

Planning Services

Gateway Determination Report

LGA	City of Parramatta
PPA	City of Parramatta
NAME	Housekeeping Amendment No. 3
NUMBER	PP_2018_COPAR_011_00
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
ADDRESS	Various within LGA
DESCRIPTION	Various within LGA
RECEIVED	03-10-2018
FILE NO.	IRF18/5964
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

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A**) seeks to undertake housekeeping amendments to Parramatta Local Environmental Plan (LEP) 2011 to resolve 16 errors and/or anomalies in the LEP. The changes proposed in the planning proposal are minor and are categorised as follows:

- Amend the additional local provisions for design excellence and parking;
- Rectify anomalies in mapping to be consistent with property boundaries/existing uses;
- Rectify Heritage Maps and environmental heritage schedule due to demolition, incorrect listings and change in property boundaries;
- Amend the Key Sites Map; and
- Rectify anomalies in Parramatta CBD to align the mapping with existing property boundaries.

The planning proposal applies to various land parcels across the Parramatta Local Government Area (LGA).

In the consideration of the planning proposal, Council was contacted to seek clarity on the intent of the planning proposal. Their further advice is provided at **Attachment F1 – F3**.

Site description

The subject parcels are identified and described in detail in **Attachment E**.

Existing planning controls

The planning proposal seeks to amend the following planning controls:

- Part 6 Additional local provisions – generally;
 - 6.12 Design excellence – Parramatta North Urban Renewal Area;
- Part 7 Additional local provisions – Parramatta City Centre;
 - 7.3 Car Parking;
- Schedule 5 Environmental Heritage;
- LEP mapping;
 - Floor Space Ratio Map;
 - Heritage Map;
 - Land Reservation Acquisition Map;
 - Lot Size Map;
 - Land Zoning Map;
 - Height of Buildings Map.

Summary of recommendation

It is recommended that the planning proposal proceed, subject to conditions. The planning proposal seeks to make various, minor housekeeping amendments to the LEP.

PROPOSAL

Objectives or intended outcomes

The objectives of the planning proposal are to correct errors and anomalies identified in the LEP by Council. These objectives will be achieved by making changes to the LEP written instrument and relevant LEP mapping.

Explanation of provisions

The planning proposal seeks to amend the LEP. The amendments are described as follows:

- Instrument amendments only;
- Mapping amendments only; or
- Instrument and mapping amendments

Attachment E identifies each site, current provisions and proposed provisions under this planning proposal.

The amendments are described below:

Item/Amendment 1

Address/Clause	Clause 7.3 Additional Local Provisions - Car Parking
Proposed Change	Inclusion of <i>residential flat building</i> as use within column 1 and maximum parking rates in column 2.

Proposal Comment	Council have advised the current maximum parking rates within the LEP do not list residential flat buildings where the intent was for a maximum parking rate to be identified. The proposed amendment seeks to correct the omission.
Department Comment	<p>The current wording of the LEP omits reference to residential flat buildings. The proposed amendment (Attachment G) seeks to capture residential flat buildings within clause 7.3 to set the maximum number of car parking spaces provided in connection with any future development.</p> <p>The proposed correction of the error in drafting the LEP is considered to be reasonable.</p>
Type of amendment	<p>Instrument amendment only</p> <ul style="list-style-type: none"> - Clause 7.3 Additional Local Provisions - Car Parking

Item/Amendment 2

Address/Clause	6.12 Design Excellence – Parramatta North Urban Renewal Area
Proposed Change	Amend Clause 6.12(5) to omit 'plan' and insert 'clause'
Proposal Comment	The proposal seeks to omit the word 'plan' and insert the word 'clause' within Clause 6.12 of the LEP. The planning proposal notes that the current wording, being 'plan', suggests that consideration must be given to the entire LEP when utilising this clause. The alteration to the wording will allow a defined consideration in any future development application (Attachment H).
Department Comment	The amended wording is considered reasonable as it defines the scope Clause 6.12 and will allow a consistent approach to be applied in the future. It is recommended that Council consult with UrbanGrowth NSW Development Corporation on the proposed amendment as they are a majority landowner on this site.
Type of amendment	<p>Instrument amendment only</p> <ul style="list-style-type: none"> - Clause 6.12 Design Excellence – Parramatta North Urban Renewal Area

Item/Amendment 3

Address/Clause	13 York Street, Oatlands
Proposed Change	Amend mapping based upon use and property boundaries

