

PLANNING AND GROWTH REPORT

Clr Balloot returned to the Chambers at 9.11pm.

ITEM NO: DPG 01

FILE NO: 115637.2015

SUBJECT: Proposed amendment to the Liverpool Local Environmental Plan 2008 - Rezoning of land at 2140 Camden Valley Way, Edmondson Park

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit the Draft amendment to the Liverpool Local Environmental Plan 2008.
2. Resolves to prepare and exhibit the Draft Amendment to the Liverpool Development Control Plan 2008.
3. Forwards a copy of the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.

COUNCIL DECISION

Motion:

Moved: Clr Stanley

Seconded: Clr Harle

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for this motion.

DPG 01	Proposed amendment to the Liverpool Local Environmental Plan 2008 - Rezoning of land at 2140 Camden Valley Way, Edmondson Park
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Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	115637.2015
Report By	Ian Stendara - Trainee Town Planner
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

An amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008) and Liverpool Development Control Plan 2008 (LDCP 2008) has been prepared to assist in the orderly development of 2088, 2092 & 2140 Camden Valley Way, Edmondson Park. The land is zoned R1 General Residential with the exception of Ardennes Avenue which is zoned SP2 Infrastructure (Local Road). The portion of Ardennes Avenue which runs through the land was designed to be a 30 metre wide Asset Protection Zone (APZ) road.

As part of DA-1404/2013 and DA-999/2014, Advanced Bushfire Solutions Pty Ltd and Sydney Bushfire Consultants prepared Bushfire Assessment Reports and found that the 10 metre outer protection area (part of the 30m wide SP2 zoned land) was not required to achieve an appropriate setback between the potential bushfire hazard and future dwellings. DA-1404/2013, DA-582/2014 and DA-583/2014 were subsequently authorised by the Rural Fire Services, and DA-999/2014 is currently with the RFS for assessment. Therefore it has been recommended that the 10m buffer be dropped and the road reserve reduced from 30 metres to 20.5 metres. This will require a 9.5 metre portion of Ardennes Avenue to be rezoned from SP2 Infrastructure (Local Road) to R1 General. This amendment will also remove reference to the road as an Asset Protection road, and will instead be referred to as a Former Asset Protection Road in Part 2.11 of the LDCP 2008, see Figures 5 & 6.

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit the Draft amendment to the Liverpool Local Environmental Plan 2008.

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REPORT

Site Context and Background

The land is located at Lots 1, 2 & 3 DP 1194117, Lot 1 DP 577163 and Lot 1 DP 652146, otherwise known as 2088, 2092 & 2140 Camden Valley Way, Edmondson Park, see Figure 1 on the following page. The north eastern area of the land was historically occupied by the Tree Valley Golf Course, with the remainder in the south and west being occupied by rural residential dwellings and market gardens. The Edmondson Park precinct was rezoned from 1(e) Rural – Future Urban to 2(e) Residential – Developing Communities by Amendment 83 to the Liverpool Local Environmental Plan 1997 on the 31st March 2006. Following the adoption of the Liverpool Local Environmental Plan 2008 the precinct was primarily zoned R1 (General Residential). Since the initial rezoning the precinct has been undergoing urbanisation, which has been steadily accelerating in the past few years; this is likely to continue following the commencement of train services from Edmondson Park Station. Much of the land formally known as the Tree Valley Golf Course both within and adjoining the subject lots to the north east of the site have been subsequently subdivided for residential development under the provisions of the Liverpool Local Environmental Plan 2008. There is a conservation area located immediately to the south and east of the subject site, which is zoned E1 National Parks and Nature Reserves, as well as an area for public recreation, zoned RE1 Public Recreation, by State Environmental Planning Policy (Major Development) 2006.

The proposed amendment seeks to rezone a 9.5 metre wide portion of land, currently zoned SP2 (local Road), as the extent of the Outer Protection area is not required to provide adequate bushfire protection. The subject land is currently zoned SP2 Infrastructure (Local Road) and is proposed to be rezoned to R1 General Residential.



Figure 1: Site context and aerial identification map.

The Asset Protection Road (Ardennes Avenue), shown in Figure 2, was formed to provide a bushfire buffer between the developing urban area to the west of Ardennes Avenue and the Conservation Area located to the east. The Conservation Area will retain significant vegetation.

The extent of the rezoning and change to planning controls is provided in Figure 2 below.

