



Liverpool Local Environmental Plan 2008 (Amendment No 57) – Rezoning of land at 2088, 2092 and 2140 Camden Valley Way, Edmondson Park.

Proposal Title : **Liverpool Local Environmental Plan 2008 (Amendment No 57) – Rezoning of land at 2088, 2092 and 2140 Camden Valley Way, Edmondson Park.**

Proposal Summary : **The planning proposal is to amend Liverpool Local Environmental Plan 2008 to rezone part of the land at 2088, 2092 and 2140 (part of Lots 1,2 and 3 DP 1194117, Lot 1 DP 577163 and Lot 1 DP 652146), Camden Valley Way, Edmondson Park from SP2 Infrastructure (Local Road) zone to R1 (General Residential), as a result of narrowing the road reserve along Ardennes Avenue.**

PP Number : **PP_2015_LPOOL_006_00** Dop File No : **15/13069**

Proposal Details

Date Planning Proposal Received : **27-Aug-2015** LGA covered : **Liverpool**

Region : **Metro(Parra)** RPA : **Liverpool City Council**

State Electorate : **MACQUARIE FIELDS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2088, 2092 and 2140 Camden Valley Way**

Suburb : **Edmondson Park** City : **Liverpool** Postcode : **2174**

Land Parcel : **Lots 1,2 and 3 DP 1194117, Lot 1 DP 577163 and Lot 1 DP 652146**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 3 September 2015, and no records on the Department's Lobbyist Contract Register regarding this matter.**

Supporting notes

Internal Supporting
Notes :

ADDITIONAL INFORMATION

The planning proposal was received on 27 August 2015. Further information was sought from Liverpool Council and received on 3 September 2015.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of this planning proposal is to facilitate the rezoning of redundant SP2 Infrastructure (Local Road) land to R1 General Residential, consistent with the adjoining

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residential zone to the west, due to the narrowing of the road reserve along Ardennes Avenue on 2140 Camden Valley Way, Edmondson Park.

The current 30m wide SP2 Infrastructure (Local Road) zone was originally reserved for Bushfire Asset Protection purpose for the National Parks land zoned E1 to the south of Camden Valley Way. However, the three bushfire assessment reports prepared as part of the three recent developments for residential subdivision on the adjoining land to the west recommended for a 20.5m wide reservation. This reservation has been approved by the NSW Rural Fire Service for the three DAs as sufficient for the purpose of bushfire protection.

The current SP2 zone on the land, combined with Bushfire Asset Protection reservation, restricts residential development on the land. Council intends to rezone the land consistent with the adjoining residential land to the west to be incorporated into the residential development. The verge width for 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 required by the DCP.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal is to rezone part of SP2 Infrastructure (Local Road) land to R1 General Residential along Ardennes Avenue on 2140 Camden Valley Way, Edmondson Park, and to allow for residential development as part of the Edmondson Park Residential Release Area.

The planning proposal will make amendments to development controls applying to the site, consistent with the adjoining residential zone and will involve amendments to the Lot Size, Dwelling Density, Floor Space Ratio, Height of Buildings and Land Reservation Acquisition maps as follows:

- Land Zoning Maps – LZN 009 and LZN 013
- Lot Size Maps – LSZ 009 and LSZ 013
- Floor Space Ratio Maps – FSR 009 and FSR 013
- Height of Building Maps – HOB 009 and HOB 013
- Dwelling Density Maps – DWD 009 and DWD 013
- Land Reservation Acquisition Maps – LRA 009 and LRA 013

Council has also advised the planning proposal will require amendments to Part 2.11 of the Liverpool Development Control Plan 2008 to reflect the new road and associated controls.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

S117 DIRECTIONS:

3.1 RESIDENTIAL ZONES

This direction applies when a planning proposal affects an existing or proposed residential use or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary of the Department of Planning and Environment is required if the reduction in density is involved.

