

ATTACHMENT 4 – Review of the permissibility of Places of Public Worship in the R2 Low Density Residential zone

1. Introduction

Council officers have conducted a review of the permissibility of Places of Public Worship (PoPW) in the R2 Low Density Residential Zone. This review responds to Council's resolution from 12 July 2021 (Item 17.3(a)(viii)) that adopted the Local Planning Panels (LPP) advice from 29 June 2021 to re-examine the permissibility of Places of Public Worship (PoPW) in the R2 zone following the adoption of the exhibited Harmonisation Planning Proposal that prohibited PoPW in the R2 zone and rezoned existing PoPW from SP1 to R2.

The review addresses the following:

- Relevant background including the historic permissibility of PoPW prior to the finalisation of the Harmonisation Planning Proposal and historic development activity relating to PoPW.
- State Government direction on PoPW permissibility (including relevant Practice Notes).
- The objectives of the R2 zone and the compatibility of PoPW in the R2 zone, and where PoPW are permitted in other zones.
- The number of existing PoPW operating under existing use rights in the R2 zone.

Three options for the permissibility of PoPW in the R2 zone have been prepared for Council's consideration to guide the development and management of this land use in the future, along with Council officers recommendation.

2. Background

2.1. Historic permissibility of PoPW

The permissibility of PoPW within the current City of Parramatta LGA has evolved since the formation of the new City of Parramatta in May 2016 when parts of the former Hills, Hornsby, Holroyd and Auburn Council arras were merged with the Parramatta LGA.

Table 1 below includes a concise summary of the changes in permissibility prior to the Harmonisation Planning Proposal being finalised and bringing into effect the consolidated Parramatta LEP 2023 (PLEP 2023) which applied across the new City of Parramatta boundary.

Table 1 - Summary of policy approach to PoPW between May 2016 to date

Timeframe	Explanation
May 2016 <i>Previous permissibility of PoPW at the time of council boundary changes</i>	<p>The permissibility of PoPW varied across the new City of Parramatta LGA following the council boundary changes in May 2016,</p> <p>Four of the five LEPs (Auburn, Hornsby, The Hills, Holroyd LEPs) permitted PoPW (such as churches) in the zone. The former Parramatta LEP 2011 (PLEP 2011) prohibited PoPW in the R2 zone, and existing PoPW in the PLEP 2011 were zoned SP1 Special Activities.</p> <p>The PLEP 2011 prohibited PoPW in the R2 because applications in the LGA tended to be for larger premises (over 250 seats) which served a broader catchment than the immediate neighbourhood. The PoPW also tended to propose longer hours of operation across more days of the week than traditional places of public worship, increasing the potential for traffic and amenity impacts.</p> <p>In addition, community concerns of amenity impacts on residential areas from noise, traffic, and parking congestion were also influential in the policy</p>

Timeframe	Explanation
	approach. As such, new PoPW were not considered compatible with the character and amenity of the R2 zone.
November 2019 <i>Proposed PoPW permissibility under the Harmonisation Planning Proposal</i>	<p>In the draft Harmonisation Planning Proposal (Harmonisation PP) reported to Council seeking approval to forward the proposal for a Gateway Determination, Council officers recommended to:</p> <ul style="list-style-type: none"> Prohibit PoPW in the R2 zone (consistent with the approach in the PLEP 2011) Rezone existing PoPW within the inherited council areas from R2 to SP1. <p>In November 2019, Council did not support Council officers' recommendation and resolved to:</p> <ul style="list-style-type: none"> Prohibit PoPW in the R2 zone (consistent with the approach in the PLEP 2011) Rezone existing PoPW zoned SP1 to R2.
August – October 2020 <i>Exhibited PoPW permissibility under the Harmonisation Planning Proposal</i>	<p>Council exhibited the Harmonisation PP with the following draft controls:</p> <ul style="list-style-type: none"> Prohibit PoPW in the R2 zone (consistent with the approach in the PLEP 2011) Rezone existing PoPW zoned SP1 to R2. <p>During the public exhibition of the planning proposal and Council received six (6) submissions opposing the rezoning and prohibition in the R2 zone due to impacts on the ongoing viability and expansion of PoPW and the need to rely upon existing use rights for continued operation. This would restrict any minor expansion on the existing site. A submitter recommended an Additional Permitted Use (APU) be applied to enable use beyond the limitations of existing use rights.</p>
29 June 2021 <i>LPP advice: post exhibition consideration of PoPW permissibility</i>	<p>The Local Planning Panel (LPP) made recommendations for Council to re-examine the permissibility of PoPW in the R2 zone as part of a future review in response to the outcome of the exhibition process.</p>
21 July 2021 <i>Council resolution: post exhibition consideration of PoPW permissibility</i>	<p>Council resolved to support the draft controls as resolved by Council in November 2019 and reexamine the policy approach to PoPW as part of a future review.</p> <p>The PP was sent off to the Department with controls that prohibited PoPW in the R2 zone and rezoned existing PoPW from SP1 to R2.</p>
3 March 2023 <i>Current permissibility in the PLEP 2023</i>	<p>The Harmonisation PP was finalised and brought into effect the consolidated PLEP 2023 which adopted the approach contained within the exhibited version of the Harmonisation PP which was to prohibit PoPW in the R2 zone and existing PoPW were zoned from SP1 to R2.</p>

