

Greater Sydney, Place and Infrastructure

IRF20/1138

Gateway determination report

LGA	City of Parramatta
PPA	City of Parramatta Council
NAME	Harmonisation of City of Parramatta LEPs
NUMBER	PP_2019_COPAR_018_00
LEP TO BE AMENDED	Auburn LEP 2010, Parramatta LEP 2011, Parramatta (former the Hills) LEP 2012, Hornsby LEP 2013 and Holroyd LEP 2013
ADDRESS	City of Parramatta LGA
DESCRIPTION	Repeal of LEPs that apply to land within the City of Parramatta LGA to create a new harmonised City of Parramatta LEP.
RECEIVED	17/12/2019
FILE NO.	IRF20/1138
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to establish a new Parramatta Local Environmental Plan (LEP) which harmonises the five LEPs which currently apply in the City of Parramatta Local Government Area (LGA). The proposal aims to create a new set of planning controls for the LGA, including the rezoning of certain land, amendments to development standards and the application of new environmental considerations. The proposal will facilitate harmonisation and align the proposed City of Parramatta LEP with the planning priorities and actions of the Central City District Plan.

The City of Parramatta LGA was established on the 12 May 2016, primarily amalgamating land within the former Parramatta LGA and small sections within the former Auburn, Holroyd, Hornsby and The Hills LGAs. As a result, five LEPs apply across the LGA, with varying approaches to planning controls and land use permissibility.

It is noted that some land within the LGA currently sits under Sydney Regional Environmental Plan 24 – Homebush Bay Area (for land at Wentworth Point) and State Environmental Planning Policy (State Significant Precincts) 2005 (for land at Sydney Olympic Park) and this is not being amended through this planning proposal. A map of the current LEPs and DCPs is shown in **Figure 1**.

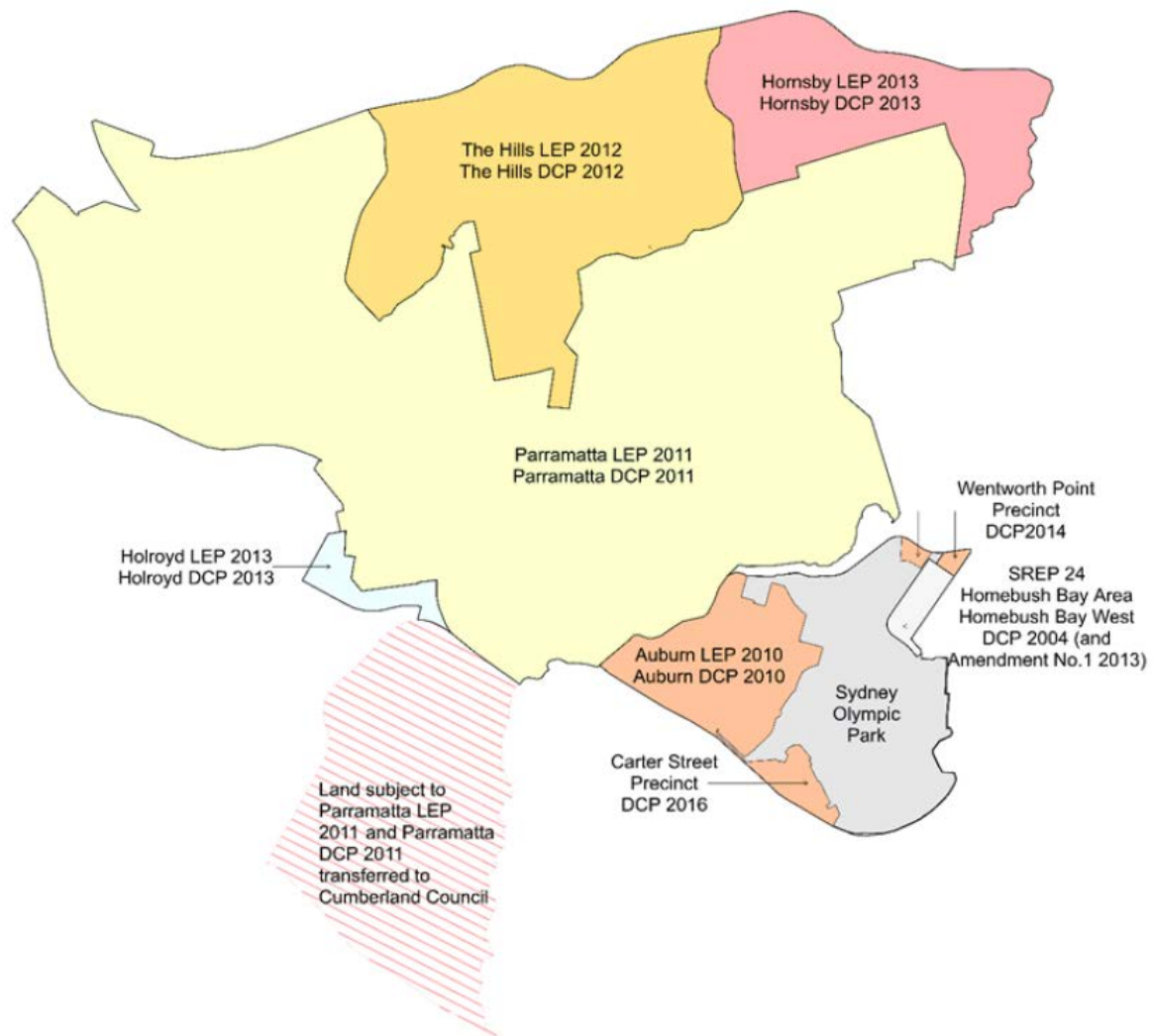


Figure 1: LEPs and DCPs applying to land within the City of Parramatta LGA (source: planning proposal). It is noted that since this figure was prepared, The Hills LEP 2012 has been replaced and the land within the former Hills LGA that is within Parramatta LGA is now covered by the Parramatta (former the Hills) LEP 2012

1.2 Site description

The planning proposal applies to the whole of the City of Parramatta LGA, excluding land within the Sydney Olympic Park Precinct and Wentworth Point as identified in Figure 2.

The Parramatta LGA is situated at the core of the Central River City of Sydney with a population of 235,000 in 2016. The LGA stretches over 84 square kilometres, spanning from Sydney Olympic Park in the south-east; Epping to the north-east, the M2 Motorway to the North; Winston Hills and Toongabbie to the West and the M4 Motorway and a portion of the Western Railway line at Granville to the south.

The heart of the City of Parramatta is Parramatta CBD which is anticipated to become Sydney's Central CBD in the Metropolis of Three Cities. Parramatta contains the Greater Parramatta Metropolitan Centre alongside Sydney Olympic Park and Epping Strategic Centres. Higher density development has occurred around these centres, and this is intended to continue under the existing controls.

Significant employment land is clustered around Camellia, Rydalmere and Silverwater, including both heavy industrial uses and smaller light industrial uses.

The remainder of the LGA is primarily low density residential, with amendments sought by the planning proposal to retain this character. Environmental features of note include the Parramatta River and its catchment, Lake Parramatta and surrounding bushland.

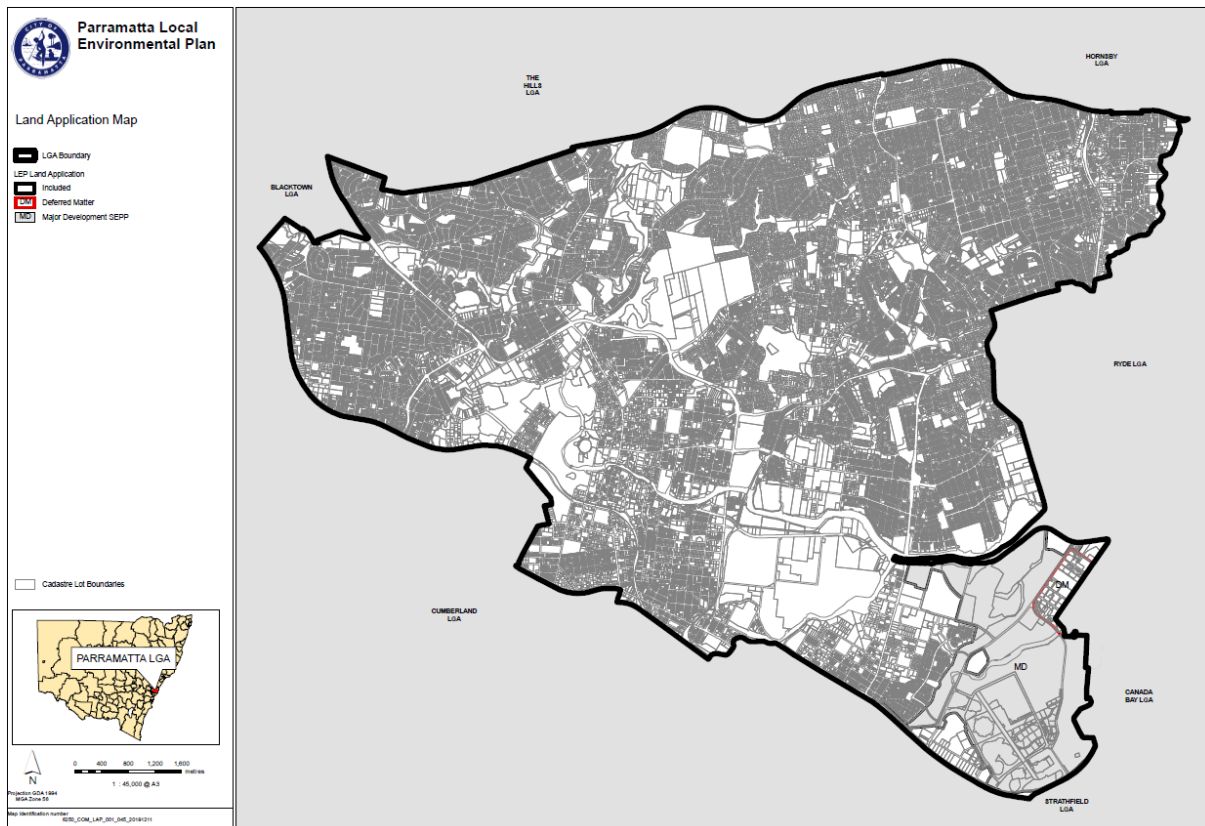


Figure 2: Parramatta Local Environmental Plan Land Application Map

1.3 Existing planning controls

The planning proposal applies to the whole of the City of Parramatta LGA as defined by **Figure 2**. A range of planning controls apply across the LGA with more detailed discussion of existing controls provided in this report where changes are proposed.