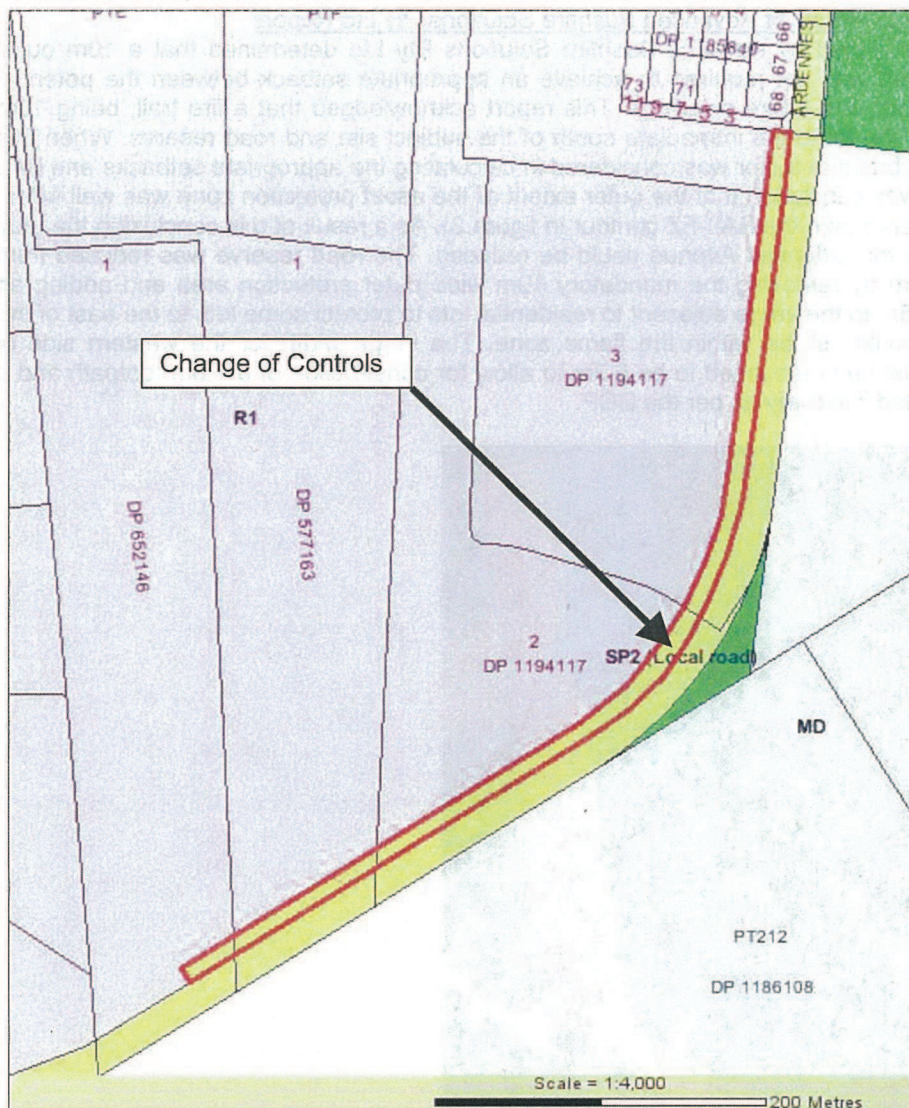


Figure 2: Land to which Planning controls are proposed to change.

Bushfire Assessment Reports

The subject land can be divided into two distinct areas, as the land is being subdivided by two different parties. Advanced Bushfire Solutions Pty Ltd prepared a bushfire assessment report for lots 1-3 DP 1194117 (3 eastern lots), whilst Sydney Bushfire Consultants prepared a bushfire assessment report for lot 1 DP 652146 and lot 1 DP 577163 (2 western lots). Both reports were prepared to assess the risk of bushfire to future residential dwellings and to determine future Bushfire Attack Levels (BAL). Both reports also utilised Method 2 Calculations (as described in AS3959-2009) which is the more detailed assessment procedure described by the standard, as the lands are identified as being bushfire prone on Council's bushfire prone land maps, provided by the Rural Fire Service.

