

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.3
SUBJECT	Pre-Gateway - Planning Proposal for land at 8 Lincluden Place, Oatlands
REFERENCE	RZ/3/2021 - D08740309
APPLICANT/S	Think Planners
OWNERS	Zaki Property Pty Ltd As Trustee For Zaki Property Trust
REPORT OF	Project Officer

CSP THEME: INNOVATIVE

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL – Nil

PURPOSE

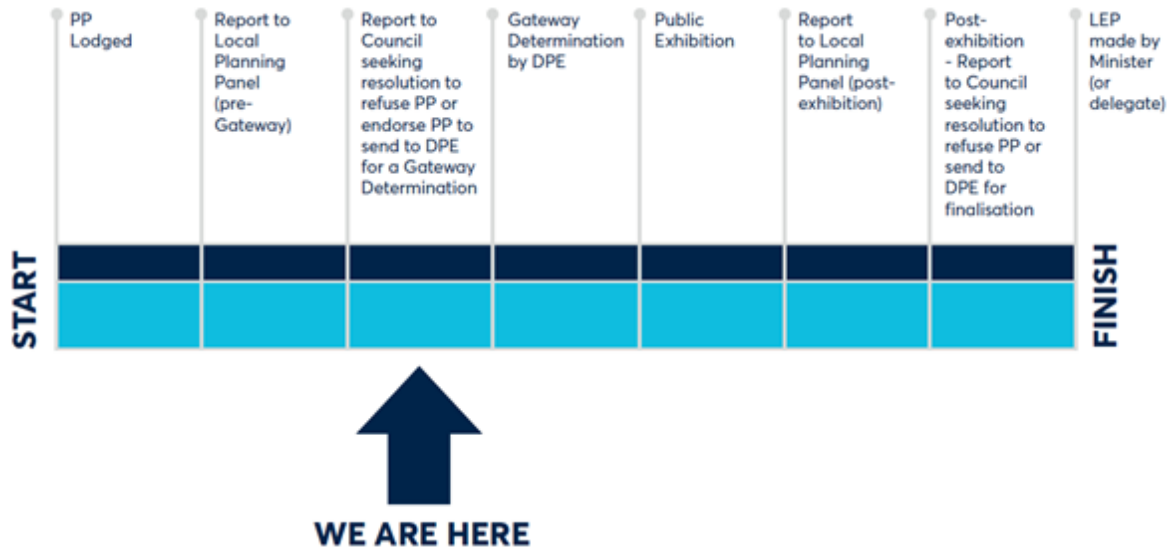
To seek Council's approval to forward the Planning Proposal for the land at 8 Lincluden Place, Oatlands to the Department of Planning and Environment (DPE) with a request to issue a Gateway determination.

RECOMMENDATION

- (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 and negotiate the Planning Agreement based on the submitted offer provided at **Attachment 2** and as detailed in this report.
 - 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) **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.

- (f) **Further, that** Council note the advice of the Local Planning Panel dated 18 October 2022 which is consistent with the above Council officer recommendation.

PLANNING PROPOSAL TIMELINE



SUMMARY

1. This report seeks Council’s approval to forward a Planning Proposal (**Attachment 1**) for land at 8 Lincluden Place, Otlands, in accordance with the recommendations outlined in this report to the Department of Planning and Environment (DPE) seeking a Gateway Determination.

SITE DESCRIPTION

2. The Planning Proposal applies to the land at 8 Lincluden Place, Otlands (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 contains 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 attached to the United Theological College. The remaining sites on Lincluden Place, and the neighbouring sites on Gollan Avenue comprise low density dwellings.



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

DESCRIPTION OF PLANNING PROPOSAL

5. On 5 November 2021, Council received a Planning Proposal application relating to land at 8 Lincluden Place, Oatlands, known as Lot 3 DP775621.
6. The Planning Proposal (**Attachment 1**) seeks to amend the *Parramatta (former The Hills) Local Environment Plan 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 (to be consistent with surrounding R2 Low Density Residential land that does not have a maximum FSR – existing built form controls will dictate an appropriate envelope in this regard).
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)	None (prohibited within existing zoning)	Likely 4 x low density residential dwellings based upon the Applicant's indicative scheme (2 x dual occupancies or 2 x dwelling houses with granny flats).

indicative scheme)		
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Table 1 – Current and proposed planning controls

7. 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.
8. The Planning Proposal application included an indicative potential subdivision layout for the site that could be lodged under a future subdivision application 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 2**). 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 for that purpose. The Applicant has indicated to Council officers that they are looking at various options to develop the site under the proposed zoning but have not yet decided what option to pursue.

