

Item No: C0219(3) Item 1**Subject:** DCP HOUSEKEEPING PROJECT**Prepared By:** Louise Higginson - Strategic Planner**Authorised By:** David Birds - Group Manager Strategic Planning**SUMMARY**

One of the first sub-projects of the “Our Place Inner West” Project is the alignment of certain Development Control Plan (DCP) provisions across the three DCPs applicable to the Inner West Council area. The alignment will address inconsistencies between the DCPs to help improve development assessment and control processes. The full integration of the DCPs will take place at a later stage in the “Our Place Inner West” project.

This report seeks Council endorsement of draft amendments to the three DCPs for public exhibition, specifically in the areas of:

- Tree control;
- Site facilities and waste management;
- Flood and stormwater management;
- Minor inconsistencies with car parking generation rates; and
- Administrative and legislative updates.

This report recommends that the draft DCPs be placed on public exhibition for 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*. The outcomes of this consultation will be presented to Council following the public exhibition period.

RECOMMENDATION**THAT:**

1. **Council resolve to publicly exhibit the proposed draft amendments to each Development Control Plan (DCP), as detailed in Attachment 2 of this report, for a period of 28 days, to align certain controls contained within the:**
 - a. **Marrickville Development Control Plan 2011;**
 - b. **Leichhardt Development Control Plan 2013; and**
 - c. **Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (Ashfield DCP);**
 2. **Council note that the previously resolved exhibition of the Tree Management DCP will occur concurrently with the above; and**
 3. **The results of the public exhibition are reported to Council for consideration with any recommendations for final changes to each of the above mentioned DCPs.**
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Background

Since amalgamation occurred in May 2016, Inner West Council has continued to use the existing provisions of the three former Council DCPs for the administration and assessment of Development Applications (DAs) across the LGA.

The “*Our Place Inner West Project – a Land Use Planning Framework for the Inner West Council Area*” (*Our Place Project*) is a major strategic project for the Council, and is being undertaken in line with the funding agreement under the accelerated Local Environmental Plan

(LEP) Review Project and as required by the Eastern City District Plan, for which the next major milestone is the exhibition of the draft Local Strategic Planning Statement in July 2019.

The *Our Place Inner West* project includes the following key aspects:

- Preparation of the Local Strategic Planning Statement (LSPS);
- Preparation of relevant studies to support the LSPS, LEP, DCP and Contributions Plan, including:
 - Integrated Transport Strategy;
 - Housing Study and Strategy;
 - Employment and Retail Lands Strategy; and
 - The incorporation of other studies currently being undertaken by other sections of Council;
- A number of neighbourhood or locality based studies to inform the consolidated LEP and DCP;
- Consolidated Local Environmental Plan; and
- A comprehensive Development Control Plan (following submission of the LEP to the Department of Planning and Environment for Gateway determination).

It was identified that the comprehensive DCP will take around 2½ years until complete, and a number of inconsistent provisions of the three DCPs is needed in the short term to increase efficiencies and reduce confusion. This report relates to that aspect of the *Our Place Inner West* Project. **Attachment 1** provides an indicative outline of stages for the *Our Place Inner West* Project.

Another key driver for the DCP Housekeeping sub-project has been the Tree DCP harmonisation, the exhibition of which is proposed to be undertaken concurrently with these DCP amendments. In relation to the Tree DCP, at the 27 November 2018 Council Meeting it was resolved as follows:

THAT:

1. *Council resolve to publicly exhibit the draft Tree Management Development Control Plan for the Inner West, as detailed in ATTACHMENT 2 of this report, for a period of 28 days, to replace the existing tree management controls contained in:*
 - i. *the Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill;*
 - ii. *Leichhardt Development Control Plan 2013; and*
 - iii. *Marrickville Development Control Plan 2011.*
2. *The results of the public exhibition and community engagement process are presented to Council along with a final Tree DCP for adoption;*
3. *When the policy comes back off public exhibition, a summary of which options identified in the discussion paper have been included and excluded in the draft DCP policy be provided; and*
4. *A plain English language explanation of the policy be provided in the post exhibition report.*

The proposed changes to Leichhardt, Marrickville and Ashfield DCP's are in excess of 350 pages and are too large for inclusion in the Council's Business Papers and so have been published on Council's website and can be accessed using the link below:-

<https://www.innerwest.nsw.gov.au/develop/planning-controls/development-control-plans-dcp>
Key Housekeeping DCP Project Objectives

The project objectives are:

- To undertake minor housekeeping amendments to the three DCPs to align certain inconsistent provisions;
- To address issues raised by internal sections of Council that are known to be causing operational and equity issues in the administration and assessment of Development Applications; and
- Maintain the three separate DCPs of the former Marrickville, Ashfield and Leichardt Local Government Areas until the comprehensive DCP is prepared.

A workshop was held in August 2018 where key staff from across Council discussed the differences and inequities across the three DCPs that urgently needed resolution. Since then, smaller, more targeted workshops have been held with key staff on a number of particular topics where it was necessary to discuss issues and proposed solutions in more detail. As a result of the internal workshops and discussions, proposed amendments have been drafted for the following topic areas:

- Site facilities and waste management;
- Car parking - calculation and rates for particular uses;
- Flood management;
- Storm water management;
- Legislation updates; and
- Administrative updates.

