



CUMBERLAND  
CITY COUNCIL



# PLANNING PROPOSAL

## Site Specific Planning Controls for Victor Brazier Park

November 2021

# Contents

INTRODUCTION .....	2
Overview .....	2
Targeted planning controls .....	3
Council resolutions .....	4
Supporting documentation.....	4
PART 1: OBJECTIVES .....	5
PART 2: EXPLANATION OF PROVISIONS .....	6
PART 3: JUSTIFICATION .....	7
Section A - Need for the proposal .....	7
Section B - Relationship to strategic planning framework.....	8
The Greater Sydney Region Plan.....	8
Central City District Plan.....	9
Cumberland 2030: Our Local Strategic Planning Statement.....	10
Cumberland Council Strategic Plan 2017-2027 .....	11
Cumberland Open Space and Recreation Strategy .....	11
Cumberland Community Safety and Crime Prevention Plan 2018-2022.....	12
Section C - Environmental, social, and economic impact.....	15
Section D - State and Commonwealth interests .....	16
PART 4: MAPPING.....	18
PART 5: COMMUNITY CONSULTATION .....	20
PART 6: PROJECT TIMELINE .....	21
ATTACHMENT 1 .....	22
ATTACHMENT 2 .....	23
ATTACHMENT 3 .....	24
ATTACHMENT 4 .....	25
ATTACHMENT 5 .....	26
Appendix i. Full list of SEPPs.....	27
Appendix ii. Full list of Ministerial Directions .....	34



## INTRODUCTION

This planning proposal seeks to implement targeted changes to planning controls at Victor Brazier Park, Guildford. The proposed planning control amendments respond to site-specific issues at a small portion of the site and does not impact on the continued access and use of the park. This document has been prepared by Cumberland City Council in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning, Industry and Environment (DPIE) guidelines, including:

- A Guide to Preparing Local Environmental Plans
- A Guide to Preparing Planning Proposals

### Overview

Victor Brazier Park is located on Excelsior Street, Guildford and has an area of approximately 7,840m<sup>2</sup>. The park is made up of two allotments, being Lot 21 DP27820 and Lot 32 DP241618, and is zoned RE1 Public Recreation and W1 Natural Waterways.

The surrounding area is predominantly low density residential (detached housing) and is not within any of Cumberland's local or strategic centres.

This Planning Proposal responds to community concerns regarding a common occurrence of anti-social behaviour and illegal activities at the park and nearby pedestrian laneways off Nadia Place, Caroline Street and Excelsior Street. The Granville South Creative and Performing Arts High School, which is located opposite the park, has previously requested limiting parking during the day in front of the park to increase visibility of potential issues occurring at the park and along Excelsior Street.

On 4 March 2020, Council considered a report regarding ongoing concerns by community park users and residents about the illegal activities and antisocial behaviour caused by youth assembling at Victor Brazier Park, Guildford (See Attachment 1 and 2 for Council Report and Resolution). In particular, concern has been raised regarding the upper northwest portion of the park identified as the 'Site' in Figure 1 below, which is relatively hidden and isolated. It is noted in the report that the poor passive surveillance of the Site makes it susceptible for groups of youth to congregate, without being detected, to undertake illegal and/or inappropriate activities such as drug use and vandalism which is of regular concern to the adjoining property owners.



*Figure 1. This Planning Proposal targets a small section in the northwest of Victor Brazier Park*

Two options were identified in the Council report to respond to the issues raised:

- landscaping works to address the isolation of the Site, or
- a planning proposal to reclassify the upper northwest portion of the Site for eventual disposal on the open market.

At the meeting, Council resolved to prepare a planning proposal to reclassify the Site and to submit a planning proposal to the DPIE for a Gateway Determination (Attachment 2, Min. 942; Item No: C03/20-383).

On 16 June 2021, Council considered a report which recommended the reclassification of the Site from 'community' to 'operational', and the amendment of zoning and height controls to discourage anti-social behaviour reported at the Site (Attachment 3, Item No.: C06/21-789). At this meeting, Council endorsed the proposed planning controls and the Planning Proposal for the Site (Attachment 4, Min. 1192; Item No: C06/21-789).

In the event of future development, the land would be realigned with the adjacent property and would resolve the issues with youth congregating behind this section of the park.

Table. 1 Strategic Merit

Theme	Alignment
Safety	This Planning Proposal will address ongoing concerns by community park users and residents about anti-social behaviour and illegal activities at the Site.
Resourcing	This Planning Proposal provides Council with a cost-effective method to respond to community concerns and create a safer recreational space for residents.

### Targeted planning controls

The following changes are proposed at the Site:

- Rezone land from RE1 (public recreation) to R2 (low density residential),
- Apply a building height of 9m on the site, consistent with the adjoining low density residential zone, and
- Reclassify the land from 'Community' to 'Operational' (see 'Part 2 Explanation of Provisions' for definitions).

The land related to this Planning Proposal represents 140m<sup>2</sup> or 1.8% of the total park area of 7840m<sup>2</sup>.



*Figure 2. The Site equates to less than 2% of Victor Brazier Park*

### **Council resolutions**

The Planning Proposal has been prepared in accordance with Council's resolution on 4 March 2020 and 16 June 2021.

- On 4 March 2020 (C03/20-383), Council endorsed reclassifying the Site through the Local Environmental Plan process, including the preparation of a planning proposal for a Gateway Determination.
- On 16 June 2021 (C06/21-789), Council endorsed the proposed planning controls and Planning Proposal for the Site.

