

## INNOVATIVE

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<b>ITEM NUMBER</b>	5.1
<b>SUBJECT</b>	Pre-Gateway: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan
<b>REFERENCE</b>	F2019/00709 - D07031433
<b>REPORT OF</b>	Team Leader Land Use Planning

### PURPOSE:

The purpose of this report is to:

- seek the Local Planning Panel's advice on the planning proposal to consolidate the local environmental plans currently applying in the City of Parramatta Local Government Area following the amalgamation process.
- advise on the outcomes of the public exhibition of the *Land Use Planning Harmonisation Discussion Paper*, which has informed the preparation of the draft planning proposal.

### RECOMMENDATION

That the Local Planning Panel consider the following Council staff recommendation in its advice to Council:

- (a) **That** Council endorses the Planning Proposal – Consolidated Parramatta Local Environmental Plan, shown at **Attachment 1**, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination.
- (b) **That** Council note the outcomes of the public exhibition of the Discussion Paper, outlined in the Consultation Report that is included as Appendix 5 to the Planning Proposal.
- (c) **Further, that** Council authorises the CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal that may arise during the planning proposal process.

### BACKGROUND

1. On 12 May 2016, the *Local Government (City of Parramatta and Cumberland) Proclamation 2016* was notified. The Proclamation resulted in the creation of the new City of Parramatta Council Local Government Area (LGA), from parts of the former Auburn, Holroyd, Hornsby, Parramatta and The Hills LGAs.
2. As a result, different local environmental plans (LEPs), development control plans (DCPs) and development contributions plans apply to different parts of the LGA, creating an inconsistent and complex policy framework with different rules applying to different areas. Many of these plans are also shared with neighbouring councils. This places an additional administrative burden on councils administering the LEPs and changes to them.
3. The Proclamation required that the land use plans that applied to different parts of the LGA at the time of the boundary changes continue to apply to those areas until such time as they are replaced by new plans.
4. Figure 1 illustrates the different land use plans currently applying in the City of Parramatta LGA.

