

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

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.



Chairperson

INNOVATIVE

ITEM NUMBER	5.1
SUBJECT	Pre-Gateway: Harmonisation Planning Proposal - Consolidated City of Parramatta Local Environmental Plan
REFERENCE	F2019/00709 - D07031433
REPORT OF	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.

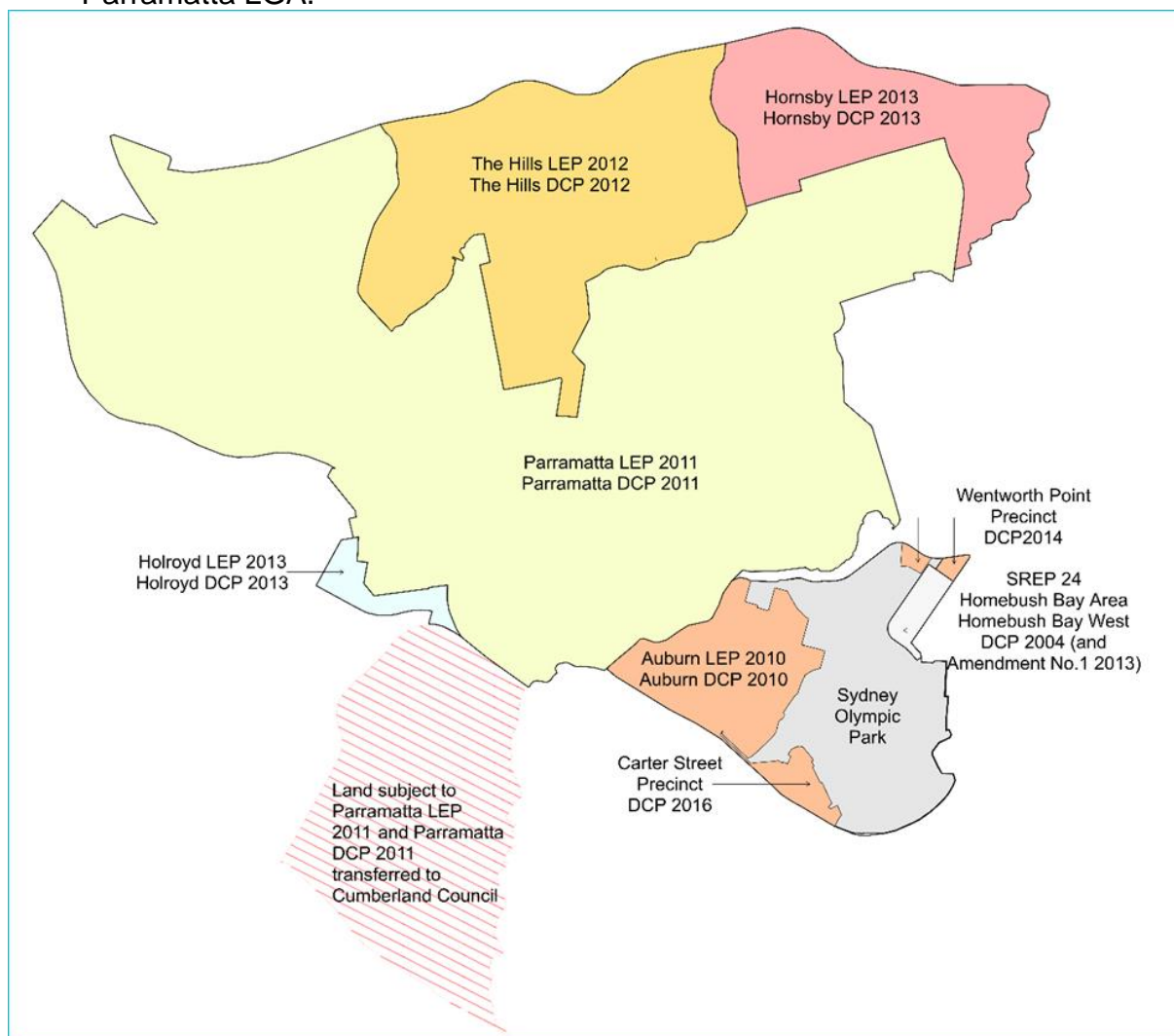


Figure 1 – Land use plans applying in the City of Parramatta LGA

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.

Topic	Total submissions*	% of submissions
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%
*Note: 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

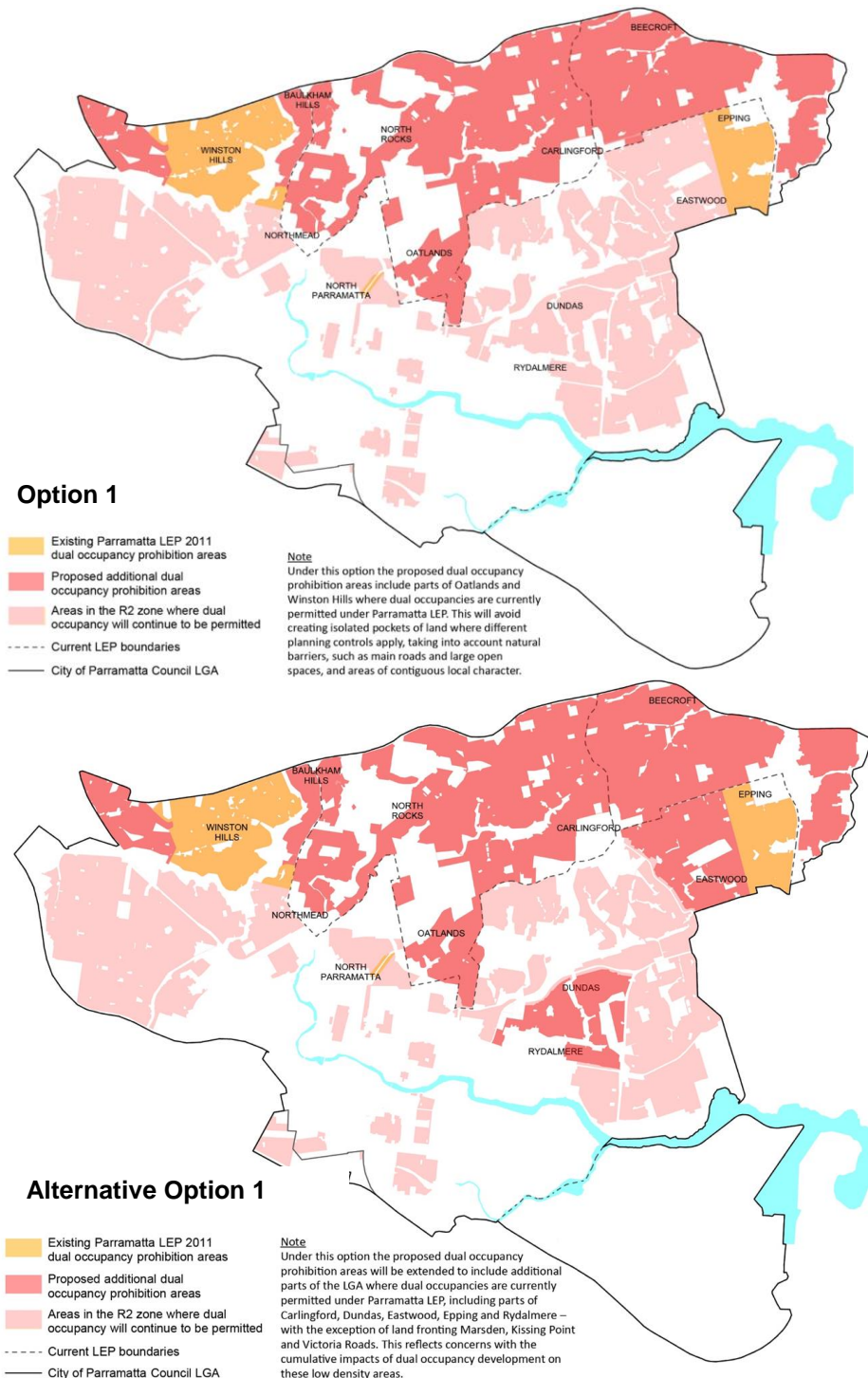
19. The Discussion Paper outlined three options for prohibiting dual occupancies in R2 Low Density Residential zones:
 - **Option 1:** Retains current areas where dual occupancies are already prohibited, including R2 zoned land under *Hornsby LEP 2013* and existing Dual Occupancy Prohibition Area under *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:

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

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.

