



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

**RE: WINSTON HILLS GATEWAY
DETERMINATION REVIEW (GR-2022-4)**

DEPARTMENT MEETING

COMMISSION PANEL: PROFESSOR HELEN LOCHHEAD
(Panel Chair)

OFFICE OF THE IPC: LINDSEY BLECHER

DPE: JAZMIN VAN VEEN
JORGE ALVAREZ
ANGELA HYNES

LOCATION: VIA VIDEO CONFERENCE

DATE: 2.00PM, MONDAY, 11 APRIL 2022

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PROF. LOCHHEAD: Before we begin I'd like to acknowledge the traditional custodians of the land on which we meet today, wherever we may be, and pay my respects to the Elders past, present and emerging. Welcome to the meeting today to discuss the Winston Hills Dual Occupancy Prohibition Gateway Determination review currently before the Commission for advice. The planning proposal seeks to apply a dual occupancy prohibition map to the subject sites. My name is Helen Lochhead and I am the Chair of the Commission panel for this matter. I'm also joined today by Lindsey Blecher from the Office of the Independent Planning Commission.

10 In the interests of openness and transparency and to ensure the full capture of information today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. The meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice. It is important for the Commissioners to ask questions of attendees and to clarify issues when it is considered appropriate. So if you're asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put on our website as well. I request that all of you introduce yourselves before speaking for the first time and all members ensure
20 they do not speak over the top of each other to ensure accuracy of the transcript. So if that's clear we'll begin.

I just wanted to clarify that we have three people here today, Angela Hynes, Jazmin and Jorge so please introduced yourselves as you see fit when you speak. We have an opportunity for you to provide some opening comments to us. We've obviously read your report and we've also just spoken to council so we've got some questions that we will certainly address to you afterwards but you might just summarise how you've come to your conclusion and why you think this should be – the current zoning should be upheld.

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MS VAN VEEN: Would you mind if I shared a presentation to speak to?

PROF. LOCHHEAD: No, that would be great, thank you very much.

MS VAN VEEN: Just bear with me for a minute. Has that come through? Yes. So I just thought I'd do a quick introduction but if you've just spoken to council it may not be necessary and, sorry, I'm Jazmin Van Veen, I'm the Acting Director of the Central GOP Team at the Department of Planning. The sites we're talking about today are
40 27 properties in Winston Hills along Simpson, Lois and Naomi Street South. You can see on the map there quite close to Windsor Road with some bus stops and public transport services available there. There is also the pedestrian park that I just thought

I'd note there. So the planning proposal seeks to prohibit dual occupancies for the subject sites. As a bit of background, which I think is quite relevant for this proposal, the department's also finalising at the moment the Parramatta Harmonisation Planning Proposal which seeks to establish a new LEP for the new Parramatta LGA which brings in five LEPs under the existing arrangement into a single LEP.

10 So as some of that, councils had to look at how they harmonise those controls and it's primarily an administrative planning proposal but it does seek to introduce some policy changes and one such change is expanding the area where dual occupancies would be prohibited in the R2 zone. So Parramatta LEP already has some areas where it's mapped as a prohibited use despite the fact that it would be otherwise permissible in the zone and the planning proposal seeks to expand those areas where that would be prohibited. In the harmonisation planning proposal these sites were initially not included, they were considered to have limited constraints but there was a number of submissions received during the exhibition process and that prompted council to revisit these sites.

20 So we've just got a bit of a summary there of our initial assessment at gateway. We determined not to proceed with the planning proposal, to refuse it essentially. We didn't believe that it was sufficiently justified and it had some significant strategic merit issues. So this just touches a little bit on some of the discrepancies between the constraints analysis between the harmonisation planning proposal and the site-specific planning proposal. So as I mentioned before, these sites were found to be of limited constraints as part of the harmonisation planning proposal.

30 In the supporting information of the site-specific planning proposal there was a change in the weighting of the constraints and how they were measured and these sites were now determined to be highly constrained but were largely the same constraints. We don't really have a good understanding of why these constraints have changed and while we're still assessing the harmonisation planning proposal our initial assessment of the constraints for these sites is that a lot of the concerns could be assessed through, or addressed through the development application process.