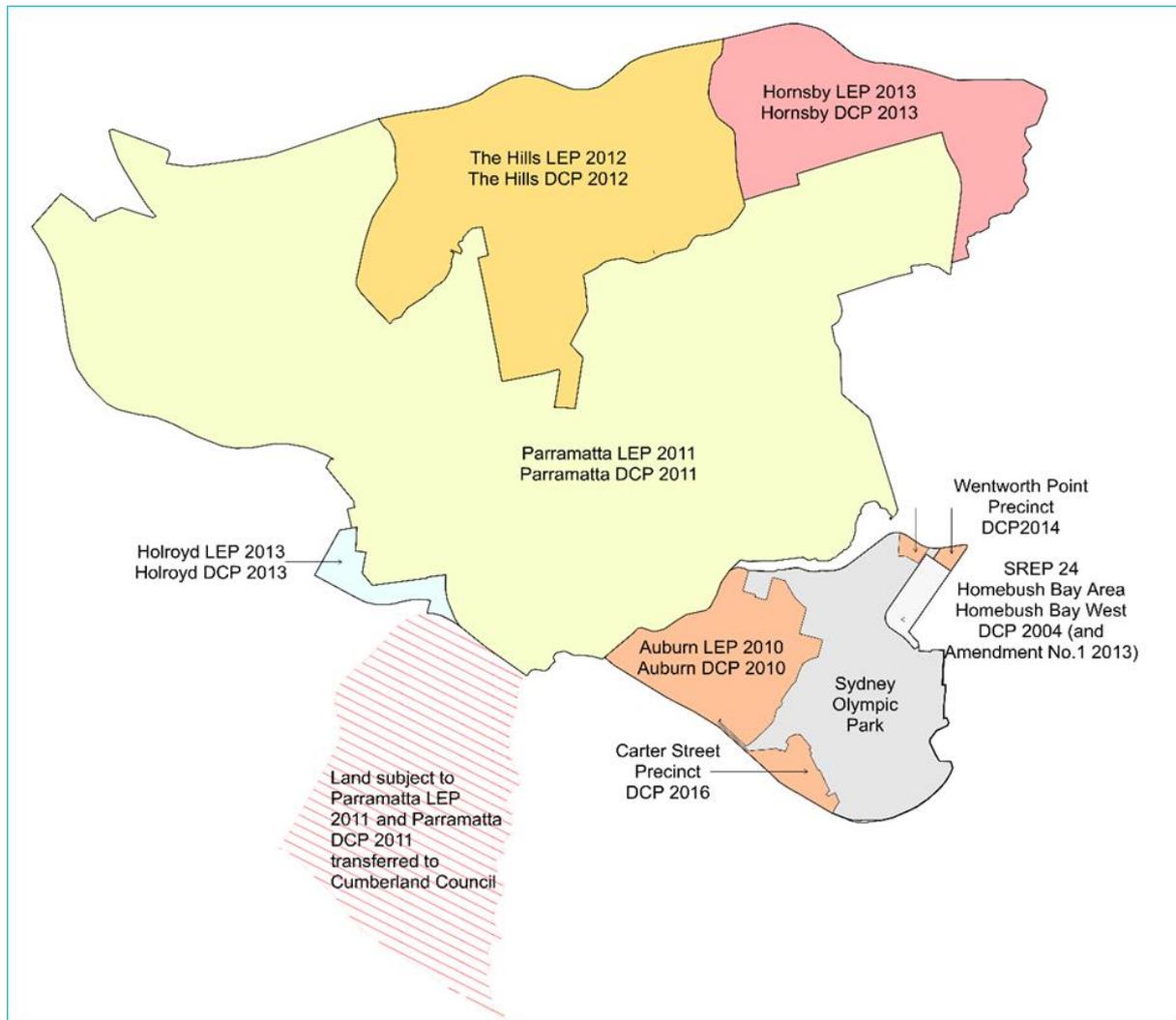


Figure 1 – Land use plans applying in the City of Parramatta LGA

## INTENT OF THE PLANNING PROPOSAL

5. The objective of this planning proposal is to create a single consolidated LEP that will replace existing LEPs that apply to land in the LGA. This process is a primarily an administrative process.
6. The consolidation process is not intended as a comprehensive review of zoning or density provisions. The planning proposal does not propose substantive changes to zoning or increases to density controls across the LGA.
7. However, as there are differences between the provisions of existing LEPs, the consolidation process will result in some changes to the planning controls currently applying in certain areas of the LGA. The majority of these changes are considered minor and inconsequential. Changes include:
  - Changes to land uses permitted in certain areas, as a result of the creation of a common set of land use tables. This includes changes to the permissibility of dual occupancy development in some locations;
  - Changes to floor space ratio, height and minimum lot size controls applying to certain low and medium density residential zoned land, to achieve consistency in the planning controls applying to these zones; and
  - The introduction of floor space ratio controls into residential areas in locations where they are not currently applied.

8. A limited number of changes to land use zones are suggested to reduce complexity and address anomalies and inconsistencies in the local land use planning framework:
  - Consistently zoning all public bushland reserves E2 Environmental Conservation, to recognise their ecological significance, noting that infrastructure such as walking and cycling tracks, seating, picnic tables and associated visitor facilities will still be able to be carried out in these reserves.
  - Zoning existing places of public worship (PoPW) in the R2 Low Density Residential Zone to SP1 Special Activities, as it is proposed to prohibit new PoPW across the R2 zone. PoPW will still be permitted in all other zones excluding open space, environmental and infrastructure zones.
  - Rezoning certain sites in North Rocks from R3 Medium Density Residential to R2 Low Density Residential to address concerns over the impact of new forms of small lot medium density housing (manor houses) as potential complying development in these areas, which retain a low density character.
  - Rezoning of sites associated with the suggested phasing out of R1 General Residential, RU3 Forestry, E3 Environmental Management and E4 Environmental Living zones, which currently only apply to a very limited number of sites.
9. Council is currently progressing a number of separate planning proposals relating to specific sites in the LGA. These site-specific planning proposals will continue to be progressed separately to the LEP consolidation process. As site-specific LEP amendments are finalised the respective provisions will be carried over into the new consolidated LEP.
10. A summary of the key changes to planning controls included in the planning proposal is included at **Attachment 2** to this report.
11. The consolidated LEP will not apply to land within the Sydney Olympic Park Precinct as this land will continue to be governed by the Sydney Olympic Park Authority (SOPA) under the *Sydney Olympic Park Authority Act 2001* and *State Environmental Planning Policy (State Significant Precincts) 2005*.
12. Certain land at Wentworth Point is also currently deferred from the LEP as it is subject to *Sydney Regional Environmental Plan No.24 – Homebush Bay Area* (SREP 24). The Department of Planning, Industry and Environment (DPIE) intends to transfer the development controls for the precinct into the LEP and to repeal SREP 24. Once this process is complete, the consolidated LEP will apply to this land.

## DISCUSSION PAPER CONSULTATION

13. To inform the preparation of this planning proposal the *Land Use Planning Harmonisation Discussion Paper* was prepared. The Discussion Paper sought community and stakeholder feedback on various options for harmonising controls and achieving the intent of the planning proposal.
14. The Discussion Paper identifies the differences between the various LEPs and DCPs currently applying in the LGA and sought feedback on how policies and controls could change to resolve these differences in the consolidation process.
15. The Discussion Paper was publicly exhibited from 21 January to 4 March 2019.

16. A total of 539 submissions were received via a combination of channels, including an online survey through Council's community engagement portal, emailed submissions and letters. Accounting for identified duplicate submissions, there was a net of approximately 464 submissions:
- Individual residents: 402 submissions
  - Resident groups: 4 submissions
  - Landowners (not resident in the LGA): 35 submissions
  - Government agencies: 11 submissions
  - Neighbouring councils: 2 submissions
  - Businesses (including Parramatta Chamber of Commerce): 7 submissions
  - General public not resident in the LGA: 3 submissions
17. A breakdown of submissions received on different issues is outlined below. Some submissions provide feedback on more than one issue. The majority of feedback related to dual occupancy development, in particular the issue of where in low density residential areas dual occupancies should be permitted.

<b>Topic</b>	<b>Total submissions*</b>	<b>% of submissions</b>
Dual occupancy prohibition areas	301	65%
Dual occupancy – other issues	201	43%
Car and bicycle parking	66	14%
Low density residential zones	65	14%
Environmental sustainability	62	13%
Medium density and high density residential zones	47	10%
Non-residential zones	34	7%
Design and heritage controls	26	6%
Rationalising land use zones	23	5%
<b>*Note:</b> Some submissions provided feedback on more than one issue		

18. A summary of the submissions received on different issues is included at **Attachment 3**. Further discussion of the feedback received is outlined in a Consultation Report that forms part of the attached planning proposal.

