

# Planning Proposal to amend Parramatta (Former The Hills Local Environmental Plan 2012

8 LINCLUDEN PLACE,  
OATLANDS

13 AUGUST 2021



QUALITY ASSURANCE	
PROJECT:	Planning proposal to rezone SP2 to R2.
ADDRESS:	8 Lincluden Place, Oatlands
LOT/DP:	Lot 3 DP775621
COUNCIL:	Parramatta City Council
AUTHOR:	Think Planners Pty Ltd

Document Management		
<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
<i>Sean Riddell</i>	<i>Draft Issue</i>	<i>10 August 2021</i>
<i>Reviewed by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
<i>Jonathon Wood</i>	<i>Submission Issue</i>	<i>13 August 2021</i>

# CONTENTS

<b><u>EXECUTIVE SUMMARY AND PURPOSE OF THIS REPORT</u></b>	<b><u>4</u></b>
<b><u>SITE ANALYSIS</u></b>	<b><u>5</u></b>
SITE AND CONTEXT	5
<b><u>CURRENT PLANNING PROVISIONS</u></b>	<b><u>7</u></b>
ZONING	7
<b><u>INTENDED PLANNING OUTCOME</u></b>	<b><u>9</u></b>
<b><u>JUSTIFICATION</u></b>	<b><u>9</u></b>
SECTION A: NEED FOR THE PLANNING PROPOSAL	9
SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK;	10
SECTION D: STATE AND COMMONWEALTH INTERESTS	19
<b><u>COMMUNITY CONSULTATION</u></b>	<b><u>20</u></b>
<b><u>PROJECT TIMELINE</u></b>	<b><u>21</u></b>
<b><u>CONCLUSION</u></b>	<b><u>22</u></b>

## EXECUTIVE SUMMARY AND PURPOSE OF THIS REPORT

Think Planners Pty Ltd has been engaged by the landowner of 8 Lincluden Place, Oatlands, to prepare and submit a planning proposal to the City of Parramatta Council in support of an amendment to The Parramatta (former The Hills) Local Environmental Plan 2012. The planning proposal has been prepared in collaboration with consultants including traffic and heritage to provide input on the amendments sought.

The planning proposal seeks to change the zoning from SP2 Infrastructure Educational Establishment to R2 Low Density Residential. There are no physical works proposed in the application. The driver for the planning proposal is to provide greater flexibility for the site in terms of land use permissibility and to provide a consistent approach to the land zoning of the site with the adjoining low density development.

The identification of the site as SP2 Infrastructure is not best practice when having regard to the preferred way of applying land zoning- noting the relatively small size and inconsequential historical use of the site. This is as compared to the direction by the Department of Planning and Infrastructure to only apply such a zone where a site is highly unlikely to be used for a different purpose (sewage treatment or cemeteries) or for major state infrastructure such as hospitals or universities and tafe facilities. The adoption of the R2 zone continue to permit the educational establishment use on the land, whilst enabling greater flexibility in terms of land use planning. No change is sought to the prescribed FSR of building height provisions.

The planning proposal considers and discusses the key issues for the additional permitted use sought and the related benefits for the local community. Having regard to the discussion and assessment provided within this report, Think Planners Pty Ltd have no hesitation in recommending that the Planning Proposal be submitted to the Department of Planning and Environment for Gateway Determination, following Council's review.

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment document 'A guide to preparing planning proposals' (August 2016).

Support for the planning proposal is sought and the subsequent referral to the Department of Planning and Environment for Gateway determination and public exhibition.



## SITE ANALYSIS

### SITE AND CONTEXT

#### Subject Site

The subject site is located on the southern side of the intersection of Pennant Hills Road and Gollan Avenue, Oatlands – as shown in the aerial photograph below. The site is separated by Pennant Hills Road from several educational establishments including The King’s School and Tara Anglian school.

The site is located within the Burnside Homes Heritage Conservation Area, however the building itself it not identified as a heritage item. The existing building on the site has previously been used as an educational establishment by the Royal Institute for Deaf and Blind Children who have subsequently sold the site.

A fuller discussion of the site’s context is provided further below.