2.2. Development activity relating to PoPW

The permissibility of PoPW within the former and current City of Parramatta boundary has varied over the last two decades. Council officers have reviewed development applications relating to PoPW in this timeframe to understand development trends as permissibility changed.

Over the last 20 years, a total of 37 applications¹ that relate to PoPW have been assessed by Council (see **Appendix 1** for detail). Based on the development activity in **Appendix 1**, the following conclusions can be made:

1. **The frequency of DAs for a new PoPW on land within the R2 zone was low when PoPW were a permitted land use** within parts of the new City of Parramatta between 2016 to 2023.
 - This could indicate R2 zoned land is not favourable for PoPW operators looking to establish a new PoPW.
2. **DAs for alterations and additions; expansions; extensions; and ancillary structures to an existing PoPW were frequent** on SP1 zoned PoPW sites between 2011 to 2023; and R2 zoned PoPW sites between 2016 to 2023 when PoPW were permitted in the R2 zone within parts of the new City of Parramatta between 2016 to 2023.
 - This indicates existing PoPW have the need to renew existing facilities and/or expand within their sites to cater for the evolving needs of their communities.
3. **DAs for a new PoPW were common within business or industrial zones** – i.e. business park, light industry, mixed use, and local centre zones (former B7, IN1, B4, B2) – where an application for a ‘change of use’ was lodged to convert an existing building into a PoPW between 2016 and 2023.
 - This could indicate land within these zones are more favourable than residential zones for the development of new PoPW.
 - In addition, PoPW in these zones can better manage the community concerns raised in **Appendix 1** relating to noise and amenity due to the other type of employment land uses permitted in these zones that also generated similar impacts.
4. Whilst the prohibition of PoPW within the R2 zone delivered via the PLEP 2023 has only been in force since March 2023, **the low DA activity since the prohibition could indicate the restrictiveness of relying on existing use rights for existing PoPW zoned R2**. DAs were for minor alterations only; and a Pre-DA did not progress to a lodged DA.

The above development trends and insight into the type and nature of development relating to PoPW has been used to inform the preparation of options relating to the permissibility of PoPW in the R2 zone. This is discussed below within ‘Options’.

2.3. State Government direction on PoPW permissibility

As a result of the Employment Zones Reform 2023, DPHI made changes to the permissibility of places of public worship and produced a guidance document ‘Allowing places of public worship in employment zones’ that outlined the changes to permissibility for a place of public worship.

