

**DEU1 REVIEW OF THE STRATHFIELD COMMUNITY PARTICIPATION PLAN AND
GENERAL DEVELOPMENT CONTROL PLAN HOUSEKEEPING
AMENDMENTS**

AUTHOR: **George Andonoski, Specialist Strategic Planner**

APPROVER: **Stephen Clements, Deputy CEO and General Manager Planning,
Environment and Urban Services**

RECOMMENDATION

1. That the revisions to the Community Participation Plan (CPP) be endorsed by Council.
2. That the draft amendments proposed to Strathfield Development Control Plan 2005 (SDCP) and the site specific Development Control Plans (DCPs) to remove the reference to Part L – Public Notifications and to update the DCP parts applicable to the relevant site specific DCPs be endorsed by Council.
3. That the draft amendments to the Strathfield DCPs and CPP be publicly exhibited on Council's website for a minimum of 28 days.
4. That following the public exhibition period, a report be provided back to Council advising of the outcome of the exhibition.

PURPOSE OF REPORT

The Community Participation Plan (CPP) determines the requirements for community participation as stipulated under the State Government's planning legislation. This includes public exhibition, advertisement and notification.

With the recent changes to legislation, which have been introduced to combat COVID-19, there has been changes to the way Councils are to interact with the community, including the public exhibition, advertisement and notifications.

The purpose of this report is to review the CPP to ensure it reflects the recent changes in legislation. This review also gives Council the opportunity to review the notification periods and criteria, looking at ways of reducing the red-tape for certain development types and help stimulate the economy. In addition to this, it is proposed to undertake some general housekeeping amendments to the site specific DCPs to incorporate references to relative parts of Strathfield Consolidated Development Control Plan 2005 (SCDCP), that have come into force since the site specific DCPs were adopted.

REPORT

Background

Council, at its meeting of 3 December 2019, resolved to adopt the CPP and repeal Part L of the SCDCP. The CPP came into effect on the 12 February 2020, with Part L being repealed from this date. On 26 March 2020 the *Environmental Planning and Assessment Regulation 2000* was amended replacing the requirement to place public planning notices in the local newspaper with

Review of the Strathfield Community Participation Plan and General Development Control Plan Housekeeping Amendments (Cont'd)

online publication, notably Council's website. It is therefore proposed to update the CPP to replace all references to notifications in the local newspaper, with Council's website.

As the adoption of the CPP resulted in the repeal of Part L, the following DCPs need to be updated to remove the reference to Part L in the section which identifies the relationship to other DCPs and Policies:

- General Introduction of SCDCP 2005
- DCP 13 Strathfield Town Centre
- DCP 14 Davidson Street Greenacre
- DCP 20 Parramatta Road Corridor Area
- DCP 25 79 Courallie Avenue, Homebush West
- DCP 26 – 2-6 Pilgrim Avenue and 9-13 Albert Road, Strathfield

Notification Periods

On 1 March 2018 the *Environmental Planning and Assessment Act 1979* was modified to reference Community Participation Plans within Schedule 1. The Act currently states:

“Division 2 Minimum public exhibition periods for development applications and other matters

7 Application for development consent (other than for a complying development certificate, for designated development, for nominated integrated development, for threatened species development or for State significant development)

- 1. Minimum public exhibition period for an application for development consent (other than for a complying development certificate, for designated development, for nominated integrated development, for threatened species development or for State significant development)—*
 - a) if the relevant community participation plan specifies a period of public exhibition for the application—the period so specified, or*
 - b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition, or*
 - c) otherwise—14 days.”*

Currently, Council applies a blanket requirement for notification for all applications, modifications and reviews. It separates developments into two categories, being category A and Category B.

Category B relates to significant developments which are likely to be controversial or generate community interests, including developments like boarding houses, places of public worship, child care centres, educational establishments etc. Category B developments are notified for 21 days, with a number of these development types being advertised as a Public Notice on Council's website.

Category A developments are anything that is not specifically listed in Category B. These development types are notified for a period of 14 days and are not advertised. These are your more common applications and are likely to result in less of an environmental impact.

Review of the Strathfield Community Participation Plan and General Development Control Plan Housekeeping Amendments (Cont'd)

As stated above, Council applies a blanket 14 day notification period to all Category A developments, regardless of their likely environmental impact. This can often be an onerous requirement for simple, low impact applications, such as subdivisions and change of uses, which will have no impact on the amenity or character of the area or any adjoining property. This is evidenced through the lack of submissions received by Council for these types of applications.