1.4 Surrounding area

Parramatta borders Cumberland Council to the south, Blacktown Council to the West, The Hills Shire Council to the North West, City of Ryde to the North East and City of Canada Bay to the East. Parramatta is part of the Central City District, which had a population of 971,000 people in 2016. Parramatta CBD is at the heart of the Metropolitan Centre and Greater Parramatta and Olympic Peninsula Economic Corridor drawing employees and visitors from the surrounding areas (**Figure 3**).

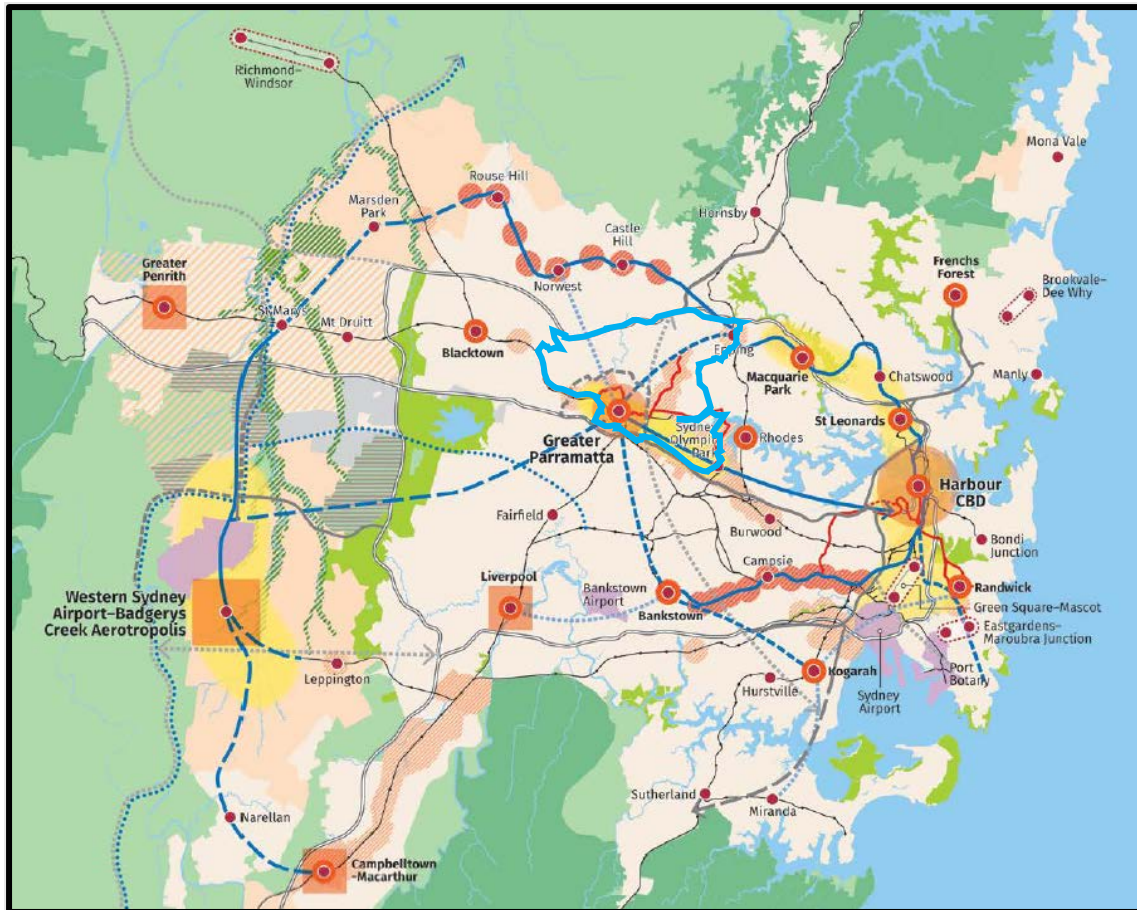


Figure 3: Location of City of Parramatta (in blue) in the Metropolis of Three Cities: Source – Greater Sydney Regional plan

1.5 Summary of recommendation

The planning proposal is recommended to proceed subject to conditions outlined in this report as the proposed amendments have strategic and site-specific merit, are generally consistent with the Central City District Plan and form the first stage of amendments to align City of Parramatta’s planning controls with their Local Strategic Planning Statement (LSPS).

The proposal provides a single consolidated LEP for the City of Parramatta LGA and will provide for simplification and consistency across the LGA.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal (**Attachment A**) is to create a single Parramatta Local Environmental Plan, in order to bring greater consistency to planning controls and reduce complexities in local planning frameworks within the City of Parramatta. The planning proposal seeks to meet obligations for review and amendment of the LEP to give effect to the Central City District Plan.

A single City of Parramatta LEP will simplify the planning process by reducing the number of planning instruments applicable to land in the LGA, removing duplication of planning controls and aligning, where possible, the land uses and controls within the current instruments. The new LEP is not intended to be a comprehensive review

of all planning controls, but a consolidation of the existing LEPs applicable across the City of Parramatta local area.

The planning proposal notes that the land within the Sydney Olympic Park Precinct and Wentworth Point will continue to be covered by the relevant State Policies.

2.2 Explanation of provisions

The planning proposal seeks to align the planning provisions from five LEPs into a single set of controls for the LGA. The proposed LEP generally adopts the Standard Instrument clauses and the proposal provides further explanation where provisions differ from existing or standard format. The details of the harmonisation are set out in the planning proposal (**Attachment A**), Parramatta working draft LEP (**Attachment A1**), and Discussion Paper and Consultation Report (**Attachments G and A5**).

The planning proposal includes the following amendments of note which are addressed in Section 4 and 5 of this report:

- expand mapped area where dual occupancies are proposed to be prohibited;
- apply a minimum lot size and width requirement for dual occupancy and manor house development;
- prohibit places of public worship in R2 Low Density Residential zones and rezone existing places of public worship from SP1 (Special Uses) to R2 where adjoining this land. The intent is that the existing places of public worship zoned R2 would retain existing use rights;
- discontinue R1 General Residential zone and rezone and apply development controls in line with its built form;
- remove residential flat buildings as a permissible use for land zoned R3 Medium Density Residential under Hornsby LEP 2013;
- apply a minimum lot size requirement for strata subdivision in the R2 zone;
- introduce a clause excluding minimum lot size requirements for medium density development where a dwelling is proposed on each resulting lot;
- rezoning of certain land at North Rocks, Carlingford and Northmead from R3 to R2;
- reduction of FSR for certain R3 zoned land at Silverwater;
- prohibit centre-based childcare centre uses in RE1 Public Recreation, IN1 General Industrial and IN2 Light Industrial zones;
- transition of B1 Neighbourhood Centre from an 'open zone' to a 'closed zone';
- application of floor space ratio for residential land where none was previously mapped;
- consolidate all LEP map series with some changes to the zoning and planning controls of certain sites in the LGA, proposed to reduce complexity and, address anomalies and inconsistencies in the local land use planning framework;

- rationalise the land use tables across the zones, resulting in amendments to permissibility of uses;
- increasing the maximum period for temporary use of land to 52 days;
- rezoning of public bushland reserves with ecological value to E2 Environmental Conservation, where these currently have a RE1 Public Recreation zoning;
- new additional permitted uses to address misalignment of uses between LEPs;
- application of SP2 Infrastructure zone to classified roads where an alternative zone applies;
- rezoning of natural waterway corridors on public land to W1 Natural Waterways, where these currently have a RE1 Public Recreation zoning;
- additional sites identified as having 'Biodiversity' and 'Waterway and Riparian Land' are proposed on the Natural Resources Map;
- apply a foreshore building line at Wentworth Point, in line with the existing RE1 Public Recreation boundary;
- discontinue of E3 Environmental Management and E4 Environmental Living zones and rezoning those sites to E2 Environmental Conservation;
- add temporary events on council land (including markets) as exempt development, combining existing like uses; and
- introduce 'advertising on bus shelters'.

It is noted that an area of land under Parramatta LEP 2011 is now within the Cumberland LGA. This land will not be included in the new Parramatta LEP but subject to another planning proposal (PP_2019_CUMBE_006_00) by Cumberland Council to incorporate the land into Cumberland's harmonisation LEP. The establishment of both Cumberland's and Paramatta's harmonisation LEPs will be processed concurrently by the Department during the finalisation stage.

Site specific planning proposals

There are a number of site specific planning proposals at varying stages of the plan making process that will need to be included in the final LEP. Council has proposed to continue these proposals independently, incorporating into either the existing or new LEP as the proposal are finalised, dependant on timing. This includes significant pieces of work including the Parramatta CBD Planning Proposal and the intended transfer and repeal of the Sydney Regional Environmental Plan 24 – Homebush Bay Area (Wentworth Point) into the Auburn LEP.

It is noted that once final legal drafting is requested from Parliamentary Counsel for the new LEP, no new amendments to the existing LEPs will be able to proceed, which may result in a delay to the progression of site specific planning proposals while the new LEP is made.

Council has identified within the planning proposal where a relevant site specific planning proposal may amend controls proposed in the harmonisation proposal.

Council will not be authorised to finalise the new LEP and this will allow the Department to ensure the sequencing of amendments is controlled prior to the new plan being made.

2.3 Mapping

The new LEP will include a new suite of maps which generally carry over the provisions of the existing LEPs. The planning proposal specifically includes discussion and maps to demonstrate where changes are proposed (**Attachments A and A8**). A full set of the proposed maps are yet to be prepared, but mapping provided to support the planning proposal is considered appropriate for assessment and public exhibition as it articulates where change is to occur and the intent of amendments.

2.4 Minor errors and anomalies

1. Council proposes to create a consolidated Land Reservation Acquisition (LRA) map for the LGA. The LRA map will exclude four sites now under public ownership. It is recommended that Council confirm the address for Lot 3 DP 1215559, one of such lots. Currently the planning proposal describes Item 40 as 2A Morton Street, Parramatta.
2. Council proposes to rezone land at Dundas Valley identified as 60 Cox Crescent. It is recommended that Council confirm the address as it is understood this may be a reference to 73 Cox Crescent, Dundas Valley.
3. A minor mapping anomaly is identified under item 45 Additional Permitted Uses relating to controls for Wentworth Point Maritime Precinct. A comparison of mapping is provided below in **Figure 4**.

