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Draft Cumberland Harmonisation LEP
(PP_2019_CUMBE_006_00)

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

The Cumberland Local Government Area (LGA) was established on 12 May 2016 as an amalgamation of three LGAs, approximately two thirds of the former Auburn City Council, the majority of the former Holroyd City Council, and the Woodville Ward of the City of Parramatta Council. The Auburn LEP 2010, Holroyd LEP 2013 and Parramatta LEP 2011 applies to land in their former LGA boundaries and have remained in effect for the Cumberland LGA.

Cumberland Local Environmental Plan 2021 is Cumberland Council's new consolidated LEP.

This LEP consolidates the three existing LEPs applying to the Cumberland Local Government Area (LGA) with the aim of creating a harmonised and clear planning framework. The LEP aims to harmonise the three existing LEPs by implementing a number of guiding principles which include:

- applying the same planning approach across the LGA for land use zones;
- adopting Standard Instrument LEP clauses;
- using ‘best-fit’ to retain current planning outcomes where there is misalignment between the LEPs; and
- introducing new policy and planning approaches only if appropriate.

In addition, the LEP includes amendments to:

- Implement the findings of local strategic studies through changes to zoning, height of buildings, FSR and minimum lot size for the Auburn town centre, Lidcombe town Centre and Woodville Road corridor.
- Clarify land use permissibility of government owned land (including land owned by Sydney Water and Sydney Trains/Transport for NSW) through amending the zoning, height of buildings, FSR and minimum lot size on sites throughout the LGA.
- Address a site-specific anomaly at a privately-owned lot at 3 Samuel Street Lidcombe through changes to zoning, height of buildings and FSR.
- Delist nine heritage items and list three new heritage items in the LGA in response to strategic studies.

A copy of the draft Cumberland LEP 2021 is attached as **Attachment LEP**.

A copy of the planning proposal seeking to make the LEP is attached as **Attachment A**.

1.1.2 Site description

This LEP applies to land formerly within the Auburn, Holroyd and Parramatta LGAs that now forms the Cumberland City LGA. The land subject of the planning proposal is identified in **Figure 1**.

Cumberland LGA is situated in the south of the Central River City of Greater Sydney. The population was 216,079 in 2016 with an area of 72km². The LGA stretches from Rockwood Cemetery in the east to the edge of Prospect Reservoir in the west.

There are no Strategic Centres in Cumberland as identified in the Central City District Plan. Local centres are Guildford, Merrylands, Granville, Auburn and Lidcombe. Identified industrial areas are Auburn-Lidcombe, Regents Park, Smithfield and Pemulwuy. The remainder of the LGA is predominantly low density residential.

There are no significant bushland areas in Cumberland although some areas along the Lower Prospect Canal are considered areas of biodiversity. Auburn Botanic Gardens, Duck River corridor and Rockwood Cemetery are large areas of open space.

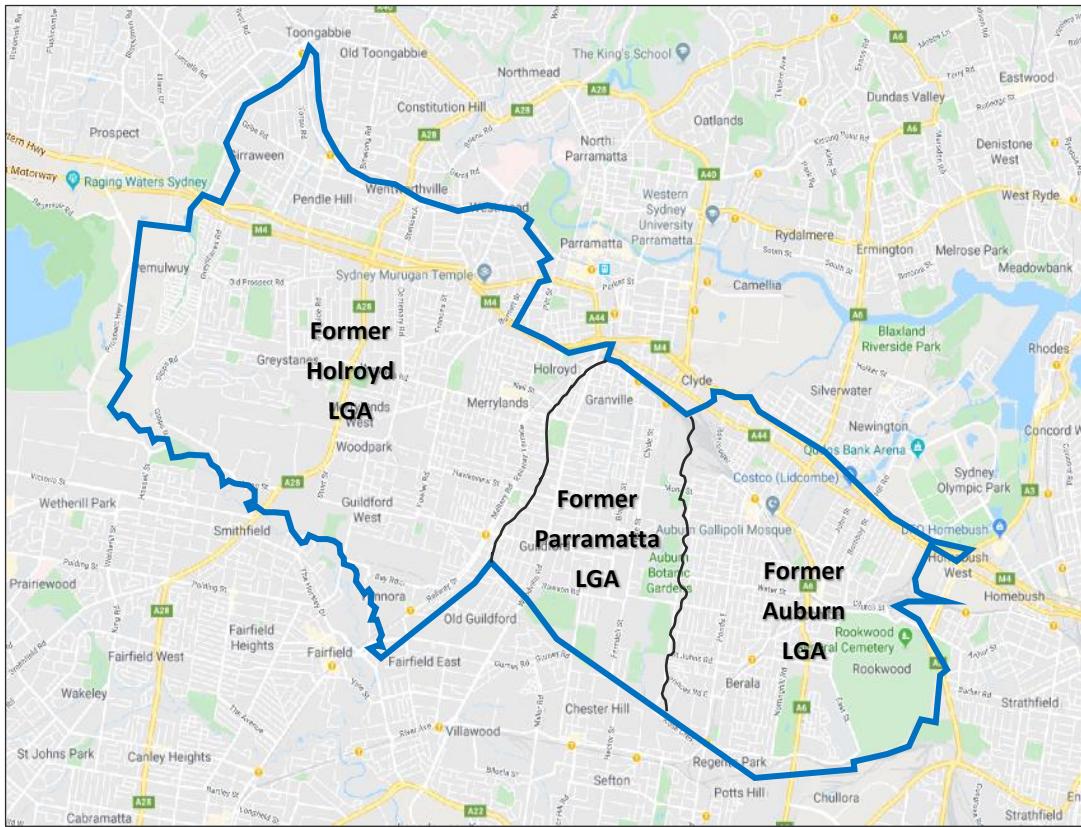


Figure 1: Cumberland LGA outlined in blue.

1.1.3 Purpose of plan

Cumberland Local Environmental Plan 2021 is Cumberland Council's new consolidated LEP and is comprised of a written instrument and maps. The structure of the LEP is consistent with that of the Standard Instrument. The written instrument is comprised of six parts, five schedules and a dictionary. An overview of the written instrument is provided below.

Part 1 – Preliminary

Part 1 comprises all the preliminary provisions of the written instrument that guide its operation. All the clauses are in accordance with the Standard Instrument, except two.

- Clause 1.8A Savings provisions relating to development applications, is based on a model clause which allows a development application lodged before the commencement of the Plan to be determined under the existing LEP that applies to the land, with consideration given to this Plan as if it had been exhibited but not commenced.
- Clause 1.9A Suspension of covenants, agreements and instruments is based on a model clause to suspend any private agreement, covenant or other similar instrument that would restrict the carrying out of development.

Part 2 – Permitted or Prohibited Development

The land use zones included in the proposed Cumberland LEP 2021 are a composite of all existing land use zones in the Cumberland LGA under the three existing LEPs. There have only been minimal changes to the zoning of land within Cumberland, all of which has been previously reviewed in the Gateway Determination report. Other than a minor realignment of a zone boundary, there has been no additional land rezoning supported by the Department as a result of the post-

exhibition amendments proposed by Cumberland Council. The zones proposed in the Cumberland LGA are identified under the proposed planning controls for the Land Zoning Map in **Table 1**.

The Land Use Tables have been drafted using both ‘open’ and ‘closed’ zones having regard to the zones recommended in the Department’s *Practice Note 11–002 Preparing LEPs using the Standard Instrument: Standard Zones*. Open zones allow activities to be undertaken, even those not explicitly mentioned and closed zones are more restrictive.

The individual land use tables in Cumberland Council’s draft Working LEP required significant redrafting to accord with the principles identified in the Practice Note. The ‘open’ land use tables have been re-drafted by deleting all land uses specified as being permitted with consent in Item 3 (unless mandated by the SILEP) where they are already covered by the innominate phrase. The closed land use tables have been re-drafted by deleting all land uses specified as being prohibited in Item 4 (unless mandated by the SILEP) where they are already covered by the innominate phrase.

The permissible and prohibited land uses proposed in the various zones have been reviewed having regard to Government policy, including Ministerial Directions and State Environmental Planning Policies, as well as the various objectives proposed for the zones. Various land uses proposed to be permitted, including some approved at Gateway Determination and others proposed as post-exhibition amendments have not been supported for inclusion as permissible land uses. These include “dual occupancies”, “semi-detached dwellings” and “hotel and motel accommodation” in the R4 zone, “self-storage units” and “warehouse and distribution centres” in the B1 zone, “residential flat buildings” in the B2 and B4 zones, and “home businesses” in the RE1 zone. Discussion is provided later in this report identifying the reasons why these land uses are not being permitted with consent in the stated zones.

This Part of the Plan also includes an additional permitted land use clause. The clause refers to Schedule 1 of the Plan and states that certain development on certain land nominated in the Schedule is permitted even though the development is not included in the Land Use Table for the zone. There was a total of 22 additional permitted uses clauses proposed by Cumberland Council. However, two were not progressed and five were added during the finalisation assessment. Accordingly, there is now a total of 25 additional permitted uses items proposed for making in the Schedule. All items are mapped on the Additional Permitted Uses Map.

Part 3 – Exempt and Complying Development

This Part of the Plan allows certain minor and routine development to be undertaken either without development consent or with certification by Council or an accredited certifier in addition to development specified in *SEPP (Exempt and Complying Development Codes) 2008*. The clauses refer to Schedules 2 and 3 of the Plan which list various development and associated standards that must be met in order to benefit from the provisions.

