

Parramatta LEP 2011 and Parramatta City Centre LEP 2007 Consolidation.

Proposal Title : **Parramatta LEP 2011 and Parramatta City Centre LEP 2007 Consolidation.**

Proposal Summary : **The draft plans primary aim is to amalgamate the Parramatta City Centre LEP2007 (City Centre LEP) into Parramatta Local Environmental Plan 2011 (PLEP2011).**

PP Number : **PP_2013_PARRA_002_00** Dop File No : **13/04067**

Planning Team Recommendation

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

S.117 directions :

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. The planning proposal is exhibited for 28 days;
2. The planning proposal should be completed in 9 months;
3. The planning proposal be amended prior to public exhibition as follows:
 - a. Part 2 be reworded to be more concise as a basis for clear directions on what changes are being made to LEP 2011
 - b. Removal of the proposals around "bonus" provisions and replacement with a clause based on 6.21 in Sydney Local Environmental Plan 2012. Any plain english description of this clause and/or proposed variation to clause 6.21 is to be approved by the Regional Director of Sydney Region West.
 - c. No changes to the permissibility of Restricted Premises
 - d. The proposed changes to the permissibility of Sex Services not proceed to exhibition unless written confirmation is provided by the Department that the approach is consistent with previous directions to Councils on this issue.
 - e. retention of the waiver under clause 22B(5) of the Parramatta City Centre LEP 2007.

The RPA should be advised that:

1. The planning proposal is considered to be consistent with all relevant s117 Directions and Council does not need to address these Directions further.
2. Consultation with the following public authorities is required:
 - Transport for NSW
 - Sydney Water
 - Endeavour Energy
 - NSW Office of Environment and Heritage - Heritage Branch
 - Department of Education and Communities

3. No further studies are required to be carried out.

Supporting Reasons :

1. The planning proposal is principally an amalgamation and mapping exercise to incorporate the Parramatta City Centre LEP 2007 into Parramatta LEP 2011 (the Standard Instrument).
2. Changes to the land use tables and zoning objectives in Parramatta LEP 2011 are considered to be minor.
3. The proposed Design Excellence and Development Variation provision can not be legally made as it includes a requirement for (significant) public benefits that fall within the parameters of section 94 of the Environmental Planning and Assessment Act 1979.

4. The planning proposal needs to be reworded so that its intention is clear to both the general public and Parliamentary Counsel.
5. The prohibition of 'sex services premises' and 'restricted premises' in the City Centre has not been adequately justified.
6. The proposed additional local provisions are intended to further promote growth of the business sector and associated employment opportunities within the Parramatta City Centre.
7. The planning proposal is consistent with all SEPP's, s117 Directions and local strategies.

Panel Recommendation

Recommendation Date : **28-Mar-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 9 month timeframe allocated for completing the LEP.
2. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to include a concise statement of how the objectives or intended outcomes are to be achieved by means of amending the LEP.
3. Council's proposal to amend Clause 22B Design Excellence to allow for greater variation to development standards if significant public benefits are generated by the development is not supported. Council is to remove reference to bonus provisions and instead insert a clause based on Clause 6.21 of Sydney LEP 2012 to achieve the intended outcome, prior to undertaking public exhibition. Any proposed variation from Clause 6.21 is to be adequately justified in the planning proposal.
4. Council's proposal to prohibit restricted premises within zones B3 Commercial Core and B4 Mixed Use is inconsistent with the Standard Instrument Order and therefore should be removed from the planning proposal, prior to undertaking public exhibition.
5. Council's provision to prohibit sex service premises in the city centre is supported, however the restrictions in relation to transport nodes within Clause 6.9 is to be removed to ensure that permissibility of sex service premises is not unduly restricted in the industrial areas. Council is to update the planning proposal to advise that Clause 6.9 (1)(c) is to be removed from Parramatta LEP 2011, prior to undertaking public exhibition.
6. Council's proposal to remove the provision allowing the Director General to waive the requirement for a design competition under Clause 22B is not supported. The waiver is to be maintained unless Clause 22B(4) is amended to capture fewer developments. The planning proposal is to be amended accordingly, prior to undertaking public exhibition.
7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made 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 as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW
 - RailCorp
 - Roads and Maritime Services
 - Sydney Water
 - Endeavour Energy

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- NSW Office of Environment and Heritage
- Department of Education and Communities

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.

9. 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 example, in response to a submission or if reclassifying land).

10. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____

15.4.13