REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER 13.3

SUBJECT Adoption of Parramatta Harmonisation DCP 2023

REFERENCE F2022/03176 - D08994051

REPORT OF Team Leader Strategic Land Use Planning

CSP: Accessible

WORKSHOP/BRIEFING DATE: Nil

PURPOSE:

The purpose of this report is to:

- 1. Provide the outcomes of the public exhibition of the draft Parramatta Harmonisation Development Control Plan (draft DCP);
- 2. Seek approval for the updated draft Harmonisation DCP (which will form the Parramatta DCP 2023), and subsequently repeal the five DCPs that currently apply in different parts the City of Parramatta; and
- 3. Seek approval for the administrative amendments to the stand-alone DCPs for Wentworth Point, Homebush Bay West and Carter Street precincts.

RECOMMENDATION

- (a) That Council note that a total number of 58 submissions were made in response to the exhibition of the draft Harmonisation Development Control Plan (DCP) which are summarised at Attachment 3.
- (b) That Council repeal the five DCPs that currently apply to parts of the City of Parramatta and adopt the updated draft Harmonisation DCP (which will form Parramatta DCP 2023) contained at Attachment 1 for finalisation noting the amendments made following the public exhibition detailed at Attachment 4.
- (c) That Council:
 - adopt the administrative amendments to the stand-alone DCPs for Wentworth Point, Homebush Bay West and Carter Street precincts provided at Attachment 2 for finalisation, and
 - ii) advise the Department of Planning and Environment of the decision at (c) i) and where required obtain its approval for the amendments.
- (d) **Further, that** Council delegate authority to the Chief Executive Officer to make any minor amendments and corrections of a non-policy and administrative nature that may arise during the plan finalisation process relating to the DCP controls.

BACKGROUND

Draft Harmonisation DCP

- 1. On 28 November 2022, Council adopted the draft Harmonisation DCP (draft DCP) for the purposes of public exhibition as part of the Land Use Planning Harmonisation Framework project that commenced following local government boundary changes in May 2016.
- The scope for the draft DCP harmonisation is largely administrative. It consolidates existing policy from the five former Council DCPs shown in Figure 1 to deliver one set of planning objectives and controls for the new City of Parramatta.

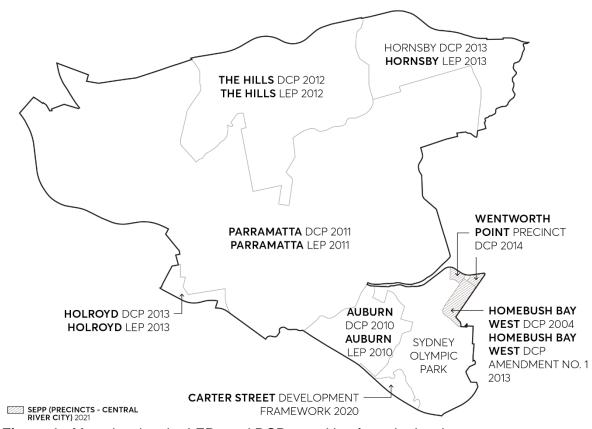


Figure 1 - Map showing the LEPs and DCPs resulting from the local government boundary changes in May 2016 that currently apply to the City of Parramatta

- 3. The draft DCP was prepared to support the implementation of the Parramatta LEP 2023 (i.e. Harmonisation Planning Proposal), which was finalised by the Department of Planning and Environment (DPE) in March 2023 and is currently in force. The Harmonisation Planning Proposal consolidated the five LEPs shown in **Figure 1**
- 4. Four DCPs that relate to Homebush Bay West, Wentworth Point and Carter Street were not incorporated into the Harmonisation DCP. They will 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) (SEPP) 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 Harmonisation DCP. Further, two of the DCPs relating to

Homebush Bay West require approval by the DPE before they can be formally amended as Council does not have delegation to amend these DCPs because they are referred to in the SEPP mentioned above.

