

Consultation report

Land Use Planning Harmonisation
Discussion Paper
December 2019

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Document versions

No.	Author	Version
1.	City of Parramatta Council	Pre-Gateway report to Local Planning Panel and Council
2.	City of Parramatta Council	Addendum added explaining changes to Planning Proposal adopted by Council at its meeting on 11 November 2019.

1. Background

Following Council boundary changes in May 2016, City of Parramatta Council has been reviewing the multiple land use plans that currently apply to different parts of the City of Parramatta area. Council aims to create a single set of land use plans that will apply across the newly formed City of Parramatta Local Government Area (LGA). This will include a consolidated local environmental plan (LEP) and development control plan (DCP).

In January 2019 Council published the *Land Use Planning Harmonisation Discussion Paper*. The Discussion Paper summarised the key differences between land use plans applying in the LGA and made suggestions for how these differences could be resolved to create a single LGA-wide LEP and DCP. The suggestions included possible changes to what types of development are allowed in a particular land use zone, bringing consistency to height and floor space controls applying to residential zones, and creating a uniform set of car parking and tree protection controls for the LGA.

The Discussion Paper provided an opportunity for early community and stakeholder feedback on policy issues and possible changes to planning controls before new draft LEP and DCP are prepared.

The Discussion Paper was publicly exhibited from Monday 21 January 2019 to Monday 4 March 2019 for community feedback.

This report summarises the feedback that was received during the exhibition period and provides Council officer responses to the key issues raised.

An addendum has been added to the end of this report explaining amendments that have been made to the Planning Proposal that differ from the officer recommendations outlined in this report. These amendments were made by Council at its meeting on 11 November 2019.

2. Summary of engagement activity

A range of methods were used to notify the community and stakeholders about the exhibition of the Discussion Paper and provide an opportunity for feedback. These are summarised below.

2.1. Availability of Discussion Paper and supporting information

Copies of the Discussion Paper were available from:

- A dedicated project page (www.cityofparramatta.nsw.gov.au/planningharmonisation)
- City of Parramatta Council's "On Exhibition" webpage
- Council's 'Our Say' engagement portal
- City of Parramatta Customer Contact Centre
- All Council libraries

The exhibition package included:

- Full Discussion Paper
- Community summary of the Discussion Paper, including translations into Arabic, Korean, Hindi and Simplified Chinese
- Larger format versions of suggested dual occupancy prohibition area maps and identified Biodiversity and Riparian sites
- Table comparing land uses permitted in each zone under each LEP

Table 2.1 – Downloads of exhibition package documents

Document	Total downloads
FULL Discussion Paper	1,841
English summary	1,015
Arabic summary	24
Korean summary	25
Simplified Chinese summary	185
Hindi summary	38
Dual occupancy prohibition areas	879
Biodiversity and riparian land maps	369
Land use matrix	540
Total	4,916

2.2. Traditional notification channels

A variety of methods were used to notify stakeholders about the Discussion Paper and the opportunity to provide feedback, including:

- Direct mail-out to landowners in the LGA, notifying them of the exhibition and inviting their comments. This comprised:
 - Letter inserted with January 2019 council rates instalment notice (72,955 recipients)

- Letter to property owners who did not receive a rates instalment notice (13,444 recipients)
- For owners of strata titled lots, a notification letter was sent to the corresponding Owners Corporation (10,517 recipients)
- Email notification to other relevant stakeholders, including Government agencies, neighbouring councils, peak industry groups, community groups and members of the public who had registered their interest in the project. A total of 288 email notifications were sent out.
- Newspaper advertisements in:
 - Hills Shire Times on 22 January 2019 (readership of 166,000),
 - Auburn Review on 22 January 2019 (readership of 45,000),
 - Parramatta Advertiser on 23 January 2019 (readership of 78,000), and
 - Northern District Times on 23 January 2019 (readership of 89,000).
- Advertisements in ethnic newspapers, published 25 January 2019:
 - El Telegraph (Arabic language, readership of 500,000),
 - Epoch Times (Chinese language, readership of 8,500), and
 - Sydney Korean Herald (Readership of 21,000).
- Media release – sent out Thursday 17 January 2019 and resulted in a short piece in the Parramatta Advertiser.
- Brief 'on-hold' message during the exhibition period.
- Advertisement on foyer digital screens at Council's Customer Contact Centre during the exhibition period.
- Flyers and postcards were distributed to libraries and the Customer Contact Centre, and were handed out by staff at community-drop-in sessions.

2.3. Digital media channels

In addition to the notification methods outlined above, Council's various digital media channels were used to publicise the Discussion Paper exhibition. These are outlined below.

Table 2.2 – Digital media engagement activity

Format	Channel	Reach	Clicks
E-Newsletters	Parramatta Pulse (59,385 subscribers)	11,863	102
	Email to Council's 'Our City Your Say' online	Opened by	119
	Community Panel (9,319 members)	3,120	
	Small businesses (34,392 subscribers)	10,037	113
	Bush care groups	477	152
Facebook	City of Parramatta corporate page (33,269 followers)		
	- Post 1 Dual occupancy advertisement	45,043	4013
	- Post 2 'We want your feedback' advertisement	14,842	858
	- Post 3 'Have your say'	8,715	564
	- Post 4 Exhibition posted as an event	13,988	166
	Our City Your Say page (7,066 followers)		
	- Facebook Post 1 'We want your feedback'	491	7
	- Facebook Post 2 'We want your feedback'	803	5
	Active Parramatta page (2,322 followers)		
	- Post 1 'Have your say'	671	3
- Post 2 'Have your say'	741	5	
Twitter	Corporate Twitter page (8,390 followers)		
	- Post 1	2,070	28
	- Post 2	1,491	81

Format	Channel	Reach	Clicks
Council's Corporate Website	Dedicated project page (with link from main landing page)	5,824 unique views (including 84 clicks from home page to OurSay portal)	
	'On Exhibition' page	929 unique views	
	Council's Community Engagement page	117 total page visits, 10 link clicks to OurSay portal	
	Council's 'Our Say' engagement portal	658 unique views	

2.4. Community drop-in sessions

A series of community drop-in sessions were scheduled across two weeks in the engagement period. The sessions provided an opportunity for the community to talk directly with Council staff about the Discussion Paper and have their questions about the suggested planning controls answered. A summary of locations and attendance is provided below.

The drop-in sessions were flagged in the landowner notification letters and emails sent to landowners and stakeholders. Details of venue locations and times were provided on Council's website, engagement portal and Facebook page. Postcards with details of drop-in sessions and links for more information were also printed and handed out at community events, pop-ups and exhibition venues.

Table 2.3 – Community drop-in sessions

Ward	Location	Estimate of attendance
Parramatta	Farmers Market, Centenary Square, Parramatta Friday 1 February, 11am – 2pm	30 people
Epping	Rawson Street Car Park (next to Coles) Saturday 2 February, 9am – 11am	26 people
North Rocks	Carlingford Court Shopping Centre Saturday 2 February, 12pm – 2pm	58 people
Rosehill	Newington Marketplace Thursday 7 February, 4pm – 6pm	14 people
Parramatta	Northmead Shopping Centre Saturday 9 February, 10am – 12pm	41 people
Dundas	Dundas Community Centre Tuesday 12 February, 6pm – 8pm	23 people
North Rocks	Don Moore Community Centre Wednesday 13 February, 6pm – 8pm	29 people
Parramatta	Constitution Hill Branch Library Monday 18 February, 6pm – 8pm	22 people
Parramatta	City of Parramatta Library Tuesday 19 February, 5:30pm – 7:30pm	7 people
TOTAL		250 people

In addition to drop-in sessions, stakeholders were also able to contact the project team directly via email or telephone to talk about the Discussion Paper. During the exhibition period, more than 100 individuals were engaged through these channels:

- Email enquiries: 36
- Telephone enquiries: 76 (calls put through to project team)

2.5. Attendance at Council advisory committees

In addition to the above engagement activity, Council officers from the project team attended the following Council committees to discuss the Harmonisation Project and Discussion Paper during or in the lead up to the exhibition period:

- Flood Risk Management Committee: 13 November 2018
- Aboriginal and Torres Strait Islander Advisory Committee: 24 July 2018. In addition, the Committee was notified by email on 18 January 2019 and a follow-up notification of the exhibition was provided at the February meeting).
- Cycleways Advisory Committee: 23 January 2019
- Heritage Advisory Committee: 20 February 2019
- Access Advisory Committee: A verbal notification of the exhibition and community drop-in session being held at Parramatta Library was provided on 19 February 2019.

3. Overview of feedback received

This section provides key statistics on the feedback received during the exhibition period. The sections that follow summarise the nature of the feedback, organised by Discussion Paper topic, and provide officer responses to the key issues raised.

3.1. Feedback channels

The community and stakeholders were able to provide feedback on the Discussion Paper by email, letter or online via a guided survey on Council's 'Our Say' engagement portal (www.oursay.org/cityofparramatta).

The guided survey was divided into nine sections, corresponding to topics in the Discussion Paper. The community were able to provide comment on as many sections as they wished. This enabled respondents to answer the questions that reflected their concerns, rather than having to invest time answering questions about topics that were not relevant to them.

All written submissions and survey responses received during the exhibition period have been collated and reviewed and are summarised in the following sections of this report.

3.2. Overview of submissions received

A total of 539 submissions were received:

- 222 written submissions (email and letters)
- 317 survey responses (across all sections)

Some individuals provided feedback through both the online survey and a written submission, and/or responded to more than one sections of the survey. Accounting for identified duplicate submissions, there was a net of approximately 464 submissions.

17 submissions were received after the close of the exhibition period. These have been included in the analysis of feedback.

The tables below provide a breakdown of submissions received by topic and type of submitter.

Table 3.1 Submissions by Topic

Topic	Written submissions	Survey responses	Total submissions*	% of submissions *
Low density residential zones	38	27	65	14%
Dual occupancies	167	159	317	68%
Medium and high density residential zones	24	23	47	10%
Non-residential zones	21	13	34	7%
Car and bicycle parking	35	32	66	14%
Environmental sustainability	39	23	62	13%
Design and heritage controls	13	13	26	6%
Rationalising land use zones	5	18	23	5%
Other matter	57	9	66	14%

* Excludes duplicates. Some submissions covered multiple topics.

Table 3.2 Submissions by type of submitter

Type of submitter	Total submissions	% of submissions
Individual residents	402	87%
Resident groups	4	1%
Landowners (not resident in LGA)	35	7.5%
Government agencies	11	2%
Neighbouring council	2	0.5%
Businesses / business groups	7	1.5%
General public not resident in LGA	3	0.6%

4. Dual occupancies

This section covers feedback on Discussion paper suggestions relating to dual occupancy development.

4.1. Where should dual occupancies be allowed to be built?

The Discussion Paper sought feedback on the following options for where in the LGA dual occupancy development could be permitted:

Low Density Residential Zones	<u>Option 1</u>	Dual occupancies would continue to not be allowed in locations where they are currently not allowed under Parramatta LEP, plus on R2 zoned land in the former Hornsby and The Hills LGAs, where restrictions on dual occupancies are currently in place. Some additional parts of Oatlands and Winston Hills were also suggested to be included in the prohibition areas. See Figure 4.1 for an illustration of this option.
	<u>Alternative option 1 – larger dual occupancy prohibition areas</u>	This option included the prohibition areas suggested above, plus additional R2 zoned land in parts of Carlingford, Dundas, Eastwood, Epping and Rydalmere where dual occupancies are currently allowed. Land fronting Marsden, Kissing Point, and Victoria Roads would not be included in the suggested prohibition areas. See Figure 4.2 for an illustration of this option.
	<u>Alternative option 2 – fewer dual occupancy prohibition areas</u>	This option suggested fewer prohibition areas, which would allow dual occupancies in more locations, such as in parts of the former Hornsby or The Hills LGAs. Feedback was sought on which areas could be allowed to have dual occupancies.
Medium and High Density Residential Zones (R3 and R4 zones).	It was proposed to permit dual occupancies, along with other forms of housing, in the R3 and R4 zones across the LGA to provide opportunity for housing diversity in these locations.	

Feedback received

A total of 301 submissions were received on this issue, the majority in support of fewer prohibition areas (Alternative Option 2). A breakdown of submissions is outlined in the table below.

Table 4.1A Breakdown of submissions on dual occupancy prohibition

Option	Number of submissions	% of submissions	Notes
Option 1 ¹	59	20%	¹ Includes submission from Beecroft Cheltenham Civic trust
Alternative Option 1 ²	36	12%	² Includes submission from Epping Civic Trust. Also includes 6 submissions that indicate support for prohibition across all of the R2 zone
Alternative Option 2	196	65%	
Other ³	4	1%	³ 2 submissions sought prohibition in Dundas Valley, 1 submission sought prohibition in Ermington and 1 submission sought prohibition in all of Oatlands
Stance unclear	6	2%	
Total	301	100%	

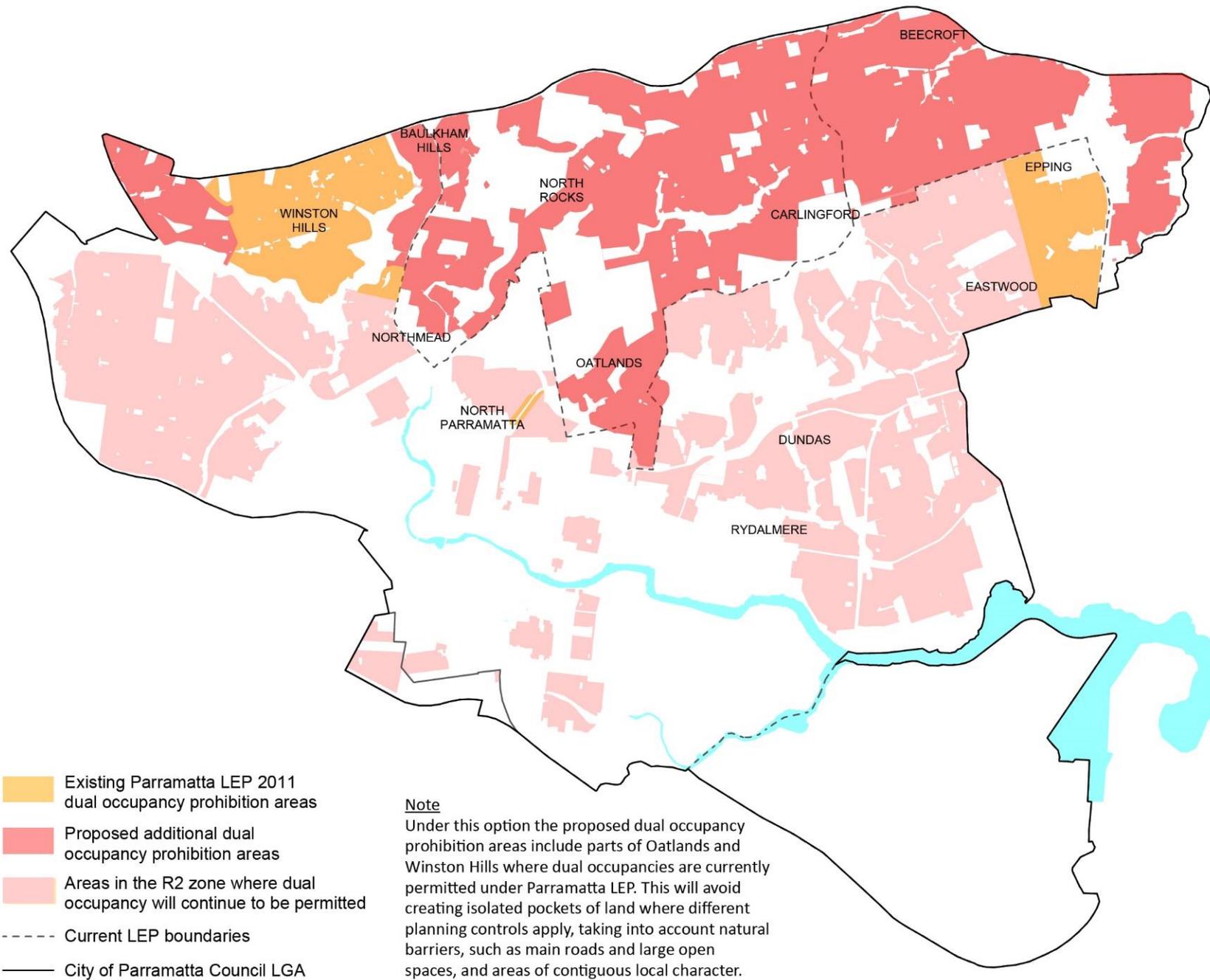


Figure 4.1 – Discussion Paper Option 1: Dual occupancy prohibition areas

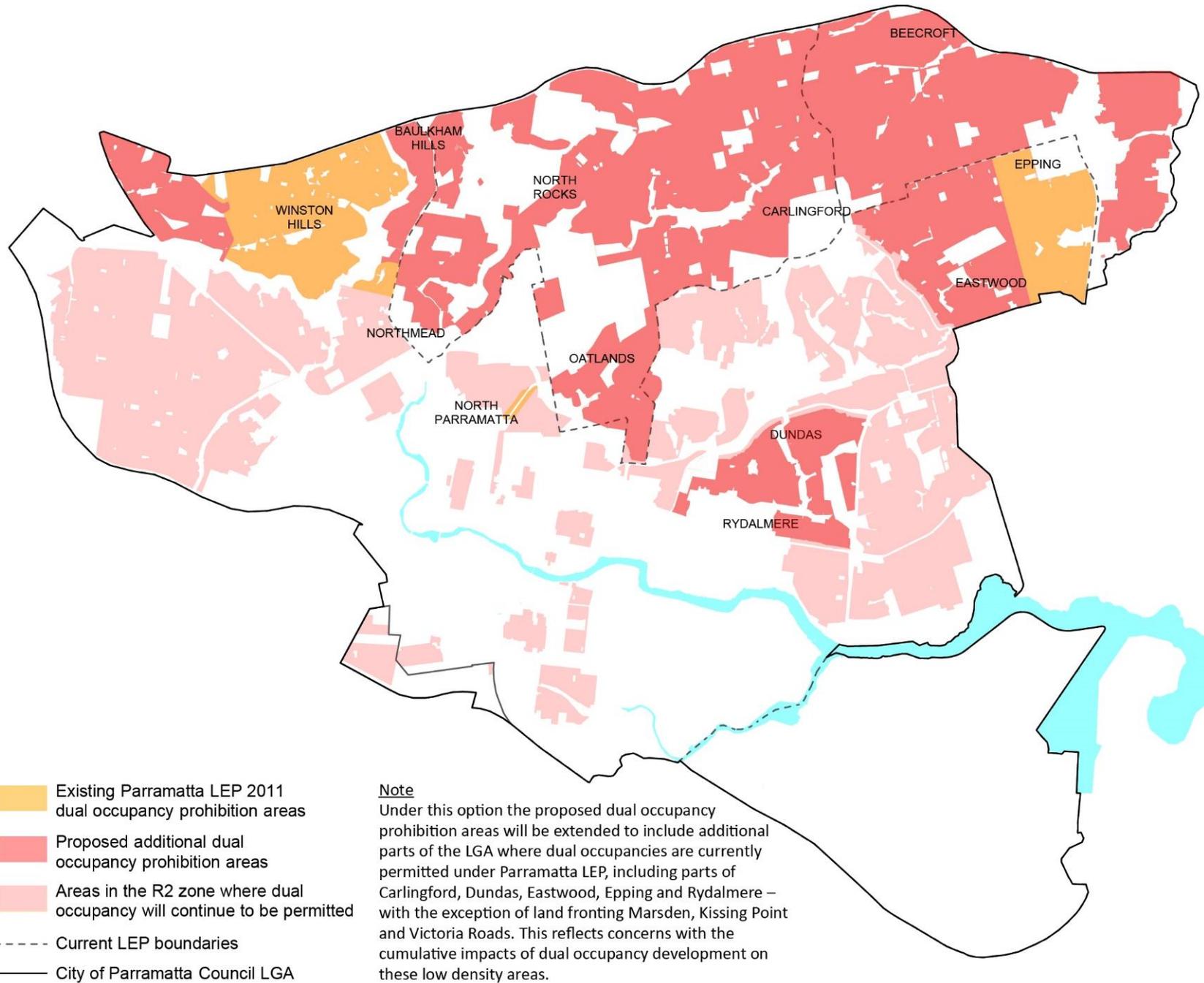


Figure 4.2 – Discussion Paper Alternative Option 1: Expanded dual occupancy prohibition areas

Many submissions related to a specific property or location. The geographic distribution of submissions, based on suburb of residence of submitters, is outlined in Figure 4.3. It indicates that most submissions were from residents in Epping and Carlingford.

An analysis of submissions where the former council area of the submitter could be identified (160 submissions), suggests that the majority of objections to dual occupancy prohibition were particularly focused on properties in the former Hornsby LGA areas of Epping and Carlingford (areas where dual occupancy development is already prohibited under existing planning controls).

Table 4.1B Breakdown of submissions by former council area

Former council area	Support prohibition areas ¹		Support fewer prohibition areas		Stance unclear
	No.	%	No.	%	
Hornsby	15	9%	79	50%	-
Parramatta	19	12%	15	9%	4
The Hills	10	8%	18	9%	-
Total	44	27%	112	71%	4

Notes

% based on 160 submissions

¹ Submissions that supported Option 1, Alternative Option 1 or which supported prohibition in another part of the LGA

Several submissions recommended prohibition areas be extended to other parts of the LGA, in response to concerns over on-street parking congestion and loss of character:

- Ermington (3 submissions)
- Dundas Valley (3 submissions)
- More of the suburb of Oatlands (1 submission)
- Melrose Park (1 submission)

Key issues raised in submissions

200 submitters (66%) provided reasons for their position on prohibition. These reasons can broadly be categorised as follows:

Reasons for support of prohibition areas
(based on 45 submissions)

- Dual occupancies are incompatible with the character of low density areas (27)
- Concerns over on-street parking congestion/traffic impacts (19)
- General concerns with overdevelopment in the LGA / strain in infrastructure (18)
- Concern about loss of trees and gardens (9)
- Poor access to public transport (8)
- Concerns over impact on heritage (5)
- Concerns with overcrowding and disruption to lifestyle and tranquillity of low density areas (5)
- Other less common reasons included:
 - concerns over disruption and noise from construction activity
 - drainage impacts
 - extending prohibition to the whole suburb of Oatlands or Winston Hills will make it 'more connected'
 - dual occupancies will makes areas less appealing and reduce property values

Reasons for support of fewer prohibition areas
(based on 155 submissions)

- Prohibition areas are unfair/discriminatory and inconsistently applied (77)
- Dual occupancies will contribute to housing choice and diversity (53)
- Prohibition will reduce property value (26)
- Dual occupancies provide affordable housing (25) and contribute to housing supply (20)
- There is already dual occupancies and medium density housing nearby (20)
- The site is close to transport and centres or does not have any environmental issues (20)
- Traffic and amenity impacts will be negligible compared to other types of development (15)
- Dual occupancies have the same character and appearance as single houses (14)
- Policy is out of date / is not consistent with State Government policy (13)
- Allowing dual occupancies would encourage housing renewal and investment (12)
- Dual occupancies should be managed through design controls and not outright

- prohibition (8)
- Dual occupancy development is an efficient use of land (7)
- Granny flats are allowed and have the same or worse impacts (6)
- Other less common reasons included:
 - Prohibition would create a social divide
 - dual occupancies would have similar impacts as large single houses in terms of tree loss

Main concerns with dual occupancies

The most commonly cited reason in support of prohibition areas was that dual occupancies were incompatible with the character and streetscapes of low density areas. Many residents felt these areas should remain as single detached dwellings on large blocks of land, particularly given other parts of the LGA are increasing in density. Some submissions argued that certain areas, such as Beecroft, Epping and Winston Hills, had a special character, whose historical elements should be protected from dual occupancies.

Several submitters were also concerned about the general design quality of dual occupancies and the impact the State Government's *Low Rise Medium Density Housing Code* would have which, once introduced in the LGA, would allow dual occupancies to be built without needing development consent.

Another common concern raised with dual occupancies was the impact of on-street parking congestion, particularly in narrow streets. Some submissions gave specific examples of where such problems were occurring. There was concern that dual occupancies could effectively double the density of certain neighbourhoods with resulting traffic and infrastructure impacts. Some felt this would be only make worse the impacts already occurring from high-rise development nearby (such as in Epping and Carlingford town centres). It is noted that a number of submissions were received that did not support the suggested minimum car parking rate of 1 space per dwelling (see section 4.6).

Main concerns with prohibition areas

A key concern was that prohibition would reduce a landowner's development rights, which could have negative financial impacts. A large number of submissions argued that allowing dual occupancies in some areas and not others was unfair and instead all ratepayers should have the same development rights. A number of submissions were concerned having prohibition areas would create further division between areas and did not meet the objectives of 'harmonisation'.

