

An Extraordinary Meeting of Cumberland Local Planning Panel will be held at 11:30am at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Thursday, 20 February 2020.

Business as below:

Yours faithfully

Hamish McNulty
General Manager

ORDER OF BUSINESS

1. Receipt of Apologies
2. Declaration of Interest
3. Address by invited speakers
4. Reports
 - Development Applications
 - Planning Proposals
5. Closed Session Reports

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Item No: LPP007/20

PLANNING PROPOSAL FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN

Responsible Division: Environment & Planning
Officer: Executive Manager City Strategy
File Number: S-5750-01

SUMMARY:

This report provides an overview of the planning proposal for the new Cumberland Local Environmental Plan (LEP).

The planning proposal seeks to harmonise the three existing LEPs in operation across Cumberland, with the aim of creating a consolidated and clear planning framework under a single Cumberland LEP. The planning proposal also seeks to implement a targeted range of other strategic planning work that has been substantially progressed as separate and individual projects.

Early consultation (pre-Gateway) on proposed planning controls for the new Cumberland LEP has been sought, and a range of submissions received. Following receipt of a Gateway Determination, further consultation will be undertaken with the community and the planning proposal will then be considered by Council prior to finalisation and gazettal.

The planning proposal for the new Cumberland LEP is required to be submitted to the Department of Planning, Industry and Environment for finalisation by mid-2020, in accordance with funding and delivery commitments between Council and the Department.

It is recommended that the Panel support the planning proposal for the new Cumberland LEP.

REPORT:

Background

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.

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.

Planning Proposal

The planning proposal describes how Council intends to harmonise the planning controls of the existing Auburn, Parramatta and Holroyd LEPs into a single set of planning controls for Cumberland. It has been prepared in accordance with the relevant Department of Planning, Industry and Environment's guidelines for preparing planning proposals and LEPs, and includes the following:

Part 1 – A statement of the objectives and intended outcomes of the proposed Cumberland LEP

Part 2 – An explanation of the provisions that are to be included in the proposed Cumberland LEP

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

Part 6 – A project timeline to detail the anticipated timeframe for the plan making process

Cumberland Local Environmental Plan

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 summarised in the attached planning proposal.

Council Resolutions

Council has previously considered and endorsed much of the detail of the planning proposal for the new Cumberland LEP through various reports that have dealt with particular issues and planning controls. The planning proposal has been prepared in accordance with these Council resolutions, as summarised below:

Council Report/s	Subject	Endorsed planning approach
C07/19-152 17 July 2019	Part 1 Preliminary	Adopt Standard Instrument clauses.

		Update name of plan and set out particular aims relevant to the Cumberland local area.
C07/19-152 17 July 2019 C08/19-163 7 August 2019	Part 2 Permitted or prohibited development	Adopt Standard Instrument clauses. Update local content where applicable. Carry over the range of land uses under the existing LEPs.
C08/19-164 7 August 2019 C09/19-192 4 September 2019	Land Use Table	General rule of permissibility retention.
C07/19-152 17 July 2019	Part 3 Exempt and complying development	Adopt Standard Instrument clauses.
C08/19-163 7 August 2019	Part 4 Principal development standards	Adopt Standard Instrument clauses. Update local content where applicable. Carry over existing site specific controls where applicable.
C08/19-163 7 August 2019	Part 5 Miscellaneous provisions	Adopt Standard Instrument clauses. Update local content where applicable. Carry over existing site specific controls where applicable.
C09/19-191 4 September 2019	Part 6 Additional local provisions	Carry over existing controls where applicable. Update and/or introduce new controls as appropriate.
C08/19-163 7 August 2019	Schedule 1 Additional permitted uses	Carry over additional permitted uses in existing LEPs.
C07/19-152 17 July 2019	Schedule 2 Exempt development	Adopt Standard Instrument clause.

C07/19-152 17 July 2019	Schedule 3 Complying development	Adopt Standard Instrument clause.
C08/19-163 7 August 2019	Schedule 4 Classification and reclassification of land	Adopt Standard Instrument clause.
C09/19-193 4 September 2019	Schedule 5 Environmental heritage	Carry over heritage items listed under existing LEPs, with the exception of 9 items assessed as no longer meeting the NSW heritage criteria for assessing heritage significance.
C07/19-152 17 July 2019	Schedule 6 Pond based and tank based aquaculture	Adopt Standard Instrument clause.
C08/19-163 7 August 2019	Dictionary	Adopt Standard Instrument definitions.

Table 1: Council resolutions

Site Specific Requests

A number of site specific requests (85 total) for zoning changes have also been received throughout the preparation of the new Cumberland LEP, including submissions during the early consultation period. Council has considered these submissions on their merit and endorsed the following categorisation and planning approaches:

Categories of site specific requests for zoning changes and endorsed planning approach	No. of sites	Locations
Stream 1: Include in new Cumberland LEP	22	Various sites across Cumberland
Stream 2: Consider in Council's future work program of planning reviews for strategic corridors and centres	34	Strategic corridors and centres identified in <i>Cumberland 2030: Our Local Strategic Planning Statement</i>
Stream 3: Further review of future planning proposal if submitted to Council as an owner initiated planning proposal	23	Various sites across Cumberland
Stream 4: No further action at this time	6	Various sites across Cumberland

Table 2: Categorisation of site specific requests for zoning changes

The Stream 1 site specific requests for zoning changes are included in the planning proposal for the new Cumberland LEP. These requests are for minor zoning changes for government-owned sites (18 sites) and one minor zoning change for a private landholding. It is noted that submissions for three sites are consistent with previous resolutions by Council for inclusion in the new Cumberland LEP.

The Stream 2 and 3 requests will be considered and assessed as part of Council's ongoing work plan following the completion of the new Cumberland LEP, or as part of an applicant initiated planning proposal where sufficient strategic merit can be demonstrated.

Consistency with the Greater Sydney Region Plan and Central City District Plan

The planning proposal is consistent with the aims and objectives of the Greater Sydney Region Plan – A Metropolis of Three Cities as it seeks to manage growth and change for Cumberland in the context of social, economic and environmental matters, and support the premise of a 30-minute city where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The planning proposal is also consistent with the planning priorities of the Central City District Plan, as follows:

Planning Priorities	Planning Proposal
C1: Planning for a city supported by infrastructure	The planning proposal seeks to harmonise the existing three LEPs into a single and consistent set of planning controls for Cumberland. As such there will be minimal increased demand on infrastructure.
C3: Providing services and social infrastructure to meet people's changing needs C4: Fostering healthy, creative, culturally rich and socially connected communities C5: Providing housing supply, choice and affordability with access to jobs, services and public transport C6: Creating and renewing great places and local centres, and respecting the District's heritage	The planning proposal seeks to provide new and updated objectives and development standards to ensure that development is appropriate and in the Cumberland context. It also seeks to carry over the existing Holroyd LEP Design Excellence clause and in doing so provides scope for it to be extended to other parts of the LGA in the future to support the creation of great places and local centres.
C7: Growing a stronger and more competitive Greater Parramatta C8: Delivering a more connected and competitive GPOP Economic Corridor	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 to enable

<p>C9: Delivering integrated land use and transport planning and a 30-minute city</p> <p>C10: Growing investment, business opportunities and jobs in strategic centres</p> <p>C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</p> <p>C12: Supporting growth of targeted industry sectors</p>	<p>innovative and non-traditional employment lands to be considered. It also seeks to reinforce employment and business related land uses in the B6 Enterprise Corridor Zone by prohibiting residential flat buildings.</p>
<p>C13: Protecting and improving the health and enjoyment of the District's waterways</p> <p>C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</p> <p>C16: Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>C17: Delivering high quality open space</p> <p>C19: Reducing carbon emissions and managing energy, water and waste efficiently</p> <p>C20: Adapting to the impacts of urban and natural hazards and climate change</p>	<p>The planning proposal seeks to retain existing zonings for environmental conservation and public recreation, along with existing local provisions relating to terrestrial biodiversity/biodiversity protection, riparian land, water courses/water protection and salinity. The planning proposal also seeks to include 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.</p>

Status and Next Steps

Early consultation (pre-Gateway) on proposed planning controls for the new Cumberland LEP has been sought, and a range of submissions received. Following receipt of a Gateway Determination, further consultation will be undertaken with the community and the planning proposal will be considered by Council prior to finalisation and gazettal.

The planning proposal for the new Cumberland LEP is required to be submitted to the Department of Planning, Industry and Environment (DPIE) for finalisation by mid-2020, in accordance with funding and delivery commitments between Council and the Department.

CONSULTATION:

Early Consultation on the New Cumberland LEP

Early consultation on the new Cumberland LEP occurred throughout July and August 2019, representing pre-Gateway consultation in accordance with Council's Planning

Proposal Notification Policy. This consultation comprised an extensive communication and engagement program undertaken in conjunction with the public exhibition of the draft Cumberland 2030: Our Local Strategic Planning Statement (LSPS) to ensure Council received feedback from a broad range of stakeholders and the community.

A total of 181 submissions were received across 15 broad themes, as follows:

- Affordable housing and affordable rental housing
- Active transport (e.g. walking, cycling, healthy built environment, multimodal)
- Centres and corridors (e.g. strategic centre, planned precincts, principal local centres, local centres, Woodville Road Corridor and Parramatta Road Corridor)
- Community and social infrastructure (e.g. libraries, health, education, community facilities and liveability)
- Density (e.g. floor space ratios, height, bulk and lot size)
- Environment and open space (e.g. urban heat islands, urban cooling, tree canopy, climate change and biodiversity)
- Heritage and culture
- Housing
- Local character (e.g. over-development, crowding/social issues/ retention of character, built form and urban design)
- Local jobs and businesses (including industrial areas and economic activity)
- Parking
- Traffic congestion
- Transport infrastructure (including roads and public transport)
- Utility infrastructure and services (e.g. services provided by councils, water, waste and energy)
- Zoning/land uses (including comments on specific land uses, such as boarding houses, place of public worship and residential flat buildings).

As far as practicable, the proposed planning controls for the new Cumberland LEP seek to address the feedback received from the community.

Further Consultation

An extensive consultation program on the draft planning proposal for the new Cumberland LEP will be undertaken in early 2020, subject to Gateway Determination by the Department of Planning, Industry and Environment. This consultation will be

statutory consultation, and will be undertaken in accordance with the relevant condition of the Gateway Determination.

FINANCIAL IMPLICATIONS:

Work undertaken on the Cumberland LEP, including strategic studies and planned community consultation activities, is funded by the accelerated Local Environmental Plan Funding Grant provided by the NSW Government.

POLICY IMPLICATIONS:

The preparation of the Cumberland LEP is required under the Environmental Planning and Assessment Act 1979. The Cumberland LEP will also align with the strategic directions outlined in Council's Community Strategic Plan and Cumberland 2030: Our Local Strategic Planning Statement.

RISK IMPLICATIONS

Council is required to submit a planning proposal on the new Cumberland LEP to the department of planning infrastructure and environment for finalisation by mid-2020. The release of funds from the accelerated Local Environmental Plan funding grant provided by the NSW Government is also linked to this milestone. Support of the planning proposal by the Panel will assist Council in meeting this milestone.

CONCLUSION

The planning proposal for the new 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. It also seeks to implement a targeted range of other strategic planning work that has been substantially progressed as separate and individual projects. The planning proposal is consistent with the strategic directions and planning priorities set by the Greater Sydney Region Plan and Central City District Plan.

It is recommended that the Panel support the planning proposal for the new Cumberland LEP.

REPORT RECOMMENDATION:

That the Cumberland Local Planning Panel (CLPP) provides its support for the planning proposal on the new Cumberland Local Environmental Plan (LEP).

ATTACHMENTS

1. Draft Cumberland Planning Proposal (including Background Report - Cumberland LEP Harmonisation, City Plan) [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP007/20

Attachment 1

Draft Cumberland Planning
Proposal (including Background
Report - Cumberland LEP
Harmonisation, City Plan)



PLANNING PROPOSAL

DRAFT CUMBERLAND LOCAL ENVIRONMENTAL PLAN

Submitted for Gateway Determination

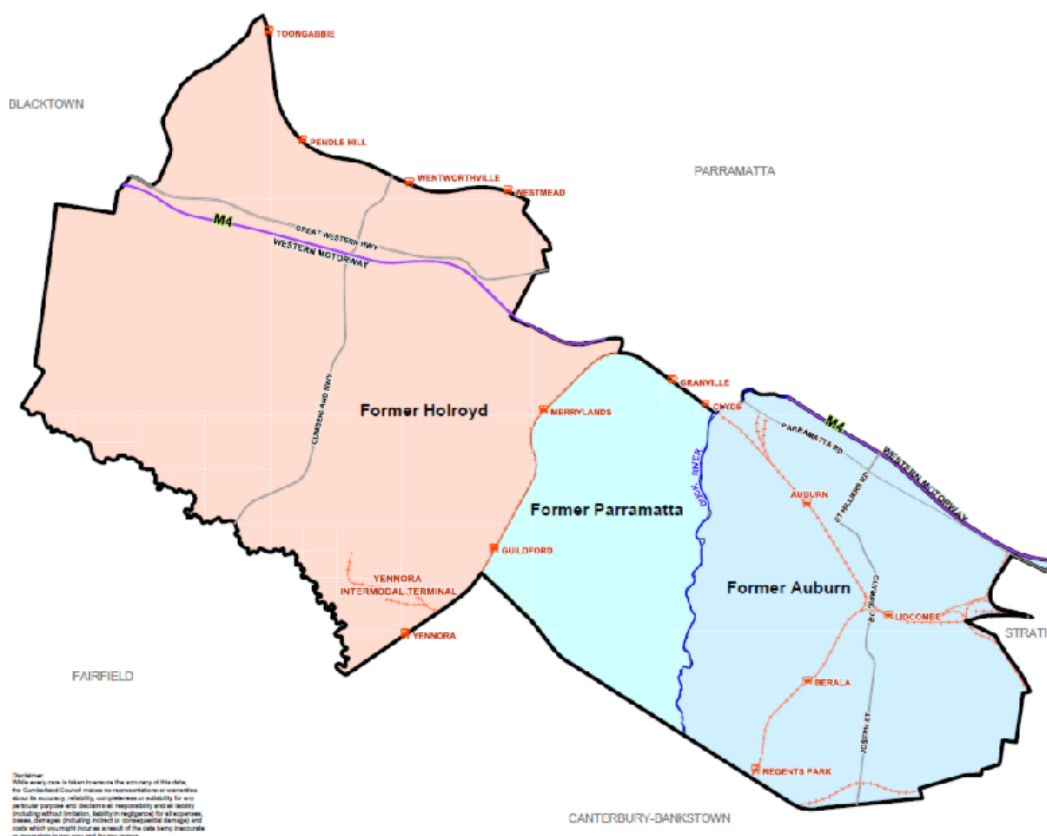
September 2019

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EXECUTIVE SUMMARY

Cumberland 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 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 the Cumberland LGA with the aim of creating a consolidated and clear planning framework under a single Cumberland LEP.

The Planning Proposal has been prepared by Cumberland Council and describes the proposal to consolidate the planning controls of the former Auburn, Parramatta and Holroyd Councils as they apply to land in the Cumberland local area. 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 the Cumberland LGA.

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 the LGA into a single set of planning controls under a consolidated Cumberland LEP.

Council resolution

The Planning Proposal has been prepared in accordance with Council's resolution on 18 September 2019.

Supporting documentation

The Planning Proposal is supported by the following documentation:

- Attachment 1 – Background Report: Cumberland Local Environmental Plan Harmonisation
- Attachment 2 – Site specific planning control changes

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.

The Planning Proposal will also implement a range of other strategic planning work that has been substantially progressed as separate and individual projects, including:

- Strategic planning for the Parramatta Road Corridor as part of the Parramatta Road Urban Transformation Strategy of the NSW Government. With a focus on the Auburn Precinct, the following elements are to be progressed through the Cumberland LEP:
 - Introduce B1 Neighbourhood Centre zones on corners at Parramatta Road/Silverwater Road and Parramatta Road/Hampstead Road.
 - Introduce a B6 Enterprise Corridor zone along St Hilliers Road.
 - Revise FSR and height of building controls (as mapped) for the introduced B1 and B6 zones in accordance with the Strategy.
- Strategic planning for the Woodville Road Corridor, a key strategic corridor identified in Cumberland 2030: Our Local Strategic Planning Statement. The following elements are to be progressed through the Cumberland LEP:
 - Rezone the Merrylands East Centre with a B2 Local Centre and RE1 Public Recreation zones, reflecting its role in the centres hierarchy for Cumberland;
 - New zoning, height and FSR controls to accommodate existing higher density developments that were permissible under previous controls but are not permitted under the existing R2 low density control. 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.
- Auburn and Lidcombe Town Centre controls, which originated from the draft Auburn and Lidcombe Town Centres Strategy and as recently resolved by Council. These include

adequate changes to building height the can support greater built form design outcomes, as well as targeted changes to floor space ratio and zoning.

In addition, 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.

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.

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.

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 a 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 *"Cumberland Local Environmental Plan Harmonisation – Technical Paper August 2019"*.

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 parts of the Parramatta Road and Woodville Road Corridors, and Auburn and Lidcombe Town Centres.

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 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 an lower density zoning.
- 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.
- 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 though 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	
C1: Planning for a city supported by infrastructure C2: Working through collaboration	<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</p>

	<p>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> C6: Creating and renewing great places and local centres, and respecting the District's heritage</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 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. <p>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</p>

	<p>recreation facilities, and transport options to the wider area . This accessibility would benefit residents as well as staff.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Productivity	
<p><u>A well-connected city</u> C7: Growing a stronger and more competitive Greater Parramatta</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><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</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</p>

C12: Supporting growth of targeted industry sectors	<p>'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>
Sustainability	
<p><u>A city in its landscape</u></p> <p>C13: Protecting and improving the health and enjoyment of the District's waterways</p> <p>C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element</p> <p>C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes</p> <p>C16: Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>C17: Delivering high quality open space</p> <p>C18: Better managing rural areas</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><u>An efficient city</u></p> <p>C19: Reducing carbon emissions and managing energy, water and waste efficiently</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>
<p><u>A resilient city</u></p> <p>C20: Adapting to the impacts of urban and natural hazards and climate change</p>	<p>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</p>

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.

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
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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, 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 of the 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 park, 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 rezonings 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	Forward Planning Proposal to Department for Gateway Determination	September 2019
4	Gateway Determination received	January 2020
5	Community Consultation on Planning Proposal	February - March 2020
6	Consider submissions and review Planning Proposal	March-May 2020
7	Report to Council	June 2020
8	Submit to Department for finalisation	Mid 2020

ATTACHMENT 1 BACKGROUND REPORT

ATTACHMENT 2 SITE SPECIFIC PLANNING CONTROL CHANGES




Background Report

Cumberland Local Environmental Plan Harmonisation

Submitted to Cumberland Council

August 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	09/08/2019	Preliminary draft	
		Prepared by	Verified by
		Lucy Langley Project Planner	Juliet Grant Executive Director
			Signed
			
02	16/08/2019	Draft for client review	
		Prepared by	Verified by
		Lucy Langley Project Planner	Juliet Grant Executive Director
			Signed
			
03	27/08/2019	Final draft incorporating Client comments	
		Prepared by	Verified by
		Lucy Langley Project Planner	Juliet Grant Executive Director
			Signed
			

Disclaimer

This report has been prepared by City Plan Strategy & Development P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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APPENDICES

APPENDIX 1

Comparison of Local Environmental Plans

APPENDIX 2

Comparison of LEP Land Use Tables for Key Issues

- a) Places of Public Worship
- b) Centre Based Child Care
- c) Educational Facilities
- d) Community Facilities
- e) RFBs
- f) Multi-Dwelling Housing



g) Sex-services

APPENDIX 3

Compliance with SEPPs and Ministerial Directions

APPENDIX 4

LEP Workshop Summary

Background Report
Cumberland Consolidated LEP Review
P19-146
August 2019

DRAFT



1. EXECUTIVE SUMMARY

City Plan Strategy & Development Pty Ltd (City Plan) was invited by Cumberland Council to assist with their comprehensive Local Environmental Plan review. City Plan's role has involved the preparation of a Background Report to support the harmonisation of the three LEPs which apply to different parts of the Cumberland LGA.

Cumberland Council was formed on 12 May 2016. The newly formed Cumberland Local Government Area (LGA) covers more than 72 sq.km with a population of 242,532 within 72,154 households and comprises the majority of the former Holroyd City Council area, approximately two thirds of the former Auburn City Council area (south of the M4) and the Woodville Ward formerly of Parramatta City Council area.

As a consequence of the amalgamation, three different land use plans (three LEPs) currently apply across the LGA:

- 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); and
- iii) Holroyd Local Environmental Plan (HELP) 2013, which applies to land in the former Holroyd City Council area (western part of Cumberland).

Auburn LEP is the oldest of the three instruments and adopts an approach which closely follows the Standard Instrument LEP (SILEP) template. Parramatta LEP diverges slightly from the SILEP, whilst Holroyd LEP adopts a number of additional provisions and varies more significantly from the SILEP. This creates inconsistencies and a complex policy framework with different rules applying to different areas. In some cases, sites across the road from one another have a completely different set of planning controls.

Cumberland Council is seeking to address this by harmonising the three LEPs which currently apply to the LGA and updating the provisions to reflect the strategic context established by the *Greater Sydney Regional Plan* and *Central City District Plan*.

Cumberland Council has received funding from the NSW Department of Planning, Industry and Environment to accelerate its review and preparation of a comprehensive LEP for the amalgamated LGA. This is a significant task within a limited time frame which has involved:

- Preparation and exhibition of a draft local strategic planning statement;
- Identification of specific policy topics and preparation of new policy strategies in relation to housing, employment and biodiversity, amongst others;
- Alignment of three different LEPs with unique approaches and background context to their creation; and
- Briefing a newly formed Council to ensure an understanding of the process and gain endorsement for any significant changes in policy direction.

Preparation of this background report has incorporated the following steps:

- Initial comparison of the three existing LEPs (Appendix 1);
- Research and discussion amongst the project team focussed on the key issues identified by Council;
- Review of compliance with SEPPs, Ministerial Directions (Appendix 3) and SILEP template provisions;
- Series of workshops with Council officers (Appendix 4), in addition to Councillor briefings; and



- Formulation of recommendations in response to key issues.

The key principles guiding the formulation of recommendations contained within this background report include:

Principle 1: *As far as practicable, apply the same planning approach across the LGA in order to create a consistent set of general land use policies and development controls for Cumberland.*

Principle 2: *Adopt Standard Instrument LEP clauses, with local content included where appropriate.*

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.*

The new draft CLEP 2020 will provide clear, consistent provisions to guide future development across all part of the Cumberland LGA. The key land use considerations addressed as part of the harmonisation exercise include:

- Permissibility of residential flat buildings in business zones;
- Permissibility of places of public worship in residential, business and industrial zones;
- Permissibility of seniors housing in residential and business zones;
- Expansion of design excellence provisions; and
- Inclusion of urban heat management principles.

In addition, this Background Report considers specific elements in relation to the SILEP format, including:

- Objectives of land use zones;
- Land use tables, and the use of open and closed zones;
- Design control standards and local provisions;
- Exempt and complying development; and
- Heritage items.

The only amendments to height or FSR controls referred to within this Background Report are site specific and relate to well progressed planning proposals which can now be incorporated within the draft Cumberland Local Environmental Plan 2020.

City Plan worked closely with Cumberland Council Officers to prepare this background report which identifies the following key inconsistencies or departure from currently policy. Council is separately updating mapping which will reflect the recommendations of this background report.



2. INTRODUCTION

2.1. LOCAL ENVIRONMENTAL PLANS (LEPs)

LEPs are the primary planning tool to guide development and land use for a Local Government Area (**LGA**). LEPs are legal documents that provide key land use and development controls, including:

- Zoning that stipulates what can or cannot be done with land (permitted and prohibited land uses);
- Identification of open space and environmentally sensitive areas to be protected;
- Identification of heritage items and conservation areas;
- Key development standards such as height and floor space ratios, to control form and density; and
- Identification suitable land for strategic infrastructure through special purpose land.

The State Government requires Council's to adhere to a Standard Instrument LEP format ("**SILEP**") which is prescribed by the Standard Instrument (Local Environmental Plans) Order 2006¹. This identified certain clauses that must be included in an LEP and certain land uses that must be permitted in particular zones. Other land uses may be permissible with or without consent in certain zones under State Environmental Planning Policies (**SEPPs**), which have the effect of overriding Council's LEPs.

2.2. WHY CUMBERLAND LGA NEEDS TO HARMONISE ITS PLANS

On 12 May 2016, Cumberland Council was proclaimed, comprising of the majority of the former Holroyd City Council area, approximately two thirds of the former Auburn City Council area (south of the M4) and the Woodville Ward formerly of Parramatta City Council area. The newly formed Cumberland Local Government Area (**CLGA**) covers more than 72 sq.km with a population of 242,532 within 72,154 household².

As a consequence of the amalgamation, three different land use plans (three LEPs) apply across the LGA. This creates significant inconsistencies and a complex policy framework with different rules applying to different areas. In some cases, sites across the road from one another have a completely different set of planning controls.

¹ <https://www.legislation.nsw.gov.au/#!/view/EPI/2006/155a>

² Cumberland 2030: Our Local Strategic Planning Statement – Draft June 2019

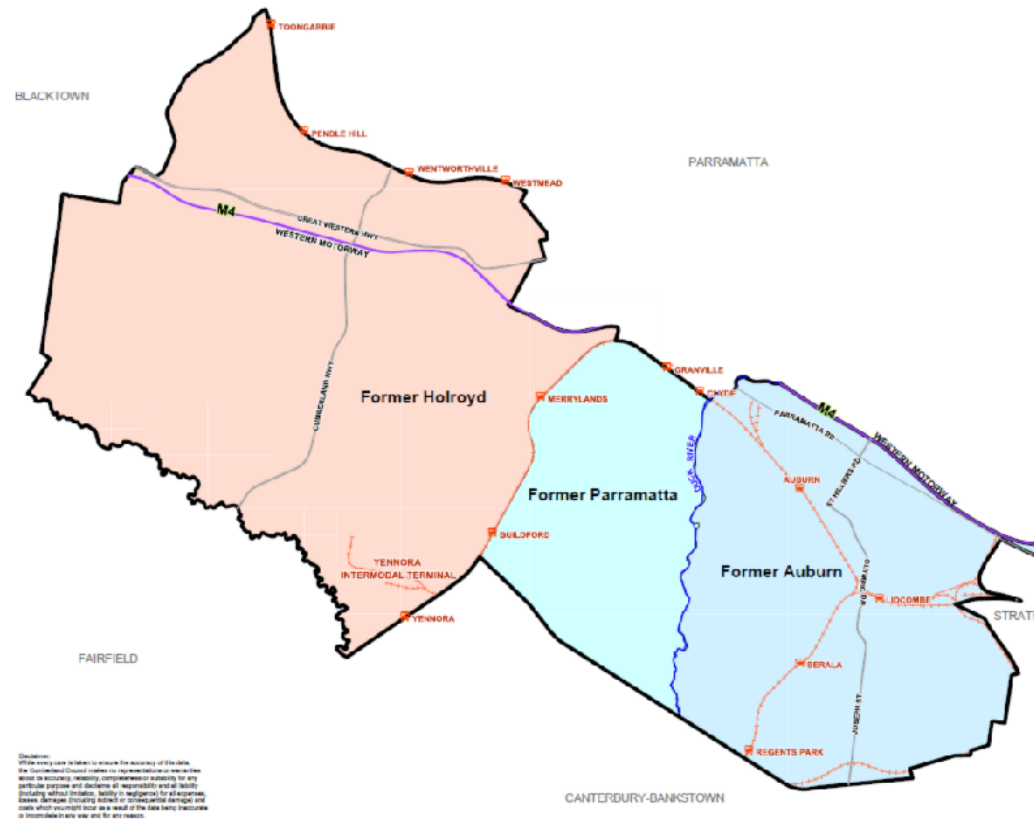


Figure 1 Cumberland Local Government Area (Source: Cumberland LEP Review Health Check October 2018)



The three LEPs that currently apply are:

- Auburn Local Environmental Plan 2010 (ALEP)³
- Parramatta Local Environmental Plan 2011 (PLEP)⁴
- Holroyd Local Environmental Plan 2013 (HELP)⁵

We have undertaken a review of the three LEPs which currently apply to the newly formed Cumberland Local Government Area (**CLGA**) to identify differences between them, with the aim of creating a consolidated and clear planning framework to form a consolidated Cumberland Local Environmental Plan (**CLEP**).

2.3. PRINCIPLES OF REVIEW AND HARMONISATION

The central focus for Cumberland is to harmonise and consolidate the three LEPs to enable a consistent approach to be taken and to ensure this new local government area can achieve its planning and development objectives:

- To establish a planning framework for sustainable land use and development;
- To provide for a range of land uses and developments in appropriate locations;
- To facilitate economic growth and employment opportunities;
- To protect and enhance the natural, built and cultural heritage; and
- To support the provision of community facilities and services to meet the needs of residents, workers and visitors.

The following principles have underpinned the LEP Review:

- Harmonise and consolidate 3 instruments into a single instrument applicable to the whole LGA;
- Apply the standard instrument local environmental plan (SILEP) provisions wherever possible;
- Ensure that amendments facilitate consistency and include local content where possible;
- Retain planning outcomes and approach where possible unless material planning considerations indicate a policy change is required;
- Simplify planning controls by ensuring they are: plain English, understandable, measurable, implementable and provide certainty;
- Comply with higher order instruments to avoid duplication of planning controls (see **Appendix 3**); and
- Introduce a new policy or planning approach only if appropriate.

³ <https://www.legislation.nsw.gov.au/#!/view/EPI/2010/616>

⁴ <https://www.legislation.nsw.gov.au/#!/view/EPI/2011/540/full>

⁵ <https://www.legislation.nsw.gov.au/#!/view/EPI/2013/139/full>



The task of bringing together three LEP planning controls into one harmonised instrument is challenging and likely to need to occur in stages. The key outcome from the project has been to create consistency and practical changes that provide all users of the instrument with clear direction and understanding.

2.4. KEY ISSUES

The following key issues have been identified as the focus of this Background Report.

2.4.1. Places of Public Worship

Current Position

Currently all three LEPs permit places of public worship in the R3, R4, B1, B2, B4, B5, IN1 and IN2 zones. Only the Parramatta LEP prohibits places of public worship within the R2 zone. Where existing Places of Public Worship's are located within the Parramatta low density residential zone, they are zoned as SP1⁶. Auburn also permits places of public worship within the SP1 zone.

Consideration

A comparison of the permissibility of places of public worship of four other LGAs within the Greater Sydney area; Fairfield, Blacktown, Liverpool and Sutherland Shire (see **Appendix 2a**). This comparison showed that only Parramatta followed the SILEP approach and prohibited places of public worship within the R2 zone. All of the comparison LGAs permitted places of public worship within all business zones and industrial zones save for Liverpool and Sutherland, which prohibit places of public worship within the IN3 (Heavy Industrial) zone. The Parramatta LEP is the only LGA from our comparison which adopts the approach of zoning places of public worship as a SP1 land use and only the Auburn LEP permits places of public worship within both special purpose zones. The Auburn LEP and Liverpool LEP also permit places of public worship within recreational zones. In summary, this indicates that places of public worship are generally permitted within residential, business and industrial zones.

The SILEP permits places of public worship in the R3, R4, IN1 and IN2 zones.

The SILEP defines a place of public worship as:

"a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training".

The SILEP definition enables a number of associated activities to occur within a place of public worship with the key theme being that these ancillary activities are available to the public and have a religious element or religious connection. A number of these ancillary activities are often a standalone land use e.g.

⁶ See Appendix 2(a) for Place of Public Worship Permissibility Comparison



centre-based child care, community facilities and education establishment. These uses have similar amenity impacts such as traffic, parking and noise. We therefore undertook a comparison of the permissibility of these land uses within the three LEPs and comparative LGAs (see **Appendix 2(b -d)**). Education establishments are generally permitted within the residential zones and business zones. However, if the proposed use is as a school, any prohibition within a zone of education establishments would be overridden by the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)⁷. Community facilities are generally permitted across all zones, save for the special purpose zones where only Auburn allows them. Centre based childcare is generally permissible across the three LEPs and comparative LGAs within residential, business and industrial zones except for Auburn and Sutherland who prohibit centre based child-care in the IN1 zone. None of the three LGAs or comparative LGAs permit centre based childcare within the special purpose zones. These comparisons would suggest that education establishments, community facilities and centre-based child care uses are generally acceptable in a wider range of land use zones.

Table 1 provides a summary of the planning considerations and implications of allowing places of public worship to be permissible in a broader range of zones than those indicated in the SILEP.

Table 1 - Places of Public Worship Planning Considerations

Consideration	Discussion
Variety / Definition	The range of uses that can be categorised as a place of public worship varies greatly and therefore their needs can be very different. Emerging worship groups may only require a small space to meet weekly with limited ancillary activities. Whilst established congregations which are projected to grow need to increase their useable space and provide for additional ancillary activities on numerous days of the week.
Scale	The scale of different places of public worship varies significantly. If places of public worship are prohibited within certain zones, this does not only prohibit the large-scale Places of Public Worship but also the small scale Places of Public Worship which may have limited impact on amenity.
Need	Places of Public Worships are a service provider and play an important role within the community. As a form of social infrastructure, it is important they are accessible to users and embedded within the community.
Ancillary uses	As per the SILEP definition, a place of public worship can include a number of other ancillary uses which need to be considered including the importance of these ancillary activities to the community and their amenity impacts.
Amenity impacts	New places of public worship and growing existing places of public worship have amenity impacts including noise, parking, traffic management, safety & security, privacy and overlooking. This is a concern which was also raised in internal workshops with LGA representatives.

⁷ <https://www.legislation.nsw.gov.au/#!/view/EPI/2017/494>



Consideration	Discussion
Objectives	If place of public worship are permissible in all the residential, business and industrial zones, we have considered whether additional objectives could be add to each of the zone within the draft CLEP which seek to control and manage the scale of new development, e.g. new or growing places of public worship.
DCP controls	A number of the concerns relating to new or growing Places of Public Worship can be alleviated by targeted and specific controls relating to Places of Public Worship within the consolidated DCP. Controls relating to car parking and traffic management for example will be considered within the DCP consolidation process.

Recommendation

The definition of a place of public worship is broad and can capture different types and scales of facilities, some having greater impact than others. It is the impact of the use that is guiding its permissibility in particular zones. It is necessary to consider the implications of a general prohibition as some acceptable locations for small places of public worship may be inadvertently prohibited.

Given the potential impacts on amenity within the R2 zone such as traffic generation, parking provision and noise issues within the low residential zones and traffic impacts within business centres caused by places of public worship, it is recommended that the SILEP approach is adopted in relation to the permissibility of places of public worship. The SILEP permits places of public worship within the R3, R4, IN1 and IN2 zones only.

2.4.2. Design Excellence

Current Position

The NSW Government Architect describes Design Excellence as a variety of requirements intended to lift design quality and is most commonly used in relation to a single building or development. The definition of Design Excellence within statutory instruments is fairly consistent across planning legislation where it is often summarised as "... the highest standard of architectural, urban and landscape design"⁸.

Design excellence has been identified a key focus for improving design quality in Cumberland. The Cumberland Local Housing Study (CHS) identifies "providing initiatives to promote design excellence in the Cumberland LGA"⁹ as one of its key objectives following community consultation, stakeholder consultation and evidence-based analysis. The importance of design excellence was further reiterated through the internal Council workshops and workshops undertaken with Local and Regional Panel Representatives.

There are a variety of ways in which design excellence can be implemented including; design competitions for certain categories of new development or development of key sites; design review panels; and design excellence incentives

⁸ Government Architect <https://www.governmentarchitect.nsw.gov.au/review/defining-design-excellence>

⁹ Cumberland Local Housing Study, Urbis, June 2019



Cumberland Council adopted a design excellence panel policy and guidelines on 7 August 2019 which seeks to:

- Support Council's Community Strategic Plan goals for a resilient built environment
- Facilitate design excellence in development for Cumberland
- Assist in shaping Cumberland's centres into vibrant, attractive and liveable spaces
- Promote innovative design solutions that achieve high quality buildings and spaces for key sites
- Encourage diverse and innovative design that is both contextually appropriate and makes a positive contribution to the architectural quality of the locality¹⁰

The Design Excellence Panel has recently been appointed and will consider and advise on pre-lodgement applications and development applications which meet the criteria set out in the proposed draft CLEP. This incorporates buildings with a height greater than 25m and any development proposed voluntarily referred to the Design Excellence Panel by an applicant.

At present, the Holroyd LEP includes design excellence provisions which specifically relate to areas of the Merrylands town centre and 42 – 44 Dunmore Street in Wentworthville.

There is currently a Council led planning proposal which seeks new bonus provisions for design excellence (amongst other considerations) within the Wentworthville Town Centre. The amendments will need to be incorporated within the draft CLEP once a gateway decision is issued. This will introduce Design Excellence in certain areas in the Wentworthville Centre as indicated on a revised Design Excellence map, providing bonus FSR of up to 0.5:1 and height bonus of up to 10% awarded to developments exhibiting Design Excellence. This planning proposal received a Gateway determination in May 2019 and has been publicly exhibited.

Consideration

The cost of undertaking a design competition and the scale of potential development within the CLGA, means the inclusion of design competition provisions would likely be unfeasible at this time. It is recommended that design competitions are considered for specific precinct by CLGA in the future.

Recommendation

It is recommended that a Design Excellence provision be included within the draft CLEP to incorporate the existing design excellence provision relating to Merrylands and Dunmore Street and to ensure that once gazetted, the Wentworthville design excellence provisions can also be incorporated. Further studies can be undertaken to identify other precincts or site-specific locations where design excellence provisions could be introduced during subsequent stages of planning reform.

¹⁰ Cumberland Design Excellence Panel Policy Adopted 7 August 2019 http://cumberland.infocouncil.biz/Open/2019/08/C_07082019_AGN_2606_AT_WEB.htm



2.4.3. Residential Flat Buildings and Seniors Housing.

Current Position

Residential flat buildings (RFB) are predominately located within high density areas near transport nodes or dense urban areas. RFBs are defined within the SILEP as:

a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

RFBs are currently permitted within the R4 zone in all three LEPs, whereas only Auburn 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.

A comparison of permissibility of RFBs within Fairfield, Blacktown, Liverpool and The Hills LGAs indicates RFBs are typically prohibited within the R2 and R3 zone but permissible within the R4 zone. In terms of the business zones, the approach to permissibility of RFBs is mixed across the three LEPs and comparative LGAs. Generally, RFBs are prohibited within the B1, B2 and B5 zones, save for Auburn, Liverpool and The Hills where RFBs are permissible within the B2 zone. A greater number of LGAs permit RFBs within the B4 zone, although the SILEP, Holroyd and Blacktown do not permit RFBs within the B4 zones (see **Appendix 2(e)**).

Consideration

There is a shift in attitudes to prohibit RFBs within the B4 and B6 zone. At the same time there is an appetite to encourage seniors housing within the B4 zone. In addition, the Cumberland Local Housing Study¹¹ identifies that housing options for an aging population will need to be provided.

The concern with allowing RFBs within the B4 and B6 zone is the potential loss of employment generating land uses. Cumberland's LSPS and Employment and Innovation Lands Strategy both focus on protecting existing employment lands. 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. It was considered in workshops with Council officers whether it was appropriate to allow RFBs on the fringe of the B4 zone. However, the consensus was that this would be difficult to control through additional objectives and RFBs should be prohibited in the B4 zone entirely.

¹¹ Cumberland Local Housing Study June 2019



Seniors Housing can either be specifically permissible within land use zones or can be consent under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). The Seniors SEPP only applies to land zoned primarily for urban purposes but only if the development for the purpose of any of the following is permitted within the zone:

- Dwelling-houses
- Residential flat buildings
- Hospitals
- Development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or
- The land is being used for the purposes of an existing registered club.

This is significant because to activate the Seniors SEPP, seniors housing will need to be specifically permissible in the B4 zone if RFBs are prohibited. The same consideration applies in other zones where seniors housing would be acceptable.

Recommendation

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 the Cumberland Local Strategic Planning Statement (LSPS) is to “promote access to local jobs”¹². It is therefore recommended that the Holroyd LEP approach of permitting RFBs within the B6 zone is not adopted within the draft CLEP.

Following workshops with Council officers and Councillor briefings, it is recommended that RFBs are prohibited within the B4 zone with shop top housing being the appropriate form of residential development within the B4 zone. To ensure continued provision of seniors housing, it is recommended that seniors housing is identified as a permissible use within the B4 zone land use table.

2.4.4. Urban Heat Management

Current Position

Urban heat management is a significant emerging issue for Western Sydney and especially areas like CLGA.

¹² Cumberland 2030: Our Local Strategic Planning Statement (Draft June 2019)



The LSPS identifies support mechanisms to minimise heat island effects as a local planning priority¹³. Mitigating urban heat island effect and reducing vulnerability to extreme heat is included in Action 83 of the Central City District Plan¹⁴. The issue of urban cooling was also identified as a key issue within the internal Council workshops (see **Appendix 4**).

Consideration

There has been significant research undertaken regarding the urban heat island effect and the measures that effectively mitigate its impact such as:

- Green urban area;
- Designing with water;
- Infrastructure adaptation;
- Emergency and health response;
- Education and research; and
- Cool materials¹⁵

Recommendation

It is recommended that the draft CLEP 2020 includes a local to provision ensure that development considers design features to reduce urban heating to protect community health and wellbeing. This is in line with the Draft Cumberland Biodiversity Strategy which includes a key focus to embed biodiversity considerations into strategic plans and controls to assist with mitigating urban heat island effect. Council should also continue to monitor best practice regarding urban heat management and seek to include more details controls within its comprehensive Development Control Plan (DCP).

2.4.5. Site Area

There was discussion in workshop sessions regarding the need for site area controls and minimum frontage provisions within the draft CLEP. It was acknowledged that site area control can assist with encouraging more appropriate scaled development and assist with minimising “isolated sites” from eventuating especially in town centres where there are multiple of small lots in fragmented ownership. It was generally agreed that the benefits of flexibility in regard to these types of issues means the controls are more suitably located within the DCP.

¹³ <https://haveyoursay.cumberland.nsw.gov.au/45442/documents/108247>

¹⁴ Action 83 - <https://www.greater-sydney/central-city-district-plan/sustainability/resilient-city/adapting-impacts-of-urban-and-natural>

¹⁵ WSROC Turn Down the Heat Strategy 2018 <https://wsroc.com.au/media-a-resources/reports/send/3-reports/286-turn-down-the-heat-strategy-and-action-plan-2018>



2.4.6. Industrial Ancillary Uses

Current Position

Part 5 of the SILEP includes controls for miscellaneous permissible uses. The miscellaneous permissible uses within industrial and the harmonisation of these provisions has been a focus of this review, including industrial retail outlets, kiosks and artisan food and drink industry exclusion.

At present, the three LEPs have very different levels of controls for these uses ranging from 5% to 43% of gross floor area for industrial retail outlets, 10sqm to 100sqm gross floor area for kiosks and 5% to 43% of gross floor area for artisan food and drink industry.

Consideration

The Cumberland LEP Review Health Check¹⁶ identifies increasing local employment and retention of existing industrial lands as a key challenge for delivering on the planning priorities and actions in the Central City District Plan. In addition, the Employment and Innovation Lands Study highlights the importance of improving the amenity offer for business and industrial areas. Both these priorities need to be balanced to ensure that industrial and employment land is not lost due to competing land uses, whilst recognising the availability of these services within industrial areas may improve their amenity and attractiveness.

In the internal workshops with Council officers (**Appendix 4**) it was noted that certain existing industrial areas within the CLGA may be more appropriate than others for these types of miscellaneous uses, for example those areas in close proximity to the Tooheys brewery or those industrial areas within close and suitable links to residential areas. Further analysis of which areas within the CLGA to relax controls should be undertaken.

Recommendation

It is recommended that a moderate approach be taken in respect of miscellaneous use controls. This would involve adopting a 10% gross floor area restriction for industrial retail outlets, 10sqm gross floor area for kiosks and 10% gross floor area for artisan food and drink industry. It is also recommended that a broader range of recommendations from the Employment and Innovation Lands Study are incorporated into the draft CLEP in a staged approach going forward following further analysis and consultation.

2.4.7. Sex Service Premises

Current Position

Sex service premises are currently permissible in the IN1 and IN2 zones under the Parramatta LEP and within the IN1 zone in the Auburn LEP. The Holroyd LEP prohibits sex service premises in all zones and identifies existing premises within Schedule 1. A comparison of the permissibility of sex service premises within the Fairfield, Blacktown, Liverpool and the Hills LEP was undertaken (see **Appendix 2(g)**). The comparison indicates that sex service premises are generally not permissible within residential, business, environmental and recreation zones. Generally, sex service premises are permissible within industrial

¹⁶ Cumberland LEP Review – Health Check October 2018



zones, however not home-occupation (sex services). The SILEP does not list sex service premises as a permissible use within any zone and therefore provides limited guidance.

A comparison of the LEP controls regarding the location of sex service premises was also undertaken (see **Appendix 2(g)**). A consolidated summary of the provisions includes the following themes:

- Restriction on proximity to any public utility undertaking, railways station entrance, bus stop, taxi rank, ferry terminal or alike;
- Restriction on sex service premises sharing entrances with residential units;
- Standard considerations when determining appropriate locations for sex service premises including:
 - Disturbance due to size, location and hours of operations
 - Interference with amenity
 - Disturbance due to number of sex service premises in the area
 - Impact of places frequented by children
 - Impact on places of high pedestrian activity; and
 - Whether appearance is sufficiently discreet.

Recommendation

It is recommended that the permissibility of sex service premises is increased to a broader range of zones within the Cumberland LGA. To support this, it is recommended that robust and comprehensive provisions are adopted regarding the location of any sex service premises.

2.4.8. Objectives

The land use control and development standards within the LEP exist in order to implement the overarching aims and objectives of the instrument, as well as each of the zone objectives. While the SILEP identified key objectives, opportunities exist to expand these.

A comparison of the current additional objectives available for each land use zone is included in Section 4 of this Background Report.

LEP Practice Note 09-05¹⁷ (Objective Practice Note) provides guidance on the use of the mandatory zone objectives and additional local zone objectives. All three LEPs have adopted additional local objectives within some of the land use zones. Councils can add additional local objectives where appropriate but generally no more than two or three local zone objectives. The Objectives Practice Note states that additional objectives should only be included where considered necessary and where the mandatory objectives do not cover the key land issues within the zones or if objectives are needed to address other planning issues. Objectives should not be used to achieve aspirational policies which are supported by policies or strategies outside the LEP provisions.

¹⁷ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/local-environmental-plan-zone-objectives-20090910.pdf?la=en>



Appropriate additional objectives within the Land Use Zones for certain zones has been investigated where there is a need to control the scale and mass of additional permissible uses which are only appropriate when at a scale which is appropriate for the zone.

It is recommended that additional local objectives are included within the R3 and R4 zones to ensure that appropriate uses are of appropriate scale and ensure the amenity impacts are considered whether deciding whether to grant consent for non-residential uses. In addition, a new local objective should be adopted within the IN1 zone to encourage uses which provide facilities for workers in the area and to improve amenity.

2.4.9. Place Based Changes

The scope of this review does not include an evaluation of the current zoning, height or FSR controls across the LGA. Council has identified a number of areas where proposed changes to either zoning, height of FSR controls are at a progressed stage and it is intended these be incorporated into the draft CLEP. Specifically, the Woodville Road corridor and Parramatta Road corridor were identified as key opportunity areas in light of the Central City District Plan within the Cumberland LEP Review Health Check¹⁸.

2.4.9.1. Woodville Road Corridor

On 3 July 2019, Council considered and endorsed the following proposed changes:

- Zoning designation for 264 Woodville Road, Merrylands (John Cootes Site)
- Planning controls for existing medium and high-density residential development along Woodville Road Corridor.

Council will include these amendments within the planning proposal for the draft CLEP 2020.

2.4.9.2. Parramatta Road Corridor

Council also considered and endorsed on 3 July 2019 the following proposed changes:

- Introduction of B1 zoning for proposed neighbourhood centres for the eastern part of the identified landholdings on the corner of Parramatta Road / Silverwater Road (between Station Road and Silverwater Road) and Parramatta Road / Hampstead Road
- Introduce B6 zone along St Hilliers Road for enterprise corridor uses (eastern frontage)
- Refine height and Floor Space Ratio controls for enterprise corridor and neighbourhood centre zones, aligned with controls outlined in the Parramatta Road Corridor Urban Transformation Strategy

Council will include these amendments within the planning proposal for the draft CLEP 2020.

¹⁸ Cumberland LEP Review – Health Check October 2018



2.4.9.3. Auburn and Lidcombe Town Centres Planning Controls Strategy

The Auburn and Lidcombe Town Centres Planning Controls Strategy was prepared to better align planning controls (heights, floor space ratios, zoning) to support built form design outcomes and targeted increases in future urban development within the town centre precincts. In August 2019, Council resolved to progress with the planning controls strategy for Auburn Town Centre. Council will consider the planning controls strategy for Lidcombe Town Centre in September 2019

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3. PRELIMINARY PROVISIONS (PART 1)

This section in the Background Report provides a summary of the review and outcomes of Part 1 of the three LEPs. This section reflects the headings applied within part 1 of the SILEP.

3.1. LEP Aims

The following draft CLEP aims are intended to reflect the draft LSPS:

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

3.2. Savings Provision

It is recommended that a savings provision is included within the draft CLEP to ensure that any development applications which were submitted prior to the gazettal of the draft CLEP 2020, will be decided in accordance with the current and relevant LEPs that were in force at lodgement.

3.3. Application of SEPPs

Appendix 1 provides a comparison of approaches to the application of SEPPs across the three LEPs.

Of note:

- The SILEP states that SEPP No.1 – Development Standards does not apply to the relevant land to which the LEP relates.
- The Parramatta LEP excluded the application of SEPP 28 (Town Houses and Village Houses). This SEPP has been repealed and has no legal status.
- Auburn LEP excluded the application of Sydney Regional Environmental Plan No. 24 Homebush Bay area which no longer applies as the relevant land does not fall within the CLGA.

It is recommended that no further SEPP's are excluded saved for SEPP No1 to ensure that the draft CLEP does not impose more restrictive policies or divert from state policy unless site specific and local material planning considerations indicate otherwise.



4. PERMITTED OR PROHIBITED DEVELOPMENT (PART 2)

The focus for CLGA is to harmonise and consolidate the three LEPs currently controlling different elements of the merged LGA. Currently the three LEPs have conflicting land use permissibility and prohibitions. It is therefore recommended that if a type of development is permissible within a particular zone within one of the LEPs, then it is adopted as a permissible use within the consolidated LEP, save for where material planning considerations indicate a different approach should be adopted.

4.1. Land Use Zone

Table 2 outlines the consistent and additional zones within the three LEPs and whether these additional zones fall within the new CLGA. It is recommended, to ensure consistency and avoid the need to rezone that those land zones which fall within the new CLGA are carried forward within the draft CLEP.

Table 2 - Land Use Zone Comparison

LEP	Land Zone in Current LEPs	Land Zone included with CLGA
Consistent	Residential Zones	Yes
	• R2 Low Density Residential	
	• R3 Medium Density Residential	
	• R4 High Density Residential	
	Business Zones	
	• B1 Neighbourhood Centre	
	• B2 Local Centre	
	• B4 Mixed Use	
	• B6 Enterprise Corridor	
	Industrial Zones	
	• IN1 General Industrial	
	• IN2 Light Industrial	
	Special Purpose Zones	
	• SP2 Infrastructure	
	Recreation Zones	
	• RE1 Public Recreation	
	• RE2 Private Recreation	
	Environment Protection Zones	
	• E2 Environmental Conservation	
Auburn	B7 – Business Park	No
	SP1 – Special Activities	Yes

LEP	Land Zone in Current LEPs	Land Zone included with CLGA
Parramatta	W1 – Natural Waterways	Yes
	R1 – General Residential	No
	B3 – Commercial Core	No
	B5 – Business Development	Yes
	IN3 – Heavy Industrial	No
	SP1 – Special Activities	Yes
	E3 – Environmental Management	No
	W1 – Natural Waterways	Yes
	W2 – Recreational Waterways	No
Holroyd	B5 – Business Development	Yes
Consolidated Land Use Zones	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	



LEP	Land Zone in Current LEPs	Land Zone included with CLGA
	RE1 Public Recreation RE2 Private Recreation Environment Protection Zones E2 Environmental Conservation W1 Natural Waterways	

4.2. OPEN AND CLOSED LAND USE ZONES

The land use zones will generally take either an open or closed approach in relation to the permissibility of land uses within the LEP. The LEP Practice Note 11-002 “Preparing LEPs using the Standard Instrument: standard zones” (the Zone Practice Note) sets out the Department’s recommended approach to the standard zones in terms of an open or closed approach¹⁹. It prescribes different approaches for different zone types and gives consideration to the zone objectives.

An open zone will have a broad variety of land uses which allows for greater flexibility. Such flexibility can be maximised through the use of group terms rather than only certain defined land uses e.g. commercial premises or residential accommodation. An open approach to land use zones is considered to be more flexible and may minimise the need for spot rezoning to be undertaken and to allow types of development (e.g. innovative/emerging uses) which may not have been envisaged at the time an LEP is drafted to be permissible without the need for a planning proposal. It should be noted that the Zone Practice Note suggests that R4 (High Density Residential) and business zones could be considered open given the wider range of uses and activities which are undertaken within them. Section 4.5 of this Background Report provides recommendations for the R4 and Business zones.

A closed zone is generally appropriate where the diversity of land uses needs to be more restrictive. It is more definitive and constrains uses to those specifically identified. This would mean that rather than using the ‘group terms’, specific and appropriate types of development are included within the permissible use. The Zone Practice Note suggests that a closed approach should be taken within the environmental, special activities and recreational zones, i.e. those zones where inappropriate land uses could potentially damage the natural environment or objectives of the zone.

Sections 4.3 to 4.7.3 of this Background Report provide our recommendation for each zone in this respect.

4.3. RESIDENTIAL ZONES

The General residential (R1) zone is not utilised in the three existing LEPs and is not proposed to be utilised in the draft CLEP 2020.

¹⁹ LEP Practice Note 11-002 Preparing LEPs using the Standard Instrument: standard zones (10 March 2011) <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-zones-2011-03-10.pdf>



4.3.1. Low Density Residential Zones

What is Low Density Residential Development?

The R2 zone generally comprises single and two storey dwellings both detached and attached. The R2 zone forms the majority of land, being approximately 41.9% of the CLGA ²⁰.

Differences

Table 3 is a comparison of the differences between the provisions in the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP.

The key differences are the permissibility of places of public worship, environmental facilities, semi-detached dwellings, exhibition villages, neighbourhood shops, recreation facilities and seniors housing across the LEPs.

Parramatta and Holroyd have also adopted additional objectives.

Table 3 - R2 Low Density Residential Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> to provide for the housing needs of the community within a low-density residential environment; and to enable other land uses that provide facilities or services to meet the day to day needs of residents. 	Adopts SILEP	<ul style="list-style-type: none"> To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low-density residential environment. To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods. 	<ul style="list-style-type: none"> To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity
Permissibility Differences	Boarding houses; Centre-based childcare facilities; Dwelling houses; Group homes; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture	Education Establishments; Emergency services facilities; Home-based child care; Neighbourhood shops; Place of Public Worship; Recreation facilities (indoor and outdoor)	Education Establishments; Emergency services facilities; Environmental Facilities; Flood mitigation works; Hospitals	Exhibition villages; Hostel; Place of public worship; Semi-detached dwellings; Recreation facilities (indoor and outdoor)

²⁰ Source: Cumberland Draft Housing Strategy, Urbis 3 May 2019

	Standard Instrument	Auburn	Parramatta	Holroyd
Prohibition Differences	None listed	Environmental facilities; Exhibition villages	Semi-detached dwellings; Places of Public Worship; Health services facilities (not including hospital and health consulting rooms)	Neighbourhood shops Recreation facilities (indoor and outdoor); Seniors Housing; Health services facilities (not including health consulting rooms); Public administration buildings; Educational Establishments; Emergency services facilities
Open or Closed Approach	None specified	Open	Closed	Closed

Key Issues and Recommended Approach

Table 4 outlines the proposed R2 zone permissible and prohibited uses to be included within the draft CLEP.

The keys issues of differences outlined in Section 4.3.2 have been dealt with as follows:

- Places of public worship would be prohibited within the R2 zone.
- Environmental facilities would be prohibited within the R2 zone.
- Semi-detached dwellings, exhibition villages, neighbourhood shops, recreation facilities and seniors housing would be permissible within the R2 zone.

The proposed approach shown in Table 4 does not adopt the current Holroyd and Auburn LEPs in relation to places of public worship. Places of public worship have been considered in detail during internal workshops with Council and at Councillor briefings. A review of other Greater Sydney Council approaches has been undertaken and the impact of places of public worship within the R2 zone have also been considered.

In conclusion, places of public worship have been identified as a use where amenity planning considerations indicate a different approach should be taken. The analysis of this is outlined in further details in section 2.4.1.

Generally, the consolidated permissibility does have the effect of broadening the permissible uses within the R2 zone over some parts of the CLGA, however these additional uses are considered appropriate for the low-density zone.

Environmental facilities are currently prohibited in both the Auburn and Holroyd LEPs so it is therefore suggested that this form of development is not included as a permissible use within the draft CLEP as it is not appropriate within a residential zone.



A closed zone is often suitable when the permissibility of land uses needs to be more restrictive and only permit some limited additional uses in addition to the primary use. It is therefore recommended that a closed approach for the R2 zone is adopted, including "any development not specified" within item 4 "Prohibited" development.

Table 4 - R2 Low Density Residential Zone Proposed Permissible and Prohibited Land Uses

Permitted with Consent	Prohibited
Boarding houses; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Flood mitigation works; Hospitals; Public administration buildings; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostel ; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor) ; Recreation facilities (outdoor) ; Respite day care centres; Roads; Seniors housing; Semi-detached dwellings; Water recycling facilities ; Tank-based aquaculture.	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any other development not specified in item 2 or 3.

4.3.2. Medium Density Residential Zone

What is Medium Density Residential Development?

Medium density housing such as town houses and low-rise RFBs are accommodated within the R3 zone. The R3 Zone forms 10.3% of the LGA, comprising 7,414,257 sqm across the LGA²¹.

Differences

Table 5 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the R3 zone.

There are a number of differences between the permissible uses for the R3 zone under the current LEPs, such as: exhibition villages, home industries, environmental facilities, education establishments, information and education facilities, emergency services facilities, home-based childcare, recreational facilities and water recycling facilities.

²¹ Cumberland Draft Housing Strategy, Urbis 3 May 2019



Parramatta has also adopted additional objectives.

Table 5 - R3 Medium Density Residential Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment; To provide a variety of housing types within a medium density residential environment; To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	Adopts SILEP	<ul style="list-style-type: none"> To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood. To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods. 	Adopts SILEP
Permissibility Differences	Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Seniors housing; Tank based aquaculture	Education establishments; Emergency services facilities; Home-based child care; Home industries; Recreation facilities (indoor and outdoor); Water recycling facilities	Education establishments; Emergency services facilities; Environmental facilities; Home-based child care; Hostels; Information and education facilities; Public administration buildings; Recreation facilities (indoor and outdoor); Water recycling facilities	Exhibition villages; Home industries Hostels
Prohibition Differences	Pond-based aquaculture	Information and education facilities; Environmental facilities; Exhibition villages	Health services facilities; Exhibition villages; Home industries	Health Services facilities; Public administration buildings; Recreational facilities (indoor and outdoor); Educational establishments; Emergency services facilities; Information and education facilities; Environmental facilities
Zone Approach	None specified	Open	Closed	Closed

Key Issues and Recommended Approach

As previously noted, the adopted approach for the harmonisation of the land use tables is to retain permissibility contained within the three current LEPs where possible. Therefore, if a use is currently permissible within a zone under the current Auburn, Holroyd or Parramatta LEP, it will generally be permitted within the CLEP. Table 6 outlines the proposed R3 zone permissible and prohibited uses to be included within the planning proposal for draft CLEP 2020. The proposal includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for, environmental facilities and



information and education facilities which have been removed from permissible development. This means areas formerly controlled under the Parramatta and Holroyd LEPs have an increased number of uses which are now permissible.

It is suggested that a closed approach to permissible uses is adopted, including "any development not specified" within item 4 "Prohibited" development to ensure that whilst permissible uses have increased across some parts of the CLGA, a closed approach will only permit those limited additional uses in addition to the primary residential use.

Table 6 - R3 Medium Density Residential Zone Proposed Land Uses

Permissible with Consent	Prohibited
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care ;Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor) (also in ALEP); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water recycling facilities	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any development not specified in item 2 or 3;

4.3.3. High Density Residential Zones

What is High Density Residential Development

The R4 Zone will usually comprise residential flat buildings and multi-storey development with a denser urban form, in an accessible area. The R4 Zone forms the smallest component of the residential zones, comprising only 4.6% of the CLGA land²²

Differences

Whilst there are differences between the permissible uses across the three LEPs, the types of development which are permissible across one or more the LEPs are generally appropriate for the R4 zone save for environmental facilities / information and education facilities. The differences between the prohibited

²² Cumberland Draft Housing Strategy, Urbis 3 May 2019



uses within the LEPs is predominately a result of the Holroyd LEP adopting a closed approach within the R4 zone, therefore specifically prohibiting a number of forms of residential accommodation.

Table 7 - R4 High Density Residential Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide for the housing needs of the community within a high-density residential environment To provide a variety of housing types within a high-density residential environment To enable other land uses that provide facilities or services to meet the day to day needs of residents 	<ul style="list-style-type: none"> To encourage high density residential development in close proximity to bus service nodes and railway stations. 	<ul style="list-style-type: none"> To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities. To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood. 	No additional objectives
Permissibility Differences	Boarding houses; Centre-based childcare facilities; Community facilities; Neighbourhood shops; Oyster aquaculture; Places of Public worship; Residential flat buildings; Respite day care centres; Shop top housing	Bed and breakfast accommodation; Dual occupancies; Education facilities; Home-based childcare; Home industries; Hotel or motel accommodation; Kiosks; Public administration buildings; Semi-detached dwellings; Water recycling facilities;	Bed and breakfast accommodation; Dual occupancies; Education facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Home-based childcare; Information and education facilities; Public administration buildings; Recreation facilities (indoor and outdoor); Semi-detached dwellings; Water recycling facilities;	Exhibition homes Home industries Kiosks
Prohibition Differences	Pond-based aquaculture; Tank-based aquaculture	Environmental facilities; Exhibition Homes; Information and education facilities	Health services facilities	Health services facilities; Dwelling houses; Dual occupancies; Semi-detached housing; B&Bs; Public administration buildings; Information and education facilities; Recreation facilities (indoor and outdoor); Educational establishments; Emergency services facilities; Environmental facilities;
Zone Approach	None specified	Open	Closed	Closed



Key Issues and Recommended Approach

As outlined above the approach being adopted is to retain any permissible or prohibited use within the current three LEPs within the draft CLEP 2020.

The proposal outlined in Table 8 includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for, environmental facilities and information and education facilities which have been removed from permissible development.

It is suggested that an open approach is adopted, by not including "any development not specified" within the zone provisions. Practice Direction PN11.0223 recommends that the R4 zone should be considered open to provide greater flexibility of uses.

Table 8 - R4 High Density Residential Zone Proposed Permitted and Prohibited Land Uses

Permissible with Consent	Prohibited
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses ; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Home-based child care ; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings ;recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Water recycling facilities; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

EMPLOYMENT ZONES

4.4. INDUSTRIAL ZONES

What is Industrial Development?

Industrial development is located within the IN zones. There are three types of industrial zones; general industrial, light industrial, and heavy industrial. Only the Parramatta LEP includes a heavy industrial zone (IN3) and none of the IN3 zoned land forms part of the CLGA. The zones are intended to provide a wide

²³ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-zones-2011-03-10.pdf>



range of general industrial and warehouse land uses. To prevent competition for industrial land, business and retail uses are usually not STET in these zones or permissible but within limited capacity to ensure the lands dominant use is industrial.

4.4.1. IN1 General Industrial

The IN1 zone is intended to provide a range of general industrial uses such as warehousing and depots together with some non-industrial uses such as places of public worship and neighbourhood shops.

Differences

Table 9 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the IN1 zone.

There are a number of permissibility differences between the three LEPs in the IN1 zone, particularly; food and drink premises, rural supplies, vehicle sales and hire facilities, markets and water recycling facilities.

All three LEPs have also adopted additional local objectives.

Table 9 - IN1 General Industrial Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. 	<ul style="list-style-type: none"> To encourage economic growth of the locality. To minimise adverse effects on the natural environment. 	<ul style="list-style-type: none"> To facilitate a range of non-industrial land uses that serve the needs of workers and visitors. 	<ul style="list-style-type: none"> To enable other land uses that provide facilities and services to meet the day to day needs of works in the area.
Permissibility Differences	Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Tank-based aquaculture; Warehouse or distribution centres	No differences	Food and drink premises; Horticulture; Landscaping material supplies; Plant nurseries; Rural Supplies; Timber yards; Vehicle sales and hire premises; Takeaway food and drinks premises;	Takeaway food and drinks premises



	Standard Instrument	Auburn	Parramatta	Holroyd
Prohibition Differences	Pond based aquaculture	Animal boarding and training establishments; Car parks; Correctional centres; Research stations Extractive industries; Hardware and building supplies; Landscape material supplies; Vehicle sales or hire premises; Child care centres Health services facilities;	Business premises; Heavy industrial storage establishments; Helipads; Open cut mining; Community facilities Function centres; Vet hospitals	Business premises; Heavy industrial storage establishments; Helipads; Open cut mining; Places of public worship; Animal boarding and training establishments; Car parks; Correctional centres; Extractive industries; Hardware and building supplies; Landscape material supplies; Research stations; Vehicle sales or hire premises;
Zone Approach	None specified	Open	Open	Open

Key Issues and Recommended Approach

As outlined above the approach being adopted is to retain permissible or prohibited uses within the current three LEPs within the draft CLEP 2020 where appropriate.

It is also suggested that an open approach to both permissible is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP 2020.

The proposal outlined in Table 10 includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for horticulture and vehicle sales and hire premises. However, the removal of specific reference to these uses has no consequence if an open approach to the IN1 zone is adopted. In addition, the prohibition of sex service premises within the IN1 zone has been removed and as a consequence of the open zone approach, would now be permissible in the IN1 zone.

Table 10 - IN1 General Industrial Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Sex-service premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Funeral homes; Health services facilities; Heavy industries; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based childcare; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Passenger

	transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sawmill or log processing works; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities
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4.4.2. IN2 LIGHT INDUSTRIAL

The IN2 zone is intended to provide a range of light industrial uses and is often located adjacent to residential areas. The IN2 zone uses will generally consist of similar uses to the IN1 zone, but the objectives seek to ensure that any industrial development is appropriate for the zone, effectively a transition zone between industrial and residential. Some non-industrial uses will generally be permitted in the IN2 zone such as places of public worship and neighbourhood shops.

Differences

Table 11 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the IN2 zone.

There are some minor permissibility differences between the three LEPs in the IN2 zone, such as; food and drink premises, vehicle sales and hire facilities, markets and water recycling facilities.

In terms of objectives, only Auburn has adopted an additional local objective relating to impact on the natural environment as it does within the IN1 zone.

Table 11 - IN2 Light Industrial Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide a wide range of light industrial, warehouse and related land uses. To encourage employment opportunities and to support the viability of centres. To minimise any adverse effect of industry on other land uses. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. To support and protect industrial land for industrial uses. 	<ul style="list-style-type: none"> To minimise adverse effects on the natural environment. 	No additional objectives	No additional objectives

	Standard Instrument	Auburn	Parramatta	Holroyd
Permissibility Differences	Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Tank-based aquaculture; Warehouse and distribution centres	Markets	Food and drink premises; Rural supplies; Vehicle sales or hire premises; Waste or resource transfer stations; Water recycling facilities;	Food and drink premises; Waste or resource transfer stations
Prohibition Differences	Pond based aquaculture	Passenger transport facilities; Registered clubs	No differences	Air transport facilities; Biosolids treatment facilities; Business premises; Helipads; General industries; Mortuaries; Vehicle body repair shops;
Zone Approach	None specified	Open	Open	Open

Key Issues and Recommended Approach

As outlined above the approach being adopted in Cumberland is to retain any permissible or prohibited uses within the current LEPs within the draft CLEP.

It is recommended that an open approach to both permissible is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the IN2 zone going forward.

The proposal outlined in Table 12 includes all the permissible and prohibited uses within the current Auburn, Parramatta and Holroyd LEPs save for food and drink premises and vehicle sales and hire premises. However, the removal of specific reference to these uses has no consequence if an open approach to the IN2 zone is adopted.

Table 12 - IN2 General Industrial Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Restaurants or cafes; Rural supplies; Roads; Tank-based aquaculture; Timber yards; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas;



Permissible with Consent	Prohibited
	Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

4.5. BUSINESS ZONES

Role of business zones

Business zones are important zones which support a range of business, commercial and residential uses. The business zones comprise of the neighbourhood centre which serves the needs of the surrounding area, the local centres which serve a wider catchment area than the neighbourhood centres. The CLGA does not include any land which is currently zoned B3 Commercial core. The remaining business zones within the CLGA are B4 mixed use, B5 business development which provide a mix of uses and B6 enterprise zones which include a mix of business, office and light industry uses.

4.5.1. B1 NEIGHBOURHOOD CENTRE

The B1 zones covers small-scale neighbourhood centres that generally serve the needs to the surrounding area, with uses such as business premises, neighbourhood shops, neighbourhood supermarkets and community facilities.

Differences

Table 13 is a comparison of the difference between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B1 zone.

There are a number of differences between the permissible uses within the B1 zone under the current three LEPs, such as: bed and breakfast accommodation, residential flats buildings, seniors housing, self-storage units and water recycling facilities.

Both Auburn and Holroyd have adopted additional local objectives.

Table 13 - B1 Neighbourhood Centre Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide a range of small-scale retail, business and community uses that serve the needs of people who live or 	<ul style="list-style-type: none"> To ensure development does not adversely affect the amenity of the surrounding neighbourhood. 	No additional objectives	<ul style="list-style-type: none"> To enable residential development that is well-integrated with, and promotes, community activity.

	Standard Instrument	Auburn	Parramatta	Holroyd
	work in the surrounding neighbourhood.			
Permissibility Differences	Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day centres; Shop top housing; Tank-based aquaculture	Bed and breakfast accommodation; Group Homes; Home industries; Residential flat buildings; Self storage units; Serviced apartments; Signage; Warehouse or distribution centres	Bed and breakfast accommodation; Health consulting rooms; Water recycling facilities;	Group homes; Hostels; Home industries; Seniors housing; Signage
Prohibition Differences	Pond-based aquaculture	Auburn; Seniors housing; Health consulting rooms	Tourist and visitor accommodation (incl serviced apts, Residential flat buildings; Self storage units; Warehouse/distribution centres; Seniors housing; Group homes;	Tourist and visitor accommodation (incl serviced apts, B&B); Residential flat buildings; Self storage units; Warehouse/distribution centres; Health consulting rooms;
Zone Approach	None specified	Open	Open	Closed

Key Issues and Recommended Approach

The focus of the harmonisation of the land use tables is to retain permissibility contained within the three current LEPs where possible. Therefore, if a use is currently permissible within a zone under the current Auburn, Holroyd or Parramatta LEP, it will generally be permitted within the draft CLEP 2020.

Table 14 outlines the proposed B1 zone permissible and prohibited uses to be included within the planning proposal for the draft CLEP 2020.

The keys differences between the permissible uses have been dealt with as follows:

- Bed and breakfast, places of public worship, residential flat building and water recycling facilities have not been included as permissible uses within the proposed draft CLEP 2020; and
- Seniors housing and self-storage would be permissible across Cumberland.

Any remaining inconsistencies between permissibility have been accepted and now apply across Cumberland.



The proposed approach shown in Table 14 does not adopt the current Parramatta and Auburn LEP approach in regard to bed and breakfasts.

In addition, the Auburn approach of permitting RFBs within the B1 zone has not been proposed across Cumberland. Further consideration of this issue is detailed in Section 2.4.3

A closed zone is often suitable when the land use permissibility needs to be more restrictive and only permit some limited additional uses also enables permissibility to be managed and controlled. It is suggested that a closed approach to permissible uses is adopted, including "any development not specified" within item 4 "Prohibited" development.

Table 14 - B1 Neighbourhood Centre Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes ; Health consulting rooms; Home businesses; Home industries; Home occupations; Hostels; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Recreation areas; Respite day care centres; Restaurants or cafes; Roads ; Self-storage units; Seniors housing; Service stations; Signage ;Shops; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Veterinary hospitals; Warehouse or distribution centres.	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cellar door premises ;Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Garden centres ;Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Plant nurseries; Pond-based aquaculture; Port facilities; Pubs; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage systems; Sex services premises; Signage; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any development not specified in item 2 or 3

4.5.2. B2 LOCAL CENTRE

A local centre zone generally provides a range of retail, business, community and entertainment uses. Local centres within Cumberland including Greystanes and Pemulwuy. The SILEP lists a greater number of permissible uses than it does for the other zones, including boarding houses, commercial premises, community facilities, education establishments, entertainment and restricted premises.



Differences

Table 15 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B2 zone.

There are some minor differences between the permissible uses for the B2 zone under the current three LEPs such as: group homes, hostels, RFBs, self-storage units, warehouse and distribution centres and seniors housing.

All three LEPs have adopted additional local objectives.

Table 15 - B2 Local Centre Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. To encourage employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. 	<ul style="list-style-type: none"> To encourage high density residential development. To encourage appropriate businesses that contribute to economic growth. To achieve an accessible, attractive and safe public domain. 	<ul style="list-style-type: none"> To encourage the construction of mixed use buildings that integrate suitable commercial, residential and other developments and that provide active ground level uses. 	<ul style="list-style-type: none"> To permit residential development that is complementary to, and well-integrated with, commercial uses.
Permissibility Differences	boarding houses; centre-based child care facilities; commercial premises; community facilities; educational establishments; entertainment facilities; function centres; information and education facilities; medical centres; oyster aquaculture; passenger transport facilities; recreation facilities (indoor); registered clubs; respite day care centres; restricted premises; service stations; shop top housing; tank-based aquaculture and tourist and visitor accommodation.	Group homes; Residential flat buildings; Self storage units; Warehouse and distribution centres;	Hostels; Seniors housing; Water recycling facilities;	Group homes; Hostels; Seniors housing;
Prohibition Differences	Pond-based aquaculture	No differences	Amusement centres; Group homes; Home industries; Residential flat buildings; Helipads; Mortuaries; Self storage facilities	Residential flat buildings; Helipads; Mortuaries; Self storage facilities; Vehicle body repair shops; Vehicle repair stations;



	Standard Instrument	Auburn	Parramatta	Holroyd
			Vehicle body repair shops; Vehicle repair stations; Warehouse and distribution centres;	Warehouse and distribution centres; Recreation facilities (outdoor); Resource recovery facilities;
Zone Approach	None specified	Open	Open	Open

Key Issues and Recommended Approach

The preferred approach is providing consistency across the new LGA and retain permissibility where possible.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B2 zone going forward.

Table 16 outlines the proposed B2 zone permissible and prohibited uses to be included within the planning proposal for the draft CLEP.

The keys differences between the permissible uses have been dealt with as follows:

- RFBs and self-storage units are no longer permissible and would be prohibited by inclusion of the overarching definitions within the prohibitions such as residential accommodation and storage premises.
- Warehouse or distribution centres and water recycling facilities would also be prohibited.

Any remaining inconsistencies between permissibility have been accepted and now apply across the CLGA.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B2 zone going forward.

Table 16 - B2 Local Centre Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Service stations; Serviced apartments; Sex service premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4;	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties(also Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Places

	of public worship; Pond-based aquaculture; Port facilities; Rural industries; Sewage systems; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies
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4.5.3. B4 MIXED USE

A mixed-use zone is usually located near to key transport nodes which enables easy access to a range of business, commercial and residential uses in a dense urban form.

Differences

Table 17 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B4 zone.

There are some minor differences between the permissible uses for the B4 zone under the current LEPs such as: hostels, light industries, RFBs, self-storage units and warehouse and distribution centres.

All three LEPs have adopted additional local objectives and in particular the Holroyd LEP makes specific reference to the Merrylands centre.

Table 17 - B4 Mixed Use Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. 	<ul style="list-style-type: none"> To encourage high density residential development. To encourage appropriate businesses that contribute to economic growth. To achieve an accessible, attractive and safe public domain. 	<ul style="list-style-type: none"> To encourage development that contributes to an active, vibrant and sustainable neighbourhood. To create opportunities to improve the public domain and pedestrian links. To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality. To protect and enhance the unique qualities and character 	<ul style="list-style-type: none"> To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level. To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.

	Standard Instrument	Auburn	Parramatta	Holroyd
			of special areas within the Parramatta City Centre.	
Permissibility Differences	boarding houses; centre-based child care facilities; commercial premises; community facilities; educational establishments; entertainment facilities; function centres; hotel or motel accommodation; information and education facilities; medical centres; oyster aquaculture; passenger transport facilities; recreation facilities (indoor); registered clubs; respite day care centres; restricted premises; seniors housing; shop top housing and tank-based aquaculture.	Hostels; Residential flat buildings; Self storage units; Warehouse or distribution centres;	Light industries; Ware recycling facilities	Hostels
Prohibition Differences	Pond based aquaculture	Other dwelling types comprised of 3 or more dwellings; Light industry	Airstrips; Backpacker accommodation; Mortuaries; Self storage facilities; Vehicle body repair shops; Warehouse and distribution centres; Amusement centres;	Residential flat buildings; Other dwelling types comprised of 3 or more dwellings; Light industry; Airstrips; Backpacker accommodation; Mortuaries; Self storage facilities; Vehicle body repair shops; Warehouse and distribution centres; Recreation facilities (outdoor); Resource recovery facilities; Service stations; Vehicle repair stations;
Zone Approach	None specified	Open	Open	Open

Key Issues and Recommended Approach

Given the intent of the draft CLEP is to harmonise the planning controls from the three LEPs, the approach has been to ensure uses currently permissible remain so in the first instance unless City Plan's review has indicated otherwise.

The keys differences between the permissible uses have been dealt with as follows:

- RFBs and self-storage units are no longer permissible and would be prohibited under the overarching definitions such as residential accommodation and storage premises.
- Warehouse or distribution centres, light industries and water recycling facilities would also be prohibited.



Any remaining inconsistencies between permissibility have been accepted and now apply across the CLGA.

It is recommended that an open approach to both permissible is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B4 zone going forward and is also in line with the Land Use Zones Practice Note.

Table 18 - B4 Mixed Use Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Office premises; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Retail premises; Roads; Seniors housing; Serviced apartments; Sex Services Premises; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4;	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads(*); Highway service centres; Home industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of Public Worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Service stations; Sewerage systems; Sewage treatment plants; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

4.5.4. B5 BUSINESS DEVELOPMENT

B5 zoned land is often in close proximity to centres to enable easy access that supports a mix of business, warehouses and specialist retail uses.

Differences

Only the Parramatta and Holroyd LEPs currently include a B5 land use zone. The B5 zoned land within the LGA is all currently controlled under the Holroyd LEP, however a review of the two LEPs has been undertaken.