### **Supporting documentation**

The Planning Proposal is supported by the following documentation:

Attachment 1 - 4 March 2020, C03/20-383 Council Report - Proposed Land Dealing at Victor Brazier Park

Attachment 2 - 4 March 2020, C03/20-383 Notice of Motion - Proposed Land Dealing at Victor Brazier Park

Attachment 3 - 16 June 2021, C06/21-789 Council Report - Early consultation and proposed planning controls for Victor Brazier Park, Guildford

Attachment 4 - 16 June 2021, C06/21-789 Minutes - Early consultation and proposed planning controls for Victor Brazier Park, Guildford

Attachment 5 - Proposed planning controls for Victor Brazier Park, Guildford



## PART 1: OBJECTIVES

This Planning Proposal seeks to implement targeted changes to planning controls for the Site. This is in response to community concerns regarding the Site's isolation and poor passive surveillance and the use of this section of the park for anti-social behaviour and illegal activities.

Where no changes are proposed, the existing planning controls will continue to apply.



*Figure 3. Victor Brazier Park, Guildford*

It is proposed to rezone and reclassify the area of land at the Site for the eventual disposal on the open market. This would allow the new property owner to realign the property boundary in line with its neighbouring property and resolve the issues with youth congregating at the Site. Targeted planning control changes proposed at the northwest portion of Victor Brazier Park, Guildford include:

- Rezone land from RE1 Public Open Space to R2 Low Density Residential,
- Apply a building height of 9m on the Site, consistent with the adjoining low density residential zone, and
- Reclassify from 'Community' to 'Operational' land (see 'Part 2 Explanation of Provisions' for definitions).

## PART 2: EXPLANATION OF PROVISIONS

*Note: This planning proposal has been prepared on the assumption that the Cumberland Local Environmental Plan is finalised and in effect as the statutory planning instrument establishing development standards such as land use zones, building heights and floor space ratios for development in the City of Cumberland, replacing the Parramatta LEP 2011 in so far as it applied to Victor Brazier Park, Guildford.*

To achieve the stated objectives, the Planning Proposal seeks to amend the Cumberland Local Environmental Plan as follows:

- Amend the Land Zoning Map – Sheet LZN\_010 to rezone land on the Site, from public recreation (Zone RE1) to low density residential development (Zone R2).
- Amend the Height of Buildings Map – Sheet HOB\_010 to align building heights with proposed zones and surrounding development (9m).

Table 2. Proposed changes Victor Brazier Park

Planning Control	Existing	Proposed
Land Use Zoning	RE1 Public Recreation	R2 Low Density Residential
Height of Building	N/A	9m
Land Classification	Community land	Operational land

The proposed amendments are shown at Attachment 5.

The Planning Proposal also seeks to change the use of the affected land from 'Community' to 'Operational', to reflect the proposed land use changes on the Site. The *Local Government Act 1993* states that all public land must be classified as either community land or operational land. It also states that Council must arrange a public hearing under section 57 of the Environment Planning and Assessment act 1979 in respect of a planning proposal under part 3 of that Act to reclassify land as operational land. This would take place post Gateway Determination.

These land classifications are defined in the *Local Government Act 1993* as follows:

- **Community Land:** land that is set aside for community use, such as public parks and sportsgrounds. Development and use of this land are subject to strict controls such as Community land cannot be sold, leased, or licensed for more than 30 years. In addition to these controls, the Act requires councils to have a *Plan of Management* for all Community lands.
- **Operational Land:** land that serves a *commercial or operational function* (e.g., offices, works depot, car park, sewage pump station, etc), or land that is *being retained for commercial or strategic reasons*. The range of controls that apply to Community Land do not apply to the use and management of Operational land.

## PART 3: JUSTIFICATION

### Section A - Need for the proposal

#### 1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal responds to community concerns regarding the Site's isolation and poor passive surveillance and the use of this section of the park for anti-social behaviour and illegal activities.

On 4 March 2020, Council considered a report regarding ongoing concerns by community park users and residents about the illegal activities and antisocial behaviour caused by youth assembling at Victor Brazier Park, Guildford (Item No: C03/20-383). In particular, concern has been raised regarding the upper northwest portion of the park identified as the 'Site' in Figure 1 below, which is relatively hidden and isolated. It is noted in the report that the poor passive surveillance of the Site makes it susceptible for groups of youth to congregate, without being detected, to undertake illegal and/or inappropriate activities such as drug use and vandalism which is of regular concern to the adjoining property owners.

The table below sets out the reasons and rationale for this Planning Proposal and their location in the Council Business Papers agenda.

Table 3. Background and Planning	
Rationale	Council agenda & page number
Requests by the nearby school to limit parking during the day in front of the park to allow natural surveillance of the park.	4 March 2020, p. 33 16 June 2021, p. 515
Natural surveillance will discourage illegal and/or inappropriate activities such as drug use and vandalism which is a regular concern to the adjoining property owners.	
A cost-effective means to improve safety and amenity at the park.	

The proposed changes are aligned with the strategic outcomes identified in Council's strategic planning and policy documents, discussed in Section B. These include:

- Cumberland 2030: Our Local Strategic Planning Statement
- Cumberland Local Housing Strategy
- Cumberland Open Space and Recreation Strategy
- Cumberland Community Safety and Crime Prevention Plan 2018-2022
- Crime Prevention Policy 2006

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

This Planning Proposal is the most effective means of achieving the objectives stated above. The proposed amendment of planning controls and reclassification of land will provide Council and the community with certainty as to the development outcomes and potential of the site.



### Are there alternate, or better options to implement the proposed changes?

Alternate means of achieving the objectives and intended outcomes of this Planning Proposal include:

- *Landscaping work:* Landscaping around the site was proposed as a part of the council report (Attachment 1) Although this may achieve the same outcome as the proposed changes and potentially add some level of amenity to the site, it would consume Council resources that could be better spent on more prominent features of the park or other areas of Council. For example, Cumberland Council recently restored a tribute sign to Victor Brazier who donated the land for the park. It is in a prominent area of the park.

