

Environmental & Planning Services Department

Our Reference: HC-23-08-33
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6 March 2017

Ms Catherine Van Laeren
Director
Sydney Region West
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Laeren

**SUBMISSION OF PLANNING PROPOSAL FOR LOT 11 BUTU WARGUN,
PEMULWUY**

At its meeting on 1 February 2017, Council resolved to proceed with a Planning Proposal to amend the Holroyd Local Environmental Plan (LEP) 2013 for Lot 11 Butu Wargun, Pemulwuy. The Planning Proposal seeks to amend the land zoning, maximum height of buildings, and floor space ratio applicable for the precinct. This amendment will be Amendment Number 18 of the Holroyd LEP 2013.

Council wishes to exercise its delegated authority in finalising the LEP amendment.

A copy of the Planning Proposal is enclosed and is submitted to you for Gateway Determination. Should you have any further enquiries regarding this matter, please contact Council's Strategic Planner, Mr Anthony Blood, on (02) 9840 9838.

Yours faithfully

Monica Cologna
MANAGER STRATEGIC PLANNING

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

February 2017

[TRIM: HC-23-08-33]

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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 (sqm)
Lot 11 Butu Wargun Drive, Pemulwuy	Lot 11 on DP1162280	Boral Resources (NSW) Pty Ltd	3.07ha
Total			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 forty four (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

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 Zone 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

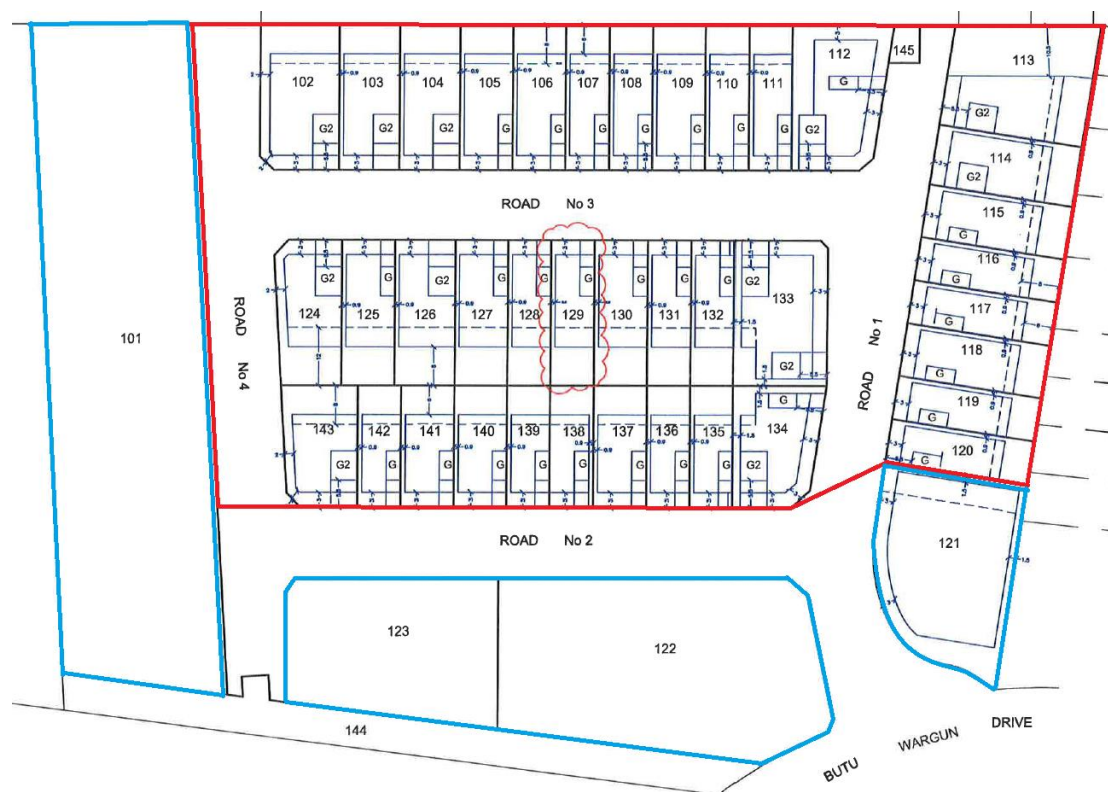
The subject site does not trigger any other relevant planning controls.