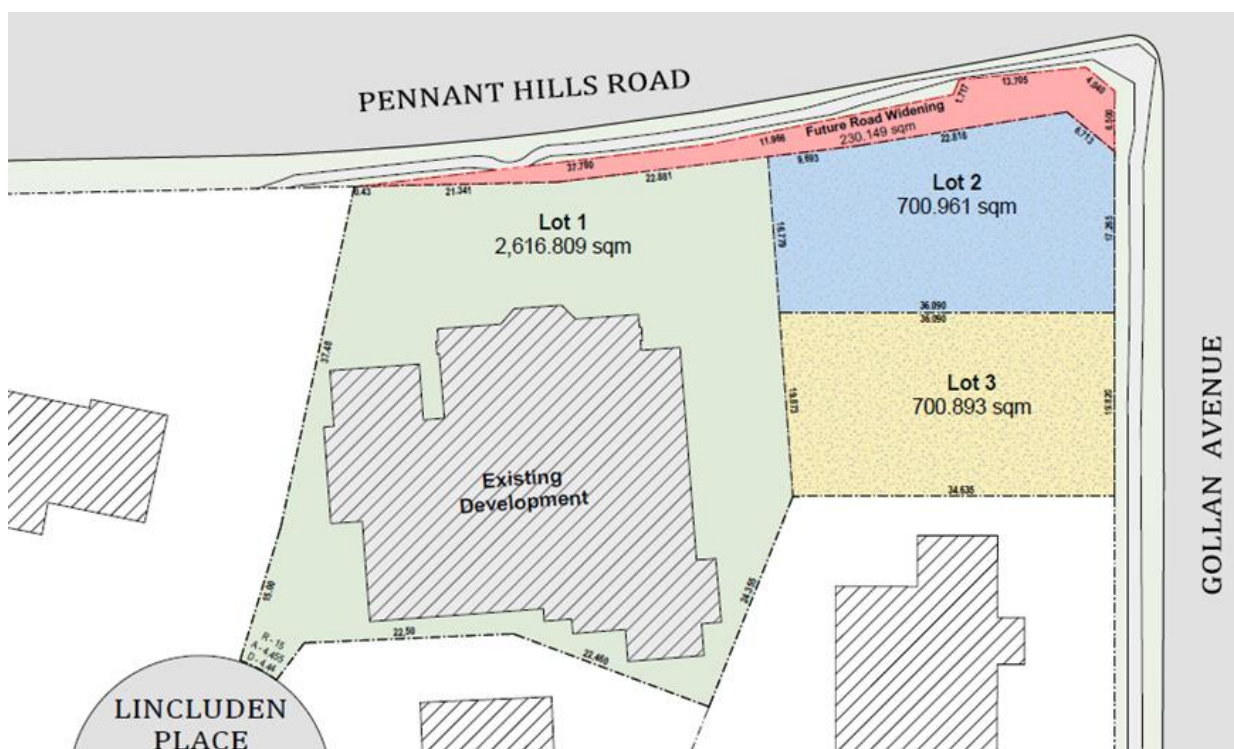


Figure 2 – Indicative subdivision plan for the site at 8 Lincluden Place, Oatlands

9. The proponent provided a Letter of Offer on 29 September 2022 (**Attachment 2**), outlining a willingness to enter into a Planning Agreement with Council to provide any necessary infrastructure to support the potential development outcomes that might result from the Planning Proposal. Additional details are in the Planning Agreement section of this report further below.

PLANNING PROPOSAL ASSESSMENT

10. The Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the DPE’s *A Guide to Preparing Planning Proposals* and considers the State and local

planning strategies. It is consistent with Council's adopted Local Strategic Planning Statement (LSPS), Employment Lands Strategy (ELS) and Local Housing Strategy (LHS). Full details of this strategic planning assessment are contained within Part 3 of the Planning Proposal at **Attachment 1**.

11. The proposed R2 Low Density Residential is consistent with the surrounding R2 zoning and will be able to accommodate future residential development that is sympathetic to surrounding development, subject to future development application(s) and detailed assessment. The Planning Proposal will generate demand for infrastructure in this area, which can be addressed by a Planning Agreement (refer to Planning Agreement section of the report below). The loss of land zoned SP2 Infrastructure is not expected to impact upon the provision of schools in the area noting that the site (that is privately owned) has not been used as a school since prior to its sale in 2019, and that there are several existing educational establishments in the area, including the adjoining college to the west. Further, based upon the indicative subdivision plan, the existing buildings could be retained and used as an educational establishment into the future noting that an educational establishment is permitted with consent in the R2 Low Density Residential zone pursuant to the State Environmental Planning Policy (Transport and Infrastructure) 2021.
12. The Planning Proposal was subject to internal feedback from different sections within Council as part of the assessment process. Refer to the Planning Proposal at **Attachment 1**, and the Local Planning Panel (LPP) report at **Attachment 3** for comprehensive details of the planning assessment undertaken by Council officers.