The planning proposal will facilitate adjoining residential development in close proximity to public transport and Edmondson Park Town Centre to the north. It is not inconsistent with the direction.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle 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).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The planning proposal is considered to be consistent with the objectives of this direction. It will support the efficient and viable operation of existing public transport in an area that has access to public transport.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This direction applies when a council prepares a planning proposal that affects, or is in proximity to land mapped as bushfire prone land.

This direction is relevant to the planning proposal as the site is identified as bushfire prone (bushfire map in Documents). The land has been assessed for bushfire risk as part of three development applications for subdivision by different consultants. For all three proposals, the consultants have recommended that 10m outer protection area (part of the existing 30m wide Bushfire Asset Protection reservation) was not required to achieve an appropriate setback between the potential bushfire hazard (National Parks land) and future dwellings.

Rural Fire Service has assessed the consultant reports for all three approvals and has approved the subdivision applications subject to certain conditions. One of the condition was that any further development application for class 1, 2 and 3 buildings as identified by the 'Building Code of Australia' will be subject to separate application under section 79BA of the Environmental Planning and Assessment Act 1979 and address the requirements of Planning for Bush Fire Protection 2006.

Council has advised that the site is considered suitable for the proposed R1 zone with respect to the provisions of Planning for Bushfire Protection 2006.

In accordance with the requirements of the direction, it is recommended that Council consult with the Commissioner of NSW Rural Fire Service for approval, prior to exhibition.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning and Environment.

The direction applies as the planning proposal seeks to alter zoning of land zoned for public purposes i.e. SP2 Infrastructure (Local Road).

The site is in the ownership of a number of private owners. Liverpool Council is the authority responsible for acquisition of land zoned SP2 Infrastructure (Local Road) (copy of clause 5.1 Relevant acquisition authority is in Documents). Council, as the relevant authority has approved the change in rezoning and reservation of land. These changes has not been approved by the Secretary, and therefore is not consistent with paragraph 4 of the direction.

It is considered the inconsistency with the direction is of a minor nature on the basis that it involves a very small area of land and will facilitate residential development of Edmondson Park Release Area. The Secretary, or her delegate's approval is recommended.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY

The planning proposal's consistency with "A Plan for Growing Sydney" and the draft South West District Plan are discussed under "Consistency with strategic planning framework" section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed for a minimum exhibition period of 14 days.**

The planning proposal, is not expected to have significant impact on the land or surrounding locality. It is essentially the reduction to the road width and subsequent redundant land to be used for residential development purposes. The current zoning of SP2 land is restrictive and prevents the subdivision and residential development of land fronting Ardennes Avenue.

The planning proposal is of a minor nature and the proposed 14 day exhibition period is satisfactory.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Liverpool LEP 2008 is a Standard Instrument LEP. The planning proposal is to amend the Liverpool LEP 2008.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not a result of any strategic study by Council. It is an orderly use of land which is otherwise redundant and unnecessarily zoned for bushfire protection purpose.

Council has advised that the current road width requirement for Ardennes Avenue of 30m was included in Liverpool LEP 2008 to provide adequate protection from Bushfire Prone Land to the east. The planning proposal is based on the data obtained from Bushfire Consultants for DA-1404/2013, DA-582/2014, DA-583/2014 and DA-999/2014 to justify that the Bushfire Attack Level applicable to the site do not require the full extent of the 30m road reservation to provide adequate protection for residential dwellings. The total road reserve is reduced from 30m to 20.5m with an additional 0.5m added to the verge adjacent to residential lots.

The SP2 zoning currently encroaches on land approved for residential uses in the approved subdivision plans and permits infrastructure and related uses only. Given that the full extent of the 30m wide reservation is no longer required to provide a buffer from bushfire prone land, a change to the zone to facilitate residential development will promote the orderly development of the land for residential purpose.

Council has also advised that if the land is not rezoned, several approved and pending allotments will be burdened with the SP2 zone which does not permit residential development and associated land uses. It is considered the planning proposal will result in an orderly development of land in Edmondson Park Residential Release Area.

