

Item No: C09/19-219

## **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 planning proposal seeks to harmonise the three existing Local Environmental Plans (LEPs) in operation across Cumberland with the aim of creating a consolidated and clear planning framework under a single Cumberland LEP.

Early consultation (pre-Gateway) on proposed planning controls for the new Cumberland LEP has been sought, and a range of submissions received.

The planning proposal for the new Cumberland LEP is required to be submitted to the Department of Planning, Industry and Environment for a Gateway Determination by the end of September 2019, in accordance with funding and delivery commitments between Council and the Department.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination. Following the receipt of a Gateway Determination, further consultation will be undertaken with the community, as well as consideration of the planning proposal by the Cumberland Local Planning Panel. The planning proposal will then be considered by Council prior to finalisation and gazettal.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Endorse that the planning proposal for the new Cumberland Local Environmental Plan, as provided in Attachment 1, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.**
- 2. Delegate to the General Manager the authorisation to make minor revisions to the planning proposal and supporting documentation, as necessary, following Council's deliberations, to ensure the desired objectives and intended outcomes can be achieved.**

3. **Consult with the community and the Cumberland Local Planning Panel on the planning proposal for the new Cumberland Local Environmental Plan, following Gateway Determination by the Department of Planning, Industry and Environment.**
4. **Consider the planning proposal for the new Cumberland Local Environmental Plan, prior to finalisation and gazettal by the Department of Planning, Industry and Environment.**

## REPORT

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### ***Background***

Cumberland Council is currently operating under three separate Local Environmental Plans, which represent the planning controls for the Cumberland local area prior to amalgamation. These include:

- i. *Auburn Local Environmental Plan (ALEP) 2010*, which applies to land in the former Auburn City Council area (eastern part of Cumberland)
- ii. *Parramatta Local Environmental Plan (PLEP) 2011*, which applies to land in the former Parramatta City Council area (central part of Cumberland)
- iii. *Holroyd Local Environmental Plan (HLEP) 2013*, which applies to land in the former Holroyd City Council area (western part of Cumberland).

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

Changes to the *Environmental Planning and Assessment Act 1979* in March 2018 require all metropolitan councils to review and amend their existing LEPs to make sure they align with the relevant District Plan and Greater Sydney Region Plan. Cumberland has been identified as a priority council by the Greater Sydney Commission meaning it must complete the LEP review within two years (by 30 June 2020). Council is taking the opportunity presented by the LEP review process to harmonise the provisions of the three legacy LEPs operating across the LGA into a single set of planning controls under a consolidated Cumberland LEP.

A single Cumberland LEP will simplify the planning process by reducing the number of planning instruments applicable to land in the Cumberland LGA, removing duplication of planning controls and aligning, where possible, the land uses and controls within the current instruments.

### ***Cumberland LEP***

#### **Planning Proposal**

The planning proposal describes how Council intends to harmonise the planning controls of the existing Auburn, Parramatta and Holroyd LEPs into a single set of

planning controls for Cumberland. It has been prepared in accordance with the relevant Department of Planning, Industry and Environment's guidelines for preparing planning proposals and LEPs, and includes the following:

Part 1 – A statement of the objectives and intended outcomes of the proposed Cumberland LEP

Part 2 – An explanation of the provisions that are to be included in the proposed Cumberland LEP

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

Part 6 – A project timeline to detail the anticipated timeframe for the plan making process

In addition to proposing a single LEP for all land in the Cumberland LGA, the planning proposal seeks to implement a range of other strategic planning work that has been substantially progressed as separate and individual projects, including:

- Strategic planning for the Parramatta Road Corridor as part of the Parramatta Road Urban Transformation Strategy of the NSW Government.
- Strategic planning for the Woodville Road Corridor, a key strategic corridor identified in *Cumberland 2030: Our Local Strategic Planning Statement*.
- Auburn and Lidcombe Town Centre planning controls, which originated from the draft Auburn and Lidcombe Town Centres Strategy and as recently resolved by Council.

The planning proposal also seeks to clarify the land use permissibility of government owned land, and address selected site specific anomalies on privately owned sites, through appropriate minor zoning and/or planning control changes in various locations across Cumberland.

#### Council resolutions

Council has previously considered and endorsed much of the detail of the planning proposal for the new Cumberland LEP through various reports that have dealt with particular issues and planning controls. The planning proposal has been prepared in accordance with these Council resolutions, as outlined in Table 1.

<b>Date</b>	<b>Item No.</b>	<b>Report</b>	<b>Resolution</b>
4 September 2019	C09/19-189	Lidcombe Town Centre planning controls summary	Council endorsed proposed planning controls to be included in the new Cumberland LEP
4 September 2019	C09/19-191	Proposed planning controls for selected land uses and Part 6 of the new Cumberland LEP	Council endorsed proposed planning controls to be included in the new Cumberland LEP
4 September 2019	C09/19-192	Proposed planning controls for the land use table for Residential, Business, and Industrial zones of the new Cumberland LEP	Council endorsed the proposed land use tables and carry over of LZN mapping to be included in the new Cumberland LEP
4 September 2019	C09/19-193	Proposed planning controls for Schedule 5 of the new Cumberland LEP	Council endorsed proposed heritage planning controls to be included in the new Cumberland LEP
21 August 2019	C08/19-176	Auburn Town Centre – Planning Controls strategy	Council endorsed proposed planning controls for the town centre, to be included in the new Cumberland LEP
7 August 2019	C08/19-163	Proposed planning controls for Parts 2, 4, and 5, Schedules 1 and 4, and Dictionary, of the new Cumberland LEP	Council endorsed proposed planning controls to be included in the new Cumberland LEP
7 August 2019	C08/19-164	Proposed planning controls for the land use table on Special Purpose, Recreation , Environmental Protection, and Waterway, zones of the new Cumberland LEP	Council endorsed the proposed land use tables and carry over of LZN mapping to be included in the new Cumberland LEP
17 July 2019	C07/19-152	Proposed planning controls for Parts 1, 2, and 3, and Schedules 2, 3, and 6, of the new Cumberland LEP.	Council endorsed the proposed planning controls to be included in the new Cumberland LEP
17 July 2019	C07/19-151	Preparation of Planning Proposal for new Cumberland LEP	Council noted the approach and key milestones for the preparation of the planning proposal for the new Cumberland LEP
3 July 2019	C07/19-131	Planning approach for Woodville Road Corridor	Council endorsed the land use planning approach for



<b>Date</b>	<b>Item No.</b>	<b>Report</b>	<b>Resolution</b>
			the Woodville Road corridor and that Stage 2 initiatives be included in the new Cumberland LEP
3 July 2019	C07/19-132	Planning approach for Parramatta Road Corridor	Council endorsed the land use planning approach for the Parramatta Road corridor and that Stage 2 initiatives be included in the new Cumberland LEP
19 June 2019	C06/19-111	Draft Cumberland 2030 our Local Strategic Planning Statement	Council resolved to place the draft Statement on public exhibition
5 June 2019	C06/19-103	Planning Proposal – Minimum Lot Area for Low and Medium Dual Occupancy Housing	Council endorsed minimum lot size planning controls for dual occupancy development for inclusion in the new Cumberland LEP
1 May 2019	C05/19-75	Cumberland Employment and Innovation Lands Strategy	Council adopted the strategy to inform a review of relevant planning controls as part of the new Cumberland LEP
20 February 2019	C02/19-15	Request for revised gateway determination – Planning Proposal for 264 Woodville Road Merrylands (also referred to as the Merrylands East Neighbourhood Centre)	Council resolved to pursue B2 Local Centre and RE1 Public Recreation Zones for the new Cumberland LEP
5 September 2018	C09/18-169	Cumberland Strategic Planning Work Program 2018-2021	Council adopted the strategic planning work program, including key milestones for the preparation of the new Cumberland LEP
18 July 2018	C07/18-138	Accelerated Cumberland LEP Funding offer	Council accepted the Minister for Planning's funding offer for the preparation of the Cumberland LEP

In addition, resolutions considered at the Council meeting of 18 September 2019 related to the new Cumberland LEP will also be included in the planning proposal. These resolutions are separate to the reports and resolutions identified in Table 1.

### **Next Steps**

Subject to endorsement, the planning proposal will be forwarded to the Department of Planning, Industry and Environment seeking a Gateway Determination. This is required to be undertaken by the end of September 2019.

Following the receipt of a Gateway Determination, further consultation will be undertaken with the community, as well as consideration of the planning proposal by the Cumberland Local Planning Panel. The planning proposal will then be considered by Council prior to finalisation and gazettal.

### **COMMUNITY ENGAGEMENT**

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

### **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 will also align with the strategic directions outlined in Council's Community Strategic Plan and Draft Cumberland 2030: Our Local Strategic Planning Statement.

### **RISK IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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


### **CONCLUSION**

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The preparation of a new Cumberland Local Environmental Plan (LEP) is underway. This report recommends that Council endorse the planning proposal for the new Cumberland LEP to be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

## ATTACHMENTS

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1. Planning Proposal – Draft Cumberland Local Environmental Plan (September 2019) [↓](#) 



**DOCUMENTS  
ASSOCIATED WITH  
REPORT C09/19-219**

**Attachment 1**

**Planning Proposal – Draft  
Cumberland Local Environmental  
Plan (September 2019)**







# **PLANNING PROPOSAL**

## **DRAFT CUMBERLAND LOCAL ENVIRONMENTAL PLAN**

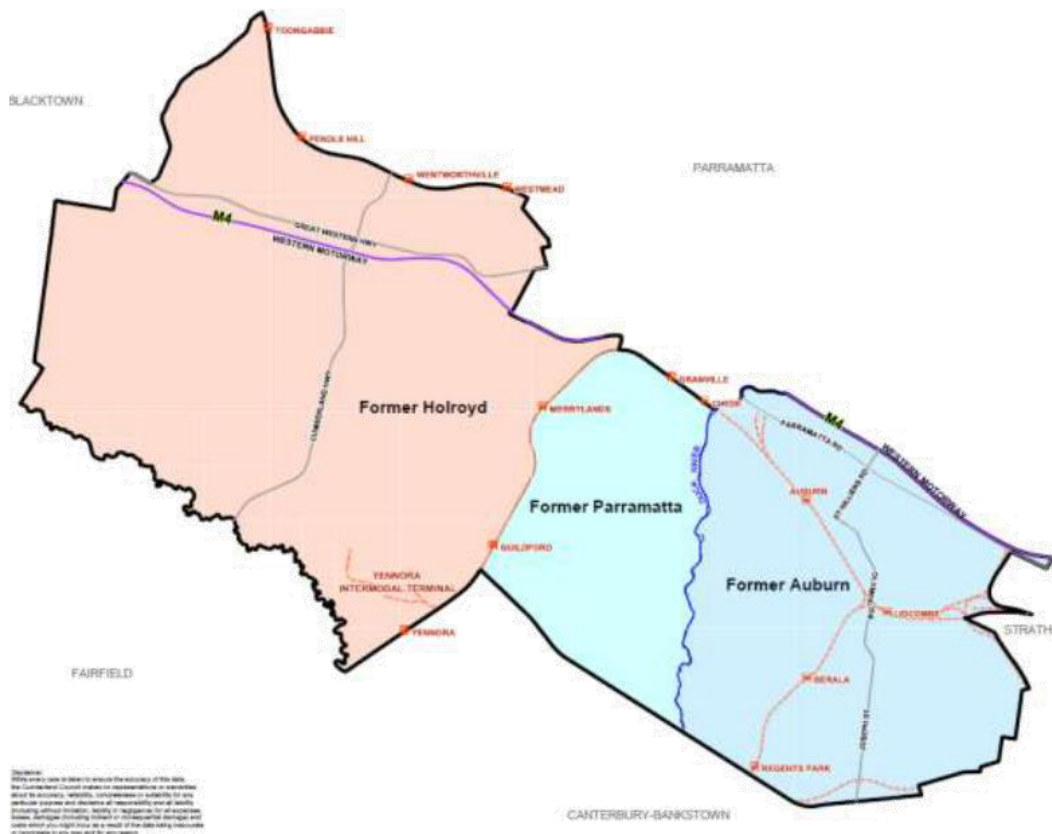
**September 2019**

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## EXECUTIVE SUMMARY

Cumberland Council was proclaimed on 12 May 2016, comprising of the majority of the former Holroyd City Council, approximately two thirds of the former Auburn City Council (south of the M4) and the Woodville Ward of the former Parramatta City Council. As a result, the Cumberland Local Government Area (LGA) covers more than 72 sq.km stretching from Rookwood Cemetery in the east, along the M4 Motorway and Western Rail Line in the north, and Prospect Creek in the south to Prospect Hill in the west – refer to map below.



Cumberland Council is currently operating under three separate Local Environmental Plans, which represent the planning controls for the Cumberland local area prior to amalgamation. These include:

- i. *Auburn Local Environmental Plan (ALEP) 2010*, which applies to land in the former Auburn City Council area (eastern part of Cumberland)
- ii. *Parramatta Local Environmental Plan (PLEP) 2011*, which applies to land in the former Parramatta City Council area (central part of Cumberland)
- iii. *Holroyd Local Environmental Plan (HLEP) 2013*, which applies to land in the former Holroyd City Council area (western part of Cumberland).

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

This Planning Proposal seeks to harmonise the three existing LEPs applying to the Cumberland LGA with the aim of creating a consolidated and clear planning framework under a single Cumberland LEP.

The Planning Proposal has been prepared by Cumberland Council and describes the proposal to consolidate the planning controls of the former Auburn, Parramatta and Holroyd Councils as they apply to land in the Cumberland local area. It has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the relevant the Department of Planning, Industry and Environment's guidelines, including:

- A Guide to Preparing Local Environmental Plans
- A Guide to Preparing Planning Proposals
- LEP Roadmap: Guidelines for updating LEPs to give effect to the District Plans in the Greater Sydney Region.

The Planning Proposal applies to all land in the Cumberland LGA.

#### **Planning context**

Changes to the *Environmental Planning and Assessment Act 1979* in March 2018 require all metropolitan councils to review and amend their existing LEPs to make sure they align with the relevant District Plan and Greater Sydney Region Plan. Cumberland has been identified as a priority council by the Greater Sydney Commission meaning it must complete the LEP review within two years (by 30 June 2020).

Council is taking the opportunity presented by the LEP review process to harmonise the provisions of the three legacy LEPs operating across the LGA into a single set of planning controls under a consolidated Cumberland LEP.

#### **Council resolution**

The Planning Proposal has been prepared in accordance with Council's resolution on 18 September 2019.

#### **Supporting documentation**

The Planning Proposal is supported by the following documentation:

- Attachment 1 – Background Report: Cumberland Local Environmental Plan Harmonisation

## PART 1 OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal seeks to facilitate a new Local Environmental Plan (LEP) for Cumberland which provides the key planning controls for the area, including land use activities, zoning, building heights and density.

A single Cumberland LEP will simplify the planning process by reducing the number of planning instruments applicable to land in the Cumberland LGA, removing duplication of planning controls and aligning, where possible, the land uses and controls within the current instruments. The new LEP is not intended to be a comprehensive review of all planning controls, but a consolidation of the existing LEPs applicable across the Cumberland local area. The approach to the harmonisation (merge) of Cumberland's three legacy LEPs into a single consolidated Plan is summarised 'in principle' below.

**Principle 1:** As far as practicable, apply the same planning approach across the LGA (focus on creating a consistent set of general land use policies and development controls for Cumberland).

**Principle 2:** Adopt Standard Instrument LEP clauses as required, with local content included where possible.

**Principle 3:** Use 'best-fit' to retain/continue current planning outcomes in instances where the existing Cumberland LEPs do not align.

**Principle 4:** Introduce new policy/planning approach only if appropriate.

The Planning Proposal will also implement a range of other strategic planning work that has been substantially progressed as separate and individual projects, including:

- Strategic planning for the Parramatta Road Corridor as part of the Parramatta Road Urban Transformation Strategy of the NSW Government. With a focus on the Auburn Precinct, the following elements are to be progressed through the Cumberland LEP:
  - Introduce B1 Neighbourhood Centre zones on corners at Parramatta Road/Silverwater Road and Parramatta Road/Hampstead Road.
  - Introduce a B6 Enterprise Corridor zone along St Hilliers Road.
  - Revise FSR and height of building controls (as mapped) for the introduced B1 and B6 zones in accordance with the Strategy.
- Strategic planning for the Woodville Road Corridor, a key strategic corridor identified in Cumberland 2030: Our Local Strategic Planning Statement. The following elements are to be progressed through the Cumberland LEP:
  - Rezone the Merrylands East Centre with a B2 Local Centre and RE1 Public Recreation zones, reflecting its role in the centres hierarchy for Cumberland;
  - New zoning, height and FSR controls to accommodate existing higher density developments that were permissible under previous controls but are not permitted under the existing R2 low density control. These changes will provide consistency of controls and fairness to other properties/owners, such as between higher density developments, which currently are not able to redevelop to the same scale.
- Auburn and Lidcombe Town Centre controls, which originated from the draft Auburn and Lidcombe Town Centres Strategy and as recently resolved by Council. These include

adequate changes to building height the can support greater built form design outcomes, as well as targeted changes to floor space ratio and zoning.

In addition, the Planning Proposal seeks to clarify the land use permissibility of government owned land through appropriate and minor zoning changes, in various locations across Cumberland. This includes changes on land owned by Sydney Water and Sydney Trains.

The draft Cumberland LEP may also be amended prior to being made to incorporate any proposed amendments to the Auburn, Parramatta and/or Holroyd LEP, if the amendment to the existing instrument is made prior to the making of the Cumberland LEP.



## PART 2 EXPLANATION OF PROVISIONS

The objectives and intended outcome of this Planning Proposal will be facilitated by the preparation of a single LEP in accordance with the Standard Instrument (LEP) Order 2006, which harmonises and consolidates the planning controls within the following documents currently in force across the Cumberland LGA:

- i. *Auburn Local Environmental Plan 2010*
- ii. *Parramatta Local Environmental Plan 2011*
- iii. *Holroyd Local Environmental Plan 2013*

Each of the existing LEPs were prepared in the Standard Instrument LEP format. However, they include objectives and clauses in addition to those mandated in the Standard Instrument LEP and therefore differ in various ways. For the most part, the content and controls generally align in so far as application and intent. Where there is a fundamental difference across the three LEPs, particularly in the case of the land use tables and principal development standards, for the purpose of harmonisation and consolidation the Standard Instrument LEP approach will prevail and/or the provision has been adjusted so that a 'best fit' approach applies.

The proposed contents of the new Cumberland LEP as a result of this Planning Proposal are as follows:

### Part 1 Preliminary

Part 1 of the consolidated Cumberland LEP covers a range of preliminary matters including the overall aims of the Plan, where the Plan applies, relationships with other instruments as well as transitional arrangements. Most items in this part are compulsory clauses under the Standard Instrument LEP and must be included in the new Cumberland LEP. Where appropriate, the Planning Proposal seeks to include specific content relevant to the Cumberland local area.

An explanation of proposed clauses to be included in Part 1 of the new Cumberland LEP is provided below.

#### **Name of Plan**

The Plan will be called the *Cumberland Local Environmental Plan 2020*.

#### **Commencement**

The Plan will commence on the day on which it is published on the NSW legislation website.

#### **Aims of Plan**

The aims of the Plan, being a consolidation of the aims of the existing three LEPs and updated to reflect the future desired direction for Cumberland, are:

- a) Establish a planning framework for sustainable land use and development in Cumberland
- b) Provide for a range of land uses and developments in appropriate locations across the Cumberland area
- c) Facilitate economic growth and employment opportunities in Cumberland
- d) Protect and enhance the natural, built and cultural heritage of the Cumberland area
- e) Support the provision of community facilities and services in Cumberland to meet the needs of residents, workers and visitors

**Land to which Plan applies**

The land to which the Plan applies will be shown on the Land Application Map and includes the whole of the Cumberland LGA.

**Definitions**

This clause will be as per the Standard Instrument LEP. The clause references the Dictionary to be included at the end of the Plan to define certain words and expressions.

**Notes**

This clause will be as per the Standard Instrument LEP. This is an advisory clause only.

**Consent authority**

Council will be the consent authority for the purposes of the Plan (subject to the Act).

**Maps**

This clause will be as per the Standard Instrument LEP.

**Repeal of planning instruments applying to land**

This clause will be as per the Standard Instrument LEP.

**Application of SEPPs**

This clause will be as per the Standard Instrument LEP.

**Savings Provision**

The Planning Proposal seeks to include a savings provision within the new Cumberland LEP to ensure that any development applications which were submitted prior to the [gazetted] Plan will be decided in accordance with the current LEPs in force.

## Part 2 Permitted or Prohibited development

Part 2 of the consolidated Cumberland LEP provides information on permitted or prohibited development, including land use zones and the application area for zones. Reference is also made to the Land Use Table, which outlines the zone objectives, permitted land uses and prohibited land uses. Most items in this part are compulsory clauses under the Standard Instrument LEP and must be included in the new Cumberland LEP. Where appropriate, the Planning Proposal seeks to include specific content relevant to the Cumberland local area.

An explanation of proposed clauses to be included in Part 2 of the new Cumberland LEP is provided below.

### Land use zones

This clause will include a list of all zones used across the existing three LEPs, as follows:

#### **Residential Zones**

R2 Low Density Residential  
R3 Medium Density Residential  
R4 High Density Residential

#### **Business Zones**

B1 Neighbourhood Centre  
B2 Local Centre  
B4 Mixed Use  
B5 Business Development  
B6 Enterprise Corridor

#### **Industrial Zones**

IN1 General Industrial  
IN2 Light Industrial

#### **Special Purpose Zones**

SP1 Special Activities  
SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation  
RE2 Private Recreation

#### **Environment Protection Zones**

E2 Environmental Conservation

#### **Waterway Zones**

W1 Natural Waterways

The Planning Proposal does not seek to introduce any new zones, or remove any existing zones as applicable to the Cumberland LGA.

### Zoning of land to which Plan applies

This clause will be as per the Standard Instrument LEP. The clause states that land is within the zones shown on the Land Zoning Map.

The Planning Proposal does not seek to change the zoning of most of the land that is already zoned under the Auburn, Parramatta or Holroyd LEPs within the Cumberland LGA. The Planning Proposal seeks to continue the existing application of zones for the new Cumberland LEP Land Zoning Maps, as far as possible. In instances where zoning changes are proposed to be made, these are identified in this Planning Proposal.

**Zone objectives and Land Use Table**

This clause will be as per the Standard Instrument LEP. The clause references the Land Use Table and requires the consent authority to have regard to the objectives for development in a zone when determining a development application.

**Unzoned Land**

This clause will be as per the Standard Instrument LEP. The clause states that consent is required for development on unzoned land.

**Additional permitted uses for particular land**

This clause will be as per the Standard Instrument LEP. The clause allows the consent authority to grant consent for particular development not otherwise permitted in a zone. The clause refers to Schedule 1 which will include all additional permitted uses that currently apply to land in Cumberland under the existing Auburn, Parramatta and Holroyd LEPs.

**Subdivision – consent requirements**

This clause will be as per the Standard Instrument LEP. The clause requires development consent for land to be subdivided, and specifically excludes subdivision of land comprising secondary dwellings unless each resulting lot achieves the applicable minimum lot size.

**Demolition requires development consent**

This clause will be as per the Standard Instrument LEP. The clause requires development consent for demolition of a building, unless identified as exempt development under Schedule 2 or the Exempt and Complying Development Codes SEPP 2008.

**Temporary use of land**

This clause allows development consent to be granted for a temporary use provided it does not compromise future development of the land, or cause any detrimental economic, social, amenity or environmental effects. Both the Auburn LEP 2010 and Parramatta LEP 2011 stipulate 28 days as the maximum period of development consent for a temporary use in any zone. The Holroyd LEP allows up to 52 days.

The Planning Proposal seeks to include 52 days as the maximum period of development consent for a temporary use in any zone in the new Cumberland LEP. This approach is consistent with the suggested approach in the Standard Instrument LEP and will further reduce the regulatory burden in the former Auburn and Parramatta LEP areas to facilitate opportunities for creative and artistic expression and participation, consistent with the Liveability Priorities (Action 14) of the Central City District Plan.

## Land Use Table

The Planning Proposal seeks to merge the Land Use Table provisions in the existing Auburn, Parramatta Holroyd LEPs to form a combined and consistent suite of land use zones for the new Cumberland LEP.

In preparing the Land Use Table, a general rule of permissibility retention has been used. This means that the permissible land uses in most zones proposed for the new Cumberland LEP are a combination of the permissible land uses of the existing LEPs that apply in the Cumberland area. For example, if a use is permissible within a zone under the current Auburn, Holroyd or Parramatta LEPs, it is generally proposed to be permitted within that zone under the new Cumberland LEP. However, some changes to the permissible or prohibited uses within each zone are necessary to establish consistent controls for each land use zone.

## Open and closed zones

In preparing the Land Use Table, Council has considered whether a zone should be open or closed. An open zone is one where a broad variety of land uses can be considered allowing greater flexibility and minimising the need to undertake 'spot rezonings'. A closed zone is one where the diversity of land uses is more restrictive, meaning development types are chosen primarily from only one or two key 'group' terms.

Where the Planning Proposal seeks to adopt an 'open' approach, the Land Use Table for that zone will:

- specifically list any mandated or other uses that may be undertaken without consent under Item 2 'Permitted without consent'
- specifically list any mandated or other land uses as prohibited under Item 4 'Prohibited'
- specifically list any mandated or other uses in Item 3 'Permitted with consent' to achieve the zone objectives. In addition, the zone table will include the words 'Any development not specified in Item 2 or 4.'

Where the Planning Proposal seeks to adopt a 'closed' approach, the Land Use Table for that zone will:

- specifically list any mandated or other uses that may be undertaken without consent under Item 2 'Permitted without consent'
- specifically list any mandated or other land uses as permitted with consent under Item 3 'Permitted with consent' to achieve the zone objectives
- specifically list any mandated land uses as prohibited in item 4 and add 'Any development not specified in Item 2 or 3'.

The Planning Proposal seeks to include the following approach to the Land Use Table for the new Cumberland LEP, based on the recommended approach in the Department of Planning, Industry and Environment's LEP Practice Note PN 11-002 and the principle of maintaining consistency and permissibility retention across the three existing LEPs as far as possible:

Zone	Approach to Land Use Table
<b>Residential Zones</b>	
R2 Low Density Residential	Closed
R3 Medium Density Residential	Closed
R4 High Density Residential	Open
<b>Business Zones</b>	

B1 Neighbourhood Centre	Closed
B2 Local Centre	Open
B4 Mixed Use	Open
B5 Business Development	Open
B6 Enterprise Corridor	Open
<b>Industrial Zones</b>	
IN1 General Industrial	Open
IN2 Light Industrial	Open
<b>Special Purpose Zones</b>	
SP1 Special Activities	Closed
SP2 Infrastructure	Closed
<b>Recreation Zones</b>	
RE1 Public Recreation	Closed
RE2 Private Recreation	Closed
<b>Environment Protection Zones</b>	
E2 Environmental Conservation	Closed
<b>Waterways Zones</b>	
W1 Natural Waterways	Closed

### Key land use considerations

In harmonising and consolidating the existing Auburn, Parramatta and Holroyd LEPs, several key land use issues were identified. The Planning Proposal seeks to address them as follows:

#### Places of Public Worship

The permissibility of places of public worship currently varies across the existing three LEPs. They are permissible uses in all the residential, business and industrial zones under the Auburn and Holroyd LEPs. Under the Auburn LEP, places of public worship are also permissible within the SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation and RE2 Private Recreation zones. The Parramatta LEP does not permit places of public worship within the R2 Low Density Residential zone. Where existing places of public worship are located within a low-density residential area in the Parramatta area, they are zoned SP1.

The Planning Proposal seeks to adopt the Standard Instrument LEP approach to the permissibility of places of public worship for the new Cumberland LEP by permitting them with consent only in the R3, R4, IN1 and IN2 zones. This will protect the amenity of low density residential areas in all of Cumberland by prohibiting the development of places of public worship in the R2 zone but continue to permit them with consent in all other residential and industrial zones. This will ensure that places of public worship can continue to be located in the local community, but only where they are compatible with both the existing and future desired character of the area.

Existing sites identified as SP1 Place of Public Worship in the Parramatta LEP, within low density residential areas, will assume the adjacent zoning at that location. Existing places of public worship with development consent will permit the continuation of current approved places of public worship in the R2 zone under the new Cumberland LEP. This approach is appropriate to allow for a transition of land to the new preferred planning outcomes, rather than continue to permit an undesirable land use.

In addition, the Planning Proposal seeks to include a special local provision in the new Cumberland LEP that sets a minimum lot size of 2,000 sq.m for places of public worship in the R3 and R4 zones,



along with urban design considerations for development assessment. This will be reinforced by the inclusion of the following additional objective in the land use table for the R3 and R4 zones:

- to ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment

The LEP control will be supported by detailed Development Control Plan provisions relating to locational requirements, site coverage, setbacks, built form, car parking and traffic management, landscaping, amenity, operational management and the like, to be prepared and considered separately to this Planning Proposal.

#### **Residential Flat Buildings**

Residential flat buildings (RFBs) are currently permitted within the R4 zone in all three LEPs, whereas only Auburn LEP permits RFBs in the B1 and B2 zones. Both Parramatta and Auburn LEPs currently permit RFBs in the B4 Zone. Only the Holroyd LEP permits RFBs within the B6 zone.

The objectives of the B6 zone are to promote business and provide a range of employment uses. In addition, one of the key messages of *Cumberland 2030: Our Local Strategic Planning Statement* is to 'promote access to local jobs'. A continued increase in residential development within business zones has the potential to create a negative impact. In addition, RFBs often do not include active ground floor street frontage which especially within the B4 zone can have a negative impact on the vibrancy, amenity and economic offering of the zone. The Planning Proposal therefore seeks to prohibit RFBs within the B4 and B6 zones in the new Cumberland LEP to support these outcomes.

#### **Seniors housing**

Seniors Housing can either be specifically permissible within land use zones or, in certain circumstances approved under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The Policy encourages the provision of housing for seniors and people with a disability in areas where this form of housing might otherwise not be permissible. It specifically applies to land zoned for urban purposes where dwellings houses, residential flat buildings, hospitals and special uses are permissible.

The Planning Proposal seeks to include 'seniors housing' as a specifically permitted use in the B4 zone to ensure that this form of housing can continue to be located on sites that are accessible to shops, services, health care, social and recreation facilities.

#### **Sex services premises**

Sex services premises are currently permissible in the IN1 zone under the Auburn LEP, and in both the IN1 and IN2 zones under the Parramatta LEP. Sex services premises are prohibited in all zones under the Holroyd LEP, with the exception of a handful of sites identified in Schedule 1 Additional permitted uses.

The Planning Proposal seeks to permit sex services premises with consent in the IN1 zone, and specifically exclude them elsewhere, in the new Cumberland LEP. The Planning Proposal will also continue to allow sex services premises on sites currently listed in Schedule 1 of the Holroyd LEP.

### Part 3 Exempt and complying development

Part 3 and associated Schedules 2 and 3 of the new Cumberland LEP specify development types which may be undertaken as either Exempt (which does not require an approval from Council) or Complying Development (certain development that can be undertaken subject to a limited approval) and subject to *State Environmental Planning Policy (Exempt and Complying Development) 2008*. All items in this Part and Schedules are compulsory and must be included in the LEP.

An explanation of proposed clauses to be included in Part 3 of the new Cumberland LEP is provided below.

#### **Exempt development**

The Planning Proposal does not seek to introduce any new controls for exempt development. It relies upon the provisions of Schedule 2 and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The range of exempt land uses to be included in the new Cumberland LEP is consistent with the existing three LEPs.

#### **Complying development**

The Planning Proposal does not seek to introduce any new controls for complying development. It relies upon the provisions of Schedule 3 and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. The range of complying land uses to be included in the new Cumberland LEP is consistent with the existing three LEPs.

#### **Environmentally sensitive areas excluded**

This clause will be as per the Standard Instrument LEP. The clause defines an 'environmentally sensitive area' where exempt or complying development must not be carried out.

## Part 4 Principal development standards

Part 4 of the new Cumberland LEP provides key development standards relating to the use of land. Many of the provisions are optional under the Standard Instrument LEP, but if adopted contain standard content that can be tailored to local conditions. The Planning Proposal seeks to include a range of principal development standards in the new Cumberland LEP based on the following principles:

- i. Apply a consistent planning approach across the Cumberland area as far as practicable
- ii. Adopt Standard Instrument LEP clauses as required, with local content included where possible
- iii. Use 'best-fit' to retain/continue current planning outcomes in instances where the existing LEPs operating in Cumberland do not align
- iv. Introduce new policy or planning approach only if appropriate.

The Planning Proposal seeks to continue the relevant principal development standards included in the existing Auburn, Parramatta and Holroyd LEPs to the new Cumberland LEP largely unchanged. An explanation of proposed clauses to be included in Part 4 of the new Cumberland LEP is provided below.

### **Minimum subdivision lot size**

This clause allows Council to identify subdivision lot sizes for the Cumberland LGA on the Lot Size Map for the new LEP. The clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent.