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 forty four (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 the *Holroyd LEP 2013* (HLEP) as it applies to the site in the manner described in the 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 *HLEP2013* to rezone part of the subject site to R3 Medium Density Residential;
- Amend the Lot Size map in force under Clause 4.1 of *HELP2013* to specify a minimum lot size of 300sqm
- Amend the Height of Buildings Map in force under Clause 4.3 of *HLEP2013* to specify a maximum building height of 10 metres over part of the site proposed to be rezoned R3 Medium Density Residential;
- Amend the Floor Space Ratio Map in force under Clause 4.4 of *HLEP2013* to identify a maximum floor space ratio of 0.7 for the part of the site intended to be rezoned R3 Medium Density Residential;

All other maps which currently form part of *HLEP2013* 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

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

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.

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 *Holroyd LEP 2013*.

Table 5: Anticipated Project Timeline

PP Actions	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	Jun 2017	Jul 2017	Aug 2017	Oct 2017	Nov 2017	Dec 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 CIHAP											
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
GOAL 1: A competitive economy with world-class services and transport. Direction 1.9 Support Priority economic sectors 1.9.1: Support the growth of Priority industries with appropriate planning controls. 1.9.2: Support key industrial precincts with appropriate planning controls.	Not Applicable
GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles. Direction 2.1 Accelerate housing supply across Sydney 2.1.1: Accelerate housing supply and local housing choices. 2.1.3: Deliver more housing by developing surplus or under-used government land Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres	Consistent 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.
GOAL 3: A great place to live with communities that are strong, healthy and well connected. Direction 3.1: Revitalise existing suburbs 3.1.1: Support urban renewal by directing local infrastructure to centres where there is growth Direction 3.3: Create healthy built environments 3.3.1 Deliver guidelines for a healthy built environment	Consistent 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.

Action	Consistency
GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources Direction 4.3: Manage the impacts of development on the environment.	Consistent The subject site has previously been cleared of all vegetation and therefore does not contain critical habitat or threatened species of any description.
Sydney's Subregions West Central Subregion To implement the directions in <i>A Plan for Growing Sydney</i>, the following priorities will be considered and addressed: A competitive economy Recognise and strengthen the subregion's role in Sydney's manufacturing industries"	Not Applicable The planning proposal is for residential purposes.

Draft West Central District Plan 2016

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

State Environmental Planning Policies (SEPPs)

No.	Title	Summary	Application
1	Development Standards	Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	Does not apply to Cumberland LGA. SEPP repealed by <i>Holroyd LEP 2013</i> (clause 1.9)
14	Coastal Wetlands	Aims to ensure the State's coastal wetlands are preserved and protected.	Does not apply to Cumberland LGA. Applies to specified land under the National Parks & Wildlife Act, the Tomago Aluminium Smelter (Newcastle) and land to which SEPP 26 applies.
15	Rural Land sharing Communities	Aims to facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices.	Does not apply to Cumberland LGA.
19	Bushland in Urban Areas	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	Applies to State The subject site is infill development and not prone to bushfire. Not relevant
21	Caravan Parks	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	Applies to State , except land to which SEPP (Western Sydney Parklands) applies. Not relevant
26	Littoral Rainforests	Aims to protect littoral rainforests from development.	Does not apply to Cumberland LGA
29	Western Sydney Recreation Area	Aims to enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area	Does not apply to Cumberland LGA Applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park
30	Intensive Agriculture	Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries.	Applies to State The proposal is not for a cattle feedlot or piggery. Not relevant