### Potential Unintended Outcomes

The following commentary discusses unlikely, but potential unintended outcomes from this Planning Proposal. These include:

- *Insufficient open space for the community:* The Guildford East area surrounding Victor Brazier Park currently meets the benchmark of 9m<sup>2</sup> per person which will be maintained to 2036 (Cumberland Open Space and Recreation Strategy). Considering the small size of the Site, it is highly unlikely for the proposed amendments to impact open space provision across this area.

### **Support Crime Prevention Through Environmental Design (CPTED) and safety principles**

CPTED is the consideration of safety principles in the design and layout of the built environment. There are four principles that are assessed to minimise the opportunity for crime (Cumberland Crime Prevention Policy 2006):

Natural Surveillance: Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others.

Access Control: Physical and symbolic barriers can be used to attract, channel, or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

Territoriality: Community ownership of public space sends signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals.

Space Management: Space management ensures that space is appropriately utilised and well cared for.

Improving natural surveillance to minimise crime and maximise feelings of safety at the site is the focus of this Planning Proposal, although all these principles are considered.

### **Section 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?**

##### The Greater Sydney Region Plan

The Greater Sydney Region Plan outlines a vision for Sydney to 2056 as a global metropolis of three cities – Western Parkland City, Central River City and Eastern Harbour City.

The Planning Proposal is generally consistent with the following planning directions and objectives of the Greater Sydney Region Plan.

Table 4. Consistency with Greater Sydney Region Plan

Direction	Objective	Consistency
A city for people	Communities are healthy, resilient, and socially connected	The Planning Proposal will address the community's concerns regarding the Site's isolation and poor passive surveillance and the use of this section of the park for anti-social behaviour and illegal activities through its future use for residential purposes, facilitated by a change to the zoning and planning controls and reclassification of land.
A city of great places	Great places that bring people together	<p>The Planning Proposal will address the relatively hidden and isolated nature of the Site and its susceptibility for groups of youth to congregate, without being detected, to undertake illegal and/or inappropriate activities such as drug use and vandalism which is of regular concern to the adjoining property owners.</p> <p>This will be the first step in creating a safer park that is well utilised by the local community.</p>

#### Central City District Plan

The Central City District Plan sets out the aspirations and priorities for liveability, productivity, and sustainability within the Central City District. Significant population growth is anticipated over the next 20 years and this is expected to transform many parts of the District from a suburban to an urban environment.

The Planning Proposal is generally consistent with the following directions and priorities of the Central City District Plan:

Table 5. Consistency with Central City District Plan

Direction	Priority	Consistency
A collaborative city	C1 - Working through collaboration	<p>The Planning Proposal was initiated in response to community concerns and is supported by early consultation with the community which is evidence of additional collaboration with the community (see Part 5 for early consultation summary).</p> <p>There will also be a public hearing in relation to this Planning Proposal to</p>

		further understand the community's concerns regarding the site.
A city for people	C2 Fostering healthy, creative, culturally rich and socially connected communities	The Planning Proposal is guided by the CPTED principles, which will encourage greater social connections in the local community by creating a safer park. See Table 8. Consistency with Cumberland Community Safety and Crime Prevention Plan 2018-2022 for alignment with CPTED.
Designing places for people	C6 Creating and renewing great places and local centres, and respecting the District's heritage	This Planning Proposal aims to enhance Victor Brazier Park by increasing feelings of safety and making it a great place for the community to visit.
Valuing green spaces and landscape	C17 Delivering high quality open space	This Planning Proposal considers Victor Brazier Park holistically and how minor site changes, such as maximising site lines and increasing feelings of safety at the park, can deliver a higher quality open space.

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

##### Cumberland 2030: Our Local Strategic Planning Statement

Cumberland 2030: Our Local Strategic Planning Statement (LSPS) is aligned with the Greater Sydney Region Plan and Central City District Plan, providing a strategic, coordinated approach to effectively manage growth and development in Cumberland City.

The Planning Proposal is generally consistent with the following priority and action of the LSPS:

Table 6. Consistency with Cumberland 2030: Our Local Strategic Planning Statement		
Priority	Action	Consistency
9 - Provide high quality, fit-for-purpose community, and social infrastructure in line with growth and changing requirements.	Support Cumberland's community and social infrastructure through Council's strategies, plans and programs.	The Planning Proposal contributes to Council's programs to ensure that Victor Brazier Park better meets the social infrastructure needs of the local community.
13 - Protecting, enhancing and increasing natural and	Continue to protect and enhance natural and green spaces through	This Planning Proposal aims to enhance Victor Brazier Park by maximising site lines and

green spaces	Council's strategies, plans and programs	increasing feelings of safety at the park.
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#### Cumberland Council Strategic Plan 2017-2027

The Cumberland Council Strategic Plan 2017-2027 forms a part of the Integrated Planning and Reporting Framework. This framework includes the Delivery Program and Operational Plan and together delivers the community's vision for the future. The Plan sets out strategies and a monitoring framework and is based on extensive engagement with residents, businesses, and other government agencies

The Planning Proposal is generally consistent with the following strategic goals and outcomes of the Cumberland Council Strategic Plan 2017-2027:

Table 7. Consistency with Cumberland Council Strategic Plan 2017-2027

Strategic Goal	Outcome	Consistency
A Safe Accessible Community	We feel safe in all areas of Cumberland at all times	The Planning Proposal will improve safety and perceptions of safety at Victor Brazier Park.
A great place to live	We have high quality community facilities and spaces that fit our purposes	The Planning Proposal will contribute to making Victor Brazier Park a better fit for the community by creating a more inclusive space.