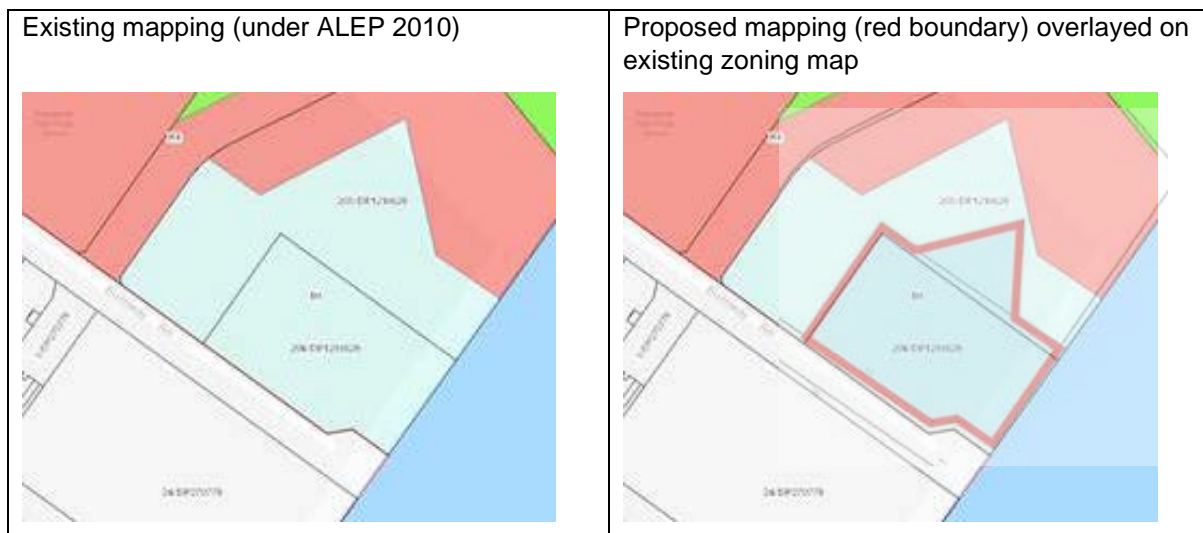


Figure 4: Wentworth Point mapping error.

As the intent of this proposal is to convert clause 6.10 of Auburn LEP into an Additional Permitted Use provision under the new instrument (which is later clarified in Appendix 2 of the proposal), the boundary of the new mapping should align with the existing B1 zoned boundary earmarked for 'Wentworth Point Precinct'.

4. The planning proposal also proposes to consolidate existing satisfactory arrangements clauses which is supported. It is noted that at present the definition of

state infrastructure include a misdescription altering the intent of the clause. Council has confirmed this is in error and should be addressed.

Department Comment: A condition of the Gateway Determination requires these matters to be corrected prior to public exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal responds to the need for councils to update their LEPs as stipulated in the EPA Act 1979. The proposal is necessary to align the planning controls in the five existing LEPs that apply to the City of Parramatta LGA into a single set of planning controls.

Changes to the *Environmental Planning and Assessment Act 1979* in March 2018 require all metropolitan councils to review and amend their LEPs and give effect to the relevant District Plan. City of Parramatta was identified as a priority council by the Greater Sydney Commission. A timeline of two years has been provided for City of Parramatta to complete their LEP review.

4. Key Issues

4.1 Dual occupancies

One of the key issues considered by Council in harmonising the LEPs has been the permissibility and controls applying to dual occupancies. **Table 1** provides a summary of current controls under each LEP.

Table 1: Comparison of dual occupancy provisions (source: planning proposal).

Existing LEP	Where permitted	Subdivision policy	Min. lot size required
Auburn LEP	R2 and R3 zones	Only Strata Title or Community Title subdivision is permitted	Not specified in LEP. (DCP requires 450sqm for attached and 600sqm for detached dual occupancies)
Holroyd LEP	R2 and R3 zones	Permitted	Not specified in LEP. (DCP requires 450sqm in R3 zones & 500sqm in R2 zones)
Hornsby LEP	Prohibited in all zones	N/A	N/A
Parramatta LEP	R2, R3 and R4 zones, except areas identified on <i>Dual Occupancy Prohibition Map</i>	Permitted, except in South Parramatta Conservation Area, where Torrens Title subdivision is prohibited	600sqm
The Hills LEP	R1, R2, R3, R4 and E4 zones	Prohibited	600sqm for attached and 700sqm for detached dual occupancies (R2 & R3 zones), 1,800sqm (R1 & R4 zones), 2,000sqm (E4 zone)

The planning proposal seeks to permit dual occupancies within the land use table for the R2, R3 and R4 zones. However, it is also proposed to carry over the Dual Occupancy Prohibition Map from Parramatta LEP 2011 which maps areas where dual occupancies are prohibited in the R2 zone, despite any other provisions of the plan.

The planning proposal seeks to apply Dual Occupancy Prohibition Map to all R2 land under the former Hills LEPs, and most land under the Hornsby LEP excluding a small portion of lots fronting Carlingford Road in Epping. Council argues this approach as the use is prohibited under the Hornsby LEP and has had little take up in land formerly in the Hills due to the prohibition of subdivision.

The proposal also seeks to extend the prohibition in land under the former Parramatta LEP beyond the existing mapped area, including land at Carlingford, Dundas, Epping and more. The provision will result in dual occupancies being prohibited for an additional 2,900 lots where they were previously permitted under Parramatta LEP 2011.

Council has prepared a dual occupancy constraints analysis to inform this position. The analysis considers matters such as transport accessibility, bushfire hazard and tree coverage. More subjective matters such as special character are also considered through the analysis.

A Discussion paper (**Attachment G**) was prepared and exhibited between January and March 2019 prior to the preparation of the planning proposal with the community submissions received seeking both prohibition and removal of prohibition. Council has made an on balance decision to continue with the intended dual occupancy prohibition.

Council also intends to continue the minimum lot size requirement of 600sqm for the construction of a dual occupancy, which is currently within Parramatta LEP 2011, and apply this across the whole LGA. Council seeks to extend the provision to also require a minimum street frontage of 15m at the boundary line throughout the LGA.

Council argues that a 15m width is necessary to ensure sufficient space to deliver good design outcomes. Smaller sites were suggested to be less able to facilitate deep soil planting areas and provide space for driveways. The width proposed also allows for sufficient space for a garage and room at the frontage, rather than a façade dominated by garage doors.

Council notes that a minimum width is an existing control in the Parramatta, Auburn and Holroyd DCPs and it is proposed to elevate this to the LEP to provide greater certainty and support the minimum lot size. Council has estimated that around 80% of lots which meet the minimum 600sqm lot size have a minimum width of 15m. This suggests the control will add a small further reduction in the sites available to dual occupancy development. Council has prepared mapping to demonstrate where the 600sqm minimum lot size will result in dual occupancy becoming prohibited but has not provided the break down to minimum width as this data is less available for the whole LGA.

Additionally, the planning proposal seeks to adopt provisions consistent with Parramatta LEP 2011 which restrict the circumstances in which a detached dual

occupancy may be permitted. The proposal limits detached dual occupancies to sites with a heritage item or two street frontages (including corner sites). In all other circumstances only attached dual occupancies are permitted.

While this adds further restriction to the ability to undertake dual occupancy development, it is unlikely to be a significant barrier to development. The position is adopted in the current Parramatta LEP 2011 and is considered a local matter which is suitable for public exhibition.

Department Comment: It is considered that the methodology and approach taken by Council is sound however there will be implications for the supply of diverse housing options within the LGA. The implications of this matter are discussed in detail under Section 9.1 Direction 3.1 Residential Zones. To ensure that the community is aware of the proposed changes, the Gateway determination has been conditioned to write to all affected landowners.

4.2 Places of Public Worship in the R2 Low Density Residential zone

In R2 zones, places of public worship are permitted under Hornsby LEP, Holroyd LEP and the Parramatta (former Hills) LEP. The proposal intends to prohibit places of public worship in the R2 zone to protect the amenity of low-density residential areas and the future desired character of the area. This use is non-mandated for the R2 zone allowing councils to determine permissibility.

The proposal also seeks to rezone existing Places of Public Worship (PoPW) from SP1 Special Activities to R2, where consistent with the adjoining land. Council has advised that this will provide flexibility over the future of the sites, by enabling a site to revert to an alternative use compatible with the adjoining R2 zone, such a dwelling house. This will reduce the need for site-specific planning proposals due to residential uses not being permitted in the SP1 zoning. Existing PoPW will need to rely on existing use rights for permissibility.

Department Comment: The Department recognises the intent of the proposed amendments in protecting the local amenity of residential areas for R2 zones. The proposal also provides options for future of redevelopment of existing PoPW sites consistent with adjoining land.

As a result of the proposed, existing places of public worship in R2 areas will rely on existing use rights to continue their current uses. It is noted that this will limit the ability of PoPWs to intensify the use of this land, in line with Council's intent to protect amenity. Places of public worship will continue to be permitted in all other zones in the LGA, except open space, environmental protection and waterway zones. The proposed amendments are a local matter which is considered suitable for public exhibition.

4.3 Childcare centre permissibility in industrial and public recreation zones

Council proposes to make centre-based childcare facilities a prohibited land use under IN1 General Industrial, IN2 Light Industrial and RE1 Public Recreation. A comparison of centre-based child care facilities permissibility is provided in **Table 2**. In some LEPs, there is no land zoned IN1 or IN2 therefore, this is shown as N/A.

Table 2: comparison of centre-based child care facilities permissibility.

Instrument	IN1 General Industrial	IN2 Light Industrial	RE1 Public Recreation
Parramatta LEP 2011	Permissible	Permissible	Prohibited
Auburn LEP 2010	Prohibited	N/A	Permissible
Parramatta (former The Hills) LEP 2012	Permissible	N/A	Permissible
Holroyd LEP 2013	N/A	N/A	Permissible
Hornsby LEP 2013	N/A	N/A	Permissible
New Parramatta LEP 2020	Prohibited	Prohibited	Prohibited

Department Comment: Childcare centres are important community infrastructure that supports the needs of the working families in the community. Council's draft Community Infrastructure Strategy (CIS) (**Attachment F**) identifies a shortfall in the number of places provided to meet the needs of the current population of residents and workers.