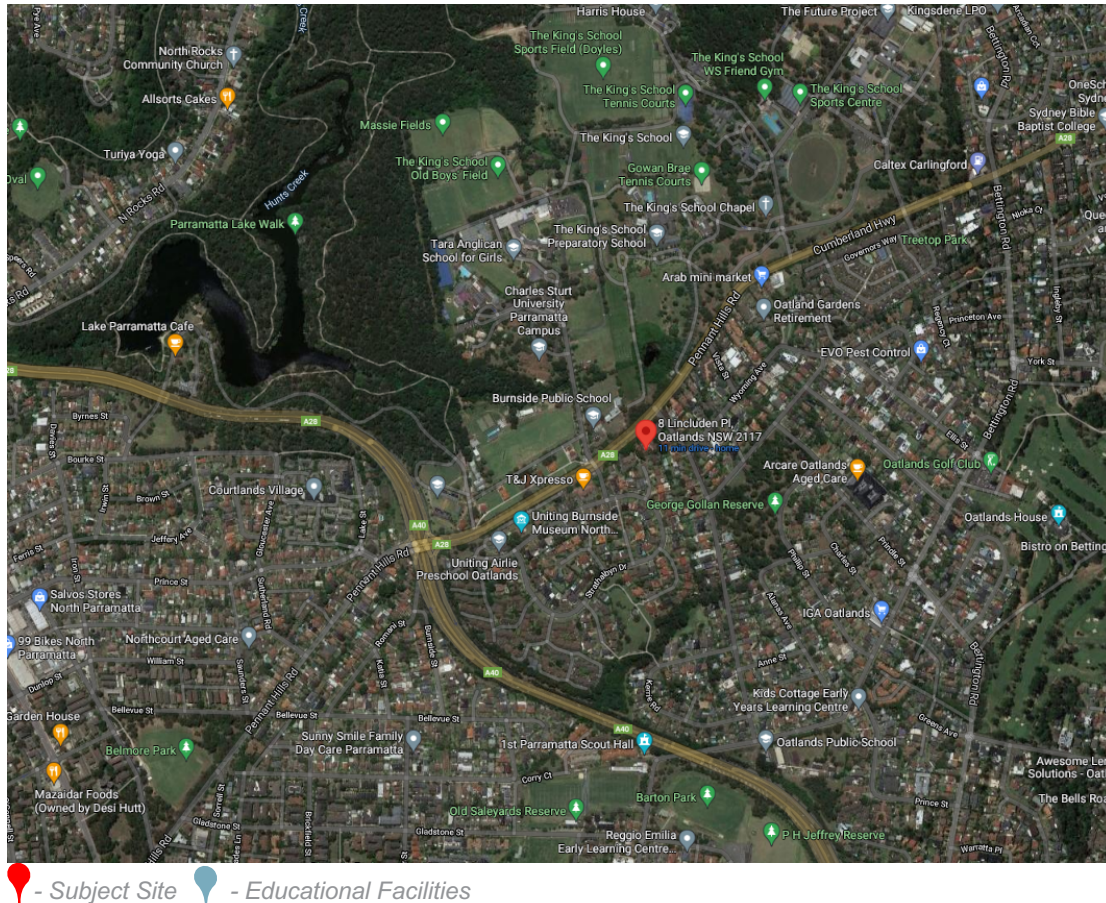
**Figure 1: Aerial photograph of the subject site (Source: Six Maps).**



 - Subject Site

An aerial map is provided below which shows the subject site and the broader area around the development site.

**Figure 2: Aerial Map Extract of the Subject Area (Source: Google Maps)**



Located in Oatlands, the site is within an established low density residential area that is well serviced by schools, commercial services, recreational and sporting opportunities.

