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# Plan finalisation report – PP-2020-3106

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Parramatta Local Environmental Plan 2023

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# 1 Introduction

## 1.1 Name of draft LEP

This reports relates to the Parramatta Local Environmental Plan 2023 (Parramatta LEP 2023).

The boundaries of the Parramatta Local Government Area (LGA) were amended on 12 May 2016 to incorporate land from:

- the former Auburn LGA,
- the former Holroyd LGA,
- Hornsby LGA, and
- The Hills LGA.

Following this boundary amendment five Local Environmental Plans (legacy LEPs) remained in effect in the Parramatta LGA:

- Auburn LEP 2010,
- Holroyd LEP 2013,
- Hornsby LEP 2013,
- Parramatta LEP 2011, and
- Parramatta (former The Hills) LEP 2012.

The Parramatta LEP 2023 has been prepared to provide a consolidated LEP that applies across the entire LGA. The LEP aims to harmonise the five existing LEPs through the following guiding principles:

- carrying forward most of the provisions contained in the legacy LEPs,
- creating a common set of objectives, land use tables and clauses for the LGA,
- simplifying and bringing consistency to the planning controls across the LGA,
- implementing the relevant Priorities and Actions of the Parramatta Local Strategic Planning Statement, and
- addressing anomalies in the written instruments and rectifying mapping errors.

In addition, the LEP includes amendments to:

- Change land uses permitted in certain areas, as a result of the creation of a common set of land use tables.
- Change the minimum lot size, height of buildings (building height), floor space ratios (FSR) applying to certain low and medium density residential zoned land.
- Introduce FSR controls into residential areas in locations where they were not previously applied.
- Facilitate changes to the zoning of some sites to reduce complexity and anomalies in the local land use planning framework.
- Adopt recent state planning reforms and finalised LEP amendments including new Employment Zones reform and Parramatta CBD planning controls.

A copy of City of Parramatta Council's (Council) planning proposal seeking to make the LEP is provided at **Attachment A**.

A copy of the draft Parramatta LEP 2023 is attached as **Attachment LEP**.

## 1.2 Site description

The Parramatta LEP 2023 applies to land in the current City of Parramatta LGA, incorporated from parts of the former Auburn and Holroyd LGAs, and parts of the Hornsby and The Hills LGA. The land subject of the planning proposal is identified in **Figure 1**.

Parramatta LGA is situated in the south of the Central District of Greater Sydney. The population was 235,000 in 2016 with an area of 82km<sup>2</sup>. The LGA stretches from Epping and Sydney Olympic Park in the east to the suburbs of Winston Hills, Toongabbie and Pendle Hills in the west.

The Central City District Plan identifies:

- a metropolitan centre of Greater Parramatta (including Parramatta CBD and Westmead),
- strategic centres of Sydney Olympic Park and Epping,
- local centres of Carlingford, Ermington, Granville, Newington, North Rocks, Northmead, Pendle Hill, Rosehill, Rydalmere, Telopea, Toongabbie, Wentworth Point and Winston Hills,
- urban services areas of Camellia East, Rydalmere and Silverwater, and
- a mixture of low and medium density residential in the remainder of the LGA.

The LGA contains 450 hectares (ha) of significant bushland areas and 65 kilometres (km) of natural waterways. The LGA also contains 859 ha of parks, reserves and sportsgrounds with significant open space provided at Bicentennial Park, Newington Nature Reserve and Parramatta Park.

The Parramatta LEP 2023 does not apply to the following land within the Parramatta LGA, also identified in **Figure 1**:

- Sydney Olympic Park Precinct (under *Sydney Olympic Park Authority Act 2001* and State Environmental Planning Policy (Precincts—Central River City) 2021), and
- Homebush Bay (under State Environmental Planning Policy (Precincts—Central River City) 2021) (formerly Sydney Regional Environmental Plan No 24 – Homebush Bay Area).

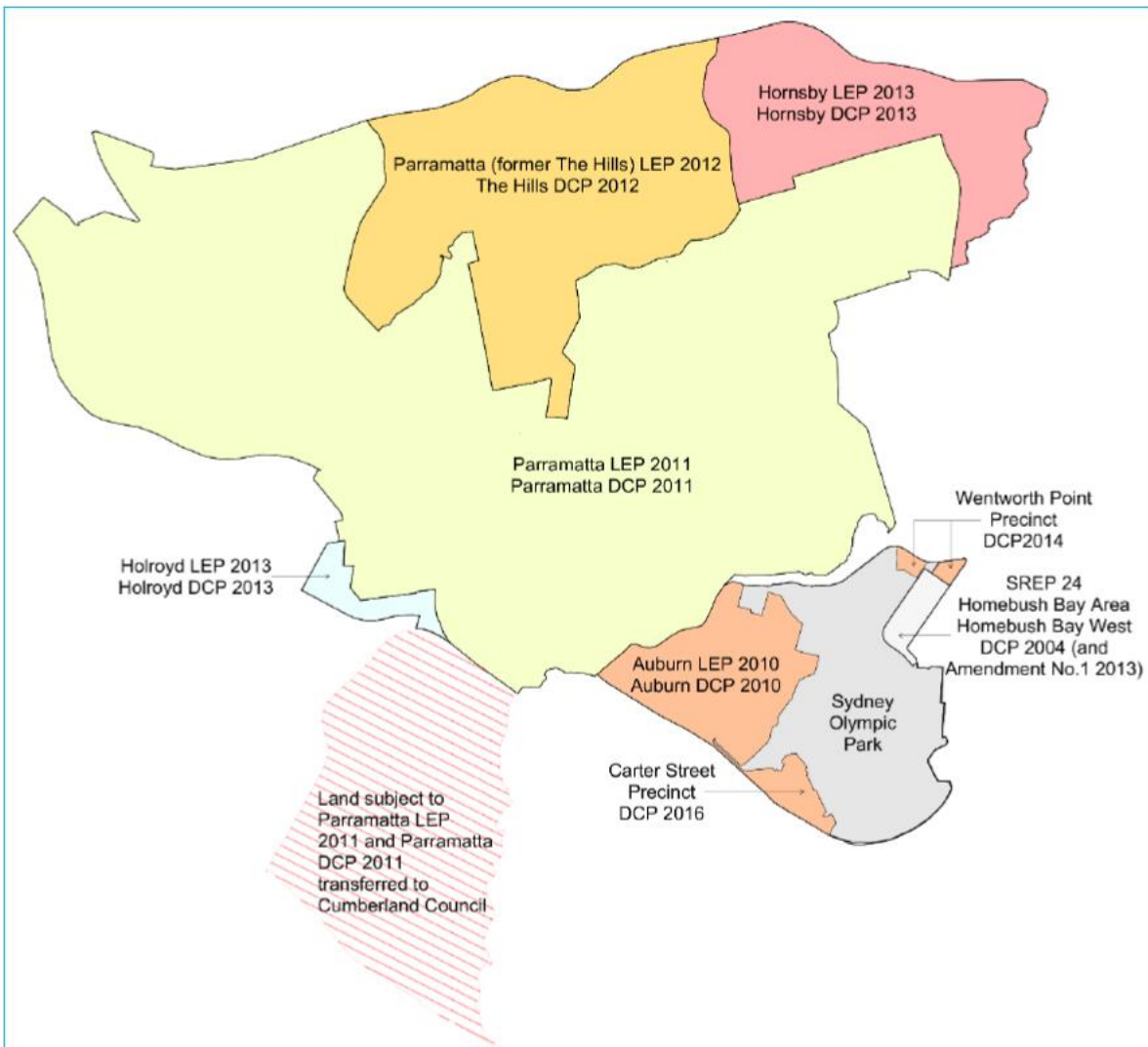


Figure 1: Strategic plans applying to Parramatta LGA

## 1.3 Purpose of plan

Parramatta LEP 2023 is Council's new consolidated LEP and is comprised of a written instrument and maps. The structure of the LEP is consistent with the *Standard Instrument – Principal Local Environmental Plan* (the Standard Instrument). The written instrument is comprised of eight parts, six schedules and a dictionary. An overview of the written instrument is provided below.

### 1.3.1 Part 1 – Preliminary

Part 1 of the proposed LEP (**Attachment LEP**) comprises all the preliminary provisions of the written instrument that guide its operation. All clauses are in accordance with the Standard Instrument, with the exception of:

- Clause 1.8A Savings provisions relating to development applications, which is based on a model clause requiring development applications lodged before the commencement of the Plan to be determined as if the Plan had not commenced.
- Clause 1.9A Suspension of covenants, agreements and instruments is based on a model clause that suspends any private agreement, covenant or other similar instrument that would restrict the carrying out of development.

### 1.3.2 Part 2 – Permitted or Prohibited Development

Part 2 of the proposed LEP seeks to incorporate Standard Instrument clauses 2.1 to 2.7 and adopts optional Standard Instrument clause 2.8 to permit the temporary use of land for a maximum period of 52 days in any 12-month period.

The proposal also incorporates Standard Instrument land use zones which are a composite of all existing land use zones in the Parramatta LGA under the various existing LEPs, except for the updated Employment zones. Employment zones will be applied consistently with the proposed Employment Zones reform (refer section 4.4.4 of this report).

Each zone in the Land Use Table specifies:

- (a) the objectives for development,
- (b) development that may be carried out without development consent,
- (c) development that may be carried out only with development consent,
- (d) development that is prohibited.

The proposed land use zones identified for the Land Use Table and related Land Zoning Map are listed below:

#### **Residential Zones**

**R2 Low Density Residential**  
**R3 Medium Density Residential**  
**R4 High Density Residential**

#### **Employment Zones**

**E1 Local Centre**  
**E2 Commercial Centre**  
**E3 Productivity Support**  
**E4 General Industrial**  
**E5 Heavy Industrial**

#### **Mixed Use Zones**

**MU1 Mixed Use**

#### **Special Purpose Zones**

**SP1 Special Activities**  
**SP2 Infrastructure**

#### **Recreation Zones**

**RE1 Public Recreation**  
**RE2 Private Recreation**

#### **Conservation Zones**

**C2 Environmental Conservation**

#### **Waterway Zones**

**W1 Natural Waterways**  
**W2 Recreational Waterways**



The Land Use Tables have been drafted using both 'open' and 'closed' zones having regard to the zones recommended in the Department's Practice Note 11–002 Preparing LEPs using the Standard Instrument: Standard Zones. Open zones allow activities to be undertaken, even those not explicitly mentioned, and closed zones are more restrictive.

The proposal seeks to prohibit centre-based child care facilities in the E4 General Industrial zone (formerly IN1 General Industrial and IN2 Light Industrial) and RE1 Public Recreation zones. This change is supported as centre-based child care facilities are not a Standard Instrument mandated land use in any of these three zones and the Parramatta Community Infrastructure Strategy (July 2020) identified priorities and catchment based locations for future intended child care infrastructure (refer section 4.5 of this report).

The proposal also seeks to prohibit residential flat buildings in the R3 Medium Density Zone for the land in the former Hornsby LGA to be consistent with the permissibility of the R3 zone in the rest of the Parramatta LGA. This is also supported to allow for greater division between the residential zones.

The permissible and prohibited land uses proposed in the various zones have been reviewed having regard to Government policy, including Ministerial Directions and State Environmental Planning Policies, as well as the various objectives proposed for the zones. Various land uses proposed to be permitted have not been supported for inclusion as permissible land uses. These include dual occupancies and semi-detached dwellings in the R4 High Density Residential zone and residential flat buildings in the E1 Local Centre zone (formerly B1 Neighbourhood Centre and B2 Local Centre) (refer to section 4.3 of this report). A separate provision will prohibit the residential uses on the ground floor street frontages in the E1 zone (refer section 4.3 of this report).

The proposal also seeks to include an additional permitted land use clause in this Part. The clause refers to Schedule 1 of the Plan and states that certain development on certain land nominated in the schedule is permitted even though the development is not included in the Land Use Table for the zone. There are a total of 17 additional permitted uses clauses proposed by Parramatta Council. All items are mapped on the Additional Permitted Uses Map.

The clauses consolidate all existing additional permitted use clauses from Schedule 1 of the legacy LEPs applying to land in the Parramatta LGA. The following additional clauses have also been added to the schedule:

- Insert a new provision relating to land at John Wearne Reserve, 21Z Farnell Avenue, Carlingford to permit centre-based child care facilities on RE1 zoned land where it would otherwise be prohibited. This land is developed with an existing child care centre and the additional permitted use is considered acceptable to provide this social infrastructure.
- Insert a new provision relating to land at 14 and 16 Maida Road, Epping to permit residential flat buildings (RFBs) on R3 zoned land where it would otherwise be prohibited. This land is located between recently completed RFB development and an additional permitted use is considered acceptable to avoid isolating the site.
- Translate the provisions of clause 6.10 of Auburn LEP 2010 relating to land at Wentworth Point Maritime Precinct into Schedule 1 and remove this site from the existing Key Sites Map. The addition of this clause considered acceptable as it is a direct translation from an existing legacy LEP.

