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**REPORTS TO COUNCIL - FOR COUNCIL DECISION**

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<b>ITEM NUMBER</b>	13.7
<b>SUBJECT</b>	Request to commence public exhibition of the draft Parramatta Development Control Plan (Harmonisation DCP)
<b>REFERENCE</b>	F2022/00105 - D08751655
<b>REPORT OF</b>	Team Leader Strategic Land Use Planning

**CSP THEME:** INNOVATIVE

**WORKSHOP/BRIEFING DATE:** 28 September 2022; 5 October 2022; 19 October 2022; 21 November 2022

**PURPOSE:**

The purpose of this report is to seek Council endorsement for public exhibition of the draft City of Parramatta Development Control Plan (draft DCP) as part of the Land Use Harmonisation Framework. The draft DCP has been prepared to support the draft Parramatta LEP, which has been submitted to the Department of Planning and Environment and is awaiting finalisation.

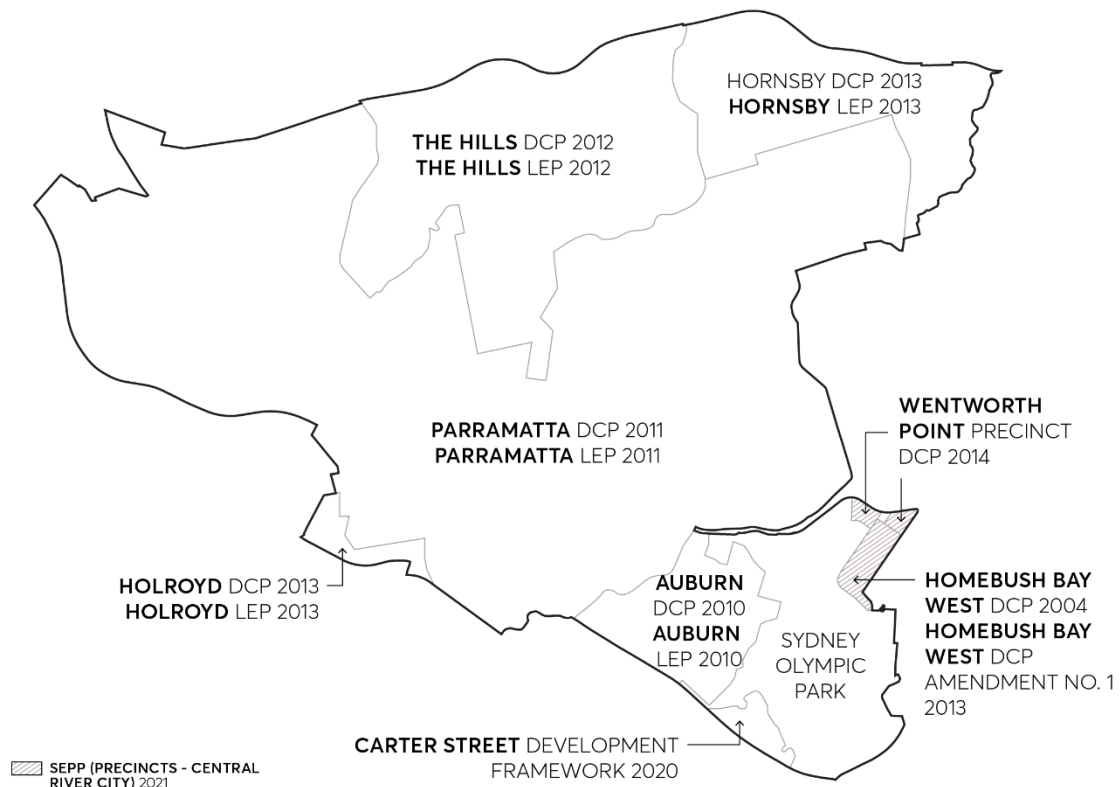
**RECOMMENDATION**

- (a) **That** Council approve the draft City of Parramatta Development Control Plan (draft DCP) at **Attachment 1** for the purposes of public exhibition.
- (b) **That** Council endorse administrative changes to the stand-alone DCPs for Wentworth Point and Homebush Bay West for the purposes of public exhibition. These changes involve:
- removing references to former council LEPs or DCPs that are to be repealed;
  - removing references to former councils as the consent authority; and
  - transferring certain current Auburn DCP controls (which would otherwise disappear when the Auburn DCP is repealed as part of this process) that relate to parking and loading, adaptable housing units and water management to ensure there is no change to the DCP controls that apply in these precincts..
- (c) **That** Council notify all landowners within the City of Parramatta as part of the public exhibition of the draft DCP and the public authorities and stakeholders who made submissions during the public exhibition of the draft Harmonisation Local Environmental Plan or requested to be consulted during previous stages of the Harmonisation project.