#### Cumberland Open Space and Recreation Strategy

The Open Space and Recreation Strategy benchmarks access to open space at 9m<sup>2</sup> per person. Victor Brazier Park is in the Guildford East catchment, which has a provision of open space at 14.5m<sup>2</sup> per person. The site makes up less than 2% of the Victor Brazier Park and would have a negligible impact on the current provision of open space in the Guildford East catchment.

The Planning Proposal is generally consistent with the following strategic direction and action of the Cumberland Open Space and Recreation Strategy:

Table 8. Consistency with Cumberland Open Space and Recreation Strategy

Strategic Direction	Action	Consistency
Strategic Direction 2 Increasing the quality and capacity of existing open space and recreation facilities	Incorporate Crime Prevention through Environmental Design (CPTED) principles in the design and upgrade of open space and recreation facilities.	The Planning Proposal seeks to implement the principles of CPTED, in particular to enhance natural surveillance at Victor Brazier Park through the future use of the Site for residential purposes, which will mitigate the susceptibility for groups of youth to congregate in that part of the park, without being detected, to undertake illegal and/or inappropriate activities such as



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drug use and vandalism.

The proposed removal of the Site from its use as park land will discourage its use for anti-social behaviour and illegal activities and will increase the safety of the park for use by the local community.

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### Cumberland Community Safety and Crime Prevention Plan 2018-2022

The Cumberland Community Safety and Crime Prevention Plan 2018-2022 identifies and addresses five priority crime issues (based on crime statistics) and five community safety issues (informed by community and stakeholder feedback). The Plan states that:

*'In addition to being safe, it is important that people feel safe living, working in, and visiting the Cumberland area. Feeling unsafe can lead to people avoiding certain places and, in some cases, discourage people from being actively part of their communities.'*

This exemplifies the rationale for this Planning Proposal as it aims to create a safe space and to also improve feelings of safety in the park.

The Planning Proposal is generally consistent with the following strategies and actions of the Cumberland Community Safety and Crime Prevention Plan 2018-2022:

Table 9. Consistency with Cumberland Community Safety and Crime Prevention Plan 2018-2022

Strategic Direction	Action	Consistency
Plan and design safety and security into open spaces and facilities	Provide CPTED training to Council staff overseeing the planning and design of open spaces.	The Planning Proposal is partly a result of CPTED training, which has encouraged consideration of natural surveillance in Cumberland Council parks. As a result of training, building safety and security into Victor Brazier Park is a priority.

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

The Planning Proposal does not propose any provisions that would contradict or hinder the application of applicable State Environmental Planning Policies (SEPPs). For a full list of SEPPs, see Appendix i.

Table 10. Consistency with applicable SEPPs

SEPP	Description	Consistency
SEPP (Exempt and Complying Development)	Aims to provide streamlined assessment process for development that	<b>Justifiably Inconsistent:</b> The Site is currently classified a 'Park' in the Cumberland Council 'Flood Controls Lots' map. However, the Site is adjacent to several lots classified as

Codes) 2008	complies with specified development standards.	<p>'mainstream flooding' and would likely receive this classification in the event this Planning Proposal is successful.</p> <p>Under the SEPP (Exempt and Complying Development Codes) 2008, a complying development certificate cannot be issued unless a Council or professional engineer who specialises in hydraulic engineers has certified the Site is not a flood storage area, floodway area, flow path, high hazard area or high-risk area.</p> <p>Any flooding impacts will be considered and addressed appropriately if and when development is sought on the Site, as required by Flood Risk Management controls in the Cumberland DCP.</p> <p>It should also be noted that the proposed changes apply to a site that is within a highly urbanised area.</p>
SEPP Vegetation in Non-Rural Areas 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	<p><b>Consistent:</b> The Site does not contain any vegetation, native or introduced, other than grass. The SEPP regulations regarding preservation of vegetation will continue to apply to the land in the event of a Development Application.</p>
SEPP No 19 - Bushland in Urban Areas	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	<p><b>Consistent:</b> This planning proposal does not contain provisions that would adversely affect the application of this SEPP.</p> <p>Whilst the 140m<sup>2</sup> of land classified as public open space is to be removed under the planning proposal, this will not facilitate the removal of existing bushlands, waterways, interfere with existing wildlife corridors or affect rare or endangered flora and fauna species.</p>

## 6. Is the Planning Proposal consistent with applicable Ministerial Directions?

The Planning Proposal does not propose any provisions that would contradict or hinder the application of relevant Ministerial Direction. For full list of Ministerial Directions see Appendix ii.

Table 11. Consistency with Clause 9.1 Ministerial Directions	
9.1 Ministerial Direction Consistency	
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p><b>Consistent:</b> The Planning Proposal will encourage more efficient use of Victor Brazier Park by allowing residential development to occur on land that, due to safety concerns, is inappropriate as recreation land. This Planning Proposal does not seek to reduce permissible residential density.</p>
Hazard and Risk	
4.1 Acid Sulfate Soils	<p><b>Justifiably Inconsistent:</b> This Planning Proposal is considered to be justifiably inconsistent with this direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared. This inconsistency is of minor significance given that:</p> <ul style="list-style-type: none"> <li><i>The Site is subject to a Class 5 Acid Sulfate Soils classification and is not within 500m of another Class.</i></li> </ul> <p>The matter will be further considered when development is sought on the Site through a development application under the relevant clause of the Cumberland LEP.</p>
4.3 Flooding	<p><b>Consistent:</b> The Site is currently classified as a 'Park' in the 'Flood Controls Lots' map. However, the lots adjacent to the Site are classified as 'mainstream flooding' and would likely receive this classification in the event this Planning Proposal is successful.</p> <p>Any flooding impacts will be considered and addressed appropriately when development is sought, as required by the Flood Risk Management controls outlined in the Cumberland DCP.</p> <p>It should also be noted that the proposed changes apply to a Site that is within a highly urbanised area.</p>
Regional Planning	
5.10 Implementation of Regional Plans	<p><b>Consistent:</b> The Planning Proposal is guided by the Greater Sydney Regional Plan – A Metropolis of Three Cities and the Central City District Plan. Consistency with this direction has been specifically addressed in the Planning Proposal.</p>
Local Plan Making	
6.2 Reserving Land for Public Purposes	<p><b>Justifiably inconsistent:</b> The Planning Proposal seeks approval of the Department of Planning, Industry and Environment for the</p>

