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Gateway Determination Report – PP-2023-158

Cumberland LGA - Heritage Study

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Cumberland Heritage Planning Proposal
Attachment B – Heritage Planning Proposal Cover Letter
Attachment C – Detailed maps
Attachment D – Early Consultation Submission Report
Attachment E – Cumberland Local Planning Panel Report dated 14 November 2022
Attachment F – Cumberland Local planning Panel Minutes dated 14 November 2022
Attachment G – Cumberland Council Meeting Report dated 7 December 2022
Attachment H – Cumberland Council Meeting Minutes dated 7 December 2022
Attachment I – Cumberland Comprehensive Heritage Study Stage 1 report – Volume 1 – 3 (Inclusive)
Attachment J – Cumberland Comprehensive Heritage Study Stage 2 Report – Volume 1 & 2
Attachment K – Peer review of Comprehensive Heritage Study

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Cumberland
PPA	Cumberland City Council
NAME	Cumberland LGA Heritage Study
NUMBER	PP-2023-158
LEP TO BE AMENDED	Cumberland Local Environment Plan (LEP) 2021
ADDRESS	Whole LGA
DESCRIPTION	Various sites
RECEIVED	1/02/2023
FILE NO.	IRF23/559
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal is to protect and conserve sites of local heritage significance within the Cumberland Local Government Area (LGA) through a statutory instrument ensuring future development is sympathetic and recognises heritage values across the LGA.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal (**Attachment A**).

1.3 Background

Following the amalgamation of Cumberland Council in 2016, a need for a Council-wide review of the existing local heritage was identified.

A brief history of the proposal is outlined in **Table 3**.

Table 3 History of Heritage Study and Planning Proposal

Date	Event
7 September 2016	Extent Heritage Advisors engaged to complete the heritage study. The study was divided into 2 stages (Attachment I and J). Potential new items and conservation areas have been identified in Stage 2 of the study.
21 April 2021	<p>Council resolved to endorse the findings of the Heritage Study (Stage 1 and 2), proceed with early community consultation and prepare a planning proposal to reflect the findings. The Study resulted in the following short list:</p> <ul style="list-style-type: none"> • Stage 1: amendment to 63 existing items; and • Stage 2: 63 potential new heritage items and 5 new heritage conservation areas.
June –August 2021	<p>Council placed the planning proposal with the above findings on pre-gateway consultation from 21 June 2021 to 26 July 2021, in accordance with Council policy requirements. In response a total of 172 independent submissions were received, 12 were in support of the project.</p> <p>An Early Consultation Report was then prepared by Cumberland Council and provided as supporting documentation with the planning proposal (Attachment D). The submissions identified nine themes: heritage significance, future development, property value, financial burden, landowner rights, previous heritage study assessment, effectiveness of heritage listing, economic impact, and fairness.</p>
January 2022	<p>Due to the significant community interest Council commissioned Nimbus Architecture and Heritage, in collaboration with DFP Planning, to undertake an independent peer review of the Stage 2 heritage recommendations. The peer review and feedback during early consultation led to the following matters being recommended:</p> <ul style="list-style-type: none"> • Stage 1: amend 47 existing heritage items, • Stage 2: add 52 new heritage items and three new heritage conservation areas, and • Consider a separate planning proposal for the 11 heritage items and 2 heritage conservation areas located within the Westmead South Master Plan study area.
14 November 2022	<p>Cumberland Local Planning Panel considered a report and adopted its recommendations, as per the independent peer review advice:</p> <ol style="list-style-type: none"> 1. Amend 47 existing heritage items, 2. Add 52 new heritage items, and 3. Add 3 new heritage conservations areas. <p>The report also considered the previous technical studies and feedback from the early consultation process. Further details of the LPP recommendations are discussed in Section 3.3 of this report.</p>
7 December 2022	<p>Council considered a report which outlined a number of options for how to proceed. Council resolved to progress with the proposed new heritage items only where no objections had been received during the early community consultation (Attachment H).</p>

Date	Event
	<p>The planning proposal submitted for Gateway determination therefore seeks the following amendments to be made to the Cumberland LEP:</p> <ul style="list-style-type: none"> • amend 47 existing heritage items, and • add 24 new heritage items (excluding 28 items where objections were received).