### **Proposed Rezoning**

The proposed LEP seeks to apply the C2 Environmental Conservation zone (formerly known as the E2 Environment Conservation zone) consistently to all public bushland reserves in the LGA, to enhance the recognition and protection of important environmental assets and ensure a consistent approach is taken to managing development impacts. It is also proposed to rezone certain sites from E3 Environmental Management and E4 Environmental Living to C2 Environmental Conservation, to enhance their environmental protection.

The proposal also seeks to rezone 115 lots located in North Rocks, Northmead and Carlingford from R3 to R2 residential, identified in the planning proposal as items 11A, 11B, 12A and 12B. Council considers that these sites are significantly constrained and inappropriate for medium density residential development, and that the R2 zone is a better reflection of the intended character and scale of development in these areas than the current R3 zoning. The Department supports the proposed rezoning for item 11A but has retained the existing zoning for the remaining three items (refer to section 3.4 of this report).

### 1.3.3 Part 3 – Exempt and Complying Development

Part 3 of the proposed LEP allows certain minor and routine development to be undertaken either without development consent or with certification by Council or an accredited certifier and are consistent with clauses 3.1 to 3.3 of the Standard Instrument LEP. The Exempt Development Schedule includes “temporary events on council land (including markets)” and “advertising on bus shelters.” There are no proposed developments listed under the Complying Development Schedule of the proposed LEP. This part is consistent with the *SEPP (Exempt and Complying Development Codes) 2008* (refer section 4.4.2 of this report).

### 1.3.4 Part 4 – Principal Development Standards

Part 4 of the proposed LEP includes the principal development standards such as minimum lot sizes, building height and FSR, along with any exceptions to any development standards. These provisions are supported by Minimum Lot Size, Height of Building and Floor Space Ratio Maps (**Attachment MCS**). The key changes to the principal development standards are summarised below:

#### A. Minimum subdivision lot size

The proposed LEP seeks to prescribe standardised minimum lot sizes for subdivisions in all residential zones through the optional Standard Instrument clause 4.1 and an accompanying Lot Size Map. Under the proposed controls, the majority of the R2 Low Density Residential zone will be standardised to 550sqm minimum lot size, except for land in the former The Hills LGA which will retain its 700sqm minimum lot size, and land in Newington where no minimum lot size applies.

The proposal also seeks to increase the minimum size of a battle-axe lot from 500sqm to 670sqm (excluding access corridor) for most residential land, except where the minimum lot size is greater than 670sqm, such as the former The Hills LGA, and land in Newington where no minimum lot size applies. However, this is not supported by the Department as the proposal is not adequately justified and will have a significant impact on housing supply. The Department has made post exhibition amendments to remove this change (refer to section 3.4 of this report).

#### B. Minimum lot size for community title schemes

The proposed LEP seeks to include the optional Standard Instrument clause 4.1AA requiring subdivision under the *Community Land Development Act 1979* to meet the minimum lot size shown on the Lot Size Map. The clause will apply to Community Title subdivision in the R2 zone.

The proposal also seeks to include a subclause to require battle-axe lots to be a minimum of 670sqm (excluding the area of the access handle), except where the mapped minimum lot size is greater than 670sqm, such as the former The Hills LGA, in which case the higher minimum lot size applies. As above, this is not supported by the Department (refer to section 3.4 of this report).

#### C. Minimum subdivision lot size for strata plan schemes in certain zones

The proposed LEP seeks to include a clause to apply to residential accommodation or tourist and visitor accommodation in the R2 zone. The clause will require any proposed strata subdivision to comply with the minimum lot size shown on the Lot Size Map. This clause was originally part of the Hornsby LEP 2013 and will be applied across the whole Parramatta LGA under the proposed LEP.

The proposal also seeks to include a subclause to require battle-axe lots to be a minimum of 670sqm (excluding the area of the access handle), except where the mapped minimum lot size is greater than 670sqm, such as the former The Hills LGA, in which case the higher minimum lot size applies. However, this is not supported by the Department as the proposal is not adequately justified and will have a significant impact on housing supply. The Department has made post exhibition amendments to the planning proposal to remove this change (refer to section 3.4 of this report).

#### **D. Exceptions to minimum lot size for certain residential development**

The proposed LEP (**Attachment LEP**) seeks to include a clause to permit subdivision of multi-dwelling housing into lots smaller than the minimum lot size shown on the Lot Size Map if one dwelling will be situated on each lot resulting from the subdivision. The clause would apply to the subdivision of R3 and R4 lands into 3 or more lots. The clause includes the intended objective to encourage housing diversity without adversely impacting residential amenity.

#### **E. Minimum lot sizes for dual occupancies and manor houses**

The existing Parramatta LEP 2011 prescribes a 600sqm minimum lot size for dual occupancy development through an additional local provision clause under Part 6. The proposed LEP seeks to retain this control and apply it as an LGA wide standard through a development control clause under this Part. It is also proposed to include a 600sqm minimum lot size under this Part for manor houses in the R4 zone. Additionally, it is proposed to require these lots to have a minimum primary road frontage of 15m measured along the site boundary line.

#### **F. Consistency of building height controls**

The planning proposal seeks to change the building height controls applying to certain sites for consistency across the LGA, by either increasing or decreasing the controls. The proposed changes apply to a small number of lots including approximately 370 residential lots in the former Holroyd, Hornsby, and The Hills land as follows:

- Increase the building height control applying to R2 zoned land under the Hornsby LEP 2013 from 8.5 metres to 9 metres.
- Increase the building height control applying to R3 zoned land under the Auburn LEP 2012 and Parramatta (former The Hills) LEP 2012 from 9 metres to 11 metres except for the Newington Community Title development which is to be retained as 9 metres.
- Reduce the building height control to R3 zoned land under Hornsby LEP 2013 from 12 metres to 11 metres.
- Reduce the building height control applying to R4 zoned land west of Church Street, Parramatta and under Holroyd LEP 2013 from 15 metres to 14 metres.
- Apply a building height control to land at 482-500 North Rocks Road, Carlingford of 9 metres.
- Remove existing building height controls from public streets and roads consistent with the approach taken under Parramatta LEP 2011.
- A small number of minor updates to the building height control applying to specific sites, associated with proposed zoning changes.

The Department does not support the proposed height changes to R3 zoned land as, combined with the proposed 0.6:1 FSR discussed below, it is considered to have a significant adverse impact on the housing diversity in the LGA (refer to section 4.3.1 of this report for assessment). The Department has amended the proposed LEP by removing the proposal described above to amend the building height control applying to R3 zoned land under the Auburn LEP 2012, Parramatta (former The Hills) LEP 2012 (except for the Newington) and Hornsby LEP 2013.

### **G. Consistency of Floor Space Ratio controls**

The proposed LEP seeks to introduce a standard 0.5:1 FSR control for 223 R2 zoned lots in the former Hornsby and The Hills land, which currently have no FSR control. This FSR is consistent with the majority of R2 zoned lots under the Parramatta LEP 2011 and all R2 zoned lots under the Holroyd LEP 2013, and will assist in standardising the provisions for R2 lots in the LGA.

### **H. Floor Space Ratio for land in R3 Medium Density Residential Zone**

The proposed LEP seeks to introduce a standard FSR of 0.6:1 for all R3 zoned land. The Department does not support this change as it is considered to have a significant adverse impact on the housing diversity in the LGA through a reduction in potential gross floor area (refer to section 4.3.1 of this report for assessment). The Department has amended the proposed LEP by removing the proposal to introduce a standard FSR of 0.6:1 for R3 zoned land.

### **I. New FSR controls for certain R4 High Density Residential Land**

The proposed LEP seeks to amend the FSR control for approximately 292 lots to generally standardise FSRs relative to building height controls. These FSRs are variable and range from 0.8:1 to 3.8:1. The Department is supportive of these changes noting the need to update controls for a site at 23-25 Windsor Road, Northmead to reflect a recent site specific amendment. The LEP has been updated to reflect the most recent FSR for 23-25 Windsor Road, Northmead (from 22 May 2022) (refer section 3.4 of this report).

## **1.3.5 Part 5 – Miscellaneous Provisions**

Part 5 of the Plan includes various miscellaneous provisions, including Land Reservation Acquisition and Heritage Conservation provisions. The clauses are generally consistent with the Standard Instrument, with no changes to existing acquisition liabilities, or classification or reclassification, of public land proposed.

The proposed LEP will include new mandatory provisions under the Standard Instrument LEP, being clauses 5.20 Standards that cannot be used to refuse consent – playing and performing music and 5.21 Flood planning.

Schedule 5 Heritage Items will be renumbered and property descriptions updated as required, in accordance with a submission from Heritage NSW.

## **1.3.6 Part 6 – Additional Local Provisions**

Part 6 of the Plan includes the following additional local provisions inserted by Council to provide controls relevant to the local environment. These provisions are supported by maps and planning controls. In summary, these provisions cover matters relating to environmental matters such as biodiversity, storm water management and foreshore building lines, as well as other matters such as location of sex services premises, dual occupancies, design excellence, Concurrence of the Planning Secretary, and specific provisions for development at Westmead, Granville and Telopea.

The provisions are largely based on the additional local provisions in the existing LEPs that apply to the Parramatta LGA and are considered suitable. However, some changes have been made from the planning proposal's draft LEP submitted by Council to ensure the draft LEP reflects all current provisions, including those adopted through recent planning processes.

## **1.3.7 Part 7 – Additional Local Provisions – Parramatta City Centre**

Part 7 of the Plan includes additional local provisions adopted from recent amendments to the planning controls for the Parramatta City Centre.

## **1.3.8 Additional amendments**

The proposed LEP includes the additional following amendments.

## A. Dual occupancy development prohibition and permissibility

### Dual occupancy prohibition

The planning proposal sought to expand the existing dual occupancy prohibition area in the R2 zone, identified in the Dual Occupancy Prohibition Map to:

- translate existing dual occupancy prohibition from the former Hornsby LGA,
- replace the existing prohibition of subdivision of dual occupancy developments within the former Hills Shire LGA with the general prohibition of dual occupancy development,
- expand the prohibition area to cover R2 residential areas in Dundas, Dundas Valley, Eastwood and Epping,
- include the extent of the Harris Park Heritage Conservation Area and reservation corridors for anticipated transit links in Parramatta.

Council discusses the preservation and expansion of the dual occupancy prohibition area in its Quantitative analysis of proposed amendments to residential zones (**Attachment A1**) and Dual Occupancy constraints analysis – Technical Paper December 2019 (**Attachment A2**) (dual occupancy technical paper).

The Department does not support the proposal for additional dual occupancy prohibition except lots located in Heritage Conservation areas and in areas identified for future mass transit corridors (such as Parramatta to Epping). Refer to section 4.1 of this report for a full assessment of these issues.

### Dual occupancy permissibility

The proposed LEP seeks to enable dual occupancies for 89 R2 zoned lots on the north side of Carlingford Road, Epping to be consistent with other residential land on the south side of Carlingford Road, to which the Parramatta Local Environmental Plan 2011 applies. It is noted Parramatta Local Environmental Plan 2011 (Map Amendment No 5) and Hornsby Local Environmental Plan 2013 (Map Amendment No 2) were made on 4 November 2022 to permit dual occupancy development for 86 of these lots. This amendment and 3 additional lots not included in the mapping amendment will be incorporated in to the LEP to permit dual occupancies.

The proposed LEP seeks to enable dual occupancies permissibility on R3 and R4 zoned land in Epping. Dual occupancies are currently prohibited on land in the former Hornsby LGA (under the Hornsby LEP 2013).

The proposed LEP also seeks to include a clause similar to clause 6.11 Dual occupancies in Zones R2, R3 and R4 from Parramatta LEP 2011 seeking to only permit detached forms where the site contains a heritage item, is within the South Parramatta Conservation Area or has multiple street frontages.

## B. Additional amendments

The planning proposal includes a number of proposed amendments that are considered appropriate as they will address inconsequential anomalies, better reflect the existing use of the sites, are small in scale and will not result in any intensification of development. Any specific site characteristics will be addressed in future development applications.

## 1.4 State electorate and local members.

The proposed LEP falls within the following state electorates (State Member):

- Auburn (Ms Lynda Voltz MP),
- Baulkham Hills (Hon David Elliot MP),
- Epping (Hon Dominic Perrottet MP),

- Granville (Ms Julia Finn MP),
- Parramatta (Hon Dr Geoff Lee MP).