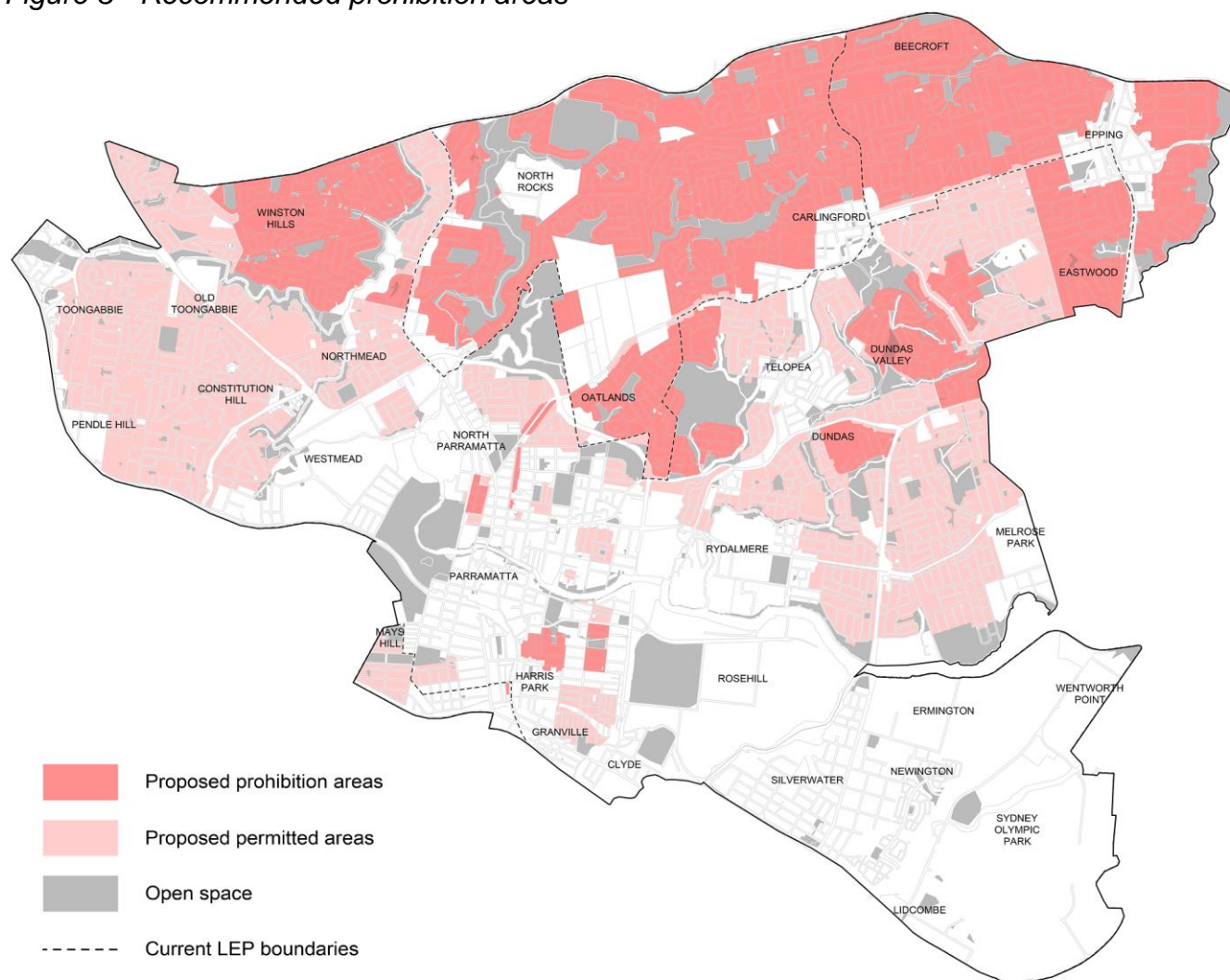
Recommended Dual Occupancy Prohibition Areas

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:

Issue/feedback	Officer response
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>).	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. 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.
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.

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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

Attachment 1 of the Local Planning Panel Report can be found at Attachment 4 of this Council Report.

Attachment 2 - Summary of Key LEP amendments

Dual occupancies

Different LEPs have different policies on dual occupancies, including where they are permitted, lot size requirements and whether subdivision is permitted. Proposals to harmonise LEP controls include:

Issue	Proposal	Extent of change	Justification
<i>Where in the R2 Low Density Residential zone to permit dual occupancies.</i>	Prohibit dual occupancies in low density areas identified on a Dual Occupancy Prohibition Map, which are locations where dual occupancy development is not considered appropriate, based on a detailed constraints analysis. This is a continuation of the policy approach taken in <i>Parramatta LEP 2011</i> .	Proposed prohibition areas include locations where they are currently prohibited under Parramatta LEP and on R2 zoned land transferred from the former Hornsby council area (where they are currently prohibited) and The Hills council area (where subdivision of dual occupancy is prohibited). Some parts of Oatlands and Winston Hills where dual occupancies are currently permitted are also suggested to be included in the prohibition areas to create consistent and logical boundaries. Prohibit dual occupancy development in heritage conservation areas, with the exception of the South Parramatta Conservation Area.	It is important to ensure that dual development occupancy development occurs in the right locations. The proposed dual occupancy prohibition areas have been informed by a detailed analysis of constraints that has identified areas where dual occupancy development could have ongoing and cumulative negative impacts on local amenity and character. The analysis is included <i>Appendix 6</i> of the Planning Proposal.
<i>Permitting dual occupancies in R3 and R4 zones.</i>	Permit dual occupancies across the R3 Medium Density Residential zone and R4 High Density Residential zone.	Dual occupancies are not currently permitted in the R3 or R4 zone under <i>Hornsby LEP 2013</i> . Not currently permitted in the R4 zone under <i>Auburn LEP 2010</i> or <i>Holroyd LEP 2013</i> .	To increase the range of housing types permitted in these areas.
<i>Restrictions on the type of dual occupancies.</i>	Limit dual occupancy development to attached forms, except on heritage items or sites with more than one street frontage.	Maintains the approach taken under the <i>Parramatta LEP 2011</i> .	The intent of this provision is to achieve better design and amenity outcomes from dual occupancy development, including ensuring both homes face a public street and have a street address.

