



GATEWAY REVIEW

Justification Assessment

Purpose: To request that the Independent Planning Commission review the Gateway determination, taking into account information provided by Council and to provide advice regarding the merit of the review request.

DPE ref:	GR-2022-4
LGA:	City of Parramatta
LEP to be Amended:	Parramatta LEP 2011
Address/ Location:	Simpson Street, Lois Street and Naomi Street South, Winston Hills
Proposal:	Amend the Parramatta LEP to apply the Dual Occupancy Prohibition Map (prohibition map) to the subject sites
Review request made by:	<input checked="" type="checkbox"/> The council
	<input type="checkbox"/> A proponent
Reason for review:	<input checked="" type="checkbox"/> A determination has been made that the planning proposal should not proceed.
	<input type="checkbox"/> A determination has been made that the planning proposal should be resubmitted to the Gateway.
	<input type="checkbox"/> A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

Background information

Details of the planning proposal	<p>The planning proposal (Attachment PP) applies to 27 properties located on Simpson Street, Lois Street and Naomi Street South, Winston Hills (the subject sites). The objective of the planning proposal is to prohibit dual occupancy development on the subject sites, by applying the Parramatta LEP's existing dual occupancy prohibition map to the sites.</p> <p>Background</p> <p>The Department is concurrently finalising Council's Harmonisation Planning Proposal (PP-2020-3106), which seeks to consolidate the planning controls of five existing LEPs that apply in different parts of the City of Parramatta LGA into a single LEP. The Harmonisation proposal also seeks to expand the dual occupancy prohibition areas in the LGA.</p> <p>As part of the Harmonisation proposal, Council prepared a supporting LGA wide analysis identifying constraints to dual occupancy development (Attachment C). Council states this analysis justifies the Harmonisation proposal's inconsistency with Ministerial Direction 3.1 as it provides a consistent basis for identifying land appropriate for inclusion on the prohibition</p>
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map and meets a requirement of the Parramatta Local Housing Strategy (LHS) approval (**Attachment LHS**).

The subject sites at Winston Hills were not included in the land proposed for dual occupancy prohibition under the Harmonisation proposal as they were found to be of limited constraints. During the exhibition of the Harmonisation proposal numerous submissions opposing dual occupancy development in the Winston Hills area were received by Council. Subsequently, the Local Planning Panel recommended the prohibition of dual occupancies in the Winston Hills area be considered (**Attachment A**) and Council resolved to prepare a separate planning proposal for the subject sites (**Attachment B**).

The subject planning proposal includes a site specific assessment under the constraints identified in the Harmonisation proposal constraints analysis, as further justification for the proposal's inconsistency with Ministerial Direction 3.1 (**Attachment D**).

Site description

The subject sites consist of 27 properties located at 1 and 3 Simpson Street, 1-5 and 2-8 Lois Street and 5A, 51-61 and 64-82 Naomi Street South, Winston Hills. The sites are located to the west of Windsor Road, east of Model Farms Road, and directly south of the Winston Hillside Care Community, a seniors housing development. An approximately 90 metre long pedestrian path links the subject sites to Windsor Road. The sites are all within approximately 500 metre walking distance of existing bus stops on Windsor Road (a major bus corridor) and Model Farms Road (**Figure 1**).



Figure 1 The subject sites, highlighted in yellow (source: planning proposal)

The surrounding area along Windsor Road is generally characterised by a mixture of low and medium density residential development, aged care housing and commercial uses, including an early learning centre, eateries, and a swimming centre. Urban bushland separates the sites from the lower density residential area of Winston Hills to the west (**Figure 2**).