- (d) **That** the results of the public exhibition be reported to Council for its consideration.
- (e) **Further, that** Council delegates authority to the Chief Executive Officer to make any changes of a minor, administrative and/or non-policy nature to the DCPs during the finalisation of exhibition documents.

## BACKGROUND

### Council Amalgamations

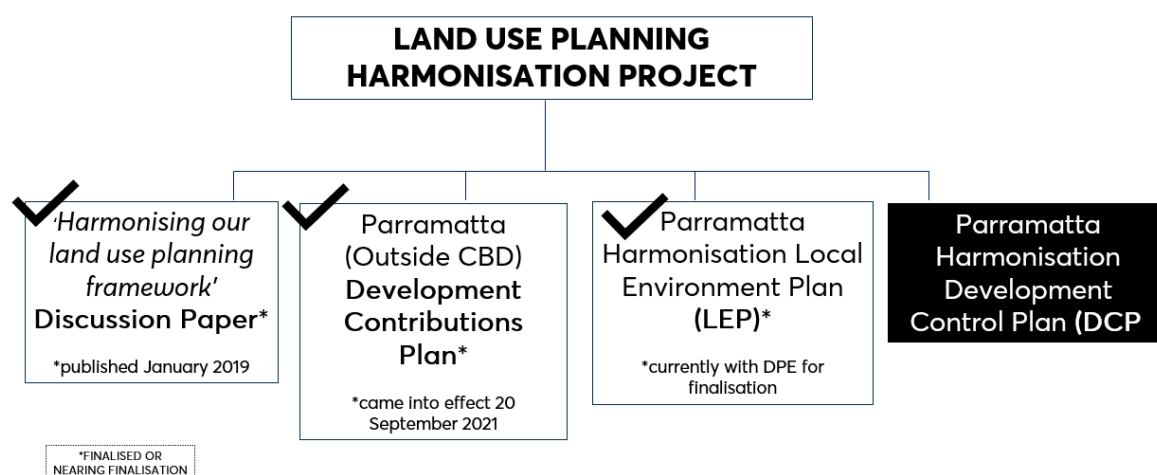
1. In May 2016, the new City of Parramatta (the City) was created from parts of the former council areas of Auburn, Holroyd, Hornsby, Parramatta and The Hills as a part of the council boundary changes.
2. As a result, different land use plans and controls apply to different parts of the City creating an inconsistent and complex policy framework where different planning controls apply in different parts of the City. **Figure 1** shows the LEPs and DCPs applying to the new City.



**Figure 1** - Map showing the LEPs and DCPs resulting from the council boundary changes in May 2016 that currently apply to the City of Parramatta

### Land Use Planning Harmonisation Framework

3. The Land Use Planning Harmonisation Framework (see **Figure 2**) was established to consolidate the following inherited plans:
  - a. Five (5) Local Environmental Plans (LEP);
  - b. Nine (9) Development Contribution Plans; and
  - c. Five (5) Development Control Plans (DCP) (excluding the four stand-alone DCPs managed by the State Government as shown in **Figure 1**).



**Figure 2 – Land Use Planning Harmonisation Framework**

4. Council prepared the Land Use Planning Harmonisation Discussion Paper (Discussion Paper) as the first stage of the harmonisation review process. The Discussion Paper identified the differences between the existing LEPs and DCPs that currently apply in the City and suggested options for how local planning controls could be consolidated (or 'harmonised').
5. Council endorsed the Discussion Paper on 26 November 2018 and placed it on public exhibition from 21 January to 4 March 2019 for the community to comment on the proposed direction for the harmonisation process.

