



CUMBERLAND  
CITY COUNCIL

# **PART A**

# **INTRODUCTION AND GENERAL CONTROLS**

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CUMBERLAND  
CITY COUNCIL

# PART A1

# INTRODUCTION

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# 1. Introduction

## 1.1 Name and application

### 1.1.1 Citation

This Plan may be cited as the *Cumberland Development Control Plan 2021 (Cumberland DCP 2021)*.

### 1.1.2 Land covered by this DCP

*The Cumberland DCP 2021* applies to land where Cumberland City Council is the consent authority.

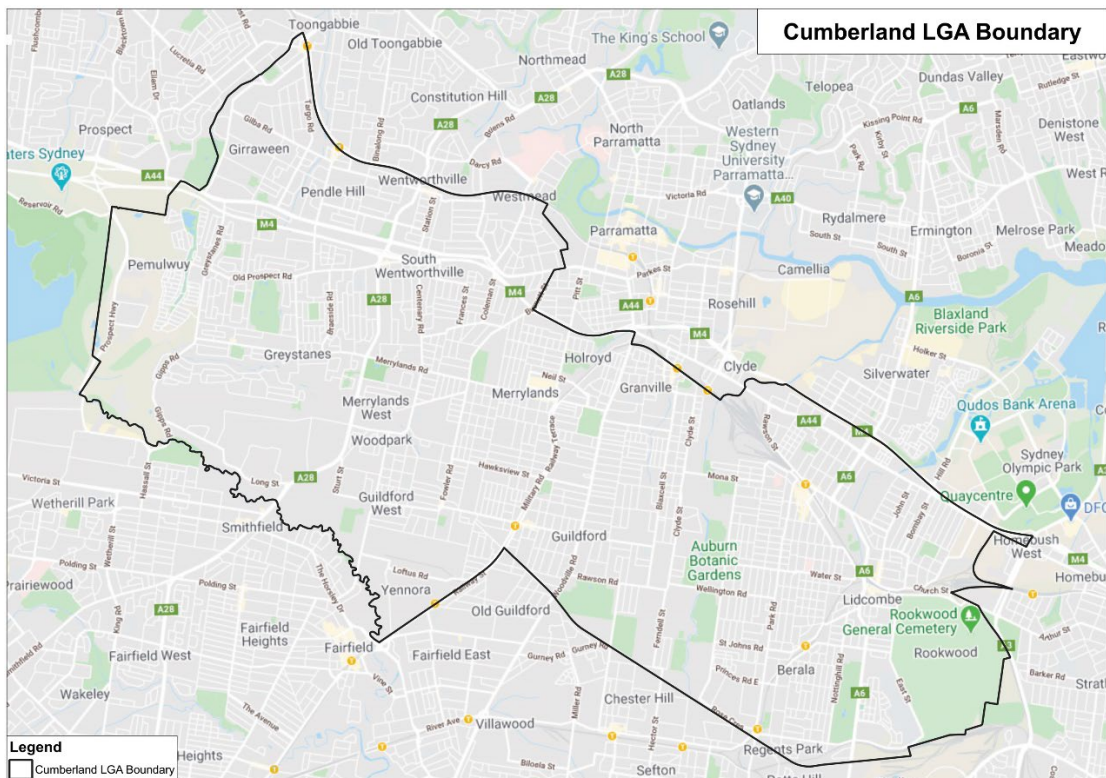


Figure 1: Cumberland City Boundary

### 1.1.3 Adoption

Council has consolidated all of its DCPs that apply to Cumberland City into one plan. This Plan was made under Section 3.43 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and Part 3 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*. It was adopted by Cumberland City Council on 19 August 2020 and became effective on 5 November 2021.

### 1.1.4 Savings Provision

This DCP does not apply to an application under the *EP&A Act* which was lodged with Council but not finally determined before the commencement of this DCP. Any application lodged before the commencement of this DCP will be assessed in accordance with any relevant previous DCPs or other Council’s policy which applied at the time of application lodgement.

### 1.1.5 Terms used in this DCP

In this DCP, terms have the meaning described in the *EP&A Act* and the *Cumberland Local Environment Plan 2021 (Cumberland LEP 2021)*. Certain terms used in this DCP are defined in the glossary.

Any reference in a Part of this consolidated Development Control Plan to “this DCP” or “this Plan” is a reference to the Part of this consolidated DCP where the reference is contained.

## 1.2 Purpose

The purpose of the *Cumberland DCP 2021* is to provide specific controls to guide development and achieve particular development outcomes within the Cumberland City.

This DCP is a supplementary development guideline that supports the *Cumberland LEP 2021*.

## 1.3 Aims

The *Cumberland DCP 2021* aims to:

- ensure high quality development across Cumberland by establishing a framework for sustainable land use;
- provide guidelines for applicants to formulate development proposals;
- manage development appropriately to support redevelopment and reinvestment in Cumberland;
- protect the existing residents and wider community; including amenity, culture, and the natural environment; and
- address recent and emerging issues with new controls which are relevant to the Cumberland City that will better manage development and its future implications.

## 1.4 Objectives

The objectives of this DCP are to:

- ensure that development promotes economically, socially and environmentally sustainability and is designed to avoid, minimise and manage potential environmental risks;
- ensure future development has consideration for all existing and future residents of the Cumberland City at all stages of their life cycle;
- ensure new developments enhance Cumberland as a great place to live and work and deliver the desired future character;
- ensure new development is integrated with existing and planned transport systems and promote sustainable transport behaviour within Cumberland; and
- provide an appropriate opportunity for the public to participate in the development process.