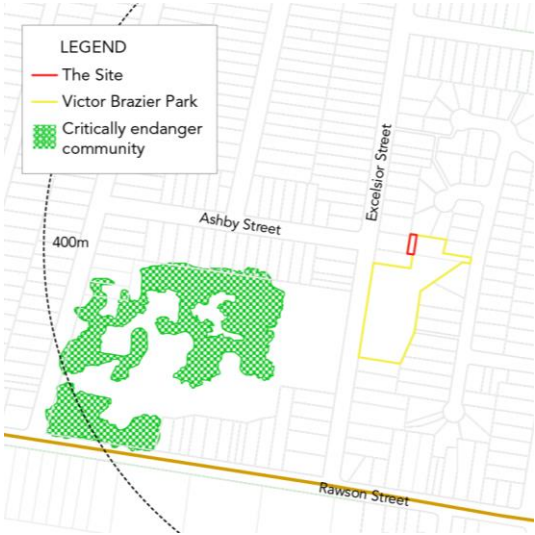
proposed planning control amendments at the portion of Victor Brazier Park. This planning proposal applies to the Site identified at an isolated location of Victor Brazier Park. Its inconsistency with this direction is of minor significance as the proposed reduction of 140m<sup>2</sup> or 1.8% of the total land area of Victor Brazier Park would allow the existing anti-social behaviour and illegal activities at the Site to be addressed.

**Section 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 Site is not known to include any such species, populations or ecological communities or their habitats. The land is located within a well-established urbanised area and is largely devoid of vegetation (tree cover).

Council’s maps were reviewed to ensure this Planning Proposal and Site is not impacting a range of environmental domains. The following maps identify factors that are within 400m radius of the site.

Table 12. Council Environmental Maps		
Factor	Comment	Map
Critically Endangered Species	There is a critically endangered community within 400m walking distance from the site. There is potential that young people attending Granville South Creative and Performing Arts High School may spend more time in this area due to reduced open space therefore impacting this endangered species. However, the Site is of such minor significance it is unlikely to impact on the capacity of open space in the area, which is currently above the open space benchmark (see Table 8 Cumberland Open Space and Recreation Plan for further details).	 <p>The map displays a street grid with Ashby Street, Rawson Street, and Excelsior Street. A red rectangle marks 'The Site'. A yellow outline marks 'Victor Brazier Park'. A green hatched area represents the 'Critically endangered community'. A dashed line indicates a 400m radius from the site. The map shows that the endangered community is located within the 400m radius of the site.</p>



#### Tree Coverage

This map confirms that the site currently does not contain any trees or large shrubbed areas. There is one tree at the back of property adjacent to the site, however this tree would likely receive greater protection from the Site acting as a buffer from the park.



#### Vegetation

There is currently no vegetation at the Site, however there is Cumberland Shale Plains Woodland remnants at Granville South Creative and Performing Arts High School. This Planning Proposal is highly unlikely to impact the quality and health of this tree species.



Any site-specific amenity impacts will be taken into consideration and addressed as part of a future Development Application.

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

There will be no known adverse environmental impacts related to the proposed planning control amendments. See Table 12 Environmental Impacts for further review.

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

The Planning Proposal is not expected to result in any significant negative economic or social impacts. The proposal will provide a very minor yield increase for low density residential development. The proposal also seeks to address social concerns regarding the use of the park and provides a planning response to increase the safety of the park for use by the local community.

#### Section D - State and Commonwealth interests

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

The site is in an established urban area with adequate public infrastructure available including water, electricity, gas, telecommunications, sewerage, and transport.

The Planning Proposal will be placed on public exhibition and will be referred to public agencies and infrastructure providers for their feedback.

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

Consultation with State and Commonwealth public agencies will be undertaken, as directed by the Gateway Determination.

**PART 4: MAPPING**

The Planning Proposal is accompanied by relevant draft LEP maps pertaining to Victor Brazier Park, Guildford.

