



CUMBERLAND
CITY COUNCIL

PLANNING PROPOSAL

DRAFT CUMBERLAND LOCAL ENVIRONMENTAL PLAN

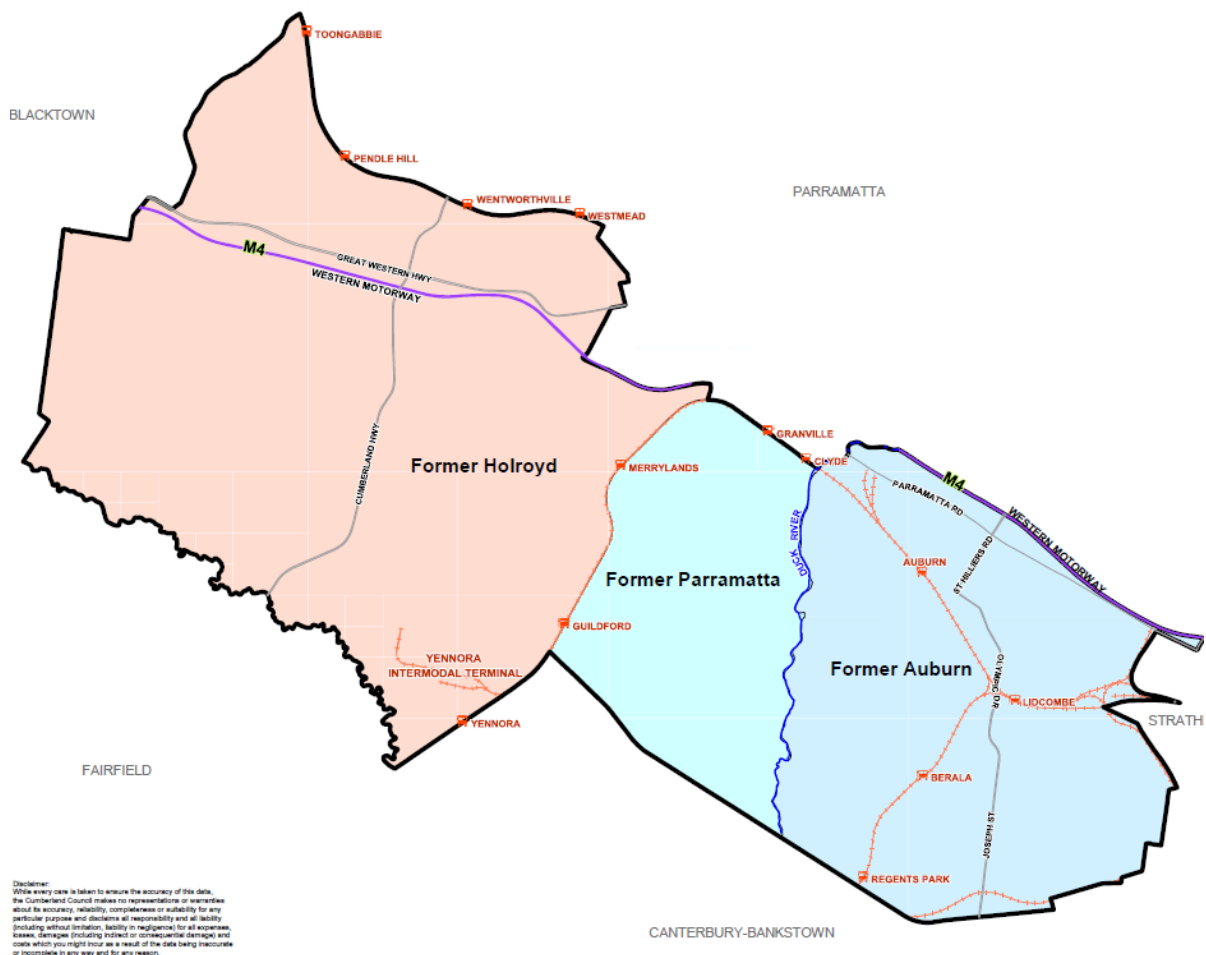
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(Gateway Submission)**

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EXECUTIVE SUMMARY

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



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

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

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

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

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

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

The Planning Proposal applies to all land in Cumberland City.

Planning context

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

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

Council resolutions

The Planning Proposal has been prepared in accordance with Council's resolutions on 18 September 2019 and 4 March 2020 (copies provided at Attachments 1 – 3).