Various land uses proposed for inclusion in the LEP as either exempt or complying development are the same or similar to *SEPP (Exempt and Complying Development Codes) 2008* and are therefore not consistent with the Department’s policy position and have not been included. In line with the Department’s Practice Note 09–001 Exempt and complying development, the Exempt Development Schedule has been amended to only include “markets” from Parramatta LEP 2011, and “security grills, screens or shutters – commercial premises” and “temporary use of land (community events and fundraising events)” from Holroyd LEP 2013. The Complying Development Schedule has been amended to include only “subdivision for dual occupancies” from Holroyd LEP 2013.

Another clause identifies various environmentally sensitive areas that must be excluded from benefiting for the exempt and complying development provisions. Council requested a post-exhibition amendment to list “remnant native vegetation” mapped in the Biodiversity Map in the clause as an additional environmentally sensitive area. This is considered appropriate and has been included in the clause.

Part 4 – Principal Development Standards

This Part of the Plan includes the principal development standards such as Minimum Lot Sizes, Height of Buildings and Floor Space Ratio, along with any exceptions to any development standards. These provisions are supported by Minimum Lot Size, Height of Building and Floor Space Ratio Maps. The proposed planning controls included in these maps are outlined in **Table 1**.

There have been various amendments to the working draft LEP submitted by Cumberland Council in order to include inadvertent omissions, remove duplication or rectify clashes between both objectives and provisions from the former LEPs. These amendments have largely been made to enable the Plan to operate but have not included best practice policy changes that could be made to make the Plan operate more efficiently. These would require re-exhibition and could be pursued by Council as part of a future housekeeping planning proposal(s).

Minimum lot sizes for dual occupancies and semi-detached dwellings

Clause 4.1A Minimum subdivision lot size of the exhibited planning proposal sought subdivision for dual occupancy and semi-detached dwelling development less than the minimum lot size. Clause 4.1B Minimum lot sizes for dual occupancies and semi-detached dwellings in Zones R2 and R3, specifies the minimum lot sizes for attached and detached dual occupancy development in R2 and R3 zones. The proposed Clause 4.1B Minimum lot area for low and medium density housing (exhibited as Clause 6.14) identified a minimum lot provision of 585m² for dual occupancy development in the R2 and R3 zones and is supported by Cumberland Council's Report and Resolution C06/19-103 from its meeting on 5 June 2019, as a 600m² minimum lot size with a 2.5% variance for dual occupancy development. However, at its meeting on 15 July 2020, Council resolved to endorse the exhibited planning controls, including the following alterations/additions:

- Amend the minimum lot size for attached dual occupancies to 550m² for R2 zone and 530m² for R3 zone and allow Torrens title subdivision for same,
- Include minimum lot size for detached dual occupancies in R2 and R3 zones of 600 m² and allow Torrens title subdivision for same.

The planning proposal suggests the proposed amendment provides a more nuanced approach to the provision of variations for subdivision of attached dual occupancies and detached dual occupancies. The proposed variation to development standards for dual occupancies post-exhibition is inconsistent with the planning principles established by the L&E Court judgment *Leichhardt Council v Minister for Planning (No 2)* (1995) 87 LGERA 78 which limits the extent of any changes made to a draft Plan to minor changes following the exhibition of a plan on both an individual and cumulative basis.

While the variation for attached dual occupancies is less than 10% from the development standards originally exhibited, and the potential dwelling yield is not dissimilar to the yields that would be delivered under the exhibited minimum lot size controls (i.e. 600m² - with a 2.5% variance for dual occupancy development, or 585m², in R2 zones), the variation does not pass the case law test as it would in some instances take away subdivision development opportunities on individual sites (i.e. 600m² for detached dual occupancies).

It is considered that Council's post-exhibition resolution may also create overly complicated subdivision standards. To avoid this, semi-detached dwellings should be restricted to the same minimum lot size proposed for dual occupancies, consistent with the intent of Council's meeting 5 June 2019. Note: semi-detached dwellings are proposed to be permitted with consent under the R2, R3 and R4 zones, however, the Department recommends prohibiting dual occupancies and semi-detached dwellings in the R4 zone as they do not promote the highest and best use of the land and would not be controlled by a minimum lot size.

Accordingly, it is recommended that the development standards for detached dual occupancies, attached dual occupancies and semi-detached dwellings be set at a consistent 550m² (less than 10% change to that originally exhibited, consistent with the minimum lot size applied to R2 and R3

zoned lands on the Lot Size Map in the former Parramatta LGA, and a lot size that is expected to deliver a similar number of lots under the Low Rise Housing Diversity Code.

Part 5 – Miscellaneous Provisions

This Part of the Plan includes various miscellaneous provisions, including Land Reservation Acquisition and Heritage Conservation provisions. The clauses are generally as per the Standard Instrument with no changes to existing acquisition liabilities or classification or reclassification of public land proposed.

Amendments have been made to the land reservation acquisition provisions in the working draft LEP submitted by Council. Clause 5.1 Relevant acquisition authority has been amended with additional “Type of land shown on Map” and corresponding “Authority of the State” to match that displayed on the Land Reservation Acquisition Map. Clause 5.1A Development on land intended to be acquired for public purposes has been updated so the “land” and “development” specified in the columns 1 and 2 correspond to that displayed on the Land Reservation Acquisition Map.

The following two clauses, added to the Standard Instrument in mid-2021, are included:

- Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster. The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the consent authority from doing so to be adopted. Land in the Cumberland LGA is subject to flood risks, particularly near the Duck River. In consultation with Council, it is recommended that the clause apply to land zoned R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and E2 Environmental Conservation.
- Clause 5.21 Flood planning. The clause is compulsory and relates to minimising flood risk impacts to life, property and the environment.

The format of Schedule 5 Environmental Heritage in the working draft LEP has been rectified. All listed items are sorted alphabetically and numbered sequentially within the following four parts, except State listed items which adopt their corresponding State Heritage Register number:

- Part 1 Heritage Items, sorted into columns labelled “Suburb”, “Item Name”, “Address”, “Property Description”, “Significance” and “Item Number”
- Part 2 Heritage Conservation Areas, sorted into columns labelled “Description”, “Identification on heritage map”, “Significance” and “Item number”
- Part 3 Archaeological Sites, sorted into columns labelled “Suburb”, “Item Name”, “Address”, “Property Description”, “Significance” and “Item Number”
- Part 4 Aboriginal Objects and Aboriginal Places of Heritage Significance, sorted into columns labelled “Name of Aboriginal object or Aboriginal place of heritage significance”, “Identification on Heritage Map” and “Item number”

There are nine heritage items that have been delisted, supported by planning studies which were approved for exhibition at the Gateway Determination. There are now three additional heritage items proposed to be listed as a post-exhibition amendment. The items were added at the request of the property owner and are located within an existing State listed Heritage Conservation Area.

Part 6 – Additional Local Provisions

This Part of the Plan includes the following additional local provisions inserted by Council to provide controls relevant to the local environment. These provisions are supported by maps and planning controls set out in **Table 1**.

- Acid sulfate soils
- Earthworks
- Limited development on foreshore area

- Essential services
- Biodiversity
- Riparian land and watercourses
- Stormwater management
- Location of sex services premises
- Salinity
- Buffer area between industrial and residential zones
- Restricted premises
- Urban heat
- Ground floor development in Zones B2 and B4
- Design excellence
- Development for certain land in Wentworthville Town Centre
- Development in the Commercial Precinct
- Three site specific local provisions.

The provisions are largely based on the additional local provisions in the existing LEPs that apply to the Cumberland LGA and are considered suitable. However, there were a few inadvertent omissions or outdated provisions identified in the working draft LEP submitted by Council. Accordingly, these have been amended in the proposed Cumberland LEP 2021.

Additional amendments

The LEP includes the additional following amendments, discussed in detail in the Gateway determination report.

Auburn and Lidcombe Town Centres

The LEP amends the zoning, height of buildings and FSR controls in the Auburn and Lidcombe town centres. The amendment enables a range of greater development density near existing train stations, improved building design outcomes and addresses existing imbalances between height and FSR controls. The development potential increase of the amendments is minor (i.e. less than 10%) at an estimated 0.6% (Auburn) and 7.2% (Lidcombe) and was included in the exhibition of the planning proposal.

The amendments are supported by the Draft Auburn and Lidcombe Town Centres strategy, Auburn and Lidcombe Town Centres Investigation 2016, and a robust review process including reporting to the Cumberland Local Planning Panel on 20 June 2019 and subsequent revision to address Panel feedback.

Overall, it is considered that the amendments have strategic merit as the proposal aims to create homes and jobs and enhance public domain and building design in an identified Local Centre, giving effect to the Central City District Plan and SEPP No 65—Design Quality of Residential Flat Development. The impact of the proposed amendments has been sufficiently addressed and appropriate mitigation measures have been included to address any impacts based on the scale of changes proposed.

Woodville Road Corridor

The LEP amends various zoning, height of building and FSR controls on selected sites in the Merrylands East Centre and along Woodville Road. The amendments accommodate existing higher density developments that were permissible under previous controls but will not be permitted under the R2 Low Density Residential controls.

