

Revised

Planning Proposal

Liverpool Local Environmental Plan 2008

Draft Amendment No.17 - South Denham

Court Rezoning

December, 2010

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Background

At its meeting held on 20 September 2010, Council resolved to investigate the options for rezoning land at the Church Road precinct, Denham Court.

Under Liverpool Council's previous local environmental plan (Liverpool Local Environmental Plan 1997), the land was zoned 1(c) Rural – Environmental Protection. In August 2008, Liverpool Local Environmental Plan 2008 was gazetted. At this time, the zoning was changed to an equivalent zone under the Standard Instrument, this zone being RU2 – Rural Landscape.

Since this time, Council has reviewed the subject land and has determined that the flatter topography and character of the land is more suited to an R5 Large Lot Residential zone.

Site Identification

The following sites apply to this Planning Proposal:

ZOUCH ROAD

- PART LOT 2 DP 1111318

CAMPBELLTOWN ROAD

- LOT 37 Sec B DP 1443, LOT 36 Sec B DP 1443, LOT 35 Sec B DP 1443
- LOT 34 Sec B DP 1443, DP 1443 Sec B Pt Lot 33, LOT 32 Sec B DP 1443
- LOT 29 Sec B DP 1443, DP 1443 Sec B Pt Lot 30, LOT 31 Sec B DP 1443
- LOT 28 Sec B DP 1443, DP 1443 Sec B Pt Lot 27
- LOT 1 DP 630181
- LOT 10 Sec B DP 1443, LOT 11 Sec B DP 1443, LOT 17 Sec B DP 1443, LOT 18 Sec B DP 1443, LOT 19 Sec B DP 1443, LOT 20 Sec B DP 1443, LOT 21 Sec B DP 1443

CHURCH ROAD

- LOT 1 DP 608141
- DP 703286 Pt Lot 2, DP 725739 Cnr Lot 19
- LOT 102 DP 876316
- LOT 101 DP 876316
- LOT 1 DP 1144950
- LOT 2 DP 1144950
- LOT 100 DP 1136342

DENHAM COURT ROAD

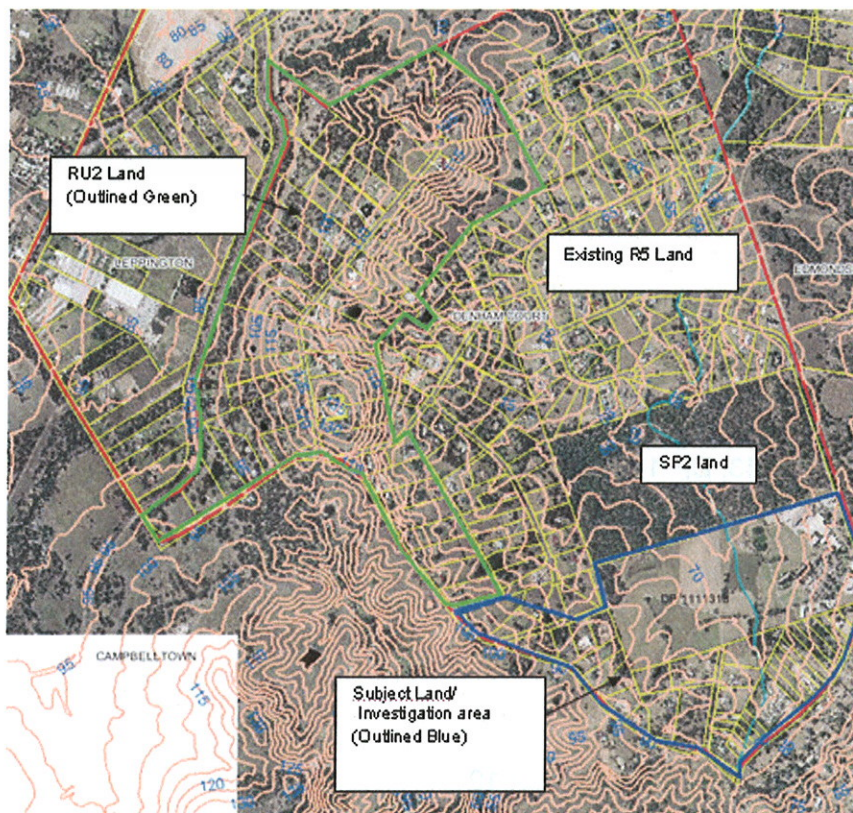
- LOT 2 DP 855676
- LOT 1 DP 226382, LOT 1 DP 855676, LOT 1 DP 34408
- LOT 31 DP 1005883
- LOT 1 DP 1021783
- LOT 8 DP 103364

