



# ***Planning Proposal***

***Draft Amendment to Liverpool Local  
Environmental Plan 2008***

***2088, 2092 & 2140 Camden Valley Way,  
Edmondson Park***

***Rezoning from SP2 (Local Road) – R1 (General  
Residential)***

***July 2015***

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## Background

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 ('the Act') and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals'.

An application to modify the Liverpool Local Environmental Plan (LLEP) 2008 and accompanying documentation was lodged with Council on 30 March 2015. The proponent lodged a proposal to facilitate the rezoning of redundant SP2 Infrastructure (Local Road) land to R1 General Residential, following the narrowing of the road reservation along Ardennes Avenue on 2140 Camden Valley Way, Edmondson Park. Upon review of the proposal, Council deemed it necessary to include properties to the west, including 2088 & 2092 Camden Valley Way, Edmondson Park, to be rezoned as part of a single amendment to the LLEP 2008 and Liverpool Development Control Plan (LDCP) 2008.

Following a review of the Bushfire Attack Levels (BAL) for the area, it was concluded that an Asset Protection Road width of 30m is not required along the edge of the Maxwells Creek Conservation Area. Therefore, it is proposed that the width of the Ardennes Avenue road reservation be reduced 20.5m. The rezoning of excess land from SP2 to R1 will facilitate the development of residential dwellings in accordance with the Indicative Layout Plan for Edmondson Park

The land is subject to four Development Applications, being:

- DA-1404/2013 (Approved)
- DA-582/2014 (Approved)
- DA-582/2014 (Approved)
- DA-999/2014 (Under Assessment)

The three applications approved were sent to the Rural Fire Service for assessment before consent could be issued. The RFS required that

*"at the issue of a subdivision certificate the entire property shall be managed as an inner protection area as outlined within sections 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2005' and the NSW Rural Fire Service's document 'Standards for asset protection zones' until such a time that each individual lot is further developed"* (See RFS authorisations: Attachment A – RFS Authorisation DA-582/2014, Attachment B – RFS Authorisation DA-583/2014, and Attachment C – RFS Authorisation DA-1404/2013).

To incorporate this rezoning, a number of mapping amendments are required. These changes include:

- Rezoning a 9.5m wide area of redundant SP2 Infrastructure (Local Road) to R1 General Residential;
- Remove the subject land from being mapped as land reserved for acquisition;
- Apply minimum lot size controls from adjacent residential land;
- Apply minimum dwelling density controls from adjacent residential land; and
- Apply maximum building height controls from adjacent residential land.

(Refer to Part 4 – Maps for details of mapped controls).



## Site identification

The legal description of the subject lands are 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. The extent of the subject land can be seen in Figure 1 & Figure 2. The site is in close proximity to major roads including Camden Valley Way to the north, the Hume Motorway to the east and the M7 Motorway to the north east. The site is also in close proximity to Edmondson Park railway station which lies to the south-west.

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.



