

Item No: ELPP048/22

CUMBERLAND HERITAGE STUDY PLANNING PROPOSAL

Responsible Division: Environment & Planning
Officer: Executive Manager City Strategy
File Number: CS-207

SUMMARY:

On 21 April 2021, Council resolved to prepare a Planning Proposal to amend the Heritage schedule in Cumberland Local Environmental Plan 2021 (Cumberland LEP).

The purpose of the Planning Proposal is to implement the findings of the Cumberland Heritage Study which included detailed assessment of the appropriateness of these potential items and conservation areas. Stage 1 of the Heritage Study reviewed existing heritage items and Stage 2 assessed proposed items and conservation areas, with a subsequent expert peer review of Stage 2 recommendations.

Council has undertaken early consultation with the community on the findings of the Stage 2 Heritage Study and has considered this feedback in the preparation of the Planning Proposal.

The Planning Proposal includes the following amendments to the Cumberland LEP:

1. Amendment to the curtilage and information of forty-seven (47) existing heritage items listed within Part 1 of Schedule 5 (Cumberland Heritage List)
2. Addition of fifty-two (52) new items to Part 1 of Schedule 5 (Cumberland Heritage List)
3. Addition of three (3) new heritage conservation areas to Part 2 of Schedule 5 (Cumberland Heritage List)
4. Revised mapping to reflect items (1) – (3).

The form and content of the Planning Proposal complies with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the LEP Making Guidelines (NSW Department of Planning and Environment, September 2022).

It is recommended that the Planning Proposal be supported.

REPORT:

Background

Following the creation of Cumberland City Council through the amalgamation of parts of the former Auburn, Holroyd, and Parramatta Councils, a need was identified to update and improve the reference information and management tools related to Council's responsibility in managing local heritage.

Council resolved on the 7 September 2016 (report item 079/16) to prepare the Cumberland Heritage Study (the Heritage Study) to rationalise the heritage schedules. Extent Heritage were engaged by Council to undertake the study.

The Heritage Study was conducted in two stages:

Stage 1:

- Prepare thematic history.
- Review existing items of environmental heritage, including fieldwork audit of all places across the LGA.
- Identify potential items for delisting.
- Identify potential items for State Heritage Register nomination.
- Identify places that require additional heritage documentation.
- Prepare updating mapping.
- Prepare Main Report, summarising outcomes of Stage 1.

Stage 2:

- Identify potential new items of environmental heritage (this included providing the community the opportunity to nominate sites) for inclusion on the consolidated Cumberland LEP.
- Fieldwork audit of all potential places across the LGA.
- Identify potential items for State Heritage Register nomination.
- Identify places that require additional heritage documentation.
- Prepare updated mapping.
- Prepare Secondary Report, summarising outcomes of Stage 2.

Stage 1 methodology and outcomes

The Heritage Study undertook a review of the areas within former Auburn, Holroyd, and Parramatta Local Government Areas that now form Cumberland Local Government Area.

Curtilage and administrative changes were recommended in relation to 63 local heritage items (out of 348 existing heritage items). Of these, 15 are to match the curtilage area identified on the existing s170 register listing for State owned items. The other 48 item adjustments are proposed to more closely align with the land on which the listed item is situated or its appropriate setting.

A total of 9 items were identified for delisting due to the Heritage Study finding that they did not hold sufficient heritage significance to be listed. These items were delisted as part of the harmonisation of the Cumberland Local Environmental Plan, which was gazetted in November 2021.

A further 7 of the Stage 1 recommendations were identified by Council officers not to progress as the proposed amendments were unnecessary changes to existing planning controls and added little public benefit. Instead, the heritage inventory sheets should be amended accordingly. This left a total of 47 amendments proposed to improve the accuracy and operation of the existing heritage planning controls in the Cumberland LEP. A list of these items is shown in Table 1 below.