The proposed LEP falls within the following federal electorates (Federal Member):

- Bennelong (Mr John Alexander MP),
- Berowra (Mr Julian Leeser MP),
- Mitchell (Hon Alex Hawke MP),
- Parramatta (Ms Julie Owens MP),
- Reid (Dr Fiona Martin MP).

Hon Dr Geoff Lee MP made representations on behalf of a constituent seeking dual occupancy development to be permissible in their suburb (**Attachment A3**).

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

## 2 Gateway determination and alterations

The Gateway determination and alterations related to the planning proposal are attached (**Attachment B**). The Gateway determination issued on 16 April 2020 specified that the planning proposal should proceed subject to conditions. Council has generally met the Gateway determination conditions, with the exception of the timeframe for submitting the LEP to the Department for finalisation as outlined in the **Table 1** below.

On 3 July 2020, a Gateway alteration was issued which extended the timeframe within which the LEP must be submitted for finalisation from 30 June 2020 to 31 August 2020.

On 20 October 2020, a further Gateway alteration was issued which extended the timeframe within which the LEP must be submitted for finalisation to 30 June 2021.

Council submitted the planning proposal for finalisation on 7 September 2021. Given the complexity of the proposed LEP, the Department considers the later than anticipated submission of the planning proposal to be acceptable.

**Table 1: Gateway conditions consistency**

No.	Condition	Comment
1	<p>Prior to public exhibition the planning proposal be amended to:</p> <ul style="list-style-type: none"> <li>✓ (a) clarify the intent to include a savings provision in the new LEP;</li> <li>✓ (b) address consistency with the endorsed LSPS;</li> <li>✓ (c) remove the proposal to exclude the application of Clause 4.6 to dual occupancy and manor house minimum lot size requirement;</li> <li>✓ (d) correct errors and anomalies;</li> <li>✓ (e) consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1</li> </ul>	<p>Condition met, refer to various relevant sections of this report.</p> <p>Condition 1(g) required Council to complete a quantitative analysis to be exhibited with the planning proposal. An assessment of Council's quantitative analysis, dual occupancy constraints analysis and dual occupancy technical paper is provided in section 4.1 of this report.</p>

No.	Condition	Comment
	<p>Direction 4.4 Planning for Bushfire Protection and address any comments from this agency; and</p> <p>✓ (f) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process.</p> <p>✓ (g) for the proposed amendments to the residential zones under Direction 3.1 provide a quantitative analysis (where possible) to assess the impacts of the proposal on housing diversity and supply, as follows:</p> <ul style="list-style-type: none"> <li>✓ i. the number of lots affected by the rezoning or amendment to the development controls;</li> <li>✓ ii. the number of reduced potential dwellings from the rezoning or amendment to the development controls;</li> <li>✓ iii. the number of potential lots that would be eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the rezoning of the R3 zone to R2 zone, considering the SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions); and</li> <li>✓ iv. the number of dwelling approvals for the existing control in the past five years.</li> </ul>	
2	Public exhibition requirements	Condition met, refer to section 3 of this report.
3	Council to notify landowners affected by proposed rezonings and significant changes, including dual occupancy prohibition, reduction of FSRs in former Hornsby.	Condition met, refer to section 3 of this report.
4	Agency consultation requirements	Condition met, refer to section 3 of this report.
5	Public hearing not required	Condition met, no public hearing was undertaken.
6	Prior to finalisation, Council is to submit their adopted Local Housing Strategy	Condition met, refer to section 4.2 of this report.
7	Timeframe for finalisation	Condition altered as described above and timeframe considered acceptable.

### 3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the planning proposal was publicly exhibited by Council from 31 August 2020 to 12 October 2020. Additional notification was extended to over 1,800 stakeholders as required by condition 3 of the Gateway determination.

Following exhibition the proposal was reported to the Local Planning Panel on 29 June 2021 (**Attachment C1**).

At Council's Ordinary Meeting on 21 July 2021, Council resolved to proceed with the planning proposal (**Attachment C**). The post-exhibition report to Council is attached as **Attachment C1**.

A total of 320 submissions were received from individuals and organisations in response to the public exhibition. The majority (236 submissions, or 76%) were objections to one or more aspects of the proposal.

There were various recurring themes received in the submissions. This section summarises key matters raised in community submissions: dual occupancy prohibition changes, 'down zonings' from R3 to R2 residential, new subdivision controls for R2 zones, reduced FSRs, new FSR controls for R4 zones, and miscellaneous/other.

#### 3.1 Community submissions and concerns raised

Of the total 320 community submissions received, 285 from individuals, 21 from public agencies and elected officials and 14 from organisations and consultants. The vast majority of submissions related to the issue of dual occupancy development. Key issues discussed in **Table 2** below.

**Table 2 Summary of Key Issues**

Issues raised	Council response and Department assessment of adequacy of response
<b>Dual occupancy prohibition</b>	
<p><b>Submissions summary</b></p> <p>Total: 219 (77% of individual submissions)</p> <p>Oppose: 186 (85% of above total)</p> <p>Support: 31 (15% of above total)</p> <p><i>Opposition</i></p> <ul style="list-style-type: none"> <li>• Dual occupancies are in high demand and support family networks.</li> <li>• The prohibition mapping is unfair or inconsistently applied.</li> <li>• Prohibition is an inappropriate response to perceived site constraints.</li> <li>• Prohibition adversely impacts on housing diversity and affordability.</li> </ul>	<p><b>Council response:</b></p> <ul style="list-style-type: none"> <li>• The planning proposal seeks to prohibit dual occupancy development where it is currently prohibited under existing controls. It also seeks to prohibit dual occupancies in areas identified as unsuitable by Council's Dual Occupancy Constraints Analysis (primarily Epping, Eastwood, Dundas and Dundas Valley), (refer section 1.3.6 of this report).</li> <li>• Council's proposed dual occupancy prohibition provisions are consistent with the recommendations of Council's Local Housing Strategy that identifies key focus areas for housing diversity within future Growth Precincts (which includes the CBD, North Parramatta, Telopea and Melrose Park).</li> <li>• More than 50 years supply of R2 zoned land would remain available for dual occupancy development (as noted in Council's Local Housing Strategy and calculated based on historical construction certificates issued).</li> <li>• In response to concerns about extended families being unable to live on a single lot, Council notes that the Harmonisation planning proposal does not change provisions that allow for secondary dwellings under the State Environmental Planning Policy (Housing) 2021.</li> </ul>



Issues raised	Council response and Department assessment of adequacy of response
<ul style="list-style-type: none"> <li>• Prohibition prevents urban renewal and improvements to local character.</li> <li>• Prohibition will adversely financially impact landowners.</li> <li>• The inclusion of lots &lt;600sqm on a prohibition map does not allow for errors in Council's data or boundary adjustments.</li> <li>• Prohibition does not reflect the preferences of the community, including those expressed during consultation of Council's Harmonisation Discussion Paper 2019 for fewer prohibition areas.</li> <li>• The merits of a dual occupancy should be considered on a case by case basis, not a blanket rule.</li> </ul> <p><i>Support</i></p> <ul style="list-style-type: none"> <li>• Dual occupancies adversely impact local character of R2 zones and should be located in R3 or R4 zones.</li> <li>• Dual occupancies adversely affect amenity in terms of additional traffic congestion, reduced street parking, pedestrian safety, noise, loss of trees, privacy and solar access.</li> <li>• Nine submissions related to dual occupancy controls in Simpson, Lois and Naomi Streets, Winston Hills area. Six submissions supported dual occupancy development. Two submissions (including a petition from 11 impacted properties) requested a prohibition of dual occupancies in the area.</li> </ul>	<ul style="list-style-type: none"> <li>• In response to concerns relating to recently lodged and/or approved dual occupancies, Council notes that savings provisions apply to applications which are already lodged.</li> <li>• In response to concerns about mapping lots &lt;600sqm, Council's post exhibition amendments propose to rely only on the exhibited 600sqm minimum lot size control.</li> </ul> <p><b>Department assessment:</b></p> <ul style="list-style-type: none"> <li>• The Department has reviewed the community's submissions and is satisfied that the Council report has adequately summarised them.</li> <li>• The Department has considered the dual occupancy prohibition aspects of the planning proposal and is not supportive of the proposal in its current form. The Department's analysis has found that the proposed changes would significantly impact dual occupancy supply and is inconsistent with section 9.1 Direction 6.1 (previously 3.1) Residential Zones and State Environmental Planning Policy (Housing) 2021. The Department has made post-exhibition changes to the planning proposal to address these concerns (refer section 4.2 of this report).</li> <li>• The Department notes, in response to requests for further dual occupancy prohibition in Winston Hills, that Council resolved on 12 July 2021 to prepare a separate planning proposal for this area. On 13 December 2021 the Department issued a Gateway determination for the Winston Hills dual occupancy prohibition planning proposal (PP-2021-6629) determining the proposal should not proceed as it did not demonstrate strategic or site specific merit. City of Parramatta Council requested a gateway review be undertaken by the Independent Planning Commission (IPC) on 31 January 2022. On 26 April 2022, the IPC provided advice that the Gateway determination for the planning proposal should not be amended and that the planning proposal should not proceed.</li> </ul>

<b>Downzoning sites from R3 Medium Density Residential to R2 Low Density Residential</b>	
<p><b>Submissions summary</b></p> <p>Total: 19 (7% of individual submissions)</p> <p>Oppose: 8 (42% of above total)</p> <p>Support: 11 (58% of above total)</p>	<p><b>Council's Response:</b></p> <ul style="list-style-type: none"> <li>• R2 residential is a better reflection of intended character and scale than the current R3 zoning for the identified lots.</li> <li>• The identified lots are generally significantly constrained and inappropriate for medium density residential development</li> </ul>

Issues raised	Council response and Department assessment of adequacy of response
<p><i>Opposition</i></p> <ul style="list-style-type: none"> <li>Downzoning will adversely impact property value and potential.</li> <li>Downzoning is unfair and contradicts pre-existing strategic direction</li> <li>Disagree that properties are not well suited for R3 development as some of the lots have already been developed as medium density.</li> </ul> <p><i>Support</i></p> <ul style="list-style-type: none"> <li>A small number of proforma style submissions supported downzoning generally, without providing any specific reason for the support.</li> </ul>	<ul style="list-style-type: none"> <li>The rezoning ensures consistency on both sides of Felton Road, Carlingford.</li> <li>Council's Quantitative analysis of proposed amendments to residential zones found that: <ul style="list-style-type: none"> <li>Few identified lots have been developed for medium density development under existing R3 controls.</li> <li>Various lot characteristics such as deep lots and limited road network permeability make well designed medium density housing difficult to achieve in these areas.</li> <li>The proposal is of minor significance and impact on housing supply</li> </ul> </li> </ul> <p><b>Department's Assessment:</b></p> <ul style="list-style-type: none"> <li>The Department has reviewed the community's submissions and is satisfied that the Council report has adequately summarised them.</li> <li>The Department has considered the proposal to downzone a total of 115 lots from R3 to R2. The Department's analysis found that some of the identified areas are significantly constrained and inappropriate for medium density residential development, but others are not. The Department is supportive of the proposal to amend zoning at Speers Road, North Rocks but not the other proposed lots, and has made post-exhibition amendments accordingly (refer section 3.4 of this report).</li> </ul>

New Subdivision Controls for R2 Low Density Residential zones	
<p><b>Submissions summary</b></p> <p>Total: 19 (7% of individual submissions)</p> <p>Oppose: 17 (89% of above total)</p> <p>Support: 2 (11% of above total)</p> <p><i>Opposition</i></p> <ul style="list-style-type: none"> <li>Increasing minimum lot size will adversely impact property value and potential.</li> <li>Increasing minimum lot size is unfair.</li> <li>Some submissions requested a larger minimum lot size.</li> <li>Disagree with strategic merit of increasing minimum lot sizes in undermining potential development.</li> </ul>	<p><b>Council's Response:</b></p> <ul style="list-style-type: none"> <li>The planning proposal has sought to balance long term strategic planning objectives with consistency across planning controls.</li> <li>Council notes that secondary dwellings are still permissible where subdivision is not.</li> <li>Council clarified that the proposal is to retain the existing (larger) minimum lot size in the former The Hills LGA to preserve the local character of this area.</li> <li>Council clarified that the new LEP will retain Clause 4.6 Exemptions to Development Standards.</li> </ul> <p><b>Department's Assessment:</b></p> <ul style="list-style-type: none"> <li>The Department has reviewed the community's submissions and is satisfied that the Council report has adequately summarised them.</li> <li>The Department has considered the proposal to increase the minimum lot size from 500sqm to 550sqm in the R2 zone and agrees with Council's position that this change is justified (refer section 4.1 of this report).</li> </ul>