A number of submitters felt that dual occupancies allow for more housing choice/flexibility, including for young families, first homebuyers and seniors wanting to downsize. 12 submissions specifically indicated a desire to be able to build housing for a family member on their block of land.

A number of submitters argued that dual occupancies contribute to housing affordability and supply. Several of these submissions cited the State Government's objective to increase housing affordability and supply and felt that prohibition would be inconsistent with this objective. Some submissions also argued that dual occupancies are preferable to apartments and would limit the number of apartments needing to be built in the LGA.

Others argued that the context of the site needs to be considered, for example areas close to transport and services should be allowed to have dual occupancies. Others argued that there was already medium density housing nearby and therefore they should be allowed to have it on their property. There was also the perception that dual occupancies could be designed to look like new single houses and the differences in impacts on an area between the two types of housing would be negligible. Some submissions noted that granny flats (also referred to as "secondary dwellings") are allowed under State Government rules without any parking and therefore have more of an impact than dual occupancies would.

Suggestions for defining prohibition areas

Some submissions argued that there should be a consistent basis for identifying prohibition areas however, did not necessarily agree with the suggestions put forward in the Discussion Paper (for example some felt that the suggested prohibition areas were too broadly or subjectively defined). Several submissions made alternative suggestions for identifying where dual occupancies should be allowed. These included:

- Proximity to transport and services – allow dual occupancies within a certain distance of transport infrastructure and/or town centres (such as Epping railway station, Winston Hills shopping centre or North Rocks shopping centre). Distances of between 1-3km were suggested.
- Areas of 'high amenity' – one submission suggested dual occupancies should only be allowed in locations close to transport and parks with favourable orientation.
- Lot size – some submissions suggested allowing dual occupancies in areas with large/wide lots (such as frontages of least 20 metres), while others specified that no prohibition areas should be defined but instead they should only be allowed on sites over a certain size (such as 600sqm).
- Topography – one submission suggested dual occupancies should only be accommodated on flat land as this allows for good vision, safe ingress/egress and less impacts on winter overshadowing.
- Street widths – allow dual occupancies only where street widths are capable of allowing vehicles to safely pass when cars are parked on both sides of the road.
- Areas with opportunity for renewal – allow dual occupancies in areas with outdated buildings, or where there have been a high percentage of applications for duplexes or granny flats; and prohibit them in areas that are 'peaceful, low density' where only a small number of DAs have been lodged.
- Control through design controls - dual occupancies could be supported by larger setback requirements for privacy and a lower floor space ratio to retain trees.

Dual occupancies in the R3 and R4 zones

There was not a high number of responses to this issue. Of those that did respond, there was overall support for allowing dual occupancies in the R3 and R4 zones. Some submissions objecting to dual occupancies being allowed in the R2 zone argued that they were more suited to the R3 or R4 zone. A breakdown of submissions is provided below:

Table 4.1C Breakdown of submissions on allowing dual occupancies in other residential zones

Stance	Allow in R3 zones		Allow in R4 zones	
	No.	%	No.	%
Support	12	80%	11	69%
Not supported	3	20%	4	25%
Other	-		1 ¹	6%
Total	15	100%	16	100%

Notes

¹1 survey response selected 'No opinion'

Of the submissions that did not support dual occupancies in the R3 or R4 zones, one provided a reason why, arguing that such development would be an underuse of land in these areas.

Officer response

- *It is recommended to continue to prohibit dual occupancies in low density areas (R2 zones) where they are currently restricted under existing local planning controls, due to the development constraints that exist in these areas. This includes land that was formerly part of Hornsby and The Hills Council areas.*
- *It is also recommended to extend prohibition areas to additional low density areas where significant development constraints exist. This includes parts of Carlingford, Dundas, Dundas Valley and Oatlands and heritage conservation areas.*

- *It is recommended to allow dual occupancies on all land in the R3 and R4 zones.*

In response to feedback received, further analysis has been undertaken to identify areas suitable for dual occupancy development. The analysis has mapped, at a finer grain, the various constraints to dual occupancy development that exist in different parts of the LGA. This included identifying areas with special local character, clusters of narrow streets, poor access to public transport, impermeable street networks and high levels of tree cover. These are considered to be environmental factors that worsen the impacts of dual occupancy development over time.

The analysis has been used to define a draft Dual Occupancy Prohibition Area Map, which is proposed to be included in the consolidated LEP. The analysis found that:

- **Beecroft** - has been identified as an area with special character, comprising a consistent style of housing within an established garden setting. Allowing dual occupancies here would decrease the garden setting and result in less uniformity on housing style. In addition, the area has been identified as having other constraints, including significant tree canopy cover, and a number of long narrow streets which could result in traffic and parking issues if the area is intensified.

Approximately 95% of R2 zoned sites in Beecroft are over 600sqm, meaning there is significant potential for population densities to increase over time and for the negative impacts associated with additional dwellings to be compounded over time as a result of the identified constraints.

- **Carlingford** – large parts of the suburb have been mapped as having multiple overlapping constraints, including large blocks with a closed street-network and poor pedestrian links that are less suited to intensification of development, and blocks with a concentration of long narrow-streets and dead ends which over time could result in traffic and parking issues from additional dwellings. Much of the suburb also has poor access to frequent public transport and higher levels of tree canopy cover compared to other low density neighbourhoods.

Approximately 91% of R2 zoned sites in Carlingford are over 600sqm, meaning there is significant potential for population densities to increase over time and for the negative impacts associated with additional dwellings to be compounded over time as a result of the identified constraints.

- **Eastwood** – a large part is covered by a heritage conservation areas, in which dual occupancies are already prohibited under the Parramatta LEP. The existing prohibition is proposed to be retained. Most of the remaining parts of the suburb have few constraints to dual occupancy development and it is recommended to continue to permit them.

- **Epping** - large parts of the suburb have been mapped as having multiple constraints, including large blocks with a closed street-network and poor pedestrian links that are less suited to intensification of development, and blocks with a concentration of long narrow-streets and/or dead ends, which over time could result in traffic and parking issues from additional dwellings. The areas outside of the Epping Town Centre generally have poor access to frequent public transport and have higher levels of tree canopy cover compared to other low density neighbourhoods. Land to the east of Epping town centre has also been identified as having a special character characterised by detached housing in an established garden setting. There are also heritage conservation area designations over a large portion of this land.

Within the parts of the suburb that have overlapping constraints, approximately 90% of sites are over 600sqm, meaning there is significant potential for population densities to increase over time and for the negative impacts associated with additional dwellings to be compounded over time as a result of the identified constraints.

It is noted that as part of the Epping Planning Review, Council is investigating the potential for allowing dual occupancies on certain land adjoining high density development in the town centre in order to ameliorate the impact of this new adjoining development. This process will continue separately to the proposals recommended as part of the LEP consolidation process.

- **North Rocks and Northmead** – these areas share many constraints, particularly land contained within the former The Hills Council area. Large parts of this area have been mapped as having

large blocks with a closed street-network and poor pedestrian links that are less suited to intensification of development, or blocks with a concentration of long narrow-streets and/or dead ends, which over time could result in traffic and parking issues from additional dwellings. Much of the area has relatively poor access to frequent public transport, although it is noted some local services are provided at the North Rocks shopping centre. There is also established tree canopy cover over much of the area, and sites adjoining bushland reserves are subject to bushfire hazard.

A significant proportion of lots in the area are over 600sqm, particularly in North Rocks where approx. 99% of sites are big enough to accommodate a dual occupancy under the recommended MLS controls. This would significantly increase the potential for negative impacts associated with the identified constraints as a result of an increase in people and dwellings in the area.

- **Other low density areas** – the constraints analysis has also identified other parts of the LGA where there are multiple overlapping constraints which could lead to negative impacts from dual occupancy development. These comprise parts of Carlingford, Dundas, Dundas Valley, Oatlands, Winston Hills and heritage conservation areas in the former Parramatta City Council area. It is recommended to prohibit dual occupancy development in these areas.

A full copy of the dual occupancy constraints analysis is included as part of the planning proposal package for the consolidated LEP.

The table below provides further officer comments in response to the key issues raised in submissions:

Table 4.1D Officer responses to key concerns raised in submissions

Reasons for support of prohibition areas	Officer comment
<ul style="list-style-type: none"> • Dual occupancies are incompatible with the character of low density areas 	The constraints analysis has identified areas with a special character where there is a strong case to prohibit dual occupancy development.
<ul style="list-style-type: none"> • Concerns over on-street parking congestion/traffic impacts 	The constraints analysis has identified areas where there is the highest likelihood of on-street parking congestion and traffic impacts as a result of increasing the number of dwellings in an area. This includes areas with clusters of long, narrow roads with poor access for cars.
<ul style="list-style-type: none"> • General concerns with overdevelopment in the LGA / strain in infrastructure 	Over time, unplanned development in inappropriate locations can place a strain on infrastructure and the environment. The constraints analysis aims to identify suitable locations for new housing, and has included consideration of public transport accessibility levels as well as the ability of existing streets to accommodate intensification. Where dual occupancy development does occur, development contributions will be required to help fund necessary infrastructure in the LGA.
<ul style="list-style-type: none"> • Concern about loss of trees and gardens 	This issue has been considered as part of the constraints analysis, which has identified locations with significant tree canopy cover and established garden settings.
<ul style="list-style-type: none"> • Poor access to public transport 	This issue has been considered as part of the constraints analysis, which has identified areas with relatively poor access to frequent public transport.
<ul style="list-style-type: none"> • Concerns over impact on heritage 	Dual occupancies are recommended to be prohibited in heritage conservation areas (HCAs) apart from South Parramatta Conservation Area, where dual occupancies will continue to be permitted. Redevelopment of heritage sites outside of HCAs are required to meet

	local heritage controls, which seek to conserve the heritage significance of a building or place.
<ul style="list-style-type: none"> Concerns with overcrowding and disruption to lifestyle and tranquillity of low density areas 	New housing is required to meet detailed design controls, including requirements around noise and overlooking. The constraints analysis has also identified areas where the existing street network may not be able to support dual occupancy development without negative parking and traffic impacts.
<ul style="list-style-type: none"> Other less common reasons included: <ul style="list-style-type: none"> concerns over disruption and noise from construction activity drainage impacts extending prohibition to the whole suburb of Oatlands or Winston Hills will make it 'more connected' dual occupancies will make areas less appealing and reduce property values 	<p>The recommended planning controls for dual occupancy development seek to achieve a balance between enabling new development and renewal in the LGA and avoiding potential negative impacts on communities.</p> <p>The constraints analysis has sought to identify areas suitable for dual occupancy development based on a common set of considerations.</p> <p>In areas where dual occupancies are allowed, they will be assessed against detailed design controls.</p>
Reasons for support of fewer prohibition areas	Officer comment
<ul style="list-style-type: none"> Prohibition areas are unfair/discriminatory and inconsistently applied 	<p>A key role of the planning system is to achieve a balance between enabling new development and renewal in the LGA and avoiding potential negative impacts on communities.</p> <p>The identification of prohibition areas has been informed by a constraints analysis that has identified areas where dual occupancy development would be likely to create ongoing negative impacts over time. This analysis has considered the whole of the LGA using a consistent set of considerations.</p>
<ul style="list-style-type: none"> Prohibition will reduce property value 	<p>The majority of areas where dual occupancies are recommended to be prohibited are locations where this form of development is already restricted. As such, there will not be a reduction in development rights in these areas.</p> <p>For example, dual occupancies are prohibited in the former Hornsby Council area.</p> <p>While dual occupancy development is currently allowed in the former The Hills Council area, subdivision of dual occupancies is not. This limits the viability of dual occupancy development and has acted as a pseudo-prohibition, with only 12 dual occupancy developments being approved in this area since May 2016.</p>
<ul style="list-style-type: none"> Dual occupancies will contribute to housing choice and diversity Dual occupancies provide affordable housing and contribute to housing supply 	<p>While dual occupancies can help contribute to housing supply and diversity, it is important to ensure that development occurs in the right locations.</p> <p>The proposed dual occupancy prohibition areas have been informed by a detailed analysis of constraints that has identified areas where dual occupancy development is likely to have ongoing and cumulative</p>

	<p>negative impacts on local amenity and character.</p> <p>Council has prepared a draft Local Housing Strategy (LHS) that identifies how the local area's housing needs will be met over the next 20 years. The draft LHS identifies that the City of Parramatta will easily achieve its new dwelling targets. It places a greater reliance on housing being delivered within specific identified growth precincts located near employment and transport.</p> <p>Only a small proportion of new housing is expected to come from locations outside these precincts. Prohibiting dual occupancy development in certain areas is therefore unlikely to significantly impact housing delivery in the LGA.</p> <p>Each year dual occupancy development contributes only marginally to housing supply – approximately 160 dwellings or 3% of the annual forecast in the draft LHS. On this basis, under the recommended prohibition areas there would remain sufficient sites to provide approximately 58 years of dual occupancy housing.</p> <p>While there is an identified need to investigate more medium density housing types in the LGA, the priority is for this to be delivered in growth precincts and on large planning proposal sites. This will allow for a range of housing forms to be delivered in a planned way in appropriately located areas.</p> <p>It is also acknowledged that there is a need for more affordable housing in the LGA. However, while the cost of a duplex may be marginally lower compared to a full size home in the same area, the difference is unlikely to be sufficient to meet the needs of those who have the most acute need for affordable housing – households on very low, low and moderate incomes.</p> <p>Any contribution from dual occupancy development needs to be balanced against the potential for negative cumulative impacts over time due to inappropriately located development – for example, in some locations the density of an area could more than double as all sites would be eligible for both dual occupancy and secondary dwelling development.</p>
<ul style="list-style-type: none"> • There is already dual occupancies and medium density housing nearby 	<p>While some of the recommended prohibition areas may contain previously developed sites, this is not considered sufficient justification on its own to permit dual occupancy development, given the multiple constraints that have been identified in these areas. Allowing dual occupancy development in these locations would likely create or worsen existing negative impacts associated with medium density development in these areas.</p>
<ul style="list-style-type: none"> • The site is close to transport and centres or does not have any environmental issues 	<p>The recommended prohibition areas have been informed by a constraints analysis, which has</p>

	considered transport accessibility and a range of environmental issues.
<ul style="list-style-type: none"> Traffic and amenity impacts will be negligible compared to other types of development 	Dual occupancies will have some impact on traffic generation as they are replacing one house with two – potentially doubling the number of houses in an area over time. In low density neighbourhoods with certain types of street network, this would lead to unacceptable traffic and amenity impacts over time.
<ul style="list-style-type: none"> Dual occupancies have the same character and appearance as single houses 	<p>Where possible, Council seeks to apply the same design controls to both dual occupancies and single houses, For example, the same floor space, setback, landscaping and open space requirements apply to both forms of housing. However, the appearance of dual occupancy development does differ from single housing in some respects, such as by having two sets of driveways and garages.</p> <p>In addition, once the State Government's <i>Low Rise Medium Density Housing Code</i> comes into effect in the LGA, it would allow dual occupancies to have a higher floor area compared to a single dwelling on the same site, which could result in bigger and bulkier buildings.</p>
<ul style="list-style-type: none"> Policy is out of date / is not consistent with State Government policy 	As noted above, the recommended prohibition areas will not significantly impact housing delivery in the LGA. Council has prepared a draft Local Housing Strategy that will identify a strategy for meeting housing needs, in accordance with current State Government policy.
<ul style="list-style-type: none"> Allowing dual occupancies would encourage housing renewal and investment 	While dual occupancies can help to encourage housing renewal, it is important to ensure that development occurs in the right locations to avoid potential negative impacts on communities.
<ul style="list-style-type: none"> Dual occupancies should be managed through design controls and not outright prohibition 	<p>Council's local planning controls will include detailed design controls for dual occupancy development. While these can be used to assess development applications for dual occupancies, they would not apply to housing delivered through the complying development pathway.</p> <p>Under the State Government's <i>Low Rise Medium Density Housing Code</i>, dual occupancies delivered through the complying development pathway are only required to meet the generic controls outlined in the Code. Any local controls Council may seek to set to respond to local constraints would be overridden. For example, there would be no way to require additional car parking or reduce floor space allowances, should such measures be considered appropriate in a specific location.</p> <p>Currently, setting minimum lot sizes and prohibition areas are the only ways Council can manage dual occupancy development with any certainty.</p>
<ul style="list-style-type: none"> Dual occupancy development is an efficient use of land 	While dual occupancies provide infill housing, it is important to ensure that development occurs in the right locations to avoid potential negative impacts on communities.

<ul style="list-style-type: none"> Granny flats are allowed and have the same or worse impacts 	<p>State Government planning policy allows secondary dwellings (granny flats) on sites over 450sqm in any area where a single dwelling is permitted. Local planning controls cannot override this.</p> <p>However, secondary dwellings are distinct from dual occupancies in a number of ways. They are limited in size to 60sqm, meaning they are relatively small additions to existing homes and would have fewer occupants than a dual occupancies, which would lead to fewer potential impacts on local areas. They are also not able to be subdivided and sold separately from the main house.</p> <p>It is also noted that allowing dual occupancies would not stop granny flats being built. On large sites over 900sqm, it would be possible to construct dual occupancies and two granny flats, resulting in an additional three dwellings on a site. This has the potential to significantly change the density of an area, particularly areas in the north of the LGA where there is a higher concentration of sites over 900sqm.</p>
<ul style="list-style-type: none"> Other less common reasons included: <ul style="list-style-type: none"> Prohibition would create a social divide dual occupancies would have similar impacts as large single houses in terms of tree loss 	<p>While dual occupancies can help contribute to housing supply and diversity, it is important to ensure that development occurs in the right locations. Council has prepared a draft Local Housing Strategy that identifies how the community's housing needs will be met over the next 20 years.</p> <p>While new large single houses could influence tree canopy, more impacts tend to be experienced with dual occupancy development due to the need for additional driveway crossings and also because such developments tend to cover more of the site compared to single dwellings.</p>

4.2. Minimum lot size for dual occupancy development

The Discussion Paper sought feedback on the following suggestion:

Require a minimum lot size of 600sqm In areas where dual occupancies are permitted, they would be only be allowed to be built on sites with a size of 600sqm or more. This would be included as an LEP control.

Feedback received

A total of 170 submissions were received on this issue, the majority in support of the suggested minimum lot size of 600sqm. A breakdown of submissions is outlined in the table below.

Table 4.2 Breakdown of submissions on dual occupancy minimum lot size

Stance	Number of submissions	% of submissions	Notes
Support	145	85%	¹² survey responses selected 'Neither agreed nor disagree', 1 response suggested a larger MLS be applied to detached dual occupancies, 1 response suggested a higher MLS of 650sqm be applied to sites near shopping centres.
Not supported	21	12%	
Other ¹	4	2%	
Total	170	100%	

Of those who did not support the suggested 600sqm MLS, six argued for a lower requirement. Reasons given included:

- Neighbouring councils have smaller MLS requirements
- It will allow more housing to be built and more investment in the LGA
- Family sizes are getting smaller
- Dual occupancies are a space saver, especially if car parking requirement is removed
- Allow on smaller lots if property has dual access or faces a rear lane
- Secondary dwellings (granny flats) can be built on lots as small as 450sqm

Two submissions argued for a higher MLS requirement. Reasons given included:

- Ensures not every lot is developed into a dual occupancy
- 600sqm creates parking problems, makes areas feel 'hemmed in' and does not allow for enough green space (a MLS of 800sqm was suggested)

The remaining 13 submissions objecting to the 600sqm MLS did not provide a reason for their objection. One submission that did support a 600sqm MLS noted that it would not support a higher requirement as this would limit the amount of dual occupancies that can be built to a 'negligible level'.

Officer response

- *It is recommended to only allow dual occupancy development on sites with an area of at least 600sqm.*

Urban design testing of different dual occupancy and lot configurations has indicated that a lot size of 600sqm is the minimum necessary to ensure that sufficient space is available on a lot for adequate landscaping and setbacks. This testing is based on meeting recommended design controls, including landscaping 40% of the site, matching established front setbacks and providing 100sqm of private open space per dwelling.

While it is acknowledged that NSW Government policy allows detached secondary dwellings (granny flats) on lots as small as 450sqm, this form of development is limited in size to 60sqm and is also not able to be sold off separately to the main house.

A minimum lot size of 600sqm also aims to deliver a built form that does not detract from the low density residential character of a neighbourhood. This lot size requirement is consistent with the current controls within *Parramatta LEP 2011* and (for attached forms of dual occupancy) *The Hills LEP 2012*. It is also noted that Cumberland City Council is progressing a change to their local planning controls to introduce a consistent minimum lot size of 600sqm for dual occupancy development in the Cumberland Council area.

A higher minimum lot size would limit the number of sites that could be developed for dual occupancies. This is not considered the best way of managing dual occupancy development. Instead, prohibition areas have been identified based on an analysis of constraints which has identified areas with overlapping constraints that would not support good quality development - refer to Section 4.1 of this report.

4.3. Should restrictions be placed on the form of dual occupancy development?

The Discussion Paper sought feedback on the following options:

Restrict dual occupancies to attached forms

The first option was to keep the current Parramatta LEP policy that only allows dual occupancy development where both homes are attached to each other. As per the current Parramatta LEP policy, the exception would be on sites with heritage items or sites with more than one street frontage - on these sites two detached homes (no shared walls) would be allowed.

Alternative option

An alternative approach would be to allow both attached and detached

forms of dual occupancy development on all sites. This approach would require the minimum site size requirement to be increased to larger than 600sqm to ensure enough space is available to achieve good design outcomes.

Feedback received

A total of 160 submissions were received on this issue, the majority in support of allowing both attached and detached forms of dual occupancy on all sites. A breakdown of submissions is outlined in the table below.

Table 4.3 Breakdown of submissions on restricting the form of dual occupancies

Stance	Number of submissions	% of submissions
Support	59	37%
Not supported	95	59%
Other ¹	6	4%
Total	160	100%

Notes

¹6 survey responses selected 'No opinion'

Approximately 66% of those who supported allowing detached forms of dual occupancy also supported fewer prohibition areas. By comparison 47% of those who supported putting restrictions of detached forms of dual occupancy supported allowing dual occupancies in more locations.

Few submissions provided reasons for their stance. Of those that did, reasons for supporting the restriction included the belief it would encourage more compact design and allow for appropriate setbacks from neighbouring properties.

Reasons against imposing the restriction included the belief that attached dwellings are not conducive to good 'neighbourly relations' and that fewer restrictions on dwelling form would allow for more housing diversity and choice. One submission acknowledged that allowing detached dual occupancies in more locations would require a minimum lot size larger than 600sqm.

Officer response

- ***It is recommended to retain the restriction on detached forms of dual occupancy.***

Attached forms of dual occupancy development make more efficient use of land, allowing more of a site to be available for landscaping and rear gardens, which is more compatible with the established pattern of development in low density neighbourhoods. This recommended approach ensures that both dwellings directly address the street. It is also consistent with the current policy applying to the vast majority of the areas in the LGA where dual occupancies are proposed to be allowed.

Detached dual occupancy development tends to take the form where one dwelling is built in the rear garden of an existing house. This form of development results in poor amenity for the second house as it does not have direct outlook to a public street, but instead looks onto side and rear fences of the surrounding houses. This form of development also leads to a loss of established gardens and trees, both as a result of locating a dwelling in the rear yard and also because of the need for longer driveways to be provided to the rear house. Building a second dwelling in the rear can also have privacy and overshadowing impacts on neighbouring properties unless dwellings are kept to one storey.

For this reason, it is recommended that detached forms of dual occupancy are only allowed in exceptional circumstances – in instances where heritage needs to be protected, or on sites with more than one street frontage, where each dwelling can directly face a public street.

4.4. Should subdivision of dual occupancies be allowed?

The Discussion Paper sought feedback on the following options:

Permit subdivision of dual occupancy	Where dual occupancies are permitted, it was suggested to allow them to be subdivided into individual titles. This option is consistent with the planning controls in the current Parramatta and Holroyd LEPs. <u>Alternative option</u> An alternative approach would be to prohibit subdivision of dual occupancies across the LGA. This option is consistent with the planning controls in The Hills LEP.
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Feedback received

A total of 170 submissions were received on this issue, almost all of which supported allowing dual occupancies to be subdivided. A breakdown of submissions is outlined in the table below.