## 1.5 Relationship to other Plans and policies

### 1.5.1 Revocation of Auburn DCP 2010, Holroyd DCP 2013 and Parramatta DCP 2011

Pursuant to Section 3.43(4) of the *Environmental Planning and Assessment Act 1979*, the *Cumberland DCP 2021* revokes *Auburn DCP 2010*, *Holroyd DCP 2013* and *Parramatta DCP 2011* which covered land for which this DCP now applies.

### 1.5.2 Cumberland Local Environmental Plan 2021

The *Cumberland DCP 2021* is to be read in conjunction with *Cumberland LEP 2021*. It covers most of Cumberland City Council excluding land covered by the *State Environmental Planning Policy (State Significant Precincts) 2005*. In the event of an inconsistency between the



provisions of the *Cumberland LEP 2021* and this DCP, the provisions of *Cumberland LEP 2021* shall prevail to the extent of the inconsistency.

### 1.5.3 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) address matters of state significance and should be read in conjunction with the *Cumberland LEP 2021* and the *Cumberland DCP 2021*. Should there be a conflict in controls between a SEPP and a LEP or DCP, the provisions within a SEPP shall prevail unless otherwise stated.

### 1.5.4 Local Infrastructure Contributions Plans

Under Section 7.11 and/or 7.12 of the *EP&A Act*, Councils are able to levy contributions from developments for the provision of public services and facilities required as a consequence of development. These contributions are used for the upgrade and development of community facilities, recreation facilities, infrastructure, roads and traffic management and town centre improvements.

### 1.5.5 Public domain plans

The relevant public domain plan is required to be considered in the design of the public domain where Council is the consent authority, including:

- Auburn Town Centre Public Domain Plan;
- Berala Public Domain Plan;
- Former RAAF Stores Depot Public Domain Plan; and
- Wentworthville Town Centre Public Domain Plan.

Other public domain plans may be prepared during the life of the Cumberland DCP.

### 1.5.6 Other approvals

Approvals may also be required from other government agencies as in some cases a development proposal may constitute “designated” or “integrated” development under the *EP&A Act*.

### 1.5.7 Policies, guides, forms and checklists

Some types of development may require consulting Council’s policies or guides, or completing forms or checklists. It is recommended applicants visit Council’s website ([www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)) and follow the prompts to this DCP.

## 1.6 Structure of Cumberland DCP 2021

This DCP contains 8 Parts. Each part contains objectives and development controls that relate to development within Cumberland City. This DCP also contains Special Precincts and Site Specific Development Controls for certain areas within the Cumberland City. In the event of an inconsistency between the main body of this DCP and Special Precincts and Site Specific Development Controls, the latter shall prevail.

The plan is divided into the following Parts:

### Part A - Introduction and General Controls

This Part explains Council’s planning framework and details information which must be submitted with all development applications. It also details the notification requirements for development applications and controls for subdivision and site amalgamation.

Part B - Development in Residential Zones

This Part contains the controls which apply to residential development within the residential zones.

Part C - Development in Business Zones

This Part contains the controls which apply to commercial and mixed use development and shop top housing development within business zones.

Part D - Development in Industrial Zones

This Part contains the controls which apply to industrial, employment and innovation-based development within industrial zones.

Part E - Other Land Use Based Development Controls

This Part contains the controls for places of public worship, centre based childcare centres, educational facilities, community facilities and sex services premises.

Part F - Special Precinct and Site Specific Development Controls

This Part contains specific controls for Council's nominated Special Precincts and Sites within Cumberland.

Part G - Miscellaneous Development Controls

This Part contains the controls for advertising and signage; traffic, transport, parking and access; heritage; waste management; stormwater management; tree management; sustainability; and urban heat management.

Definitions

This Part contains the definitions which the DCP relies on. The definitions sit separately to the standard instrument dictionary definitions held in the *Cumberland LEP 2021*.

## 2. Notification requirements

### 2.1 Application of this Part

This Part sets out the procedures for public exhibition and notification of development applications in the Cumberland City LGA.

In particular, this Part:

- summarises the public exhibition requirements contained in the *EP&A Act* and *EP&A Regulation* for certain types of applications;
- specifies the notification procedures for all other development applications including applications for modification of development consent; and
- aligns with guidance provided in Council's Community Participation Plan (Cumberland Community Engagement and Participation Strategy).

### 2.2 Application of this Part

In circumstances where there may be any inconsistency between the requirements contained in this Part and any other, the provisions of this Part shall apply.

### 2.3 Objectives

The objectives of notification are to:

- outline the public exhibition and notification procedures for applications to ensure the community is informed of development proposals and applicants are aware of Council's notification requirements;
- notify the appropriate owners and/or occupiers of development occurring on adjoining and nearby properties;
- provide the opportunity for public involvement in the development assessment process;
- ensure an efficient development assessment process by enabling Council to obtain the views of interested persons within logical timeframes before determining a DA; and
- specify circumstances when notification of development applications is not required.

### 2.4 Voluntary planning agreements

For the notification requirements relating to voluntary planning agreements please consult the *EP&A Act* and Council's *Planning Agreements Policy*.

### 2.5 Provisions

The provisions within this Part relating to notification areas and periods of notification are a minimum and may be increased at the discretion of Council once the nature and likely impact of the proposal have been considered.

