

Planning Proposal for Lot 11 Butu Wargun Pemulwuy – Pre Gateway Exhibition Report

Responsible Division: Environment & Infrastructure
 Officer: Group Manager - Planning
 File Number: HC-23-08-25
 Delivery Program Code: G5.1 Establish and maintain clear guidelines for zoning, urban planning and development

Proposal Details	
Application lodged	19 September 2016
Applicant / Proponent	Think Planners Pty Ltd / Revelop Building and Development Pty Ltd
Owner	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: R4 High Density Residential Maximum building height: 12.5m Floor space ratio (FSR): 0.85 Minimum lot size: 900sqm
Proposed Zoning and Planning Controls	Land use zoning: R3 Medium Density Residential Maximum building height: 10m Floor space ratio (FSR): 0.7 Minimum lot size: 300sqm
Heritage	Not applicable
Disclosure of political donations and gifts	Nil
Previous Considerations	Approved subdivision DA2010/382/1

Summary:

At its meeting of 14 December 2016, the Cumberland Independent Hearing and Assessment Panel (CIHAP) considered a report for the Planning Proposal request for Lot 11 Butu Wargun Drive, Pemulwuy. This report addressed the preliminary public exhibition and submissions received as they relate to the Planning Proposal request. The CIHAP resolved to recommend to Council that the proposed planning control amendments, as nominated in the Planning Proposal request, be progressed.

The purpose of this report is to formally progress the CIHAP resolution and seek Council's resolution to forward the Planning Proposal request to the Department of Planning and Environment (DP&E) for Gateway Determination.

Report:

A request to prepare a Planning Proposal was lodged with Council 19 September 2016 by Think Planners on behalf of Revelop Building and Development to amend the planning controls affecting part of Lot 11 Butu Wargun Drive, Pemulwuy. The proposed amendments to the Holroyd Local Environmental Plan (LEP) 2013 were:

- Amend the zoning for part of Lot 11 from R4 High Density Residential to R3 Medium Density Residential.
- Amend Floor Space Ratio map to include the site as having a maximum floor space ratio of 0.7:1
- Amend the Height of Building map to identify the site as having a maximum height of building of 10m
- Amend the Lot Size map to change the minimum lot size to 300m²

The outcome sought, through the amended planning controls, is to enable dwelling houses, dual occupancies and semi-detached dwellings which are currently not permissible in the R4 High Density Residential zoning applying to the site.

Cumberland Independent Hearing & Assessment Panel (CIHAP)

At the meeting of 14 December 2016, the CIHAP considered report C035/16 Planning Proposal request for Lot 11 Butu Wargun, Pemulwuy – Preliminary Post Exhibition Report. The report outlined and provided a response to the concerns raised by objectors during the preliminary public consultation phase of the Planning Proposal request.

The CIHAP resolved to recommend to Council that the proposed planning control amendments to the Holroyd LEP 2013 pertaining to this site be progressed. The Panel also recommended that the Planning Proposal be reported to Council seeking a Resolution to forward it to the Department of Planning and Environmental (the Department) for Gateway Determination. The recommendations adopted by the CIHAP are as follows:

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 ration 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.*

A copy of CIHAP Report C035/16 is provided at Attachment 1 and a copy of the relevant minutes of the CIHAP meeting of 14 December 2016 are provided at Attachment 2.

Conclusion:

The Planning Proposal request for Lot 11 Butu Wargun Drive, Pemulwuy, has been the subject of preliminary community consultation. At the meeting 14 December 2016 the CIHAP considered the report addressing the preliminary public exhibition. The Panel subsequently resolved to recommend to Council that the planning control amendments, as identified in that Planning Proposal request, be forwarded to the Department of Planning and Environment for Gateway Determination.

Consultation:

Community and agency consultation would be undertaken in accordance with the requirements stipulated by the Gateway Determination and would likely include public exhibition for 28 days, letters to adjoining and nearby properties and notifications in the local newspaper and on Council's website.

Financial Implications:

On Monday 19th September 2016 a meeting was held between Council and representatives of Revelop to discuss the timing and costs that apply to the lodgement of the Planning Proposal request. It was agreed that Revelop would initially pay 50% of the application fee which equates to \$22,304, with a determination to be made as to whether the remaining 50% be paid following written request from the proponent.

The proponent contends that the current R4 high density residential zone applying to the site was made in error and was inconsistent with the Precinct Plan in place at the time. However, this matter was addressed by Council when formulating Holroyd LEP2013. The post-exhibition report (CCL082-12) from 10 April 2012 noted as follows:

The areas within Nelsons Ridge that are zoned R4 are shown in the Precinct Plan as 'multi-unit housing', which according to the Precinct Plan comprises aged housing, apartments / residential flat buildings and townhouses. All of these uses are permissible in the R4 zone, therefore it is considered that R4 is an appropriate zone for these areas, and that the zoning is not inconsistent with the Precinct Plan.

The zoning included in Holroyd LEP 2013 was not made in error and was consistent with the prevailing precinct plan. Therefore it is recommended that the remaining 50% of the application fee (\$22,304) be paid by the proponent prior to any planning proposal being sent to the DP&E for gateway determination.

Policy Implications:

This report recommends that the Planning Proposal request be submitted to the Department of Planning and Environment which may result in amendments to the Holroyd Local Environmental Plan 2013.

Communication / Publications:

Community consultation for the planning proposal would be advertised in local newspapers and on Council's website.

Report Recommendation:

1. That 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 Council forward the planning proposal to the Department of Planning & Environment for Gateway Determination.
3. That the proponent pays the residual application fee of @22,304 in accordance with Council's fees and charges 2016/2017 prior to the Planning Proposal request being forwarded to the Department of Gateway Determination.

Attachments (to be circulated under separate cover):

1. CIHAP report C035/16 - Planning Proposal for Lot 11 Butu Wargun Drive, Pemulwuy
2. Minutes of CIHAP meeting 14 December 2016 for report C035/16.