Issue	Proposal	Extent of change	Justification
<i>Minimum lot size requirement.</i>	Dual occupancies not permitted on sites less than 600sqm.	Consistent with <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> requirements for attached dual occupancies. Smaller MLS controls currently apply to land in the former Holroyd and Auburn council areas.	This is considered the minimum site area required to achieve a good level of amenity, landscaping, private open space and appropriate setbacks.
<i>Subdivision of dual occupancies.</i>	Where dual occupancies are permitted, allow them to be subdivided.	<i>The Hills LEP 2012</i> does not permit subdivision of dual occupancies. <i>Auburn LEP 2010</i> also places restrictions.	Prohibiting subdivisions acts as a barrier to delivery of dwellings.

Further information on proposed LEP provisions are outlined in Part 2 of the Planning Proposal.

Harmonising the list of land uses permitted in each zone

There are inconsistencies across LEPs relating to the land uses that are permitted in the same zone. These need to be harmonised to create a common set for the whole LGA. Key changes proposed include:

Issue	Proposal	Extent of change	Justification
<i>R2 Low Density Residential zone</i>	Prohibit indoor recreation facilities.	Only <i>Parramatta LEP 2011</i> currently permits this use in the R2 zone.	It is considered that this land use is not appropriate within low density residential areas due to concerns over amenity impacts.
	Prohibit places of public worship. Apply SP1- Special Uses zone to existing lawful places of public worship.	Only <i>Parramatta LEP 2011</i> prohibits this land use in the R2 zone.	Due to concerns over amenity impacts of these uses within low density residential areas. Existing lawful places of public worship will be protected by rezoning to SP1 – Special Activities so as not to rely on the existing uses provisions of the <i>Environmental Planning and Assessment Act 1979</i> . PoPW will still be permitted in all other zones excluding open space, environmental and infrastructure zones.

Issue	Proposal	Extent of change	Justification
	Permit neighbourhood shops.	This is the approach under <i>Parramatta LEP 2011</i> , which will be extended to the rest of the R2 zoned land in the LGA.	These will be limited to 80sqm and will service the day-to-day convenience needs of residents.
<i>R3 medium Density Residential zone</i>	Permit indoor recreation facilities.	Only <i>The Hills 2012 LEP</i> prohibits this use on the R3 zone. All other LEPs permit.	Allows for provision of recreation facilities close to population centres and transport.
	Prohibit residential flat buildings.	Only <i>Hornsby LEP 2013</i> permits RFBs in the R3 zone. All other LEPs prohibit.	Will help distinguish the R3 and R4 zones and support housing diversity.
<i>R4 High Density Residential zone</i>	Permit indoor recreation facilities.	Extends the approach taken by majority LEPs to R4 zoned land in the former Holroyd and The Hills council areas.	Allows for provision of recreation facilities close to population centres and transport.
<i>B1 Neighbourhood Centre zone</i>	Permit residential flat buildings (RFBs), but require non-residential uses to be provided on the ground floor.	RFBs are currently permitted in the B1 zone under <i>Auburn LEP 2010</i> and <i>Hornsby LEP 2013</i> but no requirement exists to provide ground floor non-residential uses.	Will allow for a broader range of non-residential uses under housing than otherwise permitted under the 'shop top housing' definition, including medical centres and community facilities.
	Prohibit tourist and visitor accommodation, except bed and breakfast accommodation which will be limited to 3 bedrooms.	Only <i>Auburn LEP 2010</i> allows a broad range of tourist and visitor accommodation in the B1 zone. <i>Parramatta LEP 2011</i> only permits bed and breakfast accommodation.	To limit the potential for amenity and traffic impacts on surrounding low density residential areas.
	Permit office premises.	Extends the approach taken by <i>Auburn LEP 2010</i> and <i>Parramatta LEP 2011</i> to the rest of the LGA.	To allow for space for small businesses within this zone.
	Prohibit pubs.	Only <i>Auburn LEP 2010</i> permits pubs in the B1 zone.	To limit the potential for amenity and traffic impacts on surrounding low density residential areas.
<i>B2 Local Centre zone</i>	Permit Residential Flat Buildings (RFBs), but require non-residential uses to be provided on the ground floor.	RFBs are currently permitted in the B2 zone under <i>Auburn LEP 2010</i> and <i>The Hills LEP 2012</i> but no requirement exists	Will allow for a broader range of non-residential uses under housing than if only 'shop-top housing' was permitted,

Issue	Proposal	Extent of change	Justification
		to provide ground floor non-residential uses.	such as medical centres and recreation facilities.
<i>B3 Commercial Core zone</i>	No changes proposed.	Nil	This zone only applies to land in the Parramatta CBD under <i>Parramatta LEP 2011</i> .
<i>B4 Mixed Use zone</i>	No changes proposed.	Nil	This zone only applies to land under <i>Parramatta LEP 2011</i> .
<i>B5 Business Development zone</i>	Prohibit residential accommodation.	<i>Hornsby LEP 2013</i> permits group homes and shop top housing in this zone. All other LEPs prohibit all forms of residential accommodation.	Not considered appropriate in this zone where the focus is on business uses.
	Permit tourist and visitor accommodation.	Extends the approach taken by <i>Parramatta LEP 2011</i> to the rest of the LGA.	To provide opportunity for short-stay accommodation close to centres and transport corridors.
<i>B6 Enterprise Corridor zone</i>	Prohibit residential accommodation.	<i>Holroyd LEP 2013</i> permits a range of residential accommodation in this zone. Other LEPs do not.	Not considered appropriate in this zone where the focus is on business uses.
	Permit tourist and visitor accommodation.	Extends the approach taken by <i>Holroyd LEP 2013</i> and <i>Parramatta LEP 2011</i> to all B6 zoned land in the LGA.	To provide opportunity for short-stay accommodation close to centres and transport corridors.
<i>B7 Business Park zone</i>	No changes proposed.	Nil	This zone only applies to land formerly in the Auburn LGA.
<i>IN1 General Industrial zone</i>	Prohibit child care centres.	Extends the approach taken by <i>Auburn LEP 2010</i> to other IN1 zoned land in the LGA.	Due to concerns that these areas provide a poor quality environment for these uses and could lead to land use conflicts in the future.
	Prohibit tourist and visitor accommodation.	Extends the approach taken by <i>Auburn LEP 2010</i> and <i>Parramatta LEP 2011</i> to all IN1 zoned land in the LGA.	These areas tend to be located away from town centres and major tourist attractors and could reduce land available for industrial uses.

Issue	Proposal	Extent of change	Justification
	Prohibit function centres.	Extends the approach taken by <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> to all IN1 zoned land in the LGA.	Potential for loss of industrial land, these uses do not tend to service the daily needs of the workers.
	Permit registered clubs.	Extends the approach taken by <i>The Hills LEP 2012</i> to all IN1 zoned land in the LGA.	Can service workers and support a range of activities and land uses which are permitted in the zone, including indoor/outdoor recreation facilities and pubs.
	Permit food and drink premises.	Extends the approach taken by <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> to all IN1 zoned land in the LGA.	To provide small scale services to workers.
<i>IN2 Light Industrial zone</i>	Prohibit child care centres.	Applies the approach taken for IN1 zoned land to all IN2 zoned land in the LGA.	Due to concerns that these areas provide a poor quality environment for these uses and could lead to land use conflicts in the future.
<i>IN3 Heavy Industrial zone</i>	Prohibit artisan food and drink industry.	Amends the land use table for the IN3 Heavy Industrial zone under <i>Parramatta LEP 2011</i> .	This zone only applies to land in the former Parramatta LGA. <i>Artisan food and drink industry</i> land use definition introduced by the NSW State Government as part of changes to the light industry group term of the Standard Instrument LEP. It is not considered appropriate for this land use within this zone due to potential conflicts with heavy industrial land uses such as hazardous industries.
<i>RE1 Public Recreation zone</i>	Prohibit child care centres, except on specific identified sites.	Extends the approach taken by <i>Parramatta LEP 2011</i> to all RE1 zoned land in the LGA.	Due to concerns over loss of, and public access to, open space.

