

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

Proposal Title :	Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy		
Proposal Summary :	The proposal seeks to amend the Holroyd Local Environmental Plan (HLEP) 2013 to rezone part of the subject site, from R4 High Density Residential to R3 Medium Density Residential. The proposal also seeks to amend the height of buildings controls from 12.5m to 10m, floor space ratio provision from 0.85:1 to 0.7:1 and to reduce the minimum lot size provision from 900sqm to 300qm.		
PP Number :	PP_2017_CUMBE_002_00	Dop File No :	17/04064

Proposal Details

Date Planning Proposal Received :	06-Mar-2017	LGA covered :	Cumberland
Region :	Metro(Parra)	RPA :	Cumberland Council
State Electorate :	BLACKTOWN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 11 DP 1162280		

DoP Planning Officer Contact Details

Contact Name :	Alicia Hall
Contact Number :	0298601587
Contact Email :	alicia.hall@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Anthony Blood
Contact Number :	0298409838
Contact Email :	anthony.blood@cumberland.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Adrian Hohenzollern
Contact Number :	0298601505
Contact Email :	adrian.hohenzollern@planning.nsw.gov.au

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : The Department's Lobbyist Contact Register has been checked on 8 March 2016 and there are no records of contact with lobbyists in relation to this proposal.

Have there been Yes
meetings or
communications with
registered lobbyists? :

If Yes, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. Sydney Region West (Parramatta) has not met with any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The proposal seeks to rezone part of Lot 11 DP 1162280 from R4 High Density Residential development to R3 Medium Density Residential Development to facilitate the provision of dwelling house, dual occupancies and semi-detached dwellings which are prohibited within the R4 High Density Residential zone.

The proposal also seeks to amend the height of buildings from 12.5m to 10m, the floor space ratio from 0.85:1 to 0.7:1 and the lot size provision from 900sqm to 300sqm.

The proposal seeks to retain some of the existing R4 Density Residential zoning over part of the site. Figure 6 on page 7 of the planning proposal shows the proposed zoning.

The subject site has a current subdivision approval (DA2010/382/1) to create 44 lots, including 39 residential lots, 4 residual lots and 1 public reserve or open space (refer to Figure 5, pg 6 of the planning proposal for the approved subdivision layout). The proposal

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

seeks to rezone land associated with the approved subdivision, in particular the proposal seeks to rezone lots 102 - 120 and lots 124 - 143 from R4 High Density to R3 Medium Density Residential.

SITE DESCRIPTION

The site is legally described as Lot 11 DP1162280.

The site is approximately 3 hectares in size and almost square in shape. The site is currently clear of vegetation, excavation has been undertaken on the site.

Adjoining land to the north, east and south east of the subject site is zoned R3 Medium Density Residential. Adjoining land to the south and west is zoned R4 High Density Residential.

Adjacent land to the west of the subject site is the existing Western Sydney Employment Area. The subject site is within approximately 300m of Pemulwuy Local Centre which contains a supermarket and a number of specialty stores, including a medical centre, chemist, butchers and a number of ATM machines. The M4 Motorway is located approximately 1.5km north of the site.

The subject site adjoins 'Prospect Hill' a State Heritage listed item, Item IO16632 to the north west.

The majority of the site is mapped as being an area of 'moderate salinity potential'. A small portion of the site in the south eastern corner is mapped as an area of 'high salinity potential' under the Holroyd LEP 2013.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The planning proposal seeks to amend the Holroyd Local Environmental Plan (HLEP) 2013 to:

- rezone part of the Lot 11 Batu Wargun Drive, Pemulwuy from R4 High Density Residential Development to R3 Medium Density Residential Development;
- amend the Height of Buildings Map (Map Sheet_HOB_002) from a maximum permissible building height of 12.5m to 10m;
- amend the Floor Space Ratio Map (Map Sheet_FSR_002) from a floor space ratio of 0.85:1 to 0.7:1
- amend the Lot Size Map (Map Sheet LSZ_002) from a lots size provision of 900sqm to 300sqm.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

The planning proposal is consistent with all the relevant s117 Directions except as follows:

2.3 HERITAGE CONSERVATION

This direction applies as the subject site adjoins 'Prospect Hill' a State Heritage listed item, item number I01662.

To ensure consistency with this direction a planning proposal must contain provisions that facilitate the conservation of items of historical value. The Holroyd Local Environmental Plan 2013 and the Holroyd DCP 2013 both contain development controls which ensure the heritage listed item 'Prospect Hill' and its value,s are protected.

To ensure consistency with this direction, it is recommended that the proposal be forwarded to the Office of Environment and Heritage for consideration.

3.1 RESIDENTIAL ZONES

This direction applies as the proposal seeks to alter an existing residential zone boundary.