Proposal Comment	A portion of the land for this site is zoned RE2 Private Recreation and should be R2 Low Density Residential to align with property boundary and residential nature of the site.
Department Comment	<p>The amendment is required as an exempt boundary adjustment occurred between the site and the adjoining property which is zoned RE2 Private Recreation.</p> <p>The proposed amendment is administrative only and will not permit any additional uses/development/subdivision to occur.</p> <p>The Department sought clarification from council to determine if the proposed amendment was to be limited to the land zoning map where there were other mapping sheets which were not consistent with the property boundaries. Council requested that the other map sheets affected by the boundary adjustment be amended. The amendments are to be conditioned.</p>
Type of amendment	<p>Mapping amendment only</p> <ul style="list-style-type: none"> - Land Zoning Map – Sheet LZN_014 <p>The proposed amendment will also require amendment to the following maps, via condition of the Gateway determination:</p> <ul style="list-style-type: none"> - Height of Buildings Map - Sheet HOB_014 - Floor Space Ratio Map - Sheet FSR_014 - Lot Size Map - Sheet LSZ_014

Item/Amendment 4

Address/Clause	86 Chelmsford Avenue, Epping
Proposed Change	Amend mapping based upon use and property boundaries
Proposal Comment	The proposal seeks to remove the R1 General Residential, W1 Natural Waterways and RE1 Public Recreation from the site so that it is entirely zoned SP2 Infrastructure (Educational Establishment). The planning proposal seeks to make the amendment based upon the current use and the property boundaries.
Department Comment	<p>The proposal seeks amend the land zoning map to ensure that the site is zoned entirely SP2 Infrastructure to reflect the use which currently exists on the site.</p> <p>The removal of the R1 General Residential, RE1 Public Recreation and W1 Natural Waterways zoning is minor in nature and unlikely to permit any additional uses/development/subdivision to occur.</p>

	<p>The Department sought clarification on the ownership of the RE1 Public Recreation to determine if there were issues with respect to land classification. Council advised that the land containing the RE1 Public recreation zoned land, being Lot 1 DP 582172, is not owned by council and as such is not classified as community or operation land under the Local Government Act.</p> <p>The Department sought clarification from council to determine if the proposed amendment was to be limited to the landing zoning map where there were other mapping sheets that extend into the subject site. Council requested that the other map sheets affected be amended and as such the amendments are to be conditioned.</p>
Type of amendment	<p>Mapping amendment only</p> <ul style="list-style-type: none"> - Land Zoning Map – Sheet LZN_016 <p>The following mapping amendments are to be conditioned:</p> <ul style="list-style-type: none"> - Height of Buildings Map - Sheet HOB_016 - Floor Space Ratio Map - Sheet FSR_016 - Lot Size Map - Sheet LSZ_016

Item/Amendment 5

Address/Clause	1D Morton Street, Parramatta
Proposed Change	Rectify mapping based upon use and property boundaries
Proposal Comment	<p>The proposal seeks to amend the entire property from R4 High Density Residential to RE1 Public Recreation Zone.</p> <p>The change in zone is required as the land was dedicated to Council for use as a park as part of a development application and voluntary planning agreement.</p>
Department Comment	<p>The amendment is consistent with the approval of a development application and execution of a voluntary planning agreement. The proposed amendment is in the interest of the public as it provides for additional RE1 zoned land in the locality.</p> <p>The Department sought clarification from council to determine if the proposed amendment was to be limited to the land zoning map where there are other mapping sheets which affect the same property. Council requested that the other map sheets be amended to reflect the fact the that land is now to be zoned RE1 Public Recreation. The amendments are to be conditioned.</p>

Type of amendment	<p>Mapping amendment only</p> <ul style="list-style-type: none"> - Land Zoning Map – Sheet LZN_010 <p>The following mapping amendments are to be conditioned:</p> <ul style="list-style-type: none"> - Height of Buildings Map - Sheet HOB_010 - Floor Space Ratio Map - Sheet FSR_010 - Lot Size Map - Sheet LSZ_010
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Item/Amendment 6

Address/Clause	191Z Old Windsor Road, Old Toongabbie
Proposed Change	Amend Heritage Map and Schedule 5 – Environmental Heritage
Proposal Comment	The proposal seeks to amend the heritage mapping and schedule 5 – Environmental Heritage to ensure consistency between the LEP and the State Heritage Register.
Department Comment	A review of the State Heritage Register for Toongabbie Government Farm Archaeological Site A01903 (Attachment I) indicates that the item extends into Lot 1 DP780050. The proposed amendments will ensure consistency between the LEP and State Heritage Register.
Type of amendment	<p>Instrument and mapping amendments</p> <ul style="list-style-type: none"> - Heritage Map – Sheet HER_003 - Schedule 5 – Environmental Heritage