CLEP Item ID	Name of Item	Address	Description
A01023	Auburn Signal Box	Rawson Street, opposite Karrabah Road, Auburn	Curtilage amendment and name update
A1	Auburn War Memorial	Northumberland Road, RSL car park (opposite the Auburn RSL), Auburn	Curtilage amendment and name update
A2, A3 A4	Parramatta Road Milestone	South side of Parramatta Road between Dartbrook and Station Roads, Auburn and Lidcombe	Curtilage amendment and name update
	Clyde Marshalling Yards	Rawson Street, Auburn	Curtilage amendment, listing combination and name update
A5	Berala railway station	Campbell Street, Berala	Curtilage amendment
A6	Former Farm, Hyland Road Inn and former post office	Hyland Road, Greystanes	Curtilage amendment and name update
I01945, I128	Footbridge over Lower Prospect Canal	Albert Street, Greystanes; Guildford and Guildford West	Curtilage amendment, listing combination and name update
	Boothtown Aqueduct	Macquarie Road (between Alpha Road and Dahlia Street)	Curtilage amendment, listing combination and name update
I1	Railway viaduct site	Portico Parade (Toongabbie Railway Station), Toongabbie	Curtilage amendment, name update and listing combination
I105	The Trongate Victorian Group	"90, 92, 94, 96, 98 and 100-102 The Trongate", Granville	Curtilage amendment and name update
I11	Uniting Church Auburn Parish and adjacent Victory Hall	Northeast corner of Helena Street and Harrow Road, Auburn	Curtilage amendment and name update
I156	Late Victorian cottage	63 O'Neill Street, Guildford	Curtilage amendment and name update
I165	Late Victorian/Federation residence	9A Tennyson Parade, Guildford	Curtilage amendment and name update
I167	Federation period cottage	20A The Esplanade, Guildford	Curtilage amendment and name update
I171, I220	Milestone	Adjacent to 198 Woodville Road; Guildford and Merrylands	Curtilage amendment and name update
I175, I187	Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain	(Main entrance) at Church Street, Lidcombe	Curtilage amendment, listing combination and name update
I178	Dwelling	24 James Street, Lidcombe	Curtilage amendment and name update
I183	Minali Special School (early twentieth century residence)	Off Joseph Street, Lidcombe	Curtilage amendment and name update
I185	Fenton House	35-47 Joseph Street, Lidcombe	Curtilage amendment and name update
I186	Dwelling	53-55 Kerrs Road, Lidcombe	Curtilage amendment and name update
I188	Stand of Eucalyptus longifolia	Corner of Parramatta and Hill Roads, Lidcombe	Curtilage amendment and name update
I20	Horse trough	Corner of Water Street and Auburn Road, Auburn	Curtilage amendment and administration
I202	Late Victorian cottage/ Cumberland Model Farms Estate	130 Jersey Road, Merrylands	Curtilage amendment and administration
I209	Electrical substation	285 Merrylands Road, Merrylands	Curtilage amendment and name update

CLEP Item ID	Name of Item	Address	Description
I212	Merrylands Railway Station	Military Road, Merrylands	Curtilage amendment
I219	Federation period cottage	33 Walker Street, Merrylands	Curtilage amendment and name update
I228	Former Bonds Bobbin Mill facade	211-215 Dunmore Street, Wentworthville	Curtilage amendment
I23	St Peter Chanel School Hall, Church and Rectory	60 66 Kingsland Road, Berala	Curtilage amendment and name update
I231	Pendle Hill Railway Station	Pendle Way, Pendle Hill	Curtilage amendment and name update
I233	Regents Park railway station	Park Road, Regents Park	Curtilage amendment
I237	Houses built for Housing Commission	27, 29, 33, 35, 37, 39, 41, 43 and 47 Chiswick Road, South Granville	Curtilage amendment and name update
I238	Houses built for Housing Commission	278, 286 and 288 Clyde Street, South Granville	Curtilage amendment and name update
I247, I249	Toongabbie Railway Station	Cornelia Road, Toongabbie	Curtilage amendment, listing combination and name update
I26	Targo Mahal, Federation bungalow	156 Targo Road, Girraween	Curtilage amendment and name update
I268	Electricity Substation	62 Fullagar Road, Wentworthville	Curtilage amendment
I271	Inter-war bungalow	32 Garfield Street, Wentworthville	Curtilage amendment and name update
I274	Nelyambo, Federation period bungalow	42 Garfield Street, Wentworthville	Curtilage amendment and name update
I282	Wentworthville Railway Station	The Kingsway, Wentworthville	Curtilage amendment, listing combination and name update
I287	Allengreen, Federation bungalow	1 Amos Street (also known as 14 The Park or 1 Thomas May Place), Westmead	Curtilage amendment and name update
I3	Jack Lang Plaque	4 Auburn Road, Auburn	Curtilage amendment
I308	Inter-war (Mediterranean influences) apartment block	15-17 The Park (also known as 15-17 Thomas May Place), Westmead	Curtilage amendment and name update
I309	Yennora Railway Station	Nelson Road, Yennora	Curtilage amendment and name update
I41	Holy Trinity Church Group	40 Grimwood Street, Granville	Curtilage amendment
I44	Single storey residence	6 Hewlett Street, Granville	Curtilage amendment and name update
I67	Single storey residence	8 Mary Street, Granville	Curtilage amendment and name update
I71	Granville War Memorial	1 Memorial Drive, Granville	Curtilage amendment and name update
I75	New York Street Group	"12, 13, 14, 18, 20, 22 and 24 New York Street", Granville	Curtilage amendment and name update
I80	Single storey residence	70 Railway Parade, Granville	Curtilage amendment