The amendment will not provide any uplift in the Corridor. It is considered that the proposal will align the site with the surrounding context and would not have adverse impact on the surrounding area. Any specific site characteristics will be addressed in future development applications.

Site-specific amendments

- Rezone government owned sites at the request Sydney Water. The sites are proposed to be zoned SP2 Infrastructure to reflect the land's ongoing, permanent use as vital water and sewerage infrastructure, or RE1 Public Recreation to reflect the ongoing use as a local public park. No development standards are proposed on these rezoned sites.
- Rezone a Sydney Trains site at 117-119 Railway Parade from SP2 Infrastructure (Railway Corridor) to B6 Enterprise Corridor, to match the adjoining zone. It is considered that the proposal has merit based on the surrounding context.
- Address a site-specific anomaly at a privately-owned lot at 3 Samuel Street Lidcombe. The amendment rezones a former Sydney Trains owned land from SP2 Infrastructure (Railway) to R4 High Density Residential and subsequent changes to height and FSR, to match the neighbouring R4 zone.

The proposed amendments are considered appropriate as they will address inconsequential anomalies, better reflect the existing use of the sites, are small in scale and will not result in any intensification of development. Any specific site characteristics will be addressed in future development applications.

Heritage items

The delisting of nine heritage properties is supported by a preliminary study prepared by Extent Heritage. The heritage study identifies items that no longer meet the NSW criteria for assessing heritage significance, including isolation, loss of context, demolition and heavy renovation.

Delisting of properties was resolved by Council on 4 September 2019.

The nine properties that will not be carried over as heritage items for the proposed Cumberland LEP 2021 are:

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

The Department of Premier and Cabinet – NSW Heritage was consulted during the exhibition and did not provide a submission during the public exhibition period.

The planning proposal also seeks to list three new heritage items (Nurses Quarters, former Lidcombe Hospital site) in the proposed Cumberland LEP 2021. The items were added at the request of the property owner and are located within an existing State listed Heritage Conservation Area.

The proposed amendments are considered justified on the basis they are supported by a heritage study or State heritage listing.

Land Zoning and Planning Control Maps

The table below outlines the maps that form part of the proposed Cumberland LEP 2021.

Table 1 Proposed maps

Map	Proposed Planning Controls
Land Application	Single outline of land to which the LEP applies
Land Zoning	R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial, IN2 Light Industrial, SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation, E2 Environmental Conservation, W1 Natural Waterways
Additional Permitted Uses	25 additional permitted use provisions
Minimum Lot Size	Nil and ranging between 200m ² to 1,500m ² , some sites with special provisions
Height of Buildings	Nil and ranging between 9m and 105m, some sites with special provisions
Floor Space Ratio	Nil and ranging between 0.5:1 and 8.5:1, some sites with special provisions
Land Reservation Acquisition	Classified road, Local road, Local road widening, Local open space, Local Environmental conservation and Drainage
Heritage	Heritage items, Heritage conservation areas, Archaeological sites, Aboriginal objects and Aboriginal places of heritage significance
Acid Sulfate Soils	Class 1 to 5 acid sulfate soil lands
Biodiversity	Remnant native vegetation
Riparian Lands and Watercourses	Riparian land
Salinity	Known, potential high and potential moderate salinity lands
Site-specific Provisions	1 set of site-specific provisions
Design Excellence	3 design excellence areas
Key Sites	1 set of key site provisions
Foreshore Building Line	Foreshore building line and foreshore area

1.1.4 State electorate and local member

The site falls within the Auburn, Fairfield, Granville and Prospect state electorates. Ms Lynda Jane Voltz MP, Mr Gaetano Zangari MP, Ms Julia Dorothy Finn MP, Dr Paul Joseph Hugh McDermott MP are the State Members.

The site falls within the Blaxland, Greenway, McMahon, Parramatta and Reid federal electorates. Mr Jason Dean Clare MP, Michelle Anne Rowland MP, Mr Christopher Eyles Guy Bowen MP and Ms Julie Anne Owens MP and Dr Fiona Martin MP are the Federal Members.

The Hon. Julia Dorothy Finn MP wrote to Council on 1/06/2020 to advise that the provisions for Places of Public Worship (PoPW) in the planning proposal are not supported. The letter provides representation on behalf of Holroyd Christian Ministers and Merrylands Anglican Church. In summary, the objection is to the proposed prohibition of PoPW in the R2, B1, B2 B4, B5 and B6 zones, along with the minimum 2,000m² minimum lot size in the R3 and R4 zones. This is further addressed in this report.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

2 Gateway determination and alterations

The Gateway determination issued on 23/03/2020 (**Attachment B**) specified that the planning proposal should proceed subject to conditions. Council has met all the Gateway determination conditions, it being noted that although notification was not provided in a local newspaper advising of the public exhibition, the planning proposal authority complied with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

The public exhibition was conducted during the COVID-19 lockdown and no local newspapers were being delivered during this period. Council's post-exhibition report notes that the planning proposal for the proposed Cumberland LEP 2021 was made available on Council's website, with a letter and brochure posted to properties in the Cumberland LGA. Phone enquiries were answered by Council officers, and virtual book-in sessions were also available for detailed discussions on the LEP. Due to the COVID-19 pandemic, physical copies of the documents were not provided at the administration centres and libraries as these facilities were closed during this time.

In accordance with the Gateway determination, the planning proposal was due to be finalised on 23/12/2020. Council submitted the planning proposal for finalisation on 28/08/2020.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the planning proposal was publicly exhibited by Council from 1/04/2020 to 8/05/2020, as required by section 29 of the *Local Government Act 1993*.

At Council's Ordinary Meeting on 15/07/2020, Council resolved to proceed with the planning proposal (**Attachment C**). The post-exhibition report to Council is attached as (**Attachment C1**).

A total of 222 submissions were received from individuals and organisations in response to the public exhibition. There were various recurring themes and messages received in the submissions. This included support for planning for strategic corridors and centres and support for higher densities around stations/transport nodes. There were also significant concerns expressed around the permissibility and proposed minimum lot size provisions for PoPW and various other concerns related to zoning and land use permissibility, including ensuring sufficient diversity in housing provisions.

3.1 Submissions during exhibition

3.1.1 Submissions objecting to and/or raising issues about the planning proposal

Of the total 222 community submissions received, 53 were from religious groups and community members raising concerns about the proposed planning controls for PoPW. These submissions objected to the proposed changes to land use permissibility and implications for the continued operation and potential future expansion of established sites. A number also raised concerns about the proposed 2,000m² minimum lot size requirement for new PoPW in the R3 and R4 zones and the likely constraints that this would put on the religious groups. Other common issues identified by submissions were new requests for site specific zoning and planning control changes (55 submissions) and the proposed changes for the Woodville Road Corridor (19 submissions).

Table 2 Summary of Key Issues

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
New requests for site specific zoning and planning control changes	25%	<p>There were 115 sites identified for requests for site specific changes to zoning and planning controls. Council endorsed 12 of these requests and identified them as “Stream 1” amendments to be included in the new LEP. Council considered these 12 requests to have only a minor impact on the overall plan as they were for minor zoning and/or planning control changes to address particular issues and anomalies.</p> <p>The Department reviewed the changes and support three of the 12 site specific requests, either as requested or in an alternate way. The supported requests are considered minor and can be progressed as a post-exhibition amendment having regard to relevant legislation and case law. These sites are:</p> <ul style="list-style-type: none"> • 55 Fox Hills Crescent Toongabbie – include “health service facility” as an APU on part of the site • 246-260 Woodville Road, 2-16 Lansdowne Street and 19 Highland Street, Guildford – include clarifications on planning controls applicable on site, consistent with development concept for site • Former Lidcombe Hospital Precinct – Include three nurses quarters buildings as individual heritage items <p>The other nine sites need to be submitted as a separate planning proposal(s) and be accompanied by the necessary studies for consideration on their merits. These sites are:</p> <ul style="list-style-type: none"> • Octavia Street, Toongabbie – R2 to R3 with corresponding increase in HOB and FSR • Toongabbie Road, Toongabbie - R3 to R4 zone with corresponding increase in HOB and FSR • 11-13 Bransgrove Street and 4-8 Irwin Place, Wentworthville – R2 to R4 zone with corresponding increase in HOB and FSR