#### Christmas/New Year period

In accordance with the *EP&A Act*, notification periods during the Christmas/New Year period may be extended to take into account public holidays.

#### 2.5.1 Development to which advertising notification provisions apply

The advertising and notification procedures in this Part apply to all development and related applications lodged with Cumberland City Council.

The *EP&A Act* and *EP&A Regulation* specify the advertising requirements for:

- designated development; and
- integrated development.

Notification and advertising of applications for the above developments will be in accordance with the requirements of the *EP&A Act* and *EP&A Regulation*.

Council will also implement any other advertising, notification and/or consultation requirements that may be specified within any other State policy or legislation, i.e. SEPPs.

The *EP&A Act* and *EP&A Regulation* specify the advertising requirements for the following:

- designated development;
- advertised development;
- state significant development and state significant advertised development; and
- other advertised development including nominated integrated development.

The above categories of development will be notified in accordance with the relevant provisions of the *EP&A Act* and *EP&A Regulation*.

## 2.5.2 Development applications requiring notification and advertising

Table 1 lists the notification and advertising requirements for development applications.

*Table 1: Notification requirements*

Proposed use or development	Letters to adjoining owners	Notice on Council's website	Notice on site	Notification period (days)	Re-notification (if required) (days)
Dwelling houses (including single and 2 storey dwellings, additions, secondary dwellings)	✓	✓	N/A	14 days	7 days
Dual occupancies and manor houses	✓	✓	N/A	14 days	7 days
All other development in residential areas or directly adjoining a residential area (including across a road, laneway or the like)  Development includes residential subdivision (eg. Torrens Title and subdivision involving construction of a roadway) but excludes a strata and stratum subdivision, community title subdivision and health consulting rooms	✓	✓	N/A	14 days	7 days
Multi dwelling housing Residential flat buildings Seniors housing Boarding House	✓	✓	✓	14 days	7 days

Proposed use or development	Letters to adjoining owners	Notice on Council's website	Notice on site	Notification period (days)	Re-notification (if required) (days)
Non-Residential development within residential zones being: Educational establishments Places of public worship Places of public entertainment Child care centres Hospitals (in any zone)	✓	✓	✓	14 days	7 days
Business and office premises – existing use rights	✓	✓	N/A	14 days	7 days
New business / office / retail premises (excluding uses addressed elsewhere in this table) – two storeys or more	✓	✓	✓	14 days	7 days
New business / office / retail premises (excluding uses addressed elsewhere in this table) adjoining or opposite to residential development	✓	✓	✓	14 days	7 days
Mixed use development and shop top housing	✓	✓	✓	14 days	7 days
New industrial building adjoining or adjacent to residential development	✓	✓	N/A	14 days	7 days
Industrial development adjoining or adjacent to residential area operating outside standard hours of operation OR Industrial development adjoining or adjacent to residential area that may impact on residential amenity	✓	✓	N/A	14 days	7 days
Industrial development – existing use rights	✓	✓	N/A	14 days	7 days
Automotive uses (eg. car parks, service station, transport depots, and truck depots)	✓	✓	N/A	14 days	7 days
Vehicle repair station and vehicle body repair workshops adjoining and/or	✓	✓	N/A	14 days	7 days

Proposed use or development	Letters to adjoining owners	Notice on Council's website	Notice on site	Notification period (days)	Re-notification (if required) (days)
adjacent to residential development					
Telecommunications facilities	✓	✓	N/A	14 days	7 days
Home industry and home business	✓	✓	Yes	14 days	7 days
Food and drink premises excluding pubs adjoining and/or adjacent to residential development	✓	✓	N/A	14 days	7 days
Signage more than 20m <sup>2</sup> (Also see other requirements in State Environmental Planning Policy No. 64 – Advertising and Signage)	✓	✓	N/A	14 days	7 days
Sex service premises adjoining residential development or zone	✓	✓	✓	14 days	7 days
Amusement centre	✓	✓	✓	14 days	7 days
Demolition or use of an item/group of environmental heritage	✓	✓	✓	14 days	7 days
Heritage items and developments in a conservation/heritage area	✓	✓	✓	14 days	7 days
Hotel and motel accommodation and pubs	✓	✓	✓	14 days	7 days
Public administration buildings	✓	✓	✓	14 days	7 days
Council-related development applications	✓	✓	✓	28 days	7 days

*Note: Notification periods are also available on Council's website.*

### 2.5.3 Development applications not requiring notification and advertising

Table 2 below lists the types of development applications which do not require advertising or notification.

*Table 2: Types of development applications which do not require advertising or notification*

Development NOT requiring advertising and notification
Exempt and Complying Development
Section 4.55 (1)

Section 4.55 (1A) (see also section 2.6 of this Part)
General alterations only (and does not alter/modify the height or external configuration of a building and not a heritage item) where Council considers no adverse environmental impact is created
Changes which are the result of conditions of consent on an application previously notified
Strata subdivision application
Stratum subdivision application
Torrens title subdivision application not involving construction of a new road
Change of use in business zones where Council considers no adverse environmental impact is created
Change of use in industrial zones not adjacent to or adjoining residential development
Demolition of structures not of heritage significance

## 2.6 Development applications that are amended, modified or reviewed

### 2.6.1 Amended applications

Where an application is amended before it is determined, the amended application/plans will be re-advertised or re-notified if it is considered that there will be an additional likely environmental impact or impact of the development on adjoining or nearby land or development. However, if it is considered that the likely environmental impact is insignificant, the development application will not be re-advertised or re-notified, or the notification period may be reduced. This is at the discretion of Council.

