

CUMBERLAND COUNCIL

COUNCIL MEETING
ADDITIONAL ATTACHMENTS

06 NOVEMBER 2019

ADDITIONAL ATTACHMENTS

Item	Name	Page No.
<u>Director Environment & Planning</u>		
C11/19-268	Proposed Introduction and General Controls for Inclusion in the new Cumberland Development Control Plan	
Attachment 1	Development Control Plan - General Controls	7

DOCUMENTS
ASSOCIATED WITH
REPORT C11/19-268

Attachment 1
Development Control Plan -
General Controls



Part A

Introduction and General Controls

Introduction

Recommendation:

- Provide information on a range of items in the introduction, including name and application, purpose of DCP, aims of DCP, relationship to other plans and policies, legislative context and adoption, and structure of DCP.

Current position

- several common elements across the DCPs:
 - name of DCP
 - where the DCP applies
 - relationship to other plans and policies
 - purpose/aims/objectives of the DCP
 - document structure
- DCPs have additional sections:
 - Holroyd – adoption, savings provision.
 - Auburn – adoption, other approvals, how to use DCP.
 - Parramatta – legislative background, terms used.

Key considerations

- introduction sets the overall approach, context of the DCP, and administrative aspects of the plan.



Part A

Introduction and General Controls

Introduction

Mandated development controls

- Nil

Provisions in DCP

- Name and application
- Purpose
- Aims
- Relationship to other plans and policies
- Structure

Purpose: support the new Cumberland LEP by providing more detailed provisions to guide development.

Aims of new Cumberland DCP:

- establish **framework for sustainable land use** and development in Cumberland
- **manage development appropriately** to support redevelopment and reinvestment in Cumberland, with regard to protecting existing residents and wider community; including amenity, culture, and the natural environment
- incorporate new **controls addressing recent and emerging issues** relevant to Cumberland that will better manage development and its future implications



Part A

Introduction and General Controls

DA notification requirements (days)

Recommendation:

- Minimum 14 day notification period **all** development.
- Minimum 7 day notification period for re-notification of applications.
- Notification period for Integrated and Designated development as per State legislation.

Current position

- EPA Act sets out minimum 14 day public exhibition period for most DAs, or as prescribed by Council. Notification for certain development prescribed by State legislation.
- The three DCPs typically rely on the minimum 14 day notification period (particularly Auburn DCP); however, there are types of developments requiring longer notification, and the forms of notification are specified.
- Holroyd DCP requires 21 days notification for certain developments, eg educational establishments in residential areas.
- Parramatta DCP requires 21 days notification for a number of development types, such as any mixed use and RFBs

Key considerations

- Sensitivity and amenity of residents in the vicinity of certain types of developments, and the extent of impacts of some developments.



Part A

Introduction and General Controls

DA notification requirements (days)

Mandated requirements

- *Environmental Planning and Assessment Act* requirements including Division 2.6 and Schedule 1 community participation; plus minimum DA notification periods
- Alignment with Community Participation Plan (Cumberland Community Engagement Strategy)

Additional provisions in DCP

- Minimum 14 day notification period for ***all*** development
- Re-notification period of minimum 7 days



Part A

Introduction and General Controls

DA notification requirements (methods and catchment)

Recommendation:

- Adopt best practice and specific guidelines from each DCP, including properties to be provided notification and methods used for notification.

Current position

- methods of notification for different development types are not consistent across the three DCPs.
- eg: Holroyd DCP – additional notification requirements for educational establishments in residential areas that may impact amenity.
- Auburn and Parramatta DCPs show catchment diagrams from development site, identifying adjacent properties that need to be notified.
- the three DCPs differ in the information to be provided in notification letters.

Key considerations

- define properties considered to be adjoining and adjacent, including across streets, including to provide a diagram to visually clarify.
- specify notification extent for different developments (eg. 2 sites adjoining proposed development).
- specify methods to be used for notification (eg. letter, website, newspaper) by each development type.