Conclusion and effects of Advanced Bushfire Solutions Pty Ltd Report

The report prepared by Advance Bushfire Solutions Pty Ltd determined that a 10m outer protection area was not required to achieve an appropriate setback between the potential bushfire hazard and future dwellings. This report acknowledged that a fire trail, being 10m wide, lies on the lot to the immediate south of the subject site and road reserve. When this 10m existing bushfire buffer was considered in calculating the appropriate setbacks and BAL contours, it was concluded that the outer extent of the asset protection zone was well within the road reserve (see the BAL-FZ contour in figure 3). As a result of this conclusion the total road reserve for Ardennes Avenue could be reduced. The road reserve was reduced from 30m to 20.5m by removing the mandatory 10m wide outer protection area and adding an additional 0.5m to the verge adjacent to residential lots to protect some lots to the east of the site which would still be within the flame zone. The verge width for the western side of Ardennes Avenue is proposed to be 5.3m to allow for construction of a 1.8m footpath and a 3.5m dedicated cycleway as per the DCP.



Figure 3: APZ map for DA-1404/2013, DA-582/2014 & DA-583/2014 (Source: Advanced Bushfire Solutions Pty Ltd, p.12)

Conclusion and effects of Sydney Bushfire Consultants Report

Council received an additional DA (DA-999/2014) for land adjoining the previously assessed land. The bushfire assessment report (prepared by Sydney Bushfire Consultants) reached a similar conclusion: a 10m wide fire trail located off-site provided a buffer which could be utilised in the calculation of BAL levels (see Figure 4). As a result of this report the road reserve, again, could be reduced, as the 30m width was not required to provide adequate

protection. The 20.5m road reserve width was chosen to provide consistency with the previously approved DAs.

As a result of both bushfire reports and the approved DAs the remnant of the 9.5m APZ (that is no longer required) should be rezoned to facilitate residential development.

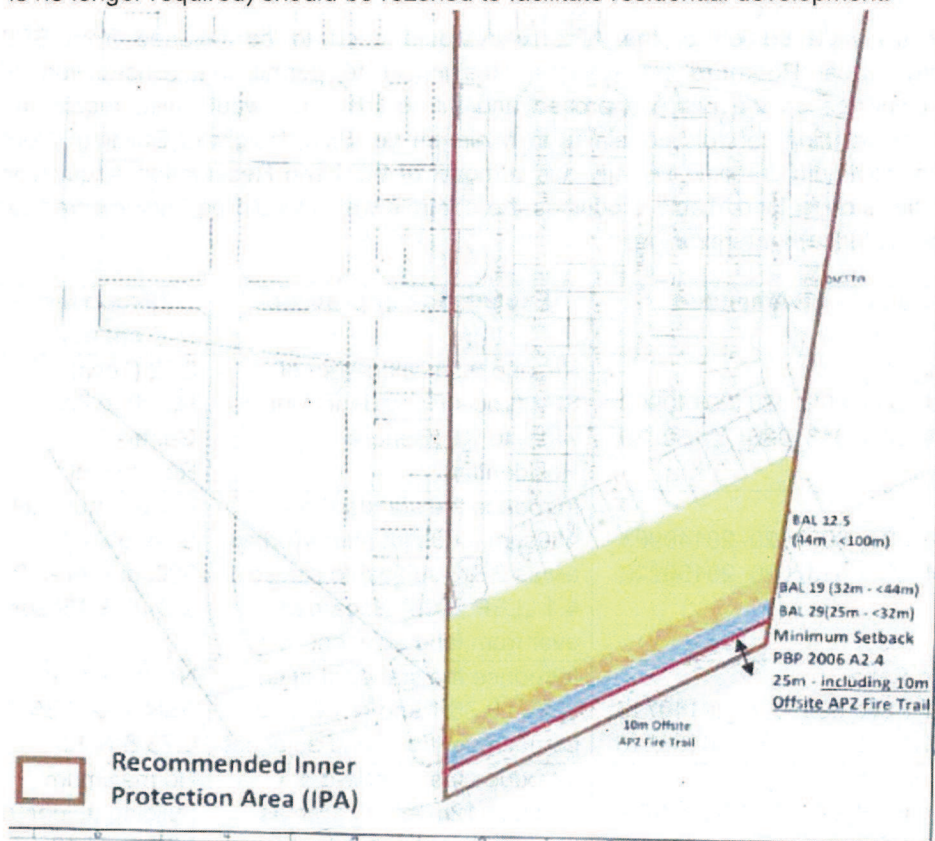


Figure 4: APZ map for DA-999/2014 (Source: Sydney Bushfire Consultants, p.31)

Rural Fire Service Consultation

DA-582/2014, DA-583/2014 and DA-1404/2013 were sent to the Rural Fire Service (RFS) as part of integrated development applications. These three applications were subsequently authorised for the proposed subdivision of the land (See Attachments A to C of the Planning Proposal). None of the proposed lots were within the minimum setback prescribed by *Preparing for Bushfire Protection 2006*. Currently, the RFS is assessing DA-999/2014, which identifies similar setbacks to the three previous subdivisions. It could be reasonably assumed that DA-999/2014 will have a similar outcome to that of the three previous DAs.