Consistency with strategic planning framework :

A PLAN FOR GROWING SYDNEY

The planning proposal is consistent with the broader objective of the strategy - to promote housing choice, with homes that meet our needs and lifestyles. The planning proposal will ensure that the DAs affected by the redundant SP2 zone can be developed for residential purpose within a Residential Release Area. The land to the west of the subject site within Edmondson Park Release Area is identified for higher density residential.

LIVERPOOL DCP 2008

The planning proposal is inconsistent with the mapped Asset Protection Street of Part 2.11 of the Liverpool DCP 2008. Council has advised that the DCP is to be amended concurrently with this planning proposal to remove reference of this section of Ardennes Avenue as an Asset Protection Street. Council further advised that the planning proposal is consistent with the aims and objectives of Liverpool DCP 2008 Part 2.11 (Edmondson Park).

GROWING LIVERPOOL 2023

Council has advised that the planning proposal is consistent with Growing Liverpool 2023, Liverpool's Community Strategy. The planning proposal will facilitate residential development on land which is otherwise a surplus land to be developed in an orderly manner.

LIVERPOOL RESIDENTIAL DEVELOPMENT STRATEGY

Council has advised that the proposed rezoning supports the Liverpool Residential Development Strategy. It will facilitate a mix of housing types and locations to meet the needs of residents.

Environmental social economic impacts :

In accordance with the Threatened Species Conservation Act 1995, Edmondson Park Release Area has been identified as 'Certified' under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Biodiversity Certification Order. The entire site falls within the area that is certified, and all development and activities that may be carried out can occur without the need for further assessment under the TSC Act 1995. Rezoning from SP2 to R1 General Residential is considered of no impact on critical habitats or ecological communities in the area.

The rezoning of redundant land following the reduction in road width of Ardennes Avenue is considered to be of a minor nature and the likely environmental effects are limited. The subject lands are not flood-prone.

Potential impacts relate to bushfire as the site is in proximity to bushfire prone land to the east. The impacts and mitigation of bushfire threat on nearby residential development has been addressed in the bushfire assessment reports prepared for these developments.

The proposed minor alteration in road width and subsequent rezoning is unlikely to have any negative social or economic effects on Liverpool Local Government Area.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Determination Document	Yes
Draft Maps.pdf	Map	Yes
Bushfire Affection LLEP 2008 Amendment 57.pdf	Map	Yes
Flood Risk LLEP 2008 Amendment 57.pdf	Map	Yes
Copy of clause 5.1 Relevant acquisition authority of Liverpool LEP 2008.pdf	Determination Document	Yes
Rural Fire Service - Authorisation of three DAs.pdf	Determination Document	Yes
Existing Zoning Map.pdf	Map	Yes
Council's email about owership of lots.pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.2 Reserving Land for Public Purposes**

7.1 Implementation of A Plan for Growing Sydney

Additional Information : RECOMMENDATION

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be publicly exhibited for 14 days, and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. In accordance with Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with NSW Rural Fire Service prior to public exhibition and take into account any comments made by the NSW Rural Fire Service.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Road and Maritime Services

Office of Environment and Heritage

Office of Environment and Heritage - NSW National Parks and Wildlife Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

DELEGATION OF GATEWAY DETERMINATION

The proposal is considered to be of a minor nature, and it is recommended that the determination function of the Gateway be exercised under delegation by the Director, Metropolitan Region (Parramatta).

DELEGATION TO COUNCIL

Liverpool City Council has not requested for plan making functions be delegated to Council. Given the minor nature of the planning proposal it is recommended that delegation of the Plan Making function be given to Council.

Supporting Reasons : The planning proposal will facilitate orderly use of land which is otherwise redundant and unnecessarily zoned for bushfire protection purpose.

Signature:



Printed Name:

CHO CHO MURPHY

Date:

29/9/15