The changes included mandating the use of a PoPW in the following employment zones:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- MU1 Mixed Use

¹ Note: The development application data collected has been compiled from an extraction of DAs lodged as a ‘Community Facility’ within Council’s Pathway System. ‘Places of Public Worship’ are lodged as a ‘Community Facility’ in the absence of a development category titled ‘Place of Public Worship’ in Pathway. Therefore, Council officers extracted ‘Community Facility’ DAs for the specified time periods and searched for any applications with the term ‘Place of Public Worship’ within the description. As such, the DAs presented in Appendix 1 may have omissions due to the way applications are categorised and described in Council’s system (e.g. if the description did not include the term ‘place of public worship’ it would not have been identified in the search). In addition, due to the Council boundary changes, the data presented for 2000 to 2016 excludes DAs from the former Hills, Hornsby, Auburn, and Holroyd, and only includes the City of Parramatta subject to the PLEP 2011.

As part of this process, the Department also provided direction for Council's when considering the introduction of PoPWs into the land-use table for a zone where a PoPW is not a mandated use. It states that councils should consider:

- the strategic intent of the zone,
- local circumstances,
- community needs, and
- future plans for the area.

2.4. Objectives of the R2 Zone and the compatibility of PoPW

Council officers recognise that PoPW contribute to the social and cultural needs of the City's diverse communities. A desktop study using spatial data indicates there are fifty-two (52) PoPW as identified in **Figure 1**.