Table 19 compares the differences between the Parramatta and Holroyd B5 zone LEP provisions the key differences in permissibility are markets, kiosks, water recycling facilities, funeral homes and light industries.

Parramatta has adopted a number of additional local objectives which are site and industry specific and also seek to protect the commercial core.

Table 19 - B5 Business Development Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres. 	Zone not currently adopted	<ul style="list-style-type: none"> To maintain the economic strength of centres by limiting retailing activity. To enable land uses that provide facilities or services to meet the day to day needs of workers in the area. To encourage a range of tourism, recreation, function and entertainment uses in proximity to the Rosehill Racecourse, the Parramatta River and the Western Sydney University. To provide for automotive businesses, trades and services to reinforce the existing functions of land within the zone. To ensure that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core. 	<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
Permissibility Differences	Centre-based child care facilities; Garden centres; Hardware and building supplies; Landscaping material supplies; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres	Zone not currently adopted	Kiosks; Markets; Water recycling facilities;	Funeral homes; Light Industries
Prohibition Differences	Pond-based aquaculture	Zone not currently adopted	Funeral homes; Home-based child-care; Industrial training facilities; Sewerage systems; Transport depots	Commercial premises; Community premises; Entertainment facilities; Function centres; Recreation facilities (major)



	Standard Instrument	Auburn	Parramatta	Holroyd
			Truck depots	Recreation facilities (outdoor); Registered clubs; Tourist and visitor accommodation
Zone Approach	None specified	n/a	Open	Open

Key Issues and Recommended Approach

Table 20 outlines the proposed permissible and prohibited uses within the B5 zone with the draft CLEP.

Given that the B5 zoned land within Cumberland comprises only land from the previous Holroyd LGA, it's recommended that the proposed permissible and prohibited land uses retain the current Holroyd LEP provisions. In addition, the Employment and Innovation Lands Study²⁴ identified that the employment zones lack amenity value. It is therefore recommended that kiosks are also included as a permissible use as this type of development can assist in improving amenity for employment zones by providing services for employees.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B5 zone going forward and is also in line with the Land Use Zones Practice Note.

Table 20 - B5 Business Development Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Centre-based child care facilities; Food and drink premises; Funeral homes; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Plant nurseries; Roads; Self-storage units; Sex service premises; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste

²⁴ Cumberland Employment and Innovation Lands Study, AEC 3 April 2019 <https://www.cumberland.nsw.gov.au/sites/default/files/2019-05/cumberland-employment-innovation-land-strategy-use-planning-framework.pdf>

	disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities
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4.5.5. B6 ENTERPRISE CORRIDOR

An enterprise corridor seeks to promote business uses along main roads, in Cumberland context this is the Parramatta Road corridor. B6 zones will usually have a mix of employment uses however the SILEP does indicate that residential development could be included as a permissible use.

Differences

Table 21 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the B6 zone.

There are some minor differences between the permissible uses for the B6 zone under the current three LEPs such as: boarding houses, self-storage units, group homes, hostels, markets, multi-dwelling housing, shop top housing and RFBs.

Only Holroyd has adopted an additional local objective relating to residential uses due to a number of residential types permissible under the Holroyd LEP in the B6 zone.

Table 21 - B6 Enterprise Corridor Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity. 	No additional objectives	No additional objectives	<ul style="list-style-type: none"> To provide for residential uses, but only as part of a mixed-use development.
Permissibility Differences	business premises; community facilities; garden centres; hardware and building supplies; hotel or motel accommodation; landscaping material supplies; light industries; oyster aquaculture; passenger transport facilities; plant nurseries; tank-based aquaculture and warehouse or distribution centres.	Kiosks; Markets; Self storage;	Kiosks; Self-storage units	Boarding houses; Group homes; Hostels; Multi-dwelling housing; Residential flat buildings; Shop top housing;

	Standard Instrument	Auburn	Parramatta	Holroyd
Prohibition Differences	Pond-based aquaculture	Other retail premises; Boarding houses; Group homes; Hostels; Multi-dwelling housing; Residential flat buildings; Shop top housing; Home businesses, industries etc; Highway service centres	Other retail premises; Boarding houses; Group homes; Hostels; Multi-dwelling housing; Residential flat buildings; Shop top housing; Home businesses, industries etc; Highway service centres Tourist and visitor accommodation; Freight transport facilities; Helipads; Mortuaries; Storage premises (incl. self-storage units); Office premises; Resource recovery facilities; Registered clubs; Vehicle body repair shops; Veterinary hospitals.	Tourist and visitor accommodation; Freight transport facilities; Helipads; Mortuaries; Storage premises (incl. self-storage units); Office premises; Resource recovery facilities; Registered clubs; Vehicle body repair shops; Veterinary hospitals.
Zone Approach	None specified	Open	Open	Open

Key Issues and Recommended Approach

It is proposed to remove the permissibility of residential uses within the B6 zone in the draft CLEP 2020. This approach is in line with Cumberland's LSPS priorities and the outcomes of the Employment and Innovation Lands Study. The consequence of this amendment is to remove permissibility of a number of residential uses (such as boarding houses, group homes, hostels, multi-dwelling housing, RFBs and shop top housing) which are currently permissible within the Holroyd LEP.

It is recommended that an open approach is adopted, by including "any development not specified" within the zone provisions within Item 3 of the draft CLEP. This would be consistent with the approach currently adopted by the three LEPs and will ensure consistency within the B6 zone going forward and is also in line with the Land Use Zones Practice Note.

Table 22 - B6 Enterprise Corridor Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Self-storage units ; Sex service premises; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail



Permissible with Consent	Prohibited
	premises; Rural industries; Sewerage systems; Signage(also in PLEP);Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots' Vehicle body repair workshops; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.

4.6. Recreation and Environmental Zones

What is the purpose of the Recreation Zones?

The recreation zones are intended to provide a range of recreational activities whilst enhancing and protecting the natural environmental. There are both private and public open space recreational land zones.

4.6.1. RE1 PUBLIC RECREATION

Differences

Cumberland does not comprise any RE1 zoned land which was previously controlled under the Parramatta LEP however it is included for comparison purposes.

Table 23 is a comparison of the differences between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the RE1 zone.

There are several differences between the permissible uses for the RE1 zone under the current three LEPs such as: places of public worship, boat launching ramps; boat sheds; charter and tourism boating facilities and signage.

Both Auburn and Parramatta have adopted additional local objectives, however Parramatta's objectives predominately relates to the Parramatta River.

Table 23 - RE1 Public Recreation Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	<ul style="list-style-type: none"> To protect open space at riparian and foreshore locations 	<ul style="list-style-type: none"> To create riverfront recreation opportunities (likely Parra river only) – also permits various boating facilities. 	No additional objectives

	Standard Instrument	Auburn	Parramatta	Holroyd
Permissibility Differences	Aquaculture; Kiosks; Recreation areas	Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Function centres; Information and education facilities; Kiosks; Markets; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures.	Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities.	Aquaculture; Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures.
Prohibition Differences	None listed	Takeaway food and drink premises.	Depots; Function centres; Places of public worship; Public administration buildings; Child care centres.	Depots; Function centres; Places of public worship; Public administration buildings; Takeaway food and drink premises.
Zone Approach	Closed	Closed	Closed	Closed

Key Issues and Recommended Approach

Table 24 outlines the proposed approach to permissibility and prohibition within the RE1 zone. It is recommended that those permissible uses relating to water-based activities currently within the Parramatta LEP are not included with the draft CLEP 2020 as those controls predominately relate to the Parramatta River which is not located in Cumberland. Those controls established under the Holroyd and Auburn LEPs take into account the existing situation relating to Duck Creek and therefore it is reasonable to replicate the controls in the draft CLEP.

It is recommended that a closed approach is adopted within the RE1 zone as recommended by the Land Use Zone Practice Note as the principles of the zone is generally to be restrictive to ensure appropriate land uses which will not harm the natural environment.

Table 24 - RE1 Public Recreation Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
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Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Environmental protection works; Function centres; Information and education facilities; Kiosks; Markets; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Water recreation structures	Takeaway food and drink premises; Depots; Function centres; Places of public worship; Public administration buildings; Child care centres; and any development not specified in item 2 or 3
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4.6.2. RE2 PRIVATE RECREATION

The RE2 zones within Cumberland consist predominately of land uses such as golf courses and sports facilities.

Differences

Table 25 is a comparison of the difference between the provisions of the SILEP, Auburn LEP, Parramatta LEP and Holroyd LEP in relation to the RE2 zone.

There are some differences between the permissible uses for the RE2 zone under the current three LEPs such as, a number of water-related uses, centre based childcare and tourist and visitor accommodation.

Only Parramatta has adopted an additional local objective.

Table 25 - RE2 Private Recreation Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To enable land to be used for private open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	No additional objectives	<ul style="list-style-type: none"> To identify privately owned land used for the purpose of providing private recreation, or for major sporting and entertainment facilities which serve the needs of the local population and of the wider Sydney region. 	No additional objectives
Permissibility Differences	Aquaculture; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)	Environmental protection works; Markets; Restaurants or cafes; Roads; Any other development not specified in item 2 or 4.	Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Centre-based child care facilities; Emergency services facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Function	Centre-based child care facilities; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Recreation facilities (major); Registered clubs; Respite day care centres; Roads; Signage; Tourist and visitor accommodation; Water recreation structures.

	Standard Instrument	Auburn	Parramatta	Holroyd
			centres; Information and education facilities; Jetties; Kiosks; Markets; Recreation facilities (major); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities.	
Prohibition Differences	None listed	Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Funeral homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial Training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Port facilities; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals;	No additional differences	Pubs

	Standard Instrument	Auburn	Parramatta	Holroyd
		Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.		
Zone Approach	None specified	Open	Closed	Closed

Key Issues and Recommended Approach

Given Council's approach to simplify and harmonise the various zoning tables in all three LEPs, the preferred approach as set out in Table 26. It is recommended that a closed approach is adopted within the RE1 zone as recommended by the Land Use Zone Practice Note as the principles of the zone is generally to be restrictive to ensure appropriate land uses which will not harm the natural environment.

It is recommended that the water-related uses permissible within the Parramatta LEP are not included as these predominately relate to allowing activities to occur along Parramatta River which would not be appropriate along Duck River Creek.

It is recommended that the Holroyd approach regarding permissibility is favoured as it includes a comprehensive range of uses and adopts the closed zone approach which is preferable and recommended in the Land Use Zone Practice Note.

It is recommended that a closed approach is adopted within the RE1 zone as recommended by the Land Use Zone Practice Note as the principles of the zone is generally to be restrictive to ensure appropriate land uses which will not harm the natural environment.

Table 26 - RE2 Private Recreation Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Aquaculture; Centre-based child care facilities; Community facilities; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Tourist and visitor accommodation; Water recreation structures.	Pubs; Any other development not specified in item 2 or 3.



4.6.3. E2 ENVIRONMENTAL CONSERVATION

What are the Environmental Zones?

The environmental zones include land for which the primary focus is the conservation and/or management of environmental values.²⁵ The E2 zones within Cumberland are predominately alongside Duck River, Pemulwuy and Prospect Creek.

Differences

Table 27 compares the differences between the three LEPs within the E2 zone. All three LEPs currently take a similar approach in respect of prohibited land uses, applying the SILEP approach. The three LEPs take a marginally different approach regarding permissible uses although the permissible uses are all appropriate for the E2 zone.

Table 27 - E2 Environmental Conservation Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. To prevent development that could destroy, damage or otherwise have an adverse effect on those values. 	No additional objectives	No additional objectives	<ul style="list-style-type: none"> To promote cultural interpretation and scientific study of the natural environment
Permissibility Differences	Oyster aquaculture	Building identification signs; Business identification signs; Environmental protection works;	No differences	Building identification signs; Business identification signs; Information and education facilities; Recreation areas;
Prohibition Differences	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.	Applies SILEP	Applies SILEP	Applies SILEP

Cumberland Employment and Innovation Lands Study, AEC 3 April 2019 <https://www.cumberland.nsw>



	Standard Instrument	Auburn	Parramatta	Holroyd
Zone Approach	Closed	Closed	Closed	Closed

Key Issues and Recommended Approach

Table 28 outlines the proposed approach to permissibility and prohibition of use within the E2 zone. It is recommended that those uses currently permissible under any of the three LEPs is included as a permissible use within the draft CLEP. This approach is conducive with the principles of the harmonisation to adopt the standard instrument approach and include local content where appropriate.

The SILEP requires the E2 zone to be a closed zone. This requirement is also reiterated within Land Use Zones Practice Note, it is therefore recommended that "any other development not specified in item 2 or 3" is included within the 'Item 4 Prohibited'.

Table 28 - E2 Environmental Conservation Zone Proposed Permissible and Prohibited Uses

Permissible with Consent	Prohibited
Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Information and education facilities; Recreation areas; Oyster aquaculture; Roads	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

4.7. W1 NATURAL WATERWAYS

The W1 zone is for waterways where there are ecological and scenic values that require careful consideration and management. The W1 zones land within the Cumberland LGA is along Duck River.

Differences

Only the Auburn and Parramatta LEP currently include W1 zoned land and both have applied a similar approach in terms of permissible and prohibited development, applying the SILEP with minimal additional permissible uses in both instances.

Table 29 - W1 Natural Waterways Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To protect the ecological and scenic values of natural waterways. 	To provide for cultural and scientific study of natural waterways.	To provide for cultural and scientific study of natural waterways.	Not adopted

	Standard Instrument	Auburn	Parramatta	Holroyd
	<ul style="list-style-type: none"> To prevent development that would have an adverse effect on the natural values of waterways in this zone. To provide for sustainable fishing industries and recreational fishing. 	<ul style="list-style-type: none"> To enable the recreational enjoyment of the natural environment. 	<ul style="list-style-type: none"> To enable works associated with the rehabilitation of land towards its natural state. 	
Permissibility Differences	Aquaculture	Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Roads.	Environmental facilities; Roads	Not adopted
Prohibition Differences	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.	No differences	No differences	Not adopted
Zone Approach	Closed	Closed	Closed	n/a

Key Issues and Recommended Approach

It is recommended that the SILEP provision with regard to prohibited development in the W1 zone is adopted within the draft CLEP together with those uses currently permissible under the Parramatta and Auburn LEP. This approach will ensure a consistent approach is taken across the CLGA. A closed approach should also be adopted for the W2 Zone as whilst not specifically referenced within the land use practice direction, the objectives of a W2 Zone are similar to environmental zones.

Table 30 - W1 Natural Waterways Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
Aquaculture; Building identification signs; Business identification signs; Environmental facilities; Environmental protection works; Roads	Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; retail premises;

Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

4.8. Special Purpose Zones

Special purpose zones are intended for infrastructure purposes, falling within two categories. SP1 Special Activities includes those uses identified on the land use zone map and is intended for uses which are not provided for within other zones. The other special purpose category is for essential infrastructure and is known as SP2 infrastructure. The SP2 zone includes infrastructure and related uses but it is also intended to protect infrastructure development from development which is not compatible and may restrict infrastructure provision coming forward.

4.8.1. SP1 SPECIAL ACTIVITIES

Differences

Only the Auburn and Parramatta LEPs include the SP1 zone. The Parramatta LEP applies the SILEP provision and does not list any additional permissible or prohibited uses, whereas the Auburn LEP includes a number of additional permissible uses within the SP1 zone.

One of the key differences between the LEPs approach is that the Parramatta LEP identifies existing places of public worship as a special activity and therefore all places of public worship with the former Parramatta LGA are currently zoned SP1. In contrast, Auburn lists places of public worship as a permissible use within the SP1 zone. This is discussed further below

Table 31 - SP1 Special Activities Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide for special land uses that are not provided for in other zones. To provide for sites with special natural characteristics that are not provided for in other zones. To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land. 	No additional objectives	No additional objectives	Zone not adopted
Permissibility Differences	<ul style="list-style-type: none"> The purpose shown on the Land Zoning Map, including any development that is 	Aquaculture; Building identification signs; Business identification signs; Cemeteries; Community facilities;	Applies SILEP provision	Zone not adopted



	Standard Instrument	Auburn	Parramatta	Holroyd
	ordinarily incidental or ancillary to development for that purpose	Crematoria; Depots; Environmental facilities; Environmental protection works; Funeral homes; Kiosks; Markets; Mortuaries; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads.		
Prohibition Differences	None listed	No differences	No differences	Zone not adopted
Zone Approach	Not specified	Closed	Closed	n/a

Key Issues and Recommended Approach

NSW Department guidance states that the SP1 zone is 'generally intended for land uses or sites with special characteristics that cannot be accommodated in other zones' ²⁶. Currently the elements of the Parramatta LEP land now falling within the consolidated CLGA contains a number of SP1 – Places of Public Worship zoned lots. There are also two examples within the former Parramatta part of Cumberland where a lot is identified as both an Educational Establishment / Place of Public Worship (St Ioannis Greek Orthodox Church and Granville Holy Trinity Church). The former Auburn part of Cumberland only has one SP1 site, namely Rookwood cemetery. As noted above the Holroyd LEP has not adopted an SP1 zone.

It is recommended that those uses currently listed as permissible within the Auburn LEP are incorporated as permissible uses within the draft CLEP to ensure a consistent approach is adopted across Cumberland and that no down-zoning occurs. This will align with the principles of the LEP review which is to retain current planning outcomes where possible.

It is recommended that those places of public worship which are currently zoned SP1 are rezoned to the neighbouring zone and then rely on their existing use rights.

The Auburn and Parramatta LEPs currently take a closed approach to the SP1 zone, which is proposed within the draft CLEP 2020 and an approach supported by Land Use Zone Practice Note.

Table 32 - SP1 Special Activities Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose and Aquaculture; Building identification	Any development not specified in item 2 or 3

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-clauses-2011-03-10.pdf?la=en>

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-LEPs-using-the-standard-instrument-standard-clauses-2011-03-10.pdf?la=en>



signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Depots; Environmental facilities; Environmental protection works; Funeral homes; Kiosks; Markets; Mortuaries; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4.8.2. SP2 INFRASTRUCTURE

All three LEPs currently include an SP2 zone, however in terms of permissible development, their approach differs. Holroyd applies the SILEP provisions whereas both the Auburn and Parramatta LEPs list additional permissible uses, especially the Auburn LEP which allows a number of additional uses which would fall within other land use zones.

Differences

Table 33 - SP2 Infrastructure Zone Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Objectives	<ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	No additional objectives	No additional objectives	No additional objectives
Permissibility Differences	The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose	Aquaculture; Building identification signs; Business identification signs; Car parks; Community facilities; Depots; Environmental facilities; Environmental protection works; Freight transport facilities; Funeral homes; Kiosks; Markets; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads.	Aquaculture; Environmental protection works; Flood mitigation works; Recreation areas; Roads.	Applies SILEP Provision.
Prohibition Differences	None listed	No differences	No differences	No differences
Zone Approach	Not specified	Closed	Closed	Closed



Key Issues and Recommended Approach

All three LEPs currently apply a closed approach by prohibiting any development not listed as permissible with or without consent. It is recommended that this approach is repeated within the draft CLEP 2020.

This is in line with the land use zone practice direction which recommends that special purpose zones adopt a closed approach reflecting the diversity of land uses should be more restrictive within the special purpose zones.

Table 34 - SP2 Infrastructure Zone Proposed Permissible and Prohibited Land Uses

Permissible with Consent	Prohibited
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.	Any other development not specified in item 2 or 3.



5. EXEMPT AND COMPLYING DEVELOPMENT (PART 3)

Exempt and complying development enables certain types of development that is considered minor and of limited impact to occur without the need for a formal development application and consent approval. The SILEP clauses set out the overarching conditions for such types of development and they must not contravene the Building Code of Australia. Exempt and complying development does not apply to some circumstances such as when land comprises a heritage item.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP), specifies exempt and complying development which is applicable state-wide. In addition to the Codes SEPP, the SILEP includes Schedule 2 and 3 which enables Council's to identify specific types of development which are either exempt or complying development within the LGA which are not specified within the Codes SEPP.

When the Codes SEPP was first gazetted, the Department issued *LEP Practice Note 09-001 Exempt and Complying Development* (replacing PN08-003) (the Codes Practice Note)²⁷. The Codes Practice Note recommends that councils should not include any exempt or complying development provisions for development types covered by the Codes SEPP in Schedule 3 of an LEP.

5.1. EXEMPT DEVELOPMENT

It is proposed to use the SILEP standard clauses in relation to Part 3 of the draft CLEP 2020. Particular types of development which are identified as additional exempt and complying development within Schedule 3 of the current three LEP have been focussed on (see **Appendix 1** for comparative analysis).

Signage

In 2014, after all the LEPs were gazetted, State Environmental Planning Policy (Exempt and Complying Development) 2008 ("Codes SEPP") was amended, introducing a new code for Advertising and Signage Exempt Development.

Both the Auburn and Holroyd LEPs currently include detailed provisions relating to advertising and signage. However, given the Codes SEPP inclusion of advertising and signage controls, it is recommended that the draft CLEP 2020 does not adopt additional or conflicting provisions and remains silent in relation to advertising and signage.

Markets

The Parramatta LEP also includes markets as an exempt development form. It is recommended that this approach is not adopted within the draft CLEP as these relate to specific Parramatta Council run activities which do not apply to Cumberland.

²⁷ LEP Practice Note 09-001 Exempt and Complying Development 20 February 2009 - <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/exempt-and-complying-development-20090220.pdf?la=en>



Other Exempt Uses

The Holroyd LEP also includes exempt development in the form of clothing bins, removal or pruning of trees, security grills/screens and shutters and temporary use of land for community events and fundraising events.

Clothing bins, tree removal / pruning, security grills/screens are covered by the Codes SEPP however the details currently within the Holroyd LEP differ slightly to the provisions of the Codes SEPP. Temporary community events and fundraising events are also covered by the Codes SEPP albeit in more detail.

The Holroyd LEP also includes exempt development in the form of clothing bins, removal or pruning of trees, security grills/screens and shutters and temporary use of land for community events and fundraising events.

Clothing bins, tree removal/pruning, security grills/screens are covered by the Codes SEPP, however the details currently within the Holroyd LEP differ slightly to the provisions of the Codes SEPP. Temporary community events and fundraising events are also covered by the Codes SEPP albeit in more detail.

It is recommended that the draft CLEP 2020 does not include additional or conflicting provisions relating to clothing bins, tree removal/pruning or security grills/screens and temporary community events and fundraising, and instead rely on the provisions of the Codes SEPP. This is in line with Department's Codes Practice Note which discourages inclusion of additional exempt development types which are already dealt with by the Codes SEPP. Inclusion of these additional exempt development types would likely cause confusion for users where local provision differs slightly to the Codes SEPP provisions.

5.2. COMPLYING DEVELOPMENT

The SILEP's standard complying development clause has been adopted in all three LEPs, providing consistency across Cumberland. Auburn adopts the standard clause does not identify any complying development in Schedule 3. Parramatta and Holroyd both identify types of sub-division as complying development however their approaches differ as outlined below.

Sub-division of dual occupancies

Current Position

The three LEPs currently approach the permissibility of sub-division for dual occupancies differently. This has been raised as a key issue in internal Council workshops.

In terms of complying development, Auburn does not allow sub-division of dual occupancies, Parramatta permits only strata subdivision of approved dual occupancy development and Holroyd permits subdivision of approved dual occupancy development.

Recommended Approach



It is recommended that the current complying development types included within the Holroyd LEP, i.e. subdivision for dual occupancies and the Paramatta LEP, i.e. strata subdivision of dual occupancies are included within the draft CLEP 2020.

The inconsistency of controls across the CLGA was identified as a key issue by Council officer's and therefore applying the same complying development controls across the CLGA will resolve this element of inconsistency. By adopting these provisions across the CLGA, it will enable those lots which comply within the former Auburn portion of the LGA to now benefit from this provision. Nevertheless, this approach rectifies inconsistency and the issues, as highlighted earlier in this Background Report, of some sites across the road from one another have a completely different set of planning controls.

Both LEPs currently provide that any complying development certificate must comply with the same conditions set out in Schedule 6 of the Codes SEPP. It is recommended this is following in the draft CLEP 2020 to ensure consistency across the CLGA.

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6. DESIGN CONTROLS AND STANDARDS (PART 4)

Part 4 of the SILEP sets out principal development standards to be adhered to within an LGA. Only clause 4.6 is required to be included within every LEP and Council can decide whether to include other standard clauses relating to lots size, height and FSR. Our comprehensive comparison of the provisions can be found at **Appendix 1**. Section 6 of this Background Report concentrates on the key differences between the three LEPs.

6.1. Minimum subdivision lot size and minimum lots sizes for residential development

Minimum subdivision lot size

Current Position

All three LEPs have adopted this clause however they all contain different objectives. This is not unusual given the combination of three LGAs and that Councils are required to provide local objectives if this clause is adopted as well as setting out the relevant numerical values on the relevant maps.

The Auburn LEP seeks to ensure lots sizes can accommodate development consistent with controls and support a range of development types. Parramatta LEP seeks to ensure new subdivision reflects characteristics of lots sizes and patterns of the area. Holroyd LEP seeks to ensure consistent patterns, high level of amenity for new development, ensure lots can accommodate development consistent with controls and prevent fragmentation of land.

All LEPs contain the SILEP provisions, excluding the provision to land registered under the Strata Schemes Development Act 2015 and subdivision under the Community Land Act 1989.

Auburn LEP also specifies the minimum lot size for a dwelling house is 450sqm; however, for battle-axe lots, the area of the access handle is excluded for the minimum lot size calculation in residential, industrial and B6/7 zones. There are also specific minimum lots sizes for the former Lidcombe Hospital Site.

Parramatta LEP specifies that battle-axe lots must not be less than 670sqm and cannot include the access handle within the calculation. Within R2, R3 and R4 the Lot Size Map is disapplied if there is a dual occupancy on the lot and one dwelling will be situated on each lot resulting from the subdivision.

Holroyd does not include any additional restrictions.

Recommended Approach

Table 35 sets out the proposed approach and objectives for inclusion within the draft CLEP 2020. The focus of the draft CLEP 2020 is to harmonise and consolidate the controls across the three LEPs to ensure a consistent approach across the CLGA in the first instance. It is therefore recommended that those specific controls contained in the Auburn and Parramatta LEPs are included within the draft CLEP 2020 and therefore become applicable across Cumberland.



It is recommended that the Lot Size Maps are amalgamated with the existing controls, however the lot size controls should be reviewed across the Cumberland LGA at the next stage of the CLEP.

Table 35 - Minimum Lot Size Proposal

Proposed Approach	Proposed New Objective
<p>The suggested approach reflects an amalgamation of the controls:</p> <ul style="list-style-type: none"> Adopt SILEP provisions with additional clauses: <ul style="list-style-type: none"> From Auburn LEP Development specific controls for battle-axe blocks and lots with an access handle Site specific controls for the former Lidcombe Hospital Site From Parramatta LEP <ul style="list-style-type: none"> Development specific controls for battle-axe blocks / lots with an access handle and subdivision of dual occupancies. 	<ul style="list-style-type: none"> to ensure that lot sizes are able to accommodate development consistent with relevant development controls to ensure that subdivision of land is capable of supporting a range of development types To prevent fragmentation of land that would preclude the achievement of the land uses or development desired in a given locality to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.

Exceptions to minimum lots sizes for certain residential development

This clause seeks to encourage housing diversity without impacting on residential amenity. At present, only the Holroyd LEP includes this provision.

It is recommended approach is set out in Table 36 below which seeks to ensure a consistent approach is adopted across CLGA.

Table 36 - Residential Minimum Lot Size for Certain Residential Development Proposal

Proposed Approach	Proposed New Objective
<p>It is suggested the following approach is included within the draft CLEP 2020: Adopt current Holroyd position:</p> <p>Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if:</p> <p>(a) the subdivision is for the purpose of a dual occupancy, multi dwelling housing or a semidetached dwelling, or</p> <p>(b) there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument prior to the HLEP commencing and each resulting lot from the subdivision will contain a single dwelling.</p> <p>Development consent may be granted to a single development application for development that is both of the following:</p>	<ul style="list-style-type: none"> to encourage housing diversity without adversely impacting on residential amenity.



- (a) the subdivision of land into 3 or more lots, and
(b) the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.

Minimum subdivision lot size for community title schemes

The minimum subdivision lots size clauses do not apply to the subdivision of individual lots in a strata plan or community title scheme. The inclusion of this clause enables Council's to control the size of lots under community title schemes through a minimum lot size map.

Currently only Holroyd has adopted a provision in its LEP. It is recommended that the current Holroyd provision is adopted across the CLGA for consistency.

Table 37 - Minimum Subdivision Lot Size for Community Titles Proposal

Proposed Approach	Proposed New Objective
<p>The suggested approach:</p> <ul style="list-style-type: none"> Adopt the clause as currently drafted in Holroyd LEP. 	<ul style="list-style-type: none"> to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

6.2. Height of buildings

Current Position

This clause allows Council to identify permissible buildings heights within the CLGA with reference to a map. In this staged approach to creating a new consolidated LEP for CLGA it is not proposed to change existing heights (or FSR). The only amendments suggested relating to improved objectives that assist with future consideration of applications.

The current objectives for this provision differ across the LEPs, with Parramatta including more detail with an additional focus on preservation of historic views and existing character. Holroyd and Auburn both promote appropriate development which is compatible with the character of the locality. Holroyd and Parramatta LEPs also focus on solar access and privacy.

Auburn and Parramatta LEPs contain site-specific provisions for key sites. Within the CLGA this applies to the Parramatta Road Precinct provision which is contained with the current Auburn LEP. Therefore, this will need to be included within the draft CLEP.



Recommendation

It is recommended that a height of building clause is adopted in the draft CLEP 2020, given that historically it has applied to all three LGAs.

Table 38 sets out the recommended approach and proposed new objectives for inclusion within the provision which adopts the site-specific controls which were included in the three LEPs that continue to fall within the CLGA. As outlined above, Cumberland is taking a staged approach to its draft CLEP and this first stage is focussed on harmonising provisions to ensure that consistent controls are applicable across the LGA with a review of height controls to be undertaken at a later stage.

Table 38 - Height of Buildings Proposal

Proposed Approach	Proposed New Objective
<p>The suggest approach is:</p> <ul style="list-style-type: none"> Adopt the SILEP approach. Site specific controls to be included for Parramatta Road Precinct provisions within the Auburn LEP. 	<ul style="list-style-type: none"> to establish a maximum height of buildings to enable appropriate development density to be achieved to ensure that the height of buildings is compatible with the character of the locality to minimize the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties to reinforce and respect the existing character and scale of low density residential areas

6.3. Floor space ratio

Current Position

This clause allows Council to identify permissible FSRs with reference to a map of the CLGA. The inclusion of this clause within an LEP is not compulsory and a Council must elect to seek to control FSR in certain areas (as with height controls).

Currently, all three LEPs have adopted this clause but with different objectives.

The Auburn LEP focusses on appropriate development density and an intensity which reflects the locality of the development. Parramatta LEP's objectives consider the relationship between density and traffic generation, transition in built form, together with ensuring density is appropriate in areas with heritage sites are located or within low density residential areas. Holroyd promotes the viability of commercial centres and economic opportunities through FSR and to ensure a variety of housing types with a high level of amenity.

There is site specific FSR's for the Former Lidcombe Hospital Site, Parramatta Road Precinct, Retail Premises within commercial precincts.



Recommendation

It is recommended that the FSR clause within the SILEP is adopted within the draft CLEP 2020. It is noted that in its this staged approach of consolidation of the LEPs, no change to current FSR values will be undertaken.

It is recommended that those site-specific controls which fall within the CLGA are included within this stages of the comprehensive draft CLEP 2020 to ensure a consistent approach in these areas.

Table 39 - Floor Space Ratio Proposal

Proposed Approach	Proposed New Objective
Adopt standard instrument clause	<ul style="list-style-type: none"> to establish a maximum floor space ratio to enable appropriate development to be achieved
Include site specific controls relating to Former Lidcombe Hospital Site, Parramatta Road Precinct, Retail Premises within Commercial Precinct (as applicable to CLGA) and those areas currently identified in the Holroyd LEP.	<ul style="list-style-type: none"> to ensure that development intensity reflects its locality

6.4. Exceptions to development standards

Current Position

This is a compulsory clause which must be included within the new draft CLEP 2020.

The Auburn LEP and Parramatta LEP add additional considerations to clause 4.6. Such as, a clause 4.6 cannot apply where the breach would contravene arrangements for contributions to designated state public infrastructure. Parramatta also identifies site specific areas for variance of FSR and height controls within the City Centre, however this is not relevant for the portion of former Parramatta which is now included in CLGA.

*Recommendation*

One of the principles of this review is to apply the SILEP provisions wherever possible, it is therefore recommended in this instance that the SILEP clauses and objectives are adopted and no additional controls are adopted.

Table 40 - Exceptions to Development Standards Proposal

Proposed Approach	Proposed New Objective
Adopt standard instrument clause.	<ul style="list-style-type: none">▪ to provide an appropriate degree of flexibility in applying certain development standards to particular development,▪ to achieve better outcomes for and from development by allowing flexibility in particular circumstances.



7. MISCELLANEOUS CONTROLS (PART 5)

Part 5 of the SILEP sets out miscellaneous development controls. The majority of the provisions are compulsory and generally all three LEPs have adopted a similar approach (see **Appendix 1** for detailed comparison). This section of the Background Report considers the provisions which have been discussed in further detail through the review process.

7.1. Development near zone boundaries

Current Position

The inclusion of this clause within an LEP is optional. The clause enables 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 (PN11.001).

The SILEP clause provides that it does not apply to certain land zones and Councils can add additional restrictions and insert the relevant distance between the zones. Currently all three LEPs have adopted the clause, however with different relevant differences.

The Auburn LEP relevant distance is 20m, whereas Parramatta is 1m and Holroyd is 10m. Holroyd also excludes this provision from applying to the B4 mixed use zone.

Recommendation

The Zoning for Infrastructure in LEPs practice note advises that where a Council has adopted an SP zone, then the standard provision relating to 'Development near zone boundaries' should be adopted within the LEP²⁸.

In addition, as all three LEPs have currently adopted the provision, to ensure consistency and observe the key principles of this review, it is recommended that the SILEP clause is adopted. The following zones are excluded under the SILEP clause; RE1, E1, E2, E3, and W1.

It is recommended that a consistent distance is applied across the CLGA at a level of 20 metres which enables flexibility to offset the limitations of broad LGA/precinct-scale zoning and address economic market changes over time.

²⁸ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/zoning-for-infrastructure-in-LEPs-2010-12-14.pdf>



7.2. Controls relating to miscellaneous permissible uses

Current Position

This clause enables Councils to insert numerical standards for certain types of development to reflect the characteristics of the LGA.

The controls for miscellaneous permissible uses across the three LEPs have been reviewed. Table 41 compares those controls which currently differ across the three LEPs against the SILEP approach, see **Appendix 1** for full comparison.

At present, the three LEPs have very different levels of controls for industrial retail outlets, kiosks and artisan food and drink industrial exclusion uses ranging from 5% to 43% of gross floor area for industrial retail outlets, 10sqm to 100sqm gross floor area for kiosks and 5% to 43% of gross floor area for artisan food and drink industry. These have been considered in more detail in Section 2.4.6.

In addition, the controls for secondary dwellings vary from 25% to 5% gross floor areas as set out below in Table 41.

Table 41 - Miscellaneous Permissible Uses Comparison

	Standard Instrument	Auburn	Parramatta	Holroyd
Industrial Retail Outlets	Not more than 67% of gross floor areas or not more than 400sqm	43% of gross floor area of the industry located on same land as retail outlet or 400m ² (whichever is the lesser)	5% of the gross floor area of the industry located on the same land as retail outlet or 400m ² (whichever is the lesser)	10% of the gross floor area of the industry located on the same land as the retail outlet or 400m ² (which is the lesser)
Kiosks	Not less than 10sqm	Gross floor area 10m ²	Gross floor area 10m ²	Gross floor area 100m ²
Secondary Dwellings	60sqm and % of total floor area	Floorspace must not exceed 60m ² or 25% of total floor area of principal dwelling	Floor space must not exceed 60m ² or 5% of the total floor area of principal dwelling	Floor space must not exceed 60m ² or 10% of the total floor area of principal dwelling
Artisan food and drink industry exclusion	Not more than 67% of gross floor area and not more than 400sqm	Floor area used for retail sales must not exceed 43% of GFA of the industry or 400m ² (whichever is the lesser)	Floor area used for retail sales must not exceed 5% of GFA of the industry or 400m ² (whichever is the lesser)	Floor area used for retail sales must not exceed 10% of the GFA of the industry or 400m ² (whichever is the lesser)



Recommended Approach

It is recommended that a moderate approach be taken in respect of miscellaneous use controls. This would involve adopting a 10% gross floor area restriction for secondary dwellings, a 10% gross floor area restriction for industrial retail outlets, 10sqm gross floor area for kiosks and 10% gross floor area for artisan food and drink industry as outlined in Table 42.

It is also recommended that a broader range of recommendations from the Employment and Innovation Lands Study are incorporated into the draft CLEP in a staged approach going forward following further analysis and consultation.

Table 42 - Miscellaneous Uses Proposal

	Proposed Approach
Industrial Retail Outlets	Not more than 10% of gross floor areas or not more than 400sqm
Kiosks	Not less than 10sqm
Secondary Dwellings	60sqm and 10% of total floor area
Artisan food and drink industry exclusion	Not more than 10% of gross floor area and not more than 400sqm



8. HERITAGE CONTROLS (PART 5)

8.1. Current Approach

The three LEPs currently have all adopted the SILEP provision. It is therefore recommended that this approach is also followed within the draft CLEP, which is in line with the principles of the LEP review to adopt the standard instrument clauses as required.

8.2. Recommendation

In terms of the heritage sites listed within Schedule 5 it is recommended that all existing heritage items are carried over and included within the draft CLEP save for those items identified for potential de-listing. Those heritage items identified for delisting are:

1. 36 -38 Jamieson Street, Granville
2. 10 William Street, Granville
3. 9 - 11 Woodville Road, Granville
4. Guildford Railway Station – Railway Terrace, Guildford
5. Millmaster Feeds Site – Neil Street, Merrylands
6. Myall Street, Merrylands
7. 34 Garfield Street, Wentworthville
8. 15 Abott Street, Merrylands
9. 70 Jersey Road, South Wentworthville.



9. LOCAL PROVISIONS (PART 6)

Part 6 of an LEP allows Councils to add specific local clauses to address local issues and circumstances. The local clauses cannot be inconsistent with or undermine the SILEP clauses. Local Provisions cannot be varied by clause 4.6 (exceptions to development standards), therefore careful consideration must be given to their inclusion and drafting.

A comparison of the local provisions currently adopted within the three LEPs can be found at **Appendix 1**.

The key local provisions which have been considered are detailed below.

Design excellence

As set out in Section 2.4.2, Design Excellence has been identified as an important concept and priority for Cumberland. It is therefore recommended that a local provision which seeks to ensure design excellence is adopted within the draft CLEP 2020.

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.

It is recommended that the local provision includes the following elements of the provisions compared in **Appendix 2(g)**:

- Restriction on sex service premises sharing entrances with residential units;
- Standard considerations when determining appropriate locations for sex service premises including:
 - Disturbance due to size, location and hours of operations
 - Interference with amenity
 - Disturbance due to number of sex service premises in the area
 - Impact of places frequented by children
 - Impact on places of high pedestrian activity; and
 - Whether appearance is sufficiently discreet.

It is recommended that the restriction regarding proximity to transport nodes currently within the Auburn LEP is not adopted within the draft CLEP 2020.

Minimum lot sizes for dual occupancies



It is understood that a Council led planning proposal which seeks to set the minimum lot size for dual occupancies within the R2 and R3 zone to 585sqm will be incorporated within the draft CLEP 2020.

Places of public worship in the R3 and R4 zones

In addition to the objectives within the R3 and R4 zones to ensure that any non-residential development is appropriate for the zone, it is recommended that a local provision is included. Such a clause should seek to ensure that places of public worship in the R3 and R4 zones are consistent with the bulk and scale of existing development and do not adversely impact on the amenity of the surrounding neighbourhood.

Urban heat management

As identified, in Section 2.4.4, urban heat management has been identified as an essential and strategic priority for Cumberland. It is therefore recommended that a local provision which seeks to ensure effective design and ongoing operation to reduce and remove urban heating from the environment and protects community health and wellbeing is adopted. It is recommended that the LEP provision ensures an overarching requirement to consider urban heat management measures when deciding whether to grant consent, however it is recommended that further detail and prescriptive controls are included within the comprehensive DCP.



10. CONCLUSIONS AND RECOMMENDATIONS

The focus of this background report has been the harmonisation of the three LEPs comprising Auburn, Parramatta and Holroyd LEPS, to create a consistent base document upon which Cumberland Council can build upon.

The principles underpinning this review and the preparation of the recommendations contained in this Background Report are:

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.*

The key issues considered in this Background Report include: places of public worship, design excellence, permissibility of RFBs and seniors housing, urban heat management, site area controls, industrial area ancillary uses, sex service premises permissibility and the inclusion of additional local objectives where appropriate.

These issues have been considered at Councillor briefings and final recommendations will be included within the draft CLEP 2020 to reflect the above principles and respond to Councillor issues and directions.

Incorporation of the findings of Council's affordable housing and employment studies should be undertaken as a subsequent iteration of the draft CLEP process, with a particular focus on:

Table 43 - Cumberland Emerging Strategies

Affordable Housing	The Cumberland LEP Review Health Check identifies housing diversity and affordability actions as a key challenge for Cumberland to delivering the planning priorities outlined in the <i>Central City District Plan</i> . An affordable housing study is currently being finalised and its recommendations should be further considered by Council once available. There are multiple mechanisms to achieve additional affordable housing provision within the LGA. Council will need to decide how this is managed and the feasibility of any such policy decision once the analysis is available.
Employment Study	Council has prepared a comprehensive Employment Innovation Lands Study which includes a number of specific recommendations. To implement these recommendations, a further amendment to the draft CLEP will be required. These have not been incorporated as this stage as given the time constraints imposed by the Department and the need to test the implication of adopting these recommendations, these will be incorporated in a stage approach. These should be considered at a subsequent



amendment, including site specific and LGA wide amends, specified review of height controls and permissible uses within industrial.

This project has identified a number of items for further analysis which should could be undertaken to inform future iterations of the draft CLEP and DCP, including:

Built Form Controls

It is recommended that height, FSR and lot size controls are further reviewed following the gazettal of the draft CLEP to identify any areas where controls potentially need to be varied.

Urban heat management

It is recommended that detailed urban cooling and urban heat management provisions are considered as part of the comprehensive DCP process. Such provisions will support the overarching objectives provided for in the local provisions within the draft CLEP 2020.

Place of public worship

It is recommended that comprehensive DCP controls relating to places of public worship. These would seek to control the scale and massing of both new places of public worship and any extension to existing places of public worship.

This document is to be read in conjunction with Council's planning proposal for the Draft Cumberland Local Environmental Plan 2020.



APPENDIX 1

Comparison of Local Environmental Plans

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Clause / Issue	Coverage across LLPs			Summary of Differences	Recommendation for consolidated LLP
	Auburn	Parramatta	Holroyd		
Name of Plan	Cl 1.1	Cl 1.1	Cl 1.1	LGA name differs.	Update LGA references throughout LEP.
Commencement	Cl 1.1AA	Cl 1.1AA	Cl 1.1AA	Different LEP commencement dates.	Update with relevant commencement date of new LEP.
Aims of Plan	Cl 1.2	Cl 1.2	Cl 1.2	Objectives differ across LEPs.	Adopt proposed new LEP Aims.
Land to which the Plan Applies	Cl 1.3 & map	Cl 1.3 & map	Cl 1.3 & map	All LEPs are consistent.	Update Land Application Map to reflect new LGA boundary.
Definitions	Cl 1.4	Cl 1.4	Cl 1.4	Clause is consistent across LEPs.	Adopt standard instrument clause. Definitions to be considered.
Notes				All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Consent authority	Cl 1.6	Cl 1.6	Cl 1.6	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Maps	Cl 1.7	Cl 1.7	Cl 1.7	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Repeal of planning Instruments applying to land	Cl 1.8	Cl 1.8	Cl 1.8	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Savings provision relating to DAs	Cl 1.8A	Cl 1.8A	Cl 1.8A	LEPs generally consistent, Holroyd includes additional wording in respect of Amendment No 4 of the LEP	Adopt standard instrument clause.
Application of SEPPs	Cl 1.9 Disapplies SEPP No.1 and No.24	Cl 1.9 Disapplies SEPP No.1	Cl 1.9 Disapplies SEPP No.1 and No.28	LEPs generally consistent	Update list with SEPPs that do not apply to LGA land and consider relevance of existing listed SEPPs. See () of
Suspension of covenants etc	Cl 1.9A	Cl 1.9A	Cl 1.9A	All LEPs consistent.	Retain clause in the consolidated LEP, unchanged.
Land Use Zones	Cl 2.1 No B3, B5, IN3 Includes B7, W1	Cl 2.1 No B7 Includes R1, IN3, E3, W1, W2	Cl 2.1 No B3, B7, IN3, SP1, W1	This is an introductory clause listing different land use zones included under LEP. There are some differences between the LEPs as listed.	Update clause as needed to reflect zones included in consolidated LEP. Recommend that the full range of land use zones are carried over.
Zoning of land to which Plan applies	Cl 2.2 & map	Cl 2.2 & map	Cl 2.2 & map	All LEPs are consistent.	Cumberland to update Land Zoning Map to reflect new LGA boundary
Zone objectives & Land Use Table	Cl 2.3	Cl 2.3	Cl 2.3	All LEPs are consistent, save for minor differences in explanatory notes.	Recommend the standard instrument approach is adopted.
Unzoned Land	Cl 2.4	Cl 2.4	Cl 2.4	All LEPs are consistent.	Retain clause in the consolidated LEP, unchanged.
Additional permitted uses for particular land	Cl 2.5	Cl 2.5	Cl 2.5	The clause is consistent across the LEPs. Schedule 1 of the three LEPs contains a number of specific sites which need to be included within consolidated LEP if they fall within the Cumberland LGA boundary.	Retain clause in the consolidated LEP, unchanged. Schedule 1 to be reviewed to identify those areas currently listed in the LEPs which are not located in the Cumberland LGA.



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Subdivision – consent requirements	Cl 2.6	Cl 2.6	Cl 2.6	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Demolition regulations and development consent	Cl 2.7	Cl 2.7	Cl 2.7	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Temporary use of land	Cl 2.8 28 days	Cl 2.8 28 days	Cl 2.8 28 days	Auburn and Parramatta apply this clause with a temporary use of up to 28 days. Holroyd permits temporary use for 52 days.	Recommend that the permitted temporary use period reflects the standard instrument, allowing temporary activities to occur for a period of 52 days. This will reduce regulatory burden of applications relating to temporary use.
Zone R1 General Residential	N/A	Applies	N/A	This zone only relates to land within the Parramatta LGA.	It is not proposed to retain this zone as the land does not form part of the consolidated LGA.
Zone R2 Low Density Residential	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including hostels, places of public worship, semi-detached dwellings, neighbourhood shops, public administration buildings, recreation facilities, educational establishments emergency services facilities, seniors housing and healthcare facilities.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone R3 Medium Density Residential	Applies	Applies	Applies	There are differences between LEPs in the land uses permitted in this zone, including public administration buildings, recreation facilities, educational establishments, emergency services facilities, hostels and health services facilities.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone R4 High Density Residential	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including dwelling houses, dual occupancies, semi-detached dwellings, B&B's, public administration buildings, Information & education facilities, recreation facilities, educational establishments, emergency services facilities, seniors housing and healthcare facilities	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B1 Neighbourhood Centre	Applies	Applies	Applies	There are difference between the LEPs in the land uses permitted in this zone, including other uses under retail premises, tourist and visitor accommodation (inc serviced apts and hostels), RFBs, self-storage units, warehouse/distribution centres, seniors housing health consulting rooms, group homes and signage.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B2 Local Centre	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including amusement centres, group homes, home industries, RFBs, helipads, mortuaries, self-storage facilities, vehicle body repair shops, vehicle repair stations, warehouse and distribution centres, recreation facilities, resource recovery facilities and signage.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B3 Commercial Centre	N/A	Applies	N/A	This zone only relates to the Parramatta CBD so therefore is not included with the consolidated LGA	This zone will not be included in the consolidated LEP.
Zone B4 Mixed Use	Applies	Applies	Applies	There are difference between the LEPs in the land uses permitted in this zone, including RFBs, other dwelling types comprised of 3 or more dwellings, light industry, airstrips, backpacked accommodation, mortuaries, self-storage facilities, vehicle body repair shops, warehouse and distribution centres, signage, amusement centres,	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
				recreation facilities, resource recovery facilities, service stations and vehicle repair stations.	
Zone B5 Business Development	N/A	Applies	Applies	This zone only applies to land under the Parramatta and Holroyd LEPs, some which forms part of the consolidated LGA.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B6 Enterprise Zone	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including other retail premises, boarding houses, group homes, hostels, multi-dwelling housing, RFBs, shop-top housing, home business / industries etc, highway service centres, tourist and visitor accommodation, storage premises, amusement centres, recreation facilities, resource recovery facilities, registered clubs, vehicle body repair shops, veterinary hospitals, signage.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone B7 Business Park	Applies	N/A	N/A	The zone only relates to land under the Auburn LEP.	It is not proposed to retain this zone as the B7 zoned land does not form part of a consolidated LGA.
Zone IN1 General Industrial	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including business premises, heavy industrial storage establishments, helipads, open cut mining, animal boarding and training, car parks, correctional centres, extractive industries, hardware and building supplies, landscape material supplies, research stations, vehicle sales or hire premises, community facilities, function centres, vet hospitals, child care centres and health service facilities	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone IN2 Light Industrial	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including airport transport facilities, biosolids treatment facilities, business premises, helipads, general industries, mortuaries, vehicle repair shops, passenger transport facilities and registered clubs.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone IN3 Heavy Industrial	N/A	Applies	N/A	This zone only relates to land under the Parramatta LEP	It is not proposed to retain this zone as the land does not form part of the consolidated LEP.
Zone SP1 Special Uses	Applies	Applies	N/A	There are differences between the LEPs in the land uses permitted in this zone, including cemeteries, crematoria, community facilities, depots, freight and passenger transport facilities, funeral homes, mortuaries, places of public worship, recreation facilities and markets.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone SP2 Infrastructure	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including car parks, community facilities, depots, freight and passenger transport facilities, funeral homes, mortuaries, places of public worship, recreation facilities and markets.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone RE1 Public Recreation	Applies	Applies	Applies	There are difference between the LEPs in the land uses permitted in this zone, including child care centres, depots, function centres, places of public worship, public administration buildings, takeaway food and drink premises.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone RE2 Private Recreation	Applies	Applies	Applies	There are differences between the LEPs in the land uses permitted in this zone, including tourist and visitor accommodation, water recreation structures and food and drink premises (i.e. pubs).	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Zone E2 Environmental Conservation	Applies	Applies	Applies	All LEPs are consistent save for Parramatta which does not permit information and education facilities, recreation areas or signage. Holroyd does not include flood mitigation works as a permissible use.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone E3 Environmental Management	N/A	Applies	N/A	This zone only relates to land under the Parramatta LEP	It is not proposed to retain this zone as the land does not form part of the consolidated LEP.
Zone W1 Natural Waterways	Applies	Applies	N/A	This zone only relates to land under the Auburn and Parramatta LEP. The LEPs are consistent save for Auburn does not include flood mitigation works as a permissible use.	It is proposed to retain this zone. Refer to Section 4 of Background Report for analysis regarding to this Zone.
Zone W2 Recreational Waterway	N/A	Applies	N/A	This zone only relates to land under the Parramatta LEP	It is not proposed to retain this zone as the land does not form part of the consolidated LEP.
Exempt development	Cl 3.1 Schedule 2 – Signage (General Requirements), Signage (business identification for businesses in business zone), Signage (business identification for business other than sex services in Zone IN1), Signage (business identification in residential zones), Signage (real estate signs), Signage (behind the glass line of shop in B1, B2, B4, B7 and IN2 other than sex service premises)	Cl 3.1 Schedule 2 – Markets	Cl 3.1 Schedule 2 – Advertisements (General Requirements), Advertisement (business identification signs for home occupations in res1 zone), Advertisements (business identification in business zones), Advertisements (business identification other than sex services in industrial zones), Advertisements (real estate signs), Advertisements (behind glass line of shop window), Advertisements (temporary for religious, cultural political, social and recreational events) Advertisements (wall signs in industrial zones), Clothing bins in business and industrial zones, Removal and pruning of trees, Security grills/screens/shutters for commercial purposes, Signage (Sports field)	All LEPs reflect the SI clause. Schedule 2 of the LEPs differs however some signage provisions are now covered by the Codes SEPP.	Recommend standard instrument clause is adopted. Exempt development in Schedule 2 is considered further in Section 5 of the Background Report.



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
			advertising), Temporary use of land)		
Complying development	Cl 3.2 & Schedule 3	Cl 3.2 & Schedule 3	Cl 3.2 & Schedule 3	<p>The clause is consistent across all LEP, adopting the standard instrument clause.</p> <p>However, the LEPs currently approach the permissibility of sub-division for dual occupancies differently.</p> <p>Auburn does not identify any complying development in Schedule 3. Parramatta permits strata subdivision of approved dual occupancy development and Holroyd permits subdivision of approved dual occupancy development.</p>	<p>This will need to be discussed further in the Council workshops.</p> <p>Recommend the standard instrument clause is adopted and no types of complying development, and rely on the Codes SEPP provisions.</p>
Environmentally sensitive areas excluded	Cl 3.3	Cl 3.3	Cl 3.3 Includes sub clause that applies to "Remnant Native Vegetation" identified on HLEP Biodiversity Map	<p>The clause is consistent across the LEPs, save for Holroyd which includes a sub-clause relating to Remnant Native Vegetation Identified on Holroyd's LEP mapping.</p>	<p>Recommend the sub-clause is adopted if land containing Remnant Native Vegetation forms parts of the consolidated Cumberland LGA.</p> <p>If no Remnant Native Vegetation identified within the Cumberland LGA, the standard instrument model clause can be adopted.</p>
Minimum Subdivision lot size	Cl 4.1	Cl 4.1	Cl 4.1	<p>All three LEPs contain different objectives for this clause.</p> <p>Auburn seeks to ensure lots sizes can accommodate development consistent with controls and support a range of development types. Parramatta seeks to ensure new subdivision reflects characteristics of lots sizes and patterns of the area. Holroyd seeks to ensure consistent patterns, high level of amenity for new development, ensure lots can accommodate development consistent with controls and prevent fragmentation of land.</p> <p>All LEPs contain the standard instrument provisions, disapplying land registered under the <i>Strata Schemes Development Act 2015</i> and subdivision under the <i>Community Land Act 1989</i>.</p> <p>Parramatta has a minimum lot-size of 550sqm, Holroyd has a minimum lot size of 200sqm and Auburn a minimum lot size of 450sqm.</p> <p>Auburn also specifies the following minimum lot size for dwelling house is 450sqm; for battle-axe lots, the LEP excludes the area of the access handle for the minimum lot size calculation in residential, industrial and B6/7 zones. There are also specific minimum lots sizes for the former Lidcombe Hospital Site.</p> <p>Parramatta specifies that battle-axe lots must not be less than 670sqm and cannot include the access handle within the calculation. Within R2, R3 and R4 the Lot Size Map is disappplied If there is a dual occupancy on the lot and one dwelling will be situated on each lot resulting from the subdivision.</p> <p>Holroyd does not include any additional restrictions.</p>	<p>Recommend apply standard instrument clauses with reference to Lot Size Map.</p> <p>Consolidated new objectives should be adopted.</p> <p>Specific controls for dwelling houses, battle-axe lots, dual occupancies and the former Lidcombe Hospital should be incorporated across Cumberland LGA.</p> <p>Recommend that the current Lot Size Maps are amalgamated with the existing controls. This will be subject to the minimum lot size provision for R2 and R3 zones in any event. It is recommended that the remaining zones subject to a minimum lot size are reviewed at a later stage.</p>
Exceptions to minimum lot sizes for certain residential development	Not adopted	Repealed	Cl 4.1A	<p>Only Holroyd has adopted this provision.</p> <p>Holroyd, consent may be granted in the following instances:</p>	<p>The provisions within Holroyd LEP facilitates dual occupancy, multi dwelling and semi-detached. Recommended that the Holroyd provision is carried forward in consolidated LEP.</p>

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
				<p>Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if:</p> <p>(a) the subdivision is for the purpose of a dual occupancy, multi dwelling housing or a semidetached dwelling, or</p> <p>(b) there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument prior to the HLEP commencing and each resulting lot from the subdivision will contain a single dwelling.</p> <p>Development consent may be granted to a single development application for development that is both of the following:</p> <p>(a) the subdivision of land into 3 or more lots, and</p> <p>(b) the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.</p>	
Minimum subdivision lot size for community title schemes	Not adopted	Not adopted	Cl 4.1AA(3) – Not to be less than the min. size shown on the Lot Size Map	<p>Only Holroyd has adopted this provision.</p> <p>Holroyd: R2 Low Density Residential, not to be less than the minimum size shown on the Lot Size map in relation to that land.</p>	Recommended that the Holroyd provision is carried forward in consolidated LEP.
Minimum subdivision lot size for strata plan schemes in certain zones	Not adopted	Not adopted	Not adopted	Not applicable	Not applicable
Subdivision of dual occupancies	Cl 6.6 (subject to conditions)	Cl 4.1 (4B)	Not adopted.	<p>The Auburn LEP does not allow torrens title subdivision. Permits strata and community title subdivision of dual occupancies.</p> <p>Holroyd LEP does not adopt this clause.</p>	It is not recommended that this provision is included within the consolidated LEP.
Height of buildings	Cl 4.3 – Includes subclause (2A) that applies to "office premises and hotel or motel accommodation" and Zone B6 within the Silverwater Precinct – not in Cumberland LGA	Cl 4.3 – Includes subclause (2A) that applies to "Area 1" (Granville station – not within Cumberland LGA)	Cl 4.3 – Standard Instrument wording	<p>The objectives differ across the LEPs, with Parramatta including more detail with an additional focus on preservation of historic views and existing character. Holroyd and Auburn both promote appropriate development which is compatible with the character of the locality. Holroyd also focusses on solar access and privacy which Parramatta also does.</p> <p>Auburn and Parramatta contain specific provisions for key sites, the Parramatta Road Precinct provision within the Auburn LEP will fall within the consolidated LEP.</p>	Recommend applying standard instrument wording and consolidate/combine objectives.
Floor space ratio	Cl 4.4 Includes specific provisions to Former Lidcombe Hospital,	Cl 4.4 – site specific provision relating to "Area 1" – in Parramatta LGA	Cl 4.4 – specific provisions relating to "Area A" within Cumberland LGA,	Makes reference to several site-specific areas and sites. Will require selection to consolidate or remove areas, given that within Parramatta Area 1 is outside Cumberland LGA.	Recommend new/consolidated objectives and carry over applicable controls for specific sites.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
	Parramatta Road Corridor (within Cumberland LGA)		"Area B" within Cumberland LGA, "Area C" within Cumberland LGA		
Calculation of FSR and site area	Cl 4.5	Cl 4.5	Cl 4.5	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Exceptions to development standards	Cl 4.6	Cl 4.6	Cl 4.6	Additional consent provisions under subclause 8 in Parramatta LEP relating to non-variance of FSR and HOB of 5% in City Centre (cl 8(ca)), and state public infrastructure (SPI) (cl 8(c), 8(ca), 8(cb)). Auburn LEP does not allow cl 4.6 to apply where the breach would contravene miscellaneous permissible use restrictions or arrangements for contributions to designated state public infrastructure.	Both Carter Street Priority Precinct and Parramatta City Centre outside of Cumberland LGA. Recommended to revert to standard instrument provisions within consolidated LEP.
Relevant acquisition authority	Cl 5.1	Cl 5.1	Cl 5.1	There are some minor inconsistencies between LEPs.	The Land Reservation Acquisition Map will need to be updated and the information included within Cl 5.1 updated to reflect new LGA boundary.
Development on land intended to be acquired for public purposes	Cl 5.1A	Cl 5.1A	Cl 5.1A	All LEPs are consistent save for the types of land and permitted development.	The Land Reservation Acquisition Map will need to be updated and land and permitted development updated within Cl 5.1A.
Classification and reclassification of public land	Cl 5.2	Cl 5.2	Cl 5.2	All LEPs are consistent	Retain clause in consolidated LEP, unchanged.
Development near zone boundaries	Cl 5.3	Cl 5.3	Cl 5.3	Auburn LEP relevant distance is 20m, whereas Parramatta is 1m and Holroyd is 10m. Holroyd also excludes B4 mixed use zones.	Recommend a 20m buffer and adopting standard instrument clause.
Controls relating to miscellaneous permissible uses	Cl 5.4	Cl 5.4	Cl 5.4	Inconsistencies between permitted floorspace on certain permissible uses	Recommendation required regarding harmonized floorspace restrictions where these differ between the LEPs outlined below;
(a) B&B	No more than 3 bedrooms	No more than 3 bedrooms	No more than 3 bedrooms	All LEPs consistent.	Retain restriction in consolidated LEP, unchanged.
(b) Home Business	30m2 restriction	50m2 restriction	30m2 restriction	Auburn and Holroyd apply the same restriction of no more 30sqm can used for the carrying out of the home business.	Recommend a restriction of 30sqm is adopted in the consolidated LEP as this is the size prescribed across majority of LEPs.
(c) Home Industries	30m2 restriction	50m2 restriction	30m2 restriction	Auburn and Holroyd apply a 30sqm floorspace restriction for home industries. Parramatta permits up to 50sqm of home industry.	Recommend a restriction of 30sqm is adopted in the consolidated LEP as this is the size prescribed across majority of LEPs.
(d) Industrial Retail Outlets	43% of gross floor area of the industry located on same land as retail outlet or 400m2 (whichever is the lesser)	5% of the gross floor area of the industry located on the same land as retail outlet or 400m2 (whichever is the lesser)	10% of the gross floor area of the industry located on the same land as the retail outlet or 400m2 (which is the lesser)	There is a significant difference between the approaches of the current LEPs in relation to the % of gross floor space within the same retail outlet if the retail element.	Recommend a restriction of 10% gross floor area is adopted in consolidated LEP.

Clause / Issue		Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
		Auburn	Parramatta	Holroyd		
(e)	Farm Stay Accommodation	No more than 3 bedrooms	No more than 3 bedrooms	No more than 3 bedrooms	All LEPs consistent.	Retain restriction in consolidated LEP, unchanged.
(f)	Kiosks	Gross floor area 10m ²	Gross floor area 10m ²	Gross floor area 100m ²	Auburn and Parramatta restrict the size of a kiosk to a gross floor area of 10sqm, whereas Holroyd permits a gross floor area of 100sqm.	Recommend a restriction of 10sqm is adopted in consolidated LEP.
(g)	Neighbourhood Shops	Gross floor area 80m ²	Gross floor area 80m ²	Gross floor area 100m ²	Auburn and Parramatta restrict the gross floor area to 80sqm, whereas Holroyd permits a gross floor area of 100sqm.	Recommend a restriction of 80sqm is adopted in the consolidated LEP as this is the floorspace prescribed across the majority of LEPs.
(h)	Neighbourhood Supermarkets	Gross floor area of 1000sqm	Gross floor area of 1000sqm	Gross floor area of 1000sqm	All LEPs are consistent.	Retain restriction in consolidated LEP, unchanged.
(i)	Roadside Stalls	Gross floor area of 8sqm	Gross floor area of 8sqm	Gross floor area of 8sqm	All LEPs are consistent.	Retain restriction in consolidated LEP, unchanged.
(j)	Secondary Dwellings	Floorspace must not exceed 60m ² or 25% of total floor area of principal dwelling	Floor space must not exceed 60m ² or 5% of the total floor area of principal dwelling	Floor space must not exceed 60m ² or 10% of the total floor area of principal dwelling	All LEPs differ in the restriction on the % of the total floor area of the principal dwelling, ranging between 5% - 25%.	A 10% restriction of the total floor area of the principal dwelling is recommended.
(k)	Artisan food and drink industry exclusion	Floor area used for retail sales must not exceed 43% of GFA of the industry or 400m ² (whichever is the lesser)	Floor area used for retail sales must not exceed 5% of GFA of the industry or 400m ² (whichever is the lesser)	Floor area used for retail sales must not exceed 10% of the GFA of the industry or 400m ² (whichever is the lesser)	All LEPs differ in the restriction on the % of the gross floor area of the industry within which the retail sales are located, ranging from 5% - 43%. The standard Instrument model clause states the % must not be more than 67% of the gross floor area.	Recommend a restriction of 10% gross floor area is adopted in consolidated LEP.
Development within the coastal zone		Repealed	Repealed	Repealed	N/A	N/A
Architectural roof features		Cl 5.6	Cl 5.6	Cl 5.6	All LEPs are consistent, save for minor differences in objectives.	Retain clause in consolidated LEP, and adopt new objectives.
Development below mean high water mark		Cl 5.7	Cl 5.7	n/a	Unlikely to apply in merger area	Not applicable to Cumberland LGA.
Conversion of fire alarms		Cl 5.8	Cl 5.8	Cl 5.8	All LEPs are consistent	Retain clause in consolidated LEP, unchanged
Preservation of trees or vegetation		Repealed	Repealed	Repealed	N/A	N/A – now covered by SEPP.
Trees or vegetation not prescribed by DCP		Repealed	Repealed	Repealed	N/A	N/A
Heritage conservation		Cl 5.10	Cl 5.10	Cl 5.10	The clauses are consistent across the LEPs save for reference to the particular LEP. The heritage sites listed in Schedule 5 will need to be updated to reflect those that are located within the consolidated LEP.	Retain clause in consolidated LEP with update to LGA reference. Schedule 5 list to be discussed with Cumberland heritage representative.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Bush fire hazard reduction	Cl 5.11	Cl 5.11	Cl 5.11	This clause is consistent across LEPs	Retain clause in the consolidated LEP, unchanged
Infrastructure dev. and use of existing Crown buildings	Cl 5.12	Cl 5.12	Cl 5.12	This clause is consistent across LEPs	Retain clause in the consolidated LEP, unchanged
Eco-tourist facilities	N/A	N/A	N/A	This clause is not adopted by any LEPs applying within the LGA.	N/A
Siding Spring Observatory	N/A	N/A	N/A	This clause is not adopted by any LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach across all LEPs.
Defence communications facility	N/A	N/A	N/A	This clause is not adopted by any LEPs applying within the LGA.	It is not proposed to adopt this clause in the consolidated LEP, consistent with the current approach across all LEPs.
Pond based, tank based and oyster aquaculture	Cl 5.19	Cl 5.19	Cl 5.19	This clause is consistent across the LEPs.	Retain clause in the consolidated LEP, unchanged.
Acid sulphate soils	Cl 6.1	Cl 6.1	Cl 6.1	Auburn LEP currently differs slightly, adding further detail to 6.1 (6)(a). All LEPs state the clause applies to land shown on the Acid Sulphate Map	Recommend model clause is adopted in consolidated LEP.
Earthworks	Cl 6.2	Cl 6.2	Cl 6.2	Auburn and Holroyd include some minor additional wording within the clause. Auburn includes an additional control that consent is not required if the work does not alter the ground level (existing) by more than 600mm. Holroyd includes an additional consideration when deciding to grant consent to also consider any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Recommend the standard clause is adopted, however it is recommended that the additional mitigation measures currently within Holroyd LEP clause as also included.
Essential services	Cl 6.5	n/a	Cl 6.3	This clause is consistent across the Auburn and Holroyd LEPs, which adopt the model clause.	Retain clause in consolidated LEP, unchanged.
Flood planning	Cl 6.3	Cl 6.3	Cl 6.3	This clause has been adopted in all three LEPs. In Auburn, the provision applies to land shown as "Flood Planning Area" or other land at or below the flood planning level. In Holroyd and Parramatta, the provision relates to land at or below the flood planning level. All three LEPs include the same definition of flood planning level and adopt the same objectives.	It is recommended that this provision is adopted within the consolidated LEP. In the absence of updated mapping for the entire Cumberland LGA, it is recommended that the provision should apply to land at or below the flood planning level. The provision can be updated at a later stage to apply to mapping if Council considers this to be required.
Biodiversity protection	n/a	Cl 6.4	Cl 6.5	Only Holroyd and Parramatta have adopted a provision relating to biodiversity. Holroyd applies the provision to land identified as Biodiversity on the Biodiversity Map and Parramatta applies to mapped 'Remnant Native Vegetation' on the Biodiversity Map. Both LEP provisions include the same objectives, however the considerations when deciding whether to grant consent are drafted differently but achieve the same aims.	It is recommended that this provision is adopted, however the mapping will need to be amalgamated across the former Holroyd and Parramatta elements of the LGA. Further mapping will be required of the former Auburn element of the LGA.

Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
Protection of riparian land and waterways	n/a	Cl 6.5	Cl 6.6	Minor inconsistencies between current provisions with Holroyd providing more detailed provisions.	Recommend the current Holroyd approach is adopted. The current Parramatta and Holroyd maps need to be amalgamated.
Development on landslide risk land	n/a	Cl 6.6	n/a	Only Parramatta has adopted this provision.	If any of the Parramatta land within the Landslide Risk Map forms part of the consolidated LGA. If so, the current Parramatta provision to be adopted.
Foreshore building line	Cl 6.4	Cl 6.7	n/a	Provision is inconsistent due to the use of definitions of foreshore area versus Foreshore Building Map.	Recommend that the definition of foreshore area is updated to refer to both the Auburn and Parramatta Foreshore Building Map. The standard provision of the clauses should be adopted in the consolidated LEP, unchanged.
Salinity	n/a	n/a	Cl 6.8	This provision is only adopted in the Holroyd LEP applies to mapped "known" "high potential" or "moderate potential" salinity land	Consideration in conjunction with DCP review as to whether this provision is required in the LEP of whether DCP controls will be sufficient. It is recommended that this provision is not included within the consolidated LEP at this time and that further mapping is undertaken across the whole LGA.
Restricted premises	n/a	Cl 6.8	n/a	Limits location of restricted premises in relation to residential and RE1 lands and to public footpaths, and outlines considerations.	Clause to be included in consolidated LEP.
Location of sex services premises	Cl 6.7	Cl 6.9	n/a	Sets distance to residential and place of public worship, hospital, school, childcare centre, community facility and recreation area, and outlines considerations. Auburn also limits proximity to public transport stop.	Clause to be included as sex service premises to be permitted within IN1, B4 and B6.
Design Excellence	n/a	Cl 6.12	Cl 6.11	Parramatta LEP employs precinct-based planning with Design Excellence requirements. Holroyd LEP includes incentive provisions for additional HOB and FSR within Merrylands and Dunmore Street. Auburn does not have Design Excellence provisions.	Recommend that a Design Excellence provision be included within the CLEP to incorporate the existing design excellence provision relating to Merrylands and Dunmore Street and to ensure that once gazetted, the Wentworthville design excellence provisions can also be incorporated. Further studies can be undertaken to identify other precincts or site-specific locations where design excellence provisions could be introduced during subsequent stages of planning reform.
Buffer Area between Industrial and residential zones	n/a	n/a	Cl 6.9	Applies to land identified as Industrial-residential buffer area on Site Specific Provisions Map. The provision restricts development on the identified land unless the land is in Zone R2 and the development is permissible in R2 save for residential accommodation or the land is in zone IN1 and the development is permissible in the zone and the development is consistent with the objectives of the clause.	The inclusion of this provision in the Holroyd LEP is due to proximity of the Greystones precinct to a number of residential areas. Recommend this provision is adopted within the consolidated LEP as it applies to land identified on the current Site Specific Provisions Map.
Ground Floor Development in Zones B2 and B4	n/a	n/a	Cl 6.10	Applies to B2 and B4 zones ensuring ground floor will not be used for rest, car parking and will provide "active frontage"	Recommended current Holroyd clause is included within consolidated LEP to apply across the whole of Cumberland LGA.
Particular dual occupancy subdivisions must not be approved	Cl 6.6	n/a	n/a	Consent cannot be granted for subdivision which would create separate titles for each of the two dwellings resulting from dual occupancy.	This provision will not be included in consolidated LEP.
Dual Occupancies on land in R2, R3 and R4	n/a	Cl 6.11	n/a	Only Parramatta LEP includes this control which states that dual occupancy can only be permitted if lot has area of not less than 600m ²	It is recommended that this provision as currently drafted is not included within the consolidated LEP, however the principle will remain. There is a Council led planning proposal which seeks to include a minimum lot size provision for dual occupancies in the R2 and R3 zones. This



Clause / Issue	Coverage across LEPs			Summary of Differences	Recommendation for consolidated LEP
	Auburn	Parramatta	Holroyd		
					planning proposal is generally consistent with the Parramatta approach.



APPENDIX 2

Comparison of LEP Land Use Tables for Key Issues

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Places of Public Worship (POPW) Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2010	Liverpool LEP 2008	Sutherland LEP 2010	Comment
Zone	Place of Public Worship Permitted with Consent or Not								
R1	✓		✓		✓	✓	✓		If R1 is listed as a relevant zones for the LGA then a POPW is permissible.
R2	✗	✓	✗	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use. Parramatta follows the standard instrument approach, whereas Holroyd and Auburn permit with consent, as do all the comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B1	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use. However POPW's are permissible in all three LEPs and comparative within B1 zone.
B2	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use. However POPW's are permissible in all three LEPs and comparative within B2 zone.
B3	✗		✓		✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use. POPW's are permissible within the Parramatta and the comparative LEPs within B1 zone. n/a for Auburn and Holroyd
B4	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use. However POPW's are permissible in all three LEPs and comparative within B4 zone.
B5	✗		✓	✓	✓	✓	✓	✓	Standard Instrument does not include POPW as a permissible use. However POPW's are permissible in Parramatta, Holroyd and the comparative LEPs within B5 zone. n/a for Auburn
B6	✗	✓	✓	✓	✓		✓	✓	Standard Instrument does not include POPW as a permissible use. However POPW's are permissible in all three LEPs and comparative LEPs within B6 zone.
B7	✗	✓				✓		✓	Standard Instrument does not include POPW as a permissible use. However, POPW's are permissible in the Auburn and comparative LEPs within B7 zone. n/a Parramatta and Holroyd
IN1	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
IN2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.

IN3	X		✓				X	X	Only applicable to Parramatta LEP. POPW's are permissible in contrast to the standard instrument and the comparative LEPs.
SP1	The purpose shown on the Land Zoning Map.	✓	✓		X	X	X	X	POPW's are permissible within Auburn, whereas Parramatta designates and protects existing POPW's through SP1 special uses zone and identification on the Zoning Plan.
SP2	The purpose shown on the Land Zoning Map.	✓	X	X	X	X	X	X	POPW's are permissible within Auburn, whereas Parramatta and Holroyd do not permit, nor do any of the comparative LEPs.
RE1	X	✓	X	X	X	X	✓	X	POPW's are permissible within Auburn. However, POPW's are not permissible in the standard instrument, Parramatta, Holroyd and comparative LEPs (save for Liverpool).
RE2	X	✓	X	X	X	X	✓	X	POPW's are permissible in Auburn. However, POPW's are not permissible in the standard instrument, Parramatta, Holroyd and comparative LEPs (save for Liverpool).
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	✓	Only applicable to Parramatta LEP which follows the standard instrument approach and comparative LEPs.
W1	X	X	X		X	X	X	X	Auburn and Parramatta follow the same approach as standard instrument and comparative LEPs.
W2	X		X			X			Only applicable to Parramatta LEP which follows the standard instrument approach.

Centre Based Child Care Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2010	Liverpool LEP 2008	Sutherland LEP 2010	Comment
Zone	Centre Based Child Care Permissible or not								
R1	✓		✓		✓	✓	✓		If R1 is listed as a relevant zones for the LGA then a child care centre is permissible.
R2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R5	✗						✗		n/a
RU1	✗				✗		✗		n/a
RU2	✗				✓		✗		n/a
RU3	✗								n/a
RU4	✗				✓	✗	✗		n/a
RU5	✓				✓				n/a
B1	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B3	✓		✓		✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B5	✓		✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs. n/a for Auburn
B6	✗	✓	✓	✓	✓		✗	✓	Standard instrument does not include centre based child care as a permissible use. However centre based child care is permissible in all three LEP's and comparative LEP's (save for Liverpool) within B6 zone.
B7	✓	✓				✓		✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B8	✓								n/a
IN1	✗	✗	✓	✓	✓	✓	✓	✗	Standard instrument does not include centre based child care as a permissible use and Auburn follows standard instrument approach. However centre based child care is permissible in Parramatta and Holroyd LEP's and comparative LEP's (save for Sutherland).

IN2	X	✓	✓	✓	✓	✓	✓	✓	Not permissible in the standard instrument, however permissible by all the CC LEP's and comparative LGAs.
IN3	X		✓				X	X	Only applicable to Parramatta LEP. Centre based child care is permissible in contrast to the standard instrument and the comparative LEP's.
IN4	X							X	n/a
SP1	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map		X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP2	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP3	X				✓			✓	n/a
RE1	X	✓	X	✓	X	✓	✓	X	Standard instrument does not include centre based child care as a permissible use and Parramatta follows standard instrument approach. However centre based child care is permissible in Auburn and Holroyd LEP's and comparative LEP's (save for Fairfield and Sutherland).
RE2	X	✓	✓	✓	✓	✓	✓	X	Not permissible in the standard instrument, however permissible by all the CC LEP's and comparative LGAs (save for Sutherland).
E1	X						X	X	n/a
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E4	X							X	n/a
W1	X	X	X			X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		X		X				Only applicable to Parramatta LEP which follows the standard instrument approach.
W3	X								n/a

Education Establishment Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2010	Liverpool LEP 2008	Sutherland LEP 2010	Comment
Zone	Education Establishment Permissible or not								
R1	X		X Education SEPP Part 4 would override for school		✓	X	✓		Standard Instrument does not include education establishment as a permissible use. Parramatta and Blacktown follow the standard instrument approach whereas Fairfield and Liverpool permit.
R2	X	✓	✓	X Education SEPP Part 4 would override for school	✓	X	✓	X	Standard Instrument does not include education establishment as a permissible use. Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do Fairfield and Liverpool LGAs.
R3	X	✓	✓	X Education SEPP Part 4 would override for school	✓	X	✓	X	Standard Instrument does not include education establishment as a permissible use. Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do Fairfield and Liverpool LGAs.
R4	X	✓	✓	X Education SEPP Part 4 would override for school	✓	X	✓	X	Standard Instrument does not include education establishment as a permissible use. Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do Fairfield and Liverpool LGAs.
R5	X						✓		n/a
RU1	X				X		X		n/a
RU2	X				✓		X		n/a
RU3	X								n/a
RU4	X				✓	X	X		n/a
RU5	X				✓				n/a
B1	X	✓	✓	X Education SEPP Part 4 would override for school	✓	✓	✓	✓	Standard Instrument does not include education establishment as a permissible use. Holroyd follows the standard instrument approach, whereas Parramatta and Auburn permit with consent, as do all the comparative LGAs.
B2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B3	✓		✓		✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B5	X		✓	✓	✓	✓	X	✓	Standard Instrument does not include education establishment as a permissible use. Parramatta and Auburn permit with consent, as do all the comparative LGAs save for Liverpool.
B6	X	✓	✓	✓	✓		✓	✓	Standard Instrument does not include education establishment as a permissible use.