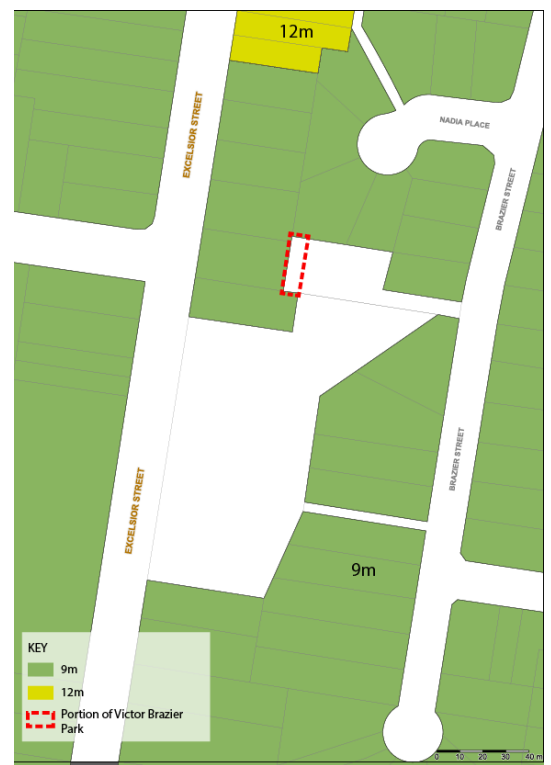
Existing Zoning



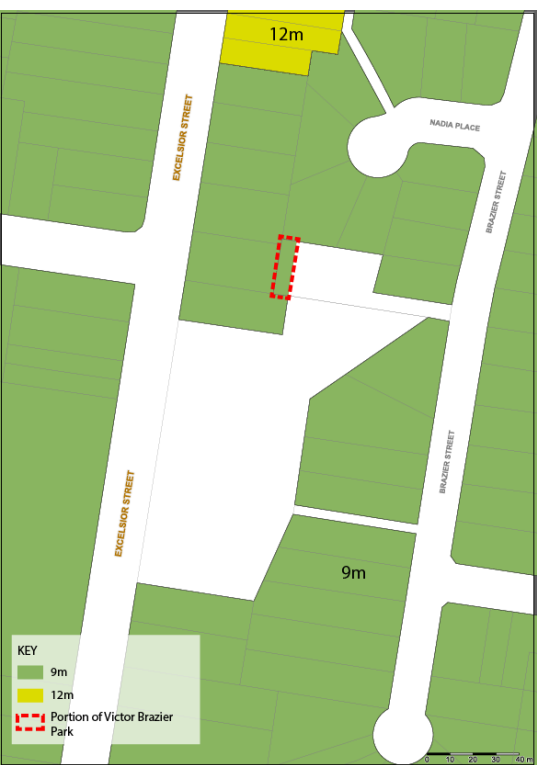
Proposed Zoning



Existing Height of Building



Proposed Height of Building



These maps can also be found at Attachment 5.



## PART 5: COMMUNITY CONSULTATION

### Early Consultation

Early consultation was conducted with the community and other relevant stakeholders in preparation of this Planning Proposal. Landowners and residents within 400m distance of the site boundaries were informed of the proposed planning control amendments by mail and were invited to have their say on the Cumberland Council Website. The exhibition period was advertised in the local newspaper and enquiries could be made directly to the Strategic Planner managing the engagement.

A 400m notification distance was set in accordance with the Cumberland City Council Planning Proposal Notification Policy. Early consultation on the proposed planning controls occurred in March for a 28-day exhibition period.

**There were no submissions made regarding the Victor Brazier Park early consultation** consistent with the view that this Planning Proposal will not have a major impact on the community.

### Post Gateway Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination. As a minimum, all documentation will be publicly exhibited for a period of 28 days. The material will contain a copy of the Planning Proposal and relevant maps supported by a written notice describing the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the planning proposal. A public hearing will be held as required by the *Local Government Act 1993*.

The planning proposal is considered to be 'low impact' for the following reasons:

- It is consistent with the pattern of surrounding land use zones and/or land uses.
- It is consistent with the strategic planning framework.
- It does not present any issues with regard to infrastructure servicing.
- It is not a principal LEP.
- It does not propose amendments to large areas or entire town centres

## 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.

Milestone	Timeframe
Early consultation on proposed planning control amendments	March 2021
Prepare proposed planning controls	Q1 2021
Report to Cumberland Local Planning Panel	May 2021
Report to Council on draft Planning Proposal	June 2021
Gateway Determination	Late 2021
Public Exhibition of Planning Proposal	Early 2022
Review of submissions and report to Council	Early-mid 2022
Submit to Department for finalisation	Mid 2022

## **ATTACHMENT 1**

**4 March 2020, C03/20-383 Council Report - Proposed Land Dealing at Victor Brazier Park**

## **ATTACHMENT 2**

**4 March 2020, C03/20-383 Notice of Motion - Proposed Land Dealing at Victor Brazier Park**



## **ATTACHMENT 3**

**16 June 2021, C06/21-789 Council Report - Early consultation and proposed planning controls for Victor Brazier Park, Guildford**

## **ATTACHMENT 4**

**16 June 2021, C06/21-789 Minutes - Early consultation and proposed planning controls for Victor Brazier Park, Guildford**

## ATTACHMENT 5

### Proposed planning controls for Victor Brazier Park, Guildford

Existing Zoning



Proposed Zoning



Existing Height of Building



Proposed Height of Building



## Appendix i. Full list of SEPPs

No.	Title	Summary	Application
	SEPP (Aboriginal Land) 2019	Aims to provide greater autonomy and decisions making power on land owned by Local Aboriginal Land Councils	<b>Not applicable:</b> Does not apply to this Planning Proposal.
	SEPP (Concurrences and Consents) 2018	Aims to reduce delays in applications and resolve disputes for integrated developments by giving intervention powers to the Planning Secretary	<b>Not applicable:</b> Does not apply to this Planning Proposal.
	SEPP (Gosford City Centre) 2018	Aims to promote economic and social revitalisation of Gosford City Centre by considering a variety of place based, environmental employment and other factors.	<b>Not applicable:</b> Does not apply to this Planning Proposal.
	SEPP (Penrith Lakes Scheme) 1989	Aims to manage a variety of factors in relation to the Penrith Lakes Scheme such as identify land for certain land uses, environmental consideration and other technical matters.	<b>Not applicable:</b> Does not apply to this Planning Proposal.
	SEPP (Educational Establishments and Child Care Facilities) 2017	Aims to provide streamlined assessment processes for education and childcare facilities.	<b>Consistent:</b> The Planning Proposal considers the aims of the SEPP. Further detailed consideration will take place in the event of a development application that includes educational or childcare facilities.
	Coastal Management	Aims to ensure the State's coastal wetlands are preserved and protected.	<b>Not applicable:</b> Does not apply to this Planning Proposal.