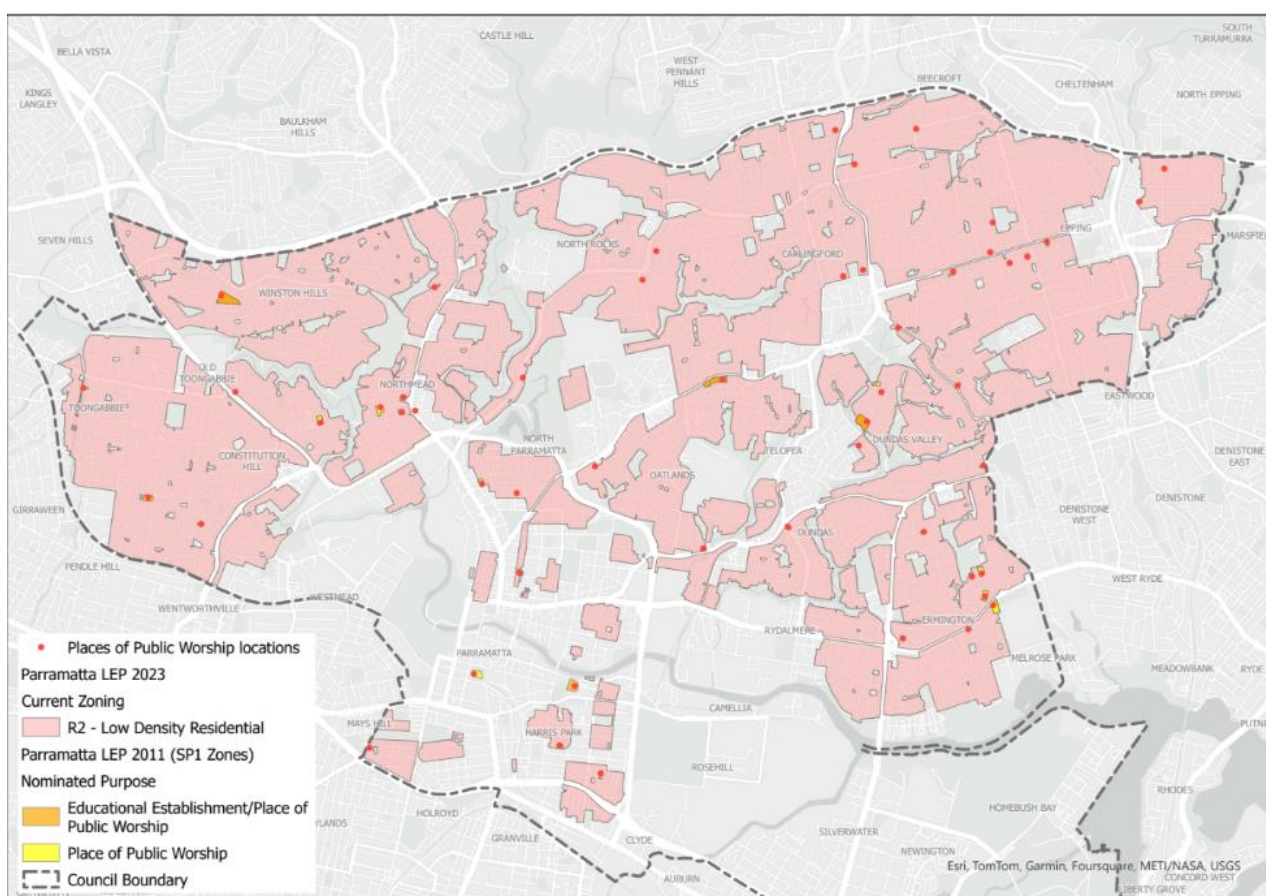


Figure 1: Indicative location of Places of Public Worship within City of Parramatta

Thirty-three (33) were previously zoned SP1 under the PLEP 2011, and the remaining nineteen (19) were inherited from the former Council areas where PoPW were permissible in the R2 zone².

These PoPWs were historically approved within the R2 zone under different LEPs and currently continue to operate under existing use rights given PoPWs are prohibited under the land-use table in the PLEP 2023.

PoPW are not a mandated use within the R2 Low Density Residential zone. As such, councils can determine the suitability of their inclusion in response to the characteristics of their LGA. As discussed above under

² Note: The exact location and property descriptions of the existing PoPW will be confirmed subject to what Option Council resolves to progress with (see Section 3).

'Background', council is to consider the strategic intent of the zone, local circumstances, community needs, and future plans for the area.

Under the provisions of the PLEP 2023, the objectives and strategic intent of the R2 zone are to:

1. *To provide for the housing needs of the community within a low-density residential environment.*
2. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
3. *To maintain the low density residential character of the area.*
4. *To ensure non-residential land uses are carried out in a way that minimises impacts on the amenity of a low density residential environment.*
5. *To provide a range of community facilities that serve the needs of people who live in, work in and visit the area.*
6. *To protect and enhance tree canopy, existing vegetation and other natural features.*

While PoPW can be classed as 'other land uses' that provide facilities or services to meet the need of residents (in alignment with Objective 2 above), often their building scale, hours of operation, and ancillary noise and traffic implications are incompatible with the low-density resident environment, character, and amenity referenced in Objective 1, 3, and 4.

Council has the obligation under Objective 4 to ensure that any non-residential land uses (such as a PoPW) minimises impacts on the amenity of low-density neighbourhoods. In addition, it is noted that a PoPW is excluded from the definition of 'community facility' within the Standard Instrument, and therefore is not considered to be in alignment with Objective 5.

2.5. Current permissibility of PoPW in the City of Parramatta

As discussed above, the standard instrument mandates the use of PoPW in specific residential zones and employment zones. The R2 zone is one of the few land use zones where permissibility is subject to Council's discretion.

While PoPW are not permitted in the R2 zone, **Figure 2** shows the other residential and employment zones where PoPW are permissible across the LGA under Parramatta LEP 2023. These zones are considered more suitable to accommodate for the scale and operational needs of PoPWs as they permit other uses with similar impacts. In addition, Part 4.4 of Parramatta DCP 2023 contains development controls to ensure PoPW are appropriately delivered in these zones where they are currently permissible.