Table 1: Proposed curtilage and administrative changes to existing heritage items under Cumberland LEP

Stage 2 methodology and outcomes

Stage 2 of the Heritage Study identified and assessed places and buildings for potential listing as new heritage items in the Cumberland LEP. The methodology for this process is illustrated in Figure 1.

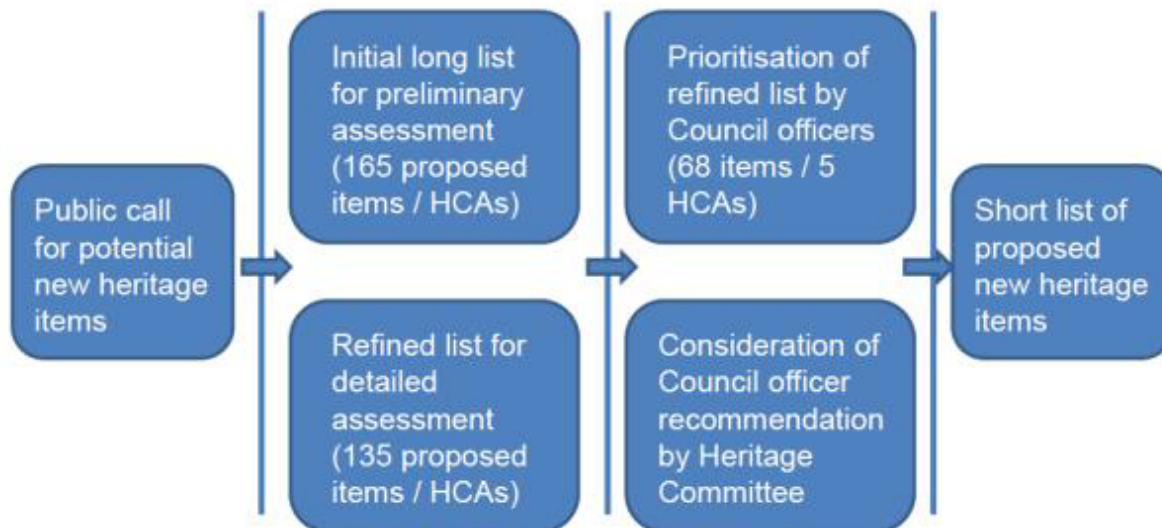


Figure 1: Methodology for identifying proposed heritage items and conservation areas

Stage 2 of the study initially involved a desktop assessment of 165 identified items and places. Of these, 135 were assessed as having sufficient potential heritage value to merit progressing for detailed assessment. From the detailed assessment, 107 potential items, 1 potential archaeological item and 5 potential heritage conservation areas (of which one is an extension of an existing conservation area) meet the criteria for heritage listing.