If you've just spoken to council I probably don't need to touch too much on their views but they believe that it is strategically aligned, that their evidence base hasn't been given sufficient consideration and that we haven't considered the interests of the local community. And this is just a table which looks at how the weighting for some of the constraints have changed but I might stop sharing and then just - - -

40 PROF. LOCHHEAD: Just so we understand. How's that weighting changed? What was it before?

MS VAN VEEN: Yes. Jorge, you put together this table, would you mind speaking to the changes here in what the weighting change was given?

MR ALVAREZ: Yes, sure. So I'm Jorge Alvarez, I'm the Senior Planning Officer at the department. So in the initial harmonisation analysis that the council supplied us they actually didn't – they had the same weighting system but they didn't use the table, the same as this one, but basically they came up with conclusion that the sites had zero to one as their number. Now their weighting number is three but initially it was zero to one, they basically said that there were no constraints, so the site – what they classified as limited. So basically under the harmonisation one these would've been zeroes so there would've been virtually no constraints.

MS VAN VEEN: And I believe we provided both sets of the constraints analysis with the package but if that isn't the case we'd be happy to provide a copy of those to the Commission.

PROF. LOCHHEAD: I would note that – we didn't pick this up in the change in weighting in our enquiry with the council but they did say that, in fact, the strategic review of the areas for dual occupancy and prohibition was LGA-wide, it was high level GIS overview and was not, you know, place-specific. So it was only on investigation of the specific characteristics of this neighbourhood that these constraints were sort of identified as being of greater weight than the high level view.

MR ALVAREZ: Could I share a little thought on that? If you'd like to go back to the previous slide, Jazmin.

MS VAN VEEN: Yes.

MR ALVAREZ: Just there. No, the next one, sorry. So as you can see in that area that I circled they did find that the areas right nearby the subject site which is just down below it, it did actually find other sites that were in the area that were highly constrained and they were looking at exactly the same material.

PROF. LOCHHEAD: Sorry, it's a little bit hard to see that. Can you zoom in on that little circled area a little bit more because it looks like it's not the same area.

MR ALVAREZ: So this is – the subject site's the light blue area.

PROF. LOCHHEAD: Okay.

MR ALVAREZ: And the area to the north that's circled they actually use the same criteria, narrow streets, traffic impacts, cul-de-sac land, all the same criteria found these points to be constrained but didn't nominate those ones to actually be prohibited. So it seems to be that it's just a reaction to the petition by 11 properties out of the 27 who said that they didn't want – they wanted to be in the prohibited area but I believe that's not strategic thinking, that is just a knee-jerk reaction really.

10 PROF. LOCHHEAD: And I don't know whether there's a segway between those two points because it could be the – if you look at the characteristics of the sites up the north and based on that one would come to the same conclusion. It may well be that they just didn't pick it up. So it could be - - -

MR ALVAREZ: Well, they used the same criteria on both mapping so I can show you another map from the actual harmonisation constraints where they actually already have identified those streets that they now say that they didn't realise were narrow cul-de-sacs and they actually identified them as narrow streets and cul-de-sacs in the harmonisation.

20 PROF. LOCHHEAD: We could provide that afterwards if the Commission was interested. Look, I would just say just looking without the benefit of the other ones you're referring to, just looking at the plan there, the area in the yellow has less constraint than the subject sites because it has road access, you know, two means of egress to a main – to a collector road and a main road. The area in red obviously is more constrained but it's not dissimilar to the site that's in scale to the one in the subject site. So - - -

MR ALVAREZ: But that wasn't nominated for prohibition.

30 PROF. LOCHHEAD: The red one?

MR ALVAREZ: The red one, that's right. None of these areas were nominated – none of those areas in yellow or red were nominated for prohibition.

PROF. LOCHHEAD: Yes. So that's probably (not transcribable).

MR ALVAREZ: Even though they're more highly constrained.

40 PROF. LOCHHEAD: Well, the yellow one is not more highly constrained, it's less constrained. It has (not transcribable) along that block. The main thing that they identified was traffic and parking. So anyway, your point is made so we'll take that on – we'll note that point. I'm sure when you do a GIS study across a whole

amalgamation of five LEPs there are going to be some errors and some anomalies so I think that one can actually bear that in mind. The second point that was made by council was that – actually you can probably stop sharing now. Have you finished your presentation?