Options for the permissibility of PoPW in the R2 Low Density zone

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	<p>not aligned to the R2 objectives and are not mandated uses for the R2 zone under the Standard Instrument, would increase demand on local roads, on-street parking, and amenity.</p> <ul style="list-style-type: none"> Will result in any new PoPW within other residential and employment zones that can more suitably manage traffic, noise and amenity impacts. Overall aligns with the R2 objectives above in ensuring non-residential does not impact on the low-density resident environment, character, and amenity. As per Point 1 in Section 2.2, DA lodgement for new PoPW within the R2 zone was low even when PoPW were permitted in inherited R2 areas from the boundary changes in May 2016, indicating that R2 zoned land has not been preferable for the establishment of new PoPW.
Weaknesses	<ul style="list-style-type: none"> Restricts opportunity for expansion of PoPW on the existing site as it would not allow alterations and additions outside of what permitted via existing use rights. Should the existing PoPW be required to be demolished for any reason, the landowner cannot 'rebuild' a new PoPW and the PoPW land use would be terminated.
Implementation	<ul style="list-style-type: none"> No action needed.
Option 2: Maintain Prohibition in R2 Low Density Residential Zone and add an Additional Permitted Use (APU) for existing PoPW <i>Staff recommendation</i>	
Strengths	<ul style="list-style-type: none"> Prohibits new PoPW within low-scale neighbourhoods. Allows existing PoPW to carry out alterations and additions to expand on their existing sites (subject to a development application) and provide greater flexibility than existing use rights. As concluded from recent DA data (see Section 2.2), alterations and additions were the prevalent type of development activity for PoPW when they were permissible in the R2 zone and SP1 zone. Therefore, Option 2 is aligned with industry demand and needs. PoPW already integrated into the R2 urban fabric, and surrounding communities have generally adapted to this existing non-residential land use within their neighbourhoods. Therefore, this option is less imposing than permitting use in R2 zone. Under this option, the proposed APU enables existing PoPW to lawfully demolish and rebuild a PoPW in the R2 zone without being limited to the existing use rights that are tied to Option 1. Minimises anticipated traffic and amenity impacts to result from proposed State Government Low- and Mid-Rise Housing Reforms which seek to introduce 'medium density' types of land uses in R2 zoned land within 800m around transport hubs and town centres (including terraces, town houses and manor houses). If PoPW were also permitted in the R2 zone, the cumulative impact from these land uses that are not aligned to the R2 objectives and are not mandated uses for the R2 zone under the Standard Instrument, would increase demand on local roads, on-street parking, and amenity. Consistent with Direction 2 from the Standard Instrument LEP 2006 to allow uses for particular land within a particular zone to be set out in Schedule 1 Additional Permitted Uses.
Weaknesses	<ul style="list-style-type: none"> An APU will retain PoPW as a permissible land use under the PLEP 2023 in perpetuity even if the existing PoPW is demolished. Option 1 alternatively would enable the PoPW to continue to operate under existing use rights, and should it be demolished, a new PoPW cannot be constructed - any new development would

	then be required to align with the R2 uses within the Land Use Table in the PLEP 2023. The APU enables expansion beyond existing use rights to respond to community needs; however, would 'cement' the PoPW land use even if the existing PoPW is demolished on the R2 zoned site compared to Option 1 which would require it to default back to an R2 land use if the PoPW was demolished.
Implementation	<ul style="list-style-type: none"> • Include in Parramatta Harmonisation Supplementary Matters and Housekeeping Planning Proposal - Add to APU Map and Schedule 1 of PLEP 2023.
Option 3: Permit PoPW in R2 Low Density Residential Zone with supporting LEP and/or DCP controls.	
Strengths	<ul style="list-style-type: none"> • Allow for existing PoPWs to expand within and beyond their sites. • Allow new PoPWs to be developed across the largest residential zone within the LGA and therefore closer to communities. • Built form controls (such as minimum lot size and street frontage) within the LEP would control where in the R2 zone new PoPW are permitted, with DCP controls to guide building envelopes and manage impacts.
Weaknesses	<ul style="list-style-type: none"> • Introduces a land use that conflicts with R2 objectives of ensuring non-residential land uses does not impact on the low-density resident environment, character, and amenity. • Based on the review of the community submissions to DAs in the R2 zones, this option is likely to result in additional objections from local residents due to amenity and character impacts (see Section 2.2 and Appendix 1). • Exacerbates anticipated traffic and amenity impacts to result from the exhibited State Government Low- and Mid-Rise Housing Reforms. The reforms propose to introduce 'medium density' types of land uses in R2 zoned land within 800m around transport hubs and town centres (including terraces, town houses and manor houses). If PoPW were also permitted in the R2 zone, the cumulative impact from these land uses that are not aligned to the R2 objectives and are not mandated uses for the R2 zone under the Standard Instrument, will increase demand on local roads, on-street parking, and amenity.
Implementation	<ul style="list-style-type: none"> • Progress as a standalone SSPP with an associated DCP amendment – not include in Parramatta Harmonisation Supplementary Matters and Housekeeping Planning Proposal.

3.1. Officer Recommendation

Council officers recommend the following option:

- **Option 2: Maintain prohibition in R2 Low Density Residential Zone and add an Additional Permitted Use (APU) for existing PoPW.**

As explained above, Council officers consider that Option 2 balances the ongoing function and operation of existing PoPW by allowing the expansion and/or redevelopment on existing sites (beyond the limitations of existing use rights), while ensuring any new PoPWs are developed in the other residential and employment zones more suitable to the increased traffic and noise likely to be generated by the land use. This option also responds to development application trends which were predominantly for alterations and additions to existing PoPW when they were a permitted land use.

Appendix 1

Table 3- Summary development activity relating to PoPW

Timeframe	Instrument & Permissibility	Development activity summary & community concerns
2001-2011 <i>Pre-Standard LEP Instrument</i>	Parramatta LEP 2001 PoPW were permitted in the R2 zone equivalent zone - Residential 2(a) PoPW also permitted in: <ul style="list-style-type: none"> - Zone 2B Residential - Zone 2C Residential - Zone 2D residential - Zone 3B Neighbourhood - Zone 3A Centre Business - Zone 4 Employment Zone - Zone 5 Special Uses - Zone 10 Mixed Use 	Development summary <ul style="list-style-type: none"> • One (1) DA for alterations and additions to an existing PoPW to build amenities block and car park in Residential 2(a) zone. Community concerns <ul style="list-style-type: none"> • Car parking.
2011-May 2016 <i>Implementation of PLEP 2011 (i.e. Standard Instrument) and Council boundary changes</i>	Parramatta LEP 2011 PoPW prohibited in R2 zone but existing PoPW zoned SP1 Special Activities. PoPW also permitted in following residential and employment zones: <ul style="list-style-type: none"> • R1 General Residential • R3 Medium Density Residential • R4 High Density Residential • B1 Neighbourhood Centre • B2 Local Centre • B4 Mixed Use • B5 Business development • B6 Enterprise Corridor • IN1 General Industrial • IN2 Light Industrial • IN3 Heavy Industrial 	Development summary <ul style="list-style-type: none"> • Nine (9) DAs largely for alterations and additions; minor works such as shade structures; and/or changes to operational needs at an existing PoPW. <ul style="list-style-type: none"> ○ DAs were on sites zoned SP1, and one site zoned R2 (i.e. former Residential 2(a)) that used existing use rights. • No DAs for a new PoPW. Community concerns <ul style="list-style-type: none"> • Parking, noise, compatibility with local character. <p><i>Note. Development data excludes data information prior to May 2016 for the Council areas that were inherited as a result of the Council Amalgamations (Hornsby, The Hills, Holroyd and Auburn). This means there may have been additional DA information for inherited land that is now within CoP boundary area however, these have not been accounted for within this part of the analysis.</i></p>
May 2016 to March 2023 <i>Council boundary changes and application of five LEPs and introduction of consolidated PLEP 2023</i>	Parramatta LEP 2011 PoPW prohibited in R2 zone but existing PoPW zoned SP1 Special Activities. See list in row above of permitted zones for PoPW under PLEP 2011. Auburn LEP 2010 PoPW permitted in: <ul style="list-style-type: none"> • R2 Low Density Residential • R3 Medium Density Residential • R4 High Density Residential • B1 Neighbourhood Centre • B2 Local Centre • B4 Mixed Use • B5 Business development • B6 Enterprise Corridor 	Development summary <ul style="list-style-type: none"> • Twenty (23) DAs determined during this timeframe. • One (1) DA for the construction of a new PoPW on R3 zoned land in Silverwater • Five (5) DAs for a change of existing use within an existing building to a PoPW with business or industrial zones – i.e. business park, light industry, mixed use, and local centre zones (former B7, IN1, B4, B2). • Remaining DAs related to redevelopment and/or expansion of existing PoPW including: <ul style="list-style-type: none"> ○ The demolition and replacement of PoPW (i.e. 'knock down/rebuild').

