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Post Exhibition Submissions Report PP-2021-3247

Rezoning of 33 Morshead Road, Mount Annan for
medium density residential purposes (9-10 homes, 0
jobs)

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1 Introduction

1.1 Planning proposal objectives

The planning proposal package (**Attachment A**) seeks to amend the Camden Local Environmental Plan 2010, as follows:

- to facilitate the redevelopment of the site for medium density residential purposes consistent with surrounding residential development;
- rezone the site from R2 Low Density Residential to R3 Medium Density Residential by amending the Land Zoning Map (LZN_017); and
- amend the minimum lot size from 450m² (G) to 250m² (C) by amending the Minimum Lot Size Map (LSZ_017).

1.2 The site and surrounding area

The site is identified as Lot 71 DP 702819 (No. 33) Morshead Road, Mount Annan, as depicted by the red outline in **Figure 1** (overleaf). The area of the site is 3,263m². The subject land has two street frontages, with a principal frontage to Morshead Road to the west and a secondary frontage to Buna Close (a cul-de-sac) to the north.

The site comprises a single residential allotment with a 1960's dwelling house. Existing vegetation on the site includes garden beds and fruit trees, along with native grasses and a Spotted Gum tree. The site is located in an area subdivided and developed for residential purposes in the 1990's and early 2000's. **Figure 2** (overleaf) illustrates the nature of the locality.

The surrounding area is predominately residential in nature. Dwellings in the locality include integrated housing (dwellings designed and constructed on small allotments), some of which exhibit qualities akin to a zero-lot line. The existing maximum permissible building height is 9.5m. The Mount Annan Marketplace is located approximately 400m east of the site.

Housing to the immediate west (western side of Morshead Road) comprises traditional dwellings on land zoned R2 Low Density Residential with a 450m² minimum lot size. Land to the immediate north, east and south is zoned R3 Medium Density Residential with a 250m² minimum lot size.



Figure 1 Subject site (source: Google Maps 2020)



Figure 2 The site and surrounding land

1.3 Background

The background as follows:

- The planning proposal was lodged in October 2018 and Council's report recommended that the proposal proceed to Gateway. Council's resolution did not endorse this recommendation.
- An amended planning proposal was lodged with Council December 2019.
- On 18 February 2020, the Camden Local Planning Panel (LPP) supported the draft planning proposal. Council resolved on 14 April 2020 not to proceed, initiating the rezoning review process (**Attachment C**).
- On 5 June 2020, the Department wrote to Council advising of the rezoning review request.
- On 25 June 2020, Council responded confirming that the proposal submitted to the Department for review was the same proposal that was considered by Council.
- On 30 October 2020, the Sydney Western City Planning Panel (the Panel) resolved that the proposal should be submitted for Gateway determination and invited Council to be the Planning Proposal Authority (PPA) for this proposal (**Attachment D**).
- On 30 November 2020, Council advised the Planning Panel Secretariat that as Council had previously resolved not to support the proposal, it did not wish to be the PPA for this proposal (**Attachment E**).
- On 17 December 2020, the Panel provided a letter to the Department stating in accordance with section 3.32(1) of the *Environmental Planning Assessment Act 1979*, the Panel as delegate of the Minister for Planning and Public Spaces has considered the matter and determined itself as the PPA (**Attachment F**).

1.4 Gateway Determination

A Gateway determination was issued on 7 May 2021 (**Attachment B**) which required, prior to public exhibition, the planning proposal be amended as follows:

- the cover page is amended to reflect adoption of the planning proposal;
- under 4 *Explanation of provisions (Part 2)*, thumbnail mapping is included to indicate existing and proposed zones and existing and proposed minimum lot size;
- community consultation is to include, but not limited to, written notification being provided to occupiers of homes adjoining the subject land;
- under 8 Project Timeline (Part 6), the timeline is amended to reflect projected target dates, include those in conditions 4 and 5 below;
- supporting studies; section 9.1 Directions and State Environmental Planning Policy assessment, are to form separate appendices and, where appropriate, are to be referenced in the proposal document; and,
- for the purpose of exhibition, extraneous documents are to be removed from appendices.

The planning proposal was amended accordingly.