Council reviewed the potential items and recognised that a number of the items already have protections that would directly or indirectly preserve their heritage values. Council's review subsequently identified:

68 potential items which met the criteria threshold for local heritage listing
5 potential heritage conservation areas.

Council meeting to proceed with preparing a Planning Proposal

Council resolved on the 21 April 2021 to endorse the findings of the Heritage Study recommendations, proceed with early community consultation and the prepare a Planning Proposal to reflect the findings.

Refinement of Stage 2 Recommendations

Following the Council meeting and in preparation for early community consultation, Council officers undertook a review to confirm the proposed items and conservation areas. With some items having a DA approved that would remove the item or demolition having already occur, the review subsequently identified:

63 potential items which met the criteria threshold for local heritage listing
5 potential heritage conservation areas.

Early community consultation

Council commenced public consultation on Monday 21 June 2021 for a 5 week period, with a planned conclusion date of Monday 26 July 2021 (extensions were available upon request). Prior to this, notification letters were posted to all properties subject to a recommendation for listing.

It is acknowledged that the Delta-variant outbreak of Covid-19 in Greater Sydney coincided with the start of the consultation window (unexpectedly occurring after the posting of all notification letters). As a result, the possibility of in-person review of consultation materials and/or in-person discussions with Council officers was limited due to public health restrictions. Instead, enquiries and discussions of any and all types were possible via telephone (both unarranged and by appointment) and email.

172 individual submissions were received from individual citizens, families, households, businesses, organisations, and agencies. Some of these submissions were general in nature, while others referred to specific proposals for heritage items and/or heritage conservation areas.

The submissions were able to be categorised under the following 9 issues:

1. Heritage significance - feedback challenging or supporting the assessed architectural value of a building.
2. Future development - feedback lamenting the constraints that heritage listing would place on a knockdown-rebuild of a house or on the redevelopment of an area.
3. Property value - feedback asserting that property prices will drop as a result of heritage listing
4. Financial burden - feedback asserting that heritage listing will result in higher maintenance costs for owners
5. Landowner rights - feedback claiming that heritage listing is a violation of an owner's rights to do with their property what they wish.
6. Previous heritage study assessment - feedback reasoning that a previous heritage study found a property to not have significant heritage value.
7. Effectiveness of heritage listing - feedback pointing to the loss of existing heritage items elsewhere in the LGA through development.
8. Economic Impact - feedback arguing that heritage listing will suppress economic development in an area.
9. Fairness - feedback concerned with the decision-making process behind the potential listing of a property.

Additional expert review findings

The response to the community consultation was strong both in terms of the number of submissions and in the content of the feedback. As a result, Council commissioned Nimbus Architecture and Heritage, an independent heritage consultancy, to undertake a peer review of the shortlisted potential new items and areas being considered for heritage listing.

The peer review involved:

- desktop review of all potential new items and areas
- site visits and observations from the street
- updated assessments of integrity and condition for all properties
- updated classifications of contributory versus non-contributory status for all properties within the potential heritage conservation areas
- recommendations in relation to whether each potential new listing should be progressed or abandoned.

Proposed heritage items and conservation areas in Westmead

There are some proposed heritage items and heritage conservation areas that are identified in the Westmead area. As strategic planning work is underway for this area, these proposals are no longer included as part of this Planning Proposal and will be considered separately as part of this work. It is noted that early consultation for future planning at Westmead commenced on the 25 October 2022.

Proposed approach for Planning Proposal

Items supported for progression are largely based on the recommendations of the Extent Heritage Cumberland LGA Comprehensive Heritage Study and the subsequent independent peer review by Nimbus Heritage. The only exceptions to this were in Stage 1 recommendations where some of the proposed amendments were unnecessary changes to existing planning controls and added little public benefit. Instead, the heritage inventory sheets should be amended accordingly.

In response to the community consultation, recommendations from the peer review, and inclusion of proposed items and conservation areas for Westmead under a separate proposal; the following is now covered under the Planning Proposal:

- 52 potential items which met the criteria threshold for local heritage listing
- 3 potential heritage conservation areas.

A list of the proposed new heritage items and heritage conservation areas is outlined in Table 2 and Table 3.