Issues raised	Council response and Department assessment of adequacy of response
<ul style="list-style-type: none"> <li>Concerns about adverse impacts on housing diversity and affordability.</li> <li>Objections from multiple properties 700sqm or larger, including a request for a variation pathway.</li> <li>Opposition to reduced minimum lot size in Beecroft and Epping.</li> </ul> <p><i>Support</i></p> <ul style="list-style-type: none"> <li>General support for the standardisation of minimum lot size across the LGA.</li> </ul>	<ul style="list-style-type: none"> <li>The Department has considered the proposal to increase the minimum lot size for a battle-axe lot from 500sqm to 670sqm and concludes that the proposal is not adequately justified and will have a significant impact on housing supply (refer section 4.1 of this report). The Department has made post-exhibition amendments to the planning proposal to remove this change (refer section 3.4 of this report).</li> </ul>
Reduced FSRs	
<p><b>Submissions summary</b></p> <p>Total: 10 (3.5% of individual submissions)</p> <p>Oppose: 7 (70% of above total)</p> <p>Support: 3 (30% of above total)</p> <p><i>Opposition</i></p> <ul style="list-style-type: none"> <li>Objections raised to updated FSRs in Newington, Silverwater, Epping, Carlingford and Telopea.</li> <li>Reducing FSR controls is unfair and will adversely impact property value and potential.</li> <li>The FSR amendments in Silverwater are inconsistent with Clause 4.4(2A) of the Auburn LEP which enables a higher FSR for multi-dwelling housing.</li> <li>Council has inadequately informed residents about the existing and proposed planning controls.</li> </ul> <p><i>Support</i></p> <ul style="list-style-type: none"> <li>General support for the standardisation of FSRs across the LGA.</li> </ul>	<p><b>Council's Response:</b></p> <ul style="list-style-type: none"> <li>Council notes and supports the objection to updated controls in Newington and has altered the planning proposal to retain the existing FSR control in this area (refer section 4.1 of this report).</li> <li>The planning proposal has sought to balance long term strategic planning objectives with consistency across planning controls.</li> <li>Council's Urban Design team has reviewed the proposed controls and confirmed that appropriate development can be achieved under the proposed FSRs. Further, Council's Urban Design team also consider that higher densities previously proposed do not achieve optimal design outcomes.</li> </ul> <p><b>Department's Assessment:</b></p> <ul style="list-style-type: none"> <li>The Department has reviewed the community's submissions and is satisfied that the Council report has adequately summarised them.</li> <li>The Department has considered the proposal to standardise the FSR of all R2 zones to 0.5:1 and agrees with Council's position that this change is justified. The FSR is common in many R2 zones in the Sydney region, standardisation allows the harmonisation and simplification of the control, the proposal is unlikely to have significant impact on housing supply and the level of community objection was minimal.</li> <li>The Department has considered the proposal to standardise the FSR of all R3 zones to 0.6:1 and is not satisfied that this change has been adequately justified. The Department's analysis has found that the proposed change would promote lower density built forms such as dual occupancies, over medium density forms such as town houses despite their permissibility and have a negative impact on housing supply</li> </ul>

Issues raised	Council response and Department assessment of adequacy of response
	and diversity. The Department has made post-exhibition amendment to the planning proposal to remove this change (refer section 3.4 of this report).
<b>New FSR Controls for R4 High Density Residential Zones</b>	
<p><b>Submissions summary</b></p> <p>Total: 11 (4% of individual submissions)</p> <p>Oppose: 8 (72% of above total)</p> <p>Support: 3 (28% of above total)</p> <p><i>Opposition</i></p> <ul style="list-style-type: none"> <li>• Requests for site specific changes and/or exemptions, including requests to ensure floor space ratios (FSRs) to reflect current development applications (DAs) and approvals, for no FSR to apply and higher FSRs in general.</li> <li>• Submissions state insufficient urban design information has been released to enable the public to understand the proposed densities.</li> </ul> <p><i>Support</i></p> <ul style="list-style-type: none"> <li>• Requests were made for site specific changes/exemptions control changes.</li> </ul>	<p><b>Council's Response:</b></p> <ul style="list-style-type: none"> <li>• The proposed FSRs seek to match the existing building height controls. Additional density in Epping will only be supported if it addresses heritage, commercial floor space and open space issues identified in Council's 'Epping Planning Review'.</li> <li>• Additional density requested in Carlingford is neither merited nor required.</li> <li>• Council's Urban Design team note adding a FSR control will provide greater certainty and transparency for the built form and scale of these sites.</li> </ul> <p><b>Department's Assessment:</b></p> <ul style="list-style-type: none"> <li>• The Department has considered the proposal to introduce FSR controls for all parts of the R4 zone and supports Council's position that applying consistent development control mechanisms increases certainty and clarity (refer section 4.1 of this report).</li> <li>• However, since the Harmonisation proposal has been prepared, a number of site specific planning proposals have been finalised. The sites' planning controls in the new LEP will reflect the site specific planning proposals recently finalised (refer section 3.4 of this report).</li> </ul>

### 3.1.1 Other matters raised in submissions

Other matters raised by a small number of submissions are discussed below. These matters have been sufficiently noted and addressed by Council. The key issues are discussed further below. Council noted specific changes were not supported as the requests were not considered minor and cannot be progressed as post-exhibition amendments having regard to relevant legislation and case law. Council has advised that they need to be submitted as a separate planning proposal(s) accompanied by the necessary studies for consideration on their merits.

#### A. Submissions regarding Places of Worship (PoPW)

Objection was raised to the rezoning of PoPW from SP1 Special Activities to R2 Low Density Residential, and opposed the prohibition of PoPW in the R2 zone from landowners and their associated worship organisations. The Property Council of Australia supported the proposal.

Council notes that existing use rights adequately allow for the ongoing operation and merit-assessed expansion of existing PoPW, while also addressing R2 zone amenity concerns by encouraging gradual transition to preferred uses in the future.

## **B. Permissible uses in the IN1 General Industrial Zone**

A submission recommending that permissible uses within IN1 General Industrial zones be reviewed to enable a more diverse employment base for Silverwater, was not supported by Council. The request falls outside the scope of the planning proposal and is inconsistent with the existing local strategic planning framework.

## **C. Upzoning of Rose Street Precinct**

A request to upzone the Rose Street Precinct (from R2 to R4 residential) was not supported by Council. This area has been the subject of a Council resolution requiring a flood analysis to be completed before any rezoning can be progressed. The flooding work is still to be completed and is expected to be finalised some time in 2022. Council will address this through a separate planning process.

## **D. Mapped curtilages of Truganini House**

Amendments were requested to the mapped curtilage and listed name of heritage item 591 Truganini House as the later 1980s development on site is not of heritage significance. The heritage listed curtilage should be amended to identify only those elements on site which contribute to heritage significance. While Council supports the recommendations in principle, it considers the changes should be addressed through a separate planning process where they can be further justified. No change is proposed as part of the Parramatta Harmonisation LEP.

## **E. Permissibility of outdoor advertising**

Amendments were requested to the blanket ban on outdoor advertising. The requested amendments were not supported by Council as the changes are inconsistent with the intent of the planning proposal, have no strategic merit, and represent inappropriate planning outcome. Council notes the provisions of State Environmental Planning Policy – Industry and Employment 2021 (incorporating the former SEPP 64 – Advertising and Signage) continues to apply to building and business identification signage and the display of advertisements on transport corridors.

## **F. Kings School North Parramatta**

The Kings School in North Parramatta proposed amendments to the mapping of biodiversity corridors, riparian corridors, heritage listing, and other amendments. While Council supports the recommendations in principle, it considers the changes should be addressed through a separate planning process where they can be further justified. No change is proposed as part of the Parramatta Harmonisation LEP.

## **G. More medium density housing near Epping Town Centre**

A request for more medium density housing within walking distance from Epping Town Centre was not supported by Council based on the strategic planning merit assessment and long-term land use planning objectives of Council. Council's states that additional density will only be supported in and around the Epping Town Centre where it addresses heritage, commercial floor space and open space issues identified in the Epping Planning Review. Any other proposals to increase density are not supported due to the potential for adverse traffic issues in Epping. However, it is noted that dual occupancy development is proposed to be permitted in the R3 and R4 zone in the Epping Town Centre.

## **H. R3 and R4 zones near railway and main roads**

A request was made for more R3 and R4 zones near railways and main roads and to permit large sites over 800sqm in Oatlands to be redeveloped to increase population density near major corridors. A request was also made that large lots (<600sqm) throughout the entire LGA be redeveloped to increase densities near major corridors. Changes to zoning of land and development standards to support residential growth is considered in the Parramatta LSPS and LHS. Council does not support the recommendation to increase development capacity as it is out

of scope for this planning proposal and is inconsistent with existing strategic plans and the long-term land use planning objectives of Council.

### **I. Changes to FSR and minimum lot size for Carlingford and Telopea**

Objection was raised to the proposed built form controls in the R3 zone and recommendations made for smaller subdivision controls and higher building height and FSR controls, especially for areas near Carlingford and Telopea light rail. The recommended changes are not supported by Council as they are out of scope for the planning proposal and are inconsistent with the existing strategic plans and long-term land use planning objectives of Council.

### **J. Subdivision of existing dual occupancies**

A small number of submissions requested an amendment to permit subdivision of existing dual occupancies, even if subdivision was previously prohibited. Council does not support the requested amendment based on the strategic planning merit assessment and long-term land use planning objectives, and on the finding of its quantitative analysis and dual occupancy technical paper which generally recommend retaining or broadening the restrictive controls for dual occupancy development.

## **3.2 Advice from agencies**

The Gateway determination (Condition 4) required Council to consult with the following agencies:

- Greater Sydney Commission (GSC)
- NSW Rural Fire Service (NSW RFS)
- Environment, Energy and Science (EES)
- Transport for NSW (TfNSW)
- Department of Premier and Cabinet – NSW Heritage

A discussion of the advice provided by agencies, Council's response to the advice and the Department's assessment of the advice and response is included below. The agencies not mentioned below did not provide a submission. Transport for NSW made a submission of collated comments from across the Transport cluster (including Roads and Maritime Services and Sydney Trains). The Department considers Council has adequately addressed matters raised in the advice from public agencies.

### **3.2.1 Transport for NSW (TfNSW)**

#### **Issues raised**

TfNSW raised no objection to the proposed consolidation of minimum lot sizes, building height or FSR controls in residential zones.

TfNSW raised the issue that they would welcome discussion about the rezoning and land use options for 3 Mort Street, Granville (currently zoned SP2 Infrastructure) as it has become surplus to needs.

TfNSW recommended Council consider how to manage interfaces of industrial areas and freight infrastructure to balance the need to minimise negative impacts on urban amenity and to protect freight and industry from encroachment.

TfNSW recommended that Council consider introducing maximum car parking rates for developments close to public transport.

TfNSW noted that:

- General outdoor advertising will continue to be permitted with development consent on transport corridor land under State Environmental Planning Policy (Industry and

Employment) 2021 (incorporating the former State Environmental Planning Policy No 64 – Advertising and Signage) in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines.

- Any significant site specific changes to building height and FSR controls are to be pursued under a separate planning process. TfNSW wishes to continue working with council on these projects prior to any LEP amendments being made.
- The proposal does not include any rezoning of SP2 Infrastructure (Railway) land and TfNSW raised no objection to the permitted land uses for this zone.
- A greater number of dual occupancy dwellings are permissible, subject to minimum lot size, on lots adjoining arterial roads in the LGA including Victoria Road, Pennant Hills Road, Cumberland Highway and Windsor Road. TfNSW note that section 138 of the Road Act will require TfNSW's assessment and/or concurrence for any vehicular access to/from a state arterial road.

TfNSW supported:

- The retention of land reservations relating to classified roads and public transport corridors and consistent SP2 (Classified Roads) zoning.
- The terminology change from Strategic Bus Corridor to Public Transport Corridor.
- The proposal to consistently zone classified roads as SP2 Classified Roads.
- The proposed distance of 1m for Clause 5.3 Development near zone boundaries as it provides flexibility to the use of land beyond what is typically permissible in the SP2 Infrastructure zone to potentially deliver social and economic benefits where large and accessible SP2 sites have become vacant or disused.
- Retaining the existing Satisfactory Arrangements Clause (SAC) provisions relating to state public infrastructure in Telopea, Granville and Carter Street. The ongoing planning investigations in these urban renewal precincts and the resulting cumulative traffic and transport impacts on the regional transport network as a result of future increases to development uplift will require a funding mechanism being in place to provide for delivery of state and regional transport infrastructure improvements to support future development.

