

Item No: C08/20-524

## **CUMBERLAND DEVELOPMENT CONTROL PLAN - POST EXHIBITION REPORT ON NEW PLANNING CONTROLS FOR CUMBERLAND CITY**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: CS-202  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This report provides an update on the public exhibition for the new Cumberland Development Control Plan and outlines the recommended planning controls in response to further review and submissions. It is recommended that Council adopt the proposed planning controls for Cumberland City as outlined in this report to be included in the new Cumberland Development Control Plan. This plan is to come into effect on the date of publication of the new Cumberland Local Environmental Plan.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Note the submissions received prior to, during and immediately following the public exhibition period for the new Cumberland Development Control Plan.**
- 2. Endorse the planning controls for Cumberland City, as provided at Attachment 1, including those which were included in the draft Cumberland Development Control Plan and have not changed following exhibition, and those which reflect proposed general amendments following public exhibition and further review by Council officers.**
- 3. Endorse the planning controls for Cumberland City, as provided at Attachment 2, which reflect proposed site specific amendments following public exhibition and further review by Council officers.**
- 4. Note the site specific requests received as part of the process for the new Cumberland Development Control Plan, as provided at Attachment 3.**
- 5. Adopt the Cumberland Development Control Plan, as provided at Attachments 4 to 14, to come into effect on the date of publication of the new Cumberland Local Environmental Plan in the Government Gazette.**
- 6. Delegate to the General Manager the authorisation to make minor revisions to the new Cumberland Development Control Plan, as necessary, following Council's deliberations, to ensure the desired objectives and intended outcomes can be achieved.**

7. **Adopt the Cumberland Flood Risk Management Policy, as provided at Attachment 15, to come into effect at the same time as the new Cumberland Development Control Plan.**
8. **Review the new Cumberland Development Control Plan two years after commencement to ensure that the planning controls continue to support planning and development outcomes in Cumberland City.**

## REPORT

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### **Background**

Council commenced preparation of the new Cumberland Development Control Plan (DCP) in 2019 with the focus on harmonising the planning controls of the existing Auburn, Parramatta, and Holroyd DCPs into a single set of planning controls for Cumberland.

Early consultation on planning for the future of Cumberland City was undertaken in July and August 2019 in conjunction with *Cumberland 2030: Our Local Strategic Planning Statement*. A range of submissions were received and helped to inform the detail of the new Cumberland DCP. Following endorsement of the various parts by Council, the draft Cumberland DCP was publicly exhibited in April and May 2020.

The status of the Cumberland DCP is provided in Figure 1.

