

PLANNING PROPOSAL

ITEM NUMBER	5.5
SUBJECT	Pre-Gateway Planning Proposal for land at 8 Lincluden Place, Oatlands
REFERENCE	RZ/3/2021 -
APPLICANT/S	Think Planners
OWNERS	Zaki Property Pty Ltd As Trustee For Zaki Property Trust
REPORT OF	Project Officer

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

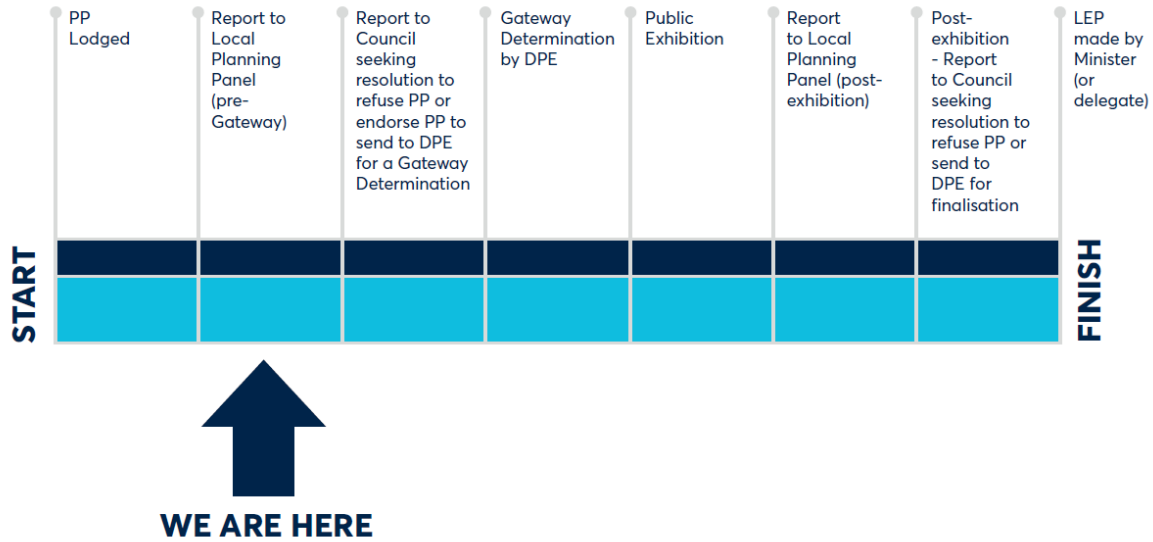
The purpose of the report is to seek the Parramatta Local Planning Panel's advice to Council on a request to the Department of Planning and Environment for a Gateway Determination for a Planning Proposal for the land at 8 Lincluden Place, Oatlands.

RECOMMENDATION

The Parramatta Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

- (a) **That** Council approve, for the purposes of seeking a Gateway Determination from the Department of Planning and Environment (DPE), the Planning Proposal at **Attachment 1** for the land at 8 Lincluden Place, Oatlands, which seeks the following change to the Parramatta (former The Hills) Local Environmental Plan 2012:
 - i. Amend the Land Zoning Map from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential.
- (b) **That** the Planning Proposal be forwarded to the DPE for a Gateway Determination.
- (c) **That** Council advise the DPE that the CEO will be seeking to exercise its plan-making delegations for this Planning Proposal, as authorised by Council on 26 November 2012.
- (d) **That** Council delegates authority to the CEO:
 - i. To draft the Planning Agreement based on the submitted offer provided at **Attachment 2**.
 - ii. In the event that a Gateway Determination is issued by DPE, that the Planning Agreement is placed on public exhibition concurrently with the Planning Proposal.
- (e) **Further that**, Council delegates authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that arise during the plan-making process or preparation of the Planning Agreement.

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks the Local Planning Panel’s advice to Council to forward a Planning Proposal for land at 8 Lincluden Place, Oatlands in accordance with the recommendations outlined in this report to the Department of Planning and Environment (DPE) for Gateway determination.

SITE DESCRIPTION



Figure 1 – Site at 8 Lincluden Place, Oatlands, subject to the Planning Proposal

2. The Planning Proposal applies to the land at 8 Lincluden Place, Oatlands (Lot 3 DP 775621) (the site). The site is bound by Gollan Avenue to the north-east, Pennant Hills Road to the north-west and neighbouring properties at 6 and 9

Lincluden Place (refer to **Figure 1**). Current vehicular access to the site is via Gollan Avenue and Lincluden Place. The site has an area of approximately 4,249sqm.