If an application is withdrawn and a subsequent application is made, the new application will be advertised or notified in accordance with this Part, as if the previous application had not been made.

### 2.6.2 Modified applications

#### Section 4.55 (1) modifications involving minor error, misdescription or miscalculation

Applications for modification involving minor error, misdescription or miscalculation are not required to be notified.

#### Section 4.55 (1A) modifications involving minimal environmental impact

Section 4.55 (1A) applications will generally not be notified. However, if in the opinion of Council, the proposed modification has potential to increase the impact of the development on adjoining or nearby land or development, Council may notify the proposed modification under this section as follows:

- written notice to adjoining landowners and occupiers; and
- the notification period is 14 calendar days.

If Council considers the application will cause an increased environmental impact, the application may be amended to a Section 4.55 (2) application and be advertised and notified in accordance with this section.

All persons who made a submission to the previous development application shall also be notified in accordance with this section.

Section 4.55 (2) other modifications

Applications received under Section 4.55 (2) shall be advertised and notified in the same manner as the original development application. All persons who made a submission to the previous development application shall also be notified in accordance with this section.

Section 4.56 modification by consent authority of consents granted by the court

Applications received under Section 4.56 of the *EP&A Act* shall be exhibited in accordance with the requirements prescribed by Section 4.56 of the *EP&A Act* and the *EP&A Regulations*.

Section 8.2 (determinations and decisions subject to review) applications

Applications under Section 8.2 Reviews may require:

- re-notification to previous persons who made a submission; and/or
- re-advertisement and/or notification in the same manner as the original application, if the development application is amended and considered to have greater impact than the original development application.

**2.6.3 Notification of Building Information Certificate Application**

Council may notify adjoining owners and occupiers where it is considered that the development, works and/or structures cause adverse impact.

Where written notice is given, it shall be for a minimum of 14 days.

**2.7 Other notification considerations**

**2.7.1 NSW Land and Environment Court appeals**

In the event of an application being refused, either on its merit or because the application is inadequate or incomplete and is subsequently subject to an appeal to the Land and Environmental Court, persons who made submissions shall be notified of the appeal.

**2.7.2 Notification of adjoining local government areas**

Where Council considers that there are adjoining properties located outside the boundaries of the Cumberland City which will be affected by development in the Cumberland City, Council shall endeavour to notify those properties in accordance with this Part.

**2.7.3 Public notification of development consents**

Council shall give written notice of the determination of a development application to each person who made a written submission in relation to that application. This notice will specify when the determination was made and the application outcome.

In the case of petitions submitted to Council, the principal author shall be notified of Council's decision. If the principal author is not readily identifiable then the first identifiable signatory shall be notified.

**2.8 Procedures**

**2.8.1 Advertising procedures**

The notification period for all development applications to be advertised and or notified shall commence a day after the date of the advertisement and/or letter.



Development to be advertised will require a notice to be published on Council's website. Notification timeframes are provided in Table 1.

The notice shall contain the following information as a minimum:

- a description (including the address) of the land on which the development is proposed to be carried out;
- the name of the applicant and the consent authority;
- a description of the proposed development;
- whether or not the development is designated development, nominated integrated development, threatened species development, Class 1 aquaculture development or State significant development;
- a statement that the development application and the documents accompanying the application, including any environmental impact statement, are publicly available on the consent authority's website for the period specified in Schedule 1 to the Act for that kind of development; and
- a statement that any person, during the submission period specified in Schedule 1 to the Act for that kind of development, may make submissions to the consent authority concerning the development application and that the submissions must specify the grounds of objection (if any).

## 2.8.2 Notification procedures

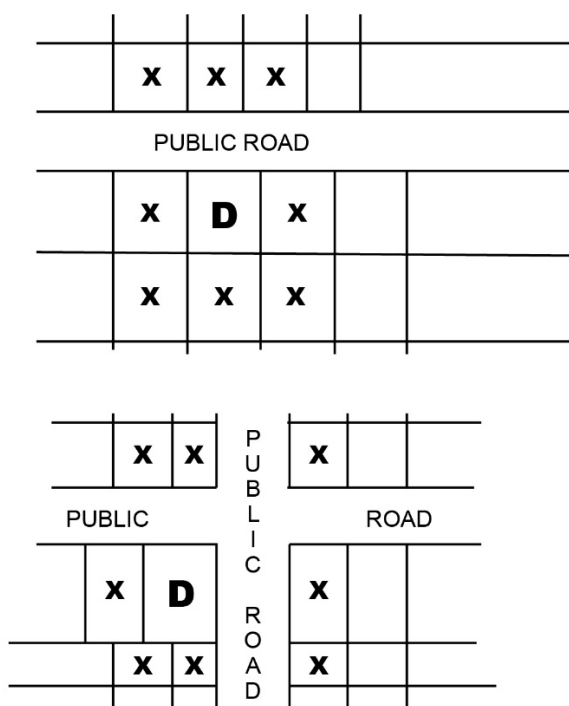
### Persons to be notified

The following are minimum requirements for notification:

- for buildings of single ownership, notification will be to the building owner/s;
- where the parcel of adjoining or opposite land is under more than one ownership, notification will be sent to one owner; and
- for strata title buildings, notification will be to the:
  - owners corporation. Subject to compliance of the owners corporation, a notice will be placed in the foyer of the strata building, and
  - owners of the strata units and occupiers within the building that adjoins the proposed development (at the discretion of Council).