Item/Amendment 7

Address/Clause	158-164 Hawkesbury Road, Westmead
Proposed Change	To correctly identify the heritage listing of I628 and I629 to Lot 1 DP 1227281 and remove heritage listing from other lots on the site.
Proposal Comment	Council approved a development application for subdivision that has since been registered. As a result of the subdivision, the two items known as I628 and I629 are located on the one property known as Lot 1, DP 1227281. The intent of the proposal is to restrict the listing to the site containing the two items.
Department Comment	Since subdivision has occurred the items are located within Lot 1 DP 1227281. The proposed amendment will remove the heritage affectation on parcels of land which do not contain any items of heritage significance.

	Note: The planning proposal originally referred to I628 only. The Department contacted council to seek advice on amending the proposal based upon the presence of I629 within the same site. Council confirmed that the planning proposal will seek to amend the LEP mapping and schedule 5 – Environmental Heritage for both I628 and I629 based upon the existing cadastre.
Type of amendment	<p>Instrument and mapping amendments</p> <ul style="list-style-type: none"> - Heritage Map – Sheet HER_004 - Schedule 5 – Environmental Heritage <p>Note: The Gateway determination will be condition to require amendment to I629 and I628.</p>

Item/Amendment 8

Address/Clause	11A Betts Street, Parramatta
Proposed Change	To amend the address associated with heritage item I459
Proposal Comment	The current listing identifies the property at 11 Betts Street which is incorrect. The planning proposal seeks to correct address within Schedule 5 – Environmental Heritage to identify the item at 11A Betts Street and 47 Victoria Road (with correct real property description).
Department Comment	The proposal will correct an error in the schedule and mapping (map sheet HER_009).
Type of amendment	<p>Instrument and mapping amendment</p> <ul style="list-style-type: none"> - Schedule 5 – Environmental Heritage - Heritage Map – Sheet HER_009

Item/Amendment 9

Address/Clause	Marion and Cowper Street, Parramatta
Proposed Change	To remove the heritage mapping of Marion and Cowper Street, Parramatta
Proposal Comment	<p>The LEP heritage mapping currently identifies Marion and Cowper Street with respective labels of '94' and '111' where neither item is listed in Schedule 5 – Environmental Heritage of the LEP.</p> <p>Council have investigated the matter and concluded that they are listed in error.</p>

Department Comment	It is agreed that this this appears to be an error. The amendment to the heritage map will correct the error. There is no need to alter Schedule 5 – Environmental Heritage of the LEP as the items are not listed.
Type of amendment	Map amendments only - Heritage Map – Sheet HER_010

Item/Amendment 10

Address/Clause	Prince Alfred Square and Market Street, Parramatta
Proposed Change	To change level of heritage significance from Local to State for I686 in accordance with the recent State Heritage Listing
Proposal Comment	The State Heritage Register has been updated to include Prince Alfred Square and potential archaeological site as state heritage significance under SHR: 01997. As a result, Schedule 5 – Environmental Heritage of the LEP (and the associated heritage mapping) is required to be amended.
Department Comment	A review of the State Heritage Register (SHR) has identified the item (Attachment J) and as such the amendment to Schedule 5 – Environmental Heritage of the LEP is appropriate. Note: The LEP heritage mapping and the mapping associated with the state listing are inconsistent. The Department contacted council to request advice on the inconsistency. Council advised that the intent of the amendment is to be consistent with the SHR. Consistency is to be ensured via condition of the Gateway determination.
Type of amendment	Instrument and mapping amendments - Heritage Map – Sheet HER_009 - Schedule 5 – Environmental Heritage