Issue	Proposal	Extent of change	Justification
	Permit restaurants, cafes, take-away food and drink premises, and markets.	Extends the approach taken by <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> to all RE1 zoned land in the LGA.	These uses enhance the use and enjoyment of open spaces by the public. These uses can be temporary or be limited in size to reduce the amount of open space they occupy.
<i>RE2 Private Recreation zone</i>	Permit restaurants, cafes, take-away food and drink premises, and markets.	Extends the approach taken by <i>Parramatta LEP 2011</i> to all RE2 zoned land in the LGA.	These uses can complement recreational, leisure activities and further enhance the use and enjoyment of private recreation land.
	Permit entertainment facilities, function centres and registered clubs and all types of tourist and visitor accommodation.	Extends the approach taken by <i>Parramatta LEP 2011</i> to all RE2 zoned land in the LGA.	
	Permit centre based child care facilities.	Extends the approach taken by <i>Parramatta LEP 2011</i> to all RE2 zoned land in the LGA.	Supports a range of activities and land uses which are permitted in the zone that can service workers and the locality.
<i>E2 Environmental Conservation zone</i>	No changes proposed.	Nil	Consistent across all LEPs where the E2 zone applies.
<i>SP1 Special Activities zone</i>	No changes proposed.	Nil	Consistent across all LEPs where the SP1 zone applies.
<i>SP2 Infrastructure zone</i>	Prohibit all commercial premises, kiosks and markets.	Applies approach taken by most LEPs to land zoned SP2 under <i>Auburn LEP 2010</i> .	Not consistent with <i>LEP practice note Zoning for infrastructure in LEPs</i> which does not identify commercial premises, kiosks and markets as infrastructure land uses under the SP2 Infrastructure zone. These land uses are still permitted within business zones and recommended on open space and recreation zones.

Issue	Proposal	Extent of change	Justification
	Prohibit advertising structures.	Applies approach taken by most LEPs to land zoned SP2 under the former <i>Auburn LEP 2010</i> .	Advertising structures that are not related to the specific use are not considered appropriate due to the potential for visual impacts.
<i>W1 Natural Waterways zone</i>	Prohibit building and business identification signage.	Extends the approach taken by <i>Parramatta LEP 2011</i> to all land zoned W1 in the LGA. Other forms of signage already prohibited across this zone.	Signage is generally not considered appropriate in this zone, outside that allowed on public reserves under the <i>Infrastructure SEPP</i> .
<i>W2 Recreational Waterways zone</i>	No changes proposed.	Nil.	This zone only applies to land in the former Parramatta LGA.
<i>Advertising signage</i>	Prohibit general advertising structures (such as billboards) in all zones.	Prohibition would apply across all zones. However, business or premises identification signage and signage on Council owned or managed bus shelters would continue to be permitted.	Due to concerns over visual impacts of standalone advertising structures.
<i>Temporary events</i>	Identify markets and other temporary events on land owned or managed by Council as 'exempt development' under the LEP. A limit of up to 52 days in a 12 month period will apply.	Only <i>Holroyd LEP 2013</i> and <i>The Hills LEP 2012</i> permit up to 52 days. Extends these approaches to the rest of the LGA.	To streamline approval process for event organisers and community groups. A longer time period will facilitate tourism and economic growth in the LGA.

Further information on the differences between LEPs, and proposals to harmonise the lists of permitted land uses, are provided in Appendix 3 of the Planning Proposal.

Changes to height, floor space ratio and minimum lot size controls

The following changes are proposed to bring a consistent policy approach across the LGA.

Issue	Proposal	Extent of change	Justification
<i>R2 Low Density Residential zones</i>	Increase height limit from 8.5 metres to 9 metres on R2 zoned land formerly part of the Hornsby LGA, to be consistent with the rest of the LGA.	Only <i>Hornsby LEP 2013</i> applies a height limit of 8.5 metres to R2 zoned land. All other LEPs allow up to 9 metres.	To provide a consistent approach to all R2 zoned land in the LGA. The additional 50cm would not have a significant impact on the appearance of houses and will allow houses to better respond to topography.
	Apply an FSR of 0.5:1 to R2 zoned land formerly part of The Hills and Hornsby LGAs, to be consistent with the rest of the LGA.	<i>Hornsby LEP 2013</i> and <i>The Hills LEP 2012</i> do not apply an FSR control to R2 zoned land.	To provide a consistent approach across all R2 zoned land in the LGA. Applying an FSR control of 0.5:1 to R2 zoned land will help maintain the low density character of these neighbourhoods.
<i>R3 Medium Density Residential zones</i>	Reduce height limits to a maximum of 9 metres on R3 zoned land across the LGA.	Extends the approach taken under <i>Auburn LEP 2010</i> and <i>The Hills LEP 2012</i> to land under <i>Parramatta LEP 2011</i> (where a HOB of up to 11 metres is applied) and <i>Hornsby LEP 2013</i> (where a HOB of up to 12 metres is applied in conjunction with RFBs being permitted). Where a HOB of less than 9 metres currently applies, these will remain unchanged.	To provide a consistent approach to medium density areas. The intent of this change is to achieve better design outcomes on medium density housing sites, and not to reduce the permissible development capacity. This will still allow for dwellings to incorporate approximately 2 storeys of accommodation and is compatible with the proposal to prohibit RFBs in the R3 zone.
	Apply a consistent FSR of 0.6:1 to the R3 zone (with the exception of Newington, which will retain its current FSR of 0.75:1).	Extends the approach taken under <i>Parramatta LEP 2011</i> to land under <i>Hornsby LEP 2013</i> and <i>The Hills LEP 2012</i> , where no FSR is currently applied. Any existing site specific FSR control below 0.6:1 will not be changed as these controls reflect the unique constraints of those sites.	To ensure that the FSR is compatible with the proposed height limit of 9 metres and a consistent approach is taken across the LGA. The suburb of Newington is built out and retains a distinct density and subdivision pattern compared to other R3 zoned areas.