This shortfall will only be exacerbated by forecast growth, particularly in the high growth areas. It is noted that Council's LSPS provides a forecast of 48% of households will be those with children by 2036. The needs of this future population must be carefully considered to ensure land use planning supports the delivery of childcare facilities at appropriate locations.

Council's draft Community Infrastructure Strategy proposes priorities and locations for future supporting social infrastructure (including child care facilities) but is yet to be endorsed. It is understood this work may address suitable servicing of child care facilities for the LGA.

While this component of the harmonisation proposal is considered to be a new policy position, Council has justified why the use is not considered appropriate in these zones. It is acknowledged that land use conflicts and safety concerns may arise in the industrial zones and the loss of publicly accessible open space for RE1 is a concern. This component of the planning proposal is considered suitable to proceed to public exhibition.

4.4 Exceptions to development standards

Clause 4.6 is a compulsory clause under the Standard Instrument and provides for flexibility in the consideration of development standards. In addition to the standard clause, Council proposes to carry forward the existing exemptions to this clause under Parramatta LEP 2011 including those in Parramatta CBD being limited to 5%.

Council proposes to exclude the application of clause 4.6 to the minimum lot size requirement for dual occupancies and manor houses. The intent of the exclusion is to prevent undersized lots being developed for dual occupancies and manor houses.

Council has provided justification for this change, noting that the minimum lot size of 600sqm, is the minimum required to facilitate good design outcomes. Council also notes that if variations to 550sqm are permitted, a substantial number of new lots will be opened up to dual occupancy permissibility, which would otherwise be excluded. Council notes that this would lead to unplanned increased densities and unintended consequences.

Department Comment: Clause 4.6 is intended to provide flexibility to development controls and requires justification to support any variations. This function is not provided as a right and variations should be assessed on the merits of each application. In justifying a variation, an applicant must show that the control is unreasonable and unnecessary in the circumstances and the proposed design demonstrates a better planning outcome.

It is not considered appropriate to exclude the minimum lot size for dual occupancies and manor houses from the application of Clause 4.6. The clause provides flexibility and is subject to merit assessment. A condition has been included in the Gateway determination requiring the proposal be amended to remove this component.

4.5 Savings provision

The planning proposal is supported by indicative draft provisions which suggest a savings provision is proposed (**Attachment A1**). A savings provisions ensures development applications which have been lodged, but not yet determined, are assessed against the LEP which applies at the time of lodgement. The planning proposal does not speak to this matter explicitly however Council has confirmed that a savings provision is intended.

As outlined in Section 4.1, dual occupancies will be prohibited in a broader area than currently identified in the five LEPs. For land formerly in the Hills, dual occupancies were permissible in R2, however subdivision of dual occupancies was not. Council proposes to only allow subdivision in these areas if the development application was submitted prior to the public exhibition of the planning proposal.

Council suggests this approach is required to prevent a potential rush of applications following exhibition where applicants are seeking to get ahead of the intended change. Council notes this is not the intent of the change and applicants may exploit this loophole, undermining the proposed control.

Department Comment: Council has confirmed its intent to apply a savings provision and it is proposed to include a condition of Gateway to require the planning proposal be amended to clarify this intent.

In relation to the application of the savings clause relative to the date of exhibition for dual occupancies, there are limited examples of this having been supported previously. The Department has some concern that this matter may not be supported in the final drafting and will need to be removed. It is also noted that Council has already exhibited a discussion paper on this matter, which flagged Council's intent to change the controls relating to dual occupancy. There are no objections to the inclusion of the intent to impose this savings clause, but it must be noted that it may not be supported at finalisation.

5. STRATEGIC ASSESSMENT

5.1 Central City District Plan

Central City District Plan

The Greater Sydney Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets. The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan.

The planning proposal seeks to harmonise planning controls as 'Phase 1' of the implementation of the District Plan, with further planning proposals being identified through the Council's draft Local Strategic Planning Statement (LSPS) to further implement and strengthen the line of sight between the District Plan and the LEP. The harmonisation enables the future implementation of broad LEP policies across the LGA to simplify the planning process and remove the need for amendments to multiple LEPs.

The planning proposal gives effect to the Central City District Plan and is consistent with its directions. Of particular relevance are the following priorities:

Planning Priority C3 Provide services and social infrastructure to meet people's changing needs

Planning Priority 3 seeks to ensure services and infrastructure meet communities' changing needs. It also aims to deliver social infrastructure and optimise the use of public land for social infrastructure. The district plan outlines that planning for early education and child care facilities requires innovative approaches to the use of land and floor space, including co-location with compatible uses.

As outlined in Section 4.1, the proposal seeks to prohibit centre-based child care facilities from IN1, IN2 and RE1 zones. This will reduce land, particularly public, available to deliver child care services. It is noted that Council is preparing a Community Infrastructure Strategy which in part seeks to address the provision of child care facilities.

Council has justified the proposed amendments due to the incompatibility of child care centres with other uses in the industrial zones. Council also notes the need to protect open space land for recreation use given the growing population.

While the proposal will reduce land available for this use, it is still permitted in much of the LGA in locations more appropriate for child care services. It is considered that the proposal is on balance consistent with this planning priority

Planning Priority C4 Fostering healthy, creative, culturally rich and socially connected communities

This priority seeks to ensure that our communities are provided access to the arts and can celebrate our culturally rich neighbourhoods. The planning proposal seeks to increase the maximum days allowable for temporary uses, including community events. Some community uses will also be possible as exempt development. This will make it easier for the community to embrace the diverse cultural events and celebrations within the LGA. The proposal also supports social and artistic endeavours and may support tourism opportunities within the LGA.

Planning Priority C5 Providing housing supply, choice and affordability with access to jobs, services and public transport

The District Plan speaks to the need to increase housing supply, ensuring this growth is in the right areas with access to transport. The plan also seeks to ensure that diversity of the housing stock is also a consideration to ensure that the community has options that reflect their needs. The planning proposal includes a number of matters which will impact on both housing supply and diversity including:

- expanding the areas of R2 Low Density Residential where dual occupancy is prohibited;
- rezoning of certain land in North Rocks, Northmead and Carlingford from R3 Medium Density Residential to R2 Low Density Residential;
- reducing FSR for R3 zoned land at Silverwater from 0.75:1 to 0.6:1;
- prohibition of residential flat buildings on R3 zoned land, impacting former Hornsby land; and
- increasing the minimum subdivision lot size required for residential zoned land in the former Hornsby and Holroyd LGAs.

Council contends that these changes will not have significant impact on the supply of housing delivered within the LGA and points to significant proposals underway which contribute to Council exceeding their housing targets. Council also notes that the LHS will further address how housing choice and supply, as discussed in the District Plan, will be delivered in the LGA.

It is acknowledged that the relevant land use tables within each of the existing five LEPs are inconsistent and so in the process of developing a single land use table for each zone to form the consolidated LEP, some changes are unavoidable/requisite.

The merits of the changes proposed by Council are addressed further in response to Section 9.1 Direction 3.1 Residential Zones. It is noted that the proposal has the potential to be consistent with the District Plan, however Council will need to exhibit its housing strategy with the planning proposal to demonstrate how supply and importantly diversity is proposed to be addressed holistically.

The proposed changes are considered acceptable for public feedback through the exhibition process however the final planning proposal should be updated where required to have regard to any endorsed LHS and the endorsed LSPS, which is discussed in greater detail in Section 5.2 of this report. This will allow for a better understanding of consistency with this planning priority and the District Plan. The Gateway determination has been conditioned to reflect this.

Planning Priority C6 Creating and renewing great places and local centres, and respecting the District's heritage

Planning Priority 6 aims to create great places which bring people together and where heritage is identified, conserved and enhanced. The proposal addresses minor administrative amendments to correct certain heritage items that have been incorrectly labelled and combine the heritage schedules into a single list with new references numbers. The planning proposal is consistent with this planning priority by respecting the LGA's heritage.

Planning Priority 11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land

The planning priority aims to retain sufficient industrial lands, manage interfaces with industrial areas, facilitate health and education precincts, enable economic opportunities, and consider ways to support export and tourism industries.

This harmonisation proposal does not propose any changes that would result in the reduction of the amount of industrial and urban services land. Further, it proposes to remove some of the incompatible uses from the industrial and business zones to strengthen the protection of employment land.

Council indicates that a separate planning proposal will be prepared to give effect to its Employment Land Strategy once it is endorsed. Therefore, it is considered the proposal is consistent with this Planning Priority.

Planning Priority C12 Supporting growth of targeted industry sectors

Planning Priority 12 aims to ensure that relevant economic sectors are targeted for success. This harmonisation proposal has suggested the below minor changes that are relevant to this Priority:

- prohibiting information and education facilities in B5 Business Development and B6 Enterprise Corridor zones;
- permitting bed and breakfast accommodation in all residential zones and business zones;
- other types of tourist and visitor accommodation (e.g. hotel, motel and serviced apartment) to not be permitted in residential zones or B1 Neighbourhood Centre due to the amenity impacts; and
- extending the prohibition of other types of tourist and visitor accommodation in the IN1 zone in the former Hills LGA due to potential land use conflicts and protection of land available for industrial purpose.

These changes are generally inconsistent with this Planning Priority which includes actions to enhance the tourist and visitor economy. However, the planning proposal allows for these uses in more appropriate zones and locations within the LGA.

Additionally, Council indicates that a future Cultural Infrastructure Strategy will be prepared, as an action identified in its LSPS. This will support planning for other arts and cultural facilities in appropriate locations in line with this Planning Priority. The need for further changes to Council's land use planning framework in a separate planning proposal will be considered following the completion of this work. On balance it is considered that the proposal is consistent with this Planning Priority.

Planning Priority C13 Protecting and improving the health and enjoyment of the District's waterways

Planning Priority 13 aims to protect environmentally sensitive waterway areas, manage access to waterways, improve catchment health and reinstate natural conditions in urban waterways. The planning proposal continues to protect waterways and improve amenity and access within land zoned RE1 Public Recreation, W1 Natural Waterway and E2 Environmental Conservation.

Council proposes to rezone all waterways in public ownership W1 Natural Waterway zone to ensure consistency across the LGA. Additional environmental protection measures are proposed on the Natural Resources Map for various sites that have

been identified as having ‘Waterway and Riparian Land’. This will enhance the protection of waterways and ensure a consistent approach to management of development impacts within the LGA.

