

## ATTACHMENT 3 – Key Policy Matters

The scope of the harmonisation DCP process 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, reflect best practice, and are fit for purpose for the City of Parramatta.

These policy areas and the recommended controls are explained below, along with a justification for their suitability as part of the harmonisation DCP process.

Policy	Summary
<p><b>Dual Occupancy</b></p> <p><b>Part 3 Residential Uses</b></p> <p><b>Section 3.3.2</b></p>	<p>The introduction of Exempt and Complying Development Codes SEPP (Codes SEPP) allows dual occupancy development to be delivered via a complying development process administered by a private certifier has resulted in dual occupancy development being assessed and delivered under two development pathways:</p> <ol style="list-style-type: none"> <li>1. Development Application (DA) that uses a merit-based assessment by Council against LEP and DCP controls</li> <li>2. Complying Development Certificate issued by Private Certifiers (or Council) assessed using Part 3B Codes SEPP that circumvents Council’s DA process and development controls.</li> </ol> <p>Since Part 3B came into effect in July 2020, approximately 50% of dual occupancies are approved via CDC and 50% approved via the DA process.</p> <p>As part of the Harmonisation review process, Council staff identified differences in the dual occupancy controls from the five DCPs (plus the application of the CDC process). This review found that the built form and design of dual occupancies are out of character with the scale and amenity of neighbourhoods with the key design issues as follows:</p> <ul style="list-style-type: none"> <li>• buildings that appear out of scale with their site and context,</li> <li>• dominant garages and driveways,</li> <li>• insufficient landscaping and deep soil to support tree planting,</li> <li>• poor street frontage design including a lack of articulation and poorly defined entries, and</li> <li>• a lack of tailored guidance for sloping sites and corner lots.</li> </ul> <p>As the Codes SEPP is managed by the State Government, Council on 12 September 2022 resolved to advocate for changes to the Codes SEPP to improve design outcomes for dual occupancy development as part of the LGNSW Annual Conference.</p> <p>Council subsequently reviewed its DCP controls for dual occupancy development as part of the harmonisation process to help ensure Council’s controls deliver development that is sympathetic to neighbourhoods, mitigates impacts on character and amenity, and delivers quality design outcomes.</p> <p>Council’s City Design team tested different site configurations to prepare a suite of design and built form controls responsive to the low-density neighbourhoods of the new City of Parramatta. The controls have been prepared to address the</p>

key design issues observed in both CDC and DA approved dual occupancy developments and are summarised below by issue:

**Building bulk and scale**

Current controls: Tend to encourage all levels of the dual occupancy being built to the front setback; a dominant vertical articulation; and a lack of separation between neighbouring lots.

Draft controls: Aim to deliver an improved design response by requiring buildings to set back the upper storey; for garages to be set back from the building line; and for building facades to be stepped to avoid long wall lengths.

**Dominant garages and driveways**

Current controls: allow for excessive widths of garages and driveways; third storey semi-underground garages; shared driveways at different finished ground levels; and retaining walls or fences along the centreline of driveways.

Draft controls: Aim to deliver an improved design response by requiring split driveways to minimise apparent appearance of hardscaping; utilising centralised landscaping to soften the appearance of the building from the street; and using split driveways to better respond to sloping sites.

**Insufficient landscaping, tree planting and deep soil**

Current controls: Often result in front yards being dominated by hardscaping; landscaping is reduced to small boundary planters or strips of lawn; lack of tree planting or tree removal; and separate driveways and pedestrian paths that reduce potential for deep soil.

Draft controls: Aim to deliver an improved design response by centralising and consolidating deep soil spaces to promote planting; retaining existing mature trees; and using driveways (or pervious surfaces such as grass) as pedestrian paths.

**Poor street frontage design**

Current controls: Allow for poorly defined dwelling entries; lack of habitable rooms looking onto the street; poor articulation of street facades; and mirrored designs that do not respond to the context of the street.

Draft controls: Aim to deliver an improved design response by delivering a varied roof form to break up the building massing; separating dwellings better through the use of a recess over a blade wall; not allowing the mirroring of the building across both dwellings of the dual occupancy; and the use of porches or porticos to mark the dwelling entry.

Additionally, new controls have been introduced to guide appropriate development outcomes on challenging sites such as sloping sites, cul-de-sac and corner lots.