Table 4.4 Breakdown of submissions on allowing subdivision of dual occupancies

Stance	Number of submissions	% of submissions
Support	156	92%
Not supported	12	7%
Other ¹	2	1%
Total	170	100%

Notes: ¹2 survey responses selected 'No opinion'

None of the submissions that objected to allowing subdivision provided a reason for their stance. Reasons cited by those that did support allowing subdivision included:

- It is critical to the viability of dual occupancy development and would encourage more development
- It is permitted by other councils
- It will help ease housing affordability
- It provides the option for people to choose houses over strata apartments

Officer response

- *It is recommended to allow the subdivision of dual occupancies, on sites where they are permitted under the local environmental plan.*

Prohibiting subdivision acts as a barrier to the development of dual occupancy development. Instead of using restrictions on subdivision as a means of controlling dual occupancy development, prohibition areas have been defined in locations where dual occupancy development is not considered appropriate – refer to Section 4.1 of this report.

4.5. What restrictions should be placed on dual occupancy development in heritage conservation areas?

The Discussion Paper sought feedback on the following options:

Require one dwelling to be behind the other	Dual occupancies in heritage conservation areas (HCAs) would be required to locate the second dwelling to the rear of the existing dwelling, so only one is visible from the street. This is consistent with the controls applying to the South Parramatta Conservation Area.
Limit subdivision	Under this option subdivision of dual occupancy development would be limited to Strata Title or Community Title to maintain the historic subdivision pattern. This is consistent with the controls applying to the South Parramatta Conservation Area.

Feedback received

Feedback on these issues was mixed however, more people supported the suggestions than did not. A breakdown of submissions is outlined in the table below.

Table 4.5 Breakdown of submissions on dual occupancies in heritage conservation areas

Stance	Require one house to be behind the other		Limit subdivision	
	No.	%	No.	%
Support	75	48%	71	44%
Not supported	42	27%	49	31%
Other	39 ¹	25%	40 ²	25%
Total	156	100%	160	100%

Notes

¹ 13 survey responses selected 'Neither agree nor disagree' and 26 selected 'No opinion'

² 14 survey responses selected 'Neither agree nor disagree' and 26 selected 'No opinion'

Few submissions provided a reason for their stance. One submission raised concern with the restrictions that Strata Title subdivision places on owners and argued that Torrens Title subdivision is less complicated and facilitates house improvements. Another submission suggested placing the limitation on subdivision only in HCAs in which the historic subdivision pattern is still intact.

Some submissions stated that all forms of dual occupancy development should not be allowed in HCAs and raised general concerns with the impact of development on the LGA's heritage.

Officer response

- ***It is recommended to prohibit dual occupancy development in low density heritage conservation areas, with the exception of South Parramatta Conservation Area, where the current precinct-specific controls will be retained.***

Dual occupancies are currently allowed in 8 out of the 15 HCAs in the LGA that include land zoned R2 Low Density Residential. Some feedback raised concern with this apparent inconsistency in approach, particularly given that dual occupancies are also prohibited in several special character areas identified under *Parramatta Development Control Plan 2011*, such as Winston Hills and Sylvia Gardens, Northmead.

Given a common concern raised by those who did not support dual occupancies was impact on local character, the suitability of dual occupancy development in HCAs was further considered as part of the constraints analysis outlined in Section 2.1 of this report.

The recommendation to prohibit dual occupancies in HCAs has been influenced by consideration of the character of HCAs. Many heritage conservation areas in low density areas, particularly those in the north of the LGA around Epping, are generally intact with good quality stock and defined by medium to large single detached homes in garden settings. Dual occupancy development is not considered compatible with this character.

While it is noted that some heritage conservation areas in the south of the LGA, such as Harris Park Conservation Area, have a more urban context, these areas are generally characterised by lots smaller than 600sqm or with street frontages of less than 15 metres. Therefore prohibition would impact on relatively few properties, as many would not meet the proposed minimum lot size requirements to build a dual occupancy. Approximately 150 properties out of 450 would be impacted by extending prohibition to the additional HCAs. Of these properties, 44 are listed heritage items, which would be subject to clause 5.10(10) of LEPs (a standard clause in all LEPs). This clause would allow dual occupancies to be considered on heritage listed properties if such development was demonstrated to facilitate the conservation of the heritage item. In addition, under NSW Government policy secondary dwellings (granny flats) up to a maximum of 60sqm will continue to be permitted on all properties in HCAs over 450sqm, providing an opportunity for modest additions to be made to properties.

It is recommended to retain the special provisions for the South Parramatta Conservation Area as

these were adopted as part of precinct-specific planning process that downzoned the land from R3 Medium Density Residential to R2 Low Density Residential, which limited the range of development permitted in the area. It is noted that as part of the Epping Planning Review, some changes to planning controls are being considered for specific HCAs that border high-density development, such as the Essex Street Conservation Area. This site-specific work will continue to be progressed separately to the broader LEP consolidation and harmonisation process.

4.6. Harmonising design controls for dual occupancy development

The Discussion Paper indicated Council's intention to create a single set of design controls for dual occupancy development that will apply across the LGA. The following key DCP controls were suggested for feedback, consistent with those suggested to be applied to single detached dwellings:

Site frontage:	At least width of 15 metres
Front setback:	To match prevailing setbacks in the street (but no less than 6 metres and at least 10m along classified roads)
Rear setback:	30% of site length (but not less than 10 metres)
Side setbacks:	At least 0.9m (1.2 metres where pedestrian entrance is from the side)
Landscaping:	At least 40% of the site (including a deep soil zone, which is to comprise at least 30% of site)
Private open space:	At least 100sqm of private open space per dwelling
Car parking:	At least 1 on-site car space per dwelling

Feedback received

Feedback on these issues was mixed, with the highest support being for the suggested minimum site frontage requirement of 15 metres. Fewer people supported the other suggested controls. A breakdown of submissions is outlined in the table below.

Table 4.6 Breakdown of submissions on design controls for dual occupancy development

Stance	Site frontage		Front setback		Rear setback		Side setback		Landscap-ing		Private open space		Car parking	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Agree	116	71%	68	44%	39	25%	85	43%	40	25%	48	30%	32	48%
Disagree ¹	24	15%	64	41%	95	61%	89	45%	95	60%	87	55%	33 ³	49%
Other ²	24	15%	23	15%	23	15%	23	12%	23	15%	23	15%	2	3%
Total	164	100%	155	100%	157	100%	197	100%	158	100%	158	100%	67	100%

Notes

¹ The online survey asked respondents to tick each suggested control they agreed with. Non-responses to a particular item have therefore been counted as "Disagree" however, could have been due to respondents not having an opinion on a particular suggestion or not wanting to respond.

² Includes survey responses that indicated they did not have an opinion on any of the suggested controls

³ Of these, 25 submissions wanted a higher rate to be adopted and 1 submission wanted the rate lowered. 7 submissions did not indicate whether they felt the rate should be higher or lower.

Some submissions raised general concerns with the design of dual occupancy development that has been occurring and requested that controls are more stringently applied. One submission asserted that strong DCP guidelines need to be put in place in anticipation of the introduction of the State Government's *Low Rise Medium Density Housing Code*, which would allow dual occupancies to be carried out through the Complying Development pathway.

Two submissions raised concerns with standardising the controls, arguing they should be varied to reflect the particular characteristics of different parts of the LGA. Both these submissions related specifically to the Epping area.

Comments on minimum site frontage

Nine submissions gave reasons for why they did not support the suggested 15 metre minimum site frontage requirement. Of these, three argued for a lower requirement and the remaining suggested a higher requirement could be applied in certain circumstances, as follows:

- One submission suggested a 10 metre site frontage requirement should be applied instead.
- One submission suggested a 12 metre requirement should be applied to corner sites, consistent with the current Parramatta DCP controls.
- One submission made a general comment that all the suggested design controls were too high, but did not suggest an alternative.
- One submission suggested the requirement should be increased to 20 metres to allow suitable space for development.
- Two submissions suggested that a 20 metre frontage requirement could be applied in certain areas (Beecroft and Carlingford were specifically mentioned), in exchange for allowing dual occupancies there. It was felt a wider frontage could better accommodate dual occupancies without disrupting the streetscape or disturbing residents.
- One submission suggested that a 17 metre frontage requirement be applied in areas close to shopping centres in exchange for them being allowed in these locations.
- One submission was concerned that 15 metres was too small to meet Epping's needs (this submission also sought to prohibit dual occupancies in the former Hornsby LGA area).
- One submission suggested that minimum frontage requirement of 70 metres, or preferably 75 metres should be applied.

Comments on setbacks

The following additional comments were provided on this issue:

- One submission suggested the rear setback should be 15% of site length instead of 30%, arguing a larger setback would prevent larger homes with three or more bedrooms and a reasonably sized living space from being built. The submission suggested the minimum private open space requirement be used to achieve the goal of having decent backyard sizes.
- One submission suggested the minimum rear setback should be reduced to 5 metres for regularly shaped sites (such as sites more than 25 metres wide and over 700sqm in area).
- One submission recommended that the current Parramatta DCP control be retained. This allows setbacks to side streets and rear lanes of 3 - 5 metres.
- One submission raised concern that a 900mm side setback would have adverse overshadowing impacts.
- One submission made a general comment that all the suggested design controls were too high, but did not suggest an alternative.

Comments on car parking controls

Of those that did not agree with the suggested minimum rate of one car space per dual occupancy dwelling, 25 submissions (37% of submissions on this issue) argued that the rate should be higher. A common concern amongst these submissions was that many households have more than one car and therefore a lower parking rate would lead to on-street parking congestion and traffic problems particularly in narrow streets. Some concern was also raised that garages were being used for general storage and not for the parking of cars, further exacerbating the problem.

Some submissions suggested a rate of at least two spaces per dwelling be adopted. Another suggestion was that the rate be aligned to the number of bedrooms, such as one space for every two bedrooms. Other suggestions included Council restricting dual occupancies in narrow streets or putting in place parking restrictions, such as restricting parking to one side of the street.

One submission supported the proposed car parking rates but suggested adding a maximum upper limit to limit the amount of space taken up by garages. Another submission also raised the need for DCP controls to ensure garages do not dominate the street frontage or detract from local character. This issue is covered further in section 8.

Other comments made

One submission recommended that the minimum landscape requirement should be 30% not 40%, arguing this was more reasonable and the extra space could be allocated to backyard or courtyard space.

Another submission suggested allowing 3 storey dual occupancies, with a maximum height of 9 metres.

Officer response

- ***It is recommended to include a requirement in the local environmental plan that the primary street frontage of a site needs to be at least 15 metres wide in order to build a dual occupancy.***

A 15 metre frontage requirement, in conjunction with a 600sqm minimum lot size, ensures sufficient space and width is available to accommodate a well designed building which is not overly dominated by garages and driveways. It enables both dwellings to be built side-by-side facing the street, with enough space for a single garage and entry hallways. It also ensures that rooms provided off the hallway of each dwelling are of a decent size and that appropriate side setbacks can be provided. A smaller frontage would require design compromises and create streets dominated by garages.

A higher site frontage requirement would have the effect of significantly limiting the number of sites that could be developed for dual occupancies, given most sites in low density areas tend to be less than 20 metres wide. A wider frontage requirement would also mean the sites that are developed tend to be those that can accommodate a bigger/wider building, which over time could have negative impacts on streetscapes. Consequently, this is not considered the best way of managing dual occupancy development. Instead, prohibition areas have been identified based on a constraints analysis that has identified areas with overlapping constraints that would not support good quality development outcomes - refer to Section 4.1 of this report.

It is also noted that a larger minimum site frontage requirement would be overridden by the provisions of the State Government's *Low Rise Medium Density Housing Code*. When this Code comes into effect in the LGA, it would allow dual occupancies to be built on sites as narrow as 15 metres (or 12 metres if parking can be provided at the rear of a site and accessed from a lane or secondary road - though this is not anticipated to be possible on most sites in the LGA).

Elevating the site frontage control from the development control plan (DCP) into the LEP will give it greater weight as a tool for managing dual occupancy development. To provide the most certainty, it is recommended to include provisions in the LEP that do not allow the minimum site frontage to be varied. This would mean that development applications for dual occupancy would not be able to be granted on a site with a frontage of less than 15 metres wide. Such a provision would not be possible if the control remained in the DCP.

The recommended LEP control will only apply to the main site frontage. Further consideration will be given to whether to allow a 12 metre frontage requirement to be applied to secondary street frontages on corner sites, as development on such sites can be configured differently to sites with just one frontage. This will be considered as part of the preparation of the new consolidated DCP for the LGA.

Response to other comments raised

Feedback received on other potential design controls will be considered further as part of preparation of the consolidated DCP. An officer response will be provided when the draft DCP is reported to Council. The focus of this work will be on putting in place strong and clear controls that aim to achieve well designed dual occupancy developments that sit comfortably with low density development. Any controls will be applied in addition to any area-specific controls that may be put in place for particular localities, such as those for Special Character Areas and HCAs.

It is noted however that DCP controls will only apply to development proposed through the development application pathway. Dual occupancies approved through complying development would be required to meet the requirements of the *Low Rise Medium Density Housing Code*, and not the DCP.

5. Low density residential zones

This section covers feedback on issues relating to the R2 Low Density Residential zone.

5.1. Applying consistent height and density controls to R2 zones

The Discussion Paper included the following suggestions for feedback:

Apply a consistent height limit of 9 metres across the majority of the R2 zone	It was suggested to increase the height limit from 8.5m to 9m on R2 zoned land formerly part of Hornsby LGA. This would make the height limit consistent with low density areas across the majority of the City of Parramatta LGA.
Apply a consistent floor space ratio (FSR) of 0.5:1 across the R2 zone	It was suggested to introduce an FSR control of 0.5:1 across the R2 zoned land that was formerly part of The Hills and Hornsby LGAs, to be consistent with R2 zoned land across the rest of the City of Parramatta LGA.
Apply a minimum subdivision lot size of 550sqm or 700sqm	When a site in the R2 zone is subdivided, it was suggested to apply a consistent requirement that each lot created from the subdivision needs to be at least 550sqm. The exception would be R2 zoned land in the former The Hills LGA, where it was suggested to keep applying the existing 700sqm minimum subdivision lot size requirement under The Hills LEP. This exception acknowledges the distinct character of suburbs in the former The Hills LGA which have a large lot size and significant tree canopy.

Feedback received

Around 35 submissions were received on each suggestion. A majority of responses supported applying consistent height and FSR controls to the R2 zone. The feedback on the suggested minimum subdivision lot size was more mixed. A breakdown of submissions is outlined in the table below.

Table 5.1 Breakdown of submissions on height and density controls for the R2 zone

Stance	Apply a 9m height limit		Apply an FSR of 0.5:1		Apply MLS of 550sqm		Retain The Hills LEP 700sqm MLS	
	No.	%	No.	%	No.	%	No.	%
Supported	27	73%	24	73%	17	47%	18	51%
Not supported	9	24%	8	24%	18	50%	16	46%
Other	1	3%	1	3%	1	3%	1	3%
Total	37	100%	33	100%	36	100%	35	100%

Few submissions provided a reason for their stance. Those that did mainly related to the proposed subdivision lot size controls:

Minimum subdivision lot size

Ten submissions provided a comment on this issue. Of those that disagreed with the suggestion to continue to apply a 700sqm MLS control to R2 zoned land in the former The Hills LGA, reasons given included:

- It is unfair to be treated differently to other parts of the LGA.
- 550sqm should be applied across all areas, as the NSW Government trend is for smaller lots.

- A lower MLS would result in a better utilisation of land and would help ease housing affordability and provide more housing. This submission argued that a higher subdivision lot size will result in more granny flats being built, instead of larger free-standing family homes.

Reasons given in support of the 700sqm MLS control included:

- The area has larger average lot sizes than other parts of the LGA. Reducing MLS requirements would make the area look cramped. The wide frontages give houses an extensive and roomy appearance and reduces the amount of car movements and parking in the area.
- One submission recommended that a 700sqm MLS control be applied to all areas where dual occupancies are prohibited to protect these prohibition areas and prevent tree loss and increased density from subdivision.

Some submissions disagreed with a 550sqm MLS control being applied to land in the former Hornsby LGA (where the current requirement is 500sqm). Reasons given included:

- A lower MLS will allow the land to be better utilised and support family accommodation
- A lower MLS will help protect environmental assets
- Subdivision was an option when they purchased their property and it would provide an investment option to help fund retirement.

Reasons given in support of applying a 550sqm MLS to land in the former Hornsby area include:

- It would help retain the existing environmental assets of Beecroft. Smaller lots are causing long-term problems as larger dwellings are built, to the detriment of privacy, biodiversity and amenity. Especially where there are remnants of the Blue Gum High Forest which need space to survive.
- One submission requested that a MLS higher than 550sqm to be applied, arguing the area has an established large lot character distinguished by large setbacks and trees.
- Another submission raised concern with the amount of subdivision occurring in Epping and the resultant tree loss this is causing and landscaping that is not in keeping with the character of the suburb.

Other comments made

One submission made a general comment that they would prefer existing controls applying to the former Hornsby LGA to remain the same, arguing this area is socially, economically and environmentally distinct from the other parts of the LGA.

Two submissions commented on the suggested height controls. One requested that the development on neighbouring lots in the R2 zone not be allowed to be more than 2 storeys. Another argued that development on battle-axe lots should not be restricted to one storey as they are under the Parramatta DCP.

One submission made a general comment that increases in height and density controls should be resisted.

Officer response

- *It is recommended to adopt a minimum subdivision lot size of 550sqm across the LGA, except in certain low density areas in the former The Hills Council area, where it is recommended to retain the current 700sqm MLS requirement.*
- *It is also recommended to adopt a uniform maximum height control of 9 metres across the R2 zone and apply an FSR of 0.5:1 to areas that do not currently have one.*

Minimum subdivision lot size

Adopting a uniform minimum subdivision lot size of 550sqm across most residential areas will reduce the inconsistency in controls applying to different parts of the LGA, sometimes within the same suburb. Increasing the MLS requirement will assist with tree retention on sites and achieving better design outcomes from low density residential development by allowing for adequate setbacks, landscaping and deep soil zones.

Approximately 264 properties in the former Hornsby Council area will be impacted by the proposed change, which will increase the MLS requirement by 10%. A larger MLS is considered appropriate in this area as it has high levels of tree and vegetation coverage and a higher average lot size (approximately 828sqm). Parts of the former Hornsby Council area, such as Beecroft, are also characterised by their garden setting. A larger minimum lot size will assist with protection of this character. In exceptional circumstances, a minor variation to the MLS could be considered if it can be justified against the aims of the MLS provisions.

Approximately two properties in the former Holroyd Council area will be impacted by the change, which is considered of minor significance.

It is recommended to retain the existing 700sqm MLS applying to low density areas in the former The Hills Council area as a lower requirement would impact the established large lot character of these areas and risk tree and vegetation loss. This is consistent with the recommendation to apply dual occupancy prohibition to this area as a result of a number of overlapping constraints to intensification (refer to Section 4.1).

Height and FSR controls

The proposals to standardise height and FSR controls were broadly supported by submitters.

A FSR of 0.5:1 is typical across most low density zones across Sydney and is consistent with the controls applying to R2 land in other parts of the LGA. Such an approach will help maintain the low density character of R2 zoned neighbourhoods. Including an FSR control in the LEP will provide greater certainty to landowners and the community as to the density outcomes expected across the R2 zone.

Applying a height limit of 9 metres in R2 zones will allow dwellings to incorporate approximately two storeys, with better floor to ceiling heights. The increase of 50cm in the former Hornsby area will not have a significant impact on the density or appearance of development and will allow houses to better respond to topography. This height is compatible with the proposed FSR of 0.5:1 and allows for a good level of privacy and amenity in low density areas.

Further consideration will be given to the maximum building height on battle-axe lots as part of the preparation of the draft consolidated DCP.

5.2. Bringing consistency to the uses allowed in R2 zones

The Discussion Paper suggested some changes to the land uses that are allowed in the R2 zone to bring consistency across the LGA. Key suggestions included:

Prohibit places of public worship in the R2 zone	It was suggested to not allow new places of public worship (such as churches) in the R2 zone, in response to concerns about traffic, parking and noise impacts. This approach is consistent with the policies of Parramatta LEP. Existing places of public worship would be protected by rezoning to a SP1 Special Activity zoning.
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Prohibit indoor recreation facilities in the R2 zone	It was suggested to not allow indoor recreation facilities (such as 24 hour gyms, squash courts and bowling alleys) in the R2 zone, in response to concerns over noise and traffic impacts. This would make areas under the Parramatta LEP consistent with the provisions of LEPs applying to other parts of the LGA.
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Alternative option

An alternative approach would be to allow indoor recreation facilities in the R2 zone and rely on DCP controls to manage potential impacts.

Feedback received

37 submissions were received on prohibiting places of public worship. 45 submissions were received on prohibiting indoor recreation facilities. A majority of submissions were in support of both suggestions.

A breakdown of submissions is outlined in the table below.

Table 5.2 Breakdown of submissions on harmonising land uses allowed in the R2 zone

Stance	Prohibit places of public worship		Prohibit indoor recreation facilities	
	No.	%	No.	%
Support	25	68%	36	80%
Not supported	9	24%	8	18%
Other ¹	3	8%	1	2%
Total	37	100%	45	100%

Notes

¹Includes survey responses that selected 'Neither agree nor disagree' or 'No opinion'

Several submissions provided reasons for their stance on permitting certain land uses in the R2 zone. These are summarised below:

Place of public worship

Reasons given for not supporting a prohibition on places of public worship (PoPW) in the R2 zone included:

- It is discriminatory and restricts freedom of expression of belief.
- Most new PoPW are designed for indoor use and would not have significant noise impacts.
- Traffic and parking impacts vary by location and should be assessed as part of the development application process, instead of through a blanket prohibition, which prevents any future community engagement in the planning process.
- Prohibition would prevent residents having quiet and small house churches in their homes.

Some submissions suggested that instead of a blanket prohibition, a more reasonable approach would be to limit the size of PoPW that can locate in the R2 zone (e.g. a maximum capacity of 120 seats), restrict operating hours and ensure they provide sufficient off-street parking for all cars to reduce impact on neighbours.

One submission from a faith group active in the LGA raised no objections, but suggested their additional sites in the R2 zone to be rezoned to SP1 Special Activity zoning.

Indoor recreation facilities

Submissions that provided additional comments on indoor recreation facilities were generally supportive of them being prohibited in the R2 zone due to concerns with noise and traffic impacts. Some submissions argued that they should not be permitted in any residential zone, in particular 24-hour gyms.

One submission that supported allowing indoor recreation facilities in the R2 zone suggested they should be managed by requiring a minimum number of parking spots on site. The Western Sydney Local Health District noted that indoor recreation facilities increase opportunities for residents to be physically active and socially connected, however, acknowledged that the appropriate location of facilities is the remit of Council to determine.

Other comments made

A small number of submissions made the following comments on other land uses in the R2 zone:

- One submission requested long day care centres should not be allowed in R2 Zones. Another suggested child care centres should not be allowed in small/narrow residential streets.
- One submission argued R2 zones should be reserved primarily for residential use and not for the following uses: neighbourhood shops, home industry, health services facilities, hostels and seniors housing. The submission argued these uses can have significant acoustic, traffic and amenity impacts and are not in keeping with the character of the area. It also argued that other LEPs do not allow these uses in the R2 zone.

- The Hills Shire Council recommended that Council adopt controls to prevent the proliferation of neighbourhood shops, as this could potentially weaken The Hills Shire Council's centre hierarchy.
- One submission requested restricting granny flats as they have negative impacts on environmental sustainability and liveability.

Officer response

- ***It is recommended to prohibit places of public worship and indoor recreation facilities in all R2 Low Density Residential zones.***

Places of public worship

This proposal is not intended as a restriction on freedom of expression of belief. It is recognised that PoPW can provide important services to the community, however, this needs to be balanced with protecting the amenity of low density neighbourhoods.

As outlined in the Discussion Paper, the trend of recent applications for PoPW has been for larger premises that serve a broader catchment. These premises often provide associated services or programs to their respective communities and as a result tend to propose longer hours of operation across more days of the week than a traditional PoPW. This has the potential for amenity impacts such as those resulting from traffic and noise (e.g. from amplified music).

The former *Parramatta LEP 2001* included a limit on the size of the PoPW in certain residential zones. However, this policy was not able to be incorporated into the updated *Parramatta LEP 2011* as it did not accord with the State Government's Standard Instrument LEP template. Should the State Government's position on this change in the future, the potential for a similar policy to be reintroduced into the LEP could be considered at a later date.

Small informal gatherings (such as infrequent prayer or Bible study groups) that may be classified as home occupations or related to the usual use of a building as a home, would not be affected by the prohibition.

PoPW will continue to be permitted in all other zones, except public open space, environmental protection and waterway zones, providing opportunity for these facilities to be provided in the LGA. In order to protect existing lawful PoPW in low density zones, it is recommended to rezone these to SP1 Special Activity. Additional PoPW have been identified to be rezoned, following feedback received on the Discussion Paper (refer to Part 4 of the Planning Proposal report).