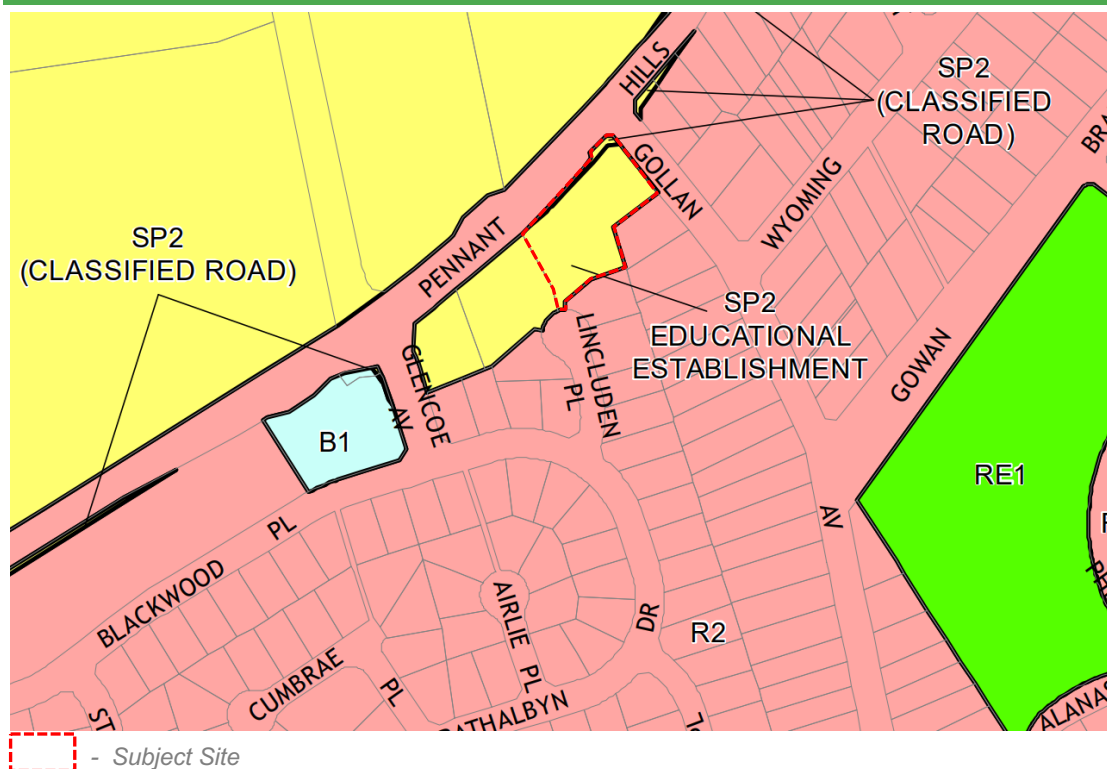


## CURRENT PLANNING PROVISIONS

### ZONING

The site is zoned SP2 Infrastructure - Educational Establishment, pursuant to The Parramatta (former The Hills) LEP 2012. The land to the north eastern corner is identified for road widening and is also zoned SP2. Land to the west is also SP2 Educational Establishment with the adjoining property being the Alan Walker College.

Figure 3: Land Zoning map extract, The Parramatta (former the Hills) LEP 2012 (LZN\_002).



The current objectives of the zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Arguably a small educational establishment does not necessitate an SP2 zoning, nor is the site appropriate for retention as SP2 on the basis of the detraction from the provision of infrastructure.

In simple terms the SP2 (Education) site to the north is entirely appropriate to adopt the SP2 zone given the multitude of large scale educational campus's- being Tara, Kings, Uniting Theological, and Burnside Public- amongst others. But this isolated pocket is not suitable to adopt an SP2 zoning and should reflect the underlying zoning of the residential area- in which educational establishments are permissible in any event.

The zone currently permits educational establishments with consent and nominates the following specified uses. This clearly reflects the narrow and restrictive zoning of the land.

## **2 Permitted without consent**

*Roads*

## **3 Permitted with consent**

*Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose*

## **4 Prohibited**

*Any development not specified in item 2 or 3*

This clearly reflects the narrow and restrictive zoning of the land.

Educational establishments are defined below;

**educational establishment** means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.



## INTENDED PLANNING OUTCOME

It is considered that the current SP2 Educational Establishment zoning is not appropriate for the site, and that the site should instead adopt the underlying zoning of the surrounding properties (R2 Low Density Residential).

## JUSTIFICATION

*The overarching principles that guide the preparation of planning proposals are:*

- *the level of justification should be proportionate to the impact the planning proposal will have*
- *it is not necessary to address a question see paragraph 2.3.1 of this guide if it is not considered relevant to the planning proposal. In such cases the reason why it is not relevant should be briefly explained, and*
- *the level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised within the time-frame proposed.*

The planning proposal is considered to result in minimal impact as it relates to a change in zoning only- with no change to FSR, height or the heritage identification. It is simply to reflect the underlying zoning of the land relative to adjoining sites.

The level of justification provided will be in proportion with the considered impact of the proposal- which is minimal noting future impacts will be considered at DA stage for any future use.

Given the small scale of the proposal, it is not considered necessary to address strategic planning framework such as the Sydney Metropolitan Strategy as it is simply not of relevance to such a minor change to the planning framework.