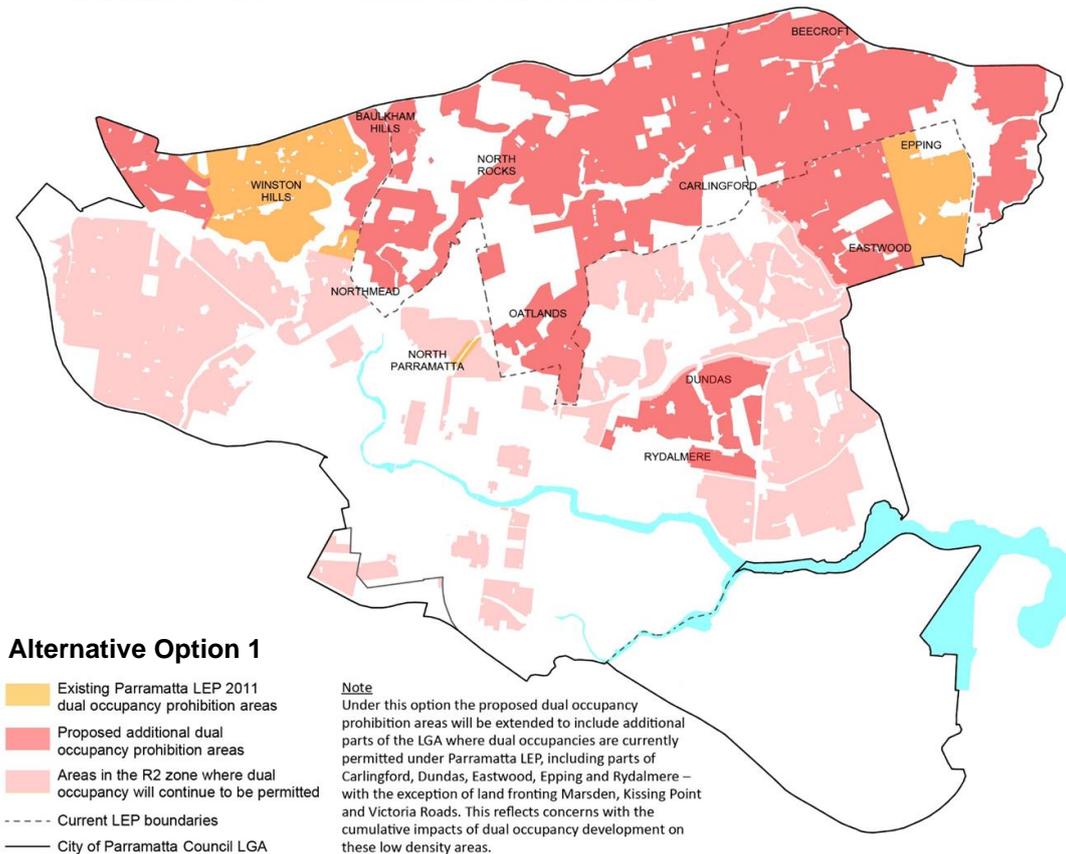
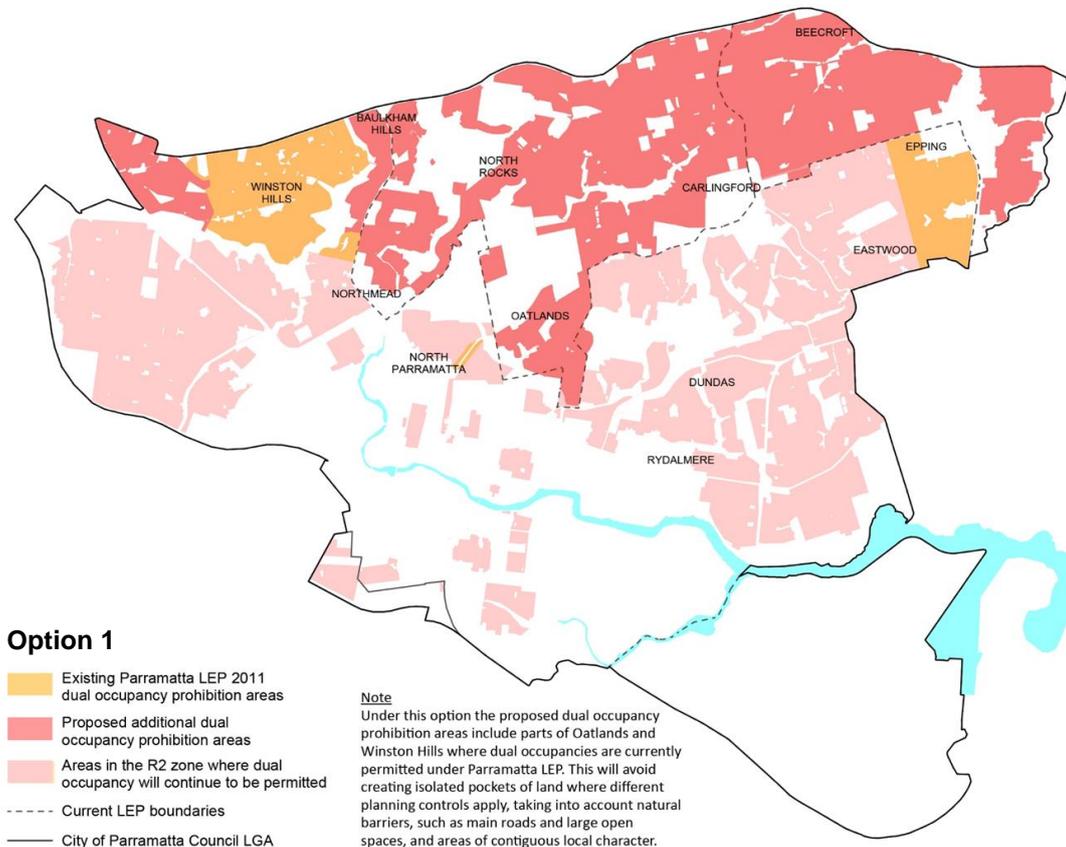
## **PROHIBITION OF DUAL OCCUPANCY DEVELOPMENT**

19. The Discussion Paper outlined three options for prohibiting dual occupancies in R2 Low Density Residential zones:
- **Option 1:** Retains current areas where dual occupancies are already prohibited, including R2 zoned land under *Hornsby LEP 2013* and existing Dual Occupancy Prohibition Area under *Parramatta LEP 2011*. R2 zoned land under *The Hills LEP 2012* was also proposed to be included, as subdivision of dual occupancies is prohibited in this area and this has acted as a pseudo-prohibition. Some additional parts of Oatlands and Winston Hills were also suggested to be included in the prohibition areas.
  - **Alternative Option 1:** Prohibit in the areas above, plus in additional R2 zoned land in Carlingford, Dundas, Eastwood, Epping and Rydalmere where dual occupancies are currently permitted by *Parramatta LEP 2011*.