CLEP Item ID	Name of Item	Address
HS002	Former Auburn Post Office	Cnr Auburn Road and Kerr Parade, Auburn
HS003	Pritchard's Building	6-14 Auburn Road, Auburn
HS004	Federation Shopfronts	23 and 25 Auburn Road, Auburn
HS005	Late Victorian Shopfront	60-62 Auburn Road, Auburn
HS006	The Towers' - Federation Shopfronts	111-117 Auburn Road, Auburn
HS007	Federation Queen Anne Residence	151 Auburn Road, Auburn
HS10	Auburn Gallipoli Mosque	1 - 19 Gelibolu Road, Auburn
HS11	The Manse' - Federation Residence	21 Harrow Road, Auburn
HS12	Inter-War Residence	1 Kihilla Road, Auburn
HS14	Kihilla Road Workers Cottages	42-44 Kihilla Road, 33-43 Kihilla Road, 34-40 Kihilla Road, Auburn

CLEP Item ID	Name of Item	Address
HS15	Federation Residence	79 Macquarie Road, Auburn
HS18	Federation Bungalow	59 Mary Street, Auburn
HS19	Victorian Manor - Federation Queen Anne Residence	65 Northumberland Road, Auburn
HS22	Melton Hotel	135 Parramatta Road, Auburn
HS23	Auburn Emporium' - Federation Building	162-174 Parramatta Road, Auburn
HS24	Warehouse	259-263 Parramatta Road
HS25	Auburn Hotel	43 Queen Street, Auburn
HS26	Auburn Presbyterian Church	29 Queen Street, Auburn
HS27	St John of God Catholic Church and St John's Catholic Primary School	73-77 Queen Street, 82-84 Queen Street, 2 Alice Street, Auburn
HS29	Inter-War Shopfronts	57-71 Rawson Street, Auburn
HS30	Federation Commercial Building	73-77 Rawson Street, Auburn
HS31	Inter-War Shopfronts	97-119 Rawson Street, Auburn
HS33	Federation Residence	96 Station Road, Auburn
HS35	Federations Workers' Cottage	106 Vaughan Street, Auburn
HS38	Victorian Cottage	32 Woodburn Road, Berala
HS41	Headstone and Memorials	Factory Street, western side, near Clyde Railway Station, Clyde
HS44	8 Hewlett Street	8 Hewlett Street, Granville
HS45	Former Masonic Temple	13 Jamieson Street, Granville
HS46	Victorian Cottage	32 The Avenue, Granville
HS48	St Aphanasius Ukrainian Orthodox Church and Hall	45 William Street, Granville
HS50	William Street Federation Cottages Group	112-122 William Street, Granville
HS51	Post-War Austerity Style House	38 Bolton Street, Guildford
HS52	Federation Bungalow	214 Guildford Road, Guildford
HS53	Californian Bungalow	59 Rosebery Road, Guildford
HS54	Late Victorian Cottage	3 Beatrice Street, Lidcombe
HS57	James Street Federation Bungalows	2-10 James Street, Lidcombe
HS58	Brown's Buildings - historic main street facade	4-10 John Street, Lidcombe
HS59	Lidcombe's Former Masonic Temple	72-74 Joseph Street, Lidcombe
HS60	Clara Villa' - Victorian Cottage	84 Joseph Street, Lidcombe
HS64	Federation Cottage	50 Kerrs Road, Lidcombe
HS66	Lidcombe Anglican Church and St Stephens Church Hall	Cnr Mark and Taylor Streets, Lidcombe
HS67	St Andrew's Ukrainian War Memorial Church	27-29 Mary Street, Lidcombe
HS69	Victorian Cottage	33 Nottinghill Road, corner of The Boulevard, Lidcombe
HS70	Post-War Factory	27 Nyrang Street, Lidcombe
HS71	Former Jantzen Swimwear Factory	32 - 43 Parramatta Road, Lidcombe
HS74	Eldridge's Buildings' - Federation Shopfronts	36-40 Railway Street, Lidcombe