#### *Draft Harmonisation Local Environmental Plan*

6. Following feedback from the community, the Discussion Paper informed the policy direction for the draft Harmonisation LEP Planning Proposal. This consolidated the five LEPs applying to the City to produce one LEP for the City.
7. Following the receipt of a Gateway Determination in April 2020 (and subsequent public exhibition) the Harmonisation LEP was endorsed by Council in July 2021 and sent to the DPE for finalisation as shown in **Figure 2**.
8. Council staff have been working with DPE to finalise the legal drafting of the new consolidated LEP which is expected to come into force in the coming months. The draft Harmonisation DCP (the subject of this report) is critical in supporting the implementation of the new LEP.

#### *Harmonisation Development Contribution Plan*

9. The Parramatta (Outside CBD) Development Contributions Plan was finalised and adopted in September 2021 and consolidated the nine separate development contributions plans applying to the new City (excluding the Parramatta CBD and Sydney Olympic Park).

#### *Harmonisation Development Control Plan*

10. As shown in **Figure 2** above, the Harmonisation DCP is the final component of the Land Use Planning Harmonisation Framework.

11. The draft DCP found in **Attachment 1** is the subject of this report and has been prepared by City Planning and Design with input from specialist staff across multiple directorates at Council.

## SCOPE & METHODOLOGY

### Former Council DCPs

12. The overarching scope for the draft Harmonisation DCP (draft DCP) is largely administrative and aims to consolidate and rationalise existing policy from the five former Council DCPs to deliver one set of planning objectives and controls for the new City of Parramatta. The draft DCP seeks to consolidate the following former Council DCPs:
  - a) Parramatta DCP 2011,
  - b) Holroyd DCP 2013,
  - c) The Hills DCP 2012,
  - d) Hornsby DCP 2013 and
  - e) Auburn DCP 2010
13. **Figure 1** above shows the five former Council DCPs listed above that currently apply to the City of Parramatta.
14. Like the Harmonisation LEP, the Discussion Paper informed the policy direction for the draft Harmonisation DCP. **Attachment 2** builds on the Discussion Paper and provides a direct 'line of sight' between the Discussion Paper recommendation and the draft Harmonisation DCP controls and approach. Particularly **Attachment 2** outlines the following per theme:
  - a. summary of key differences across the five DCPs,
  - b. Discussion Paper recommendation,
  - c. draft Harmonisation DCP approach.
15. Council staff have identified as part of the Harmonisation review process that due to key differences across the five DCPs; changes to policy at a state level; and industry benchmarks, some policy improvements and/or additions were needed to ensure the harmonised controls are robust, sophisticated, best practice, and fit for purpose for the City of Parramatta.
16. These policy improvements and/or additions are outlined below under 'Policy Changes'.
17. In addition, a number of non-policy, administrative (or 'housekeeping') amendments were also made as part of the harmonisation process. These include (but not limited to):
  - a. updating references to legislation and SEPPs,

- b. updating figures to improve legibility,
- c. converting principles into either an objective or control,
- d. amending the structure (as discussed below under 'Draft DCP Structure').