5. A Land Use Planning Harmonisation Discussion Paper 2019 (Discussion Paper) informed the policy direction for both the Parramatta LEP 2023 and the draft DCP. Further information about the key policy changes and how the policy direction within the draft Harmonisation DCP was formed is explained within the Council Report dated 28 November 2022 which can be viewed in the following link:

Agenda of Council - Monday, 28 November 2022 (nsw.gov.au)

Public exhibition of draft Harmonisation DCP

- 6. As resolved by Council on 28 November 2022, the draft Harmonisation DCP and minor administrative amendments to the four stand-alone DCPs discussed above were exhibited for a six-week public exhibition period extending from 13 March 2023 to 1 May 2023. A summary of the engagement activities and exhibition process is provided at **Attachment 3**.
- 7. Council officers notified 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 Planning Proposal or requested to be consulted during previous stages of the Harmonisation project.
- 8. Due to the timing of the finalisation of the Harmonisation Planning Proposal (i.e. Parramatta LEP 2023), Council officers sent a joint notification to all landowners and stakeholders listed above advising of the finalisation of the Parramatta LEP 2023 and the commencement of the public exhibition of the draft DCP. This ensured all landowners were informed of the progression of both components of the Land Use Planning Harmonisation Framework.

Employment Zone Reform

- 9. In December 2021, the DPE made changes to the Employment Zones that are contained within the *Standard Instrument (LEP) Order 2006*. The Employment Zones Reform (EZR) introduced 5 employment zones and 3 supporting zones which replaced the previous Business and Industrial zones within the Standard LEP Instrument. DPE introduced the new employment zones into the new Parramatta LEP 2023 when it was finalised on 2 March 2023.
- 10. Due to time constraints, it was not practical to update the draft Harmonisation DCP prior to the commencement of the public exhibition on 13 March 2023 to reflect the changes to the employment and industrial zones. A note advising of the EZR process was included in the introduction to Part 4 – Non-Residential Development (where most employment zone references are contained) advising:
 - a. of the change and that the draft DCP (as exhibited) retained the previous land use employment and industrial zoning references; and

b. that these would be updated post exhibition and as part of the finalisation of the DCP.

OUTCOME OF PUBLIC EXHIBITION

- 11. During the six-week exhibition extending from 13 March 2023 to 1 May 2023, Council received a total number of 58 submissions, of which:
 - a. 34 submissions were from residents and individuals,
 - b. 8 submissions were from Industry Representatives and Consultants,
 - c. 6 submissions from Organisation and Residents Action Groups,
 - d. 10 submissions from Public Authorities and Service Providers.
- 12. Submitters generally support the progression of the draft Harmonisation DCP project. Feedback was provided in relation to specific development controls, some of which are out of the scope of the draft Harmonisation DCP project.
- 13. Advising landowners and stakeholders of the commencement of the Parramatta LEP and exhibition of the draft DCP outlined in 'Background' resulted in the receipt of many submissions that were out of scope. Council officers received a number of enquires and submissions in relation to the finalisation of the Parramatta LEP 2023 rather than the draft Harmonisation DCP.
- 14. As outlined in **Attachment 3**, a Community Summary Sheet and Planning Information Sheet accompanied the draft DCP when it was exhibited to explain the project scope and also explain key planning concepts (such as the difference between an LEP and a DCP) to assist in the community's understanding of the project and their preparation of submissions.
- 15. Council officers reviewed the submissions and key / themes common to many submissions are discussed in **Table 1** below. None of the issues raised in Table 1 have resulted in changes being recommended to the DCP. A full detailed response to all issues raised in submissions is included in **Attachment 3** Summary of submission and responses table.