Planning Priority C15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes

Planning Priority 15 aims to support biodiversity conservation, manage the urban-bushland fringe, identify scenic landscapes and protect scenic views. The planning proposal includes a number of measures to extend biodiversity conservation and protection of bushland.

The proposal seeks to apply the E2 Environmental Conservation zone consistently to all public bushland reserves and to map additional bushland and vegetation with an ecological importance as ‘Biodiversity’. This will enhance and protect the environmental assets in the LGA and ensure a consistent approach to managing development impacts

The planning proposal is consistent with this planning priority.

Planning Priority C17 Delivering high quality open space

This Planning Priority seeks to ensure that public open spaces are accessible, delivered and enhanced. The key considerations of the priority are planning for open space within the District focusing on quality, quantity and distribution. Noting that opportunities for increasing the amount of public open space in the District will be limited.

The planning proposal seeks to permit additional permitted uses such as restaurants, cafes and take away food and drink premises in the RE1 zone. All new uses are considered to compliment recreational activities and have the potential to enhance the use and enjoyment of open space by the public. Council also proposes to remove childcare centres as a permitted use in RE1 to reduce competition for open space.

The planning proposal does not seek to rezone any land currently zoned for public open space nor introduce uses inconsistent with the objectives of a public open space zoning.

5.2 Local

Local Strategic Planning Statement

Council has prepared a Local Strategic Planning Statement (LSPS) which sets the 20 year vision for Parramatta. The LSPS was made by Council on 31 March 2020.

This planning proposal is the first of a phased approach to enacting the vision and responds to a number of specific actions within the LSPS, identified in **Table 3**. Of note, the proposal seeks to finalise the review of dual occupancy and medium density residential zone provisions; review the case for permissibility of childcare facilities in the IN1 and IN2 Industrial zones; and harmonise industrial and employment zones.

Table 3: Actions of the LSPS addressed through the planning proposal.

Action	Treatment in Planning Proposal
A27 – Develop provisions requiring fine grain shopfront	The planning proposal introduces a new control on residential uses in B1 and B2 zones of “non-residential”

uses and presentation at street level in Local Centres	uses as permissible at ground floor. The current provisions generally require strictly commercial or retail as a ground floor uses.
A29 – Finalise the review of dual occupancy and medium density residential zone provisions for Government's consideration as part of the LEP Harmonisation Project.	The proposal suggests implementing greater prohibition of dual occupancies on R2 zoned land, rationalises land uses and discontinues the R1 General Residential.
A58 – Investigate planning provisions which enable temporary uses and events as exempt development that does not require development approval.	The proposal satisfies this action through incorporating 'Temporary events (including Markets)' as a type of exempt development on Council owned land as part of Schedule 2 of the consolidated LEP. The days allowable for temporary use of land is also proposed to increase under this proposal.
A74 – Review the case for permissibility of childcare facilities in the IN1 and IN2 Industrial zones as part of the LEP harmonisation project.	The planning proposal intends to prohibit childcare facilities within the IN1 and IN2 industrial zones and the RE1 Public Recreation zone.
A75 – Review the new retail definitions for suitable implementation into the LEPs business and industrial zones as part of the LEP Harmonisation project.	The planning proposal does not include a review of the new retail definitions as part of the LEP Harmonisation project. Council has identified a separate planning proposal will be prepared in relation to the Employment Lands Strategy which may address this.
A77 – Consider reviewing permitted land uses within Local Urban Service Hubs and other employment lands to ensure they are contemporary and meet the changing needs of industry.	The harmonisation proposal removes previously permitted land uses within employment lands, specifically, making childcare facilities prohibited in IN1 and IN2 zones. Further, the proposal suggests minor changes to further restrict retail activities or floorspace for certain types of uses to ensure employment lands are protected.
A86 – Review planning and development requirements to: <ul style="list-style-type: none"> • maintain existing biodiversity and increase vegetation and habitat opportunities; • identify and encourage biodiversity corridors to improve habitat protection and connectivity within and beyond the local government area; • increase tree canopy; and • clarify deep soil and setback needs including contiguous open spaces. 	The proposal seeks to rezone a number of bushland and riparian areas with ecological value in order to promote protection and increased opportunities to improve habitats within the LGA. Specifically, the proposal suggests: <ul style="list-style-type: none"> • natural waterways in public land zoned RE1 to be zoned W1; • bushland reserves zoned RE1 to be rezoned as E2 Environmental Conservation; and • discontinuing the E3 Environmental Management and E4 Environmental Living zones and replacing them with E2 Environmental Conservation zonings.

Local Planning Panel

A report addressing the planning proposal was considered by the Parramatta Local Planning Panel on 8 October 2019. The Panel advised Council to endorse the planning proposal to submit for Gateway determination, noting that greater public consultation will be required on the topical issues, such as dual occupancy prohibition (**Attachment H**).

5.3 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

Direction 1.1 aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres. The direction applies when land within an existing or proposed industrial or business zone is altered.

Council is harmonising the land use tables in relation to business and industrial zones across the new City of Parramatta local government area (LGA) through the new LEP. This is intended to achieve consistency across the LGA in terms of planning for employment land and to provide certainty to future development. This also responds to an action identified by Council's Local Strategic Planning Statement to harmonise industrial and employment zones.

The harmonisation of the business and industrial zones has focused on protecting the employment activities from other non-compatible land uses, which may otherwise result in the potential loss of land available for employment purposes.

For example, Council proposes to restrict residential accommodation in B5 Business Development and B6 Enterprise Corridor. Additionally, commercial premises are prohibited in IN1 General Industrial zone, with exception of certain retail land uses that serve the daily needs of workers or residents in the nearby area. These changes will further strengthen the protection of these zones for employment uses in line with this Direction.

The proposal also seeks to introduce residential flat buildings as a permissible use in B1 Neighbourhood Centre and B2 Local Centre zones, with new provisions requiring non-residential uses at ground floor. This change is intended to allow a greater variety on permissible uses at ground floor as 'shop top housing' only allows retail or commercial premises at ground level. This has the potential to activate street frontages and to enable a greater mix of uses (e.g. retail, business and community) at ground floor. This change is likely to enhance flexibility and viability of the smaller scale centres.

It is also important to note that the proposal will not reduce the amount of land currently zoned for business or industrial purposes, with the existing development controls (e.g. height and floor space ratios) generally retained in the new LEP.

Based on the above, the planning proposal is considered to be consistent with this direction.

Direction 1.2 Rural Zones

This direction applies when a council prepares a proposal which effects rurally zoned land. The planning proposal seeks to rezone a single lot of RU3 Forestry which was orphaned from a larger area of the zone with the new boundary for City of

Parramatta. The land is proposed to be zoned SP1 Special Activities – Emergency Services Facilities reflective of the use of the site for a fire station.

Any inconsistency with this direction is considered to be of minor significance.

Direction 2.1 Environment Protection Zones

Direction 2.1 aims to protect and conserve environmentally sensitive areas. A planning proposal must include provisions which facilitate the protection of environmentally sensitive areas through the maintenance of environmental zones

Council proposes to consolidate all existing clauses relating to 'biodiversity protection', 'protection of riparian land and waterways' and 'land subject to landslide risk'. The planning proposal does not seek to change the intent or operation of the clauses as it currently applies to land identified on the Natural Resources Map.

Council also proposes the following amendments:

- discontinue use of the E3 Environmental Management and E4 Environmental Living zones. 166A Windsor Road, Northmead and Murray Farm Road, Carlingford will be rezoned to E2 Environmental Conservation, to enhance their environmental protection. Council have advised that these sites are under public ownership;
- rezoning of land at 11-13 Pye Avenue, Northmead from E4 Environmental Living to R2 Low Density Residential zone. The site is surrounded by two storey residential dwellings and bushland. The site was developed for townhouses under the former Baulkham Hills LEP and does not contain any vegetation of significance. While townhouses are not permitted in the R2 zone, the application of an R3 Medium Density Residential is not considered appropriate given the site's low density context. Existing use rights will permit the continuation of the current approved town houses in the R2 zone. It is considered that this inconsistency is minor;
- rezoning of land at 30X Epping Road, Epping from SP2 Classified Road to E2 Environmental Conservation. Council have advised that the site is under public ownership and that the E2 zone will offer a higher level of protection for the site. This approach is consistent with other bushland reserves in the LGA;
- rezoning of public bushland reserves with ecological value to E2 Environmental Conservation, where these currently have a RE1 Public Recreation zoning;
- rezoning of natural waterway corridors on public land to W1 Natural Waterways, where these currently have a RE1 Public Recreation zoning. Currently, natural waterway have not been zoned consistently across individual LEPs, with all waterway land zoned RE1 under The Hills and Hornsby LEPs; and
- additional environmental protection measures are proposed on the Natural Resources Map for various sites that have been identified as having 'Biodiversity' and 'Waterway and Riparian Land'. Council have identified these lands using the NSW Government's 'Native Vegetation of the Sydney Metropolitan Area' mapping and recommendations from the NSW Department of Industry 'Guidelines for controlled activities on waterfront land – Riparian Corridors' respectively. The intention is to protect and enhance the

environmental assets in the LGA and ensure a consistent local and state government approaches to managing development impacts.

It is considered that the proposal is consistent with the direction. It is recommended that consultation with the Environment, Energy and Science (EES) Group occurs as part of the consultation on the planning proposal.

Direction 2.2 Coastal Management

Direction 2.2 applies as the LGA contains land along the foreshore of the Parramatta River and Haslam's Creek (east of Charles Street Weir). The planning proposal includes planning provisions to protect and enhance identified environmentally sensitive lands and waterways and foreshore areas, which is consistent with the objectives of the Coastal Management SEPP.

The proposal does not seek to intensify uses on land subject to this Direction and therefore it is considered that the proposal is consistent with the Direction.

Direction 2.3 Heritage Conservation

Direction 2.3 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of item, buildings and places of heritage.

