - Proposed Approach on Panel Advice [↓](#) 



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/20-388

Attachment 1

Cumberland Local Planning  
Panel – Minutes – 20 February  
2020



**Extraordinary Cumberland Local Planning Panel Meeting  
20 February 2020**

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Thursday 20 February 2020.

**PRESENT:**

The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog, Michael Ryan and Allan G Ezzy AM APM.

**IN ATTENDANCE:**

Karl Okorn, Monica Cologna, Esra Calim, Fiona McDermott, Olivia Shields and Paulette Maroon.

**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 11:32a.m.

**DECLARATIONS OF INTEREST:**

There were no declarations of interest.

**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>
Ms Shellie Oats	Planning Proposal for the new Cumberland Local Environmental Plan
Mr Adan Davis	Planning Proposal for the new Cumberland Local Environmental Plan x2
Helen Wong	Planning Proposal for the new Cumberland Local Environmental Plan
Balwinder Singh	Planning Proposal for the new Cumberland Local Environmental Plan
Rohit Sandlesh	Planning Proposal for the new Cumberland Local Environmental Plan
Kim Riley	Planning Proposal for the new Cumberland Local Environmental Plan

**Extraordinary Cumberland Local Planning Panel Meeting  
20 February 2020**

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

<u>Speakers</u>	<u>Item No. Subject</u>
Yildiz Yigiter	Planning Proposal for the new Cumberland Local Environmental Plan
Lily Yin	Planning Proposal for the new Cumberland Local Environmental Plan

The open session of the meeting here closed at 12:15pm.

The closed session of the meeting here opened at 12:16pm

ITEM LPP007/20, LPP008/20, LPP009/20 –

PLANNING PROPOSAL FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN,

APPROACH TO DRAFTING OF PLANNING CONTROLS FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN

PROPOSED LAND USE TABLES AND PLANNING APPROACH FOR SELECTED LAND USES FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN.

**PANEL RECOMMENDATION:**

That the Cumberland Local Planning Panel (CLPP) generally support the planning proposal for the new Cumberland Local Environmental Plan and progress the proposal to Gateway. The Panel also makes the following further recommendations and comments:

1. **Response to submissions at public meeting:**
  - a. **Submission of Shelley Oates and Malcolm Jacobson seeks residential and shop top housing in relation to 40-44, 46-48, 50-54 Parramatta Road and 75 and 76 Jellicoe Street, Lidcombe currently zoned B6 zone. This will be considered in the consideration of the Parramatta Road Corridor Strategy.**
  - b. **Submission of Adan Davis on behalf of property owners of 224-240 Pitt Street and 2-6 Gladstone Street, Merrylands within the Neil Street Precinct seeking an R4 zoning with additional uses on the ground floor. The Panel sees merit in a B4 zoning being appropriate to these properties. However it is open to the owners to make a submission at the public exhibition stage. The Panel acknowledges there is an anomaly in the application of the B6 zone as it applies to the Neil Street Precinct which needs to be corrected.**



- c. Submission of Adan Davis on behalf of property owners 246-260 Woodville Road and 2-4 & 8-16 Lansdowne Street, Merrylands (John Cootes site) seeking a change of the FSR from 2:1 to 2.2:1. The Panel endorses the recommended FSR of 2:1. The Panel acknowledges that there is mapping anomaly in the draft LEP in relation to height and floor space ratio that needs to be corrected to reflect the Council resolution Min. 424, Item C02/19-15 dated 20 February 2019.
- d. Submission of Helen Wong, representing the owners of 524 Woodville Road, Guildford seeking R4 zoning from a presently R2 zoning. This will be considered in the preparation of the Woodville Road Corridor Strategy. However, it is open to the owners to make a submission at the public exhibition stage.
- e. Submission of Balwinder Singh, the owner of 270 Great Western Highway, Wentworthville seeking rezoning from R2 to R4. It is appropriate that this be considered at a later stage. Nonetheless, it is open to the owner to make a submission at the public exhibition stage.
- f. Submission of Rohit Sandlesh, the owner of 268 Great Western Highway, Wentworthville seeking rezoning from R2 to R4. It is appropriate that this be considered at a later stage. Nonetheless, it is open to the owner to make a submission at the public exhibition stage.
- g. Submission of Kim Riley seeking that places of public worship be permitted in all zones throughout the Local Government Area. The Panel is of the opinion that it would be inappropriate to extend places of public worship in the R2 zones. However, it may be appropriate to consider places of public worship in the business zones.
- h. Submission of Yildiz Yigiter owner of 116 Elizabeth Street, Granville seeking R4 in lieu of R2. This will be considered in the preparation of the Woodville Road Corridor Strategy. However, it is open to the owners to make a submission at the public exhibition stage.
- i. Submission of Lily Yin owner of 61 the Trongate Street, Granville speaking on behalf of her daughter said to be owner of 81 Woodville Road, Granville seeking to run a business in an R2 zone. The Panel notes that the R2 zone restricts certain business activities to a home occupation, home industry and home business.

## **2. Sex Service Premises:**

The draft Cumberland LEP permits sex services with consent only in the IN1 zone. The Panel is of the opinion that sex services with consent should be considered within the B4 and B6 zones.

## **3. Places of Public Worship:**

The Panel is of the opinion that it may be appropriate to consider places of public worship in the business zones. The Panel is of the view that this use is

consistent with the diversity of uses within business zones. The Panel acknowledges existing use rights apply to many such uses within the Local Government Area. The Panel endorses the recommended minimum lot size of 2000sqm in R3 and R4 zones. The Panel notes that the issue of parking will be dealt with by Development Control Plan provisions.

#### **4. B6 Zones**

The Panel recommends that shop top housing be considered for inclusion in the B6 zones as part of the Council's future strategic corridor planning. The Panel is of the view that the non-residential component of the housing should be at least 30% of the gross floor area of the building.

#### **5. Waste Transfer Stations**

The Panel is of the opinion that all land uses encompassing the disposal and management of waste be confined to the industrial zonings. The Panel also requests further investigation of the applicability of waste land use definitions for the purpose of consistency between the industrial zones.

#### **6. Industrial Zone Uses**

The Panel recommends that an objective be added to all industrial zones to encourage and promote innovative and creative industries and for these uses to be permissible.

#### **7. Objectives of Height and FSR Development Standards**

The Panel recommends that in relation to both the height and FSR development standards the following objective should be included to read as follows:

"To minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties is achieved."

#### **8. Aims of Plan**

The Panel recommends that an additional aim of the plan be added as follows:

"6. To encourage and promote development that is environmentally sustainable".

#### **9. Architectural Roof Features**

The Panel recommends that the proposed objective "e" be deleted as it does not encourage innovation in roof design.

#### **10. Kiosks**

The Panel recommends that the proposed size of kiosks be a gross floor area maximum of 50sqm.

For: The Hon. Paul Stein AM (Chairperson) QC, Larissa Ozog, Michael Ryan and

Allan G Ezzy AM APM.

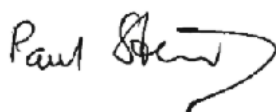
**Against:** Nil.

The closed session of the meeting here closed at 2:40pm

The open session of the meeting here opened at 2:42pm. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 2:43pm.

Signed:



The Hon. Paul Stein AM  
Chairperson



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/20-388

Attachment 2

Cumberland Local Planning  
Panel - Proposed Approach on  
Panel Advice



**PLANNING PROPOSAL FOR NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN – PROPOSED APPROACH ON PANEL ADVICE**

Panel advice	Proposed approach on Panel advice			
	Minor correction/ typographical error to be amended prior to exhibition	Further consideration following Gateway Determination and public feedback	Consideration as part of Council's future strategic planning program	Noted
1a. permissibility of residential and shop top housing sought for 40-44, 46-48, 50-54 Parramatta Road and 75 and 76 Jellicoe Street, Lidcombe, currently zoned B6 zone. To be considered as part of the Parramatta Road Corridor Strategy			●	
1b. 224-240 Pitt Street and 2-6 Gladstone Street, Merrylands within the Neil Street Precinct seeking R4 zoning with additional uses on the ground floor. The Panel: <ul style="list-style-type: none"> <li>- acknowledges there is an anomaly in the application of the B6 zone as it applies to the Neil Street Precinct which needs to be</li> <li>- sees merit in a B4 zoning being appropriate to these properties. However it is open to the owners to make a submission at the public exhibition stage.</li> </ul>		●		
1c. 246-260 Woodville Road and 2-4 & 8-16 Lansdowne Street, Merrylands (John Cootes site) seeking a change of the FSR from 2:1 to 2.2:1. The Panel: <ul style="list-style-type: none"> <li>- endorses the recommended FSR of 2:1.</li> <li>- acknowledges that there is mapping anomaly in the draft LEP in relation to height and floor space ratio that needs to be corrected to reflect the Council resolution Min. 424, Item C02/19-15 dated 20 February 2019</li> </ul>	●			
524 Woodville Road, Guildford seeking rezoning from R2 to R4. Will be considered in the preparation of the Woodville Road Corridor Strategy. However, it is open to the owners to make a submission at the public exhibition stage		●	●	
1e. and f. 268 and 270 Great Western Highway, Wentworthville seeking rezoning from R2 to R4. It is appropriate that this be considered at a later stage. Nonetheless, it is open to the owner to make a submission at the public exhibition stage		●	●	

Panel advice	Proposed approach on Panel advice			
	Minor correction/ typographical error to be amended prior to exhibition	Further consideration following Gateway Determination and public feedback	Consideration as part of Council's future strategic planning program	Noted
1g. speaker seeking places of public worship be permitted in all zones throughout the LGA. The Panel is of the opinion that it would be inappropriate to extend places of public worship in the R2 zones. However, it may be appropriate to consider places of public worship in the business zones.		●		●
1h. owner of 116 Elizabeth Street, Granville seeking R4 in lieu of R2. Will be considered in the preparation of the Woodville Road Corridor Strategy. However, it is open to the owners to make a submission at the public exhibition stage		●	●	
1i. owner of 81 Woodville Road, Granville seeking to run a business in an R2 zone. The Panel notes that the R2 zone restricts certain business activities to a home occupation, home industry and home business.				●
2. Sex Service Premises: The draft Cumberland LEP permits sex services with consent only in the IN1 zone. The Panel is of the opinion that sex services with consent should be considered within the B4 and B6 zones.		●		●
3. Places of Public Worship. The Panel is of the view: - that it may be appropriate to consider places of public worship in the business zones. - that this use is consistent with the diversity of uses within business zones. - acknowledges existing use rights apply to many such uses within the LGA. - endorses the recommended minimum lot size of 2000sqm in R3 and R4 zones. - notes that the issue of parking will be dealt with by DCP provisions.				●
4. B6 Zones. The Panel: - recommends that shop top housing be considered for inclusion in the B6 zones as part of the Council's future strategic corridor planning. - is of the view that the non-residential component of the housing should be at least 30% of the gross floor area of the building.		●		●



Panel advice	Proposed approach on Panel advice			
	Minor correction/ typographical error to be amended prior to exhibition	Further consideration following Gateway Determination and public feedback	Consideration as part of Council's future strategic planning program	Noted
5. Waste Transfer Stations. The Panel: - is of the opinion that all land uses encompassing the disposal and management of waste be confined to the industrial zonings. - also requests further investigation of the applicability of waste land use definitions for the purpose of consistency between the industrial zones.		●		●
6. Industrial Zone Uses. The Panel recommends that an objective be added to all industrial zones to encourage and promote innovative and creative industries and for these uses to be permissible.		●		●
7. Objectives of Height and FSR Development Standards. The Panel recommends that in relation to both the height and FSR development standards the following objective should be included to read as follows: "To minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties is achieved."		●		●
8. Aims of Plan The Panel recommends that an additional aim of the plan be added as follows: "6. To encourage and promote development that is environmentally sustainable".		●		●
9. Architectural Roof Features The Panel recommends that the proposed objective "e" be deleted as it does not encourage innovation in roof design.		●		●
10. Kiosks The Panel recommends that the proposed size of kiosks be a gross floor area maximum of 50sqm		●		●