Key Issues	Summary
Feedback on finalised Parramatta LEP 2023	 25 submissions provided feedback on planning matters managed by the recently finalised Parramatta LEP 2023. This included requests to change:- Land use zoning to permit more medium density housing Land use permissibility of dual occupancy- requests sought to both increase and decrease the areas where it is permitted Minimum lot size for dual occupancy development. Minimum lot size for subdivision. Floor Space Ratios (FSR) Heritage listings or list new items.
	Officer Response The LEP matters raised above were harmonised via the Harmonisation LEP project. Council consulted with the community on LEP planning matters as part of the Land Use Planning Harmonisation Discussion Paper in 2019, and the Harmonisation Planning Proposal (i.e. draft Harmonisation LEP) in 2020. These two consultation processes were the opportunity for the community to provide feedback on these LEP matters.
	Summary

Design of dual occupancy development

Feedback was made in relation to the design and delivery of dual occupancy development. Specific concerns raised included:

- Proposals to reduce the side back from 1.5m to 0.9m
- · Removal of the maximum building width control.
- Reduce the required private open space from 100sqm to 50sqm.
- Concerns the controls do not address traffic congestion and the impact on street parking.

Officer Response

New controls to improve development outcomes for dual occupancy development were introduced as part of the draft Harmonisation DCP. This followed a review of the current development outcomes and aim to address the key issues arising with dual occupancy development under the current five DCP controls.

The draft controls within Section 3.3.2 of Part 3 Residential Development address the key design issues for dual occupancy development

These controls were tested and modelled on a number of sites across the new City of Parramatta to ensure their practical application on different site configurations (i.e. wide, narrow, tapered sites). They achieve the maximum FSR permitted under PLEP 2023 whilst delivering improved design and amenity outcomes that are compatible surrounding low-density.

Summary

The poor design outcomes for dual occupancy developments approved via the Complying Development Certificate (CDC) pathway was also raised

Officer response

Council is aware of these concerns. At its meeting of 22 May 2023, Council resolved to collaborate with other councils and prepare a Discussion Paper as the basis of an advocacy program to seek improvements to the design outcomes for dual occupancy achieved via the CDC pathway.

Adequacy of heritage management

Summary

Concerns were raised that Council's heritage controls had not been reviewed for some time and are not effective in protecting listed items and heritage precincts. The absence of contributory items within all HCAs (noting that only the HCAs from the PDCP 2011 contain contributory items on the HCA maps) was one issue raised to highlight this issue.

Officer response

No comprehensive heritage study of the whole LGA has been progressed since the boundary amalgamation in 2016. However, this is recognised in Parramatta Local Strategic Planning Statement (LSLS) which include a series of Actions (A52-54) which when pursued will assist to modernise and update Council's current controls.

Undertaking a detailed heritage review across the LGA is out of scope of the draft Harmonisation DCP project. The draft DCP retained the objectives and controls in Parramatta DCP 2011 and adopted suitable heritage controls from other DCPs applying within the LGA where controls are stronger or supplement those within the Parramatta DCP.

To implement the LSPS actions Council officers are scoping a LGA wide integrated heritage study. It is expected that a budget for this future study will be included in preparation of the 2024/25 budget. Further community consultation will be undertaken for any new heritage controls that are recommended in this future study.

Summary

Submissions argued that the heritage controls applied to the Parramatta North Transformation Precinct (PNUT) need to be reviewed to maximise the heritage value of the precinct.

Officer Response

This matter is better dealt with in future planning studies and reviews for the following reasons.

- PNUT was rezoned in 2015 by the then Minister for Planning and the planning process at that time included detailed considerations of planning, design and heritage objectives/principles.
- In 2017 the rezoning was supported by a site specific DCP controls for PNUT (i.e. Section 8.2.2). in a process that involved consultation with the community and State Agencies including the NSW Heritage Office and are considered to be appropriate by Council officers given the density permitted under the LEP for this precinct.
- The DPE are currently pursuing a North Church Street North Place Strategy which will again review the controls in this precinct. This process will include public consultation.
- The DPE has recently finalised the Westmead Place Strategy that includes PNUT. A further body of work to determine how a University Campus may be integrated into the site is underway. Any change to the development controls (i.e. HOB, heritage curtilage) applying to PNUT should be considered as part of that process rather than this Harmonisation Process as this will allow the controls to be based on precinct specific analysis.