No.	Title	Summary	Application
32	Urban Consolidation	Aims to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	Applies to State Applies to all urban land, except Western Sydney Parklands under that SEPP
33	Hazardous and Offensive Development	Aims to provide additional support and requirements for hazardous and offensive development	Applies to State The Planning Proposal is for Residential purposes. Not relevant
36	Manufactured Home Estates	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Does not apply to Cumberland LGA Applies to land outside the Sydney Region.
39	Spit Island Bird Habitat	Aims to enable development for the purposes of creating and protecting bird habitat.	Does not apply to Cumberland LGA Applies to land comprising Spit Island, Towra Point and Kurnell
44	Koala Habitat Protection	Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	Does not apply to the Cumberland LGA Cumberland LGA not listed in Schedule 1
47	Moore Park Showground	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	Does not apply to the Cumberland LGA
50	Canal Estate Development	Prohibits canal estate development	Applies to State, except Penrith Lakes
52	Farm Dams and other works in land management areas	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	Does not apply to the Cumberland LGA
55	Remediation of Land	Provides a State wide planning approach for the remediation of contaminated land.	Applies to State Consistent – Remediation work has been undertaken in accordance with subdivision approval. A Site Audit Statement has been issued KJL073 Lot 11.

No.	Title	Summary	Application
59	Central Western Sydney Regional Open Space and Residential	Aims to provide for residential development on suitable land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney	Does not apply to the Cumberland LGA Applies to land identified as Regional Open Space Zone and Residential Zone within the Western Sydney Parklands
62	Sustainable Aquaculture	Aims to encourage and regulate sustainable aquaculture development	Applies to State The Planning Proposal is for Residential purposes. Not relevant
64	Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to State The Planning Proposal is for Residential purposes. Not relevant
65	Design Quality of Residential Flat Development	Aims to improve the design qualities of residential flat building development in New South Wales.	Applies to State , except Kosciusko SEPP area Not relevant
70	Affordable Housing (Revised Schemes)	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	Does not apply to Cumberland LGA Applies to land within the Greater Metropolitan Region. Specifically mentions Ultimo/Pymont precinct, City of Willoughby and Green Square.
71	Coastal Protection	Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	Does not apply to Cumberland LGA Applies to land within the coastal zone, as per maps of SEPP.
	Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Applies to State To be considered at DA stage
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies to State To be considered at DA stage

No.	Title	Summary	Application
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	Applies to State Land excluded from the General Housing Code under Schedule 5 of the SEPP.
	Housing for Seniors or People with a Disability 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to State To be considered at DA stage
	Infrastructure 2007	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	Applies to State The subject site is not situated adjacent to a busy road (Traffic volume maps for noise assessment for building on land adjacent to busy roads; Map 14 RMS Website) Not Relevant
	Kosciuszko National Park – Alpine Resorts 2007	Aims to protect and enhance the natural environment of the alpine resorts area.	Does not apply to Cumberland LGA Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	Kurnell Peninsula 1989		Does not apply to Cumberland LGA Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.
	Mining, Petroleum and Extractive Industries 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	Applies to State The Planning Proposal is for Residential purposes. Not relevant
	Miscellaneous Consent Provisions 2007 (Replaces Temporary Structures)	Aims to permit the erection of temporary structures and ensure the safety of the structure. Protection of the environment is encouraged in the vicinity and location of the structure.	Applies to State The Planning Proposal is for Residential purposes. Not relevant

No.	Title	Summary	Application
	Penrith Lakes Scheme 1989	Aims to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment,	Does not apply to Cumberland LGA
	Rural Lands 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Does not apply to Cumberland LGA
	SEPP 53 Transitional Provisions 2011	Aims to enact transitional provisions consequent on the repeal of SEPP 53 - Metropolitan Residential Development.	Does not apply to Cumberland LGA Applies only to specified land in Ku-ring-gai LGA.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Applies to State The Planning Proposal is not for State or Regional Development/ Not relevant
	State Significant Precincts 2005	Aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	Applies to State The Planning Proposal is not located within a State Significant Precinct. Not relevant
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	Does not apply to Cumberland LGA Applies to land within the Sydney drinking water catchment.
	Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	Does not apply to Cumberland LGA. Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)
	Three Ports 2013	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port of Newcastle.	Does not apply to Cumberland LGA Applies to land within Botany, Wollongong and Newcastle City Council, in the areas of Port Botany, Port Kembla and Port of Newcastle