3. The site is currently zoned SP2 Infrastructure (Educational Establishment) and includes several existing buildings previously used as a Royal Institute for the Deaf and Blind school (Garfield Barwick School). The site is not currently in use as a school and has been vacant since its sale in 2019.
4. The adjacent site to the west (Alan Walker College) is zoned SP2 Infrastructure (Educational Establishment) and is attached to the United Theological College. The remaining sites on Lincluden Place, and the neighbouring sites on Gollan Avenue comprise low density dwellings zoned R2 Low Density Residential (refer to **Figure 2**).

EXISTING PLANNING CONTROLS

5. Under the provisions of the *Parramatta (former The Hills) Local Environment Plan (LEP) 2012*, the following planning controls apply:
 - SP2 Infrastructure (Educational Establishment) zone (refer to **Figure 2**);
 - Maximum Height of Building control of 9 metres (refer to **Figure 3**); and
 - No Maximum Floor Space Ratio (FSR) (consistent with the R2 Low Density Residential zone, which also does not have a maximum FSR).

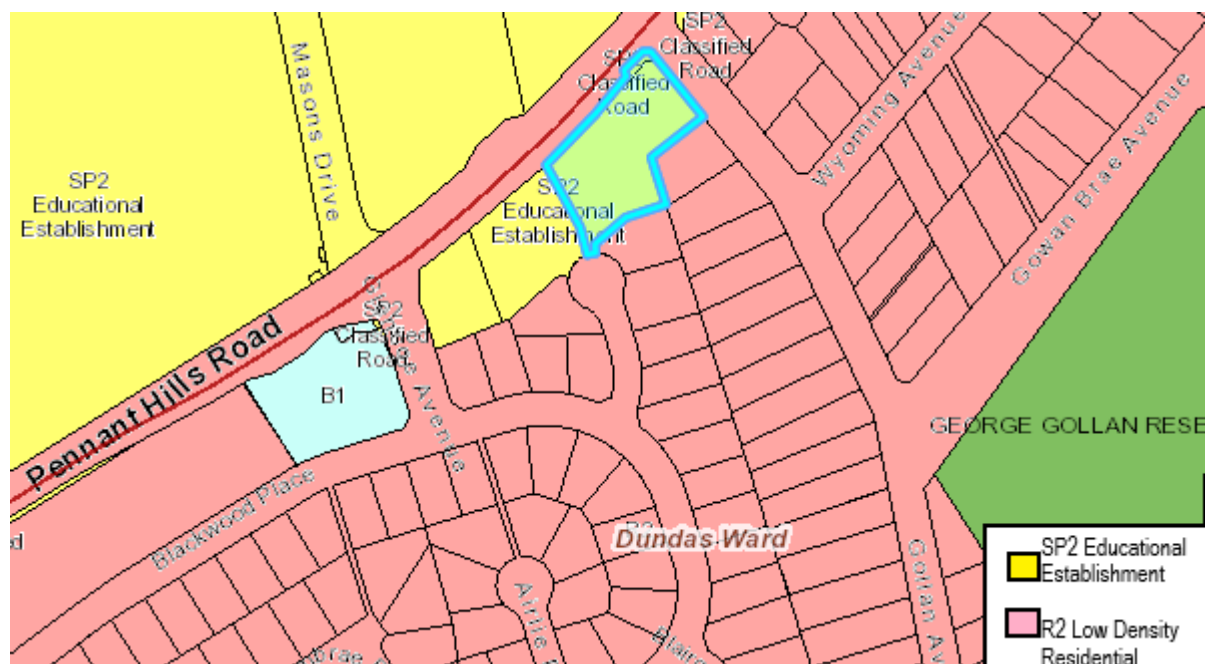


Figure 2 – Current Zoning Map, *Parramatta (former The Hills) LEP 2012*



Figure 3 – Maximum Height of Building, Parramatta (former The Hills) LEP 2012

6. The site is not listed on Local or State heritage registers, however, it is within the Burnside Homes Heritage Conservation Area (refer to **Figure 4**). It is noted that Development Applications (DAs) for the site will be assessed against the current The Hills Development Control Plan 2012 (DCP) or its replacement being the City of Parramatta Harmonisation DCP (currently being prepared by Council), and be accompanied by a Statement of Heritage Impact to ensure any future development is respectful of the Burnside Homes Conservation Area.