1.4 Explanation of provisions

The planning proposal seeks to amend the Cumberland City Council LEP 2021 including adjustments to the heritage map series as per the changes below:

- amend the extent and description of forty-seven (47) existing heritage items listed within Part 1 Heritage Items Schedule 5 of the LEP (**Table 3**),
- amend Part 1 Heritage Items in Schedule 5 of the LEP to add twenty-four (24) new heritage items (**Table 4**),
- amend the Cumberland LEP 2021 – Heritage Map to include the new Part 1 items, and
- amend the Cumberland LEP 2021 – Heritage Map to reflect the revised area of surrounding land of certain existing items.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Table 4 Proposed amendments to 47 existing heritage items

CLEP Item ID	Item Name	Address
A01023	Auburn Signal Box	Rawson Street, opposite Karrabah Road, Auburn
A1	Auburn War Memorial	Northumberland Road, RSL car park (opposite the Auburn RSL), Auburn
A2, A3	Parramatta Road Milestone	South side of Parramatta Road between Dartbrook and Station Roads, Auburn and Lidcombe
	Parramatta Road Milestone	South side of Parramatta Road, east of Station Road, east of Delhi Street, east side of railway bridge abutments near Birnie Street
A4	Clyde Marshalling Yards	Rawson Street, Auburn
A5	Berala railway station	Campbell Street, Berala
A6	Former Farm, Hyland Road Inn and former post office	Hyland Road, Greystanes
I01945, I128	Footbridge over Lower Prospect Canal	Albert Street, Greystanes; Guildford and Guildford West
	Boothtown Aqueduct	Macquarie Road (between Alpha Road and Dahlia Street)
A1 6	Railway viaduct site	Portico Parade (Toongabbie Railway Station), Toongabbie

CLEP Item ID	Item Name	Address
I105	The Trongate Victorian Group	"90, 92, 94, 96, 98, and 100 - 102 The Trongate", Granville
I11	Uniting Church Auburn Parish and adjacent Victory Hall	Northeast corner of Helena Street and Harrow Road, Auburn
I156	Late Victorian cottage	63 O Neill Street, Guildford
I165	Late Victorian/Federation residence	9A Tennyson Parade, Guildford
I167	Federation period cottage	20A The Esplanade, Guildford
I171, I220	Milestone	Adjacent to 198 Woodville Road; Guildford and Merrylands
I175, I187	Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain	(Main entrance) at Church Street, Lidcombe
I178	Dwelling	24 James Street, Lidcombe
I183	Minali Special School (early twentieth century residence)	Off Joseph Street, Lidcombe
I185	Fenton House	35-47 Joseph Street, Lidcombe
I186	Dwelling	53-55 Kerrs Road, Lidcombe
I188	Stand of Eucalyptus longifolia	Corner of Parramatta and Hill Roads, Lidcombe
I20	Horse trough	Corner of Water Street and Auburn Road, Auburn
I202	Late Victorian cottage/ Cumberland Model Farms Estate	130 Jersey Road, Merrylands
I209	Electrical substation	285 Merrylands Road, Merrylands
I212	Merrylands Railway Station	Military Road, Merrylands
I219	Federation period cottage	33 Walker Street, Merrylands
I228	Former Bonds Bobbin Mill facade	211-215 Dunmore Street, Wentworthville
I23	St Peter Chanel School Hall, Church and Rectory	60 66 Kingsland Road, Berala
I231	Pendle Hill Railway Station	Pendle Way, Pendle Hill
I233	Regents Park railway station	Park Road, Regents Park
I237	Houses built for Housing Commission	27, 29, 33, 35, 37, 39, 41, 43 and 47 Chiswick Road, South Granville
I238	Houses built for Housing Commission	278, 286 and 288 Clyde Street, South Granville
I247, I249	Toongabbie Railway Station	Cornelia Road, Toongabbie
I26	Targo Mahal, Federation bungalow	156 Targo Road, Girraween