### SECTION A: NEED FOR THE PLANNING PROPOSAL

**Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

It is contended that a planning proposal is the best means of achieving the intended outcomes on the site given they relate to a site specific rezoning, and no other local LEP controls have been initiated as yet to facilitate the proposed amendment which would likely occur in the future as the site does not satisfy the general test for identification as an SP2 land parcel.

## SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK;

**Is the planning proposal consistent with the objectives contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

As previously discussed, given the small scale of the proposal, it is not considered necessary to address strategic planning framework such as the Sydney Metropolitan Strategy.

**Does the proposal have site-specific merit, having regard to the following?**

- *the natural environment (including known significant environmental values, resources or hazards) and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The development site is considered to have site specific merit for a rezoning.

The Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument) sets out 35 standard zones for councils to use when preparing new principal local environmental plans (LEPs) for their local government areas.

The site is currently zoned SP2 Educational Establishment.

The relevant parts of the core zone objective for the SP2 zone are detailed below;

### **SP2 Infrastructure**

*Infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned SP2, for example 'cemeteries' and major 'sewage treatment plants.'*

*It may also be appropriate for major state infrastructure or strategic sites such as major 'hospitals,' large campus universities/TAFEs, major dams, power stations, landfill or waste disposal sites, 'correctional centres,' and 'airports.' Areas of Commonwealth land used for Defence purposes should be zoned SP2 (Defence). A small minority of 'schools' across NSW may also be considered a strategic site.*

The subject site is not considered to be land that is highly unlikely to be used for a different purpose in the future.

The site is also not considered to be land appropriate for major state infrastructure or strategic sites.

Therefore, it is considered that the subject site has been incorrectly zoned and should be rezoned to R2 low density residential in order to be consistent with the surrounding locality.

The proposal will also have no impacts on the natural environment given the site is in an HCA and no change to the building is sought by this Planning Proposal and nor are there any traffic or heritage impacts.

Whilst the most recent use was a school surrounding development is residential in nature and hence the site should adopt that R2 zoning.

### **Is the planning proposal consistent with applicable state environmental planning policies?**

The consistency of the planning proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in the table below. Former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs have also been addressed.

State Environmental Planning Policy	State Environmental Planning Policy
State Environmental Planning Policy No 14—Coastal Wetlands	Not relevant to the proposal.
State Environmental Planning Policy No 19—Bushland in Urban Areas	Whilst the site contains vegetation any significant vegetation is capable of being retained.
State Environmental Planning Policy No 21—Caravan Parks	Not relevant to the proposal.
State Environmental Planning Policy No 26—Littoral Rainforests	Not relevant to the proposal.
State Environmental Planning Policy No 30—Intensive Agriculture	Not relevant to the proposal.
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Not relevant to the proposal.
State Environmental Planning Policy No 36—Manufactured Home Estates	Not relevant to the proposal.
State Environmental Planning Policy No 39—Spit Island Bird Habitat	Not relevant to the proposal.
State Environmental Planning Policy No 44—Koala Habitat Protection	Not relevant to the proposal.
State Environmental Planning Policy No 47—Moore Park Showground	Not relevant to the proposal.

State Environmental Planning Policy No 50—Canal Estate Development	Not relevant to the proposal.
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not relevant to the proposal.
State Environmental Planning Policy No 55—Remediation of Land	The site is not identified as contaminated.
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	Not relevant to the proposal.
State Environmental Planning Policy No 62—Sustainable Aquaculture	Not relevant to the proposal.
State Environmental Planning Policy No 64—Advertising and Signage	Not relevant to the proposal.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not relevant to the proposal.
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not relevant to the proposal.
State Environmental Planning Policy No 71—Coastal Protection	Not relevant to the proposal.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not relevant to the proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not relevant to the proposal.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	The rezoning will not affect compliance with this SEPP as the R2 zone is a prescribed zone and hence an educational establishment remains permissible on the site.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not relevant to the proposal.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not relevant to the proposal.
State Environmental Planning Policy (Infrastructure) 2007	Not relevant to the proposal.
State Environmental Planning Policy (Integration and Repeals) 2016	Not relevant to the proposal.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not relevant to the proposal.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not relevant to the proposal.
State Environmental Planning Policy (Major Development) 2005	Not relevant to the proposal.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant to the proposal.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not relevant to the proposal.