**Refer to Part 3 Residential Uses, section 3.3.2 for the proposed provisions.**

The overall intended outcome of the draft new controls is to provide guidance that encourages new development that is compatible with its surrounding context and minimises the impact on the environmental amenity afforded to a low-density environment. It is considered that the tailored controls prepared as part

	<p>of the harmonisation process will help address the current design issues observed across the City and promote good design into the future.</p>
<p><b>Manor Houses and Terrace Houses</b></p> <p><b>Part 3 Residential Uses</b></p> <p><b>Section 3.4.3 and 3.4.2</b></p>	<p>Consistent with the recommendations of the Discussion Paper, new controls have been prepared for Manor Houses and Terraces (only for R3 and R4) to support these land uses introduced under Part 3B Low Rise Housing Diversity Code in Codes SEPP.</p> <p>Like dual occupancy development, Manor Houses and Terraces can be delivered under two development pathways: Development Application (DA) or Complying Development Certificate (as described above). The DA process involves an assessment against the controls within the DCP, and the CDC process requires compliance in full with the provisions of the Codes SEPP.</p> <p>As there are two design frameworks that Manor Houses and Terraces can be assessed and delivered under, the proposed CoP DCP controls have been drafted with reference to the Codes SEPP to help deliver more consistent built form outcomes across the City. In other words, the draft CoP DCP has been prepared to minimise obvious differences in the design and development outcomes between CDC and DA approved Manor Houses and Terraces. As the CoP DCP is performance based, where necessary, the controls contained in this DCP have been adapted from the Codes SEPP to better respond to the context of the City. In addition, numerical controls are supported by clear design objectives to support development outcomes that are compatible with the surrounding streetscape character.</p> <p>Controls that vary from the Codes SEPP have been prepared to address the following in the context of Parramatta:</p> <ul style="list-style-type: none"> <li>- Streetscape and building design</li> <li>- Building envelope and massing (i.e. street setbacks, modulation, building width and depth)</li> <li>- Deep soil, landscaping and private open space per dwelling</li> <li>- Parking and site access</li> <li>- Design guidance for corner sites and sloping sites to address street character</li> </ul> <p><b>Refer to Part 3 Residential Uses, Section 3.4.3 and 3.4.2 respectively for the proposed provisions.</b></p>
<p><b>Tree Preservation</b></p> <p><b>Part 5 Environmental Management</b></p> <p><b>Section 5.3.4</b></p>	<p>The draft CoP DCP controls build on the recommendations of the Harmonisation Discussion Paper (i.e. the Parramatta and Hornsby DCP controls), and have been amended following a detailed review carried out by Council Officers in response to the Council Resolution from 26 April 2022 that stated the following:</p> <p><i>That Council review its tree preservation and management controls as part of the preparation of the Draft Harmonisation Development Control Plan (DCP) to ensure they properly provide for the protection of trees within the City of Parramatta</i></p> <p>As the City grows, new development has and will continue to put pressure on the retention of mature trees and green corridors. The draft controls have been developed to strike a balance between allowing new development and preserving the well-established tree coverage to protect the amenity, character</p>

and liveability of neighbourhoods. The proposed controls also considered the practicality and interpretation of the controls, which will assist in managing compliance and community expectations around preservation.

### **Key controls**

The draft CoP DCP requires written consent (via Development Application or Tree Permit Application) for works to the following trees:

**1. Any tree or palm - whether indigenous, endemic, exotic or introduced species with a height equal to or exceeding five (5) metres.**

This retains the Parramatta (as recommended by the Discussion Paper) and is considered to protect trees that contribute to canopy cover. In addition, a height only threshold can be administered consistently as height is captured by survey plans and communicated easily to the public.

Council officers reviewed the possibility of including a canopy spread and trunk diameter as part of this control. However, it was determined that the controls would be difficult to apply practically as they are difficult to measure and monitor; create confusion within the community; and deliver a more onerous control with little benefit as protecting trees with a minimum canopy spread/trunk width when under 5m has a minimal contribution to canopy cover.

**2. Any tree, bushland, or mangrove vegetation located on public land, irrespective of size**

This retains the Parramatta PDCP 2011 threshold.

**3. Any tree that is or forms part of an Aboriginal object, or that is within an Aboriginal place of heritage significance (existing in PDCP 2011), or that is located on land mapped 'high sensitivity' on the Aboriginal sensitivity map (added as part of Harmonisation process).**

This retains the Parramatta PDCP 2011 threshold that requires development approval for works to any tree or plant irrespective of size that is an Aboriginal place of heritage significance. The draft CoP DCP proposes the same level of protection for land with high Aboriginal sensitivity to increase protection to these areas.

**4. Any tree with a height equal to or exceeding three (3) metres or any tree capable of growing to a height of 3 metres (where the tree with a height less than 3 metres has been intentionally planted):**

- **that is or forms part of a heritage item, or that is within a heritage conservation area (existing in PDCP 2011),**
- **that is located within a Special Character Area as defined by this DCP (added as part of Harmonisation process),**

This amends the Discussion Paper recommendation which includes the current Parramatta DCP 2011 control that requires development approval for works to any tree or plant irrespective of size with a HCA, heritage item, and Aboriginal place of heritage significance.