Item/Amendment 11

Address/Clause	298 and 302 Church Street, Parramatta
Proposed Change	To correct address associated with I677 within Schedule 5 – Environmental Heritage of the LEP
Proposal Comment	The proposal seeks to substitute the address associated with I677 from 302 Church Street to 298 Church Street as the current listing is incorrect. A site inspection by council staff identified 302 does not contain any items of heritage significance. The site inspection

	identified that the item is present on 298 Church Street. the planning proposal seeks to correct this error.
Department Comment	<p>The item is listed as a Shop (and potential archaeological site).</p> <p>The Department sought additional comments from Council to determine what reporting had occurred to enable the conclusion to be formed that the listing should be altered. The advice provided by council indicated that a site inspection had occurred by council's Heritage Advisor suggesting that the wall is located on 298 Church Street and not 302 Church Street as the current listing within the LEP suggests. The advice included photos which were not labelled.</p> <p>Insufficient evidence has been provided at this stage to indicate that item is located within 298 Church Street and the current listing is incorrect. This matter can be resolved via the provision of additional documentation supporting this request as a condition on the gateway.</p> <p>The listing also identifies the site as having a potential archaeological deposit. The planning proposal does not address this issue. The report must identify the likelihood of the potential archaeological deposits being relevant to 298 Church Street and not 302 Church Street to enable the proposed LEP amendment to proceed.</p>
Type of amendment	<p>Instrument and mapping amendments</p> <ul style="list-style-type: none"> - Heritage Map – Sheet HER_009 - Schedule 5 – Environmental Heritage

Item/Amendment 12

Address/Clause	292 Church Street, Parramatta
Proposed Change	To include 292 Church Street within I672 Schedule 5.
Proposal Comment	To amend the address under Schedule 5, I672 to include property 292 Church Street to reflect the location of the heritage item within this property.
Department Comment	<p>Item I672 in Schedule 5 of the LEP is identified as affecting Nos. 286 (rear), 288 and 290 Church Street.</p> <p>There is inconsistency between the mapping, property address and Schedule 5 of the LEP. The proposed amendment to Schedule 5 replacing the reference <i>290 Church Street</i> with <i>292 Church Street</i> will ensure consistency between mapping, property address and Schedule 5 of the LEP.</p>

Type of amendment	Instrument and mapping amendments - Schedule 5 – Environmental Heritage
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Item/Amendment 13

Address/Clause	330 Church Street, Parramatta
Proposed Change	Delete heritage listing of Item I683 at 330 Church Street.
Proposal Comment	This site has historically been heritage listed for its former heritage value, being the location of the former David Jones department store. On 19 October 2012 the Planning Assessment Commission approved a development application for a mixed-use development on this site including demolition of the existing heritage item. Demolition has occurred. As such, nothing of heritage value remains on the site. OEH notified Council in July 2018 that they were satisfied that the heritage listing for the site may be removed in July 2018 (see Council Ref: D06250276). The site has been redeveloped and holds no heritage significance.
Department Comment	A copy of the advice from OEH (Attachment K) indicates that they have raised no objections removal of Item I683 at 330 Church Street from Schedule 5 – Environmental Heritage of the LEP on the basis that the item has been demolished and the conditions relating to the demolition have been satisfied.
Type of amendment	Instrument and mapping amendments - Heritage Map – Sheet HER_009 - Schedule 5 – Environmental Heritage

Item/Amendment 14

Address/Clause	Northern side of Bowden Street, North Parramatta (between Webb Street and Pennant Street)
Proposed Change	Amend the floor space ratio map for properties on the Northern side of Bowden Street, North Parramatta (between Webb Street and Pennant Street)
Proposal Comment	The planning proposal seeks to amend the floor space ratio map for R3 Medium Density Residential zoned properties on the Northern side of Bowden Street, North Parramatta (between Webb Street and Pennant Street). the FSR is proposed to be amended from 0.5:1 to 0.6:1.

	The proposed change will ensure consistency with all properties zoned R3 on the northern side of Bowden Street and ensure consistency across LZN and FSR maps. It appears that this discrepancy was simply an error/oversight when the FSR map was finalised.
Department Comment	A review of the mapping for the locality indicates that the properties in question should have been attributed an FSR of 06:1 as other R3 zoned properties have been in the locality.
Type of amendment	Map amendments only <ul style="list-style-type: none"> - Floor Space Ratio Map – Sheet FSR_009

Item/Amendment 15

Address/Clause	24 O'Connell St, 26 O'Connell Street, 1 Marist Place and 3 Marist Place, Parramatta
Proposed Change	To ensure the Land Zoning, Heritage, Land Reserved for Acquisition Maps and Lot Size maps are aligned with property boundaries on this block
Proposal Comment	The misalignment between the mapping and the cadastre is about 8 metres (at the worst point). The proposed amendments will align mapping with the cadastre.
Department Comment	The existing cadastre has been compared against the proposed mapping and the proposed changes will ensure consistency.
Type of amendment	Map amendments only <ul style="list-style-type: none"> - Land Zoning Map – Sheet LZN_009 - Heritage Map – Sheet HER_009 - Lot Size Map – Sheet LSZ_009 - Land Reservation Acquisition Map – LRA_009

Item/Amendment 16

Address/Clause	Various Sites in Parramatta CBD
Proposed Change	Amendments to ensure land acquisition mapping and the cadastre are consistent with each other.
Proposal Comment	A number of locations within Land Reservation Acquisition Map – LRA_009 have inconsistencies between the land acquisition mapping and the cadastre. The proposed amendments seek to provide consistency between the relevant data contained in each sheet and the cadastre.