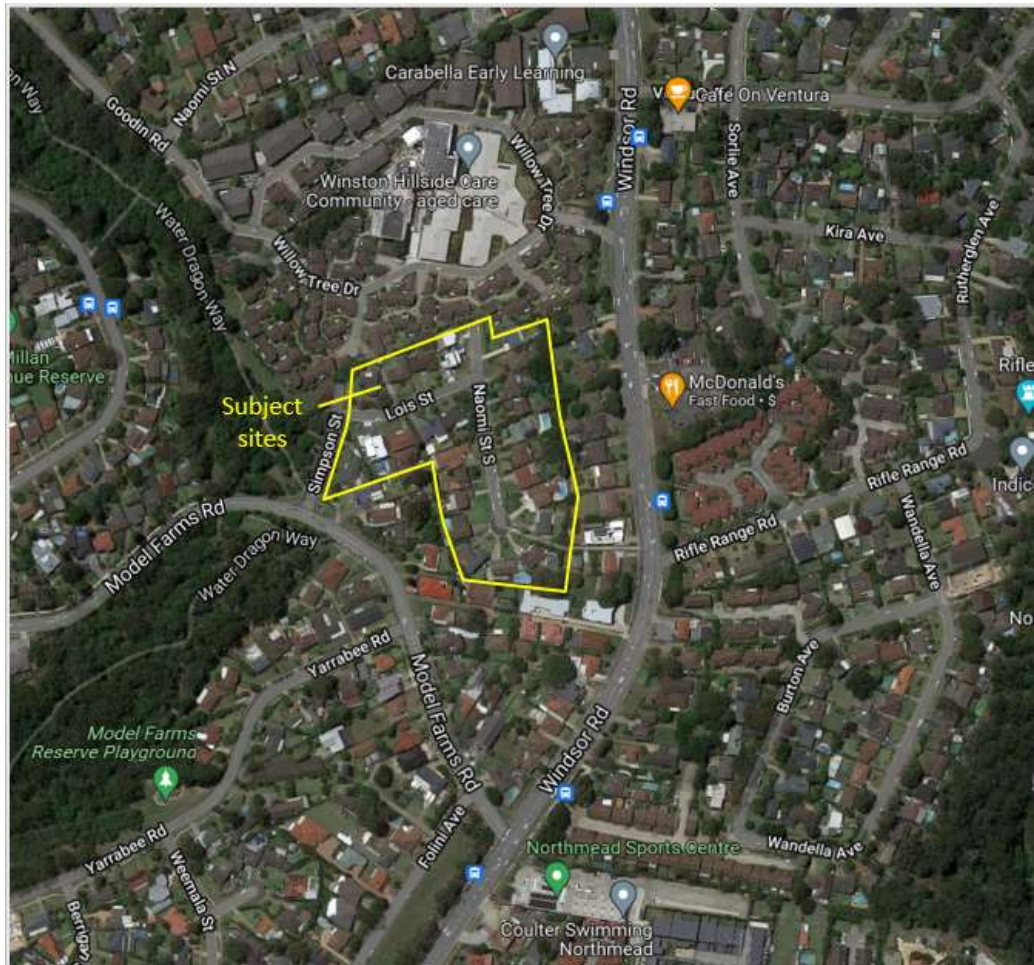


Figure 2 The subject sites and surrounding area (source: Google maps and DPE)

<p>Reason for Gateway determination</p>	<p>On 13 December 2021, a Gateway determination (Attachment Gateway) was issued which determined that the amendment to the Parramatta Local Environmental Plan (LEP) 2011 should not proceed.</p> <p>The Department considered that the planning proposal:</p> <ul style="list-style-type: none"> • Did not demonstrate strategic or site specific merit or consistency with the relevant priorities, aims or objectives of the relevant State and local planning strategies, including the Central City District Plan and Section 9.1 Direction 3.1 Residential Zones. • Was inconsistent with the key aims of these strategies and policies to encourage additional housing supply and diversity in suitable residential areas and efficient use of infrastructure. • Did not provide adequate justification and evidence for why a minor potential increase in housing (through dual occupancy development) in an existing residential area that is well serviced with infrastructure is inappropriate and should be prohibited. • Did not provide sufficient evidence for the constraints identified and was inconsistent with analysis provided in support of the Harmonisation proposal. The Department also considered that the site specific constraints identified
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	could be adequately addressed through other mechanisms, such as the development application process.
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Council views

Justification	<p>Council initiated a Gateway determination review on 31 January 2022 (Attachment Request and Attachment Review). Council is of the view that the Department’s assessment of the planning proposal does not:</p> <ul style="list-style-type: none"> • align with the strategic direction of Council’s endorsed approach for dual occupancy development for the LGA or aspects of Council’s LSPS, • give sufficient weight to Council’s ‘strong evidence-based case’ for the prohibition dual occupancy development on the subject land. • consider the best interests of the local community. <p>A summary of the Gateway review request justification is provided below.</p> <p><u>Consistency with strategic plans and merit</u></p> <p>Council does not agree with the Department’s assessment that the planning proposal is inconsistent with the Central City District Plan, relevant State and local planning strategies, and has not demonstrated strategic or site-specific merit or appropriate justification to support dual occupancy prohibition on the subject sites. A detailed response to the Department’s assessment is provide in Table 1 of the Gateway review (Attachment Review).</p> <p>Council does not agree that the planning proposal would redirect development to land with greater environmental constraints. The Dual Occupancy Constraints Analysis (Attachment D) which was prepared for the Harmonisation planning proposal identifies environmentally constrained land to ensure dual occupancies are only permitted in suitable areas.</p> <p><u>Evidence base</u></p> <p>Council does not agree that there is insufficient justification for prohibition of dual occupancy development on the subject land. Council officers are of the view that the ‘Site-Specific Assessment’ (Attachment C) provides sufficient justification for dual occupancy prohibition on the subject land.</p> <p>Council notes that the subject site is not in an identified Growth Precinct where future growth is prioritised and will lead to inefficiencies in new infrastructure requirements.</p> <p>Council is of the view the planning proposal provides sufficient justification and supporting information for approval and that the Department’s decision to refuse the planning proposal is unjustified.</p> <p><u>Local Planning Panel (LPP)</u></p> <p>Council acknowledges that the LPP has not considered the planning proposal.</p> <p><u>Community interest</u></p> <p>Council has clarified that submissions received in support of dual occupancy development in Winston Hills were from outside of the subject site.</p>
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Assessment summary