Figure 4 – Heritage item map, Parramatta (former The Hills) LEP 2012

7. The site is not located in a flood prone area.

DESCRIPTION OF PLANNING PROPOSAL

8. On 5 November 2021, Council received a Planning Proposal application relating to land at 8 Lincluden Place, Oatlands, known as Lot 3 DP775621.
9. The Planning Proposal (**Attachment 1**) seeks to amend the *Parramatta (former The Hills) LEP 2012* as follows:

	Existing	Proposed
Land Use Zoning	SP2 Infrastructure (Educational Establishment)	R2 Low Density Residential
Height of Buildings	9m (2-3 storeys)	No change
Floor Space Ratio	No FSR	No change
Minimum Lot Size for subdivision	700m ²	No change. The site could potentially accommodate up to 5 residential allotments (subject to future application for subdivision).
Number of Dwellings that can be accommodated (Based on Applicant's indicative scheme)	None (prohibited within existing zoning)	Likely 4 x low density residential dwellings based on the Applicant's indicative scheme (2 x dual occupancies or 2 x dwelling houses with granny flats).

10. The Planning Proposal only seeks to rezone the site from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. No other changes to the currently applicable planning controls are proposed.
11. The initial Planning Proposal application suggested a future subdivision application may be lodged to create two (2) new residential allotments facing Gollan Avenue, in addition to reusing the existing building as a future Educational Establishment (refer to Figure 5). It is noted that an Educational Establishment (school) use is also permitted with consent in the R2 Low Density Residential zone and therefore the existing building could still be used as such. Any future subdivision and development applications for this site would be subject to assessment against relevant controls. Subsequent correspondence with the Applicant has indicated that this potential scheme may not be pursued.

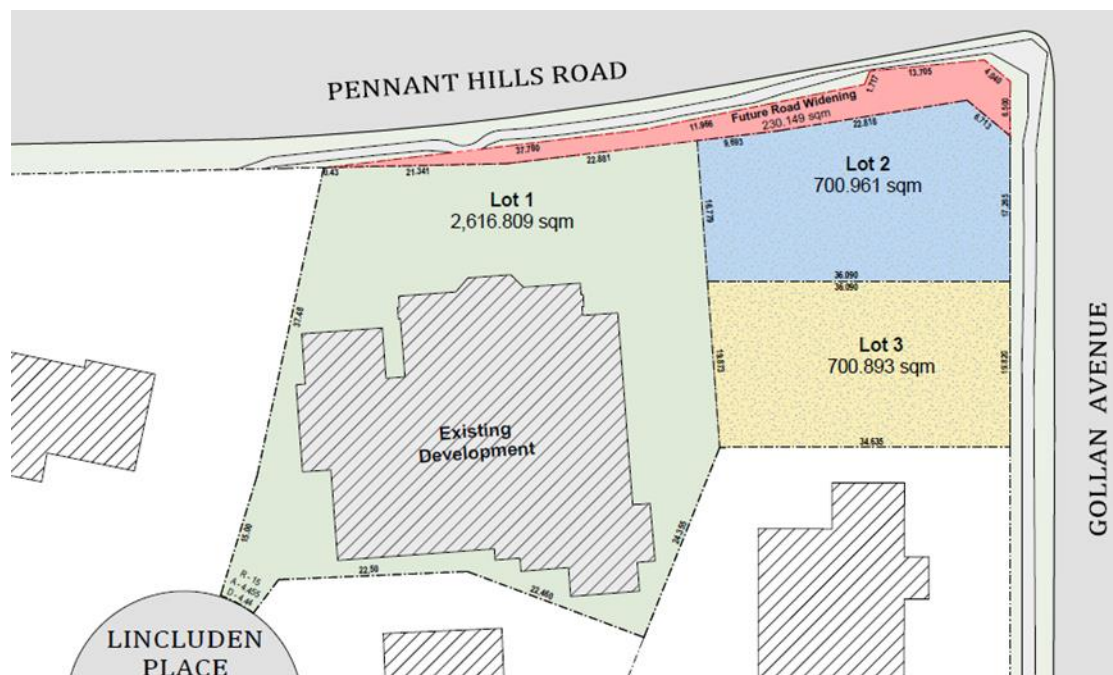


Figure 5 – Proposed subdivision plan for the site at 8 Lincluden Place, Oatlands.