CLEP Item ID	Name of Item	Address
HS75	Russian Old Rite Orthodox Christian Church	56-60 Vaughan Street, Lidcombe
HS77	Sydney Murugan Temple	217 Great Western Highway, Mays Hills
HS78	Victorian Weatherboard Cottage	30 Abbott Street, Merrylands
HS79	Federation Bungalow	291 Merrylands Road, Merrylands
HS84	Late Victorian Cottage	64 Jersey Road, Wentworthville
HS87	St Pauls Anglican Church and Hall	16-18 Pritchard Street East, Wentworthville

Table 2: Proposed new heritage items under Cumberland LEP

CLEP Item ID	Name of Item	Address
HS140	Northcote Street Conservation Area	38-48 and 53-61 Northcote Street, Auburn
HS141	South Parade Heritage Conservation Area	South Parade and Auburn Road (between Queen Street and Park Road), Auburn
HS144	Talbot Road Conservation Area	Guildford Road and Talbot Avenue, Guildford

Table 3: Proposed new heritage conservation areas under Cumberland LEP

Planning Proposal

Based on the planning work undertaken regarding the Cumberland Heritage List, the Planning Proposal includes the following amendments to the Cumberland LEP:

1. Amendment to the curtilage and information of forty-seven (47) existing heritage items listed within Part 1 of Schedule 5 (Cumberland Heritage List)
2. Addition of fifty-two (52) new items to Part 1 of Schedule 5 (Cumberland Heritage List)
3. Addition of three (3) new heritage conservation areas to Part 2 of Schedule 5 (Cumberland Heritage List)
4. Revised mapping to reflect items (1) – (3).

The form and content of the Planning Proposal complies with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the LEP Making Guidelines (NSW Department of Planning and Environment, September 2022).

Strategic Merit Assessment

The Local Environmental Plan Making Guideline (September 2022) provides guidance on the process for preparing Planning Proposals in accordance with s3.33(3) of the Environmental Planning and Assessment Act 1979.

The Guide states:

A planning proposal must demonstrate the strategic merit of the proposed LEP amendment.

A planning proposal which is submitted for a Gateway determination must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process. The level of detail required

in a planning proposal should be proportionate to the complexity of the proposed amendment.

As outlined in the following section of this report, the Planning Proposal provides sufficient information to demonstrate both strategic and site-specific merit exists to enable progression to a Gateway determination.

Key Sections of the EP&A Act – Strategic Merit of Planning Proposals

3.8 Implementation of Strategic Plans

(1) In preparing a draft district strategic plan, the relevant strategic planning authority is to give effect to any regional strategic plan applying to the region in respect of which the district is part.

(2) In preparing a planning proposal under section 3.33, the planning proposal authority is to give effect—

(a) to any district strategic plan applying to the local government area to which the planning proposal relates (including any adjoining local government area), or

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 objectives of the Greater Sydney Region Plan as highlighted in Table 3.

Direction	Consistency
Objective 10: Greater housing supply	Council's Local Housing Strategy identifies opportunities for the delivery of housing supply. This Planning Proposal will not hinder the delivery of the Local Housing Strategy's outcomes. The Planning Proposal is also accompanied by an amendment to the relevant DCP. This DCP amendment ensures that applicable provisions support redevelopment of the rear portion of site to facilitate housing/redevelopment opportunity.
Objective 11: Housing is more diverse and affordable	Council's Local Housing Strategy identifies opportunities for the delivery of housing supply. This Planning Proposal will not hinder the delivery of the Local Housing Strategy's outcomes.
Objective 13: Environmental heritage is identified, conserved and enhanced	This PP directly supports Objective 13 which outlines the need to identify, conserve and enhance environmental heritage Council has undertaken considerable community consultation to build awareness of heritage values and benefits of improved heritage conservation across the LGA. On balance, the community has been predominantly supportive of implementing the findings of the Heritage Study to protect places of historical significance.

Additional community consultation is proposed following Gateway Determination.

Table 3: Alignment of Planning Proposal with Greater Sydney Region Plan

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 directions and objectives of the Central City District Plan as highlighted in Table 4.