- **Alternative Option 2:** Feedback was invited on the potential for having fewer prohibition areas, such as by allowing dual occupancies on land formerly part of the Hornsby or The Hills LGAs.

Options 1 and Alternative Option 1 are illustrated in Figure 2 below. The Discussion Paper did not include a map for Alternative Option 2.

Figure 2 – Dual Occupancy Prohibition Area options



20. 301 submissions were received in relation to the above options, a majority of these submission were in support of having fewer prohibition areas:

<b>Prohibition area option</b>	<b>Total submissions</b>	<b>% of submissions</b>
Option 1	59	20%
Alternative Option 1	36	12%
Alternative Option 2 (fewer prohibition areas)	196	65%
Other/stance unclear	10	3%
<b>TOTAL</b>	<b>301</b>	<b>100%</b>

21. Most submissions in support of allowing dual occupancies in more locations, were from residents in Epping and Carlingford, with many of these wanting to see dual occupancy development in areas where they are currently prohibited under *Hornsby LEP 2013*.
22. A small number of submissions recommended prohibition areas be extended to other parts of the LGA, including Ermington, Dundas Valley, Oatlands and Melrose Park.
23. Amongst those who supported prohibiting dual occupancies, reasons given included:
- Dual occupancies were incompatible with the character and streetscape of low density areas. Many residents felt housing in these areas should remain as single detached dwellings on larger blocks of land.
  - There was concern that there was already enough development occurring in their area and that dual occupancy development would worsen the associated impacts on infrastructure and roads.
  - Many residents were particularly concerned that dual occupancies would create on-street parking congestion, particularly in narrow streets.
  - Loss of trees and gardens was also a concern raised.
24. Amongst those in support of dual occupancy development, reasons given included:
- The suggested prohibition areas were unfair and inconsistently applied, and were contrary to State Government policy.
  - Prohibition would reduce property values.
  - Dual occupancies provide more affordable housing and choice, including for young families, downsizers and seniors and provides affordable housing.
  - Some argued their area was suitable for dual occupancy development because it was close to transport or centres, or there was already medium density housing on nearby sites.
  - Some responses questioned whether the impacts of dual occupancy development would be worse relative to other forms of housing, such as single dwellings or granny flats.
  - Some submissions suggested that dual occupancies should be managed through design controls and not outright prohibition.
  - Some argued allowing dual occupancy development would encourage housing renewal and investment.

25. Some submissions made suggestions for how dual occupancy prohibition areas could be defined, such as based on proximity to transport and services, topography, street-widths and opportunities for housing renewal.
26. A full overview of the feedback received on the suggested dual occupancy prohibition areas and officer responses to issues raised is included in the Consultation Report that is attached to the planning proposal.

#### Feedback from Councillors

27. Councillors were briefed on the feedback at a workshop on 15 July 2019. Councillors raised concerns with the impacts of dual occupancies on local areas, particularly in relation to parking and traffic issues associated with dual occupancy development on narrow roads. Concerns were also raised of impacts on local character.
28. Concern was also raised with the limitations that the State Government's *Low Rise Medium Density Housing Code* would place on Council's ability to control the impacts of dual occupancy development, were it to come into effect in the LGA. This Code would allow dual occupancies to be built through the complying development pathway, and such development would not have to comply with any local controls.
29. The feedback received from Councillors has informed the preparation of this planning proposal.

#### Dual occupancy constraints analysis

30. While dual occupancies can help contribute to housing supply and diversity, it is important to ensure that development occurs in the right locations.
31. In response to the feedback received, and to provide a consistent basis for identifying appropriate locations for dual occupancies, further analysis was undertaken to map, at a finer grain, the various constraints that exist to dual occupancy development across the LGA.
32. This included identifying areas with special local character, clusters of narrow streets, poor access to public transport, impermeable street networks and high levels of tree cover. These are considered to be key environmental factors that worsen the impacts of dual occupancy development over time.
33. The analysis found that much of the low density residential land in Beecroft, Carlingford, Epping, North Rocks, Northmead, Oatlands and Winston Hills have a high level of constraints to dual occupancy development. There are also some smaller pockets of highly constrained land in Eastwood, Dundas, Dundas Valley and heritage conservation areas in the former Parramatta City Council area.
34. The findings of this detailed analysis are outlined in the Dual Occupancy Constraints Analysis technical paper, included as part of the attached planning proposal.