No.	Title	Summary	Application
	Urban Renewal 2010	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	Does not apply to Cumberland LGA Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.
	Western Sydney Employment Area 2009	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	Does not apply to Cumberland LGA The Planning Proposal is for Residential purposes. Not relevant
	Western Sydney Parklands	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	Does not apply to Cumberland LGA Applies to land within the Blacktown, Fairfield and Holroyd LGAs (Quakers Hill to West Hoxton)

Regional Environmental Plans (REPs)

No	Title	Summary	Application
8	Central Coast Plateau Areas	Aims to implement the state's urban consolidation policy.	Does not apply to the Cumberland LGA. Applies to nominated land in the NSW Central Coast.
9	Extractive Industry No. 2 1995	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	Does not apply to the Cumberland LGA. Applies to LGAs listed in Schedule 4 of the SREP.
16	Walsh Bay	Aims to regulate the use and development of the Walsh Bay area.	Does not apply to the Cumberland LGA. Applies to land within the City of Sydney and within Sydney Harbour.
18	Public transport corridors	Aims to protect provision for future public transport facilities.	Does not apply to the Cumberland LGA. Applies to the Fairfield, Parramatta, Holroyd and Baulkham Hills LGAs.

No	Title	Summary	Application
19	Rouse Hill Development Area	Aims to provide for the orderly and economic development of the RHDA.	Does not apply to the Cumberland LGA. Applies to area defined by policy. Note: Rouse Hill is in The Hills and Blacktown LGAs.
20	Hawkesbury-Nepean River (No 2-1997)	Aims to protect the Hawkesbury-Nepean River System.	Does not apply to the Cumberland LGA. Applies to certain LGAs within Greater Metropolitan Region.
24	Homebush Bay Area	Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	Does not apply to land to which HLEP 2013 applies (clause 1.9).
26	City West	Aims to promote the orderly and economic use and development of land within City West.	Does not apply to the Cumberland LGA. Applies to land shown as City West area (Pymont and Ultimo)
30	St Marys	Aims to support the redevelopment of St Marys by providing a framework for sustainable development.	Does not apply to the Cumberland LGA. Applies to specified land within the Blacktown and Penrith LGAs
33	Cooks Cove	Establishes the zoning and development controls for the Cooks Cove site.	Does not apply to the Cumberland LGA. Applies to specified land at Cooks Cove within the suburb of Arncliffe.
	Sydney Harbour Catchment 2005	Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.	Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River. Applies to land within the Cumberland LGA.

Section 117 Ministerial directions

Direction	Applicability / Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones <i>What a relevant planning authority must do if this direction applies</i>	Not Applicable

Direction	Applicability / Consistency
A planning proposal must: (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. <i>Consistency</i> 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: (a) justified by a strategy which: (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.	
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable

Direction	Applicability / Consistency
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	
3.1 Residential Zones <i>What a relevant planning authority must do if this direction applies:</i> A planning proposal must include provisions that encourage the provision of housing that will: (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. <i>Consistency</i> A planning proposal must, in relation to land to which this direction applies: (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	Consistent - The Planning Proposal will facilitate residential development within the existing suburb of Pemulwuy which has access to appropriate infrastructure and services
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Consistent – Does not change the permissibility of home occupations
3.4 Integrating Land Use and Transport <i>What a relevant planning authority must do if this direction applies</i> A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	Consistent – The Planning Proposal will increase housing within close proximity to major arterials and bus services situated at Pemulwuy local centre.

Direction	Applicability / Consistency
<i>Consistency</i> 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: (a) justified by a strategy which: (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
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

Direction	Applicability / Consistency
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	
7.1 Implementation of A Plan for Growing Sydney <i>What a Relevant Planning Authority must do if this direction applies</i> Planning proposals shall be consistent with: The NSW Government's A Plan for Growing Sydney published in December 2014. <i>Consistency</i> 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: (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.	Consistent – The proposal is consistent with <i>A Plan for Growing Sydney</i>. Refer to Section 4.3.2 of this report.

Appendix 2 – CIHAP 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 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.

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

Against: 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.

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