Currently the three LEPs contain different objectives for this clause. The Planning Proposal seeks to include a consolidated and consistent set of clause objectives in the new Cumberland LEP, as follows:

- a) to ensure that lot sizes can accommodate development consistent with relevant development controls
- b) to ensure that subdivision of land is able to support a range of development types
- c) to prevent fragmentation of land that would preclude the achievement of the land uses or development desired in a given locality
- d) to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.

In addition, the Planning Proposal seeks to continue certain development and site specific controls from the Auburn and Parramatta LEPs relating to dwelling houses, battle-axe lots, subdivision of dual-occupancies and the former Lidcombe Hospital site.

### **Minimum subdivision lot size for community title schemes**

This clause seeks to ensure that land is not fragmented by subdivisions that would create additional dwelling entitlements. The clause enables the consent authority to control the size of lots under community title schemes through the Minimum Lot Size Map. Currently only the Holroyd LEP has adopted this provision. The Planning Proposal seeks to include this clause in the new Cumberland LEP

### **Exceptions to minimum lot sizes for certain residential development**

This clause seeks to encourage housing diversity without adversely impacting on residential amenity. Currently only the Holroyd LEP has adopted this provision. The Planning Proposal seeks to include this clause in the new Cumberland LEP. The Planning Proposal does not seek to change the intent or operation of the clause.

**Height of buildings**

This clause allows Council to identify building heights for the Cumberland LGA on a Height of Buildings Map in the LEP. The objectives of the clause currently differ across the three LEPs, with the Parramatta LEP including more detail with an additional focus on preservation of historic views and existing character. The Holroyd and Auburn LEPs both promote appropriate development which is compatible with the character of the locality. The Holroyd LEP also focusses on solar access and privacy.

The Planning Proposal seeks to consolidate the objectives and controls from the three LEPs, as follows:

- a) to establish a maximum height of buildings to enable appropriate development density to be achieved
- b) to ensure that the height of buildings is compatible with the character of the locality
- c) to minimize the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties
- d) to reinforce and respect the existing character and scale of low density residential areas

In addition, the Planning Proposal seeks to continue specific provisions for key sites and the Parramatta Road Precinct from the Parramatta and Auburn LEPs respectively into the new Cumberland LEP.

**Floor space ratio**

This clause allows Council to identify floor space ratios in the Cumberland LGA on a Floor Space Ratio Map in the LEP. The Planning Proposal seeks to consolidate the objectives and controls from the existing three LEPs, as follows:

- a) to establish a maximum floor space ratio to enable appropriate development to be achieved
- b) to ensure that development intensity reflects its locality

Both the Auburn and Holroyd LEPs include development and site specific controls for certain areas including the former Lidcombe Hospital site, Parramatta Road Precinct and retail premises on land in the B6 zone. The Planning Proposal seeks to include these specific provisions in the new Cumberland LEP.

**Calculation of floor space ratio and site area**

This clause will be as per the Standard Instrument LEP. The clause sets out additional provisions for the purposes of applying floor space ratios to development sites.

**Exceptions to development standards**

This clause will be as per the Standard Instrument LEP. The clause allows for development consent to be granted even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

## Part 5 Miscellaneous provisions

Part 5 of the new Cumberland LEP provides specialised provisions to address local issues. The proposed miscellaneous provisions for inclusion in the new Cumberland LEP are based on the following general rules of retention:

- i. Additional local provisions and additional permitted uses will generally be retained
- ii. New provisions that address specific local circumstances will be included where justified, such as a result of relevant planning components of Council's local strategic planning
- iii. Additional permitted use provisions may be used to allow certain land uses/development on land where they would otherwise be prohibited, subject to conditions.

The key miscellaneous provisions identified in the existing LEPs will be included in the new Cumberland LEP largely unchanged. An explanation of proposed clauses to be included in Part 5 of the new Cumberland LEP is provided below.

### Relevant acquisition authority

This clause will be as per the Standard Instrument. The clause will contain a consolidated list of acquisition authorities from the three existing LEPs. The Planning Proposal will not change the existing acquisition liabilities across the existing Auburn, Parramatta and Holroyd LEP areas, which will be reflected in the new Cumberland LEP.

### Classification and reclassification of public land

This clause will be as per the Standard Instrument. The clause enables Council to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP. The Planning Proposal does not seek to classify or reclassify any public land. Schedule 4 will therefore appear blank when the new Cumberland LEP is made.

### Development near zone boundaries

This clause provides flexibility to allow a use that is permitted on one side of a zone boundary to occur on the immediate other side if this would enable a more logical and appropriate development of the site, provided that it is compatible with the objectives of both zones.

The existing Auburn, Parramatta and Holroyd LEPs include different distances within which this clause applies. The Planning Proposal seeks to include this clause to apply to land that is within 20 m of a boundary between any two zones, consistent with the existing Auburn LEP approach. This permits flexibility to offset the limitations of broad LGA/Precinct-scale zone mapping, or to address changes in development needs and/or market conditions over time.

### Controls relating to miscellaneous permissible uses

This clause enables Council to insert numerical standards for certain types of development to reflect the unique characteristics of the Cumberland LGA. The existing Auburn, Parramatta and Holroyd LEPs include different controls for the various uses to which this clause applies. The Planning Proposal seeks to adopt a moderate approach to miscellaneous permissible use controls for inclusion in the new Cumberland LEP, as follows:

<i>Bed and breakfast accommodation</i>	not more than 3 bedrooms
<i>Home businesses</i>	not more than 30 sq.m of floor area
<i>Home industries</i>	not more than 30 sq.m of floor area
<i>Industrial retail outlets</i>	not more than 10% of gross floor area



<i>Farm stay accommodation</i>	not more than 3 bedrooms
<i>Kiosks</i>	not more than 10 sq.m of floor area
<i>Neighbourhood shops</i>	not more than 80 sq.m of retail floor area
<i>Neighbourhood supermarkets</i>	not to exceed 1,000 sq.m of floor area
<i>Roadside stalls</i>	not more than 8 sq.m of gross floor area
<i>Secondary dwellings</i>	not more than 10% of total floor area of principal dwelling
<i>Artisan food and drink industry exclusion</i>	not more than 10% or 400 sq.m (whichever is the lesser) of the gross floor area to be used for retail sales

#### **Architectural roof features**

This clause enables consent to be granted to development that includes an architectural roof feature which exceeds the height limits set elsewhere in the Plan. The clause is consistent across the existing Auburn, Parramatta and Holroyd LEPs. The Planning Proposal seeks to include this clause in the new Cumberland LEP.

#### **Conversion of fire alarms**

This clause will be as per the Standard Instrument LEP. The clause specifies when consent is required for the conversion of fire alarm systems, and which development is complying development.

#### **Heritage conservation**

This clause will be as per the Standard Instrument LEP. The objective of the clause is to conserve the environmental heritage of the Cumberland LGA, including individual items, conservation areas, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. The clause is consistent across the existing Auburn, Parramatta and Holroyd LEPs. The Planning Proposal seeks to include this clause in the new Cumberland LEP. Heritage items and conservation areas will be listed and described in Schedule 5 of the Cumberland LEP and shown on the Heritage Map.

#### **Bush fire hazard reduction**

This clause will be as per the Standard Instrument LEP. The clause makes it clear that bush fire hazard reduction work which is authorised by the Rural Fires Act 1997 can be carried out without consent.

#### **Infrastructure development and use of existing buildings of the Crown**

This clause will be as per the Standard Instrument LEP. The clause specifies that nothing in the Plan in any way restricts or prohibits permitted or exempt development undertaken by or on behalf of a public authority under *State Environmental Planning Policy (Infrastructure) 2007*.

#### **Pond-based, tank-based and oyster aquaculture**

This clause will be as per the Standard Instrument LEP. The clause seeks to encourage sustainable oyster, pond-based and tank-based aquaculture in the State. Location and operational requirements for permissible pond-based and tank-based aquaculture development are set out in Schedule 6 of the LEP.



## Part 6 Local provisions

Part 6 of the new Cumberland LEP provides additional specialised provisions to address local issues. The proposed specialised provisions for inclusion in the new Cumberland LEP are based on the following general rules of retention:

- a) Existing Local Provisions and Additional Permitted Uses will generally be retained
- b) Additional local provisions that address specific local circumstances where justified – such as a result of relevant planning components of Council's local strategic planning
- c) Additional permitted use provisions may be used to allow certain land uses/development on land where they would otherwise be prohibited (subject to conditions)

The key specialised provisions identified in the three existing LEPs will be included in the new Cumberland LEP largely unchanged. An explanation of proposed clauses to be included in Part 6 of the new Cumberland LEP is provided below.

### **Acid sulfate soils**

This clause seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The clause is based on the model local clause provided by Parliamentary Counsel's Office and is generally consistent across the existing Auburn, Parramatta and Holroyd LEPs. The Planning Proposal seeks to include this clause in the new Cumberland LEP. It does not seek to change the intent or operation of the clause as it currently applies to land identified on the Acid Sulfate Soils Maps under the existing LEPs.

### **Biodiversity**

This clause seeks to maintain terrestrial and aquatic biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native fauna and flora and their habitats.

The Planning Proposal seeks to consolidate the existing clauses relating to 'terrestrial biodiversity' and 'biodiversity protection' from the Parramatta and Holroyd LEPs respectively, due to their similarity, for inclusion in the Cumberland LEP. The Planning Proposal does not seek to change the intent or operation of the clause as it currently applies to land identified on the Remnant Native Vegetation or Biodiversity Maps under the existing Parramatta and Holroyd LEPs.

### **Buffer area between industrial and residential zones**

This clause seeks to preserve the amenity of existing residential dwellings, without preventing the operation of general industrial land uses on adjacent land in the Smithfield/Greystanes area. The Planning Proposal seeks to include this clause in the new Cumberland LEP, to apply to land currently identified on the Holroyd LEP Site Specific Provisions Map.

### **Design excellence**

Design excellence has been identified as a key focus for the Cumberland LGA. Currently on the Holroyd LEP includes design excellence provisions which specifically relate to parts of the Merrylands Centre.

The Planning Proposal seeks to include continue the existing Holroyd LEP design excellence provisions in the new Cumberland LEP, as follows:

- To apply to development on land identified on the Design Excellence Map
- To ensure that development exhibits the highest standard of architectural and urban design
- Development must be endorsed by the Cumberland Design Excellence Panel

- Allow potential variance for development of up to 10% additional building height and/or up to 0.5:1 additional FSR.

**Development in the Commercial Precinct**

This clause permits retail premises in the B6 zone in the vicinity of Parramatta Road and St Hilliers Road, Auburn. The Planning Proposal seeks to include this clause in the new Cumberland LEP, to apply to land currently identified on the Auburn LEP Key Sites Map. The Planning Proposal does not seek to change the intent or operation of the clause.

**Development of certain land at 1A and 1B Queen Street, Auburn**

This clause applies to land zoned R4 at 1A and 1B Queen Street, Auburn. The clause seeks to protect the amenity of adjoining lower density residential areas by requiring the consent authority to take into consideration the likely height and design impacts of any proposed building on the site. The Planning Proposal seeks to include this clause in the new Cumberland LEP.

**Development on land at 42-44 Dunmore Street, Wentworthville**

This clause applies to land at 42-44 Dunmore Street, Wentworthville. The clause provides scope for additional FSR if a development on the land comprises at least 4,000 sq.m of commercial space above the ground floor, and a supermarket of at least 4,000 sq.m within the building. The Planning Proposal seeks to include this clause and FSR mapping in the new Cumberland LEP. The Planning Proposal does not seek to change the intent or operation of the clause which currently exists in the Holroyd LEP.

**Earthworks**

This clause seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. It also allows earthworks of a minor nature without requiring separate development consent.

The clause is common to and generally consistent across the existing Auburn, Parramatta and Holroyd LEPs. The Planning Proposal seeks to include this clause in the new Cumberland LEP. It does not seek to change the intent or operation of the clause.

**Essential services**

This clause requires that development consent must not be granted to development unless the consent authority is satisfied that essential for the proposed development are available or that adequate arrangements have been made to make them available when required. The clause is common to and generally consistent across the existing Auburn, Parramatta and Holroyd LEPs. The Planning Proposal seeks to include this clause in the new Cumberland LEP. It does not seek to change the intent or operation of the clause.

**Flood planning**

This clause seeks to minimise the flood risk to life and property associated with the use of land, whilst allowing development that is compatible with the flood hazard, taking into account projected changes as a result of climate change, and avoid significant adverse impacts on flood behaviour and the environment. The clause is common to and generally consistent across the existing Auburn, Parramatta and Holroyd LEPs.

The Planning Proposal seeks to include this clause in the new Cumberland LEP, with a minor change to refer to land '*at or below the flood planning level*'. It is proposed to carry-over the existing Auburn LEP Flood Planning Map.

**Foreshore building line**

This clause to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area. The clause applies to land identified on the Foreshore Building Line Map. The Planning Proposal seeks to include this clause in the new Cumberland LEP. It also seeks to adopt the Auburn LEP approach of requiring the consent authority to take into consideration sea level rise, or change of flooding patterns as a result of climate change, before granting development consent. The Planning Proposal does not seek to change the intent or operation of the clause.

**Ground floor development in Zones B2 and B4**

This clause seeks to ensure that active uses are provided at street level in certain business zones to encourage the presence and movement of people. The Planning Proposal seeks to include this clause in the new Cumberland LEP. The Planning Proposal does not seek to change the intent or operation of the clause, except that it would apply to all B2 and B4 zones in the Cumberland LGA whereas currently only the Holroyd LEP adopts this clause.

**Location of sex services premises**

This clause seeks to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children. The Planning Proposal seeks to include this clause in the new Cumberland LEP. It does not seek to change the intent or operation of the clause.

**Minimum lot area for low and medium density dual occupancy housing**

This clause will be consistent with the Council-led Planning Proposal seeking to introduce a minimum lot area for low and medium density dual occupancy housing in the Auburn and Holroyd LEP areas, currently awaiting finalisation by the Department of Planning, Industry and Environment.

The clause seeks to balance planned growth in our centres, by including a minimum lot size provision of 585 sq.m for dual occupancy development in the R2 and R3 zones to retain the general low-density scale and character of our suburbs. This approach is generally consistent with an existing provision in the Parramatta LEP and is intended to mitigate any unintended implications of the State Government's Low Rise Medium Density Housing Code on the amenity of our low and medium density residential zones, and on the capacity of local infrastructure.

**Places of public worship in Zones R3 and R4**

This clause seeks to guide the appropriate location of places of public worship by setting a minimum lot size of 2,000 sq.m in the R3 and R4 zones. This will ensure that sites of places of public worship are appropriate with regard to the character and use of the area, and capable of containing the required parking and associated operational facilities on the site. The clause also seeks to protect the amenity of residential areas by requiring the consent authority to take into consideration the following before granting consent for a place of public worship in the R3 and R4 zones:

- a) the extent to which the place of public worship and its design will integrate into the locality
- b) the extent to which the proposed development will respond to the local character, and relate to the scale and streetscape of the locality
- c) the extent to which the residential amenity of the locality will be protected from detrimental traffic-related impacts and noise associated with the development.

The Planning Proposal seeks to include this new clause in the Cumberland LEP.

**Restricted premises**

This clause sets locational requirements for restricted premises to ensure that they do not impact on any nearby sensitive land uses. It also requires consideration of hours of operation of restricted premises. The Planning Proposal seeks to include this clause in the new Cumberland LEP.

**Riparian land and watercourses**

This clause seeks to protect and maintain the quality of watercourses and riparian areas. The clause applies to land identified on the Riparian Land and Watercourses Map. The Planning Proposal seeks to include this clause and mapping in the new Cumberland LEP.

**Salinity**

This clause seeks to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity. The clause applies to land identified on the Salinity Map in the Holroyd LEP. The Planning Proposal seeks to include this clause and mapping in the new Cumberland LEP. The Planning Proposal does not seek to change the intent or operation of the clause.

**Stormwater management**

This clause seeks to minimise the impacts of urban stormwater on properties, native vegetation and receiving waters, and protect the environmental values of water identified for urban waterways in the Sydney Harbour and Parramatta River and Georges River catchments. The Planning Proposal seeks to include this clause and mapping in the new Cumberland LEP. The Planning Proposal does not seek to change the intent or operation of the clause.

**Urban heat management**

The Planning Proposal seeks to include controls that address urban heat management in the new Cumberland LEP. The proposed clause seeks to ensure that new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment and protects community health and wellbeing.

### Schedule 1 Additional permitted uses

This Schedule outlines a range of additional permitted uses that are not identified in the Land Use Table or standard provisions for zoning and/or permitted land uses. The Planning Proposal seeks to continue the range of additional permitted uses for identified sites and locations in the Auburn LEP and Holroyd LEP. The Parramatta LEP does not include any additional permitted uses that are located within the area of the new Cumberland LEP.

The Planning Proposal seeks to merge the Schedule 1 planning provisions under the existing Auburn, Parramatta and Holroyd LEPs to form Schedule 1 under the proposed Cumberland LEP. The merge of Schedule 1 will result in no significant impacts as a result of the Planning Proposal.

### Schedule 2 Exempt development

The Planning Proposal seeks to merge the Schedule 2 planning provisions under the existing Auburn, Parramatta and Holroyd LEPs to form Schedule 2 under the proposed Cumberland LEP. The merge of Schedule 2 will result in no significant impacts as a result of the Planning Proposal.

### Schedule 3 Complying development

The Planning Proposal seeks to merge the Schedule 3 planning provisions under the existing Auburn, Parramatta and Holroyd LEPs to form Schedule 3 under the proposed Cumberland LEP. The merge of Schedule 3 will result in no significant impacts as a result of the Planning Proposal.

### Schedule 4 Classification and reclassification of public land

This Schedule provides a location for Council to capture information on the classification and reclassification of public land as either community or operational land in accordance with the Local Government Act. This schedule will appear blank for the new Cumberland LEP but may be used during the life of the LEP should changes to public land classification be adopted by Council.

The Planning Proposal seeks to merge the Schedule 4 planning provisions under the existing Auburn, Parramatta and Holroyd LEPs to form Schedule 4 under the proposed Cumberland LEP. The merge of Schedule 4 will result in no significant impacts as a result of the Planning Proposal.

### Schedule 5 Environmental Heritage

The Planning Proposal seeks to merge the Schedule 5 planning provisions under the existing Auburn, Parramatta and Holroyd LEPs to form Schedule 5 under the proposed Cumberland LEP. The exception is the removal of nine heritage items for existing LEPs, as an independent assessment has found that these items no longer meet the NSW heritage criteria for heritage significance.

### Schedule 6: Pond-based and tank-based aquaculture

This Schedule provides further information on aquaculture activities, including site location and operational requirements. All items in this Schedule are compulsory and must be included in the LEP.

### Dictionary

The Dictionary provides the definition for the range of land uses included in the LEP.



The Dictionary is part of the Standard Instrument and unable to be amended.

### Maps

The Planning Proposal seeks to combine all mapping from the Auburn, Parramatta and Holroyd LEPs as relevant to the Cumberland local area into a consolidated set of maps.

## PART 3 JUSTIFICATION

### A Need for the Planning Proposal

#### 1. Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal has been prepared in accordance with the Department of Planning, Industry and Environment's document 'Guidance for merged councils on planning functions' on 12 May 2016.

This Planning Proposal will provide a continuity of planning controls across the LGA and will ensure residents and the development industry have access to an integrated document that will guide the sustainable development of the LGA. It is needed so as to enable a single LEP for the LGA that provides a consistent approach to planning and development, that introduces new provisions that respond to the challenges of urban heat management and to update information held.

The resulting Cumberland LEP is to replace and supersede the existing three LEPs which have differences in their content and details to direct planning and development. It should be noted that in harmonising controls and other provisions into a single LEP, the wording of some provisions as currently exist have been reviewed and may be slightly modified or newly applied (extended) to some areas when 'carried across' to the Cumberland LEP so as to be appropriate to the Cumberland LGA and to result in that one consistent approach.

This Planning Proposal is supported by a technical analysis report being the *"Cumberland Local Environmental Plan Harmonisation – Technical Paper August 2019"*.

The Planning Proposal, and in particular the objectives and intended outcomes and the explanation of provisions sections, have also been informed by the following specific studies and reports undertaken by Council addressing the Cumberland LGA:

- Local Housing Study
- Affordable Housing Study
- Traffic and Transport Study
- Employment and Innovation Lands Strategy and Land Use Planning Framework
- Bushfire Prone Land Study
- Heritage Study

The following other strategies and guidance prepared by Council have also been considered and incorporated as relevant to the LEP provisions as nominated in this Planning Proposal:

- Biodiversity Strategy
- Draft Open Space and Recreation Strategy
- Draft Community Facilities Strategy

Separate to the strategic studies and reports completed specific to the Cumberland LEP preparation, this planning proposal is also to implement other strategic planning activities that have gone through as separate and individual projects but are to be implemented under this Cumberland LEP Planning Proposal, including for parts of the Parramatta Road and Woodville Road Corridors, and Auburn and Lidcombe Town Centres.

The planning controls (including zoning, height of buildings, and reservation of land for public purposes) have recently been amended for the Merrylands Town Centre following an urban design and planning proposal process, and proposed changes are underway (through a separate planning

proposal process) for the Wentworthville Town Centre following the Revitalisation Project strategic planning work and may be finalised prior to the Cumberland LEP coming into force. As such no further revision of controls has been nominated for those two centres under this Planning Proposal.

Detailed place specific planning, drawing on background studies of this LEP, will be undertaken for other centres of the LGA to determine if any changes to planning controls are warranted, and this would form a subsequent stage activity with associated planning proposal and amendment to the Cumberland LEP. This new work is outside the scope and time available for this, essentially harmonisation, Planning Proposal.

**2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?**

The subject Planning Proposal is the only means of delivering a new Cumberland LEP, which will include the merge of existing planning provisions contained within the current Auburn, Parramatta and Holroyd LEPs.



## B Relationship to Strategic Planning Framework

### 3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

#### Regional Strategy - Greater Sydney Region Plan

The Greater Sydney Region Plan, titled *A Metropolis of Three Cities*, is NSW's principal strategic plan to guide the future growth and development of Greater Sydney to 2056. The three cities of the Greater Sydney Region Plan are the Eastern Harbour City focused on the Sydney CBD and eastern suburbs, the Central River City focused on Greater Parramatta and the surrounding areas including the Cumberland LGA and the Western Parkland City focussed on the greater west and south-west areas including Penrith, Badgerys Creek Aerotropolis, and Campbelltown-Macarthur.

Achieving the vision and intent of the Greater Sydney Region Plan focuses on the elements of infrastructure and collaboration, liveability, productivity and sustainability; and identifies ten directions or outcomes. These directions under their respective elements are:

Infrastructure	Liveability	Productivity	Sustainability
A city supported by infrastructure	A city for people	A well connected city	A city in its landscape
A collaborative city	Housing the city	Jobs and skills for the city	An efficient city
	A city of great places		A resilient city

This Planning Proposal is consistent with the aims and objectives of the Greater Sydney Region Plan as it seeks to:

- Harmonise planning controls which will provide a consistent approach to planning and development across the LGA that will benefit residents, landowners, developers and Councils.
- Retain those provisions that may have been within only one or two LEPs, to make them available for application across the entire LGA.
- Retain the majority of the planning controls (zoning, maximum building height and floor space ratio) as currently given, with some exceptions noted below.
- In combination with the Local Strategic Planning Statement (LSPS), inform state government agencies of the location and scale of future development for the planning of infrastructure needs.
- Retain the focus of existing urban centres for higher residential and employment densities that provide services, facilities, social infrastructure as currently supported under the existing controls. Most of these urban centres also have public transport connections, in particular train stations, which provide access to key employment centres within the LGA, the Greater Parramatta area including Westmead and Sydney CBD. The proximity of higher density centres to public transport modes and issues of private vehicles in centres, encourages use of public transport by people.
- Retain and support lower scale residential development in suburbs surrounding centres. The scale of commercial and residential development as permitted under the controls reflects the

relative significance and hierarchy of the centre to the LGA as well as to reflect its current and future character and aspirations, and support diversity of type and size.

- Implement the Parramatta Road Urban Transformation Strategy to provide additional housing and employment opportunities with access to urban centres for supporting services. This includes, for the Auburn Precinct in particular, the introduction of a B1 Neighbourhood Centre zoning for proposed small centres, introduce a B6 zoning along part of St Hilliers Road, and refine maximum building height and FSR controls in these rezoned areas.
- Implement specific planning changes along the important Woodville Road corridor, including the planning controls for 264 Woodville Road Merrylands following its planning proposal process, and redress land use to zoning issues along parts of the road where previously permissible higher density developments exist within what is now an lower density zoning.
- Implement amended controls, as initiated under the Auburn and Lidcombe Town Centres Strategy, to encourage redevelopment through enhanced feasibility potential and to achieve improved built form outcomes. These future enabled redevelopments will lead to increased housing and employment opportunities in these key centres that currently provide local services and transport options.
- Rezone specified land as requested by state agencies, which has been identified as surplus to requirements or for consistency of zoning of land holdings supporting operations. These specified lots are typically relatively small and, in the case of rezoning that applies the adjoining land zoning, would have negligible implications.
- Provide the same development types and to keep the current protections for open space lands including those identified for recreation use and as environmentally important lands including waterways and coastal management, having remanent vegetation and other biodiversity values. Protection of these lands will also enhance their value to the community and contribute to Sydney's Green Grid.
- Retain existing employment (industrial) lands which are in proximity to existing and established transport routes. The existing more traditional industrial lands and activities through permissible land use types per the existing LEPs are supported. Concurrently, the permissibility of land use types within industrial lands is proposed to be 'open' so as to support innovation, creative and technological opportunities as detailed in the EILS for uses not specifically listed as prohibited in the LEP. Some ancillary uses within industrial lands are to be supported though the miscellaneous controls part of the LEP.
- Provide a new provision relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. This is increasingly recognised as an issue for the LGA and the western Sydney region and seeks to better manage this into the future.
- Update the list of heritage items in the LGA, so as to provide a current list of environmental heritage at schedule 5 of the Cumberland LEP. All currently listed heritage items in the LGA are to be carried across to the Cumberland LEP with the exception of nine items that have since been assessed as no longer having heritage significance. Further investigations of potential new items of environmental heritage are to be undertaken, and if any new items are confirmed for listing, will form a subsequent amendment to the Cumberland LEP.

- Provide new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, better manage the form of the urban design, and the resulting amenity for the community.
- Include 'seniors housing' as a specifically permitted use in the B4 Mixed Use zone to ensure that this form of housing can continue to be located on sites that are accessible to shops, services, health care, social and recreation facilities, and transport options to the wider area. This accessibility would benefit residents as well as staff. The B4 zoned land which is located within existing town centres in particular would meet this locational outcome.

#### **Central City District Plan**

The Greater Sydney Region Plan is supported by the Central City District Plan, which is the District encompassing the Cumberland LGA. The Central City District Plan seeks to implement a strategic and integrated approach to managing Greater Sydney's growth by linking State and regional level aspirations with LEPs, aligning land use decisions and infrastructure planning, and monitoring and reporting on the Plan's implementation. At a more local level, a primary focus of the Plan is to promote significant infrastructure investment and growth with Parramatta identified as Sydney's second CBD. Under the District Plan, Lidcombe is identified as a Local Centre.

The Planning Proposal is consistent with the District Plan in the same ways in that it is consistent with the Greater Sydney Metropolitan Plan as noted above. In summary, the Planning Proposal is to bring together and harmonise the existing three LEPs of the Cumberland LGA into a single LEP that provides a consistent approach to planning and development across Cumberland.

The Planning Proposal is also to implement the Parramatta Road Corridor Urban Transformation Strategy as applies to the LGA, in particular to the Auburn Precinct, to implement existing initiatives for the important Woodville Road Corridor including the Planning Proposal for 264 Woodville Road and to redress zoning anomalies for existing developments, and to implement Council resolved changes to planning controls for the Auburn and Lidcombe Town Centres to encourage redevelopment that will provide jobs, housing and (human and economic) activity, and improve built form outcomes.

Specific key relevant planning priorities and actions of the District Plan, and a response to these with respect of this Planning Proposal, are provided below.

**Table 1: District Plan – Planning Priorities**

<b>Direction and Planning Priorities</b>	<b>Response</b>
<b>Infrastructure and collaboration</b>	
C1: Planning for a city supported by infrastructure C2: Working through collaboration	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (as applicable to the LGA) into a single consistent approach to planning and development across the LGA.</p> <p>The key exceptions to this are related to the implementation of the Parramatta Road Urban Transformation Strategy, revised planning controls (notable height of buildings) that were initiated under the Auburn and Lidcombe Town Centres Strategy and existing initiatives along the Woodville Road corridor, which will increase development potential through changes to planning controls as mapped for zoning, maximum</p>

	<p>building heights and FSR to support increased housing and economic activity.</p> <p>As such there will be minimal increased demand on infrastructure, other than those exceptions noted which themselves are all located within or accessible to town centres with services and have existing multiple mode choice transportation links.</p> <p>Some State agencies made submissions during the preliminary consultation on the future Cumberland LEP. These submissions sought rezoning of small parcels of land that were identified as either surplus to requirements or for consistency of zoning and use of land required for ongoing operational purposes. Where land is surplus to requirements, the nominated new zoning is typically per that of the adjacent lands. These requested rezonings have been incorporated into this Planning Proposal to support these stage agencies.</p> <p>This Planning Proposal, when on public exhibition, will be available to state government agencies that are responsible for planning and provision of infrastructure.</p>
<b>Liveability</b>	
<p><u>A city for people</u> C3: Providing services and social infrastructure to meet people's changing needs Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities</p> <p><u>Housing the city</u> C5: Providing housing supply, choice and affordability with access to jobs, services and public transport</p> <p><u>A city of great places</u> C6: Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (as applicable to the LGA) into a single consistent approach to planning and development across the LGA.</p> <p>The key exceptions to this are related to the:</p> <ul style="list-style-type: none"> <li>• Implementation of the Parramatta Road Strategy, which is to increase housing (amount and range) and employment/business opportunities in the corridor including to introduce B1 and B6 zoning in selected places and to amend height and FSR controls for these zones which will support the redevelopment envisaged by the Strategy.</li> <li>• As initiated under the Auburn and Lidcombe Town Centres Strategy and subsequently progressed through Council, to increase development potential in the Auburn and the Lidcombe town centres through changes to planning controls (notably maximum building height) to enable increased local human and economic activity as well as improve built form outcomes.</li> <li>• Implementing specific planning changes along the Woodville Road corridor, including the planning controls for 264 Woodville Road Merrylands following its planning proposal process, and redress zoning issues along parts of the road.</li> </ul> <p>The land uses permissible in the B4 zoning is to specifically include 'seniors housing' as a permitted use to ensure that this form of housing can continue to be located on sites that</p>



	<p>are accessible to shops, services, health care, social and recreation facilities, and transport options to the wider area . This accessibility would benefit residents as well as staff.</p> <p>The planning proposal seeks to provide new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, the form of the urban design and the resulting amenity for the wider community.</p> <p>The existing design excellence clause of the Holroyd LEP will be carried across to the Cumberland LEP. It is noted this may be applicable to other areas in the future.</p> <p>The Planning Proposal also addresses the heritage of the LGA. Following a technical study, all currently listed items of environmental heritage within the LGA are to be carried over to the Cumberland LEP, with the exception of those nine (9) items which were assessed as no longer having sufficient heritage value to warrant listing (including items demolished). Further investigations of potential new items of environmental heritage are to be undertaken, and if any new items are confirmed for listing, will form a subsequent amendment to the Cumberland LEP.</p> <p>The Planning Proposal does not specifically address the matter of affordable housing, however an affordable housing study has been commenced as part of the Cumberland LEP preparation project and recommendations would (if applicable) be progressed as an amendment to the future Cumberland LEP (ie. a later stage activity) when they can be given greater time to consider and address this important matter.</p>
<b>Productivity</b>	
<p><u>A well-connected city</u> C7: Growing a stronger and more competitive Greater Parramatta</p> <p><u>Jobs and skills for the city</u> C8: Delivering a more connected and competitive GPOP Economic Corridor C9: Delivering integrated land use and transport planning and a 30-minute city C10: Growing investment, business opportunities and jobs in strategic centres C11: Maximising opportunities to attract advanced manufacturing and</p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (applicable to the LGA) into a single consistent approach to planning and development across the LGA.</p> <p>The key exception/s to this are related to the implementation of the Parramatta Road Strategy, existing initiatives along Woodville Road corridor; and to implement amended controls for the Auburn and Lidcombe Town Centres. These will increase development potential through changes to planning controls to support increased human and economic activity and employment opportunities. These places are located on or near key transport routes including major roads and public train services connecting to key employment centres such as Parramatta, Westmead, and the Sydney CBD.</p>

<p>innovation in industrial and urban services land C12: Supporting growth of targeted industry sectors</p>	<p>The planning proposal seeks to retain the existing industrial and business zoned lands in the LGA, while nominating an 'open' approach to permissible land uses so as to enable innovative and non-traditional employment lands to be considered in employment zones.</p> <p>The planning proposal seeks to reinforce the employment and business type land uses of the B6 Enterprise Corridor zone by not permitting residential flat buildings in this zone. This is to ensure that employment opportunities are provided through appropriate uses in all developments in these zones.</p>
<p><b>Sustainability</b></p>	
<p><u>A city in its landscape</u> C13: Protecting and improving the health and enjoyment of the District's waterways C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes C16: Increasing urban tree canopy cover and delivering Green Grid connections C17: Delivering high quality open space C18: Better managing rural areas</p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (as applicable to the LGA) into a single consistent approach to planning and development across the LGA. As such the existing zonings for environmental conservation and public recreation will be retained.</p> <p>Those additional local provisions within Part 6 of the respective LEP specific to environmental matters that are applicable to the Cumberland LGA, such as terrestrial biodiversity/biodiversity protection, riparian land and water courses/water protection, and salinity, are to be carried across in essence to the Cumberland LEP and the existing mapped (applicable) areas will also be kept as-is and carried across. Noting some of these provisions are compulsory requirements of the Standard Instrument LEP, and so are incorporated into the Cumberland LEP.</p>
<p><u>An efficient city</u> C19: Reducing carbon emissions and managing energy, water and waste efficiently</p>	<p>Providing a new provision under Part 6 of the LEP relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. Considerations within developments include materials, design to improved thermal performance, awnings, green infrastructure, and provision of open space.</p>
<p><u>A resilient city</u> C20: Adapting to the impacts of urban and natural hazards and climate change</p>	<p>The majority of currently listed heritage items of the three LEPs, under Schedule 5, will be carried over to the new Cumberland LEP. It is noted that nine (9) items that have been assessed as no longer having heritage significance are not to be carried across to the Cumberland LEP</p>

#### **4. Is the Planning Proposal consistent with a local strategy or other local strategic plan?**

##### **Community Strategic Plan**

Council's Community Strategic Plan 2017-27 '*Welcome, Belong, Succeed*' 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 2 – A safe accessible community  
 Strategic Goal 3 – A clean and green community  
 Strategic Goal 4 – A strong local community  
 Strategic Goal 5 – A resilient built environment  
 Strategic Goal 6 – Transparent and accountable leadership

The Planning Proposal is consistent with these overall strategic goals by:

- Providing a clear and consistent approach to planning and development across the LGA, to be supported by a new development Control Plan for the LGA.
- Providing a further opportunity for community involvement and input into the broad strategic planning across the LGA, in conjunction with as the external technical advice received, the reporting process and decisions of Council as part of the open and transparent planning proposal/LEP preparation process as set out by the NSW Government.
- Retain the existing business land use zones that apply to the majority of town centres across the LGA which support business, community services and other economic activities and have public transport nodes. To note that the planning controls for the Merrylands Centre have recently been amended to support redevelopment in this centre and a separate Planning Proposal process is occurring for the revitalisation of the Wentworthville Centre.
- The implementation of the Parramatta Road Urban Transformation Strategy with a focus within the Auburn Precinct, initiatives along the Woodville Road Corridor, amended controls for the Auburn and Lidcombe Town Centres (as initiated through the Council Strategy for those centres) through the Planning Proposal will support and enable redevelopment of these areas providing increased housing choice, employment opportunities and business diversification.
- Retaining the existing land use zones that apply across the LGA which include areas of public recreation and to protect areas of heritage and environmental value including waterways.
- Providing a new provision under Part 6 of the LEP relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. Considerations within developments include materials, design to improved thermal performance, awnings, green infrastructure, and provision of open space.
- Providing new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, the form of the urban design and the resulting amenity for the wider community.
- Including 'seniors housing' as a specifically permitted use in the B4 Mixed Use zone to ensure that this form of housing can continue to be located on sites that are accessible to shops, services, health care, social and recreation facilities, and transport options to the wider area . This accessibility would benefit residents as well as staff. The B4 zoned land which is located within existing town centres in particular would meet this locational outcome.

- Permitting places of public worship within R3 and R4 zones, in addition to the industrial zones, so that such places are located in the vicinity of and accessible by the community, with an additional objective for those zones to manage any impacts and protect the amenity of those residential areas.

#### **5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal will not detrimentally impact on, and is considered to be consistent with the provisions of, relevant State Environmental Planning Policies (SEPPs) and Ministerial Directions.

*Table 1 - Consistency with state environmental policies (SEPPs)*

<b>SEPP Title</b>	<b>Consistency</b>	<b>Comment</b>
1. Development Standards Consistent	Yes	The Standard Instrument Clause 4.6 will supersede the SEPP.
19. Bushland in Urban Areas	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
21. Caravan Parks	N/A	Not applicable
33. Hazardous and Offensive Development Complex	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
36. Manufactured Home Estates	N/A	Not applicable
44. Koala Habitat Protection	N/A	Not applicable
47. Moore Park Showground	N/A	Not applicable
50. Canal Estate Development	N/A	Not applicable
55. Remediation of Land	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
64. Advertising and Signage	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
65. Design Quality of Residential Flat Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
70. Affordable Housing (Revised Schemes)	No	The Planning Proposal does not specifically address the matter of affordable housing. However, an affordable housing study has been commenced as part of the LEP review and recommendations would (if applicable) be progressed as an amendment to the Cumberland LEP.
State Environmental Planning Policy (Aboriginal Land) 2019	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.



State Environmental Planning Policy (Coastal Management) 2018	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Concurrences) 2018	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	Applicable and consistent.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	Not applicable
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (State and Regional Development) 2011	N/A	Not applicable
State Environmental Planning Policy (State Significant Precincts) 2005	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	Not applicable
State Environmental Planning Policy (Three Ports) 2013	N/A	Not applicable
State Environmental Planning Policy (Urban Renewal) 2010	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application with this SEPP
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	Not applicable

*Table 2 - Consistency with Clause 9.1 Ministerial Directions*

<b>Direction Title</b>	<b>Consistency</b>	<b>Comment</b>
<b>Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	The PP will not have any impact on existing Business and Industrial Zones and as such remains consistent with this direction.
1.2 Rural Zones	Yes	The PP will not have any impact on existing rural zoning and as such remains consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The PP will not have any impact on Mining, Petroleum and Extractive Industries and as such remains consistent with this direction.
1.4 Oyster Aquaculture	Yes	The PP will not have any impact on Oyster Aquaculture and as such remains consistent with this direction.
1.5 Rural Lands	N/A	This direction is not applicable to local government areas in the Greater Sydney Region.
<b>Environment and Heritage</b>		
2.1 Environment Protection Zones	Yes	The PP will contain provisions that facilitate the protection and conservation of environmentally sensitive areas and as such is consistent with this direction.
2.2 Coastal Protection	Yes	The PP will not contain provisions that will contradict or would hinder application of State Environmental Planning Policy (Coastal Management) 2018, and as such remains consistent with this direction.
2.3 Heritage Conservation	Yes	The PP will not contain provisions that contradict or would hinder the facilitation of the conservation of heritage items and as such remains consistent with
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable
<b>Housing, Infrastructure and Urban Development</b>		
3.1 Residential zones	Yes	Noting that the permissibility of RFBs is to be removed from B4 zone. However, it is considered that the B4 zone is not a zone in which significant residential development is permitted and is focussed on mixed and commercial uses.

3.2 Caravan Parks and Manufactured Home Estates	Yes	The PP will not have any impact on caravan parks and manufactured home estates and as such remains consistent with this direction.
3.3 Home Occupations	Yes	The PP will not have any impact on home occupations and as such remains consistent with this direction.
3.4 Integrating land use and transport	Yes	The PP will not have any impact on integrating land use and transport and as such remains consistent with this direction.
3.5 Development Near Licensed Aerodromes	Yes	The PP will not have any impact on regulated airports and defence fields and as such remains consistent with this direction.
3.6 Shooting Ranges	Yes	The PP will not have any impact on shooting ranges and as such remains consistent with this direction.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This direction only applies to the Byron Shire Council.
<b>Hazard and Risk</b>		
4.1 Acid sulphate soils	Yes	The PP will not have any impact on land containing acid sulphate levels and as such remains consistent with this direction.
4.2 Mine Subsidence and Unstable Land	Yes	The PP will not have any impact on land within a Mine Subsidence District or identified as unstable land and as such remains consistent with this direction.
4.3 Flood Prone Land	Yes	The PP will not have any impact on flood prone land and as such remains consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	The PP will not have any impact on bushfire prone land and as such remains consistent with this direction.
<b>Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	Not applicable
5.2 Sydney Drinking Water Catchments	N/A	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.5 - Revoked	N/A	Revoked
5.6 - Revoked	N/A	Revoked
5.7 - Revoked	N/A	Revoked
5.8 Second Sydney Airport: Badgerys Creek	N/A	Revoked August 2018

5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
5.10 Implementation of Regional Plans	Yes	The PP will be consistent with this Ministerial Direction and the Regional Plan
5.11 Development of Aboriginal Land Council land	N/A	Aboriginal Land SEPP does not apply.
<b>Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	The PP will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The PP will be consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The PP will be consistent with this Ministerial Direction.
<b>Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The PP will be consistent with this Ministerial Direction and the Metropolitan Plan
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Yes	The PP will not contain provisions that contradict or hinder the implementation of the PRCUTS and will be consistent with this Ministerial Direction.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Yes	The PP will not contain provisions that contradict or hinder the implementation of the Greater Parramatta Priority Growth Area. As such the PP remains consistent with this direction.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not applicable

## C Environmental, social and economic impact

### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected?**

The Planning will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

The Planning Proposal does not involve changes to zoning other than to implement the Parramatta Road Corridor Urban Transformation Strategy, to amend controls within the Auburn and Lidcombe town centres, and to implement targeted planning controls for the Woodville Road corridor. These areas are heavily urbanised and developed and are not known to support any such environmental values.

Land currently zoned for public recreation, environmental conservation and/or waterways is to be retained without change and therefore the existing protection and management of this land will continue. No changes are proposed to the permissible land uses under the respective zonings and therefore there are no impacts from this.

Land currently mapped under the respective existing LEPs located within the LGA for biodiversity (remnant vegetation) and as riparian lands and watercourses are also to be retained and so protected under the respective provision of the LEP. Similarly the existing provisions of the current LEPs relating to biodiversity and riparian lands and watercourses are also to be adopted.

Given the high level and broad nature of this Planning Proposal, and the minor changes in planning controls and provisions to achieve consistency, specific environmental impacts are difficult to assess but are considered to be limited. These impacts would be taken into consideration in detail at any future Development Application stage for a specific development.

### **8. Are there any environmental impacts and how will they be mitigated?**

The Planning Proposal will not result in any significant negative environmental effects.

Given the high level and broad nature of this Planning Proposal, and the minor changes in planning controls and provisions to achieve consistency, specific environmental impacts are difficult to assess but are considered to be limited. These environmental impacts would be taken into consideration at any future Development Application stage.

The Planning Proposal seeks to retain all existing planning controls of zoning, FSR, and building heights, except for specific places or situations. As such there will be few changes to the type and scale of development that could result. Significant of the place based exceptions for which planning controls are intended are the Parramatta Road Corridor, specific sites along Woodville Road Corridor, and within the Auburn and Lidcombe town centres. These proposed changes to controls are to implement previous planning work of the NSW Government or through Council, for which the environmental impacts have been assessed and addressed. In general, for these place based exceptions, there may be some environmental impacts relating to, for example, solar access and overshadowing, noise, amenity, traffic related. Environmental impacts may be positive as well as negative.

The 'items of environmental heritage' list as contained in Schedule 5 is to be updated based on a comprehensive LGA-wide heritage study of all such items in the LGA. All existing listed heritage



items are to be retained for inclusion under Schedule 5 of the Cumberland LEP with the exception of nine items that have been assessed as no longer having heritage significance, including those which have been demolished to warrant continued listing and so will be excluded. Further investigations of potential new items of environmental heritage are to be undertaken, and if any new items are confirmed for listing, will form a subsequent amendment to the Cumberland LEP.

The Planning Proposal seeks to broadly retain existing LEP provisions, and associated mapping, for each of the environmental matters of salinity, acid sulfate soils, flood planning and stormwater management, earthworks, bushfire hazard reduction, and the buffer zone between industrial and residential zones. As such there will be no new impacts or implications associated with these provisions.

Providing new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, improve urban design outcomes and the resulting amenity for the wider community.

The Planning Proposal introduces a new provision under Part 6 of the LEP relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. Considerations within developments include materials, design to improved thermal performance, awnings, green infrastructure and open space. As such these provisions are to reduce the need for mechanical heating and cooling, enhance greening, and manage heat generation, and would mitigate potential environmental impacts of the development.

#### **9. Has the Planning Proposal adequately addressed any social and economic impact?**

The Planning Proposal is not expected to result in any significant negative economic or social impacts.

The Planning Proposal will generally not result in substantial changes to zoning or development potential within the LGA. As this Planning Proposal is applicable to the entire LGA, but no plans or concepts of the outcomes are available, the social and economic impacts can only be generally indicated and would be minor and consistent with what could currently occur through redevelopment applying existing controls.

However there are specific sites, for which previous strategic planning work has been done and decisions made, which will be implemented under this Planning Proposal. The specific social and economic impacts of these have been assessed as part of that earlier work, and are summarised below.

Some changes to land use zones, building height, and FSR, and therefore development type and potential, are nominated within the Parramatta Road Corridor, at 264 Woodville Road and other specific sites along Woodville Road, and the Auburn and Lidcombe Town Centres as a result of and so to implement separate strategic planning projects. Details on these are provided below.

- The Auburn and Lidcombe Town Centres project, initiated by the Strategy for these centres, is aimed at renewing and re-invigorating these two places by aligning building heights to FSRs so as to improve development feasibility and so encourage reinvestment into these centres as well as to improve built form outcomes. As such, their economic activity should be enhanced through new developments and associated commercial opportunities and increased local

population. Only targeted changes to FSR (as development potential/yield) or zoning are proposed under this aspect, there are expected to be few social or economic impacts. There are anticipated to be social implications of this new and expanded residential and commercial activity.

- The Planning controls for the Merrylands East Local Centre at 264 Woodville Road, will enable commercial and residential uses on this site. A community hub including public open space is also to be provided as part of the development. A detailed assessment of the social and economic impacts was undertaken as part of the merit assessment process for that planning proposal. In general, project will provide additional housing, employment opportunities, and public park, for the development and the local community, in a location serviced by transport and accessible to the wider higher order centres of Merrylands and Granville.
- Changes are needed to zoning and associated height and FSR controls for specific areas along the Woodville Road Corridor – to implement new controls to accommodate existing higher density developments that were permissible under previous controls but are not permitted under the existing lower residential density zone. These changes will provide consistency of controls and fairness to other properties / owners, such as between higher density developments, which currently are not able to redevelop to the same scale. As these affect existing developments, minimal social or economic impacts are anticipated.
- The Parramatta Road Corridor Urban Transformation (Strategy) project of the NSW Government is to be implemented by relevant councils under the s9.1 Ministerial direction. The *Parramatta Road Corridor Urban Transformation Strategy* and associated *Parramatta Road Corridor Implementation Took Kit* guides the future land use change for the corridor through additional homes, new employment opportunities, access to transport and provision of public places.

In particular the planning proposal introduces the B1 Neighbourhood Centre zoning for proposed small centres and a B6 zoning along St Hilliers Road, consistent with this Strategy for the Auburn precinct in particular, that will provide local shops and service, and employment opportunities for that increased local population and reinvigorate and support the area generally. An Economic Analysis Report and a Social Infrastructure Analysis Report were produced as background reports that informed the Strategy and its planning controls. The controls are to reinforce and support the existing and future business activities in these areas, and specific amenity improvements are nominated to support those businesses.

- The requested rezonings by state agencies are for specific lots only, typically small in size, and have either been identified as surplus to requirements or are to achieve consistency in zoning of required lands for ongoing operational purposes. For those lands identified as surplus, it is intended these will be rezoned consistent with the adjacent land zoning and being small in area would have a very minor impact.

Providing new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, improve urban design outcomes, and the resulting amenity for the wider community.

The significant employment and innovation lands of the LGA will be maintained and protected in retaining all currently zoned industrial lands and the majority of business (B) zoned land in the LGA. and by providing an 'open' permissibility of land uses ie permitting with consent those not explicitly identified as not permissible, for the IN1, IN2, and most Business 'B' zoned lands. This approach will

also enable some non-traditional, innovative, and emerging industries to be considered as uses within those zones. This approach would support the implementation of Cumberland Employment and Innovation Lands Strategy (EILS) and associated Land Use Planning Framework, being a background study to inform this Planning Proposal and the Cumberland LEP.

The Planning Proposal seeks to allow (make permissible) seniors housing in the B4 Mixed Use zone. This is to recognise aging of the population, but who may still be independent, and their need for proximity to services, shops, conveniences, transport and so also accessible to the wider area (transport) and places of interest etc. This type of housing not only provides accommodation for this group of the population, but also the social and economic benefits. Furthermore, as this zoning is often in town centres, this provision would also allow the employment opportunities of this housing type in locations accessibly by public transport.

The Planning Proposal does not specifically address the matter of affordable housing, however an affordable housing study has been commenced as part of the Cumberland LEP preparation project and recommendations would (if applicable) be progressed as an amendment to the Cumberland LEP (ie. a later stage activity) when any such inclusion can be given greater time to consider and address this important matter.

The planning proposal seeks to permit places of public worship within R3 and R4 zones, in addition to the industrial zones, so that such places are located in the vicinity of and accessible by the community, with an additional objective for those zones to manage any impacts and protect the amenity of those residential areas.



## D State and Commonwealth interests

### 10. Is there adequate public infrastructure for the Planning Proposal?

Access to public infrastructure has been considered in the Planning Proposal. It is considered that the Planning Proposal will not create significant additional demand for public infrastructure given that the Planning Proposal will generally not result in substantial changes to development potential. Where changes are proposed that will result in development potential, such as along Parramatta Road, specific areas along Woodville Road, and the Auburn and Lidcombe town centres, these have been considered under their respective specific planning projects, and will be more intensely assessed as part of future development applications that seek to utilise the applicable planning controls, as will development in any location within the LGA.

With specific reference to the Parramatta Road Urban Transformation Strategy, an Infrastructure Schedule was produced that outlines the transport, community and open space infrastructure works to support the implementation of that Strategy, and includes works to be undertaken by Council or in conjunction with the state government through mechanisms including the developer contributions plans and redevelopment. These will be progressed with respect of funding availability, per need, and /or as redevelopment occurs.

This Planning Proposal will be provided to public agencies and placed on public exhibition, and infrastructure providers will be able to make a submission to Council.

The Planning Proposal does not include any greenfield sites as future development areas and as such there is already substantial public infrastructure located across the LGA to support and provide a basis for expansion to support growth that may result under the existing controls.

### 11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

State and Commonwealth public authorities will be consulted in accordance with the Gateway Determination and will be given at least 21 days to comment on the proposal.

State agencies (Sydney Water and Sydney Trains/RailCorp) made submissions to Council during the preliminary consultation period to seek rezonings of small land parcels that were either identified as surplus to requirements or for consistency with other land holding zonings. Many of these specific rezoning submissions have been accommodated within this Planning Proposal.

## PART 4 MAPPING

Mapping will be prepared as part of this Planning Proposal. The maps will consolidate existing mapping from the Auburn, Holroyd and Parramatta LEPs into the new Cumberland LEP. The mapping will be consistent with requirements of the Department of Planning, Industry and Environment.

## PART 5 COMMUNITY CONSULTATION

Council will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community as directed. Council will also undertake consultation with State public agencies as required by any Gateway determination from the Department of Planning, Industry and Environment.

## PART 6 PROJECT TIMELINE

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

This proposed timeline meets the Department's expectation that the Planning Proposal and LEP finalisation can be sought in mid 2020.

Step	Task	Date
1	Preparation of the draft Planning Proposal	August 2019
2	Draft Planning Proposal report prepared and presented to Council	September 2019
3	Forward Planning Proposal to Department for Gateway Determination	September 2019
4	Gateway Determination received	January 2020
5	Community Consultation on Planning Proposal	February - March 2020
6	Consider submissions and review Planning Proposal	March-May 2020
7	Report to Council	June 2020
8	Submit to Department for finalisation	Mid 2020

## ATTACHMENT 1 BACKGROUND REPORT





# Background Report

## Cumberland Local Environmental Plan Harmonisation

**Submitted to Cumberland Council**

**September 2019**

## REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	09/08/2019	Preliminary draft	
		<b>Prepared by</b>	<b>Verified by</b>
		Lucy Langley Project Planner	Juliet Grant Executive Director
			<b>Signed</b>
			
02	16/08/2019	Draft for client review	
		<b>Prepared by</b>	<b>Verified by</b>
		Lucy Langley Project Planner	Juliet Grant Executive Director
			<b>Signed</b>
			
03	27/08/2019	Final draft incorporating Client comments	
		<b>Prepared by</b>	<b>Verified by</b>
		Lucy Langley Project Planner	Juliet Grant Executive Director
			<b>Signed</b>
			
04	06/09/2019	Revised Final Draft	
		<b>Prepared by</b>	<b>Verified by</b>
		Lucy Langley Project Planner	Juliet Grant Executive Director
			<b>Signed</b>
			

### Disclaimer

This report has been prepared by City Plan Strategy & Development P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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## APPENDICES

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Comparison of Local Environmental Plans

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- b) Centre Based Child Care
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Compliance with SEPPs and Ministerial Directions

**APPENDIX 4**

LEP Workshop Summary

**Background Report**  
Cumberland Consolidated LEP Review  
P19-146  
September 2019

DRAFT



## 1. EXECUTIVE SUMMARY

City Plan Strategy & Development Pty Ltd (City Plan) was invited by Cumberland Council to assist with their comprehensive Local Environmental Plan review. City Plan's role has involved the preparation of a Background Report to support the harmonisation of the three LEPs which apply to different parts of the Cumberland LGA.

Cumberland Council was formed on 12 May 2016. The newly formed Cumberland Local Government Area (LGA) covers more than 72 sq.km with a population of 242,532 within 72,154 households and comprises the majority of the former Holroyd City Council area, approximately two thirds of the former Auburn City Council area (south of the M4) and the Woodville Ward formerly of Parramatta City Council area.

As a consequence of the amalgamation, three different land use plans (three LEPs) currently apply across the LGA:

- i) Auburn Local Environmental Plan (ALEP) 2010, which applies to land in the former Auburn City Council area (eastern part of Cumberland);
- ii) Parramatta Local Environmental Plan (PLEP) 2011, which applies to land in the former Parramatta City Council area (central part of Cumberland); and
- iii) Holroyd Local Environmental Plan (HELP) 2013, which applies to land in the former Holroyd City Council area (western part of Cumberland).

Auburn LEP is the oldest of the three instruments and adopts an approach which closely follows the Standard Instrument LEP (SILEP) template. Parramatta LEP diverges slightly from the SILEP, whilst Holroyd LEP adopts a number of additional provisions and varies more significantly from the SILEP. This creates inconsistencies and a complex policy framework with different rules applying to different areas. In some cases, sites across the road from one another have a completely different set of planning controls.

Cumberland Council is seeking to address this by harmonising the three LEPs which currently apply to the LGA and updating the provisions to reflect the strategic context established by the *Greater Sydney Regional Plan* and *Central City District Plan*.

Cumberland Council has received funding from the NSW Department of Planning, Industry and Environment to accelerate its review and preparation of a comprehensive LEP for the amalgamated LGA. This is a significant task within a limited time frame which has involved:

- Preparation and exhibition of a draft local strategic planning statement;
- Identification of specific policy topics and preparation of new policy strategies in relation to housing, employment and biodiversity, amongst others;
- Alignment of three different LEPs with unique approaches and background context to their creation; and
- Briefing a newly formed Council to ensure an understanding of the process and gain endorsement for any significant changes in policy direction.

Preparation of this background report has incorporated the following steps:

- Initial comparison of the three existing LEPs (Appendix 1);
- Research and discussion amongst the project team focussed on the key issues identified by Council;
- Review of compliance with SEPPs, Ministerial Directions (Appendix 3) and SILEP template provisions;
- Series of workshops with Council officers (Appendix 4), in addition to Councillor briefings; and





- Formulation of recommendations in response to key issues.

The key principles guiding the formulation of recommendations contained within this background report include:

**Principle 1:** *As far as practicable, apply the same planning approach across the LGA in order to create a consistent set of general land use policies and development controls for Cumberland.*

**Principle 2:** *Adopt Standard Instrument LEP clauses, with local content included where appropriate.*

**Principle 3:** *Use 'best-fit' to retain/continue current planning outcomes in instances where the existing Cumberland LEPs do not align.*

**Principle 4:** *Introduce new policy/planning approach only if appropriate.*

The new draft CLEP 2020 will provide clear, consistent provisions to guide future development across all part of the Cumberland LGA. The key land use considerations addressed as part of the harmonisation exercise include:

- Permissibility of residential flat buildings in business zones;
- Permissibility of places of public worship in residential, business and industrial zones;
- Permissibility of seniors housing in residential and business zones;
- Expansion of design excellence provisions; and
- Inclusion of urban heat management principles.

In addition, this Background Report considers specific elements in relation to the SILEP format, including:

- Objectives of land use zones;
- Land use tables, and the use of open and closed zones;
- Design control standards and local provisions;
- Exempt and complying development; and
- Heritage items.

The only amendments to height or FSR controls referred to within this Background Report are site specific and relate to well progressed planning proposals which can now be incorporated within the draft Cumberland Local Environmental Plan 2020.

City Plan worked closely with Cumberland Council Officers to prepare this background report which identifies the following key inconsistencies or departure from currently policy. Council is separately updating mapping which will reflect the recommendations of this background report.



## 2. INTRODUCTION

### 2.1. LOCAL ENVIRONMENTAL PLANS (LEPs)

LEPs are the primary planning tool to guide development and land use for a Local Government Area (**LGA**). LEPs are legal documents that provide key land use and development controls, including:

- Zoning that stipulates what can or cannot be done with land (permitted and prohibited land uses);
- Identification of open space and environmentally sensitive areas to be protected;
- Identification of heritage items and conservation areas;
- Key development standards such as height and floor space ratios, to control form and density; and
- Identification suitable land for strategic infrastructure through special purpose land.

The State Government requires Council's to adhere to a Standard Instrument LEP format ("**SILEP**") which is prescribed by the Standard Instrument (Local Environmental Plans) Order 2006<sup>1</sup>. This identified certain clauses that must be included in an LEP and certain land uses that must be permitted in particular zones. Other land uses may be permissible with or without consent in certain zones under State Environmental Planning Policies (**SEPPs**), which have the effect of overriding Council's LEPs.

### 2.2. WHY CUMBERLAND LGA NEEDS TO HARMONISE ITS PLANS

On 12 May 2016, Cumberland Council was proclaimed, comprising of the majority of the former Holroyd City Council area, approximately two thirds of the former Auburn City Council area (south of the M4) and the Woodville Ward formerly of Parramatta City Council area. The newly formed Cumberland Local Government Area (**CLGA**) covers more than 72 sq.km with a population of 242,532 within 72,154 household<sup>2</sup>.

As a consequence of the amalgamation, three different land use plans (three LEPs) apply across the LGA. This creates significant inconsistencies and a complex policy framework with different rules applying to different areas. In some cases, sites across the road from one another have a completely different set of planning controls.

<sup>1</sup> <https://www.legislation.nsw.gov.au/#!/view/EPI/2006/155a>

<sup>2</sup> Cumberland 2030: Our Local Strategic Planning Statement – Draft June 2019

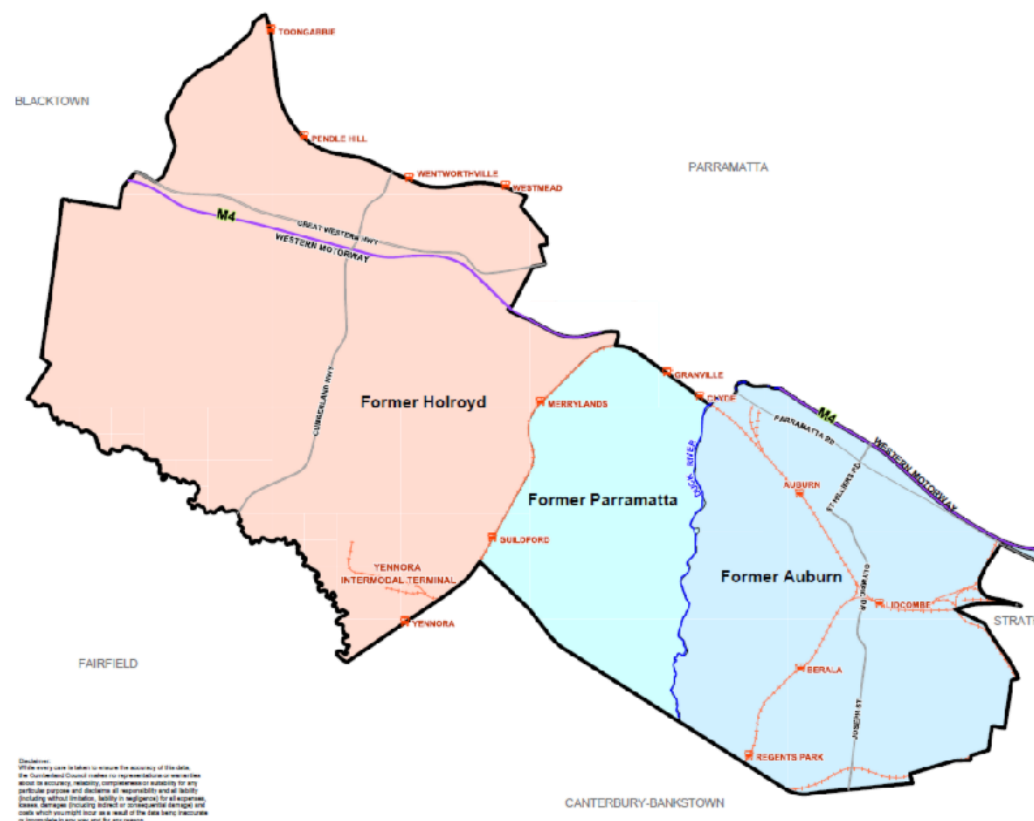


Figure 1 Cumberland Local Government Area (Source: Cumberland LEP Review Health Check October 2018)



The three LEPs that currently apply are:

- Auburn Local Environmental Plan 2010 (ALEP)<sup>3</sup>
- Parramatta Local Environmental Plan 2011 (PLEP)<sup>4</sup>
- Holroyd Local Environmental Plan 2013 (HELP)<sup>5</sup>

We have undertaken a review of the three LEPs which currently apply to the newly formed Cumberland Local Government Area (**CLGA**) to identify differences between them, with the aim of creating a consolidated and clear planning framework to form a consolidated Cumberland Local Environmental Plan (**CLEP**).

### 2.3. PRINCIPLES OF REVIEW AND HARMONISATION

The central focus for Cumberland is to harmonise and consolidate the three LEPs to enable a consistent approach to be taken and to ensure this new local government area can achieve its planning and development objectives:

- To establish a planning framework for sustainable land use and development;
- To provide for a range of land uses and developments in appropriate locations;
- To facilitate economic growth and employment opportunities;
- To protect and enhance the natural, built and cultural heritage; and
- To support the provision of community facilities and services to meet the needs of residents, workers and visitors.

The following principles have underpinned the LEP Review:

- Harmonise and consolidate 3 instruments into a single instrument applicable to the whole LGA;
- Apply the standard instrument local environmental plan (SILEP) provisions wherever possible;
- Ensure that amendments facilitate consistency and include local content where possible;
- Retain planning outcomes and approach where possible unless material planning considerations indicate a policy change is required;
- Simplify planning controls by ensuring they are: plain English, understandable, measurable, implementable and provide certainty;
- Comply with higher order instruments to avoid duplication of planning controls (see **Appendix 3**); and
- Introduce a new policy or planning approach only if appropriate.

<sup>3</sup> <https://www.legislation.nsw.gov.au/#!/view/EPI/2010/616>

<sup>4</sup> <https://www.legislation.nsw.gov.au/#!/view/EPI/2011/540/full>

<sup>5</sup> <https://www.legislation.nsw.gov.au/#!/view/EPI/2013/139/full>



The task of bringing together three LEP planning controls into one harmonised instrument is challenging and likely to need to occur in stages. The key outcome from the project has been to create consistency and practical changes that provide all users of the instrument with clear direction and understanding.

## 2.4. KEY ISSUES

The following key issues have been identified as the focus of this Background Report.

### 2.4.1. Places of Public Worship

#### Current Position

Currently all three LEPs permit places of public worship in the R3, R4, B1, B2, B4, B5, IN1 and IN2 zones. Only the Parramatta LEP prohibits places of public worship within the R2 zone. Where existing Places of Public Worship's are located within the Parramatta low density residential zone, they are zoned as SP1<sup>6</sup>. Auburn also permits places of public worship within the SP1 zone.

#### Consideration

A comparison of the permissibility of places of public worship of four other LGAs within the Greater Sydney area; Fairfield, Blacktown, Liverpool and Sutherland Shire (see **Appendix 2a**). This comparison showed that only Parramatta followed the SILEP approach and prohibited places of public worship within the R2 zone. All of the comparison LGAs permitted places of public worship within all business zones and industrial zones save for Liverpool and Sutherland, which prohibit places of public worship within the IN3 (Heavy Industrial) zone. The Parramatta LEP is the only LGA from our comparison which adopts the approach of zoning places of public worship as a SP1 land use and only the Auburn LEP permits places of public worship within both special purpose zones. The Auburn LEP and Liverpool LEP also permit places of public worship within recreational zones. In summary, this indicates that places of public worship are generally permitted within residential, business and industrial zones.

The SILEP permits places of public worship in the R3, R4, IN1 and IN2 zones.

The SILEP defines a place of public worship as:

*"a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training".*

The SILEP definition enables a number of associated activities to occur within a place of public worship with the key theme being that these ancillary activities are available to the public and have a religious element or religious connection. A number of these ancillary activities are often a standalone land use e.g.

<sup>6</sup> See Appendix 2(a) for Place of Public Worship Permissibility Comparison

centre-based child care, community facilities and education establishment. These uses have similar amenity impacts such as traffic, parking and noise. We therefore undertook a comparison of the permissibility of these land uses within the three LEPs and comparative LGAs (see **Appendix 2(b -d)**). Education establishments are generally permitted within the residential zones and business zones. However, if the proposed use is as a school, any prohibition within a zone of education establishments would be overridden by the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)<sup>7</sup>. Community facilities are generally permitted across all zones, save for the special purpose zones where only Auburn allows them. Centre based childcare is generally permissible across the three LEPs and comparative LGAs within residential, business and industrial zones except for Auburn and Sutherland who prohibit centre based child-care in the IN1 zone. None of the three LGAs or comparative LGAs permit centre based childcare within the special purpose zones. These comparisons would suggest that education establishments, community facilities and centre-based child care uses are generally acceptable in a wider range of land use zones.

Table 1 provides a summary of the planning considerations and implications of allowing places of public worship to be permissible in a broader range of zones than those indicated in the SILEP.

Table 1 - Places of Public Worship Planning Considerations

Consideration	Discussion
<b>Variety / Definition</b>	The range of uses that can be categorised as a place of public worship varies greatly and therefore their needs can be very different. Emerging worship groups may only require a small space to meet weekly with limited ancillary activities. Whilst established congregations which are projected to grow need to increase their useable space and provide for additional ancillary activities on numerous days of the week.
<b>Scale</b>	The scale of different places of public worship varies significantly. If places of public worship are prohibited within certain zones, this does not only prohibit the large-scale Places of Public Worship but also the small scale Places of Public Worship which may have limited impact on amenity.
<b>Need</b>	Places of Public Worships are a service provider and play an important role within the community. As a form of social infrastructure, it is important they are accessible to users and embedded within the community.
<b>Ancillary uses</b>	As per the SILEP definition, a place of public worship can include a number of other ancillary uses which need to be considered including the importance of these ancillary activities to the community and their amenity impacts.
<b>Amenity impacts</b>	New places of public worship and growing existing places of public worship have amenity impacts including noise, parking, traffic management, safety & security, privacy and overlooking. This is a concern which was also raised in internal workshops with LGA representatives.

<sup>7</sup> <https://www.legislation.nsw.gov.au/#!/view/EPI/2017/494>





Consideration	Discussion
<b>Objectives</b>	If place of public worship are permissible in all the residential, business and industrial zones, we have considered whether additional objectives could be add to each of the zone within the draft CLEP which seek to control and manage the scale of new development, e.g. new or growing places of public worship.
<b>DCP controls</b>	A number of the concerns relating to new or growing Places of Public Worship can be alleviated by targeted and specific controls relating to Places of Public Worship within the consolidated DCP. Controls relating to car parking and traffic management for example will be considered within the DCP consolidation process.

### Recommendation

The definition of a place of public worship is broad and can capture different types and scales of facilities, some having greater impact than others. It is the impact of the use that is guiding its permissibility in particular zones. It is necessary to consider the implications of a general prohibition as some acceptable locations for small places of public worship may be inadvertently prohibited.

Given the potential impacts on amenity within the R2 zone such as traffic generation, parking provision and noise issues within the low residential zones and traffic impacts within business centres caused by places of public worship, it is recommended that the SILEP approach is adopted in relation to the permissibility of places of public worship. The SILEP permits places of public worship within the R3, R4, IN1 and IN2 zones only.

### 2.4.2. Design Excellence

#### Current Position

The NSW Government Architect describes Design Excellence as a variety of requirements intended to lift design quality and is most commonly used in relation to a single building or development. The definition of Design Excellence within statutory instruments is fairly consistent across planning legislation where it is often summarised as "... the highest standard of architectural, urban and landscape design"<sup>8</sup>.

Design excellence has been identified a key focus for improving design quality in Cumberland. The Cumberland Local Housing Study (CHS) identifies "providing initiatives to promote design excellence in the Cumberland LGA"<sup>9</sup> as one of its key objectives following community consultation, stakeholder consultation and evidence-based analysis. The importance of design excellence was further reiterated through the internal Council workshops and workshops undertaken with Local and Regional Panel Representatives.

There are a variety of ways in which design excellence can be implemented including; design competitions for certain categories of new development or development of key sites; design review panels; and design excellence incentives

<sup>8</sup> Government Architect <https://www.governmentarchitect.nsw.gov.au/review/defining-design-excellence>

<sup>9</sup> Cumberland Local Housing Study, Urbis, June 2019



Cumberland Council adopted a design excellence panel policy and guidelines on 7 August 2019 which seeks to:

- Support Council's Community Strategic Plan goals for a resilient built environment
- Facilitate design excellence in development for Cumberland
- Assist in shaping Cumberland's centres into vibrant, attractive and liveable spaces
- Promote innovative design solutions that achieve high quality buildings and spaces for key sites
- Encourage diverse and innovative design that is both contextually appropriate and makes a positive contribution to the architectural quality of the locality<sup>10</sup>

The Design Excellence Panel has recently been appointed and will consider and advise on pre-lodgement applications and development applications which meet the criteria set out in the proposed draft CLEP. This incorporates buildings with a height greater than 25m and any development proposed voluntarily referred to the Design Excellence Panel by an applicant.

At present, the Holroyd LEP includes design excellence provisions which specifically relate to areas of the Merrylands town centre and 42 – 44 Dunmore Street in Wentworthville.

There is currently a Council led planning proposal which seeks new bonus provisions for design excellence (amongst other considerations) within the Wentworthville Town Centre. The amendments will need to be incorporated within the draft CLEP once a gateway decision is issued. This will introduce Design Excellence in certain areas in the Wentworthville Centre as indicated on a revised Design Excellence map, providing bonus FSR of up to 0.5:1 and height bonus of up to 10% awarded to developments exhibiting Design Excellence. This planning proposal received gateway determination in May 2019 and has been publicly exhibited.

### Consideration

The cost of undertaking a design competition and the scale of potential development within the CLGA, means the inclusion of design competition provisions would likely be unfeasible at this time. It is recommended that design competitions are considered for specific precinct by CLGA in the future.

### Recommendation

It is recommended that a Design Excellence provision be included within the draft CLEP to incorporate the existing design excellence provision relating to Merrylands and Dunmore Street and to ensure that once gazetted, the Wentworthville design excellence provisions can also be incorporated. Further studies can be undertaken to identify other precincts or site-specific locations where design excellence provisions could be introduced during subsequent stages of planning reform.

<sup>10</sup> Cumberland Design Excellence Panel Policy Adopted 7 August 2019 [http://cumberland.infocouncil.biz/Open/2019/08/C\\_07082019\\_AGN\\_2606\\_AT\\_WEB.htm](http://cumberland.infocouncil.biz/Open/2019/08/C_07082019_AGN_2606_AT_WEB.htm)



### 2.4.3. Residential Flat Buildings and Seniors Housing.

#### Current Position

Residential flat buildings (RFB) are predominately located within high density areas near transport nodes or dense urban areas. RFBs are defined within the SILEP as:

*a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.*

RFBs are currently permitted within the R4 zone in all three LEPs, whereas only Auburn permits RFBs in the B1 and B2 zones. Both Parramatta and Auburn LEPs currently permit RFBs in the B4 Zone. Only the Holroyd LEP permits RFBs within the B6 zone.

A comparison of permissibility of RFBs within Fairfield, Blacktown, Liverpool and The Hills LGAs indicates RFBs are typically prohibited within the R2 and R3 zone but permissible within the R4 zone. In terms of the business zones, the approach to permissibility of RFBs is mixed across the three LEPs and comparative LGAs. Generally, RFBs are prohibited within the B1, B2 and B5 zones, save for Auburn, Liverpool and The Hills where RFBs are permissible within the B2 zone. A greater number of LGAs permit RFBs within the B4 zone, although the SILEP, Holroyd and Blacktown do not permit RFBs within the B4 zones (see **Appendix 2(e)**).

#### Consideration

There is a shift in attitudes to prohibit RFBs within the B4 and B6 zone. At the same time there is an appetite to encourage seniors housing within the B4 zone. In addition, the Cumberland Local Housing Study<sup>11</sup> identifies that housing options for an aging population will need to be provided.

The concern with allowing RFBs within the B4 and B6 zone is the potential loss of employment generating land uses. Cumberland's LSPS and Employment and Innovation Lands Strategy both focus on protecting existing employment lands. A continued increase in residential development within business zones has the potential to create a negative impact. In addition, RFBs often do not include active ground floor street frontage which especially within the B4 zone can have a negative impact on the vibrancy, amenity and economic offering of the zone. It was considered in workshops with Council officers whether it was appropriate to allow RFBs on the fringe of the B4 zone. However, the consensus was that this would be difficult to control through additional objectives and RFBs should be prohibited in the B4 zone entirely.

<sup>11</sup> Cumberland Local Housing Study June 2019



Seniors Housing can either be specifically permissible within land use zones or can be consent under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). The Seniors SEPP only applies to land zoned primarily for urban purposes but only if the development for the purpose of any of the following is permitted within the zone:

- Dwelling-houses
- Residential flat buildings
- Hospitals
- Development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or
- The land is being used for the purposes of an existing registered club.

This is significant because to activate the Seniors SEPP, seniors housing will need to be specifically permissible in the B4 zone if RFBs are prohibited. The same consideration applies in other zones where seniors housing would be acceptable.

#### Recommendation

The objectives of the B6 zone are to promote business and provide a range of employment uses. In addition, one of the key messages of the Cumberland Local Strategic Planning Statement (LSPS) is to “promote access to local jobs”<sup>12</sup>. It is therefore recommended that the Holroyd LEP approach of permitting RFBs within the B6 zone is not adopted within the draft CLEP.

Following workshops with Council officers and Councillor briefings, it is recommended that RFBs are prohibited within the B4 zone with shop top housing being the appropriate form of residential development within the B4 zone. To ensure continued provision of seniors housing, it is recommended that seniors housing is identified as a permissible use within the B4 zone land use table.

#### 2.4.4. Urban Heat Management

##### Current Position

Urban heat management is a significant emerging issue for Western Sydney and especially areas like CLGA.

<sup>12</sup> Cumberland 2030: Our Local Strategic Planning Statement (Draft June 2019)



The LSPS identifies support mechanisms to minimise heat island effects as a local planning priority<sup>13</sup>. Mitigating urban heat island effect and reducing vulnerability to extreme heat is included in Action 83 of the Central City District Plan<sup>14</sup>. The issue of urban cooling was also identified as a key issue within the internal Council workshops (see **Appendix 4**).

### Consideration

There has been significant research undertaken regarding the urban heat island effect and the measures that effectively mitigate its impact such as:

- Green urban area;
- Designing with water;
- Infrastructure adaptation;
- Emergency and health response;
- Education and research; and
- Cool materials<sup>15</sup>

### Recommendation

It is recommended that the draft CLEP 2020 includes a local to provision ensure that development considers design features to reduce urban heating to protect community health and wellbeing. This is in line with the Draft Cumberland Biodiversity Strategy which includes a key focus to embed biodiversity considerations into strategic plans and controls to assist with mitigating urban heat island effect. Council should also continue to monitor best practice regarding urban heat management and seek to include more details controls within its comprehensive Development Control Plan (DCP).

#### 2.4.5. Site Area

There was discussion in workshop sessions regarding the need for site area controls and minimum frontage provisions within the draft CLEP. It was acknowledged that site area control can assist with encouraging more appropriate scaled development and assist with minimising “isolated sites” from eventuating especially in town centres where there are multiple of small lots in fragmented ownership. It was generally agreed that the benefits of flexibility in regard to these types of issues means the controls are more suitably located within the DCP.

<sup>13</sup> <https://haveyoursay.cumberland.nsw.gov.au/45442/documents/108247>

<sup>14</sup> Action 83 - <https://www.greater-sydney.gov.au/central-city-district-plan/sustainability/resilient-city/adapting-impacts-of-urban-and-natural>

<sup>15</sup> WSROC Turn Down the Heat Strategy 2018 <https://wsroc.com.au/media-a-resources/reports/send/3-reports/286-turn-down-the-heat-strategy-and-action-plan-2018>





#### 2.4.6. Industrial Ancillary Uses

##### Current Position

Part 5 of the SILEP includes controls for miscellaneous permissible uses. The miscellaneous permissible uses within industrial and the harmonisation of these provisions has been a focus of this review, including industrial retail outlets, kiosks and artisan food and drink industry exclusion.

At present, the three LEPs have very different levels of controls for these uses ranging from 5% to 43% of gross floor area for industrial retail outlets, 10sqm to 100sqm gross floor area for kiosks and 5% to 43% of gross floor area for artisan food and drink industry.

##### Consideration

The Cumberland LEP Review Health Check<sup>16</sup> identifies increasing local employment and retention of existing industrial lands as a key challenge for delivering on the planning priorities and actions in the Central City District Plan. In addition, the Employment and Innovation Lands Study highlights the importance of improving the amenity offer for business and industrial areas. Both these priorities need to be balanced to ensure that industrial and employment land is not lost due to competing land uses, whilst recognising the availability of these services within industrial areas may improve their amenity and attractiveness.

In the internal workshops with Council officers (**Appendix 4**) it was noted that certain existing industrial areas within the CLGA may be more appropriate than others for these types of miscellaneous uses, for example those areas in close proximity to the Tooheys brewery or those industrial areas within close and suitable links to residential areas. Further analysis of which areas within the CLGA to relax controls should be undertaken.

##### Recommendation

It is recommended that a moderate approach be taken in respect of miscellaneous use controls. This would involve adopting a 10% gross floor area restriction for industrial retail outlets, 10sqm gross floor area for kiosks and 10% gross floor area for artisan food and drink industry. It is also recommended that a broader range of recommendations from the Employment and Innovation Lands Study are incorporated into the draft CLEP in a staged approach going forward following further analysis and consultation.

#### 2.4.7. Sex Service Premises

##### Current Position

Sex service premises are currently permissible in the IN1 and IN2 zones under the Parramatta LEP and within the IN1 zone in the Auburn LEP. The Holroyd LEP prohibits sex service premises in all zones and identifies existing premises within Schedule 1. A comparison of the permissibility of sex service premises within the Fairfield, Blacktown, Liverpool and the Hills LEP was undertaken (see **Appendix 2(g)**). The comparison indicates that sex service premises are generally not permissible within residential, business, environmental and recreation zones. Generally, sex service premises are permissible within industrial

<sup>16</sup> Cumberland LEP Review – Health Check October 2018





zones, however not home-occupation (sex services). The SILEP does not list sex service premises as a permissible use within any zone and therefore provides limited guidance.

A comparison of the LEP controls regarding the location of sex service premises was also undertaken (see **Appendix 2(g)**). A consolidated summary of the provisions includes the following themes:

- Restriction on proximity to any public utility undertaking, railways station entrance, bus stop, taxi rank, ferry terminal or alike;
- Restriction on sex service premises sharing entrances with residential units;
- Standard considerations when determining appropriate locations for sex service premises including:
  - Disturbance due to size, location and hours of operations
  - Interference with amenity
  - Disturbance due to number of sex service premises in the area
  - Impact of places frequented by children
  - Impact on places of high pedestrian activity; and
  - Whether appearance is sufficiently discreet.

This matter has been deliberated with Councillors at several briefings, and their preference is to adopt a conservative approach and only permit sex services within the IN1 zone.

### Recommendation

It is recommended that sex service premises are permissible in the IN1 zone within the Cumberland LGA. To support the inclusion of sex service permissibility, it is recommended that comprehensive provisions are adopted regarding the location of any sex service premises.

### 2.4.8. Objectives

The land use control and development standards within the LEP exist in order to implement the overarching aims and objectives of the instrument, as well as each of the zone objectives. While the SILEP identified keys objectives, opportunities exist to expand these.

A comparison of the current additional objectives available for each land use zone is included in Section 4 of this Background Report.

LEP Practice Note 09-05<sup>17</sup> (Objective Practice Note) provides guidance on the use of the mandatory zone objectives and additional local zone objectives. All three LEPs have adopted additional local objectives within some of the land use zones. Councils can add additional local objectives where appropriate but generally no more than two or three local zone objectives. The Objectives Practice Note states that additional objectives should only be included where

<sup>17</sup> <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/local-environmental-plan-zone-objectives-20090910.pdf?la=en>



considered necessary and where the mandatory objectives do not cover the key land issues within the zones or if objectives are needed to address other planning issues. Objectives should not be used to achieve aspirational policies which are supported by policies or strategies outside the LEP provisions.

Appropriate additional objectives within the Land Use Zones for certain zones has been investigated where there is a need to control the scale and mass of additional permissible uses which are only appropriate when at a scale which is appropriate for the zone.

It is recommended that additional local objectives are included within the R3 and R4 zones to ensure that appropriate uses are of appropriate scale and ensure the amenity impacts are considered whether deciding whether to grant consent for non-residential uses. In addition, a new local objective should be adopted within the IN1 zone to encourage uses which provide facilities for workers in the area and to improve amenity.

#### 2.4.9. Place Based Changes

The scope of this review does not include an evaluation of the current zoning, height or FSR controls across the LGA. Council has identified a number of areas where proposed changes to either zoning, height or FSR controls are at a progressed stage and it is intended these be incorporated into the draft CLEP. Specifically, the Woodville Road corridor and Parramatta Road corridor were identified as key opportunity areas in light of the Central City District Plan within the Cumberland LEP Review Health Check<sup>18</sup>.

##### 2.4.9.1. Woodville Road Corridor

On 3 July 2019, Council considered and endorsed the following proposed changes:

- Zoning designation for 264 Woodville Road, Merrylands (John Cootes Site)
- Planning controls for existing medium and high-density residential development along Woodville Road Corridor.

Council will include these amendments within the planning proposal for the draft CLEP 2020.

##### 2.4.9.2. Parramatta Road Corridor

Council also considered and endorsed on 3 July 2019 the following proposed changes:

- Introduction of B1 zoning for proposed neighbourhood centres for the eastern part of the identified landholdings on the corner of Parramatta Road / Silverwater Road (between Station Road and Silverwater Road) and Parramatta Road / Hampstead Road
- Introduce B6 zone along St Hilliers Road for enterprise corridor uses (eastern frontage)
- Refine height and Floor Space Ratio controls for enterprise corridor and neighbourhood centre zones, aligned with controls outlined in the Parramatta Road Corridor Urban Transformation Strategy

<sup>18</sup> Cumberland LEP Review – Health Check October 2018



Council will include these amendments within the planning proposal for the draft CLEP 2020.

#### 2.4.9.3. Auburn and Lidcombe Town Centres Planning Controls Strategy

The Auburn and Lidcombe Town Centres Planning Controls Strategy was prepared to better align planning controls (heights, floor space ratios, zoning) to support built form design outcomes and targeted increases in future urban development within the town centre precincts. In August 2019, Council resolved to progress with the planning controls strategy for Auburn Town Centre. Council will consider the planning controls strategy for Lidcombe Town Centre in September 2019

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### 3. PRELIMINARY PROVISIONS (PART 1)

This section in the Background Report provides a summary of the review and outcomes of Part 1 of the three LEPs. This section reflects the headings applied within part 1 of the SILEP.

#### 3.1. LEP Aims

The following draft CLEP aims are intended to reflect the draft LSPS:

- Establish a planning framework for sustainable land use and development in Cumberland;
- Provide for a range of land uses and developments in appropriate locations across the Cumberland area;
- Facilitate economic growth and employment opportunities in Cumberland;
- Protect and enhance the natural, built and cultural heritage of the Cumberland area; and
- Support the provision of community facilities and services in Cumberland to meet the needs of residents, workers and visitors.

#### 3.2. Savings Provision

It is recommended that a savings provision is included within the draft CLEP to ensure that any development applications which were submitted prior to the gazettal of the draft CLEP 2020, will be decided in accordance with the current and relevant LEPs that were in force at lodgement.

#### 3.3. Application of SEPPs

**Appendix 1** provides a comparison of approaches to the application of SEPPs across the three LEPs.

Of note:

- The SILEP states that SEPP No.1 – Development Standards does not apply to the relevant land to which the LEP relates.
- The Parramatta LEP excluded the application of SEPP 28 (Town Houses and Village Houses). This SEPP has been repealed and has no legal status.
- Auburn LEP excluded the application of Sydney Regional Environmental Plan No. 24 Homebush Bay area which no longer applies as the relevant land does not fall within the CLGA.

It is recommended that no further SEPP's are excluded saved for SEPP No1 to ensure that the draft CLEP does not impose more restrictive policies or divert from state policy unless site specific and local material planning considerations indicate otherwise.

## 4. PERMITTED OR PROHIBITED DEVELOPMENT (PART 2)

The focus for CLGA is to harmonise and consolidate the three LEPs currently controlling different elements of the merged LGA. Currently the three LEPs have conflicting land use permissibility and prohibitions. It is therefore recommended that if a type of development is permissible within a particular zone within one of the LEPs, then it is adopted as a permissible use within the consolidated LEP, save for where material planning considerations indicate a different approach should be adopted.

### 4.1. Land Use Zone

Table 2 outlines the consistent and additional zones within the three LEPs and whether these additional zones fall within the new CLGA. It is recommended, to ensure consistency and avoid the need to rezone that those land zones which fall within the new CLGA are carried forward within the draft CLEP.

Table 2 - Land Use Zone Comparison

LEP	Land Zone in Current LEPs	Land Zone included with CLGA
<b>Consistent</b>	Residential Zones	Yes
	• R2 Low Density Residential	
	• R3 Medium Density Residential	
	• R4 High Density Residential	
	Business Zones	
	• B1 Neighbourhood Centre	
	• B2 Local Centre	
	• B4 Mixed Use	
	• B6 Enterprise Corridor	
	Industrial Zones	
	• IN1 General Industrial	
	• IN2 Light Industrial	
	Special Purpose Zones	
	• SP2 Infrastructure	
	Recreation Zones	
	• RE1 Public Recreation	
	• RE2 Private Recreation	
	Environment Protection Zones	
	• E2 Environmental Conservation	
<b>Auburn</b>	B7 – Business Park	No
	SP1 – Special Activities	Yes

LEP	Land Zone in Current LEPs	Land Zone included with CLGA
<b>Parramatta</b>	W1 – Natural Waterways	Yes
	R1 – General Residential	No
	B3 – Commercial Core	No
	B5 – Business Development	Yes
	IN3 – Heavy Industrial	No
	SP1 – Special Activities	Yes
	E3 – Environmental Management	No
	W1 – Natural Waterways	Yes
	W2 – Recreational Waterways	No
<b>Holroyd</b>	B5 – Business Development	Yes
<b>Consolidated Land Use Zones</b>	<b>Residential Zones</b>	
	R2 Low Density Residential	
	R3 Medium Density Residential	
	R4 High Density Residential	
	<b>Business Zones</b>	
	B1 Neighbourhood Centre	
	B2 Local Centre	
	B4 Mixed Use	
	B5 Business Development	
	B6 Enterprise Corridor	
	<b>Industrial Zones</b>	
	IN1 General Industrial	
	IN2 Light Industrial	
	<b>Special Purpose Zones</b>	
	SP1 Special Activities	
	SP2 Infrastructure	
	<b>Recreation Zones</b>	



LEP	Land Zone in Current LEPs	Land Zone included with CLGA
	RE1 Public Recreation RE2 Private Recreation  <b>Environment Protection Zones</b> E2 Environmental Conservation W1 Natural Waterways	

## 4.2. OPEN AND CLOSED LAND USE ZONES

The land use zones will generally take either an open or closed approach in relation to the permissibility of land uses within the LEP. The LEP Practice Note 11-002 “Preparing LEPs using the Standard Instrument: standard zones” (the Zone Practice Note) sets out the Department’s recommended approach to the standard zones in terms of an open or closed approach<sup>19</sup>. It prescribes different approaches for different zone types and gives consideration to the zone objectives.

An open zone will have a broad variety of land uses which allows for greater flexibility. Such flexibility can be maximised through the use of group terms rather than only certain defined land uses e.g. commercial premises or residential accommodation. An open approach to land use zones is considered to be more flexible and may minimise the need for spot rezoning to be undertaken and to allow types of development (e.g. innovative/emerging uses) which may not have been envisaged at the time an LEP is drafted to be permissible without the need for a planning proposal. It should be noted that the Zone Practice Note suggests that R4 (High Density Residential) and business zones could be considered open given the wider range of uses and activities which are undertaken within them. Section 4.5 of this Background Report provides recommendations for the R4 and Business zones.

A closed zone is generally appropriate where the diversity of land uses needs to be more restrictive. It is more definitive and constrains uses to those specifically identified. This would mean that rather than using the ‘group terms’, specific and appropriate types of development are included within the permissible use. The Zone Practice Note suggests that a closed approach should be taken within the environmental, special activities and recreational zones, i.e. those zones where inappropriate land uses could potentially damage the natural environment or objectives of the zone.

Sections 4.3 to 4.7.3 of this Background Report provide our recommendation for each zone in this respect.

## 4.3. RESIDENTIAL ZONES

The General residential (R1) zone is not utilised in the three existing LEPs and is not proposed to be utilised in the draft CLEP 2020.

<sup>19</sup> LEP Practice Note 11-002 Preparing LEPs using the Standard Instrument: standard zones (10 March 2011) <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-zones-2011-03-10.pdf>

#### 4.3.1. Low Density Residential Zones

##### What is Low Density Residential Development?

The R2 zone generally comprises single and two storey dwellings both detached and attached. The R2 zone forms the majority of land, being approximately 41.9% of the CLGA <sup>20</sup>.

##### Differences

Table 3 is a comparison of the differences between the provisions in the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP.

The key differences are the permissibility of places of public worship, environmental facilities, semi-detached dwellings, exhibition villages, neighbourhood shops, recreation facilities and seniors housing across the LEPs.

Parramatta and Holroyd have also adopted additional objectives.

Table 3 - R2 Low Density Residential Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>to provide for the housing needs of the community within a low-density residential environment; and</li> <li>to enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	Adopts SILEP	<ul style="list-style-type: none"> <li>To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low-density residential environment.</li> <li>To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.</li> </ul>	<ul style="list-style-type: none"> <li>To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity</li> </ul>
<b>Permissibility Differences</b>	Boarding houses; Centre-based childcare facilities; Dwelling houses; Group homes; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture	Education Establishments; Emergency services facilities; Home-based child care; Neighbourhood shops; Place of Public Worship; Recreation facilities (indoor and outdoor)	Education Establishments; Emergency services facilities; Environmental Facilities; Flood mitigation works; Hospitals	Exhibition villages; Hostel; Place of public worship; Semi-detached dwellings; Recreation facilities (indoor and outdoor)

<sup>20</sup> Source: Cumberland Draft Housing Strategy, Urbis 3 May 2019

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Prohibition Differences</b>	None listed	Environmental facilities; Exhibition villages	Semi-detached dwellings; Places of Public Worship; Health services facilities (not including hospital and health consulting rooms)	Neighbourhood shops Recreation facilities (indoor and outdoor); Seniors Housing; Health services facilities (not including health consulting rooms); Public administration buildings; Educational Establishments; Emergency services facilities
<b>Open or Closed Approach</b>	None specified	Open	Closed	Closed

### Key Issues and Recommended Approach

Table 4 outlines the proposed R2 zone permissible and prohibited uses to be included within the draft CLEP.

The keys issues of differences outlined in Section 4.3.2 have been dealt with as follows:

- Places of public worship would be prohibited within the R2 zone.
- Environmental facilities would be prohibited within the R2 zone.
- Semi-detached dwellings, exhibition villages, neighbourhood shops, recreation facilities and seniors housing would be permissible within the R2 zone.

The proposed approach shown in Table 4 does not adopt the current Holroyd and Auburn LEPs in relation to places of public worship. Places of public worship have been considered in detail during internal workshops with Council and at Councillor briefings. A review of other Greater Sydney Council approaches has been undertaken and the impact of places of public worship within the R2 zone have also been considered.

In conclusion, places of public worship have been identified as a use where amenity planning considerations indicate a different approach should be taken. The analysis of this is outlined in further details in section 2.4.1.

Generally, the consolidated permissibility does have the effect of broadening the permissible uses within the R2 zone over some parts of the CLGA, however these additional uses are considered appropriate for the low-density zone.

Environmental facilities are currently prohibited in both the Auburn and Holroyd LEPs so it is therefore suggested that this form of development is not included as a permissible use within the draft CLEP as it is not appropriate within a residential zone.

A closed zone is often suitable when the permissibility of land uses needs to be more restrictive and only permit some limited additional uses in addition to the primary use. It is therefore recommended that a closed approach for the R2 zone is adopted, including "any development not specified" within item 4 "Prohibited" development.

Table 4 - R2 Low Density Residential Zone Proposed Permissible and Prohibited Land Uses

Permitted with Consent	Prohibited
Boarding houses; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Flood mitigation works; Hospitals; Public administration buildings; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostel ; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor) ; Recreation facilities (outdoor) ; Respite day care centres; Roads; Seniors housing; Semi-detached dwellings; Water recycling facilities ; Tank-based aquaculture.	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any other development not specified in item 2 or 3.

#### 4.3.2. Medium Density Residential Zone

##### What is Medium Density Residential Development?

Medium density housing such as town houses and low-rise RFBs are accommodated within the R3 zone. The R3 Zone forms 10.3% of the LGA, comprising 7,414,257 sqm across the LGA<sup>21</sup>.

##### Differences

Table 5 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the R3 zone.

There are a number of differences between the permissible uses for the R3 zone under the current LEPs, such as: exhibition villages, home industries, environmental facilities, education establishments, information and education facilities, emergency services facilities, home-based childcare, recreational facilities and water recycling facilities.

<sup>21</sup> Cumberland Draft Housing Strategy, Urbis 3 May 2019

Parramatta has also adopted additional objectives.

Table 5 - R3 Medium Density Residential Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment;</li> <li>To provide a variety of housing types within a medium density residential environment;</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	Adopts SILEP	<ul style="list-style-type: none"> <li>To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.</li> <li>To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.</li> </ul>	Adopts SILEP
<b>Permissibility Differences</b>	Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Seniors housing; Tank based aquaculture	Education establishments; Emergency services facilities; Home-based child care; Home industries; Recreation facilities (indoor and outdoor); Water recycling facilities	Education establishments; Emergency services facilities; Environmental facilities; Home-based child care; Hostels; Information and education facilities; Public administration buildings; Recreation facilities (indoor and outdoor); Water recycling facilities	Exhibition villages; Home industries Hostels
<b>Prohibition Differences</b>	Pond-based aquaculture	Information and education facilities; Environmental facilities; Exhibition villages	Health services facilities; Exhibition villages; Home industries	Health Services facilities; Public administration buildings; Recreational facilities (indoor and outdoor); Educational establishments; Emergency services facilities; Information and education facilities; Environmental facilities
<b>Zone Approach</b>	None specified	Open	Closed	Closed

### Key Issues and Recommended Approach

As previously noted, the adopted approach for the harmonisation of the land use tables is to retain permissibility contained within the three current LEPs where possible. Therefore, if a use is currently permissible within a zone under the current Auburn, Holroyd or Parramatta LEP, it will generally be permitted within the CLEP. Table 6 outlines the proposed R3 zone permissible and prohibited uses to be included within the planning proposal for draft CLEP 2020. The proposal includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for, environmental facilities and



information and education facilities which have been removed from permissible development. This means areas formerly controlled under the Parramatta and Holroyd LEPs have an increased number of uses which are now permissible.

It is suggested that a closed approach to permissible uses is adopted, including "any development not specified" within item 4 "Prohibited" development to ensure that whilst permissible uses have increased across some parts of the CLGA, a closed approach will only permit those limited additional uses in addition to the primary residential use.

Table 6 - R3 Medium Density Residential Zone Proposed Land Uses

Permissible with Consent	Prohibited
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care ;Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor) (also in ALEP); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water recycling facilities	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any development not specified in item 2 or 3;

### 4.3.3. High Density Residential Zones

#### What is High Density Residential Development

The R4 Zone will usually comprise residential flat buildings and multi-storey development with a denser urban form, in an accessible area. The R4 Zone forms the smallest component of the residential zones, comprising only 4.6% of the CLGA land<sup>22</sup>

#### Differences

Whilst there are differences between the permissible uses across the three LEPs, the types of development which are permissible across one or more the LEPs are generally appropriate for the R4 zone save for environmental facilities / information and education facilities. The differences between the prohibited

<sup>22</sup> Cumberland Draft Housing Strategy, Urbis 3 May 2019



uses within the LEPs is predominately a result of the Holroyd LEP adopting a closed approach within the R4 zone, therefore specifically prohibiting a number of forms of residential accommodation.

Table 7 - R4 High Density Residential Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high-density residential environment</li> <li>To provide a variety of housing types within a high-density residential environment</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents</li> </ul>	<ul style="list-style-type: none"> <li>To encourage high density residential development in close proximity to bus service nodes and railway stations.</li> </ul>	<ul style="list-style-type: none"> <li>To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.</li> <li>To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.</li> </ul>	No additional objectives
<b>Permissibility Differences</b>	Boarding houses; Centre-based childcare facilities; Community facilities; Neighbourhood shops; Oyster aquaculture; Places of Public worship; Residential flat buildings; Respite day care centres; Shop top housing	Bed and breakfast accommodation; Dual occupancies; Education facilities; Home-based childcare; Home industries; Hotel or motel accommodation; Kiosks; Public administration buildings; Semi-detached dwellings; Water recycling facilities;	Bed and breakfast accommodation; Dual occupancies; Education facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Home-based childcare; Information and education facilities; Public administration buildings; Recreation facilities (indoor and outdoor); Semi-detached dwellings; Water recycling facilities;	Exhibition homes Home industries Kiosks
<b>Prohibition Differences</b>	Pond-based aquaculture; Tank-based aquaculture	Environmental facilities; Exhibition Homes; Information and education facilities	Health services facilities	Health services facilities; Dwelling houses; Dual occupancies; Semi-detached housing; B&Bs; Public administration buildings; Information and education facilities; Recreation facilities (indoor and outdoor); Educational establishments; Emergency services facilities; Environmental facilities;
<b>Zone Approach</b>	None specified	Open	Closed	Closed



## Key Issues and Recommended Approach

As outlined above the approach being adopted is to retain any permissible or prohibited use within the current three LEPs within the draft CLEP 2020.

The proposal outlined in Table 8 includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for, environmental facilities and information and education facilities which have been removed from permissible development.

It is suggested that an open approach is adopted, by not including "any development not specified" within the zone provisions. Practice Direction PN11.0223 recommends that the R4 zone should be considered open to provide greater flexibility of uses.

Table 8 - R4 High Density Residential Zone Proposed Permitted and Prohibited Land Uses

Permissible with Consent	Prohibited
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses ; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care ; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings ;recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Water recycling facilities; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

## EMPLOYMENT ZONES

### 4.4. INDUSTRIAL ZONES

#### What is Industrial Development?

Industrial development is located within the IN zones. There are three types of industrial zones; general industrial, light industrial, and heavy industrial. Only the Parramatta LEP includes a heavy industrial zone (IN3) and none of the IN3 zoned land forms part of the CLGA. The zones are intended to provide a wide

<sup>23</sup> <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-zones-2011-03-10.pdf>

range of general industrial and warehouse land uses. To prevent competition for industrial land, business and retail uses are usually not STET in these zones or permissible but within limited capacity to ensure the lands dominant use is industrial.

#### 4.4.1. IN1 General Industrial

The IN1 zone is intended to provide a range of general industrial uses such as warehousing and depots together with some non-industrial uses such as places of public worship and neighbourhood shops.

#### Differences

Table 9 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the IN1 zone.

There are a number of permissibility differences between the three LEPs in the IN1 zone, particularly; food and drink premises, rural supplies, vehicle sales and hire facilities, markets and water recycling facilities.

All three LEPs have also adopted additional local objectives.

Table 9 - IN1 General Industrial Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a wide range of industrial and warehouse land uses.</li> <li>To encourage employment opportunities.</li> <li>To minimise any adverse effect of industry on other land uses.</li> <li>To support and protect industrial land for industrial uses.</li> </ul>	<ul style="list-style-type: none"> <li>To encourage economic growth of the locality.</li> <li>To minimise adverse effects on the natural environment.</li> </ul>	<ul style="list-style-type: none"> <li>To facilitate a range of non-industrial land uses that serve the needs of workers and visitors.</li> </ul>	<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities and services to meet the day to day needs of works in the area.</li> </ul>
<b>Permissibility Differences</b>	Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Tank-based aquaculture; Warehouse or distribution centres	No differences	Food and drink premises; Horticulture; Landscaping material supplies; Plant nurseries; Rural Supplies; Timber yards; Vehicle sales and hire premises; Takeaway food and drinks premises;	Takeaway food and drinks premises

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Prohibition Differences</b>	Pond based aquaculture	Animal boarding and training establishments; Car parks; Correctional centres; Research stations  Extractive industries; Hardware and building supplies; Landscape material supplies; Vehicle sales or hire premises; Child care centres Health services facilities;	Business premises; Heavy industrial storage establishments; Helipads; Open cut mining; Community facilities  Function centres; Vet hospitals	Business premises; Heavy industrial storage establishments; Helipads; Open cut mining; Places of public worship;  Animal boarding and training establishments; Car parks; Correctional centres; Extractive industries; Hardware and building supplies; Landscape material supplies; Research stations; Vehicle sales or hire premises;
<b>Zone Approach</b>	None specified	Open	Open	Open

### Key Issues and Recommended Approach

As outlined above the approach being adopted is to retain permissible or prohibited uses within the current three LEPs within the draft CLEP 2020 where appropriate.

It is also suggested that an open approach to both permissible is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP 2020.

The proposal outlined in Table 10 includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for horticulture and vehicle sales and hire premises. However, the removal of specific reference to these uses has no consequence if an open approach to the IN1 zone is adopted. In addition, the prohibition of sex service premises within the IN1 zone has been removed and as a consequence of the open zone approach, would now be permissible in the IN1 zone.

Table 10 - IN1 General Industrial Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Sex-service premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Funeral homes; Health services facilities; Heavy industries; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based childcare; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Passenger

	transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sawmill or log processing works; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities
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#### 4.4.2. IN2 LIGHT INDUSTRIAL

The IN2 zone is intended to provide a range of light industrial uses and is often located adjacent to residential areas. The IN2 zone uses will generally consist of similar uses to the IN1 zone, but the objectives seek to ensure that any industrial development is appropriate for the zone, effectively a transition zone between industrial and residential. Some non-industrial uses will generally be permitted in the IN2 zone such as places of public worship and neighbourhood shops.

#### Differences

Table 11 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the IN2 zone.

There are some minor permissibility differences between the three LEPs in the IN2 zone, such as; food and drink premises, vehicle sales and hire facilities, markets and water recycling facilities.

In terms of objectives, only Auburn has adopted an additional local objective relating to impact on the natural environment as it does within the IN1 zone.

Table 11 - IN2 Light Industrial Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a wide range of light industrial, warehouse and related land uses.</li> <li>To encourage employment opportunities and to support the viability of centres.</li> <li>To minimise any adverse effect of industry on other land uses.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> <li>To support and protect industrial land for industrial uses.</li> </ul>	<ul style="list-style-type: none"> <li>To minimise adverse effects on the natural environment.</li> </ul>	No additional objectives	No additional objectives



	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Permissibility Differences</b>	Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Tank-based aquaculture; Warehouse and distribution centres	Markets	Food and drink premises; Rural supplies; Vehicle sales or hire premises; Waste or resource transfer stations; Water recycling facilities;	Food and drink premises; Waste or resource transfer stations
<b>Prohibition Differences</b>	Pond based aquaculture	Passenger transport facilities; Registered clubs	No differences	Air transport facilities; Biosolids treatment facilities; Business premises; Helipads; General industries; Mortuaries; Vehicle body repair shops;
<b>Zone Approach</b>	None specified	Open	Open	Open

### Key Issues and Recommended Approach

As outlined above the approach being adopted in Cumberland is to retain any permissible or prohibited uses within the current LEPs within the draft CLEP.

It is recommended that an open approach to both permissible is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the IN2 zone going forward.

The proposal outlined in Table 12 includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for food and drink premises and vehicle sales and hire premises. However, the removal of specific reference to these uses has no consequence if an open approach to the IN2 zone is adopted. In addition, sex service premises have been included within prohibited uses, as currently adopted in Auburn and in line with Councillor endorsement.

Table 12 - IN2 General Industrial Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Restaurants or cafes; Rural supplies; Roads; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home



Permissible with Consent	Prohibited
	occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Sex service premises; Tourist and visitor accommodation; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

## 4.5. BUSINESS ZONES

### Role of business zones

Business zones are important zones which support a range of business, commercial and residential uses. The business zones comprise of the neighbourhood centre which serves the needs of the surrounding area, the local centres which serve a wider catchment area than the neighbourhood centres. The CLGA does not include any land which is currently zoned B3 Commercial core. The remaining business zones within the CLGA are B4 mixed use, B5 business development which provide a mix of uses and B6 enterprise zones which include a mix of business, office and light industry uses.

#### 4.5.1. B1 NEIGHBOURHOOD CENTRE

The B1 zones covers small-scale neighbourhood centres that generally serve the needs to the surrounding area, with uses such as business premises, neighbourhood shops, neighbourhood supermarkets and community facilities.

### Differences

Table 13 is a comparison of the difference between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B1 zone.

There are a number of differences between the permissible uses within the B1 zone under the current three LEPs, such as: bed and breakfast accommodation, residential flats buildings, seniors housing, self-storage units and water recycling facilities.

Both Auburn and Holroyd have adopted additional local objectives.

Table 13 - B1 Neighbourhood Centre Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a range of small-scale retail, business and community uses that serve the needs of people who live or</li> </ul>	<ul style="list-style-type: none"> <li>To ensure development does not adversely affect the amenity of the surrounding neighbourhood.</li> </ul>	No additional objectives	<ul style="list-style-type: none"> <li>To enable residential development that is well-integrated with, and promotes, community activity.</li> </ul>

	Standard Instrument	Auburn	Parramatta	Holroyd
	work in the surrounding neighbourhood.			
<b>Permissibility Differences</b>	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day centres; Shop top housing; Tank-based aquaculture	Bed and breakfast accommodation; Group Homes; Home industries; Residential flat buildings; Self storage units; Serviced apartments; Signage; Warehouse or distribution centres	Bed and breakfast accommodation; Health consulting rooms; Water recycling facilities;	Group homes; Hostels; Home industries; Seniors housing; Signage
<b>Prohibition Differences</b>	Pond-based aquaculture	Auburn; Seniors housing; Health consulting rooms	Tourist and visitor accommodation (incl serviced apts, Residential flat buildings; Self storage units; Warehouse/distribution centres; Seniors housing; Group homes;	Tourist and visitor accommodation (incl serviced apts, B&B); Residential flat buildings; Self storage units; Warehouse/distribution centres; Health consulting rooms;
<b>Zone Approach</b>	None specified	Open	Open	Closed

### Key Issues and Recommended Approach

The focus of the harmonisation of the land use tables is to retain permissibility contained within the three current LEPs where possible. Therefore, if a use is currently permissible within a zone under the current Auburn, Holroyd or Parramatta LEP, it will generally be permitted within the draft CLEP 2020.

Table 14 outlines the proposed B1 zone permissible and prohibited uses to be included within the planning proposal for the draft CLEP 2020.

The keys differences between the permissible uses have been dealt with as follows:

- Bed and breakfast, places of public worship, residential flat building and water recycling facilities have not been included as permissible uses within the proposed draft CLEP 2020; and
- Seniors housing and self-storage would be permissible across Cumberland.

Any remaining inconsistencies between permissibility have been accepted and now apply across Cumberland.

The proposed approach shown in Table 14 does not adopt the current Parramatta and Auburn LEP approach in regard to bed and breakfasts.

In addition, the Auburn approach of permitting RFBs within the B1 zone has not been proposed across Cumberland. Further consideration of this issue is detailed in Section 2.4.3

A closed zone is often suitable when the land use permissibility needs to be more restrictive and only permit some limited additional uses also enables permissibility to be managed and controlled. It is suggested that a closed approach to permissible uses is adopted, including "any development not specified" within item 4 "Prohibited" development.

Table 14 - B1 Neighbourhood Centre Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes ; Health consulting rooms; Home businesses; Home industries; Home occupations; Hostels; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Recreation areas; Respite day care centres; Restaurants or cafes; Roads ; Self-storage units; Seniors housing; Service stations; Signage ;Shops; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Veterinary hospitals; Warehouse or distribution centres.	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cellar door premises ;Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Garden centres ;Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Signage; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any development not specified in item 2 or 3

#### 4.5.2. B2 LOCAL CENTRE

A local centre zone generally provides a range of retail, business, community and entertainment uses. Local centres within Cumberland including Greystanes and Pemulwuy. The SILEP lists a greater number of permissible uses than it does for the other zones, including boarding houses, commercial premises, community facilities, education establishments, entertainment and restricted premises.



## Differences

Table 15 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B2 zone.

There are some minor differences between the permissible uses for the B2 zone under the current three LEPs such as: group homes, hostels, RFBs, self-storage units, warehouse and distribution centres and seniors housing.

All three LEPs have adopted additional local objectives.

Table 15 - B2 Local Centre Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>To encourage employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> </ul>	<ul style="list-style-type: none"> <li>To encourage high density residential development.</li> <li>To encourage appropriate businesses that contribute to economic growth.</li> <li>To achieve an accessible, attractive and safe public domain.</li> </ul>	<ul style="list-style-type: none"> <li>To encourage the construction of mixed use buildings that integrate suitable commercial, residential and other developments and that provide active ground level uses.</li> </ul>	<ul style="list-style-type: none"> <li>To permit residential development that is complementary to, and well-integrated with, commercial uses.</li> </ul>
<b>Permissibility Differences</b>	boarding houses; centre-based child care facilities; commercial premises; community facilities; educational establishments; entertainment facilities; function centres; information and education facilities; medical centres; oyster aquaculture; passenger transport facilities; recreation facilities (indoor); registered clubs; respite day care centres; restricted premises; service stations; shop top housing; tank-based aquaculture and tourist and visitor accommodation.	Group homes; Residential flat buildings; Self storage units; Warehouse and distribution centres;	Hostels; Seniors housing; Water recycling facilities;	Group homes; Hostels; Seniors housing;
<b>Prohibition Differences</b>	Pond-based aquaculture	No differences	Amusement centres; Group homes; Home industries; Residential flat buildings; Helipads; Mortuaries; Self storage facilities	Residential flat buildings; Helipads; Mortuaries; Self storage facilities; Vehicle body repair shops; Vehicle repair stations;

	Standard Instrument	Auburn	Parramatta	Holroyd
			Vehicle body repair shops; Vehicle repair stations; Warehouse and distribution centres;	Warehouse and distribution centres; Recreation facilities (outdoor); Resource recovery facilities;
<b>Zone Approach</b>	None specified	Open	Open	Open

### Key Issues and Recommended Approach

The preferred approach is providing consistency across the new LGA and retain permissibility where possible.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B2 zone going forward.

Table 16 outlines the proposed B2 zone permissible and prohibited uses to be included within the planning proposal for the draft CLEP.

The keys differences between the permissible uses have been dealt with as follows:

- RFBs and self-storage units are no longer permissible and would be prohibited by inclusion of the overarching definitions within the prohibitions such as residential accommodation and storage premises.
- Warehouse or distribution centres and water recycling facilities would also be prohibited.

Any remaining inconsistencies between permissibility have been accepted and now apply across the CLGA.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B2 zone going forward.

Table 16 - B2 Local Centre Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing ; Service stations; Serviced apartments; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4;	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties(also Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Places



	of public worship; Pond-based aquaculture; Port facilities; Rural industries; Sewage systems; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies
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#### 4.5.3. B4 MIXED USE

A mixed-use zone is usually located near to key transport nodes which enables easy access to a range of business, commercial and residential uses in a dense urban form.

#### Differences

Table 17 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B4 zone.

There are some minor differences between the permissible uses for the B4 zone under the current LEPs such as: hostels, light industries, RFBs, self-storage units and warehouse and distribution centres.

All three LEPs have adopted additional local objectives and in particular the Holroyd LEP makes specific reference to the Merrylands centre.

Table 17 - B4 Mixed Use Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> </ul>	<ul style="list-style-type: none"> <li>To encourage high density residential development.</li> <li>To encourage appropriate businesses that contribute to economic growth.</li> <li>To achieve an accessible, attractive and safe public domain.</li> </ul>	<ul style="list-style-type: none"> <li>To encourage development that contributes to an active, vibrant and sustainable neighbourhood.</li> <li>To create opportunities to improve the public domain and pedestrian links.</li> <li>To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.</li> <li>To protect and enhance the unique qualities and character</li> </ul>	<ul style="list-style-type: none"> <li>To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level.</li> <li>To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.</li> </ul>



	Standard Instrument	Auburn	Parramatta	Holroyd
			of special areas within the Parramatta City Centre.	
<b>Permissibility Differences</b>	boarding houses; centre-based child care facilities; commercial premises; community facilities; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; medical centres; oyster aquaculture; passenger transport facilities; recreation facilities (indoor); registered clubs; respite day care centres; restricted premises; seniors housing; shop top housing and tank-based aquaculture.	Hostels; Residential flat buildings; Self storage units; Warehouse or distribution centres;	Light industries; Ware recycling facilities	Hostels
<b>Prohibition Differences</b>	Pond based aquaculture	Other dwelling types comprised of 3 or more dwellings; Light industry	Airstrips; Backpacker accommodation; Mortuaries; Self storage facilities; Vehicle body repair shops; Warehouse and distribution centres; Amusement centres;	Residential flat buildings; Other dwelling types comprised of 3 or more dwellings; Light industry; Airstrips; Backpacker accommodation; Mortuaries; Self storage facilities; Vehicle body repair shops; Warehouse and distribution centres; Recreation facilities (outdoor); Resource recovery facilities; Service stations; Vehicle repair stations;
<b>Zone Approach</b>	None specified	Open	Open	Open

### Key Issues and Recommended Approach

Given the intent of the draft CLEP is to harmonise the planning controls from the three LEPs, the approach has been to ensure uses currently permissible remain so in the first instance unless City Plan's review has indicated otherwise.

The keys differences between the permissible uses have been dealt with as follows:

- RFBs and self-storage units are no longer permissible and would be prohibited under the overarching definitions such as residential accommodation and storage premises.
- Warehouse or distribution centres, light industries and water recycling facilities would also be prohibited.

Any remaining inconsistencies between permissibility have been accepted and now apply across the CLGA.

It is recommended that an open approach to both permissible is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B4 zone going forward and is also in line with the Land Use Zones Practice Note.

Table 18 - B4 Mixed Use Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Roads; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4;	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads(*); Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of Public Worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewerage systems; Sewage treatment plants; Sex service premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

#### 4.5.4. B5 BUSINESS DEVELOPMENT

B5 zoned land is often in close proximity to centres to enable easy access that supports a mix of business, warehouses and specialist retail uses.

##### Differences

Only the Parramatta and Holroyd LEPs currently include a B5 land use zone. The B5 zoned land within the LGA is all currently controlled under the Holroyd LEP, however a review of the two LEPs has been undertaken.

Table 19 compares the differences between the Parramatta and Holroyd B5 zone LEP provisions the key differences in permissibility are markets, kiosks, water recycling facilities, funeral homes and light industries.

Parramatta has adopted a number of additional local objectives which are site and industry specific and also seek to protect the commercial core.

Table 19 - B5 Business Development Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.</li> </ul>	Zone not currently adopted	<ul style="list-style-type: none"> <li>To maintain the economic strength of centres by limiting retailing activity.</li> <li>To enable land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> <li>To encourage a range of tourism, recreation, function and entertainment uses in proximity to the Rosehill Racecourse, the Parramatta River and the Western Sydney University.</li> <li>To provide for automotive businesses, trades and services to reinforce the existing functions of land within the zone.</li> <li>To ensure that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.</li> </ul>	<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</li> </ul>
<b>Permissibility Differences</b>	Centre-based child care facilities; Garden centres; Hardware and building supplies; Landscaping material supplies; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres	Zone not currently adopted	Kiosks; Markets; Water recycling facilities;	Funeral homes; Light Industries
<b>Prohibition Differences</b>	Pond-based aquaculture	Zone not currently adopted	Funeral homes; Home-based child-care; Industrial training facilities; Sewerage systems; Transport depots	Commercial premises; Community premises; Entertainment facilities; Function centres; Recreation facilities (major)

	Standard Instrument	Auburn	Parramatta	Holroyd
			Truck depots	Recreation facilities (outdoor); Registered clubs; Tourist and visitor accommodation
<b>Zone Approach</b>	None specified	n/a	Open	Open

### Key Issues and Recommended Approach

Table 20 outlines the proposed permissible and prohibited uses within the B5 zone with the draft CLEP.

Given that the B5 zoned land within Cumberland comprises only land from the previous Holroyd LGA, it's recommended that the proposed permissible and prohibited land uses retain the current Holroyd LEP provisions. In addition, the Employment and Innovation Lands Study<sup>24</sup> identified that the employment zones lack amenity value. It is therefore recommended that kiosks are also included as a permissible use as this type of development can assist in improving amenity for employment zones by providing services for employees.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B5 zone going forward and is also in line with the Land Use Zones Practice Note.

Table 20 - B5 Business Development Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Centre-based child care facilities; Food and drink premises; Funeral homes; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Plant nurseries; Roads; Self-storage units; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste

<sup>24</sup> Cumberland Employment and Innovation Lands Study, AEC 3 April 2019 <https://www.cumberland.nsw.gov.au/sites/default/files/2019-05/cumberland-employment-innovation-land-strategy-use-planning-framework.pdf>

	disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities
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#### 4.5.5. B6 ENTERPRISE CORRIDOR

An enterprise corridor seeks to promote business uses along main roads, in Cumberland context this is the Parramatta Road corridor. B6 zones will usually have a mix of employment uses however the SILEP does indicate that residential development could be included as a permissible use.

#### Differences

Table 21 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B6 zone.

There are some minor differences between the permissible uses for the B6 zone under the current three LEPs such as: boarding houses, self-storage units, group homes, hostels, markets, multi-dwelling housing, shop top housing and RFBs.

Only Holroyd has adopted an additional local objective relating to residential uses due to a number of residential types permissible under the Holroyd LEP in the B6 zone.

Table 21 - B6 Enterprise Corridor Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To promote businesses along main roads and to encourage a mix of compatible uses.</li> <li>To provide a range of employment uses (including business, office, retail and light industrial uses).</li> <li>To maintain the economic strength of centres by limiting retailing activity.</li> </ul>	No additional objectives	No additional objectives	<ul style="list-style-type: none"> <li>To provide for residential uses, but only as part of a mixed-use development.</li> </ul>
<b>Permissibility Differences</b>	business premises; community facilities; garden centres; hardware and building supplies; hotel or motel accommodation; landscaping material supplies; light industries; oyster aquaculture; passenger transport facilities; plant nurseries; tank-based aquaculture and warehouse or distribution centres.	Kiosks; Markets; Self storage;	Kiosks; Self-storage units	Boarding houses; Group homes; Hostels; Multi-dwelling housing; Residential flat buildings; Shop top housing;



	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Prohibition Differences</b>	Pond-based aquaculture	Other retail premises; Boarding houses; Group homes; Hostels; Multi-dwelling housing; Residential flat buildings; Shop top housing; Home businesses, industries etc; Highway service centres	Other retail premises; Boarding houses; Group homes; Hostels; Multi-dwelling housing; Residential flat buildings; Shop top housing; Home businesses, industries etc; Highway service centres Tourist and visitor accommodation; Freight transport facilities; Helipads; Mortuaries; Storage premises (incl. self-storage units); Office premises; Resource recovery facilities; Registered clubs; Vehicle body repair shops; Veterinary hospitals.	Tourist and visitor accommodation; Freight transport facilities; Helipads; Mortuaries; Storage premises (incl. self-storage units); Office premises; Resource recovery facilities; Registered clubs; Vehicle body repair shops; Veterinary hospitals.
<b>Zone Approach</b>	None specified	Open	Open	Open

### Key Issues and Recommended Approach

It is proposed to remove the permissibility of residential uses within the B6 zone in the draft CLEP 2020. This approach is in line with Cumberland's LSPS priorities and the outcomes of the Employment and Innovation Lands Study. The consequence of this amendment is to remove permissibility of a number of residential uses (such as boarding houses, group homes, hostels, multi-dwelling housing, RFBs and shop top housing) which are currently permissible within the Holroyd LEP.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B6 zone going forward and is also in line with the Land Use Zones Practice Note.

Table 22 - B6 Enterprise Corridor Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Self-storage units; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail



Permissible with Consent	Prohibited
	premises; Rural industries; Sewerage systems; Sex service premises; Signage(also in PLEP);Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots' Vehicle body repair workshops; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.

#### 4.6. Recreation and Environmental Zones

##### What is the purpose of the Recreation Zones?

The recreation zones are intended to provide a range of recreational activities whilst enhancing and protecting the natural environmental. There are both private and public open space recreational land zones.

##### 4.6.1. RE1 PUBLIC RECREATION

##### Differences

Cumberland does not comprise any RE1 zoned land which was previously controlled under the Parramatta LEP however it is included for comparison purposes.

Table 23 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the RE1 zone.

There are several differences between the permissible uses for the RE1 zone under the current three LEPs such as: places of public worship, boat launching ramps; boat sheds; charter and tourism boating facilities and signage.

Both Auburn and Parramatta have adopted additional local objectives, however Parramatta's objectives predominately relates to the Parramatta River.

Table 23 - RE1 Public Recreation Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To enable land to be used for public open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and enhance the natural environment for recreational purposes.</li> </ul>	<ul style="list-style-type: none"> <li>To protect open space at riparian and foreshore locations</li> </ul>	<ul style="list-style-type: none"> <li>To create riverfront recreation opportunities (likely Parra river only) – also permits various boating facilities.</li> </ul>	No additional objectives

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Permissibility Differences</b>	Aquaculture; Kiosks; Recreation areas	Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Function centres; Information and education facilities; Kiosks; Markets; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures.	Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities.	Aquaculture; Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures.
<b>Prohibition Differences</b>	None listed	Takeaway food and drink premises.	Depots; Function centres; Places of public worship; Public administration buildings; Child care centres.	Depots; Function centres; Places of public worship; Public administration buildings; Takeaway food and drink premises.
<b>Zone Approach</b>	Closed	Closed	Closed	Closed

### Key Issues and Recommended Approach

Table 24 outlines the proposed approach to permissibility and prohibition within the RE1 zone. It is recommended that those permissible uses relating to water-based activities currently within the Parramatta LEP are not included with the draft CLEP 2020 as those controls predominately relate to the Parramatta River which is not located in Cumberland. Those controls established under the Holroyd and Auburn LEPs take into account the existing situation relating to Duck Creek and therefore it is reasonable to replicate the controls in the draft CLEP.

It is recommended that a closed approach is adopted within the RE1 zone as recommended by the Land Use Zone Practice Note as the principles of the zone is generally to be restrictive to ensure appropriate land uses which will not harm the natural environment.

Table 24 - RE1 Public Recreation Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
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Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Function centres; Information and education facilities; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Water recreation structures	Takeaway food and drink premises; Depots; Function centres; Places of public worship; Public administration buildings; Child care centres; and any development not specified in item 2 or 3
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#### 4.6.2. RE2 PRIVATE RECREATION

The RE2 zones within Cumberland consist predominately of land uses such as golf courses and sports facilities.

##### Differences

Table 25 is a comparison of the difference between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the RE2 zone.

There are some differences between the permissible uses for the RE2 zone under the current three LEPs such as, a number of water-related uses, centre based childcare and tourist and visitor accommodation.

Only Parramatta has adopted an additional local objective.

Table 25 - RE2 Private Recreation Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To enable land to be used for private open space or recreational purposes.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and enhance the natural environment for recreational purposes.</li> </ul>	No additional objectives	<ul style="list-style-type: none"> <li>To identify privately owned land used for the purpose of providing private recreation, or for major sporting and entertainment facilities which serve the needs of the local population and of the wider Sydney region.</li> </ul>	No additional objectives
<b>Permissibility Differences</b>	Aquaculture; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)	Environmental protection works; Markets; Restaurants or cafes; Roads; Any other development not specified in item 2 or 4.	Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Centre-based child care facilities; Emergency services facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Function	Centre-based child care facilities; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Recreation facilities (major); Registered clubs; Respite day care centres; Roads; Signage; Tourist and visitor accommodation; Water recreation structures.

	Standard Instrument	Auburn	Parramatta	Holroyd
			centres; Information and education facilities; Jetties; Kiosks; Markets; Recreation facilities (major); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities.	
<b>Prohibition Differences</b>	None listed	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Funeral homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial Training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Port facilities; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals;	No additional differences	Pubs

	Standard Instrument	Auburn	Parramatta	Holroyd
		Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.		
<b>Zone Approach</b>	None specified	Open	Closed	Closed

### Key Issues and Recommended Approach

Given Council's approach to simplify and harmonise the various zoning tables in all three LEPs, the preferred approach as set out in Table 26. It is recommended that a closed approach is adopted within the RE1 zone as recommended by the Land Use Zone Practice Note as the principles of the zone is generally to be restrictive to ensure appropriate land uses which will not harm the natural environment.

It is recommended that the water-related uses permissible within the Parramatta LEP are not included as these predominately relate to allowing activities to occur along Parramatta River which would not be appropriate along Duck River Creek.

It is recommended that the Holroyd approach regarding permissibility is favoured as it includes a comprehensive range of uses and adopts the closed zone approach which is preferable and recommended in the Land Use Zone Practice Note.

It is recommended that a closed approach is adopted within the RE1 zone as recommended by the Land Use Zone Practice Note as the principles of the zone is generally to be restrictive to ensure appropriate land uses which will not harm the natural environment.

Table 26 - RE2 Private Recreation Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Aquaculture; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Tourist and visitor accommodation; Water recreation structures.	Pubs; Any other development not specified in item 2 or 3.



#### 4.6.3. E2 ENVIRONMENTAL CONSERVATION

##### What are the Environmental Zones?

The environmental zones include land for which the primary focus is the conservation and/or management of environmental values.<sup>25</sup> The E2 zones within Cumberland are predominately alongside Duck River, Pemulwuy and Prospect Creek.

##### Differences

Table 27 compares the differences between the three LEPs within the E2 zone. All three LEPs currently take a similar approach in respect of prohibited land uses, applying the SILEP approach. The three LEPs take a marginally different approach regarding permissible uses although the permissible uses are all appropriate for the E2 zone.

Table 27 - E2 Environmental Conservation Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> </ul>	No additional objectives	No additional objectives	<ul style="list-style-type: none"> <li>To promote cultural interpretation and scientific study of the natural environment</li> </ul>
<b>Permissibility Differences</b>	Oyster aquaculture	Building identification signs; Business identification signs; Environmental protection works;	No differences	Building identification signs; Business identification signs; Information and education facilities; Recreation areas;
<b>Prohibition Differences</b>	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.	Applies SILEP	Applies SILEP	Applies SILEP

Cumberland Employment and Innovation Lands Study, AEC 3 April 2019 <https://www.cumberland.nsw>



	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Zone Approach</b>	Closed	Closed	Closed	Closed

### Key Issues and Recommended Approach

Table 28 outlines the proposed approach to permissibility and prohibition of use within the E2 zone. It is recommended that those uses currently permissible under any of the three LEPs is included as a permissible use within the draft CLEP. This approach is conducive with the principles of the harmonisation to adopt the standard instrument approach and include local content where appropriate.

The SILEP requires the E2 zone to be a closed zone. This requirement is also reiterated within Land Use Zones Practice Note, it is therefore recommended that "any other development not specified in item 2 or 3" is included within the 'Item 4 Prohibited'.

Table 28 - E2 Environmental Conservation Zone Proposed Permissible and Prohibited Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Information and education facilities; Recreation areas; Oyster aquaculture; Roads	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## 4.7. W1 NATURAL WATERWAYS

The W1 zone is for waterways where there are ecological and scenic values that require careful consideration and management. The W1 zones land within the Cumberland LGA is along Duck River.

### Differences

Only the Auburn and Parramatta LEP currently include W1 zoned land and both have applied a similar approach in terms of permissible and prohibited development, applying the SILEP with minimal additional permissible uses in both instances.

Table 29 - W1 Natural Waterways Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To protect the ecological and scenic values of natural waterways.</li> </ul>	To provide for cultural and scientific study of natural waterways.	To provide for cultural and scientific study of natural waterways.	Not adopted

	Standard Instrument	Auburn	Parramatta	Holroyd
	<ul style="list-style-type: none"> <li>To prevent development that would have an adverse effect on the natural values of waterways in this zone.</li> <li>To provide for sustainable fishing industries and recreational fishing.</li> </ul>	<ul style="list-style-type: none"> <li>To enable the recreational enjoyment of the natural environment.</li> </ul>	<ul style="list-style-type: none"> <li>To enable works associated with the rehabilitation of land towards its natural state.</li> </ul>	
<b>Permissibility Differences</b>	Aquaculture	Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Roads.	Environmental facilities; Roads	Not adopted
<b>Prohibition Differences</b>	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.	No differences	No differences	Not adopted
<b>Zone Approach</b>	Closed	Closed	Closed	n/a

### Key Issues and Recommended Approach

It is recommended that the SILEP provision with regard to prohibited development in the W1 zone is adopted within the draft CLEP together with those uses currently permissible under the Parramatta and Auburn LEP. This approach will ensure a consistent approach is taken across the CLGA. A closed approach should also be adopted for the W2 Zone as whilst not specifically referenced within the land use practice direction, the objectives of a W2 Zone are similar to environmental zones.

Table 30 - W1 Natural Waterways Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Aquaculture; Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Roads	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; retail premises;

Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## 4.8. Special Purpose Zones

Special purpose zones are intended for infrastructure purposes, falling within two categories. SP1 Special Activities includes those uses identified on the land use zone map and is intended for uses which are not provided for within other zones. The other special purpose category is for essential infrastructure and is known as SP2 infrastructure. The SP2 zone includes infrastructure and related uses but it is also intended to protect infrastructure development from development which is not compatible and may restrict infrastructure provision coming forward.

### 4.8.1. SP1 SPECIAL ACTIVITIES

#### Differences

Only the Auburn and Parramatta LEPs include the SP1 zone. The Parramatta LEP applies the SILEP provision and does not list any additional permissible or prohibited uses, whereas the Auburn LEP includes a number of additional permissible uses within the SP1 zone.

One of the key differences between the LEPs approach is that the Parramatta LEP identifies existing places of public worship as a special activity and therefore all places of public worship with the former Parramatta LGA are currently zoned SP1. In contrast, Auburn lists places of public worship as a permissible use within the SP1 zone. This is discussed further below

Table 31 - SP1 Special Activities Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide for special land uses that are not provided for in other zones.</li> <li>To provide for sites with special natural characteristics that are not provided for in other zones.</li> <li>To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.</li> </ul>	No additional objectives	No additional objectives	Zone not adopted
<b>Permissibility Differences</b>	<ul style="list-style-type: none"> <li>The purpose shown on the Land Zoning Map, including any development that is</li> </ul>	Aquaculture; Building identification signs; Business identification signs; Cemeteries; Community facilities;	Applies SILEP provision	Zone not adopted

	Standard Instrument	Auburn	Parramatta	Holroyd
	ordinarily incidental or ancillary to development for that purpose	Crematoria; Depots; Environmental facilities; Environmental protection works; Funeral homes; Kiosks; Markets; Mortuaries; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads.		
<b>Prohibition Differences</b>	None listed	No differences	No differences	Zone not adopted
<b>Zone Approach</b>	Not specified	Closed	Closed	n/a

### Key Issues and Recommended Approach

NSW Department guidance states that the SP1 zone is 'generally intended for land uses or sites with special characteristics that cannot be accommodated in other zones' <sup>26</sup>. Currently the elements of the Parramatta LEP land now falling within the consolidated CLGA contains a number of SP1 – Places of Public Worship zoned lots. There are also two examples within the former Parramatta part of Cumberland where a lot is identified as both an Educational Establishment / Place of Public Worship (St Ioannis Greek Orthodox Church and Granville Holy Trinity Church). The former Auburn part of Cumberland only has one SP1 site, namely Rookwood cemetery. As noted above the Holroyd LEP has not adopted an SP1 zone.

It is recommended that those uses currently listed as permissible within the Auburn LEP are incorporated as permissible uses within the draft CLEP to ensure a consistent approach is adopted across Cumberland and that no down-zoning occurs. This will align with the principles of the LEP review which is to retain current planning outcomes where possible.

It is recommended that those places of public worship which are currently zoned SP1 are rezoned to the neighbouring zone and then rely on their existing use rights.

The Auburn and Parramatta LEPs currently take a closed approach to the SP1 zone, which is proposed within the draft CLEP 2020 and an approach supported by Land Use Zone Practice Note.

Table 32 - SP1 Special Activities Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose and Aquaculture; Building identification	Any development not specified in item 2 or 3

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-clauses-2011-03-10.pdf?la=en>

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-clauses-2011-03-10.pdf?la=en>

signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Funeral homes; Kiosks; Markets; Mortuaries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

#### 4.8.2. SP2 INFRASTRUCTURE

All three LEPs currently include an SP2 zone, however in terms of permissible development, their approach differs. Holroyd applies the SILEP provisions whereas both the Auburn and Parramatta LEPs list additional permissible uses, especially the Auburn LEP which allows a number of additional uses which would fall within other land use zones.

#### Differences

Table 33 - SP2 Infrastructure Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>	No additional objectives	No additional objectives	No additional objectives
<b>Permissibility Differences</b>	The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose	Aquaculture; Building identification signs; Business identification signs; Car parks; Community facilities; Depots; Environmental facilities; Environmental protection works; Freight transport facilities; Funeral homes; Kiosks; Markets; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads.	Aquaculture; Environmental protection works; Flood mitigation works; Recreation areas; Roads.	Applies SILEP Provision.
<b>Prohibition Differences</b>	None listed	No differences	No differences	No differences
<b>Zone Approach</b>	Not specified	Closed	Closed	Closed



### Key Issues and Recommended Approach

All three LEPs currently apply a closed approach by prohibiting any development not listed as permissible with or without consent. It is recommended that this approach is repeated within the draft CLEP 2020.

This is in line with the land use zone practice direction which recommends that special purpose zones adopt a closed approach reflecting the diversity of land uses should be more restrictive within the special purpose zones.

Table 34 - SP2 Infrastructure Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.	Any other development not specified in item 2 or 3.





## 5. EXEMPT AND COMPLYING DEVELOPMENT (PART 3)

Exempt and complying development enables certain types of development that is considered minor and of limited impact to occur without the need for a formal development application and consent approval. The SILEP clauses set out the overarching conditions for such types of development and they must not contravene the Building Code of Australia. Exempt and complying development does not apply to some circumstances such as when land comprises a heritage item.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP), specifies exempt and complying development which is applicable state-wide. In addition to the Codes SEPP, the SILEP includes Schedule 2 and 3 which enables Council's to identify specific types of development which are either exempt or complying development within the LGA which are not specified within the Codes SEPP.

When the Codes SEPP was first gazetted, the Department issued *LEP Practice Note 09-001 Exempt and Complying Development* (replacing PN08-003) (the Codes Practice Note)<sup>27</sup>. The Codes Practice Note recommends that councils should not include any exempt or complying development provisions for development types covered by the Codes SEPP in Schedule 3 of an LEP.

### 5.1. EXEMPT DEVELOPMENT

It is proposed to use the SILEP standard clauses in relation to Part 3 of the draft CLEP 2020. Particular types of development which are identified as additional exempt and complying development within Schedule 3 of the current three LEP have been focussed on (see **Appendix 1** for comparative analysis).

#### Signage

In 2014, after all the LEPs were gazetted, State Environmental Planning Policy (Exempt and Complying Development) 2008 ("Codes SEPP") was amended, introducing a new code for Advertising and Signage Exempt Development.

Both the Auburn and Holroyd LEPs currently include detailed provisions relating to advertising and signage. However, given the Codes SEPP inclusion of advertising and signage controls, it is recommended that the draft CLEP 2020 does not adopt additional or conflicting provisions and remains silent in relation to advertising and signage.

#### Markets

The Parramatta LEP also includes markets as an exempt development form. It is recommended that this approach is not adopted within the draft CLEP as these relate to specific Parramatta Council run activities which do not apply to Cumberland.

<sup>27</sup> LEP Practice Note 09-001 Exempt and Complying Development 20 February 2009 - <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/exempt-and-complying-development-20090220.pdf?la=en>



### Other Exempt Uses

The Holroyd LEP also includes exempt development in the form of clothing bins, removal or pruning of trees, security grills/screens and shutters and temporary use of land for community events and fundraising events.

Clothing bins, tree removal / pruning, security grills/screens are covered by the Codes SEPP however the details currently within the Holroyd LEP differ slightly to the provisions of the Codes SEPP. Temporary community events and fundraising events are also covered by the Codes SEPP albeit in more detail.

The Holroyd LEP also includes exempt development in the form of clothing bins, removal or pruning of trees, security grills/screens and shutters and temporary use of land for community events and fundraising events.

Clothing bins, tree removal/pruning, security grills/screens are covered by the Codes SEPP, however the details currently within the Holroyd LEP differ slightly to the provisions of the Codes SEPP. Temporary community events and fundraising events are also covered by the Codes SEPP albeit in more detail.

It is recommended that the draft CLEP 2020 does not include additional or conflicting provisions relating to clothing bins, tree removal/pruning or security grills/screens and temporary community events and fundraising, and instead rely on the provisions of the Codes SEPP. This is in line with Department's Codes Practice Note which discourages inclusion of additional exempt development types which are already dealt with by the Codes SEPP. Inclusion of these additional exempt development types would likely cause confusion for users where local provision differs slightly to the Codes SEPP provisions.

## 5.2. COMPLYING DEVELOPMENT

The SILEP's standard complying development clause has been adopted in all three LEPs, providing consistency across Cumberland. Auburn adopts the standard clause does not identify any complying development in Schedule 3. Parramatta and Holroyd both identify types of sub-division as complying development however their approaches differ as outlined below.

### Sub-division of dual occupancies

#### *Current Position*

The three LEPs currently approach the permissibility of sub-division for dual occupancies differently. This has been raised as a key issue in internal Council workshops.

In terms of complying development, Auburn does not allow sub-division of dual occupancies, Parramatta permits only strata subdivision of approved dual occupancy development and Holroyd permits subdivision of approved dual occupancy development.

#### *Recommended Approach*



It is recommended that the current complying development types included within the Holroyd LEP, i.e. subdivision for dual occupancies and the Paramatta LEP, i.e. strata subdivision of dual occupancies are included within the draft CLEP 2020.

The inconsistency of controls across the CLGA was identified as a key issue by Council officer's and therefore applying the same complying development controls across the CLGA will resolve this element of inconsistency. By adopting these provisions across the CLGA, it will enable those lots which comply within the former Auburn portion of the LGA to now benefit from this provision. Nevertheless, this approach rectifies inconsistency and the issues, as highlighted earlier in this Background Report, of some sites across the road from one another have a completely different set of planning controls.

Both LEPs currently provide that any complying development certificate must comply with the same conditions set out in Schedule 6 of the Codes SEPP. It is recommended this is following in the draft CLEP 2020 to ensure consistency across the CLGA.

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## 6. DESIGN CONTROLS AND STANDARDS (PART 4)

Part 4 of the SILEP sets out principal development standards to be adhered to within an LGA. Only clause 4.6 is required to be included within every LEP and Council can decide whether to include other standard clauses relating to lots size, height and FSR. Our comprehensive comparison of the provisions can be found at **Appendix 1**. Section 6 of this Background Report concentrates on the key differences between the three LEPs.

### 6.1. Minimum subdivision lot size and minimum lots sizes for residential development

#### Minimum subdivision lot size

##### *Current Position*

All three LEPs have adopted this clause however they all contain different objectives. This is not unusual given the combination of three LGAs and that Councils are required to provide local objectives if this clause is adopted as well as setting out the relevant numerical values on the relevant maps.

The Auburn LEP seeks to ensure lots sizes can accommodate development consistent with controls and support a range of development types. Parramatta LEP seeks to ensure new subdivision reflects characteristics of lots sizes and patterns of the area. Holroyd LEP seeks to ensure consistent patterns, high level of amenity for new development, ensure lots can accommodate development consistent with controls and prevent fragmentation of land.

All LEPs contain the SILEP provisions, excluding the provision to land registered under the Strata Schemes Development Act 2015 and subdivision under the Community Land Act 1989.

Auburn LEP also specifies the minimum lot size for a dwelling house is 450sqm; however, for battle-axe lots, the area of the access handle is excluded for the minimum lot size calculation in residential, industrial and B6/7 zones. There are also specific minimum lots sizes for the former Lidcombe Hospital Site.

Parramatta LEP specifies that battle-axe lots must not be less than 670sqm and cannot include the access handle within the calculation. Within R2, R3 and R4 the Lot Size Map is disapplied if there is a dual occupancy on the lot and one dwelling will be situated on each lot resulting from the subdivision.

Holroyd does not include any additional restrictions.

##### *Recommended Approach*

Table 35 sets out the proposed approach and objectives for inclusion within the draft CLEP 2020. The focus of the draft CLEP 2020 is to harmonise and consolidate the controls across the three LEPs to ensure a consistent approach across the CLGA in the first instance. It is therefore recommended that those specific controls contained in the Auburn and Parramatta LEPs are included within the draft CLEP 2020 and therefore become applicable across Cumberland.



It is recommended that the Lot Size Maps are amalgamated with the existing controls, however the lot size controls should be reviewed across the Cumberland LGA at the next stage of the CLEP.

Table 35 - Minimum Lot Size Proposal

Proposed Approach	Proposed New Objective
<p>The suggested approach reflects an amalgamation of the controls:</p> <ul style="list-style-type: none"> <li>Adopt SILEP provisions with additional clauses: <ul style="list-style-type: none"> <li>From Auburn LEP</li> </ul> </li> <li>Development specific controls for battle-axe blocks and lots with an access handle</li> <li>Site specific controls for the former Lidcombe Hospital Site</li> <li>From Parramatta LEP <ul style="list-style-type: none"> <li>Development specific controls for battle-axe blocks / lots with an access handle and subdivision of dual occupancies.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>to ensure that lot sizes are able to accommodate development consistent with relevant development controls</li> <li>to ensure that subdivision of land is capable of supporting a range of development types</li> <li>To prevent fragmentation of land that would preclude the achievement of the land uses or development desired in a given locality</li> <li>to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.</li> </ul>

#### Exceptions to minimum lots sizes for certain residential development

This clause seeks to encourage housing diversity without impacting on residential amenity. At present, only the Holroyd LEP includes this provision.

It is recommended approach is set out in Table 36 below which seeks to ensure a consistent approach is adopted across CLGA.

Table 36 - Residential Minimum Lot Size for Certain Residential Development Proposal

Proposed Approach	Proposed New Objective
<p>It is suggested the following approach is included within the draft CLEP 2020: Adopt current Holroyd position:</p> <p>Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if:</p> <p>(a) the subdivision is for the purpose of a dual occupancy, multi dwelling housing or a semidetached dwelling, or</p> <p>(b) there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument prior to the HLEP commencing and each resulting lot from the subdivision will contain a single dwelling.</p> <p>Development consent may be granted to a single development application for development that is both of the following:</p>	<ul style="list-style-type: none"> <li>to encourage housing diversity without adversely impacting on residential amenity.</li> </ul>

- (a) the subdivision of land into 3 or more lots, and  
(b) the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.

### **Minimum subdivision lot size for community title schemes**

The minimum subdivision lots size clauses do not apply to the subdivision of individual lots in a strata plan or community title scheme. The inclusion of this clause enables Council's to control the size of lots under community title schemes through a minimum lot size map.

Currently only Holroyd has adopted a provision in its LEP. It is recommended that the current Holroyd provision is adopted across the CLGA for consistency.

*Table 37 - Minimum Subdivision Lot Size for Community Titles Proposal*

Proposed Approach	Proposed New Objective
<p>The suggested approach:</p> <ul style="list-style-type: none"> <li>Adopt the clause as currently drafted in Holroyd LEP.</li> </ul>	<ul style="list-style-type: none"> <li>to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</li> </ul>

## **6.2. Height of buildings**

### *Current Position*

This clause allows Council to identify permissible buildings heights within the CLGA with reference to a map. In this staged approach to creating a new consolidated LEP for CLGA it is not proposed to change existing heights (or FSR). The only amendments suggested relating to improved objectives that assist with future consideration of applications.

The current objectives for this provision differ across the LEPs, with Parramatta including more detail with an additional focus on preservation of historic views and existing character. Holroyd and Auburn both promote appropriate development which is compatible with the character of the locality. Holroyd and Parramatta LEPs also focus on solar access and privacy.

Auburn and Parramatta LEPs contain site-specific provisions for key sites. Within the CLGA this applies to the Parramatta Road Precinct provision which is contained with the current Auburn LEP. Therefore, this will need to be included within the draft CLEP.





#### *Recommendation*

It is recommended that a height of building clause is adopted in the draft CLEP 2020, given that historically it has applied to all three LGAs.

Table 38 sets out the recommended approach and proposed new objectives for inclusion within the provision which adopts the site-specific controls which were included in the three LEPs that continue to fall within the CLGA. As outlined above, Cumberland is taking a staged approach to its draft CLEP and this first stage is focussed on harmonising provisions to ensure that consistent controls are applicable across the LGA with a review of height controls to be undertaken at a later stage.

*Table 38 - Height of Buildings Proposal*

Proposed Approach	Proposed New Objective
<p>The suggest approach is:</p> <ul style="list-style-type: none"> <li>Adopt the SILEP approach.</li> <li>Site specific controls to be included for Parramatta Road Precinct provisions within the Auburn LEP.</li> </ul>	<ul style="list-style-type: none"> <li>to establish a maximum height of buildings to enable appropriate development density to be achieved</li> <li>to ensure that the height of buildings is compatible with the character of the locality</li> <li>to minimize the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties</li> <li>to reinforce and respect the existing character and scale of low density residential areas</li> </ul>

### **6.3. Floor space ratio**

#### *Current Position*

This clause allows Council to identify permissible FSRs with reference to a map of the CLGA. The inclusion of this clause within an LEP is not compulsory and a Council must elect to seek to control FSR in certain areas (as with height controls).

Currently, all three LEPs have adopted this clause but with different objectives.

The Auburn LEP focusses on appropriate development density and an intensity which reflects the locality of the development. Parramatta LEP's objectives consider the relationship between density and traffic generation, transition in built form, together with ensuring density is appropriate in areas with heritage sites are located or within low density residential areas. Holroyd promotes the viability of commercial centres and economic opportunities through FSR and to ensure a variety of housing types with a high level of amenity.

There is site specific FSR's for the Former Lidcombe Hospital Site, Parramatta Road Precinct, Retail Premises within commercial precincts.



#### *Recommendation*

It is recommended that the FSR clause within the SILEP is adopted within the draft CLEP 2020. It is noted that in its this staged approach of consolidation of the LEPs, no change to current FSR values will be undertaken.

It is recommended that those site-specific controls which fall within the CLGA are included within this stages of the comprehensive draft CLEP 2020 to ensure a consistent approach in these areas.

*Table 39 - Floor Space Ratio Proposal*

Proposed Approach	Proposed New Objective
Adopt standard instrument clause	<ul style="list-style-type: none"> <li>to establish a maximum floor space ratio to enable appropriate development to be achieved</li> </ul>
Include site specific controls relating to Former Lidcombe Hospital Site, Parramatta Road Precinct, Retail Premises within Commercial Precinct (as applicable to CLGA) and those areas currently identified in the Holroyd LEP.	<ul style="list-style-type: none"> <li>to ensure that development intensity reflects its locality</li> </ul>

## **6.4. Exceptions to development standards**

#### *Current Position*

This is a compulsory clause which must be included within the new draft CLEP 2020.

The Auburn LEP and Parramatta LEP add additional considerations to clause 4.6. Such as, a clause 4.6 cannot apply where the breach would contravene arrangements for contributions to designated state public infrastructure. Parramatta also identifies site specific areas for variance of FSR and height controls within the City Centre, however this is not relevant for the portion of former Parramatta which is now included in CLGA.



*Recommendation*

One of the principles of this review is to apply the SILEP provisions wherever possible, it is therefore recommended in this instance that the SILEP clauses and objectives are adopted and no additional controls are adopted.

*Table 40 - Exceptions to Development Standards Proposal*

Proposed Approach	Proposed New Objective
Adopt standard instrument clause.	<ul style="list-style-type: none"> <li>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</li> <li>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</li> </ul>



## 7. MISCELLANEOUS CONTROLS (PART 5)

Part 5 of the SILEP sets out miscellaneous development controls. The majority of the provisions are compulsory and generally all three LEPs have adopted a similar approach (see **Appendix 1** for detailed comparison). This section of the Background Report considers the provisions which have been discussed in further detail through the review process.

### 7.1. Development near zone boundaries

#### *Current Position*

The inclusion of this clause within an LEP is optional. The clause enables flexibility to allow a use that is permitted on one side of a zone boundary to occur on the immediate other side if this would enable a more logical and appropriate development of the site (PN11.001).

The SILEP clause provides that it does not apply to certain land zones and Councils can add additional restrictions and insert the relevant distance between the zones. Currently all three LEPs have adopted the clause, however with different relevant differences.

The Auburn LEP relevant distance is 20m, whereas Parramatta is 1m and Holroyd is 10m. Holroyd also excludes this provision from applying to the B4 mixed use zone.

#### *Recommendation*

The Zoning for Infrastructure in LEPs practice note advises that where a Council has adopted an SP zone, then the standard provision relating to 'Development near zone boundaries' should be adopted within the LEP<sup>28</sup>.

In addition, as all three LEPs have currently adopted the provision, to ensure consistency and observe the key principles of this review, it is recommended that the SILEP clause is adopted. The following zones are excluded under the SILEP clause; RE1, E1, E2, E3, and W1.

It is recommended that a consistent distance is applied across the CLGA at a level of 20 metres which enables flexibility to offset the limitations of broad LGA/precinct-scale zoning and address economic market changes over time.

<sup>28</sup> <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/zoning-for-infrastructure-in-LEPs-2010-12-14.pdf>

## 7.2. Controls relating to miscellaneous permissible uses

### *Current Position*

This clause enables Councils to insert numerical standards for certain types of development to reflect the characteristics of the LGA.

The controls for miscellaneous permissible uses across the three LEPs have been reviewed. Table 41 compares those controls which currently differ across the three LEPs against the SILEP approach, see **Appendix 1** for full comparison.

At present, the three LEPs have very different levels of controls for industrial retail outlets, kiosks and artisan food and drink industrial exclusion uses ranging from 5% to 43% of gross floor area for industrial retail outlets, 10sqm to 100sqm gross floor area for kiosks and 5% to 43% of gross floor area for artisan food and drink industry. These have been considered in more detail in Section 2.4.6.

In addition, the controls for secondary dwellings vary from 25% to 5% gross floor areas as set out below in Table 41.

Table 41 - Miscellaneous Permissible Uses Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Industrial Retail Outlets	Not more than 67% of gross floor areas or not more than 400sqm	43% of gross floor area of the industry located on same land as retail outlet or 400m <sup>2</sup> (whichever is the lesser)	5% of the gross floor area of the industry located on the same land as retail outlet or 400m <sup>2</sup> (whichever is the lesser)	10% of the gross floor area of the industry located on the same land as the retail outlet or 400m <sup>2</sup> (which is the lesser)
Kiosks	Not less than 10sqm	Gross floor area 10m <sup>2</sup>	Gross floor area 10m <sup>2</sup>	Gross floor area 100m <sup>2</sup>
Secondary Dwellings	60sqm and % of total floor area	Floorspace must not exceed 60m <sup>2</sup> or 25% of total floor area of principal dwelling	Floor space must not exceed 60m <sup>2</sup> or 5% of the total floor area of principal dwelling	Floor space must not exceed 60m <sup>2</sup> or 10% of the total floor area of principal dwelling
Artisan food and drink industry exclusion	Not more than 67% of gross floor area and not more than 400sqm	Floor area used for retail sales must not exceed 43% of GFA of the industry or 400m <sup>2</sup> (whichever is the lesser)	Floor area used for retail sales must not exceed 5% of GFA of the industry or 400m <sup>2</sup> (whichever is the lesser)	Floor area used for retail sales must not exceed 10% of the GFA of the industry or 400m <sup>2</sup> (whichever is the lesser)



#### *Recommended Approach*

It is recommended that a moderate approach be taken in respect of miscellaneous use controls. This would involve adopting a 10% gross floor area restriction for secondary dwellings, a 10% gross floor area restriction for industrial retail outlets, 10sqm gross floor area for kiosks and 10% gross floor area for artisan food and drink industry as outlined in Table 42.

It is also recommended that a broader range of recommendations from the Employment and Innovation Lands Study are incorporated into the draft CLEP in a staged approach going forward following further analysis and consultation.

*Table 42 - Miscellaneous Uses Proposal*

	Proposed Approach
Industrial Retail Outlets	Not more than 10% of gross floor areas or not more than 400sqm
Kiosks	Not less than 10sqm
Secondary Dwellings	60sqm and 10% of total floor area
Artisan food and drink industry exclusion	Not more than 10% of gross floor area and not more than 400sqm





## 8. HERITAGE CONTROLS (PART 5)

### 8.1. Current Approach

The three LEPs currently have all adopted the SILEP provision. It is therefore recommended that this approach is also followed within the draft CLEP, which is in line with the principles of the LEP review to adopt the standard instrument clauses as required.

### 8.2. Recommendation

In terms of the heritage sites listed within Schedule 5 it is recommended that all existing heritage items are carried over and included within the draft CLEP save for those items identified for potential de-listing. Those heritage items identified for delisting are:

1. 36 -38 Jamieson Street, Granville
2. 10 William Street, Granville
3. 9 - 11 Woodville Road, Granville
4. Guildford Railway Station – Railway Terrace, Guildford
5. Millmaster Feeds Site – Neil Street, Merrylands
6. Myall Street, Merrylands
7. 34 Garfield Street, Wentworthville
8. 15 Abott Street, Merrylands
9. 70 Jersey Road, South Wentworthville.



## 9. LOCAL PROVISIONS (PART 6)

Part 6 of an LEP allows Councils to add specific local clauses to address local issues and circumstances. The local clauses cannot be inconsistent with or undermine the SILEP clauses. Local Provisions cannot be varied by clause 4.6 (exceptions to development standards), therefore careful consideration must be given to their inclusion and drafting.

A comparison of the local provisions currently adopted within the three LEPs can be found at **Appendix 1**.

The key local provisions which have been considered are detailed below.

### Design excellence

As set out in Section 2.4.2, Design Excellence has been identified as an important concept and priority for Cumberland. It is therefore recommended that a local provision which seeks to ensure design excellence is adopted within the draft CLEP 2020.

### Location of sex services premises

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

It is recommended that the local provision includes the following elements of the provisions compared in **Appendix 2(g)**:

- Restriction on sex service premises sharing entrances with residential units;
- Standard considerations when determining appropriate locations for sex service premises including:
  - Disturbance due to size, location and hours of operations
  - Interference with amenity
  - Disturbance due to number of sex service premises in the area
  - Impact of places frequented by children
  - Impact on places of high pedestrian activity; and
  - Whether appearance is sufficiently discreet.

It is recommended that the restriction regarding proximity to transport nodes currently within the Auburn LEP is not adopted within the draft CLEP 2020.

### Minimum lot sizes for dual occupancies



It is understood that a Council led planning proposal which seeks to set the minimum lot size for dual occupancies within the R2 and R3 zone to 585sqm will be incorporated within the draft CLEP 2020.

#### **Places of public worship in the R3 and R4 zones**

In addition to the objectives within the R3 and R4 zones to ensure that any non-residential development is appropriate for the zone, it is recommended that a local provision is included. Such a clause should seek to ensure that places of public worship in the R3 and R4 zones are consistent with the bulk and scale of existing development and do not adversely impact on the amenity of the surrounding neighbourhood.

#### **Urban heat management**

As identified, in Section 2.4.4, urban heat management has been identified as an essential and strategic priority for Cumberland. It is therefore recommended that a local provision which seeks to ensure effective design and ongoing operation to reduce and remove urban heating from the environment and protects community health and wellbeing is adopted. It is recommended that the LEP provision ensures an overarching requirement to consider urban heat management measures when deciding whether to grant consent, however it is recommended that further detail and prescriptive controls are included within the comprehensive DCP.



## 10. CONCLUSIONS AND RECOMMENDATIONS

The focus of this background report has been the harmonisation of the three LEPs comprising Auburn, Parramatta and Holroyd LEPS, to create a consistent base document upon which Cumberland Council can build upon.

The principles underpinning this review and the preparation of the recommendations contained in this Background Report are:

**Principle 1:** *As far as practicable, apply the same planning approach across the LGA (focus on creating a consistent set of general land use policies and development controls for Cumberland).*

**Principle 2:** *Adopt Standard Instrument LEP clauses as required, with local content included where possible.*

**Principle 3:** *Use 'best-fit' to retain/continue current planning outcomes in instances where the existing Cumberland LEPs do not align.*

**Principle 4:** *Introduce new policy/planning approach only if appropriate.*

The key issues considered in this Background Report include: places of public worship, design excellence, permissibility of RFBs and seniors housing, urban heat management, site area controls, industrial area ancillary uses, sex service premises permissibility and the inclusion of additional local objectives where appropriate.

These issues have been considered at Councillor briefings and final recommendations will be included within the draft CLEP 2020 to reflect the above principles and respond to Councillor issues and directions.

Incorporation of the findings of Council's affordable housing and employment studies should be undertaken as a subsequent iteration of the draft CLEP process, with a particular focus on:

Table 43 - Cumberland Emerging Strategies

<b>Affordable Housing</b>	The Cumberland LEP Review Health Check identifies housing diversity and affordability actions as a key challenge for Cumberland to delivering the planning priorities outlined in the <i>Central City District Plan</i> . An affordable housing study is currently being finalised and its recommendations should be further considered by Council once available. There are multiple mechanisms to achieves additional affordable housing provision within the LGA. Council will need to decide how this is managed and the feasibility of any such policy decision once the analysis is available.
<b>Employment Study</b>	Council has prepared a comprehensive Employment Innovation Lands Study which includes a number of specific recommendations. To implement these recommendations, a further amendment to the draft CLEP will be required. These have not been incorporated as this stage as given the time constraints imposed by the Department and the need to test the implication of adopting these recommendations, these will be incorporated in a stage approach. These should be considered at a subsequent



amendment, including site specific and LGA wide amends, specified review of height controls and permissible uses within industrial.

This project has identified a number of items for further analysis which should could be undertaken to inform future iterations of the draft CLEP and DCP, including:

#### **Built Form Controls**

It is recommended that height, FSR and lot size controls are further reviewed following the gazettal of the draft CLEP to identify any areas where controls potentially need to be varied.

#### **Urban heat management**

It is recommended that detailed urban cooling and urban heat management provisions are considered as part of the comprehensive DCP process. Such provisions will support the overarching objectives provided for in the local provisions within the draft CLEP 2020.

#### **Place of public worship**

It is recommended that comprehensive DCP controls relating to places of public worship. These would seek to control the scale and massing of both new places of public worship and any extension to existing places of public worship.

This document is to be read in conjunction with Council's planning proposal for the Draft Cumberland Local Environmental Plan 2020.