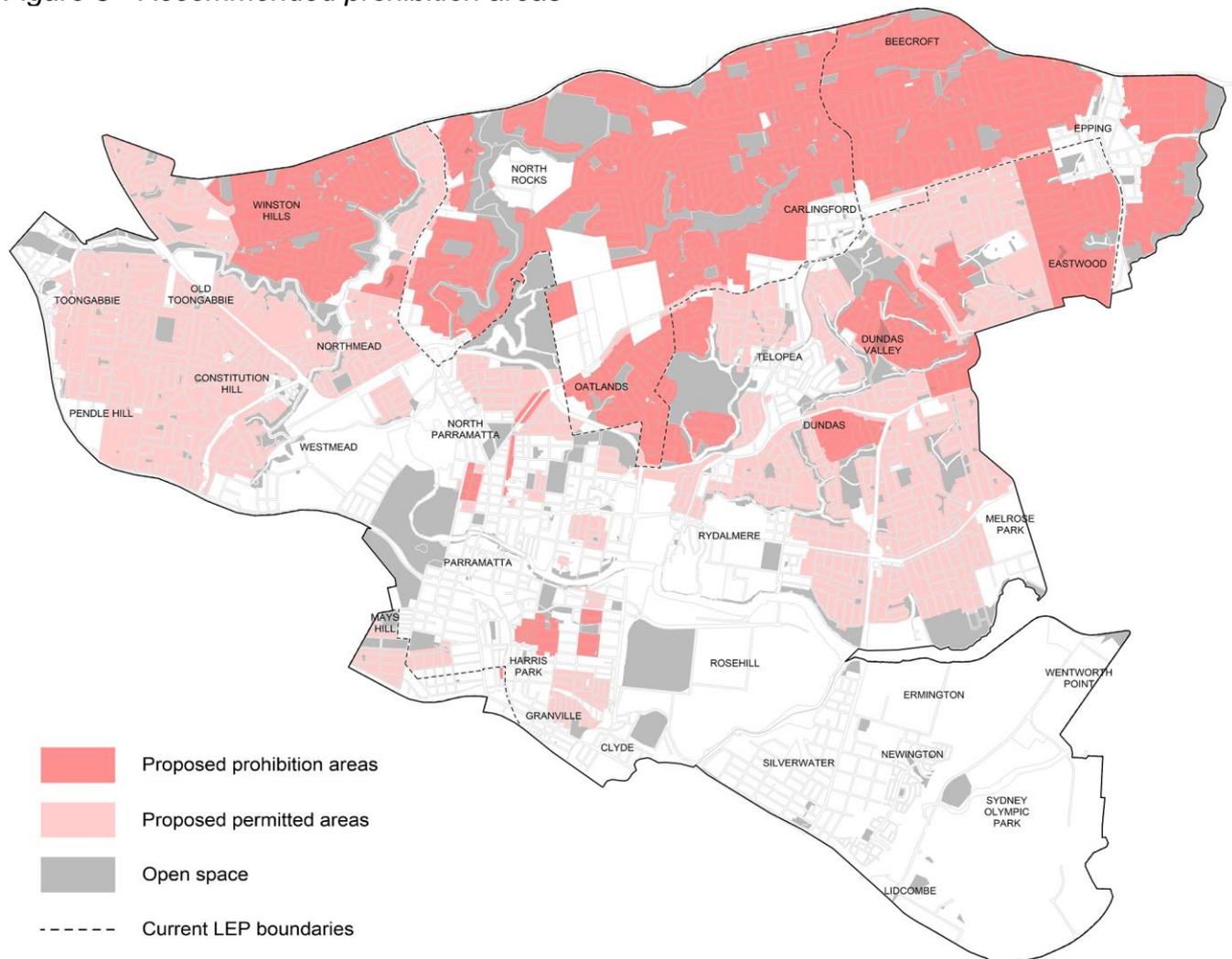
#### Recommended Dual Occupancy Prohibition Areas

35. It is recommended to continue to prohibit dual occupancies in low density areas (R2 zoned land) where they are currently restricted under existing local planning controls, due to the development constraints that exist in these areas. This includes land that was formerly part of Hornsby and The Hills Council areas, with the exception of land fronting the major road corridors of Carlingford Road, Pennant Hills Road and Windsor Road (which offer more direct access

to transport and services and generally do not have the character constraints associated with low density areas).

36. It is also recommended to prohibit dual occupancies in parts of Carlingford, Dundas, Dundas Valley and Oatlands and heritage conservation areas where they are currently permitted under *Parramatta LEP 2011*. Introducing prohibition into these locations is considered justified on the basis of the multiple constraints to dual occupancy development that exist in these areas as shown in the technical analysis.
37. The recommended prohibition areas are indicated on the map in Figure 3 below and **Attachment 4** to this report.

Figure 3 - Recommended prohibition areas



38. The prohibition areas have been recommended by Council officers on the basis of:
- Applying the findings of the constraints analysis across a suburb or heritage conservation area, or where this is not appropriate, using natural boundaries such as major roads, large parks or school sites, waterways, or bushland corridors to avoid creating isolated pockets of land where different rules apply.
  - Ministerial Planning Direction 3.1, which states that planning proposals cannot include provisions that reduce the permissible residential density of land, unless this can be justified through a relevant study or is of minor

significance. This means that restricting dual occupancy development in areas where it is currently allowed is unlikely to be supported by the State Government unless there is a sufficiently strong strategic planning justification. On this basis, only the most significantly constrained R2 Low Density Residential zoned land in the former Parramatta and The Hills LGAs has been included in the officer recommended prohibition map.

- The *Low Rise Medium Density Housing Code* limiting Council's ability to impose local controls on dual occupancy development to address identified constraints. For example, by imposing additional car parking, landscaping, floor space or design requirements. In this context, prohibiting dual occupancy in areas where there are multiple overlapping constraints provides the most certainty in terms of protecting low density residential areas from inappropriate development.
39. The recommended prohibition areas will impact approximately 16,100 R2 zoned properties over 600sqm. Of these lots, only approximately 1,895 represent sites where dual occupancies are currently allowed without any restrictions on subdivision.
  40. Outside of the above locations, it is recommended to restrict dual occupancies to sites over 600sqm, consistent with the existing LEP lot size requirements already applying to most of this land. 600sqm is considered the minimum size necessary to achieve satisfactory design and amenity outcomes. To clarify the intent of this policy it is proposed to identify sites smaller than 600sqm (where these are located outside of the proposed prohibition areas) on the Dual Occupancy Prohibition Map.
  41. The Council officer recommended option for managing dual occupancy prohibition areas has been included in the planning proposal at **Attachment 1**.