Direction	Planning Priority	Consistency
Housing the city	Providing housing supply, choice and affordability with access to jobs, services and public transport	Council has undertaken early consultation with the community (as discussed within Part 5) to ensure the Planning Proposal does not inhibit significant housing opportunities. The planning proposal is also accompanied by an amendment to the relevant DCP. This DCP amendment ensures that applicable provisions support redevelopment of the rear portion of site to facilitate housing/redevelopment opportunity.
A city of great places	Creating and renewing great places and local centres, and respecting the District's heritage	The Planning Proposal is consistent with this Direction as it will protect sites that have cultural significance by affording them additional protection through their inclusion within the heritage schedule. Preserving heritage items is an important component of place making and creating desirable spaces.

Table 4: Alignment of Planning Proposal with Central City District Plan

Cumberland 2030: Our Local Strategic Planning Statement

Cumberland 2030 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 the local area.

The Planning Proposal is consistent with Cumberland 2030: Our Local Strategic Planning Statement as demonstrated in Table 5.

Planning Priority	Consistency
Planning Priority 8: Celebrating our natural, built and cultural diversity	Planning Priority 8 recognises Council's intent to celebrate the existing and future culture in Cumberland. The LSPS identified that Council will continue to plan and develop strategies that support cultural celebration and diversity, including the intent to "review heritage items and consideration of new items as part of an integrated approach for Cumberland".

The delivery of this Planning Proposal is consistent with the intent identified above and is consistent with Council's Planning Priority 8 action (i):

"Support Cumberland's natural, built and cultural diversity through Council's strategies, plans and programs, including protecting listing under the Cumberland Local Environmental Plan and the State Heritage Act"

Cumberland Local Housing Strategy 2020

The Cumberland Local Housing Strategy identifies the need for Cumberland to accommodate an additional 28,500 dwellings by 2036.

This Planning Proposal will not inhibit the delivery of Council's housing needs as the additional heritage status will only be applied to such a small volume of opportunities and there are considerable opportunities elsewhere within the LGA. The draft Planning Proposal will not directly impact on Council's ability to accommodate the necessary dwellings to support the growing population.

In addition, the draft Planning Proposal is accompanied by a DCP amendment that will provide additional opportunities for the redevelopment of heritage items without compromising the heritage values of an item (e.g. building at the rear of the site whilst preserving the heritage façade).

Cumberland Community Strategic Plan 2017-2027

Cumberland Community Strategic Plan 2017-2027 identifies the Cumberland communities' vision for the social, environmental, and economic development in the LGA. It includes four strategic goals and eighteen desired outcomes.

The Planning Proposal aligns with the intent of the Community Strategic Plan, specifically the goal of enhancing the natural and built environment.

Section 9.1 Local Planning Directions Issued by the Minister

Section 9.1(2) Local Planning Directions issued by the Minister (s.9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a s.9.1 direction applies to a Planning Proposal and provides details on how inconsistencies with the terms of a direction may be justified.

An assessment of the draft Planning Proposal against the applicable s.9.1 directions is provided in Table 6 and is consistent with the applicable Ministerial Directions.

3.2 Heritage Conservation	This Planning Proposal is consistent with this direction as it will facilitate the conservation of items of heritage significance. The Planning Proposal will not result in any items of heritage significance receiving less protection.
6.1 Residential Zones	Consistent. The Planning Proposal will not result in the permissible residential density of land being reduced.

Table 6: Alignment of Planning Proposal with Section 9.1 Ministerial Directions

State Environmental Planning Policies (SEPPs)

An assessment of the Planning Proposal against the relevant SEPPs has been undertaken. The Planning Proposal is consistent with the applicable State Environmental Planning Policies.

Environmental Impact

The intent of the Planning Proposal is to add or alter items within the Heritage Schedules of the Cumberland LEP 2021. The Planning Proposal will not facilitate additional development beyond what is permissible, consequently not resulting in any adverse impact on critical habitat, threatened species, populations or ecological communities.

While this Planning Proposal does not alter the zoning of the land to which it applies, it is noted that Clause 5.10 of the CLEP 2021 will apply and may allow a broader range of permissible land uses. However, the requirement to undertake appropriate environmental assessment as part of any subsequent development application process has not altered and will ensure appropriate consideration of environmental impacts.