The objectives of this direction include encouraging a variety and choice of housing types to provide for existing and future housing needs.

The proposal seeks to rezone part of the site from R4 High Density Residential to R3 Medium Density Residential. The current R4 High Density Residential zoning prohibits dwelling houses, dual occupancies and semi-detached dwellings. The provision of R3 Medium Density Residential will allow the these uses to be permissible, with consent.

Therefore, the proposed rezoning will facilitate a wider variety and choice of housing types across the site, and is not considered inconsistent with this direction.

3.4 INTEGRATING LAND USE AND TRANSPORT

This direction applies as the proposal seeks to alter land zoned for residential purposes.

The objectives of this direction are to ensure that land use locations give effect to improving access to housing, jobs and services by walking, cycling and public transport and increase the choice of available transport and reduce car dependency.

The proposal is seeking to apply a suitable zone in response to market feasibility which will result reduced car usage. The nearby Pumulway Market Place and bus stops for a number of bus routes are located within a walking distance of the subject site.

The proposal is not considered inconsistent with this direction.

STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY NO 55 - REMEDIATION OF LAND

The proposal is considered consistent with SEPP 55 as Council advises that remediation work has been undertaken in accordance with subdivision approval. A Site Audit Statement has been issued KJL073 Lot 11.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment :

The mapping provided with the proposal is not considered adequate.

It is recommended that mapping showing the current and proposed land zoning, height of buildings, floor space ratio and lot size controls and amendments be included in the proposal prior to public exhibition.

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Given the minor nature of the proposal, a community consultation period of 14 day is recommended.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2013**

Comments in relation to Principal LEP : **The Holroyd Local Environmental Plan 2013 came into effect 4 months after it was published to the NSW Legislative website on 5 April 2013.**

Assessment Criteria

Need for planning proposal : **A planning proposal is considered the best way to achieve the proposed rezoning and associated amendments to the height of buildings map, floor space ratio map and lot size map.**

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney provides an overarching strategic vision for development across the Greater Sydney Metropolitan Region with a focus on livability, economic growth and environmental protection with a focus on the location of housing, infrastructure, employment and open space.

The proposed amendment is not considered inconsistent with A Plan for Growing Sydney and will not hinder the attainment of these goals.

DRAFT WEST CENTRAL DISTRICT PLAN (Plan)

The Draft West Central District Plan identifies priorities and actions that relevant planning authorities will need to consider in strategic planning activities and proposals to realise the vision for the district.

The proposal is considered consistent with the following sections and priorities of the Plan:

4. A Liveable City

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

The planning proposal will contribute to meeting the five year housing target by providing a variety of housing types via infill development.

Further, the proposed R3 Medium Density Residential zoning and the existing Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013 will work together to protect the heritage significance of Prospect Hill by applying appropriate planning controls and heritage considerations to development associated with the subdivision.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal is an infill development on a cleared site, with an existing subdivision approval. It is unlikely the proposal will result in any adverse environmental impacts.

SOCIAL AND ECONOMIC

The proposal seeks to rezone the land from R4 High Density Residential to R3 Medium Density Residential, in response to market feasibility, to deliver housing to the site. It is anticipated that the proposed rezoning will result provide an increased variety of residential dwelling types. Further, it is anticipated that traffic impacts including vehicle movements and on street parking will be reduced.

The proposal will deliver housing in an area that is serviced by existing infrastructure including a local shopping centre, the M4 Motorway, a number of existing bus routes and within the vicinity of the Western Sydney Employment Area. The proposal is likely to result in improved social and economic outcomes.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage		

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Lot 11 Butu Wargun Planning Proposal Final 060316 (002).pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
3.4 Integrating Land Use and Transport

Additional Information : **DELEGATION AND PLAN MAKING FUNCTION**
Cumberland City Council has requested delegation of the plan making function in relation to this planning proposal. Given the minor nature of the planning proposal, it is considered appropriate for authorisation to be issued in this instance.

GATEWAY DETERMINATION

As the matter is of a local, minor, planning matter, in accordance with Council's position, it is recommended that the Gateway determination function be exercised by the Director, Sydney Region West.

RECOMMENDATION AND GATEWAY CONDITIONS

It is recommended that planning proposal proceeds, subject to the following conditions:

1. Prior to public exhibition, Council must revise the planning proposal to include the following maps:

- a. current and proposed Land Zone Map;**
- b. current and proposed Height of Buildings Map;**
- c. current and proposed Floor Space Ratio Map; and**
- d. current and proposed Lot Size Map.**

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

Holroyd LEP - proposal to rezone land from R4 High Density Residential to R3 Medium Density Residential at Butu Wargun Drive, Pemulwuy

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal seeks to provide a broader range of residential dwelling

Signature:



Printed Name:

Adrian Hohenzollern

Date:

15/3/17