CLEP Item ID	Item Name	Address
I268	Electricity Substation	62 Fullagar Road, Wentworthville
I271	Inter-war bungalow	32 Garfield Street, Wentworthville
I274	Nelyambo, Federation period bungalow	42 Garfield Street, Wentworthville
I282	Wentworthville Railway Station	The Kingsway, Wentworthville
I287	Allengreen, Federation bungalow	1 Amos Street (also known as 14 The Park or 1 Thomas May Place), Westmead
I3	Jack Lang Plaque	4 Auburn Road, Auburn
I308	Inter-war (Mediterranean influences) apartment block	15-17 The Park (also known as 15-17 Thomas May Place), Westmead
I309	Yennora Railway Station	Nelson Road, Yennora
I41	Holy Trinity Church Group	40 Grimwood Street, Granville
I44	Single storey residence	6 Hewlett Street, Granville
I67	Single storey residence	8 Mary Street, Granville
I71	Granville War Memorial	1 Memorial Drive, Granville
I75	New York Street Group	"12, 13, 14, 18, 20, 22 and 24 New York Street", Granville
I80	Single storey residence	70 Railway Parade, Granville

Table 5 Proposed new 24 heritage items

CLEP Item ID	Item Name	Address
HS2	Former Auburn Post Office	Cnr Auburn Road and Kerr Parade, Auburn
HS3	Pritchard's Building	6-14 Auburn Road, Auburn
HS4	Federation Shopfronts	23 and 25 Auburn Road, Auburn
HS5	Late Victorian Shopfront	60-62 Auburn Road, Auburn
HS7	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
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

CLEP Item ID	Item Name	Address
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
HS67	St Andrew's Ukrainian War Memorial Church	27-29 Mary Street, Lidcombe
HS71	Former Jantzen Swimwear Factory	32 - 43 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
HS78	Victorian Weatherboard Cottage	30 Abbott Street, Merrylands
HS79	Federation Bungalow	291 Merrylands Road, Merrylands

1.5 Site description and surrounding area

The planning proposal relates to a comprehensive heritage study and therefore affects numerous sites within the Cumberland LGA as shown in **Figure 1**.

Details of the specific sites both being amended (existing) or added as new, local heritage items are outlined in Section 1.3 of this report and the planning proposal. The subject sites are mapped in the planning proposal and shown in **Figure 2**.

