

Planning Proposal - Liverpool LEP 2008 Amendment No.4; Clause 7.18 *Development in areas subject to potential airport noise*

Part 1- Objectives

The objective of the Planning Proposal is to enable the consideration of residential development currently prohibited on land affected by the Australian Noise Expose Forecast (ANEF) contours adjacent to Badgerys Creek Airport site. The Planning Proposal also seeks to alleviate the need for acoustic attenuation measures as per AS 2021-200 Aircraft noise intrusion for residential development built on land affected by ANEF contours.

The *National Aviation Policy Green Paper* confirmed that Badgerys Creek will no longer be considered an option for Sydney's Second Airport. As such Council pursued the deletion of the ANEF contours from land surrounding the airport site.

The Department of Planning advised that the neither the ANEF notations nor Clause 7.18 could be removed without the revocation of *Section 117 Direction 5.8 Second Sydney Airport: Badgerys Creek*. This LEP amendment however will allow Council to consider applications for residential development in light of the airport related planning restrictions.

Part 2- Explanation of provisions

The Planning Proposal seeks to amend Clause 7.18 of Liverpool LEP 2008 to allow for the consideration of residential development proposal on land affected by the Australian Noise Expose Forecast (ANEF). The consideration of other more intensive forms of development on affected land is not proposed until such time that future land use studies for the airport site are considered.

The intention is to amend Clause 7.18 to allow Council to consider proposals for residential development currently prohibited and to alleviate the need for noise attenuation measures for residential development on land illustrated on the on land within the ANEF notation. The ANEF notations are indicated on the Liverpool LEP 2008 maps.

Part 3- Justification

Need for the planning proposal

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

The LEP is not the result of any strategic study or report. The need for the Planning Proposal has arisen due to the release of the *National Aviation Policy Green Paper* confirming that Badgerys Creek will no longer be an option for Sydney's Second Airport.

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

Clause 7.18 of Liverpool LEP 2008 stipulates the restrictions of developing land subject to ANEF contours. Amending Clause 7.18 is the most effective means of allowing consideration for development in ANEF affected areas.

Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The Planning Proposal provides a community benefit as it allows for the consideration of residential development on land that is unnecessarily burdened by the ANEF notation associated with Badgerys Creek Airport.

Relationship to strategic planning framework.

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)?

The South-West Subregional Strategy does not have regard to the use of Badgerys Creek Airport site itself however the strategy does seek to initiate investigation of employment land in the areas adjoining the airport site. The Planning Proposal is not inconsistent with this objective as permitting development for residential purposes in proximity to the airport site is unlikely to limit the future potential of the land for employment opportunities.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is not inconsistent with Councils strategic direction.

Is the planning proposal consistent with the applicable state environmental planning policies?

The Planning Proposal is not inconsistent with State Environmental Planning Policies.

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

Ministerial Direction 5.6 *Second Sydney Airport: Badgerys Creek* applies to this proposal. The objective of the Direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek. In light of the Federal Governments announcement that Badgerys Creek will no longer be considered for an airport, Council considers this Direction as redundant and seeks to limit its implication on local planning controls, in particular, the outright prohibition of residential development within certain ANEF affectation and the need for acoustic attenuation measures in accordance with AS2021-2000 *Acoustic-Aircraft Noise Intrusion*.

Until such time the Direction is revoked, Council seeks to provide landowners the ability to develop their site for residential purposes in line with the objectives of the relevant zone.

Environmental, social and economic impact.

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 draft LEP will not impact on critical habitat or threatened species, populations or ecological communities. Any development proposal arising from this LEP amendment will be subject to the current environmental considerations set out in the Liverpool LEP 2008 and relevant legislation.

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

The draft LEP will not impact on critical habitat or threatened species, populations or ecological communities

How has the planning proposal adequately addressed any social and economic effects?

The LEP will allow for landowners to develop residential development in accordance with zone objectives. The Planning Proposal does not contravene economic or social objectives for the area.

State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

Any future development on land subject to Clause 7.18 of Liverpool LEP 2008 will be in accordance with that permissible in the zone. The Planning Proposal will not increase the scope of permissible development and will not increase the demand for public infrastructure.

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 proposed LEP amendment has been initiated through discussions with the Department of Planning. These discussions arose from correspondence received from The Hon. Anthony Albanese, Minister for Department of Infrastructure Transport, Regional Development and Local Government stating that although the Badgerys Creek Airport site is no longer being considered for an airport, the current planning restrictions should continue to apply until studies determining the future use of the site are complete.

On the basis of limiting potential land use conflict between the airport site and adjoining land subject to airport noise, this Planning Proposal seeks to amend Clause 7.18 to allow for only minor development and residential development, thus ruling out more intensive uses and offensive uses permissible in the surrounding rural zones (such as extractive industries and hazardous storage establishments). The Planning Proposal does not propose additional types of development to that already permitted in each land use zone and thus is unlikely to impede the potential best use of the former airport site.

The Planning Proposal was reported and resolved by Council on 24 August 2008 and is now being forwarded to the Department of Planning for Gateway determination.

Part 4- Community Consultation

As the purpose of Clause 7.18 and associated ANEF contour maps is to ensure future development in Badgerys Creek does not have any impact on the construction or operation of an airport, the continued prohibition of certain development and additional acoustic attenuation criteria under Clause 7.18 for development in Badgerys Creek is unwarranted.

Public consultation is not warranted as the Planning Proposal does not seek to permit additional types of development to that already permitted in each land use zone. Further, it is considered that consultation with public authorities is not required as the Planning Proposal is not likely to affect potential future uses of the airport site, nor increase the demand for public infrastructure.