Concerns relating to tree preservation

Summary

Feedback was received requesting that Council include trunk diameter and canopy spread (in addition to height) as part of the criteria for assessing what trees require consent for removal.

Officer Response

The draft Harmonisation DCP in Section 5.2.4 – Tree and Vegetation Preservation specifies what trees require written consent (via Development Application or Tree Permit Application) for works. Consent is required for:

- 1. A tree or palm with a height equal to or exceeding five metres.
- 2. 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):
 - a. that is or forms part of a heritage item, or that is within a heritage conservation area (existing in PDCP 2011),
 - b. that is located within a Special Character Area as defined by this DCP (added as part of Harmonisation process).

Details for how the controls were formulated are contained within Attachment 3 – Key Policy Matters of the 28 November 2022 Council Report.

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

Summary

Feedback was received regarding how controls are failing to protect existing trees within residential areas.

Officer response

The management of existing trees and the planting of new trees are managed primarily in these two parts of the draft DCP:

Section 2.7 – Open Space and Landscaping includes additional controls requiring existing healthy trees to be incorporated into Landscape Plans during the design phase of a development to ensure the design respects the established trees and integrates them into the design. Landscaping Plans required by the controls will also specify new plantings which will then be required to be planted as part of the consent.

Section 5.3.4 – Tree and Vegetation Preservation contains controls relating to an Offset Program (C.03). Where a tree is approved to be removed, Council will seek the replanting of a suitable canopy replacement tree or trees in a suitable location on the site.

Council Officers consider these are appropriate mechanism to manager tree removal in a balance way.

Summary

Submitters asked for increased general communication around the value and importance of trees; and also requested increased notification when trees are proposed to be removed.

Officer response

Council's undertakes the following to advise the community of the value of trees;

- Council's website contains page detailing the value and importance of trees, including a video on the benefit of trees, detailing the environmental, economic and social benefits of trees.
- The Environmental Sustainability Strategy 2017 equally emphasises the importance of trees as assets and the need to protect these into the future.
- Council's City Engagement Directorate regularly, via monthly eNewsletters, publications, webpages and in the Lord Mayor's Column communicates to residents the details of new tree planting, bushland rehabilitation, and plant give-away programs.

The request for increase notification for Tree removal applications is not supported. Applications for tree removal in sensitive areas such as Heritage Conservation Areas are dealt with via a Development Application where notification already occurs. Outside these areas a Tree Permit application need to be lodged to obtain consent to remove a tree. The permit is governed by <u>State Environmental Planning Policy (Biodiversity and Conservation) 2021</u> which requires permits be determined within 28 days. It is not practical to notify these applications and still achieve the SEPP requirements.

Concerns with the safety of Natural Refrigerants in Air Conditioning

Summary

The current CBD Planning Controls contain controls requiring new air conditioning systems to use refrigerants that minimise the impact of these systems on global warming. The draft DCP sought to apply these controls across the LGA but feedback was received from industry representatives that this would mean all systems would need to use hydrocarbon (which are highly flammable) and they raised concerns about the safety issues of handling and using these materials.

Officer Response

The intention of the controls is to reduce greenhouse gas emissions associated with leakage or the improper disposal of synthetic refrigerant gases and to future proof new HVAC (air conditioning) systems. The objections do not warrant changes to the controls for the following reasons:-

- There are refrigerants that achieve the standards that are not hydrocarbons. Therefore, Council has not mandated the use of hydrocarbon refrigerants only.
- The provisions do not constitute a legal requirement in the NSW planning system, although compliance with the DCP is a matter for consideration when granting development consent.