Indoor recreation facilities

Indoor recreation facilities are already prohibited in R2 zoned land in the LGA under the majority of LEPs (*Holroyd LEP 2013*, *Hornsby LEP 2013* and *The Hills LEP 2012*). It is proposed to extend this to the remainder of the R2 zone in the LGA.

Indoor recreation facilities cover a broad range of uses, some of which have the potential to significantly impact low density residential neighbourhoods. For example, there has been a noticeable increase in 24 hour gyms establishing in the LGA. These are not considered appropriate in R2 zones as indoor recreation facilities should ideally be located close to public transport and population centres, such as in R3 and R4 zones where they will continue to be allowed.

Other comments on permitted uses in the R2 zone

The following officer responses are provided in relation to other feedback received:

- The State Government has made child care centres a mandatory permitted use in R2 Low Density Residential zones. Council has no control over changing this. Proposed child care centres are required to meet the standards and controls set in the State Government's *Education and Child Care SEPP* and the associated *Child Care Planning Guideline*, which superseded any local controls that may be contained in Council's LEP or DCP. This means that Council is limited in the DCP controls it can put in place for child care centres.

- Health services facilities, seniors housing and granny flats are permitted in R2 zones under State Government planning policy (*Infrastructure SEPP, Seniors Housing SEPP and Affordable Rental Housing SEPP* respectively), which take precedence over provisions in an LEP. Further detail on proposed changes to permitted uses in the R2 zone are outlined in Appendix 3 of the Planning Proposal report.
- Hostels are generally of a similar size and scale to group homes (which are a mandated use in the R2 zone under the *Affordable Rental Housing SEPP*) and are generally staffed by social workers or support providers. Hostels differ from backpackers' accommodation which are form of tourist and visitor accommodation and which will be prohibited in the R2 zone. Historically, very few applications have been received for hostels in low density zones.
- Home industries are carried out within a home by its permanent resident/s. These are required to be small in scale (such as small scale photo printing, book binding and clothes manufacturing). A key requirement for home industries is that they must not interfere with the amenity of the surrounding neighbourhood, including in terms of noise, vibration, fumes, smoke, dust, and traffic.
- Neighbourhood shops are recommended to be restricted in size to 80sqm to minimise the potential for negative impacts on the surrounding area. They are meant to provide day-to-day convenience retailing for the immediate neighbourhood and are not expected to impact the viability of nearby local centres. Historically, very few applications have been received for neighbourhood shops in low density zones.

5.3. Harmonising design controls for detached housing

The Discussion Paper indicated Council's intention to create a single set of design controls for single detached houses that will apply across the LGA. The following key DCP controls were suggested for feedback:

Site frontage:	For proposed subdivisions, each new lot needs to be at least 15 metres wide
Front setback:	To match prevailing setbacks in the street (but no less than 6 metres and at least 10m along classified roads)
Rear setback:	30% of site length (but not less than 10 metres)
Side setbacks:	At least of 0.9m (1.2 metres where pedestrian entrance is from the side)
Landscaping:	At least 40% of the site (including a deep soil zone, which is to comprise at least 30% of site)
Private open space:	At least 100sqm of private open space per dwelling

Feedback on proposals

Approximately 32 submissions were received on each suggestion. Overall, feedback was mixed, with the highest support being for the suggested minimum site frontage requirement of 15 metres. Fewer people supported the other suggested controls. A breakdown of submissions is outlined in the table below.

Table 5.3 Breakdown of submissions on design controls for detached housing

Stance	Site frontage		Front setback		Rear setback		Side setback		Landscaping		Private open space	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Agree	23	74%	12	38%	8	25%	13	39%	10	31%	12	38%
Disagree ¹	4	13%	16	50%	20	63%	16	48%	18	56%	16	50%
Other ²	4	12%	4	12%	4	12%	4	12%	4	12%	4	12%
Total	31	100%	32	100%	32	100%	33	100%	32	100%	32	100%

Notes to table 5.3

¹ The online survey asked respondents to tick each suggested control they agreed with. Non-responses to a particular item have therefore been counted as "Disagree" however, could have been due to respondents not having an opinion on a particular suggestion or not wanting to respond.

² Includes survey responses that indicated they did not have an opinion on all of the suggested controls

Four submissions raised concerns with creating uniform controls for all areas of the LGA, arguing they should be varied to protect and enhance the unique characteristics of different suburbs. One submission also argued that individual site factors need to be taken into account. Both these submissions related specifically to the Epping area.

Setbacks

Several submissions relating to the suggested setback controls, raised the following points:

- One submission asserted the minimum setbacks in Hornsby DCP are inadequate to protect Beecroft's assets and requested stronger design controls be put in place.
- One submission requested if something could be done to ensure there are bigger setbacks (front, sides and rear), to help provide more liveable and sustainable suburbs and tackle urban heat.
- One submission recommended side setback should be 1.2 metres, instead of 900mm, due to overshadowing and to be consistent with the majority of the buildings in Winston Hills.
- Another submission recommended a side setback control of 1.5 metres for dwellings, instead of 900mm.
- Another submission recommended a side setback of 1 metre, but not less than 900mm.
- One submission supported the proposed setback requirement, but requested that the front setback control be properly enforced as there were many exemptions to this control in the area already.

Other comments made

Other comments made included:

- R2 zones must retain deep soil and existing large and medium canopies to reflect our cultural and ecological heritage and to address climate change pollution. Dwellings should be confined to 35% of the site.
- The trend towards larger dwellings has been detrimental to privacy, biodiversity and amenity of neighbourhoods.
- The Discussion Paper did not mention requirements for new development to restrict overshadowing of neighbouring properties.
- The current Parramatta DCP control limiting development on battle-axe lots to 4.5 metres should not be adopted as this would affect the value of property and mean less space was available for landscaping and trees. Two storey houses should be allowed on such sites.
- One submission made suggestions for strengthening the existing Parramatta DCP controls relating to Winston Hills Special Character Area.

Officer response

Feedback received on potential design controls will be considered further as part of preparation of the consolidated DCP. An officer response will be provided when the draft DCP is reported back to Council.

The focus of this work will be on putting in place strong and clear controls to achieve well designed low density housing. Any controls will be applied in addition to any area-specific controls that may be put in place for particular localities, such as those for Special Character Areas and HCAs.

It is noted however that DCP controls will only apply to development proposed through the development application pathway. On certain sites (such as those outside of heritage conservation areas) single dwellings are able to be approved through the complying development pathway. Such development is required to meet the requirements of the *Exempt and Complying Development Codes SEPP*, and not DCP controls.

6. Medium and high density residential zones

This section covers feedback on issues relating to the R3 Medium Density Residential zone and R4 High Density Residential zone.

6.1. Applying consistent height and density controls to the R3 zone

The Discussion Paper included the following suggestions for feedback:

Apply a consistent height limit of 9 metres across the R3 zone	It was suggested to apply a maximum height of 9m to R3 zoned land across the LGA. This is consistent with controls in The Hills and Auburn LEPs, but would reduce height limits in areas under the Parramatta and Hornsby LEPs where height limits of 11 and 12 metres generally apply. It was suggested that height controls approved as part of precinct-based planning would not be changed.
Apply a floor space ratio (FSR) of 0.6:1 across the R3 zone (except in Newington)	It was suggested to apply a maximum FSR control of 0.6:1 to R3 zoned land, to be consistent with the controls in the Parramatta LEP. Any sites with an FSR below 0.6:1 will not be changed. An exception would be the suburb of Newington, where it was suggested to retain the current FSR of 0.75:1.
Not apply a minimum development lot size for medium density housing	It was suggested to remove the requirement in The Hills LEP for sites to be at least 1,800sqm in order to build medium density housing (such as townhouses). Other design controls will be used to ensure good design outcomes are achieved. An exception to this was suggested for manor house developments (apartments blocks of three to four units), where a 600sqm minimum site size requirement was suggested.

Feedback received

A small number of submissions were received on each suggestion. A majority of responses supported applying a maximum height of 9m to the R3 zone. The feedback on the other issues was more mixed. A breakdown of submissions is outlined in the table below.

Table 6.1 Breakdown of submissions on height and density controls for the R3 zone

Stance	Reduce maximum heights to 9m		Apply an FSR of 0.6:1 (or 0.75:1 in Newington)		No MLS for medium density housing	
	No.	%	No.	%	No.	%
Supported	14	70%	8	50%	7	50%
Not supported	6	30%	6	38%	5	36%
Other ¹	-		2	12%	2	14%
Total	20	100%	16	100%	14	100%

Notes
¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

Two submissions provided a reason for their stance. One submission from a Silverwater resident suggested a height limit of 11 metres be applied (the current height limit in this area is 9 metres) and that apartment buildings be allowed on all R3 zoned land.

The other submission from a North Parramatta resident requested that the existing 11 metre height limit applying to the area be retained, arguing that a 9 metre height limit would lead to less attractive roof design (e.g. flat roofs) dominating the landscape. The submission also suggested:

- an FSR of 0.75:1 be applied to the R3 zone, arguing that too much valuable real estate is lost with low FSRs, especially on sites in close proximity to Parramatta CBD.
- given the pattern of small lot sizes in North Parramatta, Council should be more flexible in allowing manor houses on lot sizes smaller than 600sqm. This could engender innovative residential design that is fit for purpose.

Officer response

- *It is recommended to reduce the maximum building height applying to R3 zoned land to 9m, where existing controls are currently higher than this.*
- *It is recommended to reduce the floor space ratio applying to R3 zoned land at Silverwater from 0.75:1 to 0.6:1 and to apply a FSR of 0.6:1 to other R3 zoned land where an FSR is not currently applied.*
- *It is recommended to introduce a minimum lot size control of 600sqm for manor houses, but to not apply a minimum lot size control to other forms of medium density housing.*

Comments on height control

The recommended change will impact R3 zoned sites within the former Parramatta and Hornsby Council areas, and is consistent with the controls currently applying to R3 zoned land in the former The Hills and Auburn Council areas. The intent of this change is to achieve better design outcomes on medium density housing sites, and not to reduce the development potential of land.

With regard to sites within the former Parramatta City Council area, the proposed change will reduce heights by between 2 and 0.2 metres. Existing FSR controls will not be changed. Within the former Hornsby Council area, the recommended change will reduce heights by 3 metres on approximately 52 sites. No FSR currently applies to this land, though it is recommended to apply an FSR of 0.6:1 to this land (see below). The proposed changes are considered compatible with the intention to prohibit residential flat buildings in the R3 zone and to reserve these zones solely for medium density housing forms.

The proposed changes will be supported by a review of DCP requirements for medium density housing to further facilitate the delivery of well-designed medium density housing.

Comments on floor space ratio control

This recommended change will impact approximately 220 properties in the Silverwater suburb, excluding those that have already been developed for medium density housing. This change will bring consistency across R3 zoned land in the LGA. A FSR of 0.6:1 is also more compatible with the existing 9m height limit applying to this land, which is recommended to be retained. A lower FSR will improve amenity and design outcomes of development in the area, including allowing more space on-site for setbacks, landscaping and open space.

Applying a FSR of 0.6:1 to R3 zoned sites that do not currently have one will help bring consistency to the local planning framework and provide greater certainty to landowners and the community as to the density outcomes expected across the R3 zone.

Comments on minimum lot size control

Urban design testing has indicated that a lot size of 600sqm is the minimum necessary to achieve a good design outcome for manor houses, which contain between three or four dwellings. This minimum lot size is also consistent with the requirements of the *Low Rise Medium Density Housing Code*, which, once introduced into the LGA, will allow manor houses to be built through complying development.

A minimum lot size requirement is not considered necessary for other forms of medium density housing as other site factors, such as site width, are more critical determinants of a good design outcome. This is particularly the case given that, unlike manor houses, the number of homes provided in developments such as townhouses, will vary from scheme to scheme depending on site conditions.

6.2. Rezoning of certain sites in the R3 zone

The Discussion Paper sought feedback on:

Rezone some sites from R3 to R2	To address concerns over the impact of small lot medium density housing (such as manor houses) in certain areas, it was suggested to rezone the following sites from R3 Medium Density Residential to R2 Low Density Residential: <ul style="list-style-type: none">• Properties at 2-4 Speers Road and 1-8 Jean Street, North Rocks• Properties fronting Lawndale Avenue, Riviera Avenue and 327-353 North Rocks Road, North Rocks
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Feedback on proposals

Four submissions were received on this issue, two in support of the suggestion and two against.

Both submissions objecting to the rezoning raised concern with the loss of development potential on these sites, arguing that at the very least the sites should be allowed to be developed for dual occupancies given their proximity to transport and services and the contribution to housing supply and choice this would provide. One submission noted that neighbouring properties in the street had recently been redeveloped for larger homes and dual occupancy development would not look out of place in this context.

Officer response

- ***It is recommended to proceed with the rezoning of the subject sites from R3 Medium Density Residential to R2 Low Density Residential, as outlined in the Discussion Paper.***

This change will impact approximately 68 properties in the North Rocks area. Given the relatively small number of properties involved, this change is not anticipated to have a significant impact on housing supply in the LGA.

Current planning policies and controls applying to these sites require a minimum lot size of 1,800sqm for development of medium density housing, which would require the individual lots to be merged, as none of the sites in these locations is large enough to be developed on its own. This has not occurred and these areas have maintained a low density character with mainly single detached housing despite the R3 zoning.

Allowing medium density housing to be built on small individual lots in this area is not considered appropriate as many sites are irregularly shaped and arranged in a subdivision pattern that would make it difficult to achieve a well-designed medium density housing outcome. A low density residential zoning is considered more appropriate, in keeping with the existing built form.

The constraints analysis undertaken to inform the dual occupancy prohibition areas also identified most of the sites (62 out of the 68) as having at least a moderate level of constraints to dual occupancy development and are also in proximity to land with significant constraints. For this reason, these sites are included in the recommended dual occupancy prohibition areas.

6.3. Applying consistent height and density controls to the R4 zone

The Discussion Paper included the following suggestions for feedback:

Apply an FSR to sites that don't currently have one.	It was suggested to retain existing height and FSR controls for R4 zoned land, but to apply an FSR to sites in the former Hornsby and The Hills council areas where there is currently not one applied. Suggested FSRs for such sites were included in the Discussion Paper.
Not apply a minimum development lot size for high density housing	It was suggested to remove the requirement in The Hills LEP for sites to be at least 4,000sqm in order to build high density housing (such as apartments). Other design controls will be used to ensure good design outcomes are achieved. An exception to this was suggested for manor house developments (apartments blocks of three to four units), where a 600sqm minimum site size requirement was suggested.

Feedback received

15 submissions were received on each suggestion. Feedback was mixed, though there was a majority in support of the suggested FSR options. A breakdown of submissions is outlined below.

Table 6.3 Breakdown of submissions on FSR and minimum lot size controls for the R4 zone

Stance	Retain existing height and FSR controls		Apply FSR to sites that don't have one		No MLS for high density housing	
	No.	%	No.	%	No.	%
Supported	8	53%	9	60%	6	40%
Not supported	6	40%	3	20%	7	47%
Other ¹	1	7%	3	20%	2	13%
Total	15	100%	15	100%	15	100%

Notes
¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

Only two submissions provided further comment on these issues. Both welcomed the introduction of FSR controls to the R4 zone in Epping and advocated for them to be enforced. One submission raised concern that appeals in the NSW Land and Environment Court were effectively subverting local controls.

One submission recommended that Council adopt a control that regulates the maximum number of apartment units that can be built in an area. Another recommended a ratio of one apartment building per 10,000sqm of buildable space.

Officer response

- *It is recommended to progress the proposed height and FSR options for R4 zoned land, being to retain existing height and FSR controls where these exist and apply new FSR controls, matched to current height limits, to sites that do not currently have one applied.*
- *It is also recommended to not apply a minimum lot size control to residential flat buildings.*

The aim of height and FSR controls is to place a limit on the amount of development that can occur in a particular area, taking into account the constraints and opportunities that exist in an area, such as proximity to transport and services, and potential impacts on traffic and adjoining areas. Existing controls applied to R4 zoned land reflect the specific conditions of different locations. Consequently applying the same height and FSR controls to all R4 zoned land is not considered appropriate.

Applying an FSR to sites that do not currently have one (land within the former Hornsby and The Hills LGAs) will help bring consistency to the local planning framework and provide greater clarity to landowners and the community as to the development outcomes expected on sites zoned for high

density development. Matching FSRs to existing height controls will ensure they are appropriate and consistent with the intended density and built form outcomes on a particular site.

A minimum development lot size requirement is not considered necessary for high density housing as other site factors, such as site width, are more critical determinants of a good design outcome. This is particularly the case given that the size of apartment developments varies from site to site and good quality buildings can be achieved on a range of site sizes.

With regard to appeals to the Land and Environment Court, this process is established under the *Environmental Planning and Assessment Act 1979* and cannot be varied by Council. A commissioner or judge hearing the appeal will provide a judgement based on the merits of the application, as well as any expert evidence. Having in place strong and clear development controls, such as by applying FSRs to sites, will assist with Council making a case against overdevelopment.

6.4. Bringing consistency to the land uses allowed in R3 and R4 zones

The Discussion Paper suggested some changes to the land uses that are allowed in the R3 and R4 zones to bring consistency across the LGA. Key suggestions included:

Prohibit residential flat buildings in the R3 zone	It was suggested to not allow apartment blocks in the R3 zone, consistent with the majority of LEPs.
Allow indoor recreation facilities in the R3 and R4 zones	It was suggested to allow indoor recreation facilities (such as 24 hour gyms, squash courts and bowling alleys) in the R3 and R4 zones consistent with the majority of LEPs applying in the LGA.

Feedback received

A small number of submissions were received on these issues and overall were supportive of the suggestions. A breakdown of submissions is outlined in the table below.

Table 6.4 Breakdown of submissions on harmonising land uses allowed in the R3 and R4 zones

Stance	Prohibit apartments in R3 zones		Allow indoor recreation facilities in the R3 zone		Allow indoor recreation facilities in the R4 zone	
	No.	%	No.	%	No.	%
Support	13	65%	9	64%	11	73%
Not supported	7	35%	5	36%	3	20%
Other ¹	-		-		1	7%
Total	20	100%	14	100%	15	100%

Notes:

¹Includes survey responses that selected 'Neither agree nor disagree' or 'No opinion'

Comments relating to apartments

Two submissions in support of residential flat buildings (RFBs) in the R3 zone provided additional comments. One submission suggested that lots over 800sqm should be allowed to develop both medium and high-density housing to increase density around roads and railways. Another suggested that small apartment blocks (such as manor houses) should be allowed to be built in these locations to enhance the effective use of land.

The Western Sydney Local Health District provided a general comment in support of increased density however, acknowledged it is the remit of Council to determine where to allow RFBs.

One submission indicated it supported the prohibition of RFBs in the R3 zone due to potential noise impacts.

Comments relating to indoor recreation facilities

Two submissions provided further comment on this issue. One indicated it supported indoor recreation facilities in higher density zones as part of mixed-use developments, such as part of commercial uses permitted at street level.

One submission, from the Sydney Olympic Park Authority, supported permitting indoor recreation facilities in R4 zones as an alternative to relying on facilities provided within the common areas of apartment blocks, which can vary in quality and require ongoing maintenance.

Officer response

- *It is recommended to prohibit apartments in the R3 zone*
- *It is recommended to allow indoor recreation facilities in the R3 and R4 zones*

Residential flat buildings

Currently, only Hornsby LEP allows residential flat buildings (RFBs) in the R3 zone. Allowing this form of development within the R3 zone is not considered desirable as it would result in a loss of distinction between medium and high density zones and could limit the provision of different forms of housing in areas close to transport and services.

Extending the prohibition of RFBs to R3 zoned land in the former Hornsby Council area would impact approximately 52 properties which have not yet been built out for medium density housing. It is considered that the supply of apartment-style housing in this area is adequately provided for within the adjoining R4 and B2 zoned land in Epping Town Centre.

Prohibiting RFBs would be consistent with the housing that has already been built in this area. With the exception of sites fronting Maida Road, no RFBs have been constructed on R3 zoned land in this area (though it is noted Council is currently assessing a development application for an RFB at 21 Derby Street, Epping).

Prohibiting RFBs would not prevent small apartment blocks of 3 to 4 units (called 'manor houses') being built on some sites in the future once the State Government's *Low Rise Medium Density Housing Code* comes into effect in the LGA.

Indoor recreation facilities

Locating indoor recreation facilities in R3 and R4 zones will provide opportunities for a broad range of recreation facilities, such as gyms, swimming pools and squash courts to be located close to concentrations of homes. Medium and high density zones tend to be in closer proximity to transport and other services compared to lower density housing, making these locations more suited to recreation facilities. DCP controls will be used to manage potential negative impacts of development in these areas.

6.5. Harmonising design controls for medium and high density housing

The Discussion Paper indicated Council's intention to create a single set of design controls for medium and high density housing that will apply across the LGA. The following key DCP controls were suggested:

	Townhouses/Villas	Terraces	Manor houses	Residential flat buildings
Minimum site frontage width:	24 metres (each dwelling to be at least 5m wide)	18 metres (each dwelling to be at least 5m wide)	15 metres	24 metres
Front setback:	To match prevailing setbacks (but at least 6m or 10m along classified roads)			
Minimum rear setback:	7 metres, plus 3.5m between	7 metres	30% of site length (but not less than	6m (2-4 storeys) 9m (5-8 storeys)

	Townhouses/Villas	Terraces	Manor houses	Residential flat buildings
	rows of housing		10 metres)	12m (9+ storeys)
Minimum side setback:	0.9 metres (4.5m for side entrances)	0.9 metres (1.2m for side entrances)	0.9 metres (1.2m for side entrances)	As per <i>Apartment Design Guide</i>
Minimum landscaped area:	40% of site (incl. 30% deep soil zone), plus 1m landscaped strip along driveway	40% of the site (including a deep soil zone equal to at least 30% of site)	40% of site (incl. 30% deep soil zone), plus 1m landscaped strip along driveway	40% of site (incl. 30% deep soil zone), plus 1m landscaped strip along driveway
Minimum private open space:	40sqm per dwelling	40sqm per dwelling	1 bed/studio: 8sqm 2+ bed: 12sqm Ground floor unit: 16sqm	As per <i>Apartment Design Guide</i>
Dwelling mix	For schemes of 10+ dwellings, 20% must have 3 or more bedrooms.	For schemes of 10+ dwellings, 20% must have 3 or more bedrooms.	A mix of sizes should be provided.	Schemes of 10+ units: 10-20% 3+ bed; 60-75% 2 bed; 10-20% 1 bed/studio
Adaptable housing	15% dwellings to meet <i>Liveable Housing Guidelines</i> (2012) silver level design.			

Feedback received

Feedback on these suggestions was mixed. Across each development type, the highest support was for the suggested minimum site frontage requirements. Fewer submissions supported the other suggested controls. A breakdown of submissions is outlined in the tables below.

Table 4.6A Breakdown of submissions on design controls for townhouses and villas

Stance	Site frontage		Front setback		Rear setback		Side setback		Landscaping		Private open space		Dwelling mix		Adaptable housing	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Agree	8	53%	7	47%	3	20%	7	47%	3	20%	3	20%	5	33%	5	33%
Disagree ¹	4	27%	5	33%	9	60%	5	33%	9	60%	9	60%	7	47%	7	47%
Other ²	3	20%	3	20%	3	20%	3	20%	3	20%	3	20%	3	20%	3	20%
Total	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%

Notes

¹The online survey asked respondents to tick each suggested control they agreed with. Non-responses to a particular item have therefore been counted as "Disagree" however, could have been due to respondents not having an opinion on a particular suggestion or not wanting to respond.

²Includes survey responses that indicated they did not have an opinion on all of the suggested controls

Table 4.6B Breakdown of submissions on design controls for terraces

Stance	Site frontage		Front setback		Rear setback		Side setback		Landscaping		Private open space		Dwelling mix		Adaptable housing	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Agree	9	60%	6	40%	3	20%	5	33%	3	20%	5	33%	6	40%	5	33%
Disagree ¹	5	33%	8	53%	11	73%	9	60%	11	73%	9	60%	8	53%	9	60%
Other ²	1	7%	1	7%	1	7%	1	7%	1	7%	1	7%	1	7%	1	7%
Total	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%

Notes to Table 4.6B

¹ The online survey asked respondents to tick each suggested control they agreed with. Non-responses to a particular item have therefore been counted as "Disagree" however, could have been due to respondents not having an opinion on a particular suggestion or not wanting to respond.

² Includes survey responses that indicated they did not have an opinion on all of the suggested controls

Table 4.6C Breakdown of submissions on design controls for manor houses

Stance	Site frontage		Front setback		Rear setback		Side setback		Landscaping		Private open space		Dwelling mix		Adaptable housing	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Agree	8	53%	7	47%	3	20%	7	47%	3	20%	3	20%	5	33%	5	33%
Disagree ¹	4	27%	5	33%	9	60%	5	33%	9	60%	9	60%	7	47%	7	47%
Other ²	3	20%	3	20%	3	20%	3	20%	3	20%	3	20%	3	20%	3	20%
Total	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%

Notes

¹ The online survey asked respondents to tick each suggested control they agreed with. Non-responses to a particular item have therefore been counted as "Disagree" however, could have been due to respondents not having an opinion on a particular suggestion or not wanting to respond.