Timeframe	Instrument & Permissibility	Development activity summary & community concerns
	<ul style="list-style-type: none"> • RE1 Public Recreation • RE2 Private Recreation • SP1 Special Activities • SP2 Infrastructure <p>Hornsby LEP 2013 PoPW permitted in:</p> <ul style="list-style-type: none"> • R2 Low Density Residential • R3 Medium Density Residential • R4 High Density Residential • B1 Neighbourhood Centre • B2 Local Centre • B4 Mixed Use • B5 Business Development • B6 Enterprise Development • IN1 General Industrial • IN2 Light Industrial • IN4 Working Waterfront <p>The Hills LEP 2012 PoPW permitted in:</p> <ul style="list-style-type: none"> • R1 General Residential • R2 Low Density Residential • R3 Medium Density Residential • R4 High Density Residential • B1 Neighbourhood Centre • B2 Local Centre • B4 Mixed Use • B5 Business Development • B6 Enterprise Development • B7 Business Park <p>Holroyd LEP 2013 PoPW permitted in:</p> <ul style="list-style-type: none"> • R2 Low Density Residential • R3 Medium Density Residential • R4 High Density Residential • B1 Neighbourhood Centre • B4 Mixed Use • B5 Business Development • B6 Enterprise Development • IN2 Light Industrial 	<ul style="list-style-type: none"> ○ The expansion for additional halls, administration buildings, ancillary spaces to serve as teaching and/or community uses. • DAs were for sites that were zoned SP1 within the former Parramatta LGA however for the other Council areas, the DAs were for R2 zoned land which permitted PoPW within their LEPs at the time. <p>Community concerns</p> <ul style="list-style-type: none"> • Parking / impact on street parking, noise, amenity, lighting, signage, materials, and suitability to streetscape. • However, it is noted that not many DAs received submissions, therefore, the above issues are identified to a few DAs not the total 23.
<p>March 2023 to date</p> <p><i>Application of PLEP 2023</i></p>	<p>Parramatta LEP 2023</p> <p>PoPW prohibited in R2 zone and all existing PoPW rezoned R2.</p> <p>PoPW permitted in:</p> <ul style="list-style-type: none"> • R3 Medium Density Residential • R4 High Density Residential • E1 Local Centre • E2 Commercial Centre • E3 Productivity Support • E4 General Industrial • E5 Heavy Industrial • MU1 Mixed Use 	<p>Development summary</p> <ul style="list-style-type: none"> • Four (4) DAs for alterations and additions or minor works given limited to existing use rights. • One (1) DA under assessment for ancillary additions to an existing PoPW in an R3 zone (which permits the use). • One (1) Pre-DA for redevelopment an existing PoPW in an R2 zone. It was advised that development can only occur under existing use rights. The formal lodgement of a DA has not progressed. <p>Community concerns</p> <ul style="list-style-type: none"> • Nil

Timeframe	Instrument & Permissibility	Development activity summary & community concerns
<p>*Disclaimer:</p> <p><i>The intent of the review of development activity is to understand the quantity and types of developments that related to PoPW across the Parramatta LGA. The review and options presented throughout this document are limited to the information available to Council officers (including development database and properties identified as PoPW), which includes:</i></p> <ul style="list-style-type: none"> <i>Council's pathway database from 2000 to June 2024 and for DAs that are grouped as 'community facilities'. The applications were then filtered to analyse relevant DA information that inform the review of PoPW. This means that there may be additional information that has not been captured due to restricted access to information.</i> <i>Information for former Parramatta Council area within Council boundary between 2000 to May 2016, prior to Council's boundary changes.</i> <i>Development data for period between May 2016 to June 2024 which takes into account development activity for land within new City of Parramatta boundary that resulted from Council amalgamations.</i> <p><i>The development data excludes data information for periods prior to May 2016 from Council areas that were inherited because of the Council Amalgamations (Hornsby, The Hills, Holroyd and Auburn). This means there may have been additional DA information for inherited land that is now within CoP boundary area however, these have not been accounted for within this analysis.</i></p>		