

Planning Proposal for Lot 11 Butu Wargun, Pemulwuy- Preliminary Post Exhibition Report

| | |
|-------------------------|---|
| Responsible Department: | Environment & Infrastructure Division |
| Officer: | Group Manager Planning |
| File Number: | HC-23-08-25 |
| Delivery Program Code: | 5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitating appropriate development. 8.1.1 Oversee and implement Council's Residential Development Strategy and appropriate housing opportunities through land use planning. 8.2.1 Ensure housing growth is focused around centres and planning controls do not compromise housing affordability. 9.3.1 Ensure planning and development implements Environmentally Sustainable Design principles. |

| | | |
|--|--|--|
| Application lodged | 19 September 2016 | |
| Applicant / Proponent | Think Planners Pty Ltd / Revelop Building and Development Pty Ltd | |
| Owners | Boral Resources (NSW) Pty Ltd | |
| Description of Land | Lot 11 Butu Wargun, Pemulwuy , Lot 11 on DP1162280 | |
| Proposal summary | Seeks to rezone part of Lot 11 from R4 to R3 to facilitate dwelling houses, dual occupancies and semi-detached dwellings, whilst retaining the residual of the site as R4. | |
| Site Area / Description of existing use | The subject site is approximately 3.07ha. A subdivision was approved (DA2010/382/1) to create forty four (44) allotments including 39 residential lots, 4 residual lots (To be retained for high density housing) and 1 public reserve/open space. | |
| Existing Zoning and Planning Controls | Land use zoning Maximum building height Floor space ratio (FSR) Minimum Lot Size | R4 High Density Residential 12.5m 0.85 900sqm |
| Proposed Zoning and Planning Controls | Land use zoning Maximum building height Floor space ratio (FSR) Minimum Lot Size | R3 Medium Density Residential 10m 0.7 300sqm |
| Heritage | Not applicable | |
| Disclosure of political donations and gifts | Nil | |
| Previous Considerations | Approved subdivision DA2010/382/1 | |

SUMMARY

The purpose of this report is to acknowledge and respond to the submissions received during the preliminary community consultation period of the Planning Proposal request for Lot 11 Butu Wargun Drive. The Planning Proposal seeks to rezone the subject site from R4 High Density Residential to R3 Medium Density Residential to enable dwelling houses, dual occupancies and semi-detached dwellings. The report recommends that the Planning Proposal be forwarded to the Department of Planning and Environment for gateway determination.



Figure 1: Locality Map for Lot 11 Butu Wargun Drive, Pemulwuy

REPORT

1. Background

On 19 February 1999, SEPP 59 zoned the subject site “residential” permitting a range of residential land uses ranging from dwelling houses, dual occupancies through to residential flat buildings. In accordance with SEPP59 a precinct plan was then adopted for the precinct known as Greystanes Estate.

In 2010 a subdivision was approved (DA2010/382/1) to create forty four (44) allotments including 39 residential lots, 4 super lots and 1 public reserve/open space lot over the subject site. However, since the implementation of the Holroyd LEP 2013, the site has been zoned R4 High Density Residential.

The current R4 zoning prohibits dwelling houses, dual occupancies and semi-detached dwellings. As a result the applicant is seeking to rezone part of the subject site to R3

Medium Density Residential to allow the above mentioned residential uses to be established on individual titles.



Figure 2: Map showing proposed rezoning to R3 Medium Density Residential

Review of Planning Proposal

A Planning Proposal request was lodged 19 September 2016 seeking to rezone Lots 102-120 & 124-143 (Red) from High Density Residential (R4) to Medium Density Residential (R3) in order to facilitate dwelling houses which are prohibited under the High Density Residential (R4) zone. Furthermore, the proposal seeks to retain High Density Residential (R4) over proposed super lots 101 and 121-123 (Blue) as featured below (Figure 3). A copy of the Planning Proposal report has been included in attachment 1.

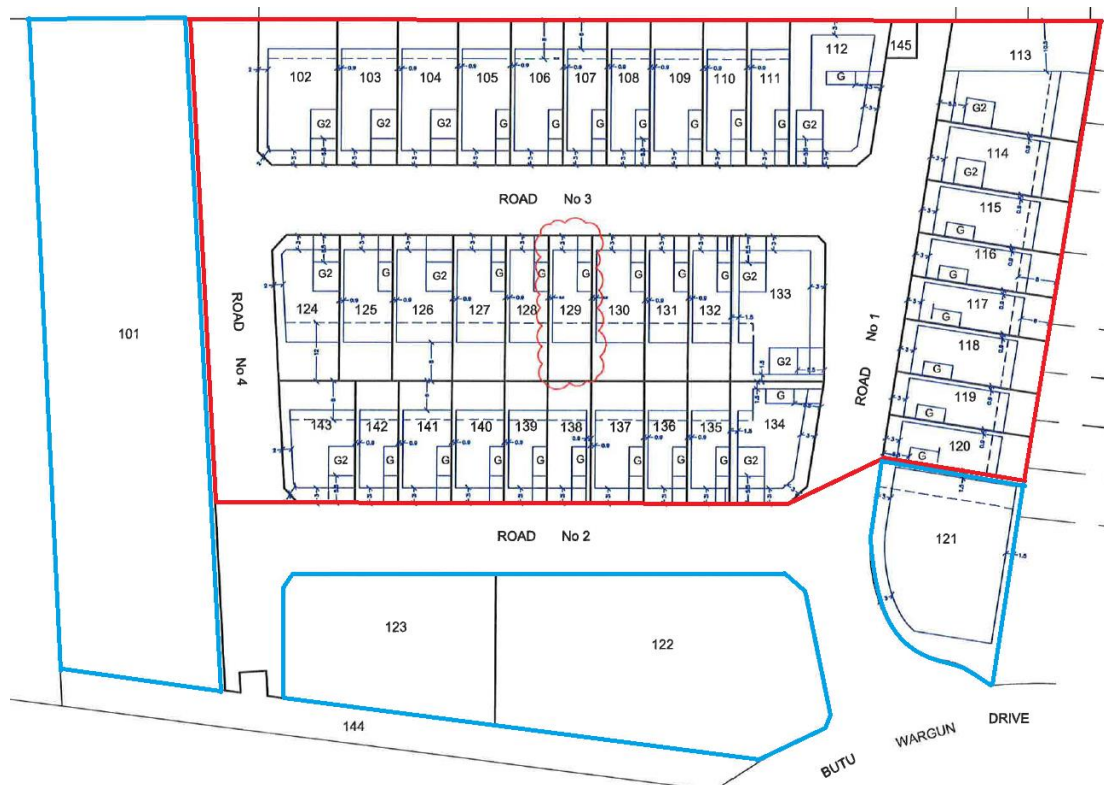


Figure 3: Map showing approved subdivision of the site - R4 (Blue) Proposed R3 (Red)

Strategic Planning Merit

Rezoning the site from R4 to R3 is broadly consistent with both Council and State Government policy. Although the Planning Proposal request did not specifically apply to change the applicable planning controls for the R3 zoning, it is deemed appropriate to implement the following amendments to the planning controls under Holroyd LEP 2013 to be consistent with the existing R3 zoning in Pemulwuy:

- Amending the HLEP 2013 Floor Space Ratio Map FSR_002 to include the Site as having a maximum floor space ratio of 0.7
- Amending the HLEP 2013 Height of Building Map HOB_002 to identify the Site as having a maximum height of building of 10m
- Amending the HLEP 2013 Lot Size Map LSZ_002 to change the minimum lot size of 300m²

Traffic and Access

Traffic analysis has not been undertaken for this planning proposal because the proposal does not significantly vary the development yield for this land and will result in a reduced impact on local traffic conditions. The proposed rezoning will facilitate an existing subdivision approval and each dwelling will be required to have its own dedicated off street parking space consistent with Council's Parking requirements.

Environmental Impacts

The subject site is not flood affected and does not contain critical habitat or threatened species of any description. The proposed rezoning from R4 to R3 does not seek to amend any of the environmental controls relating to the land and will result in lesser impacts on the surrounding natural environment.

Built Character

The proposed rezoning will change the existing controls to be in line with the R3 Medium Density Residential zoning to facilitate dwelling houses on individual lots. The site is closely linked to land to the north, east and south which are all currently zoned R3 Medium Density Residential.

2. Preliminary Community Consultation of Planning Proposal Request

The Planning Proposal request was formally lodged with Council on 19 September 2016. The preliminary community consultation period for the Planning Proposal request subsequently commenced on Wednesday 28 September 2016 and concluded Wednesday 26 October 2016.

Copies of all the documentation comprising the Planning Proposal request were placed in the Merrylands and Greystanes libraries and in the Customer Service area of the Merrylands Council Administration building. The documentation was also made available for download through the Cumberland Council website. Letter notifications were also sent to adjacent landowners advising of the preliminary consultation.

3. Submissions Received and ResponseOverview

Fifty (50) written submissions were received during the preliminary community consultation of the Planning Proposal request. It should be noted that the majority of the submissions received relate to the development application for Residential Flat Buildings proposed over the adjoining Lots 12 & 13 on DP1162280. The consultation periods occurred concurrently, hence the confusion between the development application for 320 units and the Planning Proposal request for rezoning.

Notwithstanding, the issues raised have been summarised and addressed below as they relate to the Planning Proposal request.

- Traffic and Parking
- Contaminated land
- Current Amenities
- Schools
- Character
- Negative Environmental Impact – Pollution
- Crime Rate
- Rezone entire site to R3

Traffic and Parking

A number of submissions highlighted traffic and parking as a major concern. The Planning Proposal addresses these concerns and seeks to rezone part of Lot 11 from R4 High Density Residential to R3 Medium Density Residential to facilitate dwelling houses within an approved residential subdivision (Figure 2).

As a result the traffic impacts/vehicle movements will be significantly less than what would potentially be generated by Residential Flat Building development that is currently permissible under the R4 zoning. In addition each dwelling house will be situated on individual titles and have its own dedicated off street car parking, which will alleviate issues with on street car parking.

Contaminated land

Significant remediation works have been undertaken over Lot 11 as part of the subdivision approval to ensure the site is free of harmful contamination. As a result, the Planning Proposal satisfies the requirement of SEPP 55 for contaminated lands.

Schools

A number of submissions highlighted the capacity of existing schools. The proposed rezoning will reduce the allowable density over the subject site and therefore lessen the impact upon the capacity of public schools in the region. Nevertheless, Council has consistently advocated to the State Government the need for new schools or buildings within existing schools to accommodate the growth in population.

Character

The proposed rezoning will facilitate dwelling houses within an approved subdivision. This form of development is consistent with the surrounding R3 medium density residential character of Pemulwuy to the north and east which provides a reasonable transition to the R4 zoned land surrounding the subject site.

Negative Environmental Impact – Pollution

A number of submissions highlighted that over development would lead to environmental degradation and increased pollution within Pemulwuy. The planning proposal seeks to rezone the site to facilitate housing within an approved subdivision. The establishment of dwelling houses as opposed to residential flat buildings will have a comparatively less impact on environmental values. Nevertheless, environmental impacts of all development types are an important consideration in determining development applications and if a development is deemed to have an unacceptable impact on the environment, it will not be approved.

Crime Rate

It is acknowledged that any increase in population within an area may increase the incidence of crime. However, by implementing Crime Prevention Through Environmental Design (CPTED) principles into building design will contribute to a decrease in the proportion of crime per person, (i.e the crime rate).

Rezoning entire site to R3

A number of submissions have requested that the entire site be rezoned to R3 Medium Density Residential. A large proportion of the site is proposed to be rezoned to R3 apart from four (4) lots ranging from 1080.4sqm to 4628sqm designated for future Residential

Flat Buildings. The proponent has initiated the Planning Proposal request to rezone part of lot 11 to accommodate an approved subdivision.

As a result, Council is not in a position to reasonably request that the proponent rezone the entire site to R3, however the current proposal is still considered to be a positive outcome which responds to community concerns regarding over development. If the proponent did not initiate the Planning Proposal request then the entire site would remain R4 High Density Residential where Residential Flat Buildings are permissible development. Therefore the proposal satisfies the concerns raised by facilitating development that will have less impact than what is currently permissible under the R4 zoning.

4. Conclusion

The preliminary community consultation of the Planning Proposal request to rezone land situated at Lot 11 Butu Wargun, Pemulwuy concluded on 26 October 2016. Fifty (50) submissions were received from the community. As noted above in section 4, the majority of submissions received relate to the Residential Flat Building proposed over the adjoining Lots 12 & 13 on DP1162280 and are not related to this Planning Proposal request.

The Planning Proposal request is to rezone part of the subject site to R3 Medium Density Residential supports the sentiment of the majority of submissions received to limit further high density development in Pemulwuy.

5. Next Steps

If the CIHAP support the recommendations listed below, the matter will be reported to Council for endorsement and the Planning Proposal will be forwarded to the Department of Planning & Environment for Gateway Determination.

Report Recommendation:

That the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend:

1. The Council proceed with the preparation of a Planning Proposal for Lot 11 Butu Wargun Drive, Pemulwuy, which proposes to rezone part of Lot 11 on DP1162280 for R3 Medium Density Residential, with the following planning controls:
 - A maximum floor space ratio of 0.7;
 - A maximum building height of 10m; and
 - A minimum lot size of 300sqm.
2. That this Planning Proposal, be reported to Council seeking resolution to be forwarded to the Department of Planning & Environment for Gateway Determination.

Attachments:

Nil