PARRAMATTA LOCAL PLANNING PANEL

13. The Planning Proposal (**Attachment 1**) was considered by the LPP at the meeting of 18 October 2022. The LPP unanimously supported the Council officer recommendations in this report when it considered the LPP report at **Attachment 3** and recommends to Council that the Planning Proposal proceed to Gateway determination.

PLAN MAKING DELEGATIONS

14. 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.
15. 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

16. Council officers have identified the need for a Planning Agreement to accompany the Planning Proposal to address infrastructure demand. The

Planning Agreement will be structured to allow a base development scenario (based upon the Applicant's indicative subdivision layout comprising up to 2 residential allotments accommodating 4 low density dual occupancy dwellings and utilising the existing school building as a school or similar permitted use under the SP2 Zone) up to the maximum envisaged dwelling yield for the site (5 residential allotments accommodating 10 low density dual occupancy dwellings), effectively building a level of flexibility into the Planning Agreement.

17. The proponent provided a Letter of Offer on 29 September 2022 outlining a willingness to enter into a Planning Agreement associated with the Planning Proposal (**Attachment 2**). Based upon the Applicant's preliminary subdivision layout (the base development scenario) and input from Council officers, the Applicant has agreed to enter discussions with Council to either construct or provide a monetary contribution towards footpath upgrades along Pennant Hills Road, specifically between Gollan Avenue and Glencoe Avenue. The estimated cost for these works is up to \$300,000 for this portion of the footpath. The exact value of the works or monetary contribution payable under the base development scenario, will be resolved prior to public exhibition of the Planning Agreement.
18. The Planning Agreement will be structured so that any development scenario beyond the base scenario that introduces additional dwellings (up to the potential maximum of 5 residential allotments accommodating 10 dual occupancy dwellings) will require a monetary contribution of between \$45,000 to \$75,000 per dual occupancy. The exact figure payable is subject to negotiation with the applicant and will be agreed prior to the Planning Agreement being placed on exhibition. The monetary contribution would be utilised in the embellishment of public amenity within the vicinity of the proposed development.
19. The Planning Agreement will **not** exempt the Applicant from payment of applicable 7.11 contributions in accordance with the Outside CBD Contributions Plan
20. The Planning Agreement will be structured so that it will need to be re-negotiated, re-exhibited and reported to Council should a development application be lodged for a development scenario or land use that is not anticipated by the Planning Agreement as outlined above.
21. Refer to the LPP report at **Attachment 3** for further details of the Planning Agreement.

FINANCIAL IMPLICATIONS FOR COUNCIL

22. 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 will be funded from the City Planning and Design budget.
23. As has been noted, the applicant has offered to enter into a Planning Agreement to deliver local infrastructure improvements to address demand generated by the Planning Proposal. As the final development scenario will not be known until development application stage, a Planning Agreement will be

finalised that allows for variation in the works delivered to reflect the level of demand generated. These works may be delivered by a cash contribution and/or direct delivery. If the Planning Proposal proceeds to Gateway determination and public exhibition, the nature of the development proposed and the potential impacts on the finalisation of the Planning Agreement will be resolved prior to public exhibition and then considered further by Council.

24. The costs associated with the preparation, exhibition and finalisation of the draft Planning Agreement involve internal resources and legal costs. The developer will reimburse any legal costs relating to the Planning Agreement, which will then result in nil cost to Council for this item.
25. If Council resolves to endorse the recommendations of this report, the financial impacts on the budget are set out in the table below.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue				
Funding Source	N/A	N/A	N/A	N/A
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL	NIL	NIL	NIL
Funding Source	N/A	N/A	N/A	N/A
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	N/A	N/A	N/A	N/A

CONCLUSION AND NEXT STEPS

26. The Planning Proposal seeks to rezone the site at 8 Lincluden Place, Oatlands from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential in a manner considered acceptable by Council officers. It is recommended that Council endorse the Planning Proposal provided at **Attachment 1** and it be forwarded to the Department of Planning and Environment seeking a Gateway determination.

Grace Haydon
Project Officer

Michael Rogers
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David Birds
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Jennifer Concato
Executive Director City Planning and Design

Justin Day
Acting Executive Director Property and Place

John Angilley
Chief Financial and Information Officer

Bryan Hynes
Acting Chief Executive Officer

ATTACHMENTS:

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| 1 | Planning Proposal - 8 Lincluden Place, Oatlands | 47 Pages |
| 2 | Letter of Offer - 29 September 2022 | 1 Page |
| 3 | Local Planning Panel Report - 18 October 2022 | 14 Pages |

REFERENCE MATERIAL