No.	Title	Summary	Application
19	Bushland in Urban Areas	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	<b>Not applicable:</b> State application. The sites are highly urbanised lands and are not affected by bush land.  Does not apply to this Planning Proposal.
21	Caravan Parks	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short- and long-term residents.	<b>Not applicable:</b> State application except land to which SEPP (Western Sydney Parklands) applies.  Does not apply to this Planning Proposal.
33	Hazardous and Offensive Development	Aims to provide additional support and requirements for hazardous and offensive development	<b>Not applicable:</b> State application. The planning proposal does not introduce or modify any hazardous and offensive development.  Does not apply to this Planning Proposal.
36	Manufactured Home Estates	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	<b>Not applicable:</b> Applies to land outside the Sydney Region.  Does not apply to this Planning Proposal.
	Koala Habitat Protection	Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	<b>Not applicable:</b> Does not apply to this Planning Proposal.
47	Moore Park Showground	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	<b>Not applicable:</b> Does not apply to this Planning Proposal.



No.	Title	Summary	Application
50	Canal Estate Development	Prohibits canal estate development	<b>Not applicable:</b> Applies to State, except Penrith Lakes.  Does not apply to this Planning Proposal.
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	<b>Not applicable:</b> Does not apply to this Planning Proposal.
64	Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	<b>Not applicable:</b> Does not apply to this Planning Proposal.
65	Design Quality of Residential Apartment Development	Aims to improve the design qualities of residential flat building development in New South Wales.	<b>Not applicable:</b> The proposed changes will not allow for apartment development on this site. Does not apply to this Planning Proposal.
70	Affordable Housing (Revised Schemes)	Aims to identifies that there is a need for affordable housing across the whole of the State and describes the kinds of households for which affordable housing may be provided and makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing.	<b>Consistent:</b> This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
	Housing for Seniors or People with a Disability 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	<b>Consistent:</b> This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.

No.	Title	Summary	Application
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	<b>Consistent:</b> This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
	Kurnell Peninsula 1989	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	<b>Not applicable:</b> Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.  Does not apply to this Planning Proposal.
	State Significant Precincts 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also, to facilitate service delivery outcomes for a range of public services.	<b>Not applicable:</b> The Planning Proposal sites are not located within the identified area prescribed on the State Significant Precincts Map.  Does not apply to this Planning Proposal.
	Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	<b>Not applicable:</b> Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)  Does not apply to this Planning Proposal.
	Mining, Petroleum Production and Extractive Industries 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	<b>Not applicable:</b> Does not apply to this Planning Proposal.

No.	Title	Summary	Application
	Infrastructure 2007	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	<p><b>Consistent:</b> This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p> <p>Any works related to infrastructure upgrade or modification will need to be undertaken in accordance with the provisions of the SEPP in the event of a Development Application.</p>
	Kosciuszko National Park – Alpine Resorts 2007	Aims to protect and enhance the natural environment of the alpine resorts area.	<p><b>Not applicable:</b> Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.</p> <p>Does not apply to this Planning Proposal.</p>
	Primary Production and Rural Development	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	<p><b>Not applicable:</b> Does not apply to this Planning Proposal.</p>
	Western Sydney Employment Area 2009	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	<p><b>Not applicable:</b> Applies to Greystanes Northern Employment Lands of Cumberland LGA.</p> <p>Does not apply to this Planning Proposal.</p>

No.	Title	Summary	Application
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	<p><b>Justifiably Inconsistent:</b> The site is currently classified as a park in the 'Flood Controls Lots' map. However, the site is adjacent to a lot classified as 'mainstream flooding' and would likely receive this classification in the event this Planning Proposal is successful.</p> <p>Under the SEPP (Exempt and Complying Development Codes) 2008, a complying development certificate cannot be issued unless a Council or professional engineer who specialises in hydraulic engineers has certified the site is not a flood storage area, floodway area, flow path, high hazard area or high-risk area.</p> <p>Any flooding impacts will be considered and addressed appropriately in the event of a Development Application, as required by Flood Risk Management control from the Cumberland DCP.</p> <p>It should also be noted that the proposed changes apply to a site that is within a highly urbanised area.</p>
	Western Sydney Parklands 2009	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	<p><b>Not applicable:</b> Applies to land within Blacktown, Fairfield, Liverpool LGAs and a small part of former Holroyd LGA now located within Cumberland LGA.</p> <p>Does not apply to this Planning Proposal.</p>
	Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	<p><b>Consistent:</b> This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p>

No.	Title	Summary	Application
	Urban Renewal 2010	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	<p><b>Not applicable:</b> Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.</p> <p>Does not apply to this Planning Proposal.</p>
	Vegetation in Non-Rural Areas 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	<p><b>Consistent:</b> The Planning Proposal Site does not contain any vegetation, native or introduced, other than grass. This SEPP regulations regarding preservation of vegetation will continue to apply to the land in the event of a Development Application.</p>
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	<p><b>Not applicable:</b> Applies to land within the Sydney drinking water catchment.</p> <p>Does not apply to this Planning Proposal.</p>
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure.	<p><b>Not applicable:</b> Does not apply to this Planning Proposal.</p>
	Three Ports 2013	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle.	<p><b>Not applicable:</b> Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle.</p> <p>Does not apply to this Planning Proposal.</p>

## Appendix ii. Full list of Ministerial Directions

Direction	Applicability / Consistency
Employment and Resources	
1.1 Business and Industrial Zones	<b>Not applicable:</b> Does not apply to this Planning Proposal.
1.2 Rural Zones	<b>Not applicable:</b> Does not apply to this Planning Proposal.
1.3 Mining, Petroleum Production and Extractive Industries	<b>Not applicable:</b> Does not apply to this Planning Proposal.
1.4 Oyster Aquaculture	<b>Not applicable:</b> Does not apply to this Planning Proposal.
1.5 Rural Lands	<b>Not applicable:</b> Does not apply to this Planning Proposal.
Environment and Heritage	
2.1 Environment Protection Zones	<b>Not applicable:</b> Does not apply to this Planning Proposal.
2.2 Coastal Protection	<b>Not applicable:</b> Does not apply to this Planning Proposal.
2.3 Heritage Conservation	<b>Not applicable:</b> Does not apply to this Planning Proposal.
2.4 Recreation Vehicle Areas	<b>Not applicable:</b> Does not apply to this Planning Proposal.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<b>Not applicable:</b> Does not apply to this Planning Proposal.
2.6 Remediation of Contaminated Land	<b>Not applicable:</b> Does not apply to this Planning Proposal.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<b>Consistent:</b> The Planning Proposal will encourage more efficient use of Victor Brazier Park, by allowing residential development to occur on land that, due to safety concerns, is inappropriate as recreation land. Any further development application including the site