Part A

Introduction and General Controls

DA notification requirements (methods and catchment)

Mandated requirements

- requirements of *Environmental Planning and Assessment Act*, including Division 2.6 community participation, and Schedule 1 community participation requirements on minimum notification periods for DAs
- *Environmental Planning and Assessment Regulation 2000* provides requirements for State significant, designated and other advertised development.

Additional provisions in DCP

- Specify what advertised development, state significant and designated development are
- Methodology in identifying properties that are to be notified
- Notification methods by type of development



Part A

Introduction and General Controls

DA submission requirements

Recommendation:

- Adopt Auburn DCP controls on development application submission requirements.

Current position

- Auburn DCP specifies what to submit with each DA.
- Parramatta DCP specifies submission requirements for certain development such as boarding houses and sex services premises.
- Holroyd DCP does not specify submission requirements.

Key considerations

- Specify what type of information must be submitted as part of an application, including those that may be required on a case by case basis e.g. a heritage impact statement



Part A

Introduction and General Controls

DA submission requirements

Mandated requirements

- Meets requirements of *Environmental Planning and Assessment Act*, including Division 2.6 community participation, and Schedule 1 community participation requirements on minimum notification periods for DAs
- Meets requirements of *Environmental Planning and Assessment Regulation 2000* Part 6 Division 1 and Schedule 1 for information to be included in development application

Additional provisions in DCP

- Reference Council's existing DA submission form that must be filled out with each DA submission



Part A

Introduction and General Controls

Site amalgamation and isolated sites

Recommendation:

- Prepare separate section for site amalgamation and isolated sites, including information on Court principles, and process for amalgamation/avoiding site isolation.
- Carry across the existing site amalgamation provisions in Holroyd DCP for land in Merrylands Centre, Toongabbie, Pendle Hill, Wentworthville and Guildford local centres, and the Transitway Precincts.
- Wording to be reviewed to apply to all forms of development, not just residential.

Current position

- Parramatta provides a separate section for amalgamation
- The Holroyd DCP addresses site consolidation for residential generally, as well as specific requirements within the Merrylands Centre, a number of local centres, and the three Transitway precincts.
- Auburn provides some controls, which are combined with residential development controls.

Key considerations

- The Parramatta approach is the clearest, however, consistent terminology must be determined, whether this be 'amalgamation' or 'consolidation' and 'landlocked' or 'isolated' sites.
- Holroyd Town Centre DCP sets out the process for site amalgamation and should be rolled over for these centres.



Part A

Introduction and General Controls

Site amalgamation and isolated sites

Mandated development controls

- Nil

Additional provisions in DCP

- Nil

Site amalgamation objectives – Parramatta DCP (3.7.2)

- encourage site consolidation for multi unit and RFB developments
- encourage development of existing isolated sites – responding to context

Site amalgamation process – Holroyd DCP (part B section 7)

At DA stage, proposals that would result in landlocked/ isolated sites required to:

- provide documentation of reasonable attempt to purchase
- demonstrate how future development on isolated site can be achieved with high quality streetscape



Part A

Introduction and General Controls

Site (residential) subdivision

Recommendation:

- consolidate the Auburn and Holroyd controls into a single set of new controls, ensuring:
 - subdivided sites can achieve reasonable built form outcome
 - land locking or isolation of adjacent sites prevented where possible

Current position

- All DCPs address subdivision in residential sections.
- Auburn and Holroyd DCPs have similar objectives for subdivision of residential lots, but slightly different controls.
- Holroyd and Auburn DCPs include minimum lot dimensions, and encourage variety and choice for industrial accommodations.
- Holroyd DCP includes details controls for battle-axe industrial lots.
- Auburn DCP has subdivision controls for specific sites, local centres, and industrial areas.

Key considerations

- Minimum lot sizes for dual occupancies are being addressed under the current Auburn and Holroyd LEPs.
- To ensure subdivided sites can achieve a reasonable built form outcome.
- To ensure no land locking or isolating of adjacent sites would result.



Part A

Introduction and General Controls

Site (residential) subdivision

Mandated development controls

- Nil

Additional provisions in DCP

Controls focused on:

- ensuring subdivided sites can achieve reasonable built form outcomes
- land locking or isolation of adjacent sites prevented where possible