



New South Wales

Parramatta Local Environmental Plan 2001 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00609/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2005 No 256

Clause 1 Parramatta Local Environmental Plan 2001 (Amendment No 8)

Parramatta Local Environmental Plan 2001 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Parramatta Local Environmental Plan 2001 (Amendment No 8)*.

2 Aim of plan

The aim of this plan is to amend *Parramatta Local Environmental Plan 2001*:

- (a) to adopt a further provision of the *Environmental Planning and Assessment Model Provisions 1980*, and
- (b) to remove community drop-off centres from development that is permissible with consent in certain zones, and
- (c) to provide for development for the purposes of granny flats and local shops to be permissible with consent in residential zones, and
- (d) to clarify certain provisions dealing with the following:
 - (i) exempt development,
 - (ii) complying development,
 - (iii) subdivision,
 - (iv) restricted premises,
 - (v) telecommunications facilities,
 - (vi) sites that require the preparation of a master plan,
 - (vii) dual occupancy development,
 - (viii) minimum allotment sizes,
 - (ix) floor space ratios,
 - (x) places of public worship,
 - (xi) development in open space zones,
 - (xii) development on land abutting an environmental protection zone,

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- (xiii) the classification and reclassification of public land, and
 - (e) to clarify certain definitions of terms, and
 - (f) to insert definitions of certain terms.

3 Land to which plan applies

This plan applies to all land to which *Parramatta Local Environmental Plan 2001* applies.

4 Amendment of Parramatta Local Environmental Plan 2001

Parramatta Local Environmental Plan 2001 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 11 Adoption of Model Provisions

Insert “19,” after “18,”.

[2] Clause 16 What development is allowed or prohibited by zoning?

Omit “community drop-off centres” wherever occurring in each item 4 of the matter relating to the 2A Residential Zone, the 2B Residential Zone, the 2C Residential Zone, the 2D Residential Zone, the 2E Residential Zone, the 3A Centre Business Zone and the 3B Neighbourhood Business Zone in the Table to the clause.

[3] Clause 16, Table

Insert “granny flats” in alphabetical order under “Development for the purpose of” in each item 4 of the matter relating to the 2A Residential Zone, the 2B Residential Zone, the 2C Residential Zone, the 2D Residential Zone and the 2E Residential Zone.

[4] Clause 16, Table

Insert “local shops” in alphabetical order under “Development for the purpose of” in each item 4 of the matter relating to the 2A Residential Zone, the 2B Residential Zone, the 2C Residential Zone, the 2D Residential Zone and the 2E Residential Zone.

[5] Clause 16, Table

Insert “(which is flood affected land)” after the heading to the matter relating to the 2E Residential Zone.

[6] Clause 16, Table

Omit “Exempt development” from item 3 of the matter relating to the 2E Residential Zone.

Insert instead:

Development for the purpose of:

Nil

[7] Clause 16, Table

Insert “tree removal or pruning by the Council or its authorised agents” in alphabetical order under “Development for the purpose of” in item 3 of the matter relating to the 9A Open Space (Proposed) Zone.

[8] Clause 17 What is exempt development?

Omit clause 17 (2) (c). Insert instead:

- (c) within Zone 7 or 9 (d), or
- (c1) within 6 metres of land in Zone 6A if that land is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or

[9] Clause 17 (2) (e)–(g)

Insert at the end of clause 17 (2) (d):

- , or
- (e) that is within that part of the flood liable land that is affected by the 100 year average recurrence interval (ARI) flood, or
- (f) that is an aquatic reserve dedicated under the *Fisheries Management Act 1994*, or
- (g) that is within 40 metres of a river within the meaning of the *Water Management Act 2000*.

[10] Clause 17 (3)

Omit the subclause.

[11] Clause 18 What is complying development?

Omit clause 18 (2) (d) and (e). Insert instead:

- (d) is within Zone 7 or 9 (d), or
- (e) is within 40 metres of a river within the meaning of the *Water Management Act 2000*, or

[12] Clause 18 (2) (f)

Omit “purposes, or”. Insert instead “purposes.”.

[13] Clause 18 (2) (g)

Omit the paragraph.

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[14] Clause 19 Subdivision of land

Omit “or the *Strata Schemes (Leasehold Development) Act 1986*” from clause 19 (1).

Insert instead “, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*”.

[15] Clause 25 Restricted premises

Omit clause 25 (a). Insert instead:

- (a) no part of the restricted premises, other than an access corridor, will be located at street level,

[16] Clause 26

Omit the clause. Insert instead:

26 Telecommunications facilities

- (1) A person must not erect a structure or work to be used for the purpose of a telecommunications facility except with development consent.
- (2) The consent authority must have regard to the following matters in considering an application for development for the purpose of any telecommunications facility:
 - (a) the potential for underground installation,
 - (b) the potential for co-location with existing facilities,
 - (c) the impact of the facility on visual amenity,
 - (d) the impact of the facility on areas of environmental significance,
 - (e) the impact of the facility on vegetation and street infrastructure,
 - (f) the impact of the facility on the community’s use and enjoyment of land owned and managed by the Council,
 - (g) the proximity of the facility to pre-schools, schools or places frequented by children, such as public open space.

- (3) This clause does not apply to the following activities:
- (a) installation of low impact facilities (as listed in the *Telecommunications (Low Impact Facilities) Determination 1997* of the Commonwealth) and subscriber cabling, including cabling across streets,
 - (b) installation of defence facilities,
 - (c) installation of facilities authorised by a facility installation permit issued by the Australian Communications Authority,
 - (d) inspection of land, including making surveys, sinking bores, digging pits and examining soil,
 - (e) maintenance of telecommunications facilities, including the alteration, removal, repair or replacement of whole or part of the facility, and the cutting down or lopping of vegetation.