² Includes survey responses that indicated they did not have an opinion on all of the suggested controls

Table 4.6D Breakdown of submissions on design controls for residential flat buildings

Stance	Site frontage		Front setback		Rear setback		Side setback		Landscaping		Private open space		Dwelling mix		Adaptable housing	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Agree	9	60%	6	40%	3	20%	5	33%	3	20%	5	33%	6	40%	5	33%
Disagree ¹	5	33%	8	53%	11	73%	9	60%	11	73%	9	60%	8	53%	9	60%
Other ²	1	7%	1	7%	1	7%	1	7%	1	7%	1	7%	1	7%	1	7%
Total	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%	15	100%

Notes

¹ The online survey asked respondents to tick each suggested control they agreed with. Non-responses to a particular item have therefore been counted as "Disagree" however, could have been due to respondents not having an opinion on a particular suggestion or not wanting to respond.

² Includes survey responses that indicated they did not have an opinion on all of the suggested controls

Several submissions provided additional comments on these issues, relating mainly to suggested setback controls:

Comments on suggested setback controls

Some submissions made suggestions for alternative setback controls, including:

- Front setback should match established setbacks, with a minimum of 3 – 4 metres.
- Front setbacks should match established setbacks, but there should be no minimum.
- Apartments should be set back from the street alignment sufficiently for future widening of the road to enable better two-way traffic flow.
- Rear setbacks should be 15% site length to allow for flexibility for RFBs.
- Rear setback for medium density housing should be 5 metres, instead of 7 metres, as this is more in keeping with the existing requirements of other Council's controls (including The Hills).

Comments on landscaping and open space controls

Overall, there was less support for the suggested deep soil zone requirements than for the landscaping requirements. Comments received on this issue included:

- Landscaping, deep soil and private open space controls should be consistent with State Government's Apartment Design Guide. Any duplication between the ADG and DCP should be removed.
- RFBs should be allowed to be built in the R3 zone with a minimum private open space requirement of 20sqm and minimum landscaped area of 20% of the total site area.

- Supports the introduction of a 40sqm minimum private open space/landscape requirement per dwelling to mitigate both heat and privacy issues in higher density living.
- More grass should be encouraged around development, with minimal use of concrete and hard reflective surfaces. Controls should also stipulate the minimum amount of trees to be planted.

Other comments made

Other comments made by submissions include:

- The R3 zone should allow for more terrace-style housing. These are far more attractive and functional than RFBs and offer better housing choice to prospective residents.
- Dwelling mix requirements for RFBs should require only 10% of apartments to be 3 bedrooms.
- Another submission recommended more flexibility in relation to dwelling size and mix to respond to the changing market demand and allow greater housing diversity and affordability.

Officer response

The feedback received will be considered further as part of preparation of the consolidated DCP. An officer response will be provided when the draft DCP is reported back to Council.

The focus of this work will be on putting in place strong and clear controls to achieve well designed medium and high density housing. Any controls will be applied in addition to any area-specific controls that may be put in place for particular localities.

6.6. Other feedback received

Some submissions made general comments or provided feedback on other aspects of LEP and DCP controls relating to medium and high density residential development. These are summarised below alongside officer responses.

Requests for increasing densities on specific sites

Several submissions argued for specific sites or areas to be rezoned to enable an increase in densities. Arguments given for this included:

- proximity public transport, universities, or strategic centre,
- the site adjoins higher density development, or
- rezoning would support a better mix of housing.

Officer response

In response to the above, it is noted that the scope of the LEP and DCP harmonisation process does not include rezoning of individual sites for higher densities. Any rezonings of this nature would need to be subject to separate planning proposal processes and supported by the necessary in-depth technical studies. Any proposals would need to be consistent with Council's Local Housing Strategy and Local Strategic Planning Statement.

General concerns with overdevelopment in the LGA

Several submissions raised general concerns with increasing densities in certain parts of the LGA, in particular the amount of apartments being built in areas such as Epping, Carlingford, Telopea and Melrose Park.

Some submissions requested specific areas be downzoned to lower densities, such as land adjoining bushland, or turning high density zones into medium density. One submission suggested that Council reduce the number of areas zoned for high density residential and instead add more areas for low and medium density housing.

Officer response

Council has currently prepared a draft Local Housing Strategy, which identifies how the local area's housing needs will be met over the next 20 years, including the locations in which housing growth will be focused. Key priorities of the draft LHS are:

- Aligning and sequencing housing growth with existing transport and planned improvements.
- Ensuring community infrastructure is adequately funded and delivered in alignment with homes.
- Growth precincts innovate excellence in place-based outcomes with diverse and affordable housing to suit residents' needs.
- City of Parramatta's low density residential neighbourhoods to retain local character, provide housing diversity and preserve future housing opportunity.

The LEP and DCP harmonisation process will help deliver on these priorities by finalising a review of dual occupancy and medium density residential zone provisions and putting in place a consistent set of policies to guide the assessment of applications for new housing development.

Individual growth precincts are subject to their own detailed strategic planning processes, which includes consultation with the community and stakeholders. In addition to this, as part of the development application process, there is further consultation with the community before major redevelopment takes place.

To support growth, Council is in the process of preparing a new development contributions plan for the LGA to ensure that new development that increases demand for public infrastructure, such as open space and community facilities, contributes to provision of this infrastructure.

Comments relating to the Epping Planning Review

Several submissions were received that raised issues specific to development in the Epping town centre, including:

- Concerns with traffic congestion associated with ongoing development in the town centre.
- Concerns that there is a lack of green space in the LGA to accommodate increased development, particularly in North Epping.
- One submission sought assurances land identified for acquisition on the *Hornsby LEP 2013* Land Reservation Acquisition Map will be carried over into the new harmonised LEP.
- Another submission requested that the rezoning of the Rose Street Precinct be progressed.

Officer response

The Epping Planning Review will continue to operate as a separate strategic planning process to the LEP and DCP Harmonisation process. These submissions have been forwarded to the Epping Planning Review team for consideration.

With regard to the Land Reservation Acquisition Map, the only changes being proposed through the Harmonisation process relate to the removal of sites which have already been acquired or dedicated to Council and minor changes to map labels (refer to Section 2.3 of the Planning Proposal report).

It is also noted that Council has prepared a draft Community Infrastructure Strategy, which outlines priorities for future community infrastructure to meet the community's needs, including open space and recreation.

7. Non-residential zones

This section covers feedback relating to the type of development that should be allowed in non-residential areas of the LGA.

7.1. Local and neighbourhood centres

The Discussion Paper suggested some changes to the land uses that are allowed in local and neighbourhood centres across the LGA (B1 Neighbourhood Centre zone and B2 Local Centre zone). Key suggestions included:

Restrict residential accommodation	It was suggested to only allow housing in the B1 Neighbourhood Centre zone and B2 Local Centre zone if it is above ground floor retail or business premises (called "shop top housing"). This is consistent with Parramatta LEP controls. <u>Alternative option</u> An alternative option would be to allow a greater range of ground floor uses below housing, including community uses.
Prohibit tourist and visitor accommodation	It was suggested to not allow tourist and visitor accommodation (such as hotels) in Neighbourhood Centres (B1 zone) due to the potential for noise, parking and traffic impacts. Small bed and breakfasts would still be allowed.

Feedback received

A small number of submissions responded to these suggestions; the majority of which were generally in support. A breakdown of submissions is outlined in the table below.

Table 7.1 Breakdown of submissions on harmonising land uses allowed in the B1 and B2 zones

Stance	Only allow shop-top housing		Prohibit tourist and visitor accommodation in B1 zone	
	No.	%	No.	%
Support	10	53%	11	79%
Not supported	8	42%	2	14%
Other ¹	1	5%	1	7%
Total	19	100%	14	100%

Notes

¹Includes survey responses that selected 'Neither agree nor disagree' or 'No opinion'

Eight submissions supported the alternative option to allow apartments above a mixture of ground floor uses, including community uses. Three submissions provided additional feedback on why they supported the alternative option, reasons given included:

- Retail should not be provided as the default in economically unviable locations. This potentially diminishes the streetscape with empty shops.
- There is a lack of new affordable spaces for community uses and small businesses (eg. podiatrists, physios, accountants, florists, delicatessens).
- The alternative option will ensure the objectives of the zone are met by encouraging construction of mixed-use buildings that integrate suitable commercial, residential and other developments.

No additional comments were received relating to visitor accommodation in the B1 and B2 zones.

Officer response

- *It is recommended to allow residential flat buildings in the B1 and B2 zones, but only where space is provided at ground floor for business, community and other non-residential uses.*
- *It is recommended tourist and visitor accommodation is prohibited in the B1 zone, with the exception of small bed and breakfasts.*

Following consideration of feedback, it is recommended to allow apartments in B1 and B2 zones, but only if non-residential uses are provided on the ground floor. This will allow for a broader range of land uses to be provided at street level than could be provided if only 'shop top housing' was allowed in these zones, as 'shop top housing' is limited to retail and business premises. Under the recommended approach, additional uses such as community facilities and medical centres would also be able to be provided along street frontages.

Prohibiting tourist and visitor accommodation in neighbourhood centres (B1 zones) is consistent with the approach under the majority of LEPs that currently apply in the LGA. These centres tend to be located within low density neighbourhoods and only small bed and breakfast accommodation (limited to a maximum of 3 bedrooms) is considered appropriate due to the potential for unacceptable amenity and traffic impacts larger forms of accommodation could bring. Bed and breakfast accommodation are already permitted in all R2 Low Density Residential zones.

7.2. Industrial zones

The Discussion Paper suggested some changes to the land uses that are allowed in General Industrial areas (IN1 zones) and Light Industrial areas (IN2 zones). Key suggestions included:

Prohibit child care centres	<p>It was suggested to prohibit child care centres in industrial zones (IN1 and IN2 zones) due to concerns that these areas provide a poor quality environment for these uses. This is consistent with the policy under Auburn LEP.</p> <p><u>Alternative option</u></p> <p>An alternative approach would be to permit child care centres in these zones (or on specific sites in these zones) to offer opportunity for increased provision of child care places in the LGA. This is consistent with the policy under Parramatta and The Hills LEPs.</p>
Prohibit tourist and visitor accommodation	<p>It was suggested to not allow tourist and visitor accommodation in the IN1 zone, consistent with the controls of the majority of LEPs. Industrial areas are not considered ideal locations for this type of use.</p> <p><u>Alternative option</u></p> <p>An alternate approach would be to allow tourist and visitor accommodation in some industrial locations.</p>
Allow food and drink premises	<p>It was suggested to allow all types of food and drink premises (such as cafes, pubs and restaurants) in the IN1 zone to provide services for workers. This is consistent with the majority of LEPs applying in the LGA.</p>
Prohibit function centres and registered clubs	<p>It was suggested to not allow these uses, consistent with the majority of LEPs.</p>

Feedback received

A small number of submissions were received for each of these suggestions – responses were generally mixed. Prohibiting child care centres and allowing food and drink premises in industrial areas attracted the most support. A breakdown of submissions is outlined in the table below.

Table 7.2 Breakdown of submissions on land uses in industrial zones

Stance	Prohibit child care centres		Prohibit tourist and visitor accommodation		Allow food and drink premises		Prohibit function centres and registered clubs	
	No.	%	No.	%	No.	%	No.	%
Supported	14	56%	7	41%	10	62%	4	27%
Not supported	10	40%	7	41%	3	19%	8	53%
Other ¹	1	4%	3	18%	3	19%	3	20%
Total	25	100%	17	100%	16	100%	15	100%

Notes

¹Includes survey responses that selected 'Neither agree nor disagree' or 'No opinion'

Some submissions provided additional comments, these are outlined below:

One submission made a general comment, requesting that social and health issues relating to amenity, pollution and contamination must be carefully considered in relation to non-industrial uses in industrial areas.

Comments on child care centres

The majority of submissions supported prohibiting child care centres in industrial zones. This included two Government agencies – NSW Environment Protection Authority and Western Sydney Local Health District. Both these agencies were concerned that siting child care centres in industrial areas can have harmful impacts, particularly in regards to noise and air quality for both children and staff. Other submissions received also echoed these concerns. Other concerns included the potential for child care centres to restrict future development of some industrial uses because of the need to consider impacts on children and staff.

One submission was broadly supportive of the idea of prohibiting child care centres in industrial zones, but raised concerns that it could result in more applications for these uses in the R2 Low Density Residential zone. It suggested that there needed to be additional controls put in place for child care centres in R2 zones restricting their size, opening hours and to better manage traffic impacts.

Of those submissions that did not support a blanket prohibition on child care centres in industrial zones, one recommended allowing them on specific sites where there was not unacceptable noise or pollution levels.

A submission on behalf of a landowner in the North Rocks Industrial Area provided the following arguments against prohibiting child care centres on the site:

- They would support local workers and nearby residents.
- Prohibiting child care centres in industrial areas is not consistent with the provisions of current State Government planning policy.
- Potential amenity issues can be solved through smart design, such as elevated or roof top open space where ground floor open space is impractical.
- Acoustic impacts on a child care centre are acknowledged and addressed by relevant criteria in the *AAAC Guideline for Child Care Centre Acoustic Assessment*.
- State Government policy contains additional assessment criteria for child care centres in industrial areas to minimise conflicts with adjoining industrial uses and ensure the safety and health of people using or visiting the centre. The *Child Care Planning Guideline* issued by the State Government also needs to be taken into account. It contains extensive additional guidance on the location, design and operation of centres.

Comments on tourist and visitor accommodation

The submissions received on this issue were mixed and few provided further comments in support of their position.

One resident in support of prohibiting these uses in industrial areas made the point that as a keen traveller they would be hesitant staying in an area which may not have any people on the street at

night and is far from public transport. The submissions was also concerned that upgrading an industrial building to accommodation may not provide good results.

Two submissions indicated support for allowing tourist and visitor accommodation on some industrial sites. One of these submissions requested that these uses continue to be allowed in the North Rocks Industrial Area. The following reasons were given:

- Tourist and visitor accommodation is currently allowed on the site under *The Hills LEP 2012*.
- As with other industrial areas, North Rocks is affected by global and regional economic trends and is required to respond and evolve in order to ensure its ongoing viability as employment land.
- While the precinct would not have a major role in the supply of tourist accommodation, the ability to provide some tourist and visitor accommodation to support employment in the precinct and visitors to other land uses such as the Korean Presbyterian Church is considered appropriate.

Comments on food and drink premises

There was general support for allowing these uses in industrial areas to support local workers. The Western Sydney Local Health District recommended Council ensures a mix of retail which promotes the geographical availability of different types of healthy food and drink premises by enforcing limits on the concentration of fast food and alcohol outlets within IN1 zones. The submissions also recommended Council include an objective in the DCP which encourages the geographical availability of different types of healthy food and drink premises within IN1 zones to limit the concentration of fast food and alcohol outlets.

Comments on registered clubs

Just over half the submissions received on this issue supported allowing registered clubs in the IN1 zone. One submission on behalf of a landowner in the North Rocks Industrial Area made the following arguments:

- Registered clubs come in many shapes and sizes and can be associated with a diverse range of activities, including cultural, social and sporting pursuits.
- Many small clubs, particularly those associated with indoor sporting activities, cannot locate in commercial areas due to cost and land requirements. These indoor sporting facilities are more often found in industrial areas and co-locating club facilities with the sporting facilities is logical and appropriate.
- Potential amenity impacts can be addressed on a site by site basis.
- A blanket prohibition would limit land supply for these smaller types of registered clubs that provide important facilities for the community.

Comments on artisan food and drink premises

The Discussion Paper suggested to prohibit artisan food and drink premises (such as craft breweries) in the IN3 Heavy Industrial zone. Two submissions were received from landowners in Camellia objecting to this. The reasons given were:

- A greater diversification of land uses would support employment growth and intensification in Camellia. The Greater Sydney Commission has identified Camellia as critically important area for providing urban services needed to support a diverse and vibrant Parramatta CBD.
- Artisan food and drink premises are not incompatible with other industrial uses and will serve to diversity the employment offer and intensification of Parramatta's employment lands. They also support a more interesting, diverse and growing Parramatta CBD.
- It is appropriate to allow artisan food and drink premises in proximity to new housing, employment, retail and commercial development that will come with the redevelopment of Camellia.

Other comments received

Two submissions received requested that Council zone land for high technology uses, citing examples from overseas cities.

A submission on behalf of a landowner in the North Rocks Industrial Area requested that Council give consideration to broadening the permissible uses in the precinct to encourage investment and

employment opportunities. The submission outlines a number of constraints that have made it difficult to attract industrial uses to the precinct.

Officer response

- *It is recommended to prohibit child care centres in all industrial zones*
- *It is also recommended to prohibit function centres and tourist and visitor accommodation in the IN1 General Industrial zone.*
- *It is recommended to allow food and drink premises and registered clubs in the IN1 General Industrial zone*
- *It is recommended to prohibit artisan food and drink premises in the IN3 Heavy Industrial zone*

Child care centres

In order to bring consistency to the LEP it is recommended to extend the prohibition of centre-based child care centres on all IN1 zoned land. While there is an ongoing need for child care facilities across the LGA, these need to be appropriately located and designed to provide good quality environments for children. This is a key strategic direction of Council's draft *Social Community Infrastructure Strategy*, which outlines priorities for future social infrastructure to meet the community's needs.

While the *Educational Establishments and Child Care Facilities SEPP* includes additional matters for consideration for centre-based child care facilities proposed in the IN1 and IN2 zones, neither the SEPP or the *Standard Instrument LEP* mandates that these uses are permitted in these zones. The permissibility of this land use within these zones is the remit of the Council.

Industrial zones are not considered appropriate for child care centres due to potential conflicts with other land uses that may be located in these areas, such as brothels or industrial uses that generate noise and air pollution. There are also safety concerns around heavy vehicle movements associated with some industrial uses.

State Government provisions introduced by the *Education and Child Care SEPP* and supporting *Child Care Planning Guideline* take precedence over development controls in a DCP or LEP, including controls for size, hours of operation, traffic and design of parking areas. This means Council is limited in the controls it can put in place to safeguard against poor design and amenity outcomes in specific locations.

While the SEPP includes provisions for considering the compatibility of proposed child care centres with existing industrial uses, uncertainty will remain over whether future industrial uses that may locate nearby will be compatible. Future industrial uses could present health or safety hazards to the child care centres. Alternatively, the presence of a child care centre may limit the type of industrial uses that could be located nearby, thereby impacting the achievement of the main objectives of the zone.

While it is recommended to prohibit child care centres in industrial zones, there is opportunity for their provision in other commercial and residential zones. Council will also continue to negotiate for the delivery of new child care facilities in new urban precincts, where demand is greatest.

Tourist and visitor accommodation

Tourist and visitor accommodation is currently prohibited in the IN1 General Industrial zone. While these uses are currently permitted in the North Rocks Industrial Area under The Hills LEP, it is noted that this is a general policy approach that applies to all IN1 zones under The Hills LEP and is not specific to this site.

Industrial areas are generally not considered appropriate locations for tourist and visitor accommodation as they do not provide a good level of amenity for visitors. The North Rocks Industrial Area in particular lacks permeability and proximity to town centres. Part of the precinct is also bushfire prone. There is also the potential for conflicts with certain industrial uses, such as those that generate noise and air pollution. Tourist and visitor accommodation would also reduce the amount of land available for industrial uses and are not considered an essential use that serves the needs of workers, as per the zone objectives.

As such, it is recommended that a consistent policy approach be applied to all IN1 zones, prohibiting tourist and visitor accommodation. Any existing uses will be protected under Section 4.65 of the *Environmental Planning and Assessment Act 1979* however, Council is not aware of any tourist or visitor accommodation uses currently operating within the North Rocks industrial area.

Registered clubs

It is recommended to permit registered clubs in the IN1 zone as these can provide services to workers and are often associated with other activities and land uses that are already permitted in the zone, including pubs and indoor/outdoor recreation facilities.

Artisan food and drink premises

The *Standard Instrument LEP* was revised last year to make 'artisan food and drink industries' mandatory in areas zoned IN1 General Industrial. However, it is the remit of Council to determine other zones where these uses should be permitted.

As outlined in the Discussion Paper, artisan food and drink premises are not considered appropriate in IN3 zones due to potential conflicts with heavy industrial uses that are permitted in this zone, including potentially hazardous industries. This use will continue to be permitted in the IN1 and IN2 zones, plus B4, B5, B6 and B7 zones.

Other comments received

With regard to the zoning of land for high technology uses, Council is limited in the type of zones it can include in the LEP to those outlined in the *Standard Instrument LEP*. However, it is proposed to allow high technology industries in all industrial zones as well as in B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor and B7 Business Park zones.

With regard to broadening permissible uses within the North Rocks Industrial Area, it is noted that a recent planning proposal to rezone the precinct to enable a broader range of land uses did not proceed on the basis of traffic concerns which were not able to be adequately resolved.

Council's approach to managing the future of its employment lands is addressed further in an update to its Employment Land Strategy attached to the draft Local Strategic Planning Statement.

7.3. Open space zones

The Discussion Paper suggested some changes to the land uses that are on public open spaces (RE1 Public Recreation zone) in the LGA. Key suggestions included:

Prohibit child care centres	<p>It was suggested to generally prohibit child care centres on RE1 zoned land due to concerns over loss of public access to open space. They would be allowed on specific sites on a case by case basis. This is consistent with the approach under Parramatta LEP.</p> <p><u>Alternative option</u></p> <p>An alternative option would be to allow child care centres on all RE1 zoned sites. This is the case under the majority of LEPs applying in the LGA.</p>
Allow markets and certain food and drink outlets	<p>It was suggested to allow restaurants, cafes, take-away food and drink premises, and markets on public open space (RE1 zones) to enhance the use and enjoyment of open spaces by the public.</p> <p><u>Alternative option</u></p> <p>Only permit these uses on specific sites to limit the loss of open space.</p>

Feedback received

24 submissions were received on each suggestion. Feedback was mixed. A breakdown of submissions is outlined in the table below.

Table 7.3 Breakdown of submissions on land uses on RE1 zoned land

Stance	Prohibit child care centres (except on specific sites)		Allow markets and certain food and drink outlets	
	No.	%	No.	%
Support	15	63%	11	46%
Not supported	7	30%	13	54%
Other ¹	2	7%	-	-
Total	24	100%	24	100%

Notes

¹Includes survey responses that selected 'Neither agree nor disagree' or 'No opinion'

Some submissions provided additional comments, these are outlined below.

The NSW Environment Protection Authority made a general comment that permitting a number of public recreational uses within the RE1 zone has the potential for adverse impacts, such as noise, to be created for surrounding properties which are usually R2 Low Density Residential uses.

Comments on child care centres

A majority of submissions supported prohibiting child care centres on public open space. This included two Government agencies – NSW Office of Sport and Western Sydney Local Health District. Both these agencies were concerned that these uses are private, non-recreational uses that would result in a loss of land that is meant to be publicly accessible for recreational uses. The health benefits of quality green open space are particularly vital as the City of Parramatta continues to grow and densify.

Other submissions received also echoed these concerns. Other concerns raised included the perception that there was a lack of open space and yet no shortage of alternative locations for child care centres.

One submission provided the following arguments in support of allowing child care centres on public open space:

- Public open spaces offer ample opportunity for play, exploration and learning whilst not compromising surrounding residential enjoyment.
- With careful planning, there is ample opportunity for RE1 zones to be utilised as multi-functional spaces that operate extended hours with extensive parking.

Comments on markets and certain food and drink outlets

A small majority of submissions were against allowing certain food and drink outlets on RE1 zoned land. The main concern raised was this would result in a loss of public open space. Most of these submissions were supportive of the alternate option of allowing these uses on specific sites only, such as on larger parks. One submission suggested that such uses should be limited to temporary uses, provided they were compatible with the surrounding area.

Both the NSW Office of Sport and the Western Sydney Local Health District supported the option of allowing food and drink outlets and markets on RE1 zoned land as a means of activating open space and enhancing its use and enjoyment by the public.

The Western Sydney Local Health District suggested that any food and drink outlets provide a range of healthy food and drink options and recommended that RE1 zones include Alcohol Free Zones or Alcohol Prohibited Areas.

The NSW Office of Sport suggested that an alternative option may be to limit these uses to a set percentage of the total site area. This is similar to another submission, which suggested that any commercial activity must be ancillary to the main use of the open space - for example only allowing small cafes.

Other comments received

The NSW Office of Sport also made the following recommendations:

- Allow camping grounds and caravan parks in RE2 Private Recreation zones.