									However POPW's are permissible in all three LEPs and comparative LEPs within B6 zone.
B7	X	✓				✓		✓	Standard Instrument does not include education establishment as a permissible use. However, education establishments are permissible in the Auburn and comparative LEPs within B7 zone. n/a Parramatta and Holroyd
B8	✓								n/a
IN1	X	X	X	X	✓	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Fairfield.
IN2	X	X	X	X	✓	X	✓	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Fairfield and Liverpool.
IN3	X		X				X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
IN4	X							X	n/a
SP1	X	X	X		X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
		Unless noted on the Land Zoning Map * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map * Education SEPP Part 4 would override for school		Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	
SP2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map
		Unless noted on the Land Zoning Map * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map * Education SEPP Part 4 would override for school	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	Unless noted on the Land Zoning Map	
SP3	X				✓			X	n/a
RE1	X	X	X	X	X	✓	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Blacktown.
RE2	X	X	X	X	X	✓	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs save for Blacktown.
E1	X						X	X	n/a
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	X	Only applicable to Parramatta LEP which follows the standard instrument approach and comparative LEPs.
E4	X							X	n/a



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W1	X	X	X			X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		X		X				Only applicable to Parramatta LEP which follows the standard instrument approach.
W3	X								n/a

Community Facility Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2010	Liverpool LEP 2008	Sutherland LEP 2010	Comment
Zone	Community Facility Permissible or not.								
R1	✓		✓		✓	✓	✓		Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R2	✗	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include community facility as a permissible use. Permissible by all the CC LEP's and comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R5	✗						✗		n/a
RU1	✗				✗		✓		n/a
RU2	✗				✓		✓		n/a
RU3	✗								n/a
RU4	✗				✓	✓	✓		n/a
RU6	✓				✓				n/a
B1	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B3	✓		✓		✓	✓	✓	✓	Permissible in the standard instrument, by all the Parramatta and comparative LGAs. n/a for Auburn and Holroyd
B4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B5	✗		✓	✗	✓	✓	✓	✓	Standard Instrument and Holroyd do not include community facilities as a permissible use in B5 zones. However community facilities are permissible in Parramatta and the comparative LEPs within B5 zone. n/a for Auburn
B6	✓	✓	✓	✓	✓		✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B7	✗	✓				✓		✓	Standard Instrument does not include community facilities as a permissible use. However, community facilities are permissible in the Auburn and comparative LEPs within B7 zone. n/a Parramatta and Holroyd
B8	✓								n/a



IN1	X	✓	X	✓	✓	✓	✓	X	Standard Instrument, Parramatta and Sutherland do not include community facilities as a permissible use. However, community facilities are permissible in the Auburn, Holroyd and the remaining comparative LEPs within IN1 zone.
IN2	X	✓	✓	✓	✓	✓	✓	X	Standard Instrument and Sutherland do not include community facilities as a permissible use. However, community facilities are permissible in the CC LEPs and the remaining comparative LEPs within IN2 zone.
IN3	X		X				X	X	Only applicable to Parramatta LEP. Community facilities are not permissible in lines with the standard instrument and the comparative LEPs.
IN4	X							X	n/a
SP1	X	✓	X		X	X	X	X	Community facilities are permissible within Auburn SP1. The standard instrument and remaining CC LEPs and comparative LEPs prohibit unless specifically noted on the Land Zoning Map.
SP2	X	✓	X	X	X	X	X	X	Community facilities are permissible within Auburn SP1. The standard instrument and remaining CC LEPs and comparative LEPs prohibit unless specifically noted on the Land Zoning Map.
SP3	X				✓			✓	n/a
RE1	X	✓	✓	✓	✓	✓	✓	✓	Standard Instrument does not include community facility as a permissible use. Permissible by all the CC LEP's and comparative LGAs.
RE2	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
E1	X						X	X	n/a
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		✓		X	✓	X	X	Only applicable to Parramatta LEP which does not follow the standard instrument approach and community facilities are permissible in E3 zone. Community facilities are permissible under the Blacktown LEP.
E4	X							X	n/a
W1	X	X	X			X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		✓		X				Only applicable to Parramatta LEP which does not follow the standard instrument approach as permits community facilities in the W2 zone.
W3	X								n/a

RFB Permissibility Land Use / Zoning Review									
LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	The Hills	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2010	Liverpool LEP 2008	The Hills LEP 2012	
Zone	RFB Permissible or not								
R1	✓		✓		✓	✓	✓	✓	If R1 is listed as a relevant zones for the LGA then RFBs are permissible.
R2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R3	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R4	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
B1	✗	✓	✗	✗	✗	✗	✗	✗	Permissible in Auburn B1 Zone. Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B2	✗	✓	✗	✗	✗	✗	✓	✓	Permissible in Auburn, Liverpool and The Hills B2 Zone. Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B3	✗		✗		✗	✗	✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B4	✗	✓	✓	✗	✓	✗	✓	✓	Not permissible in the standard instrument or by Holroyd and Blacktown. Permissible in Auburn, Parramatta, Fairfield, Liverpool and The Hills B4 Zone.
B5	✗		✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs. n/a for Auburn
B6	✗	✗	✗	✓	✗		✗	✗	Permissible in Holroyd B6 Zone. Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B7	✗	✗				✗		✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
IN1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN3	✗		✗				✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
SP1	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map		✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP2	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.

		Zoning Map	Zoning Map		Zoning Map		Zoning Map	Zoning Map	
RE1	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
RE2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	X	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
W1	X	X	X			X	X		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		X		X			X	Only applicable to Parramatta LEP which follows the standard instrument approach.

Multi Dwelling Housing Permissibility Land Use / Zoning Review									
LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2010	Liverpool LEP 2008	The Hills LEP 2012	Comment
Zone	Multi Dwelling Housing Permissible or not								
R1	✓		✓		✓	✓	✓	✓	If R1 is listed as a relevant zones for the LGA then MDH's are permissible.
R2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R3	✓	✓	✓	✓	✓	✓	✓	✓	Permissible in the standard instrument, by all the CC LEP's and comparative LGAs.
R4	✗	✓	✓	✓	✓	✗	✓	✓	Not permissible in the standard instrument or Blacktown. Permissible by all the CC LEP's and remaining comparative LGAs in R4 Zone
B1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B2	✗	✗	✗	✗	✗	✗	✓	✓	Permissible in Liverpool and The Hills B2 Zone. Not permissible in the standard instrument or by any of the CC LEP's and remaining comparative LGAs.
B3	✗		✗		✗	✗	✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B4	✗	✗	✓	✗	✗	✗	✓	✗	Not permissible in the standard instrument or by Auburn and Holroyd or remaining comparative LGAs. Permissible in Parramatta and Liverpool B4 Zone.
B5	✗		✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs. n/a for Auburn
B6	✗	✗	✗	✓	✗		✓	✗	Permissible in Holroyd and Liverpool B6 Zone. Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B7	✗	✗				✗		✗	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
IN1	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN2	✗	✗	✗	✗	✗	✗	✗	✗	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
IN3	✗		✗				✗		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
SP1	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map		✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map	✗ Unless noted on the Land Zoning Map		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
SP2	✗	✗ Unless noted on the Land	✗ Unless noted on the Land	✗ Unless noted on the Land	✗ Unless noted on the Land	✗ Unless noted on the Land	✗ Unless noted on the Land	✗ Unless noted on the Land	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.



Cumberland LEP Review
Multi Dwelling Houses Comparison Table v.2
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	Unless noted on the Land Zoning Map	Zoning Map	Zoning Map	the Land Zoning Map	Zoning Map	Land Zoning Map	Zoning Map	Zoning Map	
RE1	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
RE2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	X	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
W1	X	X	X			X	X		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		X		X			X	Only applicable to Parramatta LEP which follows the standard instrument approach.

Sex Service Premises and Home Occupation (Sex Services) Permissibility Land Use / Zoning Review

LGA	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2015	Liverpool LEP 2008	The Hills LEP 2012	Comment
Zone	Sex Services Permissible or not								
R1	X		X		X	X	X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
R2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by CC LEP's and comparative LGAs.
R3	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
R4	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B1	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B3	X		X		X	X	X		Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
B4	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B5	X		X	X	X	X	X	X	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs, n/a for Auburn
B6	X	X	X	X	X		X	X	Not permissible in the standard instrument or by the CC LEP's and comparative LGAs.
B7	X	X				X		X	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
IN1	X	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X	X	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	Not permissible in the standard instrument. Sex service premises only are permissible in Auburn and Parramatta and Blacktown, Liverpool and The Hills.
IN2	X	X	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X	X	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)	Not permissible in the standard instrument. Sex service premises only are permissible in Parramatta and Blacktown, Liverpool and The Hills.
IN3	X		X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)				X - Home Occupation (Sex Services) ✓ - (Sex Service Premises)		Not permissible in the standard instrument. Sex service premises only are permissible in Parramatta and Liverpool.
SP1	X	X Unless noted on	X Unless noted on		X Unless noted on	X Unless noted on the	X Unless noted on		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.

LGA		Auburn	Parramatta	Holroyd	Fairfield	Blacktown	Liverpool	The Hills	Comment
	Standard Instrument	Auburn LEP 2010	Parramatta LEP 2011	Holroyd LEP 2013	Fairfield LEP 2013	Blacktown LEP 2013	Liverpool LEP 2008	The Hills LEP 2012	
Zone	Sex Services Permissible or not								
	Unless noted on the Land Zoning Map	the Land Zoning Map	the Land Zoning Map		the Land Zoning Map	Land Zoning Map	the Land Zoning Map		
SP2	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	X Unless noted on the Land Zoning Map	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs unless specifically noted on the Land Zoning Map.
RE1	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
RE2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E2	X	X	X	X	X	X	X	X	Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
E3	X		X		X	X	X	X	Not permissible in the standard instrument or by the remaining CC LEP's and comparative LGAs.
W1	X	X	X			X	X		Not permissible in the standard instrument or by all the CC LEP's and comparative LGAs.
W2	X		X		X			X	Only applicable to Parramatta LEP which follows the standard instrument approach.

Cumberland LEP Review - Comparison of Sex Services Premises Provisions

LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
Auburn LEP (CI 6.7)	<p>(1) The objective of this clause is 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.</p> <p>(2) Despite any other provision of this Plan, development consent may only be granted for the purpose of sex services premises if, when measured from the boundary of the lot on which the premises will be used, the development will be located:</p> <p>(a) more than 200 metres from any land in a residential zone, and</p> <p>(b) more than 200 metres from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and</p> <p>(c) more than 50 metres from any public utility undertaking, being a railway station entrance, bus stop, taxi rank, ferry terminal or the like.</p> <p>(3) In determining whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood because of its size, location, hours of operation, clients or employees or other people working in the premises,</p> <p>(b) whether the operation of the sex services premises will be likely to interfere with the amenity of the relevant neighbourhood,</p>	<p>Additional restriction on proximity to any public utility undertaking, railway station entrance, bus stop, taxi rank, ferry terminal or alike.</p> <p>No restriction on sex service premises sharing entrances with residential units.</p> <p>Standard considerations;</p> <ul style="list-style-type: none"> ▪ disturbance due to size/location/hours of operations etc. ▪ Interference with amenity ▪ Disturbance due to number of sex services premises in the area ▪ Impact on places frequented by children.



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(c) whether the operation of the sex services premises will be likely to cause a disturbance in the relevant neighbourhood, taking into account the number of sex services premises already operating in the neighbourhood and involving similar hours of operation,</p> <p>(d) the impact the proposed development and its hours of operation would have on any place likely to be regularly frequented by children for educational, recreational or cultural activities that can be viewed from the proposed development.</p>	
Parramatta LEP (Cl.6.9)	<p>(1) Despite any other provision of this Plan, development consent must not be granted to development for the purposes of sex services premises unless the premises are located:</p> <p>(a) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any residence or any land in a residential zone, and</p> <p>(b) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area.</p> <p>(c) (Repealed)</p> <p>(2) Development consent must not be granted to development for the purposes of sex services premises in a building that contains a dwelling if any part of the access to the sex services premises is shared with the dwelling.</p> <p>(3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood because of its size, location, hours of operation, clients or the number of employees and other people working in it,</p>	<p>No restriction on proximity to railway station, taxi rank etc.</p> <p>Additional restriction against sex service premises in a building that contains a dwelling if any part of the access is shared.</p> <p>Standard considerations;</p> <ul style="list-style-type: none"> ▪ disturbance due to size/location/hours of operations etc. ▪ Interference with amenity ▪ Disturbance due to number of sex services premises in the area ▪ Impact on places frequented by children.



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(b) whether the operation of the sex services premises will be likely to interfere with the amenity of the neighbourhood,</p> <p>(c) whether the operation of the sex services premises will be likely to cause a disturbance in the neighbourhood when taking into account other sex services premises operating in the neighbourhood involving similar hours of operation,</p> <p>(d) the impact the proposed development would have on any place that is regularly frequented by children for educational,</p>	
Holroyd LEP	No provision	N/A
Fairfield LEP 2013	No provision	N/A
Blacktown LEP 2013 (CI 7.13)	<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between restricted premises, sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) Development consent must not be granted to development for</p> <p>(a) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any residence or any land in a residential zone, and</p> <p>(b) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any place of public worship, hospital, school, centre-based child care facility, community facility or recreation area, and</p> <p>(c) at least 50 metres (measured from the closest boundary of the lot on which the premises are proposed) from any railway station entrance, bus stop, taxi rank, ferry terminal or the like, and</p>	<p>Additional restriction on proximity to other existing or proposed sex service premises.</p> <p>Considerations:</p> <ul style="list-style-type: none"> Impact of the development and hours of operation on any place frequented by children that can be viewed or adjoins the premises Disturbance due to size, location, hours of operation and cumulative impact with other sex service premises in area



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(d) at least 200 metres (measured from the closest boundary of the lot on which the premises are proposed) from any existing or proposed restricted premises or sex services premises, and</p> <p>(e) on any floor other than the ground floor of a building.</p> <p>(3) In deciding whether to grant development consent to development for the purposes of restricted premises or sex services premises, the consent authority must consider the following:</p> <p>(a) the impact that the development and its hours of operation is likely to have on any place likely to be regularly frequented by children:</p> <p>(i) that adjoins the development, or</p> <p>(ii) that can be viewed from the development, or</p> <p>(iii) from which a person can view the development,</p> <p>(b) whether the operation of the premises is likely to cause a disturbance in the neighbourhood:</p> <p>(i) because of its size, location, hours of operation or number of employees, or</p> <p>(ii) taking into account the cumulative impact of the premises along with other sex services premises operating in the neighbourhood during similar hours,</p> <p>(c) whether the operation of the premises will be likely to interfere with the amenity of the neighbourhood.</p>	<ul style="list-style-type: none"> Impact on amenity.
<p>Liverpool 2008</p> <p>(CI 7.35)</p>	<p>LEP</p> <p>(1) The objective of this clause is to ensure that restricted premises are not visually prominent from public places or other locations regularly frequented by children.</p>	<p>No fixed restriction on distance rather restriction is that premises cannot be located on land that adjoins land or separated only by a</p>



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(2) Development consent must not be granted to development for the purposes of restricted premises if the premises would be located on land that adjoins land, or is separated only by a road from land:</p> <p>(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential, or</p> <p>(b) that is used for the purposes of a centre-based child care facility, a community facility, an educational establishment, a place of public worship, a recreation area, a recreation facility (indoor), a recreation facility (major) or a recreation facility (outdoor), or</p> <p>(c) that is used for the purposes of restricted premises or sex services premises, or</p> <p>(d) in relation to which development consent has been granted for the purposes of a centre based child care facility, a community facility, an educational establishment, a place of public worship, a recreation area, a recreation facility (indoor), a recreation facility (major), a recreation facility (outdoor), restricted premises or sex service premises.</p> <p>(3) Before granting development consent for the purposes of restricted premises, the consent authority must take into account:</p> <p>(a) the impact of the proposed development on places of high pedestrian activity, and</p> <p>(b) the impact of the proposed development on land frequented by children for care, recreational or cultural purposes, and</p> <p>(c) whether the appearance of the restricted premises is sufficiently discreet.</p>	<p>road from certain zones or facilities.</p> <p>Considerations:</p> <ul style="list-style-type: none"> Impact on places of high pedestrian activity Impact of places frequented by children Whether appearance is sufficiently discreet
The Hills 2012 (CI 7.9)	<p>(1) The objective of this clause is 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.</p>	<p>No fixed restriction on distance rather restriction is that premises cannot be located on land that adjoins land or separated only by a</p>



LOCAL ENVIRONMENTAL PLAN	LEP Provision	Comment
	<p>(2) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road, other than a classified road, from land:</p> <p>(a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or</p> <p>(b) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.</p> <p>(3) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:</p> <p>(a) that adjoins the proposed development, or</p> <p>(b) that can be viewed from the proposed development, or</p> <p>(c) from which a person can view the proposed development.</p>	<p>road from certain zones or facilities.</p> <p>Considerations:</p> <ul style="list-style-type: none"> Impact of premises and hours of operation on places likely to be frequented by children that adjoins or can be viewed from the premises.



APPENDIX 3

Compliance with SEPPs and Ministerial Directions

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1. COMPLIANCE WITH SEPPS AND MINISTERIAL DIRECTIONS

1.1. SEPP

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)	Yes	The PP will not contain provisions that will contradict or would hinder the application of this SEPP, however further review of this will be considered following completion of a study into Affordable Housing.
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.

Suite 6.02, 120 Sussex St, Sydney NSW 2000
P +61 2 8270 3500

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SEPP Title	Consistency	Comment
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

SEPP Title	Consistency	Comment
State Environmental Planning Policy (Urban Renewal) 2010	Yes	The PP will not contain provisions that will contradict or would hinder the 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 of this SEPP.
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	Not applicable

1.2. MINISTERIAL DIRECTION

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.

Direction Title	Consistency	Comment
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 this direction. Noting that certain sites have been identified for removal from the heritage list following a heritage study. The heritage study has identified items which are no longer sufficient to warrant listing.
2.4 Recreation Vehicle Areas	Yes	The PP will not contain provisions that contradict or hinder the protection of sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. As such the PP remains consistent with this direction.
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

Direction Title	Consistency	Comment
		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	
5.6 - Revoked	n/a	
5.7 - Revoked	n/a	
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

Direction Title	Consistency	Comment
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



APPENDIX 4

LEP Workshop Summary

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Cumberland Local Environment Plan - Workshop Summary

Workshop 1 - Development Assessment

Key Discussion Topics	Comments
Site Area	<ul style="list-style-type: none"> Should site area be controlled through LEP provisions. Consolidation and amalgamation across all zones. Fragmented land ownership in Auburn and Lidcombe town centres. Incentive to consolidate required - e.g. increased FSR permitted if consolidation is achieved. Parramatta approach is larger your site, larger the FSR bonus. Control of site frontages may need to be controlled across the LEP & DCP.
Clause 4.6	<ul style="list-style-type: none"> Predominately regarding height. Occurring in all zones, but in terms of height in R4 onwards it is usually lift-over run. Generally, Council strictly apply height controls in terms of cl.4.6
Design Excellence	<ul style="list-style-type: none"> Design Excellence is a priority across all LGA. Bonus provisions currently in place for Wentworthville. Merrylands LEP amendment proposal is post-gateway. Design Excellence Panel - Guidance from 2017. Interim policy adopted April 2019. Multiple layers of bonus provision. In situations where the DE panel is satisfied a development proposal exhibits DE, a DE Certificate will be issued to the applicant with or without recommended amendments. The certificate must be submitted with the lodgement of a formal DA. Not many seeking to amend FSR, more likely where VPA involved.
Subdivision	<ul style="list-style-type: none"> Only recently permitted in Auburn. Auburn requires a minimum frontage - minimum site area of 450sqm for dual occ's.
Land Dedication	<ul style="list-style-type: none"> Process is not explicit. Holroyd has a lot of laneways (dealt with in DCP). Primary land dedication mechanism.
Heritage	<ul style="list-style-type: none"> The heritage study will be phased and therefore at this point the focus is harmonisation. 10 of the existing sites may be de-listed.
Permissibility	<ul style="list-style-type: none"> General complaints include permissibility of RFB's in B4 and B6 especially on the zone interfaces.

Suite 6.02, 120 Sussex St, Sydney NSW 2000
P +61 2 8270 3500
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Key Discussion Topics	Comments
	<ul style="list-style-type: none"> Ability to provide vertical seniors housing cannot rely on the SEPP. Application of SP zones across three LEPs. Places of Public Worship (Note: only 6 application consents in R2 in the last 10 years). Boarding Houses Sex Services / Restricted Premises (Note: not a key issue).
General	<ul style="list-style-type: none"> Auburn is the first, which closely follows the standard instrument with little variation. Parramatta was a modified version of the standard instrument and Holroyd LEP is the most flexible as it was approved last.

Workshop 2 - Strategic Planning

Key Discussion Topics	Comments
FSR	<ul style="list-style-type: none"> Generally, in town centres and seeking greater yield. Auburn & Lidcombe, the aim is to use urban design review to increase heights but not FSR. Impact of surrounding LGA approach. Western part of LGA e.g. Wentworthville planning proposals are seeking significant FSR/Height changes using the argument that urban form from Parramatta should be continued across the boundary. Seniors housing. State government land. In response to isolated site, offer a sliding scale approach to FSR i.e. bigger site, bigger FSR allowance. Planning proposal currently being considered to increase heights.
SEPPs	<ul style="list-style-type: none"> Compliance with the SEPPs key.
Design Excellence	<ul style="list-style-type: none"> Lidcombe DCP intended to have a design excellence provision and commercial floorspace bonus. Design Excellence needs to be defined.
Education	<ul style="list-style-type: none"> Department have identified a need for education. Not many opportunities for education sites in Cumberland.
State-owned sites	<ul style="list-style-type: none"> State government are keen to get an economic return on their sites.



Key Discussion Topics	Comments
GSC	<ul style="list-style-type: none"> Needs to be more reactive. Time scales are too long for emerging industries. Involved in conversation regarding open space land which forms part of the GPOP area.
Industrial Pockets	<ul style="list-style-type: none"> We do have a lot of industrial land, but they are not large pockets. Isolated industrial zoned land.
Isolated Sites / site frontage	<ul style="list-style-type: none"> Isolated pockets of land do not have great economic or employment value. Two different types of site area issues - it the town centres and industrial land. Town centres have fragmented ownership, which if a minimum sites area is applied could be constraint to development and renewal.
LEP Aims and the LSPS	<ul style="list-style-type: none"> Does the LSPS reflect the differences between Cumberland and Parramatta? Not a lot of feedback on LSPS from GSC however positive feedback received on "Health Check". Detailed feedback has not yet been received on public consultation. Landowners input is focussed on how is addresses their land rather than overarching strategy. The LEP aims should reflect the LSPS aims. Lidcombe town centre is a focus.
Industrial Areas - Artisan	<ul style="list-style-type: none"> Industrial artisan precincts are something which is good for us to build upon in the right location. Use artisan offering to protect the industrial areas e.g. Toohey's brewery. Access to industrial areas with this offering is key - they need to be close to the residential areas. Industrial areas with ancillary retail offering which are isolated from residential areas only encourage people to drive. Issue - permit everywhere or decide at a lower level.
VPA Policy	<ul style="list-style-type: none"> Council has a strong VPA policy (50% of uplift).
Affordable Housing	<ul style="list-style-type: none"> AFH LEP clause is needed and we can then progress identifying the areas of need. 15% of the VPA 50% is to be provided as AFH and dedicated to the LGA.
Secondary Dwellings / Dual Occupation	<ul style="list-style-type: none"> Current planning proposal with a 600sqm (2.5% variance) dual occupation control, however reducing to 585sqm is currently being considered. A large number of secondary dwelling applications received in comparison to limited dual occupation applications.



Key Discussion Topics	Comments
	<ul style="list-style-type: none"> Code will potentially release a large number of potential residential development lots
General	<ul style="list-style-type: none"> Clarity on LEP Definitions. Councillors have clear view on their favourite DCP (Holroyd). Limited reference should be made to the district plan. LEP needs to not be too prescriptive as this leads to cl.4.6, the DCP can provide the detail. Re-zoning to be considered at a later date. Smart Cities and Environmental issues are not currently on the political agenda.

Workshop 3 - Legal

Key Discussion Topics	Comments
Inconsistencies	<ul style="list-style-type: none"> Seeking consistency and uniformity. Parramatta dual occupation provisions and street frontages. Objectives. Subdivision provisions. Permissible uses. Zone interface differences - usability. Aligning with Codes SEPP.
Objectives	<ul style="list-style-type: none"> Measurable and understandable objectives. Objectives needs to be defensible in court. Strength of objectives.
Subdivision	<ul style="list-style-type: none"> Strata subdivision without over-detailed lots size requirements. Uniformity of controls required.
Permissible Uses	<ul style="list-style-type: none"> RFBs and shop-top housing on the fringes of centre. What does commercial mean? Boarding houses permitted in Holroyd but not Auburn.



Key Discussion Topics	Comments
Key issues	<ul style="list-style-type: none"> CL4.6 is usually only for FSR and height. LEP interpretation does not often result in court action whereas DCP interpretation has led to a number of court actions. Court actions relating to SEPP 65 i.e. multi-unit housing, town centres, DCP design controls. Consistency and provisions required in relation to secondary dwellings, boarding housing, AFH, places of public worship, childcare centres and town centres.
Site Isolation	<ul style="list-style-type: none"> Site area provisions should not be in the LEP, detail should be included in the DCP controls. Site amalgamation is a design outcome and therefore should be in the DCP. Planning assessment focusses of lot isolation guidance from Land & Environment Court. Important to be clear what are development standards within the LEP.

Workshop 4 - Property Development

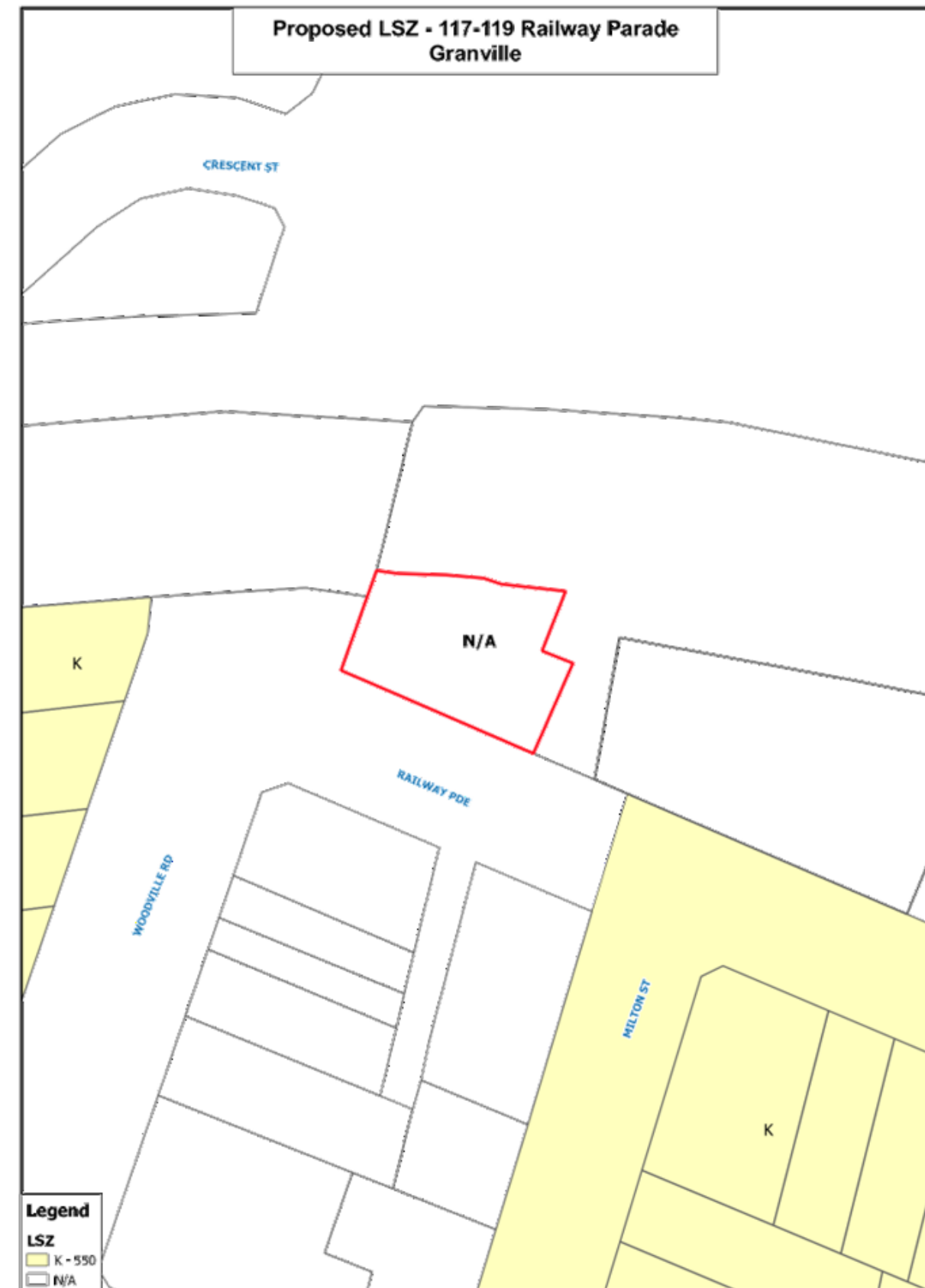
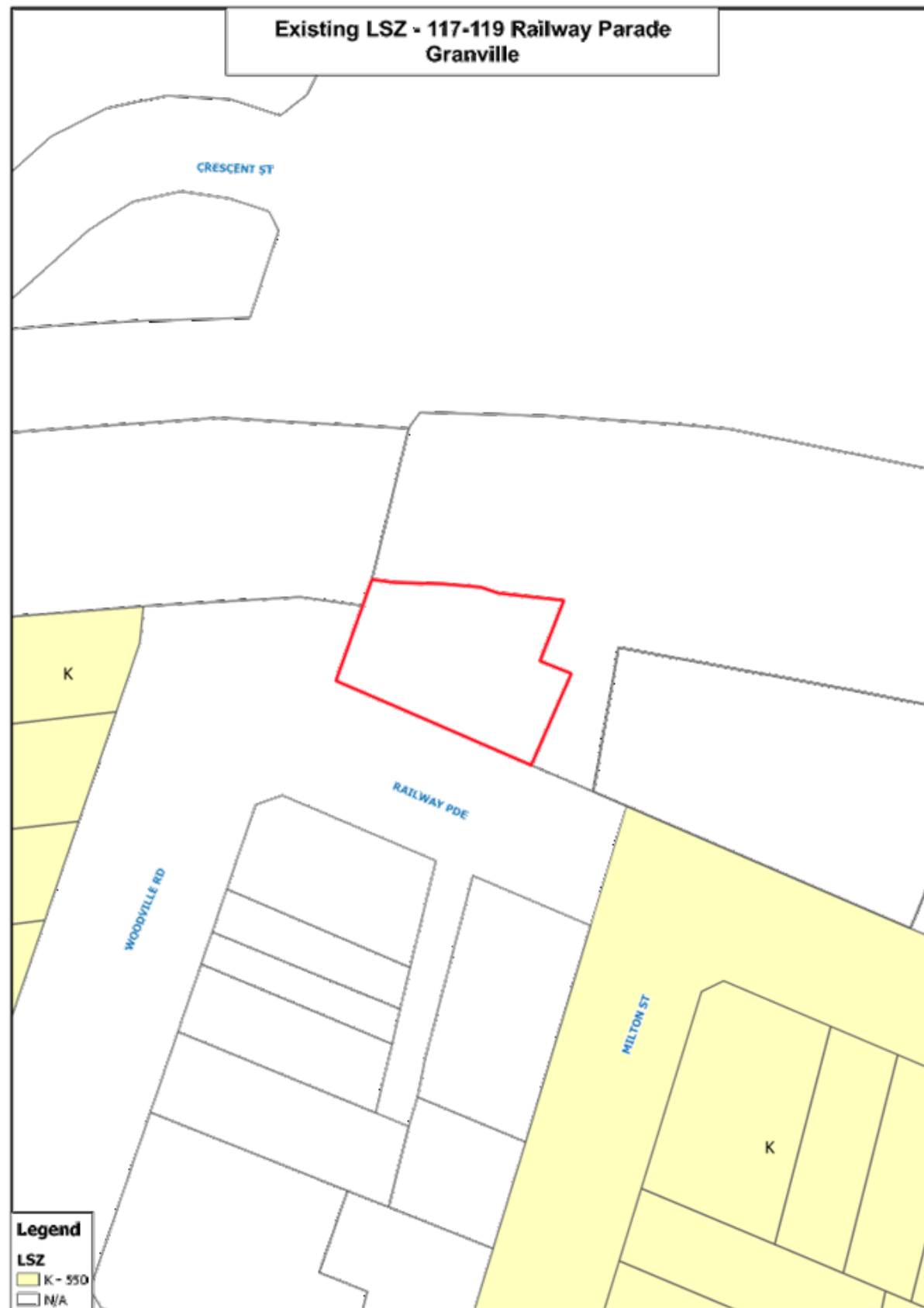
Key Discussion Topics	Comments
Strategic Plan	<ul style="list-style-type: none"> 2000 parcels, with 300 operational lots. PWC have undertaken a capital real estate strategy. Concerns over quality of database. Opportunities e.g. Merrylands revitalisation and business case for new Council offices.

LEP Workshop Key Findings and Action Points

Key Findings	Action Points
Intent	<ul style="list-style-type: none"> Consistent and clear aims of the LEP to prepared and agreed. Reflect the aims and actions of the Local Strategic Planning Statement.

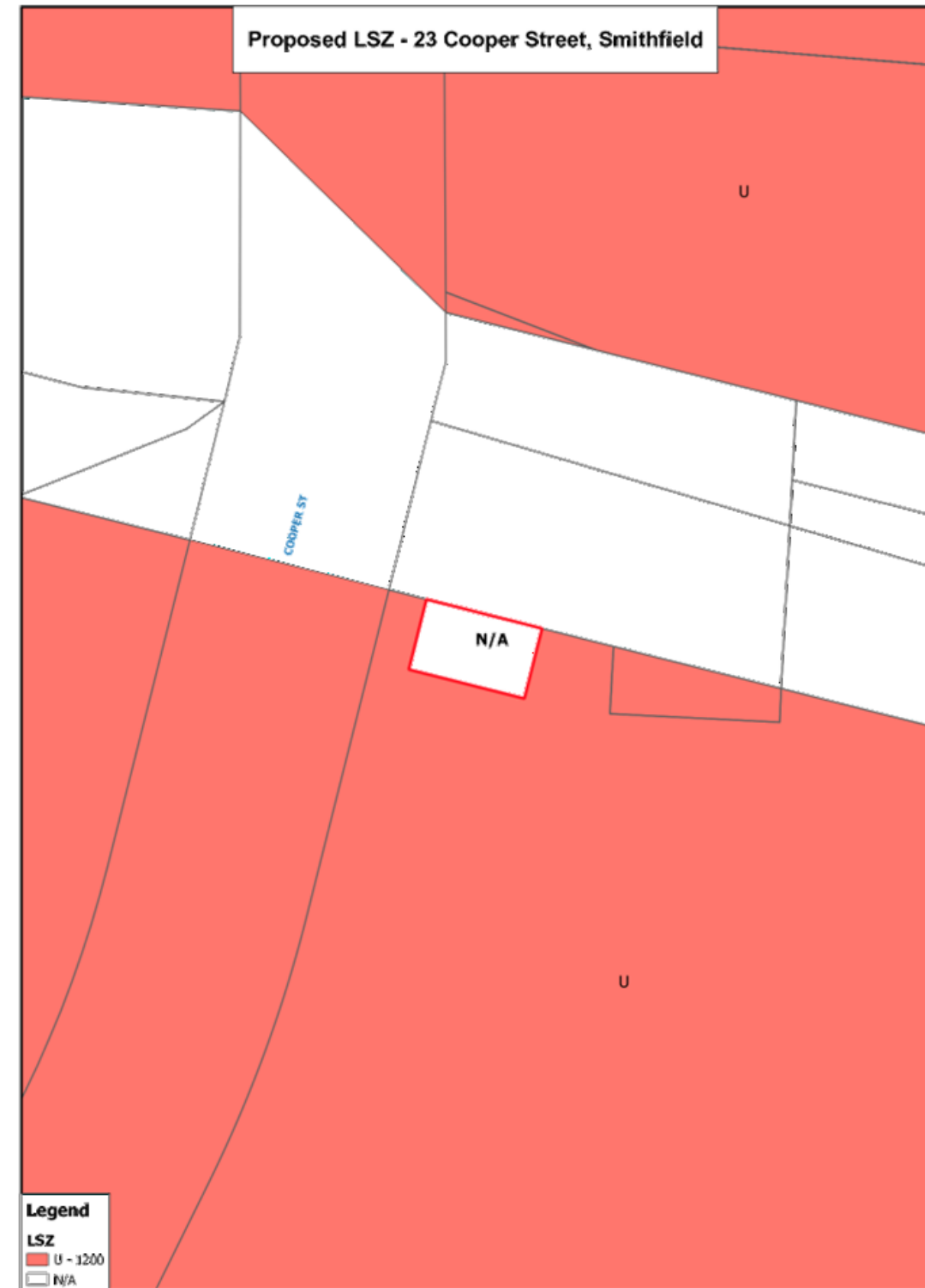
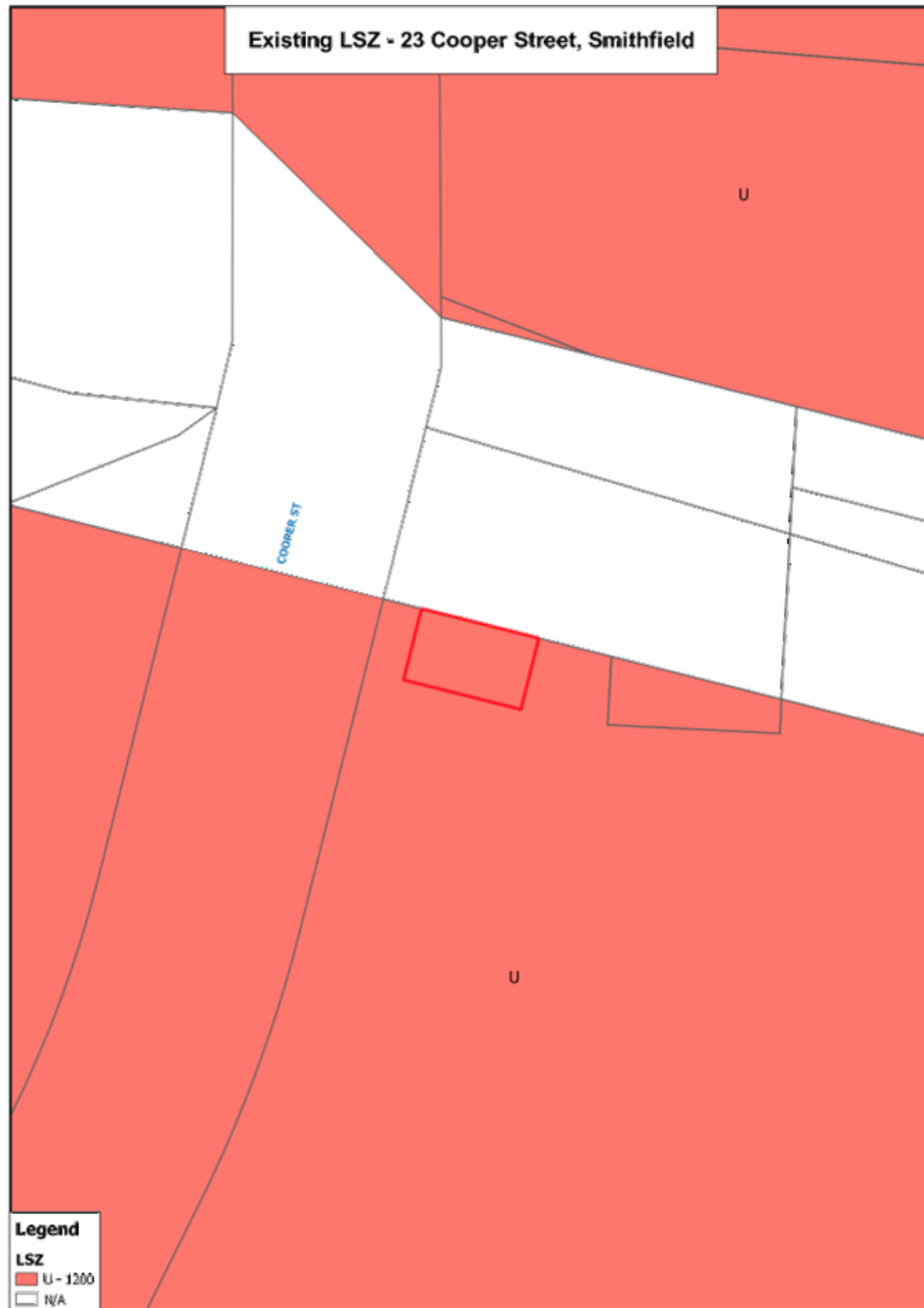


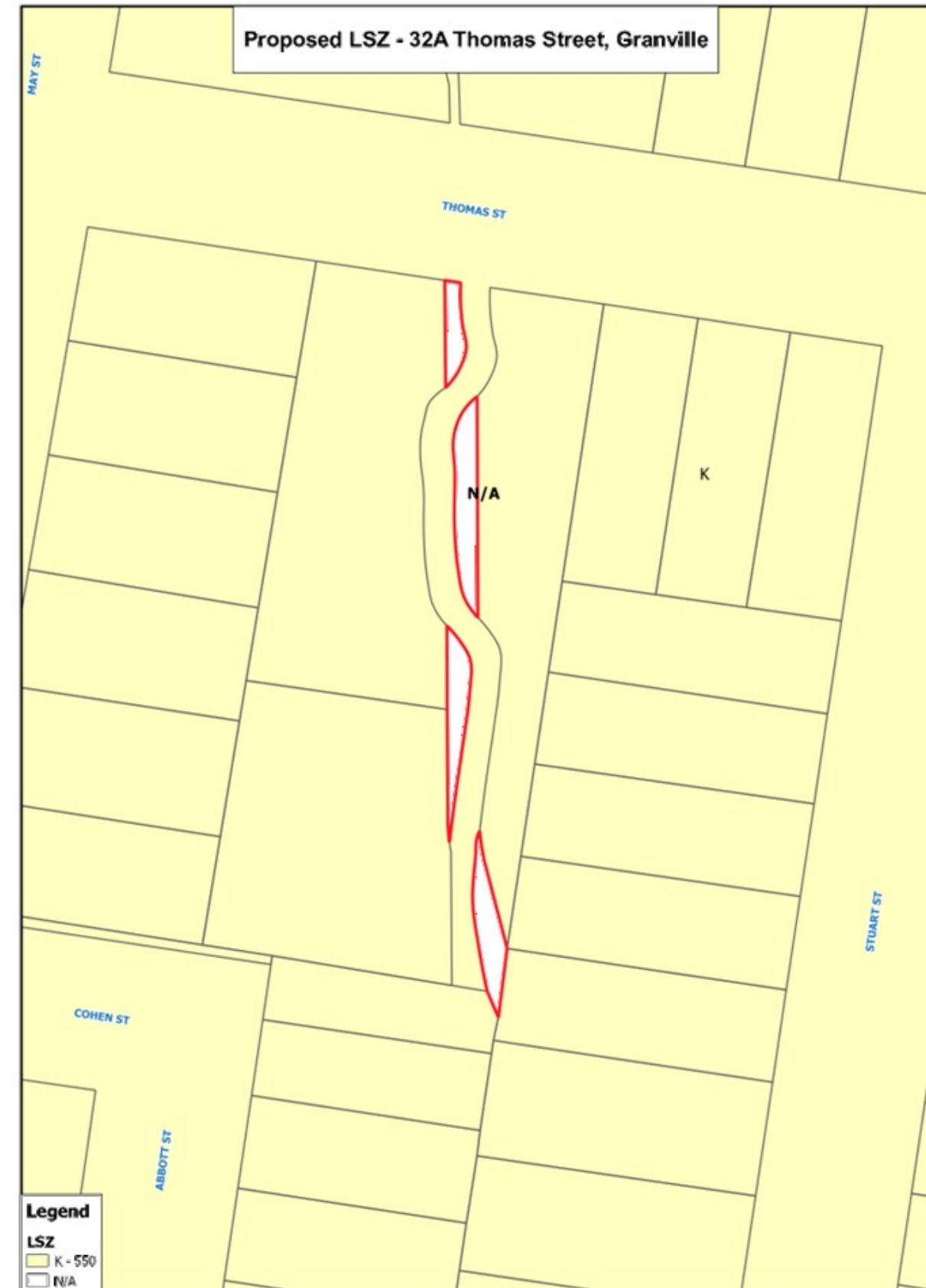
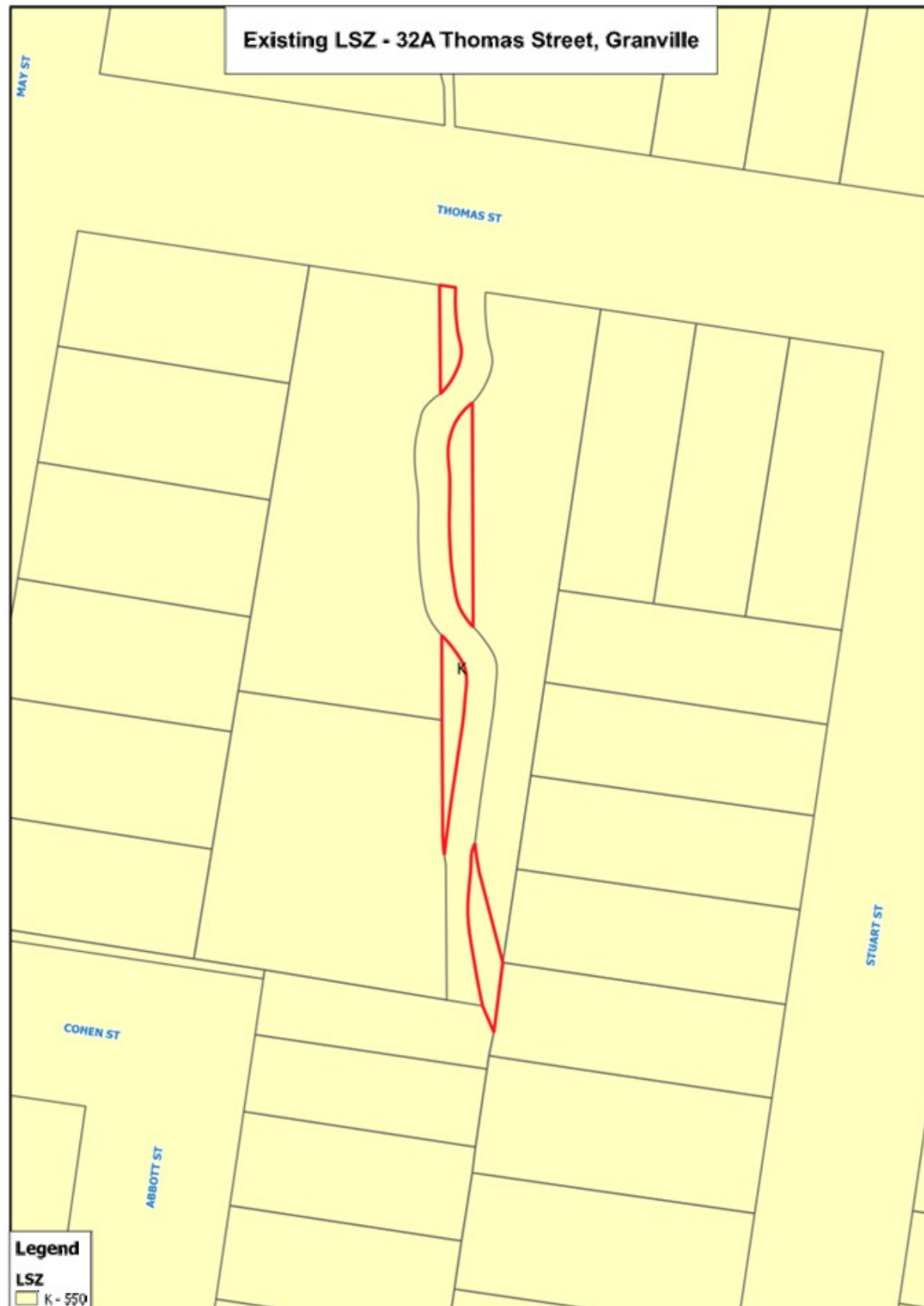
Key Findings	Action Points
<p><i>Harmonisation and consolidation of new areas into a new LGA, redefining their focus, policy and moving into a more sophisticated local government. Be "the Inner West of Western Sydney".</i></p>	
<p>Design Excellence</p> <p><i>"A priority across the LGA"</i></p>	<ul style="list-style-type: none"> ▪ A hybrid approach to design excellence including; <ul style="list-style-type: none"> ▫ Tailored design excellence requirements ▫ Precinct-based approach ▫ Design Advisory Panel with statutory endorsement.
<p>Objectives</p> <p><i>"Measurable and understandable"</i></p>	<ul style="list-style-type: none"> ▪ Use of standard objectives unless a zone or provision specifically requires an additional objective to achieve the policy strategy of the LGA.
<p>Affordable Housing</p> <p><i>"There is a need across the LGA"</i></p>	<ul style="list-style-type: none"> ▪ Affordable Housing Study to be completed and to provide recommendations; ▪ Feasibility of an affordable housing contribution scheme in LGA to be further considered.
<p>Consistency of Zone Standards</p> <p><i>"Uniformity and consistency"</i></p>	<ul style="list-style-type: none"> ▪ Clarity to be provided as to which provisions are development standards and therefore cannot be varied under Clause 4.6 ▪ Consistent and harmonised objectives to be agreed for all zones.
<p>LEP & LSPS</p> <p><i>"a need to distinguish from the surrounding LGAs"</i></p>	<ul style="list-style-type: none"> ▪ A clear harmonised approach to be prepared with controls which reflect the new LGA priorities.
<p>SEPPs</p> <p><i>"no need for differing local controls when a higher order / instrument in force"</i></p>	<ul style="list-style-type: none"> ▪ Review of SEPP standards against proposed LEP provisions.

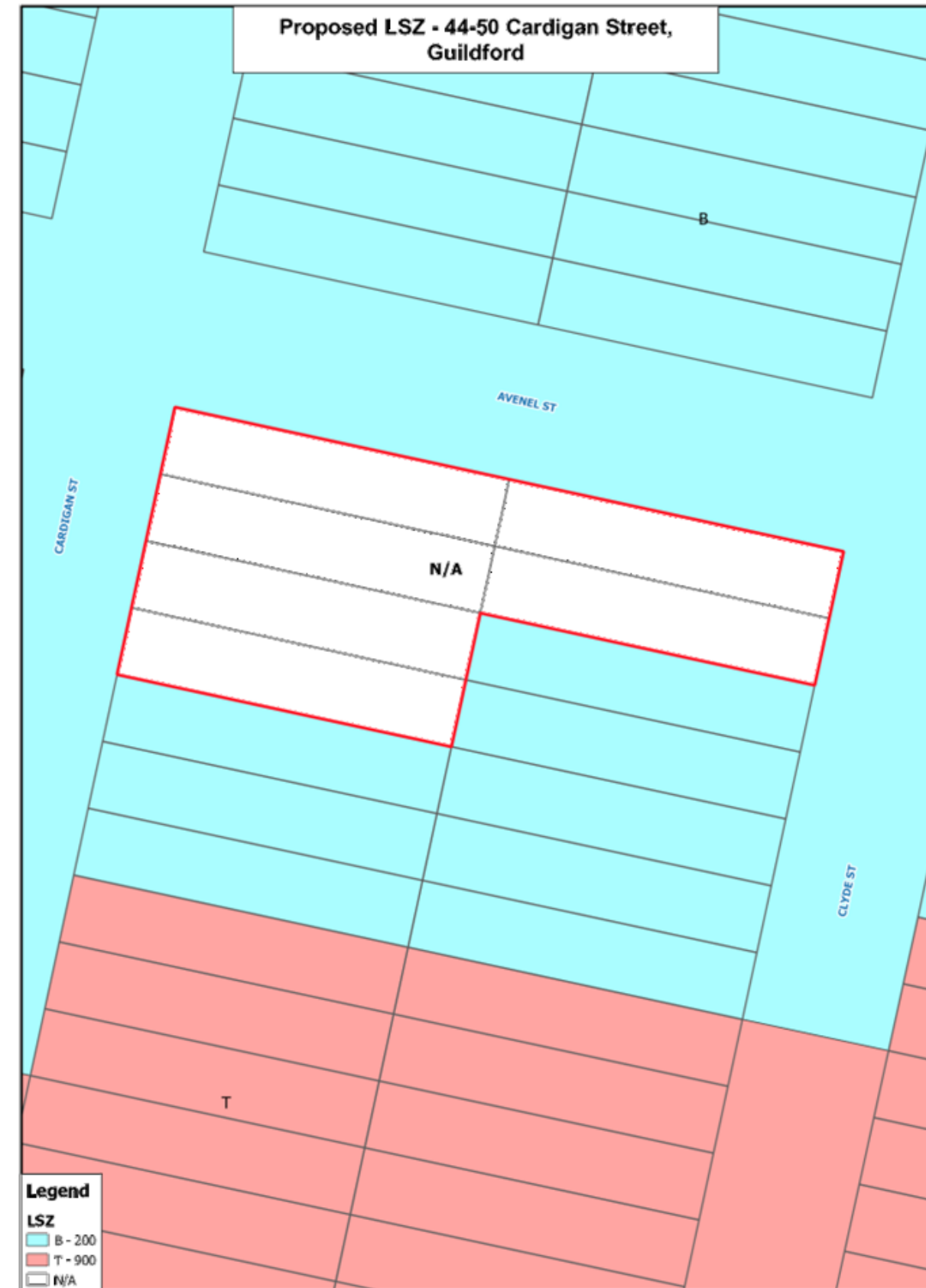






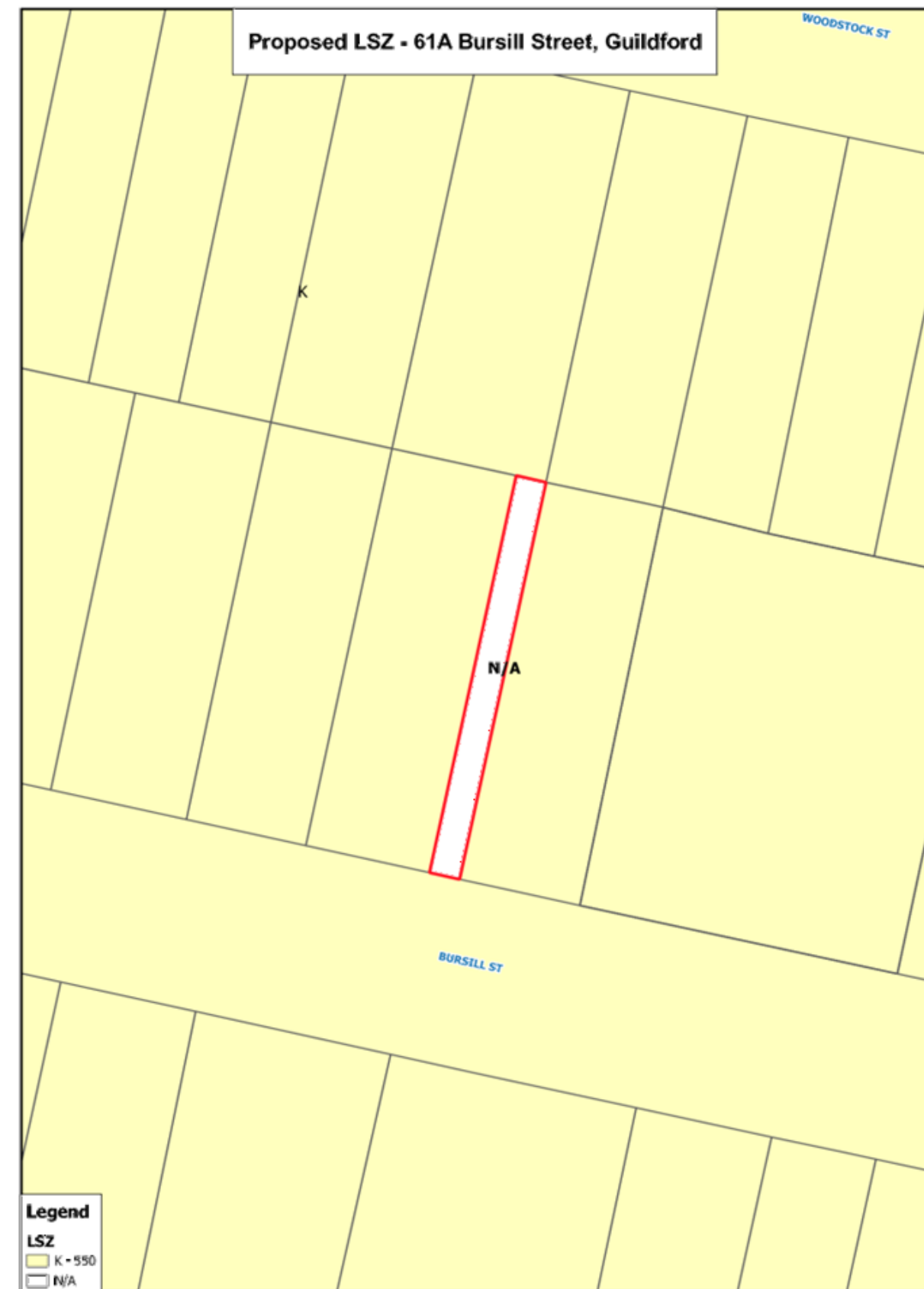
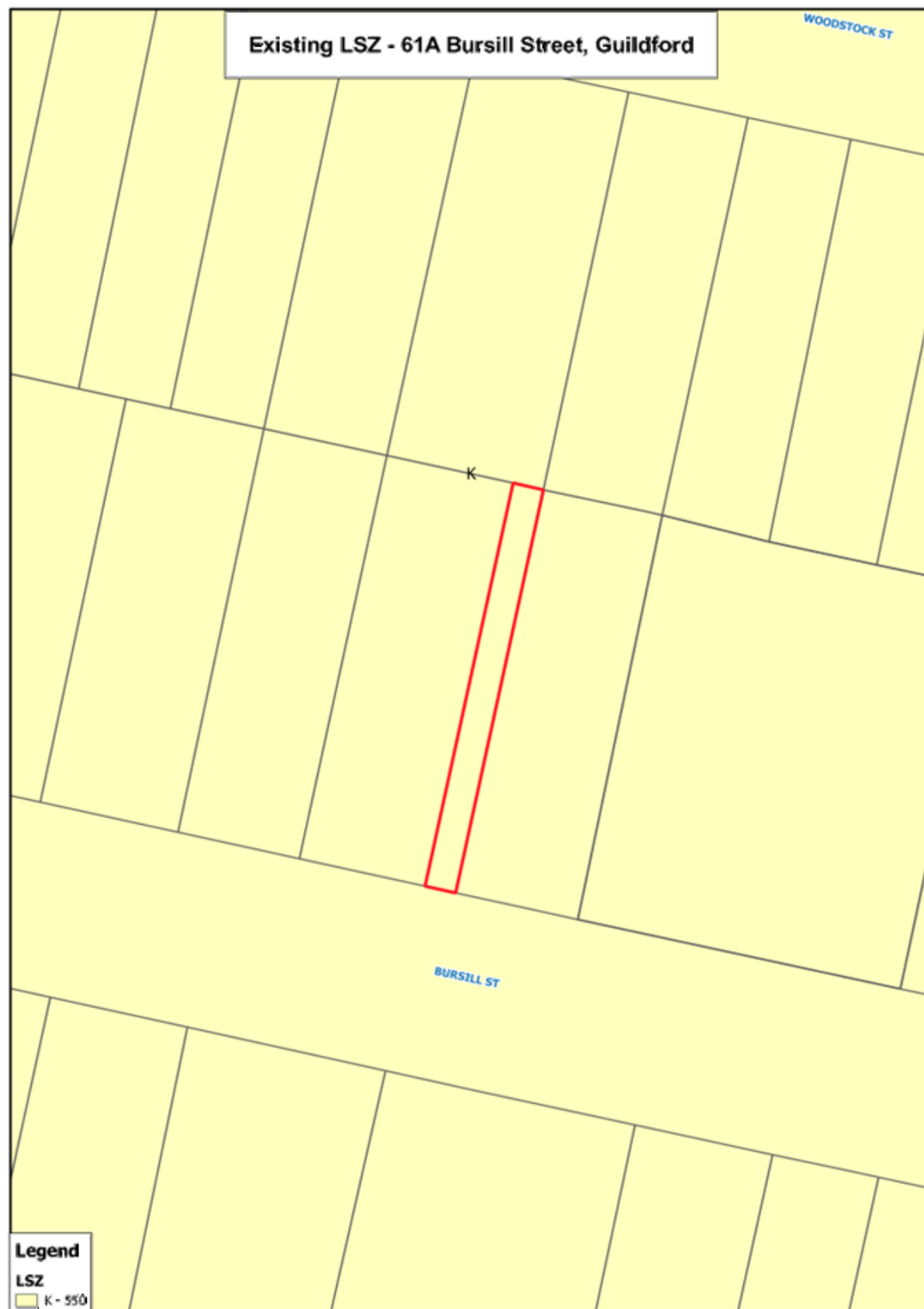




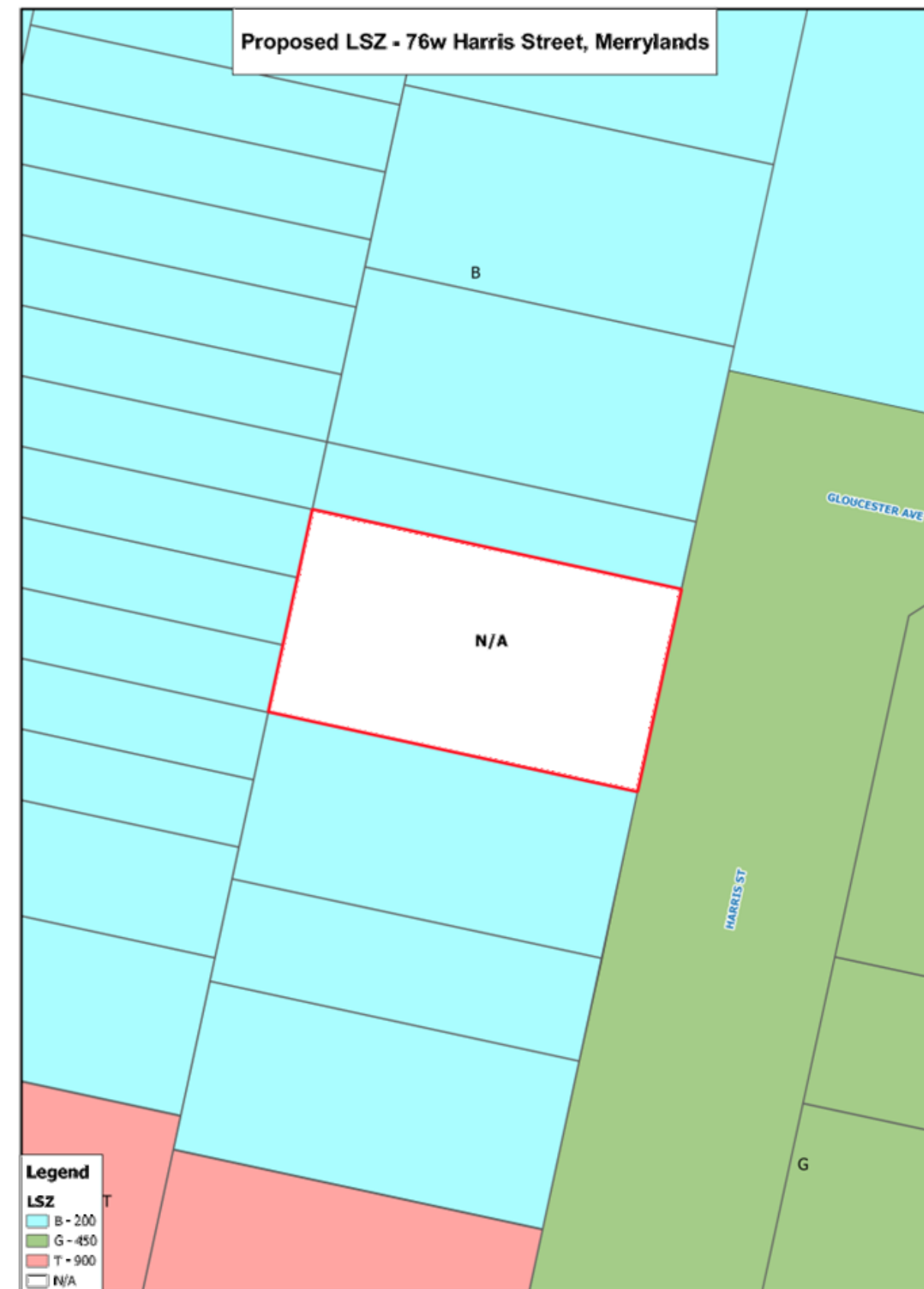




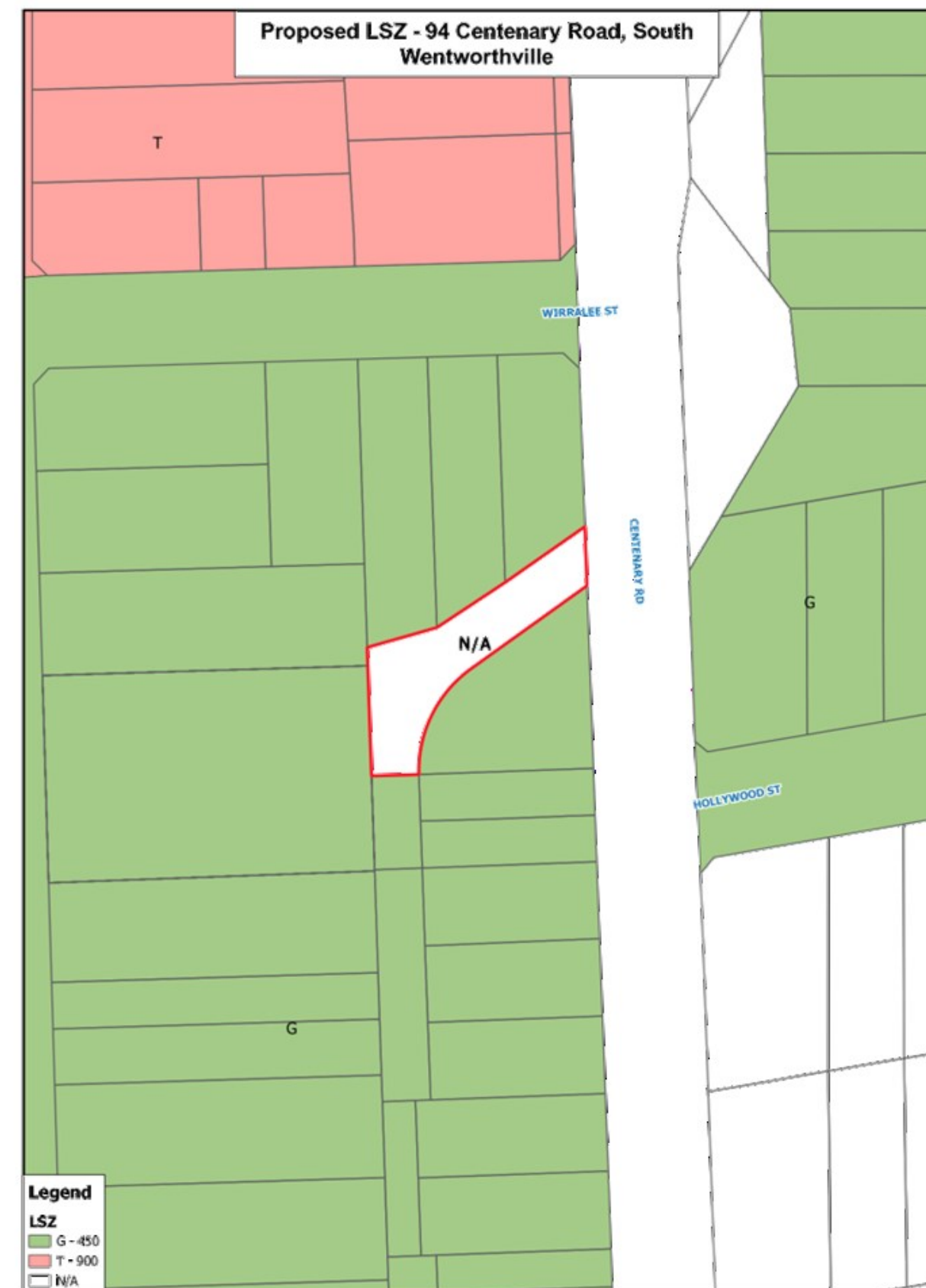
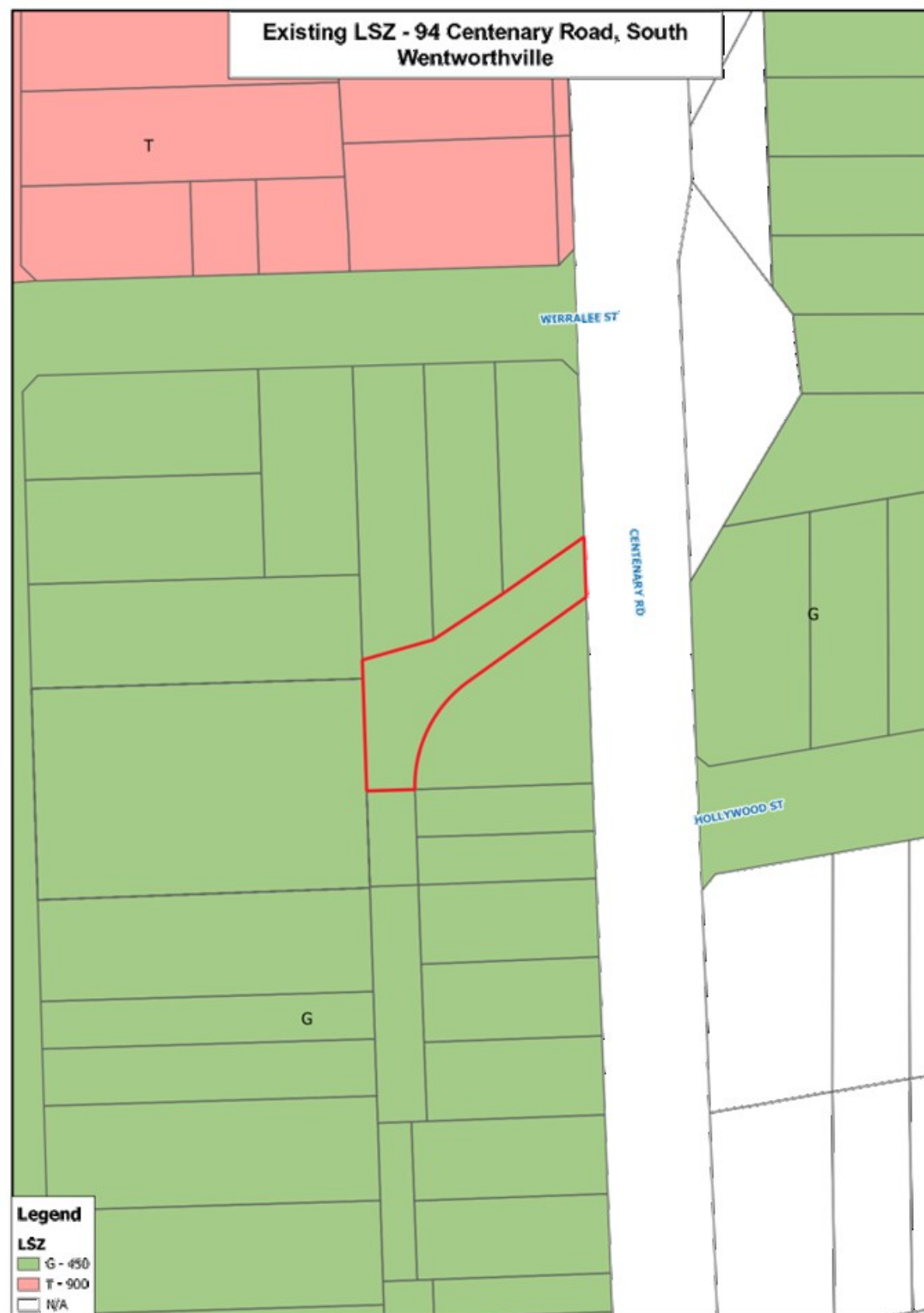