- LOT 7 DP 1033640
- LOT 6 DP 1033640
- LOT 5 DP 1033640
- LOT 4 DP 1033640
- LOT 3 DP 1033640
- LOT 2 DP 1033640
- LOT 1 DP 1033640
- LOT 41 CS 10/7

HUNTINGDALE DRIVE

- LOT 42 CS 10/7
- LOT 43 CS 10/7

Figure 1 – Subject Land (Outlined Blue) with 5m Contours



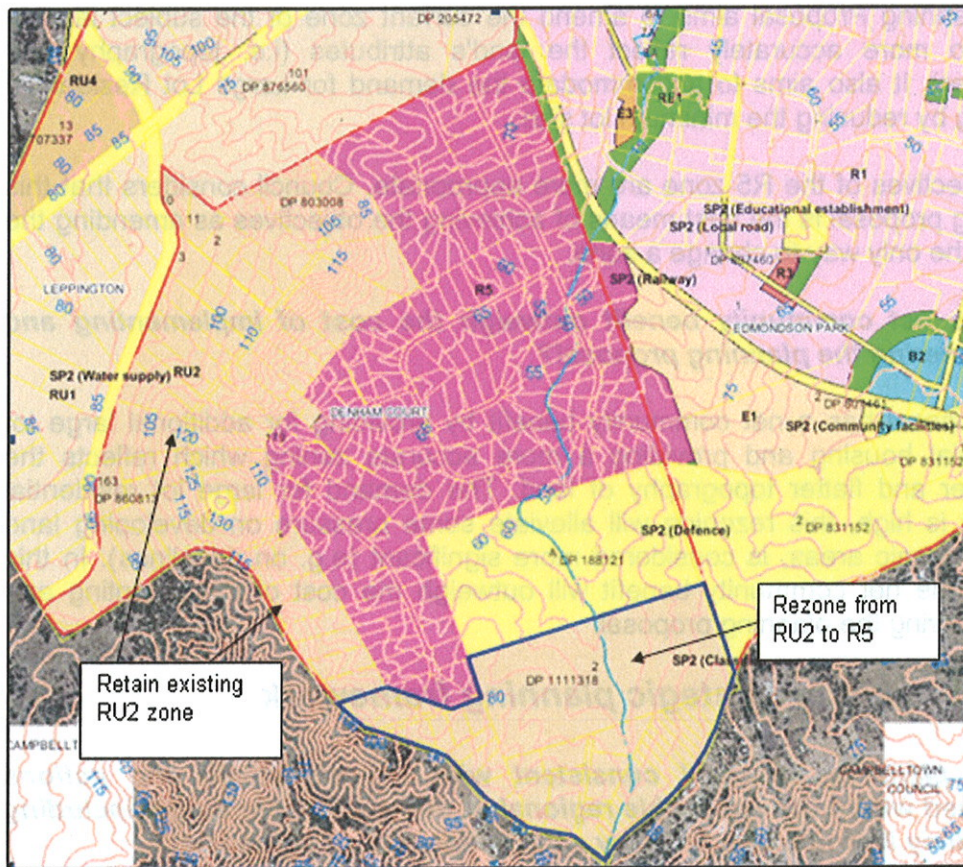
Part 1 - Objectives

The planning proposal aims to:

- Amend the zoning of the subject land from RU2 (Rural Landscape) to R5 (Large Lot Residential). The objectives of the RU2 zone do not accurately reflect the land's topography and character; and

- Accommodate the demand for Large Lot Residential Housing by reducing the minimum lot size from 2ha to 1ha.

Figure 2 – Existing and Proposed zoning



Part 2 - Explanation of provisions

The Planning Proposal seeks to amend the following LLEP 2008 maps:

- Land Zoning Map (LZN-009) – Zoning to be changed from RU2 (Rural Landscape) to R5 (Large Lot Residential).
- Lot Size Map (LSZ) – Minimum Lot Size requirement to be changed from 2ha (category Z) to 1ha (Category Y).