Council expects the provision to be increasingly relevant as the market matures and more products are made available. The intent of the provision aims to lead the transition to low-GWP and encourage innovation in the sector. In the meantime while the industry is transitioning the controls allow some flexibility where this is only required where the equipment can be supplied on similar terms to conventional systems and where the cost is no more than 10% greater than the market rate Request for Summary changes to Feedback was received requesting changes to the provisions for specific growth precinct precincts. This included the Granville Town Centre and the Parramatta North controls Urban Transformation precinct. Officer Response Precinct specific planning controls have been transferred directly from the former DCPs with no policy changes proposed during the harmonisation process. The intention of the draft Harmonisation DCP is to introduce a consolidated set of controls based on existing policy contained within the five applicable DCPs. A

review of the controls to amend the policy direction, application or intent was not within the scope of the project.

In relation to two of the precincts mentioned (ie Granville Town Centre and Parramatta North Urban Transformation (PNUT)) it is noted that Council and the DPE are reviewing the controls that apply to the precincts and this is the more appropriate processes for amending controls applicable in these precincts

Other precincts will be reviewed over time as resources permit as part of Council's program to continually review and update its planning controls.

Table 1- Summary of key submissions issues and Council officer response

CHANGES TO THE DRAFT DCP FOLLOWING PUBLIC EXHIBITION

Changes are being proposed to the draft Harmonisation DCP on account of feedback received during the public exhibition period, the impacts associated with the Employment Zone Reforms, and other administrative changes resulting from the finalisation of the Parramatta City Centre DCP. A table detailing these changes is provided at Attachment 4 to this report and the more significant changes are summarised below.

Feedback from public exhibition

- 17. While the key submission issues outlined above in Table 1 do not warrant reexhibition/changes to the draft DCP, there are a number of minor changes made to the draft DCP as a result of feedback received from the exhibition process. There are numerous changes but some of these changes include:
 - further clarification of tree planting requirements;
 - introduction of diagrams demonstrating site requirements for battleaxes lots and dual occupancy development on cul-de-sacs;
 - address inconsistencies identified between the draft DCP and Parramatta LEP 2023 controls and inconsistencies between different sections of the
 - respond to stakeholder feedback on section of the DCP that are ambiguous or confusing by rewording the controls to make the intent clear; and
 - resolved general errors in harmonising controls and typographical corrections.

18. These are changes that add to the understanding of the controls rather than changing the content or intent of the planning controls included in the DCP. Further details of above proposed changes and Council officer responses are available at Attachment 4.

Employment Zones Reform

- 19. Following the public exhibition, Council officers assessed the impacts on the Draft DCP of the State Government Employment Zone Reforms (EZR), that resulted in changes to employment and industrial zones in Council's LEP. Council Officers have made changes to the Draft DCP to ensure the controls are consistent with the uses permitted in the zones under the EZR amendments. These are detailed in **Attachment 4**.
- 20. The draft DCP does not often make reference to specific zones and land uses, rather it provides planning objectives and controls to a range of land use typologies (i.e. industrial, commercial and non-residential development), which further reduced the impact of the EZR. The proposed controls are sufficient and robust to continue support and provide planning guidance to the industrial and commercial development even with the EZR changes.

Transfer of Parramatta City Centre DCP

- 21. At the time the Harmonisation DCP was reported to Council (28 Nov 2022) the sections containing the CBD controls were not included as they were still in the process of being finalised. The exhibited version of the DCP included a note referring those interested in the CBD controls to the recently endorsed version of these controls in the current DCP on Council's website.
- 22. Therefore the draft DCP post exhibition has been updated to include the development controls applied to the Parramatta City Centre DCP (CBD DCP) to make sure the version attached to this report is complete. These controls have been transferred directly from Part 6 Parramatta City Centre and Section 4.3.3 Parramatta City Centre (Deferred Area A) of the former Parramatta DCP 2011 to the new Section 9 Parramatta City Centre (i.e. Part 9 and Part 9 B) of the draft Harmonisation DCP 2023 with no change made to the previously endorsed controls for the CBD.