Issue	Proposal	Extent of change	Justification
<i>R4 High Density Residential zones (including land currently zoned R1 General Residential)</i>	Retain existing height and FSR controls applying to sites in the R4 High Density Residential and R1 General Residential zones and apply an FSR where none currently applies. Note. Land currently zoned R1 is proposed to be rezoned (refer below).	Applies an FSR to R4 zoned sites in the former The Hills and Hornsby LGAs where one is not currently applied. FSR will be matched to any existing height control.	Applying an FSR control to sites where none currently exists, matched to the height control, will provide greater certainty to landowners and the community in relation to potential built forms on these sites.
<i>Minimum lot size controls</i>	Apply a consistent minimum subdivision lot size of 550sqm to residential zones and 670sqm for battle-axe lots. Except on R2 zoned land in the former The Hills LGA, where this will remain at 700sqm to reflect its established large lot character.	Extends the approach taken under <i>Parramatta LEP 2011</i> to R2 zoned land formerly part of the Hornsby and Holroyd LGAs. No changes proposed to land under <i>The Hills LEP 2012</i> .	To preserve the existing character of these areas. Applying these minimum lot size provisions will control how small a site can be subdivided to reflect the existing density and character of an area.
	Remove minimum lot size requirements for multi-dwelling housing and residential flat buildings.	Only <i>The Hills LEP 2012</i> applies minimum lot size requirements to develop multi-dwelling housing (1,800sqm) and RFBs (4,000sqm).	This will ensure consistency with other parts of the LGA where no such provisions apply. Other site factors, such as width of sites, are more critical determinants of good design outcomes.
	Apply a minimum lot size requirement of 600sqm for Manor Houses (two storey buildings with 3 or 4 apartments) in the LEP to control this form of development.	No current LEP provision for this form of residential accommodation for the LGA. To be introduced as the result of changes to the <i>Exempt and Complying Development Codes SEPP</i> which will permit manor houses in R3 and R4 zones once it comes into force in the LGA.	It is considered that 600sqm is the minimum size necessary for this form of development to achieve a good level of amenity, landscaping, private open space and appropriate setbacks.

Further information on proposed changes to LEP development controls for residential zones are outlined in Part 2 of the Planning Proposal.

Environmental sustainability

There are inconsistencies across LEPs in the approach to protecting important natural assets and managing natural hazards such as flooding. Proposals for harmonising the approach includes:

Issue	Proposal	Extent of change	Justification
<i>Biodiversity</i>	Rezone public bushland reserves to E2 Environmental Conservation, consistent with the rest of the LGA, to recognise their ecological significance.	Extends the approach taken under <i>Parramatta LEP 2011</i> to all public bushland reserves in the LGA.	The E2 zone is considered the most appropriate and provides the highest level of protection for important public bushland reserves and is consistent with Council's obligations under biodiversity conservation legislation.
	Map significant vegetation on privately owned land on a LEP Biodiversity Map to ensure the impacts of development are appropriately considered and managed.	All LEPs, except <i>Auburn LEP 2010</i> , include a Biodiversity Map, however only <i>Parramatta LEP 2011</i> and <i>Hornsby LEP 2013</i> identify sites within the LGA and there are additional sites that should be mapped.	Provides clarity on sites where additional considerations may be needed to address potential environmental impacts on biodiversity consistent with biodiversity conservation legislation.
<i>Natural waterways</i>	Consistently zone all natural waterways corridors on public land W1 Natural Waterways. Map all natural creek corridors on private land in the LEP on a Riparian Land and Waterways Map to ensure impacts of development are appropriately considered and managed.	Extends the approach taken under the <i>Parramatta LEP 2011</i> and <i>Auburn LEP 2010</i> to waterways across the LGA.	The W1 zone provides better protection of ecology and water quality while allowing for compatible recreational uses. Mapping riparian corridors will ensure potential environmental impacts of development are addressed.

Further information on proposed policies and controls for environmental sustainability are outlined in Part 2 of the Planning Proposal.

Design controls

There are differences across LEPs policies relating to design excellence including where and when they are applied. Proposals to harmonise controls include:

Issue	Proposal	Extent of change	Justification
<i>LEP Design Excellence requirements</i>	Adopt precinct-based approach for design excellence provisions in the LEP.	Extend the approach taken by the <i>Holroyd LEP 2013</i> , <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> to the rest of the LGA.	A precinct-based approach will allow design excellence requirements to be targeted and tailored to specific locations.

Issue	Proposal	Extent of change	Justification
	Not adopt LEP provisions requiring referral to a Design Excellence Advisory Panel.	Currently only the <i>Holroyd LEP 2013</i> and <i>The Hills LEP 2012</i> include provisions requiring referrals to a Design Excellence Advisory Panel.	Council will continue to operate DEAP to facilitate design excellence in developments where a design competition is not required. A reference to DEAP in the LEP is not considered necessary at this stage as Council's process has been working effectively to date.

Further information on proposals for design controls are outlined in Part 2 of the Planning Proposal.

Harmonising zoning

The following changes to LEP zones are proposed to reduce complexity and address anomalies in the land use planning framework across the LGA:

Issue	Proposal	Extent of change	Justification
<i>Zones that will not be included in the consolidated LEP</i>	Not adopt the R1 General Residential Zone. These sites will be rezoned to a combination of R4 and R3 to reflect existing built form or approved development.	This zone applies to a limited number of sites under the provisions of <i>Parramatta LEP 2011</i> and <i>The Hills LEP 2012</i> .	In order provide more certainty as to the desired mix of housing forms and density in these areas.
	Not adopt the RU3 Forestry Zone. This site will be rezoned to SP1 Special Activities.	This zone applies to one site under the provisions of <i>The Hills LEP 2012</i> . The site is used by the North Rocks Rural Fire Service.	The RU3 zone is not considered appropriate given the urban context of the site.
	Not adopt the E3 Environmental Management Zone. This site will be rezoned to E2 Environmental Conservation.	This zone applies to one site under the provisions of <i>Parramatta LEP 2011</i> .	The E2 zone is considered the most appropriate for this site which contains important bushland.
	Not adopt the E4 Environmental Living Zone. <ul style="list-style-type: none"> ▪ Land at 11-13 Pye Avenue, Northmead will be rezoned to R2 Low Density Residential. ▪ Bushland off Murray Farm Road, Carlingford will be rezoned to E2 Environmental Conservation. 	This zone applies to two sites under the provisions of <i>The Hills LEP 2012</i> .	It is considered that the application of the E4 zone to these sites is not appropriate given their characteristics. <ul style="list-style-type: none"> ▪ 11-13 Pye Avenue, Northmead was developed for housing in 2001 and does not contain any substantial bushland to warrant the current

Issue	Proposal	Extent of change	Justification
			<p>zoning. An R2 zone is consistent with the adjoining R2 zoned land.</p> <ul style="list-style-type: none"> The bushland off Murray Farm Road, Carlingford contains substantial native vegetation and is not considered appropriate for housing development.
Changes to specific sites	Rezone existing lawful places of public worship (PoPW) within the R2 Low Density Residential zone to SP1 Special Activities.	Extends the approach taken by <i>Parramatta LEP 2011</i> for the R2 zone to the rest of the LGA. This is associated with the proposal to consistently prohibit PoPW in the R2 zone.	The application of the SP1 zone formalises any existing PoPW in the R2 zone and limits the need to rely on existing use provisions of the <i>Environmental Planning and Assessment Act 1979</i> .
	<p>Rezone the following sites in North Rocks from R3 Medium Density Residential to R2 Low Density Residential</p> <ul style="list-style-type: none"> Properties at 2-4 Speers Road and 1-8 Jean Street, North Rocks Properties fronting Lawndale Avenue, Riviera Avenue and 327-353 North Rocks Road, North Rocks 	Only applies to certain land zoned R3 under the provisions of <i>The Hills LEP 2012</i> .	In order to address concerns with the impact of new forms of small lot medium density housing (manor houses) on the established character of these areas, which is predominantly low density in nature.

Further information on proposals for rationalising of zones is outlined in Part 2 of the Planning Proposal.