Part 3 - Justification

A. Need for the planning proposal

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

This Planning Proposal is not a result of any strategic study or report. The investigation of the RU2 zone was initiated by Council resolution. The rezoning

does however apply a zone and controls which better suit the local topography and conditions of the Church Road Precinct.

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

This Planning Proposal aims to amend the current zone of the subject land in order to more accurately reflect the land's attributes (i.e. topography and character). It also aims to accommodate the demand for Large Lot Residential Housing by reducing the minimum lot size.

The objectives of the R5 zone are more appropriate. Council considers that this planning proposal is the best means of achieving the objectives as amending the LEP is the only way to change a zone.

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

The proposal has a net community benefit by providing for additional large lot residential housing and providing a more accurate zoning which reflects the character and flatter topography of land. The demand for large lot residential housing is high, this rezoning will alleviate some pressure on developing land that, in scenic areas, is considered more significant (e.g. on ridgelines). In this regard, the net community benefit will outweigh the cost of implementing and administering the planning proposal.

B. Relationship to strategic planning framework

4. *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 planning proposal is consistent with the objectives and actions contained within the applicable regional and draft sub-regional strategies. In particular, the planning proposal is consistent with the objectives and actions contained in Section E – Environmental, Heritage and Resources of the *draft South West Subregional Strategy*.

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

The Planning Proposal is consistent with Council's strategic plans. In particular, the strategy is consistent with *The Updated Liverpool Rural Lands Study* (Don Fox Planning, 2007) which recommended that "the higher sections along Denham Court Road and Fox Valley Road should retain the 2ha minimum lot size subdivision control to preserve the scenic quality of the area and the rural character of the area". This Planning Proposal does not affect the higher and steeper areas further west along Denham Court Road.

6. *Is the planning proposal consistent with the applicable state environmental planning policies?*

There are no applicable State Environmental Planning Policies.

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

The following s.177 directions apply to this Planning Proposal:

Direction	Comment
1.2 Rural Zones	This Planning Proposal is inconsistent with the terms of this direction as it proposes to rezone land from a rural zone (RU2) to a residential zone (R5) and also proposes to reduce the minimum lot size to 1ha (currently 2ha). The direction states that a planning proposal can be inconsistent 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 of minor significance. The planning proposal affects a 82ha area, most of which has limited agricultural use. The subject land is generally characterised by residential dwellings on relatively flat rural lots and has little scenic or agricultural value. Furthermore, the proposed R5 zone still allows for some capacity for rural type uses including dairies (pasture-based), extensive agriculture, and farm buildings. In this regard, it is considered that the provisions of the planning proposal that are inconsistent are of minor significance.
2.3 Heritage Conservation	The subject land includes a State significant heritage item (i.e. Item 23 – St Mary the Virgin Church and cemetery group including church and churchyard). There are no additional provisions added to this planning proposal in relation to the conservation of the heritage item. The significance of the item is protected by

	existing state legislation and Local Environmental Planning Instruments.
3.1 Residential Zones	The Planning Proposal is consistent with the terms of this direction. The proposal has the potential to create an additional forty 1ha lots which will provide for the high demand for large lot residential housing in the Liverpool LGA. In relation to water and sewerage, the subject land has access to potable water and will be required to be serviced by on-site aerated septic systems. This is consistent with the adjoining R5 large lot residential zone and is an acceptable means of servicing rural residential land.

C. Environmental, social and economic impact

8. 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?

It is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

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

There will be some increase in built form, however it is considered that the likely environmental effects as a result of the planning proposal is minimal and can be managed at the time any Development Application is assessed.

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

The planning proposal meets the social and economic objectives of the area. The proposal provides for additional rural residential housing which will decrease the pressure on more significant scenic lands to develop in the locality.

D. State and Commonwealth interests

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

The draft amendment does not warrant changes to the delivery of public infrastructure.

12. 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 Gateway Determination will stipulate the required consultation with State and Commonwealth Public Authorities.

Part 4 - Community Consultation

The Gateway Determination will stipulate the required community consultation. The written notice and display materials will be in accordance with the document "A guide to preparing local environmental plans".

A report on the public authority and community consultation outcomes will be presented to Council for its consideration following the exhibition period.