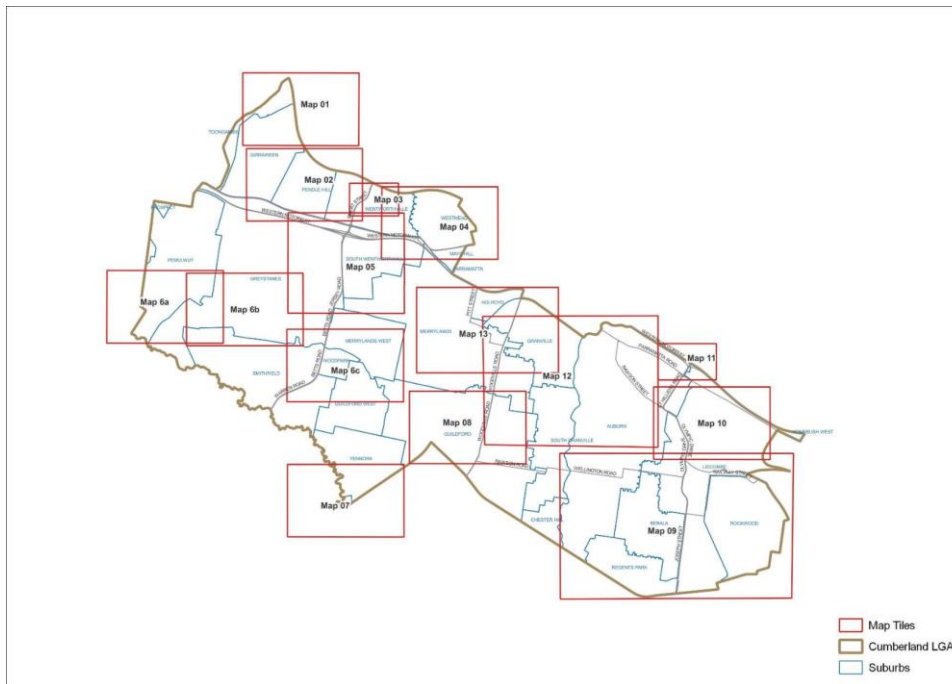


Figure 1: Subject site (source: Cumberland City Council)

1.6 Mapping

The planning proposal (**Attachment A**) includes mapping identifying the proposed changes, showing existing heritage items and the items required to be added that are suitable for community consultation.

The mapping takes the following approach to categorising items:

- existing items with no changes shown in green;
- existing items where extent and/or description amended shown in blue; and
- proposed new heritage items shown in brown.

An example of the proposed mapping is included below as **Figure 2**.