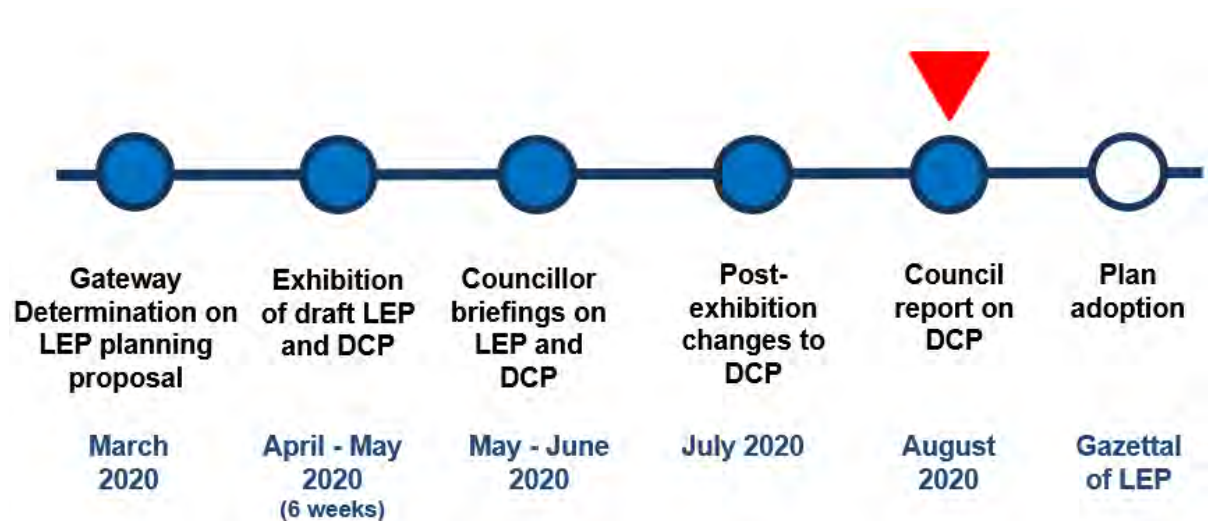


Figure 1: Development Control Plan status

**Public exhibition of new Cumberland Development Control Plan**

The draft Cumberland DCP was on public exhibition for a six week period from 1 April 2020 to 8 May 2020. Information was made available on Council’s website, with a letter and brochure posted to properties in Cumberland City. Phone enquiries were answered by Council officers, and virtual book-in sessions were also available for detailed discussions on the DCP. 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.

A total of 51 individual submissions on the draft DCP were received in response to the public exhibition. Council officers also fielded numerous phone calls during the exhibition period, assisting residents and stakeholders with their enquiries. Further information on the submissions is provided in Figure 2.

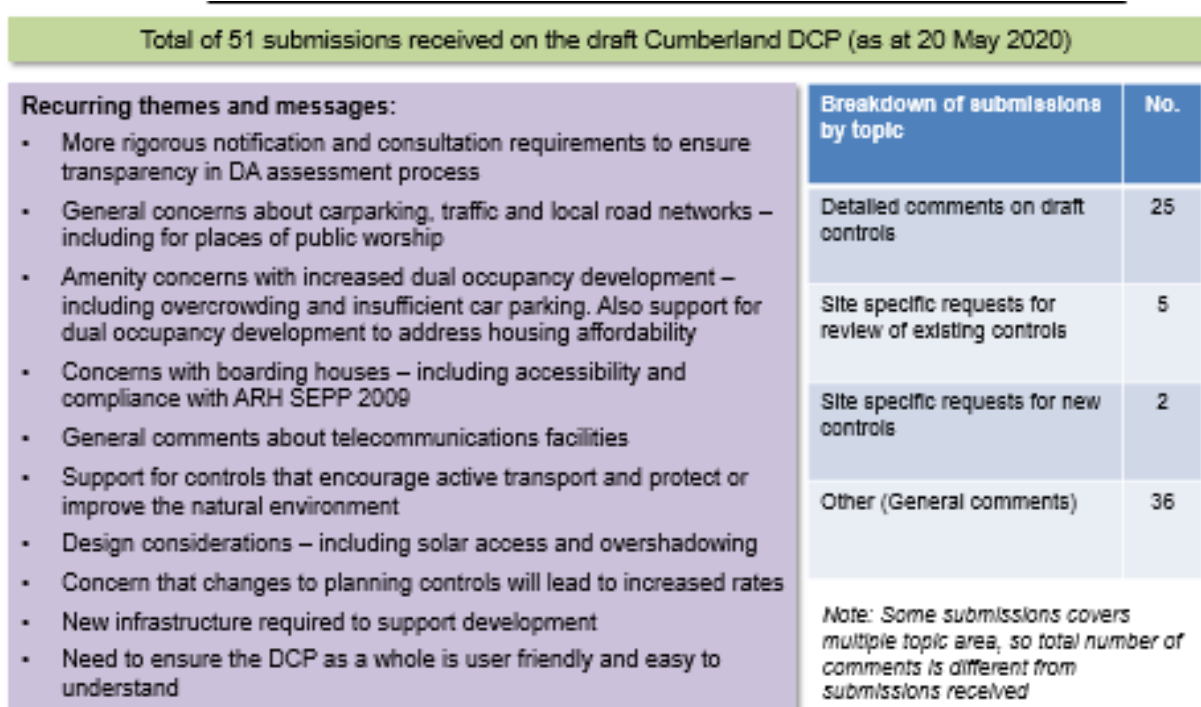


Figure 2: Summary of public submissions

**Post-exhibition review**

Council previously considered and endorsed much of the detail of the new Cumberland DCP through various reports that dealt with particular issues and planning controls. The draft DCP has been prepared and exhibited in accordance with these Council resolutions. Table 1 outlines Council’s resolutions and the post-exhibition status for the various parts of the Cumberland DCP.