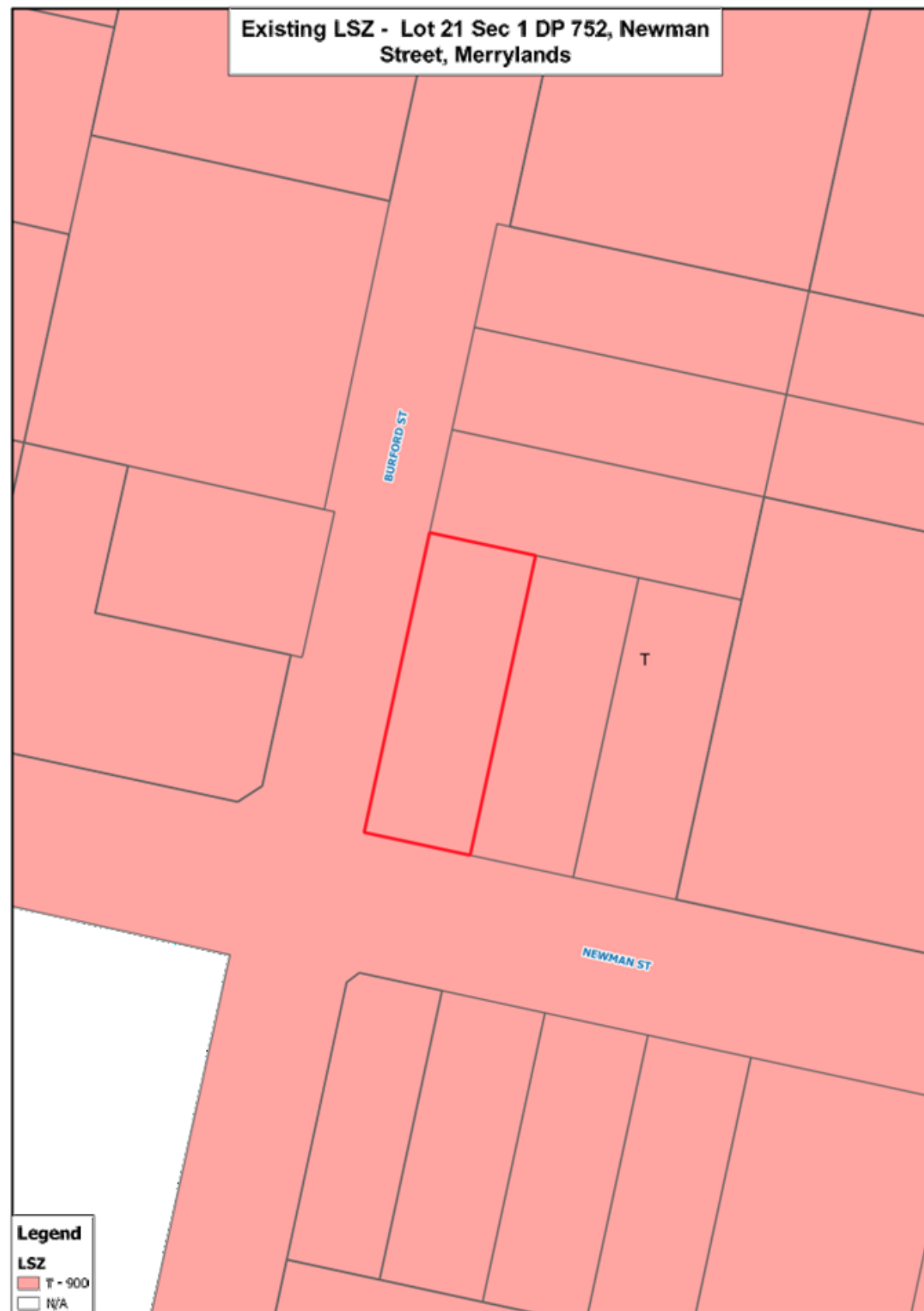




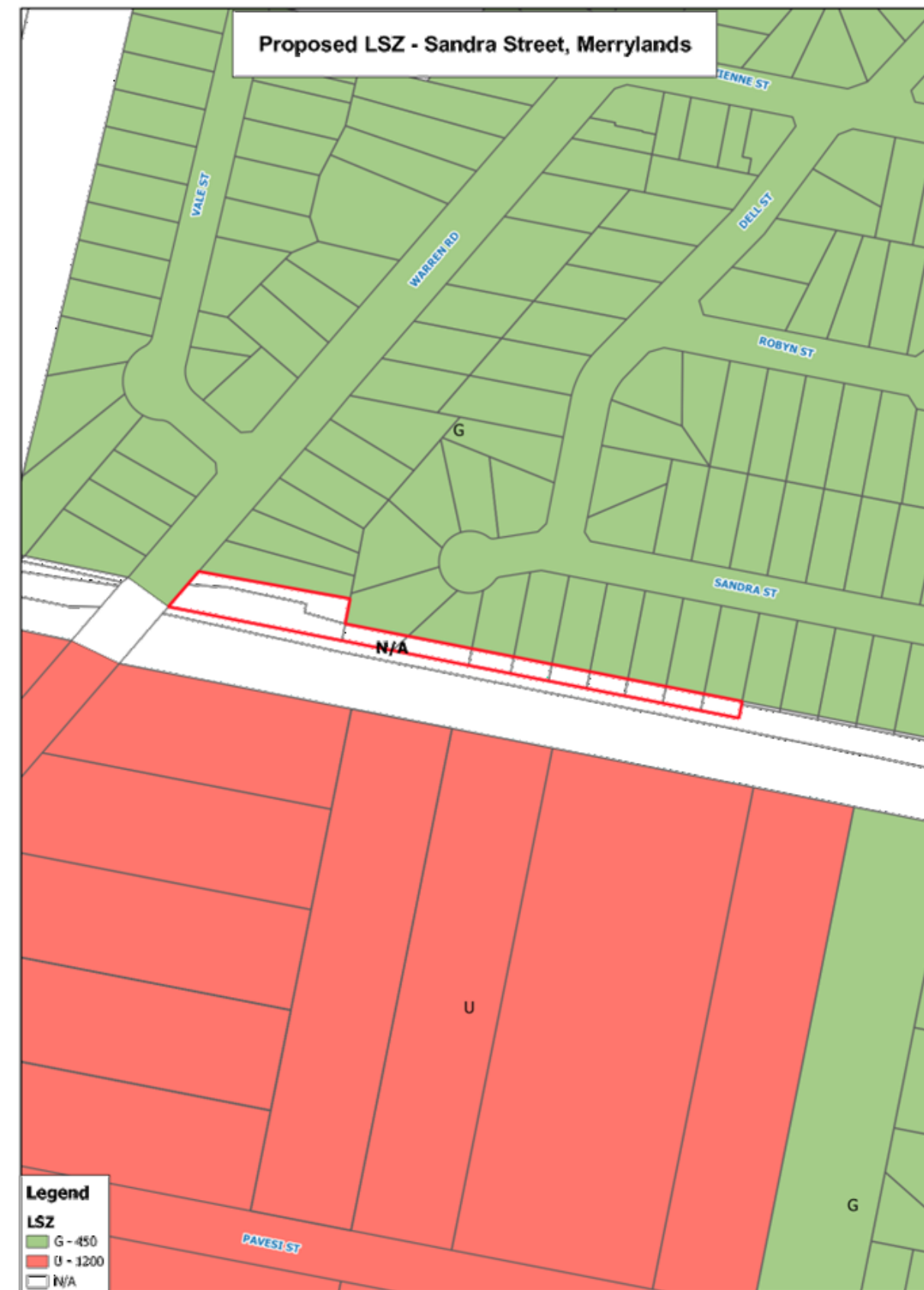




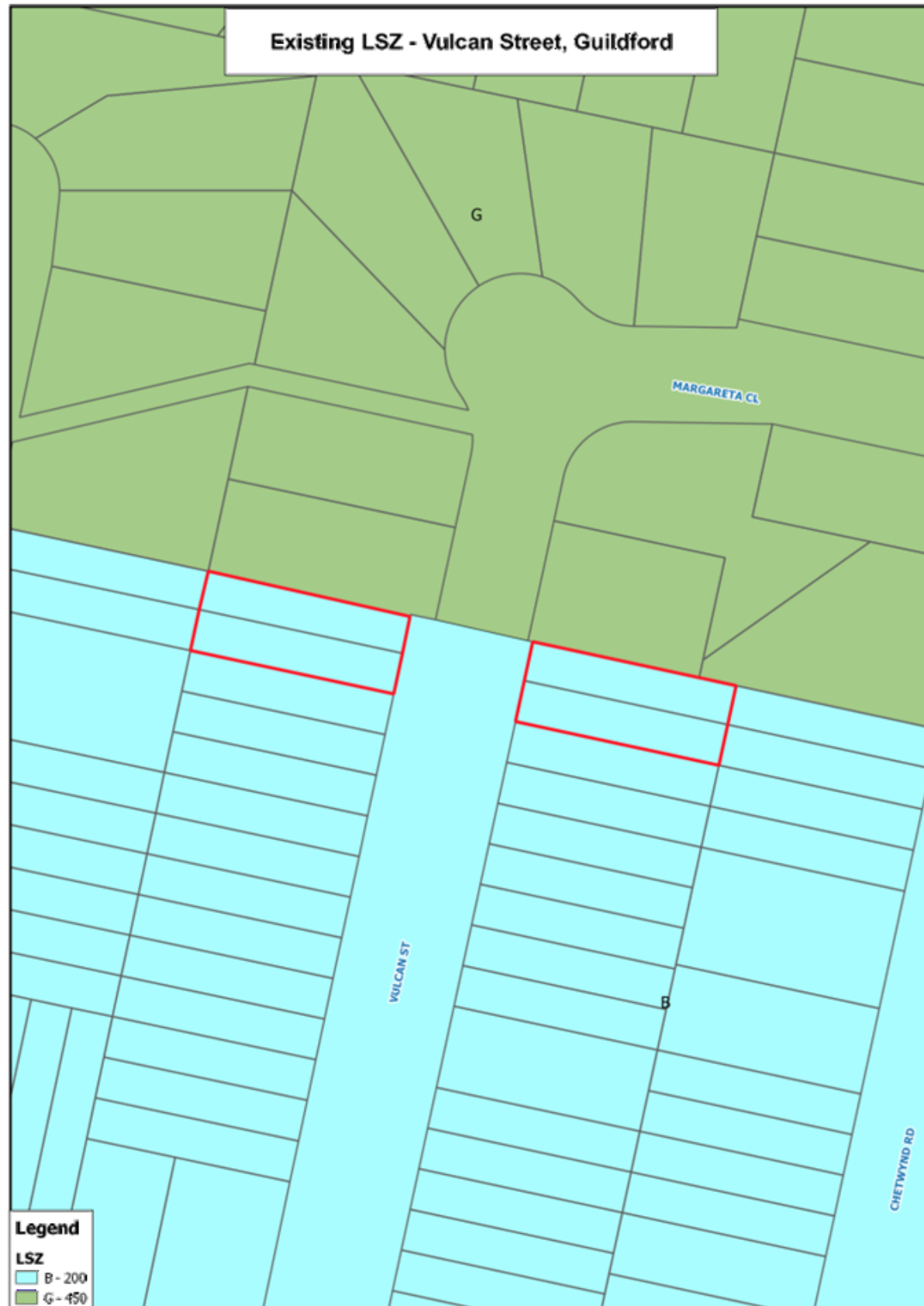


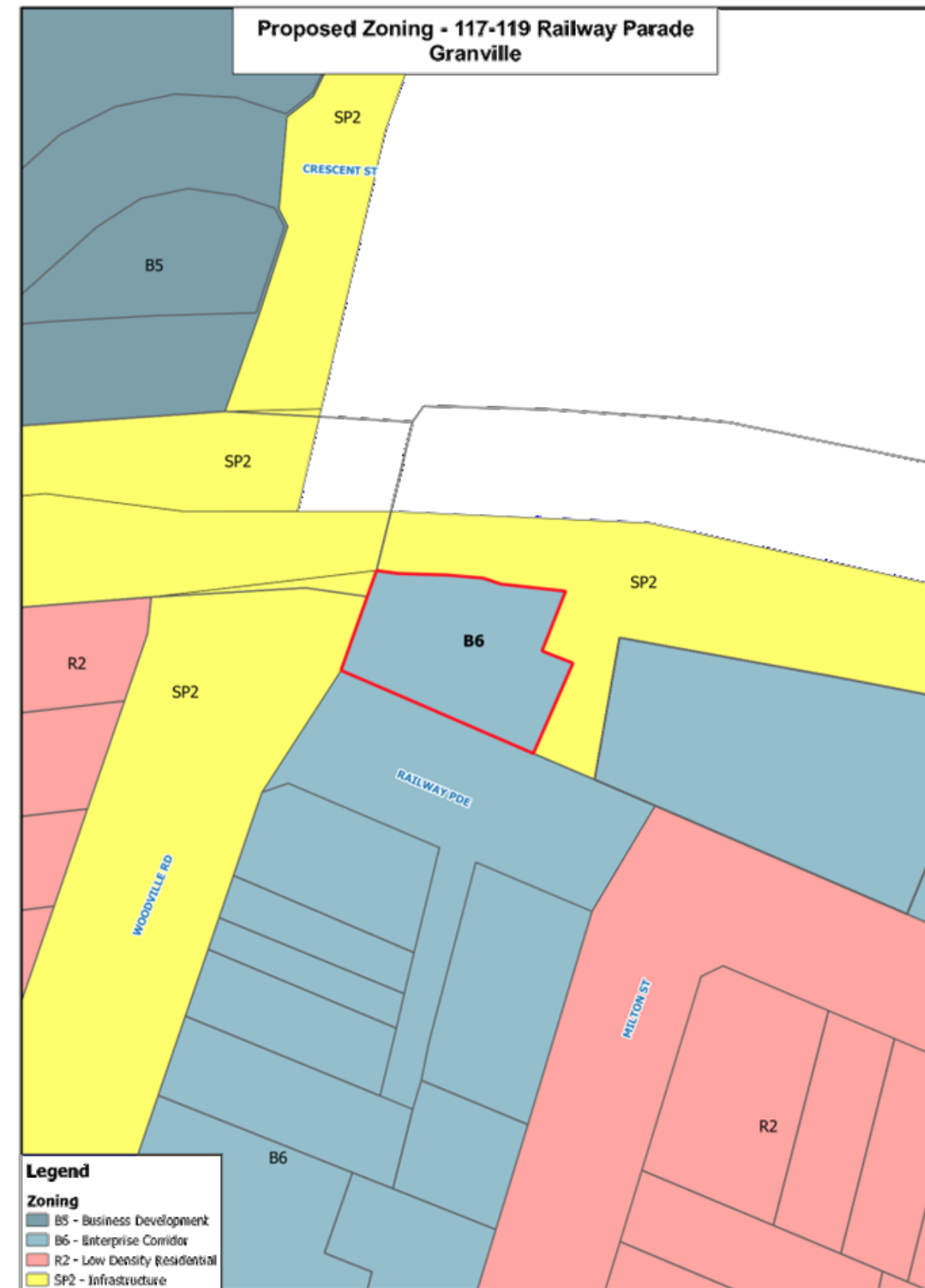
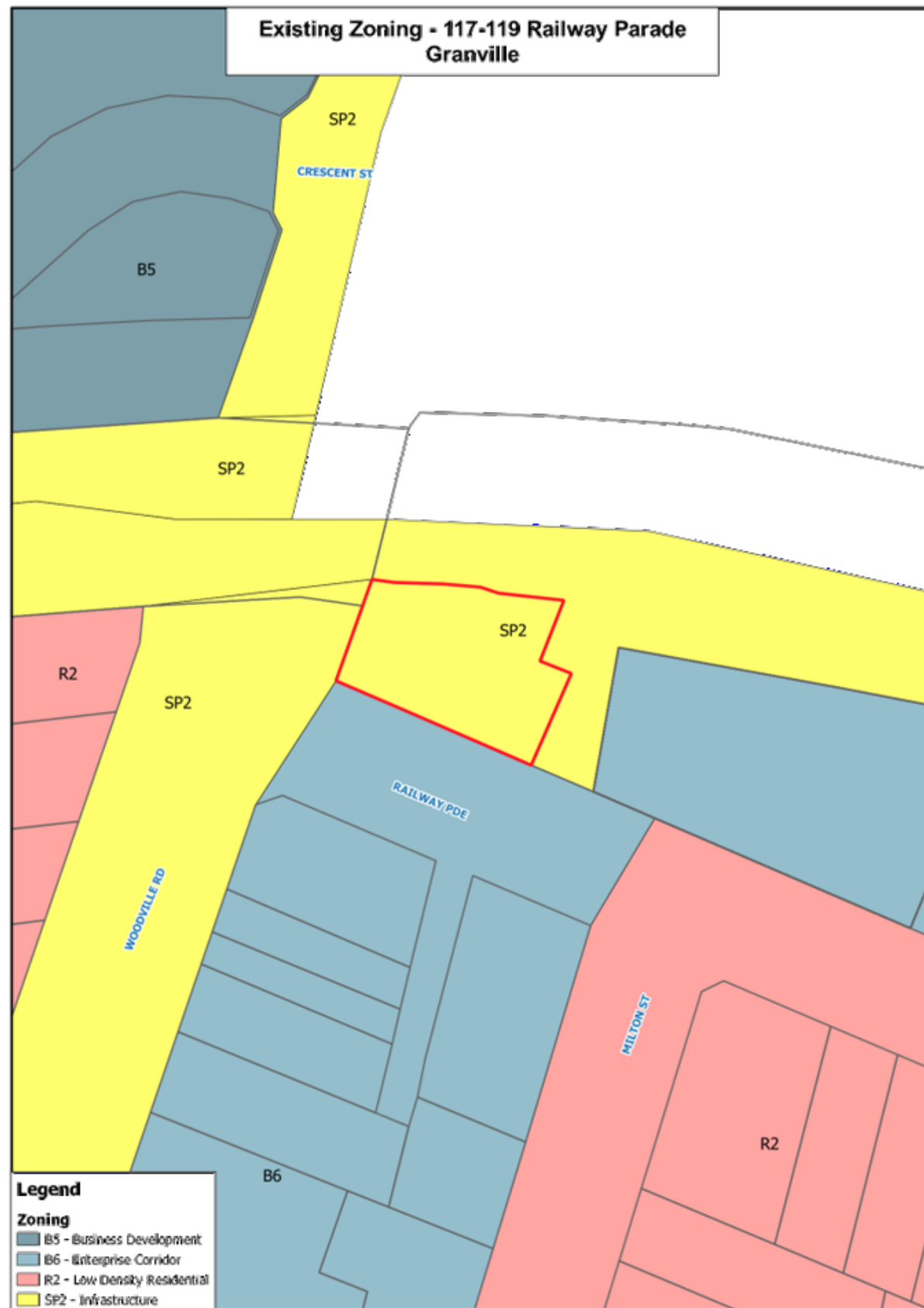


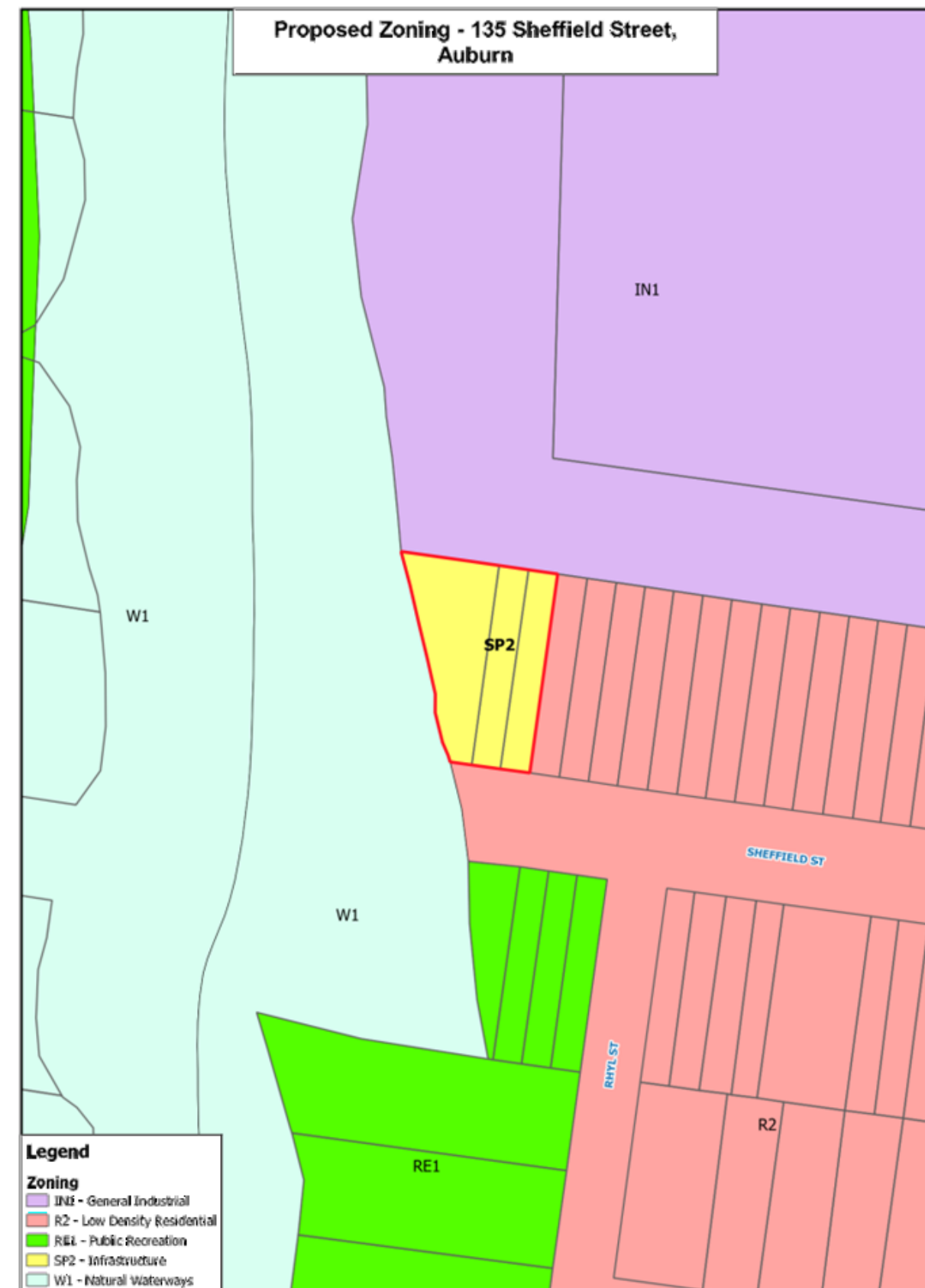
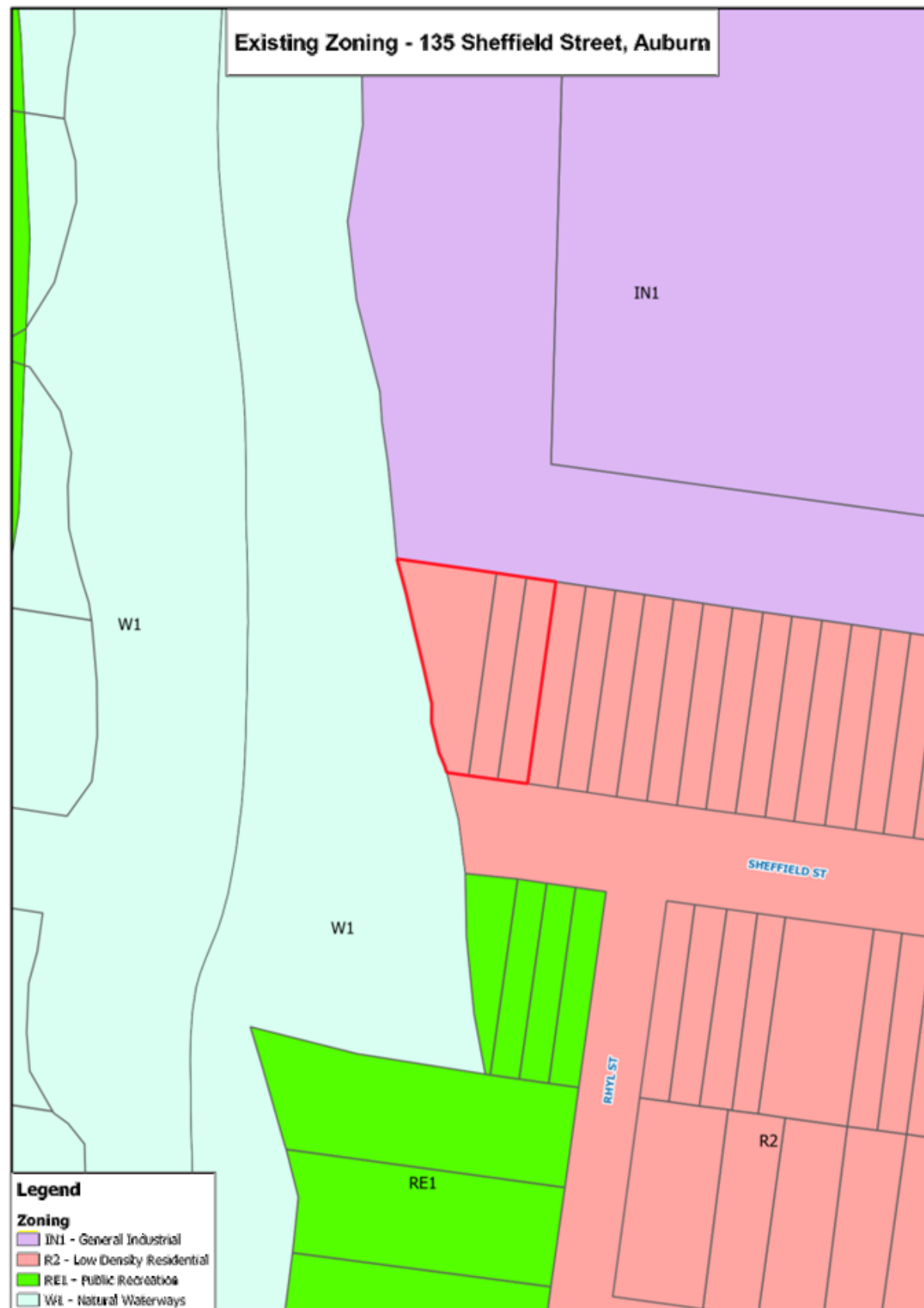


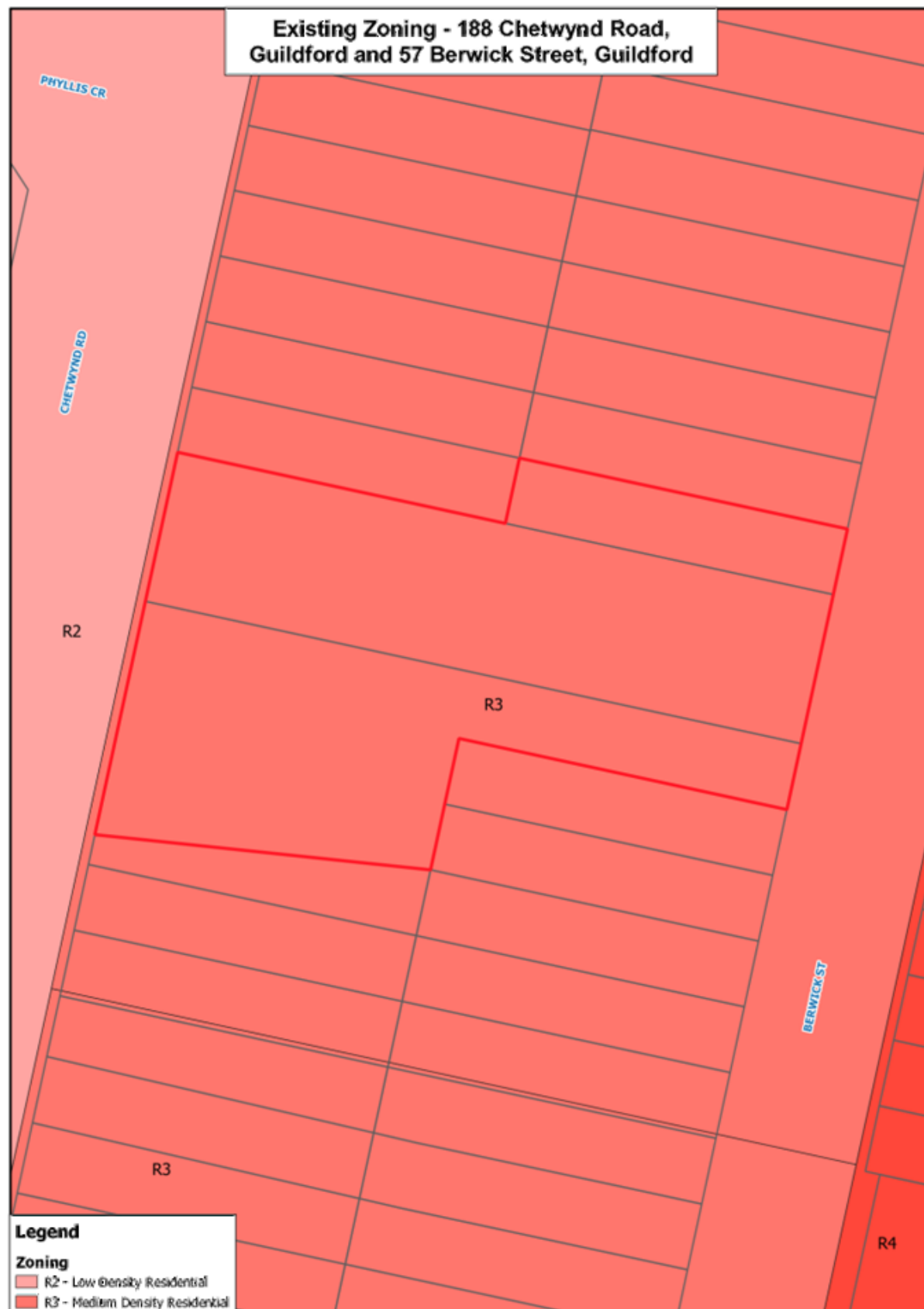


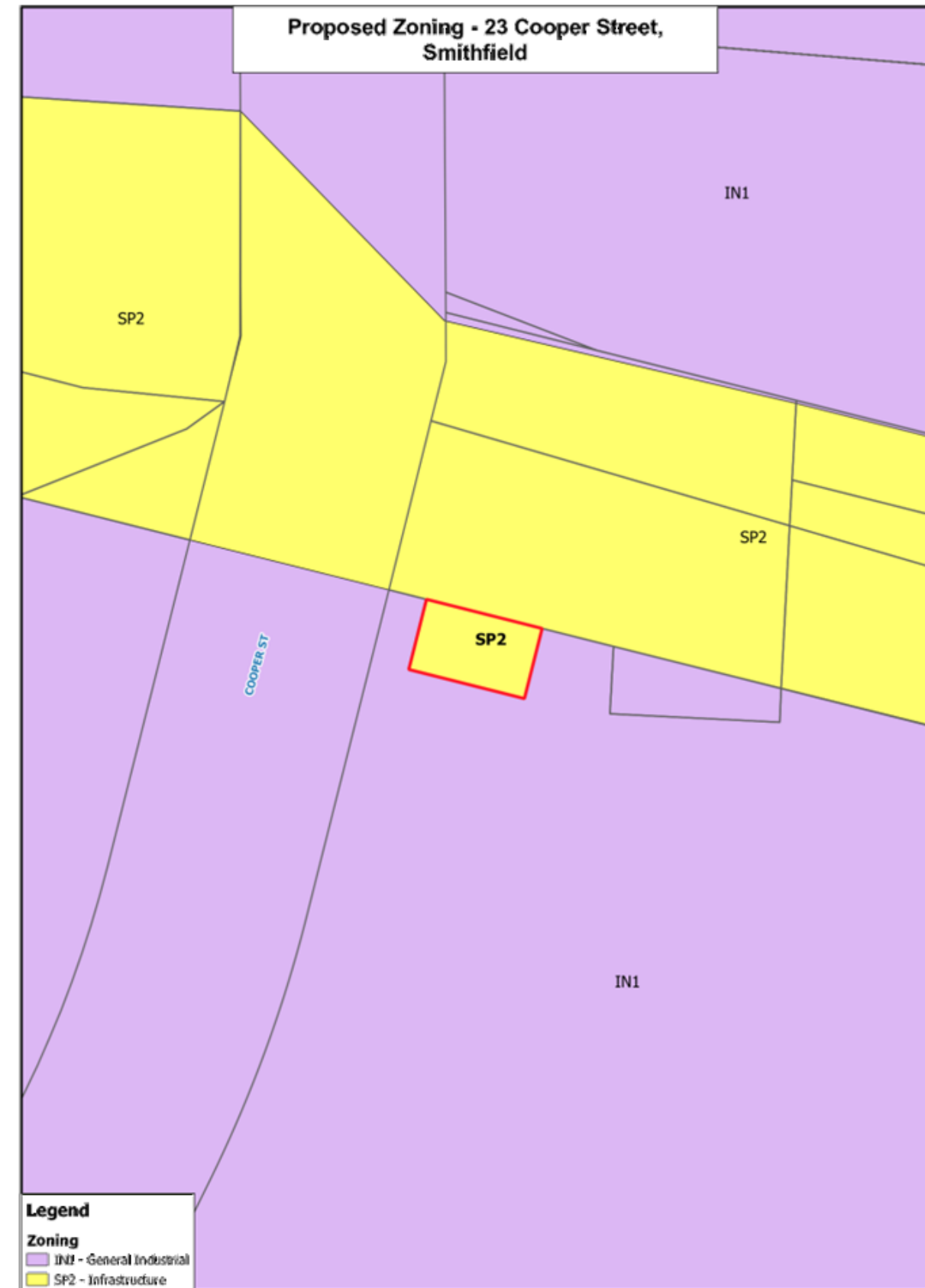
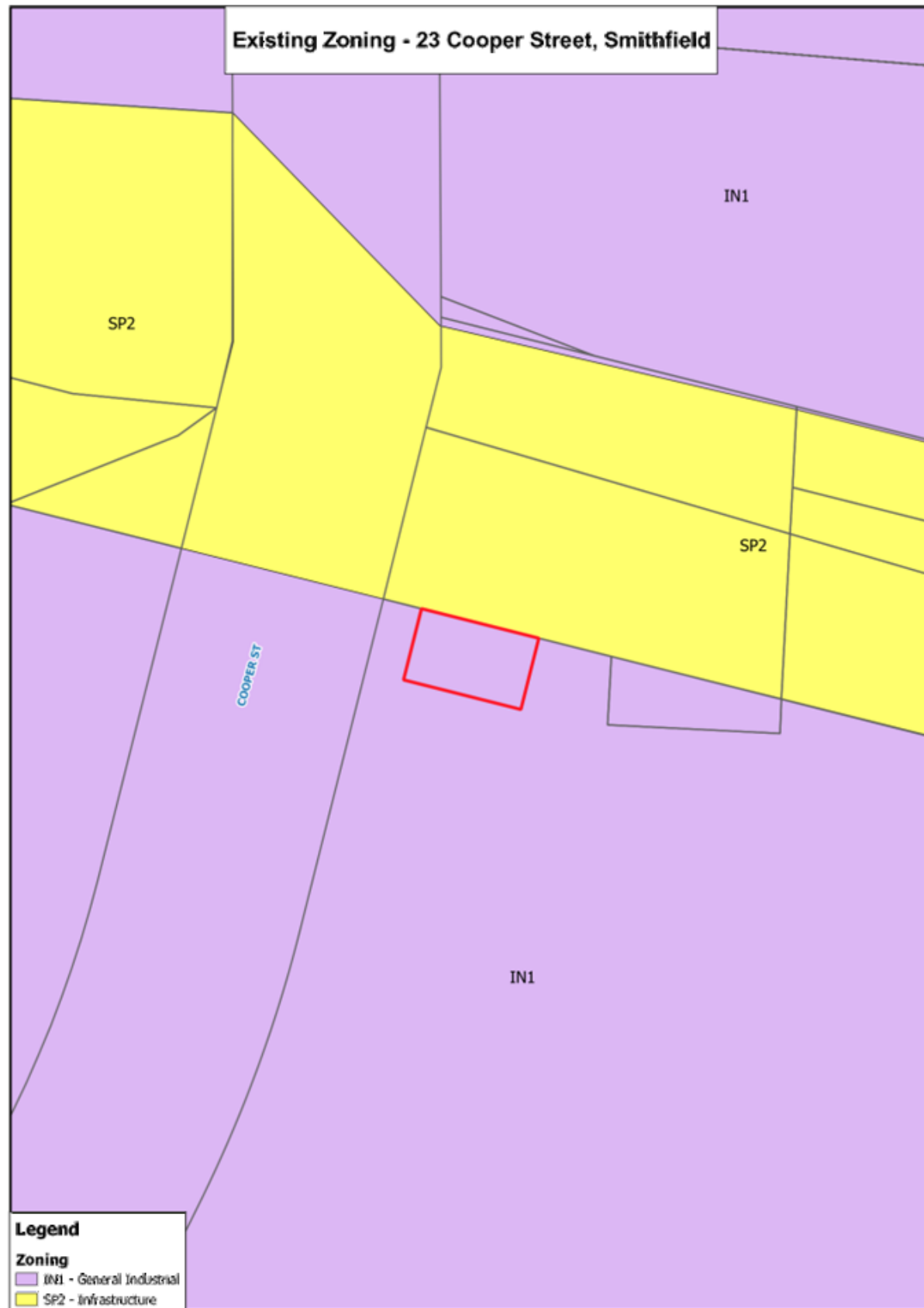


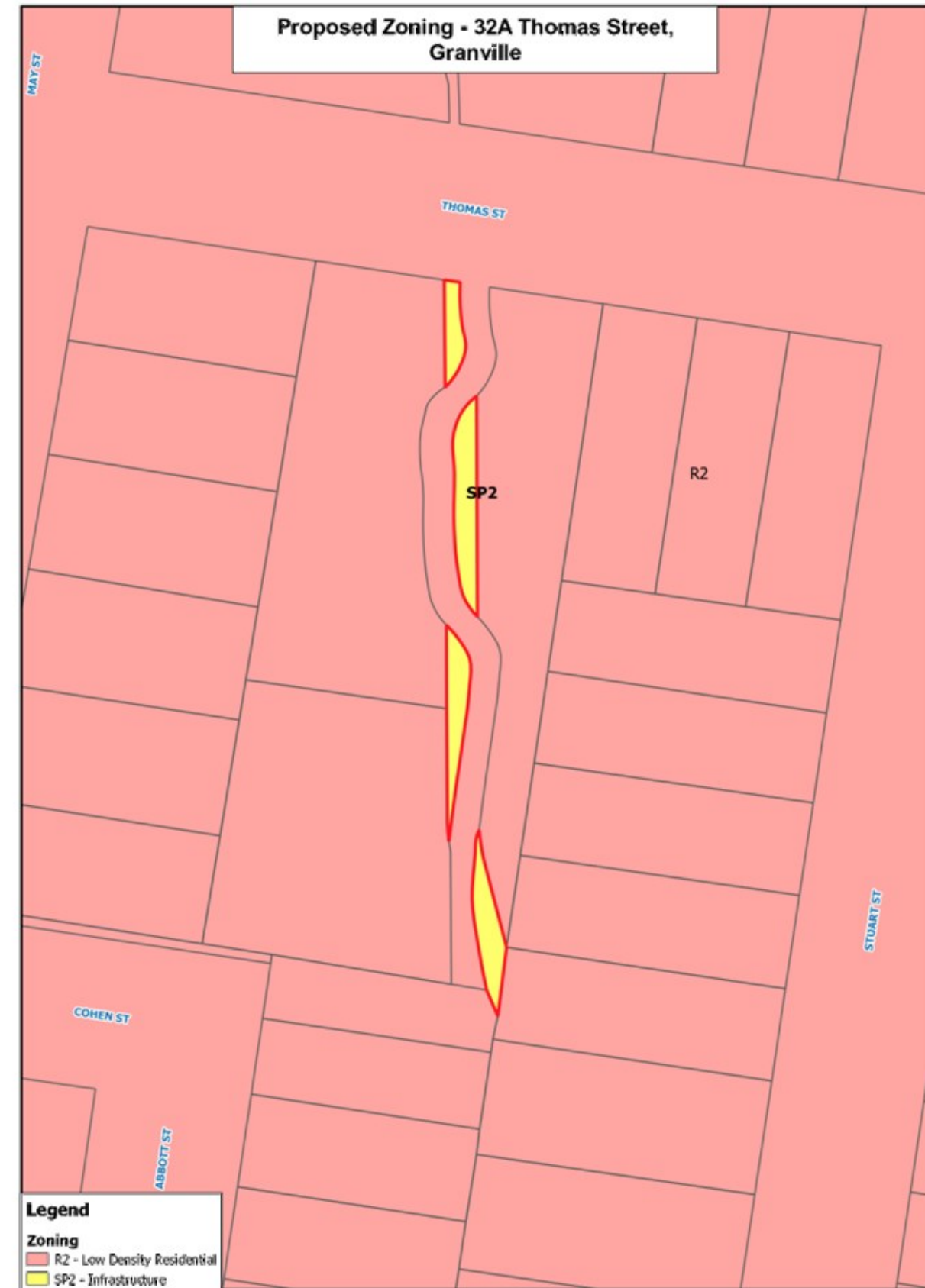
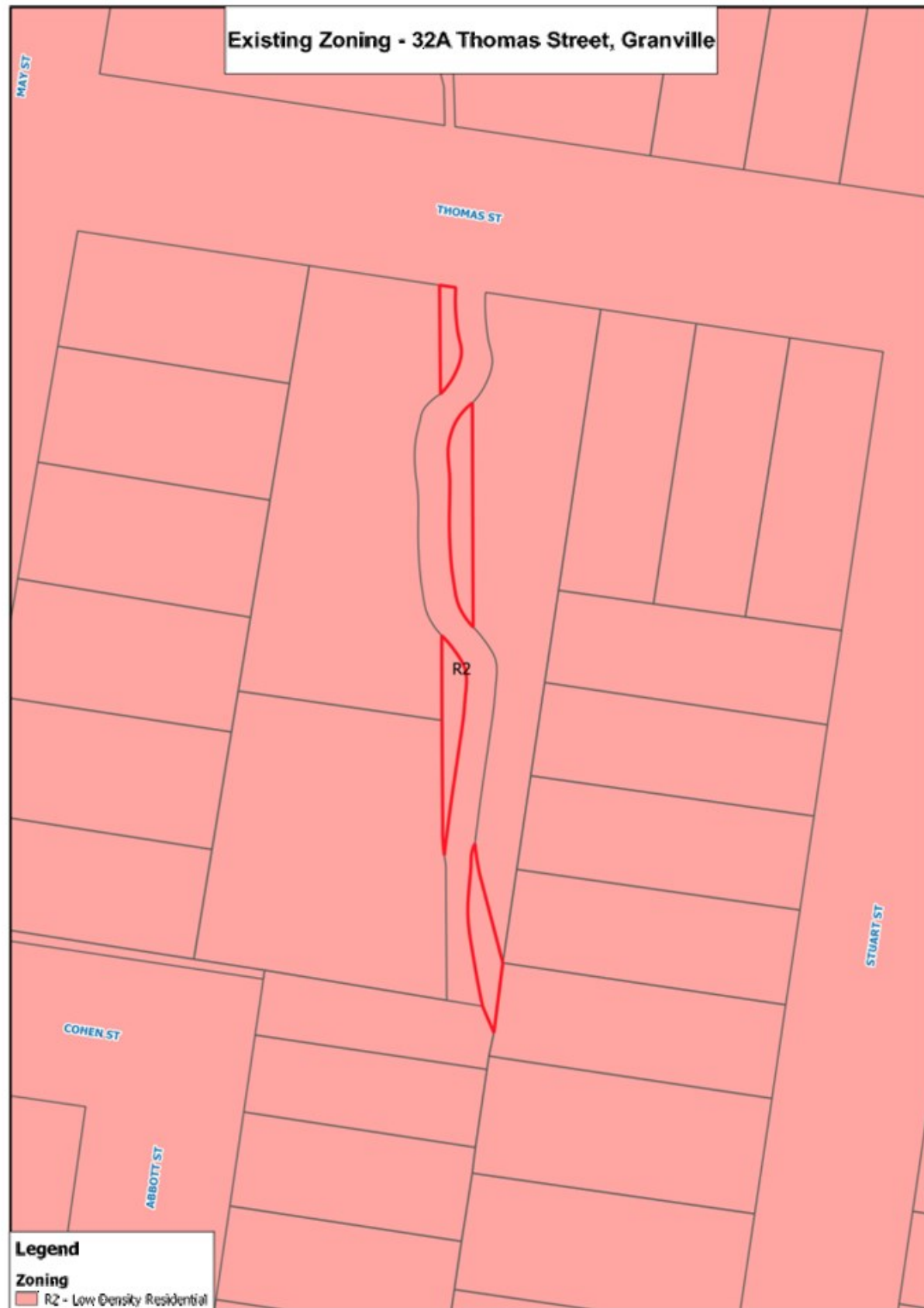


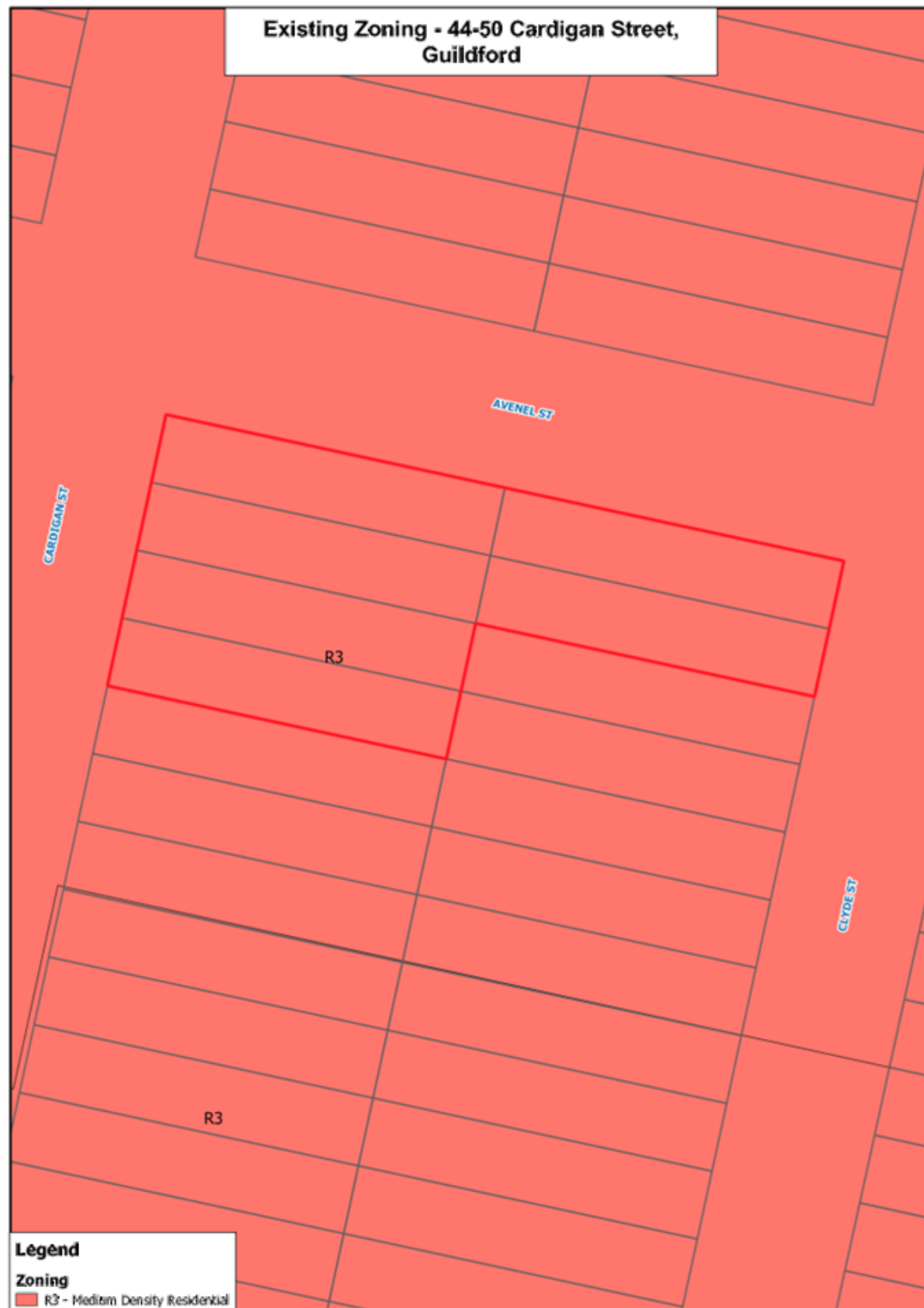








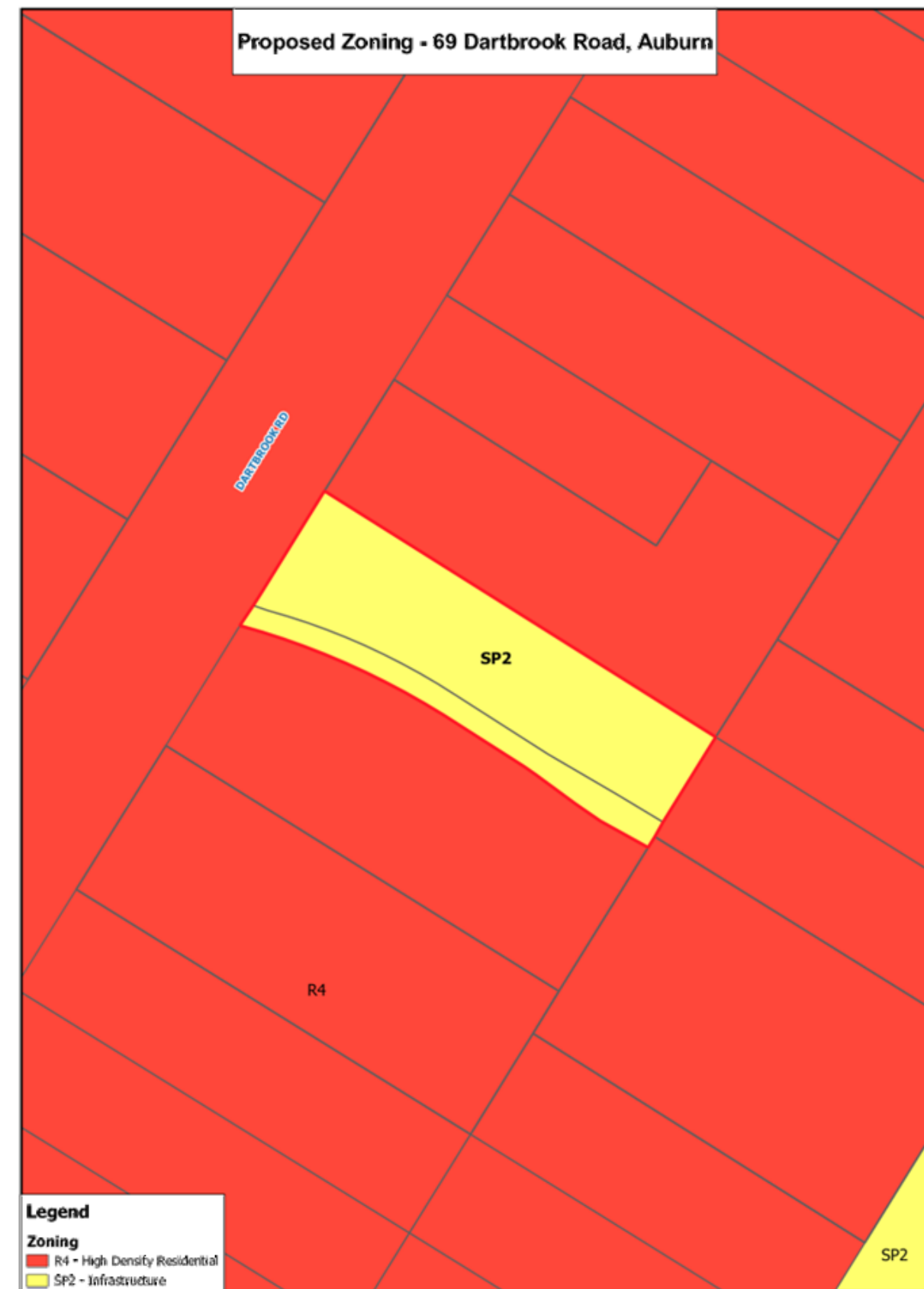


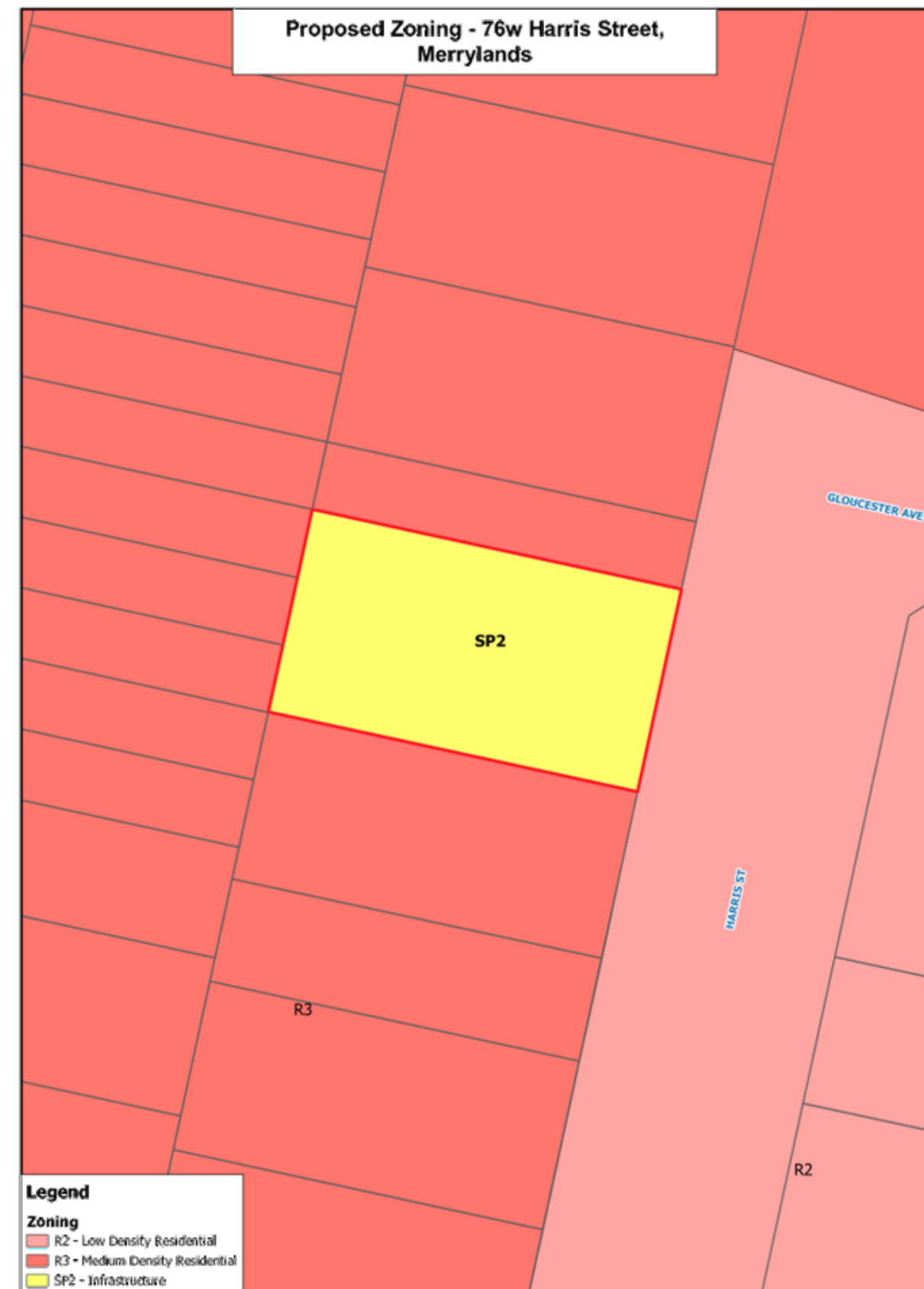
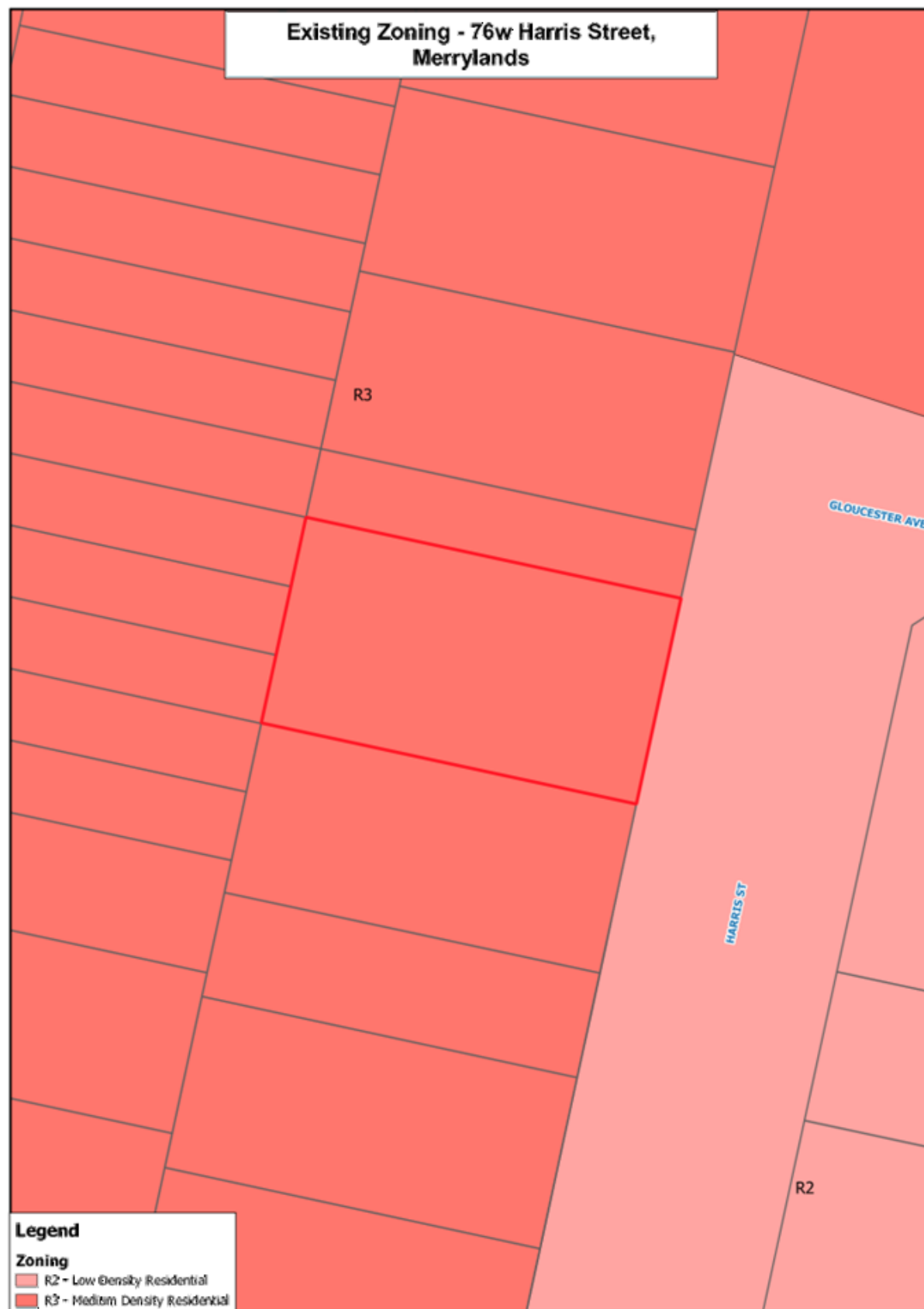




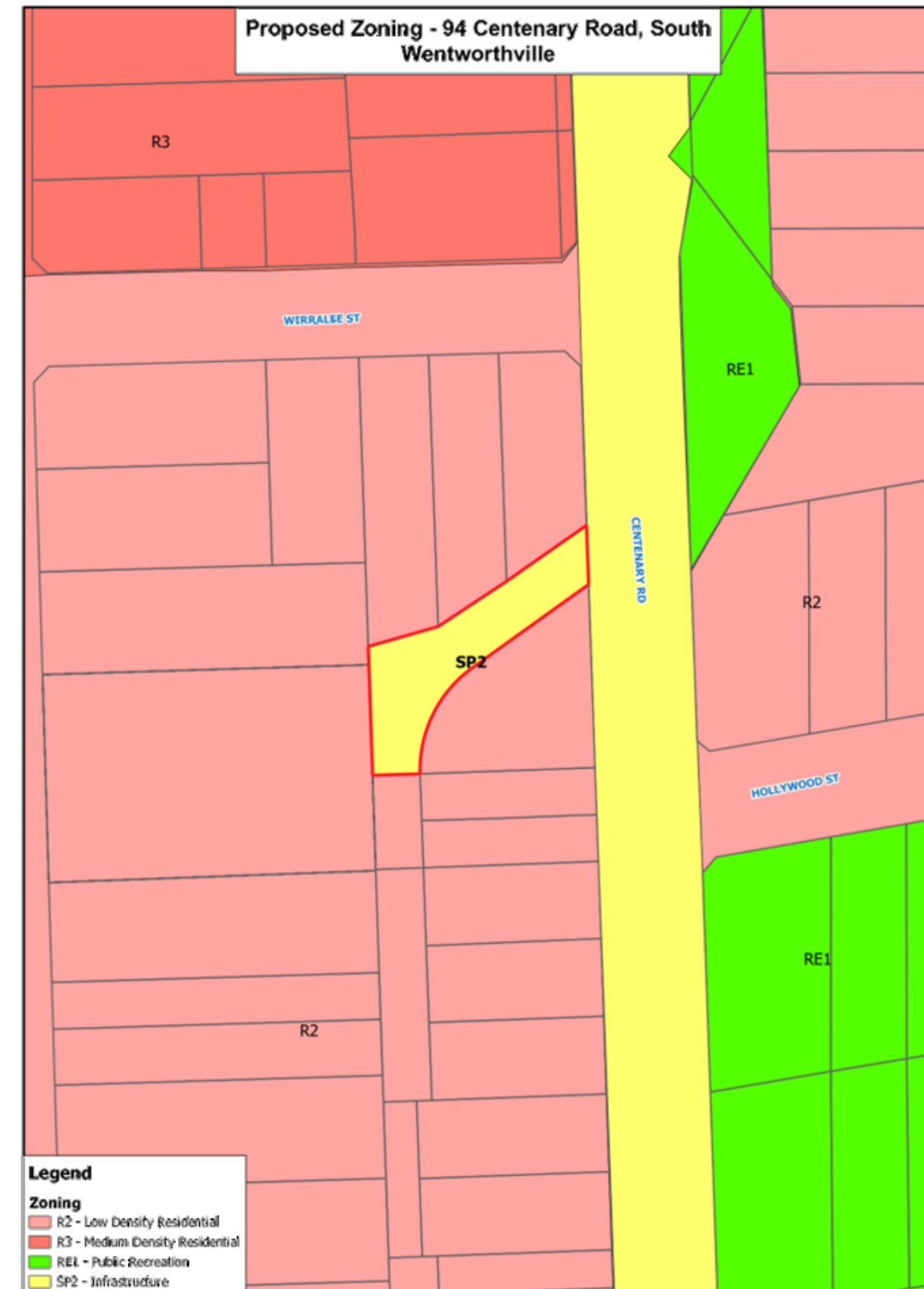
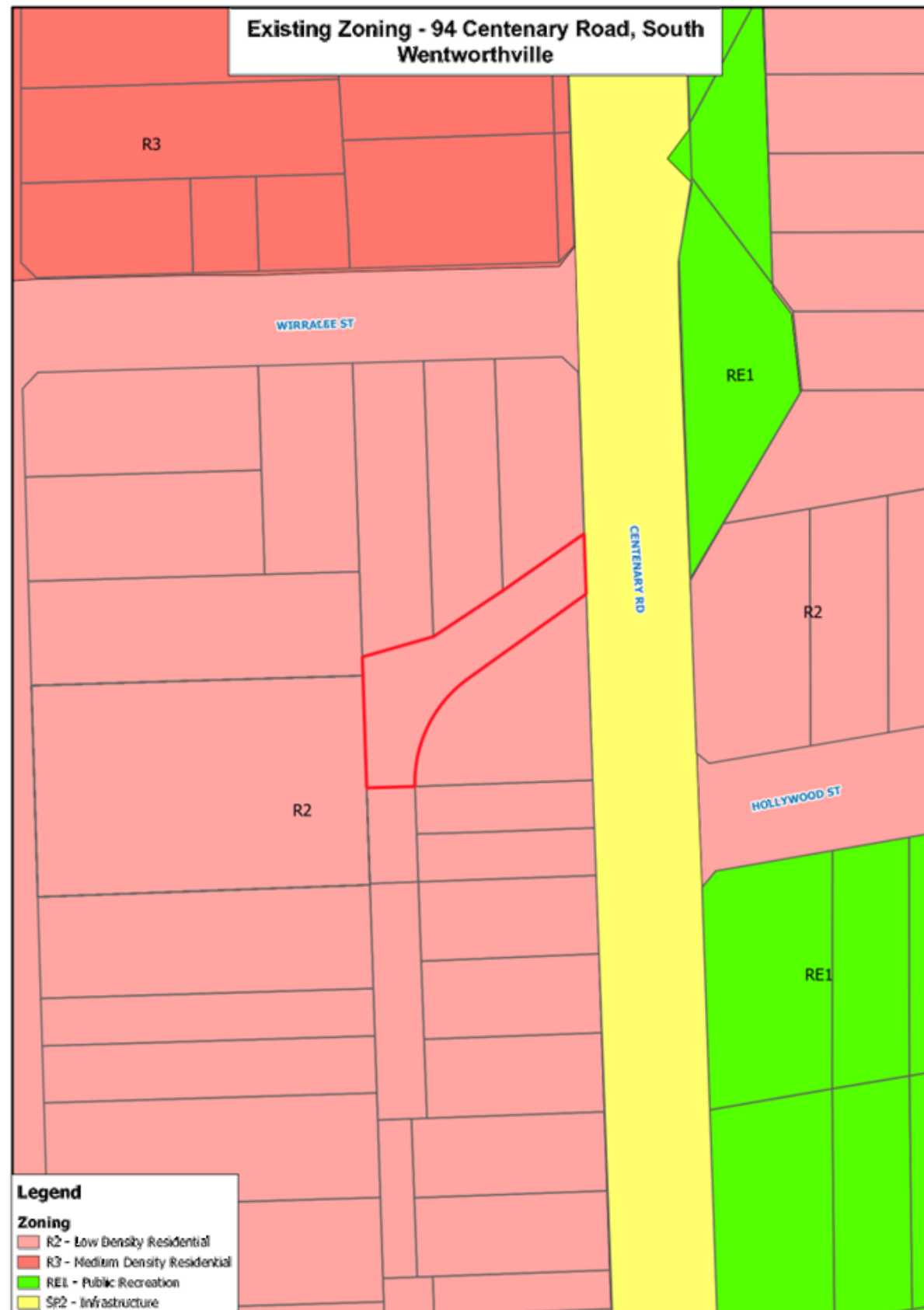




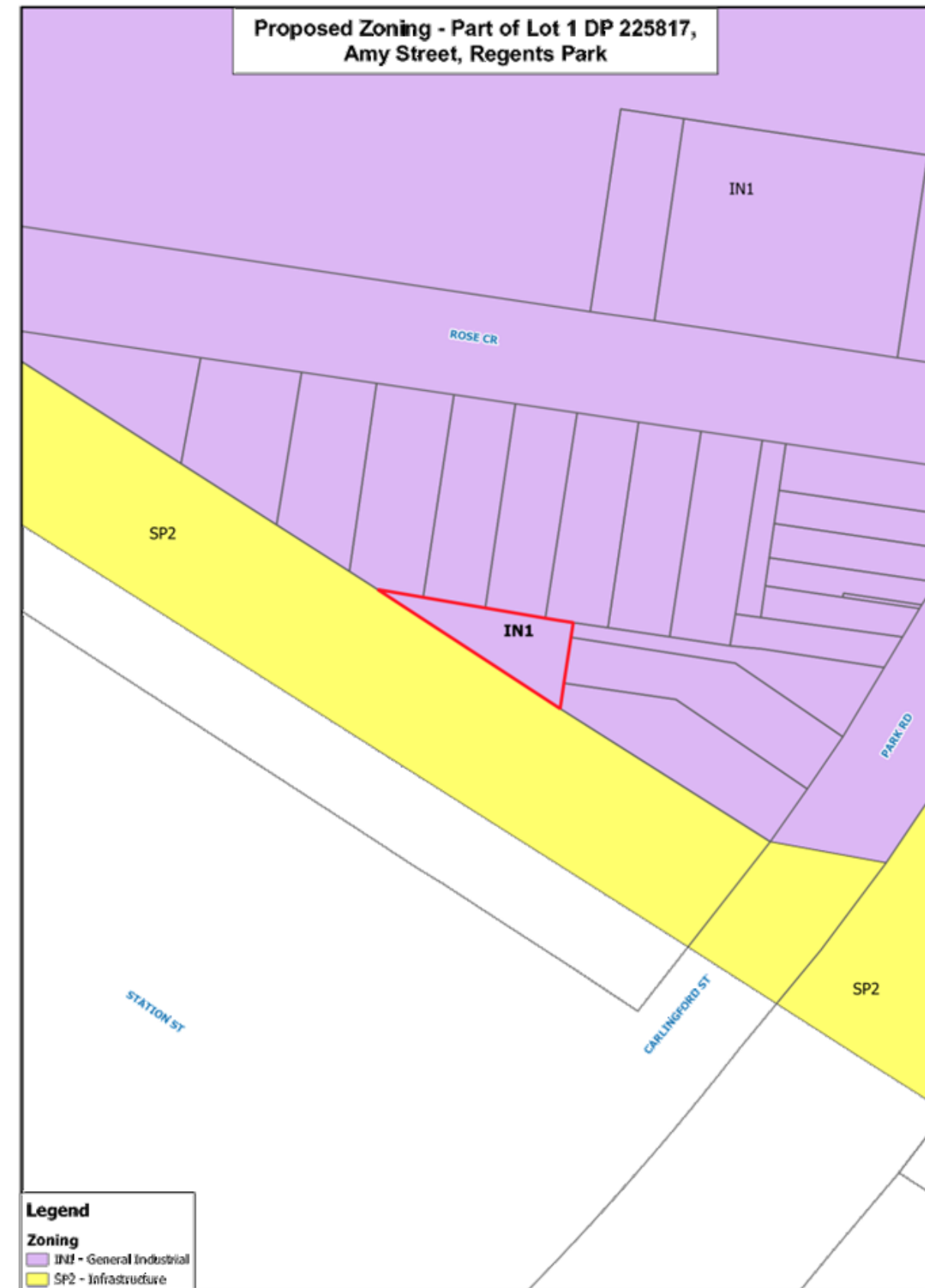
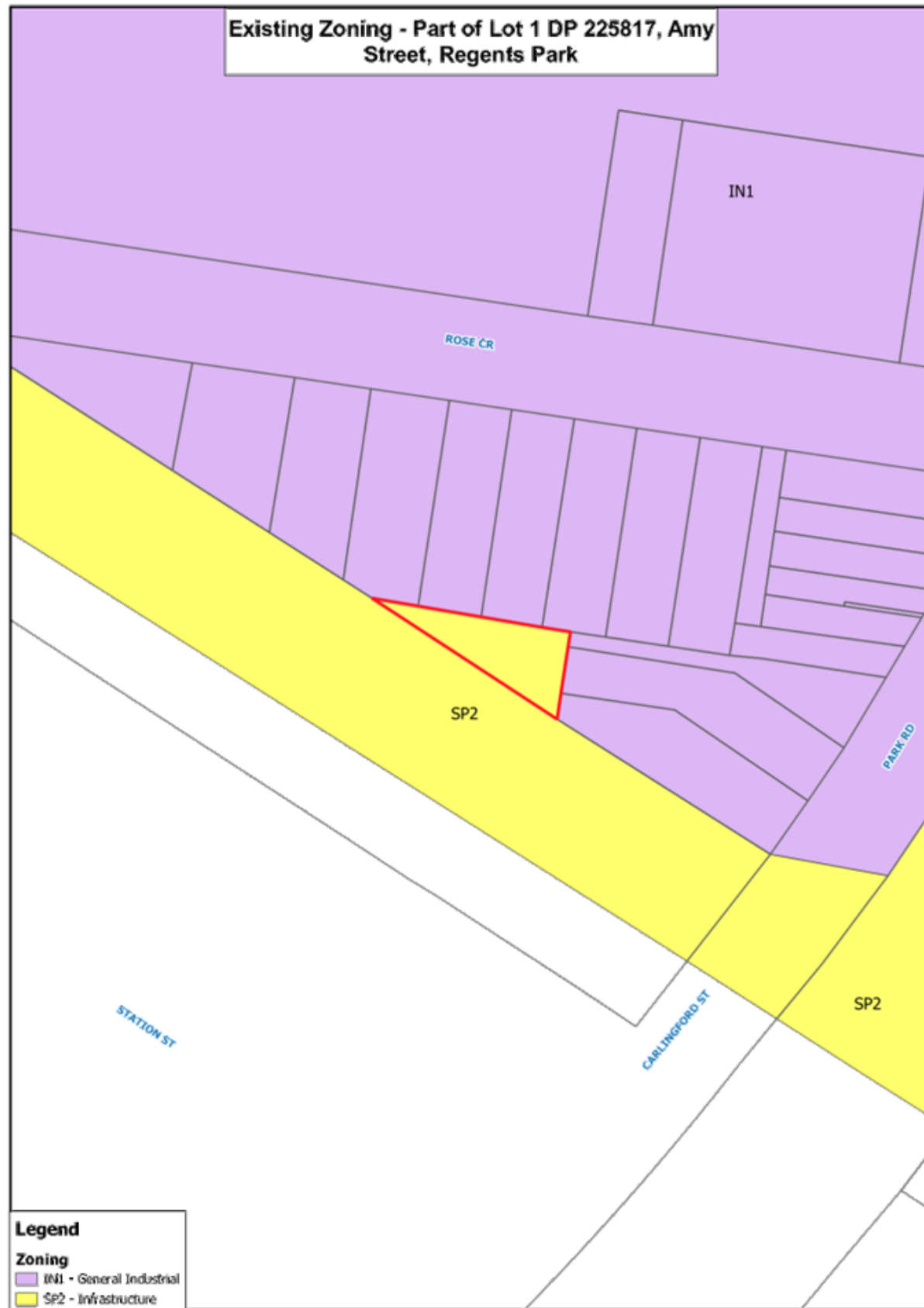




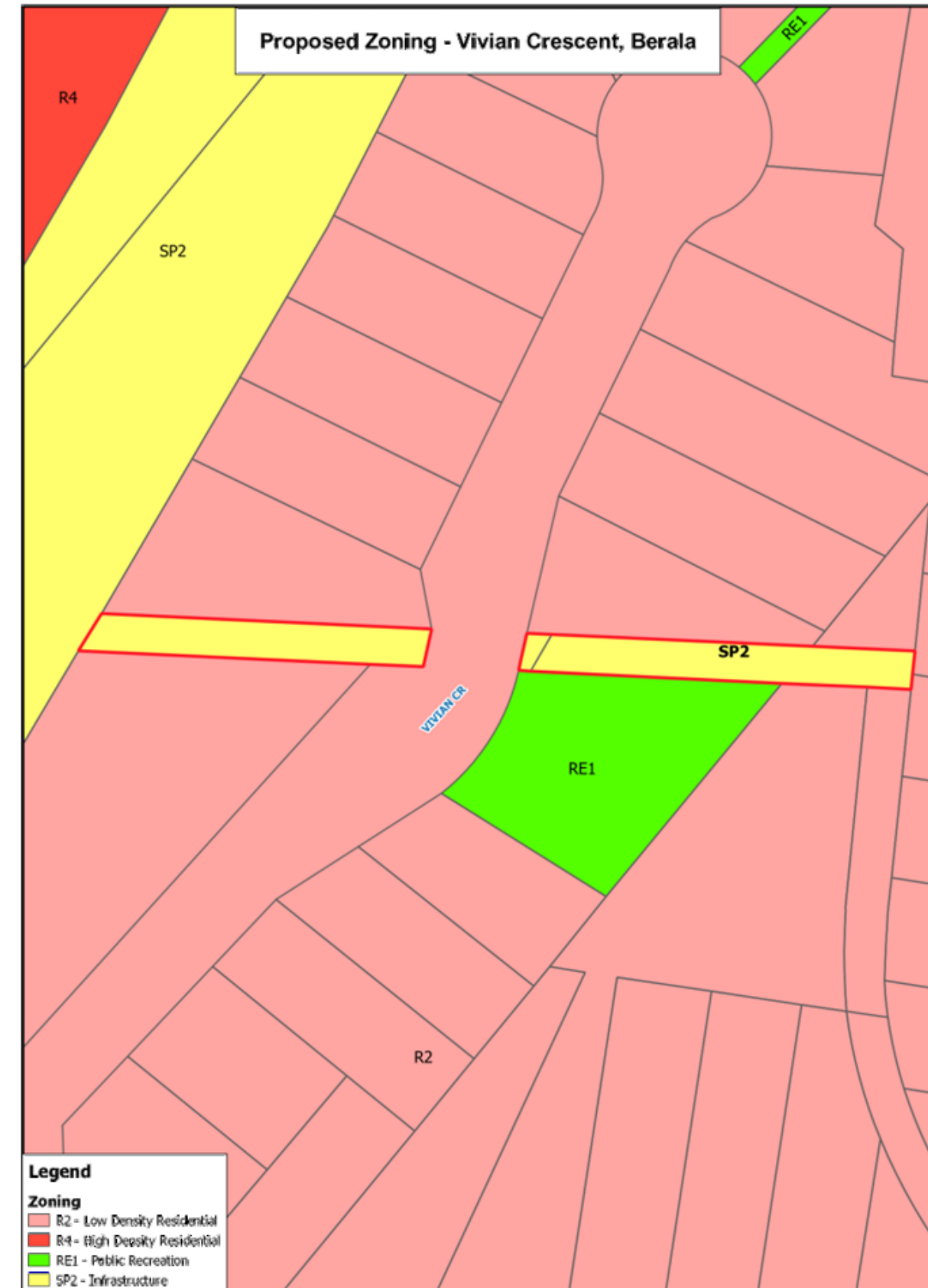
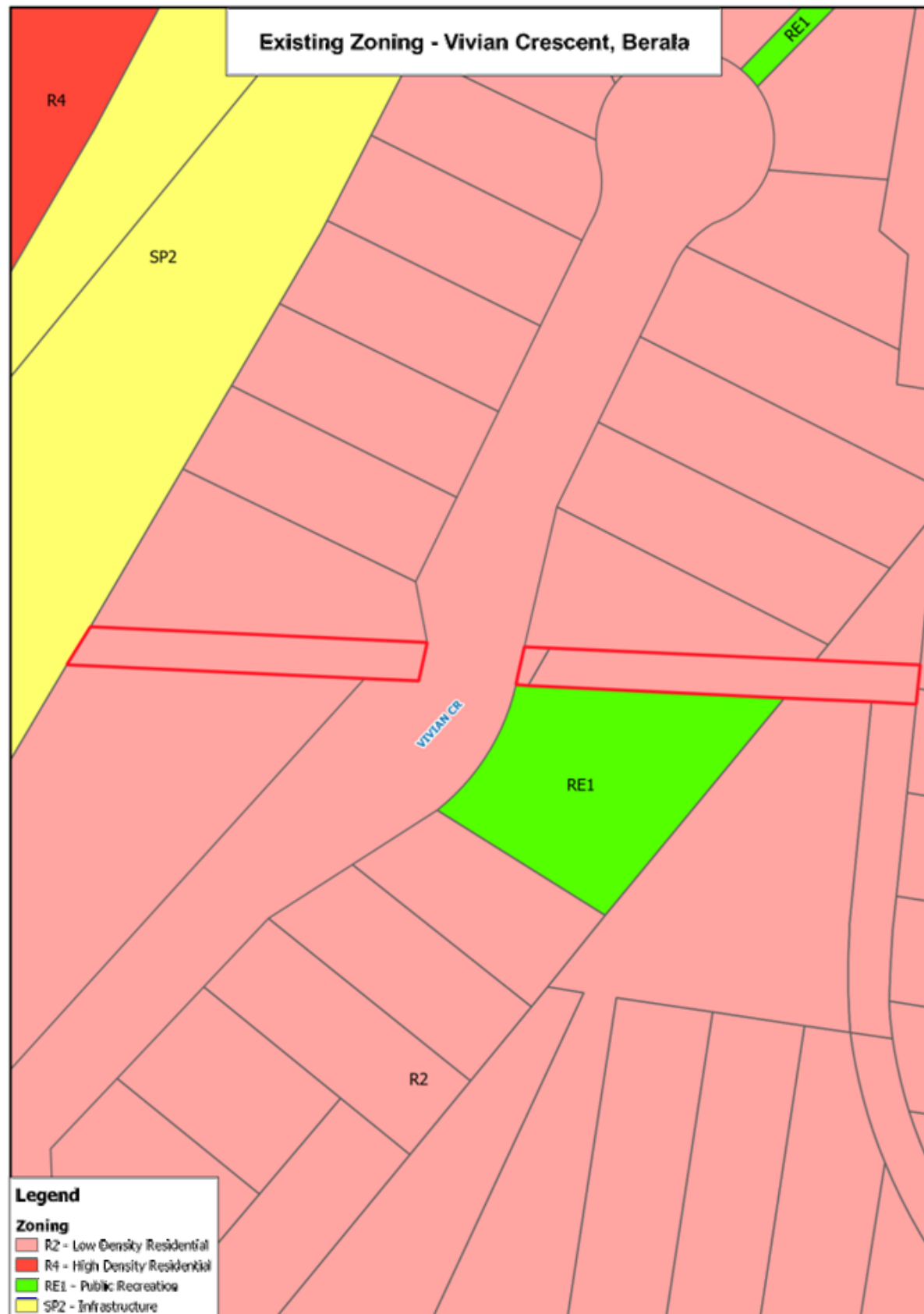


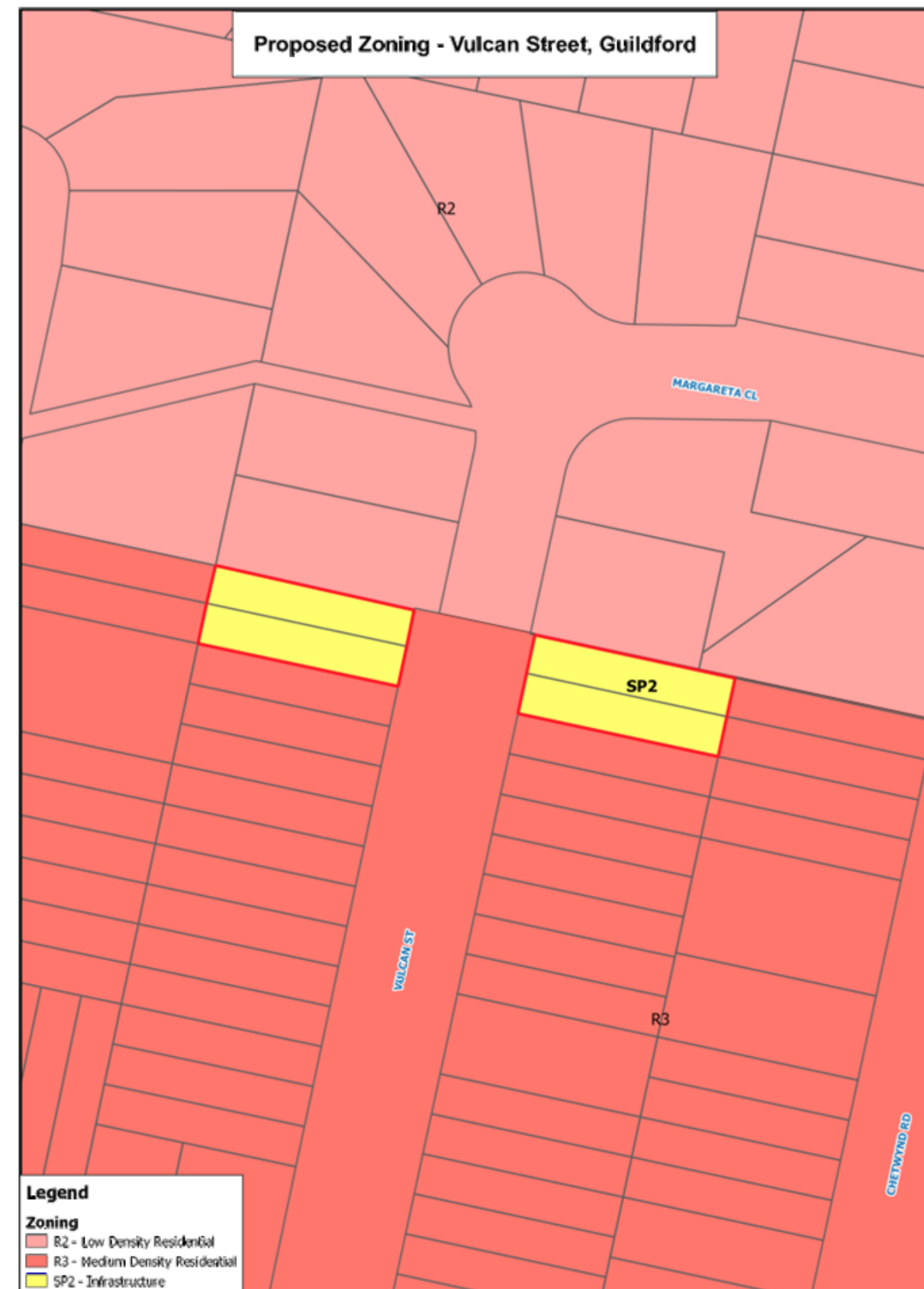
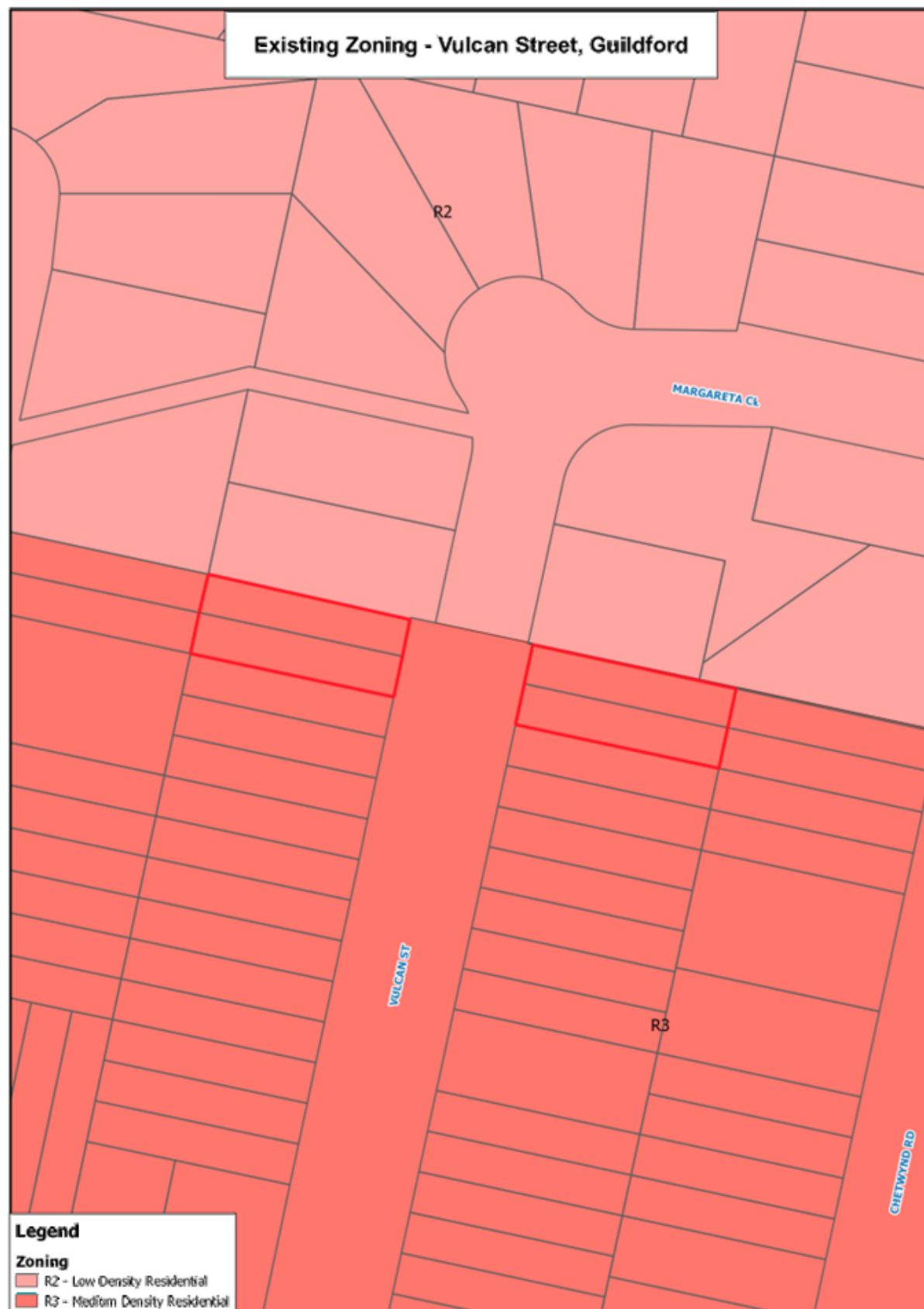