2 Public Exhibition

2.1 Public Exhibition – 22 July to 18 August 2021

As required by the Gateway determination, public exhibition was required under section 3.34(2)(c) and schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979 (the Act), the planning proposal was publicly exhibited from 22 July to 18 August 2021.

The Gateway determination did not require any agency consultation.

Seven local community submissions were received:

- five objections; and
- two, not objecting.

3 Submission Analysis

3.1 Local community submissions

Seven local community submissions were made (**Attachment Local Community Submissions**). A detailed summary of each submission can be found in **Table 1**. The following key concerns were raised:

- opposition to a reduced minimum lot size;
- access to and from the site (specifically access from Buna Close);
- car parking arrangements and associated congestion issues;
- overlooking – privacy issues, following housing development; and
- garbage bin collection issues, i.e. additional bins from proposed dwellings will create congestion.

Table 1 Local community concerns

Local Community member	Concerns raised
Submission 1	<ul style="list-style-type: none"> • Opposed to lot size reduction from 450m² to 250m². • Street (Buna Close) is too narrow for additional car parking that will come with additional dwellings. • Bin collection will be an issue. • Driveway access to the site from Buna Close would create traffic and parking congestion.
Submission 2	<ul style="list-style-type: none"> • Supportive as the proposal demonstrates strategic and site specific merit and is consistent with Council's Housing Strategy, and the District Plan, in terms of diversity and affordability.
Submission 3	<ul style="list-style-type: none"> • Opposed to lot size reduction. • Amenity issue – suggests privacy will be compromised as new 2 storey houses will overlook neighbouring properties. • Provided comments over the state of the subject land and recent improvements.

Local Community member	Concerns raised
Submission 4	<p>In support, however, suggested consideration be given to:</p> <ul style="list-style-type: none"> • Vehicular access through the site may cause traffic issues and consideration should be given to access arrangements to reduce congestion. • Parking has not been addressed in the proposal. Consideration needs to be given to off-street parking and/or parking limitations near the Morshead Road intersections. Consideration could also be given to dividing access to the site. • Garbage collection needs to be addressed. An estimated additional 27 bins from the proposed dwellings on the subject site would either cause severe collection congestion in Buna Close or create an eyesore along Morshead Road
Submission 5	<ul style="list-style-type: none"> • Bin collection already congests Buna Close and additional bins from the development of the site will make bin collection dangerous due to lack of space for bins, currently taken up by car parking • Buna Close is too narrow for existing parking as many park cars on grass verges. Any additional car parking that will come with additional dwellings will create severe congestion for Buna Close • Driveway access from Buna Close is not supported
Submission 6	<ul style="list-style-type: none"> • Not enough room for bin collection or garbage truck entry and egress. • No room for parking. If each proposed dwelling has 2 or 3 cars there would be an extra 20-30 cars on the site, spilling onto Morshead Road and Buna Close.
Submission 7	<ul style="list-style-type: none"> • Objects to access to the site from Buna Close which would cause congestion and difficulty with bin collection.

4 Proponent Response to Submissions

The proponent was provided with redacted submissions and invited to provide a response to submissions. On 28 August 2021, the proponent provided the following response, which has been combined into a single document (**Attachment Proponent Response to Submissions**). Note: submission 7 was not provided to the proponent for comment, owing to technical difficulties. The issues raised in this submission, however, are common to other submissions and have been adequately addressed in the response made by the proponent.

The proponent's letter focuses on providing a thematic response to issues raised in submissions and a response to each individual submission. The thematic response to the key issues raised in the submissions is summarised in **Table 2**.