Council Report	Item No.	Date	Council resolution – pre exhibition	Post exhibition status
Preparation of a new Cumberland Development Control Plan	C10/19-247	16 October 2019	Council noted the approach and key milestones for the preparation of the new Cumberland Development Control Plan	No change to planning approach
New Cumberland DCP – Draft Part A Introduction and General Controls	C12/19-327	18 December 2019	Council endorsed draft Part A for inclusion the draft Cumberland DCP	Minor amendments to selected controls and removal of requirements to advertise/notify development applications and consents in local newspapers following legislative changes
New Cumberland DCP – Draft Part B Development in Residential Zones	C12/19-328	18 December 2019	Council endorsed draft Part B for inclusion the draft Cumberland DCP	Minor amendments to selected controls and consistency with housing codes and guides
New Cumberland DCP – Draft chapter for Part C Development in Residential Zones	C02/20-354	5 February 2020	Council endorsed draft Part C for inclusion the draft Cumberland DCP	Minor amendments to selected controls
New Cumberland DCP – Draft chapter on Part D Development in Industrial Zones	C02/20-355	5 February 2020	Council endorsed draft Part D for inclusion the draft Cumberland DCP	Minor refinements to selected controls
New Cumberland DCP – Draft chapter on Part F Precinct and Site Specific Development Controls	C02/20-356	5 February 2020	Council endorsed draft Part F for inclusion the draft Cumberland DCP	Minor amendments to Part F2 Business Site Specific controls to reflect new Cumberland LEP and respond to submissions
New Cumberland DCP – Draft chapter on Part E Other Land Use Based Development Controls	C02/20-371	19 February 2020	Council endorsed draft Part E for inclusion the draft Cumberland DCP	Minor refinement to selected controls
New Cumberland DCP – Definitions and additions for draft chapter F Precinct and Site Specific Development Controls	C02/20-372	19 February 2020	Council endorsed draft Definitions and additions to draft Part F for inclusion the draft Cumberland DCP	Minor amendments to selected definitions and consistency with housing codes and guides

Council Report	Item No.	Date	Council resolution - pre exhibition	Post exhibition status
New Cumberland DCP – Draft chapter on Part G Miscellaneous Development Controls	C02/20-373	19 February 2020	Council endorsed draft Part G for inclusion the draft Cumberland DCP	<p>Minor refinements to selected controls</p> <p>Proposed controls for electric vehicle charging points added</p> <p>Review and simplification of stormwater controls and proposed Cumberland Flood Risk Management Policy</p>

Table 1: Council resolutions and post exhibition status for new Cumberland DCP

Following the completion of the public exhibition process, a further review has been undertaken by Council officers, with the following administrative amendments proposed to be included in the Cumberland DCP:

- amendments related to changes to planning regulations (e.g. notification and advertising requirements);
- carry over and clarification of controls for site specific locations to maintain consistency and strategic intent;
- amendments to planning controls to clarify technical provisions;
- administrative changes to reflect rezonings finalised since exhibition (e.g. Merrylands East Neighbourhood Centre); and
- minor formatting and wording changes.

It is recommended that Council endorse the planning controls for Cumberland City, as provided at Attachment 1, which have not changed from the draft Cumberland DCP, are proposed to refined and/or are proposed to be amended post exhibition to address administrative items.

A selected number of site specific requests have also been identified to be included in the new Cumberland DCP. These amendments, as outlined in Table 2 and Attachment 2, are for minor planning control changes to address particular issues and anomalies, and will have only a minor impact on the overall plan. It is recommended that these site specific amendments are included in the new Cumberland DCP.

Two additional site specific requests received as part of the process for the new Cumberland DCP are provided in Attachment 3. It is recommended that these requests are noted and may be considered in the future by Council.

Site address	Issue	Recommended approach
Merrylands Town Centre	Review site specific controls and car parking rates	Carry over of current planning controls
18-20 McFarlane Street, Merrylands	Closing off Finns Lane	DCP controls for the Merrylands Town Centre to reflect potential future change to Finns Lane
4-12 Railway Street, Lidcombe	Solar access to Friends Park	Refine planning controls to maximise solar access, with reference to site characteristics and interface with approved future developments in this location
17 Church Street, Lidcombe (Dooleys Lidcombe Catholic Club)	Ensure consistency with masterplan	Refine planning controls to be consistent with LEP amendments for the Lidcombe Town Centre and provide flexibility to ensure appropriate built form outcomes
190-220 Dunmore Street, Pendle Hill	Conservation incentives	Carry over of current Holroyd LEP conservation incentives to be undertaken

Table 2: Proposed minor site-specific amendments to the Cumberland DCP

### ***Proposed planning controls for stormwater and flooding***

A further review of the proposed planning controls for stormwater and drainage has been undertaken by Council officers following the conclusion of the exhibition period. This has been undertaken to ensure that the planning controls are consistent with State policies, easier to read and understand, and ensuring flexibility with emerging work in this area.