The potential for amendment to the approaches in the existing DCPs to the notification and advertising of DAs has also been raised in the consideration of matters that could be addressed and this is currently being given further consideration. A table outlining the proposed amendments in more detail is provided in **Attachment 2**.

1. Site Facilities and Waste Management

A summary of the proposed amendments is as follows:

- Alignment of the generation rates for waste and recycling for units (120L per unit, per week); the DCPs currently assess the requirements for waste and recycling variously at 72 to 120 litres for each unit per week. These are catered for in 240 litre bins (except where a combination of waste chutes and 660 litre bins in the waste storage area are provided);
- Waste chutes (for general waste only) to be permitted across the LGA, while waste compaction is proposed to be prohibited across the LGA (Council collected waste only). This will make the three DCPs consistent in this regard. Note that compaction equipment, mechanical chute diverters and recycling chutes are not supported due to waste management operation and amenity issues;
- Alignment of commercial waste generation rates across the DCPs. These rates are used to ascertain the amount of storage space and number and size of bins. The commercial waste generation rates are not reflective of land use, nor are they consistent across the three DCPs. For instance the recycling generation rate for 'greengrocer' varies across the DCPs from 120 litres to 410 litres per 100 m² per day, while the waste generation rate for 'café' varies from 215 litres to 670 litres per 100m² per day;

- Resource recovery collection vehicle dimensions in the DCPs do not reflect the collection vehicles currently in operation. Truck dimensions for on-site collection have been updated to reflect Council's standard trucks, servicing 80L/ 120L/ 140L/ 240L/ 660L bins - our normal rear load compactors, noting the longest contract (for Ashfield) is to 2023. The different truck sizes cater to Council's operational needs, and need to be efficient in terms of load capacity as well as access constraints (e.g. narrow streets). As these vehicles need to travel some distance to transfer stations outside the LGA, the larger trucks are both more efficient and produce less greenhouse emissions than many smaller trucks. This will be even more important, as waste transfer stations have been closing or are under threat of closing, which will result in larger travel distances;
- Accommodation of 660L bins (rather than 240L) is required in recycling/waste storage rooms in multi dwelling residential developments where the generation rate exceeds this level. 660L bins are only required for large residential properties where collection is from within the property boundary and it meets the DCP requirements (flat surface, rolling kerb, wider doorways etc).

Some concerns have been expressed about the larger bins on the footpath. As DAs are submitted for businesses, Council should be requiring storage and collection from within the property boundary. In this regard Council's Waste Inspectors will be undertaking a targeted program to ensure that businesses are complying with their obligations for management of waste and recycling under state legislation.

2. Flood Management

The key amendments proposed are as follows:

- Each DCP currently contains some controls for underground or basement car parking facilities. It is proposed to align the controls in each DCP for a consistent design approach across the LGA. Enclosed garages and basements would continue to be required to have flood free access, however, minor variations will be permitted in certain circumstances in lower hazard areas. The three DCPs will all now require flood free pedestrian evacuation route basement parking;
- The three DCPs have different requirements for freeboard (the minimum floor level above the relevant flood level). A middle-ground approach is proposed allowing for merit assessment. While 500mm freeboard remains the standard, consideration would be given to reducing this to 300mm in certain circumstances;
- Inclusion of requirements for Flood Risk Management Reports. This includes when the report must be submitted and what should be included in the report. This will assist the Development Engineers in undertaking their detailed assessment of applications that are identified as being on flood liable land – reducing the risk to human life and property. This information will also be included in the "Development Application Documentation Requirements" and DA Lodgment Checklist form available on Council's webpage. The information is included in the DCP at this stage as the changes in the requirements are quite substantial for some areas. It is anticipated that in the comprehensive DCP this information would only be available in DA documentation and lodgment requirements.

3. Stormwater Management

The key amendments proposed are as follows:

- Amendments are proposed to the controls related to the use of water tanks (On-Site Retention (OSR)) in lieu of on-site detention for low density residential development. These controls are supported by a study conducted by the consultants Cardno (2017, *Leichhardt Flood Risk Management Study*) for the former Leichhardt Council in 2017. Environmental and cost saving benefits will result from encouraging the use of OSR instead of OSD in the above circumstances. The Urban Ecology Team have provided advice that they:

“support the change in the Interim DCP to make it easier for OSD to be converted into OSR (i.e. rainwater tanks), this has two benefits beyond flood control - it reduces consumption of potable water and it reduces the impacts of stormwater on waterways”.

- Amendment to the control for maintenance of surface flow paths to confirm the design/performance criteria;
- A consistent approach to stormwater drainage is proposed, to require stormwater systems to drain by gravity (no pumps). At present one DCP allows exceptions;
- The Ashfield Stormwater Management DCP lacks a detailed set of controls for the design and ongoing management of stormwater. The chapter currently only states to “*comply with the applicable requirements of the document: “Ashfield Interim Development Assessment Policy 2013 – Part E4 - Stormwater Management”*”. The document requires updating, does not align with the Marrickville and Leichhardt DCPs and is difficult for the public to locate. Therefore, to ensure that new development is carefully designed, constructed and maintained in accordance with best practice it is proposed to include a cross reference to the Marrickville DCP Chapter on Stormwater (Part 2.25). Marrickville DCP was selected as it has a separate / standalone chapter for stormwater controls whereas the Leichhardt DCP does not. This will ensure that the three DCPs all have the same approach to the matters considered in relation to stormwater management in this report.

4. Minor Amendments to Car Parking Generation Rates

It is acknowledged that there is concern about different off street parking requirements for a number of uses including the low density residential parking rates across the LGA. However, Council is currently preparing an Integrated Transport Strategy (ITS) which will be critical to inform a holistic approach to changes to the car parking generation rates that will apply across the LGA. It would be premature to seek a broader alignment of rates at this stage. Consequently the changes proposed to the current parking rates have been kept to a minimum, and only correct inconsistencies or anomalies, rather than a holistic review.

- *Calculation Advice*

Within each DCP the statement on how the parking rate is calculated is proposed to be updated and aligned. If the parking calculation results in a number that is not a whole number required it will be rounded up from 0.5 and above or otherwise down to the nearest whole number.

- *Boarding House Car Parking Standards*

Council’s three DCPs have different rates, both for staff/caretaker and for residents of boarding houses, with one DCP based on merit for resident numbers only.

On 1 June 2018, car parking standards were increased for boarding housing proposed to be delivered under the *State Environmental Planning Policy Affordable Rental Housing 2009 (ARHSEPP)*. Car parking standards for boarding houses, except where provided by a Social Housing Provider, are now 0.5 spaces per room in all locations. This standard is contained at Clause 29(2)(e) of the ARHSEPP, and remains a ‘standard which cannot be used to refuse consent’. This means councils cannot refuse a boarding house application on the basis of not meeting this standard. Council may consider a lower car parking rate if appropriate. Council’s boarding house parking rate is proposed to refer directly to the ARHSEPP to avoid confusion.

- *Ashfield DCP corrections*

Changes are proposed to the current rates for *hotels/motels/guest houses and bed and breakfast accommodation* to simplify and avoid confusion. The current DCP provides a

separate and different rate for the restaurant component than is required elsewhere for restaurants. The controls for restaurant parking would now be consistent within the DCP. In addition the reference to guesthouses (not a land use in the Standard LEP instrument) and bed and breakfast are proposed to be deleted, to allow merit consideration, as for the other two DCPs.

5. Administrative Updates

Within the current Ashfield and Marrickville DCPs there is a detailed section on what information is to be submitted with development applications. The Development Assessment Team have prepared a "Development Application Documentation Requirements" and a DA Lodgment Checklist now used across the LGA. These documents are able to be updated as needed to clarify lodgment requirements. It is proposed to remove these sections from the Ashfield and Marrickville DCPs with text that states that this information can be found on Council's webpage to avoid inconsistencies and confusion.

6. Legislation Updates

The *Environmental Planning and Assessment Act 1979* was updated in March 2018. The update resulted in changes to existing section numbers for parts of the Act frequently used and consequently noted in the current DCPs.

Additionally the *Biodiversity Conservation Act 2016* and the amendments to the *Local Land Services Act 2013* commenced on 25 August 2017, replacing the *Threatened Species Conservation Act 1995*. Consequently a number of existing references in the current DCPs are proposed to be updated with the new legislative references.

The proposed amendments will simply replace the old provision references with references to the new provisions as required by the legislation.

FINANCIAL IMPLICATIONS

Staff resources have been allocated to the preparation and administration (including public exhibition) of this project from the Strategic Planning Group budget.

OTHER STAFF COMMENTS

As noted above extensive internal staff discussions assisted in the drafting of the proposed amendments to certain controls across the three DCPs. The following sections of Council have had input into the DCP Housekeeping project:

- Strategic Planning Group;
- Development Assessment and Regulatory Services;
- Resource Recovery Operations and Resource Recovery Planning;
- Urban Ecology;
- Development Engineers;
- Communications, Engagement and Events; and
- Legal Services.

PUBLIC CONSULTATION

It is proposed to publicly exhibit the draft Housekeeping DCP at the same time as the Tree Management DCP chapter. On 11 September 2018, Council resolved to accompany the exhibition of the Tree management DCP with an LGA-wide mail out in five languages other than English.

At the same time and in the same manner as the draft Tree Management DCP chapter, it is recommended that the Housekeeping amendments be exhibited as follows:

- Public exhibition of the proposed amendments for 28 days (as per requirements under the EP&A Act);
- Advice on where to find the draft Housekeeping amendments to each DCP within the flyer on the Tree Management DCP;
- “Your Say Inner West” Project Page on Council’s website with an option for the public to make submissions online;
- Advertisement within the Inner West Courier; and
- A hard copy of the proposed draft amendments at the Ashfield, Leichhardt and Petersham Service Centres and libraries.

CONCLUSION

The draft amendments to certain provisions with the three DCPs have been developed to address particular issues that are causing operational and equity issues in the administration and assessment of Development Applications. It is recommended that the Draft DCPs be exhibited to enable the community to provide feedback on the proposed changes.

LIST OF ATTACHMENTS

Available as hard copy in Council agenda:

1. Project Staging – Our Place Inner West Project – a Land Use Planning Framework for the Inner West Council Area
2. Table of Key DCP Alignment Issues and Recommendations

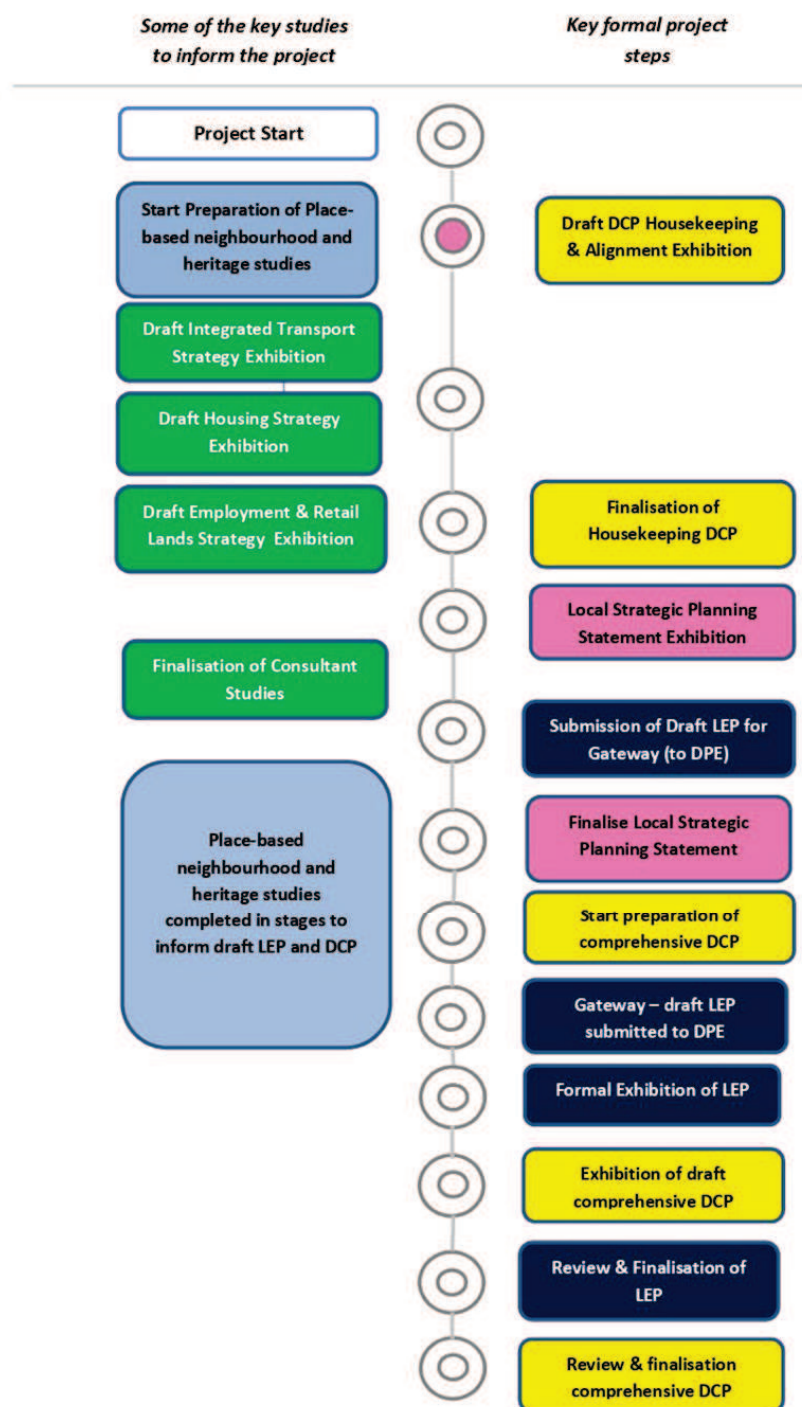
Available online as electronic attachments - Please follow the link below to directly access the relevant attachment:

3. Proposed Draft Amendments to the Leichhardt Development Control Plan 2013
4. Proposed Draft Amendments to the Marrickville Development Control Plan 2011
5. Proposed Draft Amendments to the Comprehensive Inner West Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (Ashfield DCP)

<https://www.innerwest.nsw.gov.au/develop/planning-controls/development-control-plans-dcp>

ATTACHMENTS

1. [↓](#) Project Staging - Our Place Inner West Project – a Land Use Planning Framework for the Inner West Council Area
2. [↓](#) Table of Key DCP Alignment Issues and Recommendations

Attachment 1 Our Place Inner West – Land Use and Planning Framework


ATTACHMENT 2

DCP Housekeeping Project

Table of Key DCP Alignment Issues and Recommended Amendments

Marrickville DCP 2011

Marrickville DCP 2011 Chapter	Provision	Existing Issue	Recommendation
Guidelines Development Applications Guidelines	A.1 Information to be submitted with a Development Application	No longer required as Development Assessment Team has prepared a Development Application Documentation Requirements and DA Lodgement Checklist Form that apply across the LGA and provide the necessary details for applications on the minimum lodgement requirements.	Delete content from section of DCP and refer to information packages now available on the council website.
	A.2.4 – Lodgement of a development application	Legislative references relate to superseded legislation.	Replace and update existing references to the EP & A Act as required.
	A.3 – Development Application Assessment Process	Legislative references relate to superseded legislation.	Replace and update existing references to the EP & A Act as required.
Part 1 Statutory Information	1.1 About this Development Control Plan	Legislative references relate to superseded legislation.	Replace and update existing references to the EP & A Act as required.
Part 2.10 Parking	2.10.5 Boarding House Parking Rate	In March 2018 the NSW Government increased the amount of onsite parking required in boarding house developments (standards that cannot be used to refuse a development). Current controls are inconsistent with the relevant SEPP.	Amend DCP reference to refer to Affordable Rental Housing SEPP 2009.
	Control C2	Inconsistent methodology on how parking generation is calculated. The standard practice of rounding up or down to the nearest whole number is recommended.	Replace wording to have a consistent approach across the LGA.

Marrickville DCP 2011 Chapter	Provision	Existing Issue	Recommendation
Part 2.13 Biodiversity	2.13.3 – Protection of endangered / threatened species	Legislative references relate to superseded legislation.	Replace and update existing references to objectives of the EP&A Act.
	Figure 1 – Criteria to determine the need for an assessment of significance	There are new requirements under the <i>Biodiversity Conservation Act</i> which are not reflected in the existing figure. This includes an extra stage (step) for instance, in the criteria for determining the need for an assessment of significance for long-nose bandicoots.	Update figure to reflect the criteria established under the <i>Biodiversity Conservation Act</i> .
	Page 6 – NB	Outdated reference to relevant section of legislation that deals with Integrated Development.	Replace and update existing references to the EP & A Act as required.
	Appendix 1- Long-nosed Bandicoot factsheet	Legislative references relate to superseded legislation. Contacts details and webpages that provide more information on the long-nosed bandicoot.	Replace and update legislation references, contact details and web site references as required for the long nosed bandicoot.
	Appendix 2- Grey-headed flying Fox factsheet	Outdated references to legislation, contacts details and webpages that provide more information on the grey-headed flying fox.	Replace and update legislation references, contact details and web site references as required on the grey-headed flying fox.
Part 2.20 Tree Management	Part 2.20 Tree Management	At the 13 February 2018 Council Meeting a notice of Motion was call that Council: <i>Urgently review the DCP controls on trees relating to issues arising around damage to residents and properties and the financial burden to residents of tree retention ie. The requirement to obtain engineers and arborist reports and bring forward and expedite the harmonisation of Council DCP relating to tree preservation and replacement. C0218 Item 11</i>	At the 27 November 2018 Council Meeting, Council Meeting Council resolved to publicly exhibit the draft Tree Management DCP for the Inner West for a period of 28 days, as part of Council Resolution (C1118(2) Item 5).

Marrickville DCP 2011 Chapter	Provision	Existing Issue	Recommendation
2.21 Site facilities and waste management	Section 2.21.2.5 Recycling and waste management/ facilities for residential development	Waste and recycling generation rates for multi-dwelling housing units are outdated and inconsistent between the three DCPs.	Update the waste generation rates in line with advice from Council's resource recovery unit. Proposed rates are consistent between the three DCPs and divide evenly into the 240L and 660L bins.
		Organic waste bin provision is excess and inaccurate.	Organic waste bin allocation is now required to be assessed on merit. This is more appropriate as developments will generate different volumes of organic waste depending on the landscaping provided.
	Section 2.21.2.6 Recycling and waste manager/ facilities for commercial, industrial and other non-residential development	Commercial waste generation rates are not reflective of land use operations and inconsistent between the three DCPs.	Rates have been updated in line with advice from Council's resource recovery unit. Changes in rates vary from increases to decreases and reflect the expected generation by each land use. Rates are not devised in a manner to restrict waste and recycling generation, as this will lead to storage and waste overflow issues.
	Section 2.21.6 Appendix 3 – Garbage truck dimensions for residential recycling/waste collection	Resource recovery collection vehicle dimensions do not reflect the collection vehicles currently in operation. Listed dimensions are not consistent across the three Council DCPs even though the collection vehicles in use are the same across the Inner West.	Update collection vehicle dimensions in the DCP to reflect those of the vehicles currently collecting recycling and waste.
	Section 2.21.8 Appendix 5 – Waste chutes and service rooms	Minor issues with controls. Compaction equipment, mechanical chute diverters and recycling chutes are not supported due to waste management operation and amenity issues.	Amend controls to prohibited compactors, mechanical chute diverters and recycling chutes. Make other minor updates to clarify controls.

Marrickville DCP 2011 Chapter	Provision	Existing Issue	Recommendation
Part 2.22 – Flood Management	2.22.1 Objectives	There are no objectives relating to minimising risk to human life and property. This is a specific purpose of the DCP flood management controls.	Include a new objective "To minimise risk to human life and damage to property". This objective contextualises a crucial underlying purpose of the flood management controls.
	<i>Various Sections throughout</i>	"100 year flood" is a poor descriptor for benchmark flood levels, as at least two "100 year floods" have occurred over a decade. The reference needs updating to better reflect the use of term as an indicator of probability (or risk).	References to "100 year flood" have been updated to read "1% Annual Exceedance Probability (AEP)", a more accurate and better practice descriptor for flood planning.
	Section 2.22.5 controls	Requirements for flood risk management reports are not consistent across the three DCPs. Reporting can also be relatively onerous on smaller scale developments like single dwelling residential.	Update the requirements for these reports to be clear and consistent across the three DCPs. Make concessions for smaller scale developments like single dwellings, alterations and additions and change of use applications. Instead requiring they be accompanied with a Floor Risk Management Statement instead of a full report.
	Controls for garages, carports, open car parks and basement garages	Marrickville DCP does not contain controls for the development of flood affected driveways, garages and car ports. Controls for basement garages and car parks are inconsistent across the three DCPs.	Use Leichhardt DCP controls for car ports, garages and car parks in the Marrickville DCP. Refine basement car park controls to better align them across the DCPs.
Part 2.25 – Stormwater Management	2.25.3.3 On-site detention (OSD) and on-site retention (OSR) of stormwater	Existing heading and introduction only refers to OSD. OSR is to be made allowable as an alternative to OSD. Currently the Leichhardt DCP requires complex calculations to determine	Update Heading and introduction to include reference to OSR and the Leichhardt study. Update controls to provide explicit design parameters for OSD as well as addressing

Marrickville DCP 2011 Chapter	Provision	Existing Issue	Recommendation
		<p>both OSD and OSR volumes and discharge rates. A study undertaken for the former Leichhardt LGA (Leichhardt Flood Risk Management Study – Cardno, November 2017) has confirmed the flood mitigation benefits of OSR and these are considered to be applicable to the catchments across the Inner West LGA. This allows the OSD and OSR parameters to be specified in a format that requires very simple calculations.</p> <p>By providing explicit design parameters, in a format similar to those used by many Sydney Metropolitan Councils, staff processing time and consequently DA assessment times will be reduced.</p> <p>Design parameters were developed as discussed above.</p> <p>The maximum allowable discharge rate to the kerb and gutter from a development site is 15 Litres/ sec (L/s) for the Leichhardt and Ashfield DCPs (the latter through the Stormwater Management Code). The maximum for the Marrickville DCP is 25 L/s through a related policy. For the 3 former LGAs, there is inconsistency in how developers address this issue, some by increased OSD and some by extending the Council drainage system to the site frontage. This inconsistency can be addressed by limiting the discharge to the kerb to 15 L/s for all DCPs, but with</p>	<p>maximum discharge requirements.</p> <p>Various consequent updates to controls have been made throughout the chapter to reflect the inclusion of the introduced OSR option.</p>

Marrickville DCP 2011 Chapter	Provision	Existing Issue	Recommendation
		some further flexibility for the scale of development.	
	2.25.3.5 Gravity drainage – C16	Last sentence of existing control is an error and out of place in this location.	Delete the last sentence of the control.
	2.25.3.8 Flood study/drainage system analysis – C22	This control has become redundant as Council has completed flood studies across all catchment since this DCP was adopted, meaning that Council can provide flood information to applicants without them needing to undertake their own studies.	Update this control to direct applicants to Council for flood information.

Leichhardt DCP 2013

Leichhardt DCP 2013 provision	Provision	Existing Issue	Recommendation
Part A: Introduction	Section 1 A1.5 Aims of this Plan	Legislative references relate to superseded legislation.	Replace and update existing references to the EP & A Act as required.
	Section 1 A1.8 How Council Assesses proposed Development replace Assessing the application	Legislative references relate to superseded legislation.	Replace and update existing references to the EP & A Act as required.
	Section 1 A1.10 Monitoring and Review	Outdated reference to relevant legislation	Replace and update existing references to the EP & A Act as required.
	Section 2 – A2.1 Development Application Requirements	Existing text no longer reflects relevant document requirements as they are specified on Council's website.	Replace text with correct document titles for consistency in approach.
Part C: Place Section 1	C1.11 Parking	Inconsistent methodology on how parking generation is calculated. The standard practice of rounding up or down to the nearest whole number is recommended.	Replace wording to have a consistent approach across the LGA.
	Table C4: General vehicle parking rates New rate to be inserted in table	In March 2018 the NSW Government increased the amount of onsite parking required in boarding house developments (standards that cannot be used to refuse a development). Current controls are inconsistent with the relevant SEPP.	Amend DCP reference to refer to Affordable Rental Housing SEPP 2009.

Leichhardt DCP 2013 provision	Provision	Existing Issue	Recommendation
Part D: Energy Section 2 – Resource recovery and waste management	C1.14 Tree Management	At the 13 February 2018 Council Meeting a notice of Motion was call that Council: <i>Urgently review the DCP controls on trees relating to issues arising around damage to residents and properties and the financial burden to residents of tree retention ie. The requirement to obtain engineers and arborist reports and bring forward and expedite the harmonisation of Council DCP relating to tree preservation and replacement.</i> C0218 Item 11	At the 27 November 2018 Council Meeting Council resolved to publicly exhibit the draft Tree Management DCP for the Inner West for a period of 28 days, as part of Council Resolution (C1118(2) Item 5).
	D2.3 Residential development	Garbage chutes are discouraged by the DCP. This does not align with current best practice for waste management and residential amenity in flat buildings.	Amend the control which discourages garbage chutes and create a control requiring waste chutes in buildings four storeys or greater. Consequential amendments are recommended to other sections which have been further discussed in this table.
		Use of waste compaction equipment can damaged bins due to the excess weight created and is not compatible with Council's resource recovery collection vehicles.	Include a new control to prohibit waste and recycling compaction equipment.
		Waste and recycling generation rates for multi-dwelling housing units require updating and are inconsistent between the three DCPs.	Update the waste generation rates in line with advice from Council's resource recovery unit. Proposed rates will be consistent across the three DCPs. Note that the new rates are also multiples of the standard bin sizes.
	D2.4 Non-residential	Use of waste compaction equipment can damaged bins	Remove controls which recommend the use of

Leichhardt DCP 2013 provision	Provision	Existing Issue	Recommendation
	development	due to the excess weight created.	volume reduction equipment and include a new control to prohibit waste compaction.
		Garbage chutes are discouraged by the DCP. This does not align with current best practice for efficient waste management.	The control discouraging waste chutes has been amended.
	Section 9 – Waste chutes	Waste chutes are currently discouraged under the Leichhardt DCP 2013. Waste chutes are considered an efficient best practice method of managing waste in larger residential mixed use and commercial developments. Support for waste chutes is inconsistent between the three DCPs, supported in Ashfield and Marrickville and discouraged in Leichhardt.	Amend the Appendix to include controls for the design, use and management of waste chutes. The controls have been borrowed from the Marrickville DCP, with references and amendments made to make them compatible with the Leichhardt DCP.
Part E: Water. Section 1 – Sustainable Water and Risk Management	E1.1.4 Flood risk management report	<p>Controls do not reflect Council's current procedure for obtaining flooding information from Council.</p> <p>Flood reports for single residential dwellings and smaller change of use applications can be onerous on applicants.</p> <p>Requirements for flood risk management plans are not consistent across the three DCPs.</p>	<p>Amend controls to reflect current Council procedure for obtaining flooding information.</p> <p>Reduce the requirement of a flood risk management plan to a flood statement when the application is low scale (single dwellings, change of use) and in a low flood hazard category.</p> <p>Introduce a new appendix, Appendix E with requirements for the flood risk management plan consistent with Marrickville and Ashfield DCPs.</p>

Leichhardt DCP 2013 provision	Provision	Existing Issue	Recommendation
	E1.2.3 On-site detention (OSD) of storm water	OSR (rainwater tanks) is not provided as an alternative to OSD.	Similar to the updated Marrickville DCP controls, OSR (water tanks) should be provided as an alternative to OSD. Controls have been recommended.
	E1.3.1 Flood risk management, <i>single dwelling residential or dual occupancy development</i>	Current freeboard requirements are considered onerous in areas affected by only minor overland flow paths.	Include a new control enabling the lowering of the freeboard from 500mm to 300mm, subject to an adequate alternate flow path being available.
	E1.3 Hazard management, <i>car parking facilities and basements</i>	Controls regarding the development of car ports, garages and basement garages are lacking and inconsistent across the three DCPs.	Update the controls to reflect best practice flood mitigation measures to further protect safety and property. Provide more consistency in the controls across the three DCPs.

Inner West Comprehensive DCP 2016

Inner West Comprehensive DCP 2016 provision	Provision	Existing Issue	Recommendation
Section 1: Preliminary Chapter A Preliminary	Purpose of this Development Control Plan	Legislative references relate to superseded legislation.	Replace and update existing references to the EP & A Act as required.
	Legal Information	Legislative references relate to superseded legislation and State Government policy.	Replace and update existing references to the EP & A Act and State Government Policy as required.
	Development Contributions	Legislative references relate to superseded legislation.	Delete content from section of DCP and refer to information packages now available on the council website.
	Appendix 1 – Development Application Requirements	This section is no longer required as the Development Assessment Team has prepared a "Development Application Documentation Requirements" that apply across the LGA and provide the necessary details for applicants on the minimum lodgement requirements.	Delete content from section of DCP and refer to information packages now available on the council website.
	Appendix 2 – Information Checklist	This section is no longer required as the Development Assessment Team has prepared a DA Lodgement Checklist Form that apply across the LGA to assist applicants in determining the information requirements for particular applications.	Delete content from section of DCP and refer to information packages now available on the council website.
Section 2 General Guidelines Chapter A Part 8 Parking	Car parking contribution amount (Section 94 Contributions)	Section heading refer to superseded legislation which may be confusing to applicants.	Section heading to be updated to include new legislation reference in addition to former legislation heading.
	DS3.4 Calculation advice	Inconsistent methodology on how parking generation is calculated. The standard practice of rounding up or down to the nearest whole number is recommended.	Replace wording to have a consistent approach across the LGA.

	Table 3 - Car Parking Rate Boarding Houses and Group Homes	In March 2018 the NSW Government increased the amount of onsite parking required in boarding house developments (standards that cannot be used to refuse a development). Current controls are inconsistent with the relevant SEPP.	Amend DCP reference to refer to Affordable Rental Housing SEPP 2009. Remove reference to Group Homes to avoid confusion and inconsistency. Any parking associated with a Group Home would be assessed on a merit basis.
	Table 3 - Car Parking Rate Dual Occupancy	Incorrect cross referencing to other section of the DCP.	Replace with correct cross reference to other sections of the DCP.
	Table 3 - Car Parking Rate Motel/ Hotels/ guest houses/ and bed and breakfast houses	Parking rate calculation is overly complicated and can rely on other land use categories for the appropriate parking rate that should be applied. Title of land use category within the Car Parking Rates table does not reflect standard instrument definition.	Update Car Parking Rates table category title and delete the restaurant rate requirement as a standard rate is provided.
	Table 3 Car Parking Rate Multi-unit housing in R3-Medium Density Residential Zones Multi-Dwelling Housing (eg. Townhouses)	Incorrect cross referencing to other section of the DCP.	Replace with correct cross reference to other sections of the DCP.
	Table 3 Car Parking Rate Hotel	Duplication of rates for hotels in the parking table. Intention of rate is to refer to pubs.	Align rate with the existing Leichardt DCP rate for pubs for consistency.
Section 2 – General Guidelines Chapter C: Sustainability	Part 4 – Tree Preservation and Management	At the 13 February 2018 the 13 February 2018 Council Meeting a notice of Motion was call that Council: <i>Urgently review the DCP controls on trees relating to issues arising around damage to residents and</i>	At the 27 November 2018 Council Meeting, Council Meeting Council resolved to publicly exhibit the draft Tree Management DCP for the Inner West for a period of 28 days, as part of Council

		<i>properties and the financial burden to residents of tree retention ie. The requirement to obtain engineers and arborist reports and bring forward and expedite the harmonisation of Council DCP relating to tree preservation and replacement.</i>	Resolution (C1118(2) Item 5).
		C0218 Item 11	
Section 2: General Guidelines Chapter C Sustainability Part 3: Waste and recycling design and & management standards	Section 3: Multi-storey residential development: Specific provisions	Due to the noise created and potential smashing of large amounts of glass, recycling chutes are not supported as a best practice waste management.	Amend wording of control DS1.5 to prohibit recycling chutes.
		Use of waste compaction equipment can damaged bins due to the excess weight created and is not compatible with Council's resource recovery collection vehicles.	Amend controls DS2.4 and DS2.5 to prohibit waste compaction equipment in residential developments.
		Waste and recycling generation rates for multi-dwelling housing units are outdated and inconsistent between the three DCPs.	Amend the multi dwelling housing waste and recycling generation rate to 60L per dwelling per week for waste and recycling separately. The amended control is DS2.8. The table with an example calculation has also been amended to demonstrate the new waste and recycling generation rate.
	Section 4: Mixed-use residential & commercial developments: specific provisions	The information guide provided is repeated on a subsequent page.	The repeated page has been deleted.
	Guide 1: Inner West Council standard services	Waste and recycling generation rates for multi-dwelling housing units are outdated and inconsistent between the three DCPs.	Amend the multi dwelling housing waste and recycling generation rate to 60L per dwelling per week for waste and recycling separately.
		Resource recovery collection vehicle dimensions do not	Update collection vehicle dimensions in

		reflect the collection vehicles currently in operation. Listed dimensions are not consistent across the three Council DCPs even though the collection vehicles in use are the same across the Inner West.	the DCP to reflect those of the vehicles currently collecting recycling and waste.
	Guide 3: waste chutes, compactors, balers, crushers & dehydrators	Use of waste compaction equipment can damage bins due to the excess weight created and is not compatible with Council's resource recovery collection vehicles.	References to and controls for compactors and balers have been removed from the DCP.
	Guide 4: Waste and recycling capacity needs	Commercial waste generation rates are not reflective of land use operations and inconsistent between the three DCPs.	Rates have been updated in line with advice from Council's resource recovery unit. Changes in rates vary from increases to decreases and reflect the expected generation by each land use. Rates are not set to try to restrict waste and recycling generation, as this would lead to storage and waste overflow issues.
Part 3 Flood Hazard	General DS1.1 & DS1.2	Requirements for flood risk management reports are not consistent across the 3 DCPs. Reporting can be relatively onerous on smaller scale developments like single dwelling residential.	Update the requirements for these reports to be clear and consistent across the three Council DCPs. Make concessions for smaller scale developments like single dwellings, alterations and additions and change of use applications, requiring only a Floor Risk Management Statement instead of a full report.
	Various Sections through out	"100 year flood" is a poor descriptor for benchmark flood levels, as at least two "100 year floods" have occurred over a decade. The reference needs updating to better reflect the use of term as an indicator of probability (or risk).	References to "100 year flood" have been updated to read "1% Annual Exceedance Probability (AEP)", a more accurate and better practice descriptor for flood planning.
	Controls for	The DCP does not contain	Use Leichhardt DCP

	basement garages and car ports. DS11.1 – DS11.6	controls for the development of flood affected driveways, garages and car ports. Controls for basement garages and car parks are inconsistent across the 3 DCPs.	controls for car ports, garages and car parks in the Marrickville and Ashfield DCPs. Refine basement car park controls to better align them across the DCPs.
Part 15 Stormwater Management	Part 15 Stormwater Management	<p>The existing document only contains a referral to Ashfield's Stormwater Management Code, i.e. almost no requirements are defined as in the Leichhardt and Marrickville documents. The existing Ashfield Code has the following issues:</p> <ul style="list-style-type: none"> a) It is not consistent with modern best practice; b) In many aspects it does not align with the Leichhardt and Marrickville documents; c) It has controls that are very onerous for residential developments, including additions/alterations, eg OSD and no OSR, positive covenants, insufficient guidance, etc. 	Amend the DCP to refer to controls under the relevant section of the Marrickville DCP. This makes the Ashfield and Marrickville DCPs for stormwater management consistent and brings the controls closer to current best practice in stormwater management.