

Parramatta Local Environmental Plan 2011 - Housekeeping amendment

Proposal Title : **Parramatta Local Environmental Plan 2011 - Housekeeping amendment**

Proposal Summary : **The undertaking of housekeeping amendments to Parramatta Local Environmental Plan 2011 involving primarily an administrative and mapping exercise. Includes clarification of dual occupancy provisions, updates to reflect changes to the standard instrument template, changes to the heritage schedule and maps, several site specific changes to height and FSR provisions as well as minor rezonings.**

PP Number : **PP_2013_PARRA_005_00** Dop File No : **13/09508**

Proposal Details

Date Planning Proposal Received : **31-May-2013** LGA covered : **Parramatta**

Region : **Sydney Region West** RPA : **Parramatta City Council**

State Electorate : **PARRAMATTA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **The amendment applies to all land to which Parramatta Local Environmental Plan 2011 applies.**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre : Release Area Name :
Regional / Sub : **Metro West Central** Consistent with Strategy : **Yes**
Regional Strategy : **subregion**

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The regional team is not aware of any meetings or communication with registered lobbyists concerning this planning proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal primarily aims to:**

- **Correct anomalies which were created in error during the preparation of Parramatta LEP 2011.**
- **Update provisions in accordance with changes to the Standard Instrument template**
- **Clarify provisions relating to dual occupancy development.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **There are 24 proposed changes which are clearly outlined in a table on page 2 of the Planning Proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

4.1 Acid Sulfate Soils

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

The following s117 Directions are relevant:

1.1 Business and Industrial Zones

The proposal to rezone land at 1A Parramatta Road, Clyde from IN1 General Industrial to W1 Natural Waterways is justifiably inconsistent with this Direction as it is land owned by Parramatta Council within the Duck River riparian corridor and is classified as community land. This inconsistency is of a minor nature as it recognises and formalises the existing environmental use.

2.3 Heritage Conservation

The following amendments to heritage provisions are included:

- As the Eastwood Brickyards site is currently being redeveloped, the heritage mapping and property description will be amended to reflect the Conservation Plan and Masterplan for this site;
- A heritage item at 12 York Street, Oatlands will be delisted as it has been demolished following a NSW Land and Environment Court decision of 10 October, 2008; and
- The mapping and property description will be amended for the Toongabbie Government Farm Archaeological Site at Winston Hills in accordance with information from NSW Environment and Heritage regarding its recent State heritage listing.

These proposals as well as correction of other mapping and property description errors and anomalies are considered insignificant and consistent with the objectives of this Direction.

3.1 Residential Zones

CHURCH SITES – the proposal will rezone eleven existing church sites from R2 Low Density Residential to SP1 Place of Public Worship or SP1 Educational Establishment/Place of Public Worship. This inconsistency is justified as these lands are not currently used for residential purposes and future residential use is unlikely. Parramatta LEP 2011 currently zones churches SP1 although these sites were overlooked at the time Parramatta LEP 2011 was prepared.

GARSDALE PARK – 32, 34 and 36 Onslow Street, Granville are to be rezoned from R2 Low Density Residential to RE1 Public Recreation. These properties have been acquired by Council for incorporation into the adjoining Garside Park and are classified as community land. This inconsistency with the Direction is justified being of minor significance.

4.1 Acid Sulfate Soils

Current provisions relating to acid sulfate soils will be updated to reflect Model Local Provision 7.1 Acid Sulfate Soils and is consistent with this Direction.

6.2 Reserving Land for Public Purposes

Part 13C and 13D Boronia Street, South Granville are currently zoned R2 Low Density Residential, are classified as community land, form part of Horlyck Reserve and are owned by NSW Land and Housing Corporation. In accordance with this Direction, Council is required to obtain the consent of NSW Land and Housing Corporation to the rezoning and determine the relevant acquisition authority. This has not yet occurred and can occur as part of the public authority consultation process.

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9 Geoffrey Street, Constitution Hill will be rezoned from RE1 to R2 Low Density Residential. This is consistent with the Direction as the land contains an existing dwelling, is not part of the adjoining park and is no longer required by Council.

The classification 'Land Reservation Acquisition – Local Road Widening' will be removed from a strip of land in Penelope Lucas Lane, Rosehill and at 290A Woodville Road Guildford as these lands have now been acquired. This is consistent with the Direction.

6.3 Site Specific Provisions

DUAL OCCUPANCY DEVELOPMENTS - the proposal seeks to clarify the existing provisions in relation to dual occupancy development. Dual occupancy development is prohibited in a large part of the suburbs of Epping and Winston Hills as well as a small area in North Parramatta by way of a 5,000sq.m. minimum lot size. Council intends to make the dual occupancy provisions transparent by removing the 5,000sq.m minimum lot size requirement and mapping the areas where dual occupancy development is not permitted.

Clarification of dual occupancy provisions is supported although the proposed mapping approach is not appropriate. It is recommended that Council use Schedule 1 (Additional permitted uses) to achieve this purpose and provide mapping showing where dual occupancy development is permitted, rather than not permitted. This is inconsistent with s117 Direction 6.3 although the current dual occupancy provisions are also inconsistent, and therefore there is no material change in this regard.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are sufficient for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intend to publicly exhibit the proposal for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **October 2011**

Comments in relation to Principal LEP : **This proposal amends the Principal LEP.**

Assessment Criteria

Need for planning proposal :	A review was undertaken of Parramatta LEP 2011 to identify anomalies requiring correction, to update the LEP in accordance with related legislative changes and to clarify dual occupancy development provisions.
Consistency with strategic planning framework :	The amendments proposed are mostly administrative and will have a minor impact on the objectives of the Metropolitan Plan for Sydney 2036 and the West Central Subregion Strategy. The proposal is consistent with the Parramatta Twenty25 Strategic Plan.
Environmental social economic impacts :	The proposed amendments generally seek to reflect current land uses and better align planning controls such as floor space ratio and building height. The amendments generally update provisions, clarify dual occupancy development provisions and correct anomalies and discrepancies so as to provide greater certainty in relation to the current and future use of affected sites.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
01.Cover Letter.pdf	Proposal Covering Letter	No
Attachment 1 - Housekeeping LEP Planning Proposal.pdf	Proposal	No
delegation checklist.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 4.1 Acid Sulfate Soils
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to undertaking public exhibition, Council is to amend the Planning Proposal with regard to implementing clarification of dual occupancy provisions. Council may amend clause 4.1A as needed although an amendment to Schedule 1 is to be utilised together with a map showing where dual occupancy development is permitted (rather than not permitted).

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act) 1979 as follows:

(a) the planning proposal must be publicly available for a minimum of 28 days;
and

(b) the relevant planning 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 identified in section 5.5.2 of 'A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Roads and Maritime Services**
- NSW Office of Environment and Heritage**
- NSW Land and Housing Corporation**

Each public authority 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.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway Determination.

The RPA should be advised that the Planning Proposal is considered to be justifiably inconsistent with section 117 Directions 1.1, 3.1 and 6.3 and Council does not need to address these Directions further.

Supporting Reasons : **1. The proposal is primarily a housekeeping amendment to update and correct anomalies identified within the Principal LEP.**

2. The proposal is consistent with all State Environmental Planning Policies and is justifiably inconsistent with section 117 Directions 1.1, 3.1 and 6.3.

3. It is not accepted mapping practice to show where development types are not allowed. For consistency and to avoid confusion, mapping regarding dual occupancies must show where this development type is permissible subject to other provisions within the planning instrument.

Signature:

R Cumming

Printed Name:

Rachel Cumming

Date:

13 June 2013