Direction	Applicability / Consistency
	would likely result in low or medium density housing. This Planning Proposal will not reduce permissible residential density.
3.2 Caravan Parks and Manufactured Home Estates	<b>Not applicable:</b> Does not apply to this Planning Proposal.
3.3 Home Occupations	<b>Revoked:</b> 9 November 2020
3.4 Integrating Land Use and Transport	<b>Not applicable:</b> Does not apply to this Planning Proposal.
3.5 Development Near Licensed Aerodromes	<b>Not applicable:</b> Does not apply to this Planning Proposal.
Hazard and Risk	
4.1 Acid Sulfate Soils	<p><b>Justifiably Inconsistent:</b> This Planning Proposal is considered to be justifiably inconsistent with this direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared. This inconsistency is of minor significance given that:</p> <ul style="list-style-type: none"> <li><i>The Site is subject to a Class 5 Acid Sulfate Soils classification and is not within 500m of another Class.</i></li> </ul> <p>The matter will be further considered when development is sought through a development application on the Site under the relevant clause of the Cumberland LEP.</p>
4.2 Mine Subsidence and Unstable Land	<b>Not applicable:</b> Does not apply to this Planning Proposal.
4.3 Flooding	<p><b>Justifiably Inconsistent:</b> The site is currently classified a park in the 'Flood Controls Lots' map. However, the site is adjacent to a lot classified as 'mainstream flooding' and would likely receive this classification in the event this Planning Proposal is successful.</p> <p>Under the SEPP (Exempt and Complying Development Codes) 2008, a complying development certificate cannot be issued unless a Council or professional engineer who specialises in hydraulic engineers has certified the site is not a flood storage area, floodway area, flow path, high hazard area or high-risk area.</p> <p>Any flooding impacts will be considered and addressed appropriately in the event of a</p>

Direction	Applicability / Consistency
	Development Application, as required by Flood Risk Management control from the Cumberland DCP.  It should also be noted that the proposed changes apply to a site that is within a highly urbanised area.
4.4 Planning for Bushfire Protection	<b>Not applicable:</b> Does not apply to this Planning Proposal.
Regional Planning	
5.1 Implementation of Regional Strategies	<b>Revoked:</b> 17 October 2017
5.2 Sydney Drinking Water Catchments	<b>Not applicable:</b> Does not apply to this Planning Proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<b>Not applicable:</b> Does not apply to this Planning Proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<b>Not applicable:</b> Does not apply to this Planning Proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	<b>Revoked:</b> 18 June 2010
5.6 Sydney to Canberra Corridor	<b>Revoked:</b> 10 July 2008
5.7 Central Coast	<b>Revoked:</b> 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek	<b>Revoked:</b> 20 August 2018
5.9 North West Rail Link Corridor Strategy	<b>Not applicable:</b> Does not apply to this Planning Proposal.
5.10 Implementation of Regional Plans	<b>Consistent:</b> The Planning Proposal is guided by the Greater Sydney Regional Plan – A Metropolis of Three Cities and its District Plan – Central City. Consistency with this direction has been specifically addressed in the planning proposal.
5.11 Development of Aboriginal Land Council land	<b>Not applicable:</b> Does not apply to this Planning Proposal.
Local Plan Making	

Direction	Applicability / Consistency
6.1 Approval and Referral Requirements	<b>Consistent:</b> The Planning Proposal does not include provisions requiring the concurrence, consultation, or referral of applications. The Planning Proposal does not identify the development as designated development.
6.2 Reserving Land for Public Purposes	<b>Justifiably inconsistent:</b> The Planning Proposal seeks approval of the Department of Planning, Industry and Environment for the proposed planning control amendments at Victor Brazier Park. Its inconsistency with this direction is of minor significance as the proposed reduction of 140m <sup>2</sup> or 1.8% of the total land area of Victor Brazier Park would allow the existing anti-social behaviour and illegal activities at the Site to be addressed.
6.3 Site Specific Provisions	<b>Consistent:</b> Whilst this Planning Proposal was triggered by public feedback, the planning proposal does not seek to introduce additional site specific provisions or local provision in the Cumberland Local Environmental Plan.
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<b>Revoked:</b> 9 November 2020
7.2 Implementation of Greater Macarthur Land Release Investigation	<b>Revoked:</b> 28 November 2019
7.3 Parramatta Road Corridor Urban Transformation Strategy	<b>Not applicable:</b> The sites to which the proposal applies is not situated within land affected by the Parramatta Road Corridor Urban Transformation Strategy.  Does not apply to this Planning Proposal.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	<b>Not applicable:</b> Does not apply to this Planning Proposal.

Direction	Applicability / Consistency
Plan	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.8 Implementation of the Western Sydney Aerotropolis Plan	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.9 Implementation of Bayside West Precincts 2036 Plan	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.12 Implementation of Greater Macarthur 2040	<b>Not applicable:</b> Does not apply to this Planning Proposal.
7.13 Implementation of the Pyrmont Peninsula Place Strategy	<b>Not applicable:</b> Does not apply to this Planning Proposal.