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
		<ul style="list-style-type: none"> • Merrylands Road, Merrylands – Revised HOB and FSR controls in the B1 zone • Burnett Street, Merrylands and Ruth Street, Merrylands West – R2 to B1 zone with corresponding increase in HOB and FSR • 233-249 Merrylands Road, Merrylands – Revised FSR controls • 242-252 Pitt Street, Merrylands – Increase in HOB and FSR • 101-123 Parramatta Road and 58-66 Adderley Street, Lidcombe (Domayne land) – Proposed APU for “Specialised retail premises” • Lidcombe Anglican Church on the corner of Mark and Taylor Street, Lidcombe – Proposed APU for “place of public worship”
Permissibility and proposed minimum lot size provisions for PoPW	24%	<p>There were 53 submissions received in response to the issue of prohibition of PoPW in zones where they were previously permitted and/or the proposed planning controls to control the impact of PoPW in zones where they are proposed to remain permitted with consent.</p> <p>At its meeting on 15 July 2020, Council resolved to endorse the following planning controls as a result of post exhibition review: which reflect that exhibited or recommended by staff following exhibition. This included:</p> <ul style="list-style-type: none"> • PoPW permitted with consent in the R3, R4, IN1 and IN2 zones (as mandated by the SILEP) under the proposed Cumberland LEP 2021, • prohibiting PoPW in all other zones under the proposed Cumberland LEP 2021 (despite PoPW being permitted in various other zones under Auburn LEP 2010, Holroyd LEP 2013 and/or Parramatta LEP 2011 – notably the R2 and business zones), • rezoning existing PoPW zoned SP1 in the Parramatta LEP to the adjoining zone and rely on existing use rights, • inserting an additional objective in the R3 and R4 zones to ensure that PoPW are located to minimise impact on the amenity of a low-density residential environment, • introducing local provisions for PoPW in R3 and R4 zones, including a minimum lot size and matters for consideration. <p>The SILEP only mandates that PoPW be permitted with consent in the R3, R4 and IN1 and IN2 zones. There are no current Ministerial Directions, Planning System Circulars or LEP Practice Notes that specifically address where it is appropriate to locate or how to control the development of PoPW.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
		<p>Accordingly, it is a matter for the relevant planning authority to consider having regard to the submissions received during public exhibition.</p> <p>Council's post-exhibition report includes discussion on the submissions received in response to the prohibition and proposed planning controls for PoPW. Council consider the proposed controls appropriate to manage the off-site impacts of PoPW and the existing use rights provisions of the Act sufficient to provide protection for all existing PoPW.</p> <p>In response to submissions regarding existing PoPW that will need to rely on existing use rights, the Department considered mechanisms for recognising these existing operations. However, the view has been formed that existing uses are covered in detail in the <i>Environmental Planning and Assessment Act 1979</i> (the Act) and Regulation and should not be dealt with in an LEP.</p>
Proposed changes for Woodville Road Corridor	9%	<p>The planning proposal seeks to make the following amendments to the Woodville Road Corridor:</p> <ul style="list-style-type: none"> • rezone the Merrylands East Centre from R2 Low Density Residential and B6 Enterprise Corridor to predominantly B2 Local Centre and pockets of RE1 Public Recreation, • rezone select sites along Woodville Road from R2 Low Density Residential, R3 Medium Density Residential and B6 Enterprise Corridor to R4 High Density Residential, • amend building height controls from 9m and 12.5m to 11m to accommodate existing higher density developments that were permissible under previous controls but are not permitted under the existing R2 low density control, • amend FSR controls from 0.5:1, 0.6:1 and 1.5:1 to 0.6:1 and 0.8:1 to accommodate existing higher density developments that were permissible under previous controls but are not permitted under the existing R2 low density control. <p>The planning proposal seeks to address short term changes to align land use and planning controls with existing site development. It does not seek to provide any further uplift in the Corridor. It is considered that the planning proposal will align the site with the surrounding context and would not have adverse impact on the surrounding area. Any specific site characteristics will be addressed in future development applications.</p>

3.1.2 Other issues raised

Other matters raised by a small number of submissions included:

- Support planning for strategic corridors and centres.
- Support for higher densities around stations / transport nodes.

- Amenity concerns with high density development – referencing COVID 19 social distancing requirements and the need for adequate open space.
- Sustainability and climate change concerns.
- Zoning and land use permissibility concerns – ensuring sufficient diversity in housing provisions.
- Traffic and local road network concerns.
- Delisting of nine heritage items.
- Minimum lot sizes for dual occupancy development.
- Consistent planning approach for sex services premises.
- These matters have been noted and addressed where appropriate.

3.2 Advice from agencies

In accordance with the Gateway determination (Condition 4), Council was required to consult with the following agencies listed below:

- Transport for NSW (TfNSW)
- Road and Maritime Services
- Sydney Trains
- City of Parramatta Council
- Department of Premier and Cabinet – NSW Heritage
- DPIE Environment, Energy and Science Group (EES)
- Sydney Water.

Table 3 sets out the feedback provided by agencies. Transport for NSW made a submission of collated comments from across the Transport cluster (including Roads and Maritime Services and Sydney Trains). The agencies not included in Table 3 did not provide a submission. The Department considers Council has adequately addressed matters raised in the advice from public agencies.

Table 3 Advice from public authorities

Agency	Advice raised	Council response
Transport for NSW	TfNSW advised that consideration of the additional public infrastructure associated with targeted changes to planning controls at selected locations, including Auburn Town Centre, Lidcombe Town Centre, Parramatta Road Corridor and Woodville Road Corridor should be undertaken as part of the LEP process, and not left to the development application stage.	A meeting between TfNSW and Council was held in June 2020 to discuss the submission. TfNSW advised that the requirement for “no net increase to traffic generation” cannot be demonstrated given the proposed changes to the current land uses and principal development standards. Further, given a number of transport studies and outcomes for the Parramatta Road Corridor are yet to be completed and agreed, and noting the existing s9.1 Ministerial Direction for Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), TfNSW suggests any consideration of amendment needs to be considered in a holistic way in the broader context of the PRCUTS – ensuring an equitable approach for all. Accordingly, the proposed PRCUTS zones and development standards for the sites have been removed from the planning proposal. It is noted that under the most recent changes to the s9.1 Direction, Council may now progress a planning proposal for gateway determination.
Western Sydney Local Health District (WSLHD)	WSLHD commended Council on the overall objectives and controls outlined in the LEP and provided general feedback on a range of areas	N/A
Water NSW	Water NSW advised that they have no comments on the draft LEP as they do not own or manage land in the area.	N/A
NSW Rural Fire Service (RFS)	NSW RFS advised Council that it does not have objections to the new LEP subject to further development meeting the requirements of Planning for Bushfire Protection 2019.	N/A

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

3.3.1 Council resolved changes

At Council's Ordinary Meeting on 15/07/2020, Council resolved to proceed with the planning proposal with the following post-exhibition changes:

- Include additional exclusions to Clause 4.6 of the proposed Cumberland LEP 2021, as subclause (8)(d) to (m):
 - clause 2.5 (additional permitted uses for particular land)
 - clause 2.6(2) (subdivision of secondary dwellings not permitted)
 - clause 2.8(3) (heads of consideration for the temporary use of land)
 - clause 3.2 (complying development references contained within the LEP)
 - clause 3.3(f) (environmentally sensitive areas exclusions)
 - clause 5.19 (pond based, tank based and oyster aquaculture permitted without consent in certain zones)
 - clause 6.1 (acid sulphate soils – where consent is required and not required)
 - clause 6.20 (urban heat management – heads of consideration for granting of development consent)
 - Schedule 1 – additional permitted uses (these standards are used to determine the permissibility of specific development types)
 - Schedule 3 – complying development (complying development references contained within the LEP)
- Include “office premises” as a land use permitted with consent in the B6 Enterprise Corridor zone, to provide a consistent approach across the Cumberland area and adopted from the Auburn and Parramatta LEPs.
- Include “home business” as a land use permitted with consent in the RE1 Public Recreation and RE2 Private Recreation zones, to provide continued opportunities for existing dwellings.
- Include “residential flat buildings” (RFB) as the land use with consent in the B2 and B4 Mixed Use zones.
- Amend the minimum lot size for attached dual occupancies from current controls in the R2 Low Density Residential zone to 550m² and R3 Medium Density Residential zone to 530m² and allow Torrens title subdivision for dual occupancies.
- Include a minimum lot size for detached dual occupancies in the R2 Low Density Residential and R3 Medium Density Residential zones to reflect 600m² and allow Torrens title subdivision for detached dual occupancies.
- Include the Auburn LEP 2010 Floor Space Ratio controls for the R2 Low Density Residential zone.
- Allow an increase to the existing HOB controls in the R4 High Density Residential, B2 Local Centre and B4 Mixed Use zones of an additional 7 metres (2 additional levels) for all proposed developments whereby the Affordable Housing component (in accordance with SEPP (Affordable Rental Housing) 2009) is 50% or more and an increase of 3.5 metres (1 additional level) where the Affordable Housing component is less than 50%. (development must be for a land use of shop top housing, residential flat buildings or boarding houses only where permissible).
- Allow an increase to the existing HOB controls in the B1 Neighbourhood Centre and R3 Medium Density Residential zones of approximately 3.5 metres (1 additional level) for all developments containing an affordable housing component in accordance with SEPP

(Affordable Rental Housing) 2009. (Development must be for a land use of boarding houses or shop top housing only where permissible).

- Retain a B6 Enterprise Corridor zoning for the Mays Hill and Finlayson Transitway Precincts and include a local provision to allow shop top housing consistent with DCP controls.
- Rezone B6 Enterprise Corridor zoned land in Merrylands Town Centre (Neil Street and Merrylands Road) to the B4 Mixed Use zone.
- Rezone B6 Enterprise Corridor zoned land at the intersection of Great Western Highway and Pendle Way to the B1 Neighbourhood zone.
- Update the mapping of Clause 4.4(2B) to reflect the revised boundary of B6 zoned land along the Parramatta Road Corridor (i.e. to exclude the proposed B1 zoned land).