### Areas to be notified

The areas to be notified are outlined in Figure 2. This area shows minimum requirements and may be increased at the discretion of Council, depending on the nature and likely impact of the proposal.



key:

- |          |
|----------|
| <b>D</b> |
|----------|

 Development site
- |          |
|----------|
| <b>X</b> |
|----------|

 Properties to be notified

Figure 2: Areas to be notified

Method of notification

Written notice (e.g. letters of notification) must contain as a minimum the following information:

- identification/description of the relevant parcel of land (lot description and address);
- a description of the proposed development;
- name of applicant;
- the registered number of the application;
- an A4 size plan including a site plan and the elevations of the building (if relevant);
- the place and times the application can be inspected and submissions made;
- the closing date for submissions;
- an invitation to make a written submission;
- Council address, telephone and email contact including the name of the assessing officer;
- date of the notification letter;
- length of notification period; and/or
- a statement outlining the privacy rights and that submissions will be disclosed to any person requesting information under the *Government Information (Public Access) Act 2009 (GIPA Act)* or alternatively seeking access to Council’s documents under Section 12 of the *Local Government Act 1993*.

Council has discretion whether to:

- notify fewer properties than described in the diagram;
- notify properties beyond adjoining properties;
- extend the notification period;
- place a public notice in a local newspaper;
- exhibit plans at other public venues;
- hold a public meeting/public information session/workshop;
- consult with relevant community groups; and/or
- provide additional advice in the written notice.

#### Notification at the development site

When notice is required on the site, the following information shall be on the notice:

- development application number;
- the name of the applicant;
- site address of proposed development;
- a brief description of the development;
- advertising period and the period in which the application can be inspected and submissions made;
- a contact person within Council and the telephone number of that person;
- an invitation to make a submission; and
- the date of the notice.

#### Other forms of notification and advertisement

The details of the applications on notification and/or advertisement may be placed on exhibition on Council's website and at the Council's Customer Service Centres, and relevant Council libraries.

#### Period of public exhibition

The notification and advertising period for development is as specified in Table 1 – Notification Requirements.

The notification and advertising period may be varied at the discretion of Council after considering the scale, intensity and location of development, likely impact of the development on adjoining or nearby residents, and the level of public interest or likely public interest in the proposal.

The exhibition period may be extended to take into account public holidays.

The notification period for re-exhibition of amended plans may be reduced where in the opinion of Council, the amendments are of a minor nature with minimal effect on local amenity.

#### Circumstances where notification of an application may not be necessary

- if a development application is amended;
- Council has notified/advertised the original application in accordance with this Part;
- Council is of the opinion that the amended application differs only in minor respects from the original application, and does not result in a greater environmental impact or reduced levels of amenity to adjoining or nearby residents; and
- Council may decide to dispense with further notification/advertising in relation to the amended application at the discretion of the council for the management of assessment of the application.

## **2.9 Submissions for advertising and notification**

### **2.9.1 Submission period**

The submission period will be in accordance with the notification period specified in the notification or advertisement.

The notification or advertisement will refer to the development application and accompanying material as being on exhibition for a stated period of days with the closing date for submissions being at the end of the stated period.

The period may be increased if the consent authority considers that a longer period shall be given.

### **2.9.2 Making a submission**

Any person may make a submission within the submission period to either object to or support a proposed development. Submissions must be in writing and delivered to Council either by person, post or e-mail.

Submissions must be received by Council before the close of business on the last day of the exhibition period or otherwise determined by Council. Consideration of late submissions within a reasonable short period of the end of the exhibition period will be at the discretion of Council.

All submissions received in the correct manner during the submission period will be taken into consideration in the determination of the application.

Council will address submissions during the assessment prior to a determination.

As a minimum, submissions must include the following:

- clear identification of the subject property;
- the development application number;
- clear indication of the name, address and telephone number, email, facsimile of the author and the contact details of the respondent during business hours (to enable Council to notify the author in advance if the matter is to be considered at a Council meeting);
- reasons for the objection (this shall be brief and to the point and refer to the specific application);
- other relevant documents (e.g. surveys, plans or photographs); and
- suggestions for how the proposal might be amended to address their objections.

### **2.9.3 Form letters and petitions**

When Council receives a petition in respect of a development application, modified application or Section 8.2 Reviews applications, the head petitioner, or where not nominated, the first petitioner will be acknowledged for the purpose of future contact.

Where a petitioner or contact is not nominated, one will be selected by Council. Only the head petitioner will be advised of Council meetings or receive confirmation of the determination of an application.

Form letters and petitions shall be counted as one submission.

### **2.9.4 Disclosure of submissions**

All submissions are subject to a request for access by interested persons under section 12 of *the Local Government Act 1993* or under the *Government Information (Public Access) Act 2009*.

If such a request is received, the submission(s) – including names and addresses of submitters – will be made available for inspection.

A request for personal information to be suppressed by Council can be made under *section 58 of the Privacy and Personal Information Protection Act 1998*. Council will consider these requests in accordance with this Act. The final determination of such requests will be made by the General Manager.

The information contained within submissions is intended for the use by Council staff only. The information will be retained by Cumberland City Council and stored within its central records system.