Social and Economic Impact

The Planning Proposal will have positive social impacts by protecting areas and sites which the Cumberland community recognise as having heritage value.

Council has a local heritage rebate program to assist and encourage owners of heritage items in the LGA to undertake positive work to their properties to improve the appearance of the assets. This program will be accessible to any owners of heritage items identified by this Planning Proposal.

CONCLUSION:

Council has prepared a Planning Proposal to amend curtilage and information on existing heritage items, as well as identifying potential new heritage items and heritage conservation areas. This is in response to Council's comprehensive heritage study. It is recommended that the Planning Proposal be supported.

CONSULTATION:

Heritage NSW Consultation

Council engaged with Heritage NSW, Department of Planning and Environment, to confirm if endorsement of the Heritage Study is required. Heritage NSW confirmed:

There is no need to get our endorsement. As discussed, as Local Heritage Items and Heritage Conservations Areas (HCA) are listed under your LEP, Council is the consent authority, so the listing of new items, and the assessment and consideration of any impacts on existing items rests with Council.

While we encourage the identification and listing of new local heritage items and HCAs, the Heritage Council of NSW, and Heritage NSW as its Delegate, do not

have a role in the listing of new local heritage items of the assessment and approval of impacts to existing items of HCAs. As such, we do not provide advice on planning matters which impact on Local heritage.

Heritage NSW will be consulted as part of the Planning Proposal process.

Community Engagement

As outlined within the Background section of this report and Attachment 3, Council has already undertaken pre-lodgement consultation with the community. Council officers have liaised with the Cumberland Heritage Advisory Committee as part of this work.

If the Planning Proposal proceeds through Gateway further community consultation will be required in accordance with Sections 3.34(2)(c) of the Environmental Planning and Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted in relation to the Planning Proposal.

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. That Cumberland Local Planning Panel recommend to Council that pursuant to s3.33 of the Environmental Planning and Assessment Act 1979 (EPAA) the Cumberland Heritage Study Planning Proposal to amend the Cumberland Local Environmental Plan 2021 be submitted to the Department of Planning and Environment for a Gateway Determination;
2. That Cumberland Local Planning Panel recommend to Council that following receipt of a Gateway Determination, public exhibition be undertaken and a submissions report be presented to Council; and,
3. That the Cumberland Local Planning Panel recommend to Council that the Cumberland Development Control Plan 2021 be amended to implement heritage related controls and publicly exhibited (concurrently with the Planning Proposal) prior to finalisation of the Cumberland Heritage Study Planning Proposal.

ATTACHMENTS

1. Attachment 1 - Draft Planning Proposal [↓](#)
2. Attachment 2 - Early Consultation Submissions Report [↓](#)
3. Attachment 3 - Existing and Proposed Curtilage Amendments [↓](#)
4. Attachment 4 - Council Resolution April 2021 [↓](#)
5. Attachment 5 - Cumberland Heritage Study - Stage 1 Report Vol. 1 [↓](#)
6. Attachment 6 - Cumberland Heritage Study - Stage 1 Report Vol. 2 [↓](#)
7. Attachment 7 - Cumberland Heritage Study - Stage 1 Report Vol. 3 [↓](#)
8. Attachment 8 - Cumberland Heritage Study - Stage 2 - Report Vol. 1 [↓](#)
9. Attachment 9 - Cumberland Heritage Study - Stage 2 Report Vol. 2 [↓](#)
10. Attachment 10 - Cumberland Heritage Study Peer Review - Excludes Westmead [↓](#)
11. Attachment 11 - Cumberland Heritage Study - Peer Review - Westmead Only [↓](#)
12. Attachment 12 - Cumberland Heritage Study - Guidelines for Assessing Submissions [↓](#)
13. Attachment 13 - Cumberland Heritage Study - Peer Review - Heritage Conservation Areas [↓](#)
14. Attachment 14 - Draft Development Control Plan - Northcote Street Heritage Conservation Area [↓](#)
15. Attachment 15 - Draft Development Control Plan - Talbot Road Heritage Conservation Area [↓](#)
16. Attachment 16 - Draft Development Control Plan - South Parade Heritage Conservation Area [↓](#)