Additionally, in accordance with the Department of Planning and Environment's *A Guide to Preparing a Local Environmental Plan* and Clause 56 of the *Environmental Planning and Assessment Act 1979* the Department will consider which agencies Council should consult with. It is likely that the Department will require that Council consult the RFS as a public authority in the gateway conditions. Regardless of the Department's Gateway conditions, Council would seek to undertake further consultation with the RFS for this matter. This will

give the RFS another opportunity to review this corridor and comment to ensure that no land is rezoned if it could potentially lead to the loss of life or property.

Changes to the Liverpool Local Environmental Plan 2008

The 9.5 metre wide portion of the APZ road would need to be rezoned from SP2 Infrastructure (Local Road) to R1 General Residential to permit the construction of residential dwellings on the future approved and future lots. This would also require an introduction of planning controls pertaining to Minimum Lot Size, Height of Building, Floor Space Ratio, Minimum Dwelling Density and removal of the Land Reservation Acquisition applying to the subject land. Table 1 outlines the controls which would be implemented for the land associated with the rezoning.

Table 1: LEP Maps to be amended, including an explanation of provisions

LEP Maps to be Amended	Explanation of provision	Proposed change
Land Zoning 4900_COM_LZN_009_020_20140903 4900_COM_LZN_013_020_20150210	Rezone 9.5m wide area of SP2 (Local Road) land (30m wide) to R1 (General Residential)	SP2 (Local Road) to R1 General Residential
Lot Size 4900_COM_LSZ_009_020_20140903 4900_COM_LSZ_013_020_20150210	Introduce the standard of 450sqm, 300sqm (identified as areas 2 & 3 subject to clause 4.1 LLEP 2008) as carried over from land adjacent	No minimum Lot Size to D-300sqm (Area 2 & 3) & G 450sqm
Floor Space Ratio 4900_COM_FSR_009_020_20140716 4900_COM_FSR_013_020_20150210	Introduce the standard of G 0.65, I 0.75:1 and N 1.0:1 as carried over from land adjacent	No maximum FSR to G-0.65, I 0.75 & N 1.0
Height of Building 4900_COM_HOB_009_020_20140716 4900_COM_HOB_013_020_20150210	Introduce the standard of I 8.5m, M 12m and O 15m as carried over from land adjacent	No maximum building height to I-8.5m, M-12m & O-15m
Dwelling Density 4900_COM_DWD_009_020_20140903 4900_COM_DWD_013_020_20150210	Introduce the standard of 14, 17 and 28 dwellings per hectare as carried over from land adjacent	No minimum dwelling density to 14, 17 & 28 dwellings per hectare
Land Reservation Acquisition 4900_COM_LRA_009_020_20140903 4900_COM_LRA_013_020_20140716	Abolish the Local Road (SP2) land reservation acquisition	Local Road (SP2) to nil

For maps detailing the extent of the planning controls applying to the subject lands, please see Part 4 of the Planning Proposal. The minimum Lot Size, Floor Space Ratio, Height of Building and Dwelling Density controls will be that of adjoining land zoned R1 General Residential.

Changes to the Liverpool Development Control Plan 2008

In addition to the Planning Proposal, this development will require an amendment to Part 2.11 of the LDCP 2008 to change reference of Ardennes Avenue as an Asset Protection Road (APR). The entire length of Ardennes Avenue through the subject lands will be changed from an APR to a Former Asset Protection Road (FAPR) to reflect the new standard being sought.

The amendment will replace the current APR cross section (Figure 17 of the DCP) with the cross section shown in Figure 5 below. Written parts of the DCP will also be amended to correctly reference this APR as a FAPR.