Supporting documentation

The Planning Proposal is supported by the following documentation:

Attachment 1 – C09/19-218 Early Consultation for the New Cumberland Local Environmental Plan, 18 September 2019

Attachment 2 – C09/19-219 Planning Proposal for the New Cumberland Local Environmental Plan, 18 September 2019

Attachment 3 – C03/20-288 Update on Planning Proposal for the New Cumberland Local Environmental Plan, 4 March 2020

Attachment 4 – Background Report: Cumberland Local Environmental Plan Harmonisation

Attachment 5 – Auburn Town Centre Planning Controls Strategy

Attachment 6 – Lidcombe Town Centre Planning Controls Strategy

Attachment 7 – Auburn and Lidcombe Town Centres: Urban Form Modelling

Attachment 8 – Auburn and Lidcombe Town Centres: Indicative Development Potential

Attachment 9 – Proposed zoning changes for the Merrylands East Centre

Attachment 10 – Proposed planning approach for the Woodville Road Corridor

Attachment 11 – Proposed planning approach for the Parramatta Road Corridor

Attachment 12 – Proposed planning controls for Schedule 5 of the new Cumberland LEP

Attachment 13 – Summary table of proposed miscellaneous (site specific) zoning and/or planning control changes

Attachment 14 – Planning Proposal - Minimum lot area for Low and Medium Density dual occupancy housing

PART 1 OBJECTIVES OR INTENDED OUTCOMES

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

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

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

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

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

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

In addition to harmonising the existing LEPs, the planning proposal seeks to implement a targeted range of other strategic planning work that has been substantially progressed as separate and individual projects, including:

- i. Revised planning controls for the Auburn and Lidcombe Town Centres (implementation of the Auburn and Lidcombe Town Centres Planning Controls Strategies, adopted by Council on 21 August and 4 September 2019 respectively, and considered by the CLPP on 20 June 2019).
- ii. Minimum lot sizes for dual occupancy development, by providing a consistent lot size across the Cumberland area (adopted by Council on 19 June 2019, and considered by the CLPP on 15 May 2019)
- iii. Targeted changes to planning controls along the Parramatta and Woodville Road Corridors (as previously considered and adopted by Council on 3 July 2019).
- iv. Stage 1 of the Cumberland Heritage Study, including the proposed de-listing of 9 properties that have been assessed as no longer meeting the NSW heritage criteria for assessing heritage significance (delisting of properties adopted by Council on 4 September 2019).
- v. Miscellaneous minor zoning and/or planning control changes. In particular, the planning proposal seeks to clarify the land use permissibility of government owned land, and address selected site specific anomalies on privately owned sites, through appropriate minor zoning and/or planning control changes in various locations across Cumberland.

Details and justification for these changes are outlined below and in the respective attachments to this Planning Proposal.

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

Auburn Town Centre Planning Controls Strategy

The Planning Proposal seeks to implement the recommendations of the Auburn Town Centre Planning Controls Strategy to support better built form design outcomes that will contribute to the quality of amenity and public domain in the area.

The primary focus of the strategy and proposed changes to planning controls is to better align the zoning, height and density controls (floor space ratios) to enable a broader range of building design options to be realised. The proposed controls provide better opportunities for innovation in the built form in the town centre, and contribute to the quality of amenity and public domain within the Cumberland area.

A copy of Council report and resolution C08/19-176 in support of the Auburn Town Centre Planning Controls Strategy is provided at Attachment 5. Indicative urban form modelling in support of the proposed changes is also provided at Attachment 7. An indication of development potential within the town centre under both the existing and proposed planning controls is provided at Attachment 8. Specific details of the proposed planning controls changes are shown on the draft LEP maps.

Lidcombe Town Centre Planning Controls Strategy

The Planning Proposal seeks to implement recommendations of the Lidcombe Town Centre Planning Controls Strategy. The strategy supports better built form design outcomes that will contribute to the quality of amenity and public domain in the area.

The primary focus of the strategy and proposed changes to planning controls is to better align the zoning, height and density controls (floor space ratios) to provide better opportunities for built form within the projected dwelling capacity without increasing density. The proposed controls provide better opportunities for innovation in the built form in the town centre, and contribute to the quality of amenity and public domain within the Cumberland area.

A copy of Council report and resolution C09/19-189 in support of the Lidcombe Town Centre Planning Controls Strategy is provided at Attachment 6. Indicative urban form modelling in support of the proposed changes is also provided at Attachment 7. An indication of development potential within the town centre under both the existing and proposal planning controls is provided at Attachment 8. Specific details of the proposed planning controls changes are shown on the draft LEP maps.