Department Comment	The existing cadastre has been compared against the proposed mapping and the proposed changes will ensure consistency.
Type of amendment	Map amendments only - Land Reservation Acquisition Map – LRA_009

Mapping

The current and proposed maps are provided in **Attachment E**. The planning proposal will amend the following maps:

Map	Tile Number
Floor Space Ratio Map	009, 010, 014, 016
Heritage Map	003, 004, 009, 010
Land Reservation Acquisition Map	009
Lot Size Map	009, 010, 014, 016
Land Zoning Map	009, 010, 014, 016
Height of Buildings	010, 014, 016

The maps will need to be updated prior to community consultation to reflect all the mapping amendments.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, the proposed items have been identified by a review of the LEP.

It is noted that the planning proposal is the best and most appropriate means of achieving the Council's intended outcomes. A planning proposal is the only means available to achieve amendments to development provisions under the LEP.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan

The Greater Sydney Regional Plan provides a 40-year vision and 20-year plan aiming to manage the growth and change of greater Sydney in the context of social, economic and environmental matters. The planning proposal is minor in nature and seeks to correct errors and anomalies in the LEP.

Central City District Plan

The Central District Plan is a 20-year plan with a view of managing growth in the context of social, economic and environmental matters specific to the central district whilst drawing from the overall aims of the Greater Sydney Regional Plan.

The planning proposal is minor in nature and seeks to correct errors and anomalies in the LEP. The planning proposal is unlikely to prevent the aims and objectives of the plan from being implemented.

Greater Parramatta and the Olympic Peninsula

The Greater Parramatta and Olympic Peninsula vision aims to growth and development of the locality.

The planning proposal is minor in nature and seeks to correct errors and anomalies in the LEP.

Local

Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a long-term community strategic plan for the city of Paramatta and it links to the long-term future of Sydney. The plan formalises several big and transformational ideas for the city and the region.

The planning proposal is minor in nature and seeks to correct errors and anomalies in the LEP.

Parramatta CBD Planning Strategy

Council has adopted the planning strategy which seeks to set the vision for the growth of the CBD, establish principles and action to guide a new planning framework to help achieve the envisaged growth.

A number of the proposed amendments, items 1, 11, 12, 15 and 16, related to the Parramatta CBD.

The planning proposal is minor in nature and seeks to correct errors and anomalies in the LEP.

Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect existing employment land, and support the viability of identified strategic centres. This direction applies as the proposal affects business zoned land.

The business zoned land affected by the planning proposal is related to a correction of mapping based upon inconsistencies with the LEP zone mapping and cadastre. Should an inconsistency be present with the proposed amendments they are minor in nature and it is recommended that the delegate of the secretary agree that the proposal may proceed on this basis.

Direction 2.1 Environmental Protection Zones

The objective of the direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions which meets the objectives of the direction.

The planning proposal seeks to remove a W1 Natural Waterways zoning from a property so that the land may be entirely zoned in accordance with its current use

being SP2 Infrastructure (Educational Establishment). The change in zoning is minor and it is recommended that the delegate of the secretary agree that the proposal may proceed on this basis.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance.

The planning proposal contains a number of amendments which relate to heritage. The proposed amendments are minor in nature and include actions such as amending the mapping and schedule to update the land on which an item is located, provide clarity, delist items which have been demolished with development consent and list missing items based upon their listing in the state heritage register.

It is considered that any inconsistency is minor in nature. It is recommended that the delegate of the secretary agrees that any inconsistency of the planning proposal with Direction 2.3 Heritage Conservation is of minor significance. Consultation with the Department of Environment and Heritage is recommended.

Direction 3.1 Residential Zones

This direction aims to encourage a variety of housing types and choice, ensure new housing has appropriate access to infrastructure and services, and minimises impact of residential development on the environment and resource lands. The Direction applies to the planning proposal as it affects several existing residential zoned sites.

The planning proposal involves minor variations with respect to the current zoning. The proposal also seeks to alter height and FSR controls that apply to the residential land. It is recommended that the delegate of the secretary agree that the inconsistency is minor.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. A number of the sites are mapped as containing acid sulfate soils.