Council is consolidating all existing heritage items, heritage conservation areas and archaeological sites identified under the individual LEPs. These items will be reordered and updated with new item numbers and conservation area references, under Schedule 5 – Environment Heritage. Additional minor amendments are proposed for the following:

1. It is not proposed to carry over the Beecroft-Cheltenham Conservation Area from Hornsby LEP 2013. The area within the Parramatta LGA only applies to land covered by the M2 Motorway and bushland. These areas do not contribute to the significance of the wider conservation area. Therefore, the removal of the Beecroft - Cheltenham Conservation Area within the consolidated LEP is supported for exhibition.
2. Correction to item I648 under Parramatta LEP 2011 relating to Masonic Centre (47 Campbell Street, Parramatta). The Parramatta LEP 2011 currently identifies this item as being of State level significance; however this item is not identified on the State Heritage Register. It is proposed to correct the schedule to identify this item as having only local significance.
3. Correction of an address for I747 'Horse trough' under Parramatta LEP 2011 from 'Victoria Road (adjacent to 353a Church Street)' to 'Victoria Road (adjacent to Prince Alfred Park)'.

Given the planning proposal retains heritage conservation protections through the standard instrument clause, it is considered that the proposal is consistent with the intent of the Direction. It is recommended that consultation with Department of Premier and Cabinet – NSW Heritage occurs as part of the consultation on the planning proposal.

Direction 3.1 Residential Zones

The objective of this Direction is to encourage housing diversity and choice while promoting residential development in appropriately serviced areas. The proposal is inconsistent with this direction as it includes a number of amendments which will reduce the supply and diversity of housing in the LGA, particularly the expansion of areas where dual occupancies will be prohibited. The proposal also seeks to 'down zone' land, including the rezoning of land in North Rocks, Northmead and Carlingford from R3 to R2, reduction of FSR for land in Silverwater and the removal of residential flat buildings as a permissible use in the R3 zone for land under the Hornsby LEP.

Council contends that there is both local planning merit to these changes, i.e. that they respond more appropriately to the local context and provide better urban design outcomes, and broader strategic merit through locating density and diverse housing in identified precincts. Council proposes to address diversity through its Local Housing Strategy, a draft of which was exhibited 30 September to 11 November 2019 (**Attachment D**).

Council states that it will adequately supply its housing needs within the LGA from existing undeveloped capacity and proposals in train including the Parramatta CBD proposal, Melrose Park and other site specific proposals. Council identifies through its LHS that 84% of housing growth will be delivered in precincts around employment and housing. While this will assist will supply, it will likely be comprised of more dense forms of housing and will not address diversity more broadly. The key issues for consideration are addressed below:

R3 Medium Density Residential in former Hornsby LEP

The R3 zone under the Hornsby LEP allows for residential flat buildings as a permissible use with consent. The zone applies to two small areas adjoining the Epping town centre impacting 52 properties. Under the planning proposal, Council intends to retain the zoning of this land as R3, however residential flat buildings will no longer be a permitted use.

Council notes that the application of the R4 High Density Residential zone is not considered appropriate as it does not respond to the desired future character for this land, which is of a lesser density as demonstrated by the current 3 storey height limit. Council also points to the significant uptake of development in Epping and the resulting concerns including traffic congestion. Council also suggests that the retention of this zone and land for strictly medium density will provide greater housing diversity in Epping in contrast to the supply of apartments provided in recent years.

Certain land zoned R3 Medium Density Residential in North Rocks, Carlingford and Northmead

Council proposes to rezone a total of 115 sites in the northern parts of the LGA from R3 Medium Density Residential to R2 Low Density Residential, and adoption of the development standards in line with the zone. Council cites a number of reasons for this proposal, including the existing character of the land, difficulties in developing well designed medium density developments given site constraints, and the potential uptake of manor houses through the Low Rise Medium Density Code in an area Council considers to not be appropriate.

Council also notes the potential increase in traffic movements and other matters which may compromise the amenity of the area, noting that some of the sites are located on culs-de-sac. However, upon removal of these sites, very little land zoned R3 remains undeveloped in the northern portion of the LGA.

R3 land at Silverwater

The proposal seeks to reduce the FSR for certain R3 zoned land at Silverwater from 0.75:1 to 0.6:1. Council has proposed this change in response to poor design outcomes which have been achieved under the existing controls. Currently, the land has a high FSR and a low height resulting in development with a large footprint. The proposed change will reduce the FSR to a rate which is more responsive to the height permitted and will deliver improved urban design outcomes.

Department Comment: The Department recognises the need to provide housing in appropriate locations, however Council must also ensure that a diversity range of housing options are provided. Council relies on the measures proposed in the LHS, however it is yet to be submitted to the Department and will require assessment and endorsement.

Council has sufficiently demonstrated these proposed amendments would not significantly reduce the potential for the LGA to meet the 2036 housing targets and is consistent with the Central City District Plan and LSPS. It is noted that the proposal's inconsistency with this Direction needs to be further justified through a quantitative analysis to assess the impacts of the proposal on housing diversity and supply.

Direction 3.2 Caravan Parks and Manufactured Home Estates

The objective of this Direction is to encourage a variety of housing types and provide provisions that permit development for the purposes of caravan parks and manufactured home estates. Currently, caravan parks are prohibited in the individual LEPs except Hornsby LEP where it is a permitted use in the RE1 Public Recreation zone.

The proposal is inconsistent with this Direction as Council seeks to extend the prohibition of caravan parks in RE1 Public Recreation zone. Council notes that the Hornsby LGA encompasses large open spaces and national parks, where this use may be more appropriate in RE1 zoned land, in comparison to open spaces in the Parramatta LGA which are primarily located in an urban context. Therefore, caravan parks and manufactured home estates are not considered to be an appropriate use and are inconsistent with the objectives of the zone.

Given the majority of LEPs applying in the LGA already prohibit caravan parks in RE1 zoned land, the proposed change is considered of minor significance.

Direction 3.3 Home Occupations

This Direction aims to encourage the carrying out of low-impact small businesses in dwelling houses through allowing the use as exempt development. The planning proposal is consistent with this Direction as it proposes to permit home occupations without consent across all zones where dwelling houses are permitted.

Direction 3.4 Integrating Land Use and Transport

This Direction ensures that more intense development is located in proximity to public transport options. The planning proposal generally transfers the existing zoning of land to the new instrument with only minor amendments. Due to the minor

nature of the changes, it is considered that the proposal is generally consistent with the Direction.

Direction 4.1 Acid Sulfate Soils

The purpose of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Council proposes to consolidate all existing LEP maps and retain existing provisions relating to acid sulfate soils applying to the Parramatta LGA. It is therefore considered that any inconsistency with this Direction is of minor significance.

Direction 4.2 Mine Subsidence and Unstable Land

This Direction applies as the proposal retains the existing provisions related to landslide risk land in the LGA. No changes are proposed to the existing provisions and no new land is identified on the maps. The existing provisions seek to prevent development on unsuitable land due to instability. The proposal is considered to be consistent with the Direction.

Direction 4.3 Flood Prone Land

Direction 4.3 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.

The flood planning provisions are generally consistent across all individual LEPs with the proposed provisions intended to be consistent with clause 6.3 of Parramatta LEP 2011. The proposal does not seek to intensify uses on flood prone land.

Council have advised that a consolidated DCP for the LGA will be updated which will include additional planning provisions related to flooding, to support the implementation of the LEP.

The planning proposal is therefore considered consistent with this Direction. It is recommended that consultation with the Environment, Energy and Science Group occurs as part of the consultation on the planning proposal.

Direction 4.4 Planning for Bushfire Protection

This Direction applies as the proposal contains bushfire prone land as part of the consolidation process of all LEPs. The LGA contains bushfire prone land but no changes are proposed to the existing provisions.

To determine consistency with this direction, consultation with the Commissioner of the NSW Rural Fire Service is required and the Gateway determination will be conditioned accordingly. The Direction will be unresolved until this consultation can occur.

Direction 6.2 Reserving Land for Public Purposes

This Direction seeks to facilitate the provision and removal of reservations of land for public purposes.

Council proposes to rezone land at 14 and 16 Grey Street, Silverwater from RE1 Public Recreation to B6 Enterprise Corridor, consistent with the zoning of the adjoining sites. The two sites are under private ownership and are not identified within Auburn LEP 2010, Auburn Development Contributions Plan 2007 or Land Reservation Map to be acquired for that purpose.

The street comprises of detached residential dwellings and adjoins Hume Reserve, but are isolated from it by a drainage channel. The rezoning of the two sites would provide a consistent planning framework for the street block and amenity of the streetscape. The two sites are not considered appropriate for public open space on their own and would not add value to the existing Hume Reserve, due to its isolation.

Council also proposes to apply a consistent SP2 zoning to classified roads, where they have an alternative zoning. While these roads do not require reservation, consultation with Transport for NSW is recommended to confirm the proposed approach.

The proposal is inconsistent with the Direction due to its reduction in land zoned for public recreation, however these sites are in private ownership and there is no intention for Council to acquire the land. It is considered that the inconsistency is of minor significance.

Direction 6.3 Site Specific Provisions

The objectives of this Direction are to prevent unnecessarily restrictive site specific provisions and ensure more flexible options are considered. The planning proposal includes both the transfer of existing and the inclusion of new additional permitted uses (APU). These are uses which are not otherwise permitted in the zone which are identified to be permitted for specific land.

As Council is intending to prohibit child care centres within the RE1 zone, an APU is proposed to recognise an existing use of land for this purpose at Carlingford. Council also proposes an APU of residential flat buildings for land at 2-22 Maida Road, Epping, currently subject to Hornsby LEP 2013. This land is zoned R3 and residential flat buildings are proposed to no longer be permissible in this zone. The APU will allow for the two undeveloped sites to develop in line with adjoining properties while balancing expectations which may be raised should the land be rezoned.

It is considered that the proposal is inconsistent with the direction, as it includes additional uses which could be otherwise provided through an alternative zoning. It is considered that this inconsistency is of minor significance and the need for the identified approach is appropriately addressed through the planning proposal.

Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy

The objectives of this Direction are to facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016).

Granville precinct, as a designated precinct under the Strategy, is situated within the City of Parramatta LGA. There is a range of business and employment zones currently applicable to land within Granville precinct.

This planning proposal does not seek to rezone or change development standards applying to the Granville precinct. Although this proposal suggests harmonisation of business and industrial zones across the LGA, this will not undermine the objectives or planning principles for the corridor, nor pre-empt the outcomes for future planning of Granville precinct.

It is understood that the corridor wide traffic study to determine the required infrastructure to support growth is being progressed. City of Parramatta also

indicates a separate planning proposal will be prepared once the supporting planning works are completed.

It is therefore considered that any inconsistency with this Direction is of minor significance.