Merrylands East Centre (John Cootes site)

The Planning Proposal seeks to rezone the Merrylands East Centre (John Cootes Site) at 264 Woodville Road, Merrylands, from B4 Mixed Use to part B2 Local Centre and part RE1 Public Recreation to reflect Council's strategic approach to local centres and objectives of the Central City District Plan. A copy of Council report and resolution C02/29-15 outlining the proposed zoning changes is provided at Attachment 9.

Planning controls for existing medium and high density residential development along the Woodville Road Corridor

The Planning Proposal seeks to rezone various sites along the Woodville Road Corridor from R2 Low Density Residential to either R3 Medium Density or R4 High Density Residential to reflect existing approved development, with corresponding changes to building height and floor space ratio controls consistent with similar developments in the area. A copy of Council report and resolution C07/19-131 outlining the proposed planning approach for the Woodville Road Corridor is provided at Attachment 10.

Cumberland Heritage Study Stage 1

The Planning Proposal seeks to implement the recommendations of Stage 1 of the Cumberland Heritage Study, involving a review of all existing heritage items (including conservation areas) listed in the Auburn, Holroyd and Parramatta LEPs and located in the Cumberland LGA. This includes the proposed de-listing of 9 properties that no longer meet the NSW heritage criteria for assessing heritage significance (ie. the Planning Proposal does not seek to carry-over these properties to the new Cumberland LEP).

The 9 properties that will not be carried over as heritage items for the new Cumberland LEP are:

- i. 36 and 38 Jamieson Street, Granville
- ii. 10 William Street, Granville
- iii. 9-11 Woodville Road, Granville
- iv. 4 Myall Street, Merrylands
- v. Guildford Railway Station, Railway Terrace, Guildford
- vi. 1-7 Neil Street, Merrylands (Millmaster Feeds Site)
- vii. 34 Garfield Street, Wentworthville
- viii. 15 Abbott Street, Merrylands
- ix. 70 Jersey Road, South Wentworthville

A copy of the Council report and resolution C09/19-193 outlining the proposed planning controls for Schedule 5 of the new Cumberland LEP is provided at Attachment 12.

Miscellaneous minor zoning and/or planning control changes

The Planning Proposal seeks to clarify the land use permissibility of government owned land, and address selected site specific anomalies on privately owned sites, through appropriate and minor zoning changes and/or planning controls changes in various locations across Cumberland. This includes changes on land owned by Sydney Water and Sydney Trains. A summary table of proposed site specific zoning and/or planning control changes is provided at Attachment 13. Specific details of the proposed planning controls changes are shown on the draft LEP maps.

PART 2 EXPLANATION OF PROVISIONS

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

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

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

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

Part 1 Preliminary

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

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

Name of Plan

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

Commencement

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

Aims of Plan

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

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

Land to which Plan applies

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

Definitions

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

Notes

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

Consent authority

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

Maps

This clause will be as per the Standard Instrument LEP.

Repeal of planning instruments applying to land

This clause will be as per the Standard Instrument LEP.

Application of SEPPs

This clause will be as per the Standard Instrument LEP.

Savings Provision

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

Part 2 Permitted or Prohibited development

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

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

Land use zones

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

Residential Zones

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

Business Zones

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

Industrial Zones

- IN1 General Industrial
- IN2 Light Industrial

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E2 Environmental Conservation

Waterway Zones

- W1 Natural Waterways

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

Zoning of land to which Plan applies

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

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

Zone objectives and Land Use Table

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

Unzoned Land

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

Additional permitted uses for particular land

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

Subdivision – consent requirements

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

Demolition requires development consent

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

Temporary use of land

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

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

Land Use Table

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

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

Open and closed zones

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

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

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

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

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

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

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

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

Key land use considerations

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

Places of Public Worship

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

The Planning Proposal seeks to adopt the Standard Instrument LEP approach to the permissibility of places of public worship for the new Cumberland LEP by permitting them with consent only in the R3, R4, IN1 and IN2 zones (and specifically prohibiting them in all other zones). This will protect the amenity of low density residential areas in all of Cumberland by prohibiting the development of places of public worship in the R2 zone while continuing to permit them only where they are compatible with both the existing and future desired character of the area.