#### Alternative option for prohibition areas

42. As noted above, Alternative Option 1 of the Discussion Paper suggested prohibiting dual occupancies on additional R2 zoned land in Carlingford, Dundas, Eastwood, Epping and Rydalmere in response to concerns over the ongoing impacts of dual occupancies in these areas.
43. Extending the proposed dual occupancy prohibition areas to include all of the additional land identified in Alternative Option 1 would impact approximately 18,735 R2 zoned properties over 600sqm, representing 2,635 more than under the officer recommended option above.
44. This option is illustrated in **Attachment 4** to this report.
45. This option would provide maximum protection to low density residential areas from negative impacts associated with dual occupancy development, particularly in light of the potential introduction of the *Low Rise Medium Density Housing Code*.
46. However, while the constraints analysis identified some land within these additional areas as being moderately constrained, these sites are considered too small/isolated and/or the constraints not severe enough to justify introducing a prohibition, particularly in light of the Ministerial Direction against reducing currently permissible densities. Consequently, this is not recommended by Council officers as the preferred option.

**FEEDBACK RECEIVED ON OTHER ISSUES**

47. There was overall support for most other LEP-related policy suggestions in the Discussion Paper, with the exception of the following suggested policies for which there was not a majority in support:

<b>Issue/feedback</b>	<b>Officer response</b>
Restricting dual occupancy development to attached forms ( <i>95 submission received, of which 37% were in support</i> ).	It is recommended to retain the restriction on detached forms of dual occupancy. This approach ensures more land is available on sites for landscaping, rear gardens and tree retention and allows both dwellings to address the street. It is also consistent with the current policy applying to the vast majority of the areas in the LGA where dual occupancies are proposed to be allowed.
Placing restrictions on the form and subdivision of dual occupancies in heritage conservation areas ( <i>156 submissions received, of which 48% were in support</i> ).	The Dual Occupancy Constraints analysis further considered this issue. It is recommended to prohibit dual occupancy development in low density heritage conservation areas, with the exception of South Parramatta Conservation Area, where the current precinct-specific controls will be retained.
Increasing the minimum subdivision lot size to 550sqm in residential zones in the former Holroyd and Hornsby areas ( <i>35 submissions received, of which 47% were in support</i> ).	<p>It is recommended to adopt the 550sqm MLS control. Increasing the MLS requirement will assist with tree retention on sites and achieving better design outcomes from low density residential development by allowing for adequate setbacks, landscaping and deep soil zones.</p> <p>It is recommended to retain the current 700sqm MLS in the former The Hills area requirement as a lower requirement would impact the established large lot character of these areas and risk tree and vegetation loss. 51% of submissions supported this option.</p>
Prohibiting tourist and visitor accommodation in IN1 General Industrial zones ( <i>17 submissions received, of which 41% were in support</i> ).	It is recommended to prohibit tourist and visitor accommodation in the IN1 General Industrial zone. These uses are already prohibited on all IN1 zoned land in the LGA, with the exception of the land under <i>The Hills LEP 2012</i> . These uses are not considered compatible with industrial areas and have the potential to further reduce the amount land available for industrial purposes.

Issue/feedback	Officer response
Prohibiting function centres and registered clubs in IN1 General Industrial zones ( <i>15 submissions received, of which 27% were in support</i> ).	<p>It is recommended to prohibit function centres but permit registered clubs in the IN1 General Industrial zone.</p> <p>Registered clubs can provide services to workers and are often associated with activities and land uses that are already permitted in the IN1 zone. However function centres are not considered an essential service for workers and have the potential to reduce the amount of land available for industrial purposes.</p>
Allowing markets, and some food and drink premises on public open spaces ( <i>24 submissions received, of which 46% were in support</i> ).	<p>It is recommended to permit markets, restaurants, cafes, and take away food and drink premises in RE1 Public Recreation zones. These uses can complement recreational activities and enhance the use and enjoyment of open spaces by the public. They will need to be consistent with the relevant adopted Plan of Management, which outlines how a particular open space can be used, including the scale and intensity of any permitted additional uses.</p> <p>It is noted that these uses are already permitted in the RE1 zone under Parramatta and The Hills LEPs. Auburn LEP also allows restaurants, cafes and markets in this zone.</p>

48. More detailed responses to the issues raised is included in the Consultation Report that is attached to the planning proposal.

## CONSULTATION WITH PUBLIC AUTHORITIES

49. Preliminary consultation with relevant public authorities was undertaken as part of the public exhibition of the Discussion Paper.
50. The submissions were generally supportive of the suggestions made in the Discussion Paper in relation to harmonisation of the LEP, though some minor suggestions/concerns were raised relating to:
- Office of Environment and Heritage suggested some minor map revisions relating to bushland sites to rezone from RE1 to E2.
  - Office of Sport made suggestions relating to appropriate land uses on RE1 and RE2 zoned land.
  - Roads and Maritime Services noted that *SEPP 64 – Outdoor Advertising and Signage* governs signage along transport corridors and argued negative impacts of signage can be minimised through appropriate site selection and design. It also suggested consideration be given to the provisions *SREP (Sydney Harbour Catchment) 2005* in the preparation of the planning proposal.