12. On 19 July 2022, the Applicant held a pre-lodgment meeting with Council's Development Assessment team for a potential Development Application for a rehabilitation centre on the site. It is noted that a rehabilitation centre is not a defined land use but could be considered as either a 'hospital' (as suggested by the Applicant) or a 'group home', both of which are prohibited under the current zoning but permissible under the proposed R2 Low Density Residential zoning. The Applicant has indicated to Council officers that they are looking at various options to develop the site under the proposed zoning.
13. The proponent provided a Letter of Offer on 29 September 2022, outlining willingness to enter into a Planning Agreement associated with the Planning Proposal. The Letter of Offer provides for pedestrian upgrades to address increased infrastructure demand generated by the Planning Proposal. Additional details of the Planning Agreement can be found within the Planning Agreement section of this report.
14. The existing site and surrounding land zoned R2 Low Density Residential does not have a maximum FSR. The size and scale of future development on the site will therefore be determined by other relevant planning controls (setbacks, site coverage, deep soil etc.). No changes are proposed to the Maximum Height of Buildings (9m).

PLANNING PROPOSAL ASSESSMENT

15. The following section details Council officer assessment of the Planning Proposal (**Attachment 1**) based on the consideration of strategic merit and site-specific planning issues.

Strategic Planning Context

16. The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the DPE guide, 'A Guide to Preparing Local Environment Plans' (December 2021) and considers

the State and local planning strategies. It is also considered to be consistent with Council's adopted Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

Local Strategic Planning Statement

17. Council's LSPS provides strategic direction on how the City of Parramatta is planning growth of the city and draws together the needs and aspirations of the community. It identifies priorities for jobs, homes, and infrastructure. The LSPS contains actions and priorities to help Council achieve the vision of the State Government's Greater Sydney Region Plan and Central City District Plan and highlights its important role as the Central River City. The LSPS also identifies the need to preserve and enhance the low-scale character of suburban Parramatta outside of the Greater Parramatta and Olympic Park (GPOP) area and Epping Strategic Centre through 'Planning Priority 5', which relates to maintaining lower density residential zones in areas outside of identified growth precincts across the city. As Oatlands is not in, or adjacent to an identified growth precinct, this Planning Proposal is strategically aligned with Planning Priority 5 in the LSPS.

Local Housing Strategy

18. The LHS provides recommendations regarding appropriate housing growth, supported by appropriate infrastructure, particularly in identified Growth Precincts across the city. The LHS identifies 17% of new housing stock should be delivered in areas outside of identified Growth Precincts to achieve the housing targets required to meet future growth predictions. Oatlands is not in, or adjacent to an identified growth precinct, this Planning Proposal is strategically aligned with the delivery of housing outside of Growth Precincts.
19. Full details of this strategic planning assessment are contained within Part 3 of the Planning Proposal at **Attachment 1**.

Land Use Planning Assessment

20. The following section provides an analysis of the key issues associated with the Planning Proposal including traffic and transport, heritage, urban design, and social infrastructure impacts.
21. The Planning Proposal is consistent with Council's endorsed LSPS and LHS and provides an indicative design which would be largely consistent with the surrounding R2 Low Density Residential zoning of the area.

Maximum Development Potential

22. The maximum development potential for the site under the proposed R2 Low Density Residential zoning would be to subdivide the site into five (5) residential allotments (the minimum lot size for subdivision is 700m²). Subsequently, up to five (5) Boarding Houses (maximum 12 rooms each) could be proposed pursuant to the State Environmental Planning Policy (SEPP) (Housing) 2021. Alternatively, up to two dwellings could be accommodated on each allotment (a dual occupancy or dwelling house with granny flat).

23. Notwithstanding, the full potential development scenario comprising five allotments is unlikely due to the irregular shape of the site, and the LEP requirement for future allotments to reflect the established subdivision pattern. It is also noted that Oatlands, including the subject site, has been identified as a future Dual Occupancy Prohibition area under the City of Parramatta Harmonisation LEP which is currently being considered by the DPE for finalisation.

Traffic and Transport

24. Consideration of the impact on the local traffic network based upon the indicative design, and potential scenarios for five (5) new allotments, have indicated no issues in relation to traffic planning. Any future DAs would be assessed against current controls and may require an additional traffic study to be undertaken, particularly to demonstrate that limiting vehicle access to Lincluden Place will continue to provide adequate clearance for emergency vehicles, deliveries, and parking, should the use of the existing buildings have continued use as an educational facility or other use otherwise permissible.
25. Associated traffic impacts under the site's maximum development potential would need to be considered as part of any future DA assessment. Further, should the site's maximum development potential be pursued, a traffic impact assessment would be required to support the officer assessment.
26. The site is served by two Transport for NSW (TfNSW) bus services running between Parramatta Station and Pennant Hills Station, and Parramatta Station and Macquarie Park via Epping Station and is therefore reasonably located for residential development of the scale being sought.
27. The site has active transport connections and is adjacent to existing pathways in the Parramatta Ways walking network (refer to **Figure 6**). Additionally, there are two proposed cycle ways along both Pennant Hills Road and Gollan Avenue (refer to **Figure 7**). The full development of the site would require further consideration of the provision of supporting active transport infrastructure to accommodate the site's redevelopment. This would likely include the delivery of, or supporting Council's delivery of, shared pathway infrastructure and associated public domain improvements along the Pennant Hills Road frontage of the site.



Figure 6 – Existing Parramatta Ways walking network routes and footpath locations.



Figure 7 – Proposed future cycle network connections along Pennant Hills Road and Gollan Avenue.

Heritage

28. The site is not registered as a Heritage item on Local or State heritage lists; however, the site is located in the Burnside Homes Conservation Area (refer to **Figure 5**). Consideration of the heritage impacts of this Planning Proposal have indicated that any future DAs for the site will be assessed against the current DCP or its replacement being the City of Parramatta Harmonisation DCP, and will be required to be accompanied by a Statement of Heritage Impact to ensure any future development is respectful of the Burnside Homes Conservation Area.

Urban Design

29. The indicative rezoning and subdivision plan provided by the Applicant is reflective of the established subdivision pattern and will be able to accommodate future residential development that is sympathetic to surrounding development, subject to future application(s) and detailed assessment.
30. As originally indicated by the Applicant, the existing buildings could be re-used as an educational facility or another use otherwise permissible in the future in an R2 Low Density Residential re-zoning. It is noted that the proposed site area of this allotment is suitably sized to ensure an educational facility could continue to operate on the site.
31. The street alignment and 10m setback for the indicative allotments is consistent with existing dwellings along Gollan Avenue. Additionally, the indicative 4m secondary street setback from Pennant Hills Road, with road dedication considered, is generally aligned with buildings to the north-east of the site. Detailed street alignment plans will be required as part of any future DA.
32. The Arborist Report provided by the Applicant suggests all existing vegetation can be retained on the site under the indicative subdivision and development plan (**Attachment 3**). Further, the existing vehicle access from Gollan Avenue could be reused to accommodate future subdivisions, reducing the need to remove vegetation to provide vehicle access. Any future tree removal will be subject to a separate assessment and a landscape plan will be required at the DA stage for future development of the site.

Social Infrastructure

33. The Planning Proposal will have a minimal impact in terms of demand for social and built infrastructure in this area. The site has not been used as an educational establishment since prior to its sale in 2019, and the site is within proximity to a range of other existing educational establishments (refer to **Figure 8**). Therefore, the potential future demolition or change of use of the existing buildings approved as a school is not considered to be detrimental to the provision of social infrastructure in this area. Further, an Educational Establishment is permitted with consent in the R2 Low Density Residential zone.



Figure 8 – Site location in relation to existing schools.

34. The original Planning Proposal indicates an intention to continue to use the existing buildings as an educational facility. It is noted that the educational facility could re-commence operations in accordance with the existing development consent (BA/84233, issued 5 July 1988 by the then Baulkham Hills Shire Council) subject to demonstrating existing use rights. Any future application to seek to establish a new educational facility in these buildings will be required to demonstrate the ability to meet the Education and Care Services National Regulations as described in Part 3.3 of the SEPP (Transport and Infrastructure) 2021.
35. Further assessment will be required determine the additional infrastructure needs to support the proposed development should the site's maximum development potential be perused, and is to be addressed within the associated Planning Agreement.