Table 2 Proponent response to submissions

Key issues	Proponent response
<u>Capacity and Functionality of Buna Close</u> <ul style="list-style-type: none"> • Parking (Existing) • Garbage Bin Collection (Existing) • Additional Traffic (Future) 	<p>Existing informal parking and garbage collection that utilises the Buna Close frontage of the subject land are not reasonable grounds for opposing the proposal and will need to be addressed by existing residents in moving forward.</p> <p>Buna Close (and Owen Stanley Drive) have demonstrated engineering and environmental capacity to accommodate accessibility demands associated with medium density residential development, particularly if only part of the new development is accessed via Buna Close.</p>
<u>Thoroughfare Linkage</u> <ul style="list-style-type: none"> • Shortcut (Future) 	<p>An accessway serving future development which links Buna Close and Morshead Road has the potential to impact adversely upon the amenity of new development and adversely impact the functionality of Morshead</p>

Key issues	Proponent response
<ul style="list-style-type: none"> Impact upon functionality of Morshead Road/ Holdsworth Drive Intersection (Future) 	<p>Road particularly in close proximity of the Morshead Road/Holdsworth Drive roundabout intersection.</p> <p>Access to Morshead Road and Buna Place should be shared, limiting direct connectivity of the two streets. Additionally, limited parking restrictions on Morshead Road may emerge as part of a traffic/parking management strategy.</p>
<p><u>Parking</u></p> <ul style="list-style-type: none"> Adequate on-site provision (Future) 	<p>Parking provision will need to comply with the relevant local planning controls. Kerbside parking restrictions may need to be explored as a partial solution to ensuring optimum road network functionality.</p> <p>Drives toward modal shift are likely to also reduce vehicle ownership levels and related parking demands.</p>
<p><u>Garbage Collection</u></p> <ul style="list-style-type: none"> Adequate provision (Existing and Future) 	<p>Garbage collection is an obvious issue of concern. Current arrangements will need to be revised by residents who will no longer have access to the Site's Buna Close frontage.</p> <p>Additionally, garbage collection should be a central consideration in future development planning and approvals.</p> <p>Satisfactory outcomes are considered to be achievable.</p>
<p><u>Amenity Impacts of New Development</u></p> <ul style="list-style-type: none"> Overlooking/Privacy/Overshadowing (Future) 	<p>Potential adverse amenity impacts such as overlooking, privacy reduction, overshadowing and the like should be central to future concept plan refinement and development application considerations, in accordance with prevailing accepted standards.</p>
<p><u>Minimum Lot Size</u></p> <ul style="list-style-type: none"> Departure from prevailing dominant lot size (Future) 	<p>The existing development pattern is largely inconsistent with Council's adopted minimum lot size for the precinct.</p> <p>The Proposal is importantly consistent with Council's adopted minimum lot size, with resulting future development capable of sensitive integration.</p>
<p><u>Condition of Subject Site</u></p> <ul style="list-style-type: none"> Level of Maintenance 	<p>This is not a planning consideration and should be addressed to Council.</p> <p>Additionally, the owner has been advised of minimum maintenance expectations.</p>

5 Department Analysis of Submissions

The Department notes the following key points raised within submissions:

Seven submissions were received during the public exhibition period. Five objected to the planning proposal and two were supportive.

Concerns raised were: the proposed reduced minimum lot size; access to and from the site (specifically access from Buna Close); car parking arrangements and congestion issues; amenity issues; and, garbage bin collection arrangements (additional bins from proposed dwellings will create congestion).

Given the nature of the issues, it is agreed with the consultant's response to submission that these matters can be suitably addressed at the development application stage.

Clarity was particularly sought over access to and from the site, specifically from Buna Close, in view of current constraints for car parking and garbage bin collection arrangements.

It is similarly agreed with the consultant that consideration will appropriately be given to access arrangements, which will mitigate and best manage, access at the development application stage, including entry and exit points.

Further, concerns about residential amenity, and in particular overlooking and privacy, are matters that can be appropriately addressed in the consideration of future development applications.

6 Department Recommendation

The Department considers that key issues of concern raised in submissions can be adequately addressed through the development assessment process. Consequently, the Department recommends that the proposed amendments to the zone and lot size controls within the Camden LEP be made.



8/9/21

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9/9/21

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Attachments

Attachment A - Planning Proposal package

Attachment B - Gateway Determination – 7 May 2021

Attachment C - Council Report and Resolution – 14 April 2020

Attachment D - Rezoning Review Decision – 30 October 2020

Attachment E - Council declines to be the PPA – 30 November 2020

Attachment F - Panel appointment as the PPA – 17 December 2020

Attachment Local Community Submissions

Attachment Proponent Response to Submissions