### **State Government 'standalone' DCPs**

18. In addition to the five former Council DCPs, **Figure 2** above shows the four standalone DCPs managed by the State Government that do not form part of the draft Harmonisation DCP:
  - a. Homebush Bay West DCP 2004 – Volume 1 & Volume 2
  - b. Homebush Bay West DCP (Amendment 1) 2013
  - c. Wentworth Point DCP (Amendment 1) 2014
  - d. Carter Street Development Framework 2020
19. These DCPs continue to remain as 'stand-alone' DCPs. They are part of State Government initiated policy frameworks and support State policy including *State Environmental Planning Policy (Precincts – Central River City)* which absorbed SREP 24 – Homebush Bay. The integration of these DCPs into the draft DCP is not appropriate as they are precinct specific detailed controls that are difficult to integrate into the DCP. In addition, the Homebush Bay/Wentworth Point DCP's involve precincts where there is a limited number of remaining sites. Once these remaining sites are developed the DCP controls will have little on-going value and so there is minimal value in including/retaining them in the harmonised DCP in the longer term.
20. However, administrative 'non-policy' changes are proposed to the Homebush Bay West and Wentworth Point DCPs to be reflective of the council boundary changes. These administrative changes include:
  - a. replacing references to the former Auburn City Council (which is referenced as the consent authority) to the City of Parramatta;
  - b. replacing references to the Auburn LEP which will be superseded by the new Parramatta LEP;
  - c. transferring controls referenced within the Auburn DCP (which will be superseded by the implementation of the new Parramatta DCP) that relate to parking and loading, adaptable housing units and water management into Wentworth Point DCP to retain the existing policy framework for the precinct;
  - d. other changes as needed to retain existing policy.

### **POLICY CHANGES**

21. As explained above under 'Scope and Methodology', the scope for the draft DCP (**Attachment 1**) is the consolidation of existing policy from the five former Council DCPs. However, there are some policy areas that extend beyond strict consolidation and propose new policy to ensure the harmonised controls are robust, best practice, and fit for purpose for the City of Parramatta.
22. These policy areas are outlined below, with **Attachment 3** providing an explanation of the new policy and justification for its suitability as part of the Harmonisation DCP process.

### **Dual occupancy development**

23. New building envelope, landscaping, and design controls to improve bulk and scale and development outcomes for dual occupancy development across the City. This followed a review of the current development outcomes and aim to address the key issues arising with dual occupancy development under the current controls.
24. A more detailed summary of dual occupancy provisions are contained in **Attachment 3**, and the controls in their entirety can be found in Part 3 Residential Controls – Section 3.3.2 in **Attachment 1**.

### **Manor Houses and Terraces**

25. New controls have been prepared for Manor Houses and Terraces (which are permitted only in R3 and R4 areas) to support these land uses introduced under Part 3B Low Rise Housing Diversity Code in Codes SEPP. Due to the absence of controls for these typologies within the existing five DCPs, the Discussion Paper recommended development controls be prepared to support the design and planning for these uses.
26. A more detailed summary of the manor house and terrace controls are contained in **Attachment 3**, and the controls in their entirety can be found in Part 3 Residential Controls – Section 3.4.3 and Section 3.4.2 in **Attachment 1**.

### **Tree Preservation and Management**

27. Following Council's resolution of 26 April 2022 to review Council's tree preservation and management controls as part of the preparation of the draft DCP, the controls have been updated to:
  - a. Strike a balance between allowing new development and preserving the well-established tree coverage to protect the amenity.
  - b. Better protect the trees that contribute the most tree canopy and amenity.
  - c. Offer additional protection to special areas without being onerous and impractical.
  - d. Ensure controls can be practically applied to manage compliance and expectations.

28. A more detailed summary of tree preservation and management controls are contained in **Attachment 3**, and the controls in their entirety can be found in Part 5 Environmental Management – Section 5.3.4 in **Attachment 1**.