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

In addition, the Planning Proposal seeks to include a special local provision in the new Cumberland LEP that sets a minimum lot size of 2,000 sq.m for places of public worship in the R3 and R4 zones, along with urban design considerations for development assessment. This will be reinforced by the inclusion of the following additional objective in the land use table for the R3 and R4 zones:

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

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

Residential Flat Buildings

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

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

Seniors housing

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

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

Sex services premises

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

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

Part 3 Exempt and complying development

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

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

Exempt development

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

Complying development

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

Environmentally sensitive areas excluded

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

Part 4 Principal development standards

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

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

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

Minimum subdivision lot size

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

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

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

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

Minimum subdivision lot size for community title schemes

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

Height of buildings

This clause allows Council to identify building heights for the Cumberland LGA on a Height of Buildings Map in the LEP. The objectives of the clause currently differ across the three LEPs, with the Parramatta LEP including more detail with an additional focus on preservation of historic views and

existing character. The Holroyd and Auburn LEPs both promote appropriate development which is compatible with the character of the locality. The Holroyd LEP also focusses on solar access and privacy.

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

- a) to establish a framework of building heights that achieve appropriate urban form and density
- b) to ensure that the height of buildings is compatible with the character and scale of the locality
- c) to minimize the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties

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

Floor space ratio

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

- a) to establish a framework of floor space ratios that achieve appropriate urban form and density
- b) to ensure that development intensity reflects its locality

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

Calculation of floor space ratio and site area

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

Exceptions to development standards

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

Part 5 Miscellaneous provisions

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

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

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

Relevant acquisition authority

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

Classification and reclassification of public land

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

Development near zone boundaries

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

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

Controls relating to miscellaneous permissible uses

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

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

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

Architectural roof features

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

Conversion of fire alarms

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

Heritage conservation

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

Bush fire hazard reduction

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

Infrastructure development and use of existing buildings of the Crown

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

Pond-based, tank-based and oyster aquaculture

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

Part 6 Local provisions

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

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

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

Acid sulfate soils

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

Biodiversity

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

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

Buffer area between industrial and residential zones

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

Design excellence

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

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

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

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

Development in the Commercial Precinct

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

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

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

Development on land at 42-44 Dunmore Street, Wentworthville

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

Earthworks

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

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

Essential services

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

Flood planning

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

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

Foreshore building line

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

Ground floor development in Zones B2 and B4

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

Location of sex services premises

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

Minimum lot area for low and medium density dual occupancy housing

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

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

A copy of the Council report and resolution C06/19-103 outlining the Planning Proposal for minimum lot area for low and medium density dual occupancy housing is provided at Attachment 14.

Places of public worship in Zones R3 and R4

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

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

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

Restricted premises

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

Riparian land and watercourses

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

Salinity

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

Stormwater management

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

Urban heat management

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

Schedule 1 Additional permitted uses

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

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

Schedule 2 Exempt development

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

Schedule 3 Complying development

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

Schedule 4 Classification and reclassification of public land

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

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

Schedule 5 Environmental Heritage

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

Schedule 6: Pond-based and tank-based aquaculture

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

Dictionary

The Dictionary provides the definition for the range of land uses included in the LEP. The Dictionary is part of the Standard Instrument and unable to be amended.

Maps

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

PART 3 JUSTIFICATION

A Need for the Planning Proposal

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

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

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

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

This Planning Proposal is supported by a technical analysis report being the '*Background Report: Cumberland Local Environmental Plan Harmonisation*' prepared by City Plan on behalf of Council (copy provided at Attachment 2).

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

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

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

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

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

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

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

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

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

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

B Relationship to Strategic Planning Framework

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

Regional Strategy - Greater Sydney Region Plan

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

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

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

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

- Harmonise planning controls which will provide a consistent approach to planning and development across the LGA that will benefit residents, landowners, developers and Councils.
- Retain those provisions that may have been within only one or two LEPs, to make them available for application across the entire LGA.
- Retain the majority of the planning controls (zoning, maximum building height and floor space ratio) as currently given, with some exceptions noted below.