MS VAN VEEN: Yes, I can stop sharing.

10 PROF. LOCHHEAD: We can always bring it up again if we need to. One point that was really made by the council which had some weight on the issue is that this dual occupancy now under the more recent rules can be applied for through a CDC planning development application and so there isn't necessarily a DA process and if you think about, you know, the fastest pathway to approval you are not going to choose a DA pathway if you could get a complying development application through which also gives council limited or no opportunity to actually use the development process to provide some checks and balances that you would be able to implement through a CDC and also there's limited opportunity for neighbours to make submissions, you know, it's limited to notification. So when the application's been made and they get notified next door at that time. So did you take this into account in your consideration of this proposal?

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MS VAN VEEN: I think the complying - - -

PROF. LOCHHEAD: This new landscape which is now – which has changed in recent times because they've just said, for example, they have three new approvals and two of them have gone now through the CDC process.

30 MS VAN VEEN: Yes. But I think the CDC process could address parking, for example. It does set controls for parking and that would be required to be considered in the issue of a CDC. It also encourages that a landowner would engage with their neighbours but I accept that that isn't always the case. It isn't the same as the required map notification process. We were aware of the SEP changes when we considered this proposal but I don't think that precludes the decision that we've made and if we are able to I'd also like to discuss the strategic merit considerations that we've made in our decision.

PROF. LOCHHEAD: We can come to that in a moment.

MS VAN VEEN: Yes.

40 PROF. LOCHHEAD: So when you say address parking you mean provide more onsite parking or what are you actually talking about?

MS VAN VEEN: They do have to provide parking as part of the CDC for dual occupancy is my understanding.

PROF. LOCHHEAD: Yes. But that's kind of an expectation but it's more the sort of the flow-on parking. So that you have twice as many dwellings, you're probably going to have twice as many visitors; therefore, it's more demand on the street network in terms of kerbside parking where you've actually taken out twice as much kerbside parking because you've increased all the driveway thresholds across the
10 footpath. So there are knock-on effects of increasing density on overflow parking especially on narrow streets, again it's just connectivity to the network. So I take your point but I think it's still quite limited in terms of what the council can do.

In terms of mitigation you talked about, well, some of these things can be mitigated so I just noted one which I think is quite difficult to mitigate in reality and you talked about the DA process enabling that to aid mitigation. If the opportunity is through DCP and DCP controls and with the DA process are limited what were the mitigation measures that you thought could be undertaken and how would you envisage they
20 would be undertaken to ensure the amenity impact which has been identified by council and the community would be addressed?

MS VAN VEEN: Sure. So obviously through a development application process there's consideration for a number of facets and that is informed by a development control plan. Council, if they were particularly concerned, would look at DCP provisions. I do understand that there is already a set of DCP controls which I imagine would address things like privacy and amenity considerations that would then inform the assessment of a development application and as you pointed out, there is the notification opportunity as well so if there was a particular site-specific concern with an affected landowner they would have that opportunity through the DA process to
30 engage and advocate for a particular outcome.

PROF. LOCHHEAD: If they do a CDC pathway what would you say were the means to do it that way?

MS VAN VEEN: There are quite a number of considerations under the complying development code for privacy and amenity impacts that's build into that process. I don't have them at hand but from memory there are things like privacy screens are required, the placement and location of windows needs to be considered for overlooking where your bedrooms are, those sorts of things. We can take that away
40 and provide further information if the Commission likes but I do take your point, it

isn't as – it doesn't allow for as much merit assessment as a development application process.

PROF. LOCHHEAD: Because I also think that from council's presentation today they identified that traffic and parking was the critical issue so you'd identified in terms of privacy and amenity and those sorts of things would not seem to be the critical dealbreakers. I mean, obviously they're all considerations in terms of planning assessment but - - -

10 MR ALVAREZ: Could I - - -

PROF. LOCHHEAD: Sorry, just let me finish for a moment. Obviously provides limited opportunity to delve into the street capacity and network issues. Sorry, Jorge, you can - - -

MR ALVAREZ: Sorry. Could I just mention something about their arguments around traffic? The two streets combined are only about 200 metres long so it's not like there's going to be – and only 27 properties so even a doubling of that council hasn't provided any sort of traffic – I believe traffic study to prove that it's going to
20 create congestion and then they also make a very strong point about the stub roads that are going to limit - - -

PROF. LOCHHEAD: Sorry, can you say - - -

MR ALVAREZ: The stub roads. Two cut-off roads that were created when – for the aged housing to the north was put into place and they make a big – they make quite a lot of argument around how they cut the service but one of the stub roads doesn't actually lead anywhere, doesn't service any properties and the other stub road is only 30 metres long. So it's – I think that the fact that they haven't actually done a traffic
30 investigation into what the traffic impacts are going to be I think sort of would undermine any substantive arguments around traffic impacts.