- Department of Planning, Industry and Environment reiterated the need to consider consistency with State, regional and local strategies and Ministerial Directions.
  - UrbanGrowth NSW raised concern with the potential heritage impacts of designating additional riparian land along the Parramatta River foreshore of the Parramatta North Urban Renewal Area.
  - NSW State Emergency Services suggested consideration should be given to additional LEP provisions relating to floodplain risk management.
  - Environmental Protection Agency raised concern that by permitting a number of public recreational uses within the RE1 zone has the potential for adverse impacts such as noise to be created for the surrounding properties in low density areas.
  - Western Sydney Local Health District stated that the inclusion of health outcomes in the LEP objectives will enable greater LEP and DCP controls that support favorable health outcomes. It generally supported the Discussion Paper suggestions.
  - Sydney Olympic Park Authority requested consultation with Council should the process of transferring provisions from SREP 24 into the LEP for Wentworth Point result in any substantive changes to key planning controls for that area.
  - Endeavour Energy made comments relating to DCP tree and vegetation controls. These will be considered as part of the preparation of the new consolidated DCP.
51. Council has considered the feedback received from various public authorities in the preparation of this planning proposal as outlined in the Consultation Report included at Appendix 5 of the Planning Proposal. Copies of the submissions received from public authorities forms part of the planning proposal.
52. It is anticipated that further consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination and relevant Ministerial Directions.

## STRATEGIC PLANNING JUSTIFICATION

53. Merging the various LEPs into one planning instrument will create a common set of objectives, land use tables and provisions for land in the LGA. This will bring more consistency to planning controls across the LGA and assist in reducing the complexity of the local land use planning framework.
54. In identifying which provisions to carry over into the consolidated LEP, consideration has been given to the land use policies and controls most appropriate to the character, context and issues relevant to the new boundaries of the LGA, as well as the need to ensure policies are up to date and consistent with State Government planning policy requirements and Council plans and strategies.
55. An analysis on the planning merits of the proposals and their consistency with State and Local planning strategies is outlined in Part 3 of the attached planning proposal (**Attachment 1**).
56. The planning proposal is generally consistent with the objectives and actions of the State Government's *Greater Sydney Region Plan* and *Central City District*

*Plan.* The planning proposal is also generally consistent with relevant State Environmental Planning Policies (SEPPs).

57. The planning proposal is considered to meet the strategies and key objectives identified in the Parramatta Community Strategic Plan 2018-2038 by supporting the goals of a Fair, Accessible, Green, Welcoming, Thriving and Innovative City.
58. The planning proposal includes an assessment of consistency with applicable Directions set by the Minister for Planning and Public Spaces under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. These set out the range of matters that need to be considered when the Relevant Planning Proposal Authority (in this instance City of Parramatta Council) is preparing a planning proposal.
59. Council officers are satisfied that the planning proposal meets the requirements of these Directions. Refer to Section 3.2.4 of the attached planning proposal (**Attachment 1**) for an assessment of the consistency of the proposal with the relevant Section 9.1 Directions.

#### Consistency with Direction 3.1 – Residential Zones

60. Direction 3.1 requires planning proposals to include provisions that encourage the provision of housing choice and make efficient use of land and existing infrastructure and services. It also states that planning proposals must not contain provisions that will reduce the permissible residential density of land, unless this can be justified through a housing strategy or relevant study or be of minor significance.
61. The planning proposal includes several proposals relating to residential zones, the most significant of which being the imposition of additional dual occupancy prohibition areas.
62. It is considered that the proposed dual occupancy prohibition areas are unlikely to significantly impact housing delivery in the LGA. Council's draft Local Housing Strategy places a greater reliance on housing delivery within identified growth precincts and on large planning proposal sites. This will allow for a range of housing forms to be delivered in a planned way in appropriately located areas. This will be balanced with the identified priority to preserve and enhance the low-scale character and identity of suburban areas in the City of Parramatta.
63. Outside of the recommended prohibition areas, there would remain approximately 9,400 sites over 600sqm in the R2 zone on which dual occupancy development could be built. Each year dual occupancy development contributes only marginally to housing supply – approximately 160 dwellings or 3% of forecast annual supply. On this basis, there would remain enough supply for approximately 58 years of dual occupancy housing. Further, the draft LHS shows that Council is easily achieving its dwelling targets.
64. The small annual contribution from dual occupancy development needs to be balanced against the potential for negative cumulative impacts over time due to inappropriately located development – for example, in some locations the density of an area could more than double as all sites would be eligible for both dual occupancy and secondary dwelling development.
65. This planning proposal will assist in implementing these actions by implementing a review of dual occupancy and medium density residential zone provisions through the harmonisation process.

## PLAN-MAKING DELEGATIONS

66. Changes to plan-making delegations were announced by the Minister for Planning and Infrastructure in October 2012, allowing Councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan-making functions. Council has resolved that these functions be delegated to the CEO.
67. Given the planning proposal is for a comprehensive LEP and seeks to retain provisions for which the approval of the Governor of NSW is required prior to the making of the plan (*Clause 1.9A Suspension of covenants, agreement and instruments*) it is not anticipated that Council will be able to exercise its plan-making delegations for this planning proposal. This means that once the planning proposal has received a Gateway, undergone public exhibition and been adopted by Council, it will be forwarded to DPIE for finalisation and legal drafting in consultation with the Parliamentary Counsel Office. The consolidated LEP will then be referred to the Minister for Planning and Public Spaces for making.

## CONCLUSIONS AND NEXT STEPS

68. It is recommended that the subject planning proposal proceed to Gateway as it will assist with reducing the complexity in the current land use planning framework applying to the LGA.
69. Should the Council endorse the planning proposal provided at **Attachment 1** (noting advice provided by the Local Planning Panel), it will be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
70. Following receipt of a Gateway Determination, the draft policies articulated in the planning proposal will be subject to further community consultation, as outlined in Part 5 of the Planning Proposal.