- In combination with the Local Strategic Planning Statement (LSPS), inform state government agencies of the location and scale of future development for the planning of infrastructure needs.
- Retain the focus of existing urban centres for higher residential and employment densities that provide services, facilities, social infrastructure as currently supported under the existing controls. Most of these urban centres also have public transport connections, in particular train stations, which provide access to key employment centres within the LGA, the Greater Parramatta area including Westmead and Sydney CBD. The proximity of higher density centres to public transport modes and issues of private vehicles in centres, encourages use of public transport by people.
- Retain and support lower scale residential development in suburbs surrounding centres. The scale of commercial and residential development as permitted under the controls reflects the relative significance and hierarchy of the centre to the LGA as well as to reflect its current and future character and aspirations, and support diversity of type and size.
- Implement the Parramatta Road Urban Transformation Strategy to provide additional housing and employment opportunities with access to urban centres for supporting services. This includes, for the Auburn Precinct in particular, the introduction of a B1 Neighbourhood Centre zoning for proposed small centres, introduce a B6 zoning along part of St Hilliers Road, and refine maximum building height and FSR controls in these rezoned areas.
- Implement amended controls, as initiated under the Auburn and Lidcombe Town Centres Strategy, to encourage redevelopment through enhanced feasibility potential and to achieve improved built form outcomes. These future enabled redevelopments will lead to increased housing and employment opportunities in these key centres that currently provide local services and transport options.
- Implement specific planning changes along the important Woodville Road corridor, including the planning controls for 264 Woodville Road Merrylands following its planning proposal process, and redress land use to zoning issues along parts of the road where previously permissible higher density developments exist within what is now a lower density zoning.
- Rezone specified land as requested by state agencies, which has been identified as surplus to requirements or for consistency of zoning of land holdings supporting operations. These specified lots are typically relatively small and, in the case of rezoning that applies the adjoining land zoning, would have negligible implications.
- Provide the same development types and to keep the current protections for open space lands including those identified for recreation use and as environmentally important lands including waterways and coastal management, having remanent vegetation and other biodiversity values. Protection of these lands will also enhance their value to the community and contribute to Sydney's Green Grid.
- Retain existing employment (industrial) lands which are in proximity to existing and established transport routes. The existing more traditional industrial lands and activities through permissible land use types per the existing LEPs are supported. Concurrently, the permissibility of land use types within industrial lands is proposed to be 'open' so as to support innovation, creative and technological opportunities as detailed in the EILS for uses

not specifically listed as prohibited in the LEP. Some ancillary uses within industrial lands are to be supported through the miscellaneous controls part of the LEP.

- Provide a new provision relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. This is increasingly recognised as an issue for the LGA and the western Sydney region and seeks to better manage this into the future.
- Update the list of heritage items in the LGA, so as to provide a current list of environmental heritage at schedule 5 of the Cumberland LEP. All currently listed heritage items in the LGA are to be carried across to the Cumberland LEP with the exception of nine items that have since been assessed as no longer having heritage significance. Further investigations of potential new items of environmental heritage are to be undertaken, and if any new items are confirmed for listing, will form a subsequent amendment to the Cumberland LEP.
- Provide new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, better manage the form of the urban design, and the resulting amenity for the community.
- Include 'seniors housing' as a specifically permitted use in the B4 Mixed Use zone to ensure that this form of housing can continue to be located on sites that are accessible to shops, services, health care, social and recreation facilities, and transport options to the wider area. This accessibility would benefit residents as well as staff. The B4 zoned land which is located within existing town centres in particular would meet this locational outcome.

Central City District Plan

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

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

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

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

Table 1: District Plan – Planning Priorities

Direction and Planning Priorities	Response
Infrastructure and collaboration	
<p>C1: Planning for a city supported by infrastructure C2: Working through collaboration</p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (as applicable to the LGA) into a single consistent approach to planning and development across the LGA.</p> <p>The key exceptions to this are related to the implementation of the Parramatta Road Urban Transformation Strategy, revised planning controls (notable height of buildings) that were initiated under the Auburn and Lidcombe Town Centres Strategy and existing initiatives along the Woodville Road corridor, which will increase development potential through changes to planning controls as mapped for zoning, maximum building heights and FSR to support increased housing and economic activity.</p> <p>As such there will be minimal increased demand on infrastructure, other than those exceptions noted which themselves are all located within or accessible to town centres with services and have existing multiple mode choice transportation links.</p> <p>Some State agencies made submissions during the preliminary consultation on the future Cumberland LEP. These submissions sought rezoning of small parcels of land that were identified as either surplus to requirements or for consistency of zoning and use of land required for ongoing operational purposes. Where land is surplus to requirements, the nominated new zoning is typically per that of the adjacent lands. These requested rezonings have been incorporated into this Planning Proposal to support these stage agencies.</p> <p>This Planning Proposal, when on public exhibition, will be available to state government agencies that are responsible for planning and provision of infrastructure.</p>
Liveability	
<p><u>A city for people</u> C3: Providing services and social infrastructure to meet people’s changing needs Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities</p> <p><u>Housing the city</u> C5: Providing housing supply, choice and affordability with access to jobs, services and public transport</p> <p><u>A city of great places</u></p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (as applicable to the LGA) into a single consistent approach to planning and development across the LGA.</p> <p>The key exceptions to this are related to the:</p> <ul style="list-style-type: none"> • Implementation of the Parramatta Road Strategy, which is to increase housing (amount and range) and employment/business opportunities in the corridor including to introduce B1 and B6 zoning in selected places and to amend height and FSR controls for these zones which will support the redevelopment envisaged by the Strategy. • As initiated under the Auburn and Lidcombe Town Centres Strategy and subsequently progressed through

C6: Creating and renewing great places and local centres, and respecting the District's heritage

Council, to increase development potential in the Auburn and the Lidcombe town centres through changes to planning controls (notably maximum building height) to enable increased local human and economic activity as well as improve built form outcomes.