## APPENDIX 1

### Comparison of Local Environmental Plans

DRAFT



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Name of Plan	CI 1.1	CI 1.1	CI 1.1	LGA name differs.	Update LGA references throughout LEP.
Commencement	CI 1.1AA	CI 1.1AA	CI 1.1AA	Different LEP commencement dates.	Update with relevant commencement date of new LEP.
Aims of Plan	CI 1.2	CI 1.2	CI 1.2	Objectives differ across LEPs.	Adopt proposed new LEP Aims.
Land to which the Plan Applies	CI 1.3 & map	CI 1.3 & map	CI 1.3 & map	All LEPs are consistent.	Update Land Application Map to reflect new LGA boundary.
Definitions	CI 1.4	CI 1.4	CI 1.4	Clause is consistent across LEPs.	Adopt standard instrument clause. Definitions to be considered.
Notes				All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Consent authority	CI 1.6	CI 1.6	CI 1.6	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Maps	CI 1.7	CI 1.7	CI 1.7	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Repeal of planning instruments applying to land	CI 1.8	CI 1.8	CI 1.8	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Savings provision relating to DAs	CI 1.8A	CI 1.8A	CI 1.8A	LEPs generally consistent, Holroyd includes additional wording in respect of Amendment No 4 of the LEP	Adopt standard instrument clause.
Application of SEPPs	CI 1.9  Disapplies SEPP No.1 and No.24	CI 1.9  Disapplies SEPP No.1	CI 1.9  Disapplies SEPP No.1 and No.28	LEPs generally consistent	Update list with SEPPs that do not apply to LGA land and consider relevance of existing listed SEPPs. See ( ) of
Suspension of covenants etc	CI 1.9A	CI 1.9A	CI 1.9A	All LEPs consistent.	Retain clause in the consolidated LEP, unchanged.
Land Use Zones	CI 2.1 No B3, B5, IN3 Includes B7, W1	CI 2.1 No B7 Includes R1, IN3, E3, W1, W2	CI 2.1 No B3, B7, IN3, SP1, W1	This is an introductory clause listing different land use zones included under LEP. There are some differences between the LEPs as listed.	Update clause as needed to reflect zones included in consolidated LEP.  Recommend that the full range of land use zones are carried over.
Zoning of land to which Plan applies	CI 2.2 & map	CI 2.2 & map	CI 2.2 & map	All LEPs are consistent.	Cumberland to update Land Zoning Map to reflect new LGA boundary
Zone objectives & Land Use Table	CI 2.3	CI 2.3	CI 2.3	All LEPs are consistent, save for minor differences in explanatory notes,	Recommend the standard instrument approach is adopted.
Unzoned Land	CI 2.4	CI 2.4	CI 2.4	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Additional permitted uses for particular land	CI 2.5	CI 2.5	CI 2.5	The clause is consistent across the LEPs. Schedule 1 of the three LEPs contains a number of specific sites which need to be included within consolidated LEP if they fall within the Cumberland LGA boundary.	Retain clause in the consolidated LEP, unchanged. Schedule 1 to be reviewed to identify those areas currently listed in the LEPs which are not located in the Cumberland LGA.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Subdivision – consent requirements	CI 2.6	CI 2.6	CI 2.6	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Demolition regulations and development consent	CI 2.7	CI 2.7	CI 2.7	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Temporary use of land	CI 2.8 28 days	CI 2.8 28 days	CI 2.8 28 days	Auburn and Parramatta apply this clause with a temporary use of up to 28 days. Holroyd permits temporary use for 52 days.	Recommend that the permitted temporary use period reflects the standard instrument, allowing temporary activities to occur for a period of 52 days. This will reduce regulatory burden of applications relating to temporary use.
Zone R1 General Residential	N/A	Applies	N/A	This zone only relates to land within the Parramatta LGA.	It is not proposed to retain this zone as the land does not form part of the consolidated LGA.
Zone R2 Low Density Residential	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including hostels, places of public worship, semi-detached dwellings, neighbourhood shops, public administration buildings, recreation facilities, educational establishments emergency services facilities, seniors housing and healthcare facilities.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone R3 Medium Density Residential	Applies	Applies	Applies	There are differences between LEPs in the land uses permitted in this zones, including public administration buildings, recreation facilities, educational establishments, emergency services facilities, hostels and health services facilities.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone R4 High Density Residential	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including dwelling houses, dual occupancies, semi-detached dwellings, B&B's, public administration buildings, information & education facilities, recreation facilities, educational establishments, emergency services facilities, seniors housing and healthcare facilities	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B1 Neighbourhood Centre	Applies	Applies	Applies	There are difference between the LEPs in the land uses permitted in this zone, including other uses under retail premises, tourist and visitor accommodation (inc serviced apts and hostels), RFBs, self-storage units, warehouse/distribution centres, seniors housing health consulting rooms, group homes and signage.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B2 Local Centre	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including amusement centres, group homes, home industries, RFBs, helipads, mortuaries, self-storage facilities, vehicle body repair shops, vehicle repair stations, warehouse and distribution centres, recreation facilities, resource recovery facilities and signage.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B3 Commercial Centre	N/A	Applies	N/A	This zone only relates to the Parramatta CBD so therefore is not included with the consolidated LGA	This zone will not be included in the consolidated LEP.
Zone B4 Mixed Use	Applies	Applies	Applies	There are difference between the LEPs in the land uses permitted in this zone, including RFBs, other dwelling types comprised of 3 or more dwellings, light industry, airstrips, backpacked accommodation, mortuaries, self-storage facilities, vehicle body repair shops, warehouse and distribution centres, signage, amusement centres,	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
				recreation facilities, resource recovery facilities, service stations and vehicle repair stations.	
Zone B5 Business Development	N/A	Applies	Applies	This zone only applies to land under the Parramatta and Holroyd LEPs, some which forms part of the consolidated LGA.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B6 Enterprise Zone	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including other retail premises, boarding houses, group homes, hostels, multi-dwelling housing, RFBs, shop-top housing, home business / industries etc, highway service centres, tourist and visitor accommodation, storage premises, amusement centres, recreation facilities, resource recovery facilities, registered clubs, vehicle body repair shops, veterinary hospitals, signage.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B7 Business Park	Applies	N/A	N/A	The zone only relates to land under the Auburn LEP.	It is not proposed to retain this zone as the B7 zoned land does not form part of a consolidated LGA.
Zone IN1 General Industrial	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including business premises, heavy industrial storage establishments, helipads, open cut mining, animal boarding and training, car parks, correctional centres, extractive industries, hardware and building supplies, landscape material supplies, research stations, vehicle sales or hire premises, community facilities, function centres, vet hospitals, child care centres and health service facilities	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone IN2 Light Industrial	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including airport transport facilities, biosolids treatment facilities, business premises, helipads, general industries, mortuaries, vehicle repair shops, passenger transport facilities and registered clubs.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone IN3 Heavy Industrial	N/A	Applies	N/A	This zone only relates to land under the Parramatta LEP	It is not proposed to retain this zone as the land does not form part of the consolidated LEP.
Zone SP1 Special Uses	Applies	Applies	N/A	There are differences between the LEPs in the land uses permitted in this zone, including cemeteries, crematoria, community facilities, depots, freight and passenger transport facilities, funeral homes, mortuaries, places of public worship, recreation facilities and markets.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone SP2 Infrastructure	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including car parks, community facilities, depots, freight and passenger transport facilities, funeral homes, mortuaries, places of public worship, recreation facilities and markets.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone RE1 Public Recreation	Applies	Applies	Applies	There are difference between the LEPs in the land uses permitted in this zone, including child care centres, depots, function centres, places of public worship, public administration buildings, takeaway food and drink premises.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone RE2 Private Recreation	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including tourist and visitor accommodation, water recreation structures and food and drink premises (i.e. pubs).	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Zone E2 Environmental Conservation	Applies	Applies	Applies	All LEPs are consistent save for Parramatta which does not permit information and education facilities, recreation areas or signage. Holroyd does not include flood mitigation works as a permissible use.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone E3 Environmental Management	N/A	Applies	N/A	This zone only relates to land under the Parramatta LEP	It is not proposed to retain this zone as the land does not form part of the consolidated LEP.
Zone W1 Natural Waterways	Applies	Applies	N/A	This zone only relates to land under the Auburn and Parramatta LEP. The LEPs are consistent save for Auburn does not include flood mitigation works as a permissible use.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone W2 Recreational Waterway	N/A	Applies	N/A	This zone only relates to land under the Parramatta LEP	It is not proposed to retain this zone as the land does not form part of the consolidated LEP.
Exempt development	CI 3.1 Schedule 2 – Signage (General Requirements), Signage (business identification for businesses in business zone), Signage (business identification for business other than sex services in Zone IN1), Signage (business identification in residential zones), Signage (real estate signs), Signage (behind the glass line of shop in B1, B2, B4, B7 and IN2 other than sex service premises)	CI 3.1 Schedule 2 - Markets	CI 3.1 Schedule 2 – Advertisements (General Requirements), Advertisement (business identification signs for home occupations in resi zone), Advertisements (business identification in business zones), Advertisements (business identification other than sex services in industrial zones), Advertisements (real estate signs), Advertisements (behind glass line of shop window), Advertisements (temporary for religious, cultural political, social and recreational events) Advertisements (wall signs in industrial zones), Clothing bins in business and industrial zones, Removal and pruning of trees , Security grills/screens/shutters for commercial purposes, Signage (Sports field)	All LEPs reflect the SI clause. Schedule 2 of the LEPs differs however some signage provisions are now covered by the Codes SEPP.	Recommend standard instrument clause is adopted. Exempt development in Schedule 2 is considered further in Section 5 of the Background Report.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
			advertising), Temporary use of land)		
Complying development	CI 3.2 & Schedule 3	CI 3.2 & Schedule 3	CI 3.2 & Schedule 3	<p>The clause is consistent across all LEP, adopting the standard instrument clause.</p> <p>However, the LEPs currently approach the permissibility of sub-division for dual occupancies differently.</p> <p>Auburn does not identify any complying development in Schedule 3. Parramatta permits strata subdivision of approved dual occupancy development and Holroyd permits subdivision of approved dual occupancy development.</p>	<p>This will need to be discussed further in the Council workshops.</p> <p>Recommend the standard instrument clause is adopted and no types of complying development, and rely on the Codes SEPP provisions.</p>
Environmentally sensitive areas excluded	CI 3.3	CI 3.3	CI 3.3 Includes sub clause that applies to "Remnant Native Vegetation" identified on HLEP Biodiversity Map	<p>The clause is consistent across the LEPs, save for Holroyd which includes a sub-clause relating to Remnant Native Vegetation identified on Holroyd's LEP mapping.</p>	<p>Recommend the sub-clause is adopted if land containing Remnant Native Vegetation forms parts of the consolidated Cumberland LGA.</p> <p>If no Remnant Native Vegetation identified within the Cumberland LGA, the standard instrument model clause can be adopted.</p>
Minimum Subdivision lot size	CI 4.1	CI 4.1	CI 4.1	<p>All three LEPs contain different objectives for this clause.</p> <p>Auburn seeks to ensure lots sizes can accommodate development consistent with controls and support a range of development types. Parramatta seeks to ensure new subdivision reflects characteristics of lots sizes and patterns of the area. Holroyd seeks to ensure consistent patterns, high level of amenity for new development, ensure lots can accommodate development consistent with controls and prevent fragmentation of land.</p> <p>All LEPs contain the standard instrument provisions, disapplying land registered under the <i>Strata Schemes Development Act</i> 2015 and subdivision under the <i>Community Land Act</i> 1989.</p> <p>Parramatta has a minimum lot-size of 550sqm, Holroyd has a minimum lot size of 200sqm and Auburn a minimum lot size of 450sqm.</p> <p>Auburn also specifies the following minimum lot size for dwelling house is 450sqm; for battle-axe lots, the LEP excludes the area of the access handle for the minimum lot size calculation in residential, industrial and B6/7 zones. There are also specific minimum lots sizes for the former Lidcombe Hospital Site.</p> <p>Parramatta specifies that battle-axe lots must not be less than 670sqm and cannot include the access handle within the calculation. Within R2, R3 and R4 the Lot Size Map is disappled if there is a dual occupancy on the lot and one dwelling will be situated on each lot resulting from the subdivision.</p> <p>Holroyd does not include any additional restrictions.</p>	<p>Recommend apply standard instrument clauses with reference to Lot Size Map.</p> <p>Consolidated new objectives should be adopted.</p> <p>Specific controls for dwelling houses, battle-axe lots, dual occupancies and the former Lidcombe Hospital should be incorporated across Cumberland LGA.</p> <p>Recommend that the current Lot Size Maps are amalgamated with the existing controls. This will be subject to the minimum lot size provision for R2 and R3 zones in any event. It is recommended that the remaining zones subject to a minimum lot size are reviewed at a later stage.</p>
Exceptions to minimum lot sizes for certain residential development	Not adopted	Repealed	CI 4.1A	<p>Only Holroyd has adopted this provision.</p> <p>Holroyd, consent may be granted in the following instances:</p>	<p>The provisions within Holroyd LEP facilitates dual occupancy, multi dwelling and semi-detached. Recommended that the Holroyd provision is carried forward in consolidated LEP.</p>

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
				<p>Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if:</p> <p>(a) the subdivision is for the purpose of a dual occupancy, multi dwelling housing or a semidetached dwelling, or</p> <p>(b) there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument prior to the HLEP commencing and each resulting lot from the subdivision will contain a single dwelling.</p> <p>Development consent may be granted to a single development application for development that is both of the following:</p> <p>(a) the subdivision of land into 3 or more lots, and</p> <p>(b) the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.</p>	
Minimum subdivision lot size for community title schemes	Not adopted	Not adopted	CI 4.1AA(3) – Not to be less than the min. size shown on the Lot Size Map	<p>Only Holroyd has adopted this provision.</p> <p>Holroyd: R2 Low Density Residential, not to be less than the minimum size shown on the Lot Size map in relation to that land.</p>	Recommended that the Holroyd provision is carried forward in consolidated LEP.
Minimum subdivision lot size for strata plan schemes in certain zones	Not adopted	Not adopted	Not adopted	Not applicable	Not applicable
Subdivision of dual occupancies	CI 6.6 (subject to conditions)	CI 4.1 (4B)	Not adopted.	<p><b>The Auburn LEP does not allow</b> torrens title subdivision. Permits strata and community title subdivision of dual occupancies.</p> <p>Holroyd LEP does not adopt this clause.</p>	It is not recommended that this provision is included within the consolidated LEP.
Height of buildings	CI 4.3 – Includes subclause (2A) that applies to "office premises and hotel or motel accommodation" and Zone B6 within the Silverwater Precinct – not in Cumberland LGA	CI 4.3 – Includes subclause (2A) that applies to "Area 1" (Granville station – not within Cumberland LGA)	CI 4.3 – Standard Instrument wording	<p>The objectives differ across the LEPs, with Parramatta including more detail with an additional focus on preservation of historic views and existing character. Holroyd and Auburn both promote appropriate development which is compatible with the character of the locality. Holroyd also focusses on solar access and privacy which Parramatta also does.</p> <p>Auburn and Parramatta contain specific provisions for key sites, the Parramatta Road Precinct provision within the Auburn LEP will fall within the consolidated LEP.</p>	Recommend applying standard instrument wording and consolidate/combine objectives.
Floor space ratio	CI 4.4 Includes specific provisions to Former Lidcombe Hospital,	CI 4.4 – site specific provision relating to "Area 1" – in Parramatta LGA	CI 4.4 – specific provisions relating to "Area A" within Cumberland LGA,	Makes reference to several site-specific areas and sites. Will require selection to consolidate or remove areas, given that within Parramatta Area 1 is outside Cumberland LGA	Recommend new/consolidated objectives and carry over applicable controls for specific sites.



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
	Parramatta Road Corridor (within Cumberland LGA)		"Area B" within Cumberland LGA, "Area C" within Cumberland LGA		
Calculation of FSR and site area	CI 4.5	CI 4.5	CI 4.5	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Exceptions to development standards	CI 4.6	CI 4.6	CI 4.6	Additional consent provisions under subclause 8 in Parramatta LEP relating to non-variance of FSR and HOB of 5% in City Centre (cl 8(ca)), and state public infrastructure (SPI)(cl 8(c), 8(ca), 8(cb)). Auburn LEP does not allow cl4.6 to apply where the breach would contravene miscellaneous permissible use restrictions or arrangements for contributions to designated state public infrastructure.	Both Carter Street Priority Precinct and Parramatta City Centre outside of Cumberland LGA. Recommended to revert to standard instrument provisions within consolidated LEP.
Relevant acquisition authority	CI 5.1	CI 5.1	CI 5.1	There are some minor inconsistencies between LEPs.	The Land Reservation Acquisition Map will need to be updated and the information included within CI 5.1 updated to reflect new LGA boundary.
Development on land intended to be acquired for public purposes	CI 5.1A	CI 5.1A	CI 5.1A	All LEPs are consistent save for the types of land and permitted development.	The Land Reservation Acquisition Map will need to be updated and land and permitted development updated within CI 5.1A.
Classification and reclassification of public land	CI 5.2	CI 5.2	CI 5.2	All LEPs are consistent	Retain clause in consolidated LEP, unchanged.
Development near zone boundaries	CI 5.3	CI 5.3	CI 5.3	Auburn LEP relevant distance is 20m, whereas Parramatta is 1m and Holroyd is 10m.  Holroyd also excludes B4 mixed use zones.	Recommend a 20m buffer and adopting standard instrument clause.
Controls relating to miscellaneous permissible uses	CI 5.4	CI 5.4	CI 5.4	Inconsistencies between permitted floorspace on certain permissible uses	Recommendation required regarding harmonized floorspace restrictions where these differ between the LEPs outlined below:
(a) B&B	No more than 3 bedrooms	No more than 3 bedrooms	No more than 3 bedrooms	All LEPs consistent.	Retain restriction in consolidated LEP, unchanged.
(b) Home Business	30m2 restriction	50m2 restriction	30m2 restriction	Auburn and Holroyd apply the same restriction of no more 30sqm can used for the carrying out of the home business.	Recommend a restriction of 30sqm is adopted in the consolidated LEP as this is the size prescribed across majority of LEPs.
(c) Home Industries	30m2 restriction	50m2 restriction	30m2 restriction	Auburn and Holroyd apply a 30sqm floorspace restriction for home industries. Parramatta permits up to 50sqm of home industry.	Recommend a restriction of 30sqm is adopted in the consolidated LEP as this is the size prescribed across majority of LEPs.
(d) Industrial Retail Outlets	43% of gross floor area of the industry located on same land as retail outlet or 400m2 (whichever is the lesser)	5% of the gross floor area of the industry located on the same land as retail outlet or 400m2 (whichever is the lesser)	10% of the gross floor area of the industry located on the same land as the retail outlet or 400m2 (which is the lesser)	There is a significant difference between the approaches of the current LEPs in relation to the % of gross floor space within the same retail outlet if the retail element.	Recommend a restriction of 10% gross floor area is adopted in consolidated LEP.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
(e) Farm Stay Accommodation	No more than 3 bedrooms	No more than 3 bedrooms	No more than 3 bedrooms	All LEPs consistent.	Retain restriction in consolidated LEP, unchanged.
(f) Kiosks	Gross floor area 10m <sup>2</sup>	Gross floor area 10m <sup>2</sup>	Gross floor area 100m <sup>2</sup>	Auburn and Parramatta restrict the size of a kiosk to a gross floor area of 10sqm, whereas Holroyd permits a gross floor area of 100sqm.	Recommend a restriction of 10sqm is adopted in consolidated LEP.
(g) Neighbourhood Shops	Gross floor area 80m <sup>2</sup>	Gross floor area 80m <sup>2</sup>	Gross floor area 100m <sup>2</sup>	Auburn and Parramatta restrict the gross floor area to 80sqm, whereas Holroyd permits a gross floor area of 100sqm.	Recommend a restriction of 80sqm is adopted in the consolidated LEP as this is the floorspace prescribed across the majority of LEPs.
(h) Neighbourhood Supermarkets	Gross floor area of 1000sqm	Gross floor area of 1000sqm	Gross floor area of 1000sqm	All LEPs are consistent.	Retain restriction in consolidated LEP, unchanged.
(i) Roadside Stalls	Gross floor area of 8sqm	Gross floor area of 8sqm	Gross floor area of 8sqm	All LEPs are consistent.	Retain restriction in consolidated LEP, unchanged.
(j) Secondary Dwellings	Floorspace must not exceed 60m <sup>2</sup> or 25% of total floor area of principal dwelling	Floor space must not exceed 60m <sup>2</sup> or 5% of the total floor area of principal dwelling	Floor space must not exceed 60m <sup>2</sup> or 10% of the total floor area of principal dwelling	All LEPs differ in the restriction on the % of the total floor area of the principal dwelling, ranging between 5% - 25%.	A 10% restriction of the total floor area of the principal dwelling is recommended.
(k) Artisan food and drink industry exclusion	Floor area used for retail sales must not exceed 43% of GFA of the industry or 400m <sup>2</sup> (whichever is the lesser)	Floor area used for retail sales must not exceed 5% of GFA of the industry or 400m <sup>2</sup> (whichever is the lesser)	Floor area used for retail sales must not exceed 10% of the GFA of the industry or 400m <sup>2</sup> (whichever is the lesser)	All LEPs differ in the restriction on the % of the gross floor area of the industry within which the retail sales are located, ranging from 5% - 43%. The standard instrument model clause states the % must not be more than 67% of the gross floor area.	Recommend a restriction of 10% gross floor area is adopted in consolidated LEP.
Development within the coastal zone	Repealed	Repealed	Repealed	N/A	N/A
Architectural roof features	CI 5.6	CI 5.6	CI 5.6	All LEPs are consistent, save for minor differences in objectives.	Retain clause in consolidated LEP, and adopt new objectives.
Development below mean high water mark	CI 5.7	CI 5.7	n/a	Unlikely to apply in merger area	Not applicable to Cumberland LGA.
Conversion of fire alarms	CI 5.8	CI 5.8	CI 5.8	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Preservation of trees or vegetation	Repealed	Repealed	Repealed	N/A	N/A – now covered by SEPP.
Trees or vegetation not prescribed by DCP	Repealed	Repealed	Repealed	N/A	N/A
Heritage conservation	CI 5.10	CI 5.10	CI 5.10	The clauses are consistent across the LEPs save for reference to the particular LEP. The heritage sites listed in Schedule 5 will need to be updated to reflect those that are located within the consolidated LEP.	Retain clause in consolidated LEP with update to LGA reference. Schedule 5 list to be discussed with Cumberland heritage representative.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Bush fire hazard reduction	CI 5.11	CI 5.11	CI 5.11	This clause is consistent across LEPs	Retain clause in the consolidated LEP, unchanged
Infrastructure dev. and use of existing Crown buildings	CI 5.12	CI 5.12	CI 5.12	This clause is consistent across LEPs	Retain clause in the consolidated LEP, unchanged
Eco-tourist facilities	N/A	N/A	N/A	This clause is not adopted by any LEPs applying within the LGA.	N/A
Siding Spring Observatory	N/A	N/A	N/A	This clause is not adopted by any LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach across all LEPs.
Defence communications facility	N/A	N/A	N/A	This clause is not adopted by any LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach across all LEPs.
Pond based, tank based and oyster aquaculture	CI 5.19	CI 5.19	CI 5.19	This clause is consistent across the LEPs.	Retain clause in the consolidated LEP, unchanged.
Acid sulphate soils	CI 6.1	CI 6.1	CI 6.1	Auburn LEP currently differs slightly, adding further detail to 6.1 (6)(a). All LEPs state the clause applies to land shown on the Acid Sulphate Map	Recommend model clause is adopted in consolidated LEP.
Earthworks	CI 6.2	CI 6.2	CI 6.2	Auburn and Holroyd include some minor additional wording within the clause. Auburn includes an additional control that consent is not required if the work does not alter the ground level (existing) by more than 600mm. Holroyd includes an additional consideration when deciding to grant consent to also consider any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Recommend the standard clause is adopted, however it is recommended that the additional mitigation measures currently within Holroyd LEP clause as also included.
Essential services	CI 6.5	n/a	CI 6.3	This clause is consistent across the Auburn and Holroyd LEPs, which adopt the model clause.	Retain clause in consolidated LEP, unchanged.
Flood planning	CI 6.3	CI 6.3	CI 6.3	This clause has been adopted in all three LEPs. In Auburn, the provision applies to land shown as "Flood Planning Area" or other land at or below the flood planning level. In Holroyd and Parramatta, the provision relates to land at or below the flood planning level. All three LEPs include the same definition of flood planning level and adopt the same objectives.	It is recommended that this provision is adopted within the consolidated LEP. In the absence of updated mapping for the entire Cumberland LGA, it is recommended that the provision should apply to land at or below the flood planning level. The provision can be updated at a later stage to apply to mapping if Council considers this to be required.
Biodiversity protection	n/a	CI 6.4	CI 6.5	Only Holroyd and Parramatta have adopted a provision relating to biodiversity. Holroyd applies the provision to land identified as Biodiversity on the Biodiversity Map and Parramatta applies to mapped 'Remnant Native Vegetation' on the Biodiversity Map. Both LEP provisions include the same objectives, however the considerations when deciding whether to grant consent are drafted differently but achieve the same aims.	It is recommended that this provision is adopted, however the mapping will need to be amalgamated across the former Holroyd and Parramatta elements of the LGA. Further mapping will be required of the former Auburn element of the LGA.



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Protection of riparian land and waterways	n/a	CI 6.5	CI 6.6	Minor inconsistencies between current provisions with Holroyd providing more detailed provisions.	Recommend the current Holroyd approach is adopted. The current Parramatta and Holroyd maps need to be amalgamated.
Development on landslide risk land	n/a	CI 6.6	n/a	Only Parramatta has adopted this provision.	If any of the Parramatta land within the Landslide Risk Map forms part of the consolidated LGA. If so, the current Parramatta provision to be adopted.
Foreshore building line	CI 6.4	CI 6.7	n/a	Provision is inconsistent due to the use of definitions of foreshore area versus Foreshore Building Map.	Recommend that the definition of foreshore area is updated to refer to both the Auburn and Parramatta Foreshore Building Map. The standard provision of the clauses should be adopted in the consolidated LEP, unchanged.
Salinity	n/a	n/a	CI 6.8	This provision is only adopted in the Holroyd LEP applies to mapped "known" "high potential" or "moderate potential" salinity land	Consideration in conjunction with DCP review as to whether this provision is required in the LEP of whether DCP controls will be sufficient. It is recommended that this provision is not included within the consolidated LEP at this time and that further mapping is undertaken across the whole LGA.
Restricted premises	n/a	CI 6.8	n/a	Limits location of restricted premises in relation to residential and RE1 lands and to public footpaths, and outlines considerations.	Clause to be included in consolidated LEP.
Location of sex services premises	CI 6.7	CI 6.9	n/a	Sets distance to residential and place of public worship, hospital, school, childcare centre, community facility and recreation area, and outlines considerations. Auburn also limits proximity to public transport stop.	Clause to be included as sex service premises to be permitted within IN1, B4 and B6.
Design Excellence	n/a	CI 6.12	CI 6.11	Parramatta LEP employs precinct-based planning with Design Excellence requirements. Holroyd LEP includes incentive provisions for additional HOB and FSR within Merrylands and Dunmore Street. Auburn does not have Design Excellence provisions.	Recommend that a Design Excellence provision be included within the CLEP to incorporate the existing design excellence provision relating to Merrylands and Dunmore Street and to ensure that once gazetted, the Wentworthville design excellence provisions can also be incorporated. Further studies can be undertaken to identify other precincts or site-specific locations where design excellence provisions could be introduced during subsequent stages of planning reform.
Buffer Area between industrial and residential zones	n/a	n/a	CI 6.9	Applies to land identified as Industrial-residential buffer area on Site Specific Provisions Map. The provision restricts development on the identified land unless the land is in Zone R2 and the development is permissible in R2 save for residential accommodation or the land is in zone IN1 and the development is permissible in the zone and the development is consistent with the objectives of the clause.	The inclusion of this provision in the Holroyd LEP is due to proximity of the Greystones precinct to a number of residential areas. Recommend this provision is adopted within the consolidated LEP as it applies to land identified on the current Site Specific Provisions Map.
Ground Floor Development in Zones B2 and B4	n/a	n/a	CI 6.10	Applies to B2 and B4 zones ensuring ground floor will not be used for resi, car parking and will provide "active frontage"	Recommended current Holroyd clause is included within consolidated LEP to apply across the whole of Cumberland LGA.
Particular dual occupancy subdivisions must not be approved	CI 6.6	n/a	n/a	Consent cannot be granted for subdivision which would create separate titles for each of the two dwellings resulting from dual occupancy.	This provision will not be included in consolidated LEP.
Dual Occupancies on land in R2, R3 and R4	n/a	CI 6.11	n/a	Only Parramatta LEP includes this control which states that dual occupancy can only be permitted if lot has area of not less than 600m <sup>2</sup>	It is recommended that this provision as currently drafted is not included within the consolidated LEP, however the principle will remain. There is a Council led planning proposal which seeks to include a minimum lot size provision for dual occupancies in the R2 and R3 zones. This



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
					planning proposal is generally consistent with the Parramatta approach.



## APPENDIX 2

### Comparison of LEP Land Use Tables for Key Issues

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Places of Public Worship (POPW) Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	Sutherland LEP 2015	Comment
Zone	Place of Public Worship Permitted with Consent or Not								
R1	✓		✓		✓	✓	✓		If R1 is listed as a relevant zones for the LGA then a POPW is permissible.
R2	✗	✓	✗	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use.  Parramatta follows the standard instrument approach, whereas Holroyd and Auburn permit with consent, as do all the comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B1	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use.  However POPW's are permissible in all three LEPs and comparative within B1 zone.
B2	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use.  However POPW's are permissible in all three LEPs and comparative within B2 zone.
B3	✗		✓		✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use.  POPW's are permissible within the Parramatta and the comparative LEPs within B1 zone.  n/a for Auburn and Holroyd
B4	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use.  However POPW's are permissible in all three LEPs and comparative within B4 zone.
B5	✗		✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use.  However POPW's are permissible in Parramatta, Holroyd and the comparative LEPs within B5 zone.  n/a for Auburn
B6	✗	✓	✓	✓	✓		✓	✓	Standard Instrument does not include POPW as a permissible use.  However POPW's are permissible in all three LEPs and comparative LEPs within B6 zone.
B7	✗	✓				✓		✓	Standard Instrument does not include POPW as a permissible use.  However, POPW's are permissible in the Auburn and comparative LEPs within B7 zone.  n/a Parramatta and Holroyd
IN1	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
IN2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.

IN3	X		✓				X	X	Only applicable to Parramatta LEP. POPW's are permissible in contrast to the standard instrument and the comparative LEPs.
SP1	The purpose shown on the Land Zoning Map.	✓	✓ The purpose shown on the Land Zoning Map.		X	X	X	X	POPWs are permissible within Auburn, whereas Parramatta designates and protects existing POPWs through SP1 special uses zone and identification on the Zoning Plan.
SP2	The purpose shown on the Land Zoning Map.	✓	X	X	X	X	X	X	POPWs are permissible within Auburn, whereas Parramatta and Holroyd do not permit, nor do any of the comparative LEPs.
RE1	X	✓	X	X	X	X	✓	X	POPWs are permissible within Auburn. However, POPW's are not permissible in the standard instrument, Parramatta, Holroyd and comparative LEPs (save for Liverpool).
RE2	X	✓	X	X	X	X	✓	X	POPWs are permissible in Auburn. However, POPW's are not permissible in the standard instrument, Parramatta, Holroyd and comparative LEPs (save for Liverpool).
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	✓	Only applicable to Parramatta LEP which follows the standard instrument approach and comparative LEPs.
W1	X	X	X		X	X	X	X	Auburn and Parramatta follow the same approach as standard instrument and comparative LEPs.
W2	X		X			X			Only applicable to Parramatta LEP which follows the standard instrument approach.

Centre Based Child Care Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	Sutherland LEP 2015	Comment
Zone	Centre Based Child Care Permissible or not								
R1	✓		✓		✓	✓	✓		If R1 is listed as a relevant zones for the LGA then a child care centre is permissible.
R2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R5	✗						✗		n/a
RU1	✗				✗		✗		n/a
RU2	✗				✓		✗		n/a
RU3	✗								n/a
RU4	✗				✓	✗	✗		n/a
RU5	✓				✓				n/a
B1	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B3	✓		✓		✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B5	✓		✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.  n/a for Auburn
B6	✗	✓	✓	✓	✓		✗	✓	Standard Instrument does not include centre based child care as a permissible use.  However centre based child care is permissible in all three LEPs and comparative LEPs (save for Liverpool) within B6 zone.
B7	✓	✓				✓		✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B8	✓								n/a
IN1	✗	✗	✓	✓	✓	✓	✓	✗	Standard Instrument does not include centre based child care as a permissible use and Auburn follows standard instrument approach.  However centre based child care is permissible in Parramatta and Holroyd LEPs and comparative LEPs (save for Sutherland).

IN2	✗	✓	✓	✓	✓	✓	✓	✓	Not permissible in the standard instrument, however permissible by all the CC LEP's and comparative LGAs.
IN3	✗		✓				✗	✗	Only applicable to Parramatta LEP. Centre based child care is permissible in contrast to the standard instrument and the comparative LEPs.
IN4	✗							✗	n/a
SP1	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map		✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP2	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP3	✗				✓			✓	n/a
RE1	✗	✓	✗	✓	✗	✓	✓	✗	Standard Instrument does not include centre based child care as a permissible use and Parramatta follows standard instrument approach.  However centre based child care is permissible in Auburn and Holroyd LEPs and comparative LEPs (save for Fairfield and Sutherland).
RE2	✗	✓	✓	✓	✓	✓	✓	✗	Not permissible in the standard instrument, however permissible by all the CC LEP's and comparative LGAs (save for Sutherland).
E1	✗						✗	✗	n/a
E2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	✗		✗		✗	✗	✗	✗	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E4	✗							✗	n/a
W1	✗	✗	✗			✗	✗	✗	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	✗		✗		✗				Only applicable to Parramatta LEP which follows the standard instrument approach.
W3	✗								n/a

Education Establishment Land Use / Zoning Review									
LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	Sutherland	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	Sutherland LEP 2015	
Zone	Education Establishment Permissible or not								
R1	X		X Education SEPP Part 4 would override for school		✓	X	✓		Standard Instrument does not include education establishment as a permissible use.  Parramatta and Blacktown follow the standard instrument approach whereas Fairfield and Liverpool permit.
R2	X	✓	✓	X Education SEPP Part 4 would override for school	✓	X	✓	X	Standard Instrument does not include education establishment as a permissible use.  Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do Fairfield and Liverpool LGAs.
R3	X	✓	✓	X Education SEPP Part 4 would override for school	✓	X	✓	X	Standard Instrument does not include education establishment as a permissible use.  Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do Fairfield and Liverpool LGAs.
R4	X	✓	✓	X Education SEPP Part 4 would override for school	✓	X	✓	X	Standard Instrument does not include education establishment as a permissible use.  Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do Fairfield and Liverpool LGAs.
R5	X						✓		n/a
RU1	X				X		X		n/a
RU2	X				✓		X		n/a
RU3	X								n/a
RU4	X				✓	X	X		n/a
RU5	X				✓				n/a
B1	X	✓	✓	X Education SEPP Part 4 would override for school	✓	✓	✓	✓	Standard Instrument does not include education establishment as a permissible use.  Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do all the comparative LGAs.
B2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B3	✓		✓		✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B5	X		✓	✓	✓	✓	X	✓	Standard Instrument does not include education establishment as a permissible use.  Parramatta and Auburn permit with consent, as do all the comparative LGAs save for Liverpool.
B6	X	✓	✓	✓	✓		✓	✓	Standard Instrument does not include education establishment as a permissible use.