### Environmental Performance

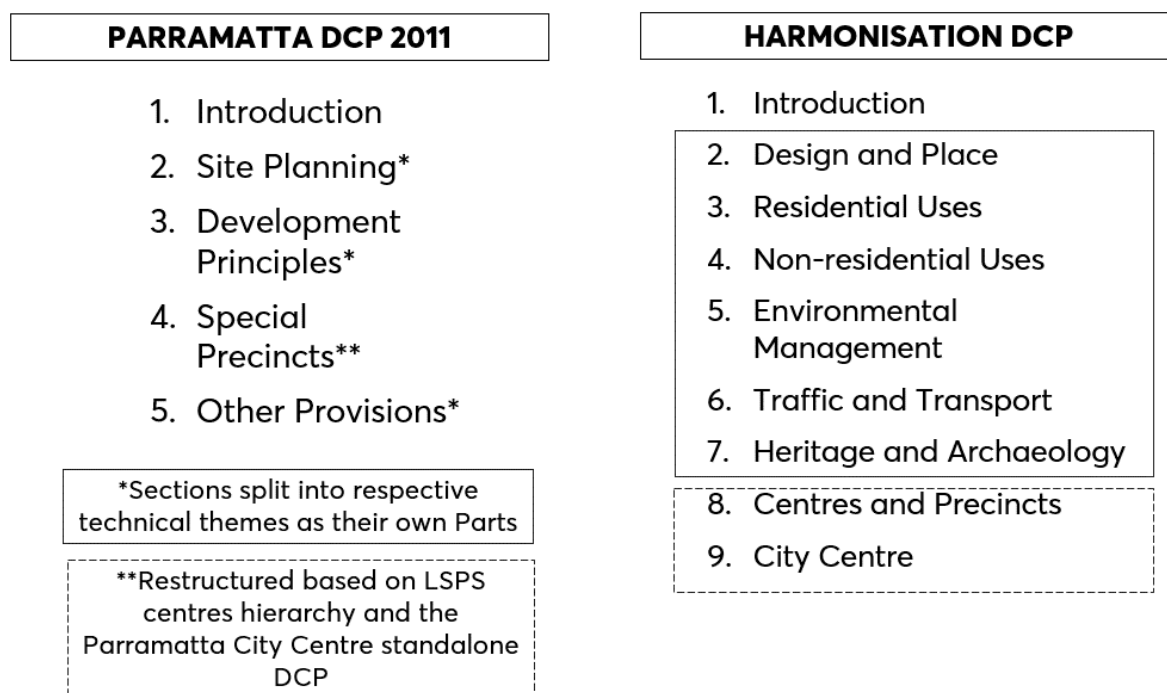
29. As part of the harmonisation process, Council officers undertook a review of environmental performance provisions. As recommended by the Discussion Paper, the draft DCP proposes controls to reflect the building performance controls contained within the Parramatta City Centre DCP relating to energy and water efficiency. This is to ensure controls respond to industry benchmarks and legislative updates.
30. A more detailed summary of environmental performance controls are contained in **Attachment 3**, and the controls in their entirety can be found in Part 5 Environmental Management – Section 5.4 in **Attachment 1**.

### Electric Vehicles

31. The transition to electric vehicles and the phasing out of fossil fuel use are key strategies to reduce emissions and move to a low carbon future. Draft EV controls have been prepared with consideration to the existing controls within the City Centre DCP and prepared in consultation with Council's City Strategy team. Detail on the controls are contained in **Attachment 3**, and will help support the new City of Parramatta's transition towards more sustainable travel.
32. A more detailed summary of Electric Vehicle controls are contained in **Attachment 3**, and the controls in their entirety can be found in Part 6 Traffic and Transport – Section 6.2.3 in **Attachment 1**.

### DRAFT DCP STRUCTURE

33. Council staff reviewed the structure of the five DCPs applicable to the City of Parramatta as part of the harmonisation review process and identified a number of differences to the way policies and planning themes were grouped and ordered within the DCPs.
34. Unlike the Standard Instrument for LEPs released by the State Government, there is currently no standard template for DCPs across New South Wales. DPE exhibited a discussion paper on a standard DCP template in 2018/2019 however this did not progress. Whilst the standard template did not progress, Council staff considered the standard template as part of the harmonisation process and preparation of the draft DCP. Some elements, for example grouping controls by themes, were progressed into the draft DCP.
35. **Figure 3** compares the current Parramatta DCP 2011 to the proposed draft Harmonisation DCP. The Parramatta DCP has been chosen because it is the DCP that applies to the greatest proportion of the current LGA. The draft Harmonisation DCP has taken a theme-based approach to improve functionality and group relevant policies together to assist in the navigation of controls and policies compared to the current Parramatta DCP 2011 where controls for the same theme are divided throughout the DCP.