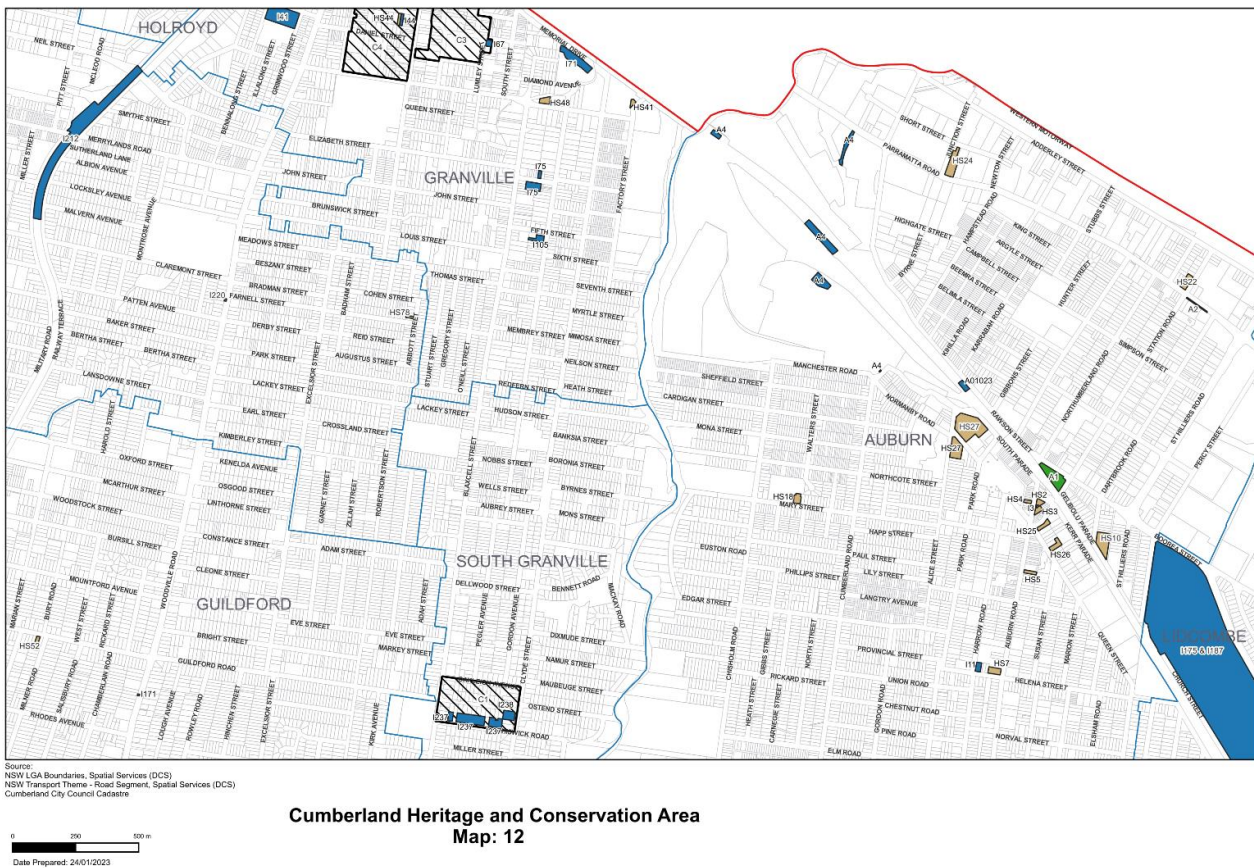


Figure 2: Cumberland Conservation and Heritage Map 12

2 Need for the planning proposal

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

The planning proposal is Council-led and responds to the findings of the Cumberland LGA Comprehensive Heritage Study Stage 1 and Stage 2 (**Attachment I and J**) and the independent peer review of the Comprehensive Heritage Study (**Attachment K**). The proposal also responds to early consultation undertaken by Council prior to Gateway assessment.

The planning proposal is the best means for achieving the objectives and intended outcomes which will ensure that there are appropriate legislative and regulatory planning controls to protect and conserve heritage within the Cumberland LGA.

Further details regarding the heritage assessment are in Section 4.2.

3 Strategic assessment

3.1 District Plan

The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 6 District Plan assessment

District Plan Priorities	Justification
C4 Fostering healthy, creative, culturally rich and socially connected communities	The proposal will facilitate healthy, creative and culturally rich and connected communities through the preservation of cultural and environmental historic significant sites. This ensures the area's heritage is a continuing contribution to the identity of the Cumberland LGA.
C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal will not significantly impact upon the delivery of housing supply, choice and affordability.</p> <p>The proposed amendment to Schedule 5 of the LEP to include 24 additional heritage items impacts only a small number of affected properties and will not substantially hinder the delivery of housing supply.</p>
C6 Creating and renewing great places and local centres, and respecting the District's heritage	The District Plan notes that conservation and interpretation of heritage values are key components of place-based planning and leads to a better understanding of history for sites and its' communities. The proposal is consistent with this priority as it facilitates protection of existing and proposed heritage sites through their inclusion within the heritage schedule.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 7**.

Table 7 Local strategic planning assessment

Local Strategies	Justification
Cumberland 2030: Our Local Strategic Planning Statement	<p>The LSPS was endorsed by the former Greater Sydney Commission in March 2020. The statement identifies a strategic land use framework to guide a 20 year vision for the economic, social and environmental land use needs, planning and delivery growth in the Cumberland LGA in accordance with the Greater Sydney Region Plan and the District Plan.</p> <p>The proposal is consistent with the LSPS, in particular Priority 8:</p> <ul style="list-style-type: none"> <i>Planning Priority 8: Celebrating our natural, built and cultural diversity:</i> The LSPS identifies an objective for Council to review heritage items in the LGA and consider new items to ensure continued protection and preservation of local heritage. The planning proposal is consistent with the Priority and objectives of the LSPS in that it will facilitate the ongoing protection of heritage sites within the LGA.
Cumberland Community Strategic Plan (CSP) 2017-2027	<p>The planning proposal is consistent with the Cumberland's CSP's priorities, in particular:</p> <p>Goal 2 – <i>Enhancing the Natural and Built Environment, Objective 2.1 Celebrate our diverse built and natural environments</i></p> <p>The planning proposal seeks to protect heritage sites within the Cumberland LGA and therefore, is consistent with the CSP.</p>

3.3 Local planning panel (LPP) recommendation

On 14 November 2022, the planning proposal was considered by the Cumberland Local Planning Panel (LPP) (**Attachment F**) at an extraordinary meeting, in accordance with requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979*. The LPP considered a report (**Attachment E**) which recommended 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), and
4. revised mapping to reflect items (1), (2) and (3).