Stat Environmental Planning Policy (Rural Lands) 2008	Not relevant to the proposal.
State Environmental Planning Policy (Rural Lands) 2008	Not relevant to the proposal.
State Environmental Planning Policy (State and Regional Development) 2011	Not relevant to the proposal.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not relevant to the proposal.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not relevant to the proposal.
State Environmental Planning Policy (Three Ports) 2013	Not relevant to the proposal.
State Environmental Planning Policy (Urban Renewal) 2010	Not relevant to the proposal.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	There is no vegetation to be cleared for the planning proposal.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not relevant to the proposal.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not relevant to the proposal.

Deemed SEPP	Comment
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Not relevant to the proposal.
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	Not relevant to the proposal.
Sydney Regional Environmental Plan No 16—Walsh Bay	Not relevant to the proposal.
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	Not relevant to the proposal.
Sydney Regional Environmental Plan No 24—Homebush Bay Area	Not relevant to the proposal.
Sydney Regional Environmental Plan No 26—City West	Not relevant to the proposal.
Sydney Regional Environmental Plan No 30—St Marys	Not relevant to the proposal.
Sydney Regional Environmental Plan No 33—Cooks Cove	Not relevant to the proposal.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not relevant to the proposal.

## Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction as shown in the table below.

Direction		Comment
<b>1. Employment and Resources</b>		
1.1	Business and Industrial Zones	Not Applicable
1.2	Rural Zones	Not Applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not Applicable
<b>2. Environment and Heritage</b>		
2.1	Environment Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Consistent. The proposal will retain the HCA that applies to the site and proposes no change to the HCA or the way in which it applies to the land.
2.4	Recreation Vehicle Areas	Not Applicable
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	Consistent. The planning proposal does not propose physical works. However, if the site is to be redeveloped for low density housing in the future, a development application may be submitted to council and assessed with relevant impacts to be determined. It would be anticipated that the maximum development potential would create 2 new allotments facing Gollan Avenue having regard to the site context and lot size- however this is not an intended outcome or current aspect of the proposal. But it is a potential outcome that could occur.

3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Not Applicable
3.4	Integrating Land Use and Transport	Consistent  The site is within close proximity to existing public transport links.
3.5	Development Near Licensed Aerodromes	Not Applicable
3.6	Shooting Ranges	Not Applicable
<b>4.</b>	<b>Hazard and Risk</b>	
4.1	Acid Sulfate Soils	Consistent.
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	Consistent.  The site is not flood affected.
4.4	Planning for Bushfire Protection	The site is not affected by bushfire protection controls.
<b>5.</b>	<b>Regional Planning</b>	
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5, 5.6 and 5.7 - Revoked		
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable
5.9	North West Rail Link Corridor Strategy	Not applicable.
5.10	Implementation of Regional Plans	The planning proposal is consistent with the vision, land use strategy, goals, directions and actions that are presented in the Central District Plan.

6. Local Plan Making		
6.1	Approval and Referral Requirements	<p>Consistent.</p> <p>The Planning Proposal does not trigger the need for any additional concurrence, consultation or referral.</p>
6.2	Reserving Land for Public Purposes	The planning proposal does not seek to affect land reserved for public purposes.
6.3	Site Specific Provisions	The proposal does not seek to amend site specific provisions.
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent
7.2	Implementation of Greater Macarthur Land Release Investigation	This direction applies to land within the Greater Macarthur Land Release Investigation Area. The subject land is not within this Investigation Area.
7.3	Parramatta Road Corridor Urban Transformation Strategy	This direction does not apply to land within the Hills Shire.
7.4	Implementation of the North-West Priority Growth Area Land Use and Infrastructure Implementation Plan	This direction applies to land within the North-West Priority Growth Area. The site is not located within the North-West Priority Growth Area.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies to land within the Great Parramatta Priority Growth Area. This site is not located within this Priority Growth Area.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies only to land within Wollondilly Shire Council. The site is located within the Hill Shire.



**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The planning proposal is located within an existing urban area that has already been developed. Impacts on critical habitat or threatened species, populations or ecological communities, or their habitats is improbable and there is no initial evidence to support any concern in this regard. Tree retention can be managed on the site.

**Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

*Traffic and parking*

A Traffic Statement has been prepared for the planning proposal by The Transport Planning Partnership, which concludes that;

*“Whilst it is proposed to rezone the site to R2 zone, the existing buildings will continue be used as a school. Therefore, it is anticipated that the proposed change in zone would generate a similar level of traffic in comparison to the approved school development, which could accommodate up to 104 students.*

*The proposed rezoning of 8 Lincluden Place, Oatlands from SP2 Infrastructure to R2 Low Density Residential would have negligible traffic impacts on the surrounding road network, in comparison to the currently approved use.”*

Given this, the proposal is considered to have a negligible impact on traffic and therefore, is considered appropriate in this regard. Future consideration of traffic impacts will occur at DA stage.

*Heritage Impacts*

A Heritage Impact Statement letter was prepared by Weir Phillips Heritage and Planning, which states the following regarding the proposal;

***“Effect Of The Planning Proposal On The Heritage Conservation Area***

*The Planning Proposal is to change the Land Zone of the site from SR2:Educational Establishment to R2:Low Density Residential. The change in zoning will have no impact on the Burnside Homes Heritage Conservation. Area, in and of itself as there are no physical works proposed within the Planning Proposal. Any future work will require a comprehensive Development Application (DA) to be submitted to Parramatta Council, where the development will be assessed against the Parramatta (former The Hills) LEP 2012 and The Hills DCP 2012. As part of the DA a Heritage Impact Statement will be submitted to assess any impact on the Heritage Conservation Area and heritage item.*

### ***Effect Of Works On The Heritage Conservation Area In The Vicinity Of The Site***

*The proposed works will have no impact on the adjacent Heritage Item, Gowan Brae Group as the significant buildings within the heritage item are physically and visually remote from the subject site.*

### ***Conclusion***

*The site is located in the Burnside Homes Conservation Area and is currently zone SR2: Educational Establishment. This Planning Proposal to change the zoning to R2 : Low Density Residential will have no impact on the Heritage Conservation Area or the adjacent Heritage Item as there are no physical works proposed in the application. Any future building proposal for the site will require a Development Application that will be assessed against Councils LEP 2012 and DCP 2012 and will be accompanied by a Heritage Impact Statement."*

Given this, the application is deemed appropriate in regard to heritage impact and future applications will consider this further.

### ***Environmental Impacts***

Given that the planning proposal does not include physical works it will not have environmental impacts. Any future work will require a comprehensive Development Application (DA) to be submitted. At this stage the development will be assessed against the Parramatta (former The Hills) LEP 2012 and The Hills DCP 2012 and any environmental impacts will be considered.

### ***How has the planning proposal adequately addressed any social and economic effects?***

The proposed additional permitted use is very minor and will not have any adverse social and economic effects.

Future applications are likely to result in an increase of the availability of local employment opportunities.

Given that the site is to be rezoned to R2 Low Density Residential, consistent with the wider locality, it will not permit the construction of any land uses that will result in social impacts. Social impacts from future development applications on the site will be addressed by council.

## SECTION D: STATE AND COMMONWEALTH INTERESTS

### **Is there adequate public infrastructure for the planning proposal?**

The existing infrastructure and utilities available for this site will cater for the proposed zoning.

### **What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?**

Not applicable at stage.

## COMMUNITY CONSULTATION

Given this submission is to seek Council's endorsement of the planning proposal there has been no community consultation carried out to date. Community consultation will occur as part of the formal planning proposal process and the required public exhibition should the proposal proceed.

The level of community consultation will be carried out in accordance with Section 2.5 of *A Guide to Preparing Planning Proposals*.

The consultation program will include:

- Newspaper advertising in local papers
- Website information
- Letters to adjoining land owners and surrounding properties.



## PROJECT TIMELINE

The project timeline will be formulated by City of Parramatta Council and will be assessed by the Department and may be amended following Gateway.

Milestone	Anticipated date/s
Gateway Request	December 2021
Gateway Determination	February 2022
Government agency consultation	March 2022
Statutory exhibition – start / finish	April 2022
Consideration of submissions	May 2022
Submit to Department for finalisation	June 2022

## CONCLUSION

This planning proposal contains an explanation of the intended effect and justification for the amendment to the Parramatta (former The Hills) LEP 2012.

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, along with the Department of Planning and Infrastructures document “A Guide to Preparing Planning Proposals”.

The planning proposal considers and discusses the key issues for the proposed change of use.

Having regard to the discussion and assessment provided within this report, Think Planners Pty Ltd have no hesitation in recommending that the planning proposal be submitted to the Department of Planning and Environment for Gateway Determination, following Council’s review.