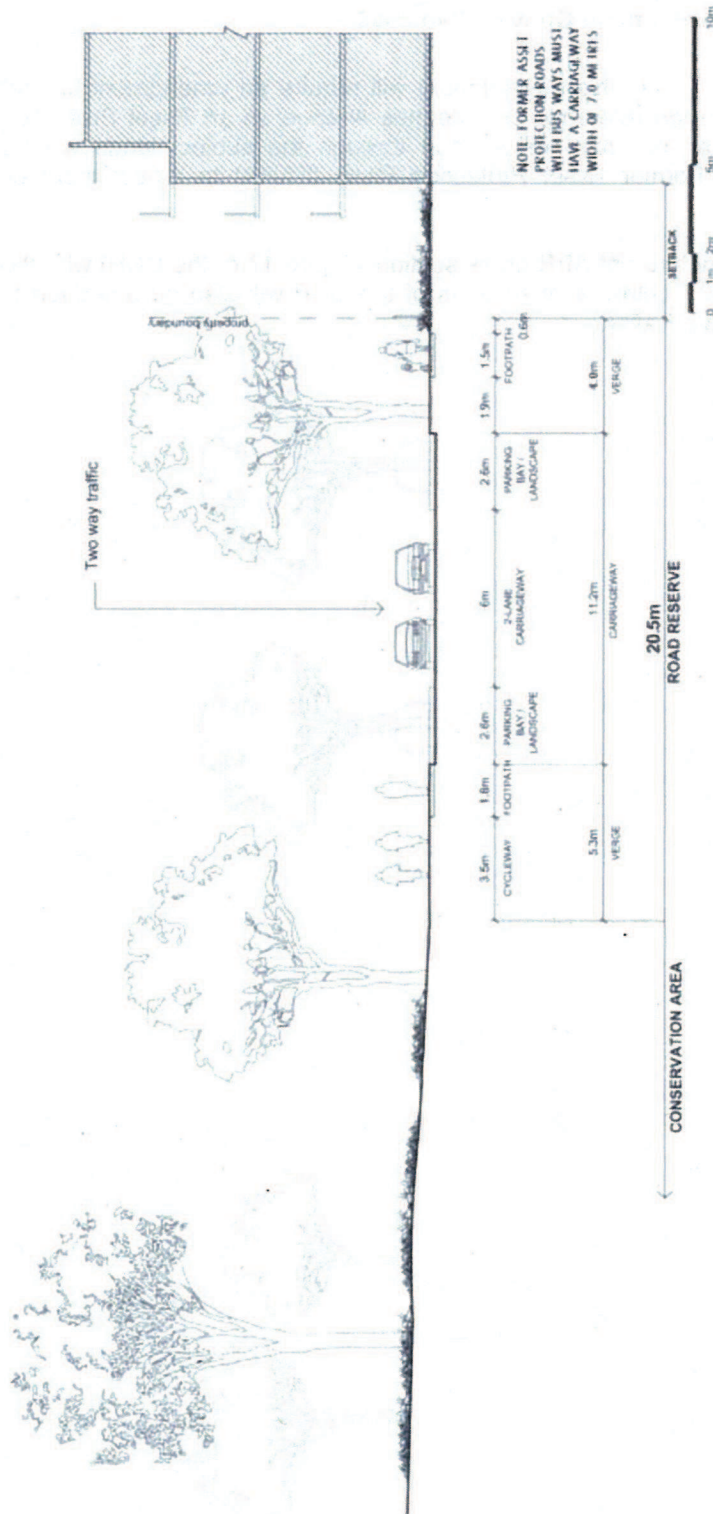


Figure 5: The new cross section of a Former Asset Protection Road to replace the current cross section for an Asset Protection Road