- Prohibit registered clubs on RE2 zoned land. The Office of Sport is concerned about the loss of RE2 zoned land owned by registered clubs through redevelopment into seniors housing and other non-recreation land uses.
- Prohibit respite day care centres in RE2 zones as it is a non-recreational use of what is meant to be recreational land.
- Prohibit charter and tourism boating facilities and water recreation structures in RE1 zones as these are private and commercial uses of land that is meant to be publicly accessible for recreational uses.
- Allowing boat launching ramps, jetties and boat sheds in RE1 zones as they enable greater diversity of not-for-profit and community based water sports.

Officer response

- *It is recommended to prohibit new centre-based child care facilities, charter and tourism boating facilities, camping ground and caravan parks in RE1 zones.*
- *It is recommended to permit water recreation structures, markets, restaurants, cafes, and take away food and drink premises in RE1 zones.*

Child care centres

In order to bring consistency to the LEP it is recommended to extend the prohibition of new child care centres to all land zoned RE1 Public Recreation. While child care centres in parks can provide good amenity for users, they result in a loss of public access to open space of which there is an increasing need for as the City grows.

A key aim of the draft Community Infrastructure Strategy is to ensure no net loss of current park and outdoor recreation space across the LGA. This is also consistent with actions outlined under Objective 31 of the *Greater Sydney Region Plan*, which aims to ensure public open space is accessible, protected and enhanced.

Child care centres will continue to be permitted in all commercial and residential zones, subject to meeting relevant design and management requirements. Council will also continue to negotiate for delivery of both open space and child care centres in growth areas, where demand is greatest. Where individual circumstances justify, child care centres can be identified as permitted uses in specific parks.

Markets and certain food and drink outlets

Restaurants, cafes, take-away food and drink premises and markets are already allowed on RE1 zoned land under Parramatta and The Hills LEPs. The Auburn LEP also allows restaurants, cafes and markets in this zone.

These uses can complement recreational activities and enhance the use and enjoyment of open spaces by the public. Any structures can be designed to be small in order to minimise any potential loss of open space and ensure they do not dominate the site. Markets tend to be occasional uses that will not permanently reduce the amount of land available for open space and will further maximise the use of these spaces by the community.

All development proposals will be subject to an approvals process and would need to be consistent with the community land categorisation for the site and the relevant Plan of Management adopted by Council under the *Local Government Act 1993*, which authorises how a particular site can be used, including the scale and intensity of any permitted uses or development.

Other land use in open spaces

Following consideration of feedback from the NSW Office of Sport, it is recommended to prohibit charter and tourism boating facilities in RE1 zones as these uses could be considered to be a private and commercial use of public land that could reduce public access to open space. It is not recommended to prohibit water recreation structures (such as a pier or a wharf) as these are important public facilities that provide a connection to and enable recreational use of public waterways, such as the Parramatta River. Improving opportunities for water based recreation and

access to Parramatta River and its waterways is a key aim of Council's draft Local Strategic Planning Statement and the *City of Parramatta Environmental Sustainability Strategy 2017*.

Caravan parks are recommended to be prohibited on RE1 zoned land as they would lead to a loss of public access to open space. This is consistent with the approach taken by the majority of LEPs applying in the LGA. Currently only Hornsby LEP allows them on RE1 zoned land. While caravan parks may be appropriate on certain sites within or bounded by National Parks, they are not considered appropriate on the smaller open spaces that sit within the more urban context of the City of Parramatta LGA.

Registered clubs are not considered appropriate uses on RE1 zoned public open space. These are currently prohibited under all LEPs applying in the LGA and it is not recommended to change this. It is recommended to allow these uses on RE2 Private Recreation zoned land as they may support the broader range of uses permitted on these sites.

Under the *Standard Instrument LEP* (Direction 4), respite day care centres must be permitted wherever a centre-based child care facility is permitted. As centre-based child care facilities are recommended to be permitted in RE2 zones (which is supported by the NSW Office of Sport), respite day care centres must also be allowed in these locations.

7.4. Advertising signage

Feedback was sought on the following suggestion:

Prohibit general advertising signage	It was suggested to not allow general advertising structures (such as billboards) across all zones as they are considered to have negative visual impacts. This would not restrict business or premises identification signage.
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Feedback received

20 submissions were received on this issue, almost all of them were in favour of the suggestion. A breakdown of submissions is provided below.

Table 7.4 Breakdown of submissions on prohibiting advertising signage

Stance	Number of submissions	% of submissions
Support	19	90%
Not supported	1	5%
Neutral	1	5%
Total	21	100%

Two submissions supporting prohibition of general advertising signage provided the following reasons:

- Advertising billboards are a serious road safety issue, especially the latest use of non-static displays. It is contrary to the objects of the *Roads Act 1993* and is in serious conflict to the state government's urban design policies along major transport routes.
- The Western Sydney Local Health District supported the prohibition of general advertising as a means of reducing advertising for unhealthy food and drink options.

One submission did not support a prohibition, arguing they should be assessed on their merits and may be appropriate if they are informative and not offensive (e.g. too large or animated).

Roads and Maritime Services made the following comments:

- General outdoor advertising will continue to be permitted with development consent in transport corridors under the terms of the *State Environmental Planning Policy 64 – Advertising and Signage* and in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines.
- While outdoor advertising can have negative visual impacts as suggested in the Discussion Paper, these impacts can be minimised through appropriate site selection and design. Further, outdoor advertising provides an opportunity to deliver a public benefit, including revenue for road safety programs and provision of road safety messaging at strategic and appropriate locations.

Officer response

- *It is recommended to prohibit advertising structures across all zones*

Advertising structures such as billboards that do not relate to the specific use of a site are not considered appropriate due to their visual impact. However, building and business signage will continue to be permitted in most zones. The majority of respondents supported this approach.

It is proposed to include a clause in the draft consolidated LEP that would allow commercial advertising to be included on bus shelters owned or managed by Council, as already occurs in various locations in the LGA. This would support the provision of new bus shelters and their upkeep.

7.5. Temporary uses of land

The Discussion Paper sought feedback on the following suggestions relating to short-term uses of land:

Permit temporary uses of land for a maximum of 52 days in a 12 month period	It was suggested allow temporary uses on sites for up to 52 days in a 12-month period, subject to necessary approvals being granted. This is consistent with the approach under The Hills and Holroyd LEPs and would allow more community events to be held and support the local economy and culture.
Identify markets and other temporary events on land owned or managed by Council as 'exempt development'	This would remove duplication in the approvals process by reducing the number of applications needed to run an event. It was suggested to limit the use of a site to a maximum of 52 days in a 12 month period. Temporary events on private land would continue to require a development application, unless they meet requirements for exempt or complying development under the <i>Codes SEPP</i> .

Feedback received

Around 20 submissions were received on each suggestion; a majority were generally in support. A breakdown of submissions is outlined in the table below.

Table 7.5 Breakdown of submissions on suggestions relating to temporary uses of land

Stance	Set a maximum time limit of 52 days for temporary uses		Identify temporary events on public land as 'exempt development'	
	No.	%	No.	%
Support	12	63%	15	75%
Not supported	7	37%	4	20%
Other ¹	-	-	1	5%
Total	19	100%	20	100%

Notes

¹ Includes survey responses that selected 'Neither agree nor disagree' or 'No opinion'

Both the NSW Office of Sport and the Western Sydney Local Health District supported identifying markets and temporary uses on land owned or managed by Council as 'exempt development'. These agencies saw this as a way of encouraging the use and enjoyment of open spaces by the public and making it easier for community events to occur.

There was some concern expressed about allowing temporary uses for up to 52 days due to potential impacts on neighbouring residents or users of the space. The Environment Protection Authority supported the 52 day limit, provided that all proposals still go through a permit process to identify necessary conditions and mitigation measures particularly in regards to noise.

Two submissions recommended a shorter timeframe of 28 days or even 7 days, in order to reduce the potential impacts. One suggested that timeframes needed to be managed on a site and activity specific level.

One submission sought clarity on what rules would be put in place to limit impacts, such whether there would be any limitations on days of the week an event could operate, and how casual use of a park by the public could still be maintained while an event was taking place.

Officer response

- *It is recommended to adopt a 52 day time limit for temporary uses of land.*
- *It is also recommended to identify temporary events on land owned or managed by Council as 'exempt development', but limit the exemption period to 28 days on sites outside the Parramatta City Centre.*

Applying a longer 52 day time limit to temporary events would allow more community events to be held on public land. The longer time period will also facilitate tourism and economic growth in the LGA given the contribution that events make to the local economy. Any proposals would continue to require the necessary approvals before they can go ahead, to ensure consideration of any potential impacts and how these will be managed.

Identifying temporary events on land owned or managed by Council as 'exempt development' would remove the need for a development application to be lodged. The intent of this is to reduce duplication in the approvals process for event organisers and community groups. Any proposals would still require a permit from Council and would need to meet certain conditions outlined in the LEP, including maintaining pedestrian access through sites and restoring the land to its previous condition before the event (refer to Section 2.1 of the Planning Proposal report).

Any events on community land would also need to be consistent with the relevant Plans of Management adopted by Council under the *Local Government Act 1993*, which authorises how a particular site can be used, including the scale and intensity of any permitted uses. In response to concerns raised in the feedback, it is recommended that a shorter 28 day time limit be applied to events on public land outside the Parramatta City Centre, which tends to be located in more low density environments. Once this time limit is exceeded in a 12 month period, a development application will be required unless the proposal is minor and meets the requirements of the State Government's *Exempt and Complying Development SEPP*.

8. Car and bicycle parking

The Discussion Paper outlined several suggestions for bringing consistency to DCP car and bicycle parking controls. Key suggestions included:

Car parking rates	<p>The Discussion Paper suggested minimum parking rates to be applied to a range of land uses across the LGA, including:</p> <ul style="list-style-type: none"> • Minimum of 1 space per dwelling for single houses and dual occupancies. • Lowering requirements for medium and high density housing, and business and office uses within proximity to frequent public transport services. <p>Where precinct-specific car parking controls exist or are proposed through a separate precinct planning process, such as Epping Town Centre, these will continue to apply.</p>
Requirements for the design of car parking areas	<p>It was suggested to adopt a clear and consistent set of controls to minimise the visual impact of garages and parking areas, including:</p> <ul style="list-style-type: none"> • Garages are to be a maximum of 6.3 metres wide, or 50% of the width of the street elevation of the building, whichever is the lesser. • Garages and carports are to be recessed a minimum of 300mm behind the front façade of the building.
Bicycle parking	<p>The Discussion Paper suggested minimum bicycle parking rates and design requirements to be applied across the LGA, outside of the Parramatta CBD. For apartments, a rate of 1 bicycle space per dwelling plus 1 space per 10 dwellings for visitors is suggested.</p>

Refer to Section 6 of the Discussion Paper for the full list of suggested controls.

8.1. Feedback received on suggested car parking rates

Feedback on the suggested controls was generally mixed. There was moderate support for the proposed non-residential parking rates however, less support was received for the proposed residential parking rates, and reduced rates near public transport. A breakdown of submissions is outlined in the table below.

Table 8.1 Breakdown of submissions on car parking controls

Stance	Suggested residential parking rates		Suggested non-residential parking rates		Reduce rates near public transport	
	No.	%	No.	%	No.	%
Supported	31	45.5%	22	56%	14	30%
Not supported	33	48.5%	13	33%	28	61%
Other¹	4	6%	4	10%	4	9%
Total	68	100%	39	100%	46	100%

Notes

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree' and submissions that raised general concerns but did not comment specifically on the suggested rates

Comments on residential car parking rates

The highest number of comments related to the suggested rates for residential development, and in particular single dwellings and dual occupancies. Overall, there were marginally fewer submissions in support of the suggested rates compared to those that did not support them.

Almost all of those who did not agree with the suggested rates (26 out of 33 submissions) indicated a preference for higher rates to be applied to residential development, particularly for single dwellings and dual occupancy development.

A common concern amongst these submissions was that many households have more than one car and therefore lower parking rates would lead to increased on-street parking congestion and associated issues for cars and trucks trying to pass through streets, particularly on very narrow roads. Some submissions also raised concern with garages being used for general storage and not for parking of cars and contributing to on-street parking congestion.

Alternative controls suggested in submissions included:

- Requiring at least two spaces per dwelling (including in medium and high density housing schemes).
- Requiring at least one space for every two bedrooms.
- At least one space per apartment should be provided, including studios
- Several submissions suggested on-street parking restrictions should be put in place in certain locations, such as on narrow roads or outside medium and high density developments which provide off-street parking.

One submission did not support adopting a minimum parking rate for dwellings, as it was felt too much space is wasted on private cars. Another submission supported the proposed parking rates, but suggested adding a maximum upper limit to restrict the amount of space taken up by garages.

The Roads and Maritime Services (RMS) and the Western Sydney Local Health District both supported the suggested rates. The RMS suggested that maximum parking rates are applied to medium and high density residential development, instead of minimums.

Further detail on feedback relating to car parking rates for dual occupancy development is outlined in section 4.5 of this report.

Comments on non-residential parking rates

Few submissions provided further comment on the suggested non-residential car parking rates. One submission from land owners at North Rocks Industrial Area did not support application of the proposed parking rate of one space per 70sqm of GFA, recommending a lower rate of one space per 50sqm of GFA. Reasons given included:

- The area is serviced by limited public transport and most employees drive to work.
- The proposed rate would disadvantage the competitiveness of the North Rocks Industrial Area.

Another submission recommended adopting a minimum parking requirement for indoor recreation facilities, particularly in R2 zones.

Both the Roads and Maritime Services (RMS) and the Western Sydney Local Health District supported the suggested rates. The RMS suggested that maximum parking rates are applied to offices and business premises, instead of minimums.

Comments on reducing parking rates near public transport

A majority of submissions did not support this suggestion, particularly in relation to residential development. A common concern was that living near public transport does not replace the need for car ownership and that the suggested policy would result in on-street parking congestion. Reasons given include:

- Sydney's public transport system is inadequate / many places are inaccessible by public transport.
- Most households need their car on the weekend (e.g. for sporting activities or shopping).
- There is a lack of commuter parking near public transport and/or town centres, which has

increased on-street parking.

- Many households have more than one car.
- Occupants may store valuables in their car for work and need secure parking.

Some submissions suggested a rate of at least 1-2 spaces per dwelling/unit should be required, regardless of whether they are near public transport. Another submission recommended applying higher parking rates for medium and high density developments near public transport.

The Roads and Maritime Services (RMS) and the Western Sydney Local Health District both supported the suggested policy. The RMS recommended also adopting lower parking requirements for single dwellings and dual occupancies within close proximity to public transport. The Western Sydney Local Health District supported measures that encouraged more sustainable forms of transport.

Other comments received

A number of submissions raised general concerns with traffic congestion becoming worse in the LGA. A common concern was that medium and high density residential development has led to increased traffic congestion, which is placing undue strain on roads and infrastructure. Other concerns included:

- Residents in apartments using shopping centres for overflow parking.
- The impact of increased traffic congestion on commuting to and from work.
- Infrastructure not keeping up with increased density.
- A lack of parking in town centres.

Other comments made in submissions included:

- Charging hubs should be required in residential/public places for electric vehicles.
- Car parking bays should be allowed/encouraged in nature strips on narrow streets to enable two cars to pass.
- Restrictions should be placed on parking too close to intersections.
- Controls should be reviewed in the future to reflect an increase in autonomous self-driving cars.
- General concerns about the impact of high-density developments on parking, traffic and rubbish.
- Council should provide more commuter parking near public transport.

Officer Response

As these matters relate to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft DCP is reported back to Council.

The DCP controls will seek to achieve a balance between over-providing and under-providing car parking, taking into consideration the following principles:

- Sufficient on-site parking is needed to avoid spill over and congestion on local streets.
- At the same time, it is important to avoid unnecessarily high parking requirements. To alleviate congestion and avoid complete saturation of the road network, we need to reduce reliance on car travel across the LGA. High parking requirements also have a larger footprint, which could result in bigger, more visually dominant garages and/or less space for trees and landscaping.
- In areas close to public transport, reduced requirements can help make sure development is not over provided with parking.

In response to the broader concerns raised with the traffic impacts of increased development, Council recognises that integrated and targeted delivery of services and infrastructure is needed to support growth and respond to the different needs of the community. The potential impacts of large scale growth on road and transport infrastructure is a key consideration of the planning process for growth precincts and site-specific proposals that seek to increase densities. The potential for on-street parking congestion was also a key consideration in the constraints analysis used to identify areas suitable for dual occupancy development (refer to section 4.1).

It is noted that some precincts have specific car parking requirements applied to them, such as in the Parramatta City Centre and Epping Town Centre. It is not proposed to amend any precinct-specific

rates as part of the LEP and DCP harmonisation process.

In terms of infrastructure provision, Council coordinates a traffic improvement program that identifies and delivers a range of local works to address pedestrian safety, traffic and parking issues across the LGA. To assist with this, Council is in the process of preparing a new development contributions plan for the LGA to ensure that new development that increases demand for public infrastructure, such as roads, open space, community facilities, contributes to provision of this infrastructure. Council is also collaborating with the State Government to prioritise delivery of large-scale transport infrastructure including the Sydney Metro West project and Parramatta Light Rail.

8.2. Feedback received on requirements for the design of parking areas

Feedback on the suggestions was mixed. A breakdown of submissions is outlined in the table below.

Table 8.2 Breakdown of submissions on design of parking areas

Stance	Maximum Garage Width		Garages & Building Facade		Driveways for Medium Density Housing		Landscape Screening		Landscape Strip Along Driveways	
	No.	%	No.	%	No.	%	No.	%	No.	%
Supported	9	26%	21	62%	12	35%	13	38%	13	37%
Not supported	21	60%	8	24%	17	50%	16	47%	17	49%
Other¹	5	14%	5	15%	5	15%	5	15%	5	14%
Total	35	100%	34	100%	34	100%	34	100%	35	100%

Notes

¹ Includes survey responses that selected 'No opinion'

Very few submissions provided a reason for their stance. Two submissions provided reasons for not supporting the limits on garage width, these were concerned that small garages would be unusable as not everyone drives a small car. It was suggested that garages should be large enough to accommodate a large SUV with room to open doors, as well as a workbench and bicycle storage.

One submission questioned the rationale for requiring garages/carports to be recessed 300mm behind the front façade of a dwelling if front façades were allowed to protrude forward of the required front building setback.

Two submissions that did not support a requirement for a 1 metre landscape strip along the side boundary of driveways suggested alternatives:

- one submission suggested increasing the requirement to 2 metres
- the other suggested reducing the requirement to 0.5 metres.

One submission recommended requiring a minimum 4 metre driveway width and that lighting be required in some circumstances, such as on battleaxe lots with long driveways.

One submission recommended prohibiting entry/exit for high rise developments on arterial roads or within a certain distance from traffic lights and that buildings should be appropriately setback from arterial roads to prevent them from becoming wind tunnels or aesthetically displeasing. Similarly, another submission recommended adopting a larger front setback for apartments to allow for future widening of the roads.

Officer Response

As these matters relate to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft DCP is reported back to Council.

The general intent of the controls will be to ensure the safe and efficient movement of traffic and minimising the visual impact and dominance of car parking areas. It is proposed to develop a clear and consistent set of controls that will apply across the whole LGA, consistent with this aim.

8.3. Feedback received on suggested bicycle parking controls

Feedback on the proposed bicycle parking controls was mixed, with a large amount of survey respondents indicating they had no opinion. A breakdown of submissions is outlined in the table below.

Table 8.3. Breakdown of submissions on proposed bicycle parking rates

Stance	Apartments		Commercial		Industrial		Educational Establishments		Other Uses	
	No.	%	No.	%	No.	%	No.	%	No.	%
Supported	19	50%	16	41%	13	33%	17	44%	15	38%
Not supported	5	13%	9	23%	12	31%	8	21%	10	26%
Other¹	14	37%	14	36%	14	36%	14	36%	14	36%
Total	38	100%	39	100%	39	100%	39	100%	39	100%

Notes
¹ Includes survey responses that selected 'No opinion'

Only a few submissions provided a reason for their stance. The Western Sydney Local Health District supported the proposed bicycle parking rates and end of trip facilities, however, recommended Council undertake improvements to infrastructure and network connections to encourage use of these facilities.

Three submissions advocated for higher bicycle parking rates to encourage more people to ride bicycles. Two submissions advocated specifically for higher provision in commercial development. Another submission supported higher rates for medium and high density development.

Three submissions felt that minimum bicycle parking requirements are not necessary or that bicycle parking is a waste of Council's time.

Other comments included:

- Signage and stronger control over bike parking is needed to prevent it being used for other purposes (such as trolley storage at local supermarket).
- Increased bicycle infrastructure is needed, such as bike lanes and better connections.
- More secure bike parking is needed near public hubs, such as railway stations.
- Council needs to consider the potential impact on pedestrians and traffic if all developments met their bicycle parking quota.

Design of bicycle parking areas

Feedback was mixed, with a high number of responses indicating they had no opinion. A breakdown of submissions is outlined in the table below.

Table 8.3 Breakdown of submissions on proposed design controls for bicycle parking

Stance	Lockers for residents/staff Rails for visitors		Required within 1 Level of Ground Floor		Visitor Parking to be near Entry Points		End of Trip Facilities for Non-Residential Development	
	No.	%	No.	%	No.	%	No.	%
Supported	17	50%	10	29%	14	41%	12	34%
Not supported	3	9%	10	29%	6	18%	9	26%
Other¹	14	41%	14	41%	14	41%	14	40%
Total	34	100%	34	100%	34	100%	35	100%

Notes
¹ Includes survey responses that selected 'No opinion'

Very few submissions provided feedback on the proposed design controls for bicycle parking areas.

Three submissions recommended having safer options, such as separation of bikes and cars and provision of bicycle parking that is protected from the weather. Another submission recommended installing water refill stations to support bicycle parking / end of trip facilities.

Feedback from the Parramatta Cycleways Advisory Committee

Council officers attended the Cycleways Advisory Committee meeting on 23 January 2019 to present on the Discussion Paper's suggestions on bicycle parking. Committee members made a number of comments as follows:

- Question raised as to facilities for bicycles at the new Bankwest Stadium.
- Consider provision of U rails for bicycles.
- Consideration of bicycle racks need to be higher, wider and longer to accommodate some bicycles (current racks are too low).
- Bicycle rails need to be embedded and bolted into concrete.
- The location of bicycle parking facilities needs to be properly defined so that bicycles cannot be knocked over by cars.
- Bicycle parking facilities should not be located within areas accessed only by boom gates.
- There is a need for the provision of pedestrian/cycle access around boom gates as pedestrians/cycles do not trip boom gates.
- Consider a hierarchy of bicycle parking locations.
- Consider situation of shared paths under hoardings.

Officer Response

As these matters relate to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft DCP is reported back to Council.

The controls will be informed by the recommendations of the endorsed *Parramatta Bike Plan*, taking into account that they will be applied to locations outside of the Parramatta CBD where demand for bicycle parking for non-residential uses is likely to be lower. Specific rates for the CBD will be developed as part of work to support the Parramatta CBD Planning Proposal.

The Parramatta Bike Plan also identified actions Council will take to improve local and regional bicycle networks and infrastructure.

9. Environmental sustainability

This section covers feedback on issues relating to tree and vegetation protection, waterways, stormwater and flooding, and water and energy efficiency.

9.1. Suggested changes to LEP controls for biodiversity

The Discussion Paper sought feedback on the following suggestions:

Consistently zone public bushland reserves	It was suggested to rezone public bushland reserves on land transferred from The Hills and Hornsby LGAs from RE1 Public Recreation to E2 Environmental Conservation, consistent with the rest of the LGA. This will provide the highest level of protection to them.
Map important vegetation on private land in the LEP	It was suggested to map significant vegetation on privately owned land on a LEP Biodiversity Map to ensure the impacts of development are appropriately considered and managed. This is consistent with the approach in the majority of LEPs applying in the LGA and will not change the zoning of sites. A suggested map was included in the Discussion Paper.

Feedback received

Overall, feedback was generally supportive of the suggested environmental and sustainability controls. A breakdown of submissions is outlined in the table below.

Table 9.1 Breakdown of submissions on suggested LEP environmental sustainability controls

Stance	Zone all public bushland reserves E2 Environmental Conservation		Map significant vegetation on private land in the LEP	
	No.	%	No.	%
Supported	32	82%	19	61%
Not supported	4	10%	9	29%
Other¹	3	8%	3	10%
Total	39	100%	31	100%

Notes:

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

The Western Sydney Local Health District was generally supportive of the suggested measures to increase protection of sites of ecological significance, recognising that this would help prevent the impact of extreme heat on the health of people, animals and plants in the natural environment. It noted the health benefits of quality green space.