**Figure 3** – Comparison of Parramatta DCP 2011 and draft Harmonisation DCP

36. A theme-based approach will assist both the applicant in preparing and Council in assessing Development Applications.
37. **Attachment 4** provides further detail on the content of each part of the DCP and the approach taken as part of the Harmonisation process.

## ENGAGEMENT STRATEGY FOR PUBLIC EXHIBITION

38. The engagement strategy for the exhibition of the draft Parramatta DCP has been prepared consistent with Council's current *Community Engagement Strategy* (December 2019) as well as the statutory requirements under the *EP&A Act 1979* for DCPs. The engagement strategy will be delivered with assistance from Council's City Engagement Team and involves the following elements:
- 28 day exhibition period;
  - Frequently asked questions (FAQs);
  - Community Summary Sheet;
  - Public notices and social media;
  - Notification email to contacts on the Land Use Harmonisation Framework Contact List;
  - Webpage promotion on: the Land Use Harmonisation Framework webpages; and a new Participate Parramatta and temporary 'On exhibition' webpages will be created;
  - Online submission portal and formal submission process;



- h. Letters to Public Authorities listed in recommendation; and
  - i. Opportunities for stakeholders to speak to a Council Officer via phone calls referred to as 'Phone a Planner' sessions
39. It is recommended that Council notify (via letter) all landowners within the City of Parramatta of the public exhibition of the draft DCP. This is to ensure all landowners have the opportunity to review the draft DCP and supporting exhibition material and provide feedback.
40. It is also recommended that the public authorities and stakeholders consulted during the public exhibition of the draft Harmonisation LEP also be consulted via letter or email of the public exhibition.
41. Any stakeholder who made a submission as part of the exhibition process for the Discussion Paper and Harmonisation LEP (which form part of the Land Use Harmonisation Framework) will also be notified of the public exhibition, as well as any stakeholder on the Land Use Harmonisation Framework Contact List. The stakeholders include residents and individuals, developers, landowners and community interest groups. This will provide submitters with an opportunity to be consulted with as part of this process.

## CONSULTATION & TIMING

42. Council staff briefed Councillors on the general approach to the draft DCP and specific policy matters across four workshops as per the table below. The focus of the workshops were based on areas of the draft DCP that extended beyond strictly consolidating existing policy, and presented some policy change. The focus of the workshops align with the key policy changes outlined above in 'Policy Changes'.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Councillor workshop: 28 September 2022  <i>General introduction and Tree Preservation and Management</i>	ALL except Cllr Esber, Cllr Garrard, Cllr Green	Raised questions and provided feedback in relation to tree canopy cover, existing controls in Hornsby DCP, tree removal controls, review of 'Areas of Special Significance' and review offsetting for tree removal.	Responses provided at Councillor Workshop held on 19 October 2022.	Group Manager Strategic Land Use Planning
Councillor workshop: 5 October 2022	Cllr Bradley, Cllr Davis, Cllr Green, Cllr Humphries, Cllr Pandey, Cllr Prociv,	Information requested on Council's enforcement powers in relation to complaints about dual occupancy	Matters relating to enforcement issues have been referred to Council's Regulatory	Group Manager Strategic Land Use Planning

<i>Dual Occupancy Development Controls</i>	Cllr Valjak, Cllr Wang, Cllr Wearne	development certified under the Complying Development Certificate process.  Councillor Green requested a briefing on why Dual Occupancy is permitted in the South Parramatta HCA.	services team and to be dealt with separate from the DCP.  An email to Councillor Green has also been sent to respond to the enquiry regarding dual occupancy development within the South Parramatta HCA.	
Councillor Workshop:  19 October 2022  <i>Water Management and General overview of other policy changes relating to Environmental Performance, EV controls, and Manor Houses and Terraces</i>	ALL except Cllr Prociv and Cllr Valjak	Raised questions and requested an update on the Environmental Zones and how they were dealt with in Harmonisation LEP.	Email response provided to Councillor.	Group Manager Strategic Land Use Planning

## Timing

43. The draft DCP controls will be exhibited for a 28-day exhibition period in accordance with the above engagement approach with a report back to Council anticipated by mid-2023 on the outcome of the exhibition and whether any changes are required in response to feedback received.
44. Given the time taken to prepare for a consultation of this scale it will not be possible to commence exhibition prior to the Christmas/New Year exclusion period between 20 December and 10 January (inclusive) as stipulated by the current Community Engagement Strategy (December 2019). For this reason it

is expected that the exhibition will commence in late January or early February 2023.