									However POPW's are permissible in all three LEPs and comparative LEPs within B6 zone.
B7	×	✓				✓		✓	Standard Instrument does not include education establishment as a permissible use.  However, education establishments are permissible in the Auburn and comparative LEPs within B7 zone.  n/a Parramatta and Holroyd
B8	✓								n/a
IN1	×	×	×	×	✓	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Fairfield.
IN2	×	×	×	×	✓	×	✓	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Fairfield and Liverpool.
IN3	×		×				×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
IN4	×							×	n/a
SP1	×	×	×		×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
		Unless noted on the Land Zoning Map  * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map  * Education SEPP Part 4 would override for school		Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	
SP2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map
		Unless noted on the Land Zoning Map  * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map  * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map  * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	
SP3	×				✓			×	n/a
RE1	×	×	×	×	×	✓	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Blacktown.
RE2	×	×	×	×	×	✓	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Blacktown.
E1	×						×	×	n/a
E2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	×		×		×	×	×	×	Only applicable to Parramatta LEP which follows the standard instrument approach and comparative LEPs.
E4	×							×	n/a





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W1	X	X	X			X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		X		X				Only applicable to Parramatta LEP which follows the standard instrument approach.
W3	X								n/a

Community Facility Land Use / Zoning Review									
LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	Sutherland	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	Sutherland LEP 2015	
Zone	Community Facility Permissible or not.								
R1	✓		✓		✓	✓	✓		Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R2	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include community facility as a permissible use.  Permissible by all the CC LEP's and comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R5	✗						✗		n/a
RU1	✗				✗		✓		n/a
RU2	✗				✓		✓		n/a
RU3	✗								n/a
RU4	✗				✓	✓	✓		n/a
RU5	✓				✓				n/a
B1	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B3	✓		✓		✓	✓	✓	✓	Permissible in the standard instrument, by all the Parramatta and comparative LGAs.  n/a for Auburn and Holroyd
B4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B5	✗		✓	✗	✓	✓	✓	✓	Standard Instrument and Holroyd do not include community facilities as a permissible use in B5 zones.  However community facilities are permissible in Parramatta and the comparative LEPs within B5 zone.  n/a for Auburn
B6	✓	✓	✓	✓	✓		✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B7	✗	✓				✓		✓	Standard Instrument does not include community facilities as a permissible use.  However, community facilities are permissible in the Auburn and comparative LEPs within B7 zone.  n/a Parramatta and Holroyd
B8	✓								n/a

IN1	X	✓	X	✓	✓	✓	✓	X	Standard Instrument. Parramatta and Sutherland do not include community facilities as a permissible use.  However, community facilities are permissible in the Auburn, Holroyd and the remaining comparative LEPs within IN1 zone.
IN2	X	✓	✓	✓	✓	✓	✓	X	Standard Instrument and Sutherland do not include community facilities as a permissible use.  However, community facilities are permissible in the CC LEPs and the remaining comparative LEPs within IN2 zone.
IN3	X		X				X	X	Only applicable to Parramatta LEP. Community facilities are not permissible in lines with the standard instrument and the comparative LEPs.
IN4	X							X	n/a
SP1	X	✓	X		X	X	X	X	Community facilities are permissible within Auburn SP1.  The standard instrument and remaining CC LEPs and comparative LEPs prohibit unless specifically noted on the Land Zoning Map.
SP2	X	✓	X	X	X	X	X	X	Community facilities are permissible within Auburn SP1.  The standard instrument and remaining CC LEPs and comparative LEPs prohibit unless specifically noted on the Land Zoning Map.
SP3	X				✓			✓	n/a
RE1	X	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include community facility as a permissible use.  Permissible by all the CC LEP's and comparative LGAs.
RE2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
E1	X						X	X	n/a
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		✓		X	✓	X	X	Only applicable to Parramatta LEP which does not follow the standard instrument approach and community facilities are permissible in E3 zone.  Community facilities are permissible under the Blacktown LEP.
E4	X							X	n/a
W1	X	X	X			X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		✓		X				Only applicable to Parramatta LEP which does not follow the standard instrument approach as permits community facilities in the W2 zone.
W3	X								n/a

RFB Permissibility Land Use / Zoning Review									
LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	The Hills	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	The Hills LEP 2012	
Zone	RFB Permissible or not								
R1	✓		✓		✓	✓	✓	✓	If R1 is listed as a relevant zones for the LGA then RFBs are permissible.
R2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R3	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B1	✗	✓	✗	✗	✗	✗	✗	✗	Permissible in Auburn B1 Zone.  Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B2	✗	✓	✗	✗	✗	✗	✓	✓	Permissible in Auburn, Liverpool and The Hills B2 Zone.  Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B3	✗		✗		✗	✗	✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B4	✗	✓	✓	✗	✓	✗	✓	✓	Not permissible in the standard instrument or by Holroyd and Blacktown.  Permissible in Auburn, Parramatta, Fairfield, Liverpool and The Hills B4 Zone.
B5	✗		✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.  n/a for Auburn
B6	✗	✗	✗	✓	✗		✗	✗	Permissible in Holroyd B6 Zone.  Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B7	✗	✗				✗		✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
IN1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN3	✗		✗				✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
SP1	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map		✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP2	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.

		Zoning Map	Zoning Map		Zoning Map		Zoning Map	Zoning Map	
RE1	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
RE2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	×		×		×	×	×	×	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
W1	×	×	×			×	×		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	×		×		×			×	Only applicable to Parramatta LEP which follows the standard instrument approach.



Multi Dwelling Housing Permissibility Land Use / Zoning Review									
LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	The Hills	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	The Hills LEP 2012	
Zone	Multi Dwelling Housing Permissible or not								
R1	✓		✓		✓	✓	✓	✓	If R1 is listed as a relevant zones for the LGA then MDH's are permissible.
R2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✗	✓	✓	✓	✓	✗	✓	✓	Not permissible in the standard instrument or Blacktown.  Permissible by all the CC LEP's and remaining comparative LGAs in R4 Zone
B1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B2	✗	✗	✗	✗	✗	✗	✓	✓	Permissible in Liverpool and The Hills B2 Zone.  Not permissible in the standard instrument or by any of the CC LEP's and remaining comparative LGAs.
B3	✗		✗		✗	✗	✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B4	✗	✗	✓	✗	✗	✗	✓	✗	Not permissible in the standard instrument or by Auburn and Holroyd or remaining comparative LGAs.  Permissible in Parramatta and Liverpool B4 Zone.
B5	✗		✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.  n/a for Auburn
B6	✗	✗	✗	✓	✗		✓	✗	Permissible in Holroyd and Liverpool B6 Zone.  Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B7	✗	✗				✗		✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
IN1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN3	✗		✗				✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
SP1	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map		✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map	✗  Unless noted on the Land Zoning Map		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP2	✗	✗  Unless noted on the Land	✗  Unless noted on the Land	✗  Unless noted on	✗  Unless noted on the Land	✗  Unless noted on the	✗  Unless noted on the Land	✗  Unless noted on the Land	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.



	Unless noted on the Land Zoning Map	Zoning Map	Zoning Map	the Land Zoning Map	Zoning Map	Land Zoning Map	Zoning Map	Zoning Map	
RE1	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
RE2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	×		×		×	×	×	×	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
W1	×	×	×			×	×		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	×		×		×			×	Only applicable to Parramatta LEP which follows the standard instrument approach.

Sex Service Premises and Home Occupation (Sex Services) Permissibility Land Use / Zoning Review

LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	The Hills	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	The Hills LEP 2012	
Zone	Sex Services Permissible or not								
R1	×		×		×	×	×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
R2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R3	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
R4	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B1	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B3	×		×		×	×	×		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B4	×	×	×	×	×	×	×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B5	×		×	×	×	×	×	×	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs. n/a for Auburn
B6	×	×	×	×	×		×	×	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B7	×	×				×		×	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
IN1	×	×	×	×	×	×	×	×	Not permissible in the standard instrument. Sex service premises only are permissible in Auburn and Parramatta and Blacktown, Liverpool and The Hills.
		✓ - (Sex Service Premises)	✓ - (Sex Service Premises)			✓ - (Sex Service Premises)	✓ - (Sex Service Premises)	✓ - (Sex Service Premises)	
IN2	×	×	×	×	×	×	×	×	Not permissible in the standard instrument. Sex service premises only are permissible in Parramatta and Blacktown, Liverpool and The Hills.
			✓ - (Sex Service Premises)			✓ - (Sex Service Premises)	✓ - (Sex Service Premises)	✓ - (Sex Service Premises)	
IN3	×		×				×		Not permissible in the standard instrument. Sex service premises only are permissible in Parramatta and Liverpool.
			✓ - (Sex Service Premises)				✓ - (Sex Service Premises)		
SP1	×	×	×		×	×	×		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
		Unless noted on	Unless noted on		Unless noted on	Unless noted on the	Unless noted on		

LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	The Hills	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	The Hills LEP 2012	
Zone	Sex Services Permissible or not								
	Unless noted on the Land Zoning Map	the Land Zoning Map	the Land Zoning Map		the Land Zoning Map	Land Zoning Map	the Land Zoning Map		
SP2	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
RE1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
RE2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	✗		✗		✗	✗	✗	✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
W1	✗	✗	✗			✗	✗		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	✗		✗		✗			✗	Only applicable to Parramatta LEP which follows the standard instrument approach.

**Cumberland LEP Review - Comparison of Sex Services Premises Provisions**

LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
<b>Auburn LEP</b> <b>(CI 6.7)</b>	<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) Despite any other provision of this Plan, development consent may only be granted for the purpose of sex services premises if, when measured from the boundary of the lot on which the premises will be used, the development will be located:</p> <p>(a) more than 200 metres from any land in a residential zone, and</p> <p>(b) more than 200 metres from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and</p> <p>(c) more than 50 metres from any public utility undertaking, being a railway station entrance, bus stop, taxi rank, ferry terminal or the like.</p> <p>(3) In determining whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood because of its size, location, hours of operation, clients or employees or other people working in the premises,</p> <p>(b) whether the operation of the sex services premises will be likely to interfere with the amenity of the relevant neighbourhood,</p>	<p>Additional restriction on proximity to any public utility undertaking, railway station entrance, bus stop, taxi rank, ferry terminal or alike.</p> <p>No restriction on sex service premises sharing entrances with residential units.</p> <p>Standard considerations;</p> <ul style="list-style-type: none"> <li>▪ disturbance due to size/location/hours of operations etc.</li> <li>▪ Interference with amenity</li> <li>▪ Disturbance due to number of sex services premises in the area</li> <li>▪ Impact on places frequented by children.</li> </ul>



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(c) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood, taking into account the number of sex services premises already operating in the neighbourhood and involving similar hours of operation,</p> <p>(d) the impact the proposed development and its hours of operation would have on any place likely to be regularly frequented by children for educational, recreational or cultural activities that can be viewed from the proposed development.</p>	
<b>Parramatta LEP (Cl.6.9)</b>	<p>(1) Despite any other provision of this Plan, development consent must not be granted to development for the purposes of sex services premises unless the premises are located:</p> <p>(a) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any residence or any land in a residential zone, and</p> <p>(b) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area.</p> <p>(c) (Repealed)</p> <p>(2) Development consent must not be granted to development for the purposes of sex services premises in a building that contains a dwelling if any part of the access to the sex services premises is shared with the dwelling.</p> <p>(3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood because of its size, location, hours of operation, clients or the number of employees and other people working in it,</p>	<p>No restriction on proximity to railway station, taxi rank etc.</p> <p>Additional restriction against sex service premises in a building that contains a dwelling if any part of the access is shared.</p> <p>Standard considerations;</p> <ul style="list-style-type: none"> <li>▪ disturbance due to size/location/hours of operations etc.</li> <li>▪ Interference with amenity</li> <li>▪ Disturbance due to number of sex services premises in the area</li> <li>▪ Impact on places frequented by children.</li> </ul>



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(b) whether the operation of the sex services premises will be likely to interfere with the amenity of the neighbourhood,</p> <p>(c) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood when taking into account other sex services premises operating in the neighbourhood involving similar hours of operation,</p> <p>(d) the impact the proposed development would have on any place that is regularly frequented by children for educational,</p>	
<b>Holroyd LEP</b>	No provision	N/A
<b>Fairfield LEP 2013</b>	No provision	N/A
<b>Blacktown LEP 2013 (CI 7.13)</b>	<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between restricted premises, sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) Development consent must not be granted to development for</p> <p>(a) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any residence or any land in a residential zone, and</p> <p>(b) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and</p> <p>(c) at least 50 metres (measured from the closest boundary of the lot on which the premises are proposed) from any railway station entrance, bus stop, taxi rank, ferry terminal or the like, and</p>	<p>Additional restriction on proximity to other existing or proposed sex service premises.</p> <p>Considerations:</p> <ul style="list-style-type: none"> <li>Impact of the development and hours of operation on any place frequented by children that can be viewed or adjoins the premises</li> <li>Disturbance due to size, location, hours of operation and cumulative impact with other sex service premises in area</li> </ul>





LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(d) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any existing or proposed restricted premises or sex services premises, and</p> <p>(e) on any floor other than the ground floor of a building.</p> <p>(3) In deciding whether to grant development consent to development for the purposes of restricted premises or sex services premises, the consent authority must consider the following:</p> <p>(a) the impact that the development and its hours of operation is likely to have on any place likely to be regularly frequented by children:</p> <p>(i) that adjoins the development, or</p> <p>(ii) that can be viewed from the development, or</p> <p>(iii) from which a person can view the development,</p> <p>(b) whether the operation of the premises is likely to cause a disturbance in the neighbourhood:</p> <p>(i) because of its size, location, hours of operation or number of employees, or</p> <p>(ii) taking into account the cumulative impact of the premises along with other sex services premises operating in the neighbourhood during similar hours,</p> <p>(c) whether the operation of the premises will be likely to interfere with the amenity of the neighbourhood.</p>	<ul style="list-style-type: none"> <li>Impact on amenity.</li> </ul>
<b>Liverpool 2008</b>  <b>(CI 7.35)</b>	<b>LEP</b> <p>(1) The objective of this clause is to ensure that restricted premises are not visually prominent from public places or other locations regularly frequented by children.</p>	<p>No fixed restriction on distance rather restriction is that premises cannot be located on land that adjoins land or separated only by a</p>

LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(2) Development consent must not be granted to development for the purposes of restricted premises if the premises would be located on land that adjoins land, or is separated only by a road from land:</p> <p>(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential, or</p> <p>(b) that is used for the purposes of a centre-based child care facility, a community facility, an educational establishment, a place of public worship, a recreation area, a recreation facility (indoor), a recreation facility (major) or a recreation facility (outdoor), or</p> <p>(c) that is used for the purposes of restricted premises or sex services premises, or</p> <p>(d) in relation to which development consent has been granted for the purposes of a centre based child care facility, a community facility, an educational establishment, a place of public worship, a recreation area, a recreation facility (indoor), a recreation facility (major), a recreation facility (outdoor), restricted premises or sex service premises.</p> <p>(3) Before granting development consent for the purposes of restricted premises, the consent authority must take into account:</p> <p>(a) the impact of the proposed development on places of high pedestrian activity, and</p> <p>(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and</p> <p>(c) whether the appearance of the restricted premises is sufficiently discreet.</p>	<p>road from certain zones or facilities.</p> <p>Considerations:</p> <ul style="list-style-type: none"> <li>▪ Impact on places of high pedestrian activity</li> <li>▪ Impact of places frequented by children</li> <li>▪ Whether appearance is sufficiently discreet</li> </ul>
<b>The Hills 2012 (CI 7.9)</b>	<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p>	<p>No fixed restriction on distance rather restriction is that premises cannot be located on land that adjoins land or separated only by a</p>



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(2) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road, other than a classified road, from land:</p> <p>(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or</p> <p>(b) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.</p> <p>(3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:</p> <p>(a) that adjoins the proposed development, or</p> <p>(b) that can be viewed from the proposed development, or</p> <p>(c) from which a person can view the proposed development.</p>	<p>road from certain zones or facilities.</p> <p>Considerations:</p> <ul style="list-style-type: none"> <li>Impact of premises and hours of operation on places likely to be frequented by children that adjoins or can be viewed from the premises.</li> </ul>



## APPENDIX 3

### Compliance with SEPPs and Ministerial Directions

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## 1. COMPLIANCE WITH SEPPS AND MINISTERIAL DIRECTIONS

### 1.1. SEPP

*Table 1 - Consistency with state environmental policies (SEPPs)*

SEPP Title	Consistency	Comment
1. Development Standards Consistent	Yes	The Standard Instrument Clause 4.6 will supersede the SEPP.
19. Bushland in Urban Areas	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
21. Caravan Parks	N/A	Not applicable
33. Hazardous and Offensive Development Complex	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
36. Manufactured Home Estates	N/A	Not applicable
44. Koala Habitat Protection	N/A	Not applicable
47. Moore Park Showground	N/A	Not applicable
50. Canal Estate Development	N/A	Not applicable
55. Remediation of Land	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
64. Advertising and Signage	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
65. Design Quality of Residential Flat Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
70. Affordable Housing (Revised Schemes)	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP, however further review of this will be considered following completion of a study into Affordable Housing.
State Environmental Planning Policy (Aboriginal Land) 2019	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Coastal Management) 2018	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.

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SEPP Title	Consistency	Comment
State Environmental Planning Policy (Concurrences) 2018	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	Applicable and consistent.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	Not applicable
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (State and Regional Development) 2011	N/A	Not applicable
State Environmental Planning Policy (State Significant Precincts) 2005	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	Not applicable
State Environmental Planning Policy (Three Ports) 2013	N/A	Not applicable



SEPP Title	Consistency	Comment
State Environmental Planning Policy (Urban Renewal) 2010	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	Not applicable

## 1.2. MINISTERIAL DIRECTION

Table 2 - Consistency with Clause 9.1 Ministerial Directions

Direction Title	Consistency	Comment
<b>Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	The PP will not have any impact on existing Business and Industrial Zones and as such remains consistent with this direction.
1.2 Rural Zones	Yes	The PP will not have any impact on existing rural zoning and as such remains consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The PP will not have any impact on Mining, Petroleum and Extractive Industries and as such remains consistent with this direction.
1.4 Oyster Aquaculture	Yes	The PP will not have any impact on Oyster Aquaculture and as such remains consistent with this direction.
1.5 Rural Lands	N/A	This direction is not applicable to local government areas in the Greater Sydney Region.
<b>Environment and Heritage</b>		
2.1 Environment Protection Zones	Yes	The PP will contain provisions that facilitate the protection and conservation of environmentally sensitive areas and as such is consistent with this direction.
2.2 Coastal Protection	Yes	The PP will not contain provisions that will contradict or would hinder application of State Environmental Planning Policy (Coastal Management) 2018, and as such remains consistent with this direction.

Direction Title	Consistency	Comment
2.3 Heritage Conservation	Yes	The PP will not contain provisions that contradict or would hinder the facilitation of the conservation of heritage items and as such remains consistent with this direction. Noting that certain sites have been identified for removal from the heritage list following a heritage study. The heritage study has identified items which are no longer sufficient to warrant listing.
2.4 Recreation Vehicle Areas	Yes	The PP will not contain provisions that contradict or hinder the protection of sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. As such the PP remains consistent with this direction.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable
<b>Housing, Infrastructure and Urban Development</b>		
3.1 Residential zones	Yes	Noting that the permissibility of RFBs is to be removed from B4 zone. However, it is considered that the B4 zone is not a zone in which significant residential development is permitted and is focussed on mixed and commercial uses.
3.2 Caravan Parks and Manufactured Home Estates	Yes	The PP will not have any impact on caravan parks and manufactured home estates and as such remains consistent with this direction.
3.3 Home Occupations	Yes	The PP will not have any impact on home occupations and as such remains consistent with this direction.
3.4 Integrating land use and transport	Yes	The PP will not have any impact on integrating land use and transport and as such remains consistent with this direction.
3.5 Development Near Licensed Aerodromes	Yes	The PP will not have any impact on regulated airports and defence fields and as such remains consistent with this direction.
3.6 Shooting Ranges	Yes	The PP will not have any impact on shooting ranges and as such remains consistent with this direction.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This direction only applies to the Byron Shire Council.
<b>Hazard and Risk</b>		
4.1 Acid sulphate soils	Yes	The PP will not have any impact on land containing acid sulphate levels and as such remains consistent with this direction.
4.2 Mine Subsidence and Unstable Land	Yes	The PP will not have any impact on land within a Mine Subsidence District or identified as unstable

Direction Title	Consistency	Comment
		land and as such remains consistent with this direction.
4.3 Flood Prone Land	Yes	The PP will not have any impact on flood prone land and as such remains consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	The PP will not have any impact on bushfire prone land and as such remains consistent with this direction.
Regional Planning		
5.1 Implementation of Regional Strategies	n/a	Not applicable
5.2 Sydney Drinking Water Catchments	n/a	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	n/a	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	n/a	Not applicable
5.5 - Revoked	n/a	
5.6 - Revoked	n/a	
5.7 - Revoked	n/a	
5.8 Second Sydney Airport: Badgerys Creek	n/a	Revoked August 2018
5.9 North West Rail Link Corridor Strategy	n/a	Not applicable
5.10 Implementation of Regional Plans	Yes	The PP will be consistent with this Ministerial Direction and the Regional Plan
5.11 Development of Aboriginal Land Council land	n/a	Aboriginal Land SEPP does not apply.
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The PP will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The PP will be consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The PP will be consistent with this Ministerial Direction.
Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The PP will be consistent with this Ministerial Direction and the Metropolitan Plan

Direction Title	Consistency	Comment
7.2 Implementation of Greater Macarthur Land Release Investigation	n/a	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Yes	The PP will not contain provisions that contradict or hinder the implementation of the PRCUTS and will be consistent with this Ministerial Direction.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	n/a	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	Yes	The PP will not contain provisions that contradict or hinder the implementation of the Greater Parramatta Priority Growth Area. As such the PP remains consistent with this direction.
Plan 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation	n/a	Not applicable
Plan 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	n/a	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	n/a	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	n/a	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	n/a	Not applicable



## **APPENDIX 4**

### LEP Workshop Summary

DRAFT

**Cumberland Local Environment Plan - Workshop Summary**

**Workshop 1 - Development Assessment**

Key Discussion Topics	Comments
<b>Site Area</b>	<ul style="list-style-type: none"> <li>Should site area be controlled through LEP provisions.</li> <li>Consolidation and amalgamation across all zones.</li> <li>Fragmented land ownership in Auburn and Lidcombe town centres.</li> <li>Incentive to consolidate required - e.g. increased FSR permitted if consolidation is achieved. Parramatta approach is larger your site, larger the FSR bonus.</li> <li>Control of site frontages may need to be controlled across the LEP &amp; DCP.</li> </ul>
<b>Clause 4.6</b>	<ul style="list-style-type: none"> <li>Predominately regarding height.</li> <li>Occurring in all zones, but in terms of height in R4 onwards it is usually lift-over run.</li> <li>Generally, Council strictly apply height controls in terms of cl.4.6</li> </ul>
<b>Design Excellence</b>	<ul style="list-style-type: none"> <li>Design Excellence is a priority across all LGA.</li> <li>Bonus provisions currently in place for Wentworthville.</li> <li>Merrylands LEP amendment proposal is post-gateway.</li> <li>Design Excellence Panel - Guidance from 2017. Interim policy adopted April 2019. Multiple layers of bonus provision. In situations where the DE panel is satisfied a development proposal exhibits DE, a DE Certificate will be issued to the applicant with or without recommended amendments. The certificate must be submitted with the lodgement of a formal DA.</li> <li>Not many seeking to amend FSR, more likely where VPA involved.</li> </ul>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>Only recently permitted in Auburn.</li> <li>Auburn requires a minimum frontage - minimum site area of 450sqm for dual occ's.</li> </ul>
<b>Land Dedication</b>	<ul style="list-style-type: none"> <li>Process is not explicit.</li> <li>Holroyd has a lot of laneways (dealt with in DCP).</li> <li>Primary land dedication mechanism.</li> </ul>
<b>Heritage</b>	<ul style="list-style-type: none"> <li>The heritage study will be phased and therefore at this point the focus is harmonisation.</li> <li>10 of the existing sites may be de-listed.</li> </ul>
<b>Permissibility</b>	<ul style="list-style-type: none"> <li>General complaints include permissibility of RFB's in B4 and B6 especially on the zone interfaces.</li> </ul>

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Key Discussion Topics	Comments
	<ul style="list-style-type: none"> <li>Ability to provide vertical seniors housing cannot rely on the SEPP.</li> <li>Application of SP zones across three LEPs.</li> <li>Places of Public Worship (Note: only 6 application consents in R2 in the last 10 years).</li> <li>Boarding Houses</li> <li>Sex Services / Restricted Premises (Note: not a key issue).</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>Auburn is the first, which closely follows the standard instrument with little variation. Parramatta was a modified version of the standard instrument and Holroyd LEP is the most flexible as it was approved last.</li> </ul>

#### Workshop 2 - Strategic Planning

Key Discussion Topics	Comments
<b>FSR</b>	<ul style="list-style-type: none"> <li>Generally, in town centres and seeking greater yield.</li> <li>Auburn &amp; Lidcombe, the aim is to use urban design review to increase heights but not FSR.</li> <li>Impact of surrounding LGA approach.</li> <li>Western part of LGA e.g. Wentworthville planning proposals are seeking significant FSR/Height changes using the argument that urban form from Parramatta should be continued across the boundary.</li> <li>Seniors housing.</li> <li>State government land.</li> <li>In response to isolated site, offer a sliding scale approach to FSR i.e. bigger site, bigger FSR allowance.</li> <li>Planning proposal currently being considered to increase heights.</li> </ul>
<b>SEPPs</b>	<ul style="list-style-type: none"> <li>Compliance with the SEPPs key.</li> </ul>
<b>Design Excellence</b>	<ul style="list-style-type: none"> <li>Lidcombe DCP intended to have a design excellence provision and commercial floorspace bonus.</li> <li>Design Excellence needs to be defined.</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>Department have identified a need for education.</li> <li>Not many opportunities for education sites in Cumberland.</li> </ul>
<b>State-owned sites</b>	<ul style="list-style-type: none"> <li>State government are keen to get an economic return on their sites.</li> </ul>



Key Discussion Topics	Comments
<b>GSC</b>	<ul style="list-style-type: none"> <li>Needs to be more reactive.</li> <li>Time scales are too long for emerging industries.</li> <li>Involved in conversation regarding open space land which forms part of the GPOP area.</li> </ul>
<b>Industrial Pockets</b>	<ul style="list-style-type: none"> <li>We do have a lot of industrial land, but they are not large pockets.</li> <li>Isolated industrial zoned land.</li> </ul>
<b>Isolated Sites / site frontage</b>	<ul style="list-style-type: none"> <li>Isolated pockets of land do not have great economic or employment value.</li> <li>Two different types of site area issues - it the town centres and industrial land.</li> <li>Town centres have fragmented ownership, which if a minimum sites area is applied could be constraint to development and renewal.</li> </ul>
<b>LEP Aims and the LSPS</b>	<ul style="list-style-type: none"> <li>Does the LSPS reflect the differences between Cumberland and Parramatta?</li> <li>Not a lot of feedback on LSPS from GSC however positive feedback received on "Health Check".</li> <li>Detailed feedback has not yet been received on public consultation.</li> <li>Landowners input is focussed on how is addresses their land rather than overarching strategy.</li> <li>The LEP aims should reflect the LSPS aims.</li> <li>Lidcombe town centre is a focus.</li> </ul>
<b>Industrial Areas - Artisan</b>	<ul style="list-style-type: none"> <li>Industrial artisan precincts are something which is good for us to build upon in the right location.</li> <li>Use artisan offering to protect the industrial areas e.g. Toohey's brewery.</li> <li>Access to industrial areas with this offering is key - they need to be close to the residential areas.</li> <li>Industrial areas with ancillary retail offering which are isolated from residential areas only encourage people to drive.</li> <li>Issue - permit everywhere or decide at a lower level.</li> </ul>
<b>VPA Policy</b>	<ul style="list-style-type: none"> <li>Council has a strong VPA policy (50% of uplift).</li> </ul>
<b>Affordable Housing</b>	<ul style="list-style-type: none"> <li>AFH LEP clause is needed and we can then progress identifying the areas of need.</li> <li>15% of the VPA 50% is to be provided as AFH and dedicated to the LGA.</li> </ul>
<b>Secondary Dwellings / Dual Occupation</b>	<ul style="list-style-type: none"> <li>Current planning proposal with a 600sqm (2.5% variance) dual occupation control, however reducing to 585sqm is currently being considered.</li> <li>A large number of secondary dwelling applications received in comparison to limited dual occupation applications.</li> </ul>



Key Discussion Topics	Comments
	<ul style="list-style-type: none"> <li>Code will potentially release a large number of potential residential development lots</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>Clarity on LEP Definitions.</li> <li>Councillors have clear view on their favourite DCP (Holroyd).</li> <li>Limited reference should be made to the district plan.</li> <li>LEP needs to not be too prescriptive as this leads to cl.4.6, the DCP can provide the detail.</li> <li>Re-zoning to be considered at a later date.</li> <li>Smart Cities and Environmental issues are not currently on the political agenda.</li> </ul>

#### Workshop 3 - Legal

Key Discussion Topics	Comments
<b>Inconsistencies</b>	<ul style="list-style-type: none"> <li>Seeking consistency and uniformity.</li> <li>Parramatta dual occupation provisions and street frontages.</li> <li>Objectives.</li> <li>Subdivision provisions.</li> <li>Permissible uses.</li> <li>Zone interface differences - usability.</li> <li>Aligning with Codes SEPP.</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>Measurable and understandable objectives.</li> <li>Objectives needs to be defensible in court.</li> <li>Strength of objectives.</li> </ul>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>Strata subdivision without over-detailed lots size requirements.</li> <li>Uniformity of controls required.</li> </ul>
<b>Permissible Uses</b>	<ul style="list-style-type: none"> <li>RFBs and shop-top housing on the fringes of centre.</li> <li>What does commercial mean?</li> <li>Boarding houses permitted in Holroyd but not Auburn.</li> </ul>



Key Discussion Topics	Comments
<b>Key issues</b>	<ul style="list-style-type: none"> <li>CL4.6 is usually only for FSR and height.</li> <li>LEP interpretation does not often result in court action whereas DCP interpretation has led to a number of court actions.</li> <li>Court actions relating to SEPP 65 i.e. multi-unit housing, town centres, DCP design controls.</li> <li>Consistency and provisions required in relation to secondary dwellings, boarding housing, AFH, places of public worship, childcare centres and town centres.</li> </ul>
<b>Site Isolation</b>	<ul style="list-style-type: none"> <li>Site area provisions should not be in the LEP, detail should be included in the DCP controls.</li> <li>Site amalgamation is a design outcome and therefore should be in the DCP.</li> <li>Planning assessment focusses of lot isolation guidance from Land &amp; Environment Court.</li> <li>Important to be clear what are development standards within the LEP.</li> </ul>

#### Workshop 4 - Property Development

Key Discussion Topics	Comments
<b>Strategic Plan</b>	<ul style="list-style-type: none"> <li>2000 parcels, with 300 operational lots.</li> <li>PWC have undertaken a capital real estate strategy.</li> <li>Concerns over quality of database.</li> <li>Opportunities e.g. Merrylands revitalisation and business case for new Council offices.</li> </ul>

#### LEP Workshop Key Findings and Action Points

Key Findings	Action Points
<b>Intent</b>	<ul style="list-style-type: none"> <li>Consistent and clear aims of the LEP to prepared and agreed.</li> <li>Reflect the aims and actions of the Local Strategic Planning Statement.</li> </ul>



Key Findings	Action Points
<p><i>Harmonisation and consolidation of new areas into a new LGA, redefining their focus, policy and moving into a more sophisticated local government. Be "the Inner West of Western Sydney".</i></p>	
<p><b>Design Excellence</b></p> <p><i>"A priority across the LGA"</i></p>	<ul style="list-style-type: none"> <li>▪ A hybrid approach to design excellence including; <ul style="list-style-type: none"> <li>▫ Tailored design excellence requirements</li> <li>▫ Precinct-based approach</li> <li>▫ Design Advisory Panel with statutory endorsement.</li> </ul> </li> </ul>
<p><b>Objectives</b></p> <p><i>"Measurable and understandable"</i></p>	<ul style="list-style-type: none"> <li>▪ Use of standard objectives unless a zone or provision specifically requires an additional objective to achieve the policy strategy of the LGA.</li> </ul>
<p><b>Affordable Housing</b></p> <p><i>"There is a need across the LGA"</i></p>	<ul style="list-style-type: none"> <li>▪ Affordable Housing Study to be completed and to provide recommendations;</li> <li>▪ Feasibility of an affordable housing contribution scheme in LGA to be further considered.</li> </ul>
<p><b>Consistency of Zone Standards</b></p> <p><i>"Uniformity and consistency"</i></p>	<ul style="list-style-type: none"> <li>▪ Clarity to be provided as to which provisions are development standards and therefore cannot be varied under Clause 4.6</li> <li>▪ Consistent and harmonised objectives to be agreed for all zones.</li> </ul>
<p><b>LEP &amp; LSPS</b></p> <p><i>"a need to distinguish from the surrounding LGAs"</i></p>	<ul style="list-style-type: none"> <li>▪ A clear harmonised approach to be prepared with controls which reflect the new LGA priorities.</li> </ul>
<p><b>SEPPs</b></p> <p><i>"no need for differing local controls when a higher order / instrument in force"</i></p>	<ul style="list-style-type: none"> <li>▪ Review of SEPP standards against proposed LEP provisions.</li> </ul>