INVESTIGATION OF OTHER MATTERS RAISED IN SUBMISSIONS

- 23. Council officers have identified a number of matters that warrant future amendment to the draft DCP during the exhibition process but are not practical to be dealt with as part of the draft Harmonisation DCP project because it would require re-exhibition of the DCP. Other matters raised require Council to complete other precinct work or detailed studies before the appropriate amendments to the DCP can be made. The sorts of issues that should be dealt with in future review of the DCP include:
 - i. Many heritage related comments raised in submissions which will first require an integrated heritage review across Parramatta LGA. The future study would address considerations of heritage contributory items, change to controls applying to Heritage Conservation Areas etc. Consideration of

how this project can proceed will be considered as part of the 2024/25 budget preparation as significant scoping and funding would be required to pursue this study.

- ii. Further investigation on planning controls (i.e. setbacks and development feasibility) applying to Granville Town Centre via Council-led precinct planning and implementation of the Parramatta Road Urban Transformation Strategy.
- iii. Further investigation on planning controls (i.e. zoning, HOB, FSR) applying to North Parramatta via the Church Street North State-led Precinct Planning as well as Parramatta North State Significant Planning Process led by Property and Development NSW.
- iv. Further investigation on flooding risk management via the draft Parramatta River Flood Study (expected to commence public exhibition in 2023) and preparation of a future Flood Risk Management Plan for the broader Parramatta LGA.
- v. Further investigation on tree canopy and tree preservation in the development of an Urban Canopy Plan as per Council's resolution at its meeting of 26 April 2022 (Item 12.5).

STAND ALONE DCPS

24. As noted in this report, four stand-alone DCPs that apply to Homebush Bay West, Wentworth Point and Carter Street precincts were also placed on public exhibition. The changes exhibited in these documents were minor and administrative in nature, such as updating local government boundaries and removing references to former councils i.e. Auburn City Council. There were no changes to any of the planning controls or objectives included in these DCPs. No submissions have been made to the stand-alone DCPs. It is recommended the administrative changes be endorsed by Council as exhibited.

LEGAL IMPLICATIONS FOR COUNCIL

25. The two DCPs that apply to Homebush Bay West 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 DPE have advised that Council does not have delegation to amend these DCPs. It is therefore recommended that Council approve the minor administrative changes and seek approval from the DPE before they are formally implemented.

FINANCIAL IMPLICATIONS FOR COUNCIL

26. The decision being made to finalise the draft Harmonisation DCP will have no direct impact on the budget. Costs associated with the draft DCP project are fully funded from the City Planning and Design budget.

CONCLUSION AND NEXT STEPS

27. The Harmonisation DCP is the final component of the Land Use Planning Harmonisation Framework. The priority of Council is to finalise and adopt the

Harmonisation DCP – i.e. Parramatta DCP 2023. This report has summarised and considered the submissions received as part of the public exhibition process for the draft Harmonisation DCP. Only changes that are minor and do not trigger re-exhibition of the draft DCP have been recommended.

- 28. The integration of additional matters outside of the scope of the current draft Harmonisation DCP as part of the post-exhibition process would delay the finalisation of the Harmonisation DCP as it would trigger re-exhibition. It is recommended that additional provisions or policy matters be explored as part of a future scoping exercise and form future amendments to the Parramatta DCP 2023 (i.e. finalised Harmonisation DCP).
- 29. It is recommended that Council approve the draft DCP found in **Attachment 1** and the stand-alone DCPs for Homebush Bay West, Wentworth Point and Carter Street included in **Attachment 2**.

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ATTACHMENTS:

- 1_ Draft Parramatta DCP 2023
- 2 Standalone DCPs
- 3 Summary of Submissions and Officer Responses
- 4 Summary of Changes to Draft Harmonisation Parramatta Development Control Plan

REFERENCE MATERIAL