#### 2.9.5 Copyright

Copies of plans will not be copied or made available other than through public viewing.

#### 2.9.6 Acknowledgment of submissions

All submissions will be acknowledged as soon as practicable, after receipt by Council. If the application is to be considered at a Council meeting, Council may notify the person who made the submission.

If the matter is to be determined at a Council meeting, contact will be made with the person who made the submission, provided the daytime contact details (e.g. telephone number, facsimile and or email) have been provided in the submission.

Best endeavours will be made to ensure that all persons who have provided their daytime contact details will be contacted prior to determination of the application to be considered by Council.

However, it is noted that the onus is on the person who made the submission to seek information about the meeting dates, times and or agenda from the officer responsible for the application or from the Council website.

In the event of a rescission motion being lodged, those persons having made a submission and the applicant will be notified of this either by telephone, mobile, mail, or email.

#### 2.9.7 Anonymous submissions

Anonymous submissions will not be considered by Council.

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CUMBERLAND  
CITY COUNCIL

# PART A2 SUBDIVISION

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# 1. Introduction

## 1.1 Land to which this part applies

This Part applies to all land in Cumberland City where development for the purpose of subdivision is permitted.

## 1.2 Purpose of this part

This Part is intended to guide the assessment of subdivisions.

# 2. Objectives and Controls

## 2.1 Design and landscaping for subdivision

### Objectives

- O1. Reflect the predominant subdivision pattern of the locality.
- O2. Provide allotments of appropriate area and configuration to facilitate development that meets the requirements of different zones.
- O3. Maintain and enhance existing streetscape and landscape character.

### Controls

- C1. In determining the suitability or otherwise of any subdivision application, consideration of the following matters will be taken into account:
  - slope and orientation of land;
  - opportunities for solar and daylight access to future development;
  - design of roads, access ways and individual site access;
  - retention of special qualities or features of a site, such as trees and views;
  - availability of utilities;
  - evacuation controls;
  - provision of adequate site drainage; and
  - provision of public open space.
- C2. Avoid rear fences directly fronting public roads. Where this is unavoidable, the following measures may be required (see Figure 3):
  - greater setbacks for landscaping against fences, consistent with acoustic and road design standards (Figure 3 (left)); and
  - building frontages to face road by provision of parallel access road separated by landscaped buffer (Figure 3 (right)).

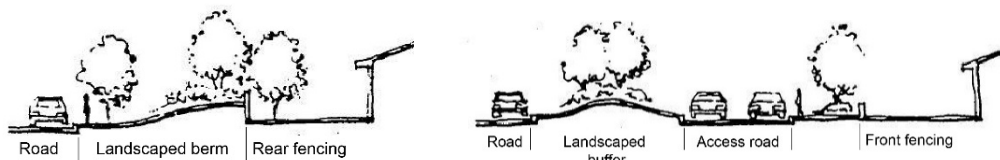


Figure 3: Landscaping

Easement of support

- C3. The provision of an easement of support will be required to cover all embankments that extend into the lots if the batters are steeper than 5 to 1.

Retaining walls

- C4. Provide space for a retaining wall within the newly created allotment boundaries where required as a result of topography, new road construction and/or impact on existing allotments.

## **2.2 Services**

**Objectives**

- O1. Ensure the provision of public utilities to each allotment, within road reserves, in an efficient and cost-effective manner.
- O2. Maximise the opportunities for shared (common) trenching and to reduce restrictions on landscaping within road reserves.
- O3. Ensure residential, industrial and business areas are adequately serviced in a timely, cost effective, coordinated and efficient manner.

**Controls**

- C1. Easements required by Council for the purpose of subdivision may include those necessary for utility services. The width of the easement is to be determined by the service authority.
- C2. The design, construction and location of utility services shall conform to Council's stormwater standards and work specifications for subdivision and developments and the specific standards of the relevant servicing authority.
- C3. Design road corridors and other accessways to take into account existing services to avoid any unnecessary alterations or diversions.
- C4. Where possible, coordinate compatible public utility services in common trenching to minimise cost.
- C5. Areas affected by construction works are to be reinstated to appropriate grades, covered with 100mm of topsoil and turf.

Electricity

- C6. For subdivision requiring a new low voltage electricity supply, reticulate via an underground supply system. Service battleaxe blocks with underground electricity to the rear of the accessway.

Water supply

- C7. Provide an adequate reticulation water supply system from water supply mains for domestic supply and firefighting purposes.

Sewerage

- C8. Arrange sewerage reticulation to allow the whole of each new allotment to be serviced by gravity drainage.

## **2.3 General residential**

### **Objectives**

- O1. Enable flexibility in the choice of housing design and siting of a dwelling house as well as suitable space available for other activities normally associated with the use of a dwelling house.
- O2. Provide an appropriate level of amenity for new and existing residential areas.
- O3. Ensure appropriate levels of service for utilities and the road network are achieved and to optimise existing infrastructure.
- O4. Adequately consider environmental constraints and impacts including flooding, drainage, vegetation, erosion on a proposed subdivision.
- O5. Ensure the proposed development lot is of sufficient size to accommodate the form of dwelling house proposed.

### **Controls**

#### Lot and road orientation

- C1. Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised.
- C2. Allotments shall be design and configured to:
- minimise boundary retaining walls;
  - minimise potential overlooking; and
  - maintain solar access, where slopes face south.