Attachment 3 - Overview of feedback on Land Use Planning Harmonisation Discussion Paper

The table below provides a high level overview of the feedback received on the Land Use Planning Harmonisation Discussion Paper, and the officer recommendation in response to the feedback received. A full discussion of the feedback received, officer responses to issues raised and reasons for the policy recommendations is included in the Consultation Report that forms part of the planning proposal for the consolidated LEP.

Suggested policy	Total responses on this matter	In support	Not in support	Unclear	Officer recommendation
Dual occupancies					
<i>Permit dual occupancies in R2 zones, except in identified prohibition areas, including land in the former Hornsby and The Hills council areas.</i>	301	Option 1: 20% Option 2: 12%	65%	3%	It is recommended to continue to prohibit dual occupancies in low density areas (R2 zones) 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. It is also recommended to extend prohibition areas to additional low density areas where significant development constraints exist. This includes parts of Carlingford, Dundas, Dundas Valley and Oatlands and heritage conservation areas. This is based on a detailed constraints analysis.
<i>Permit dual occupancies in R3 & R4 zones.</i>	15	80%	20%	-	It is recommended to allow dual occupancies on all land in the R3 and R4 zones to increase the range of housing types allowed in these areas.
<i>Minimum lot size of 600sqm.</i>	170	85%	12%	2%	It is recommended to only allow dual occupancy development on sites with an area of at least 600sqm to ensure good design and amenity outcomes.
<i>Restrict dual occupancy development to attached forms only.</i>	160	37%	59%	6%	It is recommended to retain the restriction on detached forms of dual occupancy to ensure good design and amenity outcomes.
<i>Allow subdivision of dual occupancy development.</i>	170	92%	7%	1%	It is recommended to allow the subdivision of dual occupancies, on sites where they are permitted under the local environmental plan.
<i>Restrict form and subdivision of dual occupancies in heritage conservation areas.</i>	156	48%	27%	25%	It is recommended to prohibit dual occupancy development in low density heritage conservation areas, to maintain the special character of these areas. The exception is the South Parramatta Conservation Area, where the current precinct specific controls will be retained.
<i>Limit subdivision of dual occupancies in heritage conservation areas.</i>	160	44%	31%	25%	
<i>15m minimum site frontage requirement.</i>	164	71%	15%	15%	It is recommended to include a requirement in the local environmental plan that the primary street frontage of a site needs to be at least 15 metres wide in order to build a dual occupancy to ensure good design outcomes.
<i>Other design controls for dual occupancies.</i>	Approx. 158	Mixed feedback was received on different design controls.			Feedback will be considered as part of drafting of the consolidated Development Control Plan

Suggested policy	Total responses on this matter	In support	Not in support	Unclear	Officer recommendation
Low density residential zones					
Apply a consistent 9m height limit to R2 zoned land.	37	73%	24%	3%	It is recommended to adopt a uniform maximum height control of 9 metres across the R2 zone and apply an FSR of 0.5:1 to areas that do not currently have one. This will bring consistency and certainty to the scale of development expected in low density residential areas.
Apply a consistent FSR of 0.5:1 to R2 zoned land.	33	73%	24%	3%	
Apply a minimum subdivision lot size of 700sqm to R2 zoned land in former The Hills LGA.	35	51%	46%	3%	It is recommended to adopt a minimum subdivision lot size of 550sqm across the LGA, except in certain low density areas in the former The Hills council area, where it is recommended to retain the current 700sqm MLS requirement. These controls will assist with tree retention and achieving better design and amenity outcomes, such as by allowing for adequate setbacks, landscaping and deep soil zones.
Apply minimum subdivision lot size of 550sqm all other residential zones.	36	47%	50%	3%	
Prohibit places of public worship in the R2 zone.	37	68%	24%	8%	It is recommended to prohibit places of public worship and indoor recreation facilities in all R2 Low Density Residential zones due to concerns over amenity impacts of these uses in low density residential areas. Existing lawful places of public worship will be protected by rezoning them to a Special Activities zone. Places of public worship will still be permitted in all other zones excluding open space, environmental and infrastructure zones.
Prohibit indoor recreation facilities in the R2 zone.	45	80%	18%	2%	
Design controls for detached housing in the R2 zones.	Approx. 32	Mixed feedback was received on different design controls.			Feedback will be considered as part of drafting of the consolidated Development Control Plan.
Issue: Medium and high density residential zones					
Apply a consistent 9m height limit to R3 zoned land.	20	70%	30%	-	It is recommended to reduce the maximum building height applying to R3 zoned land to 9m, where existing controls are currently higher than this. This will help provide better design outcomes and help to maintain the medium density scale of development in the R3 zone.
Apply a FSR of 0.6:1 across all R3 zoned land (0.75:1 in Newington).	16	50%	38%	12%	It is recommended to reduce the floor space ratio applying to R3 zoned land at Silverwater from 0.75:1 to 0.6:1 and to apply an FSR of 0.6:1 to other R3 zoned land where an FSR is not currently applied. This will apply a consistent FSR across R3 zoned land. Newington will retain its existing FSR of 0.75:1, reflecting its existing higher density form of development.
Not apply a minimum site area requirement for medium density housing, except a 600sqm requirement for manor houses.	14	50%	36%	14%	It is recommended to introduce a minimum lot size control of 600sqm for manor houses to assist with achieving good design outcomes for this new class of development. Minimum lot size controls are not considered as an effective control for other forms of medium density housing.