PROF. LOCHHEAD: Well, I don't disagree, you know, in a holistic sense but as you know the traffic impacts are mostly at morning and evening peak and they all happen at the same time. It's not necessarily the total quantum, it's just whether one does the same thing at the same time everyday especially during the weekdays and I think the other issue with the stub roads is it makes it difficult to do a three-point turn without relying on people's driveways. So you're relying on borrowed space to complete a three-point turn because obviously you can't do a complete full turn. So, I mean, in
40 terms of again the planning, you wouldn't plan that in a (not transcribable) division, which is, I guess, ostensibly what we're sort of turning to once it's fully redeveloped.

MR ALVAREZ: I mean, I hear the point but it's a very short stub road, it's 25 metres long.

PROF. LOCHHEAD: And I don't disagree with that but, you know, we're just trying to assess the pros and cons of all of the considerations.

MR ALVAREZ: I think they failed to make much of – they said that the site's not very pedestrian connected but they've sort of failed to take into consideration that
10 pathway that leads directly onto Windsor Road and Windsor Road actually has a lot of services along in that area. There's a McDonald's and a café across the road, a sports centre, an early childhood learning – yes, early childhood learning centre and they're all within walkable distance too. So I don't think this is one of those – a location where car use isn't essential.

PROF. LOCHHEAD: It may be not essential, it may be what people do, yes. I think we did point out the pedestrian pathway and they acknowledged that pedestrian pathway. They also acknowledged that transport was not the issue but it was more the
20 sort of reliance on traffic, cars and parking in this area that was the issue that was the tipping point. The other issue that we talked about was the strategic merit and we talked about it's not sufficiently justified that because of the change in weighting and constraints could be address in the DA process but we've also acknowledged that the CDC process provides less opportunity for checks and balances and then you've also mentioned that their argument didn't address the pedestrian pathway and the amenities which are accessible on foot but the strategic merit you wanted to talk to as a headline. Did you want to talk about that, Jazmin, or Jorge or - - -

MS VAN VEEN: Yes, I'm happy to start and perhaps Jorge might jump in. He was the assessing officer so obviously is quite close to this issue. So as part of the
30 department's consideration of council's local housing strategy it was given conditional approval and one of the conditions related specifically to this dual occupancy issue and the wording I don't have in front of me but it speaks to a need for the harmonisation process to further consider whether this expansion of dual occupancy prohibition is appropriate and can be justified against the 9.1 directions and as I mentioned in my presentation we are still undertaking that assessment of the harmonisation planning proposal and we haven't made a decision on that LEP as yet.

So, I suppose, in terms of meeting the 9.1 directions it's not possible that this proposal could speak to encouraging a variety of choice in housing types or meeting future
40 housing needs or making efficient use of existing infrastructure and the justification would probably be the local housing strategy but it has these conditions on it that

haven't yet been met. I think that's probably what I'd like to say on that. I don't know if, Jorge, you have anything further or if we'd prefer to just maybe see if there's any questions.

PROF. LOCHHEAD: I'm just a bit confused what you're saying. You haven't completed your assessment on the harmonisation process but you're saying that they haven't done an appropriate evaluation, just identified that an expansion of the prohibition areas is justified?

10 MS VAN VEEN: That's what the assessment – the finalisation assessment of the harmonisation planning proposal will determine. Obviously council has put forward their justification but the department hasn't yet come to a decision on whether that is appropriately justified because it does seek to expand dual occupancy prohibition in quite a large area of the LGA. So I take that the Commission is only looking at these sites but we're looking at it as part of a broader piece in the harmonisation planning proposal process.

PROF. LOCHHEAD: So the prohibition – the expansion of the dual occupancy prohibition expands much more than what there was previously?