- Implementing specific planning changes along the Woodville Road corridor, including the planning controls for 264 Woodville Road Merrylands following its planning proposal process, and redress zoning issues along parts of the road.

The land uses permissible in the B4 zoning is to specifically include 'seniors housing' as a permitted use to ensure that this form of housing can continue to be located on sites that are accessible to shops, services, health care, social and recreation facilities, and transport options to the wider area. This accessibility would benefit residents as well as staff.

The planning proposal seeks to provide new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, the form of the urban design and the resulting amenity for the wider community.

The existing design excellence clause of the Holroyd LEP will be carried across to the Cumberland LEP. It is noted this may be applicable to other areas in the future.

The Planning Proposal also addresses the heritage of the LGA. Following a technical study, all currently listed items of environmental heritage within the LGA are to be carried over to the Cumberland LEP, with the exception of those nine (9) items which were assessed as no longer having sufficient heritage value to warrant listing (including items demolished). Further investigations of potential new items of environmental heritage are to be undertaken, and if any new items are confirmed for listing, will form a subsequent amendment to the Cumberland LEP.

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

Productivity

<p><u>A well-connected city</u> C7: Growing a stronger and more competitive Greater Parramatta</p> <p><u>Jobs and skills for the city</u> C8: Delivering a more connected and competitive GPOP Economic Corridor C9: Delivering integrated land use and transport planning and a 30-minute city C10: Growing investment, business opportunities and jobs in strategic centres C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land C12: Supporting growth of targeted industry sectors</p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (applicable to the LGA) into a single consistent approach to planning and development across the LGA.</p> <p>The key exception/s to this are related to the implementation of the Parramatta Road Strategy, existing initiatives along Woodville Road corridor, and to implement amended controls for the Auburn and Lidcombe Town Centres. These will increase development potential through changes to planning controls to support increased human and economic activity and employment opportunities. These places are located on or near key transport routes including major roads and public train services connecting to key employment centres such as Parramatta, Westmead, and the Sydney CBD.</p> <p>The planning proposal seeks to retain the existing industrial and business zoned lands in the LGA, while nominating an ‘open’ approach to permissible land uses so as to enable innovative and non-traditional employment lands to be considered in employment zones.</p> <p>The planning proposal seeks to reinforce the employment and business type land uses of the B6 Enterprise Corridor zone by not permitting residential flat buildings in this zone. This is to ensure that employment opportunities are provided through appropriate uses in all developments in these zones.</p>
<p>Sustainability</p>	
<p><u>A city in its landscape</u> C13: Protecting and improving the health and enjoyment of the District’s waterways C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes C16: Increasing urban tree canopy cover and delivering Green Grid connections C17: Delivering high quality open space C18: Better managing rural areas</p> <p><u>An efficient city</u> C19: Reducing carbon emissions and managing energy, water and waste efficiently</p> <p><u>A resilient city</u></p>	<p>The Planning Proposal is to essentially harmonise the existing three LEPs (as applicable to the LGA) into a single consistent approach to planning and development across the LGA. As such the existing zonings for environmental conservation and public recreation will be retained.</p> <p>Those additional local provisions within Part 6 of the respective LEP specific to environmental matters that are applicable to the Cumberland LGA, such as terrestrial biodiversity/biodiversity protection, riparian land and water courses/water protection, and salinity, are to be carried across in essence to the Cumberland LEP and the existing mapped (applicable) areas will also be kept as-is and carried across. Noting some of these provisions are compulsory requirements of the Standard Instrument LEP, and so are incorporated into the Cumberland LEP.</p> <p>Providing a new provision under Part 6 of the LEP relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. Considerations within developments include materials, design to improved thermal performance, awnings, green infrastructure, and provision of open space.</p>