The Direction requires the preparation of an acid sulfate study for a planning proposal that will intensify the land uses on such soils. The planning proposal is inconsistent with this direction as Council has not provided the relevant information required by the direction. However, the inconsistency is considered to be minor in nature given the scope of the planning proposal.

It is recommended that the delegate of the secretary agrees that any inconsistency of the planning proposal with Direction 4.1 Acid Sulfate Soils is of minor significance.

Direction 4.3 Flood Prone Land

The direction aims to ensure that development of flood prone land is consistent with the NSW Government Flood Prone Land Policy and that potential flood impacts are considered. Council has not provided information if any of the sites are flood prone. However, it is possible that some flood prone land may be affected by the planning proposal.

Council have noted that the planning proposal seeks to maintain the current planning provisions with respect to flood prone land.

Given the minor nature of the planning proposal, seeking to correct errors and anomalies in the LEP, it is unlikely that there would be any adverse impacts upon flood prone land. If any inconsistency is present it is likely to be minor in nature.

It is recommended that the delegate of the secretary agrees that any inconsistency of the planning proposal with Direction 4.3 Flood Prone Land is of minor significance.

Direction 6.2 Reserving Land for Public Purposes

The objectives of the direction are to facilitate the provision of public services by reserving land for public purposes. The direction also aims to remove reservation of land for public purposes should the land no longer be required for the provision of public services.

The proposal seeks to make amendment to the Land Reservation Acquisition Map for several locations within the Parramatta CBD. The amendments seek to correct anomalies where the map and the cadastre do not currently align.

The proposal is consistent with this direction as it does not seek to add or remove land for acquisition purposes but rather correct an error relating to the Land Reservation Acquisition Map.

State environmental planning policies

The planning proposal is minor in nature and seeks to correct errors and anomalies in the LEP. The proposed amendments do not necessarily require any specific consideration of state environmental planning policies.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The planning proposal will have positive social and economic impacts as it proposed to correct errors in the LEP, thereby reducing the potential for delays in the planning process.

Environmental

Given the amendments within the planning proposal relate to rectifying errors and anomalies in the LEP, it is not likely that any critical habitat or threatened specific, populations or ecological communities or their habitats, will be adversely affected because of the planning proposal.

Infrastructure

The planning proposal is unlikely to have any detrimental impacts with respect to the provision of infrastructure.

Heritage

The planning proposal seeks to make amendments to the mapping and local provisions affecting heritage items. The proposed amendments are of a housekeeping nature only and the changes are unlikely to facilitate future impacts upon any additional items. Consultation with the Office of Environment and Heritage – Heritage Division is recommended as part of the consultation process.

CONSULTATION

Community

Community consultation is to take place for a period of 14 days. The period will allow the community to provide comment on the planning proposal.

Agencies

Based upon the proposed changes it is recommended that the following agencies be consulted:

- Office of Environment and Heritage – Heritage Division; and
- UrbanGrowth NSW Development Corporation.

TIME FRAME

Council proposes a timeframe of approximately 9 months to finalise the planning proposal. Given the nature of the planning proposal, 9 months is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be authorised as the local plan-making authority. Given the minor nature of the planning proposal, it is recommended that authorisation be issued for council to be the local plan-making authority.

CONCLUSION

It is recommended that the planning proposal proceed with conditions given that it will address errors and anomalies within the Parramatta Local Environmental Plan 2011.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that any inconsistencies with section 9.1 Directions Direction 1.1 Business and Industrial Zones; Direction 2.1 Environmental Protection Zones; Direction 2.3 Heritage Conservation; Direction 3.1 Residential Zones; Direction 4.1 Acid Sulfate Soils; Direction 4.3 Flood Prone Land; and Direction 6.2 Reserving Land for Public Purposes are minor or justified.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

2. Prior to exhibition, Council is to provide further justification addressing the proposed amendments to the heritage listing at 298 and 302 Church Street, Parramatta including further evidence that the heritage item is incorrectly mapped and that there are no potential archaeological deposits on 302 Church Street;
3. Prior to exhibition, Council is to update the planning proposal to incorporate the additional information submitted to the Department dated 11 October 2018; 29 October 2018; and 12 November 2018.

4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is required with the Office of Environment and Heritage (Heritage Division) and UrbanGrowth NSW Development Corporation under section 3.34(2)(d) of the Act. Each 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.
6. 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).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.



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