#### Allotment size and dimensions

- C3. In addition to the minimum area specified in the Cumberland LEP 2021, the frontage and depth of a proposed allotment shall be consistent with the prevailing subdivision pattern of the immediate locality where it is proposed to erect a dwelling house on the allotment.
- C4. The access corridor of a battleaxe shaped allotment is not included in the calculation of the minimum area required for that allotment.
- C5. Corner allotments shall have a minimum width of 14m.
- C6. Multiple subdivisions of battleaxe lots is not permitted.
- C7. Proposed allotments, which contain existing buildings and development, shall comply with the site coverage and other controls contained within Part B Residential.

#### Battleaxe lots

- C8. Multiple subdivisions of into battleaxe lots are not permitted.

- C9. Any proposed vehicular access corridors shall have a maximum length of 60m, a minimum width of 4m and a minimum width of shared corridor of 6m.
- C10. A maximum of 2 adjoining battle-axe lots is permitted. Access to more than 2 lots shall be via a dedicated road.
- C11. Dwelling house development on battle-axe lot must comply with the site coverage, landscape area and private open space requirements set out in Part B1 of this DCP. The calculation of compliance with these controls will not include the area of any access corridor, right of carriageway or the like.

#### Access to battleaxe lots

- C12. A maximum of two residential allotments may be served by a shared access corridor.
- C13. Where two corridors are shared, reciprocal rights of way and easements for drainage and services shall be granted over the access corridors for the benefit of both allotments.
- C14. An access corridor to a single allotment shall be constructed with full width concrete paving, minimum 3m wide.
- C15. Shared access corridors (serving two allotments) shall be constructed with a full width centrally located driveway in accordance with AS2890 and relevant engineering specifications.

#### Access corridors

- C16. Any proposed vehicular access corridors shall have a maximum length of 60m, a minimum width of 4m and a minimum width of shared corridor of 6m.
- C17. The number of battleaxe shaped blocks in a subdivision should be kept to a minimum. No more than three battleaxe allotments shall adjoin each other, and access to more than three lots should be by a dedicated road.
- C18. No more than two allotments should be served by a shared access corridor.
- C19. Where two corridors are shared, reciprocal rights of way and easements for drainage and services shall be granted over the access corridors for the benefit of both allotments.

## **2.4 Residential flat building, multi-dwelling development and mixed use development**

### **Objectives**

- O1. Ensure that subdivision and new development is sympathetic to the landscape setting and established character of the locality.
- O2. Provide allotments of sufficient size and dimensions to facilitate development of the land at a density permissible within the zoning of the land having regard to site opportunities and constraints.
- O3. Facilitate lot amalgamations to ensure better forms of housing development and design.

## **Controls**

### Lot amalgamation

- C1. Development sites involving more than one lot shall be consolidated.
- C2. Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.
- C3. Adjoining parcels of land not included in the development site shall be capable of being economically developed and not result in site isolation.

### Subdivision

- C4. The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces.
- C5. Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.
- C6. Council will allow the strata subdivision of residential flat buildings subject to compliance with all other related controls contained in this DCP.

### Creation of new streets

- C7. A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.

## **2.5 Centres**

### **Objectives**

- O1. Ensure development sites are of a reasonable size to efficiently accommodate architecturally proportioned buildings and adequate car parking, loading facilities, etc.
- O2. Provide lots which are of sufficient size to satisfy user requirements and to facilitate development of the land while having regard to site opportunities and constraints.
- O3. Provide lots of a size and dimension that facilitate the orderly development of the commercial centres.
- O4. Provide essential public utility services to the satisfaction of relevant authorities.

### **Control**

#### Size and dimensions

- C1. Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.

## 2.6 Roads

### Objectives

- O1. All new proposed streets are designed to convey the primary residential functions of the street including:
- responding to topography;
  - integration with the existing street pattern in a fully connected system;
  - safe and efficient movement of vehicles and pedestrians;
  - provision for on street parking;
  - provision of landscaping;
  - location, construction and maintenance of public utilities; and
  - movement of service and delivery vehicles.

### Control

- C1. Where a new street is to be created, the street shall be designed to Council's standards having regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.

### Road design speeds

- C2. A combination of measures may be required to limit design speeds by:
- limiting street length; and/or
  - introducing bends.
- C3. Introducing slow points, bends and other traffic management measures such as constriction of carriageway width and speed humps. These may not be appropriate in all situations.
- C4. Road design and speed profiles shall conform to Roads and Maritime Services (RMS) guidelines.

### Road reserve

- C5. Carriageway, verge and road reserve widths shall be provided as shown in Table 3 and Figure 4 below. Where not already provided, Council will require 4m x 4m splay corners to be dedicated in road reserves at intersections.
- C6. While discouraged, where rear fences face major roads, greater verge widths may be required for landscape measures to screen fences, without compromising visibility at intersections.

