



Assessment Report

Application for a Planning Proposal

Proposal to amend the *Holroyd Local Environmental Plan 2013* to rezone land from High Density Residential (R4) to Medium Density Residential (R3) on land situated at Lot 11 Butu Wargun Drive, Pemulwuy

March 2017 (amended for exhibition)

[TRIM: HC-23-08-33]

Table of Contents

1	Introduction	2
1.1	Executive Summary	2
1.2	Purpose of the report	2
1.3	Application Fee	2
2	Existing situation	3
2.1	Land to which the Planning Proposal applies	3
2.2	Site description	3
2.3	Local context	4
2.4	Existing Planning Controls	5
3	Description of the proposal	5
3.1	Proposed planning controls and potential development	5
3.2	Proposed Planning Controls	6
3.3	Additional information or supporting studies provided in the Proposal	7
4	Assessment of the proposal	7
4.1	Objectives or intended outcomes	7
4.2	Explanation of provisions	8
4.3	Justification	8
5	Community Consultation	12
5.1	Preliminary Consultation	12
5.2	Post-Gateway consultation	14
6	Anticipated Project Timeline	14
	Appendix 1 - Consistency with Strategic Policy Framework	15
	A Plan for Growing Sydney	15
	Draft West Central District Plan 2016	16
	Applicable State Environmental Planning Policies (SEPPs)	16
	Section 117 Ministerial directions	17
	Appendix 2 – LEP maps showing current and proposed controls	21
	Appendix 2 – Cumberland IHAP Report and Minutes (14 November 2016- Item C035/16)	22
	Appendix 3 – Council Report and Minutes (1 February 2017- Item 003/17)	23
	Appendix 4 - Applicant’s Planning Proposal Application	24

1 Introduction

1.1 Executive Summary

This report provides an assessment of a Planning Proposal Application ('the Proposal') submitted to Council 19 September 2016 for land situated at Lot 11 Butu Wargun Drive, Pemulwuy legally described as Lot 11 on DP1162280.

The proposal seeks to amend the *Holroyd Local Environmental Plan 2013* (HLEP2013) to rezone the land known as proposed Lots 102-120 and 124-143 from High Density Residential (R4) to Medium Density Residential (R3) in order to facilitate future dwelling houses and dual occupancies which are prohibited within the High Density Residential (R4) zone. Furthermore the proposal seeks to retain High Density Residential (R4) over the proposed super lots 101 and 121-123 (Figure 5 – Map showing existing subdivision of the site).

1.2 Purpose of the report

The purpose of this report is to assess the merits of the proposal applying to land situated at Lot 11 Butu Wargun Drive, Pemulwuy, in accordance with the local and state government legislation and policies.

1.3 Application Fee

The applicant has paid the Planning Proposal application fee of \$44,608 as per Council's Schedule of Fees and Charges 2016/17 to lodge the proposal with Council.

2 Existing situation

2.1 Land to which the Planning Proposal applies

The addresses, titles, owners and size of the site are described in Table 1 below;

Table 1: Site title, ownership and size information

Address / Land	Title	Owner	Size (ha)
Lot 11 Butu Wargun Drive, Pemulwuy	Lot 11 on DP1162280	Boral Resources (NSW) Pty Ltd	3.07ha

2.2 Site description

The subject site is approximately 3.07ha with legal access to Butu Wargun Drive, Pemulwuy. The subject site has a current subdivision approval (DA2010/382/1) to create 44 allotments including 39 residential lots, 4 residual lots and 1 public reserve/open space lot.

The proposed subdivision is typically characterised as small lot housing which delivers a density well above that of traditional residential subdivisions within the adjoining suburb of Greystanes. The approved allotments average 331sqm and are similar in size to those established in the rest of Pemulwuy.

Figure 1: Existing site looking North



Figure 2: Existing site looking North East



2.3 Local context

The subject site forms part of the remaining available residential land within the suburb of Pemulwuy. North of the site is existing low to medium density R3 residential and the M4 motorway. East of the site is Greystanes Road and the Pemulwuy Local Centre which includes a Woolworths and various variety stores. South is existing R3 residential and west is the existing industrial node which forms part of the Western Sydney Employment Area.

Figure 3: Map showing surrounding locality



2.4 Existing Planning Controls

The existing planning controls for the site are described in Table 2.

Table 2: Existing planning controls

Address / Land	Zoning	Height	FSR
Lot 11 Butu Wargun Drive, Pemulwuy	R4	12.5m	0.85:1

Heritage

The subject site is located within close proximity to Prospect Hill State Heritage Registered Area. Part P section 6 of the Holroyd DCP 2013, stipulates specific development controls for the Prospect Hill area including RL heights to ensure that views to and from the Prospect Hill ridgeline are maintained.

Development controls pertaining to height within the Holroyd DCP 2013 and clause 4.3 height of buildings within the Holroyd LEP 2013, ensure that future dwellings associated with the approved subdivision will not impede or impact upon the Prospect Hill ridgeline.

Other relevant planning controls

The subject site does not trigger any other relevant planning controls.

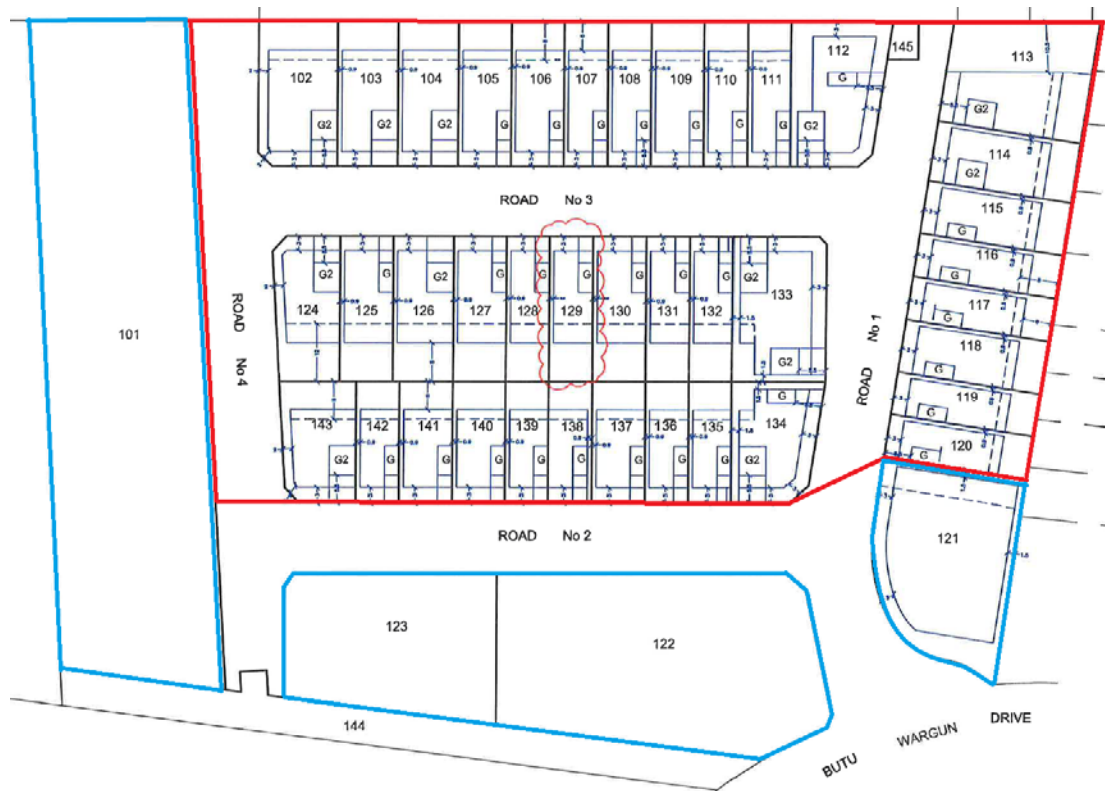
3 Description of the proposal

3.1 Proposed planning controls and potential development

The proposal seeks to amend the *Holroyd Local Environmental Plan 2013* (HLEP2013) to rezone land associated with a residential subdivision (DA2010/382/1) to create 44 allotments including 39 small residential lots, 4 residual super lots and 1 public reserve/open space lot.

The proposal seeks to rezone Lots 102-120 and 124-143 from High Density Residential (R4) to Medium Density Residential (R3) in order to facilitate future dwelling houses and dual occupancies which are prohibited under the High Density Residential (R4) zone. Furthermore, the proposal seeks to retain High Density Residential (R4) over the proposed super lots 101 and 121-123 as featured below (Figure 5).

Figure 5: Map showing approved subdivision of the site – R4 (Blue) Proposed R3 (Red)



3.2 Proposed Planning Controls

Holroyd LEP 2013

The proposal seeks to amend *Holroyd LEP 2013* (HLEP) as it applies to the site in the manner described in Table 3.

Table 3: Proposed planning controls

Address / Land	Zoning	Height	FSR	Lot Size
Butu Wargun Lot 11 on DP1162280 proposed lots 102-120 & 124-143	R3 Medium Residential	10m	0.7	300sqm
Butu Wargun Lot 11 on DP1162280 proposed lots 101 & 121-123	R4 High Density Residential	12.5m	0.85	900sqm

Figure 6: Map showing proposed rezoning to R3 Medium Density Residential

3.3 Additional information or supporting studies provided in the Proposal

The planning proposal seeks to reduce the level of potential impact by rezoning part of the subject site from High Density Residential (R4) to Medium Density Residential (R3). As a result no additional information or studies have been submitted in support of the Planning Proposal.

4 Assessment of the proposal

The assessment of this proposal generally follows the assessment criteria for planning proposals set out in the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* including:

- objectives or intended outcomes;
- explanation of provisions;
- justification;
- need for the planning proposal;
- relationship to strategic framework;
- environmental, social and economic impact, and
- State and Commonwealth interests.

4.1 Objectives or intended outcomes

The objective of the Planning Proposal is to amend the *Holroyd LEP 2013* to rezone part of Lot 11 on DP1162280 from High Density Residential (R4) to Medium Density Residential (R3) to

facilitate dwelling houses and dual occupancies within an approved subdivision, whilst retaining the residual of the site as High Density Residential (R4).

4.2 Explanation of provisions

Holroyd LEP 2013

The following amendments to *Holroyd LEP 2013* are proposed to achieve the intended outcome for part of this site:

- Amend the Land Zoning Map in force under Clause 2.2 of *HLEP 2013* to rezone part of the subject site to R3 Medium Density Residential;
- Amend the Lot Size map in force under Clause 4.1 of *HLEP 2013* to specify a minimum lot size of 300sqm for the R3 zoned part of the site
- Amend the Height of Buildings Map in force under Clause 4.3 of *HLEP 2013* to specify a maximum building height of 10 metres over the R3 zoned part of the site;
- Amend the Floor Space Ratio Map in force under Clause 4.4 of *HLEP 2013* to identify a maximum floor space ratio of 0.7 for the R3 zoned part of the site;

All other maps which currently form part of *HLEP 2013* will remain unchanged if the proposal is supported. Table 4 shows a comparison of the existing and proposed LEP planning controls applying to the site.

Table 4: Proposed changes to *Holroyd LEP 2013* maps

Address / Land	Zoning		Height		FSR		Lot Size	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Proposed Lots 102-120 & 124-143 Butu Wargun Drive, Pemulwuy Lot 11 on DP1162280	R4 High Density Residential	R3 Medium Density Residential	12.5m	10m	0.85	0.7	900sqm	300sqm
Proposed 101 & 121-123 Butu Wargun Drive, Pemulwuy Lot 11 on DP1162280	R4 High Density Residential	R4 High Density Residential	12.5m	12.5m	0.85	0.85	900sqm	900sqm

Maps showing the current and proposed controls applying to the site are provided in Appendix 2.

4.3 Justification

4.3.1 Section A – Need for the planning proposal

Q1 *Is the planning proposal a result of any strategic study or report?*

The planning proposal has been initiated due to permissibility issues and not as a direct result of a strategic study or report. In 2010 a subdivision was approved (DA2010/382/1) to create forty four (44) allotments including 39 residential lots, 4 residual lots and 1 public reserve/open

space lot over the subject site. The current R4 High Density Residential 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 permissible.

Q2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

It is considered that the planning proposal is the best means of enabling development to occur considering the current subdivision approval associated with the site. The planning proposal is certainly the most efficient mechanism available for enabling development of the subject lots and delivery of housing in an appropriate location which is consistent with the strategic directions established in *A Plan for Growing Sydney and Draft West Central District Plan*.

4.3.2 Section B – Relationship to strategic framework

Q3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

A Plan for Growing Sydney

A Plan for Growing Sydney outlines the State Government's plan to deliver homes, jobs and infrastructure to support a growing population. Key directions within the plan relate to accelerating housing supply and urban renewal across Sydney, with a focus on providing homes in areas well serviced by existing or planning infrastructure.

Considering the land has approval for residential subdivision it is considered the current R4 High Density Residential zoning is a barrier for development. The current zoning does not permit dwelling houses or dual occupancies to be established. Therefore the planning proposal seeks to rezone part of the site to R3 Medium Density Residential enabling development for dwelling houses, dual occupancies and semi-detached dwellings. The planning proposal request is considered to be consistent with the objectives and actions of *A Plan for Growing Sydney*.

Draft West Central District Plan (2016)

The Plan for Growing Sydney (Metropolitan plan) is supported by draft District Plans. The subject site is located within the Draft West Central District Plan area. The Draft Plan was released in 2016 for public exhibition. Section 75A of the Environmental Planning and Assessment Act, 1979 requires Council to give effect to the District Plan applying to the LGA.

The Draft West Central District Plan seeks to implement a strategic and integrated approach to managing Greater Sydney's growth by linking State and regional-level aspirations with LEPs, aligning land use decisions and infrastructure planning, and monitoring and reporting on the plan's implementation.

The plan contains actions and priorities, the latter designed as matters that a council or relevant planning authority will need to consider in strategic planning activities and planning proposals. These are focussed around 3 key concepts: A Productive City, A Liveable City and A Sustainable City.

The Planning Proposal is consistent with the following sections, priority and actions of the Draft West Central District Plan 2016.

- **Liveability Priority 1: Deliver West Central's five-year housing targets.**
- **Liveability Priority 2: Deliver housing diversity**
- **Liveability Priority 7: Conserve heritage and unique local characteristics**

The Planning Proposal will contribute to achieve housing targets by facilitating a greater variety of housing choice to suit individual household needs, preferences and budgets within the existing infill suburb of Pemulwuy. In addition the Planning Proposal will conserve and protect the heritage significance of Prospect Hill by ensuring views are not obstructed by future development associated with the approved subdivision.

Q4 Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Living Holroyd – Community Strategic Plan 2013

The living Holroyd Community Strategic Plan 2013 seeks to establish a vision for the former Holroyd LGA 20 years into the future. The plan identifies five strategic objectives including an Active, Growing, Balanced, Connected and Dynamic LGA to deliver the established vision.

The redevelopment of the subject site will contribute to the growth and viability of Pemulwuy by releasing additional housing stock within close proximity of established centres and employment nodes such as the Western Sydney Employment Area. Therefore the planning proposal is considered to be generally consistent with intent and objectives of the Community Plan.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the State Environmental Planning Policies. The proposal seeks to rezone the subject site from one residential zone to another, therefore does not change the intended residential use of the land.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117)?

The Planning Proposal is consistent with the applicable Ministerial Directions as follows:

Direction 3 Housing, Infrastructure and Urban Design

Residential Zones

The planning proposal is considered to be consistent with this direction. The proposal seeks to facilitate the permissibility of dwelling houses through the application of appropriate zoning controls that are consistent with the existing approval for subdivision. The planning proposal represents an efficient use of existing infrastructure and services. The proposal will also lead to the delivery of a variety and choice of housing types within reasonable proximity to local amenities.

Integrating Land Use and Transport

The planning proposal provides housing within reasonable proximity to existing public transport. Future residents will be able to walk approximately 350m to the Pemulwuy local centre and access the following bus services 809,810, 810X, 811, 811X and 812. As a result the Planning Proposal is considered consistent with this direction.

4.3.3 Section C – Environmental, social and economic impact

Q7. *Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The subject site has previously been cleared of all vegetation and therefore does not contain critical habitat or threatened species of any description.

Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The planning proposal seeks to amend the *Holroyd LEP 2013* in order to facilitate dwelling houses, dual occupancies and semi-detached dwellings within the approved subdivision for forty four (44) allotments. The planning proposal does not include a traffic assessment as the proposal seeks a lesser development yield by down zoning to R3 Medium Density Residential. 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 High Density Residential 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 generally associated with Residential Flat Buildings.

Q9. *Has the planning proposal adequately addressed any social and economic effects?*

The delivery of housing within an area that is well serviced by existing infrastructure and surrounded by similar development is considered to have positive social and economic benefits. Furthermore the planning proposal will facilitate the provision of additional housing stock within Pemulwuy and is located within reasonable proximity to a major employment node being the Western Sydney Employment Area.

4.3.4 Section D – State and Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

The subject site is located within close proximity to local retail amenities and bus services. In addition the site has easy access to several key arterial road networks including the Great Western Highway, M2, M4 and M7 Motorways.

Q11 *What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination, and have they resulted in any variations to the planning proposal?*

The planning proposal is at pre-gateway stage. No consultation has been undertaken other than preliminary discussions with Council's strategic planning team. Appropriate arrangements for consultation with agencies and public exhibition would be specified in the gateway determination.

5 Community Consultation

5.1 Preliminary Consultation

Upon receipt of the formal Planning Proposal request, the proposal was publically exhibited for a period of 28 days from 28 September 2016 to 26 October 2016 in accordance with Council's *Communications Plan for Planning Proposals*. The preliminary exhibition included:

- Notification of the public exhibition in the main local newspaper, the Parramatta Advertiser;
- Exhibition of proposal and all supporting documentation at Council's Administration Centre;
- Notification and exhibition of the proposal and all supporting documentation on a dedicated page on Council's website;
- Notification by mail of the public exhibition to adjoining and nearby land owners.

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 related 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).

Rezone 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.

5.2 Post-Gateway consultation

As required by the Gateway Determination, the planning proposal will be placed on public exhibition for a period of 14 days, and consultation with the Office of Environment and Heritage will be undertaken.

6 Anticipated Project Timeline

The timeline presented in Table 5 indicates the anticipated steps for completion of the planning proposal and submission of the final, exhibited and amended version to the Department for making and notification (gazettal) of the amending LEP.

Table 5: Anticipated Project Timeline

PP Actions	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	Jun 2017	Jul 2017	Aug 2017
Submit PP to the Department for Gateway Determination								
Gateway Determination								
Consult relevant Public Authorities								
Public exhibition of PP								
Receive and evaluate submissions								
Report PP to IHAP								
Report PP to Council								
Submit PP to the parliamentary counsel for legal drafting and notification								
Notification of LEP								

Appendix 1 - Consistency with Strategic Policy Framework

A Plan for Growing Sydney

Action	Consistency
<p>GOAL 1: A competitive economy with world-class services and transport.</p> <p>Direction 1.9 Support Priority economic sectors</p> <p>1.9.1: Support the growth of Priority industries with appropriate planning controls.</p> <p>1.9.2: Support key industrial precincts with appropriate planning controls.</p>	Not Applicable
<p>GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles.</p> <p>Direction 2.1 Accelerate housing supply across Sydney</p> <p>2.1.1: Accelerate housing supply and local housing choices.</p> <p>2.1.3: Deliver more housing by developing surplus or under-used government land</p> <p>Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs</p> <p>2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.</p>	<p>Consistent</p> <p>The proposal will accelerate housing supply consistent with the surround character of Pemulwuy. Furthermore the site represents a residential infill site within close proximity to the Pemulwuy local centre and with reasonable transport links.</p>
<p>GOAL 3: A great place to live with communities that are strong, healthy and well connected.</p> <p>Direction 3.1: Revitalise existing suburbs</p> <p>3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth.</p> <p>Direction 3.3: Create healthy built environments</p> <p>3.3.1 Deliver guidelines for a healthy built environment.</p>	<p>Consistent</p> <p>The subject site is an infill development within the suburb of Pemulwuy. The planning proposal will facilitate residential development within close proximity to the nearby local centre and Western Sydney Employment Area.</p>
<p>GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources</p> <p>Direction 4.3: Manage the impacts of development on the environment.</p>	<p>Consistent</p> <p>The subject site has previously been cleared of all vegetation and therefore does not contain critical habitat or threatened species of any description.</p>
<p>Sydney's Subregions</p> <p>West Central Subregion</p> <p>To implement the directions in <i>A Plan for Growing Sydney</i>, the following priorities will be considered and addressed:</p> <p>A competitive economy</p> <p>Recognise and strengthen the subregion's role in Sydney's manufacturing industries"</p>	<p>Not Applicable</p> <p>The planning proposal is for residential purposes.</p>

Draft West Central District Plan 2016

Action	Consistency
<p>A Economy and Employment</p> <p>A1.1 Provide a framework for accommodating jobs across the subregion</p> <p>A1.2 Contain the rezoning of employment lands to residential zonings across Sydney</p>	<p>Consistent</p> <p>The Planning Proposal does not include employment generating land.</p> <p>Consistent</p> <p>The Planning Proposal is rezoning the land from one residential zone to another and will not affect employment generating lands.</p>
<p>B Centres and Corridors</p> <p>B2.1 Plan for housing in centres consistent with their employment role</p>	<p>Consistent</p> <p>The Planning Proposal is located within close proximity to the Sydney Employment Lands to the West of the site.</p>
<p>C Housing</p> <p>C1.3 Plan for increased housing capacity targets in existing areas</p> <p>C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres</p>	<p>Consistent</p> <p>The Planning Proposal will contribute to increased housing capacity within the existing suburb of Pemulwuy.</p> <p>Consistent</p> <p>The Planning Proposal will facilitate residential development within close proximity to Pemulwuy local centre and public transport in the form of frequent bus services.</p>

Applicable State Environmental Planning Policies (SEPPs)

No.	Title	Consistent
19	Bushland in Urban Areas	Yes
55	Remediation of Land	Yes. Remediation work has been undertaken in accordance with subdivision approval. A Site Audit Statement has been issued KJL073 Lot 11.
64	Advertising and Signage	Yes
	Affordable Rental Housing 2009	Yes To be considered at DA stage
	Building Sustainability Index: BASIX 2004	Yes To be considered at DA stage
	Exempt and Complying Development Codes 2008	Land excluded from the General Housing Code under Schedule 5 of the SEPP.
	Housing for Seniors or People with a Disability 2004	Yes To be considered at DA stage
	Infrastructure 2007	Yes
	Sydney Harbour Catchment 2005	Yes

Section 117 Ministerial directions

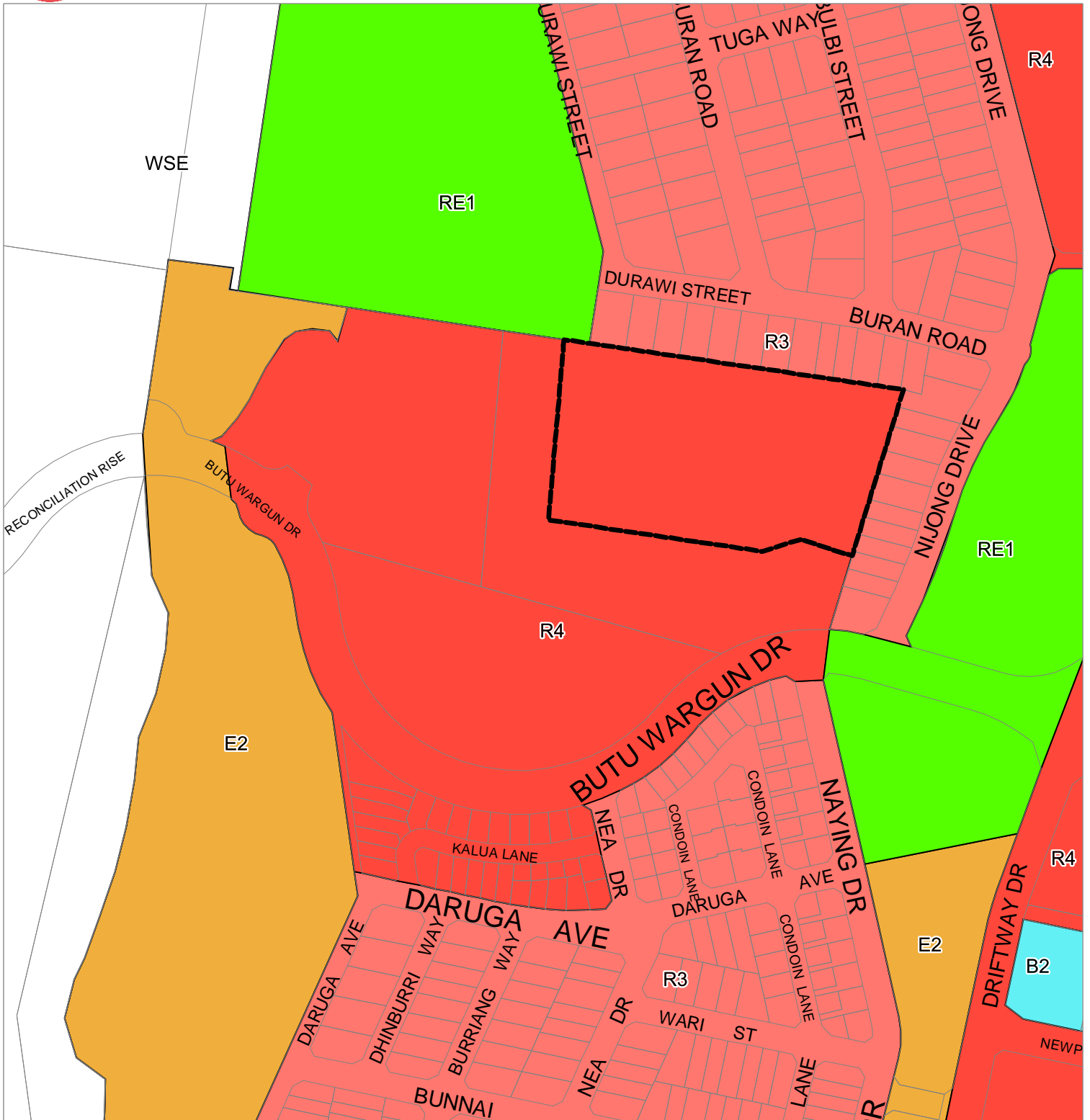
Direction	Applicability / Consistency
1. Employment and Resources	
<p>1.1 Business and Industrial Zones</p> <p><i>What a relevant planning authority must do if this direction applies</i></p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. <p><i>Consistency</i></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. 	Not Applicable
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive	Not applicable

Direction	Applicability / Consistency
Industries	
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p><i>What a relevant planning authority must do if this direction applies:</i></p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p><i>Consistency</i></p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land 	<p>Consistent - The Planning Proposal will facilitate residential development within the existing suburb of Pemulwuy which has access to appropriate infrastructure and services</p>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Consistent – Does not change the permissibility of home occupations
<p>3.4 Integrating Land Use and Transport</p> <p><i>What a relevant planning authority must do if this direction applies</i></p> <p>A planning proposal must locate zones for urban</p>	Consistent – The Planning Proposal will increase housing within close proximity to major arterials and bus services situated at Pemulwuy local centre.

Direction	Applicability / Consistency
<p>purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). <p><i>Consistency</i></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. 	
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	Consistent – The site is not affected by flooding
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable

Direction	Applicability / Consistency
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not applicable
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p><i>What a Relevant Planning Authority must do if this direction applies</i></p> <p>Planning proposals shall be consistent with: The NSW Government's A Plan for Growing Sydney published in December 2014.</p> <p><i>Consistency</i></p> <p>A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with a Plan for Growing Sydney:</p> <ul style="list-style-type: none"> (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. 	<p>Consistent – The proposal is consistent with <i>A Plan for Growing Sydney</i>. Refer to Section 4.3.2 of this report.</p>

Appendix 2 – LEP maps showing current and proposed controls



LAND ZONING

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
E2	Environmental Conservation
IN1	General Industrial
IN2	Light Industrial

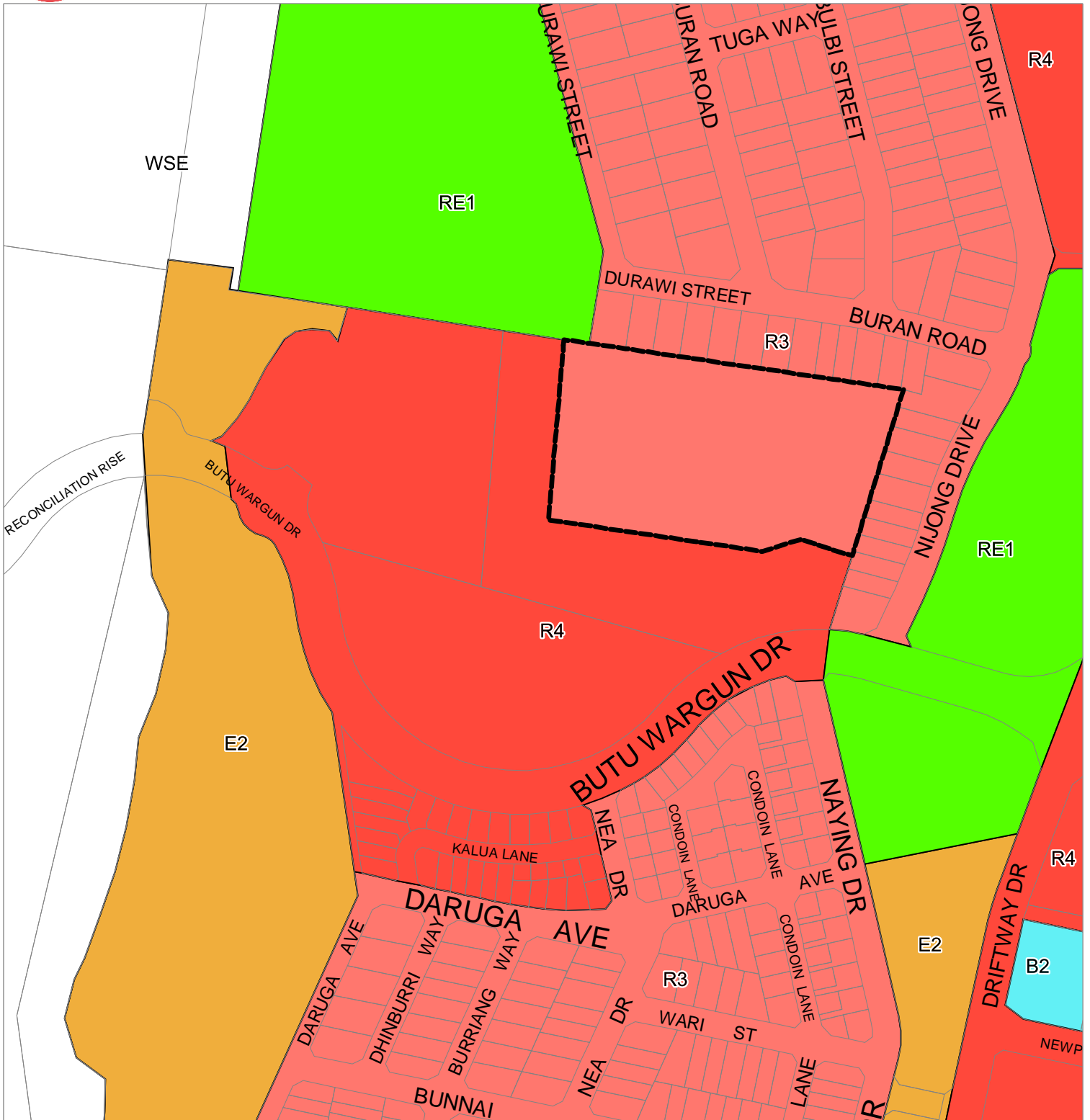
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure
UL	Unzoned Land
MD	SEPP (Major Development) 2005
WSE	SEPP (Western Sydney Employment Area) 2009

Print Date: 22/03/2017
 Scale 1: 3000



Area subject to planning proposal

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LAND ZONING

B1	Neighbourhood Centre
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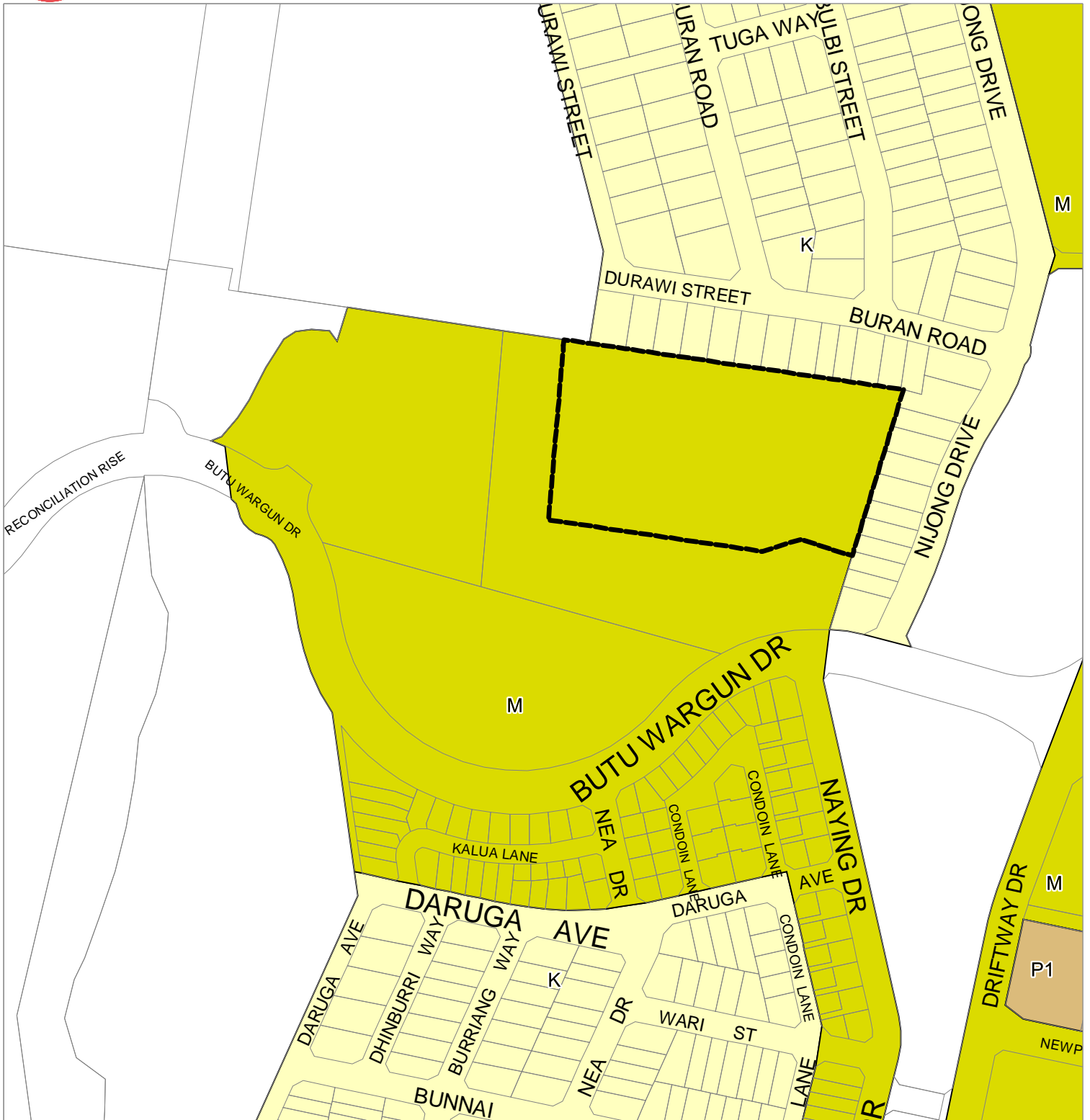
R2	Low Density Residential
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Maximum Building Height (m)

J	9
K	10
L	11
M	12.5
N	14
O	15
P1	17
P2	18
Q	20
R	21

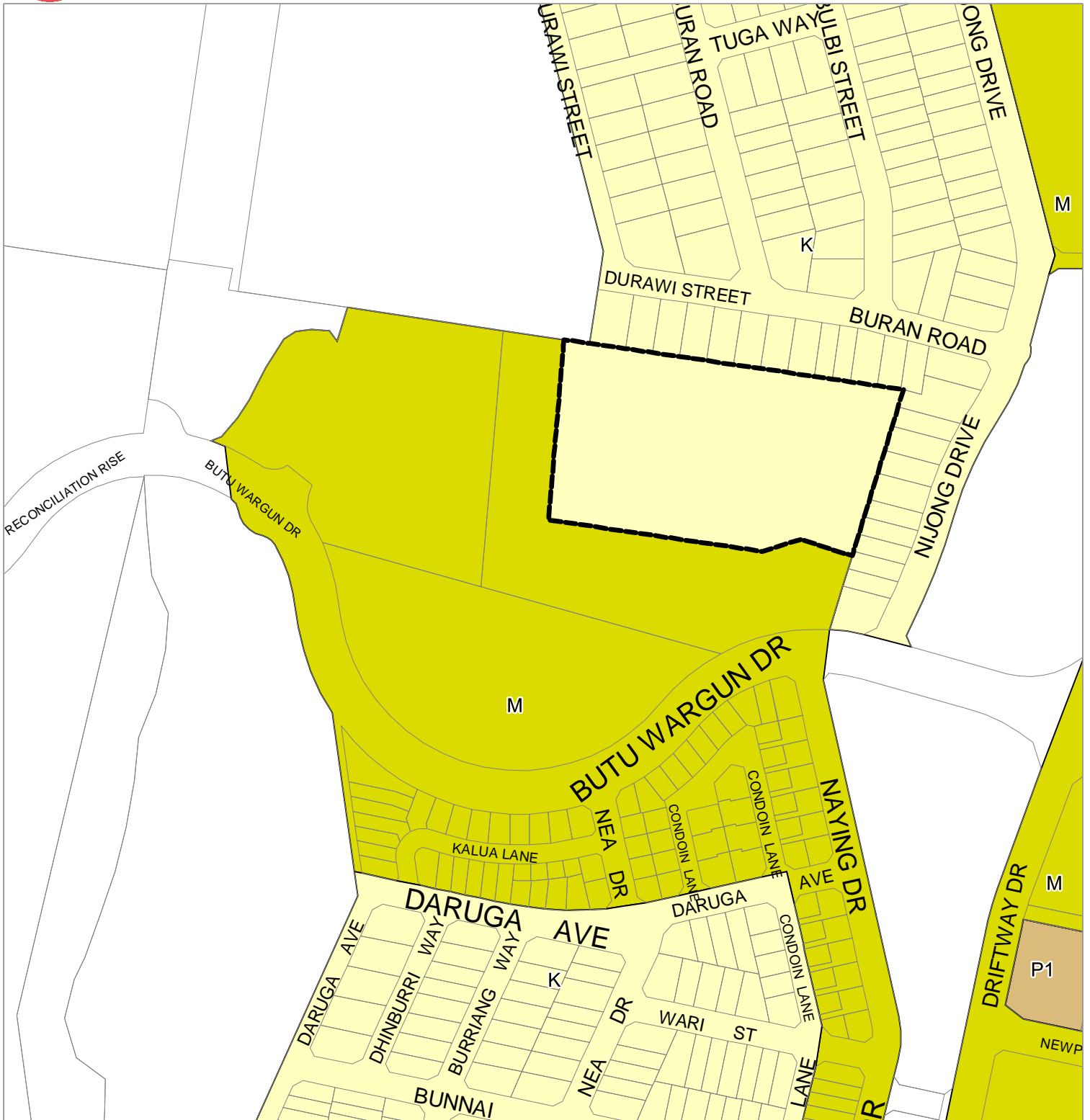
S1	23
S2	24
T1	26
T2	29
U	32
W	41
Y	53
AA	65

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K	10
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M	12.5
N	14
O	15
P1	17
P2	18
Q	20
R	21

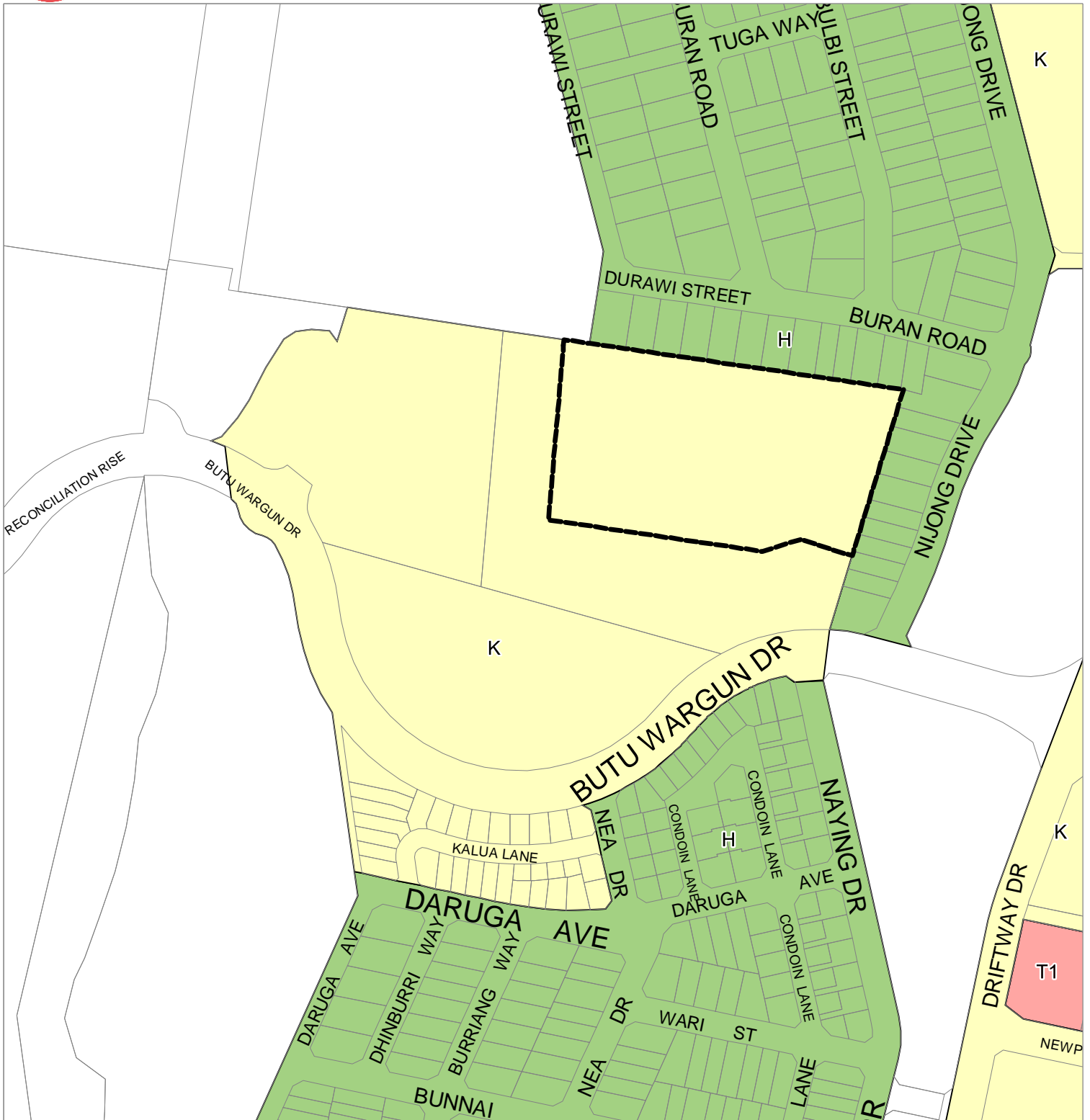
S1	23
S2	24
T1	26
T2	29
U	32
W	41
Y	53
AA	65

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Maximum Floor Space Ratio (n:1)

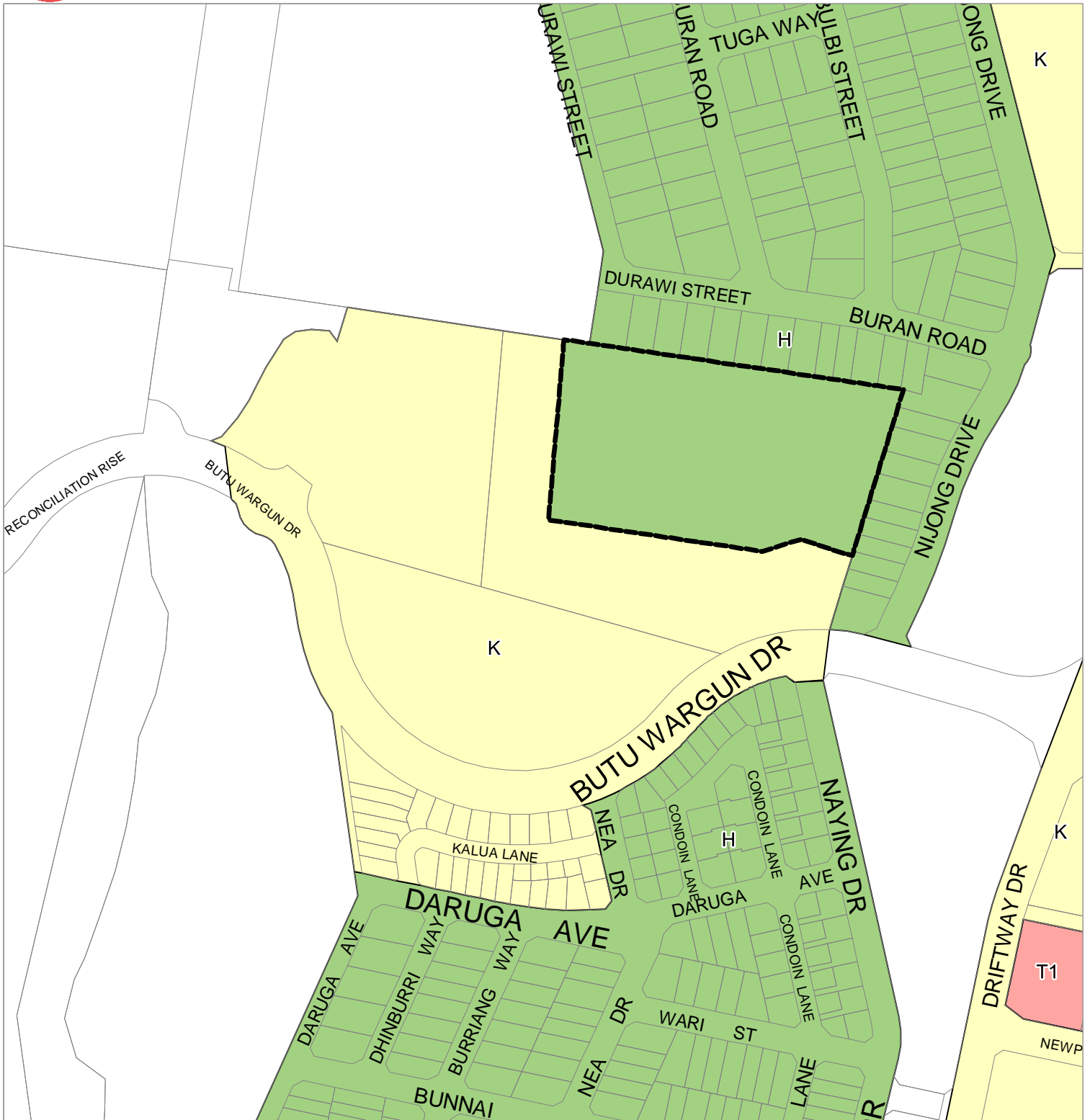
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H	0.7	V	3
K	0.85	W	3.5
N	1	X	4
P	1.2	Y	4.5
S1	1.5	Z1	5
S2	1.8	Z2	5.5
T1	2	AA1	6
T2	2.2	AA2	6.5
T3	2.4	AB	7.5
U1	2.5	AC	8.5

AD	9
Area A	
Area B	

Print Date: 22/03/2017
 Scale 1: 3000



Area subject to
 planning proposal



Maximum Floor Space Ratio (n:1)

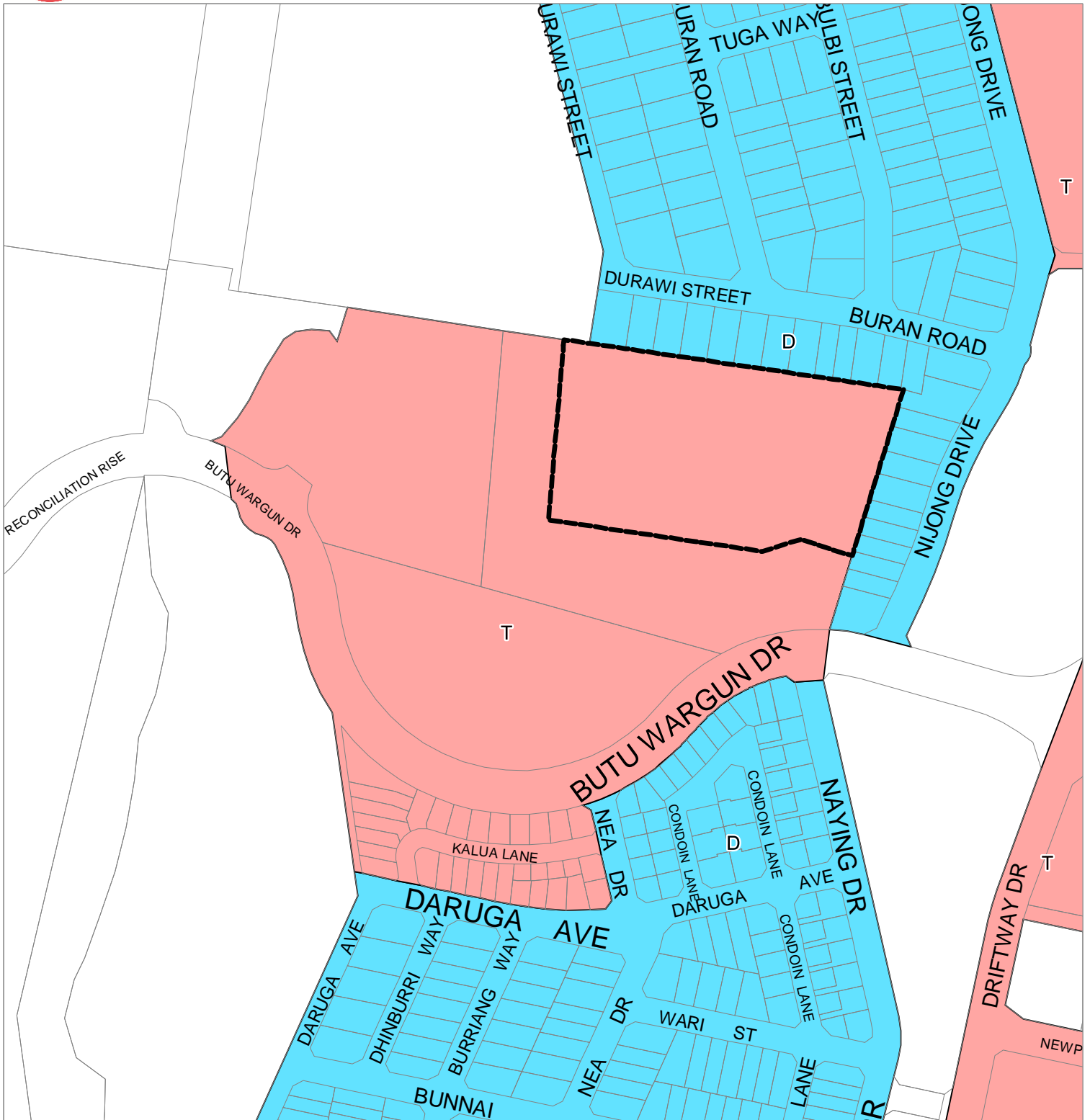
D	0.5	U2	2.8
H	0.7	V	3
K	0.85	W	3.5
N	1	X	4
P	1.2	Y	4.5
S1	1.5	Z1	5
S2	1.8	Z2	5.5
T1	2	AA1	6
T2	2.2	AA2	6.5
T3	2.4	AB	7.5
U1	2.5	AC	8.5

AD	9
Area A	
Area B	

Print Date: 22/03/2017
 Scale 1: 3000



Area subject to
 planning proposal



Minimum Lot Size (sq m)

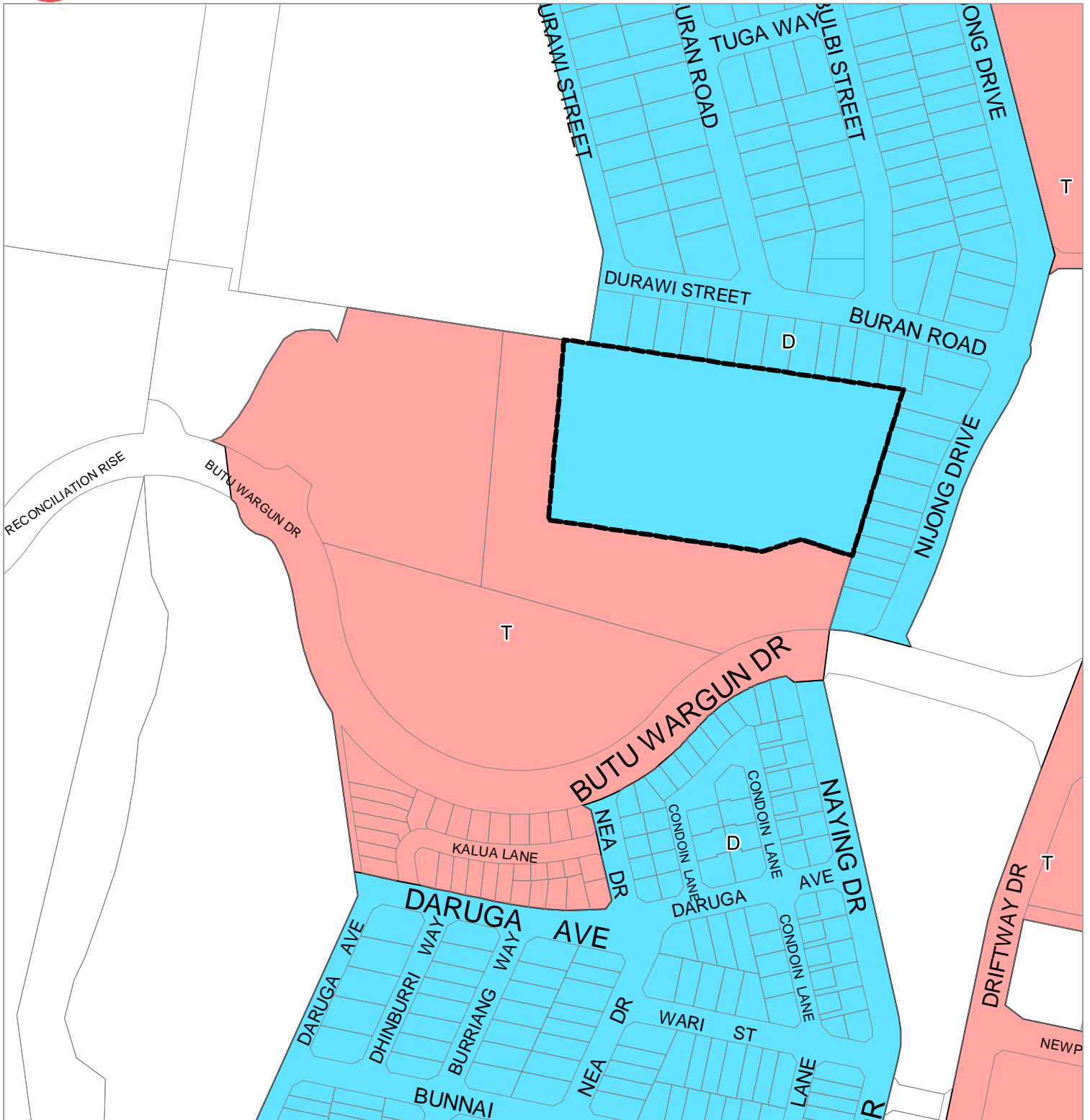
B	200
D	300
G	450
T	900
U	1200

Print Date: 22/03/2017
 Scale 1: 3000



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Minimum Lot Size (sq m)

B	200
D	300
G	450
T	900
U	1200

Print Date: 22/03/2017
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 Area subject to planning proposal

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Appendix 2 – Cumberland IHAP Report and Minutes (14 November 2016- Item C035/16)

ITEM C035/16 – PLANNING PROPOSAL FOR LOT 11 BUTU WARGUN, PEMULWUY- PRELIMINARY POST EXHIBITION REPORT

Resolved unanimously 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 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.

For: Ms. J. Walsh (Chairperson), Mr. B. McDonald, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

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.

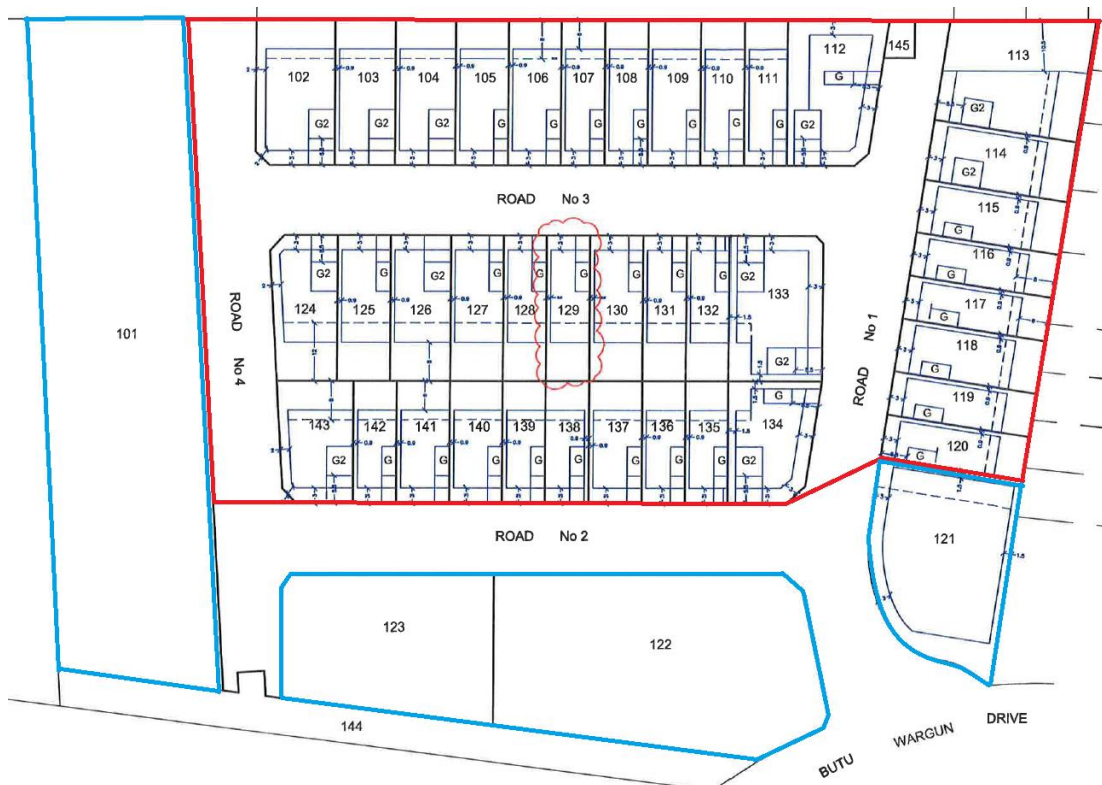


Figure 3: Map showing approved subdivision of the site - R4 (Blue) Proposed R3 (Red)

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 Response

Overview

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).

Rezone 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

Appendix 3 – Council Report and Minutes (1 February 2017- Item 003/17)

Min. 008 ITEM 003/17 - PLANNING PROPOSAL FOR LOT 11 BUTU WARGUN
PEMULWUY – PRE GATEWAY EXHIBITION REPORT

Note: Mr. Anthony El-Hazouri addressed the meeting on this item.

Moved and declared carried by the Administrator that:

- 1. 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. Council forward the planning proposal to the Department of Planning & Environment for Gateway Determination.**
- 3. The proponent pays the residual application fee of \$22,304.00 in accordance with Council's fees and charges 2016/2017 prior to the Planning Proposal request being forwarded to the Department of Gateway Determination.**

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.

Appendix 4 - Applicant's Planning Proposal Application

Prepared by Think Planners Pty Ltd on behalf of the applicant/owner

Lot 11 Butu Wargun Drive, Pemulwuy

Planning proposal to amend Holroyd Local Environmental Plan 2013

Pemulwuy (Nelsons Ridge Lot 11 DP 1162280)



Prepared by: Think Planner Pty Ltd

Date: 19 September 2016

Relevant planning authority: Cumberland Council

Contents

1. Introduction and Background.....	2
Relevant Precinct History	3
Relevant Site History	6
2. Site and locality description	8
Subject site	8
Locality	11
3. Local planning framework	17
Zoning.....	17
4. The Planning Proposal.....	18
Part 1 – Objectives or intended outcomes.....	18
Part 2 – Explanation of provisions.....	18
Part 3 – Justification	18
Section A – Need for the planning proposal.....	18
Section B – Relationship to strategic planning framework	18
Section C – Environmental, social and economic impact	24
Section D – State and Commonwealth interests.....	26
Part 4 – Mapping	26
Part 5 – Community consultation.....	26
Part 6 – Project timeline.....	26
5. Conclusion	27
6. Attachment	28
Attachment 1 – Approved residential subdivision, building envelope plans and site survey	28
Attachment 2 – Proposed zoning map	29
Annexure 1: Social Impact Comment.....	30

1. Introduction and Background

The purpose of this planning proposal is to explain the intended effect, and provide a justification for, a proposed amendment to the *Holroyd Local Environmental Plan 2013* (Holroyd LEP 2013), and to demonstrate the strategic merit of the amendment proceeding.

The planning proposal relates to Lot 11 in DP 1162280 at Nelsons Ridge, Pemulwuy which is to be referred to within this document as the 'subject site'. The planning proposal addresses an error and anomaly that has arisen during the incorporation of SEPP 59 planning provisions into the HELP 2013.

The planning proposal seeks to amend the Holroyd LEP 2013 by changing the land use zone of part of the site which is currently R4 High Density Residential to R3 Medium Density Residential. The planning proposal specifically seeks –

1. To rezone the land known as proposed Lots 102-120 and 124-143 to R3 Medium Density Residential; and
2. Retains as R4 high density residential the proposed super lots 101 and 121-123.

The proposed rezoning seeks to reinstate the key planning provision for the site that were established in February 1999 under State Environmental Planning Policy No. 59 – Central Western Sydney Economic and Employment (SEPP 59). When the provisions of SEPP 59 were converted into the principal local environmental plan under the Standard Instrument, some permitted uses were inadvertently lost. Principally, when the land became zoned R4 High Density Residential dwelling houses, dual occupancy and semi-detached dwellings were no longer permitted with consent whereas under SEPP 59 these uses were permitted. On the subject site there is an existing approval for residential subdivision which is an active consent for the development of 44 residential lots which range in size from 225m² through to 615m². These lots have been approved with building envelope plans to enable dwelling house development which is no longer permitted in the zone. Attachment 1 to this document includes a copy of the approved plan of subdivision and building envelope plans.

The intended outcome of the LEP amendment is to enable development of the land which is already subject to an approved residential subdivision and related approved building envelope plans.

The planning proposal is aligned with the key directions relating to housing provision and urban renewal contained within the document '*A Plan for Growing Sydney*' as well as Council strategies described within the '*Living Holroyd – Community Strategic Plan 2013*.'

The planning proposal has been prepared in accordance with Section 55 of the '*Environmental Planning and Assessment Act 1979*' and the Department of Planning and Infrastructure (Department of Planning and Environment) document '*A guide to preparing planning proposals*' (October 2012).

Relevant Precinct History

The subject site is located within the large Greystanes Estate. Boral Resources (NSW) Pty Ltd previously owned the site and has been used for quarrying and associated activities for approximately 100 years. The quarry, known as Prospect Quarry, reached the end of its economic life and the estate has been identified to house future population and accommodate employment generating land uses.

In February 1999, SEPP 59 was gazetted. This planning policy applied to Greystanes Estate and the site was rezoned for urban development including employment use and residential land uses. Image 1 below illustrates the Greystanes Estate Precinct Plan within the context of Pemulwuy.

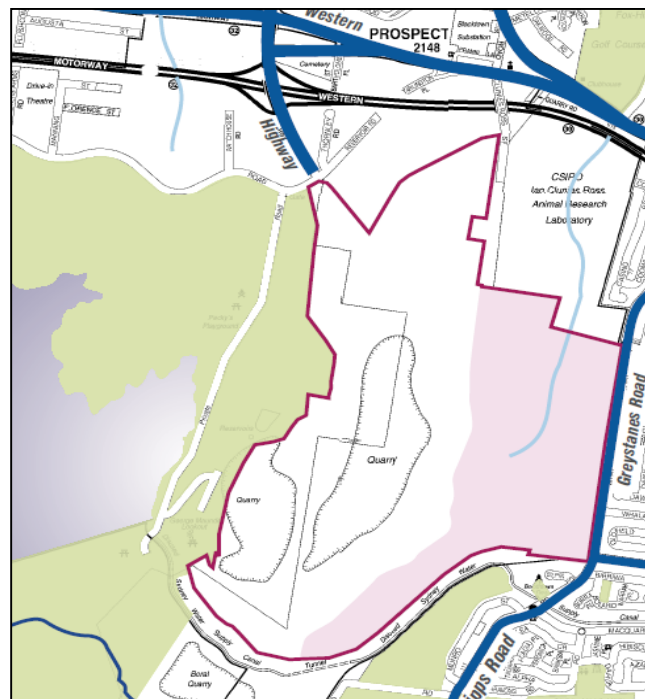


Image 1: Greystanes Estate Precinct Plan Area

The concept plan for the Greystanes Estate is shown in Image 2, below.

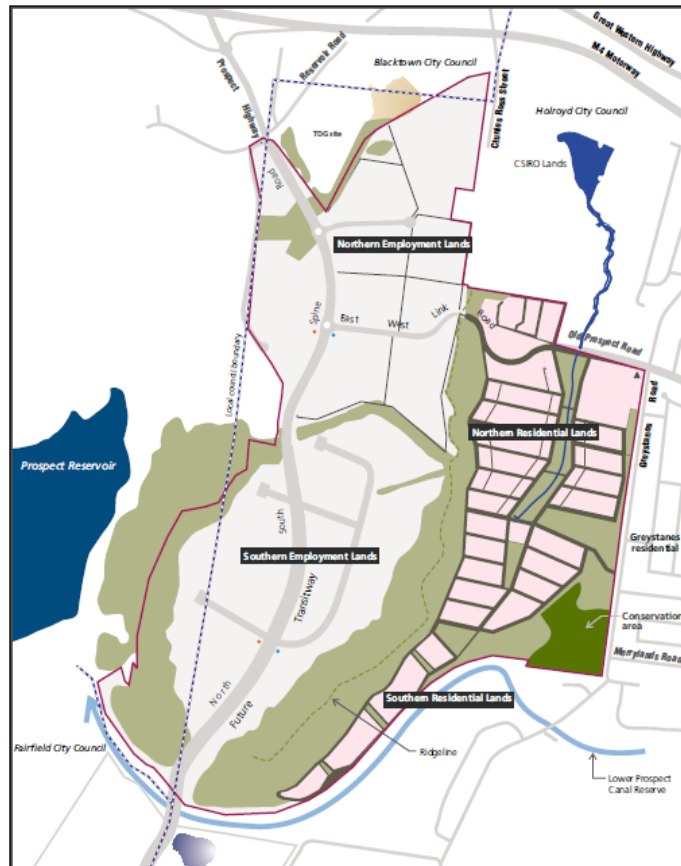


Image 2: Greystanes Estate Concept Plan

The Greystanes Estate is one of the largest privately owned parcels of land in Western Sydney, is approximately 330 hectares in size. The employment precinct is approximately 200 hectares and approximately 200 hectares has been allocated for the residential precinct, which has been divided into two estates, the Northern Residential Lands and the Southern Residential Lands. In accordance with SEPP 59, a Precinct Plan has been prepared for Greystanes Estate.

Prospect Hill which is located North West of the subject site is considered to be an important European heritage item. It is listed as item of State Significance on the NSW State Heritage Register, and is a Heritage Item in the Holroyd LEP 2013.

The site is fully within the Cumberland local government area which is located 30 km west of the Sydney CBD. The residential component of Pemulwuy is bound by the M4 Motorway to the north, the existing residential suburb of Greystanes to the East, the Nelson’s Ridge Estate to the South and Ridgepine Reserve to the West.

The developed estate comprises of two precincts associated with the Holroyd DCP 2013 as illustrated by precinct map extract from Holroyd DCP 2013 below, noting the site is within the south sub precinct.

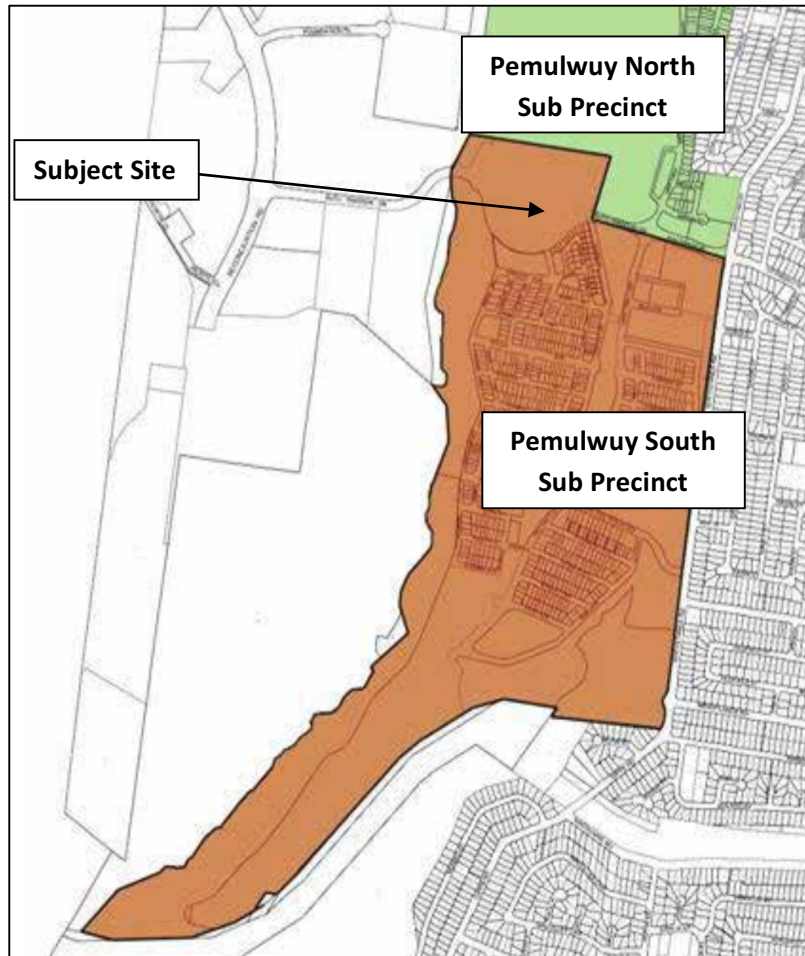


Image 3: Pemulwuy South Sub Precinct (Source: Holroyd DCP - Part P)

Relevant Site History

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

At the time when Precinct Planning was carried out for this site there were minimum dwelling yield targets enforced requiring the delivery of at least 15 dwellings per hectare throughout the estate. Minimum dwelling yield controls that were initially published in the Precinct Plan for Residential Lands were later translated into Holroyd Development Control Plan 2007 which has now been translated into the Holroyd Development Control Plan 2014. It is understood that these original targets have already been achieved and surpassed through the existing development to date in Pemulwuy. There have been a number of residential flat developments already constructed within Pemulwuy including at the following locations:

- 120 Driftway Drive
- 124 Driftway Drive
- 2 Newport Street
- 19 Pastoral Circuit
- 13 – 19 Pastoral Circuit
- 92 Greystanes Road.

There are also current applications being considered by Council which will deliver more housing in this locality. Of note is the current application on land adjoining the subject site at Lots 12 and 13 Butu Wargun Drive for a series of residential flat buildings that range in height from 4-5 storeys with a total of 320 residential units. Further to this, the approved plan of subdivision for this site retains 4 super lots which are to hold the current R4 High Density Residential zone. Early sketch designs for residential flat development on the remaining super lots reveals that approximately 90 dwellings could be delivered. It is clearly evident that the originally intended dwelling yield for Pemulwuy has been delivered and that a higher density form of development than surrounding areas will be delivered on the subject site.

It is also noted that the approved subdivision on land the subject of this Planning Proposal, is for allotments typically characterised as “small lot housing”, that delivers a density well above that of traditional residential subdivisions. The surrounding suburbs are characterised by allotment sizes of 500-700m², whereas the approved allotment sizes predominantly comprise smaller allotments, noting the average of the allotment sizes is 331.1m².

Based on the preceding planning provisions a development application (reference: DA2010/382/1) for residential subdivision was submitted to Holroyd Council to create 44 lots including 39 residential lots (including 3 dual occupancy lots), 4 residue lots and 1 public reserve/open space lot. This application was approved in March 2011 and subsequently development commenced for the construction of the residential subdivision, see Attachment 1 which provides the plan of subdivision and building envelope plans.

The lots have not yet been registered, however they are approved and some of the lots are approved with building envelope plans. It is noted that a number of these lots have been sold to individuals and settlement will occur upon registration of the lots. These lots and accompanying building envelope plans enable the development of dwelling houses and dual occupancy development however, since publishing of the Holroyd LEP 2013, the site has been zoned R4 High Density Residential and in the current zone dwelling houses, dual occupancy development and semi-detached dwellings are prohibited development. Accordingly, the new owners of the lots will be incapable of lodging applications for housing on the lots, as previously approved and intended. The introduction of the Holroyd LEP has erroneously prohibited development consistent with the intent of the consent.

Based on advice from strategic planners at Cumberland Council, the preferred path to resolve this error is to prepare a planning proposal which seeks to amend the zone from R4 High Density Residential to R3 Medium Density Residential. The uses that align with the existing subdivision approval are permitted in the R3 Medium Density Residential zone.

The planning proposal seeks to amend the Holroyd LEP 2013 by changing the land use zone of part of the site which is currently R4 High Density Residential to R3 Medium Density Residential. The planning proposal specifically seeks –

1. To rezone the land known as proposed Lots 102-120 and 124-143 to R3 Medium Density Residential; and
2. Retains as R4 high density residential the proposed super lots 101 and 121-123.

2. Site and locality description

Subject site

The development site is a large irregular shaped vacant land parcel that is located on the north-western portion of the South Sub Precinct of the Pemulwuy estate. The allotment has a total size of 3.07 hectares and has access from Butu Wargun Drive and is shown in the plans included in Attachment 1. There is a row of dwellings already constructed along Nijong Drive and the site sits to the west of these dwellings.

The development site is a large vacant site that is surrounded by existing low/medium density residential development to the east, south and north. There are 4 approved super lots are to remain zoned R4 High Density Residential within this site. It is likely that these lots will be developed in the short to medium term for residential flat development.

To the west of the site along Butu Wargun Drive at Lots 12 & 13 Butu Wargun Drive is a current development application for a series of 7 residential flat buildings that range in height from 4-5 storeys with a total of 320 residential units and a total of 382 car parking spaces across 3 basement levels and at-grade.

The aerial extract and photographs of the locality below provides context to the development site.



Image 4: Aerial Photograph of the Development Site and Surrounds (Source: Nearmap)

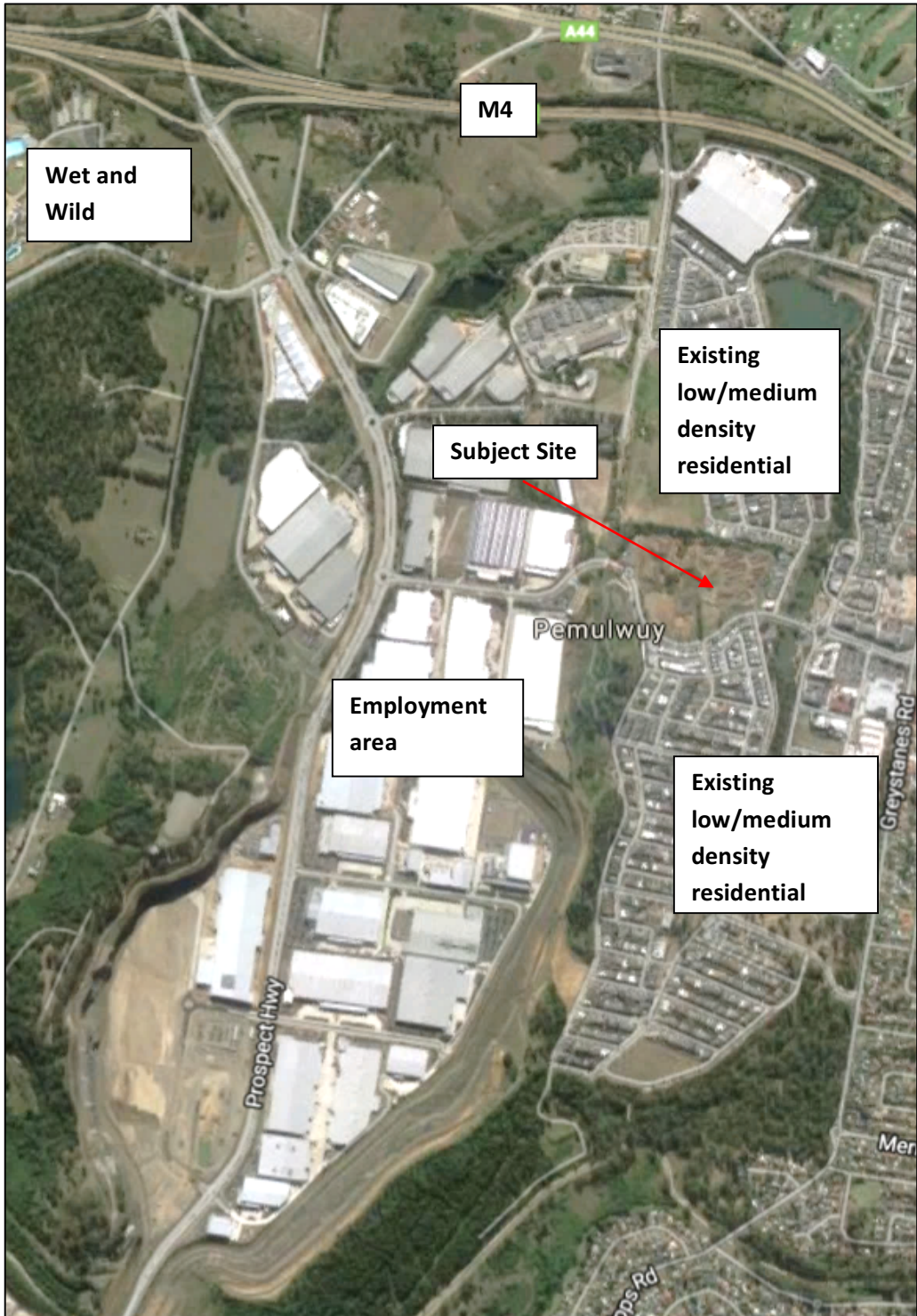


Image 5: Broader Locality (Source: Googlemaps 2016)

Locality

Pemulwuy South Sub Precinct, previously owned by Boral Australia is a new planned estate comprising of a commercial precinct which includes a Woolworths Supermarket, large expanses of public open spaces and planned parks, with the built form stock dominated by modern one and two storey large architectural designed dwellings interspersed by higher density housing clustered around Pemulwuy Marketplace to provide a variety of housing stock and housing choice within Pemulwuy, as demonstrated by the broad aerial map.

At present, land subdivided for low density have been taken up and there are only a few remaining vacant sites that are yet to be developed. The subject site is one of the last remaining land parcels that is yet to be developed.

A Plan for Growing Sydney supports residential development in strategic locations to accommodate future population growth. The subject area is ideal for low to medium density residential development as it is located within close proximity to a shopping centre, public transportation, public reserves and is situated near a major industrial precinct which provide potential employment opportunities for future residents.

Furthermore, key road networks such as Greystanes Road, M4 Motorway and The Great Western Highway are located within close proximity to the subject site.

Photographs are provided in the following page that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 1: Shows the site as viewed from the intersection of Butu Wargun Drive and Naying Drive



Photograph 2: Shows existing low/medium density housing situated opposite the development site.



Photograph 3: Shows existing streetscape along Butu Wargun Drive looking eastwards.



Photograph 4: Shows existing streetscape along Butu Wargun Dve looking westwards.



Photograph 5: Shows Prospect Hill as viewed from the northern portion of the development site.



Photograph 6: Shows the site as viewed from Prospect Hill looking eastwards.



Photograph 7: Shows site as viewed from Prospect Hill looking eastwards via Butu Wargun Drive.



Photograph 8: Shows viewed from top of Prospect Hill, including the subject site looking eastwards.



Photograph 9: Shows development along Butu Wargun Drive, looking northwards.



Photograph 10: Shows low/medium density development on the southern side of Butu Wargun Drive, looking southwards.



Photograph 11: Shows low/medium density development on the western side of Nijong Drive looking west.



3. Local planning framework

Zoning

The subject site is zoned R4 High Density Residential under Holroyd LEP 2013. The planning proposal seeks to amend part of the subject site to the land use zone to R3 Medium Density Residential, see the zoning extract map below.

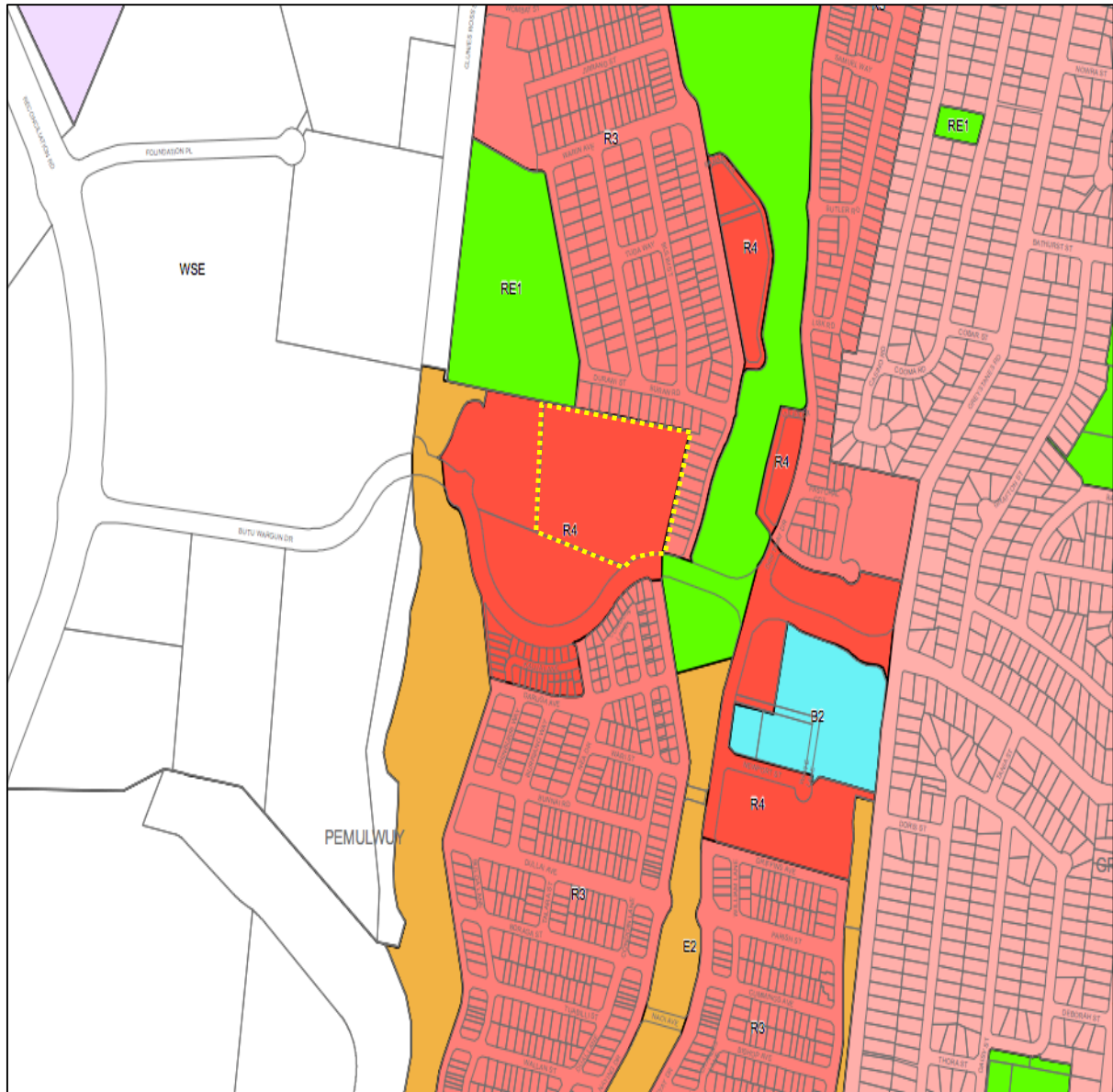


Image 6: Zoning Map Sheet LZN_002 Extract (Source: Holroyd LEP 2013)

4. The Planning Proposal

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is:

To provide suitable zoning provisions in order to facilitate development of lots that have already been approved by the Council.

Part 2 – Explanation of provisions

The stated objective will be achieved by:

- Amending the Land Zoning Map for Holroyd LEP 2013 in accordance with the proposed zoning map, shown at attachment 1, which provides for an R3 Medium Density Residential zone.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal the result of any strategic study or report?

The planning proposal has not been initiated as a direct result of a strategic study or report but has evolved from an error in the translation of the previous planning controls into the Standard Instrument. Discussion on the consistency of the planning proposal with relevant strategies is contained in the response to *Question 3*.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal is the best means of enabling development of land that has already been approved for subdivision. The planning proposal is certainly the most efficient mechanism available for enabling development of the subject lots and delivery of housing in an appropriate location and in a manner consistent with the strategic directions established in *A Plan for Growing Sydney*.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)

The stated objective of the planning proposal aligns with State Government strategy, specifically *A Plan for Growing Sydney*.

A Plan for Growing Sydney (Dept of Planning and Environment, December 2014)

A Plan for Growing Sydney outlines the State Government's plan to deliver homes, jobs and infrastructure to support a growing population. Key directions described in the Plan relate to accelerating housing supply and urban renewal across Sydney, with a focus on providing homes in areas well serviced by existing or planned infrastructure.

The Plan identifies that there is a significant gap between current housing production and future housing needs and that it is critical to remove the barriers to increased housing production in order to facilitate accelerated housing supply. Clearly the current situation for this site is a barrier to development as the land has been approved for residential subdivision with building envelope plans yet the zoning provisions changed to not enable actual dwellings to be constructed. The Plan explains that the Government intends to work with councils and the development sector to put in place flexible planning controls which enable housing development in feasible locations.

The planning proposal seeks to realign the zoning provisions with the previous zoning of this land to enable development for dwelling houses, dual occupancy and semi-detached dwellings. Pemulwuy is serviced by public transport services that are frequent and is located connected via high frequency bus services to the Parramatta CBD (Sydney's Second CBD). The planning proposal is considered to be consistent with the objectives and actions of *A Plan for Growing Sydney*.

West Central Subregional Plan (development of the Plan understood to be underway)

It is understood that preparation of the *West Central Subregional Plan* (that encompasses the Cumberland LGA) is presently underway. The key objective for the Central West Subregion is to accelerate housing supply, choice and affordability and build great places to live. Priorities for West Central Subregion (as documented on the *Plan for Growing Sydney* website) include working with councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery including around established and along key public transport corridors including the Western Line and bus T-Ways. It also seeks to work with councils to identify opportunities to revitalise suburbs. The objective of the planning proposal is considered to align with the documented priorities for the West Central Subregion.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Living Holroyd – Community Strategic Plan 2013

The Living Holroyd Community Strategic Plan 2013 seeks to establish a vision for Holroyd LGA 20 years into the future. By 2031 Holroyd City is expected to be home to an additional 30,000 people. A strong entrepreneurial culture will ensure that 8,000 new jobs are created and an extra 11,000 homes will be built (Holroyd Community Strategic Plan 2013).

Living Holroyd Community Strategic Plan 2013 identifies five strategic objectives (Active Holroyd, Growing Holroyd, Balanced Holroyd, Connected Holroyd and Dynamic Holroyd) to deliver the vision for Holroyd. Of particular note, relating to growth are the following:

- G5.2 – Enhance the atmosphere of local centres and business areas;

- G8.1 – Develop and maintain planning controls to stimulate growth of housing stock to meet population projections; and
- G8.2 – Encourage development of affordable housing stock close to services, amenities and transport hubs.

The intended outcome of the planning proposal is considered to be consistent with the overall vision and objectives of the Plan. Specifically, the redevelopment of the subject site will contribute to the growth and viability of Pemulwuy, will encourage diversity and liveability of places and will enhance the atmosphere of Pemulwuy and the Cumberland local government area. The planning proposal will also have positive on flow effects contributing to increased local job provision and public transport patronage.

The planning proposal also seeks to respond to the envisaged future population of the Cumberland local government area, releasing additional housing stock within an appropriate, well serviced and highly sought after location. The provision of a variety and diversity of additional housing stock in this location will also contribute to housing affordability in the LGA.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the planning proposal.

Table 2: Consideration of SEPPs

SEPP	Relevance	Comment
SEPP (State and Regional Development) 2011	✓	Should the planning proposal proceed, development of the site may constitute Regional Development and be determined by a Joint Regional Planning Panel.
SEPP (Urban Renewal) 2010	-	This SEPP is not relevant in the context of the planning proposal as the subject site is not located within an Urban Renewal Precinct.
SEPP (Affordable Rental Housing) 2009	-	The planning proposal is consistent with the aims or provisions of this SEPP. It is not proposed to carry out development under the provisions of this instrument.
SEPP (Exempt and Complying Development Codes) 2008	-	The planning proposal is consistent with the aims or provisions of this SEPP. This SEPP is not relevant in the context of the planning proposal.
SEPP (Infrastructure) 2007	✓	The planning proposal is not inconsistent with the aims or provisions of this SEPP. However, it is unlikely that future development would constitute traffic generating development and trigger an assessment under this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	✓	The planning proposal is consistent with the aims or provisions of this SEPP. Future development incorporating a BASIX affected buildings will be subject to the provisions of this SEPP.

SEPP (Housing for Seniors or People with a Disability) 2004	-	The planning proposal is consistent with the aims or provisions of this SEPP. It is not proposed to carry out development under the provisions of this instrument.
SEPP (Urban Renewal) 2010	-	This SEPP is not relevant to the subject planning proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	✓	The planning proposal seeks a medium density zone and therefore the provisions of this SEPP will not be applicable. The approved super lots will remain zoned R4 High Density and likely to be the subject of future DAs for residential flat development where this SEPP will be considered.
SEPP No. 64 - Advertising and Signage	-	Should any future development incorporate signage, the provisions of this SEPP will need to be considered.
SEPP No. 55 - Remediation of Land	✓	The planning proposal is consistent with the aims and provisions of this SEPP. The planning proposal seeks to change the zone from one residential zone to another which does not overall change the intended residential use of the land. Previous applications for subdivision of the subject land and detailed Precinct Planning has been undertaken of this site which has deemed the land suitable for residential development.
SEPP No. 1 - Development Standards	-	This SEPP does not apply to land subject to Holroyd Local Environmental Plan 2013.

The following table provides a brief assessment of consistency against each Deemed SEPP relevant to the planning proposal.

Table 3: Consideration of Deemed SEPPs

Deemed SEPP	Relevance	Comment
REP (Sydney Harbour Catchment) 2005	✓	The planning proposal is not inconsistent with the aims or provisions of this deemed SEPP. Future development will be subject to the provisions of this deemed SEPP.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides a brief assessment of consistency against each s.117 direction relevant to the planning proposal.

Table 4: Consideration of s.117 directions

Direction	Relevance	Comment
1. Employment and Resources		
1.1. Business and Industrial Zones	-	The planning proposal does not relate to business or industrial land.

1.2. Rural Zones	-	The planning proposal does not relate to rural zone.
1.3. Mining, Petroleum Production and Extractive Industries	-	The site has previously been subject to extractive industries and therefore this SEPP is no longer relevant.
1.4. Oyster Aquaculture	-	The site is not within a priority oyster aquaculture area.
1.5. Rural Lands	-	The site is not rural land and the residential zone is proposed to be maintained. The planning proposal only seeks change to the type of residential zone.
2. Environment and Heritage		
2.1. Environment Protection Zones	-	The planning proposal does not seek to make any changes to environmentally sensitive areas within Pemulwuy.
2.2. Coastal Protection	-	The subject site is not within a coastal zone.
2.3. Heritage Conservation	-	The planning proposal does not seek to amend any of the current and relevant heritage conservation provisions for this site.
2.4. Recreation Vehicle Areas	-	The planning proposal does not relate to land within an environmental protection zone.
3. Housing, Infrastructure and Urban Development		
3.1. Residential Zones	✓	The planning proposal is considered to be consistent with this direction. The planning proposal seeks to facilitate the development of housing through the application of appropriate zoning, controls that are consistent with the existing approval for subdivision of this land. The planning proposal represents an efficient use of existing infrastructure and services. The proposal will also lead to the delivery of a variety and choice of housing types within the Cumberland local government area within a well serviced and high amenity location.
3.2. Caravan Parks and Manufactured Home Estates	-	The planning proposal does not relate to a caravan park.
3.3. Home Occupations	✓	Home occupations are permitted with consent in both R4 and the proposed R3 zones. The planning proposal therefore retains provisions relating to home occupations.

3.4. Integrating Land Use and Transport	✓	The planning proposal is considered to be consistent with the direction. The proposal provides housing in close proximity to existing public transport nodes and links. Future residents will be able to walk to the Pemulwuy local centre and gain access to local bus services. Consistent with the Direction, the proposal seeks to provide residential development in lands within close proximity to transport. The planning proposal seeks residential development in an area that is suitable for the development due to its favourable location, existing services and accessibility.
3.5. Development Near Licensed Aerodromes	-	The subject site is not within the vicinity of a licensed aerodrome.
3.6. Shooting Ranges	-	The subject site is not within the vicinity of any shooting ranges.
4. Hazard and Risk		
4.1. Acid Sulfate Soils	-	It is understood that the site is not affected by acid sulfate soils.
4.2. Mine Subsidence and Unstable Land	-	The land has been suitably rehabilitated under previous approvals and is not known to be unstable land or affected by mine subsidence.
4.3. Flood Prone Land	-	The site is not located within a flood liable area.
4.4. Planning for Bushfire Protection	-	It is understood that this site is not affected by bushfire controls.
5. Regional Planning		
5.1. Implementation of Regional Strategies	-	No relevant strategies for this land.
5.2. Sydney Drinking Water Catchments	-	The land is not within the Sydney Water drinking catchment.
5.3. Farmland of State and Regional Significance on the NSW Far North Coast	-	The planning proposal does not comprise any farmland.
5.4. Commercial and Retail Development along the Pacific Highway, North Coast	-	The land is not on the North Coast of NSW.
5.8. Second Sydney Airport: Badgerys Creek	-	The subject site is not within the ANEF contours for Sydney's Second Airport.
5.9. North West Rail Link Corridor Strategy	-	This direction does not apply to land within Cumberland Council.

6. Local Plan Making		
6.1. Approval and Referral Requirements	✓	The planning proposal is considered to be consistent with the direction. The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2. Reserving Land for Public Purposes	✓	The proposal does not seek to make changes to any land that has been set aside for public purposes.
6.3. Site Specific Provisions	✓	The planning proposal is consistent with this Direction in that it seeks to rezone land to the R3 zone which already exists within the Holroyd LEP 2013. The planning proposal does not seek to introduce any changes in development standards or requirements in addition to those already contained in the existing LEP. The planning proposal is consistent with this Direction.
7. Metropolitan Planning		
7.1. Implementation of a Plan for Growing Sydney	✓	The planning proposal is considered to be consistent with this Direction. The planning proposal is consistent with the principles, directions and priorities prescribed in a Plan for Growing Sydney and this has been discussed in detail in the response to Q3.
7.2. Implementation of Greater Macarthur Land Release Investigation	-	The subject site is not within Campbelltown or Wollondilly Shire Councils.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site does not contain critical habitat or threatened species of any description. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal. No further assessment is necessary.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal seeks to amend the land zoning controls contained within Holroyd LEP 2013 in order to facilitate the redevelopment of the subject site for the purpose of dwelling houses, dual occupancy and semi-detached dwellings on land that is already afforded consent to subdivide for this purpose. The anticipated environmental effects associated with the development that will be permitted by the amendment are discussed below.

Traffic and access

Further detailed traffic analysis has not been undertaken for this planning proposal as the planning proposal does not significantly vary the development yield outcome for this land and in fact will result in a reduced impact on local traffic conditions. There are no predicted impacts resulting from the planning proposal on traffic generation or capacity within the local road system, therefore there are no traffic or parking matters arising that would preclude, delay or prohibit the rezoning of the land as proposed.

Environmental impacts

The proposed rezoning of land from R4 High Density Residential to R3 Medium Density Residential does not seek to amend any of the environmental controls relating to the land. The planning proposal will result in lesser impacts on the surrounding natural environment.

Built character

The proposed amended zoning does not seek to change the existing controls for maximum building height and floor space ratio. The site is closely linked to land to the north, east and south which are all currently zoned R3 Medium Density zone. The subject site is the subject of a current approval for residential subdivision which comprises approved building envelope plans. The planning proposal is seeking to deliver the dwellings that have already been approved under the current residential subdivision consent. In effect there is no change proposed to the built character anticipated and already approved by Council under the previous consent.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The social and economic effects of the planning proposal are most appropriately described in the context of the challenges associated with a growing population as described in the State Government document *A Plan for Growing Sydney*. Among other things, the Plan explains that to meet the needs of a varied population and to maintain economic growth, urban renewal in combination with infrastructure delivery must occur in strategic urban centres.

As previously described, the objective of the planning proposal aligns with the strategic direction identified in *A Plan for Growing Sydney*. The delivery of housing in a suburb that is well serviced by infrastructure and surrounded by similar development is considered to represent a positive social outcome. The planning proposal will facilitate future development that will enable development of the land for dwelling houses, dual occupancy and semi-detached dwellings where the land already benefits from consent being granted for subdivision which aligns with the delivery of this housing typology.

In a local context the planning proposal will facilitate the urban renewal of a key site in the Cumberland local government area, providing a desirable injection of new dwellings to accommodate anticipated population growth that is in demand. Additional housing stock may also assist with improving the affordability of housing in the locality.

It is noted that a Social Impact Comment has been prepared and is attached as part of this planning proposal.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Given the close proximity of the subject site to bus services and local retail facilities it is anticipated that a significant proportion of new residents would opt to use public transport rather than private vehicle. Notwithstanding, the locality also has excellent connectivity with access to several key arterial road networks including the Great Western Highway, the M2, M4 and M7 Motorways. Although well serviced by private transport infrastructure the benefits of the proximity of the site to public transport cannot be understated.

Local traffic conditions will not be impacted by the proposed change in zone from R4 High Density Residential to R3 Medium Density Residential. Thus, traffic does not require further detailed assessment.

The site has access to all relevant utilities including water, telecommunications, electricity and reticulated sewer and is close to the Parramatta CBD which has a variety of health, education and emergency services. In a broader context the subject site is proximate to Westmead Hospital and the University of Western Sydney (Parramatta campus) which are regional institutions.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The planning proposal has not yet received Gateway determination.

Part 4 – Mapping

It is understood that mapping will be prepared by Holroyd City Council to accord with the standard instrument mapping layouts prior to the planning proposal being reported to the Council for consideration. The planning proposal seeks amendments to the Land Zoning Map.

Part 5 – Community consultation

Community consultation will be undertaken in accordance with the requirements prescribed by the Gateway determination.

Part 6 – Project timeline

A project timeline is yet to be determined however will be formulated following discussions with Holroyd City Council and confirmation of any additional information required to allow consideration of the planning proposal.

5. Conclusion

This planning proposal explains the intended effect of, and provides a justification for, a proposed amendment to the *Holroyd Local Environmental Plan 2013* (Holroyd LEP 2013). The planning proposal addresses an error and anomaly that has arisen during the incorporation of SEPP 59 planning provisions into the HELP 2013. The planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructures' (Department of Planning and Environments') document '*A guide to preparing planning proposals*' (October 2012).

The planning proposal relates to land that benefits from planning permission for residential subdivision and the amended zoning seeks to permit the orderly development of this land by changing the zone to R3 Medium Density Residential which permits dwelling houses, dual occupancy and semi-detached dwellings.

The planning proposal describes how the intended outcome of the proposed LEP amendments align with the strategic directions established in State Government document including *A Plan for Growing Sydney* as well as the Community Strategic Plan for Cumberland (Holroyd City) Council.

It is considered that the LEP amendments sought by the planning proposal will allow for the accelerated delivery of housing in an area which is well serviced by public transport, infrastructure and services. The planning proposal is considered to have strong merit based on a sound analysis of relevant planning considerations and is submitted to Cumberland for consideration.

6. Attachment

Attachment 1 – Approved residential subdivision, building envelope plans and site survey

Annexure 1: Social Impact Comment

Social Impact Initial Review			
Contact Details:		Proposal Details:	
Name		Lot Number & Registered Plan Number	
Think Planners Pty Ltd		Lot 11 in DP 1162280	
Postal Address		Site Address	
PO Box 121 Wahroonga NSW 2076		Lot 11 Nelsons Ridge	
Email		Brief Description of Development Proposal	
adam@thinkplanners.com.au		Planning proposal seeking to rezone land from R4 High Density Residential to R3 Medium Density Residential.	
Phone	Mobile		
9687 8899			
1. POPULATION CHANGE			
<i>Will the development result in significant change/s to the local area's population (either permanent and/or temporary)?</i>	Yes <input checked="" type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
Explanation: Changes to the size, structure and capacity of the population can have significant implications for the provision/adequacy of community facilities/services, community cohesion and/or social sustainability	No <input type="checkbox"/>	The planning proposal seeks to permit development of the residential subdivision that has already been approved by Council – therefore there is no expected significant change in population proposed. The planning proposal seeks to amend the current R4 zone to provide an R3 zone which will decrease demand on community facilities. Section 94 contributions are not applicable to the planning proposal as they are levied under the relevant subdivision approvals on this site.	No mitigation required as discussed the proposal is effectively for a down-zoning of the land.
2. HOUSING			
<i>Will the proposal improve or reduce the quantity, quality, mix, accessibility and/or affordability of housing?</i>	Yes <input checked="" type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
	No <input type="checkbox"/>		

<p>Explanation:</p> <p>A mix of housing types, sizes and costs is necessary for social diversity (in terms of ages, family life cycles, incomes, cultural backgrounds) and social inclusiveness.</p> <p>Retention/expansion of affordable housing is necessary for social equity and to avoid displacement of low-income persons and families</p>	<p>The planning proposal seeks to permit the delivery of housing on lots that have already been approved by Council. Delivery housing on these lots will contribute to the general provision of housing in Pemulwuy which decreases pressure on demand effectively providing a more affordable housing product to the market. The lots approved under the current plan of subdivision vary in size and typology including single dwellings, dual occupancy and multi dwelling housing ensuring Pemulwuy is a socially inclusive neighbourhood.</p>	<p>There are no anticipated negative impacts resulting from the planning proposal. This provides the mechanism to permit orderly development of lots that have already been approved by Council.</p>
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3. MOBILITY & ACCESS

<p><i>Will the development improve or reduce physical access to and from places, spaces and transport?</i></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If 'Yes', briefly describe the Impacts below</p>	<p>Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below</p>
<p>Explanation:</p> <p>'Access for all' is an essential component of a fair and equitable society.</p> <p>Additionally, accessible developments foster inclusive communities, maximise access to public transport, pedestrian and cycle networks and provide convenient and continuous paths of travel (thereby promoting healthy, sustainable lifestyles)</p>		<p>Under the original Precinct Plan approved for Pemulwuy there was adaptable housing approved in designated suitable areas. A condition of consent under the subdivision approval for this site requires the delivery of 20 adaptable dwellings. This condition of consent is to be satisfied prior to the issue of subdivision certificate.</p>	<p>Adaptable dwellings will be delivered on site in accordance with the conditions of consent for the subdivision. This planning proposal does not seek to amend these conditions or amend any relevant adaptable housing provisions.</p>

4. COMMUNITY & RECREATION FACILITIES/SERVICES

<p><i>Will the development increase, decrease or change the demand/need for community, cultural and recreation services and facilities?</i></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If 'Yes', briefly describe the Impacts below</p>	<p>Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below</p>
<p>Explanation:</p> <p>Access to diverse and adequate community and recreation services and facilities is necessary for physical and mental health, well-being, personal productivity, social cohesion and social sustainability</p>		<p>The planning proposal seeks to amend the zoning from R4 High Density to R3 Medium Density and effectively a lesser population will result on this site. The proposed change however is in line with the existing approval for residential subdivision and there will be no additional need</p>	<p>Provision of adequate private open space areas on site and the levying of relevant Section 94 contributions.</p>

	or demand for community, cultural or recreation services resulting from the zone change requested in this planning proposal. It is noted there are recreation opportunities within close proximity to the subject site including Pemulwuy Lookout, Mu-Rong Reserve, Driftway Reserve and Naying Drive BBQ and Park Area.	
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5. CULTURAL VALUES/BELIEFS

<i>Will the development strengthen or threaten cultural or community values and beliefs?</i>	Yes <input type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
	No <input checked="" type="checkbox"/>	The planning proposal is to permit residential development and no likely impact on cultural values/beliefs.	
Explanation: Cultural values include places, items or qualities of cultural or community significance or importance. They provide significant meanings and reference points for individuals and groups. The celebration and protection of cultural values is a key element in building strong and resilient communities.			

6. COMMUNITY IDENTITY & CONNECTEDNESS

<i>Will the development strengthen or threaten social cohesion and integration within and between communities?</i>	Yes <input checked="" type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
	No <input type="checkbox"/>	The planning proposal extends the area of R3 land that exists surrounding the development site to the north, south and east. It follows the natural flow of zones and will permit development of land that is already the subject of a valid planning approval. There is to be limited change given the nature of the planning proposal.	Appropriate linkages to street and appropriate treatment of the public domain areas will encourage social contact.
Explanation: Social cohesion and integration require, in part, places and spaces for informal and safe social interaction. Developments can increase or decrease these interaction opportunities through their provision (or otherwise) of safe and connected pathways and linkages and attractive gathering places (parks, squares, civic spaces, streets).			

7. HEALTH & WELLBEING

<i>Will the development strengthen or threaten opportunities for healthy</i>	Yes <input type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative
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<i>lifestyles, healthy pursuits, physical activity & other forms of leisure activity?</i>	No <input checked="" type="checkbox"/>		impacts) or enhancements (of positive impacts) below
Explanation: Developments can increase or decrease opportunities for healthy lifestyles through increasing or decreasing the livability of places (in terms of safety, noise, dust, aesthetics) or increasing or decreasing opportunities for: <ul style="list-style-type: none"> • walking, cycling, play and other physical activity; • healthy food choices; • drinking, gambling and smoking. 		Proximity to public transport encourages alternative modes of transport such as walking/cycling. Furthermore, the proposal is within close proximity to public reserves and attractive local walking tracks.	Limited change
8. CRIME & SAFETY			
<i>Will the development increase or reduce public safety and opportunities for crime (perceived and/or actual)?</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
Explanation: Developments can increase or decrease safety (perceived and actual) (e.g. through generating increased traffic, providing venues that may attract unruly behaviour). This can diminish social cohesion and integration – but can be mitigated by appropriate design (CPTED), traffic controls and management		The planning proposal will enable development of lots that cannot currently be developed due to a mis-alignment of the zoning provisions with an existing and activated planning approval. As the planning proposal will permit development of the land, this will contribute to passive surveillance of local roads, social interaction and an overall enhanced sense of safety rather than land that remains undevelopable.	The planning proposal enables development of land that may remain vacant due to the mis-alignment of planning controls with the consented residential subdivision which is already under construction. Permitting the orderly development of this land will contribute to the general safety and well-being of the local community. Bringing this planning proposal ahead of any housekeeping LEPs will also make a positive contribution to Pemulwuy.

9. LOCAL ECONOMY & EMPLOYMENT			
<p><i>Will the development increase or reduce the quantity and/or diversity of local employment opportunities (temporary and/or permanent)?</i></p>	Yes <input checked="" type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
	No <input type="checkbox"/>	This will be an expected short term increase in employment during construction.	Nil
<p>Explanation:</p> <p>Unemployment and low income are associated with poor health and reduced social inclusiveness and resilience.</p> <p>Accessible and diverse local jobs (suited to the capacities of local populations) reduce the risk of unemployment (and the associated poorer health and social sustainability outcomes).</p>			
10. NEEDS OF POPULATION GROUPS			
<p><i>Will the development increase or decrease inclusive opportunities (social, cultural, recreational, employment, governance) for groups in the community with special needs?</i></p>	Yes <input checked="" type="checkbox"/>	If 'Yes', briefly describe the Impacts below	Describe your proposed mitigations (of negative impacts) or enhancements (of positive impacts) below
	No <input type="checkbox"/>	The planning proposal will retain a residential zone for this land therefore no change to the need for inclusive opportunities for groups with special needs.	Limited change due to the nature of this planning proposal.
<p>Explanation:</p> <p>Council has an Access and Equity Policy which promotes access to life opportunities (e.g. jobs, education, full participation in the cultural life of the community) and inclusiveness for all (including those with special needs – youth, aged, CALD, Aboriginals, people with disabilities, children, women etc).</p> <p>Developments can increase inclusiveness through the provision of culturally-appropriate facility design and programs and the avoidance of communication barriers.</p>			