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MS VAN VEEN: Yes, that's correct. Through the harmonisation planning proposal that is the intent that council is seeking that it would be expanded.

PROF. LOCHHEAD: Because, I think, from our understanding rather than just bringing them all together when they went out and did an informal consultation there was quite a lot of diversities about increasing and decreasing and I thought, well, before we harmonise five distinct LEPs we probably should do a strategic review and impose criteria notwithstanding it's very high level and they came up with, you know, the various conclusions which probably increased those areas of prohibition in places.

30 Are you saying that that process isn't compelling or wasn't convincing or not thorough enough or - - -

MS VAN VEEN: I would say that the gateway determination stage for the harmonisation planning proposal the department did raise some concerns and there were conditions applied on that gateway determination that required further justification. The planning proposal has now been submitted to the department for finalisation and we're now assessing the suitability of that justification that council's provided and we haven't yet come to a decision that I can share with the Commission.

40 PROF. LOCHHEAD: But when you asked them for more detailed information about that justification it included things like traffic studies or - - -

MS VAN VEEN: No, there wasn't traffic studies. They've provided a bit more analysis on what the – the number of dwellings and lots that would be impacted by the proposed increase in dual occupancy prohibition under the harmonisation proposal and there's a bit more detail around, yes, the number of lots, where those lots were that we perhaps didn't have a gateway determination.

10 PROF. LOCHHEAD: I did note that within their dual occupancy zones they'd noted that they were supportive of housing diversity but they did note that in the dual occupancy zones that they have they still have 50 years of supply.

MS VAN VEEN: That is one of the pieces of justification that's been put to us that we're assessing as part of the harmonisation.

PROF. LOCHHEAD: Is that accurate?

MS VAN VEEN: Yes, that's what we need to assess.

20 PROF. LOCHHEAD: Yes. And they also noticed that that exceeded their housing target so that's also - - -

MS VAN VEEN: I think in that respect for the Commission's consideration I would just note that most of that has been through high density residential flat buildings.

PROF. LOCHHEAD: Yes. But he did – well, I think the validation of the 50 years of supply is something we'd be interested in. He did note that that was the two dual occupancy zones in the LEP that he was talking about in terms of - - -

30 MS VAN VEEN: We could provide, if you would like, some comments following this meeting on the supply aspect. I don't have that at hand.

PROF. LOCHHEAD: Yes. Because I think housing diversity is obviously an important consideration when we're looking at this harmonisation process.

MS VAN VEEN: Yes.

40 PROF. LOCHHEAD: That would be great. I mean, there was the issue of (not transcribable) impact, the lot size constraints, I mean, they all complied and we note that there's adequate – I mean, there is pedestrian – the tree cover they said wasn't one of their issues or housing supply which was talked about. Lindsey wanted to talk to

you about the revised section 9.1 directions and whether that has an impact. Lindsey,
do you want to just - - -

MR BLECHER: Sure. Thanks, Helen. Lindsey Blecher, IPC. Just wanted to confirm
whether the changes or the updates to the section 9.1 directions have included any
substantive changes that would affect your assessment?

10 MS VAN VEEN: No. I think the most relevant 9.1 for this proposal is the residential
zones 9.1 and that's largely as is, it's really just been sort of a rename in my
understanding.

MR BLECHER: Thank you.

PROF. LOCHHEAD: Lindsey, do you have anything else that you wanted to ask?

MR BLECHER: Maybe one further question please, Helen. Just on pedestrian
connectivity, what's the department's view of how well-connected the area is for
pedestrians?

20 MS VAN VEEN: As we touched on a little earlier there is the pedestrian link through
to Windsor Road where there is a couple of services that Jorge touched on as well as
bus stops that provide access to Parramatta CBD and beyond and more local services
as well.

MR BLECHER: Thanks.

PROF. LOCHHEAD: Well, is there any other points that you would like to make that
we haven't drawn up through our questions?

30 MS VAN VEEN: No, that's fine, thank you.

PROF. LOCHHEAD: Well, thank you for your time today and if perhaps you could
come back to us with regard to the housing supply and the housing diversity issue - - -

MS VAN VEEN: Yes, absolutely.

PROF. LOCHHEAD: - - - it would be appreciated. Thanks very much.

40 **MEETING CONCLUDED**