

Item No: C12/22-215

## CUMBERLAND HERITAGE STUDY PLANNING PROPOSAL

Directorate: Environment and Planning  
Responsible Officer: Director Environment & Planning  
File Number: CS-207  
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

### SUMMARY

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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. Stage 1 of the Heritage Study reviewed existing heritage items. Stage 2 of the Heritage Study assessed proposed items and conservation areas, with a subsequent independent peer review of Stage 2 recommendations.

Council has undertaken early consultation with the community on the findings of the Stage 2 Heritage Study in June and July 2021, and considered this feedback in the preparation of the Planning Proposal. Council officers have also sought advice from the Cumberland Local Planning Panel in regard to the Cumberland Heritage Study Planning Proposal.

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

1. Amendment to the curtilage and information of some existing heritage items listed within Part 1 of Schedule 5 (Cumberland Heritage List)
2. Addition of new heritage items and new heritage conservation areas to Part 1 of Schedule 5 (Cumberland Heritage List)

For minor amendments to specific items on the existing Cumberland Heritage List, a preferred approach is identified and recommended for endorsement. For new heritage items and heritage conservation areas, four options are provided for consideration with a preferred option to be identified and endorsed by Council. Following confirmation of the endorsed items, it is also recommended that the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

### RECOMMENDATION

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**That Council:**

1. **Note the status of the Cumberland Heritage Study and preparation of a Cumberland Heritage Study Planning Proposal.**

- 2. Note the advice of the Cumberland Local Planning Panel on the Cumberland Heritage Study Planning Proposal.**
- 3. Endorse the minor amendments to curtilage and information of 47 existing heritage items identified in Schedule 5 of the Cumberland Local Environmental Plan (Cumberland Heritage List) (Attachment 1).**
- 4. Endorse their preferred option for new heritage items to Part 1 of Schedule 5 in the Cumberland Local Environmental Plan (Cumberland Heritage List), with consideration of the following options:**
  - a. Option 1 – progress with 52 new heritage items and three new heritage conservation areas which meet the following criteria: recommended for listing by Council’s heritage study, and recommended for listing by independent peer review (Attachment 2).**
  - b. Option 2 – progress with 26 new heritage items which meet the following criteria: recommended for listing by Council’s heritage study, and recommended for listing by independent peer review, and where no written objection has been received from landowners on the inclusion of the proposed item during the process (Attachment 3).**
  - c. Option 3 – defer the proposed new heritage items and proposed new heritage conservation areas to undertake further consultation with properties that have not provided a submission on the proposal, and provide a further report to Council.**
  - d. Option 4 – do not proceed with the proposed new heritage items and proposed new heritage conservation areas, with no further action undertaken on this component of the proposal.**
- 5. Endorse that the draft planning proposal for the Cumberland Heritage Study as provided in Attachment 5, to be amended based on the above recommendations.**
- 6. Forward the amended draft planning proposal to the Department of Environment and Planning for a Gateway Determination.**
- 7. Subject to the endorsement of Option 1 for new heritage items and new heritage conservation areas:**
  - a. Endorse the draft Development Control Plan for the proposed new heritage conservation areas (Attachments 6 to 8).**
  - b. Endorse the draft Development Control Plan for the proposed new heritage conservation areas be publicly exhibited in accordance with statutory and policy requirements.**

- 8. Delegate authority to the General Manager to make administrative and mapping changes consistent with the endorsed recommendations.**

## REPORT

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### 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 updated mapping.
- Prepare a 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 a report summarising outcomes of Stage 2.

Information on the Cumberland Heritage Study and associated documents was included in the report to the Cumberland Local Planning Panel for the proposal, and can be found through the following link:

[http://cumberland.infocouncil.biz/Open/2022/11/LPP\\_14112022\\_AGN\\_2979\\_AT\\_EXTRA\\_WEB.htm](http://cumberland.infocouncil.biz/Open/2022/11/LPP_14112022_AGN_2979_AT_EXTRA_WEB.htm).

Briefings and updates on the progress on the Cumberland Heritage Study were also provided to Councillors and the Cumberland Heritage Committee.

## Stage 1 Heritage Study

The Stage 1 Heritage Study undertook a review of existing heritage items within the former Auburn, Holroyd, and Parramatta Local Government Areas that now form Cumberland Local Government Area.

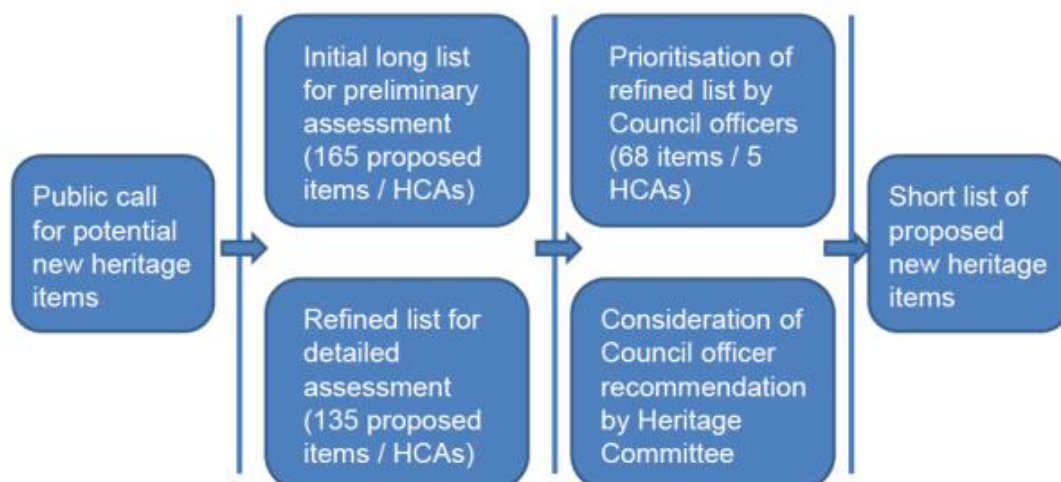
Curtilage and administrative changes were recommended in relation to 63 local heritage items (out of 348 existing heritage items). Of these, 15 are to match the curtilage area identified on the existing s170 register listing for State owned items. The other 48 item adjustments are proposed to more closely 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. This left a total of 47 amendments proposed to improve the accuracy and operation of the existing heritage planning controls in the Cumberland LEP.

## Stage 2 Heritage Study

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.

Based on this review, a report was provided to Council in April 2021. At the meeting, it was resolved to endorse the findings of the Heritage Study recommendations, proceed with early community consultation and the prepare a Planning Proposal to reflect the findings.

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.

### **Peer Review of Stage 2 Heritage Study**

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.

Based on the independent peer review, it was subsequently identified:

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

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. Based on this, it was subsequently identified:

52 potential items which met the criteria threshold for local heritage listing

3 potential heritage conservation areas.

### **Proposed Approach for Planning Proposal**

Based on the work undertaken for the Stage 1 and Stage 2 Heritage Study, as well as the independent peer review of the Stage 2 Heritage Study, a Cumberland Heritage Study Planning Proposal has been prepared for consideration by Council. It is recommended that Council endorse the planning proposal for the Cumberland Heritage Study, as provided in Attachment 5 and amended as required in response to Council's resolution, be forwarded to the Department of Environment and Planning for a Gateway Determination.

The rationale for the proposed approach towards the Cumberland Heritage Study Planning Proposal is outlined below.

### **Stage 1 Heritage Study Outcomes**

Stage 1 of the Heritage Study undertook a review of existing heritage items in the Cumberland LGA. Based on the outcomes of the study and review process by Council officers, it is recommended that Council endorse amendments to the curtilage and information of 47 (out of 348) existing heritage items listed within Part 1 of Schedule 5 (Cumberland Heritage List). The list of items covered under the proposal is outlined in Table 1, with further information also provided in Attachment 1.

<b>CLEP Item ID</b>	<b>Name of Item</b>	<b>Address</b>	<b>Description</b>
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
I125	Parramatta Road Milestone	South side of Parramatta Road between Dartbrook and Station Roads, Auburn and Lidcombe	Curtilage amendment and name update
A4	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



CLEP Item ID	Name of Item	Address	Description
I249	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 488 and 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
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

<b>CLEP Item ID</b>	<b>Name of Item</b>	<b>Address</b>	<b>Description</b>
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 Heritage Study Outcomes

Stage 2 of the Heritage Study identified and assessed places and buildings for potential listing as new heritage items in the Cumberland LEP. Given the public interest in the proposal and community feedback received, a range of options were developed for consideration by Council, with further details outlined in Table 2.

<b>Option</b>	<b>Response</b>
<b>Option 1</b> Progress with 52 new heritage items and three new heritage conservation areas which meet the following criteria: recommended for listing by Council's heritage study; and recommended for listing by independent peer review	Recommended for consideration by Council.  This option proposes the inclusion of all heritage items identified in Council's heritage study and, following consideration of the submissions received as part of early engagement, the independent peer review. The option aligns with the technical outcomes of the proposal and recommends progression of heritage items and the three heritage conservation areas where they have been recommended by both heritage consultants.



Option	Response
	For the proposed heritage conservation areas, draft Development Control Plans have been prepared, and are provided in Attachments 6 to 8.
<b>Option 2</b> Progress with 26 new heritage items which meet the following criteria: recommended for listing by Council's heritage study; and recommended for listing by independent peer review; and where no written objection has been received from landowners on the proposed inclusion of the item during the process.	Recommended for consideration by Council.  This option proposes the inclusion of items identified in the heritage study <u>and</u> independent peer review <u>and</u> where there is no written objection from landowners on the proposed inclusion of the item during the process. This option responds to the feedback received from community and landowner engagement; however, does not fully align to the technical outcomes.  It is noted that all three potential heritage conservation areas received objections from some landowners, and is therefore not included in this option.
<b>Option 3</b> Defer the proposed new heritage items and proposed new heritage conservation areas to undertake further consultation with properties that have not provided a submission on the proposal, and provide a further report to Council.	Not recommended.  This option is not recommended as early consultation has already been undertaken and, if supported by Council as a Planning Proposal, would require further consultation in accordance with the Gateway Determination.  It is also noted that all properties identified as a potential heritage item or potential heritage conservation area were sent a letter by Council officers as part of the early consultation, and a letter to inform of the Cumberland Local Planning Panel meeting and an opportunity to speak to the Panel.
<b>Option 4</b> Do not proceed with the proposed new heritage items and proposed new heritage conservation areas, with no further action undertaken on this component of the proposal.	Not recommended.  This option is not recommended as it is inconsistent with the strategic directions outlined in Council's Community Strategic Plan and Cumberland 2030: Our Local Strategic Planning Statement.

*Table 2: Comparison of Options for Inclusion of Stage 2 Items in Planning Proposal*

Option 1 and Option 2 are identified as the preferred options for consideration by Council on Stage 2 items in the Planning Proposal. Option 1 best responds to the technical assessment on heritage items and conservation areas identified in Council's heritage study. Option 2 best responds to the feedback received from community and landowner engagement on the heritage proposals.

It is noted that in Option 2, no heritage items are included where an objection was received by landowners during the process to date. The approach of excluding items where landowner objections have been received is consistent with other Councils undertaking work on new heritage items, including the former Auburn City Council in 1999 and City of Ryde Council in 2019.

For Option 1, the list of items and heritage conservation areas covered under the proposal is outlined in Table 3a and Table 3b respectively, and also provided in Attachment 2. For the proposed heritage conservation areas, draft Development Control Plans have also been prepared to provide more detailed guidance on development in these areas, and are provided in Attachments 6 to 8.

CLEP Item ID	Name of Item	Address
HS02	Former Auburn Post Office	Cnr Auburn Road and Kerr Parade, Auburn

<b>CLEP Item ID</b>	<b>Name of Item</b>	<b>Address</b>
HS03	Pritchard's Building	6-14 Auburn Road, Auburn
HS04	Federation Shopfronts	23 and 25 Auburn Road, Auburn
HS05	Late Victorian Shopfront	60-62 Auburn Road, Auburn
HS06	The Towers' - Federation Shopfronts	111-117 Auburn Road, Auburn
HS07	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, Auburn
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	160-174 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

<b>CLEP Item ID</b>	<b>Name of Item</b>	<b>Address</b>
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 Parramatta Road, Lidcombe
HS74	'Eldridge's Buildings' - Federation Shopfronts	36-40 Railway Street, Lidcombe
HS75	Russian Old Rite Orthodox Christian Church	56-60 Vaughan Street, Lidcombe
HS77	Sydney Murugan Temple	217 Great Western Highway, Mays Hill
HS78	Victorian Weatherboard Cottage	30 Abbott Street, Merrylands
HS79	Federation Bungalow	291 Merrylands Road, Merrylands
HS84	Late Victorian Cottage	64 Jersey Road, South Wentworthville
HS87	St Pauls Anglican Church and Hall	16-18 Pritchard Street East, Wentworthville

*Table 3a: Proposed new heritage items under Cumberland LEP (Option 1)*

<b>CLEP Item ID</b>	<b>Name of Item</b>	<b>Address</b>
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	Talbot Road near Guildford Road, Guildford

*Table 3b: Proposed new heritage conservation areas under Cumberland LEP (Option 1)*

For Option 2, the list of items covered under the proposal is outlined in Table 4 and also provided in Attachment 3.

<b>CLEP Item ID</b>	<b>Name of Item</b>	<b>Address</b>
HS02	Former Auburn Post Office	Cnr Auburn Road and Kerr Parade, Auburn
HS03	Pritchard's Building	6-14 Auburn Road, Auburn
HS04	Federation Shopfronts	23 and 25 Auburn Road, Auburn
HS05	Late Victorian Shopfront	60-62 Auburn Road, Auburn
HS07	Federation Queen Anne Residence	151 Auburn Road, Auburn
HS10	Auburn Gallipoli Mosque	1-19 Gelibolu Road, Auburn
HS18	Federation Bungalow	59 Mary Street, Auburn
HS22	Melton Hotel	135 Parramatta Road, Auburn

CLEP Item ID	Name of Item	Address
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
HS41	Headstone and Memorials	Factory Street, western side, near Clyde Railway Station, Clyde
HS44	8 Hewlett Street	8 Hewlett Street, Granville
HS46	Victorian Cottage	32 The Avenue, Granville
HS48	St Aphanasius Ukrainian Orthodox Church and Hall	45 William Street, Granville
HS51	Post-War Austerity Style House	38 Bolton Street, Guildford
HS52	Federation Bungalow	214 Guildford Road, Guildford
HS54	Late Victorian Cottage	3 Beatrice Street, Lidcombe
HS67	St Andrew's Ukrainian War Memorial Church	27-29 Mary Street, Lidcombe
HS71	Former Jantzen Swimwear Factory	32 Parramatta Road, Lidcombe
HS74	'Eldridge's Buildings' - Federation Shopfronts	36-40 Railway Street, Lidcombe
HS75	Russian Old Rite Orthodox Christian Church	56-60 Vaughan Street, Lidcombe
HS77	Sydney Murugan Temple	217 Great Western Highway, Mays Hill
HS78	Victorian Weatherboard Cottage	30 Abbott Street, Merrylands
HS79	Federation Bungalow	291 Merrylands Road, Merrylands

*Table 4: Proposed new heritage items under Cumberland LEP (Option 2)*

### Scope of 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 some existing heritage items listed within Part 1 of Schedule 5 (Cumberland Heritage List)
2. Addition of new items to Part 1 of Schedule 5 (Cumberland Heritage List).

In support of the Planning Proposal, revised mapping to reflect these amendments to the Cumberland Heritage List would also be undertaken.

### **Cumberland Local Planning Panel**

The Cumberland Heritage Study Planning Proposal was reported to the Cumberland Local Planning Panel in November 2022, including a recommendation that the proposal be forwarded to the Department of Planning and Environment for a Gateway Determination. The Panel meeting also provided an opportunity for the public to speak to the Panel on the proposal, with 12 speakers recorded as participating in the public forum.

The Cumberland Local Planning Panel provided the following advice on the Cumberland Heritage Study Planning Proposal:

1. *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. *Recommend to Council that following receipt of a Gateway Determination, public exhibition be undertaken and a submissions report be presented to Council; and*
3. *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.*
4. *Notes the Council Officer's recommendation to separately proceed with heritage listings for Westmead South as a component of the Westmead South planning proposal. In the event that the Westmead South planning proposal is significantly delayed, then the Panel recommends that the heritage listings for Westmead should then proceed and not be delayed.*

*Reasons for decision:*

1. *The Planning Panel is of the opinion that the planning proposal has strategic merit and is in the public interest.*
2. *The Planning Panel supports the rigorous process followed to date.*
3. *The Panel acknowledges the written submissions and oral submissions made at the Panel meeting and recommends to the Council that these submissions be given further consideration following a Gateway Determination.*

The advice of the Panel was carefully considered by Council officers. In response to this advice, the following items are noted:

The Panel's consideration of the Planning Proposal reflects the scope of items and conservation areas provided in Option 1. For Option 2, the number of items included is reduced; however, the items included were considered by the Panel.

Reference to heritage related controls is based on detailed provisions for the proposed heritage conservation areas, which are relevant if Option 1 is endorsed by Council as the preferred option for new heritage items.

Reference is made to proposed heritage items at Westmead. While included in the original study, this work is now being considered as part of strategic planning for Westmead South. At this time, no significant delays are anticipated on the planning work for this precinct.

## Strategic Merit Assessment

The recommended proposal is consistent with the strategic planning framework and policy context, as outlined below.

### 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 4.

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 Planning Proposal 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 4: 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 5.

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.



Direction	Planning Priority	Consistency
		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 5: 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 6.

Planning Priority	Consistency
Planning Priority 8: Celebrating our natural, built and cultural diversity	<p>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".</p> <p>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"</p>

*Table 6: Alignment of Planning Proposal with Cumberland 2030: Our Local Strategic Planning Statement*

### 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 Planning Proposal will not directly impact on Council's ability to accommodate the necessary dwellings to support the growing population.

## 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 7 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 7: 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.

## 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 continue to be consulted as part of the Planning Proposal process.

## Next Steps

Following review of the Planning Proposal by Council officers and advice provided by the Cumberland Local Planning Panel, the Planning Proposal is provided for consideration by Council.

For minor amendments to specific items on the existing Cumberland Heritage List, a preferred approach is identified and recommended for endorsement. For new heritage items and heritage conservation areas, four options are provided for consideration with a preferred option to be identified and endorsed by Council. Following confirmation of the endorsed items, it is also recommended that the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination.

Should Council support the proposal and a Gateway Determination is provided by the Department of Planning and Environment, the planning proposal will be exhibited and further engagement undertaken as described below. A further report will then be provided to Council.

## COMMUNITY ENGAGEMENT

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A range of community engagement activities associated with the Cumberland Heritage Study have already been undertaken, and further engagement will be undertaken if the Planning Proposal is supported by Council and a Gateway Determination is received

from the Department of Planning and Environment. Further information is provided below.

### Nomination of potential heritage items

Community feedback on Cumberland's Heritage List was sought in July and August 2019, including the opportunity to nominate potential new heritage items to be assessed in Stage 2 of the Heritage Study. A total of 23 submissions were received regarding nominations of items and places for future heritage consideration.

### 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.

Despite the restrictions, community consultation was undertaken in accordance with Council's Planning Proposal Notification Policy.

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 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.

Further information on early consultation is provided as an attachment to the report.

### Post-Gateway Consultation

Should the Planning Proposal be supported by Council and 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.

To ensure that landowners are aware of the proposed heritage listings and that Council receives their feedback, if they have any, the following examples of engagement activities that may be undertaken include:

Letter notification (mandated).

Corflute signs/posters posted in areas close to proposed heritage items, including streets, parks and local shops. The signs will incorporate QR codes directly linking to further information on Council's Have Your Say website.

Translated materials on Council's Have Your Say website, including visually driven FAQs.

Promotion through social media and newspapers (including newspapers in the LGA's top 5 languages).

Advertised drop in information sessions in various locations that are close to the proposed heritage items, including weeknight or Saturday sessions.

Engagement pop ups at Council events or local events in areas close to the proposed heritage items.

'Ask a planner' meetings with Council staff for 1:1 discussions, including promoted use of the National Translating and Interpreting Service to assist with discussion. To minimise disruption and travel, meetings can occur closer to residents in different Council facilities, such as their local library or community centre.

Short video content on Council's Have Your Say webpage and social media to explain the proposal, including translations.

### **POLICY IMPLICATIONS**

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Policy implications of the proposal are outlined in the main body of this report.

Any proposed new heritage items that are included in an updated Cumberland Heritage List would be subject to the existing controls under Part G2 – Heritage in the Cumberland Development Control Plan 2021. Any proposed new heritage conservation areas that are included in an updated Cumberland Heritage List would be subject to draft Development Control Plan controls as outlined in this report.

## RISK IMPLICATIONS

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There are minimal risk implications for Council associated with this report.

## FINANCIAL IMPLICATIONS

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

## CONCLUSION

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In response to a Council resolution in April 2021, the Cumberland Heritage Study Planning Proposal has been prepared to amend the Cumberland Heritage List through minor amendments to some existing heritage items and the addition of new heritage items. The proposal has been considered by the Cumberland Local Planning Panel and is consistent with the strategic planning framework and policy context. It is recommended that the planning proposal is endorsed, and that the planning proposal is forwarded to the Department of Planning and Environment for a Gateway Determination.

## ATTACHMENTS

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1. Proposed Amendments to Existing Heritage Items [↓](#)
2. Proposed New Heritage Items and Heritage Conservation Areas (Option 1) [↓](#)
3. Proposed New Heritage Items (Option 2) [↓](#)
4. Heritage Inventory Sheets for Proposed Heritage Item and Heritage Conservation Areas [↓](#)
5. Cumberland Heritage Study Planning Proposal [↓](#)
6. Draft Development Control Plan - Northcote Street Heritage Conservation Area [↓](#)
7. Draft Development Control Plan - Talbot Road Heritage Conservation Area [↓](#)
8. Draft Development Control Plan - South Parade Heritage Conservation Area [↓](#)
9. Early Consultation Submissions Report [↓](#)