Comments on rezoning public bushland reserves

The former NSW Office of Environment and Heritage (OEH) (now part of the Department of Planning, Industry and Environment) supported rezoning public bushland reserves to provide a higher level of protection from development and incompatible uses, with the exception of the following sites:

- *Former Moxham Quarry site* – as half the site is identified as disturbed with an invasion of weeds, OEH recommended a split zoning or rehabilitating the site to ensure the condition of the vegetation warrants the E2 listing.
- *Beecroft Reserve South* – OEH recommended a minor change to remove a portion of land fronting Plympton Road that it identified as containing plantation native/exotic vegetation.
- *Beecroft Road Reserve* – OEH asserted that the small site between Beecroft Road and the railway line does not warrant listing as E2.

One submission supporting the rezoning of public bushland reserves requested that Council ensure that all the former Hornsby Shire Council reserves currently zoned RE1 are accurately mapped and rezoned E2 Environmental Conservation or W1 Natural Waterways as appropriate.

Two submissions specifically supported the rezoning of Bidjigal Reserve (formerly Excelsior Reserve). Reasons cited included:

- The Reserve contains significant bushland and a number of endangered species.
- There is also significant Aboriginal and European cultural heritage, scenic and recreational values.
- The current RE1 zoning allows inappropriate development and the Reserve has suffered negative impacts from development in the past. An E2 zoning offers more protection for bushland than an RE1 zoning. An E2 zoning will promote wider public appreciation of bushland.

One submission was specifically opposed to rezoning bushland at North Rocks Park from RE1 to E2, arguing that:

- The critically endangered ecological communities on this site are highly degraded examples.
- The vegetation will be protected through the *Biodiversity Conservation Act 2016* and tree protection controls.
- There is no forest understorey and the area has not experienced a bush fire in the last 60 years.
- The Park is not a bushland reserve and has a different structure and appearance from nearby bushland reserves, reflecting its historical uses as farming land.
- Rezoning would be incompatible with the plans for park improvements outlined in the recently adopted *North Rocks Park Precinct Master Plan*.

Comments on mapping of biodiversity land

Two submissions provided further comments on this issue:

- One resident adjoining North Rocks Park did not support the inclusion of the vegetation on their property on the LEP Biodiversity Map due to concerns it would negatively impact the land value and redevelopment potential of the site. They also felt inclusion on the LEP Biodiversity Map is not necessary as the vegetation is already protected under the *Biodiversity Conservation Act 2016*.
- One submission recommended that clearer and more extensive biodiversity maps are included in the consolidated LEP. This respondent also sought inclusion of additional sites in the former Hornsby Council area on the Biodiversity Map, including the bushland between Pembroke Street (near Terrys Creek) and Epping Road.

Other comments received

One submission provided a general comment about the need to protect the LGA's limited open space and bushland and to improve access to these assets. It raised concerns with the lack of connectivity between bush corridors and with how these spaces have been maintained in the past.

Another submission recommended prohibiting R3 Medium Density Residential zones and R4 High Density Residential Zones next to bushland.

Officer Response

- ***It is recommended to consistently zone all public bushland reserves E2 Environmental Conservation. Some changes to the sites to the rezoned are recommended, as outlined below.***
- ***It is also recommended to map significant vegetation on privately owned land in the LEP. No changes to the suggested sites identified in the Discussion Paper are recommended at this stage.***

Rezoning public bushland reserves to E2 Environmental Conservation

The application of the E2 zone is considered more appropriate for public bushland reserves as it provides the highest level of protection for important bushland reserves and is consistent with Council's obligations under biodiversity conservation legislation. This approach is consistent with the State Government's LEP practice note *PN 09-002 Environment Protection Zones*.

By contrast, the focus of the RE1 zone is the provision of open space and a wide range of public recreation activities. A broad range of uses, including community facilities, recreation facilities, restaurants and cafes are permitted. These land uses are not considered suitable for bushland reserves which have minimal infrastructure, such as walking and cycling tracks and associated facilities such as seating and signage. An E2 zoning would not preclude the ongoing provision of this infrastructure or reduce existing levels of public access to bushland.

Only bushland that contains vegetation that meets the definitions of native vegetation/bushland under the *Biodiversity Conservation Act 2016* are intended to be zoned E2. Public parks and outdoor recreation areas will retain a RE1 zoning.

Following consideration of the feedback from OEH, the following changes are recommended:

- **Beecroft Reserve South** – it is recommended to not rezone the portion of the site identified by OEH as containing plantation native/exotic vegetation. This section of the reserve contains a Scout Hall and associated car parking. This land will retain its current RE1 zoning.
- **Beecroft Road Reserve** – it is recommended to not rezone the site as suggested by OEH. This site is small and is isolated by a main road and railway line. This land will retain its current RE1 zoning.
- **Former Moxham Quarry site** – it is recommended to proceed with rezoning this site to E2. The site contains a freshwater wetland that has naturally regenerated over the former quarry base. This wetland has highly significant habitat value as no other freshwater wetlands of this size and characteristics occur within the surrounding reserve network and it is therefore considered to be 'niche habitat'. The former Water and Wetlands Division of OEH has previously indicated that the site is of sufficient value to warrant retention and rehabilitation. The site also contains Sydney Turpentine-Ironbark Forest which has recently been listed as a Critically Endangered Community under the *Biodiversity Conservation Act 2016*.

Council has identified the site as a priority for rehabilitation and restoration and funding has been allocated under Council's *2019/20 Waterways Maintenance and Rehabilitation Masterplan* to prepare a new plan of management and accompanying masterplan to guide rehabilitation and restoration of the site. Given this, an E2 zoning is considered appropriate for the former Moxham Quarry site.

Following a further review of Council owned and/or managed bushland sites, the following sites are also recommended to be rezoned to E2:

- **Kent Street Reserve** (54X Kent Street, Epping) – this site contains Blue Gum High Forest Critically Endangered Ecological Community. Currently zoned RE1.
- **Stanley Road bushland** (19X Stanley Road, Epping) – this site contains Sydney Turpentine-Ironbark Forest Critically Endangered Ecological Community. Currently zoned RE1.
- **Bushland at 32-36 Epping Road** – this site contains Coastal Enriched Sandstone Moist Forest and Coastal Enriched Sandstone Dry Forest. Currently zoned RE1.
- **Epping Road bushland** (30X Epping Road, Epping) – this site contains Coastal Enriched Sandstone Moist Forest. Currently zoned SP2 – Road.

In response to feedback on other sites:

- **Bidjigal Reserve** – bushland in this reserve is recommended to be rezoned to E2, as per the suggestions in the Discussion Paper.
- **North Rocks Park** - only the southern portion of North Rocks Park is proposed to be rezoned from RE1 to E2. The adopted masterplan for the Park excludes the southern portion of the park from upgrade works as it contains Blue Gum High Forest which is identified as a possible biodiversity stewardship (biobanking) site under the *Biodiversity Conservation Act 2016*. An E2 zone is more consistent with the conservation intent of the southern portion of the park. An RE1 zone will be retained for the remainder of the park where upgrade works are to occur.

Biodiversity mapping

Mapping vegetation with biodiversity significance will enhance the recognition and protection of important environmental assets in the LGA and ensures a consistent approach is taken to managing development impacts.

The suggested LEP Biodiversity Map is based on the most recent State Government *Native Vegetation of the Sydney Metropolitan Area* mapping. Generally, the mapping only identifies significant patches of trees and native vegetation with ecological value. Stands of remnant indigenous trees without native understorey are not proposed to be included (these will be managed through the DCP's tree protection controls). Additional vegetation can be added to the Biodiversity Map as part of future LEP updates, should other suitable sites be identified as part of future strategic or site-specific investigations.

Inclusion on the LEP Biodiversity Map reflects the existing provisions of the *Biodiversity Conservation Act 2016* and is not intended as a prohibition on development. Instead, it is intended to provide clarity to applicants and the community as to where additional considerations may be needed to address the potential environmental impacts on biodiversity and meet obligations under biodiversity legislation.

Other comments received

Council is currently developing new management plans for bushland areas across the LGA covering fire hazard management, restoration and rehabilitation works, preservation of flora and fauna and iconic species, feral animal control, increased vegetation and protection of endangered flora and fauna species. Council also operates a bushland management program, which currently includes 187 hectares of bushland under active restoration / regeneration as well as a volunteer bushcare program occurring at 40 bushland sites. Applying an E2 zoning to bushland will increase the potential for Council to secure State and Federal government environmental grant funding as well as improving the ability of Council to be able to establish biodiversity stewardship (Biobanking) sites within bushland reserves.

With regard to the submission recommending prohibiting R3 Medium Density Residential zones and R4 High Density Residential Zones next to bushland, it is noted that the LEP harmonisation process is not proposing to upzone any land to R3 or R4. The potential impacts of growth on bushland and biodiversity is an important consideration of the planning process for growth precincts and site-specific proposals that seek to increase densities.

9.2. Suggested changes to LEP controls for waterways

The Discussion Paper sought feedback on the following suggestions:

Consistently zone natural waterway corridors	It was suggested to zone all natural waterway corridors on public land W1 Natural Waterways. This is consistent with the approach in Parramatta and Auburn LEPs.
Map all natural creek corridors through private land in the LEP	It was suggested to map all natural creek corridors on private land in the LEP to ensure impacts of development are appropriately considered and managed. This is consistent with the approach in the Parramatta and Holroyd LEPs and will not change the zoning of sites. A suggested map was included in the Discussion Paper.

Feedback received

Overall, feedback was generally supportive of the suggested environmental and sustainability controls. A breakdown of submissions is outlined in the following table.

Table 9.2 Breakdown of submissions on suggested LEP environmental sustainability controls

Stance	Zone waterways through public land W1 Natural Waterways		Map natural creek corridors on private land in the LEP	
	No.	%	No.	%
Supported	28	90%	24	77%
Not supported	2	6%	6	19%
Other¹	1	3%	1	3%
Total	31	100%	31	100%

Notes

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

Both the OEH and Western Sydney Local Health District were generally supportive of the suggested measures to protect natural waterways.

Comments on rezoning of waterways

Few submissions provided additional comments on this matter. One submission supporting the rezoning of natural waterways requested that Council ensure that all the former Hornsby Shire Council reserves currently zoned RE1 are accurately mapped and rezoned E2 Environmental Conservation or W1 Natural Waterways as appropriate.

The Roads and Maritime Services recommended that Council give consideration to the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* during the preparation of the consolidated LEP and DCP, specifically in regards to the Parramatta River and Duck River.

Comments on mapping of riparian corridors through private land

The Environment Protection Authority indicated it supported the mapping of all waterway corridors in the LEP to provide a level of clarity on potential development sites. It noted that mapping waterways will help reduce the impacts on aquatic biodiversity, protect the quality of water and may assist with protecting the stability of waterways and their banks.

Two submissions emphasised the importance of ensuring that the LEP waterways map needs to be accurate and comprehensive. Particular concern was raised with the lack of waterways identified in the former Hornsby Council area.

Another submission recommended mapping both natural and non-natural sections of waterways in the LEP, arguing that development could have a negative impacts on constructed and artificial sections of waterways as well as natural sections (such as flooding impacts).

UrbanGrowth NSW Development Corporation did not support the inclusion of additional riparian lands through the Parramatta North Growth Centre for the following reasons:

- It may create inconsistencies with the Conservation Management Plan for the site.
- It could have a significant impact upon the heritage land forms and terraces.
- It could conflict with heritage views from the site to Parramatta Park and vice versa.

Other comments received

One submission recommended that Council reclaim and/or take responsibility for waterways that run through private property, as this would remove the burden on residents to maintain these waterways.

Three submissions asserted that more monitoring of waterways needs to be implemented.

Officer Response

- ***It is recommended to consistently zone waterway corridors through public land to W1 Natural Waterways. No changes are recommended to the sites identified in the Discussion Paper for rezoning.***
- ***It is also recommended to map natural waterway corridors in the LEP. It is proposed to add an additional waterway, Pendle Creek, to the LEP waterways map.***

Rezoning of waterways through public land to W1 Natural Waterways

The W1 Natural Waterways zone is considered to be the most appropriate zone for waterway corridors as it provides for better protection of ecology and water quality whilst allowing for recreation uses. The sites to be rezoned to W1 have been identified based on the most recent State Government Hydro Line spatial data, which is a dataset of mapped watercourses and waterbodies in NSW. Corridor widths have been mapped consistent with the NSW Department of Industry *Guidelines for controlled activities on waterfront land – Riparian corridors*, based on the stream order classification of each watercourse (a ranking based on the number of tributaries feeding it).

With regard to the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, this has been taken into account in the preparation of the planning proposal for the consolidated LEP (refer to

Section 3.2.3 of the Planning Proposal report).

Mapping of waterway corridors through private land

Mapping waterway corridors in the LEP will enhance the recognition and protection of important environmental assets in the LGA and ensures a consistent approach is taken to managing development impacts. The suggested LEP waterways map is based on the most recent State Government Hydro Line spatial data, which is a dataset of mapped watercourses and waterbodies in NSW. Corridor widths have been mapped consistent with the NSW Department of Industry *Guidelines for controlled activities on waterfront land – Riparian corridors*, based on the stream order classification of each watercourse.

It is not recommended to map constructed sections of waterways in the LEP at this stage. The LEP provisions that are associated with the waterways map focus on protecting aspects of watercourses which most directly relate to natural waterways (including bank stability, aquatic and riparian habitats and ecological processes as well as water quality and flows). Other clauses are proposed to be included in the consolidated LEP that will capture the potential impacts of development on constructed channels – these include clauses relating to stormwater management and flood planning (refer to section 2.1 of the Planning Proposal report).

It is recommended to add part of Pendle Creek to the LEP waterways map. Much of this creek runs through Council owned land and is already zoned W1. However, part of the creek runs through private property. It is recommended to add this section to the LEP waterways map. While the creek has an artificial central channel, it runs through a vegetated riparian corridor and on this basis is considered suitable to be mapped in the LEP.

In response to feedback from UrbanGrowth NSW Development Corporation, no changes are recommended to the LEP waterways map for the following reasons:

- The current Parramatta LEP already identifies riparian land along the site's river frontage. The Discussion Paper identified additional land to be mapped in the LEP to all ensure riparian land is consistently mapped in accordance with the NSW Department of Industry *Guidelines for controlled activities on waterfront land – Riparian Corridors*.
- The intent of mapping waterways in the LEP is to act as a trigger for consideration of the potential impacts of development on specific aspects of these important natural assets. The provisions are not intended as a prohibition on development, but will provide more clarity to applicants where additional considerations are likely needed. Any likely impacts will be considered alongside other relevant issues, including heritage, as part of the assessment of development applications.

Other comments received

With regard to the other comments made, issues relating to the ownership of individual waterways are outside the scope of the LEP and DCP harmonisation process however, the comments made have been forwarded to Council's catchment management team for consideration.

It is noted that Council undertakes a range of actions to maintain and manage waterways in the LGA including stormwater management to improve water quality through actions such as the construction of pollution control devices and works to improve waterways stability and health. These activities includes water quality monitoring to provide information on the health of aquatic ecosystems and for recreational suitability.

9.3. Suggested DCP tree and vegetation protection controls

The Discussion Paper sought feedback on a range of suggestions relating to tree and vegetation protection. Key suggestions included:

Uniform tree protection controls	It was suggested to apply tree protection to trees over 5 metres, plus trees of any size on public land, heritage listed sites and in conservation areas. This would expand the approach in Parramatta DCP across the LGA.
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Buffer zones to bushland	It was suggested to include a DCP requirement for a 10 metre buffer zone to sites zoned E2 Environmental Conservation and vegetation mapped on the LEP Biodiversity Map.
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Feedback received

Feedback on the suggested tree and vegetation protection controls was mixed. There was broad support for the suggestion to require 10 metre buffer zones to bushland. A breakdown of submissions is outlined in the table below.

Table 9.3 Breakdown of submissions on DCP tree and vegetation protection controls

Stance	Uniform tree and vegetation protection controls		10m buffer zone to bushland	
	No.	%	No.	%
Supported	21	48%	25	71%
Not supported	19	43%	8	23%
Other¹	4	9%	2	6%
Total	44	100%	35	100%

Notes
¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree' and submissions that provided a general comment that could not be categorised as in support or not in support.

Comments on suggested trees and vegetation protection controls

22 submission provided additional comments on this matter. Most of these emphasised the important contribution trees make to local character, urban cooling and biodiversity and the need for adequate protections to be put in place. Several submissions raised concern with the loss of trees in different parts of the LGA in recent times, particularly as a result of the redevelopment of sites.

Of those that provided additional comments, ten submissions requested stronger protection of trees, including the former NSW Office of Environment and Heritage (OEH) (now part of NSW Department of Planning, Industry and Environment). Of these submissions:

- Seven recommended a lower threshold for protecting trees (a threshold of 3.5 metres and/or 30cm trunk diameter were suggested). It was noted that some existing DCPs applying in the LGA, such as Auburn DCP, currently apply a lower threshold for protection.
- Three submissions recommended protecting all trees, irrespective of height.

Five submissions raised concern with applying blanket controls based on height, as they felt home owners should be allowed to remove inappropriate tree species or dangerous/hazardous trees, irrespective of size, without the need for a permit. Some submissions noted the need to ensure the DCP provided guidance on appropriate tree species to avoid the potential for trees to damage neighbouring structures. For example, one suggested large trees not be allowed to be planted on small lots. Similarly, a submission from Endeavour Energy recommended restricting planting near electricity infrastructure to small trees and shrubs, as trees may cause hazards and electricity supply interruptions.

One respondent from North Rocks raised concern with the practicality of protecting all vegetation that forms part of bushland, whether on public or private land. There was concern that if vegetation was identified on the LEP Biodiversity map all landscaping and maintenance work on a site would need a permit.

Several submissions raised concern with trees being removed illegally and/or unnecessarily and requested that Council vigorously enforce tree protection controls. Some submissions requested that any removed trees be required to be replaced and proper follow up to ensure they are properly maintained. Another submission recommended that Council consider adopting an urban forest strategy to ensure support for an increase in large canopy trees in public spaces.

Comments on buffer zones from bushland

The OEH was supportive of this suggestion.

Four other submissions provided further comments on this matter:

- Two respondents recommended adopting a greater buffer distance, as they felt 10 metres is insufficient to provide protection from encroaching development. One suggested a 15 metre buffer.
- One respondent from North Rocks did not support introduction of a 10 metre buffer zone to bushland on their property, arguing that a buffer zone would negatively affect the development potential and value of their site, particularly when combined with other suggested LEP controls.

One submission raised concerns with the loss of trees in Telopea and requested that sites adjoining bushland should have buffer zones applied.

Officer Response

As these matters relate to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft DCP is reported back to Council.

Preparation of the DCP tree protection controls will take into account the need to strike a balance between protecting trees and not placing an unreasonable burden on residents and homeowners by requiring approval for minor tree and/or vegetation works that do not significantly contribute to tree canopy cover.

Consideration will also be given to updating the list of appropriate native vegetation communities and plant species to assist with species selection for landscaping and tree replacement. Landscape plans are agreed with Council during the development assessment process, that take into account which tree and vegetation species are considered appropriate for the location and context of the site.

It is noted that several of the DCPs currently applying in the LGA identify different exemptions to the tree protections that allow trees to be removed in limited circumstances without the need for a permit, provided specific conditions are met. This includes trees determined to be hazardous. It is intended that the consolidated DCP will set out a consistent set of exemptions for the LGA. Electricity network operators also have the power to trim or remove trees in accordance with the provisions of Section 48 of the *Electricity Supply Act 1995* and industry codes of practice.

In addition to reviewing local planning controls, Council's draft *Local Strategic Planning Statement* includes the following actions to help protect and increase tree canopy cover and vegetation:

- Preparation of a Green Infrastructure Plan to support the growth, liveability and sustainability of the City of Parramatta, addressing needs for the protection and improvement of tree canopy, bushland and biodiversity.
- Increasing street tree planting, with a focus on priority and intermediate Parramatta Ways walking links, to help deliver the Green Grid. Council undertakes an annual 'City of Trees' tree planting program that aims to increase tree canopy through streets and public reserves across the LGA.

9.4. Suggested DCP water management controls

The Discussion Paper sought feedback on a range of suggestions relating to protection of waterways, stormwater management and flooding. Key suggestions included:

Buffer zones to creeks	It was suggested to include a DCP requirement for a 10 metre vegetated buffer zone to be provided from the top of creek banks.
Stormwater management controls	It was suggested to update Parramatta DCP stormwater controls, including a requirement for development to reduce site-runoff by 10%.

Restricting sensitive uses on flood prone land	The Discussion Paper sought feedback on whether uses which cater to vulnerable occupants, such as child care centres, schools, hospitals and seniors housing, should be allowed in flood prone areas.
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Feedback received

Feedback on these suggestions was generally positive. A breakdown of submissions is outlined in the table below.

Table 9.4 Breakdown of submissions on DCP water management controls

Stance	Introduce buffer zone to waterways		Stormwater management controls		Restrict sensitive uses on flood prone land	
	No.	%	No.	%	No.	%
Supported	26	76%	17	71%	26	72%
Not supported	7	21%	4	17%	8	22%
Other¹	1	3%	3	12%	2	6%
Total	34	100%	24	100%	36	100%

Notes

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

Comments on applying buffer zones to waterways

Only two submissions provided further comments on this suggestion:

- One respondent argued that buffer zones to waterways need to be larger, as they felt 10 metres is insufficient to protect waterways from new development encroaching on them.
- The former NSW Office of Environment and Heritage was supportive of the suggestion however, noted that the former Office of Water guidelines (now Department of Industry) require 10 metres to a first order stream, 20 metres to a second order stream and 30 metres to a third order stream and the proposed riparian lands map needs to be updated accordingly.

Comments on stormwater management controls

One submission provided further comments on this matter. It raised concern that stormwater management is often overlooked and suggested that Council consider adopting Hornsby Council's program of installing gross pollution traps in stormwater outlets to minimise erosion, trap rubbish and create wetland habitats.

Another submission suggested that Council pursue a deemed to comply solution to ensure overall stormwater objectives are met in smaller residential developments.

Comments on sensitive uses in flood prone areas

The majority of respondents supported the suggestion to restrict sensitive uses in flood prone areas up to the Probable Maximum Flood (PMF), including submissions from the former NSW Office of Environment and Heritage (OEH), Environment Protection Authority and State Emergency Services (SES). A common concern raised related to safety of vulnerable occupants and damage to property resulting from flood events.

The SES made the following detailed comments in support of restricting sensitive uses in flood prone areas:

- This would contribute to achieving a key goal of Council's *Environmental Sustainability Strategy 2017* of minimising the impact of flooding on the community.
- Vulnerable occupants are at a greater risk than others during a flood and require additional support from emergency service agencies to ensure their safety.
- Although it may be possible to require stricter building controls to be met, these controls do not take into account the increased risk to the emergency service agencies, such as the NSW SES, who will be responsible to ensure the safety of future occupants during floods.

- It is vital that essential services, such as those provided by hospitals, continue to operate during all floods to support the community. Locating hospitals and other vulnerable uses outside the floodplain can avoid unnecessarily complicating the safety of the hospitals, patients, staff and emergency service agencies that will be required to assist during flood operations.

Very few submissions provided feedback on why they did not support restricting all sensitive uses in flood prone areas. Those that did recommended Council allow a site-by-site merit-based approach, which takes into account the scale and nature of the proposed development, the nature of flood risk on the site and the proposed design measures to alleviate any risk. One submission argued such an approach would increase opportunities for the provision of much needed social infrastructure.

A submission from UrbanGrowth NSW Development Corporation expressed concern that the proposed restrictions would negatively impact the Parramatta North Growth Centre, as various sensitive uses have historically operated on the site and are an important part of the site's envisaged future role. The submission argues that in low flood risk/hazard locations, flood hazard can, and has, been mitigated.

Although the SES broadly supported the suggested flooding controls, it made a number of recommendations, as follows:

- Amend the current definitions of low, medium and high risk flooding under Parramatta DCP, using the *Australian Institute of Disaster Resilience's Handbook 7: Managing the Floodplain*.
- Provide a clear explanation that low probability does not necessarily mean low flood risk, as flood risk is a product of probability and consequences. Also recommends accurately defining concepts such as 'unacceptable risk'.
- Consider adopting additional floodplain risk management clauses in the LEP to address areas with significant evacuation or emergency response issues.
- Unless controls can be established which provide flood immunity up to a probable maximum flood, basement car parks should be prohibited in the floodplain, due to potential for damage to property and risk to life of occupants who may become trapped during a large enough flood.