The LPP in its advice to Council, supported the above amendments and recommended the planning proposal be submitted to the Department for a Gateway Determination. The LPP also acknowledged a recommendation to consider the proposed heritage items and conservation areas in Westmead South separately as part of Council's planning investigations for Westmead South.

3.4 Council consideration and resolution

At the 7 December 2022 Council meeting, four options were presented for consideration (**Attachment G**). Council notes that the options were provided due to the public interest in the proposal and significant community feedback received.

A summary of the options is below:

- Option 1: Progress with 52 new heritage items and 3 new HCAs which meet the following criteria:
 - Recommended for listing by Council's heritage study; and
 - Recommended for listing by independent peer review
- Option 2: Progress with 24 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
- Option 3: Defer the proposed new heritage items and proposed new HCAs to undertake further consultation with properties that have not provided a submission on the proposal, and provide a further report to Council
- Option 4: Do not proceed with the proposed new heritage items and proposed new HCAs, with no further action undertaken in this component of the proposal.

The Department notes that Option 1 proposes the inclusion of heritage items identified in Council's comprehensive heritage study and independent peer review, and reflects consideration of the submissions received as part of the early consultation. This option is consistent with the Cumberland LPP's advice.

Option 2 removes sites which had objections from landowners during the early consultation stage, reducing the total proposed from 52 to 24 new heritage items. Option 2 also removed the 3 potential heritage conservation areas from the planning proposal due to objections received in early consultation. Option 2 reflects the current planning proposal and Council's resolution on 7 December 2022.

Whilst Council resolved to progress with Option 2 for the planning proposal, there is a misalignment between the supporting studies upon which the planning proposal relies and the intended outcomes. The Department considers additional justification within the planning proposal and/or supporting studies is required to address this misalignment. As such, a Gateway condition is recommended to address this aspect.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.5 Parramatta Road Corridor Urban Transformation Strategy	Yes	<p>The objectives of this direction are to facilitate development within the Parramatta Road Corridor aligned with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and associated documents.</p> <p>The proposal is consistent with the Strategic Actions identified within the Parramatta Road Corridor Urban Transformation Strategy. The Strategic Actions for heritage conservation and community facility incentives requires Councils to review and modernise the heritage listings concurrently with future rezoning proposals, with a stronger focus on proactive heritage identification and preservation. In this regard, new items within the corridor recommended for heritage listing includes the Melton Hotel (Item Number HS22), a warehouse located at 259-263 Parramatta Road (Item Number HS24) and the Former Jantzen Swimwear Factory (Item Number HS71). The planning proposal is consistent with this Direction.</p>
3.2 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental sensitive heritage significance and indigenous heritage significance.</p> <p>The planning proposal is supported by a detailed heritage study and peer review which aims to conserve existing and newly added heritage items. The proposed items have been identified as having met several criteria of NSW Heritage criteria for local listings. The planning proposal does not involve the removal (delisting) of any heritage items or heritage conservation areas, nor does it result in the reduction of heritage protection of any existing items. It is noted that existing mechanisms in the Cumberland LEP require heritage consideration through the development application process are not proposed to be amended.</p> <p>The Department notes the misalignment between Cumberland Local Planning Panel's advice, recommendations from the technical heritage studies and Council's resolution on the planning proposal. As such, a Gateway condition is recommended to ensure the departure between the recommendations is addressed and further justification regarding the proposed reduced heritage listings is provided.</p> <p>The planning proposal is consistent with this Direction.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development 2008)	The SEPP sets out a number of Codes which enables certain development to be undertaken without Council approval via the exempt or complying development streams. The SEPP is relevant to this planning proposal as the new heritage items will be excluded from most forms of complying development under the SEPP.	Yes	The planning proposal is not considered to be inconsistent with the SEPP. Proposed new heritage listed items identified are based on evidence aligning with the NSW Heritage Office Guidelines. The heritage items may be excluded from some of the approval options under the SEPP, however alternative development pathways exist, and this ensures heritage significance is considered.