Upon review, council officers consider this impractical, and difficult to apply and enforce, as strict application of this control means development approval is needed to trim hedges, remove annuals and mow grass. The control is onerous with little benefit in protecting canopy trees. It also results in surplus Development Applications, is resource intensive, and cost prohibitive to residents due to lodgement fees and advertising fees.

Replacing 'any tree or plant irrespective of size' with 'any tree with a height equal to or exceeding three (3) metres or any tree capable of growing to a height of 3 metres (where the tree with a height less than 3 metres has been intentionally planted)' will deliver additional protection within special areas (i.e. 3m vs 5m) without development approval for works to small plants and shrubs. This will allow gardens to be maintained, while protecting amenity, and importantly, canopy trees.

The inclusion of 'intentionally planted' in the threshold for Heritage Conservation Areas (HCAs) and Special Character Areas (SCAs) was considered an appropriate way to address self-sown tree saplings that are capable of growing to 3m or more.

Council officers considered the implications of the proposed wording regarding self-sown tree saplings and identify three options for how a tree is defined within HCAs and other special areas:

- a) Any tree with a potential to grow to height greater than 3m
- b) Any tree with a height greater than 3m
- c) Any tree with a height greater than 3m or the potential to grow to height greater than 3m that was intentionally planted.

Option c) was considered appropriate in managing self-sown tree saplings within HCAs and special areas to ensure suitable protection is offered to these areas of the City.

#### **5. Vegetation on land identified as 'Biodiversity' on the City of Parramatta LEP 2022 Natural Resources Map.**

This is consistent with the recommendations of the Discussion Paper, and is a requirement of the Biodiversity Conservation Act 2016 and Biodiversity and Conservation SEPP 2021

#### **Other changes**

A number of other changes are proposed to the DCP to improve protection and management of trees. These are outlined below:

#### **Exemptions removed to protect more trees (i.e. consent required)**

To support tree canopy cover, the following are no longer exemptions and require consent:

- Tree works to any tree on the *NSW Biosecurity Act 2015*. Some trees on this list offer significant contribution to canopy (e.g. Camphor Laurel) and are proposed to not be exempt in order to increase protection of canopy cover.

- Tree works on a tree where the trunk of the tree at ground level is within 3 metres of legally constructed building, carport, or swimming pool. This is to offer additional protection to trees on private land and further helps protect canopy cover. However, it is noted that the CDC process allows tree removal for these trees.
- Removal of some species from the exempt tree species list. This means more tree species requires work approval and will assist in canopy protection.

### **Inclusion of additional objectives and controls**

In line with Council's Community Strategic Plan and Environmental Sustainability Strategy, the following objectives have been added to help achieve Council's green targets:

- To protect native fauna habitat.
- To provide deep soil areas for canopy trees and vegetation planting.

These are implemented by amending landscaping controls to increase the soil depth required for a landscaping area from 1.0m to 1.2m. This will help support larger tree plantings and deliver deep soil zones capable of accommodating trees to meet Council's tree canopy targets. This is also consistent with the Apartment Design Guidelines requirements for deep soil.

### **Administrative amendments**

- A table outlining the type of tree applications required has been introduced to remove any ambiguity and make the section clearer for those seeking to undertake works. The table was modelled off the table currently used within the Hornsby DCP, and explicitly outlines Council's interpretation of major and minor tree works.
- Reference to State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017 was replaced with State Environmental Planning Policy (Biodiversity and Conservation) 2021, and other general updates to standards and policies referenced.

The draft recommended controls are considered to:

- Protect the trees that contribute the most tree canopy and amenity
- Offer additional protection to special areas without controls being onerous and impractical
- Strike a balance between protecting tree canopy cover and not placing an unreasonable burden by requiring approval for tree works on minor vegetation that does not significantly contribute to canopy cover and heritage values & amenity.
- Deliver controls that can practically be applied and interpreted which will assist in managing compliance and community expectations.