3.3.2 Supported changes

Of the 13 post-exhibition changes to zoning and planning controls endorsed by Cumberland Council (not including the above referenced site specific amendments requested by the community in submissions), six changes were supported as per the request/part of the request or in an alternate way as outlined below:

- Include “office premises” as a land use permitted with consent in the B6 Enterprise Corridor zone.
- Include “home business” as a land use permitted with consent in the RE2 Private Recreation zone, adopted from the Auburn LEP. However, the use is not supported in the RE1 Public Recreation zone, as it would be inconsistent with model clause 5.1A Development on private land intended to be acquired for public purposes, which only permits ‘recreation areas’ with development consent in the RE1 zone.
- Include a Nil FSR control in the R2 Low Density Residential zone (adopted from the Auburn LEP 2010),
- Include “shop top housing” as an additional permitted use (APU) for:
 - the Mays Hill and Finlayson Transitway Precincts.
 - land in Merrylands Town Centre (Neil Street and Merrylands Road), Merrylands.
 - land at the intersection of Great Western Highway and Pendle Way, Pendle Hill.

3.3.3 Changes not supported

The other seven specific changes were not supported as the requests were not considered minor and cannot be progressed as post-exhibition amendments having regard to relevant legislation and case law. Council was advised that they need to be submitted as a separate planning proposal(s) accompanied by the necessary studies for consideration on their merits.

Additional Clause 4.6 exceptions

The requested additional exceptions (8)(d) to (m) under Clause 4.6 Exceptions to development standards do not form development standards and their inclusion could create a precedent against which existing LEPs are interpreted, making LEPs that do not list the requested provisions as ones open to variation. Accordingly, it is not appropriate to specify additional exceptions to which Clause 4.6 does not apply.

RFBs in B2 and B4 zones

Council’s post-exhibition resolution to include RFBs as a permitted use within the B2 and B4 zones was not supported and no study was submitted to demonstrate the impact of this amendment on the zones. Permitting RFBs in the B2 and B4 zones across the entire LGA would modify these

zones into the equivalent of R4 Residential zones and may sterilise the opportunity for commercial premises or mixed-use development (i.e. shop top housing) in the zone. The proposal is inconsistent with the zone objectives and s9.1 Ministerial Direction 1.1 - Business and Industrial zones as it does not promote the objective to “protect employment land in business and industrial zones”.

The spatial application of the B2 and B4 zones differs in the two former LGAs and the part of the City of Parramatta LGA that now form Cumberland Council. The B2 zone is used for the core of the centres in the part of the LGA comprised of land from City of Parramatta LGA (e.g. Granville and Guildford) whereas the B2 zone is applied to lower order centres in the commercial hierarchy in both the former Auburn and Holroyd LGAs. The B4 zone is used for the periphery of the centres in the part of the LGA comprised of land from City of Parramatta LGA whereas the B4 zone is applied to higher order centres in the commercial hierarchy in both the former Auburn and Holroyd LGAs.

The inclusion of RFBs as a land use will result in ad-hoc rezoning through DA's rather than strategic consideration to determine the amount and location (e.g. core or periphery) of commercial land that needs to be rezoned. Permitting RFBs in the B2 and B4 zones is also inconsistent with the principles of promoting active uses at the street level in certain business zones proposed by the inclusion of Clause 6.12 Ground floor development in Zones B2 and B4 of the LEP.

Further, the application of a land use which has the potential to change the nature of a zone is not consistent with the planning principles established by the L&E Court judgment *Leichhardt Council v Minister for Planning (No 2)* (1995) 87 LGERA 78 which limits the extent of any changes made to a draft Plan to minor changes following the exhibition of a plan on both an individual and cumulative basis. Accordingly, “residential flat buildings” have been prohibited in the B2 and B4 zones in the proposed Cumberland LEP 2021.

Site specific rezoning amendments

At its meeting on 16 September 2020, Cumberland Council considered a Notice of Motion prepared in response to additional submissions received from various stakeholders. Council resolved to endorse six additional site-specific rezoning and/or development standard amendments to the exhibited version of the planning proposal. Council also resolved to delete a clause promoting street activation in the B2 and B4 zones in response to a post-exhibition resolution from its meeting on 15 July 2020 to permit residential flat buildings in the B2 and B4 zones and that instead a review be undertaken to determine the adequacy of controls in the Cumberland DCP to deliver a similar outcome.

Section 3.35 of the EP&A Act specifies that a planning proposal authority may vary proposals or request that a matter not proceed. Specifically, the planning proposal authority may, at any time, vary its proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. If it does so, the planning proposal authority is to forward a revised planning proposal to the Minister. The Minister must determine whether further community consultation is required and if so, provide direction for same in a revised Gateway Determination.

The test for whether a post-exhibition amendment warrants re-exhibition is derived from *Leichhardt Council v Minister for Planning (No 2)* (1995) 87 LGERA 78, where the validity of amendments made to a regional environmental plan was challenged on the basis that the amendments different from those which had been exhibited. The test in *Leichhardt (No 2)* is summarised in *Friends of Turramurra Inc v Minister for Planning [2011]* NSWLEC 128 which involved a similar challenge to the validity of amendments to an LEP.

It was determined that the amendments proposed would require exhibition. Cumberland Council were invited to submit a revised planning proposal. To date, no submission has been received. Accordingly, the additional post-exhibition amendments identified in Cumberland Council’s 16 September 2020 resolution have not been progressed.

Places of Public Worship

The proposed Cumberland LEP 2021 prohibits places of public worship in all zones other than mandated by the Standard Instrument LEP (i.e. R3, R4, IN1 and IN2 zones). The CLPP and Cumberland Council considering existing use rights to provide sufficient protection for all existing PoPW, including in zones where they will become prohibited under the LEP.

The Department considered recognising approved PoPW in land use zones where they will be prohibited under the proposed Cumberland LEP 2021, by inclusion of an item in the Additional Permitted Uses Schedule, to simplify the assessment process when a PoPW sought to extend or alter operations on their site. However, the view has been formed that existing uses are covered in detail in the Act and Regulation and should not be dealt with in an LEP. An LEP cannot displace the Act or Regulations. Accordingly, no such item has been included in the Additional Permitted Uses Schedule.

Employment Zones Reform

The Employment Zones Reform proposes to replace the existing business and industrial zones with five new employment zones and three supporting zones under SILEP. The timeframe for implementing the proposed SILEP amendments is the end of 2022.

PoPW are proposed as a mandated permissible use in the SILEP in the E1 Local Centre, E2 Commercial Centre, E3 Productivity Support and MU1 Mixed Use zones. These zones will generally replace the existing SILEP Business Zones (B1-B8) and some IN2 Light Industrial zones. The proposed E1, E2 and MU zones are generally the equivalent of existing centres and higher density zones. PoPW are supported as mandatory uses in these zones, recognising that these uses are common on land in the existing equivalent zones and in many existing LEPs.

The E3 zone is the general equivalent of the existing B5 Business Development, B6 Enterprise Corridor and B7 Business Parks zones. The E3 zone is supported as the preferred zone for PoPW requiring large floor plates. The zone generally supports land uses which are not employment uses but share similar traits to PoPW, such as recreation facilities, creative industries and specialised retail where large floor plates and affordable land is preferred. The zone also supports traffic movements and car parking of different scales (noting industrial lands are increasingly becoming 24 hours).

PoPW are not proposed to be mandated as either permissible or prohibited in the other proposed zones, E4 General Industrial, E5 Heavy Industrial, SP4 Local Enterprise Zone and W4 Working Foreshore, allowing Councils to decide their permissibility in these zones. These zones are generally the equivalent of existing industrial zones with a strategic intent for use as employment zones. PoPW are not mandated as a permissible in these zones as they are not employment uses.

Exhibition of the proposed reform was completed on 30 June 2021. Council made a generally supportive submission to the proposal. The submission address various issues, including the conflict between the permissibility of PoPW resolved by Council for the proposed Cumberland LEP 2021 (R3, R4, IN1 and IN2 zones) and under the proposal (E1, E2, E3 and MU1 zones).

Conversely, the proposed reform will support public submissions from the community and faith-based organisations opposing to prohibition of PoPW in business zones by mandating their permissibility in the equivalent proposed employment zones.

The Department will work collaboratively with Council and faith-based organisations to address the SILEP proposal amendments, if and when they are implemented.

3.3.4 The Department's recommended changes

Following the receipt of the revised planning proposal from Council in August 2020, the Department has made further changes to the planning proposal as follows:

- Clause 1.8 Repeal of planning instruments applying to land – delete references to the “Auburn Local Environmental Plan 2010, Parramatta Local Environmental Plan 2011 and

Holroyd Local Environmental Plan 2013" being repealed under the proposed Cumberland LEP 2021 as the LEPs will continue to apply to land in the Parramatta LGA.