Department assessment	The Department notes the justification provided by Council officers on the Gateway review request. The Department does not consider Council’s review to have provided any further justification or evidence for the prohibition of dual occupancy development on the subject sites under the LEP. In summary, the
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Department recommends the Gateway determination is not amended for the following reasons:

Strategic merit

The Department maintains that the planning proposal has not demonstrated strategic or consistency with the relevant priorities, aims or objectives of the relevant State and local planning strategies, including the Central City District Plan, Ministerial Direction 3.1 Residential Zones, and the Parramatta Local Housing Strategy 2021 (LHS).

The planning proposal is inconsistent with the key aims of these strategies and policies to encourage additional housing supply and diversity in suitable residential areas and the efficient use of infrastructure. The planning proposal provides inadequate justification and evidence for why a minor potential increase in housing (through dual occupancy development) in an existing residential area that is well serviced with infrastructure is inappropriate and should be prohibited. The subject sites are generally located within 800m of sufficient urban infrastructure to support a minor residential density increase. This infrastructure includes services on nearby Windsor Road which has frequent bus services, neighbourhood shops, a child care centre, as well as existing roads, power, water and telecommunications.

The Department maintains that the planning proposal is inconsistent with the Parramatta LHS. The LHS was approved by the Department in July 2021, subject to requirements. This included deferring the action to expand dual occupancy prohibition areas sought in the Harmonisation proposal for further justification against Ministerial Direction 3.1 Residential zones when the proposal is assessed for finalisation and additional work on housing diversity precincts. See **Attachment LHS** (requirement 11) for exact wording.

As the Harmonisation proposal is not finalised, the Department does not consider that the consistency or justified inconsistencies with Ministerial Direction 3.1, or further work on housing diversity precincts, have been demonstrated. As such, requirement 11 in the LHS approval has not been satisfied.

Site specific merit

The Department maintains that the planning proposal has not demonstrated site specific merit.

The dual occupancy constraints analysis which was prepared as part of the Harmonisation PP (**Attachment D**) identifies the subject sites as an area with limited constraints, however the planning proposal's site specific assessment (**Attachment C**) identifies the subject sites as being 'highly constrained' based on substantially the same constraints criteria. Insufficient justification is provided as to why the constraints analysis for the subject area has changed. It is also considered that the site specific constraints described can be addressed through other mechanisms, such as the development application process.

The Department also notes there are areas in the vicinity with similar characteristics to the subject site that have not been identified as highly constrained.

Local Planning Panel

The Local Planning Panels Direction for Planning Proposals requires all planning proposals prepared after 1 June 2018 to be referred to the LPP for advice unless the council's general manager determines that the planning proposal relates to:

- (a) the correction of an obvious error in an LEP.

	<p>(b) matters that are of a consequential, transitional, machinery or other minor nature.</p> <p>(c) matters that councils general manager considers will not have any significant adverse impact on the environment or adjoining land.</p> <p>The Department notes Council's acknowledgement that the planning proposal has not been considered by the LPP. The Department also notes that Council has not indicated if its general manager determined the planning proposal did not need to be referred to the LPP.</p> <p><u>Community interest</u></p> <p>The Department notes the clarification provided by Council on the submissions received.</p> <p>Recommendation</p> <p>The Department recommends that no amendments to the Gateway determination are made.</p>
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Attachments

Material provided by Council	Attachment Request	Gateway Review Request Application Form – January 2022
	Attachment Review	Council Gateway review report – January 2022
	Attachment A	Report to Local Planning Panel and minutes – June 2020
	Attachment B	Report to Council and resolution – June 2020
	Attachment C	Site specific assessment – December 2019
	Attachment D	Dual occupancy constraints analysis – (undated)
	Attachment PP	Planning proposal – October 2021
	Attachment Gateway	Gateway determination and assessment – June 2020
	Attachment LHS	Local Housing Strategy approval – 29 July 2021

COMMISSION'S RECOMMENDATION

Reason for review: A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

Recommendation	<input type="checkbox"/>	The planning proposal should not proceed past Gateway.
	<input type="checkbox"/>	<input type="checkbox"/> no amendments are suggested to original determination. <input type="checkbox"/> amendments are suggested to the original determination.
	<input type="checkbox"/>	The planning proposal should proceed past Gateway in accordance with the original Determination.

Any additional comments: