

ECONOMY

ITEM NUMBER	6.2
SUBJECT	Housekeeping Amendment Number 2 - Parramatta LEP 2011
REFERENCE	F2013/01440 - D04253775
REPORT OF	Project Officer

PURPOSE:

This report seeks Council's endorsement to prepare a planning proposal and to forward it to the Department of Planning and Environment to process housekeeping amendments to the Parramatta Local Environmental Plan 2011 (PLEP 2011).

RECOMMENDATION

- a) **That** Council endorse the planning proposal provided at **Attachment 1**, which seeks to make the amendments listed in **Attachment 2**, and forward it to the NSW Department of Planning and Environment for Gateway Determination.
- b) **That** Council advise the Department of Planning and Environment that the Interim General Manager will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.
- c) **That** Council authorise the Interim General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.
- d) **Further, that** Council forward a copy of the LEP Housekeeping amendments relating to the former Woodville Ward, including all supporting documentation, to Cumberland Council for its consideration.

BACKGROUND

1. On 7 October 2011, the Parramatta LEP 2011 (PLEP 2011) was adopted and applied to the Parramatta Local Government Area (LGA). The PLEP 2011 was prepared in accordance with the Standard Instrument Order (2006).
2. Since the making of the Parramatta LEP 2011, various amendments have been made, including the incorporation of the Parramatta City Centre LEP 2007 into the PLEP 2011. It is also a standard practice to make minor changes, mostly of an administrative nature, to correct anomalies and clarify some provisions. In order to limit the number of amendments to Council's LEP, it is accepted practice to group a number of minor proposed changes together. These changes are commonly known as a 'housekeeping' amendment.
3. The first Housekeeping Amendment was adopted by Council on 25 March 2013 and was forwarded to the Department of Planning and Infrastructure. A Gateway Determination was received on 28 June 2013 and the changes were implemented in mid-2014. The Housekeeping Amendment that is the subject of this report will be the second Housekeeping Amendment for Parramatta LEP 2011.

4. The housekeeping amendments can be important to owners of land impacted if they seek to sell their property because they are required to obtain a Section 149 Certificate as part of the contract of sale. Where the planning contracts contain errors or anomalies, it can cause confusion to the purchaser and complicate the sale process.

FIT FOR THE FUTURE

1. In December 2015, the NSW Department of Planning and Environment announced a review of Council boundaries across Sydney and Regional NSW. The Proclamation was announced on 12 May 2016, which created the two new Council entities affecting the former Parramatta City Council: City of Parramatta Council and Cumberland Council.
2. Following advice received from the internal legal team, details of all proposed amendments that apply to land within the former Woodville Ward have been separated from the City of Parramatta planning proposal. It is recommended that these amendments be provided to Cumberland Council for its consideration.

PROPOSED CHANGES

3. The following **Amendments to Heritage Map/Listing** in Schedule 5 are proposed:

	Address	Explanation
1	65 Keeler Street, Carlingford	On Sheet 13 of the Heritage Map, 5 Rickard Street, Carlingford is shown listed as a heritage site (labelled I21 on the map). However, a mapping anomaly has resulted in the map showing a small sliver of the adjoining site (65 Keeler Street, Carlingford) as also being heritage listed. This adjoining property is not heritage listed and has no heritage significance. The heritage map should be amended so the heritage notation on the map aligns with the property boundary for 5 Rickard Street.
2	32-34 Morton Street, Parramatta	On Sheet 9 of the Heritage Map, 3 Grandview Street, Parramatta (labelled as I491 on the map) is currently shown as heritage listed. However, a mapping anomaly resulted in a small sliver of 32 and 34 Morton Street, Parramatta being included in this listing. These two sites are not listed and the map should be amended so the heritage notation on the map aligns with the property boundaries.
3	186 Windsor Road and 16C, 16B and 16A Weemala Street, Winston Hills	There has been a recent subdivision of 186 Windsor Road, Winston Hills (approved by Council July 2013) which contain a heritage item. The heritage designation on the map remains extended over all the newly created lots, 16A-16C Weemala Street and 184B Windsor Road, Winston Hills. These properties are not heritage listed and have no heritage significance. The heritage designation on the map should not apply to all of this land but should be retained over 186 Windsor Road. The relevant map and lot and DP in Schedule 5 of the LEP should be amended to reflect this.
4	22 Cowells Lane, Ermington	The site at 22 Cowells Lane, Ermington is a single-storey heritage-listed house (labelled I62 on the map). On 4 November 2015, Council received an application for the subdivision of the existing lot into two lots (SC/164/2015), including the retention of the

		existing heritage item on the southern lot. The subdivision was approved and the subdivision certificate has been issued (4/11/2015). The Heritage Map should be amended to reflect the new boundaries of the heritage item. The property description in the heritage listing of I62 in Schedule 5 Environmental Heritage of the Parramatta LEP 2011 is now incorrect and needs to be amended to reflect the recent subdivision.
5	Hunts Creek Dam Wall, 28A Bourke Street, North Parramatta	The Hunts Creek Dam Wall (I334) is listed as having State significance in the State Heritage Register. Schedule 5 Environmental Heritage of the Parramatta LEP 2011 incorrectly lists item I334 as being of local significance and this needs to be amended to reflect the correct level of significance. There are no changes to the Heritage Map for this matter.

4. Details of the proposed amendments, including mapping amendments, can be found in **Attachment 2**.

5. The following **Heritage Listing Removals** are proposed:

	Address	Explanation
6	79 Eleanor Street, Rosehill	The site at 57-79 Eleanor Street, Rosehill is heritage listed as part of the Eleanor Street Group, due to the historically significant Federation houses contained on these properties, built between 1910 and 1925. However, in September 2001, Council issued approval for the demolition of the listed house on the property (DA/971/2001). As demolition of the house took place in 2007, nothing of heritage significance remains on the property and the heritage listing should be removed. As such, Schedule 5 and the Heritage Map should be amended to remove the listing from the site.
7	330 Church Street, Parramatta	This site was heritage listed for its historical value, being the location of the former David Jones department store. On 19 October 2012 the Planning Assessment Commission approved a development application for a mixed use development on this site (MP10_0171). A Construction Certificate for the demolition of all structures on the site and the construction of this development was approved on 20 December 2013 (CC/633/2013). As such, Schedule 5 and the Heritage Map should be amended to remove the listing from the site.

6. The following **Minor Rezoning**s are proposed:

	Address	Explanation
8	35 Orchard Street, Epping	35 Orchard Street, Epping is currently zoned R2 Low Density Residential. The property is operating as a Place of Public Worship in conjunction with 161 Carlingford Road, Epping, which is immediately north of the subject site (both properties are under the same ownership). 161 Carlingford Road, Epping was rezoned as part of the LEP Housekeeping Amendment No.1 to SP1 Place of Public Worship. The intent at the time was to rezone all existing Place of Worship sites to SP1, but only part of this site was identified and rezoned as part of this process. It is therefore proposed to resolve this inconsistency by rezoning 35 Orchard

		Street to SP1 to reflect the existing church use. NOTE: At the Councillor Workshop on 1 February 2016, Councillors requested further information on the uses and history of the site. The following information has been added to the Issues Paper, attached to this report and the following history is noted: <i>“The West Epping Uniting Church is located at the corner of Carlingford Road and Orchard Street, Epping. The Church Office and Youth Centre (Arthur Chapple Cottage) is located at 35 Orchard Street, Epping. The Church building is operating at 161 Carlingford Road. The Church Office is a single storey brick/clad dwelling with a car park at the rear. The office is open from 9am to 3pm Monday to Friday and provides a number of support services for the Uniting Church community. Council has received several requests from the landowner – most recently a letter dated 26 May 2016 requesting that the 35 Orchard Street be rezoned to SP1 to reflect the existing approved use so that there is a consistent zoning across this entire existing church site. The letter included a copy of the original consent issued by Council in 1978 for use of this part of the site as a Sunday School Youth Centre.”</i>
9	32 Rickard Street, Carlingford	32 Rickard Street, Carlingford is currently zoned R2 Low Density Residential. Approval for a church hall addition to the existing meeting hall was given by Council in 1992 (D41/92). The property has been operating as a Place of Public Worship since 1961. Council has previously gone through a process of zoning all Place of Worship sites to SP1 because this use is not permissible in the R2 zone. This site was not identified in the previous process. It is therefore proposed to rezone 32 Rickard Street to SP1 Place of Public Worship to reflect the existing church use consistent with previous practice. NOTE: At the Councillor Workshop on 1 February 2016, some Councillors present did not support rezoning this property to reflect the current approved use as a church hall. Should the site not be rezoned to SP1, the subject church can continue to operate under existing use rights as the church use is currently a prohibited use in the R2 Low Density Residential zone. Given the approval issued by Council in 1992, as well as Council's rezoning of several places of public worship to SP1 in the first Housekeeping LEP (3/08/2012), it is recommended that Council rezone the site to SP1 to reflect the approved use.
10	218 Marsden Road, Carlingford	Land at 218 Marsden Road, Carlingford is part zoned R2 Low Density Residential (lot 1, DP 128422) and part zoned RE1 Public Recreation (Lot 1, DP 386075). Both lots are under the same private ownership. As the lot currently zoned RE1 is being used as driveway access for the residential dwelling and has part of a garage built upon it, the RE1 portion is considered to be a mapping error and it should be rezoned to better align with its ownership and use. The same height of building and floor space ratio controls as the adjoining R2 zone should apply to this section of land.
11	4 Hope Street, Melrose Park	4 Hope Street, Melrose Park is partly zoned IN1 General Industrial and partly zoned W2 Recreational Waterways (slight wedge along southern boundary). This is a mapping anomaly and the entire property should be zoned IN1, as the entire property is being used as an industrial warehouse development and only the lot to the south of the site should be zoned W2. The IN1 boundary should

	be aligned with the lot boundary.
--	-----------------------------------

7. The following **Miscellaneous Amendments** are proposed:

	Address	Explanation
12	Parramatta River near 5A Fleet Street, North Parramatta	Due to a mapping anomaly, a small portion of land to the south of Lot 3 DP808447 at 5A Fleet Street, North Parramatta is shown on the Land Zoning Map of the Parramatta LEP 2011 as zoned B4 Mixed Use; however, the land should not be zoned B4 Mixed Use as this land is part of Parramatta River foreshore, and should therefore be zoned W1 Natural Waterways. This same small portion is also shown incorrectly on the Floor Space Ratio Map of the Parramatta LEP 2011. Given it is part of the waterway it should not have an FSR applied to it at all. The Land Zoning and Floor Space Ratio Maps should be amended to resolve this anomaly.
13	464 Church Street, Parramatta	A small slither of land to the west of Lot 9 DP834791 at 464 Church Street, Parramatta is shown on the Land Reservation Acquisition Map and zoned SP2; however, the slither of land is incorrectly positioned on both the Land Reservation Acquisition and Zoning maps. It is shown within the existing road corridor. Council sought advice from RMS NSW in April 2014, who confirmed it needs to acquire a small part of 464 Church Street, Parramatta. The reservation should sit on the western edge of this site rather than in the existing road corridor. Both the Land Reservation Acquisition Map and the Land Zoning Map should be amended to resolve this anomaly in accordance with the advice received from RMS.
14	5-7 Parkes Street, Parramatta	A small slither of land at 5-7 Parkes Street, Parramatta was previously identified for acquisition under Sydney Regional Environmental Plan No 18 – Public Transport Corridors. This reservation was carried over into PLEP 2011 when the consolidation of the City Centre PLEP 2007 and the PLEP 2011 was undertaken in December 2015. RMS (the relevant acquisition authority) has since confirmed that the reservation is no longer required. Council does not require this reservation either. The Land Reservation Acquisition Map should be amended to fix this anomaly.
15	111-113 Victoria Road, Parramatta	The site is currently zoned R3 Medium Density Residential, however, this property has been historically and consistently used for commercial and retail premises since its construction prior to 1943. Staff have reviewed the history of the site and note the previous rezoning application in 1991 to permit commercial land uses on the site was supported by Council at that time. It is recommended the site be added to Schedule 1 Additional Permitted Uses to allow for the ongoing lawful use of the site for retail and commercial purpose, consistent with the site's historical use. NOTE: At the Councillor Workshop on 1 February 2016, Councillors present recommended adding retail and commercial uses as Additional Permitted Uses for the site under Schedule 1 of the LEP rather than rezoning the site, which was the option being presented by Council staff for discussion.

8. Following investigation by Council's Heritage Officer, the following **New Heritage Listings** are proposed:

	Address	Explanation
16	Our Lady of Lebanon Maronite Church, 40-46 Alice Street, Harris Park	Proposed new heritage listing of the Lady of Lebanon Maronite Church, which is considered to demonstrate historical significance for the local area for associative and aesthetic reasons, as well as for social significance and for the reasons of rarity and representativeness. It is noted that a report titled 'Update on Heritage Matters' was considered by Council at the 26 April 2016 Council Meeting and it recommended that Our Lady of Lebanon Maronite Church be listed as a heritage item as it meets the relevant criteria for heritage listing. The matter was deferred for a Councillor workshop; however the proclamation of the City of Parramatta and installation of the Administrator means that no Councillor workshops have been held. The Administrator has been briefed on this matter and it is noted that the Church has formally requested that it be listed. Given the finding of the Heritage Assessment that the site is of heritage significance, it is recommended the process to list the Church in Schedule 5 and to add it to the relevant Heritage maps be initiated.

9. Details of the proposed amendments, including mapping amendments, can be found in **Attachment 2**.

10. Following investigation by Council's Heritage Officer, several other properties have recently been identified as potentially being of local heritage significance. The properties at 14 Francis Street, Epping and 32 Rawson Street, Epping were initially being considered for inclusion in this Housekeeping LEP; however, it is recommended that these sites not be listed immediately but instead be included as part of a wider heritage review that responds to the new City of Parramatta Local Government boundaries resulting from the recent boundary changes.

11. Following a Councillor Workshop (21 September 2015), it was determined that the minimum lot size of 600m² for dual occupancy development within the R3 and R4 residential zones be removed for the reasons outlined below:

Address	Explanation
Minimum Lot Size - Dual Occupancy in R3 and R4 zones	A Councillor workshop was held on 21 September 2015 which looked at a range of dual occupancy issues. At that workshop Councillors provided direction that the minimum lot size of 600m² for dual occupancy development be deleted within the R3 and R4 residential zones. Justification for this policy change included: • Higher development density is sought in these zones; • Dual occupancy provides suitable redevelopment opportunity for isolated sites in those zones and should be permitted on sites smaller than 600m² if they are isolated. No change is proposed to the 600m² minimum lot size for dual occupancy in the R2 Low Density Residential Zone.

Since the NSW Department of Planning & Environment Proclamation was announced on 12 May 2016, the PLEP 2011 applies to land in both the City of Parramatta LGA and the Cumberland LGA. As this amendment relates to the R3 and R4 residential zones, it would affect land in both the City of Parramatta LGA and the Cumberland LGA. Internal legal advice has noted that the City of Parramatta Council cannot make changes to a planning instrument that affects land within another LGA without the consent of that planning authority. As this amendment affects land within the Cumberland LGA, it has been decided that this item will be removed from the Housekeeping LEP Amendment and will instead form part of the LEP consolidation process resulting from the recent Local Government boundary changes.

NEXT STEPS

12. Should Council adopt the recommendations of this report, all amendments relating to the former Woodville Ward will be forwarded to Cumberland Council for its consideration as a separate planning proposal.
13. A planning proposal relating to all amendments within the City of Parramatta LGA will be prepared and forwarded to the Department of Planning and Environment for Gateway Determination.
14. Once a Gateway Determination is received, the planning proposal will be placed on public exhibition. A report on the outcomes of the public exhibition will be put to Council before the LEP amendment is finalised.

Caitlin Westropp-Evans

Project Officer – Land Use Planning

Robert Cologna

Service Manager – Land Use Planning

ATTACHMENTS:

- | | | |
|----------|--|----------|
| 1 | Issues Paper | 21 Pages |
| 2 | Housekeeping LEP PP - City of Parramatta | 15 Pages |