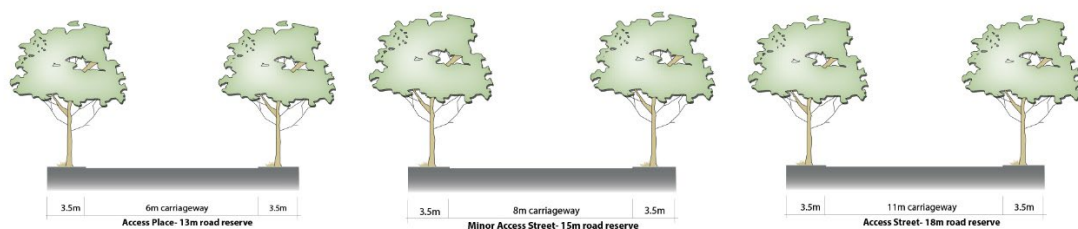


Figure 4: Carriageway widths

Table 3: Carriageway, verge and road reserve widths

Road type	Minimum carriageway (m)	Minimum verge (m)	Minimum road reserve (m)	Maximum number of lots served
Access place minor cul-de-sac	8.5	2.2	13	15, including corner lots
Minor access street minor loop roads, and cul-de-sacs	10.5	2.2	15	30, including corner lots
Other road types	13	3.5	20	

On street parking

C7. On street parking shall be provided as part of the carriageway.

Pedestrian/cyclist facilities

C8. An access place or street shall be provided with a 1.2m wide concrete footpath on all frontages. Council will consider the alternative of interlocking road pavements for short length access places serving up to 10 dwelling allotments.

C9. Where a cycleway and access approved plan exists, pedestrian and cyclist paths shall be provided in accordance with that plan.

Road formation

C10. New roads must be constructed with kerb and gutter, 1.2m wide concrete footpath and be sealed from gutter to gutter.

C11. Cul-de-sacs will be accepted only where surrounding land has been fully developed or where the DCP provides for cul-de-sacs roads. Cul-de-sac roads are to have a 12m radius with 12m reverse curves on boundary alignment.

**2.7 Industrial subdivision****Objectives**

- O1. Maintain and protect the environmental amenity of adjacent land uses.
- O2. Provide lots of sufficient size to satisfy user requirements and to facilitate development of the land having regard to site opportunities and constraints.
- O3. Provide lots of a sufficient area and dimension to allow for the siting of buildings including provision of adequate car parking, landscaping, access and other potential site activity and where possible reduce driveways to main roads.
- O4. Provide essential public utility services to the satisfaction of relevant authorities.

**Controls**

- C1. New lots shall remove or reduce vehicular driveways and access points to main or arterial roads where alternatives are available.

- C2. Adequate allowance shall be provided for the manoeuvring and turning of heavy vehicles on site.
- C3. For industrial allotments with an area of 1,200m<sup>2</sup> or greater:
- the minimum width of the allotment at the building line shall be 24m; and
  - the minimum depth of the allotment shall be 45m.
- C4. For industrial allotments with an area of less than 1,200m<sup>2</sup>:
- the minimum width of the allotment at the building line shall be 20m; and
  - the minimum depth of the allotment shall be 40m.
- C5. For corner allotments, a 6m x 6m corner splay is to be provided. In special circumstances, a deeper cut-off may be required.

Utility services

- C6. The applicant shall demonstrate that each proposed lot can be connected to appropriate utility services including water, sewerage, power and telecommunications (and where available gas). This may include advice from the relevant service authority or a suitably qualified consultant.
- C7. Any application for strata subdivision shall demonstrate that each lot is serviced for parking and loading and shall generally comply with the requirements of Part G3 of this DCP.



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CUMBERLAND  
CITY COUNCIL

# **PART A3**

## **SITE AMALGAMATION AND ISOLATED SITES**

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## 1. Introduction

This Part applies to all land within Cumberland City, except for certain land identified as Merrylands, Toongabbie, Pendle Hill, Wentworthville and Guildford local centres, and the Transitway Precincts contained within the Part F of this DCP.

## 2. Principles

The key principle is to ensure the subject site and adjoining site(s) can achieve development that is consistent with the planning controls. Isolation of small sites should be avoided as it may result in poor built form outcomes.

If variations to the planning controls are required, such as non-compliance with a minimum allotment size, both sites will be required to demonstrate how development of appropriate urban form with an acceptable level of amenity for all stakeholders will be achieved.

## 3. Process

Site amalgamation shall be considered and/or required if:

- the adjoining site will become isolated by the proposed development;
- the subject site cannot satisfy the minimum lot width and size requirements;
- there is a likely environmental impact of a proposed development upon the amenity and enjoyment of land locked and/or isolated sites including shadow, privacy, noise, odour and visual impacts;
- if there is a better streetscape amenity outcome to be achieved that would also reduce the number of access points along a street frontage; and
- the subject site and adjoining site(s) cannot achieve a satisfactory form of development that is consistent with the planning controls.

If any of the above applies, then negotiations for amalgamation between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

### If site amalgamation is not feasible

Development proposals that create isolated sites or “landlocking” shall provide documentation with the development application that include details of the negotiations between the owners of the properties. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site(s). Documentation shall, at least, include:

- two independent valuations that represents potential value of the affected site(s). This may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property; and
- evidence that a genuine and reasonable offer(s) has been made by the applicant to the owner(s) of the affected adjoining site(s).

Note: A reasonable offer shall be of current fair market value and shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site.

The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning

requirements and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Where a proposed development is likely to result in an isolated site and site amalgamation cannot be achieved, the subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

Applicants for the development site are to demonstrate how future development on the isolated site can be achieved. To assist in this assessment, an envelope for the isolated site should be prepared which indicates the following:

- height;
- setbacks;
- pedestrian and carparking access;
- site coverage (both building and basement);
- constructability;
- envelope separation; and
- open space and landscaping.

This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other. This includes solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

Where it has been demonstrated that the isolated site can be appropriately developed at a later stage, Council may consider alternative design solutions for the subject site.