[17] Clause 30 Sites which require the preparation of a master plan

Omit “flood mitigation” from clause 30 (5) (d).

Insert instead “flood risk management”.

[18] Clause 36

Omit the clause. Insert instead:

36 Special provisions applying to dual occupancy development

- (1) Despite any other provisions of this plan, development for the purpose of dual occupancies is prohibited on land within Zone 2 (a) and shown by diagonal cross-hatching on the zoning map.
- (2) Subject to subclause (1), a person may carry out development for the purposes of detached dual occupancy only in relation to the following:
 - (a) buildings identified as heritage items within *Parramatta Local Environmental Plan 1996 (Heritage and Conservation)*,

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- (b) areas identified as heritage conservation areas within *Parramatta Local Environmental Plan 1996 (Heritage and Conservation)*,
- (c) sites with 2 street frontages, where each proposed dwelling has a frontage to a street.

[19] Clause 38 Minimum allotment sizes

Insert after clause 38 (4):

- (4A) Nothing in subclause (1) prevents the consent authority from consenting to the subdivision of land in relation to which consent to development for the purposes of dual occupancies has previously been granted.

[20] Clause 40 Floor space ratios for development

Insert after clause 40 (1):

- (1A) Buildings erected in each of the following zones must not exceed the floor space ratio indicated in the Table to this subclause:

Zone	Maximum floor space ratio
3A Centre Business Zone	2:1
3B Neighbourhood Business Zone	1.5:1
4 Employment Zone	1:1

[21] Clause 42 Places of public worship

Insert “, or the seating capacity of,” after “seats provided at”.

[22] Clause 46 Development in open space zones

Omit “, topography and stormwater flow” from clause 46 (2) (d).

Insert instead “and topography”.

[23] Clause 46 (2) (h)

Insert after clause 46 (2) (g):

- (h) whether the proposed development will impact on stormwater flow.

[24] Clause 47 Development on land abutting an environmental protection zone

Insert after clause 47 (1) (c):

- (c1) the protection of endangered ecological communities and recovery plans prepared and approved under the *Threatened Species Conservation Act 1995*,

[25] Clause 47 (2)

Omit “or other structure shall be erected”.

Insert instead “is to be erected”.

[26] Clause 51

Insert after clause 50:

51 Savings for development applications lodged before making of Parramatta Local Environmental Plan 2001 (Amendment No 8)

- (1) A development application relating to land to which the amending plan applies that was lodged with the consent authority, but that was not finally determined, before the commencement of the amending plan is to be determined as if the amending plan had been exhibited but had not been made.

- (2) In this clause:

the amending plan means *Parramatta Local Environmental Plan 2001 (Amendment No 8)*.

[27] Schedule 2 Classification and reclassification of public land

Omit “North Parramatta” from Column 1 of Part 3.

Insert instead “Granville”.

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[28] Schedule 2, Part 3

Omit “DP 882” from Column 2. Insert instead “DP 8821”.

[29] Dictionary

Insert at the end of paragraph (b) of the definition of *amusement centre*:

, or

- (c) internet gaming.

[30] Dictionary, definition of “attic room”

Omit the definition. Insert instead:

attic room means a room within the main roof space of a one or two storey building, no greater than 25 square metres in area, having a roof slope of not more than 35 degrees pitched from the ceiling level of the uppermost floor and may include dormer windows that:

- (a) are not higher than the height of the main roof of the building, and
- (b) are not more than 1.5 metres in width, and
- (c) do not incorporate or access a balcony.

[31] Dictionary

Insert in alphabetical order:

basement carparking means a carpark that does not protrude more than 1.2 metres above natural ground level.

[32] Dictionary, definition of “community drop-off centre”

Omit the definition.

[33] Dictionary, definition of “floor space area”

Omit “underground” from paragraph (b). Insert instead “basement”.

[34] Dictionary, definition of “floor space area”

Omit “which is more than 1 metre above natural ground level” from paragraph (b).

[35] Dictionary, definition of “floor space area”

Insert at the end of paragraph (e):

, or

- (f) in the case of single dwellings, one single car space with the dimensions of 3.0 metres in width and 5.5 metres in length, or
- (g) any space permanently set aside within basement car-parking areas for storage, garbage rooms and the like.

[36] Dictionary

Insert in alphabetical order:

granny flat means a dwelling:

- (a) that has self-contained cooking facilities and a gross floor area not exceeding 60 square metres, and
- (b) that is subordinate to another larger dwelling on the same lot whether physically attached to the other dwelling or not.

[37] Dictionary, definition of “hotel”

Omit the definition. Insert instead:

hotel means premises to which a hotelier’s licence under the *Liquor Act 1982* relates.

[38] Dictionary

Insert in alphabetical order:

housing for older people or people with disabilities means seniors housing within the meaning of *State Environmental Planning Policy (Seniors Living) 2004*.

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[39] Dictionary, definition of “storey”

Omit the definition. Insert instead:

storey means the space within a building between one floor level and the floor level next above or, if there is no floor level next above, the ceiling or roof above, but does not include:

- (a) space used for car parking, laundries or storerooms, if the ceiling space does not protrude more than 1.2 metres as measured vertically above the natural ground level immediately below, or
- (b) attic space that is part of the dwelling unit immediately below and is incapable of being used as a separate dwelling unit.

BY AUTHORITY