PLAN MAKING DELEGATIONS

36. Plan making delegations were announced by the then Minister for Planning and Infrastructure in October 2012 allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan making functions, and for these functions be delegated to the Chief Executive Officer.
37. It is recommended that Council request to DPE to exercise its plan making delegations for this Planning Proposal. This means that after the Planning Proposal has received a Gateway Determination and complied with any conditions (including any requirements for public exhibition), Council officers can deal directly with the Parliamentary Counsel on the legal drafting and finalisation of the amendment to the LEP facilitated by this Planning Proposal.

PLANNING AGREEMENT

38. Council officers have identified the need for a Planning Agreement to accompany the Planning Proposal to address infrastructure demand. It is intended that the Planning Agreement be structured to allow a base development scenario with triggers for revision of the Planning Agreement should development vary from the proposed base development scenario, effectively building a level of flexibility into the Planning Agreement to accommodate different development scenarios and their associated infrastructure demands.
39. As per the Architectural Concept Drawings submitted for Council officer assessment on 18 March 2022 (refer to **Figure 5**), the base development scenario provides for the subdivision of land into three lots, each accommodating one dwelling. Under this scenario, the existing building is to be retained as an Educational Establishment and / or a rehabilitation centre. It is noted that a rehabilitation centre is not a defined land use and could be considered as either a 'hospital' (as suggested by the Applicant) or a 'group home'.
40. The proponent provided a Letter of Offer on 29 September 2022, outlining willingness to enter into a Planning Agreement associated with the Planning Proposal. The Letter of Offer provides for pedestrian upgrades to address increased infrastructure demand generated by the proposed development. Specifically, the base development scenario would provide a contribution to footpath upgrades along Pennant Hills Road between Gollan and Glencoe Avenue. The extent of contribution to be delivered via the Planning Agreement will be reflective of the infrastructure demand generated by the future development. Any development above the base development scenario will require further discussion to determine the additional infrastructure needs to support the proposed development.
41. Should the Planning Proposal receive a Gateway Determination, the Planning Agreement will be drafted to address the full build out potential of the site, under different potential development scenarios, due to the changes proposed as part of the subject Planning Proposal. As per the Letter of Offer, the base development scenario would provide a contribution to footpath upgrades along Pennant Hills Road between Gollan and Glencoe Avenue. Any development above the base development scenario would provide for the base contribution to footpath upgrades as noted above, in addition to further contributions to support the proposed development. The contribution is to be delivered either by

way of a cash contribution or material public benefit, land dedication and physical works, or a combination of these items.

42. Should further residential development be proposed in the form of group homes, additional infrastructure works would be required in the form of active transport links along Gollan and Glencoe Avenues and/or a cash contribution would be required towards the upgrade of the Ermington Community hub. The extent of contribution would be proportionate to the extent of development being sought at the development application stage.

FINANCIAL IMPLICATIONS FOR COUNCIL

43. Should Council resolve to proceed with the Planning Proposal, the financial implications for Council include costs associated with the exhibition process, which include advertising and landowner notification by mail out. These costs are funded from the City Planning and Design budget.
44. Should Council resolve to proceed with the Planning Agreement, all associated legal fees incurred will be passed onto the Applicant.

CONCLUSION AND NEXT STEPS

45. The Planning Proposal (**Attachment 1**) will be reported to the next available Council meeting and the recommendation of the Local Planning Panel will be included as part of this report.
46. Subject to Council resolving to proceed with the Planning Proposal, the Planning Proposal will be forwarded to the DPE for Gateway determination.
47. Following receipt of a Gateway Determination, the Planning Proposal will be placed on public exhibition with a draft Planning Agreement and the outcomes of the exhibition will be reported to the Local Planning Panel if any objections are received. If no objections are received, the matter will be reported directly to Council post-exhibition.

Grace Haydon
Project Officer

Michael Rogers
Land Use Planning Manager

David Birds
Group Manager, Major Projects and Precincts

Jennifer Concato

Executive Director City Planning and Design

ATTACHMENTS:

- | | | |
|----------|--|-------------|
| 1 | Planning Proposal - 8 Lincluden Place, Oatlands | 47
Pages |
| 2 | Letter of Offer - 8 Lincluden Place, Oatlands | 1 Page |
| 3 | Preliminary Assessment (audit) of Existing Trees - 8 Lincluden Place, Oatlands | 56
Pages |

REFERENCE MATERIAL