	<ul style="list-style-type: none"> <li>Respond to learnings from previous approaches to tree management from the last decade (i.e. the strict and conservative controls in 2011 vs less restrictive controls in 2015) to deliver a well-considered, practical framework.</li> </ul> <p><b>Refer to Part 5 Environmental Management – Section 5.3.4 of the draft DCP for the controls in Attachment 1.</b></p>
<p><b>Environmental Performance</b></p> <p><b>Part 5 Environmental Management</b></p> <p><b>Section 5.4</b></p>	<p>Consistent with the recommendations from the Discussion Paper, Council officers have undertaken a review of the environmental performance provisions within the draft DCP to reflect industry standard and legislation updates.</p> <p>The draft DCP proposes to update the controls to reflect the Parramatta City Centre DCP that respond to industry benchmarks in building performance, efficiency, and sustainability. Whilst this is new policy for broader City, it will ensure there is a consistent approach to environmental performance across the whole LGA - not just in the City Centre. As part of the harmonisation process, Council officers considered the suitability of applying the Parramatta City Centre controls across the whole City and where required have adapted the controls to respond to the context of the wider LGA (that includes a mixture of low, medium and high density development).</p> <p>The draft DCP controls have been drafted with the intent to reduce reliance on the main energy grid and reduce energy bills and the whole of life cost of energy services. The current <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> requires all 'large commercial' buildings to minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</p> <p>In line with the intent of the SEPP, the draft DCP proposes that:</p> <ul style="list-style-type: none"> <li>all new commercial development and non-residential development that is State Significant development are to use only electricity (grid provided and on-site renewables) for all energy requirements associated with normal operations. <ul style="list-style-type: none"> <li><i>Noting that where an intended use requires a process or equipment that is not able to be served by electricity, fossil fuels may be provided to service that service only.</i></li> </ul> </li> </ul> <p>The draft DCP also proposes energy and water efficiency targets for non-residential development like those required by the Parramatta City Centre DCP. A Green Star certification requirement for industrial development has been introduced, as industrial development is not covered by the NABERS rating system.</p> <p>In addition, existing controls have been refined to ensure they are practical and allow for adequate future environmentally sustainable infrastructure within buildings. Proposed onsite water capture and reuse requirements that relate to Water Sensitive Urban Design (WSUD) are proposed where BASIX does not already require them.</p> <p>Comprehensive requirements have also been proposed to reduce new developments' contribution to urban heat. The controls will require the reduction of heat created from things such as:</p>

	<ul style="list-style-type: none"> <li>• Roof surfaces</li> <li>• Open space,</li> <li>• Facades,</li> <li>• Reflectivity/glare,</li> <li>• Heating cooling systems.</li> </ul> <p>The urban heat controls are intended to apply to high density development such as residential development that is 3 storeys or more (aligned with the threshold that triggers development to comply with the NSW Department of Planning and Environment Apartment Design Guide), and higher density non-residential uses outlined in the controls.</p> <p><b>Refer to Part 5 Environmental Management – Section 5.4 of the draft DCP for the controls in Attachment 1.</b></p>
<p><b>Electric Vehicle Controls</b></p> <p><b>Part 6 Traffic and Transport</b></p> <p><b>Section 6.1.3</b></p>	<p>As the uptake of electric vehicles (EV) has increased across Australia, several councils (including the City of Newcastle) are proposing controls within their respective planning frameworks to require infrastructure for electric vehicles. This is to support the community’s transition towards more sustainable transport and reduce the need to retrofit EV infrastructure in the future.</p> <p>Requiring EV infrastructure delivery through the planning framework, such as a DCP, will help ensure new development is fit for the future and EV ready. Without this essential infrastructure, the future installation of charging facilities by an apartment owner can be much more expensive and, in some cases, technically impossible.</p> <p>In the context of the City of Parramatta, the Parramatta City Centre DCP and other precinct DCPs such as Melrose Park and Telopea, already contain controls relating to electric vehicles.</p> <p>As 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, the harmonisation process considered the suitability of implementing EV controls across the remainder of the LGA. Whilst this is a new policy area for the broader City, it will ensure there is a consistent approach to EV controls across the whole LGA - not just in a few precincts.</p> <p>The draft EV controls within the draft CoP DCP have been informed by the Parramatta City Centre DCP . The draft controls are outlined below:</p> <ul style="list-style-type: none"> <li>• Provision of electrical circuit and power point to enable an easy future EV connection in the garage connected to the main switch board for all single and dual occupancy dwellings.</li> <li>• All other residential accommodation to provide an EV Ready Connection to at least one car space for each dwelling/apartment.</li> <li>• All car share spaces and spaces allocated to visitors must have a Shared EV connection.</li> </ul>



	<ul style="list-style-type: none"><li>• All commercial building car parking must provide 1 Shared EV connection for every 10 commercial car spaces distributed throughout the carpark to provide equitable access across floors and floor plates.</li><li>• Provide and locate EV Distribution Boards so that no cables of more than 50m from the parking bay are required to connect to charging to ensure easy accessibility to charging points.</li></ul> <p>The draft recommended controls are considered to:</p> <ul style="list-style-type: none"><li>• ensure the essential infrastructure needed for vehicle charging that will future proof the buildings and help support the new City of Parramatta's transition towards more sustainable travel.</li><li>• support the phasing out of fossil fuel use to reduce emissions and move to a low carbon future.</li></ul> <p><b>Refer to Part 6 Traffic and Transport – Section 6.1.3 of the draft DCP for the controls in Attachment 1.</b></p>
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