- R4 High Density Residential zone - prohibit "dual occupancies", "semi-detached dwellings and "hotel and motel accommodation" as they are inconsistent with Ministerial Directions and/or the objectives of the zone.
- B1 Neighbourhood Centre zone - prohibit "self-storage units" and "warehouse and distribution centres" in the as they are inconsistent with the objectives of the zone.
- IN2 Light Industrial zone - permit with consent the group term "waste or resource management facilities" instead of the land use term "waste or resource management facilities" in the to ensure consistency between industrial zones.
- Clause 4.1 Minimum subdivision lot size – delete objectives (a) and (c) to avoid duplication.
- Sub-clause 4.1(3A) – insert subclause (3A)(a) to maintain a minimum lot size control of 550m² for dwelling houses on land in the former Parramatta LGA shown on the Lot Size Map.
- Former sub-clause 4.1(3D) – delete subclause to remove conflict with subclause 4.1(3B) relating to battle-axe lot definition.
- Sub-clause Clause 4.1A(3E) – delete subclause to remove conflict with clause 4.1B, relating to dual occupancy development and subdivision.
- Clause 4.1B Minimum lot sizes for dual occupancies and semi-detached dwellings in Zones R2 and R3 (formerly Clause 6.14 Minimum lot area for low and medium density dual occupancy housing) – relocate and redraft clause to simply a minimum lot size control for dual occupancy and semi-detached dwellings of 550m².
- Clause 4.3 Height of buildings - rationalise objectives by excluding objective (c) and removing subclause (2A)(b) as it is located in a part of the former Auburn LGA not included in the Cumberland LGA.
- Clause 4.4 Floor space ratio – insert special FSR provision subclause 2(D) for the "Lidcombe Mixed-Use Precinct" from the Auburn LEP 2010 and update references for special FSR provisions (2A) to (2G) to match the references on the FSR Maps.
- Clause 4.6 Exceptions to development standards – do not include additional requested exceptions (8)(d) to (m) as they do not form development standards and their inclusion could create a precedent against which existing LEPs are interpreted, making LEPs that do not list the provisions as ones open to variation. List remaining objectives alphabetically.
- Clause 5.1 Relevant acquisition authority – update the "Type of land shown on Map" and corresponding "Authority of the State" to match those displayed on the Land Reservation Acquisition Map.
- Clause 5.1A Development on land intended to be acquired for public purposes - update the "Land" and "Development" specified in the columns to correspond to those displayed on the Land Reservation Acquisition Map.
- Clause 5.4 Controls relating to miscellaneous permissible uses – reinstate secondary control for "industrial retail outlets" of 400m² of retail floor area which was inadvertently omitted.
- Clause 5.9 Dwellings affected by natural disasters – insert new Standard Instrument clause to apply to land in proximity of potential risks, particularly flooding. In consultation with Council the clause will apply to land zoned R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and E2 Environmental Conservation.
- Clause 5.21 Flood planning (formerly clause 6.10) – replace former clause with new Standard Instrument clause.
- Clause 6.1 Acid sulfate soils – reinstate the provisions for clause 4(a) from the Acid Sulfate Soils model clause which were inadvertently omitted.

- Clause 6.5 Biodiversity (formerly 6.5 Biodiversity protection) – reference only “remnant native vegetation” on the Biodiversity Map as land to which the clause applies and adopt subclause (4) from Clause 6.4 Biodiversity protection of Parramatta LEP 2011. The proposed controls are considered overly onerous, open to legal challenge and inconsistent with the “avoid, minimise and mitigate” principles of the model clause.
- Clause 6.7 Development on land at 42-44 Dunmore Street, Wentworthville - include appropriate reference to the design excellence provisions in the LEP.
- Clause 6.2 Earthworks – adopt the Holroyd LEP 2013 earthworks controls as subclause 2(a) of the proposed controls are considered inconsistent with the Department’s policy position under Subdivision 15 of Part 2 of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 6.3 Limited development on foreshore area (formerly 6.11 Foreshore building line) – update clause to remove reference to ‘Foreshore building line’ as land to which the clause applies, consistent with the model clause, and accordingly update the Floor Building Line Map to remove reference to ‘Land Below Foreshore Building Line’.
- Clause 6.12 Urban heat (formerly 6.20 Urban heat management) –
 - redraft the clause so that in granting consent, the effect of the proposed development on the listed matters need only be considered instead of required,
 - redraft the clause to streamline objectives and the revised and new definitions of “deep soil zone” and “green infrastructure” are consistent with current Government policy.
- Clause 6.14 Design excellence (formerly clause 6.4) – reinstate subclause 2(c) relating to Area 3 from the Design excellence provisions in Holroyd LEP 2013.
- Clause 6.15 Development for certain land in Wentworthville Town Centre Clause – clause inserted consistent with the recently gazetted clause 6.13 of Holroyd LEP 2013.
- Clause 6.18 Development of land at 42-44 Dunmore Street, Wentworthville (formerly clause 6.7) – clause inserted consistent with the recently gazetted clause 6.12 of Holroyd LEP 2013.
- Clause 6.19 Development of land at 244, 246, 248 and 258 Woodville Road, Merrylands (formerly clause 6.21) – clause inserted consistent with the recently gazetted clause 6.21 of Parramatta LEP 2011.
- Schedule 1 Additional Permitted Uses be updated by removal or revision of the proposed additional permitted uses not being supported or being supported with a variation.
- Schedule 2 Exempt development – amend the exempt development types and standards to include only “markets” from Parramatta LEP 2011, and “security grills, screens or shutters – commercial premises” and “temporary use of land (community events and fundraising events)” from Holroyd LEP 2013 in recognition that *SEPP (Exempt and Complying Development Codes) 2008* already includes the same or similar forms of exempt development.
- Schedule 3 Complying Development – delete the Strata subdivision of dual occupancies clause to as it is the same as clause 6.1 of the *SEPP (Exempt and Complying Development Codes) 2008* and therefore not consistent with the Department’s policy position to avoid duplication.
- Schedule 4 Classification and Reclassification of Public Land – Insert the word ‘Nil’ is all parts as no new reclassifications proposed.
- Schedule 5 Environmental Heritage – reformat the schedule consistent with Auburn LEP 2010 and Parramatta LEP 2011. All listed items to be sorted alphabetically and numbered sequentially within the following four parts, except State listed items which adopt their corresponding State Heritage Register number:

- Part 1 Heritage Items, sorted into columns labelled “Suburb”, “Item Name”, “Address”, “Property Description”, “Significance” and “Item Number”
- Part 2 Heritage Conservation Areas, sorted into columns labelled “Description”, “Identification on heritage map”, “Significance” and “Item number”
- Part 3 Archaeological Sites, sorted into columns labelled “Suburb”, “Item Name”, “Address”, “Property Description”, “Significance” and “Item Number”
- Part 4 Aboriginal Objects and Aboriginal Places of Heritage Significance, sorted into columns labelled “Name of Aboriginal object or Aboriginal place of heritage significance”, “Identification on Heritage Map” and “Item number”
- Dictionary – include the model definitions for the maps referenced throughout the LEP.

3.3.5 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes are a reasonable response to comments provided by the community and public authorities, respond to matters of non-compliance with Government policy and do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

4 Department's Assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following section assess the planning proposal against relevant Regional and District Plans, Council's Local Strategic Planning Statement, Section 9.1 Ministerial Directions and State Environmental Planning Policies (SEPPs).

4.1 Detailed Assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

4.1.1 State

The proposed Cumberland LEP 2021 is not inconsistent with either of the Premier's priorities for more housing closer to green spaces or delivering 1 million trees by 2022. In addition, the proposed Cumberland LEP 2021 will rezone two areas of open space to RE1 which will provide green spaces closer to housing.

4.1.2 Region and District

Greater Sydney Region Plan and Central City District Plan

The Greater Sydney Commission (GSC) released the Greater Sydney Region Plan – A Metropolis of Three Cities in March 2018 to promote the growth of the Greater Sydney Region built on a vision of three cities where most residents live within 30 minutes of their jobs, education, health, facilities, services and great places. The Plan seeks to transform Greater Sydney into a metropolis of three cities, the Western Parkland City, Central River City and Eastern Harbour City.

The GSC released the Central City District Plan in March 2018 to accompany the Greater Sydney Region Plan and provide more detailed guidance for the growth of the Central City. The Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets. The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan.

- Planning Priority 1 Planning for a City Supported by Infrastructure

Planning Priority 1 aims to ensure infrastructure provision aligns with forecast growth and adapts to future needs. The proposed Cumberland LEP 2021 provides for greater residential density in areas supported by public transportation and other infrastructure such as Auburn, Granville, Lidcombe, Merrylands, Westmead and Wentworthville town centres.

- Planning Priority 3 Providing Services and Social Infrastructure to meet People's Changing Needs

Planning Priority 3 aims to deliver social infrastructure and optimise the use of public land for social infrastructure. As there are minimal changes to development potential, analysis of needs for social infrastructure is not a matter for the making of this LEP.

- Planning Priority 4 Fostering healthy, creative, culturally rich and socially connected communities

Planning Priority 4 aims to foster healthy, resilient and socially connected communities with diverse neighbourhoods through promoting active lifestyles and the arts. The planning proposal intends to enable the temporary use of land for 52 days which will assist to support a variety of temporary community uses.

- Planning Priority 5 Providing housing supply, choice and affordability, with access to jobs and services

Planning Priority 5 aims to provide greater housing supply, diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life. Housing will continue to be provided in areas well connected to jobs such as Merrylands. Seniors housing is facilitated through allowing this land use in B4 zones which will assist in providing better housing choice (through the permissibility of vertical villages). The Cumberland Housing Strategy is expected to address housing affordability and considered for incorporation into the proposed Cumberland LEP 2021.

- Planning Priority 6 Creating and renewing great places and local centres and respecting the District's Heritage

Planning Priority 6 aims to create great places which bring people together and where heritage is identified, conserved and enhanced. Renewal of local centres has the capacity to bring about better places for local communities with better urban design outcomes in Auburn and Lidcombe town centres through rezoning and changes to height of buildings and FSR. In addition to this, there will be an RE1 zoned area for community open space in East Merrylands. The removal of nine heritage items has been validated with a study.

- Planning Priority 7 Growing a stronger and more competitive greater Parramatta

Planning Priority 7 aims to support the economic and cultural growth of Greater Parramatta as the centre of the Central River City. Cumberland plays a role in supporting revitalisation of and development in key corridors enabling convenient access to key employment areas in the Greater Parramatta Olympic Peninsula Economic Corridor.

- Planning Priority 9 Delivering integrated land use and transport planning and a 30-minute city

Planning Priority 9 aims to capitalise on integrated land use and transport to both plan towards maximum 30-minute commute times and create efficient freight and logistics networks. The making of the proposed Cumberland LEP 2021 will enable Council to holistically plan for the Cumberland LGA through a single planning instrument. The LGA is well serviced by existing and proposed transport infrastructure, with access to key employment centres such as the Parramatta CBD.

Future transport improvements have been identified through the District Plan and Future Transport strategies.

- Planning Priority 10 Growing investment, business opportunities and jobs in strategic centres

Planning Priority 10 aims to provide access to jobs, goods and services in centres, create new centres and prioritise strategic land use and infrastructure plans for growing centres. The proposed Cumberland LEP 2021 will support planning for jobs and access to goods and services in the local centres including Auburn, Granville, Lidcombe, Merrylands and Wentworthville.

- Planning Priority 11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land
- Planning Priority 12 Supporting growth of targeted industry sectors

Planning Priorities 11 and 12 aim to retain and manage industrial lands, manage the interface with industrial areas with other land uses, facilitate health and education precincts, enable economic opportunities, and consider ways to support export and tourism industries. An open approach to land use in business zones B2, B3, B4, B5 and B6 and industrial zones IN1 and IN2 is adopted to enable innovative and non-traditional employment options. A post-exhibition amendment to permit residential flat buildings with consent in the B2 and B4 zones was proposed by Council. However, these post-exhibition amendments have not been supported and residential flat buildings will be prohibited in all business zones, supporting the ability to provide a greater amount of jobs in these areas and support mixed use precincts, noting that shop top housing will be a permissible land use in these zones.

- Planning Priority 13 Protecting and improving the health and enjoyment of the District's waterways

Planning Priority 13 aims to protect environmentally sensitive waterway areas, manage access to waterways, improve catchment health and reinstate natural conditions in urban waterways. The proposed Cumberland LEP 2021 continues to protect waterways from unfavourable development and improve amenity and access with RE1, W1 and E2 zoning along most of Duck River and Prospect Creek. Future consideration of the zoning along Duck Creek is recognised as part of a Stage 2 project, as outlined in Council's LSPS, to better give effect to this priority.

- Planning Priority 15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes

Planning Priority 15 aims to support biodiversity conservation, manage the urban-bushland fringe, identify scenic landscapes and protect scenic views. The proposed Cumberland LEP 2021 Biodiversity Map recognises and aims to protect sections of remnant bushland along creek corridors identified as 'native remnant vegetation' in the existing LEPs.

- Planning Priority 16 Increase urban tree canopy and deliver green grid connections

Planning Priority 16 aims to enhance the canopy cover of urban environments and create green grid connections. The proposed Cumberland LEP 2021 aims to increase tree canopy cover and urban heat management by an amendment to clause 6.19 Urban Heat which requires the consent authority to consider this matter prior to granting development consent. The retention of open space zones of the existing LEPs, primarily those along the Duck River and Prospect Creek, align with the green grid connections identified in the Central City District Plan.

- Planning Priority 17 Delivering high quality open spaces

Planning Priority 17 aims to protect, enhance and expand public open space. The proposed Cumberland LEP 2021 includes the creation of three new RE1 Public Recreation open spaces which will give effect to this priority.

- Planning Priority 19 Reducing carbon emissions and managing energy, water and waste efficiently
- Planning Priority 20 Adapting to the impacts of urban and natural hazards and climate change

Planning priorities 19 and 20 aim to create a more efficient and resilient city through low carbon initiatives, renewable energy, waste management, better locating urban development, managing the heat island effect and managing flooding. The proposed Cumberland LEP 2021 gives effect to these priorities (in part) through the Clause 6.19 Urban Heat, which seeks 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.

- Planning Priority C21 Preparing local strategic planning statements informed by local strategic planning

The proposed Cumberland LEP 2021 seeks to harmonise planning controls consistent with the implementation priorities and actions of the District Plan, with further planning proposals being identified through the Cumberland Local Strategic Planning Statement (LSPS) to further implement and strengthen the line of sight between the District Plan and the LEP. The harmonisation enables the future implementation of broad LEP policies across the LGA to simplify the planning process and remove the need for amendments to multiple LEPs.

4.1.3 Local

Local Strategic Planning Statement

The planning proposal is generally consistent with Cumberland LSPS which has been endorsed by Council and assured by the GSC on 4 March 2020. The LSPS will give a ‘line of sight’ between the District Plan and the LEP and contains various initiatives to implement the District Plan at the local level, including the making of the proposed Cumberland LEP 2021 as one of the first implementation methods.

Community Strategic Plan 2017-27

The planning proposal is consistent with the Council’s Community Strategic Plan 2017-27 ‘Welcome, Belong, Succeed’ in that it supports the six strategic goals of the plan, 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 and Strategic Goal 6 – Transparent and accountable leadership.

Local Planning Panel

The draft planning proposal was considered by the Cumberland Local Planning Panel on 20 February 2020. The Panel generally supported the planning proposal and its progression to a Gateway determination. The Panel also provided further advice on a range of matters for further consideration by Council following Gateway Determination. On 4 March 2020 Council considered the Panel’s advice and resolved to submit the planning proposal for Gateway determination.

Auburn and Lidcombe town centres planning controls strategies

The planning proposal is supported by the Draft Auburn and Lidcombe Town Centres Strategy 2016, Auburn and Lidcombe Town Centres Investigation 2016, and a robust review process including reporting to the Cumberland Local Planning Panel on 20 June 2019 and subsequent revision to address Panel feedback. The planning proposal will result in changes to zoning, height of buildings, FSR and minimum lot size for the Auburn and Lidcombe town Centres, which will permit additional floorspace potential of less than 10% in each centre.

4.1.4 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

Direction 1.1 aims to protect industrial and employment lands. The direction applies when land within an existing or proposed industrial or business zone is altered.

The proposed Cumberland LEP 2021 is inconsistent with this Direction. B6 Enterprise Corridor land in the Woodville Corridor will be converted to R4 High Density Residential zoning through the making of the proposed Cumberland LEP 2021. Shop top housing is the predominant land use in the precinct as a result of the permissibility of this use in the previous B6 Enterprise Corridor zone. This change will therefore better accommodate the current land use of the area as shop top housing which will be supported in the amended land use table. However, due to the small scale of the changes, the removal of existing use rights and the offset of these changes through expansion of business zones elsewhere, it is considered of minor significance and is justified.

Council's post-exhibition proposal to permit residential flat buildings in the B2 and B4 zones is inconsistent with this Direction as the introduction of a dominant non-commercial land use is likely to change the nature of the zones. No planning study has been submitted to support the planning proposal. Accordingly, Council's proposal has not been supported and residential flat buildings are prohibited in all business zones in the proposed Cumberland LEP 2021.

Direction 2.1 Environment Protection Zones

Direction 2.1 aims to protect and conserve environmentally sensitive areas.

The proposed Cumberland LEP 2021 includes provisions which facilitate the protection of environmentally sensitive areas through the maintenance of environmental zones and is considered to be consistent with this direction.

Specifically, the proposed Cumberland LEP 2021 consolidates the existing clauses relating to 'terrestrial biodiversity' and 'biodiversity protection' from the Parramatta and Holroyd LEPs respectively. The proposed Cumberland LEP 2021 maintains the clause as it currently applies to land identified on the Remnant Native Vegetation or Biodiversity Maps under the existing Holroyd and Parramatta LEPs.

Direction 2.3 Heritage Conservation

Direction 2.3 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of item, buildings and places of heritage.

Cumberland LEP 2021 includes the Heritage Conservation provisions mandated by the *Standard Instrument LEP* and the heritage listed items and areas from the existing LEPs. However, the Cumberland LEP 2021 also delists nine and lists three new heritage items. The changes to the listings are supported by planning studies or the State Heritage Register. The Gateway Determination identified that Section 9.1 Directions 2.3 Heritage Conservation remained unresolved and would require further justification.

The *Standard Instrument LEP* heritage framework is included in Cumberland LEP 2021. The Department of Premier and Cabinet – NSW Heritage was consulted during the exhibition and has not objected to the planning proposal to delist heritage items. Accordingly, the heritage provisions under the proposed Cumberland LEP 2021 are consistent with the Direction.

Direction 3.1 Residential Zones

Direction 3.1 aims to encourage a variety and choice of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment and resource lands. Direction 3.1 applies where a planning proposal will affect residential land. The planning proposal will not have an impact on the provision of a choice of housing in the Cumberland LGA, noting the intent is primarily to harmonise LEP controls.

The proposed Cumberland LEP 2021 is inconsistent with this direction as it will remove the permissibility of residential flat buildings from B2 Local Centre, B4 Mixed Use and B6 Enterprise Corridor zones, which will reduce the permissible residential density of land. Also, some residential areas will be rezoned to SP2 and RE1 lands.