C20: Adapting to the impacts of urban and natural hazards and climate change

The majority of currently listed heritage items of the three LEPS, under Schedule 5, will be carried over to the new Cumberland LEP. It is noted that nine (9) items that have been assessed as no longer having heritage significance are not to be carried across to the Cumberland LEP

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

Community Strategic Plan

Council's Community Strategic Plan 2017-27 '*Welcome, Belong, Succeed*' provides a 10-year strategic vision and planning framework for balancing its commitment to social cohesion, the local economy, the natural and built environments and the wider community. The key strategies relevant to the Planning Proposal are:

- Strategic Goal 1 – A great place to live
- Strategic Goal 2 – A safe accessible community
- Strategic Goal 3 – A clean and green community
- Strategic Goal 4 – A strong local community
- Strategic Goal 5 – A resilient built environment
- Strategic Goal 6 – Transparent and accountable leadership

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

- Providing a clear and consistent approach to planning and development across the LGA, to be supported by a new development Control Plan for the LGA.
- Providing a further opportunity for community involvement and input into the broad strategic planning across the LGA, in conjunction with as the external technical advice received, the reporting process and decisions of Council as part of the open and transparent planning proposal/LEP preparation process as set out by the NSW Government.
- Retain the existing business land use zones that apply to the majority of town centres across the LGA which support business, community services and other economic activities and have public transport nodes. To note that the planning controls for the Merrylands Centre have recently been amended to support redevelopment in this centre and a separate Planning Proposal process is occurring for the revitalisation of the Wentworthville Centre.
- The implementation of the Parramatta Road Urban Transformation Strategy with a focus within the Auburn Precinct, initiatives along the Woodville Road Corridor, amended controls for the Auburn and Lidcombe Town Centres (as initiated through the Council Strategy for those centres) through the Planning Proposal will support and enable redevelopment of these areas providing increased housing choice, employment opportunities and business diversification.
- Retaining the existing land use zones that apply across the LGA which include areas of public recreation and to protect areas of heritage and environmental value including waterways.
- Providing a new provision under Part 6 of the LEP relating to urban heat management to reduce, remove or mitigate urban heat resulting from new developments and alterations to existing developments of specified types. Considerations within developments include

materials, design to improved thermal performance, awnings, green infrastructure, and provision of open space.

- Providing new objectives to the Floor Space Ratio, Height of Building, and Exceptions to Development Standards provisions to ensure that new developments are appropriate to the place in which they are located, the form of the urban design and the resulting amenity for the wider community.
- Including ‘seniors housing’ as a specifically permitted use in the B4 Mixed Use zone to ensure that this form of housing can continue to be located on sites that are accessible to shops, services, health care, social and recreation facilities, and transport options to the wider area . This accessibility would benefit residents as well as staff. The B4 zoned land which is located within existing town centres in particular would meet this locational outcome.
- Permitting places of public worship within R3 and R4 zones, in addition to the industrial zones, so that such places are located in the vicinity of and accessible by the community, with an additional objective for those zones to manage any impacts and protect the amenity of those residential areas.

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

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

In particular, the Planning Proposal is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP) and related Ministerial Direction to implement the Interim Plan. The Planning Proposal achieves the overall intent of the LUIIP and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Parramatta Priority Growth Area. The targeted changes to planning controls included in this Planning Proposal provides a mechanism to progress planning for the Parramatta Road Corridor and meet the NSW Government’s Ministerial Direction.

Table 1 - Consistency with state environmental policies (SEPPs)

SEPP Title	Consistency	Comment
1. Development Standards Consistent	Yes	The Standard Instrument Clause 4.6 will supersede the SEPP.
19. Bushland in Urban Areas	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
21. Caravan Parks	N/A	Not applicable
33. Hazardous and Offensive Development Complex	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
36. Manufactured Home Estates	N/A	Not applicable
44. Koala Habitat Protection	N/A	Not applicable
47. Moore Park Showground	N/A	Not applicable
50. Canal Estate Development	N/A	Not applicable
55. Remediation of Land	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP

64. Advertising and Signage	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
65. Design Quality of Residential Flat Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
70. Affordable Housing (Revised Schemes)	No	The Planning Proposal does not specifically address the matter of affordable housing. However, an affordable housing study has been commenced as part of the LEP review and recommendations would (if applicable) be progressed as an amendment to the Cumberland LEP.
State Environmental Planning Policy (Aboriginal Land) 2019	N/A	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Coastal Management) 2018	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Concurrences) 2018	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Yes	Applicable and consistent.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	Not applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	Not applicable
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	Not applicable
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (State and Regional Development) 2011	N/A	Not applicable
State Environmental Planning Policy (State Significant Precincts) 2005	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	Not applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	Not applicable
State Environmental Planning Policy (Three Ports) 2013	N/A	Not applicable
State Environmental Planning Policy (Urban Renewal) 2010	Yes	The PP will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application with this SEPP
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	Not applicable

Table 2 - Consistency with Clause 9.1 Ministerial Directions

Direction Title	Consistency	Comment
Employment and Resources		
1.1 Business and Industrial Zones	Yes	The PP will not have any impact on existing Business and Industrial Zones and as such remains consistent with this direction.
1.2 Rural Zones	Yes	The PP will not have any impact on existing rural zoning and as such remains consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The PP will not have any impact on Mining, Petroleum and Extractive Industries and as such remains consistent with this direction.
1.4 Oyster Aquaculture	Yes	The PP will not have any impact on Oyster Aquaculture and as such remains consistent with this direction.
1.5 Rural Lands	N/A	This direction is not applicable to local government areas in the Greater Sydney Region.
Environment and Heritage		

2.1 Environment Protection Zones	Yes	The PP will contain provisions that facilitate the protection and conservation of environmentally sensitive areas and as such is consistent with this direction.
2.2 Coastal Protection	Yes	The PP will not contain provisions that will contradict or would hinder application of State Environmental Planning Policy (Coastal Management) 2018, and as such remains consistent with this direction.
2.3 Heritage Conservation	Yes	The PP will not contain provisions that contradict or would hinder the facilitation of the conservation of heritage items and as such remains consistent with
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable
Housing, Infrastructure and Urban Development		
3.1 Residential zones	Yes	Noting that the permissibility of RFBs is to be removed from B4 zone. However, it is considered that the B4 zone is not a zone in which significant residential development is permitted and is focussed on mixed and commercial uses.
3.2 Caravan Parks and Manufactured Home Estates	Yes	The PP will not have any impact on caravan parks and manufactured home estates and as such remains consistent with this direction.
3.3 Home Occupations	Yes	The PP will not have any impact on home occupations and as such remains consistent with this direction.
3.4 Integrating land use and transport	Yes	The PP will not have any impact on integrating land use and transport and as such remains consistent with this direction.
3.5 Development Near Licensed Aerodromes	Yes	The PP will not have any impact on regulated airports and defence fields and as such remains consistent with this direction.
3.6 Shooting Ranges	Yes	The PP will not have any impact on shooting ranges and as such remains consistent with this direction.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This direction only applies to the Byron Shire Council.
Hazard and Risk		
4.1 Acid sulphate soils	Yes	The PP will not have any impact on land containing acid sulphate levels and as such remains consistent with this direction.
4.2 Mine Subsidence and Unstable Land	Yes	The PP will not have any impact on land within a Mine Subsidence District or identified as unstable land and as such remains consistent with this direction.

4.3 Flood Prone Land	Yes	The PP will not have any impact on flood prone land and as such remains consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	The PP will not have any impact on bushfire prone land and as such remains consistent with this direction.
Regional Planning		
5.1 Implementation of Regional Strategies	N/A	Not applicable
5.2 Sydney Drinking Water Catchments	N/A	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
5.5 - Revoked	N/A	Revoked
5.6 - Revoked	N/A	Revoked
5.7 - Revoked	N/A	Revoked
5.8 Second Sydney Airport: Badgerys Creek	N/A	Revoked August 2018
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable
5.10 Implementation of Regional Plans	Yes	The PP will be consistent with this Ministerial Direction and the Regional Plan
5.11 Development of Aboriginal Land Council land	N/A	Aboriginal Land SEPP does not apply.
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The PP will be consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The PP will be consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	The PP will be consistent with this Ministerial Direction.
Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The PP will be consistent with this Ministerial Direction and the Metropolitan Plan
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Yes	The PP will not contain provisions that contradict or hinder the implementation of the PRCUTS and will be consistent with this Ministerial Direction.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	Not applicable

7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	Yes	The PP will not contain provisions that contradict or hinder the implementation of the Greater Parramatta Priority Growth Area. As such the PP remains consistent with this direction.
Plan 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation	N/A	Not applicable
Plan 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	Not applicable

C Environmental, social and economic impact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D State and Commonwealth interests

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

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

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

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

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

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

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

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

PART 4 MAPPING

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

Attachment 2 to this details the site specific amendments to planning controls to be included in the new Cumberland LEP.

PART 5 COMMUNITY CONSULTATION

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

PART 6 PROJECT TIMELINE

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

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

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