4 Site-specific assessment

4.1 Environmental

The planning proposal states it is not anticipated that the proposal will adversely impact critical habitat or threatened species, populations or ecological communities or their habitats or have any other environmental impact. Council's view that the planning proposal will have minimal environmental impact is supported for the reasons provided in the proposal.

4.2 Heritage

Cumberland LGA Comprehensive Heritage Study Stage 1 and Stage 2 (**Attachment I and J**), and subsequent independent peer review (**Attachment K**) was prepared on behalf of Council in September 2016 and January 2022. The studies were carried out:

- in accordance with the *heritage significance assessment* guidelines published by Heritage NSW in 2001; and
- consistent with the relevant principles and guidelines of the Australian ICOMOs *Charter for Places of Cultural Significance 2013 (the Burra Charter)*.

The reports note that an extensive fieldwork program, including site inspections of each heritage item was undertaken. Each site was assessed against the seven criteria outlined in the NSW Heritage Office Guideline. If an item meets one of the seven listing criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance.

The key findings of this assessment are summarised in **Appendix 1**. The table includes all 52 potential heritage items and 3 new HCA's as per the recommendations of the report to the Cumberland Local Planning Panel (**Attachment E**).

The planning proposal relates to local heritage matters and the Department supports Council taking measures to protect the heritage significance within its LGA. In this case, the proposal is supported by various heritage assessments that outline the heritage significance of items, areas

and places. The Department has noted a misalignment between the evidence base upon which the proposal relies, and the intended outcome of the planning proposal. A condition requires justification to address this gap.

4.3 Social and Economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic assessment of planning proposal

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to result in any significant adverse social impacts.</p> <p>The proposed amendments and additional heritage listed sites will provide the community with greater certainty regarding heritage significance, facilitates ongoing protection and additional consideration through future development proposals.</p> <p>Additionally, the public exhibition of the planning proposal will provide opportunity for the wider community to consider whether the proposed heritage listings are appropriate and should be supported.</p> <p>Council notes the proposal will have positive social effects for the local community by enhancing the retention and protection of key buildings with heritage value.</p>
Economic	<p>There would be a minor economic impact to the landowners of identified sites, as the heritage listing of the properties may require specialist heritage studies to form part of any future development application. However, the proposal does not change the zoning or development standards applicable to the sites and will facilitate conservation of their heritage significance.</p> <p>The proposed listing does not preclude any future development of the properties, such as change of use, alterations, additions or adaptation. The listing will ensure that the effect of any proposed development on the heritage significance will be considered prior to a development consent being granted.</p> <p>The proposal is considered to have an acceptable economic impact towards the affected properties across Cumberland LGA.</p>

4.4 Infrastructure

Due to the nature of the planning proposal relating to heritage matters only, no additional burden to existing public infrastructure is anticipated.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. As the proposal is considered to be complex, an exhibition period of 30 working days is considered appropriate and forms the conditions of the Gateway determination.

To ensure that landowners are provided with suitable opportunities to provide feedback on the proposal, a condition is recommended to require notification to all affected landowners during the formal exhibition period.

Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Heritage NSW

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that the Gateway determination includes conditions requiring Council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal addresses matters of local heritage significance only, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will facilitate protection of existing and new items identified as having heritage value in the Cumberland LGA through a heritage study and subsequent independent peer review.
- It is consistent with the requirements of the Central District Plan and Council's Local Strategic Planning Statement to protect the region's cultural heritage.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is required to be updated as follows:
 - a) amend the project timeline to reflect the timeframe conditions of this determination; and
 - b) provide further justification to the address the misalignment between the planning proposal's intended outcomes and the supporting evidence base.
2. Consultation is required with the following public authorities:
 - a) Heritage NSW
3. The planning proposal should be made available for community consultation for a minimum of 30 working days.
4. Council is to notify all landowners affected by the planning proposal during community consultation.
5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
6. The planning proposal must be reported to council for a final recommendation 8 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



1/06/2023

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