45. Should the draft LEP come into effect ahead of the adoption of the draft DCP, the existing DCPs will continue to apply until Council approve the draft DCP for finalisation.

## **SAVINGS AND TRANSITIONAL ARRANGEMENTS**

46. It is recommended that Council adopt savings and transitional arrangements in relation to the current DCPs and the draft DCP once placed on exhibition.
47. It is recommended that the following arrangements be adopted for inclusion in the Introduction section of the new DCP:

*If a development application has been lodged before the commencement of the draft DCP in relation to land to which the draft DCP applies, and the development application has not been finally determined before the commencement of the draft DCP, the development application must be determined as if the draft DCP had not commenced.*

48. This is to assist with managing the development assessment process for development applications during the transition between the current five DCPs and the new consolidated draft DCP coming into effect.

## **CONSISTENCY WITH LOCAL STRATEGIC PLANNING STATEMENT**

49. The City of Parramatta's *Local Strategic Planning Statement (LSPS) "City Plan 2036"* came into effect on 31 March 2020. The LSPS sets out the 20-year land use planning vision for the City of Parramatta local government area (LGA) and responds to broader priorities identified in the Central City District Plan and Council's Community Strategic Plan. The planning priorities are supported by policy directions and actions to guide future changes to the City's land use planning controls.
50. Council's policy direction for the 'new' City of Parramatta will be clearer and deliver on Council's Local Strategic Planning Statement (LSPS) intention to: *"improve the development application assessment process and provide a level of consistency in the planning framework"* in the City for stakeholders (p.24 LSPS). The draft DCP will complement the provisions in the new, harmonised LEP for the City of Parramatta and will create a clear set of development controls consistent with long term strategic directions.

## **LEGAL IMPLICATIONS FOR COUNCIL**

51. There are no legal implications for Council associated with this report. The proposed Engagement Strategy is consistent with the requirements in the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Council's Community Engagement Strategy (December 2019).

## **FINANCIAL IMPLICATIONS FOR COUNCIL**

52. Costs associated with the public exhibition of the draft DCP are fully funded from the City Planning and Design budget.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>				
<b>Funding Source</b>	N/A			
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	Nil			
<b>Funding Source</b>	N/A			
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	Nil			

## NEXT STEPS

53. It is recommended that Council approve the draft DCP found in **Attachment 1** for the purposes of public exhibition to:
- Support the draft LEP that is soon to be finalised and deliver consolidated objectives and controls for the new City of Parramatta.
  - Complete the Land Use Planning Harmonisation Framework (with the draft DCP being the final planning instrument to be consolidated post council amalgamations)
54. Should Council approve the draft DCP for the purposes of public exhibition, the next steps include:
- Exhibiting the draft DCP and consultation material in accordance with the engagement approach above.
  - Review submissions and report back to Council on the outcomes of the public exhibition, and request Council to adopt the DCP (subject to any amendments and whether they trigger re-exhibition of the DCP).

55. Any matters that are raised during the exhibition period and identified as matters outside of the project scope are anticipated to be dealt with as part of a future review, following approval of the DCP.

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Jennifer Concato

**Executive Director City Planning and Design**




John Angilley

**Chief Financial and Information Officer**

Bryan Hynes

**Acting Chief Executive Officer**

#### **ATTACHMENTS:**

<b>1</b>	Draft Parramatta Development Control Plan (DCP) (separately enclosed)	1030 Pages
<b>2</b> 	Summary of draft City of Parramatta DCP and response to Discussion Paper recommendations	51 Pages
<b>3</b> 	Key Policy Matters	9 Pages
<b>4</b> 	Table of proposed DCP Structure, Key Features, and Changes	11 Pages

#### **REFERENCE MATERIAL**