Proposed Changes

In this regard, it is proposed to remove the requirement for notification of these minor development types, which are considered to have minimal or no environmental impact. It is proposed to include subdivisions and change of uses of existing premises (retail/commercial or industrial) where the use is permitted in the zone or it is replacing an existing lawful use that has had a previous consent granted by Council.

Similarly, the CPP and Part L prior to this, had a blanket notification period for applications to modify a development consent. The modification could have been extremely minor with no environmental impact, but because it was on a development that had previously been notified, the modification was also notified for 14 days. This is considered onerous for all parties, especially where the modification is minor or is on an application that had no submissions when originally submitted.

It is proposed to amend “5.13 Section 4.55 and 4.56 Applications” within the CPP to read as follows;

These Section 4.55 and 4.56 modification applications will be notified as follows:

- Section 4.55(1) applications will not be advertised or notified.
- Section 4.55(1A) applications will not be advertised or notified, unless the modification relates to a condition or requirement that arose from a previous submission. In this regards, all previous submitters will be notified.
- Section 4.55(2) applications will be advertised and/or notified for a maximum of 14 days or in the same manner as the original application. All previous submitters will be notified.
- Section 4.56 applications will be advertised and/or notified for a maximum of 14 days or in the same manner as the original application. All previous submitters will be notified.

The main change proposed is for Section 4.55(1A) modifications, which are of minor environmental impact by way of definition. Notification of these applications will only occur where the modifications specially relate to a condition or requirement imposed on the original consent to address matters raised in a submission, in which case, all previous submitters would be notified. In all other instances, notification would not be carried out.

It should be pointed out, that Council as the consent authority makes the determination on whether the application is a s4.55(1A) or a s4.55(2) application and determines if it is of minimal environmental impact and if notification is required.

The suggested amendments are an opportunity to reduce the red tape and time required to assess and determine development applications or modification for minor works or works of minimal environmental impact. All applications will still be assessed against the requirements of Strathfield Local Environmental Plan 2012 and SCDGP 2005 and ensure the outcomes have minimal impact on the character and amenity of the locality.

Review of the Strathfield Community Participation Plan and General Development Control Plan Housekeeping Amendments (Cont'd)**General Housekeeping**

Strathfield Consolidated DCP 2005 is broken down into a number of parts. The General Introduction of SCDCP 2005 and the site specific DCP's (4 of these) all make reference to Part L- Public Notification. It is proposed to remove the reference to Part L as it is now repealed and insert the reference to the Strathfield CPP.

In addition to this, it has been noticed that within the site specific DCP's, that not all of the relative parts of SCDCP are referenced. This is most likely as a result of newer parts being added to SCDCP 2005 after the site specific DCPs were adopted.

The main issue here is that SCDCP is explicit in that it does not apply to the areas covered by site specific development control plans. Now, within these site specific DCPs, instead of reiterating controls and objectives already developed in various parts of SCDCP 2005, the site specific DCPs list the individual parts of SCDCP 2005 that are applicable.

The following parts of SCDCP 2005 are not referenced in any of the site specific DCPs;

- Part M – Educational Establishments
- Part N – Water Sensitive Urban Design
- Part P – Heritage
- Part Q – Urban Design Controls
- Part R – Subdivision Minimum Frontage

As a result of this, the provisions within these DCPs cannot be taken into consideration when assessing development applications which are subject to site specific DCPs. The four site specific DCP's are;

- DCP 13 – Strathfield Town Centre
- DCP 14 – Davidson Street, Greenacre
- DCP 20 – Parramatta Road Corridor Area
- DCP 25-79 Courallie Avenue, Homebush

Whilst Council is required to review its DCP in the near future, these minor housekeeping amendments will allow Council to impose the requirements and controls of the relative parts of the DCPs to all existing and future applications within the transitional period.

CONCLUSION

That Council endorse the proposed amendments and general housekeeping to the Strathfield CDCP 2005 – General Introduction, Strathfield Council Community Participation Plan and the site specific DCPs as attached to this report and place of public exhibition through a Notice placed on its website for a minimum period of 28 days.

FINANCIAL IMPLICATIONS

There is no financial impact.

ATTACHMENTS

1. Strathfield Consolidated DCP 2005 - General Introduction
2. DCP 13 - Strathfield Town Centre
3. DCP 14 - Part Lot 1 and Lot 2 DP 711168, Davidson Street, Greenacre
4. DCP 20 - Parramatta Rd Corridor Area
5. DCP 25 - 79 Courallie Avenue, Homebush West
6. DCP 26 - 2-6 Pilgrim Avenue and 9-13 Alber Road, Strathfield
7. Strathfield Council Community Participation Plan