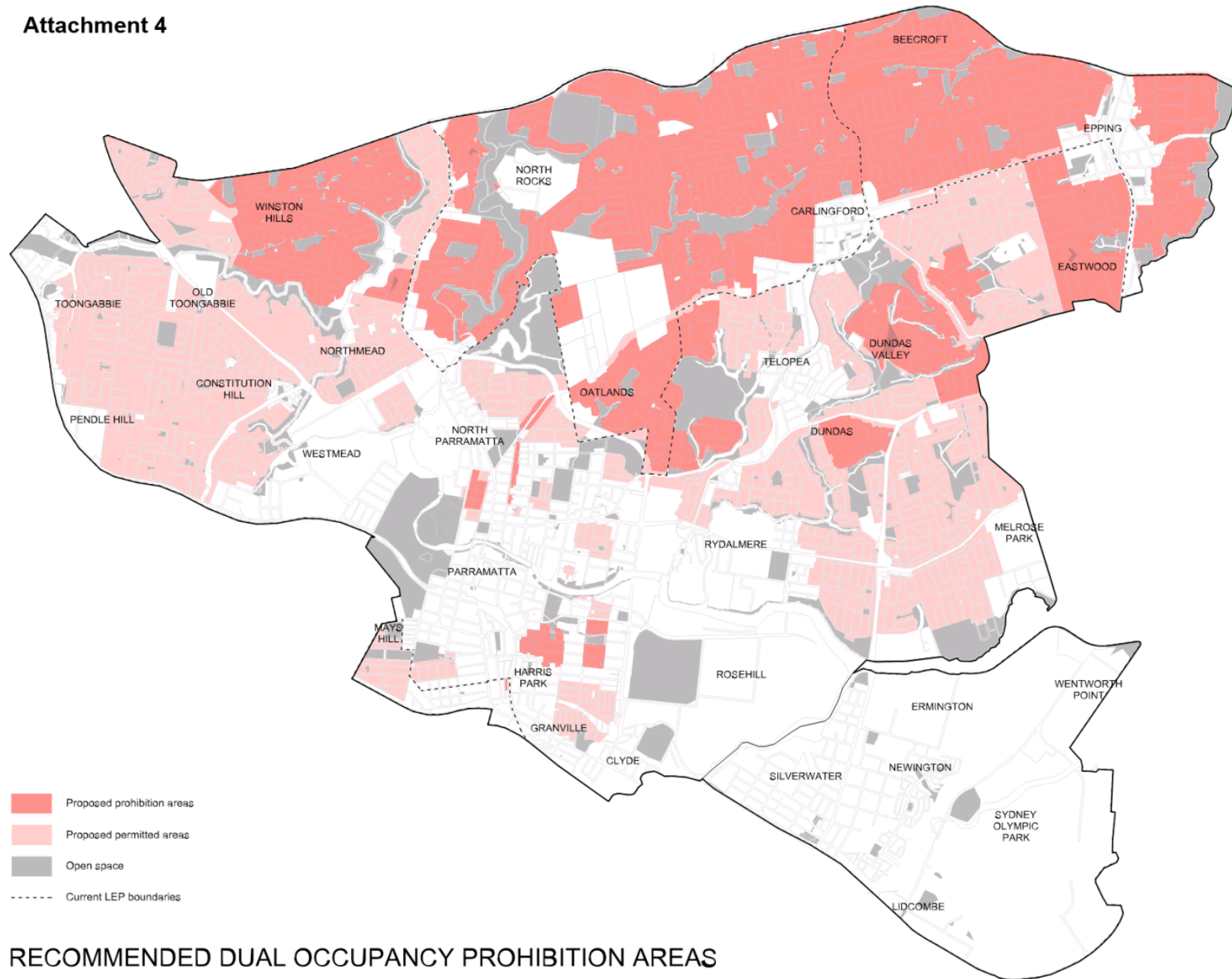
Suggested policy	Total responses on this matter	In support	Not in support	Unclear	Officer recommendation
<i>Rezoning of approximately 68 properties in North Rocks from R3 to R2.</i>	4	50%	50%	-	It is recommended to proceed with the rezoning of the subject sites from R3 Medium Density Residential to R2 Low Density Residential, as outlined in the Discussion Paper. These sites are not considered suitable for medium density housing forms.
<i>Retain existing height and FSR controls for R4 zoned land.</i>	15	53%	40%	7%	It is recommended to progress the proposed height and FSR options for R4 zoned land as outlined in the Discussion Paper; being to retain existing height and FSR controls where these exist and apply new FSR controls, matched to current height limits, to sites that do not currently have one applied. This will provide more certainty as to the scale of development expected on a site.
<i>Apply an FSR control, matched to existing height limit, to R4 zoned sites that don't currently have one.</i>	15	60%	20%	20%	
<i>Not apply a minimum site area requirement to residential flat buildings.</i>	15	40%	47%	13%	It is recommended to not apply a minimum lot size control to residential flat buildings as other site factors are considered more critical for achieving good design outcomes.
<i>Prohibit residential flat buildings in the R3 zone.</i>	20	65%	35%	-	It is recommended to prohibit apartments in the R3 zone to support more diverse forms of housing, such as townhouses, villas and terraces.
<i>Allow indoor recreation facilities in the R3 zone.</i>	14	64%	36%	-	It is recommended to allow indoor recreation facilities in the R3 and R4 zones to provide opportunity for these facilities to locate close to concentrations of homes.
<i>Allow indoor recreation facilities in the R4 zone.</i>	15	73%	20%	7%	
<i>Design controls for medium and high density housing.</i>	15	Mixed feedback was received on different design controls.			Feedback will be considered as part of drafting of the consolidated Development Control Plan.
Local and neighbourhood centres					
<i>Only allow shop top housing above shops and business premises in B1 and B2 zones.</i>	19	53%	42%	5%	It is recommended to allow residential flat buildings in the B1 and B2 zones, but only where space is provided at the ground floor for business, community and other non-residential uses. This will allow a greater range of ground floor activities to be provided than if only shop top housing was allowed.
<i>Prohibit tourist and visitor accommodation in B1 zones.</i>	14	79%	14%	7%	It is recommended tourist and visitor accommodation is prohibited in the B1 zone, with the exception of small bed and breakfasts, to protect surrounding low density neighbourhoods from potential amenity impacts.

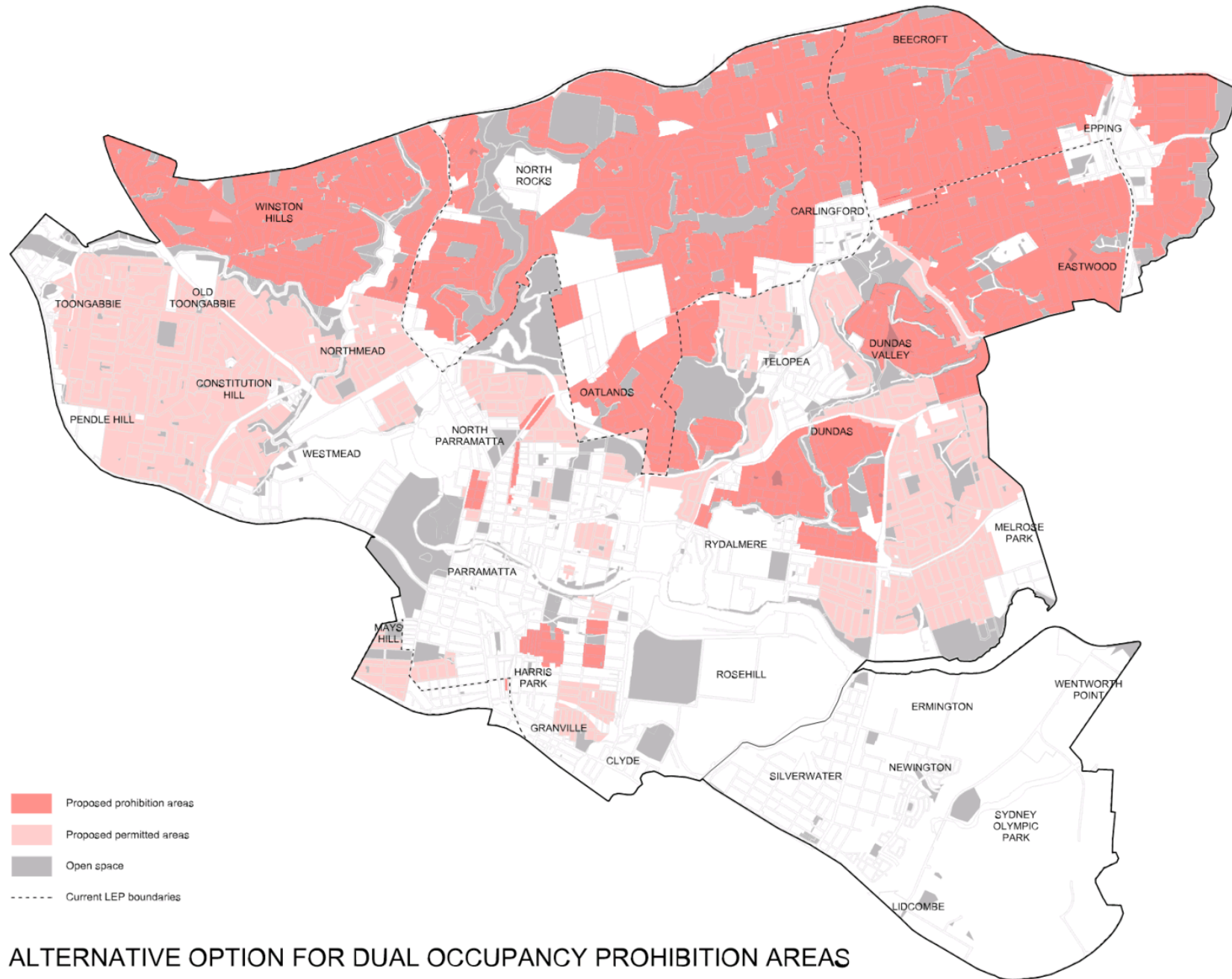
Suggested policy	Total responses on this matter	In support	Not in support	Unclear	Officer recommendation
Industrial zones					
<i>Prohibit childcare centres.</i>	25	56%	40%	4%	It is recommended to prohibit childcare centres in all industrial zones as these are not considered suitable locations for these uses.
<i>Prohibit tourist and visitor accommodation.</i>	17	41%	41%	18%	It is recommended to prohibit tourist and visitor accommodation in the IN1 zone as these are not considered suitable locations for these uses.
<i>Allow food and drink premises.</i>	16	62%	19%	19%	It is recommended to allow food and drink premises in the IN1 zone to provide services for workers.
<i>Prohibit function centres and registered clubs.</i>	15	27%	53%	20%	It is recommended to prohibit function centres in the IN1 zone, but to permit registered clubs to provide services for workers.
Open space zones					
<i>Prohibit child care centres (except on specific sites).</i>	24	63%	30%	7%	It is recommended to prohibit new centre-based child care facilities in the RE1 zone as they result in a loss of public access to open space.
<i>Allow markets and certain food and drink outlets.</i>	24	46%	54%	-	It is recommended to permit markets, restaurants, cafes, and take away food and drink premises in the RE1 zone as these uses, when suitably designed, enhance the use and enjoyment of open spaces by the public.
Advertising signage					
<i>Prohibit general advertising signage.</i>	21	90%	5%	5%	It is recommended to prohibit advertising structures across all zones due to their visual impact. It is recommended to permit advertising on bus shelters owned or managed by council. Business identification signage will still be permitted.
Temporary uses of land					
<i>Permit temporary uses of land for a maximum of 52 days in a 12 month period.</i>	19	63%	37%	-	It is recommended to adopt a 52 day time limit for temporary uses of land to allow more community events to be held and support tourism, cultural activities and economic growth in the LGA.
<i>Identify markets and other temporary events on land owned or managed by Council as 'exempt development'.</i>	20	75%	20%	5%	It is recommended to identify temporary events on land owned or managed by Council as 'exempt development', but limit the exemption period to 28 days on sites outside the Parramatta City Centre.
Car and bicycle parking					
<i>Apply consistent car parking rates to residential development.</i>	68	45.5%	48.5%	6%	Feedback will be considered as part of drafting of the consolidated Development Control Plan.

Suggested policy	Total responses on this matter	In support	Not in support	Unclear	Officer recommendation
<i>Apply consistent car parking rates to non-residential development.</i>	39	56%	33%	10%	Feedback will be considered as part of drafting of the consolidated Development Control Plan.
<i>Apply reduced car parking rates near public transport.</i>	46	30%	61%	9%	Feedback will be considered as part of drafting of the consolidated Development Control Plan.
<i>Suggested design requirements for car parking areas.</i>	34	39.5%	46%	14.5%	Feedback will be considered as part of drafting of the consolidated Development Control Plan.
<i>Apply consistent cycle parking rates.</i>	39	41.3%	22.7%	36%	Feedback will be considered as part of drafting of the consolidated Development Control Plan.
Environmental sustainability					
<i>Consistently zone public bushland reserves E2 Environmental Conservation</i>	39	82%	10%	8%	It is recommended to consistently zone all public bushland reserves E2 Environmental Conservation to provide stronger protection to these sites. Some minor changes to the sites to be rezoned are proposed, such as rezoning additional bushland sites in Epping and not rezoning some land in Beecroft following advice from the Office of Environment and Heritage.
<i>Map important vegetation on private land in the LEP.</i>	31	61%	29%	10%	It is recommended to map significant vegetation on privately owned land in the LEP to ensure development appropriately considers potential impact on biodiversity. No changes to the suggested sites identified in the Discussion Paper are proposed at this stage.
<i>Consistently zone natural waterway corridors W1 Natural Waterways.</i>	31	90%	6%	3%	It is recommended to consistently zone waterway corridors through public land to W1 Natural Waterways to provide stronger protection to these sites. No changes to sites identified for rezoning in the Discussion Paper are recommended.
<i>Map all natural waterway corridors through private land in the LEP.</i>	31	77%	19%	3%	It is recommended to map natural waterway corridors in the LEP so the potential impacts of development on waterways are properly considered. It is proposed to add an additional waterway, Pendle Creek, to the LEP waterways and riparian land map.
<i>Apply Parramatta DCP tree and vegetation protection controls across LGA.</i>	44	48%	43%	9%	These matters relate to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft consolidated DCP is reported back to Council.
<i>Require a 10m buffer zone to bushland.</i>	35	71%	23%	6%	
<i>Require a 10m buffer zone to waterways.</i>	34	76%	21%	3%	

Suggested policy	Total responses on this matter	In support	Not in support	Unclear	Officer recommendation
<i>Updated stormwater management controls.</i>	24	71%	17%	12%	
<i>Restrict sensitive uses on flood prone land.</i>	36	72%	22%	6%	
<i>Updated energy and water efficiency targets.</i>	27	81%	11%	7%	
<i>Require solar panels on large scale retail and industrial development.</i>	24	74%	22%	7%	
<i>Require dual piping in high density residential and large scale non-residential development.</i>	23	83%	13%	4%	
Design and heritage controls					
<i>Adopt a precinct-based approach to design competition requirements.</i>	16	75%	12.5%	12.5%	It is recommended to adopt design excellence provisions in the LEP that take a precinct-based approach.
<i>Recognise the Design Excellence Advisory Panel (DEAP) through the LEP.</i>	17	65%	18%	18%	It is not recommended to include specific provisions in the LEP relating to DEAP. This will continue to operate as a separate process applying across the LGA.
<i>Extend the DCP Aboriginal Heritage Sensitivity Map to all parts of the LGA.</i>	19	84%	16%	-	It is recommended to undertake further work to extend the Aboriginal Heritage Sensitivity Map to all parts of the LGA. This work will be undertaken as part of the preparation of the draft consolidated DCP.
Rationalising land use zones					
<i>Wentworth Point - Move Provisions from SREP 24 into LEP.</i>	2	100%	-	-	It is recommended to rationalise LEP land use zones as outlined in the Discussion Paper to reduce complexity and apply more appropriate zonings to these sites. Some of these zones only apply to a small number of sites and/or do not reflect current uses.
<i>Removal of the R1 General Residential Zone.</i>	18	55%	17%	28%	
<i>Removal of the RU3 Forestry Zone.</i>	18	61%	17%	23%	
<i>Removal of the E3 Environmental Conservation Zone.</i>	20	70%	10%	20%	
<i>Removal of the E4 Environmental Living zone.</i>	20	55%	15%	30%	

Attachment 4





ALTERNATIVE OPTION FOR DUAL OCCUPANCY PROHIBITION AREAS