Other comments received on this issue include:

- One submission recommended all residential development be based around the 1% AEP flood event levels (plus an appropriate freeboard) and that all areas over 1% AEP be required to have a flood risk management strategy that considers the principles of ecologically sustainable development.
- Another submission recommended that all development be prohibited in flood zones, unless effective flood mitigation has been completed to ensure properties are insurable and have no flood exposure.
- One submission raised concerns about high rise developments in flood prone areas, noting the difficulty of evacuating residents during flooding events/heavy downpour, as well as their impact on sunlight.
- Another submission suggested that the risk from overland flooding (i.e. flash flooding) needs to also be taken into account.

Feedback from the Parramatta Floodplain Risk Management Committee

Council officers attended the Floodplain Risk Management Committee meeting on 13 November 2018. The following is a summary of the feedback received:

- Some committee members felt a blanket approach of no sensitive uses being suitable anywhere in the floodplain may be too onerous. Higher hazard areas should definitely be ruled out, but it may be possible to locate certain uses in low flood risk areas if appropriate design measures are put in place to manage risk. There was not consensus around which particular uses may be appropriate in low flood risk areas.
- It will be important for the new consolidated DCP to be clear about what controls and design requirements apply.

- Evacuation and safety considerations will be important – plans of management should be required covering emergency procedures. Consideration should also be given to requiring properly located and resourced refuge areas. Need to consider how safe egress from a site could be undertaken once flood waters recede.
- There is a need for clarity about the difference between flood risk areas and the need to be clear what is meant by risk and hazard vs flood levels.
- There was general support for the approach to basement car parks taken by the Parramatta DCP. DCP controls are needed to manage risk, particularly given there is a need to provide adequate parking with development.
- Mechanical measures may need to be put in place to protect car parks from a PMF event. Some committee members raised concern about how this equipment would be maintained.
- Evacuation issues need to be considered – people may attempt to access their vehicles and drive out during a flood which may not be safe.

Officer Response

As these matters relate to primarily to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft DCP is reported back to Council.

The following initial comments are provided:

- As noted above, mapping waterway corridors in the LEP is based on the most recent State Government Hydro Line spatial data. Corridor widths have been mapped consistent with the NSW Department of Industry *Guidelines for controlled activities on waterfront land – Riparian corridors*, based on the stream order classification of a watercourse. The suggested buffer zone of 10 metres is proposed to apply from the top banks of creeks. It is noted that development along higher order waterways, such as Parramatta River, the NSW Department of Industry will require larger setbacks.
- Council has installed multiple pollution control devices across the LGA to help reduce the amount of litter, sediment and organic pollution entering our waterways. This includes the pollution traps located in the former Hornsby Council area, which have been retained and are included on Council's regular maintenance list. Council has also constructed several vegetated rain gardens and/or bio-filtration systems to further improve stormwater quality within urban streetscapes, parks, and town centres.
- Detailed DCP controls relating to flooding will be reviewed to ensure a clear and consistent set of requirements are applied to development on flood prone land in the LGA. These controls are required to be consistent with the associated LEP provisions and the NSW Floodplain Development Manual. The controls will guide a merit based assessment of development to ensure that appropriate measures are taken to reduce or eliminate the risks from flooding to owners and occupiers of flood prone property and the wider community. Council is progressing detailed work to review and update flood mapping for the LGA. This work will inform the preparation of a new floodplain risk management study and plan. The need for further updates to DCP and LEP controls will be considered once this work is completed.

9.5. Suggested DCP water and energy efficiency controls

The Discussion Paper sought feedback on a range of suggestions relating energy and water efficiency. Key suggestions included:

Higher energy and water efficiency targets	The Discussion Paper suggested a series of targets and requirements to improve the water and energy efficiency of different types of development.
Solar panels for certain retail and	It was suggested to require installation of solar PV for large scale retail and

industrial development	industrial development (including increases in GFA of 5,000sqm or more).
Dual piping	It was suggested to require new high density residential and large scale non-residential development to install dual piping for recycled water use.

Feedback received

Feedback on these suggestions was generally positive. A breakdown of submissions is outlined in the table below.

Table 9.5 Breakdown of submissions on DCP water and energy efficiency controls

Stance	Suggested energy and water efficiency targets		Solar panels for large scale retail and industrial development		Suggested dual piping requirements	
	No.	%	No.	%	No.	%
Supported	22	81%	17	74%	19	83%
Not supported	3	11%	5	22%	3	13%
Other¹	2	7%	2	7%	1	4%
Total	27	100%	24	100%	23	100%

Notes

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

A small number of submissions provided additional comments on these issues.

Three submissions recommended that Council adopt stronger controls for smaller buildings and/or residential development, including encouraging take-up of solar panels, recycled water, insulation, rain water tanks and rooftop gardens.

One submission questioned why Council was insisting on provisions for recycled water when roof water can be stored in tanks and used for non-potable use.

A submission from the former NSW Office of Environment and Heritage recommended Council adopt a sustainable design excellence LEP clause and DCP provisions for Water Sensitivity Urban Design, green roofs, green walls and cool roofs.

Another submission suggested that Council work with the State Government to maintain and improve BASIX requirements, particularly in regards to stormwater management and green infrastructure.

Officer Response

As these matters relate to primarily to DCP controls, the feedback received will be considered as part of the preparation of the consolidated DCP. Officer responses to the issues raised will be provided when the draft DCP is reported back to Council.

The following initial comments are provided:

- The State Government establishes mandatory energy and water efficiency targets for residential development through the Building and Sustainability Index (BASIX). DCPs are not able to mandate performance above that prescribed by BASIX. Residential apartment buildings are also required to take into consideration the criteria and guidance in the *Apartment Design Guide*, published by the State Government.
- It is intended that the DCP will include controls for smaller development requiring inclusion of appropriate energy and water efficiency measures.
- The suggested energy and water efficiency targets will be reviewed against the recently adopted National Construction Code (NCC) should higher standards be adopted in the NCC.
- Updated water sensitive urban design provisions will be adopted in the consolidated DCP. Further consideration will be given to adopting additional DCP controls for green roofs, green walls and cool roofs.

- Section 2.1 of the Planning Proposal report outlines a proposed Design Excellence clause, which includes requirements for achieving the principles of ecologically sustainable development.

9.6. Other feedback received

The following additional comments were received in relation to environmental controls:

- One submission recommended that the DCP be amended to reference the need for compliance with relevant industry standards for noise controls for both industry and construction.
- One submission requested that the status of waste management be elevated in the local planning framework and that Council should adopt ambitious targets for resource recovery, especially in high rise developments.

Officer response

These comments will be considered further in the preparation of the consolidated DCP. In relation to waste management it is noted that Council's *Environmental Sustainability Strategy 2017* outlines a series of actions Council will take to reduce resource consumption, increase diversion from landfill and reduce the volume of litter.

10. Design and heritage controls

The Discussion Paper included suggestions for controls relating to design excellence, heritage and archaeology. Suggestions included:

Adopt a precinct-based approach to design competition requirements	It was suggested that requirements for architectural design competitions be applied on a precinct by precinct basis, as they currently are under Parramatta LEP. Existing requirements within Parramatta LEP will be retained. Additional precincts will be added through separate precinct planning processes.
Recognise the Design Excellence Advisory Panel (DEAP) through the LEP	It was suggested to recognise the DEAP process and requirement for referral to the panel through an LEP provision, consistent with the approach in The Hills and Holroyd LEPs.
Extend the DCP Aboriginal Heritage Sensitivity Map to all parts of the LGA	It was suggested to retain the Aboriginal Heritage Sensitivity Map in Parramatta DCP and extend it to all parts of the LGA. This approach will identify sites that require detailed archaeological assessments as part of development applications.

Feedback received

A small number of submissions were received in response to these matters, the majority of which were in support of the suggested provisions for design and heritage. A breakdown of submissions is summarised in the table below.

Table 10.1 Breakdown of submissions on design and heritage

Stance	Precinct approach to design competitions		Include Reference to DEAP in LEP		Extend Aboriginal Heritage Sensitivity Map	
	No.	%	No.	%	No.	%
Supported	12	75%	11	65%	16	84%
Not supported	2	12.5%	3	18%	3	16%
Other ¹	2	12.5%	3	18%	-	-
Total	16	100%	17	100%	19	100%

Notes

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree' or where a general comment was provided that could not be categorised as either 'Supported' or 'Not supported'.

Few submissions provided further comments on these matters.

One submission raised concern about the effectiveness of prescribing design excellence controls in an LEP due to concerns that 'inspiration and talent cannot be mandated'.

Three submissions made comments relating to the DEAP process:

- One submission recommended Council make DEAP's deliberations more transparent to the community.
- Similarly, another submission recommended publishing the objectives or guidelines DEAP adhere to/pursue.
- One responded questioned where money from DEAP goes, e.g. to the architects, decision making panel or Council.

One submission supported extending the Aboriginal Heritage Sensitivity Map, but questioned why it

could not be included in the LEP.

Several submissions provided general comments on the need for strong design and heritage controls:

- The Western Sydney Local Health District indicated it supported changes that enhance good design outcomes, noting that good design impacts health.
- One submission shared Council's concerns about the impact of development on local character and raised concern with the erosion of character in Epping town centre. It recommended that all precincts have a character maintained or developed.
- Several submissions emphasised the importance of protecting heritage and supported the retention of all heritage items and conservation areas. General concern was raised with the impact of increased development on heritage.
- Another submission argued there are some properties in Beecroft that are worthy of individual heritage listing (but did not indicate which ones).
- One submission recommended that stronger DCP controls be adopted for the Winston Hills area.
- One submission asserted that design should include cross flow ventilation, access to daylight, environmental efficiency and heat load.
- One submission did not support the proposed floor to ceiling heights of 4 metres for ground floor storeys in commercial developments, recommending adopting the current Parramatta DCP requirement of 3.3 metres instead.

Feedback from the Parramatta Aboriginal and Torres Strait Islander Advisory Committee

Council officers attended the Aboriginal and Torres Strait Islander Advisory Committee meeting on 24 July 2018 to discuss the suggestion to extend the Aboriginal Heritage Sensitivity Map to all parts of the LGA. The Committee expressed a strong preference for the mapping approach and had concerns regarding the areas that do not currently have Aboriginal cultural heritage controls applies. The Committee expressed some concerns about the current Sensitivity Map in Parramatta DCP, specifically in regards to certain sites and the methodology of having areas of high significance directly adjoining areas of low significance. The Committee consensus was that Council should consider remapping the whole LGA, taking into account Darug community input and historical information, including both written sources and verbal stories from local Elders.

Feedback from the Parramatta Heritage Advisory Committee

Council officers attended the Heritage Advisory Committee meeting on 20 February 2019 to discuss the Discussion Paper. Committee members raised the following matters:

- the need for to introduce appropriate controls over the installation of solar panels and satellite dishes on heritage items.
- consideration needs to be given to the preservation of existing heritage gardens such as historic layouts, trees and landscaping.
- consideration needs to be given to preservation of street trees.
- the need to redefine the meaning of 'tree' as the definition varies between the former Councils.
- the gaol site in Newington should be recognised as an important site.
- whether archaeological controls cover Duck River.
- archaeological policy and whether it can include a wish list of what should happen to various items
- the need for appropriate control of dual occupancy development in heritage conservation areas.
- the need for appropriate controls relating to excavations under a building.

Officer Response

- ***It is recommended to adopt design excellence provisions in the LEP that takes a precinct-based approach.***

- *It is not recommended to include specific provisions in the LEP relating to DEAP. This will continue to operate as a separate process applying across the LGA.*
- *It is recommended to undertake further work to extend the Aboriginal Heritage Sensitivity Map to all parts of the LGA.*

A precinct-based approach is consistent with the Parramatta, Holroyd and The Hills LEPs and will allow requirements to be targeted and tailored to specific locations.

Upon further consideration, a reference to DEAP in the LEP is not considered necessary at this stage as the process has been working effectively to date. Council will continue to operate DEAP to facilitate design excellence in certain developments where a design competition is not required. It is noted that Council is preparing a 'charter' that outlines DEAP's purpose, objectives and functions, which is intended to be made publicly available once finalised and adopted. Fees are charged to applicants for the DEAP, and these are used to cover administration costs and pay the assessment panel. Any feedback and recommendations DEAP provides on a proposed development are included in the DA assessment report.

With regard to the Aboriginal heritage sensitivity mapping, Council has engaged a consultant to undertake further mapping. The focus of this work will be on areas that were recently transferred to the City of Parramatta LGA, specifically parts of the former council areas of Auburn (excluding Sydney Olympic Park), Holroyd, Hornsby and The Hills. Aboriginal stakeholders will be consulted as part of this work. The existing mapping that applies to land in the former Parramatta City Council area was recently reviewed and some updates made. Further mapping in this area is not considered necessary at this stage. The Sensitivity Map is not currently able to be included in the LEP as it does not fit within the State Government's *Standard Instrument LEP* template. However, the LEP does identify archaeological sites of heritage significance. Existing listings will be carried over into the consolidated LEP.

In response to the other comments made:

- Heritage and local character have been considered in the constraints analysis used to identify areas suitable for dual occupancy development (refer to section 4.1).
- Existing heritage items, HCAs and archaeological sites identified under the various LEPs and located within the LGA will be retained in the consolidated LEP, with only minor technical updates proposed (refer to section 2.1 of the Planning Proposal report).
- Any DCP controls applying to special character areas and HCAs within the LGA will also be carried over into the consolidated DCP. The feedback received on the Discussion Paper will help inform the harmonisation of general heritage controls in the DCP. This will include consideration for inserting additional controls relating to visible elements in new technologies and the preservation of heritage gardens.
- Consideration will also be given to the suggestions relating to the DCP controls for the Winston Hills Special Character Area as part of the preparation of the consolidated DCP.
- A key priority of Council's draft Local Strategic Planning Statement (LSPS) is to enhance Parramatta's heritage and cultural assets and maintain our authentic identity. The draft LSPS identifies a number of actions to deliver this priority, including developing local character statements which identify key place-making measures for growth precincts undergoing transformation and local centres. Council will also investigate the potential to introduce local character overlays into the LEP as part of a future update. This requires the State Government to make changes to the *Standard Instrument LEP* template.

11. Rationalising land use zones

The Discussion Paper included suggestions for changing the zoning of a small number of sites to reduce complexity and address anomalies in the local land use planning framework. These included:

Wentworth Point	Council is working with the Department of Planning, Industry and Environment to transfer the existing planning controls for Wentworth Point (including zoning, height and FSR) into the LEP and repeal the current State Government created planning framework that applies.
Removal of certain zones from the LEP	To reduce complexity, it was suggested to not include the following land use zones in the consolidated LEP as they generally only apply to a small number of sites and other zones are considered more appropriate.
Current Zone	Proposed
R1 General Residential	R3 Medium Density Residential & R4 High Density Residential
RU3 Forestry	Rezone SP1 Special Activities
E3 Environmental Management	Rezone E2 Environmental Conservation
E4 Environmental Living	Rezone R2 Low Density Residential & E2 Environmental Conservation
The affected sites will be rezoned appropriately. More detail is provided in Section 9 and Appendix D of the Discussion Paper.	

Feedback received

A small number of submissions were received on the suggested rationalisation of identified land use zones. The majority of submissions were generally in favour of the suggestions, though there was also a relatively high number of respondents indicating they did not have an opinion either way. A breakdown of submissions is summarised in the table below.

Table 11.1 Breakdown of submissions on rationalising land use zones

Stance	Remove R1 Zone		Remove RU3 Zone		Remove E3 Zone		Remove E4 Zone		Move Provisions from SREP 24 into LEP	
	No.	%	No.	%	No.	%	No.	%	No.	%
Supported	10	55%	11	61%	14	70%	11	55%	2	100%
Not supported	3	17%	3	17%	2	10%	3	15%	-	-
Other ¹	5	28%	4	23%	4	20%	6	30%	-	-
Total	18	100%	18	100%	20	100%	20	100%	2	100%

Notes

¹ Includes survey responses that selected 'No opinion' or 'Neither agree or disagree'

Few submissions provided additional comments on this matter.

One submission disagreed with the removal of the E3 and E4 zones from the LEP, arguing that the zones should be applied to land that adjoins bushland and biodiversity sites in order to protect these environmental assets.

The Environment Protection Authority indicated that it considered the proposed rationalisation of land use zones, including the two sites currently zoned E4 Environmental Living, to be appropriate. The

former NSW Office of Environment and Heritage partially supported the proposal to rezone the former Moxham's Quarry site from E3 to E2 (refer to section 9.1 of this report).

A submission from a landowner in Wentworth Point made a number of suggestions for how the planning controls for the precinct could be translated into the equivalent *Standard Instrument LEP* clauses. The Sydney Olympic Park Authority also supported the transfer of controls for Wentworth Point into the LEP and requested consultation should any substantive changes to planning controls be proposed.

Officer Response

- *It is recommended to rationalise LEP land use zones as outlined in the Discussion Paper.*

The following comments are provided in response to the concerns raised in relation to removal of the E3 and E4 zones from the LEP:

- With the exception of land at 11-13 Pye Avenue, Northmead it is recommended to apply an E2 Environmental Conservation zone to sites currently zones E3 or E4. This will provide a higher level of protection to important environmental assets than the current E3 and E4 zones do as the E2 zone permits a smaller range of development.
- Land at 11-13 Pye Avenue, Northmead is proposed to be rezoned to R2 Low Density Residential as it has already been developed for housing and does not contain any substantial vegetation itself.
- Other updates are proposed to the LEP as part of the Harmonisation process that will assist with managing the impacts of development on bushland and biodiversity. These include:
 - Mapping additional biodiversity sites and waterways in the LEP.
 - Adding an additional objective for the R2 zone relating to protecting and enhancing tree canopy.
 - Increasing minimum subdivision lot size applying to land in the former Hornsby and Holroyd Council areas to 550sqm, to match the control under Parramatta LEP 2011. It is also proposed to maintain the 700sqm minimum subdivision lot size applying to land in the former The Hills Council area. These provisions will assist with tree and vegetation retention.

Feedback received on the transfer of planning controls for Wentworth Point into the LEP will be considered separately as part of the ongoing work with the Department of Planning, Industry and Environment. The community and stakeholders will be consulted on any proposals for the LEP controls before they are finalised.

Addendum

At its meeting of 11 November 2019, Council resolved to endorse the Planning Proposal to consolidate the local environmental plans applying in the City of Parramatta LGA, subject to a number of amendments. Some of these amendments differ from the officer recommendations outlined in this report.

The table below outlines the changes made to the Planning Proposal and provides an updated officer response to the issues raised.

Table A.1 – Amendments to Planning Proposal resolved by Council

Amendment	Officer response
<p>(i) <i>Retain the existing height controls applying to R3 Medium Density Residential zoned land currently subject to Parramatta LEP 2011, and amend the Height of Building Map to apply a height limit of 11 metres to R3 zoned land across the remainder of the City of Parramatta LGA</i></p>	<p>A 9 metre height limit was originally recommended to bring consistency across the LGA and in response to concerns with the bulk and scale of some medium density housing development.</p> <p>A relatively small number of submissions were received on this issue, mostly in favour of applying a 9 metre height limit across the R3 zone.</p> <p>An 11 metre height limit is consistent with the height controls applying across much of the R3 zoned land in the former Parramatta council area. This proposal will therefore still achieve the intention of bringing more consistency to the planning controls across the LGA.</p> <p>An 11 metre height limit can also support good design outcomes by enabling greater diversity in roof designs, better floor to ceiling heights in attic spaces and provide more scope for development to respond to site conditions such as sloping topography. It is noted that some of the feedback received on this issue raised concern that a 9 metre height limit would lead to less attractive roof design dominating the landscape.</p> <p>Applying an 11 metre height limit to R3 zones could result in taller buildings in areas where lower height limits currently apply. DCP provisions will therefore be relied upon to control the bulk and scale of medium density housing and any associated attics.</p> <p>The proposed changes will be supported by a review of DCP requirements for medium density housing to facilitate good design outcomes and manage any potential overshadowing impacts.</p>
<p>(ii) <i>Remove Items 13A and 13B in Part 4 of the Planning Proposal relating to the rezoning of various places of public worship from R2 Low Density</i></p>	<p>It is proposed to prohibit places of public worship (PoPW) in the R2 Low Density Residential zone. Feedback received on this issue was generally supportive. Associated with this, it was also recommended to rezone existing lawful</p>

Amendment	Officer response
<p><i>Residential to SP1 Special Activities.</i></p> <p>(iii) Amend the Zoning Map to rezone existing places of public worship adjoining R2 Low Density Residential zoned land from SP1 Special Activities to R2 Low Density Residential.</p>	<p>PoPW in R2 zones to SP1 Special Activities. This was consistent with the approach taken as part of the preparation of the Parramatta LEP 2011, when PoPWs were first prohibited in the R2 zone.</p> <p>Only one submission commented specifically on rezoning PoPW to SP1 and this was supportive of the proposal.</p> <p>The adopted amendment will still achieve the aim of bringing consistency to the approach to PoPW in R2 zones. It will also provide greater flexibility over the future use of the site, by enabling a site to revert to an alternate use compatible with the R2 zone, such as a dwelling house, without the need for a site-specific planning proposal (residential uses are generally not permitted in the SP1 zone).</p> <p>Without an SP1 zoning, existing lawful PoPW within the R2 zone would be able to continue to operate under Existing Use Rights provisions.</p>
<p>(iv) Amend the Zoning Map to rezone land in Northmead bounded by Fletcher Street, Campbell Street and Murray Street from R3 Medium Density Residential to R2 Low Density Residential, and apply the corresponding height, FSR and minimum subdivision lot size controls consistent with that proposed for the adjoining R2 zoned land, to reflect the low density character of the neighbourhood. Further, that this land be included on the Dual Occupancy Prohibition Map.</p>	<p>This proposal is additional to the suggestions made in the Discussion Paper.</p> <p>This land retains a low density character despite being zoned for medium density housing since at least 2005. It also adjoins R2 zoned land to the east and north.</p> <p>When the <i>Low Rise Medium Density Housing Code</i> is implemented in the LGA, it will allow manor houses (a type of residential flat building) on lots as small as 600sqm through complying development. This form of small lot housing is not considered appropriate in this location as many sites are deep and narrow, which would make it difficult to achieve well designed medium density housing without significant consolidation.</p> <p>A low density residential zoning is considered more appropriate, in keeping with the existing built form on the site and with the R2 zoned land to the immediate east and north.</p> <p>Given the lack of delivery of medium density housing in these locations, the proposed rezoning would not significantly impact housing supply and diversity in the LGA. There is already a supply of land for apartment-style accommodation in the vicinity of this block (R4 and B2 zoned land to the west and south), while R3 zoned land will be retained to the north along Windsor Road. Rezoning of this block to R2 will enable a mix of housing types to be provided in this area.</p>
<p>(v) Amend the Zoning Map to rezone land at 34 to 62 Felton Road, Carlingford from R3 Medium Density Residential to</p>	<p>This proposal is additional to the suggestions made in the Discussion Paper.</p> <p>This proposal will impact 12 properties and is considered</p>

Amendment	Officer response
<p><i>R2 Low Density Residential to align with the R2 zoning on the north side of the road, and apply the corresponding height, FSR and minimum subdivision lot size controls consistent with that proposed for the adjoining R2 zoned land. Further, that this land be included on the Dual Occupancy Prohibition Map.</i></p>	<p>of minor significance. The land retains a low density character despite being zoned for medium density housing since at least 2005.</p> <p>An R2 zoning will be consistent with the zoning and character of land on the north side of Felton Road, bringing consistency to the controls on both sides of this street. A supply of land for medium density housing will be retained to the south and west of these properties.</p>
<p><i>(vi) Amend the Dual Occupancy Prohibition Map to include all R2 Low Density Residential Zoned land between Marsden and Midson Roads.</i></p>	<p>This land did not form part of the original officer recommendation, as the constraints analysis identified this area as having only small pockets of moderately or significantly constrained land.</p> <p>Notwithstanding the above, there is some merit in extending the dual occupancy prohibition area boundary to include all low density land between Midson Road and Marsden Road. This area is topographically contiguous with the low density residential area to the east of Midson Road, where dual occupancies are currently prohibited. Introducing a prohibition area would bring a consistent policy approach to this area, and ensure that the same rules apply to all of the Epping suburb. This is consistent with the recommendations of the Dual Occupancy Constraints Analysis to avoid creating isolated pockets of land where different rules apply by using suburb or other logical natural boundaries, such as major roads, to define prohibition areas</p> <p>It is also noted that several submissions were received in response to the exhibition of the Discussion Paper that raised general concerns with overdevelopment in the LGA, in particular in the nearby precincts of Epping and Carlingford Town Centres, and the strain this is placing on local infrastructure. These echo sentiments that have been expressed by the community through the Epping Planning Review as well as through recent consultation on the draft Local Strategic Planning Statement and draft Local Housing Strategy. Continued dual occupancy development in this area will place further strain on local infrastructure.</p> <p>Further commentary on this issue is provided in an update to the Dual Occupancy Constraints Analysis report.</p>