Michael Carnuccio  
**Team Leader, Land Use Planning**

Roy Laria  
**Land Use Planning Manager**

Jennifer Concato  
**Executive Director, City Strategy & Development**

### **ATTACHMENTS:**

1	Planning Proposal - Parramatta Consolidated LEP 20XX	575 Pages
2	Summary of key LEP amendments	12 Pages
3	Overview of feedback on Land Use Planning Harmonisation Discussion Paper	6 Pages
4	Maps of options for dual occupancy prohibition areas	2 Pages

## REFERENCE MATERIAL

MINUTES OF THE LOCAL PLANNING PANEL HELD AT THE RYDALMERE OPERATIONS CENTRE, 316 VICTORIA RD RYDALMERE ON TUESDAY, 8 OCTOBER 2019 AT 3.40PM

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PRESENT

Mary-Lynne Taylor in the Chair, Helen Deegan, Richard Thorp and Darryn Capes-Davis

ACKNOWLEDGEMENT TO TRADITIONAL LAND OWNERS

The Chairperson Mary-Lynne Taylor, acknowledged the Burrumattagal Clan of The Darug, the traditional land owners of Parramatta and paid respect to the elders both past and present.

WEBCASTING ANNOUNCEMENT

The Chairperson Mary-Lynne Taylor advised that this public meeting is being recorded. The recording will be archived and made available on Council's website.

APOLOGIES

There were no apologies made to this Independent Hearing and Assessment Panel.

DECLARATIONS OF INTEREST

There were no declarations of interest made to this Independent Hearing and Assessment Panel.

INNOVATIVE

5.1       SUBJECT       Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan  
REFERENCE   F2019/00709 - D07031433  
REPORT OF   Team Leader Land Use Planning  
PUBLIC FORUMS

- Rachel Jefferson speaking against the recommendation
- George Elles speaking in support of the recommendation
- Warren Joel speaking against the recommendation
- Kieran Joel speaking against the recommendation
- Elizabeth Ashard speaking in support of the recommendation
- Cath Lynch speaking in support of the recommendation

## DETERMINATION

The Local Planning Panel provides the following advice and recommendation to Council:

- (a) **That** Council endorse the Planning Proposal – Consolidated Parramatta Local Environmental Plan, shown at **Attachment 1**, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination.
- (b) **That** Council note the outcomes of the public exhibition of the Discussion Paper, outlined in the Consultation Report that is included as Appendix 5 to the Planning Proposal.
- (c) **That** Council authorise the CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal that may arise during the planning proposal process.
- (d) **That** the Alternative Option 1, referenced in clause 43 of the report, should not be pursued.
- (e) **Further, that** post gateway there is greater targeted public consultation around the topical matters, including dual occupancy, to assist residents to understand, in particular, the dual occupancy constraints analysis.

## REASONS FOR THE DECISION

The Local Planning Panel has been requested to comment upon Council's own Planning Proposal to harmonise the various planning controls that now apply to the amalgamated City of Parramatta Local Government Area.

The Panel has been provided with a copy of the Proposal and a commentary from Council's strategic planning team and has had a short briefing from that team.

The report suggests that the Panel recommend the endorsement of this Proposal to the Councillors to be forwarded for Gateway determination. If this occurs, the Panel understands that there will be formal public consultation undertaken in accordance with the Environmental Planning & Assessment Act procedure. However, there has already been some public consultation and response from many residents and businesses. Several local residents spoke to the Panel at its public meeting for this matter and some were critical of the lack of a wider notification up to now, but the Panel understands this consultation process will be more widely and formally undertaken if the proposal is put through the Gateway process and the Panel suggests that a very wide public consultation takes place, as this Planning Proposal is more than merely an administrative process, but does change some of the significant aspects of the planning controls, for example, the prohibition on dual occupancy, disallowing places of public worship in residential areas and disallowing child care centres in industrial zones. As a result the Panel encourages the Council to undertake a detailed and wide public

consultation should the matter proceed to the Gateway process so that all businesses and residents of the City of Parramatta can meaningfully understand the proposed outcomes.

This Planning Proposal is intended to consolidate all existing LEP's into a single comprehensive LEP which will reduce the complexity of multiple controls and provide consistency amongst the whole consolidated council area.

This Proposal is mainly for administrative purposes not a comprehensive review of town planning considerations, but the Plan contains some proposed changes to planning controls as they affect residential development, and also address anomalies in preparation for more detailed later assessment. The Panel acknowledges a key issue of consideration is the manner of treatment of Dual Occupancy in the former Hills and Hornsby LGA areas. To address this Council officers have conducted a comprehensive "*Dual Occupancy constraints analysis - technical paper*". This paper has identified constraints against which areas have been identified for their suitability for dual occupancy. Those areas that have been prohibited generally align with the constraints outlined in the analysis. The Panel recommends further engagement with the local community to assist with their understanding of this analysis and its implications on their properties.

The Panel acknowledges that this Proposal is consistent with the *Greater Sydney Region Plan – A Metropolis of three cities* and the *Central City District Plan* and has been prepared in accordance with the Minister's Direction.

The Proposal has strategic justification in that it meets the key objectives in the Parramatta Community Strategic Plan 2018-2038 and supports the goals of Fair, Accessible, Green, Welcoming, Thriving and Innovative city.

The Proposal either meets or justifies the applicable ministerial direction under clause 9.1 of the Environmental and Planning Assessment Act 1979.

As such, the Planning Proposal is in the public interest and is considered suitable to be forwarded to the Gateway process now.

The meeting terminated at 4:20 pm.



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Chairperson