Following the review, it is proposed that the planning framework related to stormwater and flooding be retained in the Cumberland DCP, with the detailed flood management analysis and implementation approach included in a Flood Risk Management Policy. This approach ensures that there is appropriate planning detail in the new DCP, with flooding information included in a policy that can be more easily amended over time in response to emerging work in this area.

As the content identified for the policy has already been placed on exhibition as part of the draft Cumberland DCP, it is recommended that Council adopt the Cumberland Flood Risk Management Policy, as provided in Attachment 15. Subject to adoption, the policy will come into effect at the same time as the new Cumberland Development Control Plan.

### ***Finalisation of the new Cumberland Development Control Plan***

An updated Cumberland Development Control Plan has been prepared in response to public submissions and further review by Council officers. The new Cumberland DCP comprises a number of parts as outlined in Figure 3.



Figure 3: Parts in new Cumberland DCP

It is recommended that Council adopt the new Cumberland DCP, as provided in Attachments 4 to 14. Subject to adoption, the new Cumberland DCP comes into effect on the date of publication of the new Cumberland Local Environmental Plan in the Government Gazette. A review at two years from commencement is also recommended for the new Cumberland DCP, to ensure that the planning controls in this document continue to support planning and development outcomes in Cumberland City.

### **COMMUNITY ENGAGEMENT**

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Following the early consultation undertaken in July and August 2019, a further extensive program of consultation on the new Cumberland DCP was undertaken from April to May 2020.

### **POLICY IMPLICATIONS**

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The preparation of the Cumberland DCP supports the new Cumberland Local Environmental Plan, which is required under the *Environmental Planning and*

*Assessment Act 1979*. The Cumberland DCP will also align with the strategic directions outlined in Council's Community Strategic Plan and Cumberland 2030: Our Local Strategic Planning Statement.

## **RISK IMPLICATIONS**

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Council requires a new Cumberland DCP to accompany the new Cumberland Local Environmental Plan, which was endorsed by Council for finalisation in July 2020 and is now with the Department of Planning, Industry and Environment. Adoption of the DCP will ensure that detailed controls are in place to support the new Cumberland Local Environmental Plan.

## **FINANCIAL IMPLICATIONS**

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Work undertaken on the Cumberland DCP, including analysis, document preparation and community consultation activities, is funded from the accelerated Local Environmental Plan Funding Grant provided by the NSW Government.

## **CONCLUSION**

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The draft Cumberland Development Control Plan has been publicly exhibited and updated in response to further review and submissions. It is recommended that Council endorse the planning controls for Cumberland City as outlined in this report, and that the new Cumberland Development Control Plan comes into effect on the date of publication of the new Cumberland Local Environmental Plan.

## **ATTACHMENTS**

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1. Recommended planning controls for Cumberland DCP post-exhibition
2. Recommended site specific amendments (post-exhibition) to Cumberland DCP
3. Additional site specific requests for future consideration
4. Recommended Cumberland DCP Part A Introduction and General Controls
5. Recommended Cumberland DCP Part B Development in Residential Zones
6. Recommended Cumberland DCP Part C Development in Business Zones
7. Recommended Cumberland DCP Part D Development in Industrial Zones
8. Recommended Cumberland DCP Part E Other Land Use Based Development Controls
9. Recommended Cumberland DCP Part F1 Site Specific Development Controls
10. Recommended Cumberland DCP Part F2 Site Specific Development Controls
11. Recommended Cumberland DCP Part F3 Site Specific Development Controls
12. Recommended Cumberland DCP Part F4 Site Specific Development Controls
13. Recommended Cumberland DCP Part G Miscellaneous Development Controls
14. Recommended Cumberland DCP Definitions
15. Cumberland Flood Risk Management Policy