Direction 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Direction 7.5 aims to ensure development within the Greater Parramatta Growth Area is consistent with the Interim LUIIP. The proposal applies to the whole of City of Parramatta LGA, including land within the Greater Parramatta to the Olympic Peninsula area (GPOP), a 6,000-hectare area at the core of the Central City, and the centre of Greater Sydney.

The Interim LUIIP recognises the need for additional regional infrastructure to support growth and this is proposed to be implemented via a Special Infrastructure Contribution (SIC). The Greater Sydney Commission has also released a pilot Place-based Infrastructure Compact (PIC) for GPOP which seeks to better align growth with the provision of infrastructure and services. When finalised the PIC will play an important role in shaping the direction and staging of planning in GPOP, including land in City of Parramatta LGA.

The changes in this harmonisation proposal are generally considered minor in nature and will not rezone land that activates significant growth within GPOP. Council also indicates that the works to implement the GPOP vision will be subject to various precinct planning processes which is separate to this harmonisation proposal.

Given the nature of the harmonisation proposal, it is considered that any inconsistency with this Direction is of minor significance.

5.4 State environmental planning policies (SEPPs)

SEPP 19 – Bushland in Urban Areas

The SEPP aims to protect and preserve bushland within urban areas. Council proposes to rezone public bushland reserves with ecological value to E2 Environmental Conservation, as currently there are inconsistencies. Council will also map public bushland “Biodiversity” land on the Natural Resources map to ensure better protection and management of the sites of high ecological value. The planning proposal is consistent with SEPP 19 – Bushland in Urban Areas.

SEPP 55 – Remediation of Land

This SEPP relates to the remediation of land where rezoning occurs.

Under the planning guidelines for SEPP 55 (Managing Land Contamination, DUAP, 1998) rezonings that cover a large area, for instance more than one property, are identified as generalised rezonings. This description applies to the planning proposal.

The planning guidelines acknowledge that for generalised rezonings, ‘it is difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed use(s) in terms of contamination at the rezoning stage’ (page 22). The planning guidelines state that in these cases, the rezoning may proceed as long as measures are in place to ensure the potential for contamination and the suitability of the land for the proposed uses are assessed once detailed proposals are made. These measures are currently in place under Clause 7 – contamination and

remediation to be considered in determining development applications of SEPP No. 55.

The planning proposal is consistent with this SEPP as it is considered that suitable measures are in place to ensure that contamination and the suitability of land could be considered when detailed proposals are made as development applications.

It is noted that the planning guideline instructs that if the rezoning includes the identification of locations for sensitive uses, such as childcare centres, then it may be appropriate to determine the suitability of the land in those locations at the rezoning stage. The subject planning proposal does not seek to rezone any land to introduce any new sensitive uses that this would apply to at the rezoning stage.

SEPP 64 – Advertising and Signage

The planning proposal seeks to introduce advertising on bus shelters which are owned and managed by Council as exempt development. The proposal also seeks to prohibit advertising structures in all zones throughout the LGA.

The SEPP prescribes zones where advertising is prohibited and this overrides provisions in an LEP. Should the bus shelters above be in a prescribed zone, such as a residential zone, the use would be prohibited.

Council notes that consultation with former Roads and Maritime Services (RMS) occurred in relation to the Harmonisation Discussion Paper. RMS highlighted the provisions which apply under the SEPP. It is considered that the proposal is consistent with the SEPP as it does not identify specific locations or zones where the bus shelters are located. It may be appropriate for a note referring users to SEPP 64 to be added during the drafting stage for clarity.

SEPP (Affordable Rental Housing) 2009

The ARH SEPP seeks to provide incentives and permissibility for certain residential uses which may contribute to affordable housing such as boarding houses and secondary dwellings.

The planning proposal seeks to rezone some land which is currently R3 Medium Density Residential to R2 Low Density Residential. This change will impact the carrying out of development such as boarding houses under the ARH SEPP. Proposed changes to the R3 zone under the Hornsby LEP 2013 will also limit some development types available under the SEPP. As noted under Section 9.1 Direction 3.1 Residential Zones, Council is finalising a Local Housing Strategy which seeks to address housing diversity and further quantitative analysis is needed. The Department will consider how Council will address housing choice upon finalisation of the LEP.

SEPP (Coastal Management) 2018

The SEPP applies to land in the LGA along the foreshore of the Parramatta River and Haslam's Creek (east of the Charles Street Weir). Any development application for sites identified along the foreshore of the Parramatta River and Haslam's Creek will be subject to assessment under the Coastal Management SEPP.

SEPP (Educational Establishments and Child Care Facilities) 2017

This SEPP aims to streamline the planning system for education and child care facilities including establishing consistent State-wide assessment requirements and

design considerations for these facilities and specifying certain types of development as either exempt or complying development.

The proposal intends to prohibit centre-based child care in IN1 General Industrial, IN2 Light Industrial and RE1 Public Open Space zones. This is inconsistent with the policy intention of the SEPP which aims to deliver more centre-based child care facilities closer to homes and jobs.

Council indicates that the industrial zones are not considered appropriate for child care centres due to potential conflicts with other land uses such as brothels or industrial uses that generate noise and pollution. There are also safety concerns around heavy vehicle movements associated with some industrial uses.

Like any sensitive use, centre based child care facilities will have potential land use conflicts issues with most of the urban and rural zones. For example, centre based child care facilities will have amenity impact on the residential suburbs (such as acoustic and traffic impacts). Most of these impacts can be adequately addressed at the detailed design stage without the need of removing such use from the zone.

The safety issues and concerns can also be addressed at the merit-based development assessment stage. For example, drop off, parking and play areas in light industrial or commercial areas can be carefully sited, away from heavy truck traffic and main roads to minimise risk of accidents. The on and off site conflicts with children, visitors and users of the facility can be avoided through a combination of design and management plans.

The Department has also produced the Child Care Planning Guideline – Delivering quality child care for NSW, August 2017, as part of the supporting package of the child care facilities planning reform. The purpose of this Guidelines is to provide councils and industries a consistent state wide planning and design framework for preparing and considering DAs for child care facilities.

It is acknowledged that centre based child care use is not a mandated use in IN1, IN2 and RE1 zones under this SEPP. However, careful consideration should be given so the policy intention that bringing more facilities closer to homes and jobs can still be achieved.

The proposed changes are considered acceptable for public feedback through the exhibition process however the final planning proposal should be updated where required to have regard to any endorsed Community Infrastructure Strategy and LSPS.

SEPP (Exempt and Complying Development Codes) 2008

The SEPP seeks to provide a pathway for certain development types to be carried out as exempt or complying development. The proposal seeks to amend the application of some residential zones which will limit the application of the Low Rise Medium Density Code (Code) in these locations. Further, Council has also sought to prohibit dual occupancies in areas where previously permitted which will switch off the ability to pursue this use under the Code.

The proposal will introduce minimum lot sizes for dual occupancies where in some parts of the LGA they have not previously applied. A minimum lot size for manor houses is also proposed. Both of these proposed amendments will override the default minimum lot size provided within the Code. The minimum lot sizes nominated

achieve a local response to the uses as complying development and is within the parameters of the SEPP.

The impact of these changes on supply and diversity is discussed in response to Section 9.1 Direction 3.1 Residential zones, in this report and will require further steps to be taken prior to their resolution. The proposal is otherwise consistent with the SEPP and will not significantly limit its application.

SEPP (Infrastructure) 2007

This SEPP aims to facilitate the effective delivery of infrastructure across the State. The policy also intends to provide greater flexibility in the location of infrastructure and service facilities. To achieve this policy intent, the Infrastructure SEPP prescribes a number of zones where particular types of infrastructure may be located either as permissible with or without consent.

This harmonisation proposal has identified a number of land uses as intended to be prohibited use in zones, either explicitly or implied, which are prescribed zones for the use under the SEPP, such as health services facilities and waste or resource transfer stations. The land use tables, as proposed, may limit the opportunities to provide infrastructure and services, particularly the ability to provide new services as required due to demographic changes.

In justifying the changes, Council indicates that these infrastructure / services are not considered appropriate or suitable for the relevant zones or the land uses are already permissible use under the Infrastructure SEPP under certain conditions. Some of the uses under the ISEPP may only be permissible if undertaken by a public authority. In some circumstances Council has not specifically referred to the use, which may be read to imply it is prohibited.

It is considered that the planning proposal adequately describes Council's intent regarding the permissibility of these uses and identifies that the SEPP provides additional permissibility. The mechanics of how these uses are identified on the respective land use tables can be addressed at the drafting stage.

SEPP (State Significant Precincts) 2005

The planning proposal seeks to rezone land at the former Channel 7 Site which is identified under this SEPP. The rezoning is considered appropriate as the land has been developed and the new zones allocated respond to the development which has been built.

It is noted that as part of the SEPP Review process, being carried out by the Department, the provisions for this land will be considered and potentially transferred to an alternative instrument, such as the new LEP. The proposal is consistent with the SEPP.

SEPP (Urban Renewal) 2010

The planning proposal applies to the Granville Potential Precinct identified under this SEPP. The planning proposal does not make any significant changes to this precinct and is generally administrative in nature for the land.

SEPP - Vegetation in Non-Rural Areas 2017

The intent of this policy is to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW. The planning proposal is consistent with the

SEPP as Council seeks to rezone all public bushland reserves to E2 Environmental Conservation consistently and map sites with high ecological value as “Biodiversity” on the Natural Resources Map. Any listed vegetation should be considered in the assessment of any future development applications.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The SEPP applies to land in the LGA as it seeks to ensure that the catchment, foreshores and waterways are recognised, protected, enhanced and maintained. The planning proposal seeks to retain provisions applying to the land in the LGA that would assist in protecting the catchment’s environment and heritage. Council proposes to include land at Wentworth Point to be identified in the Foreshore Building Line map. This will ensure that development in the foreshore area will not impact on natural processes or the amenity of these key areas. The proposed amendment is consistent with the SEPP and does not hinder its application.

6. SITE-SPECIFIC ASSESSMENT

6.1 Social

As outlined previously, the planning proposal may result in a reduction of sites where housing diversity may be provided. Council has exhibited a Local Housing Strategy which addresses this component. Further justification and consideration of this matter will be undertaken at the finalisation stage.

The permissibility of child care centres is also proposed to be reduced through the proposal, which may impact the number of spaces available to the community. This matter is also identified to be further considered during the finalisation of the proposal.

Positive amenity impacts could be attributed to some of the changes seeking to preserve low density neighbourhoods such as the removal of places of public worship and indoor recreation facilities.

6.2 Environmental

The planning proposal seeks to increase the areas mapped as water and riparian land and biodiversity. Adding land to these maps calls up heads of consideration in the assessment of a development application. The provisions add further protection for this land.

The proposal also seeks to rezone publicly owned land from E3 Environmental Management and E4 Environmental Living to E2 Environmental Conservation. The E2 zone provides for less development potential and has a stronger environmental protection mandate.

6.3 Economic

The economic roles of business and industrial zones are supported through the proposed LEP. Council has proposed generally minor changes to both its industrial and business zones. The new LEP will provide a clear and consistent approach to guide economic planning decisions.

6.4 Infrastructure

It is considered that the LEP harmonisation component of the proposal will not create significant additional demand for public infrastructure it will not result in substantial

changes to development potential and the changes to the City of Parramatta LGA are minimal.

6.5 Principle Development Standards

Minimum Lot Size

The proposal seeks to adopt the optional Standard Instrument provision clause 4.1 for minimum subdivision lot size. The objective of this provisions is to ensure subdivisions reflect the characteristic lot sizes and patterns of the area.

Across the five LEPs, differing lot sizes exist and in some LEPs this is further divided by zone. A summary of the existing and proposed provision is detailed in **Table 4**.

Table 4: Comparison of minimum lot size controls.

Land	Current Control	Proposed Control	Comment
Residential zoned land in Parramatta LEP 2011	550m ²	550m ²	Retains existing provisions.
R2 zoned land in Parramatta (former the Hills) LEP 2012	700m ²	700m ²	Council proposes to retain the existing minimum lot size applying in this area. This will retain the local character
R3 zoned land in Parramatta (former the Hills) LEP 2012	700m ²	550m ²	Council proposes to reduce the minimum lot size in R3 and R4 for consistency with the rest of the LGA. This is considered appropriate as it applies to a small number of lots and higher order development is more likely in these zones.
R4 zoned land in Parramatta (former the Hills) LEP 2012	1800m ²	550m ²	
R2 zoned land in Holroyd LEP 2013	450m ²	550m ²	The proposed change will create consistency with the majority of R2 zoned land in the LGA. The Holroyd LEP applies to a small area with the LGA and therefore only a small number of lots will be impacted. It appears unlikely that there are lots of sufficient size to allow for subdivision under either control.
R4 zoned land in Holroyd LEP 2013	900m ²	550m ²	Council proposes to reduce the minimum lot size in R4 for consistency with the rest of the LGA. This is considered appropriate as it applies to a small number of lots and higher order development is more likely in these zones.

R3 land Auburn LEP 2010	N/A	550m ²	Currently no minimum is mapped for land under Auburn LEP 2010., The proposed controls will create consistency in both approach and requirements with the majority of the LGA.
Hornsby LEP	500m ²	550m ²	The minor increase in minimum lot size is proposed to create consistency with the majority of the LGA.

Despite the above, where a battle-axe lot is proposed the minimum lot size required is proposed to be 670m². This control currently applies under Parramatta LEP 2011 and will be applied across the whole of the LGA, excluding land formerly under the Hills as the lot size here is proposed to be greater. The provision aims to allow for sufficient space to provide setbacks and access, while ensuring appropriate levels of amenity.

A minimum lot size will also not apply to a subdivision of a lot containing a dual occupancy in residential zoned land, given that one dwelling will be situated on each lot resulting from subdivision. This carries forward an existing provision of Parramatta LEP 2011 and is considered a necessary exemption to allow dual occupancy development to be feasible.

Department Comment: The proposed provisions will generally provide for consistency across the LGA and for land formerly in the Hills to respond to the local characteristics. The provisions are clearly articulated in the planning proposals and are considered appropriate for public exhibition.

Height

Council has proposed to amend a number of height controls for certain land or in particular zones to ensure a consistent approach to height and density is applied.

Table 5 below outlines these amendments and the existing controls.

Table 5: summary of proposed height amendments.

Land	Current Control	Proposed Control	Comment
Land zoned R2 low density under Hornsby LEP 2013	8.5 m	9 m	Create consistency with the majority of R2 zoned land in the LGA. The additional 50cm will not have a significant impact on the density and allow development to respond to topography.
Certain land in Newington zoned R3 medium density residential and subject to Auburn LEP 2010	9 m	11 m	Provide consistency in height limits across Newington and will assist in achieving better design outcomes on medium density housing sites.
Certain land in Parramatta zoned R4 High Density Residential and west of	15 m	14 m	A 14 m height limit will provide consistency with the R4 zoned land to the north.

Church Street, north of Western Motorway, and east of Pitt Street subject to Holroyd LEP 2013			
482-500 North Rocks Road, Carlingford	Nil	9 m	Provide a height control to the land that is reflective of the built form that could be achieved under the existing FSR and consistent with approaches taken for other B1 neighbourhood centres.
61 Pennant Hills Road, North Parramatta	Nil	9 m	Provide consistent zoning and development standards across the site to reflect its use.

Department Comment: The proposed changes are generally minor and will provide greater clarity and consistency. The changes are clearly articulated in the planning proposal and are considered appropriate for public exhibition.

Floor Space Ratio

Council proposes to adopt the optional Standard Instrument clause 4.4 on floor space ratio and corresponding map series. A notable change will be the mapping of FSR for residential land under Hornsby LEP 2013 and Parramatta (former The Hills) LEP 2012 which currently does not have a mapped FSR in the LEPs.

Generally, Council intends to apply a 0.5:1 FSR for land zoned R2, and 0.6:1 FSR for land zoned R3. Exceptions to this will be at Maida Rd, Epping which is proposed to retain its existing FSR and have RFBs as an additional use, and Newington which will remain unchanged at 0.75:1.

In the R4 zone, Council has mapped FSRs generally relative to the existing maximum height of buildings for land subject to Hornsby LEP 2013 and Parramatta (former The Hills) LEP 2012, where no FSR control is currently applied.

A number of site specific amendments are also required to respond to rezonings and to remove existing FSR controls from public streets and roads, consistent with the approach taken under Parramatta LEP 2011.

Department Comment: The proposed changes are generally minor and will provide greater clarity and consistency. The changes are clearly articulated in the planning proposal and are considered appropriate for public exhibition. The notable exception is proposed reduction in FSR at Silverwater discussed in response to Section 9.1 Direction 3.1 Residential Zones.

7. CONSULTATION

7.1 Community

Council has proposed public exhibition for June 2020. A 28-day time frame is considered appropriate for this proposal given its complexity and the breadth of matters involved.

As part of the conditions of the Gateway, Council will be required to write to all landowners impacted by significant changes resulting from this proposal.

7.2 Agencies

Council proposes that consultation with relevant authorities will form part of the consultation requirements and will respond to the Gateway determination conditions.

It is recommended that Council consult with:

- Greater Sydney Commission;
- NSW Rural Fire Service;
- Environment, Energy and Science (EES);
- Transport for NSW; and
- Department of Premier and Cabinet – NSW Heritage.

8. TIME FRAME

Council proposes a timeframe for completing the LEP of ten months from the issuing of the Gateway determination. It is noted that this planning proposal is the first stage in Council's LEP review program and Council is required to submit the planning proposal for finalisation by 30 June 2020. Harmonising the five existing LEPs that apply in the LGA will allow Council to undertake broader policy reform in the future to support the implementation of the LSPS.

9. LOCAL PLAN-MAKING AUTHORITY

Council should not be given plan making authority due to the scale of the proposal and the need to ensure compliance with the Standard Instrument LEP at finalisation and co-ordinate map amendments.

10. CONCLUSION

The planning proposal has strategic merit as it responds to recent changes to the Act which requires councils to review and amend their LEPs to give effect to the District Plans.

It is considered that this proposal gives effect to the Central City District Plan as it enables the harmonisation of Council's planning controls to facilitate improved future delivery of jobs, housing and public open spaces within the LGA.

Co-ordination with the Cumberland Council will be required to ensure the appropriate staging and sequencing of LEPs at finalisation, noting that the Cumberland is also undertaking a harmonisation process with three LEPs.

The proposal will bring about planning clarity for City of Parramatta Council and its community.

11. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 3.2 Caravan Parks and Manufactured Home Estates, 4.4 Acid Sulfate Soils, 6.2 Reserving Land for Public Purposes; 6.3 Site Specific Provisions, 7.3 Parramatta Road Corridor Urban Transformation Strategy and 7.5 Implementation of Greater

Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan are minor or justified in the terms of the directions;

2. note that the consistency with section 9.1 Directions 3.1 Residential Development and 4.4 Planning for Bushfire Protection are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal be amended to:
 - (a) clarify the intent to include a savings provision in the new LEP;
 - (b) address consistency with the endorsed LSPS;
 - (c) remove the proposal to exclude the application of Clause 4.6 to dual occupancy and manor house minimum lot size requirement;
 - (d) correct errors and anomalies;
 - (e) consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency;
 - (f) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process; and
 - (g) for the proposed amendments to the residential zones under Direction 3.1 provide a quantitative analysis (where possible) to assess the impacts of the proposal on housing diversity and supply, as follows:
 - i. the number of lots affected by the rezoning or amendment to the development controls;
 - ii. the number of reduced potential dwellings from the rezoning or amendment to the development controls;
 - iii. the number of potential lots that would be eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the rezoning of the R3 Medium Density Residential zone to R2 Low Density Residential zone, considering the SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions); and
 - iv. the number of dwelling approvals for the existing control in the past five years.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Council is to notify to all landowners affected by proposed rezonings and significant changes to existing controls including areas of dual occupancy

prohibition, reduction of FSRs and R3 land in former Hornsby, detailing the proposed changes.

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Greater Sydney Commission;
 - NSW Rural Fire Service;
 - Environment, Energy and Science (EES);
 - Transport for NSW; and
 - Department of Premier and Cabinet – NSW Heritage.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Prior to finalisation, Council is to submit their adopted Local Housing Strategy to the Department for endorsement to address consistency with Section 9.1 Direction 3.1 Residential Zones.
7. The time frame for submitting the LEP for finalisation is by 30 June 2020.



9/04/2020

Jazmin van Veen
Acting Manager, Central (GPOP)



9/4/2020

Christine Gough,
Acting Director, Central (GPOP)
Central River City and Western
Parkland City