TfNSW objected to:

- the proposed rezoning of 30X Epping Road, Epping from SP2 Infrastructure (Classified Roads) to C2 Environmental Conservation and Murray Farm Road, Carlingford from E4 Environmental Living to C2 Environmental Conservation. The exhibited documentation does not satisfactorily demonstrate that the characteristics of these sites warrant the land being rezoned to C2 and that a similar environmental outcome could be achieved through site specific development controls without precluding low density development.

### **Council's Response:**

Council noted the TfNSW supported and noted items.

The planning proposal was amended to retain the SP2 zoning for 30X Epping Road, Epping and noted that retaining the current zoning is not an amendment requiring re-exhibition. Council assumed the TfNSW objection to rezoning was based on some potential future need for road widening or works given its location between two road corridors (Pembroke St and Epping Road). The site has little practical potential for other uses and any works on this site will still require environmental impact assessment.

Council does not support TfNSW's recommendation that the Murray Farm Road site to be zoned SP2 Infrastructure instead of C2 Environmental Conservation.

Rezoning 3 Mort Street, Granville falls beyond the scope of the Harmonisation planning proposal. Council invites TfNSW to speak to Council staff about a separate process to address this request.

Council supported TfNSW comments regarding freight and industrial interfaces. No direct amendments to the Harmonisation planning proposal were identified, but Council staff stated they are “comfortable with the principles outlined” in the post-exhibition report.

Council noted TfNSW’s recommendation regarding maximum car parking rates and will address this matter in the consolidated DCP.

**Department’s Response:**

It is noted, Council’s summary of TfNSW’s submission incorrectly captures TfNSW’s comments on Clause 5.3 Development near zone boundaries, stating TfNSW did not support Council’s proposed amendment to this clause. This is not the case as TfNSW does support Council’s amendment.

### 3.2.2 School Infrastructure NSW (SINSW)

**Issues raised**

SINSW noted the proposal to prohibit education establishments in several zones, including SP1 – Special Activities and SP2 – Infrastructure, but also noted that schools will still be permissible in these zones under the State Environmental Planning Policy (Transport and Infrastructure) 2021 (which incorporates the former Education and Child Care Facilities SEPP).

SINSW supported the standardised (and increased) built form controls for certain school sites across the LGA.

SINSW seeks clarification regarding the biodiversity values identified on Carlingford Public School and the riparian values identified at Northmead Creative and Performing Arts High School, as these sites do not appear to have specific values identified.

SINSW requested that environmental sensitivity listing and maps that apply to school sites only apply to those parts of the site that are environmentally sensitive, to ensure alterations and additions to school elements can be carried out as exempt or complying development under the Transport and Infrastructure SEPP.

SINSW requested that mapped heritage listings be more specific in identifying the significant area rather than listing the entire site as a heritage item. This will ensure alterations and additions to non-heritage-significant can be carried out as exempt and complying development under the Transport and Infrastructure SEPP.

**Council’s Response:**

Council supports SINSW’s request regarding the mapping on environmentally sensitive areas and will consider reviewing as part of a future housekeeping planning proposal. Council recommended that SINSW provide their analysis of relevant site constraints to support either a site specific planning proposal or a future housekeeping PP.

Council supports SINSW’s request regarding more specific heritage listings in principle. However, Council noted it is standard practice under an LEP to map an entire site and not the location of a specific heritage item if it only occupies part of a site.

**Department’s Response:**

Council have adequately represented and responded to the submission from SINSW.

### 3.2.3 Environment, Energy and Science (EES)

**Issues raised**

EES raised no objection to draft Clause 6.3 (Flood Planning) but noted that it may need to be revised following the release of the draft Flood Prone Land Package 2020 (now finalised and commenced on 14 July 2021) and recommended that Council consider the recommended measures adopted in the relevant studies and plans for the former Council areas. The Department



notes that this clause has now been repealed and replaced by the Standard Instrument mandatory clause 5.21 Flooding.

EES supported the proposed rezoning of all public bushland reserves with ecological value from RE1 Public Recreation to C2 Environmental Conservation.

EES noted the opportunity for the LEP to rezone riparian land along the Parramatta River and Duck River and saltwater wetlands which occur along these rivers as C2 Environmental Conservation.

EES recommended several Council reserves that have ecologically endangered communities present and the bushland at the rear of The Kings School (which has several threatened flora records) would benefit from being zoned C2 Environmental Conservation.

EES recommended for the proposed C2 Environmental Conservation zoning along Terrys Creek to be extended to ensure it is continuous along the creek.

EES supported the rezoning of land at Murray Farm Road, Carlingford, and the former Moxham Quarry from E4 Environmental living and E3 Environmental Management respectively to C2 Environmental Conservation.

EES recommended for part of the land at 27-29 Seven Street, 5-20 Epping Park Drive and 1 Ferntree Place, Epping zoned RE1 Public Recreation to be rezoned to C2 Environmental Conservation.

EES recommended for the proposed rezoning of the North Rocks Rural Fire Brigade at 102 Murray Farm Road, Carlingford from RU3 Forestry to SP1 Special Activities – Emergency Services Facility should be in part rezoned C2 Environmental Conservation to protect the southern vegetated half of the site.

EES recommended updates to several clauses, including Clauses 1.2 Aims of the plan, 2.8 Temporary use of land, 3.3 Environmentally sensitive areas excluded [from exempt and complying development], 4.1 Minimum subdivision lot size, 6.2 Earthworks, 6.4 Biodiversity protection, 6.5 Protection of riparian land and waterways, 6.7 Foreshore building line as well as to objectives for multiple land use zonings under the Land Use Table. The updates requested generally are to ensure environmental values are enhanced and protected.

EES recommended that if dual occupancy development is to be permitted on bushfire prone land, development footprint and asset protections zones should be located on existing cleared land and involve no further clearing of vegetation. Streets with established trees should not permit dual occupancy development.

### **Council's Response:**

Council noted the supported and noted items.

Council noted EES advice regarding draft Clause 6.3 (Flood Planning). Since receiving EES' submission, Council has also received the Flood Prone Land Package, which includes a mandatory clause and an optional clause. Council intends to adopt the mandatory clause and will consider the optional clause in more detail before deciding whether to include it in the LEP. If Council chooses to include the optional clause, this will be undertaken through a separate process.

Council noted requests for additional rezonings, clause amendments, zone objective amendments and map amendments, but also that these are beyond the scope of this planning proposal and will be addressed in a future Housekeeping LEP Amendment.

Council noted the planning proposal does not seek to introduce controls that would place inappropriate development in bushfire hazard areas in accordance with the *Rural Fires Act 1997* and section 4.14 of the *Environmental Planning and Assessment Act 1979*.

**Department's Response:**

Council has adequately represented and responded to the submission from EES.

The Department agrees that further rezonings are beyond of the scope of this amendment and matters can be appropriately assessed and considered as part of any future development application process.

**3.2.4 NSW Rural Fire Service (NSW RFS)****Issues raised****Biodiversity Mapping**

- NSW RFS requested that Council ensure proposed new biodiversity sites do not prevent bush fire hazard reduction activities.

**Dual occupancy development**

- NSW RFS identified that the dual occupancy constraints analysis could benefit from a greater level of analysis of bush fire prone areas.
- NSW RFS supported the prohibition of dual occupancy developments along a series of identified bushfire prone riparian areas and recommended expansion of the dual occupancy prohibition areas to include these identified bushfire prone areas.

**Council's Response:****Biodiversity Mapping:**

- Council confirmed that inclusion of additional sites on the LEP Biodiversity Map should not impact hazard reduction activities or management of asset protection zones and noted that provisions in the *Rural Fires Act 1997* and State Environmental Planning Policy (Transport and Infrastructure) 2021 with respect to bush fire management override controls within an LEP.

**Dual occupancy development:**

- Proposed changes to the exhibited planning proposal are not supported as they would require further detailed analysis and re-exhibition.
- NSW RFS recommendations are to be considered as part of the future LEP housekeeping review.

**Department's Response:**

Council have adequately represented and responded to the submission from NSW RFS. Council has resolved to consider the issue of dual occupancy development in bushfire prone land as part of the future LEP housekeeping review. An assessment of dual occupancy development is also provided in section 4.3.1 of this report.

**3.2.5 Heritage NSW****Issues raised**

Heritage NSW does not support the use of State Heritage Register inventory numbers to identify State Heritage items in an LEP, instead of using an item number unique to the LEP.

Heritage NSW requested that Council ensure any amendments to planning controls do not have a negative impact on the heritage places, items and sites in the LGA.

**Council's Response:**

The planning proposal has been updated to use local item numbers for both State and local items. The request to avoid negative impact on heritage is noted.

**Department's Response:**

Council have adequately represented and responded to the submission from Heritage NSW.

**3.2.6 Office of Sport****Issues raised**

Office of Sport does not support the proposal to permit 'registered clubs' in the RE2 Private recreation zone due to concern that RE2 land is increasingly being redeveloped for seniors housing and other non-recreation uses.

**Council's Response:**

The purpose of the Harmonisation planning proposal is to consolidate former LEPs and provide consistent land use controls across the LGA. Registered clubs are considered an important community asset that supported leisure and recreation activities on privately owned recreation land. Council noted that registered clubs can be redeveloped into seniors housing under the former State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 but that the LEP cannot override this policy. RE2 Private Recreation is still considered the most appropriate zone for registered clubs and as such the requested amendment is not supported.

**Department's Response:**

Council have adequately represented and responded to the submission from the Office of Sport.

It is noted the Housing for Seniors or People with a Disability SEPP has been incorporated and amended by the State Environmental Planning Policy (Housing) 2021. The Housing SEPP permits seniors living development (subject to meeting SEPP requirements) in the RE2 Private Recreation zone.

**3.2.7 Sydney Metro Airports (Bankstown Airport Limited)****Issues raised**

Bankstown Airport states that section 9.1 Direction 5.3 Development near regulated airports and defence airfields (formerly Direction 3.5) applies as the airspace associated with Bankstown Airport encompasses all areas in the City of Parramatta local government area (except land in the former The Hills LGA) and recommended the relevant airspace regulations are referenced in Council's proposal.

**Council's Response:**

Council noted that the Civil Aviation Safety Authority raised no objections to the proposal.

No significant increases in building height are proposed so the draft LEP is not considered to impact the airspace. The planning proposal has been updated to this effect.

**Department's Response:**

Council have adequately represented and responded to the submission from Sydney Metro Airports.

Council have adequately updated their planning proposal to provide an assessment under section 9.1 Direction 5.3. The Department notes the LEP includes a clause relating to protecting airspace and is satisfied that the proposal addresses the direction.

### 3.2.8 Department of Infrastructure, Transport, Regional Development and Communications

#### Issues raised

The Department of Infrastructure, Transport, Regional Development and Communications noted that some of the proposed building heights may penetrate into the prescribed airspace for Bankstown and Sydney Airports and any development exceeding 156 metres AHD will require assessment under the *Airports (Protection of Airspace) Regulations 1996* and Council should consider updating the proposal to clearly stipulate this.

Recommended that Sydney Airport be included in the upcoming public consultation process.

#### Council's Response:

Submission noted and Council states no significant increases to building height are proposed so the draft LEP is not considered to impact on the airspace. The proposal has been updated to provide an appropriate assessment of this matter.

Council noted that the Civil Aviation Safety Authority raised no objections to the proposal.

#### Department's Response:

Council have adequately represented and responded to the submission from the Department of Infrastructure, Transport, Regional Development and Communications.

### 3.2.10 Department of Primary Industries (DPI) Fisheries

#### Issues raised

DPI Fisheries supported mapping of riparian land and waterways as proposed.

DPI Fisheries noted that regardless of land zoning, any works proposed in Key Fish Habitat will be assessed under the requirements of the *Fisheries Management Act 1994* and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*.

#### Council's Response:

Council noted the supported and noted items.

#### Department's Response:

Council have adequately represented the submission from DPI Fisheries.

### 3.2.11 Hornsby Shire Council

#### Issues raised

Hornsby Shire Council requested that their Land Use Planning team is kept up to date with the progression of the planning proposal and new LEP.

#### Council's Response:

Council noted the request.

#### Department's Response:

Council have adequately represented the submission from Hornsby Shire Council.

### 3.2.12 Endeavour Energy

#### Issues raised

Endeavour Energy noted the requirement for development applications to consider the supply and capacity of the electricity network and for development applications to be assessed and/or referred appropriately.

**Council's Response:**

The matters raised in this submission are relevant to the development application process rather than the planning proposal.

**Department's Response:**

Council has adequately represented and responded to the submission from Endeavour Energy.

### 3.2.13 Sydney Water

**Issues raised**

Sydney Water understands that the planning proposal will not cause an overall increase in dwellings or jobs and further assessment from Sydney Water is not required.

Separate future planning proposals may arise as a result of this planning proposal and Sydney Water welcomes the opportunity to comment on future LEP amendments once they are on exhibition.

**Council's Response:**

Council noted the submission.

**Department's Response:**

Council have adequately represented and responded to the submission from Sydney Water.

## 3.3 Council's post-exhibition changes

At Council's Ordinary Meeting on 21 July 2021, Council resolved to proceed with the planning proposal with post-exhibition changes (**Attachment C1**), as summarised and discussed below.

**A. Minor drafting and technical changes**

The post-exhibition version of the planning proposal was updated to include the following minor changes as follows:

- The name of the proposed instrument was changed from 'Parramatta Local Environmental Plan 2020' to 'Parramatta Local Environmental Plan 2021' to reflect the proposed new completion timeframe. Note: The LEP instrument will be changed to 'Parramatta Local Environmental Plan 2023' to correspond to the current completion timeframe.
- All references to the 'Biodiversity Map', 'Riparian Land and Waterways Map' and 'Landslide Risk Map' have been updated for inclusion in the proposed consolidated 'Natural Resources Map' as appropriate/applicable.
- All references to draft Council policies and LEP amendments were completed after the exhibition were updated to reflect final document (including Local Housing Strategy).
- The community consultation section of the proposal was populated to reflect details of the completed exhibition.
- The project timeline was updated.

**B. Council updates arising from submissions**

Details of submissions are discussed in section 3.1 of this report. The changes made to the planning proposal in response to submissions are summarised below:

- Dual Occupancy Prohibition Map
  - Sites less than 600sqm are no longer mapped. However, dual occupancies will remain prohibited on these sites but the prohibition relies of the proposed clause 4.1A.
- Development controls in Newington

- Retain the existing controls of no minimum lot size and 9m building heights.
- Mapping errors:
  - Dunrosil Avenue road reserve was incorrectly shown as 0.5:1 on the FSR map. This has been corrected (now no FSR).
  - 725 Blaxland Road Epping was incorrectly shown as affected by Classified Road Zone. This has been corrected (now no SP2 affectation).
- Heritage
  - Schedule 5 Heritage Items have been renumbered and property descriptions updated as required, in accordance with the submission from Heritage NSW
- Ministerial Direction 5.3 Development Near Regulated Airports and Defence Airfields
  - section 3.2.4 of the planning proposal has been updated to acknowledge the submission from Sydney Airports advised that the airspace associated with Bankstown Airport overlies all areas in the LGA.

### 3.4 Department's post-exhibition changes

Following the receipt of the revised planning proposal from Council in September 2021, the Department has made further changes to the planning proposal as summarised and discussed below. It is also noted some changes have been made through the drafting process which differ from the guide provisions exhibited by Council and/or the existing LEPs. These changes reflect current approach to legal drafting and are typically not of a policy nature.

#### A. Dual occupancy prohibition in the former The Hills LGA

The proposal sought to incorporate most of the R2 zoned land in the former The Hills local government area (approximately 7,158 lots) into the Dual Occupancy Prohibition map.

The Department does not support this proposed amendment and notes this would reduce the number of lots eligible for dual occupancy development by approximately 5,600 lots. The planning proposal notes that dual occupancies are currently permitted in this area but subdivision is not which is currently acting as a pseudo-prohibition control and consequently, the proposal will have minimal impact on potential development. The proposal also notes minimal historic approvals because of this.

The Department is of the opinion that this reduction has not been adequately justified, does not demonstrate strategic merit as discussed in section 4.3.1 of this report, there is notable community opposition to a 'blanket' prohibition and the prohibition would significantly adversely impact the supply of dual occupancy development and housing diversity.

The Department has amended the planning proposal by removing these 7,158 additional lots from the proposed Dual Occupancy Prohibition Map, however has retained the provision to prohibit subdivision of dual occupancy developments.

#### B. Additional dual occupancy prohibition in the existing Parramatta LEP 2011 area

The proposal seeks to add approximately 6,000 additional lots in the existing Parramatta LEP 2011 area to the Dual Occupancy Prohibition map.

- The Department considers it appropriate to prohibit dual occupancy development in Heritage Conservation areas and in areas identified for future mass transit corridors (such as Parramatta to Epping) as discussed in section 4.3.1 of this report. However, the Department does not support the prohibition of dual occupancies on the remaining lots which are in the existing Parramatta LEP 2011 area but not in a Heritage Conservation Area or an identified transport corridor.

- The Department notes that some future transit corridors are currently insufficiently defined to allow for planning decisions, and suggests this aspect of the prohibition area could be reconsidered when further defined.
- This reduction has not been adequately justified, does not demonstrate strategic merit as discussed in section 4.3.1 of this report, there is notable community opposition to a 'blanket' prohibition and the prohibition would significantly adversely impact the supply of dual occupancy development and housing diversity.
- The Department has amended the planning proposal by removing land from the proposed Dual Occupancy Prohibition Map.

### C. Rezone 115 lots in North Rocks, Northmead and Carlingford from R3 to R2 residential

- The proposal applies to 115 lots in North Rocks, Northmead and Carlingford identified as item 11A, 11B, 12A and 12B. Council considers that these sites are significantly constrained and inappropriate for medium density residential development, and that the R2 zone is a better reflection of the intended character and scale of development in these areas than the current R3 zoning.
- The Department supports the proposed rezoning for item 11A but not for the other three items. A summary of the description of the four items and the reasons for DPE supporting or not supporting the rezoning is provided in **Table 3**.
- The Department has amended the final LEP to remove the proposed changes for items 11B, 12A and 12B from the Land Use Zone Map retaining the R2 zoning.

**Table 3: Rezoning in North Rocks, Northmead and Carlingford from R3 to R2**

Item	Address	Recommendation	Rationale
Item 11A 6 lots	Speers Rd, North Rocks	Supported	<ul style="list-style-type: none"> <li>• Substantially developed precinct with little development potential</li> <li>• Lots located on one side of a short cul-de-sac not near a centre</li> </ul>
Item 11B 35 lots	Campbell St, Northmead	Not supported	<ul style="list-style-type: none"> <li>• Transition zone between existing B2 and R4 zones on Windsor Road and R2 to east</li> </ul>
Item 12A 62 lots	Lawndale Ave, North Rocks	Not supported	<ul style="list-style-type: none"> <li>• Near local services: North Rocks Public School, North Rocks Shopping Centre, Don Moore Reserve</li> </ul>
Item 12B 12 lots	Felton Road, Carlingford	Not supported	<ul style="list-style-type: none"> <li>• Part of larger R3 zone near Carlingford PLR stop West public school gate access at western boundary impacts vehicular access and safety</li> </ul>

### D. Increase the minimum lot size for battle-axe lots from 500sqm to 670sqm

- The Department does not support this proposal. The inconsistently applied standardisation methodology of increasing the minimum lot size for battle-axes for land in the former Hornsby and Auburn LGAs but retaining the existing control for land in the former The Hills LGA has not been justified.
- The Department has amended the final LEP to remove the proposal to increase the minimum lot size for battle-axe lots.

### E. Introduce a standard 0.6:1 FSR for all R3 zoned land

- The Department's analysis has found that the proposed changes would reduce the development potential of approximately 450 lots currently R3 zoned lots. This represents approximately a third of all R3 zoned lots in the LGA.
- The Department suggests reducing the FSR to 0.6:1 would likely make development for townhouses less viable and result in the use not being pursued.
- The Department does not support Council's proposed changes as the proposed FSR development control will have an adverse impact on housing diversity in the LGA.
- The Department has amended the final LEP by removing the proposal to introduce a standard 0.6:1 FSR for R3 zoned land.

#### **F. Alignment with recent LEP amendments**

- The planning proposal was exhibited in 2020 and a number of planning proposals and SEPPs have since been finalised which have amended the existing five LEPs.
- The final LEP has been amended to reflect these recent amendments including Parramatta CBD planning controls, Melrose Park and other site specific amendments.

#### **G. Site specific planning proposal for 241-245 Pennant Hills Road, Carlingford**

- The Sydney Central City Planning Panel has progressed a site specific planning proposal for the above site as the planning proposal authority.
- The proposal was submitted to the Department for finalisation, as the Panel determined on 6 October 2022 to support the proposal following consideration of matters raised during exhibition (**Attachment E**).
- The proposal seeks the following changes which have been incorporated into the new LEP:
  - increase the maximum building height from 9m to part 14m and part 49m,
  - increase the maximum FSR from 1:1 to 2.1:1,
  - require design excellence for further development, and
  - introduce a site specific clause relating to enclosed balconies, provision of non-residential floor space and the requirement for a DCP.

### **3.4.1 Justification for post-exhibition changes**

The Department considers these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes are a reasonable response to comments provided by the community and public authorities, respond to matters of non-compliance with Government policy, do not alter the intent of the planning proposal and/or are minor amendments to the planning proposal.



## 4 Department's Assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following section assess the planning proposal against relevant Regional and District Plans, Council's Local Strategic Planning Statement, section 9.1 Ministerial Directions and State Environmental Planning Policies (SEPPs). It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment B1**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the Central City District Plan, except planning priority *C5 Providing housing supply, choice and affordability with access to jobs, services and public transport* addressed below.
- Remains consistent with section 9.1 Ministerial Directions (as updated) 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.2 Coastal Management, 5.1 Integrating Land Use and Transport, and 7.1 Business and Industrial Zones.
- Inconsistency with section 9.1 Ministerial Directions (as updated) 1.4 Site Specific Provisions, 1.5 Parramatta Road Corridor Urban Transformation Strategy and 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 4.5 Acid Sulfate Soils, 5.2 Reserving Land for Public Purposes, 6.2 Caravan Parks and Manufactured Home Estates; and 9.1 Rural Zones remain justified in accordance with the terms of the Directions.
- Consistency with section 9.1 Directions (as updated) 4.1 Flooding, 4.3 Planning for Bushfire Protection and 6.1 Residential Zones required further justification and assessment as discussed in section 4.1 of this report. Council has amended the planning proposal to provide consistency with the Directions 4.1 and 4.3. Direction 6.1 is addressed below.
- Remains consistent with all relevant State Environmental Planning Policies (with the Housing SEPP addressed below).

Post exhibition changes to the final LEP have been made to ensure consistency with the following which generally relate to housing supply and diversity:

- planning priority C5 of the Central City District Plan, is discussed further in section 4.1 of this report.
- Direction 6.1, is discussed further in section 4.3 and is now considered to be justifiably inconsistent.
- Consistency with the Housing SEPP is achieved following changes to address housing diversity.

The following sections provide an overview of the Department's assessment of key matters that require further assessment or where the applicable planning framework has changed since the Gateway determination and any recommended revisions to the planning proposal to make it suitable.

### 4.1 District Plan

The Greater Cities Commission (GCC former Greater Sydney Commission) released the Central City District Plan in March 2018 to accompany the Greater Sydney Region Plan and provide more detailed guidance for the growth of the Central City. The Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental

assets. The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan.

As outlined in the Gateway report, further analysis of the proposal under Planning Priority C5 of the District Plan was needed and is discussed as follows.

- Planning Priority 5 Providing housing supply, choice and affordability, with access to jobs and services

Planning Priority 5 aims to provide greater housing supply, diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life. Housing will continue to be provided in areas well connected to jobs such as Parramatta CBD, Epping and Carlingford. Seniors housing is facilitated through allowing this land use in the residential zones and E1 Local Centre zone (formerly B1 and B2) and MU1 Mixed Use zone (formerly B4) zones which will assist in providing better housing choice (through the permissibility of vertical villages).

It is acknowledged that the relevant land use tables in each of the existing five LEPs are inconsistent and some changes are required in the process of developing a single land use table for with consistent zones and land use controls to form the consolidated LEP. However, at the time of Gateway determination it was noted Council was required to exhibit its Local Housing Strategy to demonstrate how supply and housing diversity is proposed to be addressed holistically.

The planning proposal was required to be assessed at the finalisation stage, particularly to consider the appropriateness of reductions of housing supply and diversity that would result from some of the proposed amendments. The following sections provide an assessment of the proposal under the supporting local strategic planning framework (Local Strategic Planning Statement and Local Housing Strategy).

In summary, the planning proposal was considered to not give effect to District Plan Planning Priority C5 as it would reduce the opportunity for greater housing supply as well as diversity and affordability. Council's Quantitative analysis of residential zone amendments (**Attachment A1**) and dual occupancy technical paper (**Attachment A2**) do not provide sufficient justification to demonstrate that compensatory housing diversity will be available elsewhere across the Parramatta LGA as discussed in the following sections.

As noted previously the Department has made changes to the plan to address this issue and the final LEP is considered to now be consistent with the District Plan.

## 4.2 Local

### 4.2.1 Local Strategic Planning Statement and Local Housing Strategy

At the time of Gateway determination, it was noted that further information was required to inform the public consultation on housing matters, such as dual occupancy prohibition; and the planning proposal needed to be updated to address consistency with the Local Strategy Planning Statement: City Plan 2036 (LSPS) and Local Housing Strategy (LHS), which at the time of Gateway was not yet endorsed). Since Gateway, the planning proposal has been updated to further address consistency with the LSPS and LHS. One of the key actions of the LSPS that required further assessment was *A30 – Finalise the review of dual occupancy and medium density residential zone provisions for Government's consideration as part of the LEP Harmonisation Project*. Council noted the proposed amendments in this planning proposal give effect to this action.

The Department issued conditional approval of Council's Local Housing Strategy on 29 July 2021. The approval confirmed that Council has developed a comprehensive strategic plan, an evidence base to inform the LHS and to deliver a housing target of 23,660 dwellings between 2021 and 2026.

However, the conditional approval included the following exclusion:

*11. Council's LHS Action to expand dual occupancy prohibition areas sought as part of the Parramatta Harmonisation LEP proposal is not included as part of this approval, until:*

- *the Parramatta Harmonisation LEP proposal demonstrates consistency or justifies any inconsistency with the Local Planning Direction 3.1 Residential zones [now Direction 6.1] and this has been further assessed by the Department as part of the finalisation of the Harmonisation LEP.*
- *further work on housing diversity precincts have been demonstrated (as per requirement 5 [noted below]), or housing diversity precincts are included in a future LEP proposal.*

*The exception to this is where Council seeks to preserve future opportunity in the Parramatta to Epping and Parramatta to Norwest future mass transit corridors, where there may be opportunities for greater housing choice.*

*The reason for this is that proposed amendments seek to reduce the capacity for this type of residential development in areas that already permit for dual occupancies, which is counter to section 9.1 Direction 3.1 Residential Zones [now Direction 6.1].*

and noted further that,

*5. Council is required to demonstrate the initiatives to achieve housing diversity (such as the Housing Diversity Precincts and any DCP changes) will deliver sufficient housing choice in the right locations and request Council considers additional housing diversity initiatives to support medium density and seniors housing in future iterations of the LHS.*

...

*12. Council should consider additional options for mitigating the impacts of dual occupancy development (identified in Council's constraints analysis) including quantitative and qualitative planning controls in its LEP and DCP*

The Department's Conditional LHS approval noted that while the LHS addresses the need for housing diversity, it doesn't provide any concrete actions that would increase the supply of medium density housing or the delivery of 'Housing Diversity Precincts.' The planning proposal is partly consistent with the approved aspects of the Parramatta LHS because it maintains existing character and Heritage Conservation Areas (HCAs) by proposing in part for dual occupancies to be prohibited in HCAs. However, in response to Condition 11 of the LHS approval letter, the Department does not consider that the planning proposal adequately demonstrates consistency or justifies inconsistencies with section 9.1 Direction 6.1 Residential zones (discussed in section 4.3 of this report).

The proposal does not contribute to housing diversity, and Council's dual occupancy technical paper quantitative analysis does not identify a strategic need for expansion of dual occupancy prohibition. The 'Housing Diversity Precincts' introduced through the LSPS have also not yet been tested, nor delivered a contribution to housing diversity. It is recommended that the planning proposal proceed to finalisation subject to a number of post-exhibition changes recommended by the Department (as discussed in section 3.4 of this report) to maintain the existing opportunities to provide housing diversity.

#### 4.2.2 Parramatta Community Strategic Plan 2018-2038

Parramatta Community Strategic Plan 2018-2038: Butbutt Yura Barra Ngurra (CSP) was endorsed by the City of Parramatta in June 2018. The plan identifies a vision for the community's priorities and aspirations and provides a plan to meet these over a 20 year period. The plan provides a vision for sustainability, liveability and productivity and objectives related to fairness, accessibility, greening, welcoming cultural diversity, supporting centres and innovation.

## 4.3 Section 9.1 Ministerial Directions

The following section provides an updated overview and assessment of the relevant section 9.1 Directions that were in place at the time of the Gateway determination. It is noted, the section 9.1 Ministerial Directions were amended and commenced on 1 March 2022, after the planning proposal was submitted for finalisation, however the updated Directions did not apply at the time of preparation of the planning proposal.

Ministerial Directions 6.1 Residential Zones (previously 3.1) and 4.3 Planning for Bushfire Protection (previously 4.4) were considered unresolved at the Gateway determination stage and have been assessed further below.

### 4.3.1 Ministerial Directions unresolved at the Gateway determination stage

#### A. Direction 6.1 Residential Zones

Direction 6.1 aims to encourage a variety and choice of housing types, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment and resource lands. Direction 6.1 applies where a planning proposal will affect residential land.

The Direction states a planning proposal may be inconsistent with it, provided the Department's Secretary is satisfied that the proposed inconsistent provisions are justified by a strategy approved by the Department, a study prepared in support of the planning proposal which gives consideration to the objective of this Direction, is in accordance with the relevant District Plan or is of minor significance.

The planning proposal states the changes sought are consistent with this Direction as Council will adequately supply its housing needs within the City of Parramatta from existing undeveloped capacity and other local environmental plan amendments/planning proposals including the Parramatta CBD proposal, Melrose Park and other site specific proposals. Council identifies through its Local Housing Strategy that 84% of housing growth will be delivered in precincts around employment and housing. While this will assist will supply, it will likely be comprised of more dense forms of housing and will not address diversity more broadly.

The Gateway determination included a condition for the proposed amendments to the residential zones to be supported by a quantitative analysis to assess the impacts of the proposal on housing diversity and supply to assist with assessing consistency under Direction 6.1. The quantitative analysis was required to include:

- i. the number of lots affected by the rezoning or amendment to the development controls;
- ii. the number of reduced potential dwellings from the rezoning or amendment to the development controls;
- iii. the number of potential lots that would be eligible for manor houses/multi-dwelling housing under the Low Rise Medium Density Housing Code in the rezoning of the R3 zone to R2 zone, considering the SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions); and
- iv. the number of dwelling approvals for the existing control in the past five years.

In response to the Gateway conditions outlined above, Council prepared a Quantitative analysis of proposed amendments to residential zones (**Attachment A1**). The analysis provides further information on Council's proposed amendments to planning controls that may reduce the development potential of residential land, being:

- Dual occupancy prohibition areas,
- Minimum lot size controls for dual occupancy development and manor houses,
- Changes to the minimum subdivision lot size applying to residential zoned land,

- Rezoning 115 lots in North Rocks, Carlingford and Northmead from R3 to R2 residential,
- Prohibition of residential flat buildings in the R3 zone in the Hornsby LEP area,
- Changes to building heights and/or FSRs, and
- Introduce new FSR controls for certain land in the R4 zone.

The Department recognises the need to provide housing in appropriate locations, however must also ensure that a diverse range of housing options are provided. The planning proposal is inconsistent with this Direction as it includes a number of amendments which will reduce the supply and diversity of housing in the LGA.

The proposal submitted for finalisation is considered to be inconsistent with Direction 6.1 as it seeks a number of amendments which will reduce the supply and diversity of housing in the LGA. To justify this inconsistency and minimise the adverse social impacts associated with reduced housing diversity, it is recommended that only some of Council's proposed changes to the residential zones be supported as described above and summarised in the table.

The Department has amended the final LEP by removing the recommendations that are not supported to ensure alignment with the objectives of the Direction. The Department's amendments are summarised in **Table 4** and outlined further below.

**Table 4: Summary of Council's proposals and DPE's recommendations**

Proposed Change	DPE recommendation
Dual Occupancy Prohibition Map change – not including HCAs or reservations	Not supported
600sqm minimum lot size and 15m primary road frontage for dual occupancies and manor houses	Supported
550sqm minimum lot size for R2 zone	Supported
Application of 670sqm minimum lot size for battle-axe lots in former Auburn and Hornsby LGAs	Not supported
Rezoning from R3 to R2	Partially supported
0.6:1 FSR for R3 Zones	Not supported
Amended HOBs for R3 Zones	Partially supported
Remove RFBs from R3 zone	Supported
FSR controls for R4 zone	Supported

### Dual occupancy prohibition areas

Council's analysis documents include the dual occupancy technical paper and the quantitative analysis of proposed amendments to residential zones (**Attachments A1 and A2**). The analysis and technical paper seek to justify the dual occupancy prohibition's inconsistency with the ministerial direction as the amendment would reduce housing supply and diversity in an existing residential zone.

Council's dual occupancy technical paper informs the identification of areas deemed suitable or not suitable for dual occupancy development, noting Parramatta's current Dual Occupancy Prohibition Map was put in place to protect the character of mapped areas. Council states the prohibition of dual occupancy development under Hornsby LEP was introduced to address concerns over the potential impact on local character, and the prohibition on subdivision of dual occupancies under The Hills LEP was introduced to protect the character of low density neighbourhoods which are characterised by larger lots.

Council's methodology to identify lots not suitable for dual occupancies considers constraints to the development of dual occupancy development such as special local character, narrow streets, impermeable street patterns, poor public transport accessibility, concentrations of tree coverage, bushfire hazard and site availability. Council states these constraints relate to concerns that have been raised in feedback from the community and are considered by Council to be environmental factors that would contribute to creating negative impacts from dual occupancy development.

The Department does not support the proposal to add the following approximately 11,200 additional lots to the Dual Occupancy Prohibition Map:

- R2 zoned land in the former The Hills LGA, where subdivision of dual occupancy development is not currently permitted, approximately 7,158 lots.
- approximately 4,050 additional lots in the existing Parramatta LEP 2011 area (which are not in Heritage Conservation Areas or reservation areas).

The proposed amendments are not adequately justified against the District Plan, LHS (refer to section 4.1 and 4.2.1 of this report) and the quantitative and dual occupancy constraints analyses supporting the planning proposal do not provide sufficient justification for the change. The matters raised through the supporting justification can largely be addressed through the development assessment and design process. The Department also notes community opposition to a 'blanket' prohibition and the prohibition would significantly adversely impact the supply of dual occupancy development and housing diversity.

The Department has amended the final LEP by removing the above aspects as a post-exhibition change to ensure the objectives of the direction can be met (refer section 3.4 of this report).

### **Minimum lot size and primary road frontage controls for dual occupancy development and manor houses**

The proposed LEP seeks to apply minimum controls for development of dual occupancies and manor houses of 600sqm minimum lot size and minimum primary road frontage of 15m measured along the site boundary line. Council justifies the proposal by stating that the minimum lot size will standardise an existing Parramatta LEP 2011 control across the LGA and the street frontage control to provide consistency with existing DCP controls.

The Department notes that these changes will prevent dual occupancy development on additional lots which do not meet the proposed standards. However, the minimum lot size and street frontage provisions are included in the final LEP as they are considered to encourage an appropriate design response for development.

### **Changes to minimum subdivision lot size applying to residential zoned land**

The proposed LEP seeks to prescribe standardised minimum lot size for subdivisions in all residential zones through the optional Standard Instrument clause 4.1 and an accompanying Lot Size Map. Under the proposed controls, the majority of the R2 zone will be standardised to 550sqm minimum lot size, except for land in the former The Hills LGA, which will retain its 700sqm minimum lot size.

The proposal justifies the change by stating that it will balance long term strategic planning objectives with consistency across planning controls and noting that secondary dwellings remain permissible where subdivision is not. The Department has supported this aspect of the proposal.

Additionally, the proposal seeks to apply a minimum size for a battle-axe lot of 670sqm (excluding access corridor) in former Auburn and Hornsby LGAs where such a lot would have the usual minimum lot size only (450sqm and 500sqm respectively). This change is not supported by the Department as the proposal is not adequately justified and will impact housing supply notably in the former Hornsby LGA. The Department has amended the final LEP by removing the proposal to increase the minimum lot size for battle-axe lots (refer to section 3.4 of this report).

### **Rezone 115 lots in North Rocks, Carlingford and Northmead from R3 to R2 residential**

The proposal seeks to rezone 115 lots in the North Rocks, Northmead and Carlingford from R3 to R2 residential, and to subsequently amend development controls in line with the amended zone. Council noted a number of reasons for this proposed amendment, including that it better reflects the existing character of the land, difficulties in developing well designed medium density developments in these areas given site constraints, and the potential uptake of manor houses through the Low Rise Medium Density Code in an area Council considered not appropriate.

The Department does not generally support the proposal as most lots are generally located in areas supported by services such as transport links, schools, shopping centres and open space or serve as transition zone between existing higher density zones and R2 zones. The proposal would also result in a reduction in development potential of medium density dwellings.

The Department supports the proposed rezoning for the 6 lots identified as item 11A but not for the other three items (refer to section 3.4 of this report).

### **Prohibition of residential flat buildings in R3 Medium Density Residential Zone in the Hornsby LEP area**

Currently, only the Hornsby LEP allows residential flat buildings as a permissible use with consent in the R3 zone. The zone applies to two small areas adjoining the Epping town centre impacting 52 properties. The proposed LEP seeks to retain the zoning of this land as R3, however residential flat buildings will no longer be a permitted use.

Council noted that the application of the R4 zone (which is the zone under the Parramatta LEP that permits residential flat buildings) is not considered appropriate for these areas adjoining the Epping town centre as it does not respond to the desired future character for this land, which is of a lesser density as demonstrated by the current 11 and 12 metre building height control. Council also noted that recent significant uptake of development in Epping has resulted in significant traffic congestion, and that the retention of this zone and land for medium density uses only will help to provide greater housing diversity in Epping in contrast to the supply of apartments approved in recent years.

The Department supports the proposal and agrees with Council's justification and notes that the proposal will reflect existing controls in the bulk of the LGA, allowing harmonisation and simplification. As most lots subject to this change are developed, it is of limited impact to housing diversity and supply.

### **Changes to FSR controls for land in R3 Medium Density Residential Zone**

The proposal seeks to introduce a standard FSR of 0.6:1 for all land zoned R3. The Department considers that this proposal would reduce the development potential for medium density development in the limited areas zoned for this use in the LGA. Reducing the FSR on these sites to 0.6:1 would likely reduce the viability of medium density development which is a housing typology in shorter supply within the LGA.

The Department does not support this change as it is considered to have an adverse impact on the housing diversity in the LGA. The Department has amended the final LEP by removing the

proposal to introduce a standard FSR of 0.6:1 for R3 zoned land and retaining the existing FSRs (refer to section 3.4 of this report).

In light of this change, the existing maximum building heights are also proposed to be retained to prevent unintended consequences and allow Council time to review alignment with the proposed FSRs. As such, the following proposed changes have not been included within the final LEP:

- increase maximum building heights for R3 zoned land under the former Auburn LEP 2012 and Parramatta (former The Hills) LEP 2012 from 9 metres to 11 metres.
- reduce maximum building heights for R3 zoned land under the Hornsby LEP 2013 from 12 metres to 11 metres.

## **B. Direction 4.3 Planning for Bushfire Protection**

The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and to encourage sound management of bush fire prone areas.

The Gateway determination report found that consistency with this Direction would be determined through consultation with the Commissioner of the NSW Rural Fire Service (NSW RFS) and that the Direction would be considered unresolved until this consultation occurred.

To be consistent with this Direction the planning authority is required to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made. NSW RFS made a submission during the public exhibition of the planning proposal. The details of this submission, including Council's response and the Department's response are provided in section 3.2.4 of this report.

The RFS submission did not object to the progression of the proposal but advised the dual occupancy constraints analysis could benefit from a greater level of analysis of bush fire prone areas and recommended the expansion of the dual occupancy prohibition areas to include identified bushfire prone land. Council has taken RFS comments into account and advised the extent of bushfire prone land on properties varies and it may be possible to site and design dual occupancies development to accommodate this constraint as part of any development application process. Further Council noted development consent cannot be granted to development on bushfire prone land unless it complies with the requirements of Planning for Bushfire protection.

The proposal is consistent with this Direction.

## **4.4 State Environmental Planning Policies (SEPPs) and State Planning Reform**

### **4.4.1 SEPP (Biodiversity and Conservation) 2021**

The SEPP aims to protect the biodiversity values, positive amenity impacts and preservation of trees and other vegetation in non-rural areas. The proposed Parramatta LEP 2023 is consistent with the SEPP. The LEP will retain provisions and mapping aimed to preserve biodiversity, remnant native vegetation as well as riparian lands and watercourses. The removal of identified vegetation will require Council consent as a permit or as development consent through the development application process. The SEPP also provides other matters for consideration at the development application stage to ensure consideration and mitigation of environmental impacts.

### **4.4.2 SEPP (Exempt and Complying Development Codes) 2008**

This SEPP covers a range of standards related to development which is deemed to be exempt or complying and will continue to apply to Parramatta LGA. The proposed Parramatta LEP 2023 includes "temporary events on council land (including markets)" and "advertising on bus shelters"



as exempt development and does not propose any development as complying development. The Parramatta LEP 2023 is considered consistent with this SEPP.

#### 4.4.3 SEPP (Housing) 2021

The Housing SEPP was not considered under the planning proposal as it came into force on the 26 November 2021, after the final planning proposal had been lodged with the Department for finalisation.

The Housing SEPP seeks to encourage the development of diverse housing types, supported by infrastructure and services that will meet the needs of all members of the community. This SEPP is relevant as the proposal seeks to rezone or amend development that will reduce housing diversity.

As noted in Section 4.3, the Department has not supported some aspects of the proposal that reduce housing diversity, including the prohibition of dual occupancy dwellings and the introduction of a standard 0.6:1 FSR for all R3 zoned land.

#### 4.4.4 Employment Zones Reforms

In December 2021, the reform of the employment zones was finalised with the introduction of five new employment zones and three supporting zones into the Standard Instrument (Local Environmental Plans) Order 2006. The employment zones will be in place within individual LEPs by 26 April 2023 when the Business and Industrial zones will be repealed.

The proposed LEP seeks to include employment zones, which are applied consistently with the proposed Employment Zones reform as listed below:

- E1 Local Centre replaces B1 Neighbourhood Centre and B2 Local Centre
- E2 Commercial Centre replaces B3 Commercial Core
- E3 Productivity Support replaces B5 Business Development and B6 Enterprise Corridor
- E4 General Industrial replaces IN1 General Industrial and IN2 Light Industrial
- E5 Heavy Industrial replaces IN3 Heavy Industrial:
- MU1 Mixed Use replaces B4 Mixed Use zone
- Conservation zones replace Environment Protection zones

#### 4.4.5 Proposed Amendments to Clause 4.6 Exceptions of development standards

From 31 March to 12 May 2021, the Department exhibited 'Varying Development Standards: A Case for Change' (the package). This package states:

- the current test under clause 4.6 is too complicated and unclear,
- the need for greater transparency in the decision-making process,
- reducing the risk of the misuse of clause 4.6 should be a priority
- there are too many exclusions from clause 4.6.

To address these concerns, the exhibited package proposed revisions to clause 4.6, being:

- the consent authority would need to be satisfied that the applicant's written request demonstrates consistency with the objectives of the relevant development standard and land use zone,
- applicants would also have to demonstrate that the contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened, and

- that councils will no longer be able to exclude provisions from the operation of clause 4.6. A transitional period is proposed, so that the current exclusions in clause 4.6(8) of LEPs will continue to apply for a period of one year from commencement of the clause.

The Department notes that the draft Parramatta LEP 2023 includes the following exclusions from the application of clause 4.6 *Exceptions to development standards*:

- variations of more than 5% to building height and FSR standards in the Parramatta City Centre  
*“a development standard that relates to the height of a building, or a floor space ratio, in Parramatta City Centre (as referred to in clause 7.1(1) of Parramatta LEP 2011) by more than 5%”*
- variations to FSR standards for specified land uses in the Epping Town Centre (Note: this subclause was the subject of a separate planning proposal (PP-2020-3121). It was gazetted in the *Parramatta LEP 2011* in August 2021 and will be repealed in July 2024.

The Department notes that the package has yet to be finalised and the proposal is seeking to translate existing provision and not introduce new ones. The exclusions are considered to be consistent with the intent of the planning proposal to harmonise existing LEP provisions.

## 4.5 Social

The Gateway determination report identified that the following aspects of the planning proposal have potential for adverse social impacts:

- reduction of the number of sites where diverse housing may be provided, and
- reduction in the permissibility of child care centres.

These matters were to be considered further at the finalisation stage once the LHS was finalised and are assessed further below.

### 4.5.1 Impacts on provision of diverse housing

A discussion of the impact on the planning proposal of housing diversity is provided in section 4.3.1 of this report. The Department has amended the proposed LEP by removing the proposals that would significantly reduce housing diversity and are not supported, to minimise the adverse social impacts associated with reduced housing diversity.

### 4.5.2 Permissibility of child care centres

The proposed LEP seeks to prohibit centre-based child care facilities in the E4 General Industrial zone (formerly IN1 General Industrial and IN2 Light Industrial) and RE1 Public Recreation zones.

The Gateway determination report identified potential for adverse social impacts due to a reduction in land available for child care centres. Child care is a form of social infrastructure which is already in high demand and with demand forecasted to grow.

Department staff have reviewed the current planning framework to the planning proposal, and the endorsed version of Council’s Community Infrastructure Strategy.

It is recommended that that the proposal to prohibit centre-based child care facilities in the E4 and RE1 zones be supported, for the following reasons:

- centre-based child care facilities are not a Standard Instrument mandated land use in either of the zones,
- the Parramatta Community Infrastructure Strategy (July 2020) identified priorities and catchment based locations for future intended child care infrastructure, and
- Council have justified the prohibition in the RE1 zone to preserve public open space.

The Department notes that the Employment Zones Reform has mandated centre-based child care facilities as a permitted with consent in the E1 Local Centre, E2 Commercial Centre, E3 Productivity Support and MU1 Mixed Use zones. The land use is also mandated in all residential zones of the proposed LEP.

## 4.6 Environmental

### Open space and tree canopy

The proposed LEP will maintain the open space and tree canopy status and protection of the existing LEPs. The existing LEP controls and mapping of land use zones for recreation, environmental conservation and natural waterways are preserved in the Land Zoning Map, and environmentally sensitive areas (namely 'biodiversity', and 'native remnant vegetation') are preserved in the 'Natural Resources Map', which consolidate the existing 'Biodiversity', 'Riparian Lands and Watercourses', 'Landslide Risk' maps.

### Sustainability

The proposed LEP responds to larger scale environmental considerations such as sustainability and climate change through the preservation of environmental sensitive areas and waterway, and greater efficiency in the use of existing urban infrastructure through increased population and development density. It is expected that the LEP will facilitate other strategic responses as part of the Implementation Plan of the Local Strategic Planning Statement in the future.

### Hazards

The proposed Parramatta LEP 2023 will maintain the hazard identification and controls of the existing LEPs. In terms of hazards, some areas of the LGA are flood prone, particularly close to major waterways such as the Parramatta River, Duck River and tributaries. However, Council advised the proposed changes to zoning and development standards will not increase the amount of housing on flood prone land and is in the process of reviewing and updating the flood mapping for the LGA. Any updates required as a result of this work will be progressed through a future planning proposal.

The majority of the former Auburn, Holroyd and Parramatta LGA land is considered to have Class 5 or above acid sulfate soils. The former Holroyd LGA land is considered to be an area of possible salinity. The proposed LEP has mapped these constraints appropriately and further studies will be required as part of future development applications.

## 4.7 Economic

The proposed LEP will support the economic role and job creation potential of employment zones in the Parramatta LGA. The LEP will not result in substantial overall changes to development potential in local centres. The proposed unjustified restrictions to development potential of residential areas have been amended as described in section 3.4 of this report.

## 4.8 Infrastructure

The proposed LEP will not create significant additional demand for public infrastructure as it will not result in substantial overall changes to development potential permitted in the Parramatta LGA by the existing LEPs.

## 5 Post assessment consultation

The Department has consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	21 digital maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979 (Attachment D)</i>.</p> <p>Council provided feedback through the drafting process that has been considered in finalising the plan (<b>Attachment D</b>).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 15 February 2023, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at <b>Attachment PC</b> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the proposed Parramatta LEP 2023 under clause 3.36(2)(a) of the Act because it:

- gives effect to the Central City District Plan,
- aligns with the Local Strategy Planning Statement: City Plan 2036 (LSPS),
- is consistent or justifiably inconsistent with Section 9.1 Ministerial Directions,
- is consistent with all relevant State Environmental Planning Policies,
- is consistent with the Gateway Determination,
- addresses issues raised during consultation, and
- there are no outstanding agency objections to the planning proposal.



16/02/2023

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## Attachments

**Attachment A – Planning Proposal – September 2021**

**Attachment A1 – Quantitative analysis of proposed amendments to residential zones**

**Attachment A2 – Dual occupancy constraints analysis - Technical Paper December 2019**

**Attachment A3 – Hon Dr Geoff Lee MP representation**

**Attachment B – Gateway Determination and alterations**

**Attachment B1 – Gateway determination report**

**Attachment C – Council report and minutes of Council meeting – 21 July 2021**

**Attachment D – Clause 3.36(1) consultation with Council**

**Attachment E – Panel determination on Carlingford matter**

**Attachment PC – Parliamentary Counsel’s Opinion**

**Attachment LEP – Parramatta LEP 2023**

**Attachment MCS – Map Cover Sheet for Digital LEP maps**