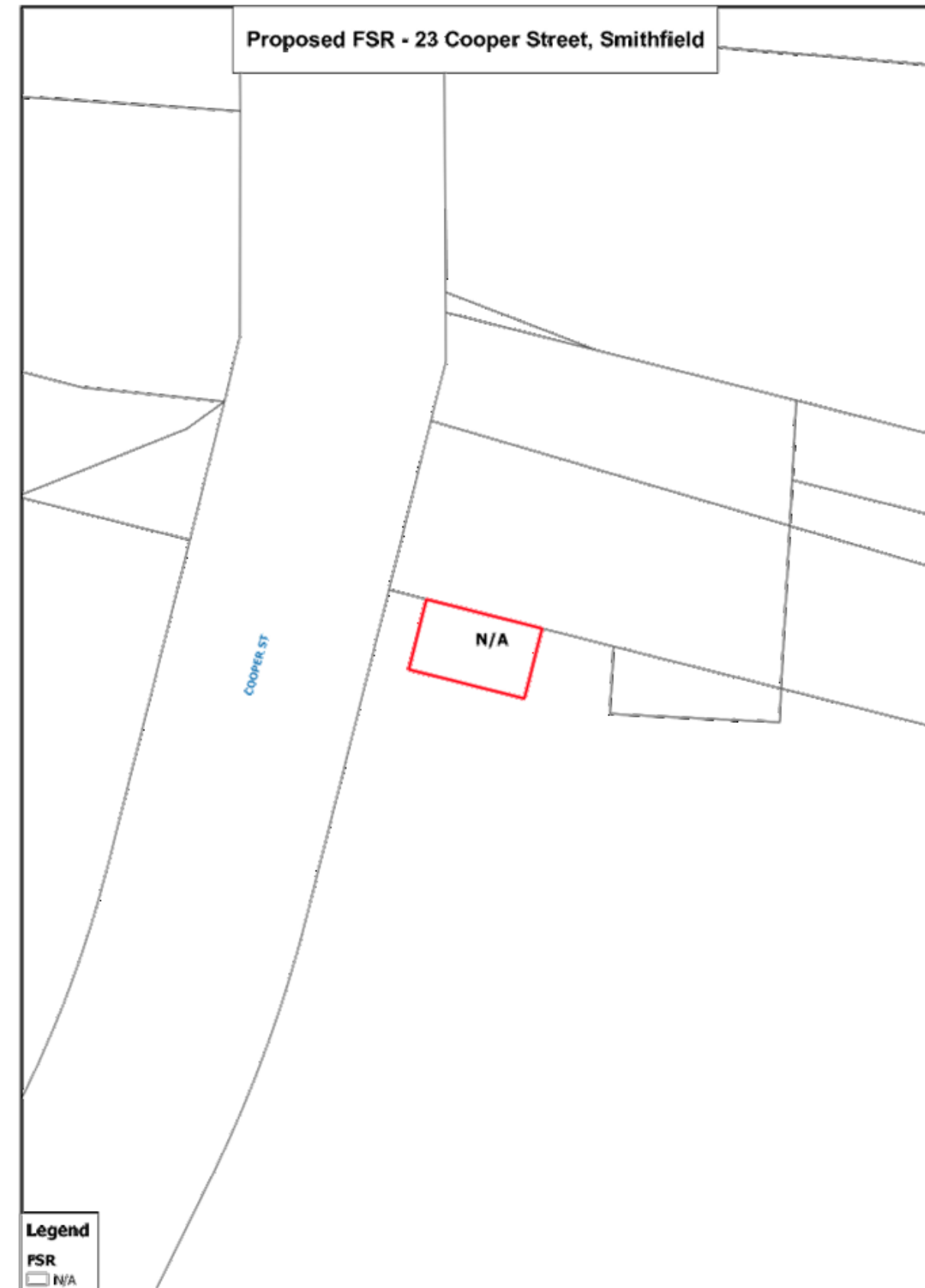
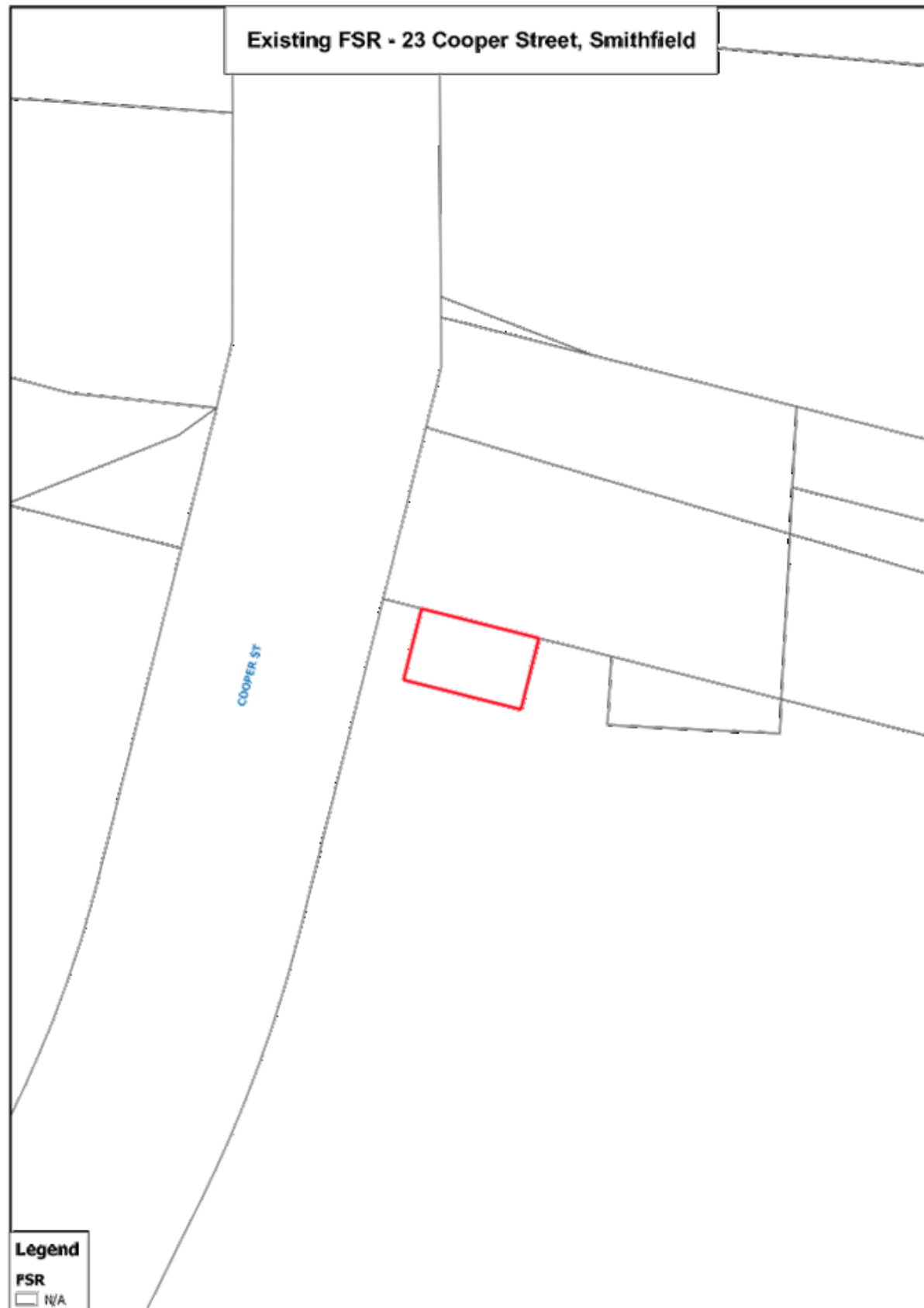


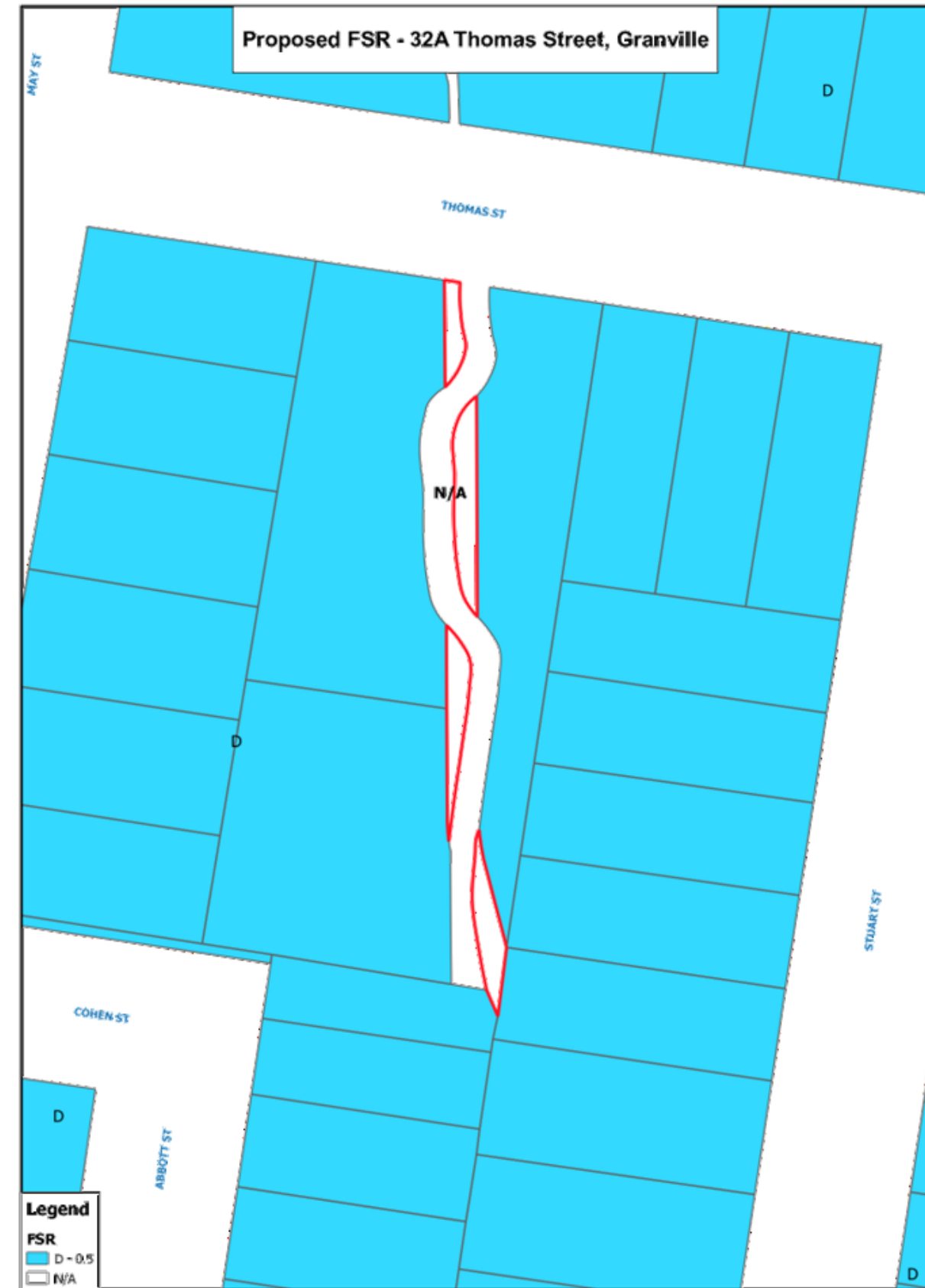
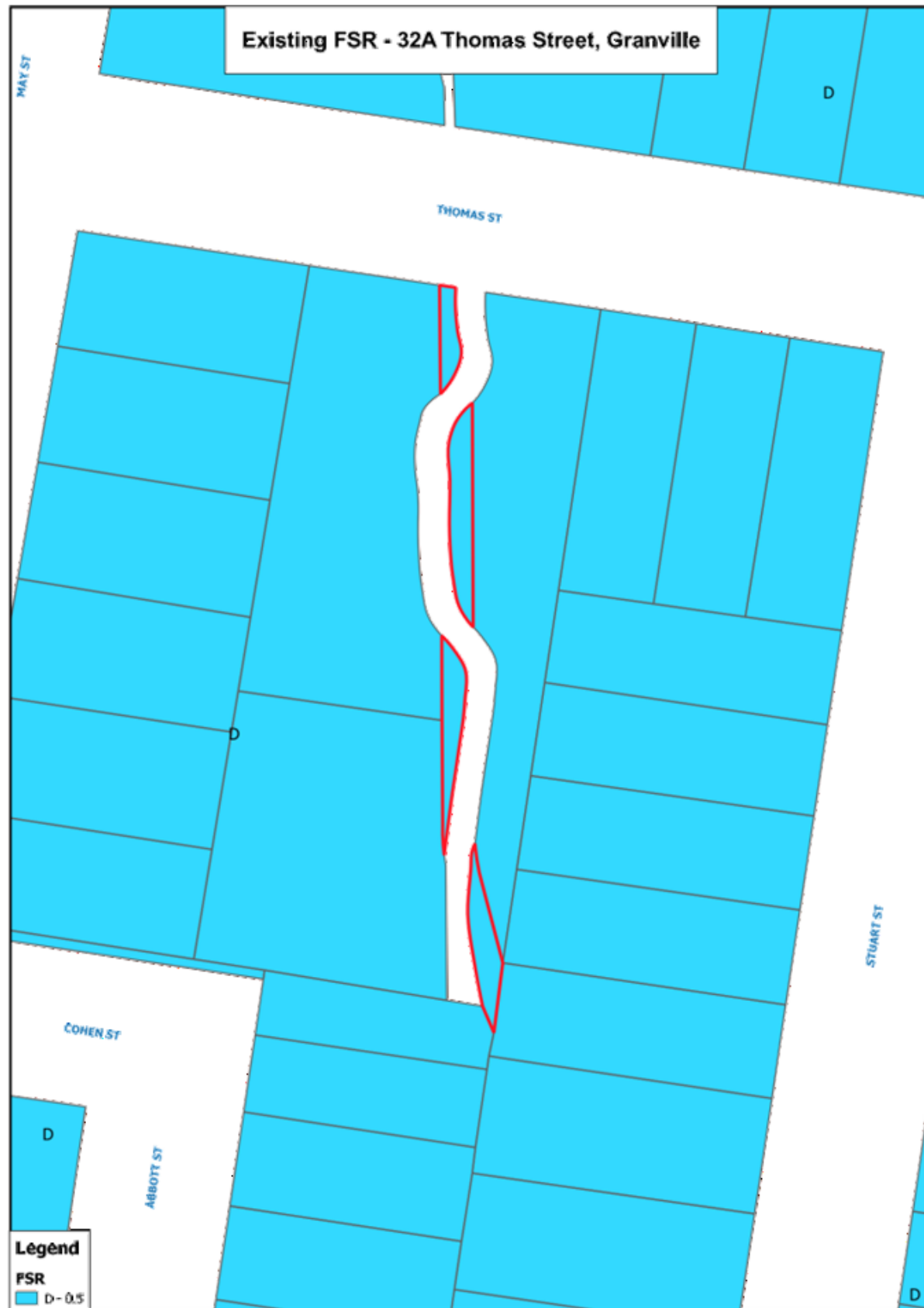










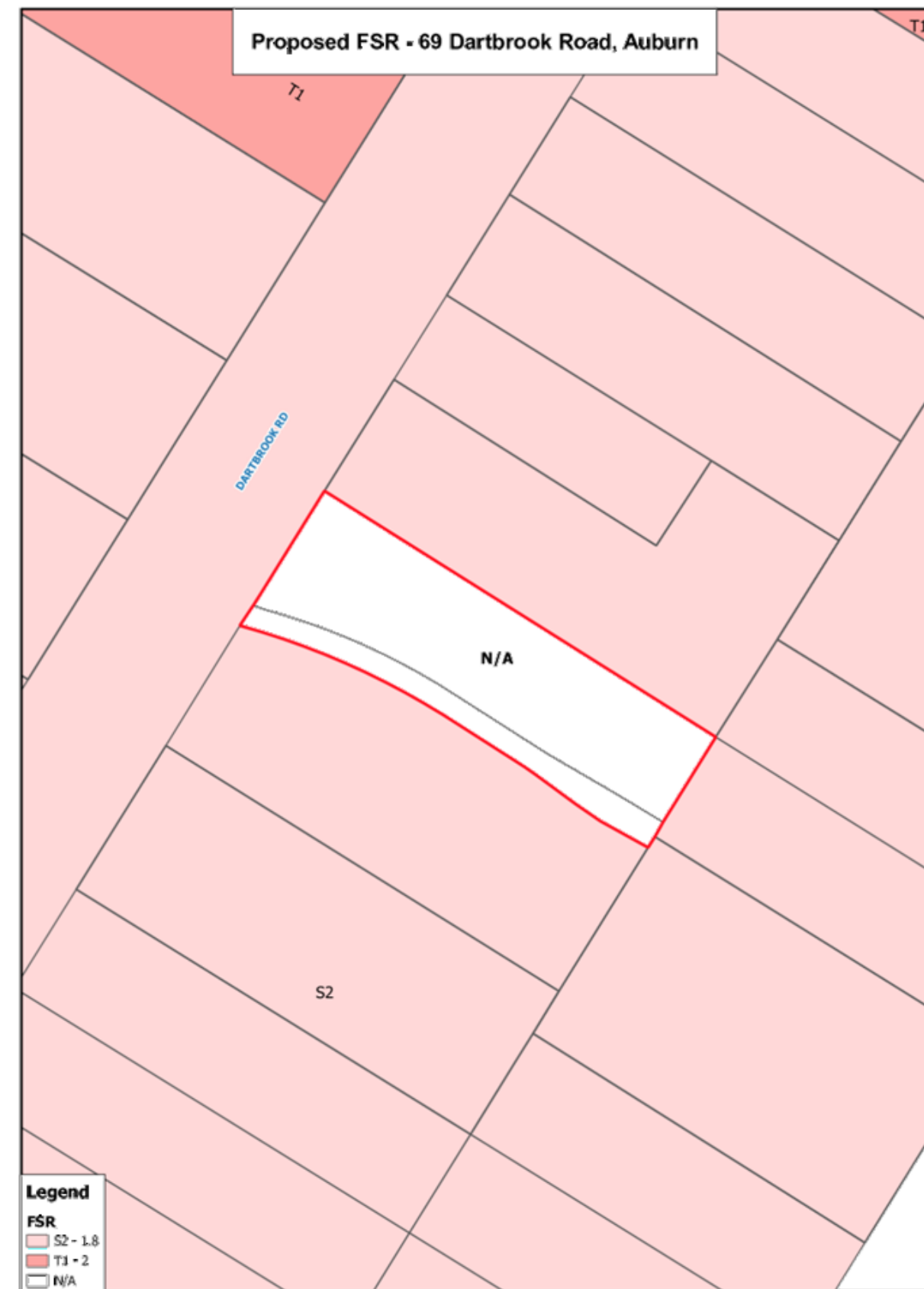
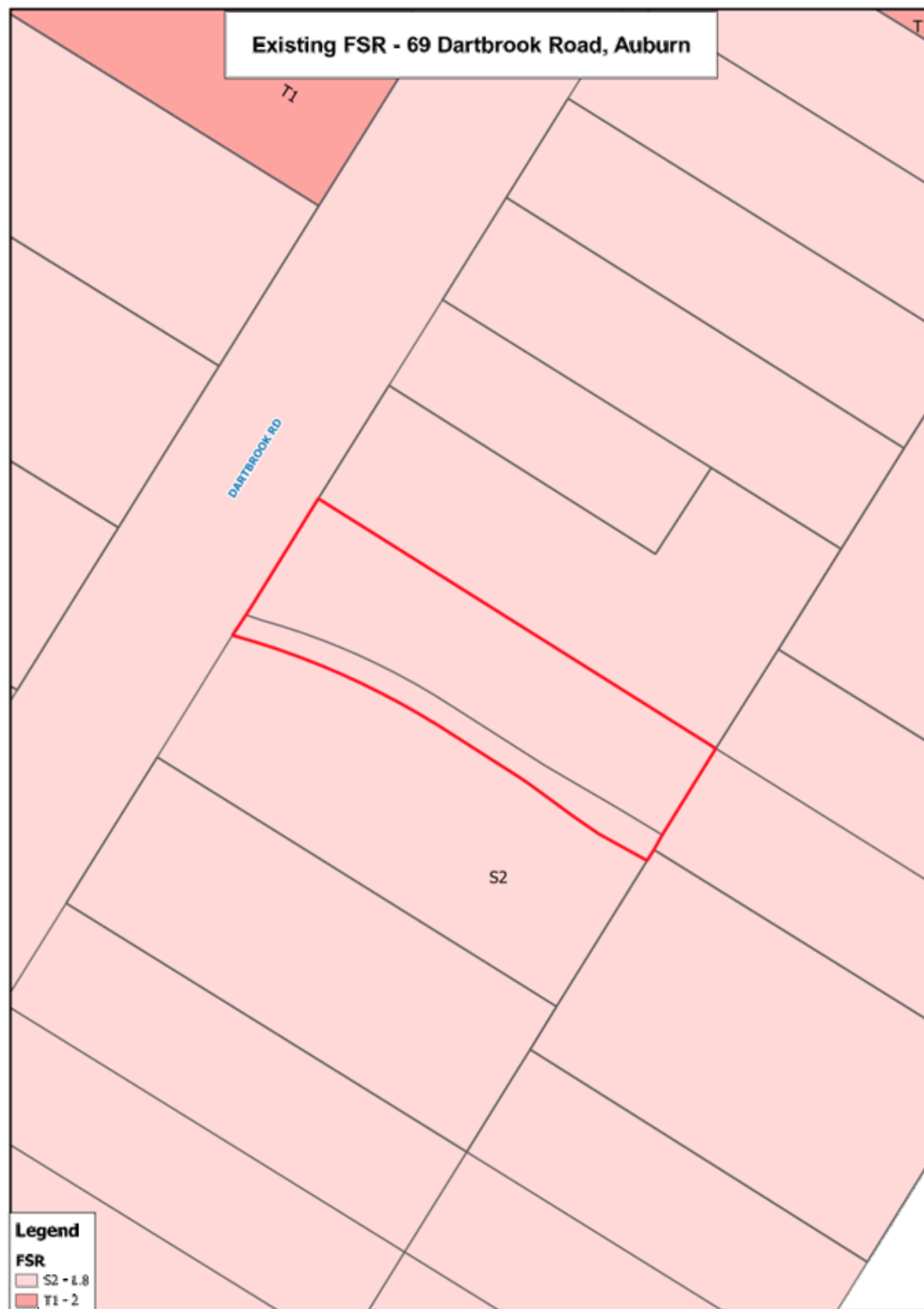








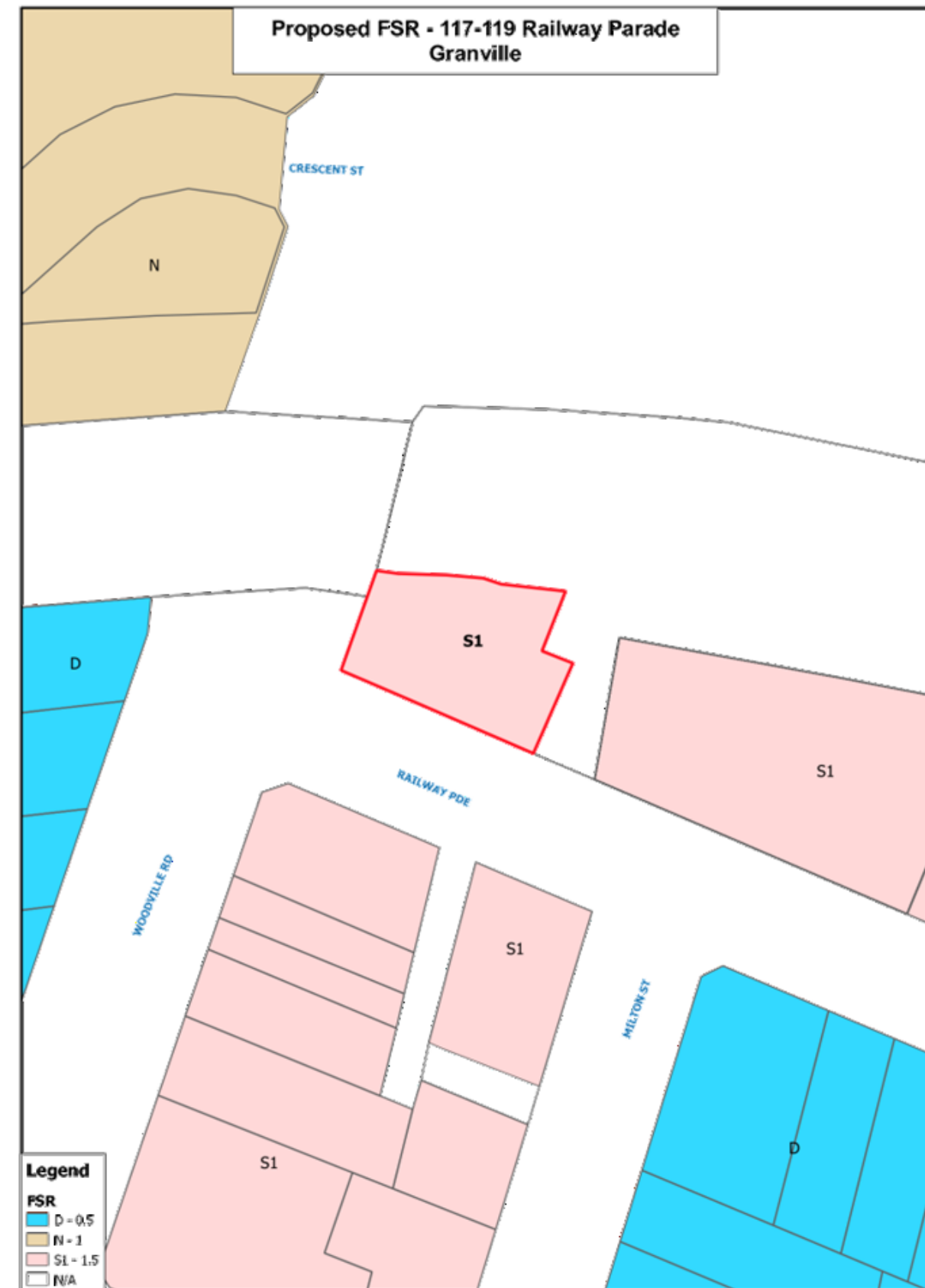
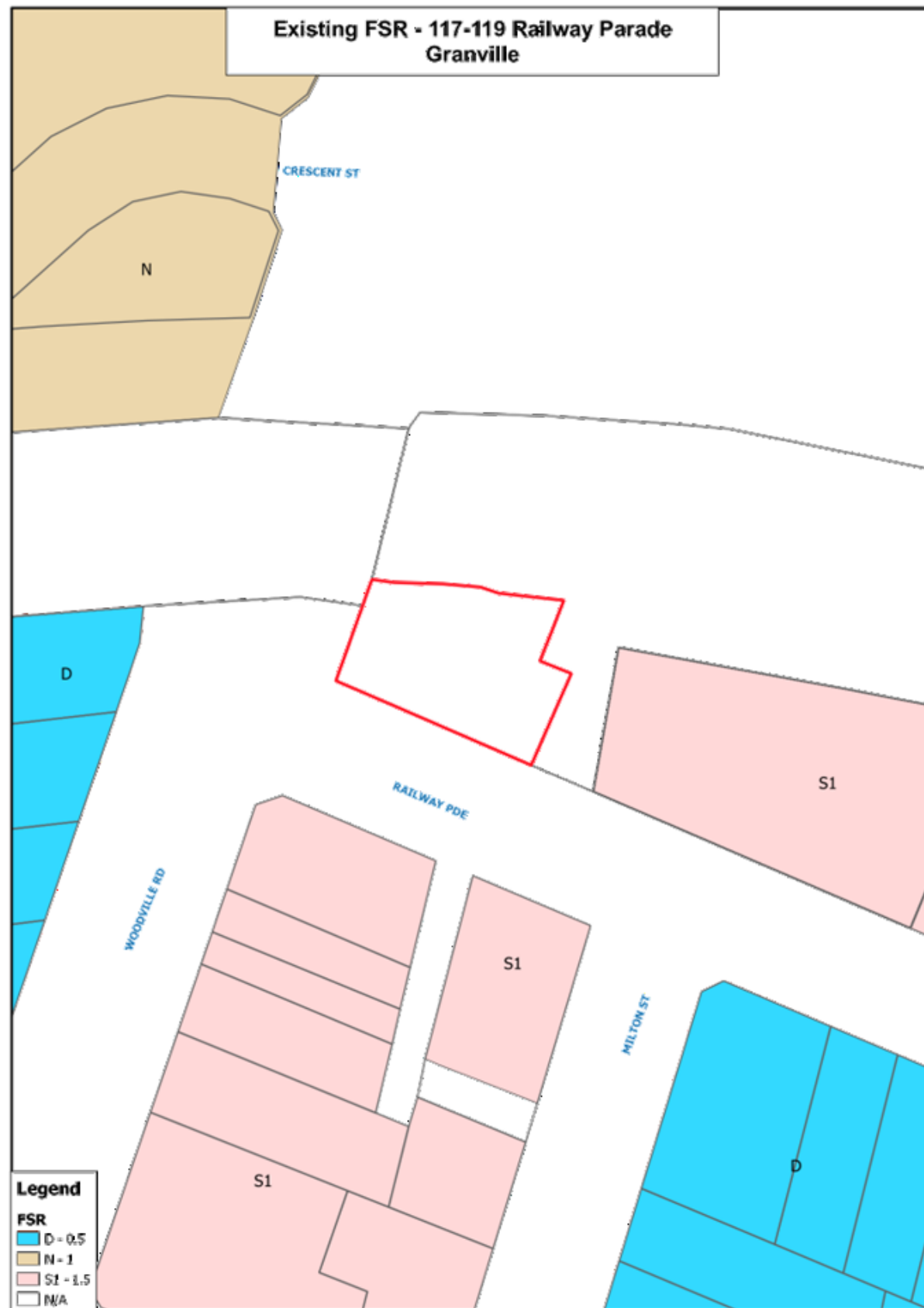


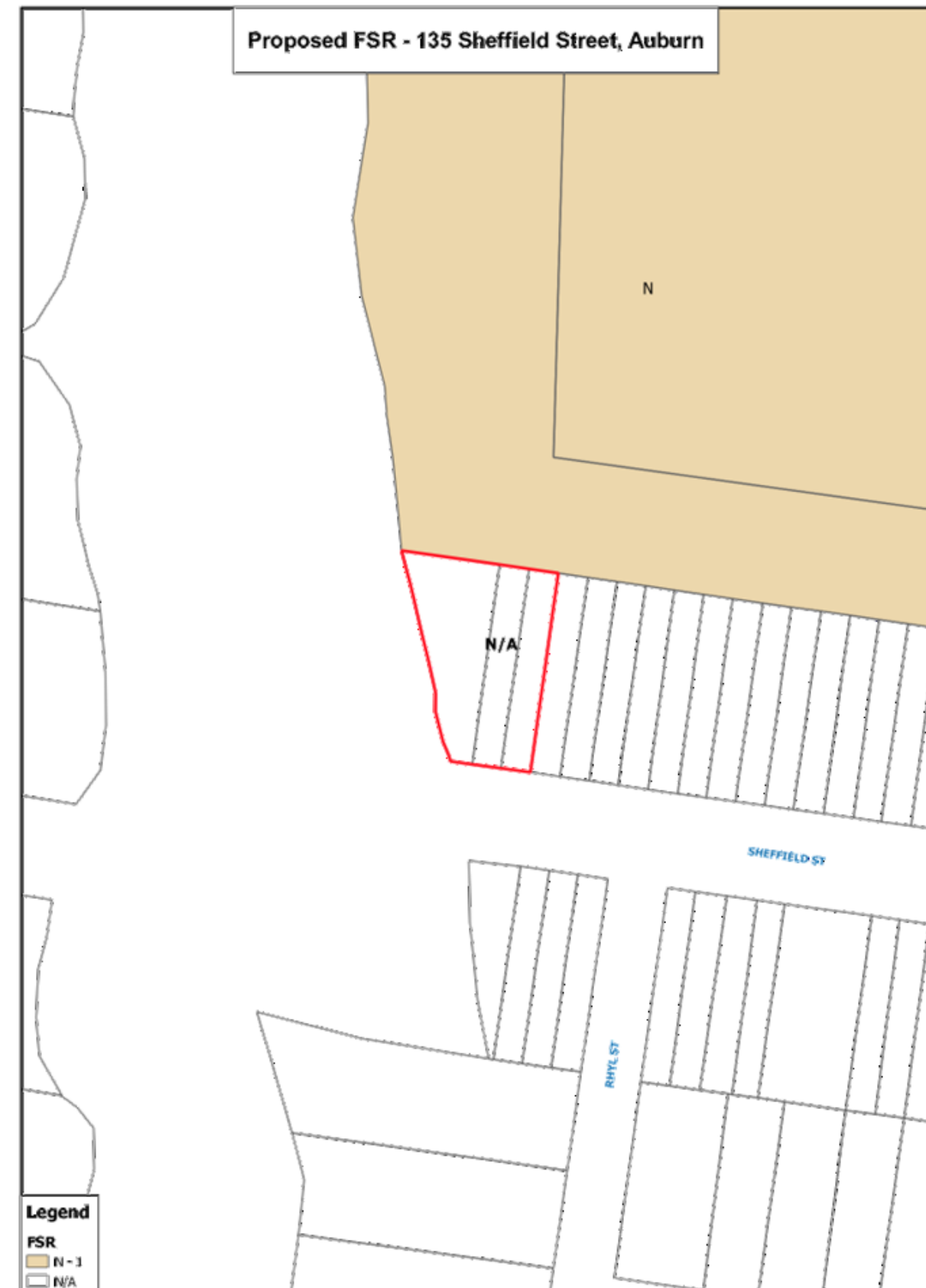


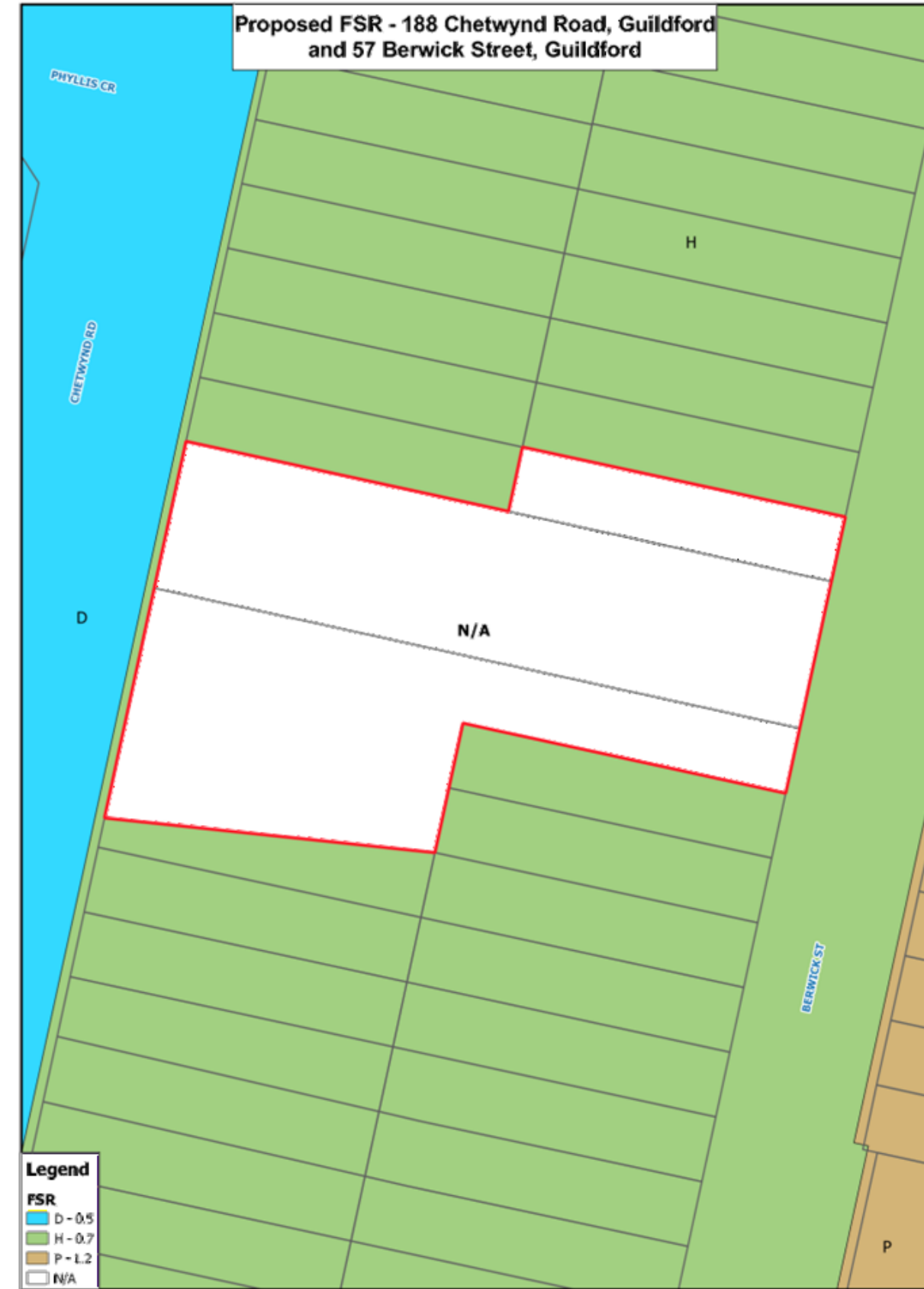


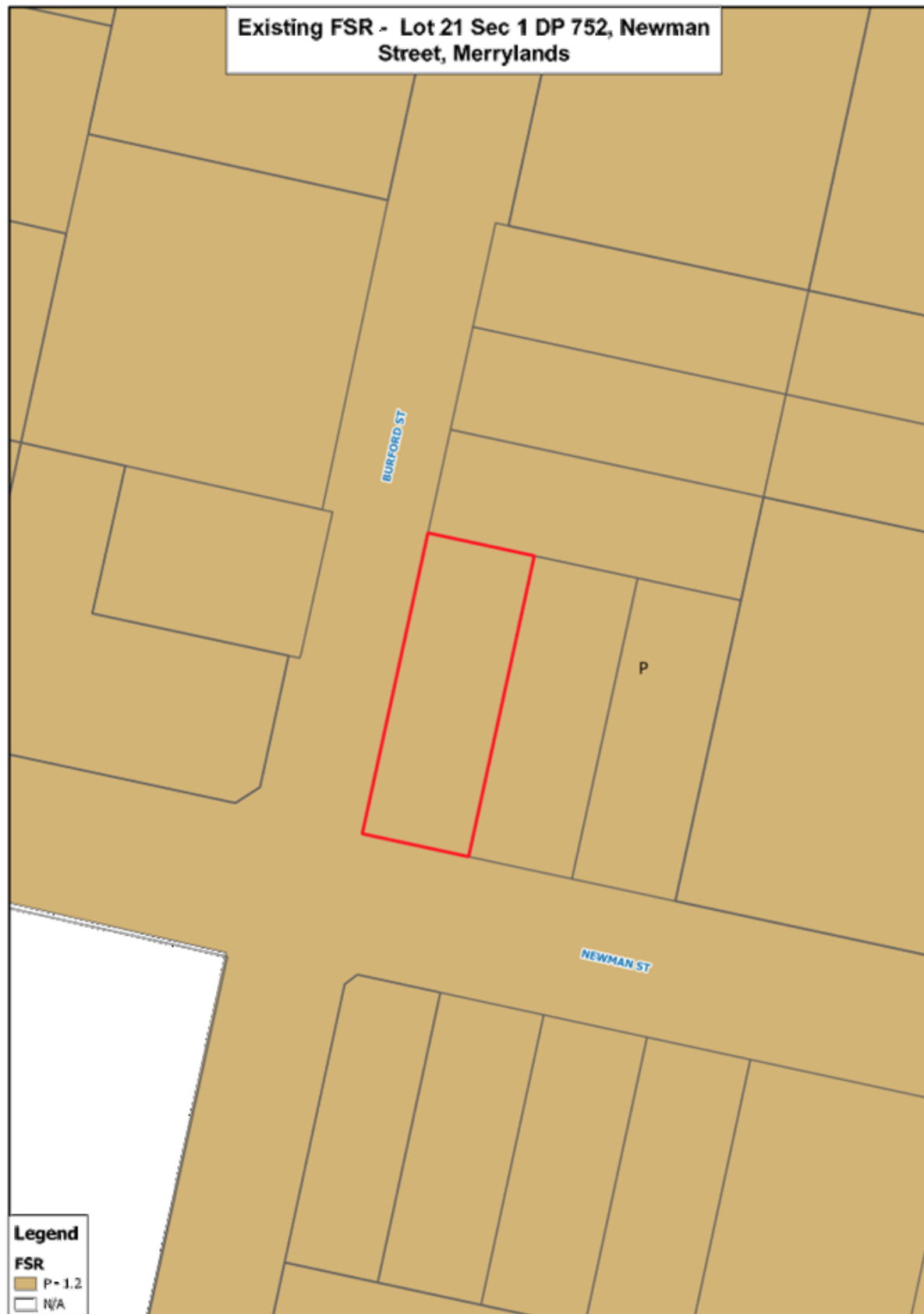


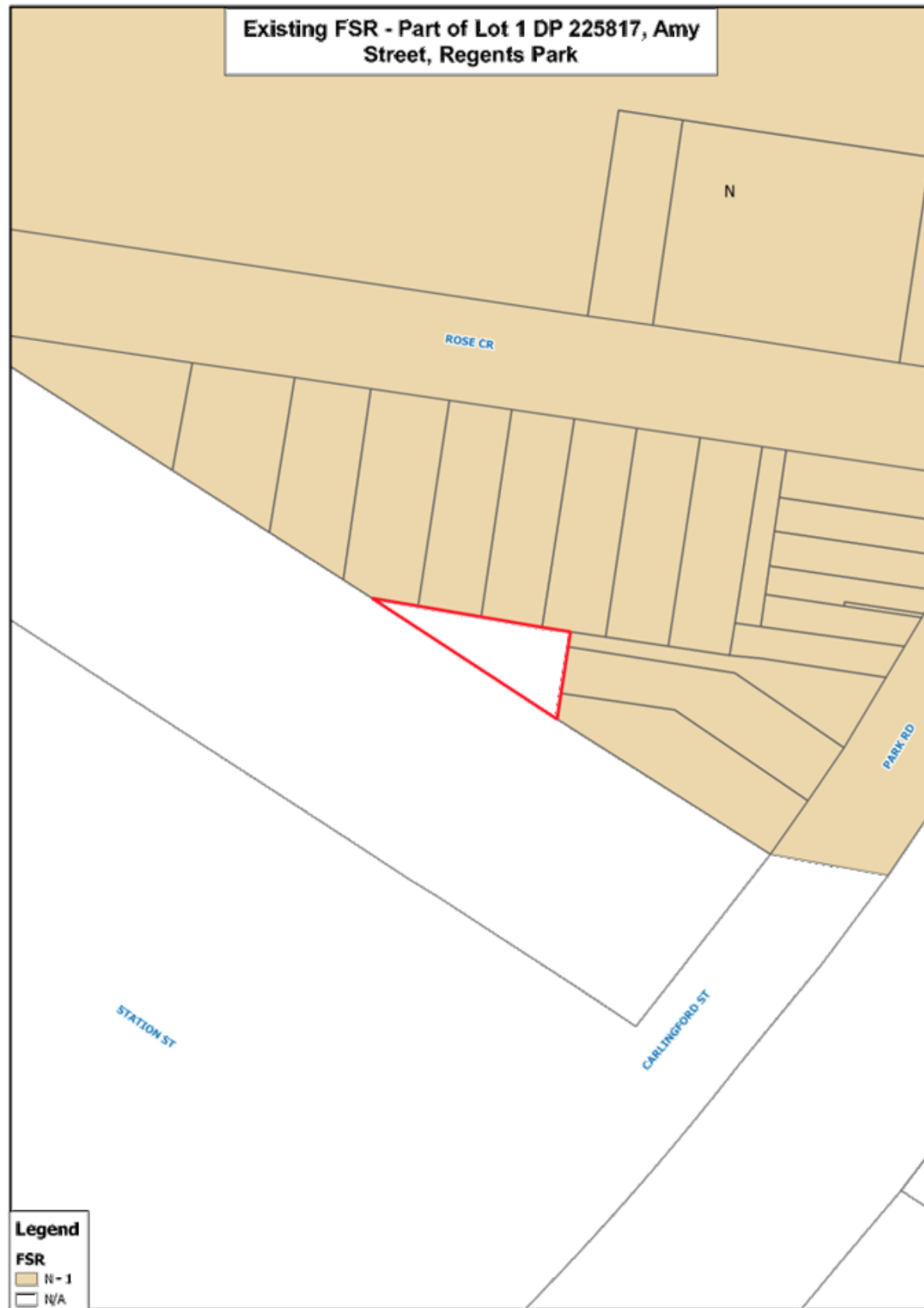




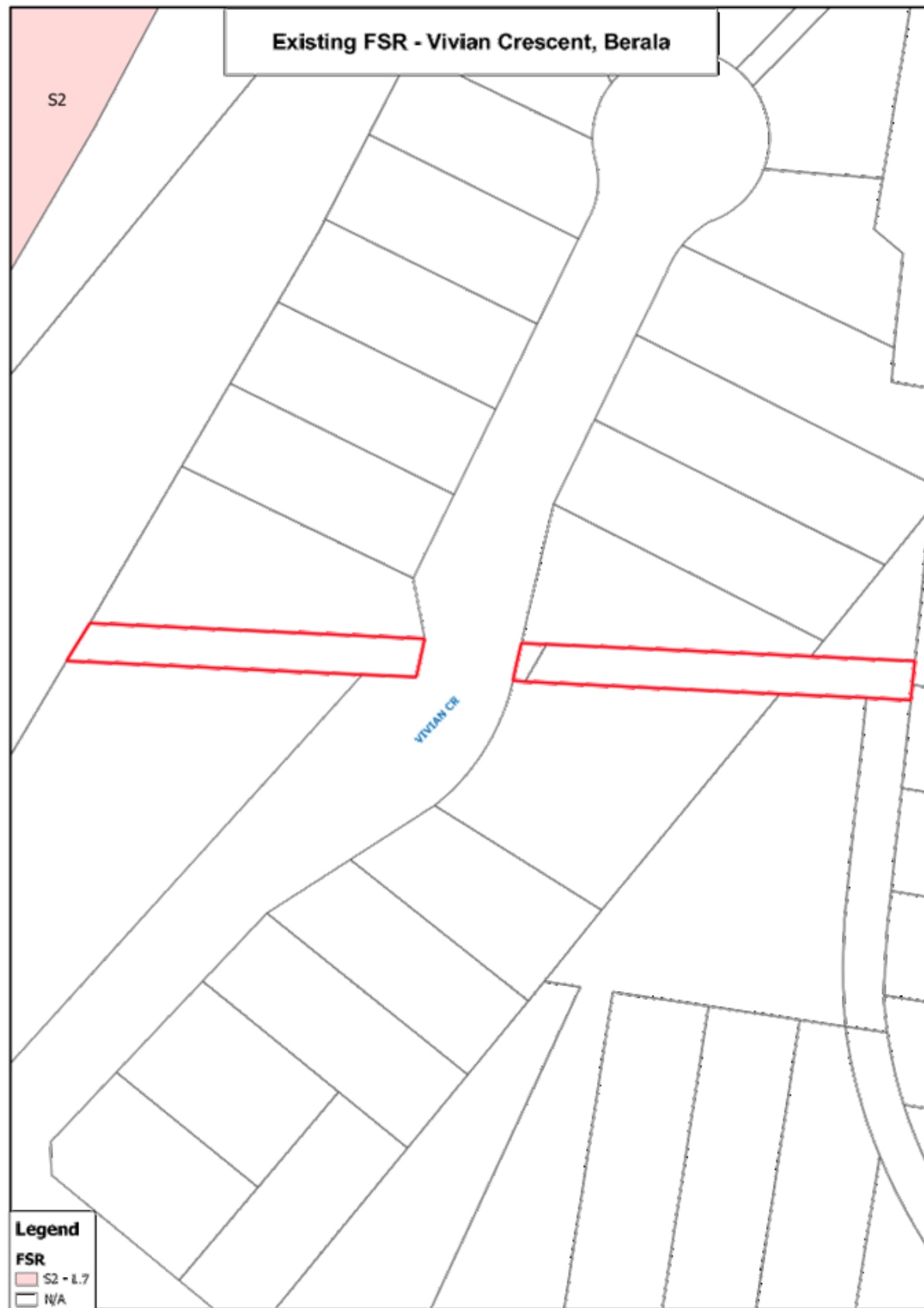




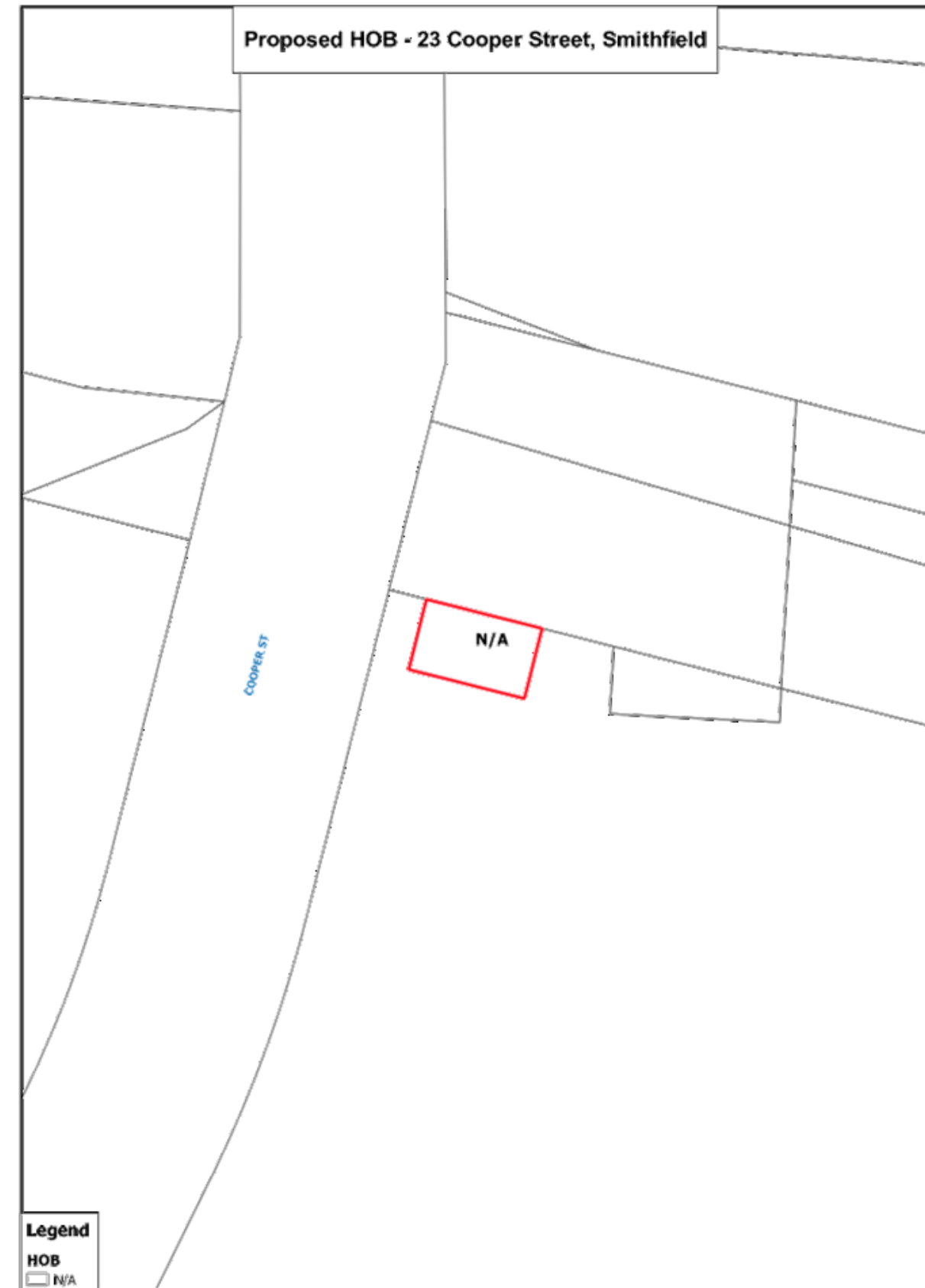
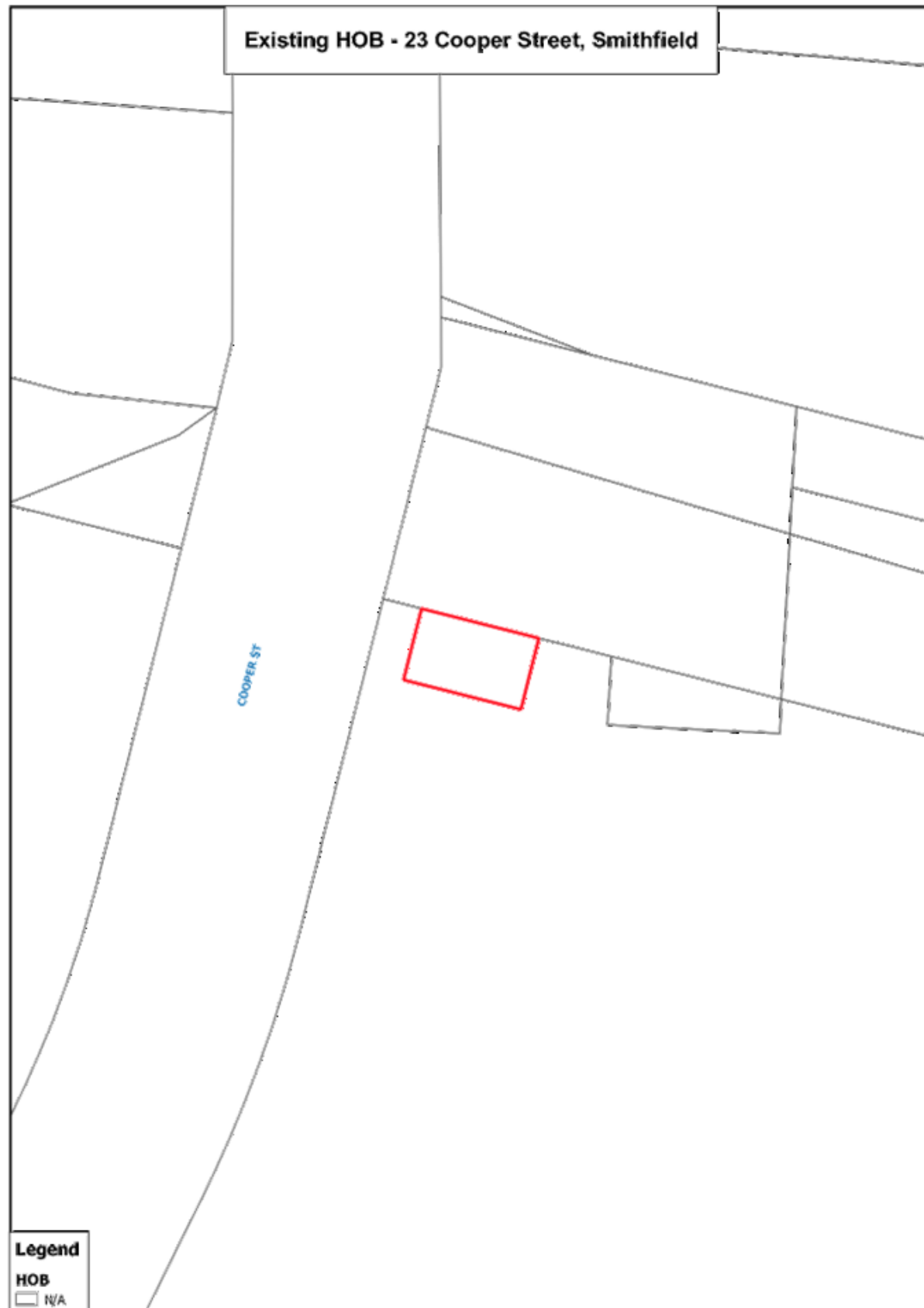


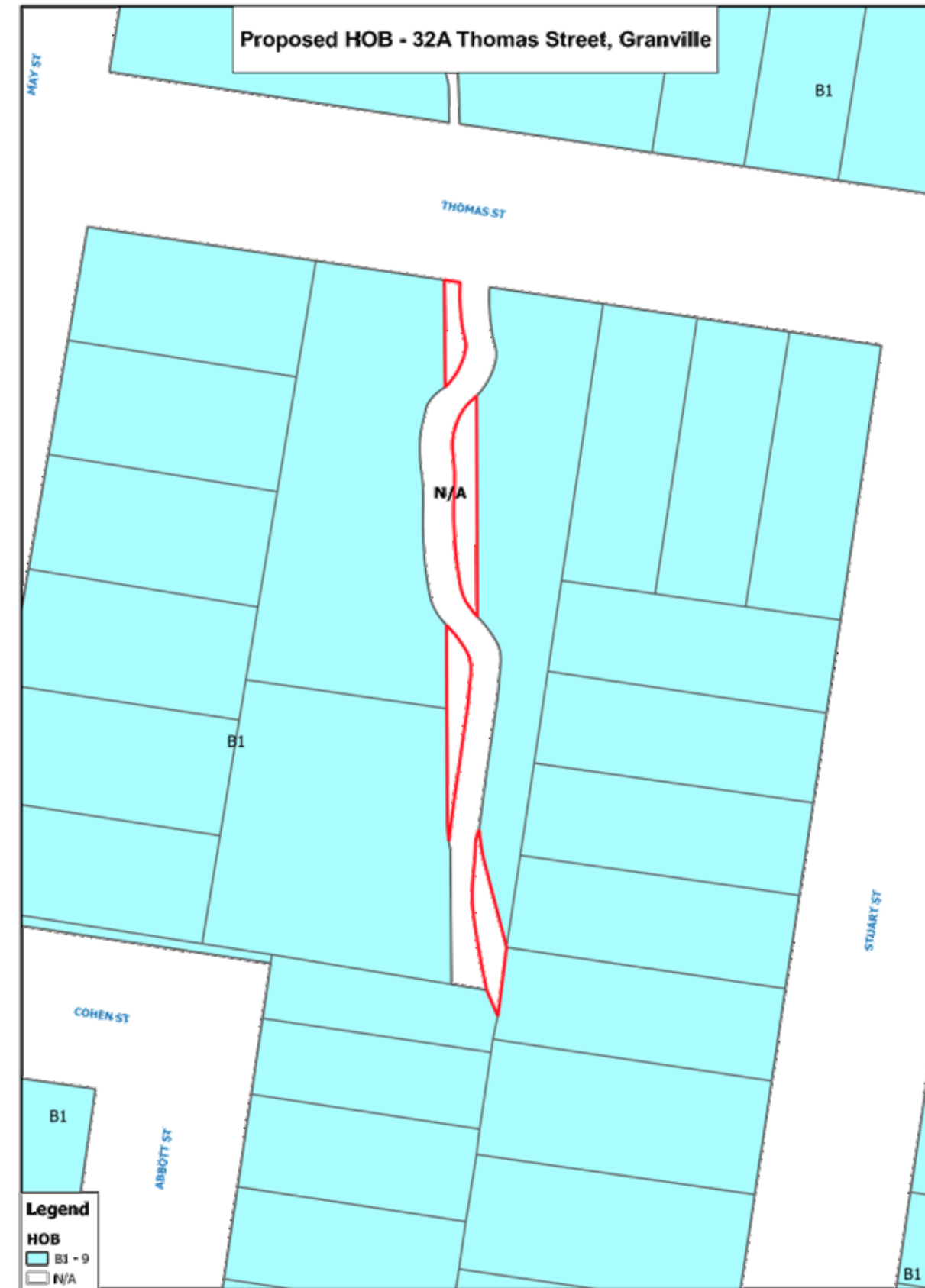
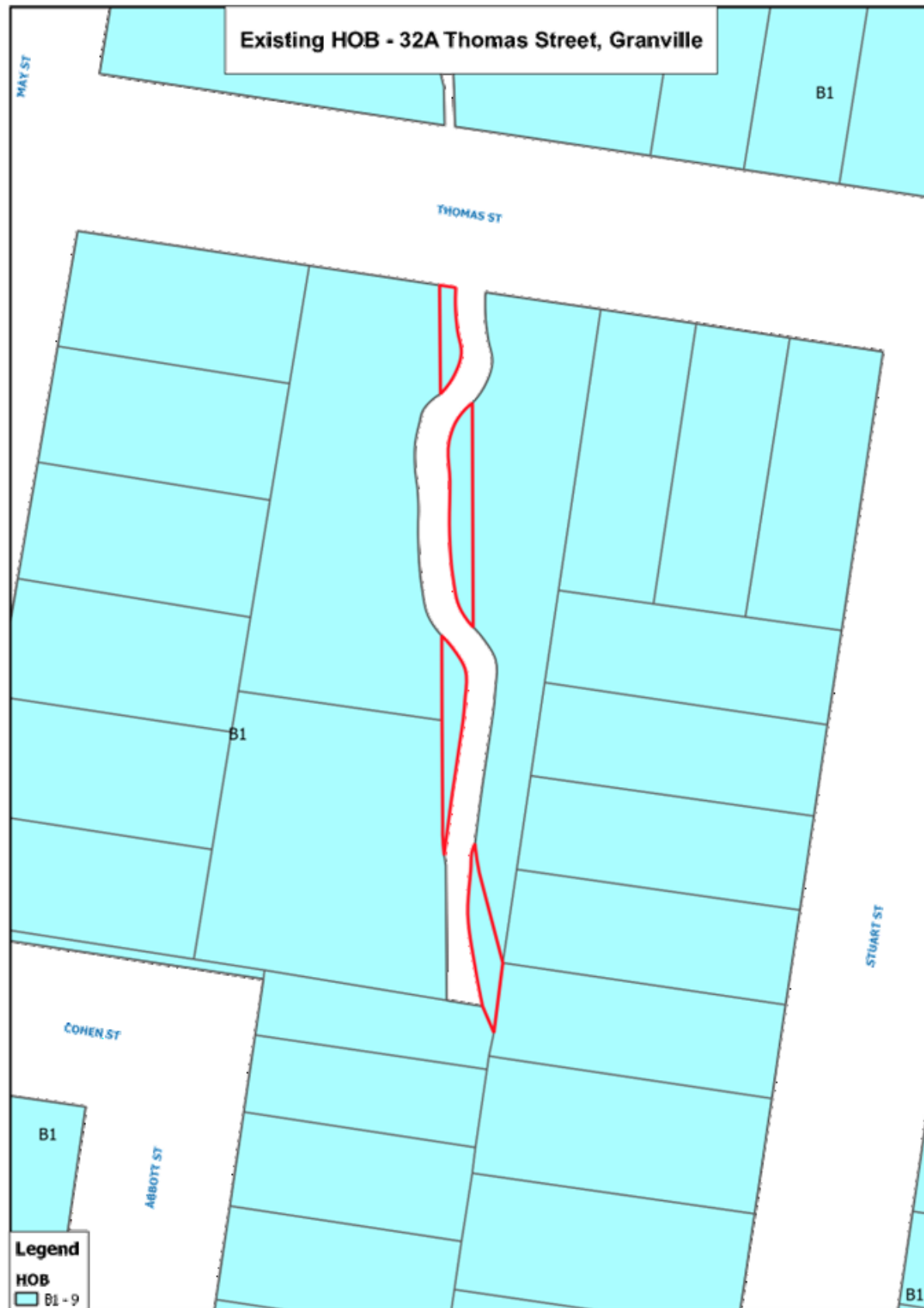




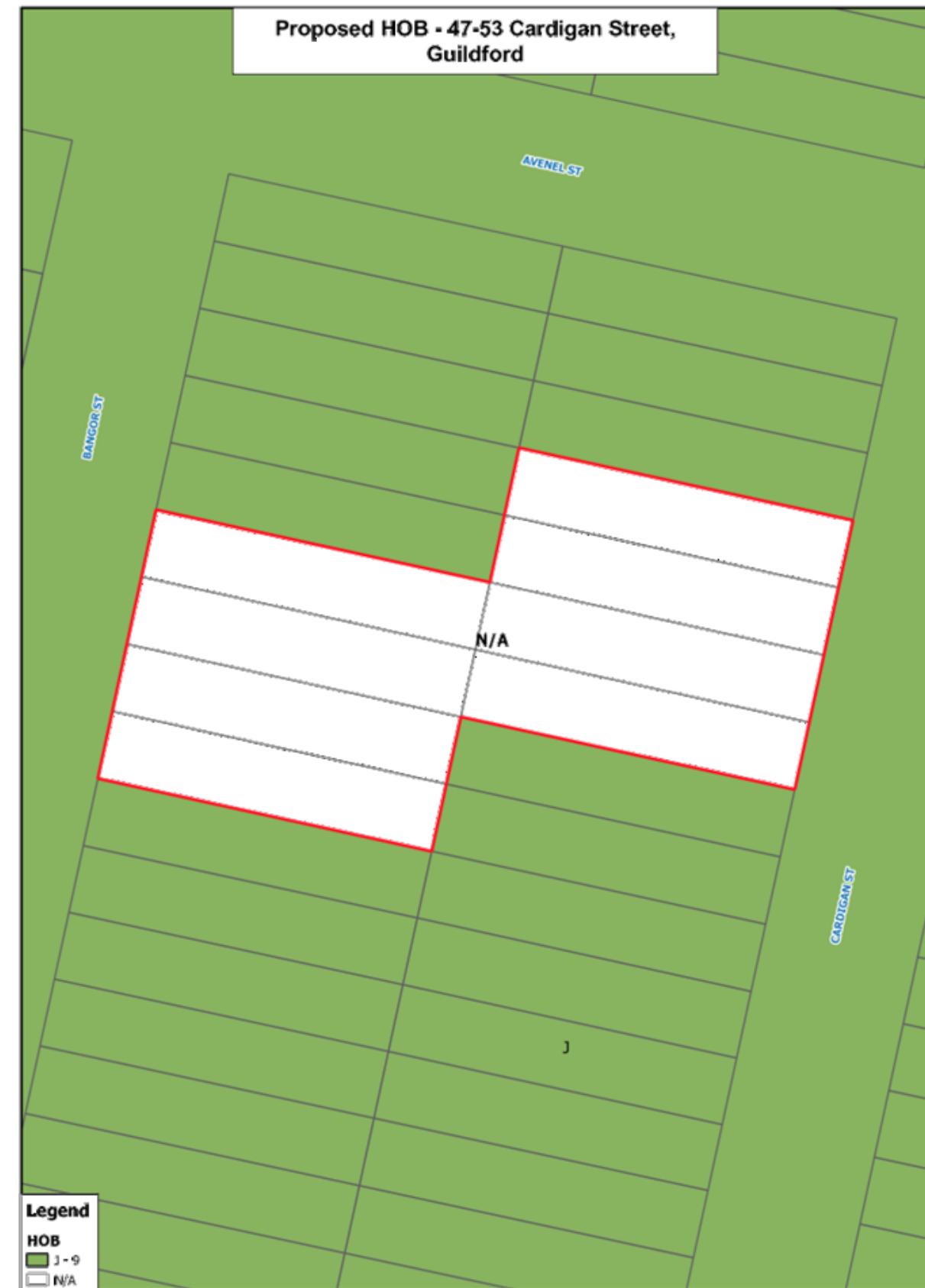






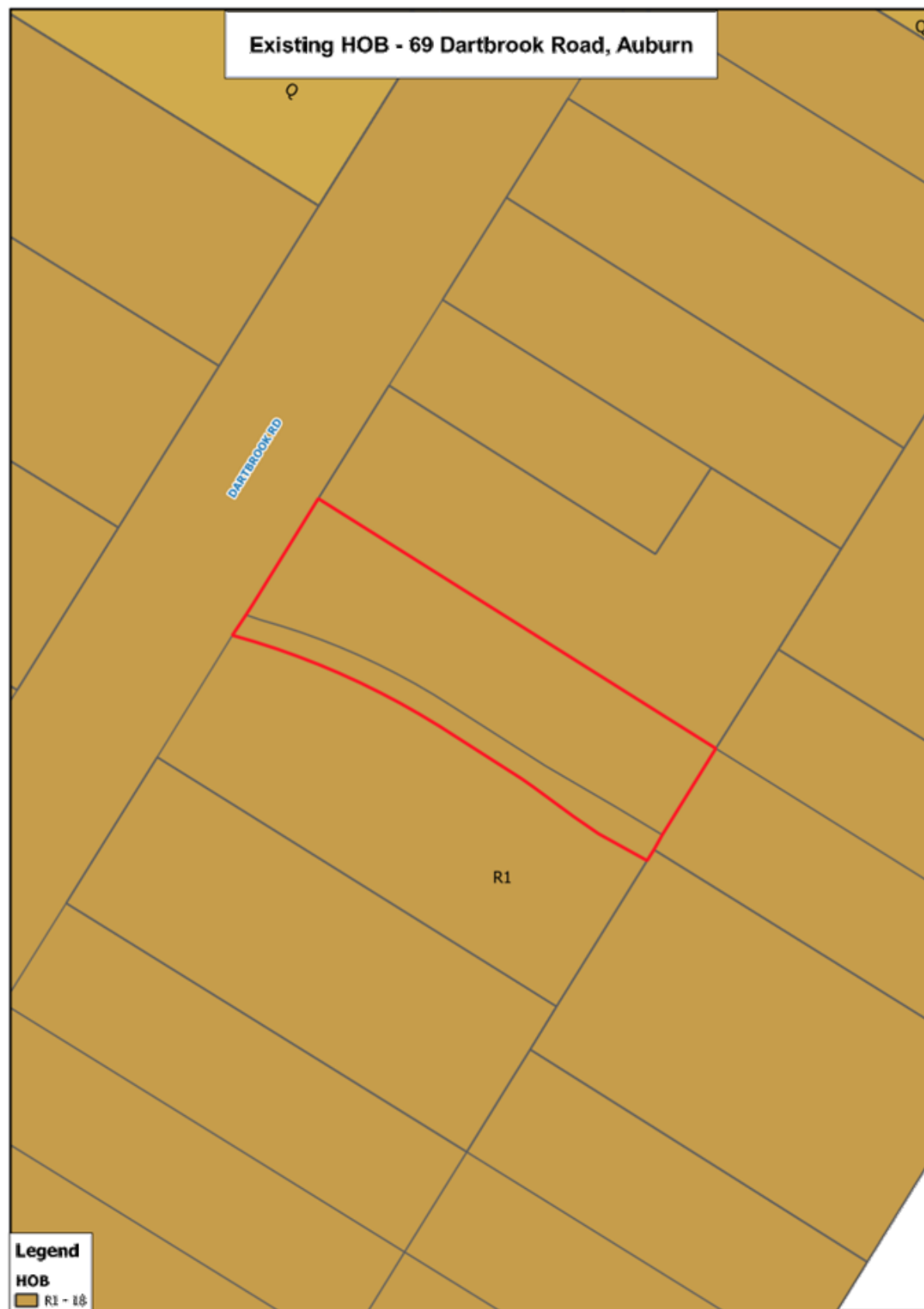








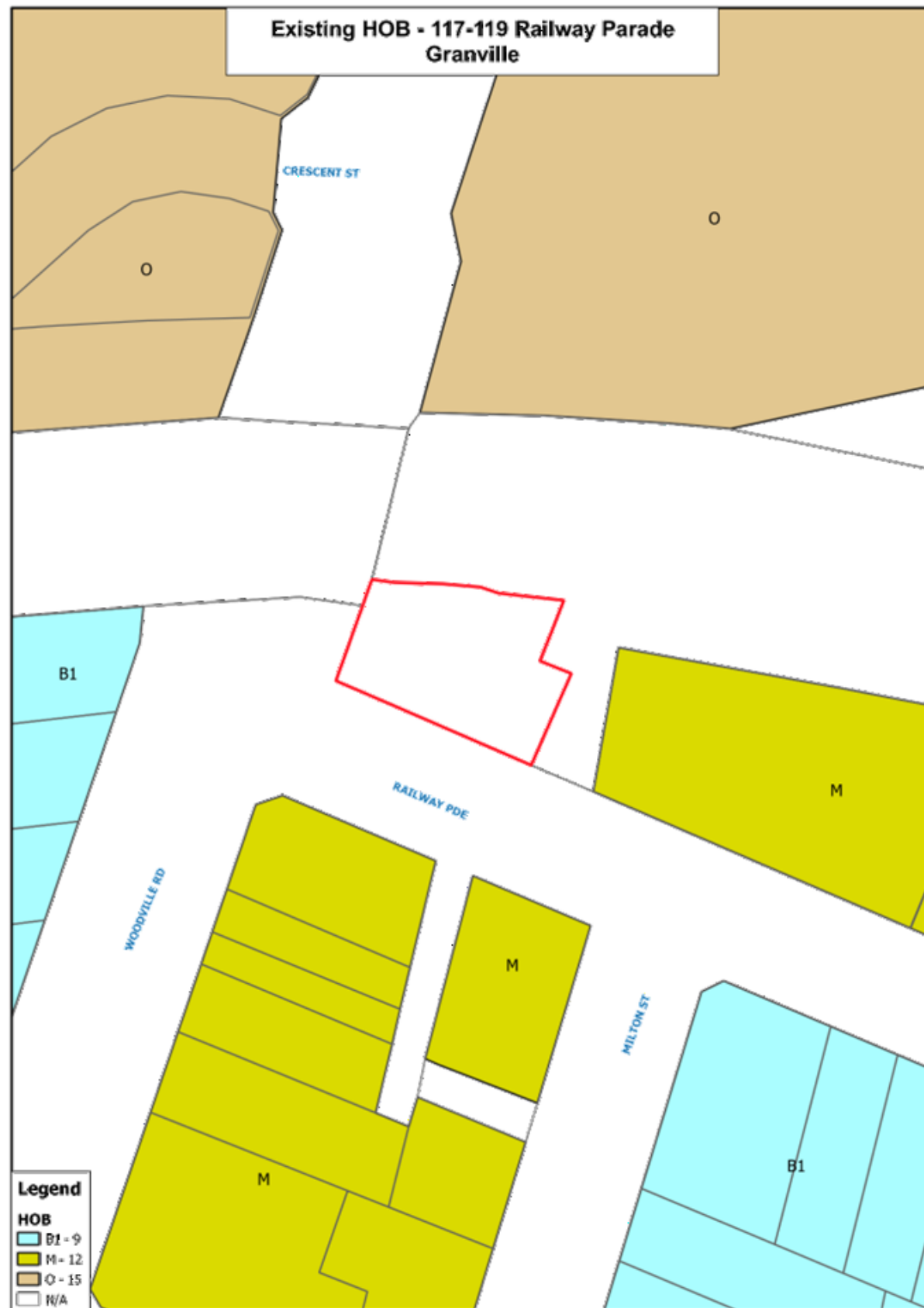






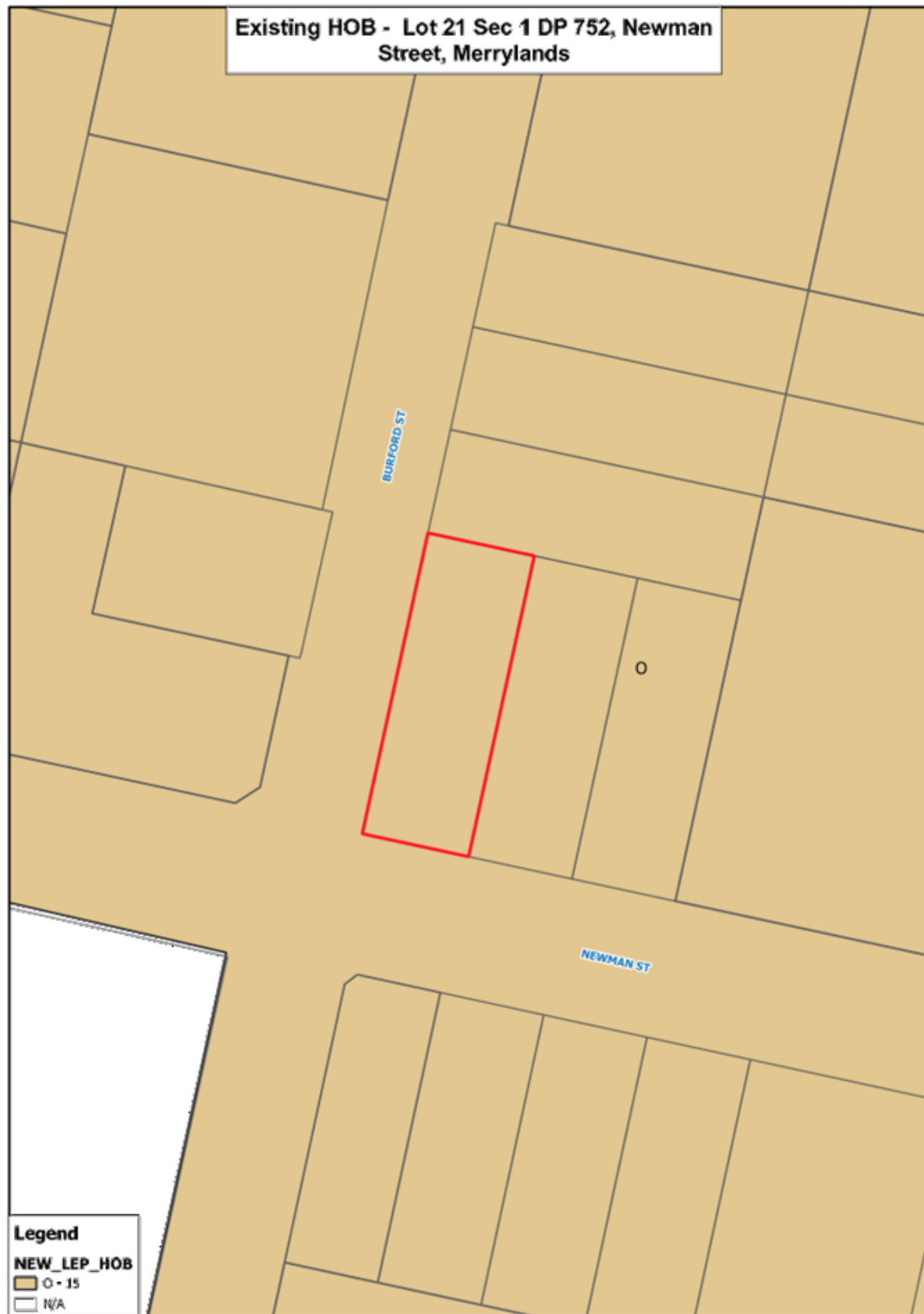


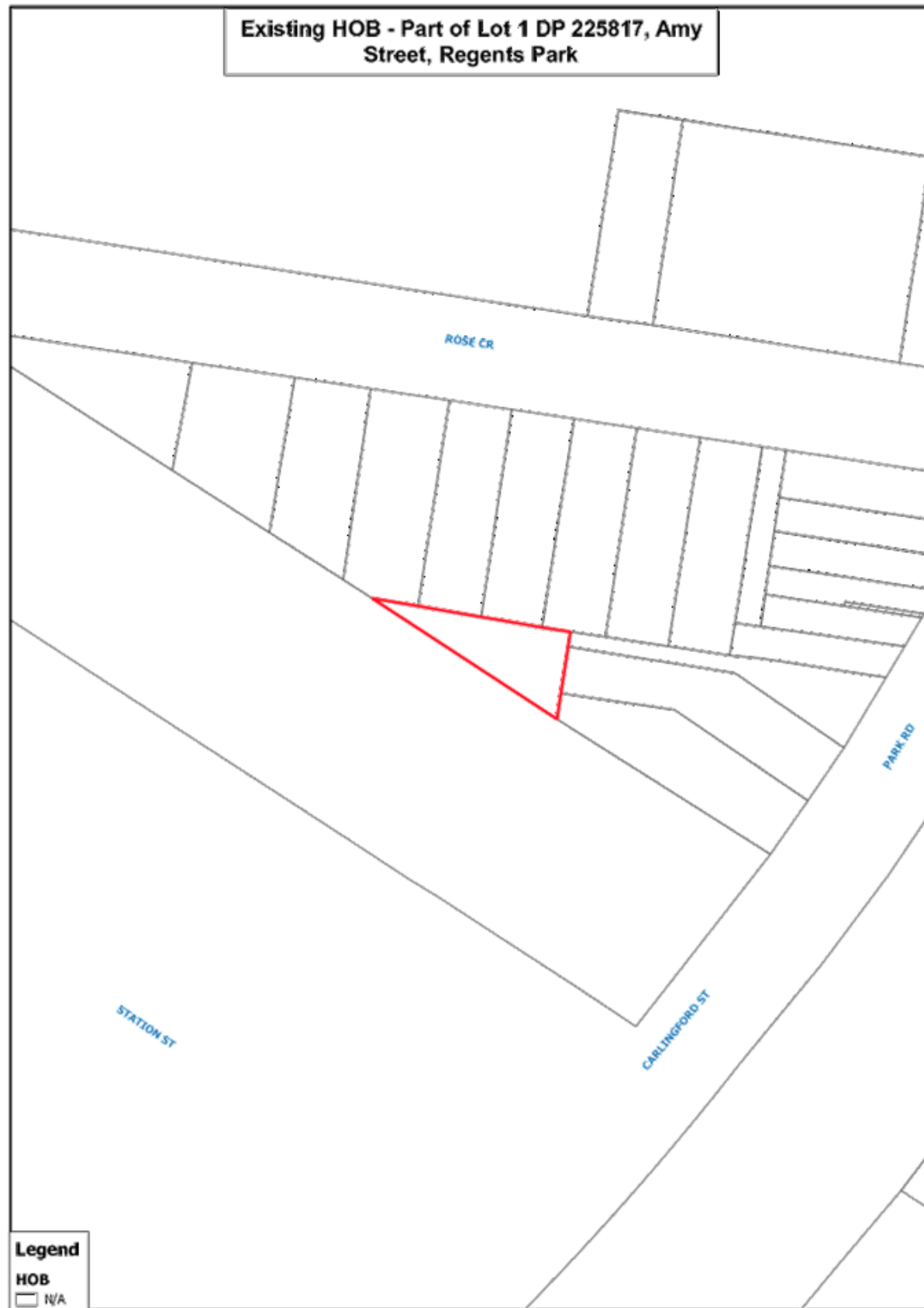




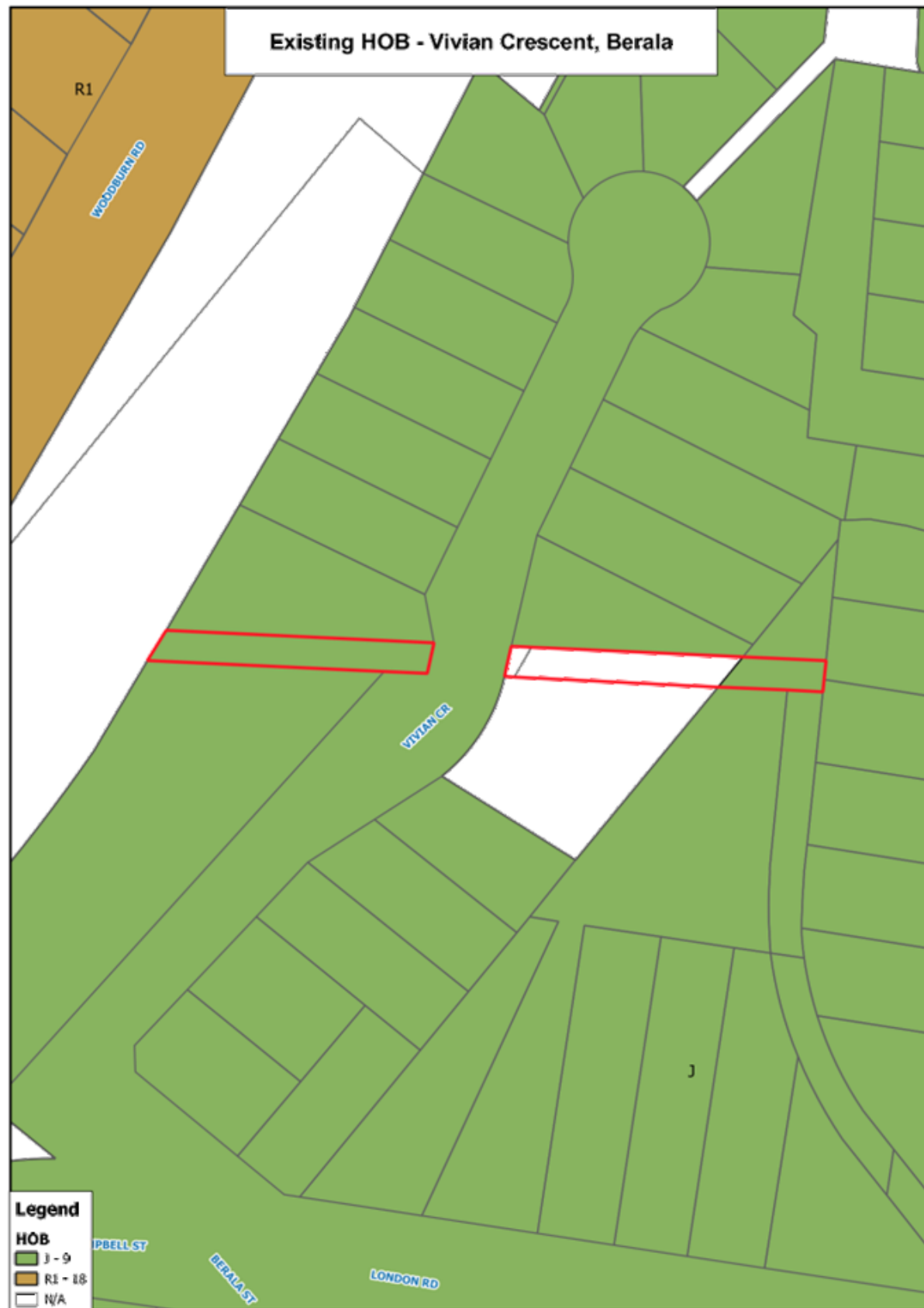




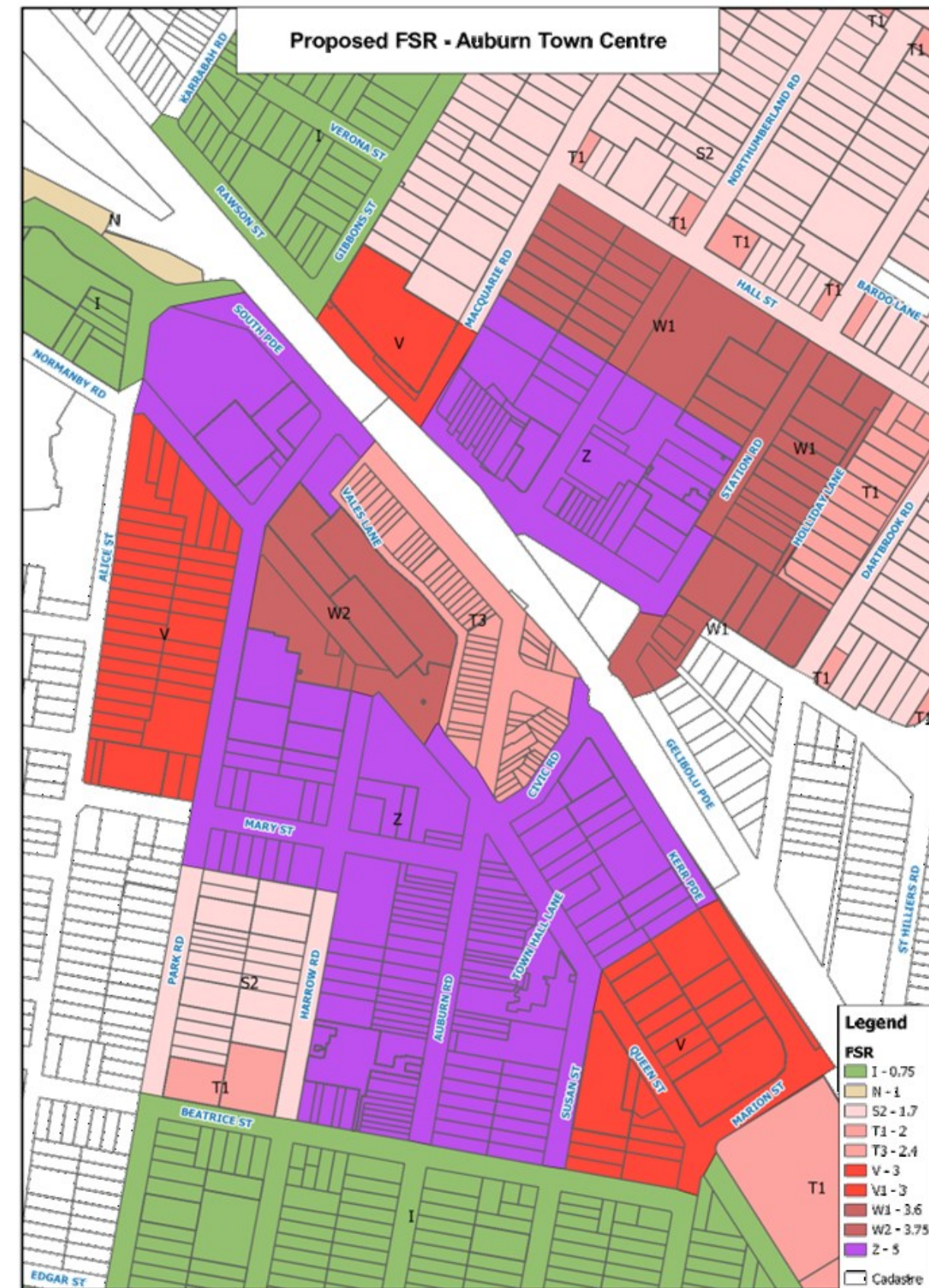
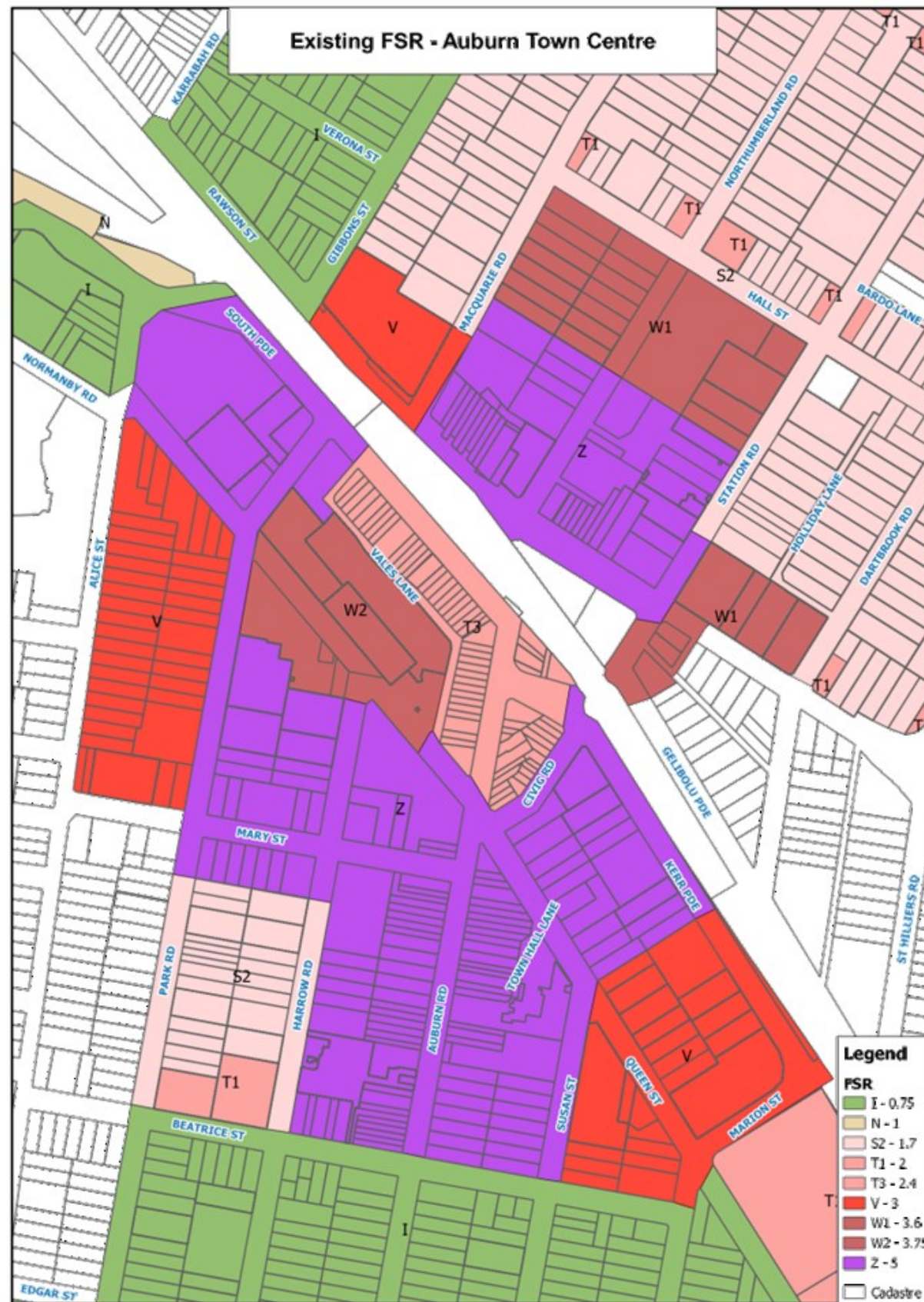


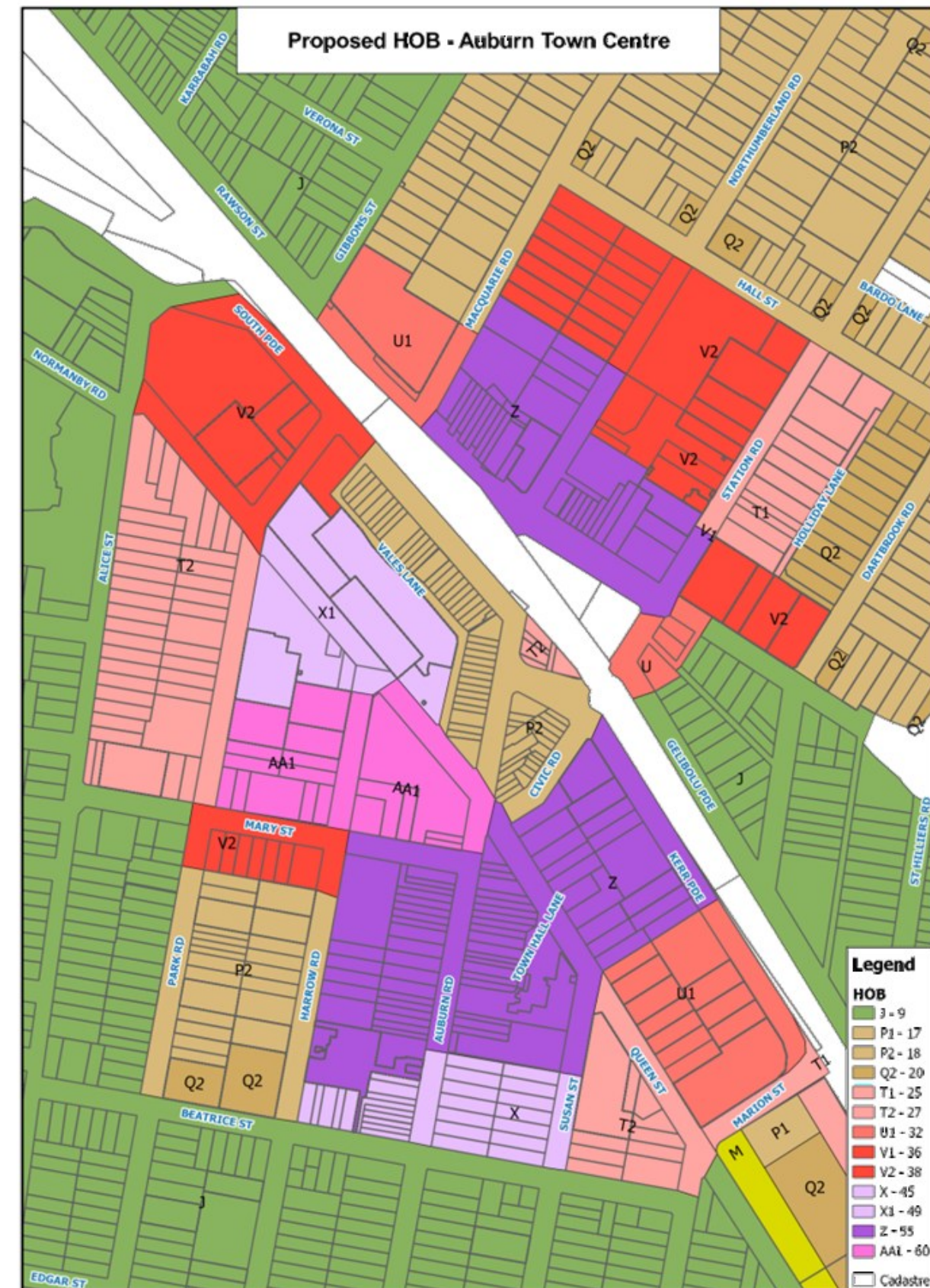
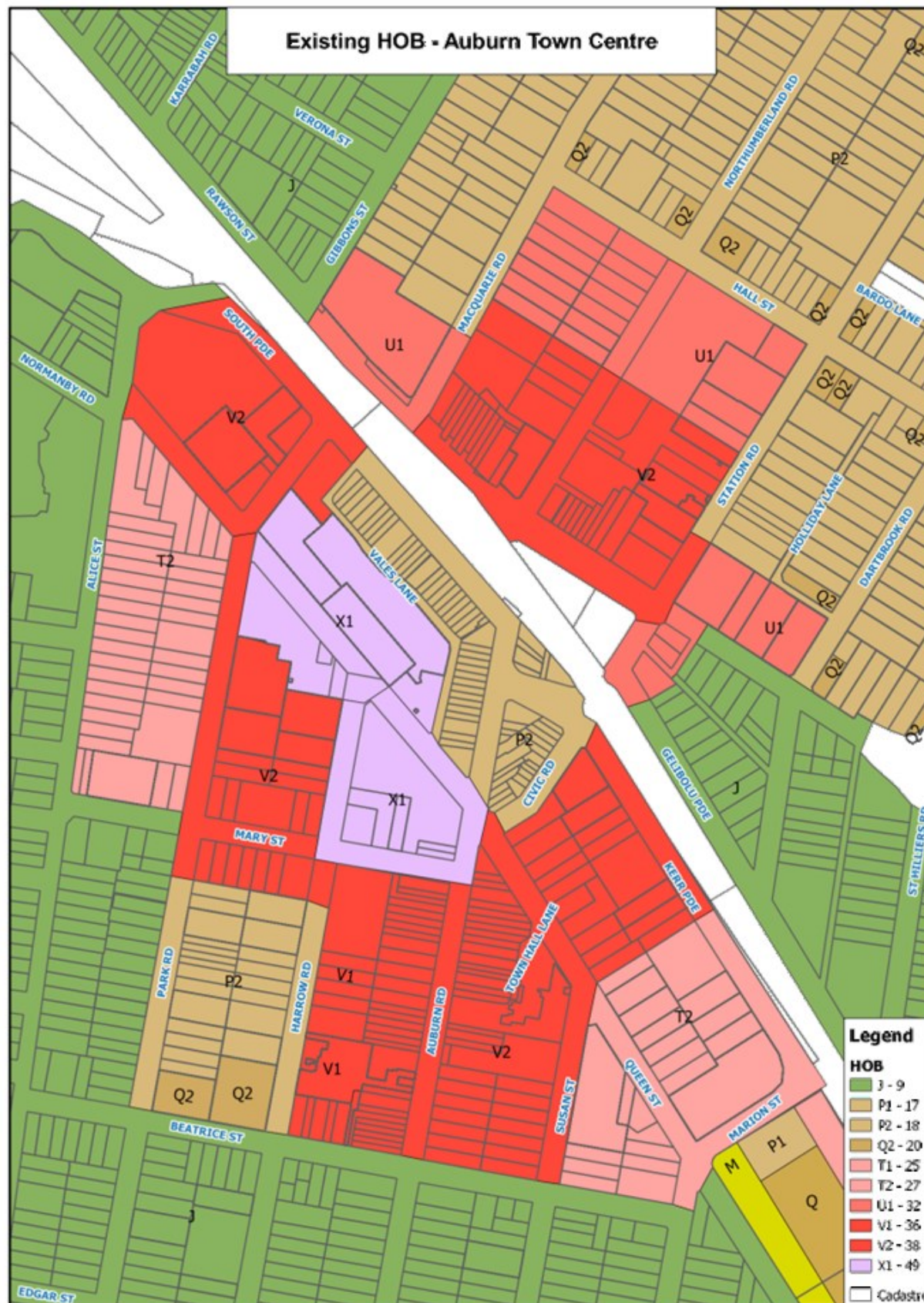


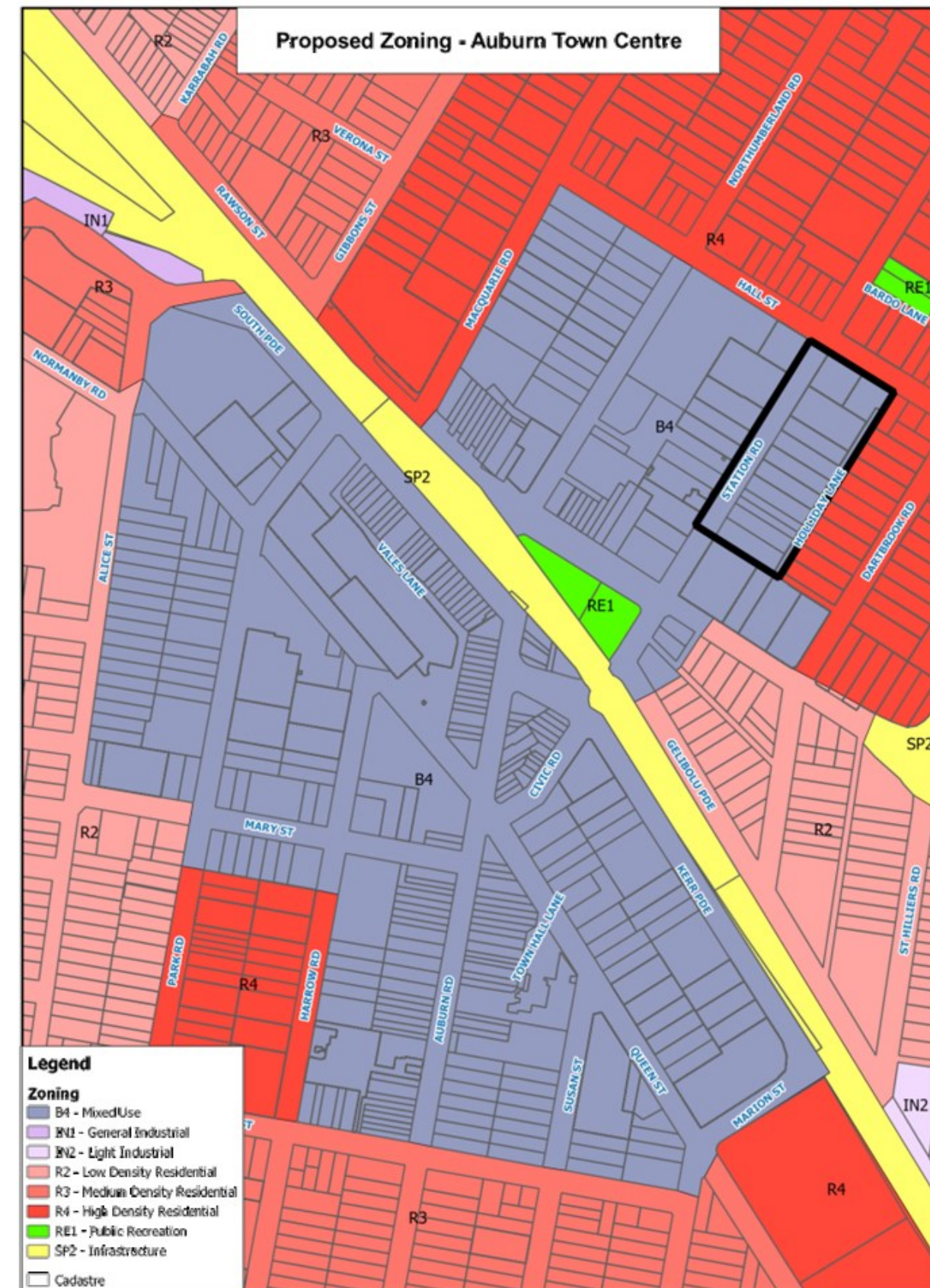
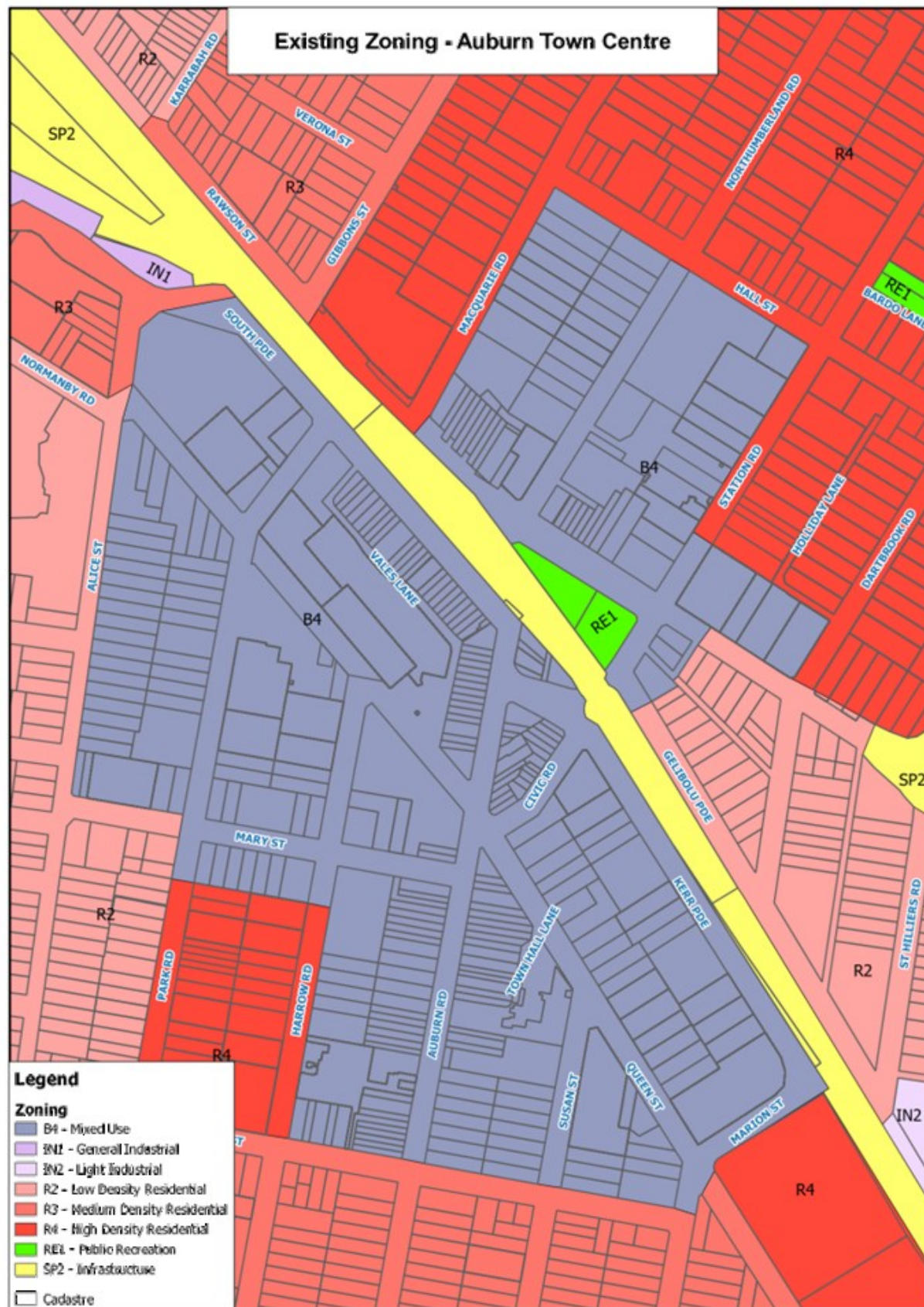


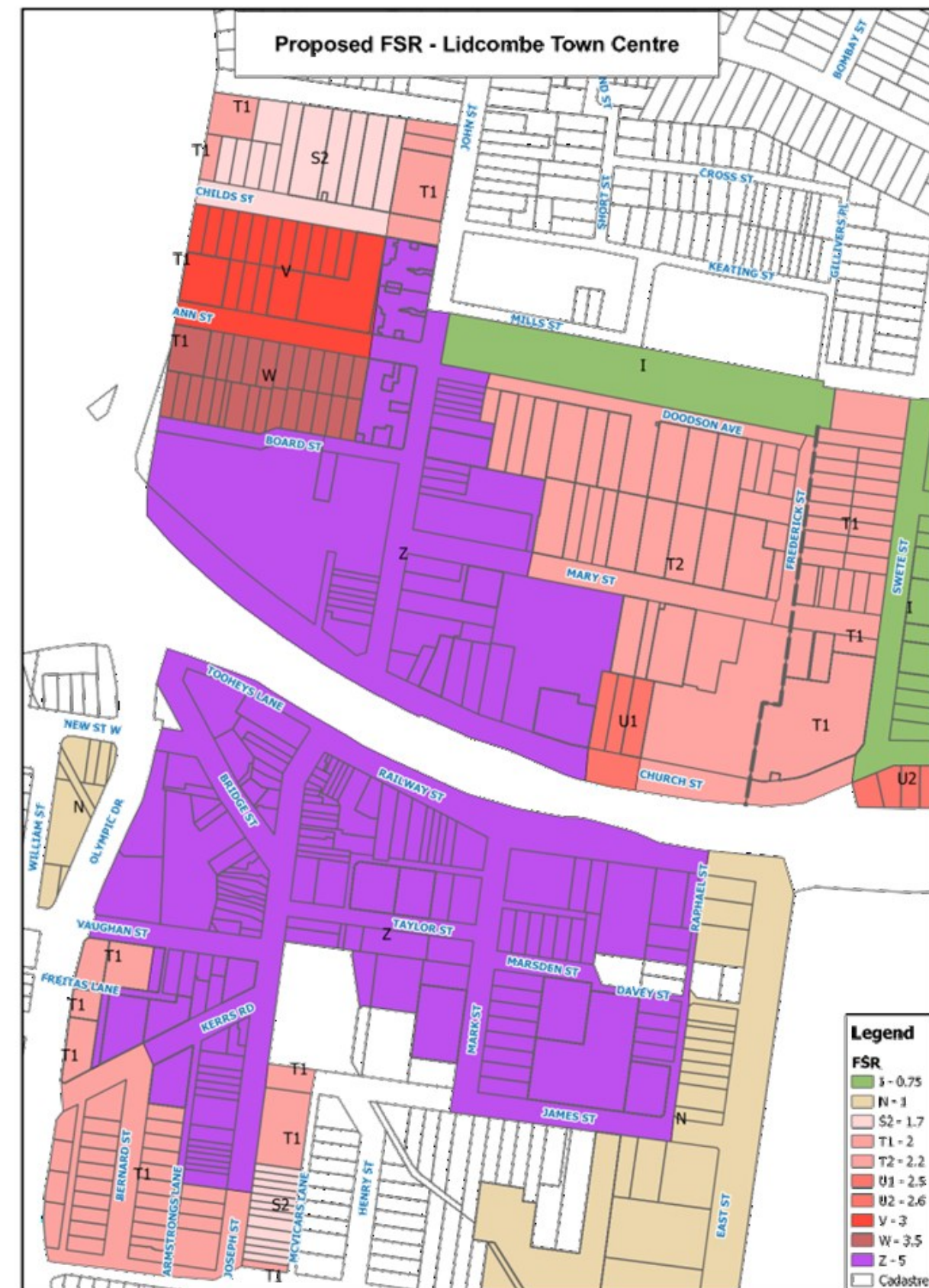
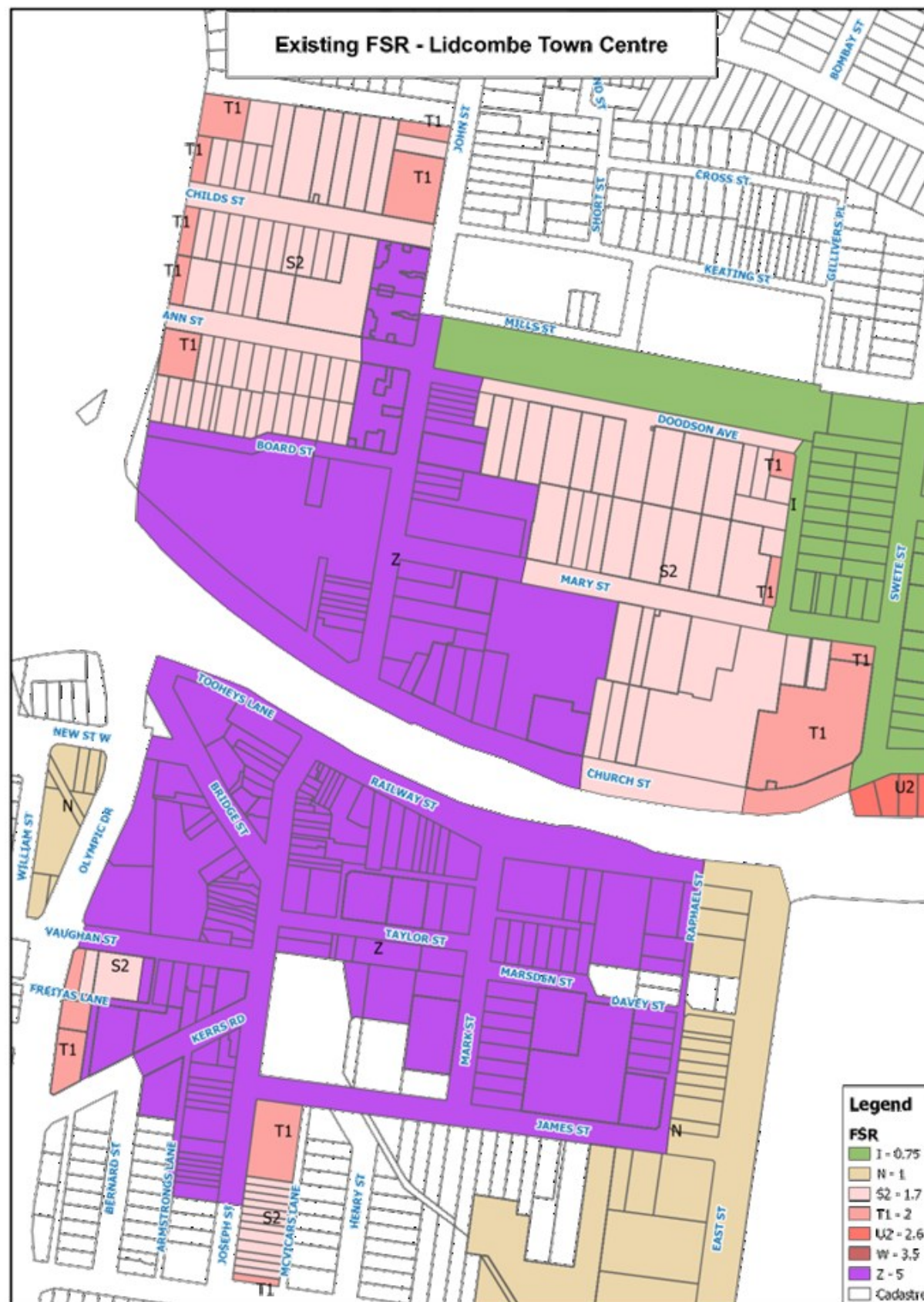


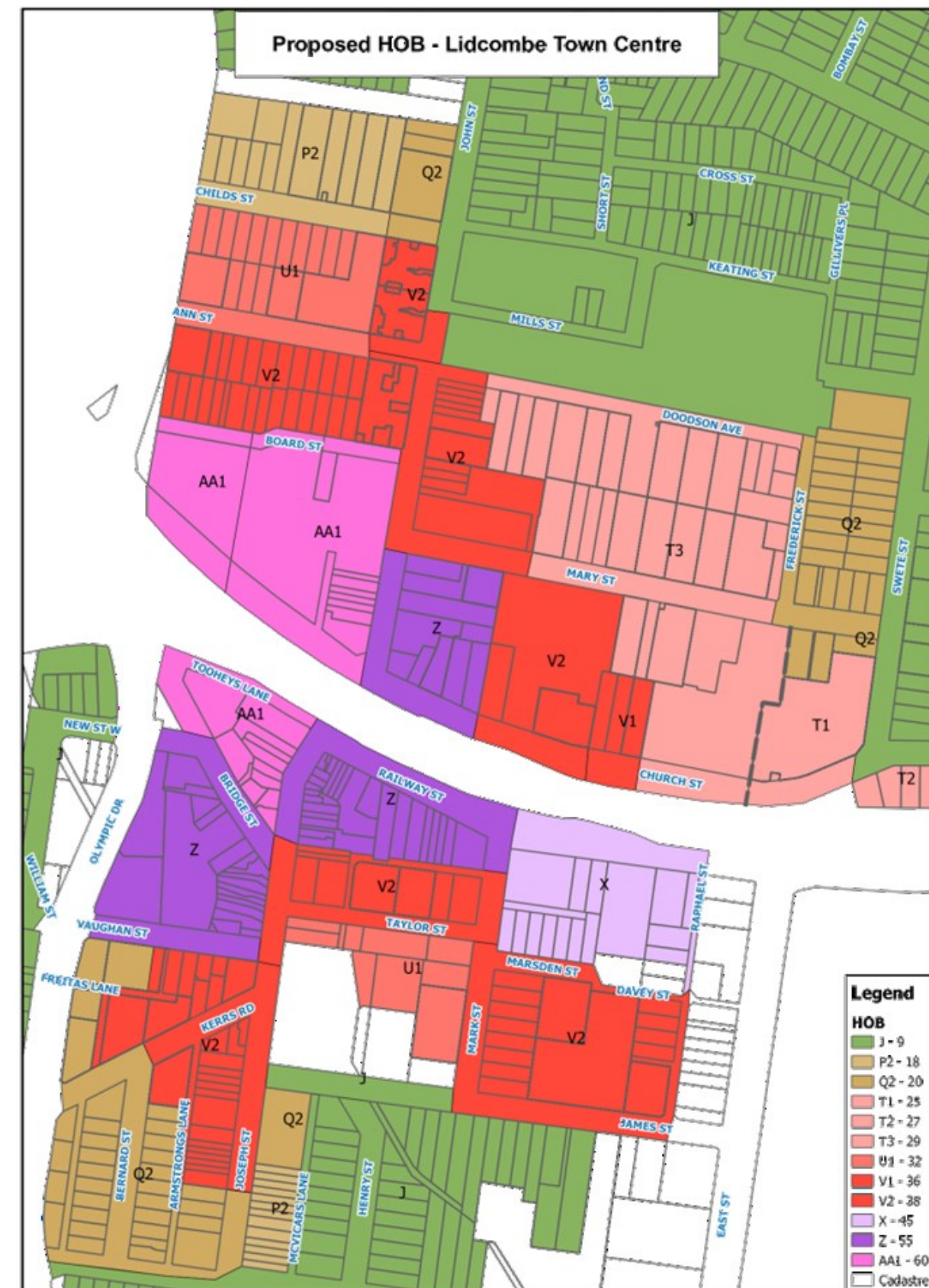
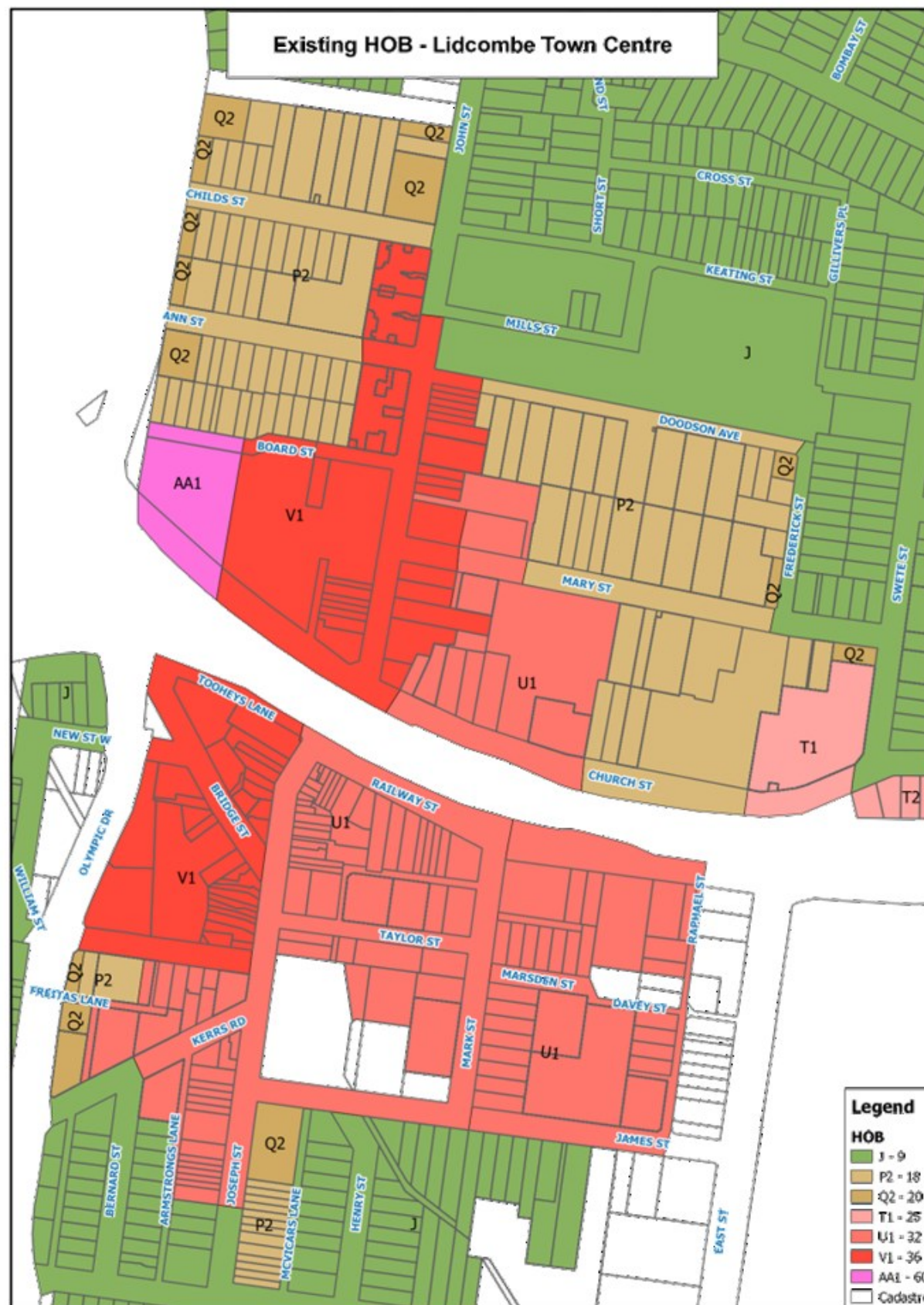


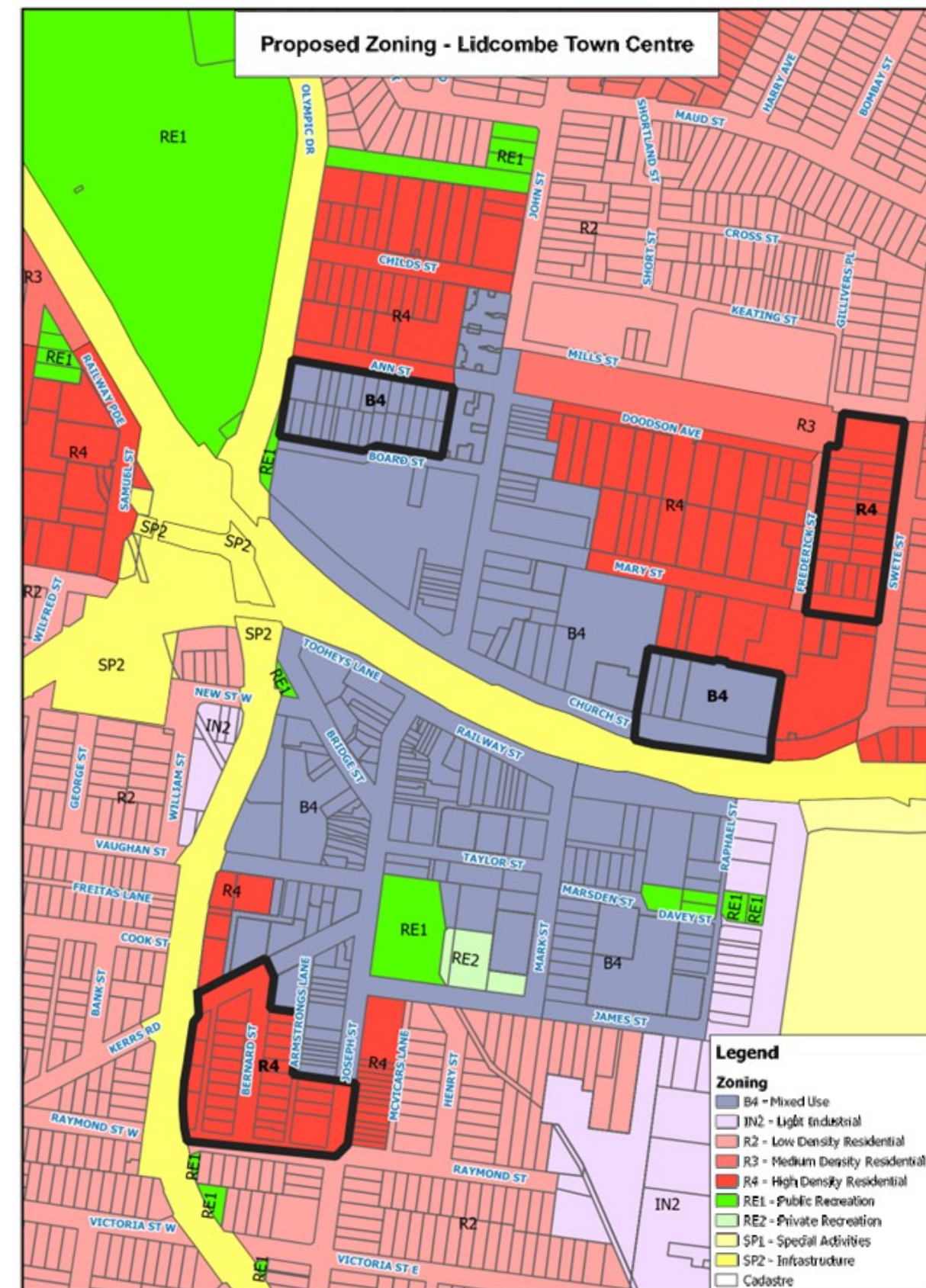
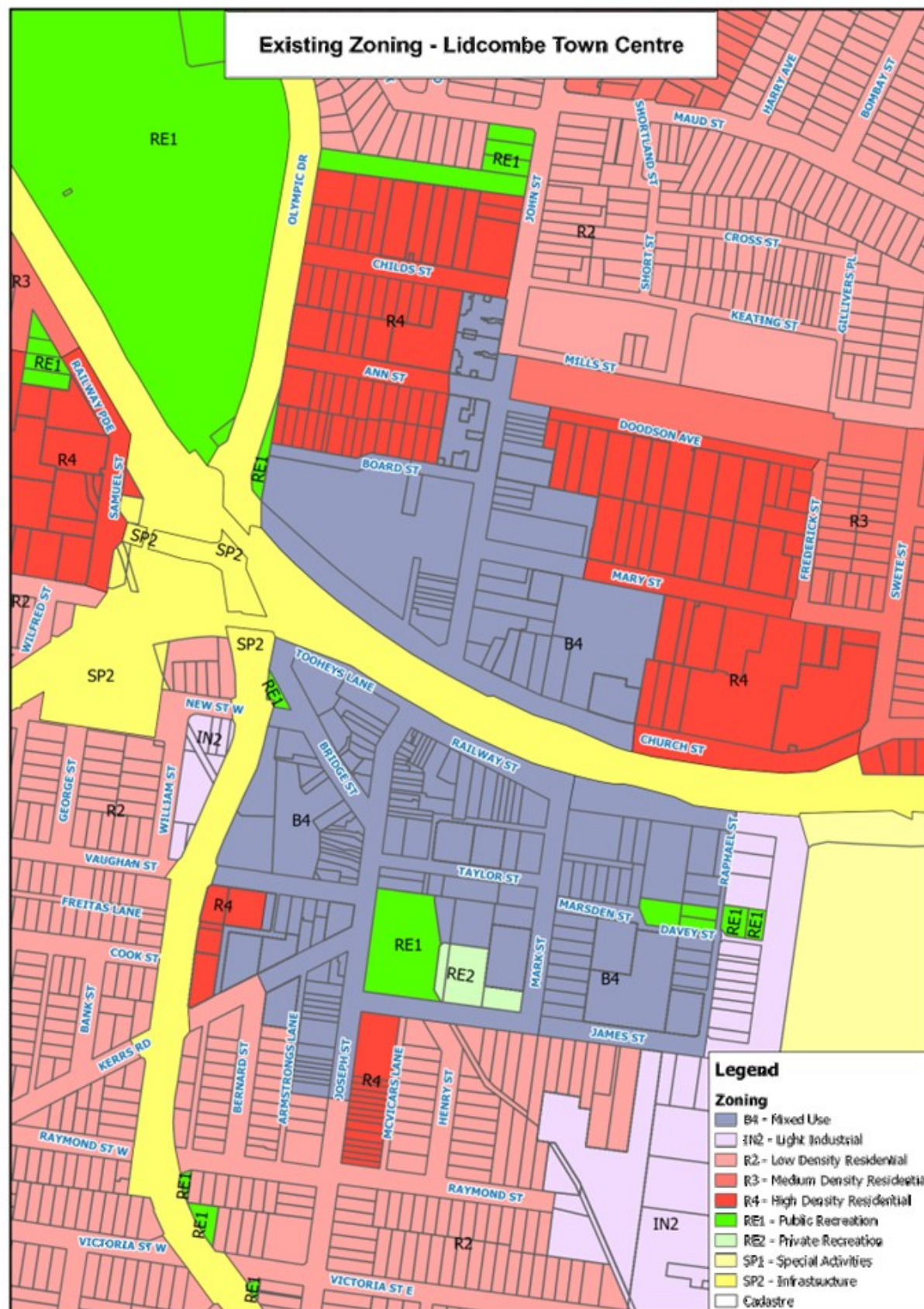


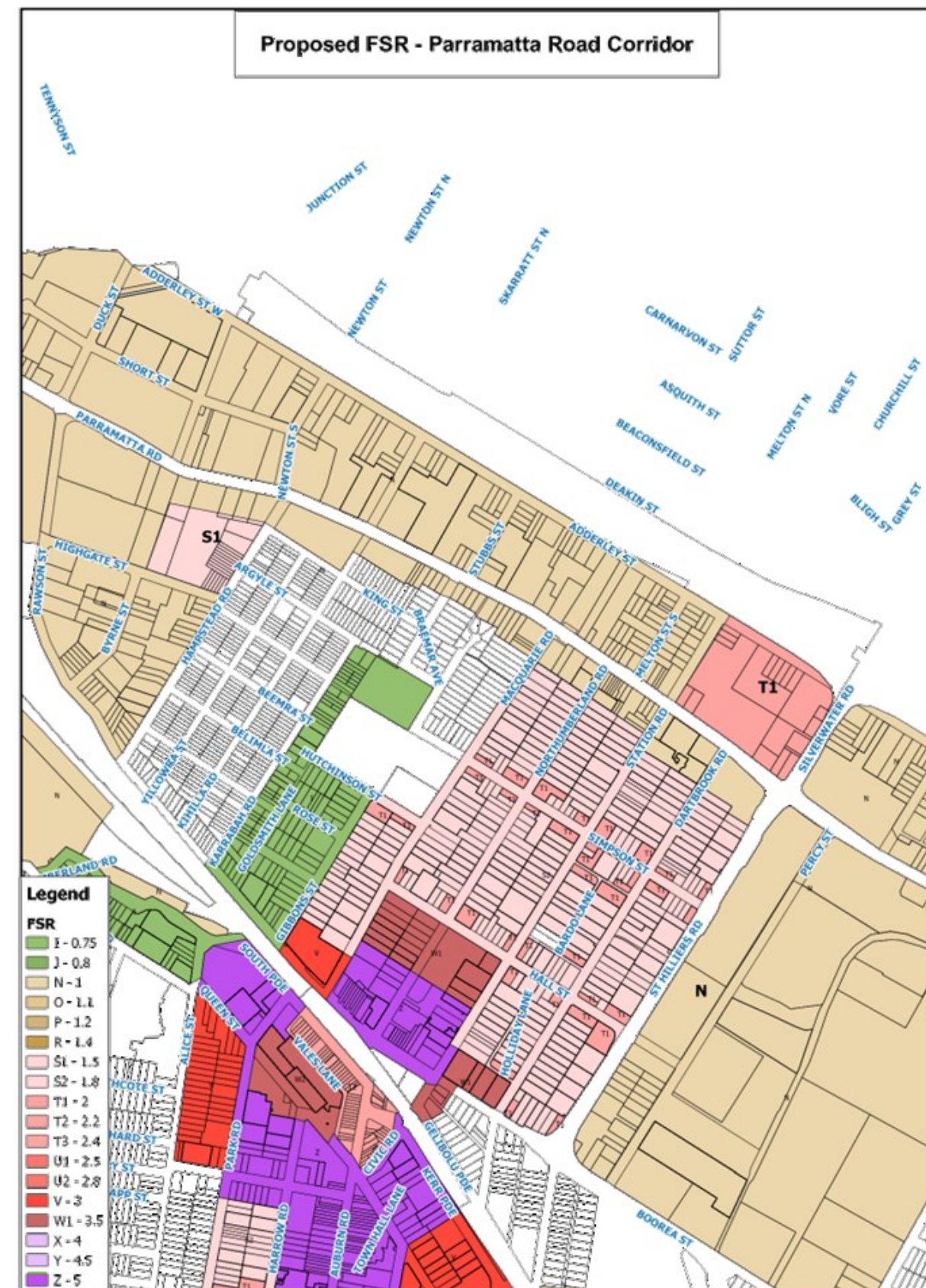
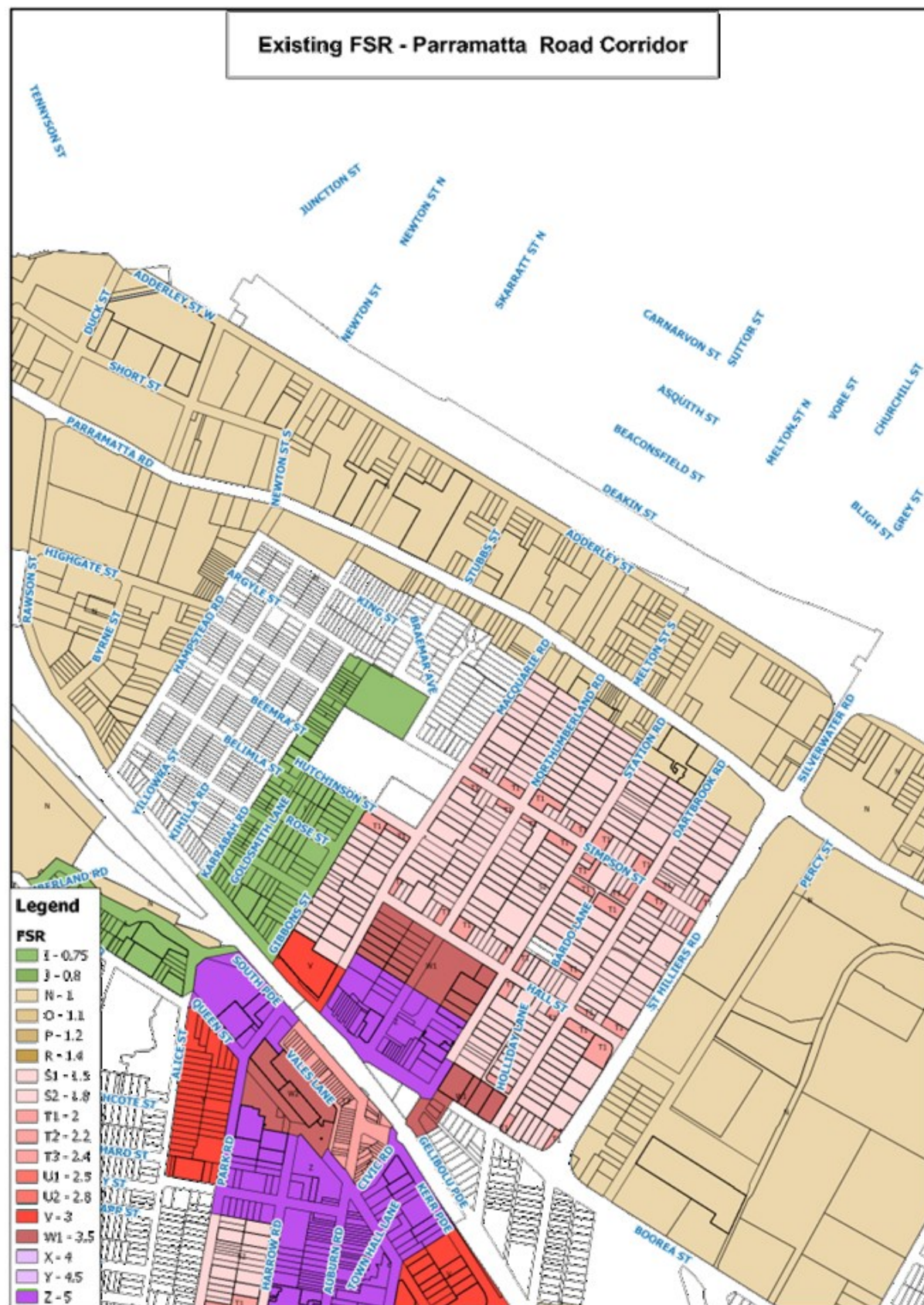


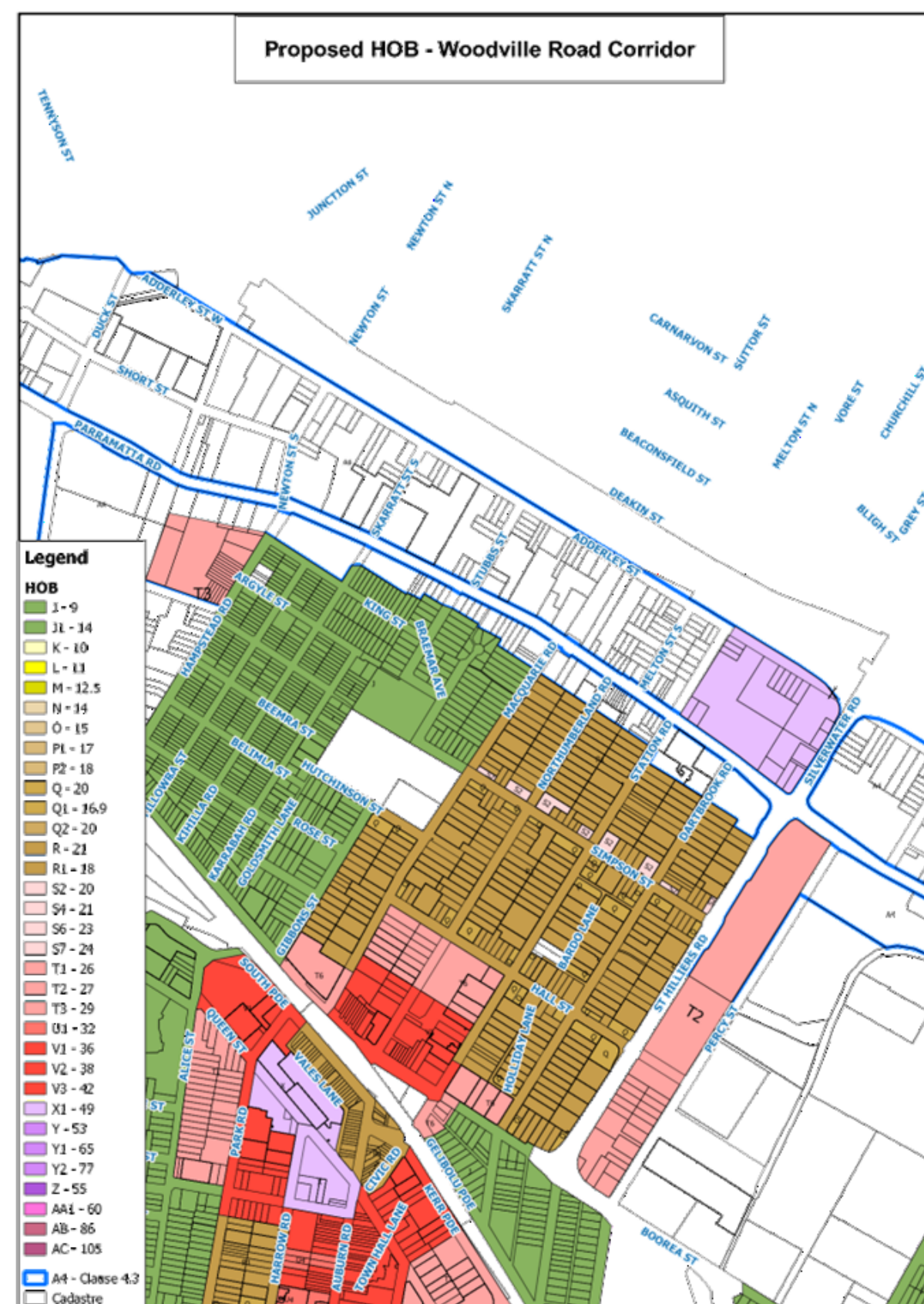


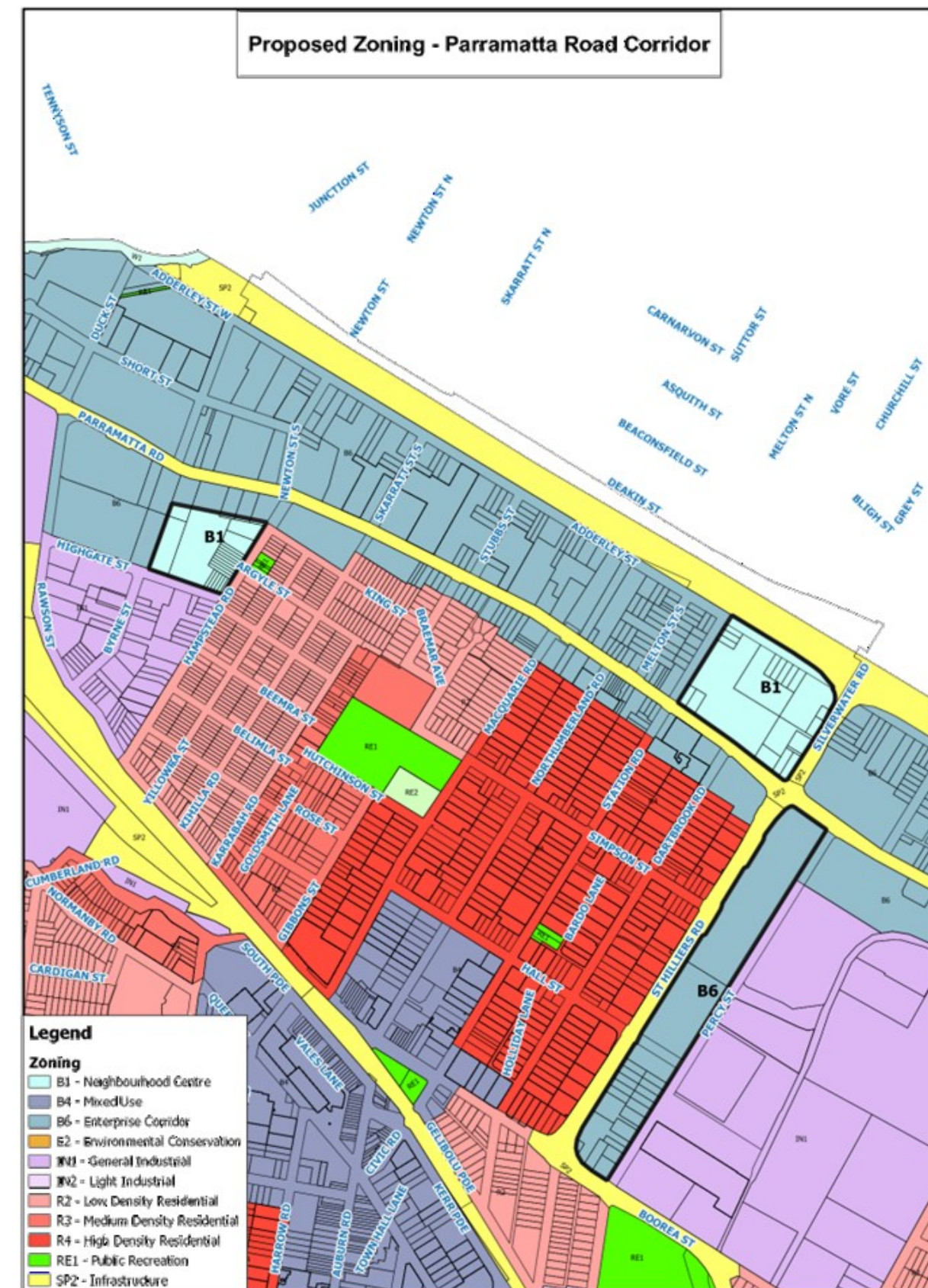
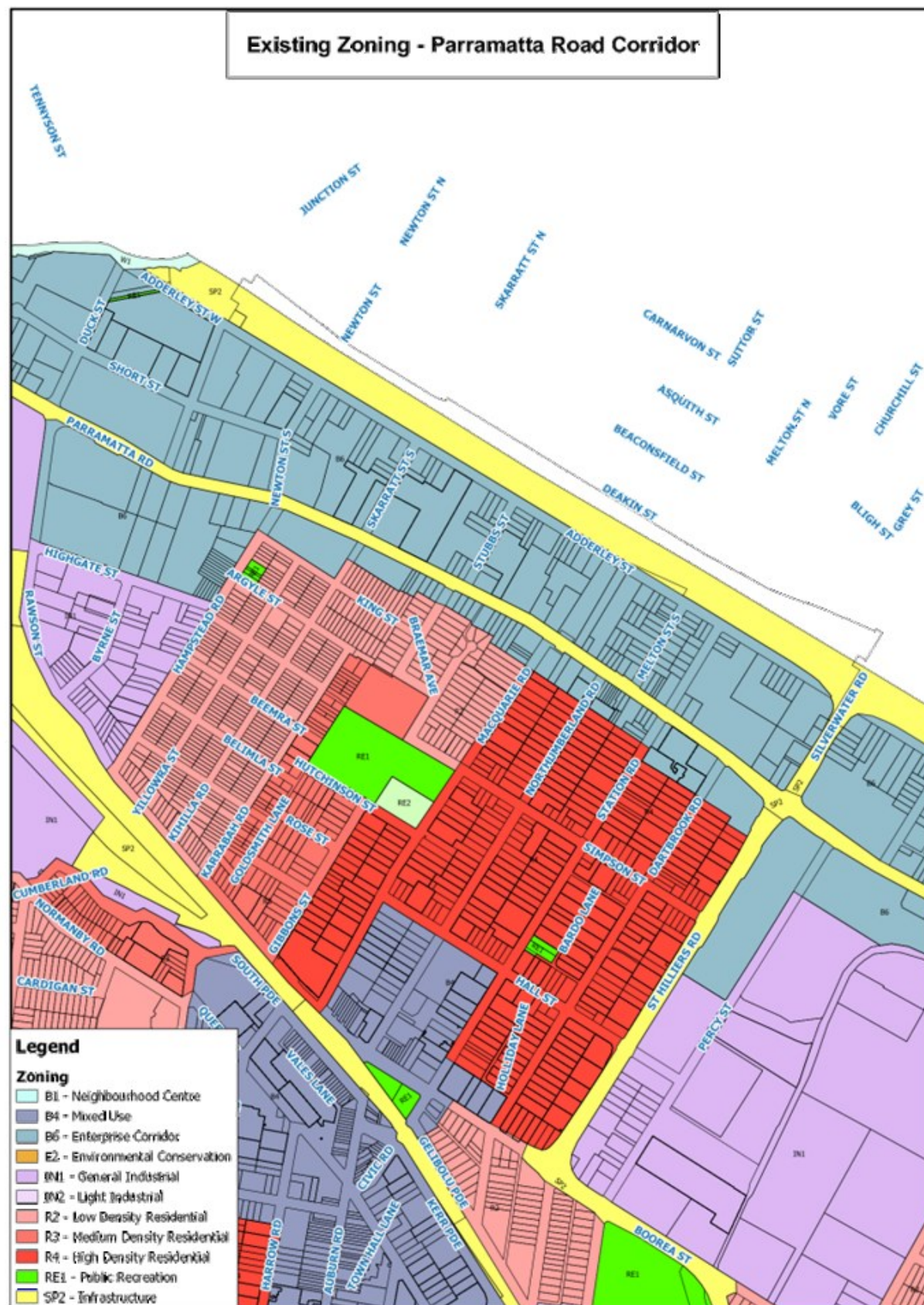


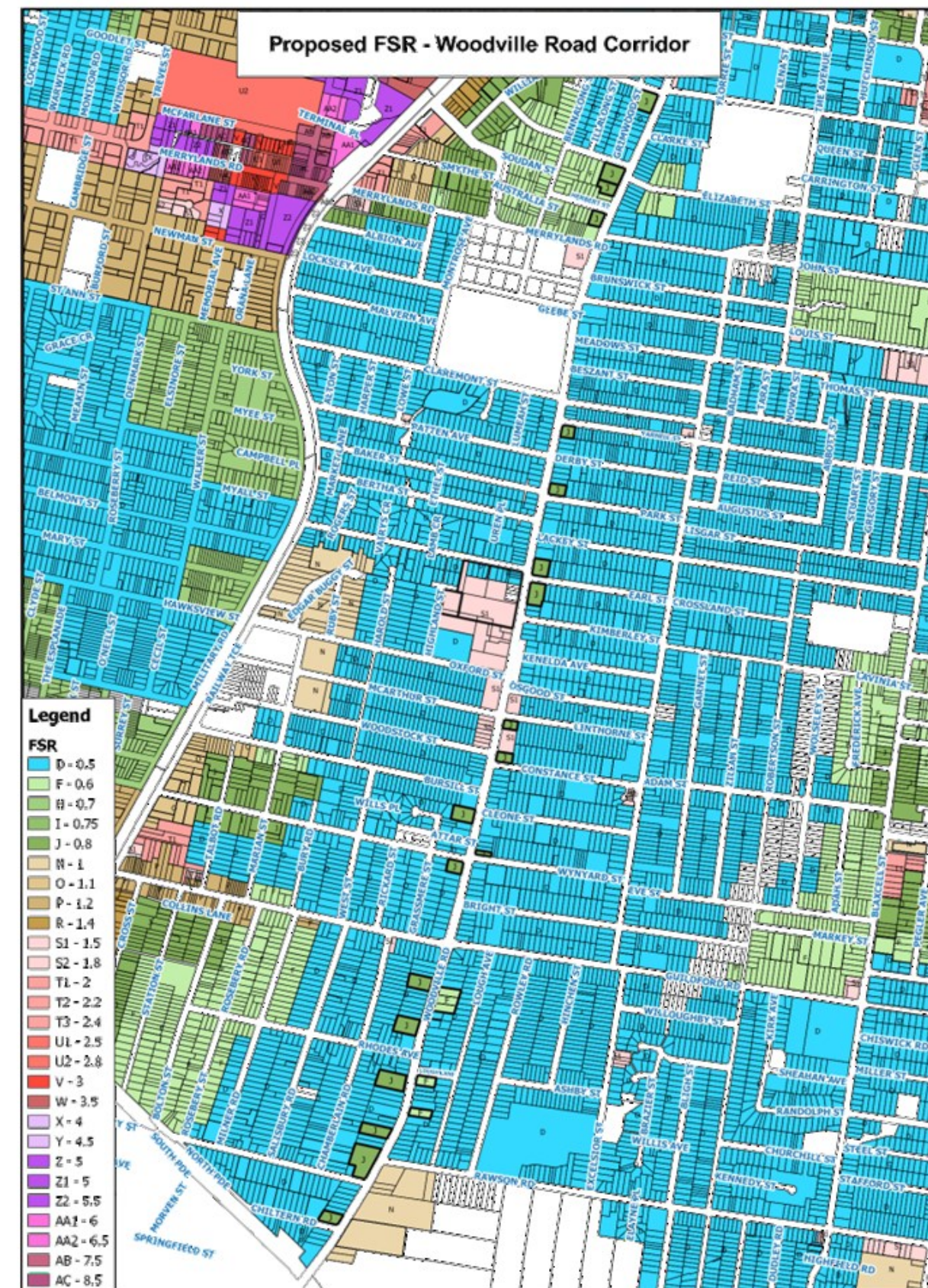
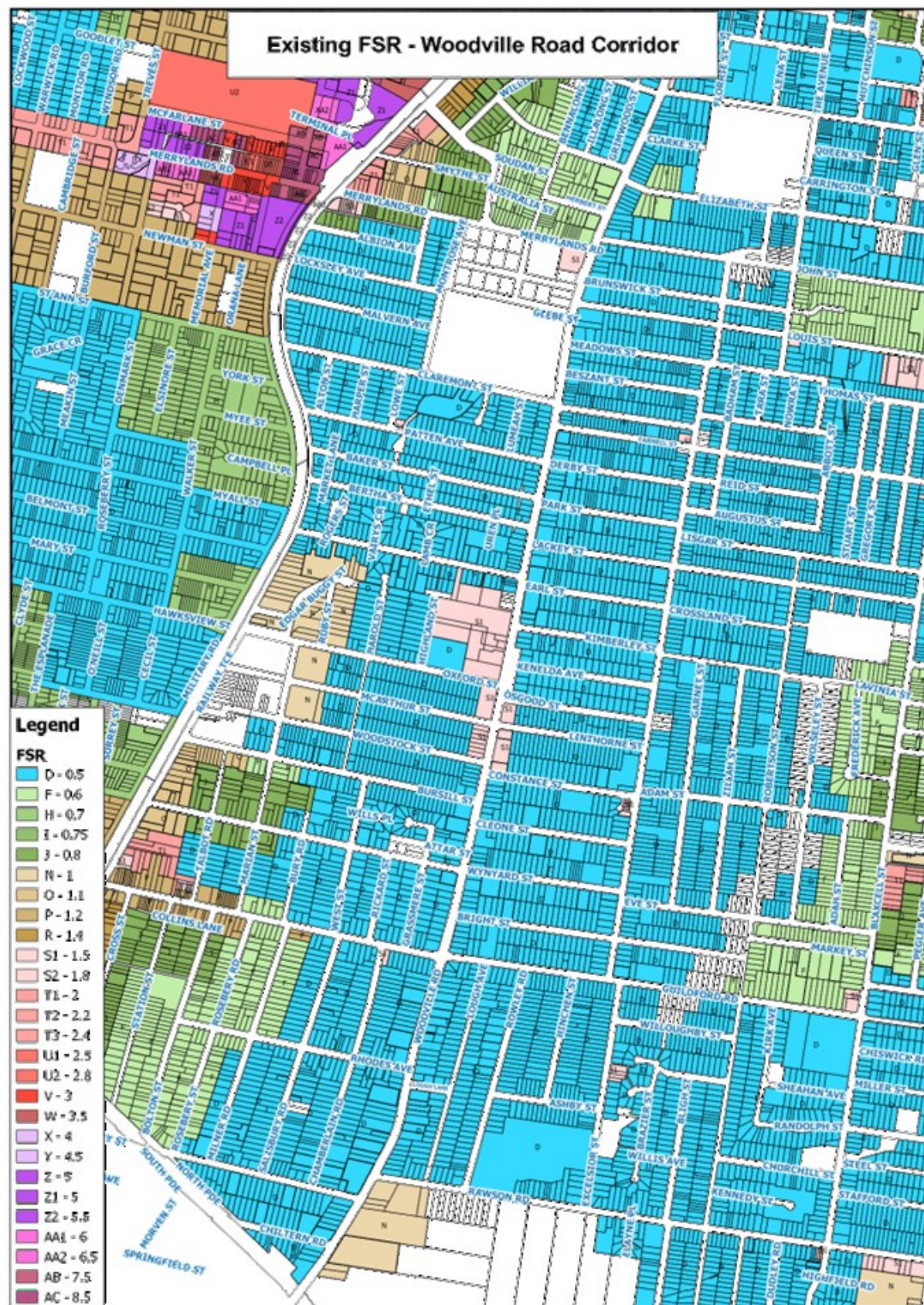


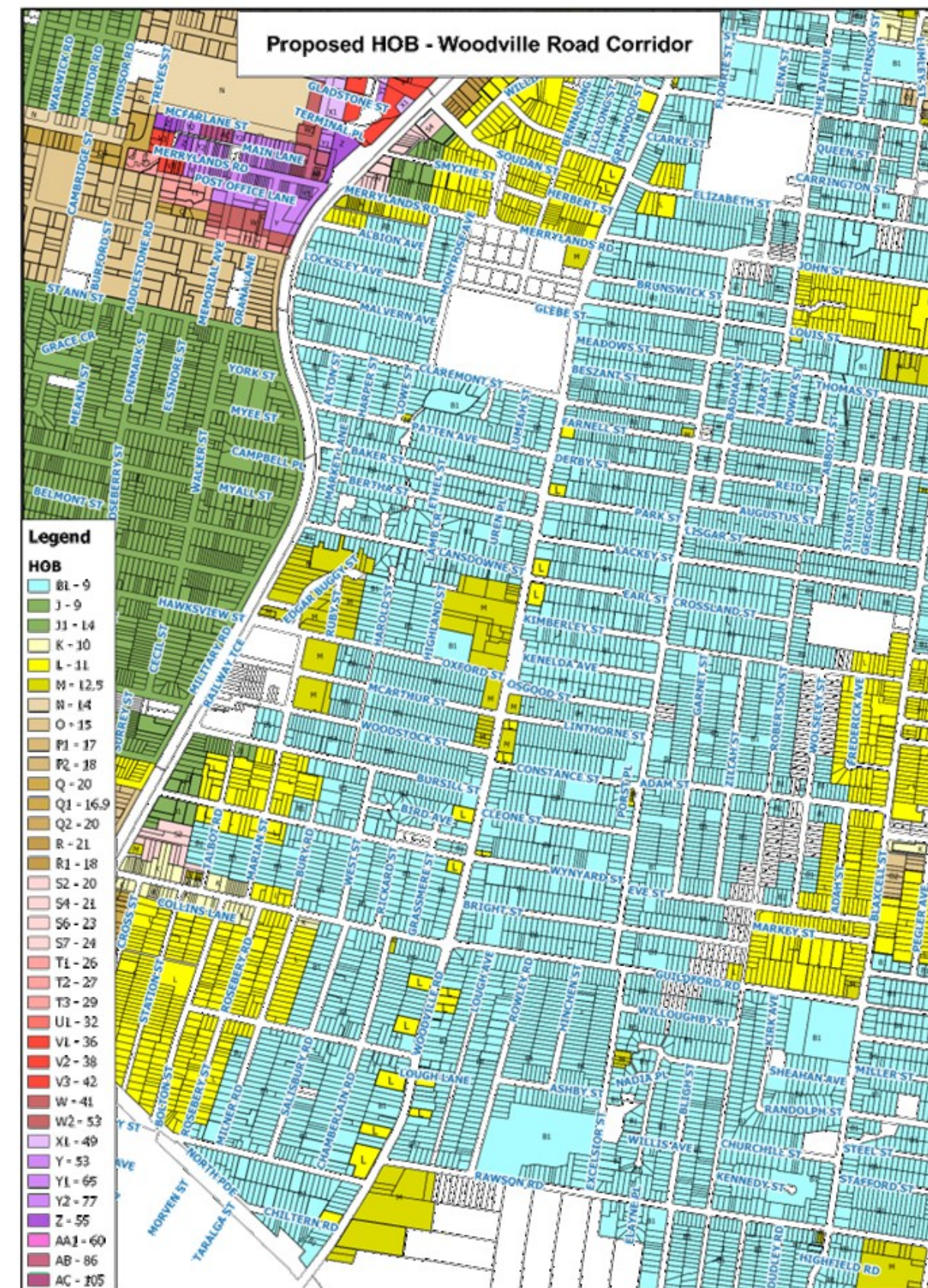
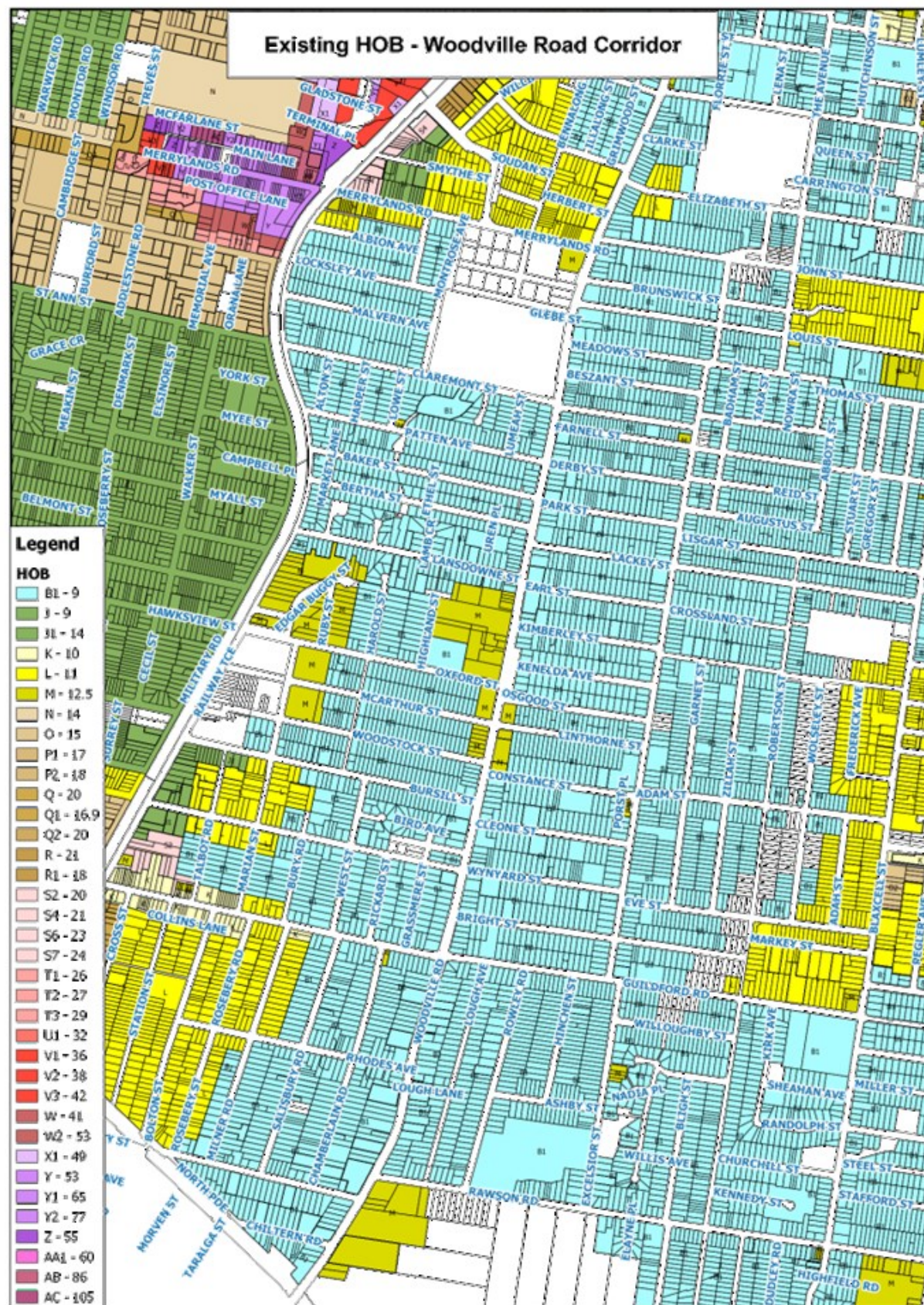


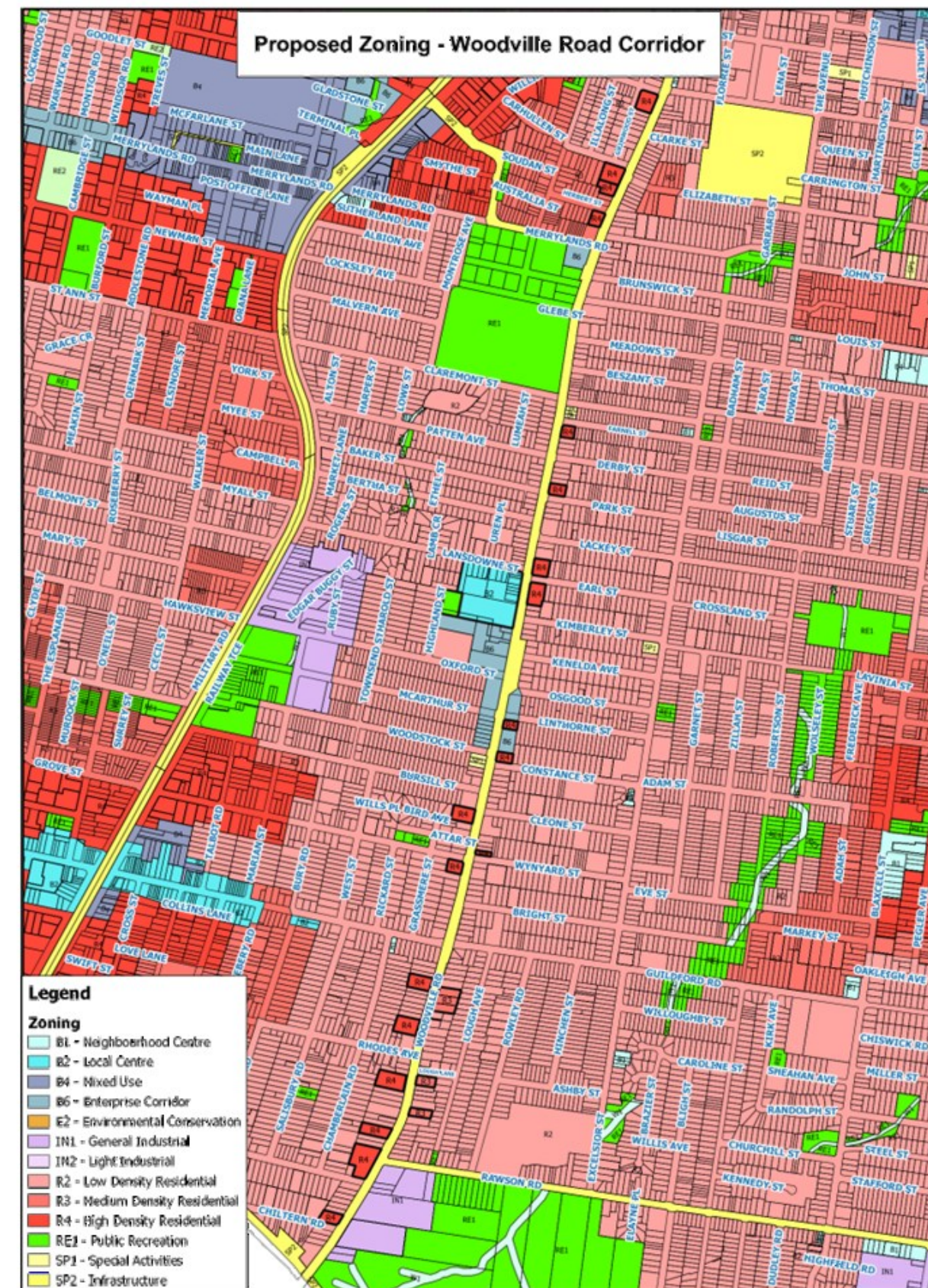
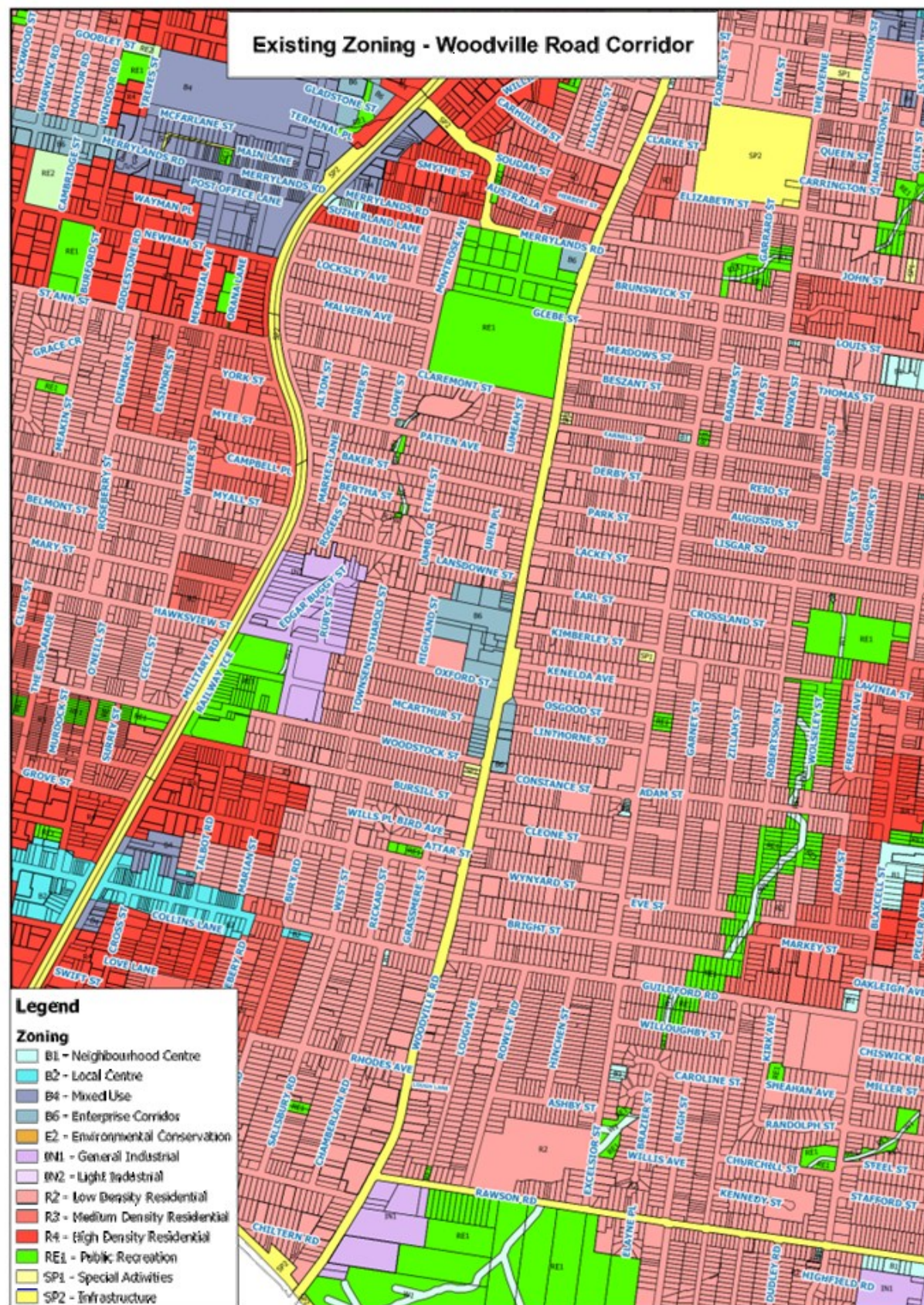


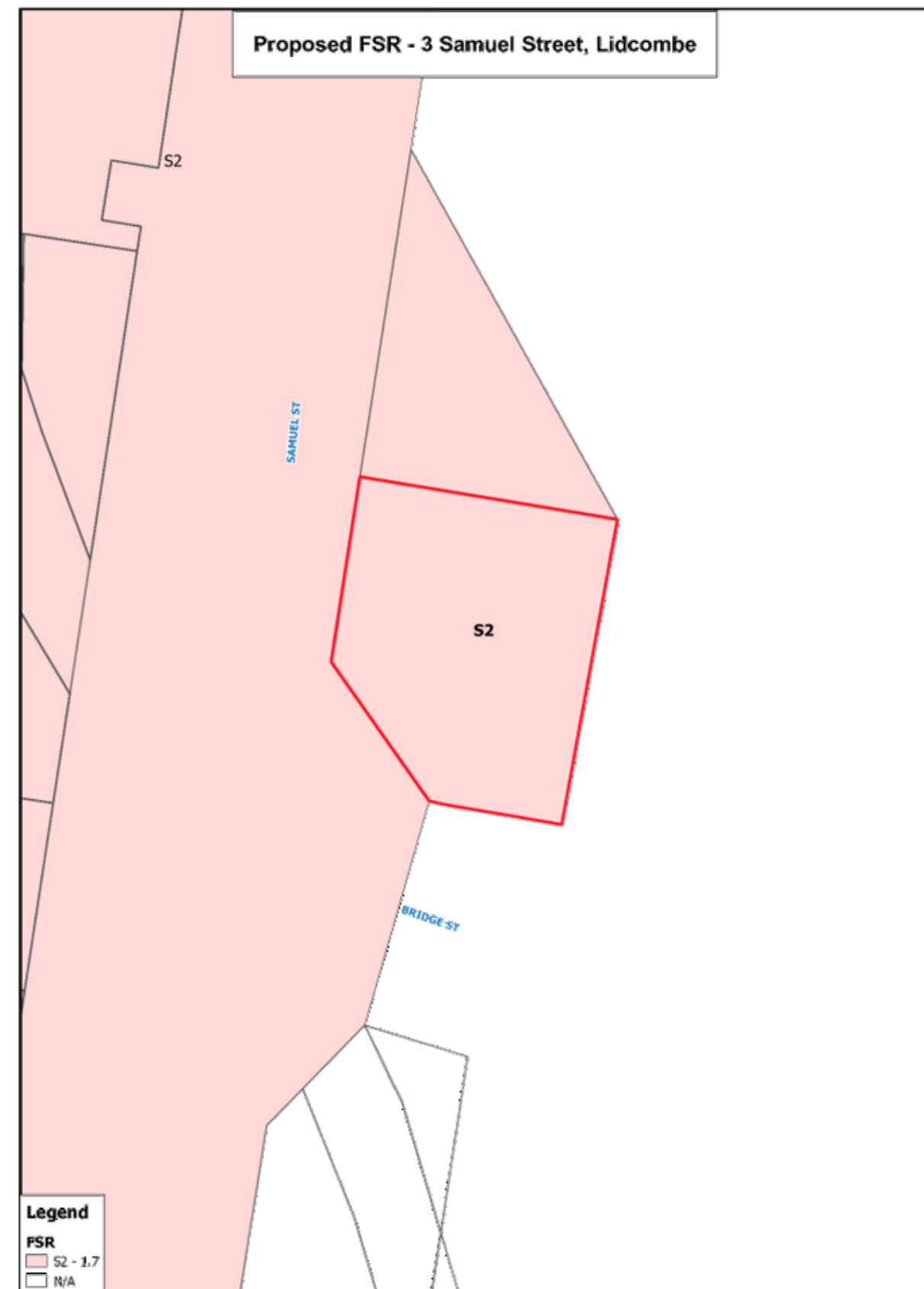
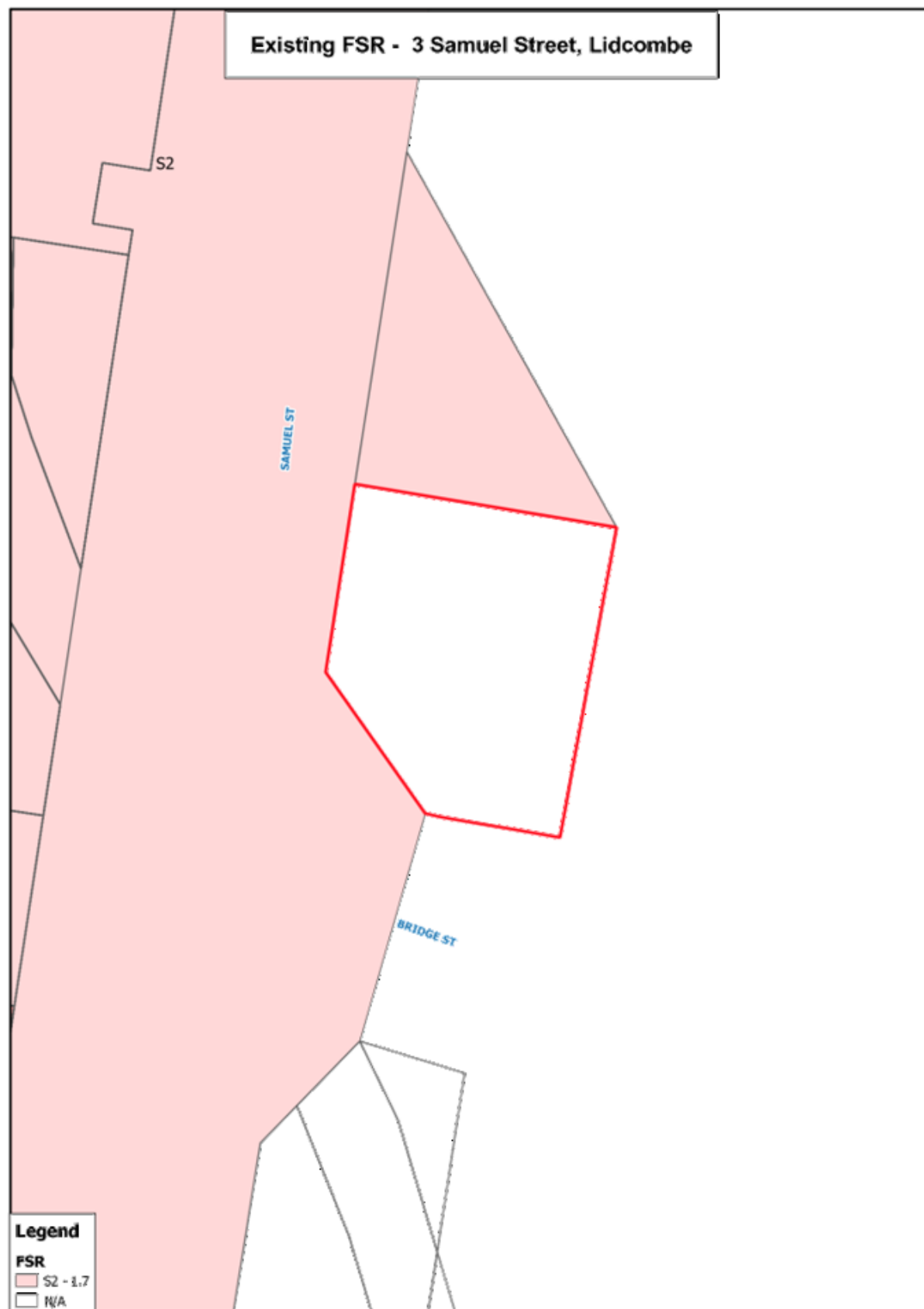


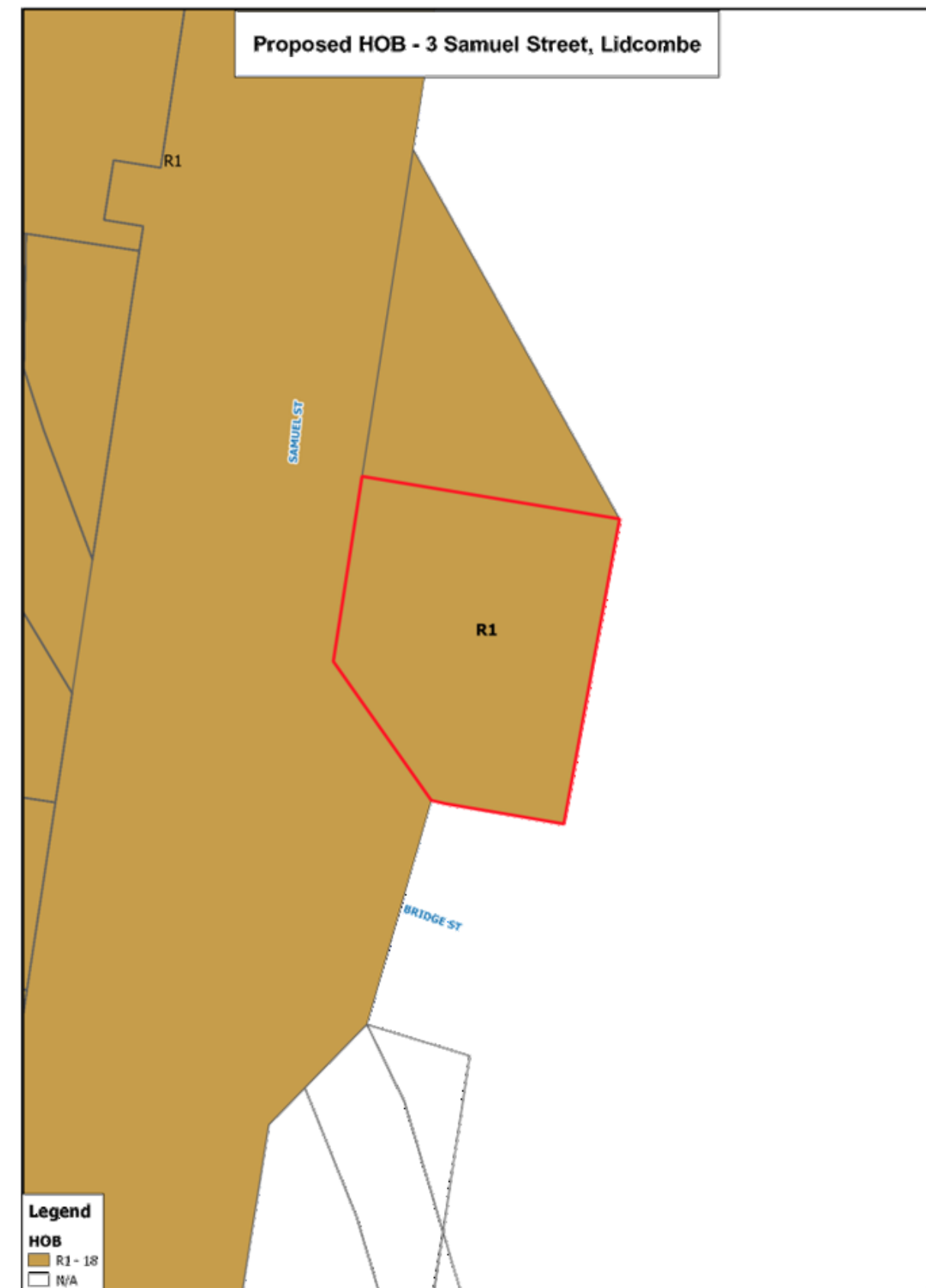
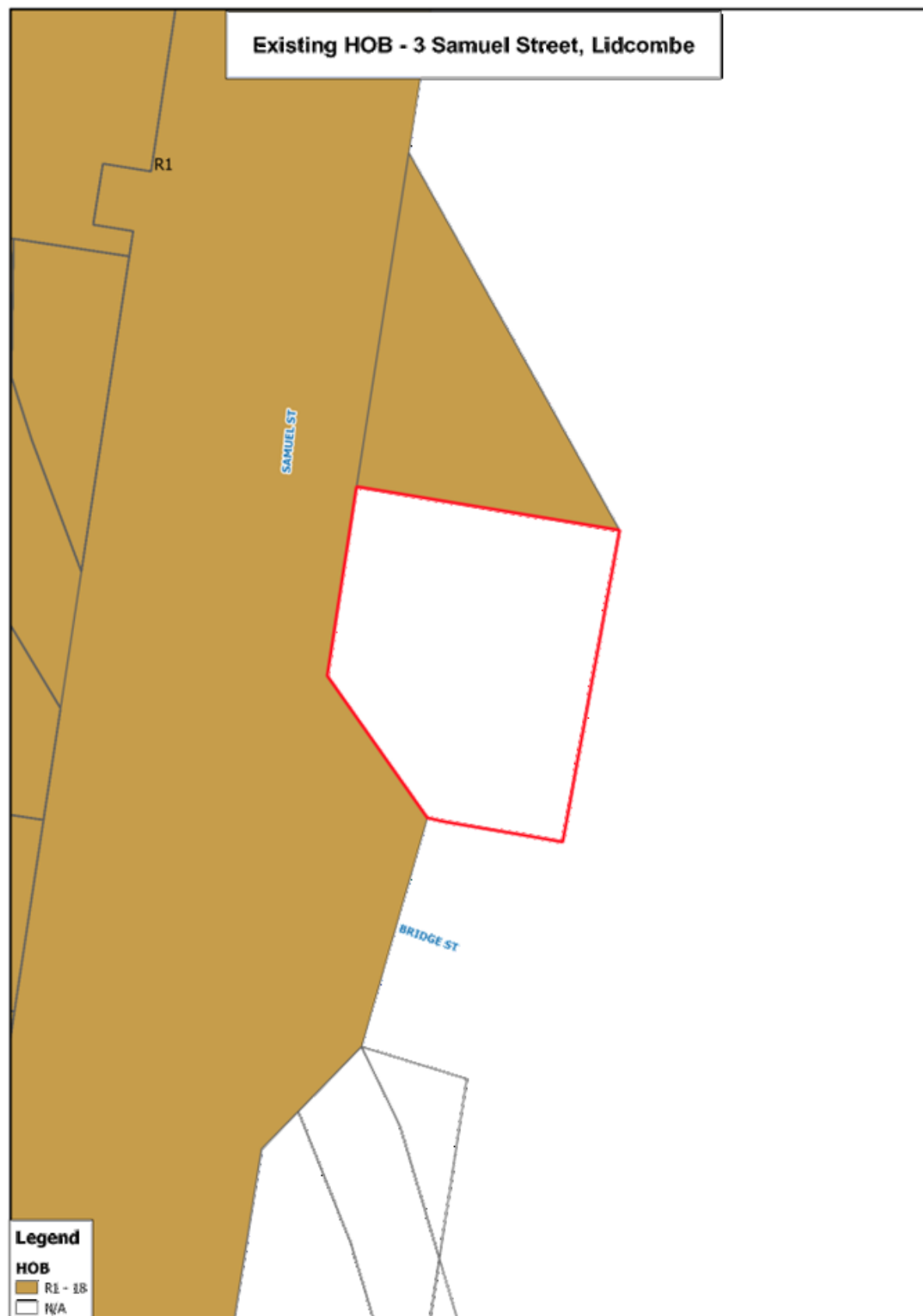


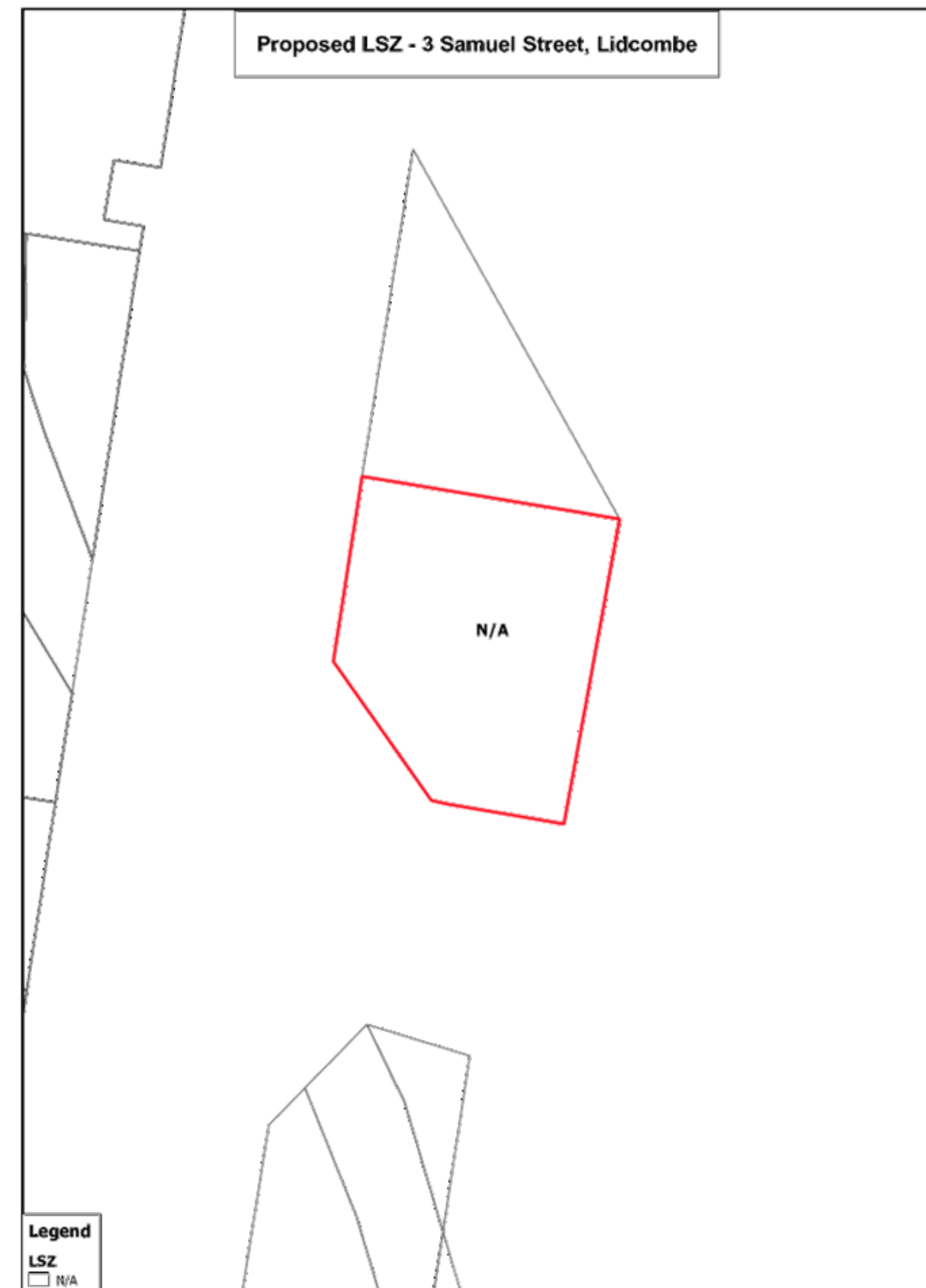
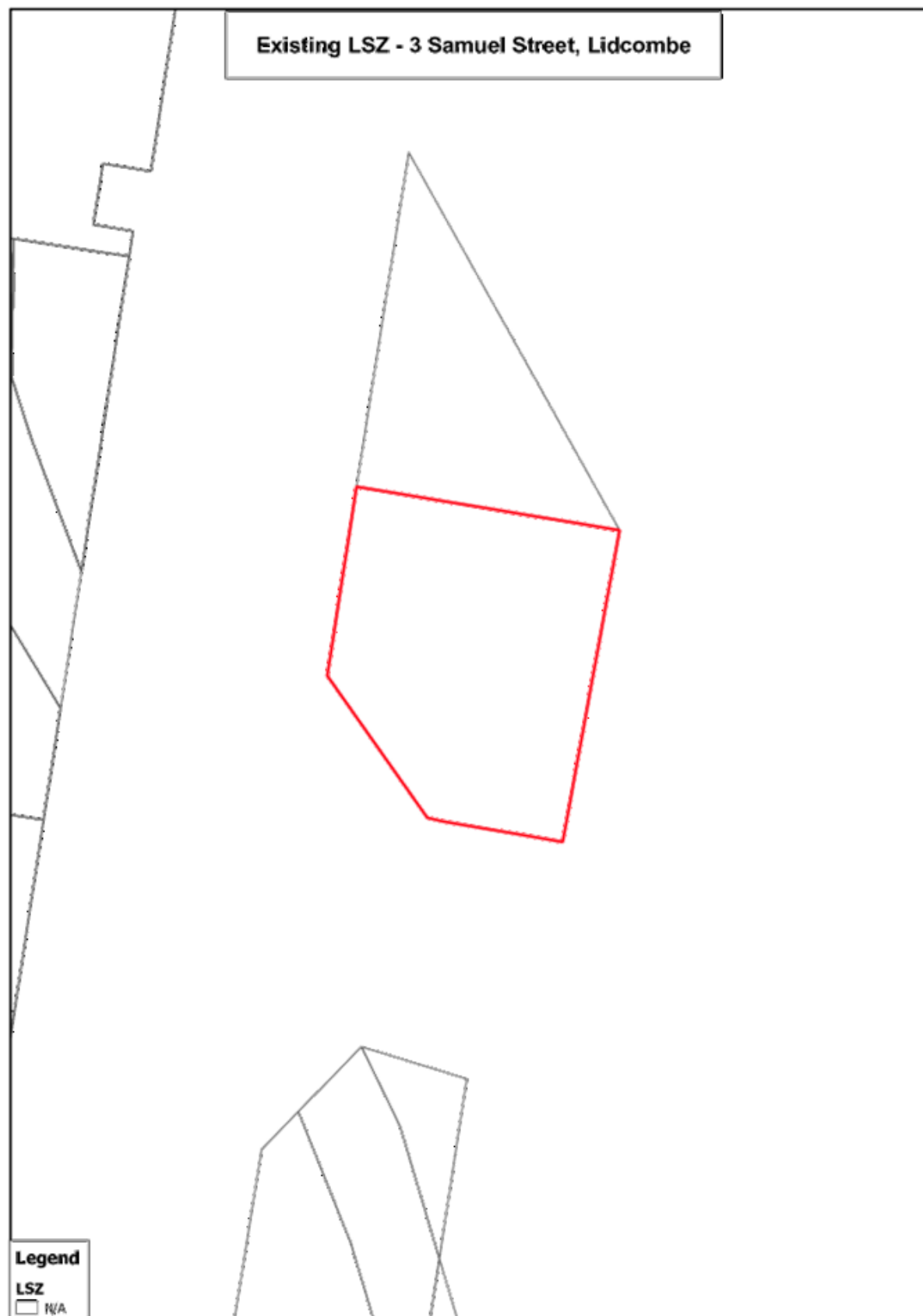


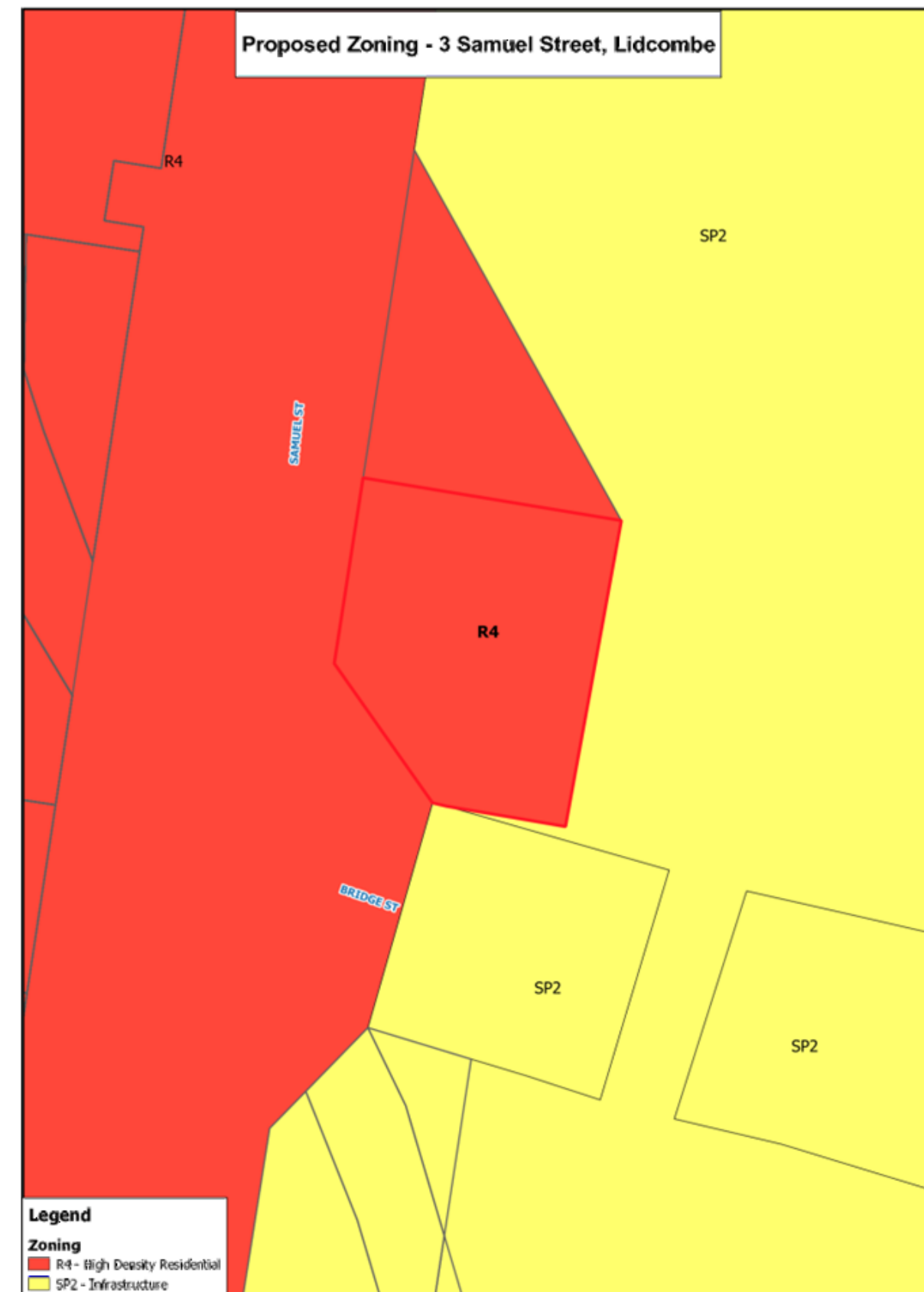
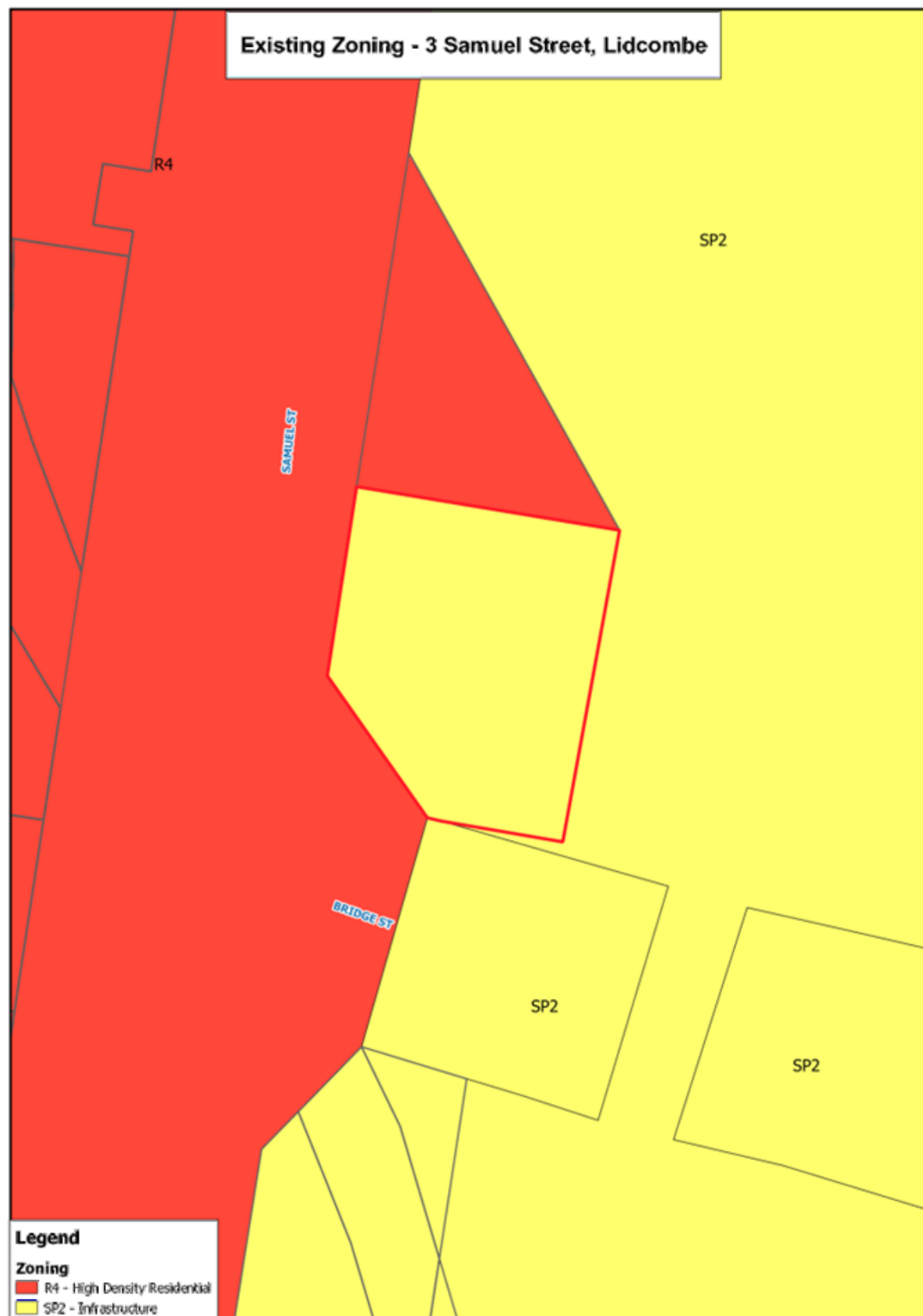












Item No: LPP008/20

APPROACH TO DRAFTING OF PLANNING CONTROLS FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN

Responsible Division: Environment & Planning
Officer: Executive Manager City Strategy
File Number: S-5750-01

SUMMARY:

This report provides an overview of the proposed planning approach for the various Parts and Schedules to be included in the new Cumberland Local Environmental Plan (LEP) that is currently being prepared by Council.

Preparation of the new Cumberland LEP is focussed on harmonising the planning controls of the existing Auburn, Parramatta and Holroyd LEPs into a single set of planning controls for Cumberland.

It is recommended that the Panel support the approach to the drafting of planning controls for the new Cumberland LEP.

REPORT:

Background

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.

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.

New Cumberland Local Environmental Plan (LEP)

The structure of the new Cumberland LEP is based on the Standard Instrument LEP, is the principal template LEP provided by the NSW Government. Many clauses, provisions and schedules in the Standard Instrument LEP are compulsory and must be included in the new Cumberland LEP. However, there are some areas where Council has an ability to inform the scope and content on clauses, provisions and schedules to be included in the new LEP.

This report outlines the proposed planning approach for the following various parts and schedules within the new Cumberland LEP, as shown in Figure 1. This includes:

- Part 1: Preliminary
- Part 2: Permitted and prohibited development
- Land Use Table
- Part 3: Exempt and complying development
- Part 4: Principal development standards
- Part 5: Miscellaneous provisions
- Part 6: Additional local provisions
- Schedule 1: Additional permitted uses
- Schedule 2: Exempt development
- Schedule 3: Complying development
- Schedule 4: Classification and reclassification of land
- Schedule 5: Environmental heritage
- Schedule 6: Pond-based and tank-based aquaculture
- Dictionary.

Part 1 – Preliminary

This part provides the preamble for the new Cumberland LEP. Most items in this part are compulsory and must be included in the LEP. One area where Council is able to inform the content of the LEP is for the aims (objectives) of the plan. The proposed aims are:

- Establish a planning framework for sustainable land use and development in Cumberland.
- Provide for a range of land uses and developments in appropriate locations across the Cumberland area.

- Facilitate economic growth and employment opportunities in Cumberland.
- Protect and enhance the natural, built and cultural heritage of the Cumberland area.
- Support the provision of community facilities and services in Cumberland to meet the needs of residents, workers and visitors.

Further information on items for Part 1 of the LEP is provided in Attachment 1.

Part 2 – Permitted or prohibited development

This part provides further 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 and must be included in the LEP.

In addition to this standard content, there is scope for Council to inform the detail of Clause 2.8 in terms of the temporary use of land to suit local conditions. It is proposed to include the Standard Instrument approach of 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 existing provisions in the Holroyd 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.

Further information on items for Part 2 of the LEP is provided in Attachment 2.

Land Use Zones

One area where Council is able to inform the content of the LEP is on the land use zones that apply in the Cumberland area. A range of residential, business, industrial, infrastructure and environmental land use zones are proposed to be included in the new Cumberland LEP, as provided in Table 1 below:

Zone	Description
Residential	R2 Low Density R3 Medium Density R4 High Density
Business	B1 Neighbourhood Centre B2 Local Centre B4 Mixed Use B5 Business Development B6 Enterprise Corridor
Industrial	IN1 Light Industrial IN2 General Industrial
Special Purpose	SP1 Special Activities SP2 Infrastructure
Recreation	RE1 Public Recreation

	RE2 Private Recreation
Environment Protection	E2 Environmental Conservation
Waterways	W1 Natural Waterways

Table 1: Proposed Land Use Zones for Cumberland LEP

Part 3, Schedule 2 and Schedule 3 – Exempt and complying development

This part and associated schedules provides information on exempt and complying development, including the relationship with the State Environmental Planning Policy (Exempt and Complying Development). All items in this part and schedules are compulsory and must be included in the LEP. Further information on items for Part 3, Schedule 2 and Schedule 3 of the LEP is provided in Attachment 3.

Part 4 – Principal development standards

This part provides key development standards relating to the use of land. Many of the provisions are optional, but if adopted contain standard content that can be tailored to local conditions.

The review of principal development standards for inclusion in the new Cumberland LEP is based on the following principles:

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

A range of principal development standards are proposed to be included in Part 4 of the new Cumberland LEP, as outlined in Attachment 4 and summarised in Table 2 below.

Principal Development Standard	Planning approach
Minimum subdivision lot sizes	Endorse new objectives and carry over development and site specific controls from Auburn LEP and Parramatta LEP, as applicable to the area of the new Cumberland LEP
Exceptions to minimum lot sizes for certain residential development	Endorse carryover of clauses in Holroyd LEP and apply across the area of the new Cumberland LEP
Minimum subdivision lot sizes for community title schemes	Endorse carryover of clauses in Holroyd LEP and apply across the area of the new Cumberland LEP

Height of buildings	Endorse new objectives and carryover of site specific controls along the Parramatta Road precinct included in the Auburn LEP
Floor space ratio	Endorse new objectives and carryover of applicable controls in the Auburn LEP and Holroyd LEP. No controls apply from the Parramatta LEP, as these are outside the Cumberland area
Exceptions to development standards	Adopt Standard Instrument clauses, as the specific provisions in the Auburn LEP and Parramatta LEP are not applicable to the area of the new Cumberland LEP

Table 2: Summary of Principal Development Standards for the new Cumberland LEP

Part 5 – Miscellaneous provisions

This part provides scope for Council to include specialised provisions to address local issues. A consistent approach to specialised provisions will be applied for inclusion in the new Cumberland LEP, based on the following general rules of retention:

- Additional Local Provisions and Additional Permitted Uses will generally be retained;
- Council can include local provisions that address specific local circumstances where justified, such as a result of relevant planning components of Council's local strategic planning; and
- Additional permitted use provisions may be used to allow certain land uses/development on land where they would otherwise be prohibited, subject to conditions.

A range of specialised provisions are proposed to be included in Part 5 of the new Cumberland LEP, as outlined in Attachment 5 and summarised in Table 3 below.

Miscellaneous Provision	Planning approach
Development near zone boundaries	Endorse a 20 metre boundary between any two zones
Controls relating to miscellaneous permissible uses	Endorse options provided for miscellaneous permissible uses
Architectural roof features	Endorse new objectives

Table 3: Summary of Miscellaneous Provisions for the new Cumberland LEP

Part 6 – Additional 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:

- Existing local provisions and additional permitted uses will generally be retained.

- Additional local provisions that address specific local circumstances where justified, such as a result of relevant planning components of Council's local strategic planning.
- Additional permitted use provisions may be used to allow certain land uses/development on land where they would otherwise be prohibited (subject to conditions).

A range of local and site specific provisions are proposed to be included in Part 6 of the new Cumberland LEP, as outlined in Attachment 6 and summarised in Table 4 below.

Local/site specific provision	Planning approach
Acid sulphate soils	Endorse carryover of objective and controls relating to acid sulphate soils for inclusion in new Cumberland Local Environmental Plan
Biodiversity	Endorse carryover of objectives and controls relating to biodiversity for inclusion in new Cumberland Local Environmental Plan
Buffer area between industrial and residential zones	Endorse carryover of objectives and controls relating to buffer area between industrial and residential zones for inclusion in new Cumberland Local Environmental Plan
Design excellence	Endorse carryover of objectives and controls relating to design excellence for inclusion in new Cumberland Local Environmental Plan
Development in the Commercial Precinct	Endorse carryover of site specific controls for inclusion in new Cumberland Local Environmental Plan
Development of certain land at 1A and 1B Queen Street, Auburn	Endorse carryover of site specific controls for inclusion in new Cumberland Local Environmental Plan
Development on land at 42-44 Dunmore Street, Wentworthville	Endorse carryover of site specific controls for inclusion in new Cumberland Local Environmental Plan
Earthworks	Endorse carryover of objectives and controls relating to earthworks for inclusion in new Cumberland Local Environmental Plan
Essential services	Endorse carryover of controls relating to essential services for inclusion in new Cumberland Local Environmental Plan
Flood planning	Endorse carryover of objectives and controls relating to flood planning for inclusion in new Cumberland Local Environmental Plan

Local/site specific provision	Planning approach
Foreshore building line	Endorse carryover of objectives and controls relating to foreshore building line for inclusion in new Cumberland Local Environmental Plan
Ground floor development in Zones B2 and B4	Endorse carryover of objective and controls relating to ground floor development in Zones B2 and B4 for inclusion in new Cumberland Local Environmental Plan
Location of sex services premises	Endorse carryover of objective and controls relating to location of sex services premises for inclusion in new Cumberland Local Environmental Plan
Minimum lot area for low and medium density dual occupancy housing	Note approach to objectives and controls relating to dual occupancies on land for inclusion in new Cumberland Local Environmental Plan
Places of public worship in Zones R3 and R4	Endorse planning approach for places of public worship for inclusion in new Cumberland Local Environmental Plan
Restricted premises	Endorse carryover of controls relating to restricted premises for inclusion in new Cumberland Local Environmental Plan
Riparian land and watercourses	Endorse carryover of objectives and controls relating to riparian land and watercourses for inclusion in new Cumberland Local Environmental Plan
Salinity	Endorse carryover of objectives and controls relating to salinity for inclusion in new Cumberland Local Environmental Plan
Stormwater management	Endorse carryover of objectives and controls relating to stormwater management for inclusion in new Cumberland Local Environmental Plan
Urban heat management	Endorse draft controls on urban heat management for inclusion in new Cumberland Local Environmental Plan

Table 4: Summary of Local and/or Site Specific Provisions for new Cumberland LEP

This clause will reflect the Council-led planning proposal to introduce a minimum lot area for low and medium density dual occupancy housing in the Auburn and Holroyd LEP areas. The planning proposal has been submitted to the Department of Planning, Industry and Environment for finalisation.

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. Existing additional permitted uses for identified locations in the Auburn LEP and Holroyd LEP will be carried over to the new Cumberland LEP. The Parramatta LEP does not include any additional permitted uses that are located within the area of the new Cumberland LEP.

Schedule 4 – Classification and reclassification of 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.

Schedule 5 – Environmental heritage

This schedule provides a list of local heritage items identified in the area, and includes items, places and conservation areas. There are currently more than 350 heritage items listed for the Cumberland area, and are documented in the Auburn, Holroyd and Parramatta LEPs. Identification on this list provides statutory protection through the LEP and other planning controls.

Council has engaged Extent Heritage to undertake a Local Government Area (LGA) wide Heritage Study. The LGA Heritage Study consists of two stages:

- Stage 1 – Prepare a history of the LGA and review all existing listed heritage items (January – September 2019)
- Stage 2 – Identify and assess potential new heritage items (September 2019 – May 2020)

The first stage of the project involved a review of all existing heritage items (including conservation areas) listed in the three LEPs for the LGA and updated listing information as appropriate. This stage also identified any existing items that were assessed as no longer meeting the NSW heritage criteria for assessing heritage significance. The criteria used to assess heritage significance included the following:

- An item is important in the course, or pattern, or the cultural or natural history of the local area.
- An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.
- An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
- An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.

- An item has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area.
- An item possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area.
- An item is important in demonstrating the principal characteristics of a class of the local area's cultural or natural places cultural or natural environments.

The items listed in Table 5 below were assessed as no longer meeting the criteria for heritage significance. Further information is provided in Attachment 7. These items are proposed to be excluded from the new Cumberland LEP.

#	Address and Item # (LEP)	Reason for not retaining as listed heritage item
1	36 and 38 Jamieson Street Granville I137(Parramatta)	While the dwelling pair relates to the concurrent purchase and development of land within Jamieson Street, the dwelling has been heavily modified to a point where significant fabric has been lost and the overall street presentation reduces the quality of the significance of the Granville Conservation Area – Civic Precinct.
2	10 William Street Granville William Street Cottages Group I205 (Parramatta)	The dwelling has been altered considerably in terms of its interior, as well as its exterior. The setting of the cottage as a group of three cottages including 6, 8 and 10 William Street has been compromised with the demolition of the original cottages at 6 and 8 William Street and replacement with new dwellings on both sites.
3	9-11 Woodville Road, Granville I214 (Parramatta)	While the dwellings historically relate to the development of housing in the 1880s, they have been heavily modified to a point where significant fabric and aesthetic significance has been lost. In their current form, the dwellings are not representative of their style and have low aesthetic significance as an individual item.
4	4 Myall Street, Merrylands	While the dwelling historically relates to the development of Merrylands in the 1900s, the cottage has been extensively modified to a point where the heritage value of the property has been lost. The main impact has been the inclusion of a dominant second storey extension which has adversely altered the overall form of the dwelling, as well as changes to the fabric of the façade
5	Guildford Railway Station Railway Terrace, Guildford I43 (Holroyd)	Original structures included an 1876 platform and station building, an 1891 platform, the purchase of a Station Masters Residence in 1924 and a 1937 timber station building. However, all structures and remnants relating to this early station development have now been removed. The remaining structures on site date from c.1970, c.2002 and 2016-2017, and have no heritage value

#	Address and Item # (LEP)	Reason for not retaining as listed heritage item
6	1-7 Neil Street, Merrylands Mill master Feeds Site A5 (Holroyd)	All structures and remnants relating to its former uses have been removed and the site is currently undergoing redevelopment. Any built features relating to its former significance are no longer present, and any archaeological potential would be considered low/nil and likely to be highly disturbed.
7	34 Garfield Street, Wentworthville I129 (Holroyd)	The Federation period bungalow was demolished in 2016. The house has now been replaced with a modern dwelling of no heritage value.
8	15 Abbott Street, Merrylands Former shop and dwelling I312 (Holroyd)	The Former Shop and Dwelling has been demolished. The site has now been replaced with a late twentieth century dwelling of no heritage value.
9	70 Jersey Road, South Wentworthville I100 (Holroyd)	The Late Victorian cottage was demolished c.2015. The block remains empty and the extant shed does not relate to the early arrangement of the site which is visible on the 1943 aerial image of the site.

Table 5: Heritage Items to be excluded from the new Cumberland LEP

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.

COMMUNITY ENGAGEMENT

An extensive consultation program on the draft planning proposal for the new LEP will be undertaken in early 2020, subject to Gateway Determination by the Department of Planning, Industry and Environment.

FINANCIAL IMPLICATIONS

Work undertaken on the Cumberland LEP, including strategic studies and planned community consultation activities, is funded by the accelerated Local Environmental Plan Funding Grant provided by the NSW Government.

POLICY IMPLICATIONS

The preparation of the Cumberland LEP is required under the Environmental Planning and Assessment Act 1979. The Cumberland LEP will also align with the strategic directions outlined in Council's Community Strategic Plan and Cumberland 2030: Our Local Strategic Planning Statement.

RISK IMPLICATIONS

Council is required to submit a planning proposal on the new Cumberland LEP to the Department of Planning Infrastructure and Environment for finalisation by mid-2020. The release of funds from the accelerated Local Environmental Plan Funding Grant provided by the NSW Government is also linked to this milestone. Support of the planning proposal by the Panel will assist Council in meeting this milestone.

CONCLUSION










This report provides an overview of the proposed planning approach for the various Parts and Schedules to be included in the new Cumberland Local Environmental Plan (LEP). It is recommended that the Panel support the proposed approach to drafting of planning controls for the new Cumberland LEP.

REPORT RECOMMENDATION:

That the Cumberland Local Planning Panel (CLPP):

- 1. Support the proposed approach to drafting of planning controls for the new Cumberland LEP, as provided in Attachments 1 to 9.**
- 2. Note the draft planning controls will be included in the planning proposal for the new Cumberland LEP.**

ATTACHMENTS

1. Proposed planning approach for Part 1 – Preliminary, including proposed Aims (objectives) of Local Environmental Plan [↓](#) 
2. Proposed planning approach for Part 2 – Permitted and Prohibited Development, including proposed Land Use and Temporary Use Zones [↓](#) 
3. Proposed planning approach for Part 3 – Exempt and Complying Development [↓](#) 
4. Proposed planning approach for Part 4 – Principal development standards [↓](#) 
5. Proposed planning approach for Part 5 – Miscellaneous provisions [↓](#) 
6. Proposed planning approach for Part 6 – Additional local provisions [↓](#) 
7. Proposed planning approach for Schedule 1 – Additional permitted uses [↓](#) 
8. Proposed planning approach for Schedules 2 Exempt development, Proposed planning approach; Schedule 3 – Complying development; and Proposed planning approach for Schedule 6 – Pond based and tank based aquaculture. [↓](#) 
9. Proposed planning approach for Schedule 5 – Environmental heritage [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 1

Proposed planning approach for
Part 1 – Preliminary, including
proposed Aims (objectives) of
Local Environmental Plan



Part 1 Preliminary

Local Environmental Plan clause	Harmonisation approach
1.1 Name of Plan [compulsory]	Update – Cumberland Local Environmental Plan 2020
1.1AA Commencement [compulsory]	Adopt Standard Instrument clause
1.2 Aims of Plan [compulsory]	New – set out set out particular aims relevant to Cumberland local area
1.3 Land to which Plan applies [compulsory]	Update – Land Application Map
1.4 Definitions [compulsory]	Adopt Standard Instrument clause
1.5 Notes [compulsory]	Adopt Standard Instrument clause
1.6 Consent authority [compulsory]	Adopt Standard Instrument clause
1.7 Maps [compulsory]	Adopt Standard Instrument clause
1.8 Repeal of planning instruments applying to land [compulsory]	Adopt Standard Instrument clause
1.9 Application of SEPPs [compulsory]	Update – list SEPPs that do not apply to land to which the Cumberland LEP applies

Aims of plan

Recommendation:

- Endorse draft aims (objectives) for inclusion in new Cumberland Local Environmental Plan

1. Establish a planning framework for sustainable land use and development in Cumberland
2. Provide for a range of land uses and developments in appropriate locations across the Cumberland area
3. Facilitate economic growth and employment opportunities in Cumberland
4. Protect and enhance the natural, built and cultural heritage of the Cumberland area
5. Support the provision of community facilities and services in Cumberland to meet the needs of residents, workers and visitors

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 2

Proposed planning approach for
Part 2 – Permitted and Prohibited
Development, including proposed
Land Use and Temporary Use
Zones



Part 2

Permitted or prohibited development

Local Environmental Plan clause	Harmonisation approach
2.1 Land use zones [compulsory]	Endorse carry-over range of land use zones under existing LEPs
2.2 Zoning of land to which Plan applies [compulsory]	Update – Land Zoning Map
2.3 Zone objectives and Land Use Table [compulsory]	Adopt Standard Instrument clause
2.4 Unzoned land [compulsory]	Adopt Standard Instrument clause
2.5 Additional permitted uses for particular land [compulsory]	Adopt Standard Instrument clause *Relates to Schedule 1 – scope to require consent for particular development not otherwise permitted in zone
2.6 Subdivision [compulsory]	Adopt Standard Instrument clause
2.7 Demolition requires development consent [compulsory]	Adopt Standard Instrument clause
2.8 Temporary use of land [compulsory]	Update – scope to include local content

Clause 2.8 Temporary Use of Land

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Adopt Standard Instrument clause
(2) Maximum period of development consent for a temporary use in any zone	28 days (also in PLEP) 52 days in HLEP	Adopt Standard Instrument option (52 days)
(3) Conditions that must satisfy the consent authority	Consistent	Adopt Standard Instrument clause
(4) Conditions that allows for exceeding the specified maximum number of days	Consistent	Adopt Standard Instrument clause
(5) Subcl. (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subcl. (4)	Consistent	Adopt Standard Instrument clause

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 3

Proposed planning approach for
Part 3 – Exempt and Complying
Development



Part 3

Exempt and Complying Development

Local Environmental Plan clause	Harmonisation approach
3.1 Exempt development [compulsory]	Adopt Standard Instrument clause
3.2 Complying development [compulsory]	Adopt Standard Instrument clause
3.3 Environmentally sensitive areas excluded [compulsory]	Adopt Standard Instrument clause

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 4

Proposed planning approach for
Part 4 – Principal development
standards



Part 4 – Principal development standards

Local Environmental Plan clause	Harmonisation approach
4.1 Minimum subdivision lot size [optional]	Review and update
4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]	Review and update
4.2 Rural subdivision [compulsory if clause 4.1 adopted and Plan includes any RU zoned land]	Not relevant to Cumberland
4.3 Height of buildings [optional]	Review and update – set out particular aims relevant to Cumberland local area Consider in conjunction with floor space ratio controls
4.4 Floor space ratio [optional]	Review and update – set out particular aims relevant to Cumberland local area Consider in conjunction with height of building controls
4.5 Calculation of floor space ratio and site area [optional]	Adopt Standard Instrument clause
4.6 Exceptions to development standards [compulsory]	Update – scope to include additional exclusions to address local conditions



Clause 4.1 Minimum subdivision lot sizes

Recommendation:

- Endorse draft objectives, development specific controls and site specific controls for minimum subdivision lot sizes for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

4.1 Minimum subdivision lot size

- 1) The objectives of this clause are as follows:
 - a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls
 - b) to ensure that subdivision of land is capable of supporting a range of development types
 - 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.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Various objectives used	Endorse new objectives
(2) This clause applies to subdivision of any land shown on the Lot Size Map	Consistent	Adopt Standard Instrument clause
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map	Consistent Development specific controls for dwelling house, battle-axe blocks Site specific controls for former Lidcombe Hospital site	Adopt Standard Instrument clause Include development specific controls, applicable to area of existing LEP Include site specific controls
(4) This clause does not apply to subdivision of Strata Schemes or Community Land	Consistent	Adopt Standard Instrument clause



Clause 4.1A Exceptions to minimum lot sizes for certain residential development

Recommendation:

- Endorse draft objectives, development specific controls and site specific controls for minimum subdivision lot sizes for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

4.1 Minimum subdivision lot size

- 1) The objectives of this clause are as follows:
 - a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls
 - b) to ensure that subdivision of land is capable of supporting a range of development types
 - 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.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Various objectives used	Endorse new objectives
(2) This clause applies to subdivision of any land shown on the Lot Size Map	Consistent	Adopt Standard Instrument clause
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map	Consistent Development specific controls for dwelling house, battle-axe blocks Site specific controls for former Lidcombe Hospital site	Adopt Standard Instrument clause Include development specific controls, applicable to area of existing LEP Include site specific controls
(4) This clause does not apply to subdivision of Strata Schemes or Community Land	Consistent	Adopt Standard Instrument clause



Clause 4.1AA Minimum subdivision lot size for community title schemes

Recommendation:

- Endorse draft objectives and clauses on minimum subdivision lot sizes for community title schemes for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(2) Land zones that can be subdivided under this clause (Standard Instrument does not specify any zones)	HLEP lists Zone R2 Low Density Residential	Endorse carry over of HLEP clause
(3) Size of lot resulting from a subdivision is not to be less than the minimum size shown on the Lot Size Map	Included in HLEP Consistent with Standard Instrument	Endorse carry over of HLEP clause
(4) This clause applies despite clause 4.1.	Included in HLEP Consistent with Standard Instrument	Endorse carry over of HLEP clause



Clause 4.3 Height of buildings

Recommendation:

- Endorse draft objectives and carry over of site specific controls on the height of buildings for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
- a) to establish a maximum height of buildings to enable appropriate development density to be achieved
 - b) to ensure that the height of buildings is compatible with the character of the locality
 - c) to minimize the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties
 - d) to reinforce and respect the existing character and scale of low density residential areas

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Various objectives used	Endorse new objectives
(2) Maximum height of buildings not to exceed height shown on Height of Buildings map	Consistent	Adopt Standard Instrument clause
(2A) Despite Subclause (2), site specific controls apply	Applicable for particular sites and types of development in Parramatta LEP (Granville) and Auburn LEP (Parramatta Road) Not adopted in HLEP	Endorse carry over of relevant site specific controls



Clause 4.4 Floor space ratio

Recommendation:

- Endorse draft objectives and carry over of site specific controls on floor space ratio for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

4.4 Floor space ratio

- 1) The objectives of this clause are as follows:
 - a) to establish a maximum floor space ratio to enable appropriate development to be achieved
 - b) to ensure that development intensity reflects its locality

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Various objectives used	Endorse new objectives
(2) The maximum floor space ratio for a building is to be as per the Floor Space Ratio Map	Consistent	Adopt Standard Instrument clause
Subclauses (2A), (2B), (2C) and (2D)	Not included in Standard Instrument Site/development specific controls apply for certain areas as marked on Floor Space Ratio Map (2A), (2B), (2C) and (2D) (2A), (2B) and (2C) (2A)	Endorse carry over of relevant site specific controls



Clause 4.6 Exceptions to development standards

Recommendation:

- Note the Standard Instrument clauses on exceptions to development standards for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
Subclause (1) Objective	Consistent	Adopt Standard Instrument clause
Subclauses (2) to (7) Exceptions to development standards	Consistent for all 3 LEPs [HLEP has an additional explanatory note about zones under Sub-clause (6)]	Adopt Standard Instrument clause
Subclauses (8) Exceptions to development standards	Subclauses (8a), (8b) (8c) consistent for all 3 LEPs as per Standard Instrument Additional exclusions added for Parramatta LEP - (8ca) (8cb) and Auburn LEP - (8ca)	Adopt Standard Instrument clause Additional exclusions identified cover locations that are not in the Cumberland area

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 5

Proposed planning approach for
Part 5 – Miscellaneous provisions



Part 5

Miscellaneous provisions

Local Environmental Plan clause	Harmonisation approach
5.1 Relevant acquisition authority [compulsory]	Adopt Standard Instrument clause
5.2 Classification and reclassification of public land [compulsory]	Adopt Standard Instrument clause
5.3 Development near zone boundaries [compulsory]	Update – scope to include local content
5.4 Controls relating to miscellaneous permissible uses [compulsory]	Update – scope to include local content
5.5 (Repealed)	Repealed
5.6 Architectural roof features [optional]	Review and update
5.7 Development below mean high water mark [does not apply to Cumberland]	Not relevant to Cumberland
5.8 Conversion of fire alarms [compulsory]	Adopt Standard Instrument clause
5.9 and 5.9AA (Repealed)	Repealed
5.10 Heritage conservation [compulsory]	Adopt Standard Instrument clause



Development near zone boundaries

Recommendation:

- Endorse distance for development near zone boundaries for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

5.3 Development near zone boundaries

(1) The objectives of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Adopt Standard Instrument clause
(2) Controls setting the relevant distance	20m or 10m distance of a boundary between any 2 zones, or Applies to land that is within 1 metre of any zone boundary	Endorse 20m distance
(3) Land to which this clause does not apply (RE1, E1, E2, E3, W1, or land within the coastal zone, or land proposed to be developed for the purpose of sex services or restricted premises.)	Consistent HLEP also includes Zone B4 Mixed Use in addition to Standard Instrument clause	Adopt Standard Instrument clause
(4) Conditions that must satisfy the consent authority	Consistent	Adopt Standard Instrument clause
(5) This clause does not prescribe a development standard that may be varied under this Plan	Consistent	Adopt Standard Instrument clause



Controls relating to miscellaneous permissible uses

Recommendation:

Endorse draft controls relating to miscellaneous permissible uses for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Bed and breakfast accommodation (Must consist of no more than xx bedrooms)	Consistent – 3 bedrooms	Adopt Standard Instrument option of 3 bedrooms
(2) Home businesses (No more than xx sqm of floor area)	30 sqm (also in HLEP), or 50 sqm in PLEP	Adopt Standard Instrument option of 30 square metres of floor area
(3) Home industries (No more than xx sqm of floor area)	30 sqm (also in HLEP), or 50 sqm in PLEP	Adopt Standard Instrument option of 30 square metres of floor area
(4) Industrial retail outlets (The retail floor must not exceed:)	(a) 43%, 10%, 5% of the gross floor area or (b) 400 sqm, whichever is the lesser.	Adopt option of 10% of gross floor area
(5) Farm stay accommodation (Must consist of no more than:)	Consistent – 3 bedrooms	Adopt Standard Instrument option of 3 bedrooms
(6) Kiosks (The gross floor area must not exceed:)	10 sqm (also in PLEP), or 100 sqm in HLEP	Adopt Standard Instrument option of 10 square metres
(7) Neighbourhood shops (The gross floor area must not exceed:)	80 sqm (also in PLEP), or 100 sqm in HLEP	Adopt Standard Instrument option of 80 square metres
(7AA) Neighbourhood supermarkets (The gross floor area must not exceed:)	Consistent – 1,000 sqm	Adopt option of 1,000 square metres
(8) Roadside stalls (The gross floor area must not exceed:)	Consistent – 8 sqm	Adopt Standard Instrument option of 8 square metres
(9) Secondary dwellings (The total floor area of the dwelling must not exceed:)	(a) 60 sqm, (b) 25%, 10%, 5% of the total floor area of the principal dwelling, whichever is the greater	Adopt option of 10% of total floor area
(10) Artisan food and drink industry exclusion (The floor area used for retail sales must not exceed:)	(a) 43%, 10%, 5% of the gross floor area of the industry, or (b) 400 sqm, whichever is the lesser	Adopt option of 10% of gross floor area



Architectural roof features

Recommendation:

- Endorse draft objectives for architectural roof features for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

5.6 Architectural roof features

1) The objectives of this clause are as follows:

- to encourage innovative and high quality design for new buildings
- to allow varying roof forms that contribute positively to the streetscape
- to ensure that new development is consistent with the existing neighbourhood character
- to ensure that any decorative roof element does not detract from the architectural design of the building
- to ensure that prominent architectural roof features are contained within the height limit

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Various objectives used	Endorse new objectives
(2) Development consent is required for architectural roof feature that exceeds the height limit set by cl. 4.3	Consistent	Adopt Standard Instrument clause
(3) Conditions that must satisfy the consent authority	Consistent	Adopt Standard Instrument clause

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 6

Proposed planning approach for
Part 6 – Additional local
provisions



Acid sulfate soils

Recommendation:

- Endorse carry over of objective and controls relating to acid sulfate soils for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.1 Acid sulfate soils

- The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Endorse carry over of existing LEP approach
(2) This clause applies to land shown on Acid Sulfate Soils Map	Consistent	Endorse carry over of existing LEP approach
(3) Conditions that must satisfy the consent authority	Consistent - Requirement of an acid sulfate soils management plan for the proposed works in accordance with the <i>Acid Sulfate Soils Manual</i>	Endorse carry over of existing LEP approach
(4) & (5) Conditions that pre-exempt the need for development consent	Consistent	Endorse carry over of existing LEP approach
(6) Conditions that pre-exempt the need for development consent	Generally consistent, except ALEP describes the works that could involve with the disturbance of less than 1	Endorse carry over of ALEP approach



Biodiversity

Recommendation:

- Endorse carry over of objectives and controls relating to biodiversity for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.2 Biodiversity

- The objective of this clause is to maintain terrestrial and aquatic biodiversity by:
 - protecting native fauna and flora, and
 - protecting the ecological processes necessary for their continued existence, and
 - encouraging the conservation and recovery of native fauna and flora and their habitats.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Generally consistent PLEP covers both terrestrial and aquatic biodiversity.	Endorse new objectives
(2) This clause applies to land identified as 'Biodiversity' on the new Biodiversity Map.	HLEP identified land as 'Remnant Native Vegetation' on the Biodiversity Map. PLEP identified land as 'Biodiversity' on the Natural Resources – Biodiversity Map(NRB_011, NRB_012).	Transfer HLEP maps and PLEP lands that are located within the Cumberland LGA
(3) Conditions that the consent authority must consider	Generally consistent (3)(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	Endorse carry over of HLEP approach
(4) Conditions that must satisfy the consent authority	Generally consistent (4)(a) the development will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land	Endorse carryover of HLEP approach



Buffer area between industrial and residential zones

Recommendation:

- Endorse carry over of objectives and controls relating to buffer area between industrial and residential zones for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.9 Buffer area between industrial and residential zones

- 1) The objectives of this clause are as follows:
 - (a) to maintain an adequate separation between general industrial land uses and residential land uses,
 - (b) to prevent any likely adverse impacts of outputs of industrial land uses (including noise, vibrations, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil) on adjacent residential dwellings,
 - (c) to ensure that neighbouring residents can enjoy a reasonable level of amenity without preventing the operation of general industrial land uses,
 - (d) to provide visual separation of the primary buildings and structures on industrial land from neighbouring residential dwellings

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(2) This clause applies to land identified as 'Industrial-residential buffer area' on the Site Specific Provisions Map.	Clause adopted in HLEP only	Endorse carry over of HLEP clause, as applicable to areas identified in map
(3) Despite any other provision of this Plan, development must not be carried out on land to which this clause applies other than: <i>(Conditions that allow development to be carried out if...)</i>	<p>Clause adopted in HLEP only</p> <p>Allows development to be carried out if the land is in:</p> <p>Zone R2 (all permissible land uses in R2 except for residential accommodation), or</p> <p>Zone IN1 (all permissible land uses) and must satisfy consent authority that the development is consistent with the</p>	Endorse carry over of HLEP clause, as applicable to areas identified in map



Minimum lot sizes for dual occupancies

Recommendation:

- Note approach to objectives and controls relating to dual occupancies on land for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.11 Dual occupancies on land in Zones R2, R3 and R4

6.xx Minimum lot sizes for dual occupancies

- (1) The objective of this clause are as follows:
- To ensure the lot size proposed for dual occupancy development facilitates good design that can accommodate an appropriate built form, driveways and sufficient landscaped areas,
 - To retain the low density residential character of the R2 Low Density Residential zone,
 - To identify the appropriate locations for growth and align projected growth with existing and proposed local roads, transport and social infrastructure,
 - To achieve a consistency of minimum lot size for dual occupancy

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
Objective	No current objectives (Draft objectives are identified in the Planning Proposal. Final wording on its objectives and controls will be drafted by PCO.)	Recommended objectives to be confirmed by PCO
(1) Controls setting the minimum lot size and applicable land zoning for the development of a dual occupancy	Applies to a lot with a minimum 600 sqm lot size in Zone R2, R3 and R4. Minimum 585 sqm lot size in Zone R2 and R3 across the Cumberland LGA	Council has previously resolved the minimum lot size planning control of 585sqm on Zone R2 and R3 for dual occupancy development
(2) Conditions that must meet the requirement for detached dual occupancy	For the purpose of detached dual occupancy, a land must contain a heritage item or 2 street frontages	Superseded by planning proposal and Code
(3) Dual occupancy prohibition map	Does not apply to land in the Cumberland LGA	Not applicable, as land outside Cumberland



Earthworks

Recommendation:

- Endorse carry over of objectives and controls relating to earthworks for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.2 Earthworks (also in ALEP)

1) The objectives of this clause are as follows:

(a) 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,

(b) to allow earthworks of a minor nature without requiring separate development consent.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Generally consistent HLEP includes 'cultural items' for consideration	Endorse carry over of HLEP clause
(2) Conditions that pre-exempt the need for development consent	Generally consistent except ALEP (2)(a) allows the work without a need of development consent if the work does not alter the ground level (existing) by more than 600mm.	Endorse carry over of ALEP clause
(3) Conditions that must satisfy the consent authority	Generally consistent except HLEP (3)(h) sets an extra condition that the consent authority must consider. <i>(3)(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	Endorse carry over of HLEP clause



Essential services

Recommendation:

- Endorse carry over of controls relating to essential services for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.3 Essential services (also in ALEP)

- (1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable road access.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Conditions that must satisfy the consent authority	Consistent	Endorse carry over of existing LEP approach
(2) This clause does not apply to development for the purpose of following	Consistent	Endorse carry over of existing LEP approach



Flood planning

Recommendation:

- Endorse carry over of objectives and controls relating to flood planning for inclusion in new Cumberland Local Environmental Plan

6.3 Flood planning

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

- 1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Endorse carry over of existing LEP approach
(2) This clause applies to land at or below the flood planning level.	Consistent except ALEP included land identified as 'Flood planning area' on its Flood Planning Map.	Endorse carry over of existing LEP approach Transfer ALEP mapping
(3) Conditions that must satisfy the consent authority	Consistent <i>(Minor wording differences on HLEP where it strictly expresses the condition (3)(b),(d) to read as 'will not...' instead of '...is not likely to...'.)</i>	Endorse carry over of existing LEP approach
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's Floodplain Development Manual	Consistent	Endorse carry over of existing LEP approach



Foreshore building line

Recommendation:

- Endorse carry over of objectives and controls relating to foreshore building line for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.4 Foreshore building line (also in PLEP)

- The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Consistent	Endorse carry over of existing LEP approach
(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.	ALEP mapped Foreshore Building Line map to identify applicable land that are below the foreshore building line.	Transfer ALEP mapping
(2)(3) Conditions that must meet the following purposes	Consistent	Endorse carry over of existing LEP approach
(3)(4) Conditions that must satisfy the consent authority	Generally consistent except ALEP (4)(h) that requires a consideration of sea level rise or change of flooding patterns as a result of climate change. (Minor wording differences on PLEP where (3)(c) reads as 'will not' instead of 'is not	Endorse carry over of existing LEP approach Transfer ALEP (4)(h)



Ground floor development in Zones B2 and B4

Recommendation:

- Endorse carry over of objective and controls relating to ground floor development in Zones B2 and B4 for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.10 Ground floor development in Zones B2 and B4

- The objective of this clause is to ensure that active uses are provided at the street level in certain business zones to encourage the presence and movement of people.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(2) Applies to land in the following zones:	(a) Zone B2 Local Centre, (b) Zone B4 Mixed Use.	Endorse carry over of HLEP clause
(3) Conditions that must satisfy the consent authority that the ground floor of the building:	(a) will not be used for the purpose of residential accommodation, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.	Endorse carry over of HLEP clause
(4) Conditions that allows flexibility on subclause (3)(b)	If the site is >60m in depth from all street frontages, or has a gradient steeper than 15%, or is to be used as a public or commuter car park owned by a public authority.	Endorse carry over of HLEP clause
(5) Conditions that allows flexibility on subclause (3)(c)	If any part of a building faces a service land that does not require active street frontages, or is used for i. a lobby, ii) access for fire services, iii) vehicular	Endorse carry over of HLEP clause



Particular dual occupancy subdivisions must not be approved

Recommendation:

Note the approach on controls relating to dual occupancy subdivision for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

**6.6 Particular dual occupancy
subdivisions must not be approved
(also in PLEP)**

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Land applied to this clause	South-Parramatta Conservation Area on the PLEP Heritage Map	Not applicable, as land outside Cumberland area
(1) (2) Conditions prohibiting a subdivision of dual occupancy that would create separate titles	Applies to all lands in ALEP Applies to land identified as 'South Parramatta Conservation Area' in PLEP	Not to be included, as inconsistent with other provisions under Part 4 of the new Cumberland LEP
(2) (3) This clause does not apply in relation to a subdivision under: (a) the <i>Community Land Development Act 1989</i> , (b) the <i>Strata Schemes Development Act 2015</i> .	Consistent	Not to be included, as covered in other provisions under Part 4 of the new Cumberland LEP



Restricted premises

Recommendation:

- Endorse carry over of controls relating to restricted premises for inclusion in new Cumberland Local Environmental Plan

6.8 Restricted premises

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

*Note that restricted premises are permissible in **Zone B2, B4** in **ALEP**, **HLEP** and **Zone IN1, IN2, B2, B3, B4** in **PLEP**.*

SI Definition.

Restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Land applied to this clause	Not permitted on land that adjoins land, or is separated by a road from land within Zone R2, R3, R4 or RE1.	Endorse carry over of PLEP controls
(2) Conditions that must satisfy the consent authority	Clause adopted in PLEP only	Endorse carry over of PLEP controls
(3) Conditions that the consent authority must consider	The impact the proposed development would have on any place that is regularly frequented by children for educational, recreational or cultural activities.	Endorse carry over of PLEP controls



Riparian land and watercourses

Recommendation:

- Endorse carry over of objectives and controls relating to riparian land and watercourses for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.6 Riparian land and watercourses (also in PLEP as 6.5 Water protection)

- The objectives of this clause is to protect and maintain the following:
 - water quality within watercourses,
 - the stability of the bed and banks of watercourses,
 - aquatic and riparian habitats,
 - ecological processes within watercourses and riparian areas.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Generally consistent	Endorse carry over of existing LEP approach
(2) Land applies to this clause	Land identified as 'Riparian Land' on HLEP's Riparian Lands and Watercourses Map, Land identified as 'Riparian Land and Waterways' on PLEP's Natural Resources – Riparian Land and Waterways Map (NRR_011).	Transfer HLEP mapping Transfer lands from PLEP that are within the Cumberland area
(3) Conditions that the consent authority must consider	Varies Added subclauses in HLEP that the consent authority must consider if development is likely to increase water extraction and any appropriate measures are proposed.	Endorse carry over of HLEP clause
(4) Conditions that the must satisfy the consent	Generally consistent (Minor wording difference)	Endorse carry over of existing LEP approach



Salinity

Recommendation:

- Endorse carry over of objectives and controls relating to salinity for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.8 Salinity

- The objectives of this clause is 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.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objective	Clause adopted in HLEP only	Endorse carry over of HLEP approach
(2) Land applies to this clause	Land identified as 'Known Salinity', 'High Salinity Potential' or 'Moderate Salinity Potential' on the Salinity Map.	Endorse carry over of HLEP mapping
(3) Conditions that the consent authority must consider	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(4) Conditions that the must satisfy the consent authority	Clause adopted in HLEP only	Endorse carry over of HLEP clause



Stormwater management

Recommendation:

- Endorse carry over of objectives and controls relating to stormwater management for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.7 Stormwater management

- 1) The objectives of this clause are as follows:
 - (a) to minimise the impacts of urban stormwater on properties, native vegetation and receiving waters,
 - (b) to avoid any adverse impacts on soils and land stability,
 - (c) to protect the environmental values of water identified for urban waterways in the Sydney Harbour and Parramatta River and Georges River catchments.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Clause adopted in HLEP only	Endorse carry over of HLEP approach
(2) Conditions that must satisfy the consent authority	Clause adopted in HLEP only	Endorse carry over of HLEP clause



Design excellence

Recommendation:

- Endorse carry over of objectives and controls relating to design excellence for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.11 Design excellence

- The objective of this clause is to ensure that development to which this clause applies exhibits the highest standard of architectural and urban design as part of the built environment

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Clause adopted in HLEP only	Endorse carry over of HLEP approach
(2) Application of clause	Clause adopted in HLEP only Design Excellence Maps provided	Endorse carry over of HLEP clause Transfer HLEP maps
(3) Development consent considerations	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(4) Consent authority considerations	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(5) (6) Specific bonus provisions	Clause adopted in HLEP only	Endorse carry over of HLEP clause
(7) (Repealed)	Clause adopted in HLEP only	Endorse carry over of HLEP



Location of sex services premises

Recommendation:

- Endorse carry over of objective and controls relating to location of sex services premises for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

6.7 Location of sex services (premises) (also in PLEP)

- The objective of this clause is 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.

Local Environmental Plan clause	Review of three LEPs	Harmonisation approach
(1) Objectives	Only in ALEP	Endorse carry over of ALEP approach
(1) (2) Controls setting buffer distance	Generally consistent except PLEP removed sub (c) that requires more than 50m distance from any public utility such as a railway station entrance, bus stop, taxi rank or the like.	Endorse carry over of ALEP approach
(2) Condition that prohibit this use if any part of the access is shared with the building that contains a dwelling.	Only in PLEP	Endorse carry over of PLEP approach
(3) Conditions that must satisfy the consent authority	Generally consistent except Consent authority also required to consider 'hours of operation' of the proposed development	Endorse carry over of ALEP approach



Site specific controls

Recommendation:

- Endorse carry over of site specific controls for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content	Local Environmental Plan clause	ALEP	HLEP	PLEP	Harmonisation approach
	Development in the Commercial Precinct	X 6.9			Endorse carry over of existing LEI approach and mapping
	Additional Auburn LEP content	Applies to lands identified as 'Commercial Precinct' on the ALEP's Key Sites Map (KYS_002, KYS_006). Retail premises are permissible with consent on these lands in Zone B6 Enterprise Corridor.			
	Additional Holroyd LEP content	X 6.11			Endorse carry over of existing LEI approach
Additional Parramatta LEP content	Development of certain land at 1A and 1B Queen Street, Auburn	X 6.11			Endorse carry over of existing LEI approach
		Applies to Lots 1 and 2, DP 1160950, 1A and 1B Queen Street, Auburn. This clause provides conditions that the consent authority must consider before granting consent to development on land.			
Common to all 'Cumberland' LEPs	Development on land at 42-44 Dunmore Street, Wentworthville		X 6.12		Endorse carry over of existing LEI approach
		Applies to Lot 11, DP 746515, 42-44 Dunmore Street, Wentworthville. This clause provides additional variance on FSR under the condition that must satisfy the consent authority.			



Urban heat management

Recommendation:

- Endorse draft controls on urban heat management for inclusion in new Cumberland Local Environmental Plan

- 1) The objective of this clause is to ensure new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment and protects community health and wellbeing.
- 2) Development consent must not be granted to any commercial, industrial, or residential flat development unless the consent authority is satisfied that the new development incorporates design features to reduce urban heating to protect community health and wellbeing.

Such design features may include but not limited to:

- a) building roof, paved surfaces and podium design to reflect and re-radiate absorbed solar heat away from urban areas; or
 - b) inclusion of landscaping and water sensitive urban design; or
 - c) inclusion of the awnings and eaves; or
 - d) passive design principles to reduce the need for heating or cooling, which may include insulation, glazing or drought proofing
- 3) In this clause:
 - a) *Solar heat* means radiant heat contained in the full spectrum of sunlight.
 - b) *Urban heat* refers to higher ambient temperatures (over 28°C) that pose a risk to our communities and infrastructure.

**DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20**

Attachment 7

**Proposed planning approach for
Schedule 1 – Additional permitted
uses**



Schedule 1

Additional permitted uses

Recommendation:

- Endorse carry over of additional permitted uses for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Schedule 1 Additional permitted uses

- Use of certain land at 265 Parramatta Road, Auburn
- Use of certain land at 67-73 St Hilliers Road, Auburn
- Use of certain land at 9 and 11 Gelibolu Parade, Auburn
- Use of certain land at Girraween
- Use of certain land known as "Gipps Road Sporting Complex" at Greystanes
- Use of certain land at 615 Great Western Highway, Greystanes
- Use of certain land at 11 Byron Road, Guildford
- Use of certain land at Guildford West
- Use of certain land known as "Holroyd Gardens" at Holroyd
- Use of certain land at 32 Walpole Street, Holroyd
- Use of certain land known as "Central Gardens" at Merrylands Road, Merrylands
- Use of certain land known as "Merrylands Park" at 367P Merrylands Road, Merrylands
- Use of certain land at 348 and 350 Merrylands Road, Merrylands
- Use of certain land at Smithfield
- Use of certain land at Junia Avenue and Aurelia Street and Toongabbie Road, Toongabbie
- Use of certain land at Hawkesbury Road, Westmead
- Use of certain land at Yennora
- Use of certain land at 528-530 Great Western Highway, Pendle Hill
- Use of certain land at 459 Merrylands Road, Merrylands

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 8

Proposed planning approach for
Schedules 2 Exempt
development, Proposed planning
approach; Schedule 3 –
Complying development; and
Proposed planning approach for
Schedule 6 – Pond based and
tank based aquaculture.



Schedules

Local Environmental Plan schedule	Harmonisation approach
Schedule 2 Exempt development	Adopt Standard Instrument clause
Schedule 3 Complying development	Adopt Standard Instrument clause
Schedule 6 Pond based and tank based aquaculture	Adopt Standard Instrument clause

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP008/20

Attachment 9

Proposed planning approach for
Schedule 5 – Environmental
heritage



Schedule 5

Local Environmental Plan schedule	Harmonisation approach
Schedule 5 Environmental heritage	Endorse carry-over of heritage items under existing LEP's except for 9 items identified as no longer meeting criteria for heritage significance.



Cumberland Heritage List

Items identified as no longer meeting the
NSW heritage criteria for assessing
heritage significance

July 2019

As part of the review of Cumberland's Heritage List on the existing LEP Schedule 5 heritage registers for the former Auburn, Holroyd and Parramatta councils, some heritage places were identified for their potential to be de-listed as individual items of environmental heritage. In this instance, initial findings show that they have declined in value such that they no longer met the NSW heritage criteria for assessing heritage significance. The findings of this component of the study are outlined below.

Please note: these items have been identified as potential de-listings only, as identified in the public domain field survey and additional desktop research. Further research, including an interior inspection, would be required for some items prior to a final decision.

LEA'S TEMPERANCE HALL (FORMER)

Address: 24 Mary Street, Auburn

Former LEP ID & LGA: 117 (Auburn)

Site Type – Level 1: Built

Statement of Significance / Comment:

Current findings show that 24 Mary Street, Auburn is not considered to be of local or State heritage significance.

The original building, called Lea's Temperance Hall which was built in the 1890s, is now demolished. This site was the venue for the first meeting of Auburn Council in 1892 in lieu of the first Auburn Council Chambers which was not erected until 1896. Lea's Temperance Hall was built by Henry Lea in support of the Temperance movement which was popular around the world in the from the mid-1880s to WWI. The hall was also used as a boarding house and hotel until its demolition in 1922.

The hall was replaced with the current building in 1922. It appears to be of low heritage value, being a highly modified two-storey Californian bungalow apartment building. From the public domain, it appears that original features are limited to the overall form of the structure as well as leadlight windows. An interior inspection would be required to ascertain if the property holds any additional value.

Considering the substantial size of the current structures on site, the archaeological potential of the site with respect to Lea's Temperance Hall is considered to be low.

The current listing sheet, which speaks to the former Lea's Temperance Hall, is a confusing listing sheet particularly with respect to the management of the sites values. While the later structure may have some significance which warrants individual listing, this is not currently evident and would require further research.

The history and significance of the site can be celebrated through appropriate and publicly accessible heritage interpretation, such as on the footpath adjacent to the site.



CONJOINED RESIDENCES

Address: 36 and 38 Jamieson Street, Granville

Former LEP ID & LGA: I137 (Parramatta)

Site Type – Level 1: Built

Statement of Significance / Comment:

Current findings show that the terrace pair at 36 and 38 Jamieson Street is not considered to be of local or State heritage significance. While the dwelling pair relates to the concurrent purchase and development of land within Jamieson Street, the dwelling has been heavily modified to a point where significant fabric has been lost and the overall street presentation reduces the quality of the significance of the Granville Conservation Area – Civic Precinct.

Should these dwellings be de-listed, they should remain as part of the Granville Conservation Area – Civic Precinct. Future development of the dwelling should include the removal of intrusive/detracting elements with the reconstruction of heritage features to the façade.

Further research, including an interior inspection, is required to ascertain if the property is more intact than is currently evident.



WILLIAM STREET COTTAGES GROUP

Address: 10 William Street, Granville

Former LEP ID & LGA: I205 (Parramatta)

Site Type – Level 1: Built

Statement of Significance / Comment:

Extent Heritage prepared heritage advice for this property in 2018 wherein the interior of the property was accessed. The findings of the assessment were used to inform this recommendation. The cottage at 10 William Street, Granville is not considered to be of local or State heritage significance. The dwelling has been altered considerably in terms of its interior, as well as its exterior. While the cottage is listed as a weatherboard cottage, vinyl sidings have replaced the weatherboard, and changes to original fabric including to the hipped roof, front fence, verandah posts, and removal of the original chimney have contributed to a reduction in the significance of the cottage itself. The setting of the cottage as a group of three cottages including 6, 8 and 10 William Street has been compromised with the demolition of the original cottages at 6 and 8 William Street and replacement with new dwellings on both sites. The overall contribution of 10 William Street as part of a group has been compromised.



CONJOINED RESIDENCES

Address: 9-11 Woodville Road, Granville

Former LEP ID & LGA: I214 (Parramatta)

Site Type – Level 1: Built

Statement of Significance / Comment:

Current findings show that the pair of semi-detached houses at 9-11 Woodville Road, Granville are not considered to be of local or State heritage significance. While the dwellings historically relate to the development of housing in the 1880s, they have been heavily modified to a point where significant fabric and aesthetic significance has been lost. In their current form, the dwellings are not representative of their style and have low aesthetic significance as an individual item.

While the listing is connected to Woodville Road, which is a heavily urbanised but historically significant road alignment, other historic properties along the road better represent the historical development of the area.

Further research, including an interior inspection, is required to ascertain if the property is more intact than is currently evident.



Federation Period Cottage

Address: 4 Myall Street, Merrylands

Former LEP ID & LGA: I73 (Holroyd)

Site Type – Level 1: Built

Statement of Significance / Comment:

Current findings show that the Federation Period Cottage at 4 Myall Street, Merrylands is not considered to be of local or State heritage significance. While the dwelling historically relates to the development of Merrylands in the 1900s, the cottage has been extensively modified to a point where the heritage value of the property has been lost. The main impact has been the inclusion of a dominant second storey extension which has adversely altered the overall form of the dwelling, as well as changes to the fabric of the façade including the replacement of the barge board, re-design of the gable end panelling and inclusion of faux 1890s decorative timber to the front entry. The only original and visible element appears to be the front window.

Prior to these works, the property was described as follows:

The item heritage significance for its aesthetic values as a representative example of a small-scale workers cottage with simple detailing typical of the building type. This is enhanced by the intact nature of the buildings form, style and detailing.

The item is no longer a representative example of its building type, nor does it have aesthetic value.



GUILDFORD RAILWAY STATION

Address: Railway Terrace, Guildford

Former LEP ID & LGA: I43 (Holroyd)

Site Type – Level 1: Built

Statement of Significance / Comment:

Current findings show that Guildford Railway Station is not considered to be of local or State heritage significance. Guildford Railway Station, first opened in 1876, played a critical role in the early development boom of Guildford, transforming the area from a 'Tiny Village' to an area of residential expansion. Original structures included an 1876 platform and station building, a 1891 platform, the purchase of a Station Masters Residence in 1924 and a 1937 timber station building. However, all structures and remnants relating to this early station development have now been removed. The remaining structures on site date from c.1970, c.2002 and 2016-2017, and have no heritage value. The overall loss of historical fabric including all the original and early platform buildings greatly reduces the significance of the railway station.



MILLMASTER FEEDS SITE

Address: 1-7 Neil Street, Merrylands

Former LEP ID & LGA: A5 (Holroyd)

Site Type – Level 1: Archaeological Site

Statement of Significance / Comment:

Current findings show that the Millmaster Feeds Site is not considered to be of local or State heritage significance. The site was one of two mills in Merrylands and was one of the few remnants of the industrial past in the area. It represented a significant phase of industrial activity as it was located to take advantage of rail access for transportation of finished products to market. However, all structures and remnants relating to its former uses have been removed and the site is currently undergoing redevelopment. Any built features relating to its former significance are no longer present, and any archaeological potential would be considered low/nil and likely to be highly disturbed.



FEDERATION PERIOD BUNGALOW

Address: 34 Garfield Street, Wentworthville

Former LEP ID & LGA: I129 (Holroyd)

Site Type – Level 1: Built

Statement of Significance / Comment:

The Federation period bungalow (shown below) was demolished in 2016. The house has now been replaced with a modern dwelling of no heritage value.



Former dwelling, now demolished (Source: www.realestate.com.au).



FORMER SHOP AND DWELLING

Address: 15 Abbott Street, Merrylands

Former LEP ID & LGA: I312 (Holroyd)

Site Type – Level 1: Built

Statement of Significance / Comment:

The Former Shop and Dwelling (shown in the aerial below) has been demolished. The site has now been replaced with a late twentieth century dwelling of no heritage value (shown to the right).



1943 aerial image, showing the former shop and dwelling



LATE VICTORIAN COTTAGE

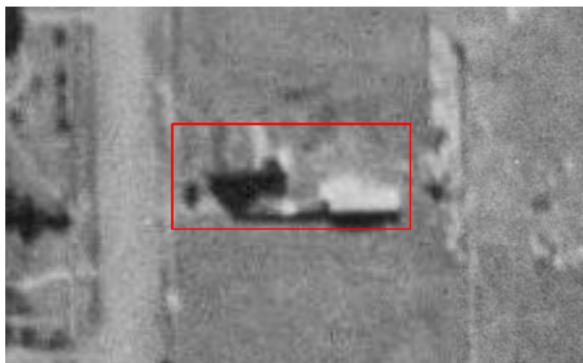
Address: 70 Jersey Road, South Wentworthville

Former LEP ID & LGA: I100 (Holroyd)

Site Type – Level 1: Built

Statement of Significance / Comment:

The Late Victorian cottage (pictured below) was demolished c.2015. The block remains empty and the extant shed does not relate to the early arrangement of the site which is visible on the 1943 aerial image of the site.



1943 aerial image, showing the subject site in red.



Former cottage, now demolished.



Heritage Items for Schedule 5 of the Cumberland LEP

Currently listed items under the three (3) Local Environmental Plans (LEPs), within the Cumberland LGA, to be carried across to the new Cumberland LEP.

Note – ID numbers are per the respective existing LEP – these will ID numbers will be updated for the consolidated list in Schedule 5 of the Cumberland LEP.

Auburn LEP

ID	NAME	ADDRESS	SUBURB
PART 1 HERITAGE ITEMS			
I18	St Joseph's Hospital (former Duncraggan Hall)	Southwest corner of Alice Street and Normanby Road	Auburn
I5	Eucalyptus mollucana, Auburn Public School	Northeast corner of Auburn Road and Beatrice Street located in the grounds of Auburn Public School	Auburn
I15	Jack Lang Plaque	4 Auburn Road	Auburn
I6	Dwelling	245 Auburn Road	Auburn
I3	Auburn Botanic Gardens	Chisholm Road	Auburn
I7	Dwelling	258 Cumberland Road	Auburn
I8	Dwelling	31 Gelibolu Parade	Auburn
I19	St Phillips Anglican Family Church	48 Hall Street (corner of Macquarie Road and Hall Street)	Auburn
I2	Auburn Baptist Church	16 Harrow Road	Auburn
I22	Victorian Dwelling	25 Harrow Road	Auburn
I21	Uniting Church Auburn Parish and adjacent Victory Hall	Northeast corner of Helena Street and Harrow Road	Auburn
I9	Dwelling	3 Kihilla Street	Auburn
I10	Dwelling	8 Mary Street	Auburn
I17	Lea's Temperance Hall (former)	24 Mary Street	Auburn
I1790	Electricity Substation No 167	93 Parramatta Road and 2 Silverwater Road	Auburn
I4	Auburn North Public School and Ficus macrophylla, Moreton Bay Fig Tree	153–159 Parramatta Road	Auburn
I11	Dwelling	16 Queen Street	Auburn
I1	Auburn Ambulance Station	54 Queen Street	Auburn
I16	Keighery Hotel	51 Rawson Street	Auburn
I12	Grey Box Reserve	Corner of St Johns and Park Roads	Auburn
I13	Horse trough	Corner of Water Street and Auburn Road	Auburn
I14	Inter War Dwelling	21 Yillowra Street	Auburn
I23	Berala Public School	Corner of Clarke Street, Harrow and Auburn Roads	Berala

	St Peter Chanel School Hall,		
I25	Church and Rectory	60–66 Kingsland Road	Berala
I24	Brush Box street trees	Lidbury Street	Berala
I31	Hotel Lidcombe	Church Street (corner of John Street)	Lidcombe
	Wyatt Park, Haslams Creek,		
	Lidcombe Pool, Lidcombe		
I40	Oval, Stormwater Drain	(Main entrance) at Church Street	Lidcombe
I32	Lidcombe Fire Station	37 Church Street	Lidcombe
I26	The Gables	59 East Street	Lidcombe
I28	Dwelling	24 James Street	Lidcombe
	Lidcombe Public School and	Corner of John Street, Doodson	
I35	Infants Department	Avenue and Mill Street	Lidcombe
	St Joachims Catholic Church,		
I39	Parish Hall and School	John Street and 7 Mary Street	Lidcombe
I33	Lidcombe Police Station	11 John Street	Lidcombe
	Minali Special School (early		
	twentieth century		
I36	residence)	Off Joseph Street	Lidcombe
		4 Joseph Street (southwest corner of	
I37	Railway Hotel	Joseph and Railway Streets)	Lidcombe
I30	Fenton House	35–47 Joseph Street	Lidcombe
I29	Dwelling	53–55 Kerrs Road	Lidcombe
	Stand of Eucalyptus		
I41	microcorys	Olympic Drive	Lidcombe
	Stand of Eucalyptus		
I20	longifolia	Corner of Parramatta and Hill Roads	Lidcombe
I38	Royal Oak Hotel	46-50 Railway Street	Lidcombe
I34	Lidcombe Post Office	1A Taylor Street	Lidcombe
	Clive E Evatt		
I27	Commemorative Plaque	Corner of Yarram and Boorea Street	Lidcombe
I43	Commercial building	20 Amy Street	Regents Park
I44	Regents Park railway station	Park Road	Regents Park
	No 1 Section buildings, relics		
I00718	and place	Bounded by East and Railway Streets	Rookwood
Total Number = 45			

PART 2 HERITAGE CONSERVATION AREAS

Former Lidcombe Hospital
C07144 Site

Total Number = 1

PART 3 ARCHAEOLOGICAL SITES

		Northumberland Road, RSL car park	
A49	Auburn War Memorial	(opposite the Auburn RSL)	Auburn
A50	Clyde Marshalling Yards	Rawson Street	Auburn
		Rawson Street, opposite Karrabah	
A01023	Auburn Signal Box	Road	Auburn
A51	Parramatta Road Milestone	South side of Parramatta Road	Auburn

		between Dartbrook and Station Roads	
		South side of Parramatta Road, east of	
		Station Road, east of Delhi Street, east	
		side of railway bridge abutments near	
A52	Parramatta Road Milestone	Birnie Street	Auburn
A53	Berala railway station	Campbell Street	Berala
	Canalisation of Haslams		
	Creek south of Parramatta		
A55	Road	Haslams Creek at Parramatta Road	Lidcombe
	Railway overpass over	Olympic Drive at Church Street and the	
A57	Olympic Drive	Main Suburban Line	Lidcombe
	Parramatta Road, road		
A54	bridge over Haslams Creek	Parramatta Road at Haslams Creek	Lidcombe
		Railway Street, between Mark and	
		East Streets (south side of railway	
A56	Lidcombe Signal Box	lines)	Lidcombe
		South Boundary of LGA, Duck River to	
A59	Water supply pipeline	Joseph Street	Lidcombe
	Lidcombe War Memorial	Wellington Park (corner of James and	
A58	statue	Joseph Streets)	Lidcombe
	Auburn Road, bridge over		
A60	water pipeline	from Albert Street to Pemulwuy	Regents Park
	Rookwood Cemetery or		
A00718	Necropolis	Bounded by East and Railway Streets	Rookwood
Total Number = 14			

PART 4 ABORIGINAL OBJECTS AND ABORIGINAL PLACES OF HERITAGE SIGNIFICANCE

none

Total Number = 0

Holroyd LEP

ID	NAME	ADDRESS	SUBURB
PART 1 HERITAGE ITEMS			
I1	"Targo Mahal", Federation bungalow	156 Targo Road	Girraween
I2	"Urana", late Victorian/Federation bungalow	26 Tungarra Road	Girraween
I12	"Pitt Cottage", late Victorian cottage	114 Pitt Street Woodville Road (corner Crescent Street)	Granville
I23	Railway memorial Late Victorian/Federation cottage	15 Bayfield Road	Greystanes
I24	Remnant tree stands	Damien Avenue	Greystanes
I25	Milestone group, Parramatta to Greystanes	Great Western Highway	Greystanes
I26	House and farm buildings	Hyland Road	Greystanes
I27	Ringrose Primary School	18-36 Ringrose Avenue	Greystanes
I28	Footbridge over Lower Prospect Canal	Albert Street	Guildford
I29	Victorian/Georgian cottage	48 Albert Street	Guildford
I30	Federation/Queen Anne cottage	12 Amherst Street	Guildford
I31	Guildford Public School, circa 1915	1A Apia Street	Guildford
I32	"Kelvin", Federation/Queen Anne bungalow	67 Berwick Street	Guildford
I33	Federation bungalow	77 Berwick Street	Guildford
I34	"Linnwood"	11 Byron Road	Guildford
I01661	Guildford School of Arts, community building, circa 1901-1925	1 Calliope Street	Guildford
I36	Electricity substation	83 Cardigan Street	Guildford
I37	"Kia Ora", Federation/Queen Anne cottage	138 Fowler Road	Guildford
I38	"Hazeldene", late Victorian/Federation/Queen Anne cottage	379 Guildford Road West	Guildford
I39	George McCredie Memorial Church, Federation church, circa 1905	486 Guildford Road West	Guildford
I40	"Carsons", Federation period cottage	128 Harris Street	Merrylands
I41	Late Victorian cottage	121 Hawksview Street	Merrylands
I42	Viaduct carrying main pipelines	Military Road	Guildford
I44	Fibro and weatherboard cottage, circa 1938-1946	11 O'Connor Street	Guildford
I45	"Myrnville", late Victorian period cottage	45 O'Neill Street	Guildford
I46	Late Victorian cottage	63 O'Neill Street	Guildford
I47			

I48	Late Victorian/Federation residence	9A Tennyson Parade	Guildford West
I49	Inter-war bungalow	33 Tennyson Parade (also known as 33 Woodpark Road)	Guildford West
I50	Federation period cottage	20A The Esplanade	Guildford
I01629	Pipehead, water supply canal and associated works "Boothtown Aqueduct" (previously Greystanes Aqueduct), Aqueduct Valve House No 1, Aqueduct Valve House No 2, Culvert No 1 under Aqueduct, Culvert No 2 under Aqueduct, Lower Prospect Canal Reserve and garden	Frank Street (primary), Bowden Street (alternate), Parkes Street (alternate), Palmer Street (alternate)	Guildford
I52	Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney)	From Albert Street to Pemulwuy	Guildford West
I53	"Hampden", Federation period cottage	23-25 Brickworks Drive	Merrylands-Holroyd
I60	Former Council Chambers, circa 1914	10 Alfred Street	Merrylands
I61	Late Victorian period cottage	3 Arcadia Street	Merrylands West
I62	Greek Orthodox Church	11 Hilltop Road	Merrylands
I63	Late Victorian cottage/Cumberland Model Farms Estate	29 Holroyd Road	Merrylands
I64	"Boori", Victorian Italianate residence and grounds	130 Jersey Road	Merrylands
I65	Merrylands Public School	20 Ledger Road	Merrylands
I66	Merrylands Uniting Church, inter-war church, circa 1928	49 Matthew Street	Merrylands
I67	Electrical substation	7 Memorial Avenue	Merrylands-Holroyd
I68	Merrylands School of Arts, community building, circa 1917-1925	285 Merrylands Road	Merrylands-Holroyd
I69	Fire station (inter-war period)	289 Merrylands Road	Merrylands
I70	Merrylands Railway Station	340 Merrylands Road	Merrylands
I71	Baby health care centre, circa 1947	Military Road	Merrylands-Holroyd
I72	Merrylands East Primary School, circa 1928	10-15 Military Road	Merrylands
I74	Lawson Square Reserve	Myee Street	Merrylands
I76	Federation period bungalow	Price Street	Merrylands
I77	Federation period (Art Nouveau detailing) residence	56 St Ann Street	Merrylands
I78		7 Villiers Street	Merrylands

I79	Federation period cottage	33 Walker Street	Merrylands
I80	Memorial reserve, historic memorial and cannon "Sherwood Scrubs", residence and service wing, summer house, garden, setting and outbuildings	48 Arthur Street (corner Arcadia Street)	Merrylands West
I81		102 Kenyons Road (also known as 74 Sherwood Road)	Merrylands West
I82	Late Victorian cottage	42 Paton Street	Merrylands West
I85	8 Ledger Road	"Carrington", Victorian Italianate residence and grounds	Merrylands
I88	Aboriginal flaked stone artefacts	Clunies Ross Street	Pemulwuy
I01662	Prospect Hill	Clunies Ross Street (primary), Butu Wargun Drive (alternate), Reconciliation Road (alternate), Great Western Highway (alternate)	Pemulwuy
I90	Main gate—Boral (formerly known as the Greystanes Gates, circa 1830)	Greystanes Road	Pemulwuy
I109	Bonds administrative building, storage building, cutting room and cotton bale stores	190–220 Dunmore Street	Pendle Hill
I93	Former Bonds Bobbin Mill facade	211–215 Dunmore Street	Pendle Hill
I94	"Dunmore", Victorian Italianate residence and garden setting	222–266 Dunmore Street	Pendle Hill
I95	"Ashwood House", Inter-war Georgian Revival residence	268–280 Dunmore Street	Pendle Hill
I96	Pendle Hill Railway Station	Pendle Way	Pendle Hill
I01370 and A8	Prospect Reservoir and surrounding area	1 Picrite Close	Prospect South
I98	"The Wattles", Victorian/Georgian residence	245 Great Western Highway	Wentworthville
I99	"Rosedale", late Victorian cottage/ Cumberland Model Farms Estate	50 Jersey Road	South Wentworthville
I101	St Edna's Church Hall (inter-war hall, circa 1929)	27–33 Aurelia Street	Toongabbie
I102	Toongabbie Railway Station	Cornelia Road	Toongabbie
I103	Portico Park	Portico Parade	Toongabbie
I104	Railway viaduct	Portico Parade (Toongabbie Railway Station)	Toongabbie
I105	Federation bungalow	3 Bennett Street	Wentworthville
I107	"Yoorrooga", late Victorian cottage	54 Bridge Road	Wentworthville
I108	Former post office, circa 1926	63 Dunmore Street	Wentworthville
I110	Inter-war bungalow	6 Fullagar Road	Wentworthville
I111	Late Victorian cottage	7 Fullagar Road	Wentworthville

I112	Inter-war bungalow	8 Fullagar Road	Wentworthville
I113	Inter-war bungalow	10 Fullagar Road	Wentworthville
I114	Inter-war bungalow	12 Fullagar Road	Wentworthville
I115	Inter-war bungalow	14 Fullagar Road	Wentworthville
I116	Inter-war bungalow	16 Fullagar Road	Wentworthville
I117	Inter-war bungalow	18 Fullagar Road	Wentworthville
I118	Inter-war bungalow	20 Fullagar Road	Wentworthville
I119	Inter-war bungalow	22 Fullagar Road	Wentworthville
I120	Inter-war bungalow	24 Fullagar Road	Wentworthville
I121	Inter-war bungalow	26 Fullagar Road	Wentworthville
I122	Inter-war bungalow	30 Fullagar Road	Wentworthville
I123	Inter-war bungalow	32 Fullagar Road	Wentworthville
I124	Inter-war bungalow	38 Fullagar Road	Wentworthville
I125	Electricity substation Federation Arts and Crafts shop	62 Fullagar Road	Wentworthville
I126	building	17 Garfield Street	Wentworthville
I127	Masonic Temple	26 Garfield Street	Wentworthville
I128	Inter-war bungalow	32 Garfield Street	Wentworthville
I130	Federation period/Queen Anne style bungalow	38 Garfield Street	Wentworthville
I131	Inter-war cottage "Nelyambo", Federation period	41 Garfield Street	Wentworthville
I132	bungalow	42 Garfield Street	Wentworthville
I133	Federation period residence	45 Garfield Street	Wentworthville
I134	Federation period cottage	26 Jordan Street	Wentworthville
I135	Federation cottage St Andrew's Presbyterian Church, Federation Carpenter	42 Lane Street	Wentworthville
I136	Gothic church, circa 1923	5A McKern Street	Wentworthville
I137	Federation period cottage	30 Monash Street	Wentworthville
I138	Inter-war shopfront with Federation influences "Dobson House" ² , Federation/Inter-war period	2 and 4 Station Street	Wentworthville
I139	shopfront	6 and 8 Station Street	Wentworthville
I140	Wentworthville Railway Station	The Kingsway	Wentworthville
I141	Memorial fountain	The Kingsway	Wentworthville
I142	Inter-war bungalow "Dalremos", Federation/Queen Anne bungalow	16 Veron Street	Wentworthville
I143	Federation/Queen Anne bungalow	44 Veron Street	Wentworthville
I144	"Allengreen", Federation bungalow	57 Veron Street	Wentworthville
I145	bungalow	1 Amos Street (also known as 14 The Park or 1 Thomas May Place)	Westmead
I146	Inter-war bungalow	15 Austral Avenue	Westmead
I147	Inter-war bungalow	17 Austral Avenue	Westmead

I148	Inter-war bungalow	19 Austral Avenue	Westmead
I546	"Essington"	2-8 Bridge Road (primary), Great Western Highway (alternate)	Westmead
I149	Late Victorian cottage	2 Drew Street	Westmead
I150	"The Firs", Victorian Picturesque Gothic residence	24 Good Street	Westmead
I151	Westmead Progress Association Hall	43 Hassall Street	Westmead
I152	"Deskford", Cabrini Nursing Home, circa 1876-1900	41 Hawkesbury Road	Westmead
I153	Westmead Public School, circa 1917	150 Hawkesbury Road	Westmead
I154	Victorian/Georgian cottage	43 Houlson Street	Westmead
I155	Federation residence	20 Lichen Place (also known as 20 The Park)	Westmead
I156	Inter-war bungalow	5 Moree Avenue	Westmead
I157	Inter-war bungalow	7 Moree Avenue	Westmead
I158	"Silver Grove", Inter-war bungalow	9 Moree Avenue	Westmead
I159	"Girraween", Inter-war bungalow	11 Moree Avenue	Westmead
I160	"Maxville", Inter-war bungalow	13 Moree Avenue	Westmead
I161	Inter-war bungalow	15 Moree Avenue	Westmead
I162	Inter-war bungalow	19 Moree Avenue	Westmead
I163	Federation period cottage	1 Oakes Street	Westmead
I164	Attached residence	29 Parkside Lane (also known as 29 The Park)	Westmead
I165	Attached residence	30 Parkside Lane (also known as 30 The Park)	Westmead
I166	Inter-war (Mediterranean influences) apartment block	15-17 The Park (also known as 15-17 Thomas May Place)	Westmead
I167	Yennora Railway Station	Nelson Road	Yennora
Total Number = 131			

PART 2 HERITAGE CONSERVATION AREAS

C2	Fullagar Road Conservation Area	Wentworthville	Wentworthville
	Toohey's Palm Estate Group		
C3	Conservation Area	Westmead	Westmead
Total Number = 2			

PART 3 ARCHAEOLOGICAL SITES

A1	Former Farm, Hyland Road Inn and former post office	Hyland Road	Greystanes
A2	"Boothtown Aqueduct"	Macquarie Road (between Alpha Road and Dahlia Street)	Greystanes
A4	Central Gardens	Merrylands Road	Merrylands
A7	Bonds site	190-220 Dunmore Street	Pendle Hill
A8	Prospect Reservoir and	1 Picrite Close	Prospect

	surrounding area		
A9	Railway viaduct site	Portico Parade (Toongabbie Railway Station)	Toongabbie
			Total Number = 6

PART 4 ABORIGINAL OBJECTS AND ABORIGINAL PLACES OF HERITAGE SIGNIFICANCE

AH1	Aboriginal scarred tree and Aboriginal flaked stone artefacts		
AH2	Grey Box Reserve and Aboriginal scarred trees		
AH3	Aboriginal scarred tree		
			Total Number = 3

Parramatta LEP

ID	NAME	ADDRESS	SUBURB
PART 1 HERITAGE ITEMS			
I34	Everley Park	1 Everley Road	Chester Hill
I92	Stone cottages	15 and 17 Bennalong Street	Granville
I01664	Crest Theatre	157 Blaxcell Street	Granville
I01679	Granville Town Hall	10 Carlton Street	Granville
I97	Nallabrae	17-21 Carlton Street	Granville
I98	Charles Street Group	3, 5 and 9 Charles Street	Granville
I103	Single storey residence	7 Daniel Street	Granville
I104	Single storey residence	9 Daniel Street	Granville
I105	Single storey residence	11 Daniel Street	Granville
I108	Single storey residence	32 Elizabeth Street	Granville
I109	Former Shop	6-8 Factory Street	Granville
I110	Cottage	37 Fifth Street	Granville
I111	Single storey residence	8 Florrie Street	Granville
I112	Cottage	10 Florrie Street	Granville
I113	Scout Hall	1A Glen Street	Granville
I119	Grimwood Street Group	23, 27, 28 and 30 Grimwood Street	Granville
I120	Holy Trinity Church Group	40 Grimwood Street	Granville
I121	Semi-detached cottages	43 and 45 Grimwood Street	Granville
I122	Single storey residence	4 Hewlett Street	Granville
I123	Single storey residence	6-8 Hewlett Street	Granville
I124	Single storey residence	18 Hewlett Street	Granville
I125	Single storey residence	20 Hewlett Street	Granville
I126	Single storey residence	21 Hewlett Street	Granville
I127	Single storey residence	23 Hewlett Street	Granville
I128	Granville Police Station	12 Hutchinson Street	Granville
I129	Knox Presbyterian Church	14 Hutchinson Street	Granville
I130	Terrace housing	6, 8, 10, 12 and 14 Jamieson Street	Granville
I131	Single storey residence	17 Jamieson Street	Granville
I132	Conjoined residences	22 and 24 Jamieson Street	Granville
I133	Conjoined residences	26 and 28 Jamieson Street	Granville
I134	Two storey residence	29 Jamieson Street	Granville
I135	Single storey residence	30 Jamieson Street	Granville
I136	Conjoined residences	32 and 34 Jamieson Street	Granville
I138	St Marks Anglican Church, Hall & Rectory	39 Jamieson Street	Granville
I139	Two storey residence	40 Jamieson Street	Granville
I140	Single storey residence	53 John Street	Granville
I141	Conjoined residences	55 and 57 John Street	Granville
I607	Cottage	2 Lisgar Street	Granville
I143	Single storey residence	5 Margaret Street	Granville
I144	Single storey residence	8 Margaret Street	Granville
I145	Tuena	14 Margaret Street	Granville

I146	Single storey residence	24 Margaret Street	Granville
I147	Single storey residence	8 Mary Street	Granville
I148	Granville Boys High School	10 Mary Street	Granville
I149	Cottage	21 Membrey Street	Granville
I150	Granville Swimming Pool	1 Memorial Drive	Granville
I151	Granville War Memorial	1 Memorial Drive	Granville
I152	Granville RSL Club	5 Memorial Drive	Granville
I206	Monuments	5 Memorial Drive, grounds of Granville RSL Club	Granville
I153	Cottage	28 Mimosa Street	Granville
I154	New York Street Group	12, 13, 14, 18, 20, 22 and 24 New York Street	Granville
I164	Conjoined residences	9 and 11 Queen Street	Granville
I165	Conjoined residences	13 and 15 Queen Street	Granville
I166	Single storey residence	62 Railway Parade	Granville
I167	Wendover	64 Railway Parade	Granville
I168	Single storey residence	70 Railway Parade	Granville
I169	Conjoined residences	2 and 4 Russell Street	Granville
I170	Conjoined residences	10 Russell Street	Granville
I171	Conjoined residences	12 Russell Street	Granville
I172	Cottage	41 and 43 Sixth Street	Granville
I173	Young's Buildings	11, 13, 17 and 19 South Street	Granville
I174	Royal Hotel	16-20 South Street	Granville
I175	Chateau Blanc	51 South Street	Granville
I176	Granville Technical College	80 South Street	Granville
I177	Shops	82, 86 and 88 South Street	Granville
I178	Uniting Church	104 South Street	Granville
I179	Single storey residence	14 Spring Garden Street	Granville
I180	Conjoined residences	24 and 26 Spring Garden Street	Granville
I181	Conjoined residences	28 and 30 Spring Garden Street	Granville
I182	Single storey residence	28 The Avenue	Granville
I183	Single storey residence	36 The Avenue	Granville
I184	Single storey residence	42 The Avenue	Granville
I185	Conjoined residences	52 and 54 The Avenue	Granville
I186	Single storey residence	58 The Avenue	Granville
I187	Single storey residence	60 The Avenue	Granville
I188	Single storey residence	66 The Avenue	Granville
I189	Single storey residence	74 The Avenue	Granville
I190	Single storey residence	83 The Avenue	Granville
I191	Single storey residence	85 The Avenue	Granville
I192	Stone Bridge	113 and 115 The Avenue (near) 90, 92, 94, 96, 98 and 100-102 The	Granville
I193	The Trongate Victorian Group	Trongate	Granville
I204	Kerb and guttering	Length of Walter Street	Granville
I197	Single storey residence	4 Walter Street	Granville
I198	Single storey residence	10 Walter Street	Granville
I199	Single storey residence	11 Walter Street	Granville

I200	Single storey residence	26 Walter Street	Granville
I201	Single storey residence	28 Walter Street	Granville
I202	Single storey residence	30 Walter Street	Granville
I203	Single storey residence	32 Walter Street	Granville
I207	Evesham	102 William Street	Granville
I208	Timber cottage group (Nos. 115-119)	"115, 117 and 119 William Street"	Granville
I209	Single storey residence	123 William Street	Granville
I210	Granville Public School	133 William Street (Lena Street)	Granville
I211	Single storey residence	152 William Street	Granville
I212	William Street Group	170, 172, 174, 176 and 178 William Street	Granville
I213	Cottage	183 William Street	Granville
I215	Single storey residence	15 Woodville Road	Granville
I217	Glencoe	3 Barbers Road	Guildford
		9 Barbers Road, 67A Campbell Hill Road, 368A Railway Terrace and 579A Woodville Road	Guildford
I223	Water pipeline	579A Woodville Road	Guildford
I218	Swift's House	36 Bolton Street	Guildford
I219	Bolton Street Group	45, 47 and 49 Bolton Street	Guildford
I221	Electrical substation	2 Bright Street	Guildford
I224	House	10 Cross Street	Guildford
I225	Wingello	55 Cross Street	Guildford
I226	Cottage	66 Cross Street	Guildford
I227	St Mary's Anglican Church Group	246A Guildford Road	Guildford
I228	Guildford Fire Station	263 Guildford Road	Guildford
I229	Guildford Shop Group	317, 323, 327, 329, 331, 333, 335, 337, 345 and 347 Guildford Road	Guildford
I231	House	73 Milner Road	Guildford
I232	Former bakery	332 Railway Terrace	Guildford
I233	House	346 Railway Terrace	Guildford
I234	Cottage	39 Rosebery Road	Guildford
I235	Catherine	55 Rosebery Road	Guildford
I236	House	77 Rosebery Road	Guildford
I238	Cloverdale	29 Salisbury Road	Guildford
I239	House	45 Station Street	Guildford
I240	Talbot Road Precinct	11-23 and 12-24 Talbot Road	Guildford
I242	Cottage	27 Woodstock Street	Guildford
I243	Granville South Public School	276 Woodville Road	Guildford
I244	Electrical substation	467 Woodville Road	Guildford
I651	Milestone	Adjacent to 488 Woodville Road	Guildford
I313	Semi-detached cottages	23 and 25 Augustus Street	Merrylands
I314	Cottage	29 Bertha Street	Merrylands
I315	Homes for Unemployed cottage	46 Bertha Street	Merrylands
I316	Semi-detached cottage	14 and 16 Cohen Street	Merrylands
I317	Semi-detached cottage	18 and 20 Cohen Street	Merrylands

I318	House	3 Earl Street	Merrylands
I319	House	30 Lansdowne Street	Merrylands
I320	The Lodge	56 Merrylands Road	Merrylands
I321	Cottage	59 Merrylands Road	Merrylands
I322	Victorian cottage	25 Reid Street	Merrylands
I650	Milestone	Adjacent to 198 Woodville Road	Merrylands
I600	Colquhoun Park, including palm trees and monument	196 Blaxcell Street	South Granville
I601	Houses built for Housing Commission	347, 349, 351, 353, 355, 357, 359 and 361 Blaxcell Street	South Granville
I602	Electrical substation	415–417 Blaxcell Street	South Granville
I603	Houses built for Housing Commission	27, 29, 33, 35, 37, 39, 41, 43 and 47 Chiswick Road	South Granville
I604	Houses built for Housing Commission	278, 286 and 288 Clyde Street	South Granville
I605	Dellwood Shopping Centre	12 Dellwood Street	South Granville
I606	Acrow Building	7–11 Ferndell Street	South Granville
I608	Houses built for Housing Commission	2–24 and 7–29 Montgomery Avenue	South Granville
I609	Stone cottage	24 Nobbs Street	South Granville
I610	Houses built for Housing Commission	6, 8, 10, 12, 14, 16 and 26 Oakleigh Avenue	South Granville
Total Number = 142			

PART 2 HERITAGE CONSERVATION AREAS

Blaxcell Estate Conservation Area
Granville Conservation Area - Civic Precinct
Granville Conservation Area - Residential Precinct

Total Number = 3

PART 3 ARCHAEOLOGICAL SITES

none

Total Number = 0

PART 4 ABORIGINAL OBJECTS AND ABORIGINAL PLACES OF HERITAGE SIGNIFICANCE

none

Total Number = 0

Item No: LPP009/20

**PROPOSED LAND USE TABLES AND PLANNING APPROACH FOR SELECTED
LAND USES FOR THE NEW CUMBERLAND LOCAL ENVIRONMENTAL PLAN**

Responsible Division: Environment & Planning
Officer: Executive Manager City Strategy
File Number: S-5750-01

SUMMARY:

This report provides an overview of the proposed land use tables and planning approach for selected land uses to be included in the new Cumberland Local Environmental Plan (LEP) that is currently being prepared by Council.

Preparation of the new Cumberland LEP is focussed on harmonising the planning controls of the existing Auburn, Parramatta and Holroyd LEPs into a single set of planning controls for Cumberland.

It is recommended that the Panel support the proposed land use tables, and the planning approach for places of public worship and sex services premises, for inclusion in the planning proposal for the new Cumberland LEP.

REPORT:

Background

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.

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.

New Cumberland Local Environmental Plan – Land Use Tables

The structure of the new Cumberland LEP is based on the Standard Instrument LEP, which is the principal template LEP provided by the NSW Government. The Standard Instrument LEP includes a standardised Land Use Tables providing the objectives of each zone, as well as mandatory permitted and prohibited land use activities, that Council must adhere to. However, additional objectives may be included in a zone to reflect particular local objectives of development. There is also scope for Council to add additional specified uses to the mandatory list of development that is permitted or prohibited in a zone.

This report provides the proposed Land Use Tables for the following zones to be included in the new Cumberland LEP:

Zone	Description
Residential	R2 Low Density R3 Medium Density R4 High Density
Business	B1 Neighbourhood Centre B2 Local Centre B4 Mixed Use B5 Business Development B6 Enterprise Corridor
Industrial	IN1 Light Industrial IN2 General Industrial
Special Purpose	SP1 Special Activities SP2 Infrastructure
Recreation	RE1 Public Recreation RE2 Private Recreation
Environment Protection	E2 Environmental Conservation
Waterways	W1 Natural Waterways

In preparing the Land Use Tables for the new Cumberland LEP, a general rule of permissibility retention has been used. This means that the permissible land uses in most zones in the new Cumberland LEP will be 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 will generally be permitted within that zone under the new Cumberland LEP.

The proposed Land Use Tables to be included in the new Cumberland LEP are provided at Attachments 1 to 7.

Carryover of existing application of zones

It is proposed to carry over of the existing application of these zones for the new Cumberland LEP Land Zoning Maps. This approach will retain the status-quo for the majority of properties in the Cumberland area, with the existing zoning of properties to remain unchanged.

In instances where changes are required to be made, this will be based on reports previously considered and endorsed by Council or may be reported in the future for consideration by Council.

Places of public worship

Places of public worship in Cumberland are currently permissible in a range of residential, industrial, business and special purpose zones under the Auburn LEP, Parramatta LEP and Holroyd LEP. The Parramatta LEP currently does not permit places of public worship under the low density residential zone and identifies this land use on mapping for the SP1 Special Purpose zone. The Auburn LEP currently permits places of public worship in public recreation zones.

The following planning approach is proposed for places of public worship for inclusion in the new Cumberland LEP, as outlined in Attachment 8:

- Permit places of public worship with consent in the R3, R4, IN1 and IN2 zones.
- Specifically prohibit them in all other zones in the Cumberland LEP.
- For existing places of public worship zoned SP1 in the Parramatta LEP area, apply the surrounding zone. Existing use rights will apply where development consent is in place.
- Insert an additional objective in the Land Use Table for the R3 and R4 zones to ensure that places of public worship are located in a context and setting that minimises impacts on the amenity of a low density residential environment.
- Introduce new local provisions regarding places of public worship in R3 and R4 zones, including a minimum lot size of 2,000m² for places of public worship and consent authority considerations.

Further consideration of planning controls for places of public worship will also be undertaken as part of the preparation for the new Cumberland Development Control Plan.

Sex services premises

Sex services premises in Cumberland are currently permissible in the IN1 zone under the Auburn LEP and in both the IN1 and IN2 zones under the Parramatta LEP. They 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 following planning approach is proposed for sex services premises for inclusion in the new Cumberland LEP, as outlined in Attachment 9:

- Permit sex services premises with consent in the IN1 zone.
- Specifically prohibit them in all other zones in the Cumberland LEP.
- Retain permissibility of sex services premises on sites currently listed in Schedule 1 of the Holroyd LEP.

Further consideration of planning controls for sex services premises will also be undertaken as part of the preparation for the new Cumberland Development Control Plan.

COMMUNITY ENGAGEMENT:

An extensive consultation program on the draft planning proposal for the new LEP will be undertaken in early 2020, subject to Gateway Determination by the Department of Planning, Industry and Environment.

FINANCIAL IMPLICATIONS:

Work undertaken on the Cumberland LEP, including strategic studies and planned community consultation activities, is funded by the accelerated Local Environmental Plan Funding Grant provided by the NSW Government.

POLICY IMPLICATIONS:

The preparation of the Cumberland LEP is required under the Environmental Planning and Assessment Act 1979. The Cumberland LEP will also align with the strategic directions outlined in Council's Community Strategic Plan and Cumberland 2030: Our Local Strategic Planning Statement.

RISK IMPLICATIONS:

Council is required to submit a planning proposal on the new Cumberland LEP to the Department of Planning Infrastructure and Environment for finalisation by mid-2020. The release of funds from the accelerated Local Environmental Plan Funding Grant provided by the NSW Government is also linked to this milestone. Support of the planning proposal by the Panel will assist Council in meeting this milestone.

CONCLUSION:










This report provides an overview of the proposed land use tables and planning controls for places of public worship and sex services premises to be included in the new Cumberland Local Environmental Plan (LEP). It is recommended that the Panel provide support for this approach.

REPORT RECOMMENDATION:

That the Cumberland Local Planning Panel (CLPP):

- 1. Support the proposed land use tables for the new Cumberland LEP, as provided in Attachments 1 to 7.**
- 2. Support the proposed planning approach to places of public worship and sex services premises, as provided in Attachments 8 and 9.**
- 3. Note that this information will be included in the planning proposal for the new Cumberland LEP.**

ATTACHMENTS

1. Proposed Land Use Tables for the Residential Zones in the new Cumberland LEP [↓](#) 
2. Proposed Land Use Tables for the Business Zones in the new Cumberland LEP [↓](#) 
3. Proposed Land Use Tables for the Industrial Zones in the new Cumberland LEP [↓](#) 
4. Proposed Land Use Tables for the Special Purpose Zones in the new Cumberland LEP [↓](#) 
5. Proposed Land Use Tables for the Recreation Zones in the new Cumberland LEP [↓](#) 
6. Proposed Land Use Tables for the Environment Protection Zones in the new Cumberland LEP [↓](#) 
7. Proposed Land Use Tables for the Waterways Zones in the new Cumberland LEP [↓](#) 
8. Proposed approach for places of public worship in the new Cumberland LEP [↓](#) 
9. Proposed approach for sex services premises in the new Cumberland LEP [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP009/20

Attachment 1

Proposed Land Use Tables for
the Residential Zones in the new
Cumberland LEP



Zone R2 Low Density Residential

Recommendation:

- Endorse draft land use table for Zone R2 Low Density Residential for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments (also in ALEP); Emergency services facilities (also in ALEP); Environmental facilities; Flood mitigation works; Hospitals; Public administration buildings; Environmental protection works; Exhibition homes; Exhibition villages (also in PLEP); Group homes; Health consulting rooms; Home-based child care (also in ALEP); Home businesses; Home industries; Hostel (also in PLEP); Neighbourhood shops (also in PLEP); Oyster aquaculture; Place of public worship (also in ALEP); Pond-based aquaculture; Recreation areas; Recreation facilities (indoor) (also in ALEP); Recreation facilities (outdoor) (also in ALEP); Respite day care centres; Roads; Seniors housing (also in ALEP); Semi-detached dwellings (also in HLEP); Water recycling facilities (also in ALEP); Tank-based aquaculture;



Zone R2 Low Density Residential

Recommendation:

- Endorse draft land use table for Zone R2 Low Density Residential for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone R2 Low Density Residential

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; **Environmental facilities (also in HLEP)**; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of Public Worship; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; **Any other development not specified in item 2 or 3 (also in PLEP)**;



Zone R3 Medium Density Residential

Recommendation:

- Endorse draft land use table for Zone R3 Medium Density Residential for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a medium density residential environment

2 Permitted without consent

Home occupations (also in PLEP)

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments (also in ALEP); Emergency services facilities (also in ALEP); Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care (also in ALEP); Home businesses; Home industries (also in ALEP); Hostels (also in PLEP); Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor) (also in ALEP); Recreation facilities (outdoor) (also in ALEP); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water recycling facilities (also in ALEP)



Zone R3 Medium Density Residential

Recommendation:

- Endorse draft land use table for Zone R3 Medium Density Residential for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone R3 Medium Density Residential

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; **Environmental facilities(also in HLEP)**; **Exhibition villages**; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; **Information and education facilities(also in HLEP)**; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; **Pond-based aquaculture**; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; **Any development not specified in item 2 or 3 (also in PLEP)**;



Zone R4 High Density Residential

Recommendation:

- Endorse draft land use table for Zone R4 High Density Residential for inclusion in new Cumberland Local Environmental Plan

Zone R4 High Density Residential

Standard
Instrument
LEP content

Additional
Burn LEP
content

Additional
Dorval LEP
content

Additional
Dorval LEP
content

Common to all
Cumberland
LEPs

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a high density residential environment

2 Permitted without consent

Home occupations (also in PLEP)

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation (also in PLEP*); Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies (also in ALEP); Dwelling houses (also in ALEP); Educational establishments (also in ALEP); Emergency services facilities (also in ALEP); Environmental facilities; Environmental protection works; Exhibition homes (also in PLEP); Flood mitigation works; Home-based child care (also in ALEP); Home businesses; Home industries (also in ALEP); Hostels; Hotel or motel accommodation; Information and education facilities; Kiosks (also in ALEP); Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings (also in ALEP); Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings (also in PLEP); Seniors housing; Shop top housing; Water recycling facilities (also in ALEP); Any other development not specified in Item 2 or 4



Zone R4 High Density Residential

Recommendation:

- Endorse draft land use table for Zone R4 High Density Residential for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone R4 High Density Residential

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; **Environmental facilities(also in HLEP)**; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; **Information and education facilities(also in HLEP)**; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; **Pond-based aquaculture**; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; **Tank-based aquaculture**; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP009/20

Attachment 2

Proposed Land Use Tables for
the Business Zones in the new
Cumberland LEP



Zone B1 Neighbourhood Centre

Recommendation:

- Endorse draft land use table for Zone B1 Neighbourhood Centre for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home occupations

3 Permitted with consent

~~Bed and breakfast accommodation (also in ALEP)~~; Boarding houses; ~~Building identification signs~~; ~~Business identification signs~~; Business premises; ~~Car parks~~; Centre-based child care facilities; Community facilities; ~~Environmental protection works~~; ~~Group homes (also in HLEP)~~; ~~Health consulting rooms~~; Home businesses; ~~Home industries (also in ALEP)~~; Home occupations; ~~Hostels~~; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; ~~Place of public worship~~; Recreation areas; ~~Residential flat buildings~~; Respite day care centres; ~~Restaurants or cafes~~; Roads; ~~Self-storage units~~; Seniors housing; ~~Service stations~~; ~~Serviced apartments~~; Signage (also in ALEP); Shops; Shop top housing; ~~Take away food and drink premises~~; Tank-based aquaculture; Veterinary hospitals; ~~Warehouse or distribution centres~~; ~~Water recycling facilities~~;



Zone B1 Neighbourhood Centre

Recommendation:

- Endorse draft land use table for Zone B1 Neighbourhood Centre for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone B1 Neighbourhood Centre

4 Prohibited

Agriculture; Air transport facilities; **Airstrips**(also in HLEP); **Amusement centres**(also in HLEP); Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; **Cellar door premises**(also in HLEP); Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; **Environmental facilities**(also in HLEP); Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; **Farm stay accommodation**; Forestry; Freight transport facilities; Function centres; **Garden centres**(also in HLEP); **Hardware and building supplies**(also in HLEP); Health services facilities; Heavy industrial storage establishments; **Helipads**(also in HLEP); Highway service centres; **Home industries**; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; **Jetties**(also in HLEP); **Landscaping material supplies**(also in HLEP); Marinas; Mooring pens; Moorings; **Mortuaries**(also in HLEP); Open cut mining; Passenger transport facilities; Places of public worship; **Plant nurseries**(also in HLEP); Pond-based aquaculture; Port facilities; **Pubs**(also in HLEP); Recreation facilities (major); **Registered clubs**(also in HLEP); Research stations; Residential accommodation; Restricted premises; **Roadside stalls**(also in HLEP); Rural industries; Rural supplies; Sewerage systems; Sex services premises; **Signage**; Specialised retail premises; Storage premises; **Timber yards**(also in HLEP); **Tourist and visitor accommodation**(also in HLEP); Transport depots; **Truck depots**(also in HLEP); Vehicle body repair workshops; **Vehicle repair stations**(also in HLEP); Vehicle sales or hire premises; **Warehouse or distribution centres**(also in HLEP); Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies; Any other development not specified in item 2 or 3



Zone B2 Local Centre

Recommendation:

- Endorse draft Zone B2 Local Centre land use table for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; **Group homes** (also in HLEP); **Hostels** (also in PLEP); Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; **Self-storage units**; **Seniors housing** (also in PLEP); Service stations; **Serviced apartments**; **Sex services premises**; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; **Warehouse or distribution centres**; **Water recycling facilities**; Any other development not specified in item 2 or 4;



Zone B2 Local Centre

Recommendation:

- Endorse draft land use table for Zone B2 Local Centre for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone B2 Local Centre

4 Prohibited

Agriculture; Air transport facilities; **Airstrips**(also in PLEP); Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; **Boat launching ramps**(*); Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; **Environmental facilities**(also in ALEP); Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; **Helipads**(also in PLEP); Highway service centres; **Home industries**; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; **Jetties**(also in PLEP); Marinas; Mooring pens; Moorings; **Mortuaries**(also in PLEP); Open cut mining; Places of public worship; Recreation facilities (major); **Recreation facilities** (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Pond-based aquaculture; **Port facilities**(also in PLEP); Rural industries; **Sewage systems**(also in PLEP); Sewage treatment plants; Sex services premises; **Signage**; Storage premises; Transport depots; **Truck depots**(also in PLEP); **Vehicle body repair workshops**(also in PLEP); **Vehicle repair stations**; Warehouse or distribution centres(also in PLEP); Waste disposal facilities; **Waste or resource management facilities**(also in PLEP); Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies



Zone B4 Mixed Use

Recommendation:

- Endorse draft land use table for Zone B4 Mixed Use for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupations

3 Permitted with consent

Backpackers' accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels (also in HLEP); Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Office premises; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Tank-based aquaculture; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4;



Zone B4 Mixed Use

Recommendation:

- Endorse draft land use table for Zone B4 Mixed Use for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone B4 Mixed Use

4 Prohibited

Agriculture; Air transport facilities; **Airstrips**(also in PLEP); Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps(*); Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; **Correctional centres**; Crematoria; Depots; **Dual occupancies**; **Dwelling houses**; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads(*); Highway service centres; **Home industries**; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; **Industries**(also in ALEP); **Jetties**; Marinas; Mooring pens; Moorings; **Mortuaries**(also in PLEP); Open cut mining; Places of public worship; **Pond-based aquaculture**; Recreation facilities (major); **Recreation facilities** (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; **Service stations**; **Sewerage systems**(also in PLEP); Sewage treatment plants; Sex services premises; Storage premises; **Tourist and visitor accommodation**; Transport depots; **Truck depots**(also in PLEP); **Vehicle body repair workshops**(also in PLEP); **Vehicle repair stations**; **Warehouse or distribution centres**(also in PLEP); Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; **Wholesalesupplies**



Zone B5 Business Development

Recommendation:

- Endorse draft land use table for Zone B5 Business Development for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Centre-based child care facilities; Food and drink premises; Funeral homes; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Plant nurseries; Roads; Self-storage units; Sex-services premises; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4;



Zone B5 Business Development

Recommendation:

- Endorse draft land use table for Zone B5 Business Development for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone B5 Business Development

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Industrial training facilities; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Pond-based aquaculture; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities



Zone B6 Enterprise Corridor

Recommendation:

- Endorse draft land use table for Zone B6 Enterprise Corridor for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.

2 Permitted without consent

Nil

3 Permitted with consent

~~Boarding houses~~; Building identification signs; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; ~~Group homes~~; Hardware and building supplies; Hotel or motel accommodation; ~~Hostels~~; Kiosks (also in PLEP); Landscaping material supplies; Light industries; Markets; Multi-dwelling housing; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; ~~Residential flat buildings~~; Self-storage units (also in ALEP); ~~Shop top housing~~; ~~Sex services premises~~; specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4;



Zone B6 Enterprise Corridor

Recommendation:

- Endorse draft land use table for Zone B6 Enterprise Corridor for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone B6 Enterprise Corridor

4 Prohibited

Agriculture; Air transport facilities; **Airstrips**(also in PLEP); Animal boarding or training establishments; **Amusement centres**; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; **Commercial premises**; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; **Home-based child care**; **Home businesses**; **Home industries**; **Home occupations**; Home occupations (sex services); **Industrial retail outlets**(also in PLEP); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; **Mortuaries**(also in PLEP); Open cut mining; Places of public worship; **Pond-based aquaculture**; Port facilities; Recreation facilities (major); **Recreation facilities (outdoor)**; **Registered clubs**; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems; Sex services premises; **Signage**(also in PLEP); **Storage premises**(also in PLEP); **Tourist and visitor accommodation**; **Transport depots**; **Truck depots**; Vehicle body repair workshops; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

Note Residential Accommodation includes **Boarding houses**, **Group homes**, **Hostels**, **Multi dwelling houses**, **Residential flat buildings**, **Shop top housing**.

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP009/20

Attachment 3

Proposed Land Use Tables for
the Industrial Zones in the new
Cumberland LEP



Zone IN1 General Industrial

Recommendation:

- Endorse draft land use table for Zone IN1 General Industrial for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Food and drink premises; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Horticulture; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Rural supplies; Sex services premises; Take away food and drink premises(also in PLEP); Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4



Zone IN1 General Industrial

Recommendation:

- Endorse draft land use table for Zone IN1 General Industrial for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone IN1 General Industrial

4 Prohibited

Agriculture; Air transport facilities(also in PLEP); Airstrips(also in PLEP); Amusement centres; Animal boarding or training establishments; Boat launching ramps(also in PLEP); Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises(also in PLEP); Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres(also in PLEP); Funeral homes; Health services facilities(also in HLEP); Heavy industries; Heavy industrial storage establishments(also in PLEP); Helipads(also in PLEP); Highway service centres; Home-based childcare; Home businesses(also in PLEP); Home industries; Home occupations(also in PLEP); Home occupations (sex services); Industries; Information and education facilities; Jetties(also in PLEP); Livestock processing industries; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Passenger transport facilities; Pond-based aquaculture; Recreation facilities (major); Registered clubs; Research stations(also in HLEP); Residential accommodation; Respite day care centres; Restricted premises; Retail premises; Rural industries; Sawmill or log processing works; Sex-services premises; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities



Zone IN2 Light Industrial

Recommendation:

- Endorse draft land use table for Zone IN2 Light Industrial for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Depots; ~~Food and drink premises~~ (also in PLEP); Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; ~~Markets~~; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Restaurants or cafes; Rural supplies; Roads; Tank-based aquaculture; Timber yards; ~~Vehicle sales or hire premises~~; Warehouse or distribution centres; ~~Waste or resource transfer stations~~ (also in HLEP); ~~Water recycling facilities~~; Any other development not specified in item 2 or 4



Zone IN2 Light Industrial

Recommendation:

- Endorse draft land use table for Zone IN2 Light Industrial for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Common to all 'Cumberland' LEPs

Zone IN2 Light Industrial

4 Prohibited

Agriculture; Air transport facilities(also in PLEP); Airstrips(also in PLEP); Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat building and repair facilities; Boat launching ramps(also in PLEP); Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads(also in PLEP); Highway service centres; Home-based child care; Home businesses(also in PLEP); Home industries(also in PLEP); Home occupations(also in PLEP); Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sewerage systems(also in HLEP); Sewage treatment plants; Sex services premises(also in HLEP); Tourist and visitor accommodation(also in HLEP); Vehicle body repair workshops; Veterinary hospitals(also in HLEP); Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

DOCUMENTS
ASSOCIATED WITH
REPORT ELPP009/20

Attachment 4

Proposed Land Use Tables for
the Special Purpose Zones in the
new Cumberland LEP



Zone SP1 Special Activities

Recommendation:

- Endorse draft Zone SP1 Special Activities land use table for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Aquaculture (also in PLEP*)**; **Building identification signs**; **Business identification signs**; **Cemeteries**; **Community facilities**; **Crematoria**; **Depots**; **Environmental facilities**; **Environmental protection works**; **Funeral homes**; **Kiosks**; **Markets**; **Mortuaries**; **Places of public worship**; **Recreation areas**; **Recreation facilities (indoor)**; **Recreation facilities (outdoor)**; **Roads**

4 Prohibited

Any other development not specified in item 2 or 3(*)



Zone SP2 Infrastructure

Recommendation:

- Endorse draft Zone SP2 Infrastructure land use table for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; **Aquaculture**; **Building identification signs**; **Business identification signs**; **Car parks**; **Community facilities**; **Depots**; **Environmental facilities**; **Environmental protection works**; **Flood mitigation works**; **Freight transport facilities**; **Funeral homes**; **Kiosks**; **Markets**; **Mortuaries**; **Passenger transport facilities**; **Places of public worship**; **Recreation areas**; **Recreation facilities (indoor)**; **Recreation facilities (outdoor)**; **Roads**; **Signage**

4 Prohibited

Any development not specified in item 2 or 3

DOCUMENTS
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Attachment 5

Proposed Land Use Tables for
the Recreation Zones in the new
Cumberland LEP



Zone RE1 Public Recreation

Recommendation:

- Endorse draft Zone RE1 Public Recreation land use table for inclusion in new Cumberland Local Environmental Plan

Zone RE1 Public Recreation

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Common to all
'Cumberland'
LEPs

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreation purposes.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Aquaculture; Centre-based child care facilities (also in HLEP); Community facilities; Depots; Environmental facilities; Function centres; Information and education facilities; Kiosks; Markets; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes (also in PLEP); Take away food and drink premises; Roads; Signage; Water recreation structures (also HLEP); Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3



Zone RE2 Private Recreation

Recommendation:

- Endorse draft Zone RE2 Private Recreation land use table for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works; [Flood mitigation works](#)

3 Permitted with consent

Aquaculture; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Environmental facilities; [Building identification signs](#); [Business identification signs](#); [Centre-based child care facilities \(also PLEP\)](#); [Emergency services facilities](#); [Entertainment facilities \(also PLEP\)](#); Food and drink premises; Function centres (also in PLEP); Information and education facilities (also PLEP); [Markets](#); [Recreation facilities \(major\)](#); [Registered clubs \(also PLEP\)](#); Respite day care centres; [Restaurants or cafes \(also PLEP\)](#); [Signage](#); [Take away food and drink premises](#); Tourist and visitor accommodation (also PLEP); [Water recreation structures \(also PLEP\)](#); [Water recycling facilities](#)

4 Prohibited

[Pubs](#); Any other development not specified in item 2 or 3 (also PLEP)

DOCUMENTS
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Attachment 6

Proposed Land Use Tables for
the Environment Protection
Zones in the new Cumberland
LEP



Zone E2 Environmental Conservation

Recommendation:

- Endorse draft Zone E2 Environmental Conservation land use table for inclusion in new Cumberland Local Environmental Plan

Standard
Instrument
LEP content

Additional
Auburn LEP
content

Additional
Holroyd LEP
content

Additional
Parramatta
LEP content

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Building identification signs; Business identification signs; Environmental facilities (also HLEP); Information and education facilities; Oyster aquaculture; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

DOCUMENTS
ASSOCIATED WITH
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Attachment 7

Proposed Land Use Tables for
the Waterways Zones in the new
Cumberland LEP



Zone W1 Natural Waterways

Recommendation:

- Endorse draft Zone W1 Natural Waterways land use table for inclusion in new Cumberland Local Environmental Plan

Standard Instrument LEP content

Additional Auburn LEP content

Additional Holroyd LEP content

Additional Parramatta LEP content

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works; [Flood mitigation works](#)

3 Permitted with consent

Aquaculture; [Building identification signs](#); [Business identification signs](#); Environmental facilities; [Roads](#)

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

DOCUMENTS
ASSOCIATED WITH
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Attachment 8

Proposed approach for places of
public worship in the new
Cumberland LEP



Places of public worship

Recommendation:

- Endorse planning approach for places of public worship for inclusion in new Cumberland Local Environmental Plan

Current approach

Zoning	Standard Instrument	Auburn LEP	Parramatta LEP	Holroyd LEP
2 Low Density	N	Y	N	Y
3 Medium Density	Y	Y	Y	Y
4 High Density	Y	Y	Y	Y
11 General Industrial	Y	Y	Y	Y
12 Light Industrial	Y	Y	Y	Y
1 Neighbourhood Centre	N	Y	Y	Y
2 Local Centre	N	Y	Y	Y
4 Mixed Use	N	Y	Y	Y
5 Business Development	N	N/A	Y	Y
3 Enterprise Zone	N	Y	Y	Y

Proposed approach

Place of public worship as a permitted use with consent in industrial zones (IN1, IN2) and some residential zones (R3, R4)
Specifically identify as a prohibited use in other zones

For SP1 zone in Parramatta LEP where places of public worship are identified, change to adjacent zoning

Existing use rights where development consent in place

Additional provisions in R3 and R4 zones including land use table objective, min lot size of 2,000 square metres and consent authority considerations (local character,

DOCUMENTS
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Attachment 9

Proposed approach for sex
services premises in the new
Cumberland LEP



Sex services premises

Recommendation:

- Endorse planning approach for sex services premises for inclusion in new Cumberland Local Environmental Plan

Current approach

Zoning	Standard Instrument	Auburn LEP	Parramatta LEP	Holroyd LEP
R2 Low Density	Not stated	N	N	N
R3 Medium Density	Not stated	N	N	N
R4 High Density	Not stated	N	N	N
IN1 General Industrial	Not stated	Y	Y	N
IN2 Light Industrial	Not stated	N	Y	N
B1 Neighbourhood Centre	Not stated	N	N	N
B2 Local Centre	Not stated	N	N	N
B4 Mixed Use	Not stated	N	N	N
B5 Business Development	Not stated	N/A	N	N
B6 Enterprise Zone	Not stated	N	N	N

Notes:

- Sex services premises are permissible in **Zone IN1 and IN2 in PLEP** and **IN1 in ALEP**.

Proposed approach

Sex services premises as a permitted use with consent in some Industrial (IN1) Zones

Specifically exclude from all other zones

Retain Schedule 1 Additional Permitted Uses for sex services premises

Existing use rights where development consent in place