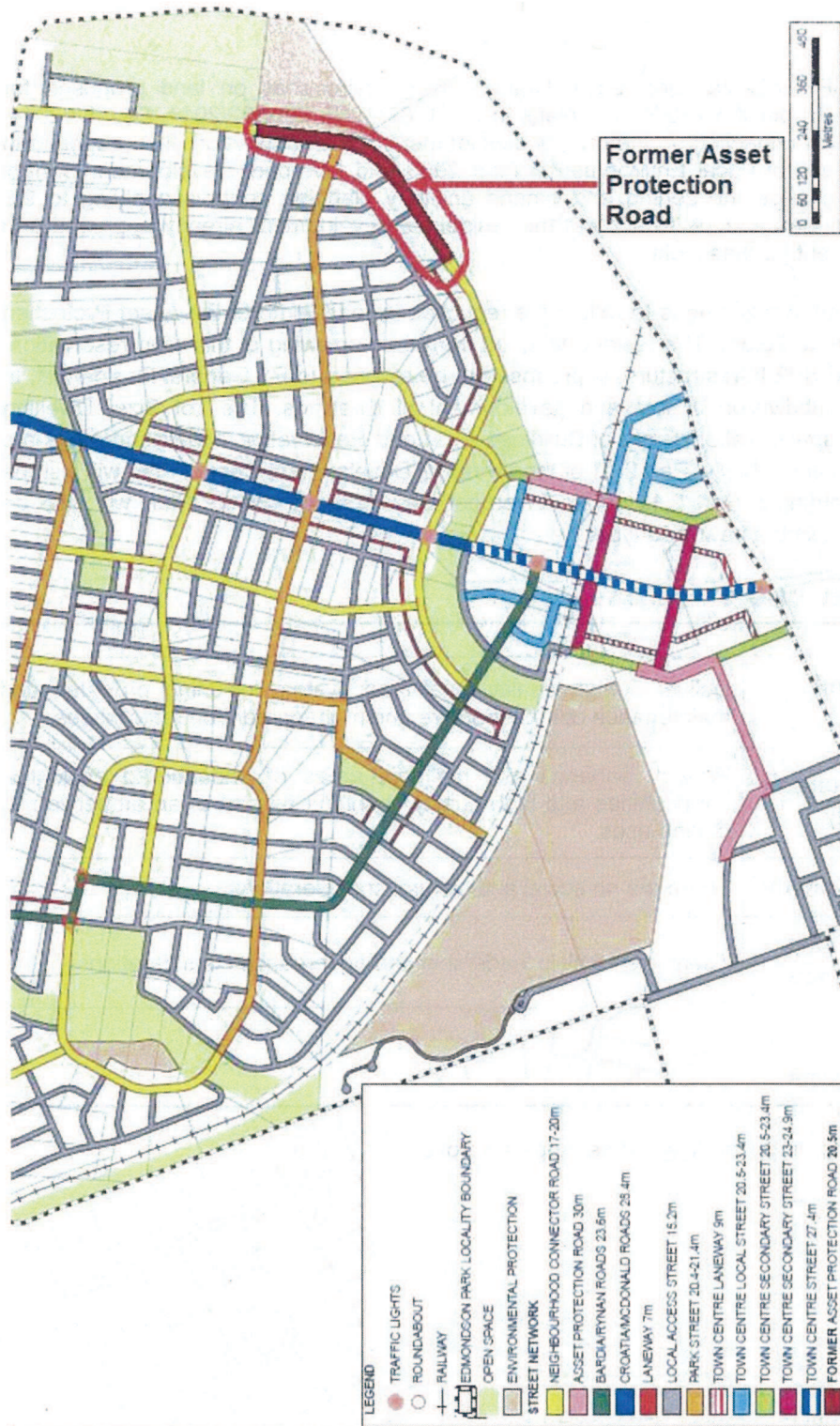


Figure 6: Indicative amendment to Part 2.11 Liverpool Development Control Plan 2008 Road Network

Conclusion

The current SP2 Infrastructure (Local Road) zoning encroaches on land proposed for residential use as per the subdivision plans in DA-1404/2013, DA-582/2014, DA-583/2014, and DA-999/2014 impacting on the orderly development of the subdivision. It is proposed to amend the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008 to change the zoning and amend ancillary planning controls applying to 9.5 metres of Ardennes Avenue to support the residential development already approved and under assessment for these lots.

The purpose of the rezoning is to reflect the reduction in road width of the Asset Protection Road from 30m to 20.5m. The residue land left from the narrowing of this road reservation, currently zoned SP2 Infrastructure, is proposed to be rezoned to R1 General Residential, to allow for the subdivision of lots and development of dwellings. The Lot Size, Dwelling Density, Floor-space Ratio, Height of Buildings and Land Reservation Acquisition maps are to be amended accordingly. Part 2.11 of the Liverpool Development Control Plan will also be amended accordingly. Part 2.11 of the Liverpool Development Control Plan will also be amended to reflect the new road type.

CONSIDERATIONS

Economic and Financial	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Environmental and Sustainability	Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Planning Proposal [View](#) (Under separate cover)