However, changes are proposed in the Auburn and Lidcombe Town Centres which will enable density increases whilst encouraging employment growth. Therefore, it is considered that any inconsistency is of minor significance and justified.

Direction 4.1 Acid Sulfate Soils

Direction 4.1 requires an acid sulfate soils study where intensification is likely to occur in an area identified as being affected by acid sulfate soils. The proposed Cumberland LEP 2021 will retain the provisions in the existing LEPs, noting that uplift is proposed in the Auburn and Lidcombe centres, and it is considered than any inconsistency is minor. Where an increase in density is proposed, acid sulfate soil studies will form part of future development applications.

Direction 4.3 Flood Prone Land

Direction 4.3 aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The proposed Cumberland LEP 2021 is consistent with this direction as it will not negatively impact flood prone land.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The proposed Cumberland LEP 2021 seeks to introduce a number of site-specific clauses such as minimum lot areas for low and medium density dual occupancy housing and places of public worship in the R3 and R4 zones. However, these site-specific clauses have been exhibited, submissions reviewed and have been deemed appropriate by Council. Therefore, any inconsistency with this direction is considered to be of minor significance.

Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

Direction 7.3 aims to facilitate development within part of the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Tool Kit, provides jobs and services and guides the incremental transformation of the corridor in line with necessary infrastructure.

The planning proposal for the Cumberland LEP 2021 sought to rezone land in part of the corridor, which is inconsistent with the previous iteration of this direction as the traffic study to determine the required infrastructure to support growth has not been undertaken. A condition requiring Council to demonstrate that the proposed changes within part of the Parramatta Road Corridor will result in no net increase to traffic generation was included in the Gateway Determination. It was identified in the Gateway Determination Report that the decision as to whether the planning proposal complies with the Direction should remain unresolved.

TfNSW has advised that the requirement for “no net increase to traffic generation” cannot be demonstrated given the proposed changes to the current land uses and principal development standards. Further, given a number of transport studies and outcomes for the Parramatta Road Corridor are yet to be completed and agreed, and noting the existing s9.1 Ministerial Direction for PRCUTS, TfNSW suggests any consideration of amendment needs to be considered in a holistic way in the broader context of the PRCUTS – ensuring an equitable approach for all. Accordingly, the proposed PRCUTS zones and development standards for the sites have been removed from the planning proposal.

Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIIP)

Direction 7.5 aims to ensure development within the Greater Parramatta Growth Area Interim LUIIP. The direction applies to land within the area where a planning proposal is made in relation to this land. Some areas in Auburn Town Centre and the Parramatta Road Corridor where rezoning is proposed are within this area.

Council have addressed the Interim LUIIP in the planning proposal to demonstrate consistency with this Direction. The proposed Cumberland LEP 2021 achieves the overall intent of the Interim LUIIP and does not undermine the achievement of its objectives, planning principles and priorities for the Greater Parramatta Priority Growth Area. The targeted changes to LEP planning controls provide a mechanism to progress planning for this area. The Interim LUIIP also recognises the need for additional regional infrastructure to support growth and this is proposed to be implemented via a future contributions framework.

Cumberland LGA is within the Greater Parramatta to the Olympic Peninsula (GPOP) area, a 6,000-hectare area at the core of the Central City, and the centre of Greater Sydney. The Greater Sydney Commission has developed a Place-based Infrastructure Compact (PIC) for GPOP which seeks to better align growth with the provision of infrastructure and services.

4.1.5 State Environmental Planning Policies (SEPPs)

SEPP No. 55 Remediation of Land

This SEPP relates to the remediation of land where rezoning occurs. The proposed Cumberland LEP 2021 is considered consistent with this SEPP as it primarily relates to the harmonisation of LEP controls. The planning proposal includes minor increases in density and zoning changes in the Auburn and Lidcombe town centres. It is noted that these areas are established centres and implementation of remediation measures will be assessed as part of future development applications for sites within these centres as they are proposed to be redeveloped in accordance with SEPP 55.

SEPP (Vegetation in Non-rural Areas) 2017

The SEPP aims to protect the biodiversity values, positive amenity impacts and preservation of trees and other vegetation in non-rural areas. The proposed Cumberland LEP 2021 is consistent with the SEPP. The LEP will retain provisions and mapping aimed to preserve biodiversity, remnant native vegetation as well as riparian lands and watercourses. The removal of identified vegetation will require Council consent as a permit or as development consent through the development application process.

SEPP (Exempt and Complying Development Codes) 2008

This SEPP covers a range of standards related to development which is deemed to be exempt or complying and will continue to apply to Cumberland LGA. The proposed Cumberland LEP 2021 is considered consistent with this SEPP.

Various land uses proposed for inclusion in the LEP as either exempt or complying development were the same or similar to *SEPP (Exempt and Complying Development Codes) 2008* and were therefore not consistent with the Department's policy position and have not been included. In line with the Department's Practice Note 09–001 Exempt and complying development, the proposed Cumberland LEP 2021 Exempt Development Schedule has been amended to only include "markets" from Parramatta LEP 2011, and "security grills, screens or shutters – commercial premises" and "temporary use of land (community events and fundraising events)" from Holroyd LEP 2013. The proposed Cumberland LEP 2021 Complying Development Schedule has been amended to include only "subdivision for dual occupancies" from Holroyd LEP 2013.

4.1.6 Social

Due to the large scale of the proposed changes, it is likely that some areas such as the Auburn and Lidcombe town centres will see an increase in development activity. The provision of community infrastructure to meet community needs and the impact of changing local character should be considered to support the future population, as outlined in this report.

Positive social changes as a result of the planning proposal include allowing of seniors housing in B4 zones which should support more affordable and better located housing for seniors. Also, the amenity of local areas will be protected through greater controls over the location of places of public worship and flexibility of temporary use of land to allow for community events.

4.1.7 Environmental

Open space and tree canopy

The proposed Cumberland LEP 2021 will maintain the open space and tree canopy status and protection of the existing LEPs. The existing LEP controls and mapping of land use zones for recreation, environmental conservation and natural waterways are preserved in the Land Zoning Map, and environmentally sensitive areas (namely ‘biodiversity’ and ‘native remnant vegetation’) are preserved in the Biodiversity Map.

Sustainability

The proposed Cumberland LEP 2021 responds to larger scale environmental considerations such as sustainability and climate change through the implementation of the urban heat clause. It is expected that the LEP will facilitate other strategic responses as part of the Implementation Plan of the Local Strategic Planning Statement in the future.

Hazards

The proposed Cumberland LEP 2021 will maintain the hazard identification and controls of the existing LEPs. In terms of hazards, the Haslams Creek corridor from Berala to Olympic Parklands is a flood prone area. The whole eastern section of Cumberland (both former Parramatta and former Auburn) is considered to have Class 5 or above acid sulfate soils while the whole western section (former Holroyd) is considered to be an area of possible salinity. The proposed Cumberland LEP 2021 has mapped these constraints appropriately and further studies will be required as part of future development applications.

4.1.8 Economic

The economic roles of business and industrial zones are supported through the proposed Cumberland LEP 2021. The prohibition of residential flat buildings in the B2, B4 and B6 zones and ‘open’ zoning in business areas supports a variety of economic activities and will support job growth in the LGA. An increase in B4 Mixed-Use zoning in the Auburn and Lidcombe town centres, from amended adjoining residential zones, will also support business activity. Overall, the planning proposal will support an increase of jobs in local centres.

4.1.9 Infrastructure

The proposed Cumberland LEP 2021 will not create significant additional demand for public infrastructure as it will not result in substantial overall changes to development potential permitted in the Cumberland LGA by the existing LEPs.

5 Post assessment consultation

The Department has consulted with the following stakeholders after the assessment.

Table 4 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	159 maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment D). Council confirmed on 8/10/2021 that it was agreeable with the draft and that the plan should be made (Attachment D) following extensive consultation that occurred during the drafting of the instrument.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 7/10/2021, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the proposed Cumberland LEP 2021 under clause 3.36(2)(a) of the Act because:

- gives effect to the Central City District Plan;
- aligns with Cumberland 2030: Our Local Strategic Planning Statement;
- is inconsistent with section 9.1 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones, but the inconsistencies are considered of minor significance and justified in accordance with the terms of the Directions;
- is consistent with all other relevant Section 9.1 Directions and State Environmental Planning Policies;
- is consistent with the Gateway Determination; and
- addresses issues raised during consultation, and there are no outstanding agency objections to the planning proposal.



Holly Villella
Manager, Central (GPOP)



Christine Gough
Director, Central (GPOP)

Assessment officer

Jorge Alvarez
Senior Planner, Central (GPOP)

Attachments

[**Attachment A – Planning Proposal – August 2020**](#)

[**Attachment B – Gateway Determination – 23 March 2020**](#)

[**Attachment C – Council resolution / Minutes of Council meeting – 15 July 2020**](#)

[**Attachment C1 - Council Post-exhibition Report – 15 July 2020**](#)

[**Attachment D – Clause 3.36\(1\) consultation with Council**](#)

[**Attachment PC – Parliamentary Counsel's Opinion**](#)

[**Attachment LEP – Draft Cumberland LEP 2021**](#)

[**Attachment Maps – Draft LEP maps**](#)