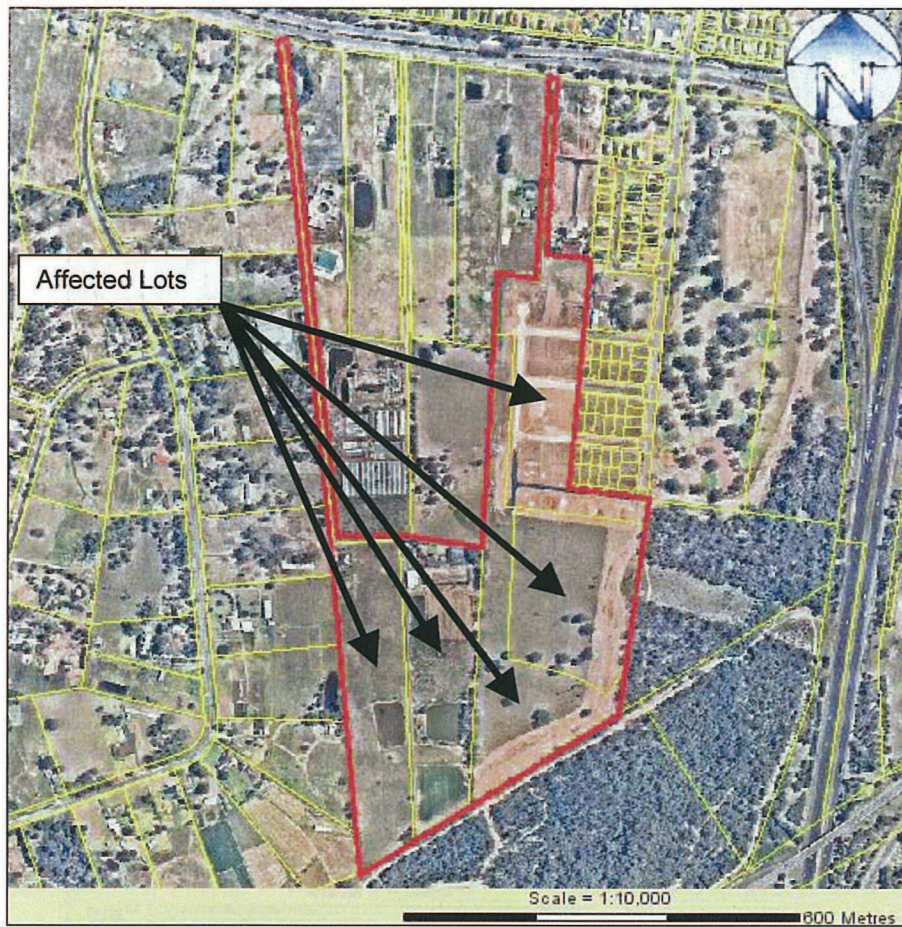


Figure 1: Site context and aerial identification map.

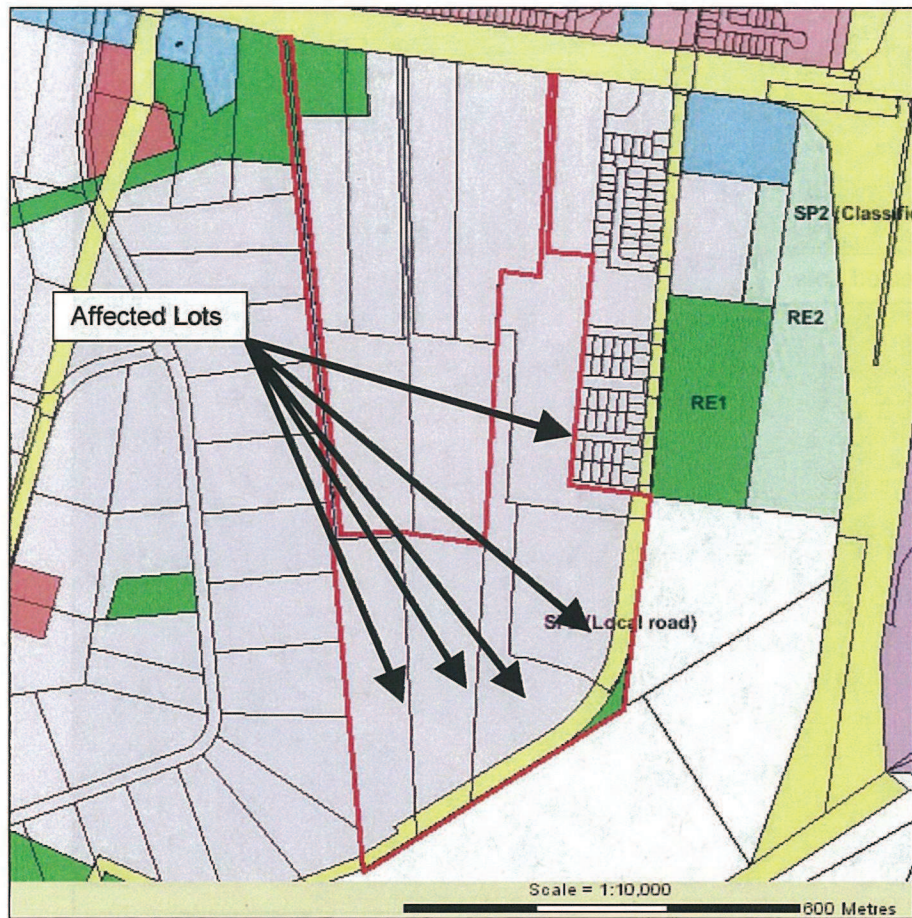


Figure 2: Current land-use zone of the lots to which this Planning Proposal relates (LLEP 2008).

The area of land to which this planning proposal applies is outlined in Figure 3 below. It covers 9.5m of SP2 (local Road) land which abuts the R1 General residential zone.



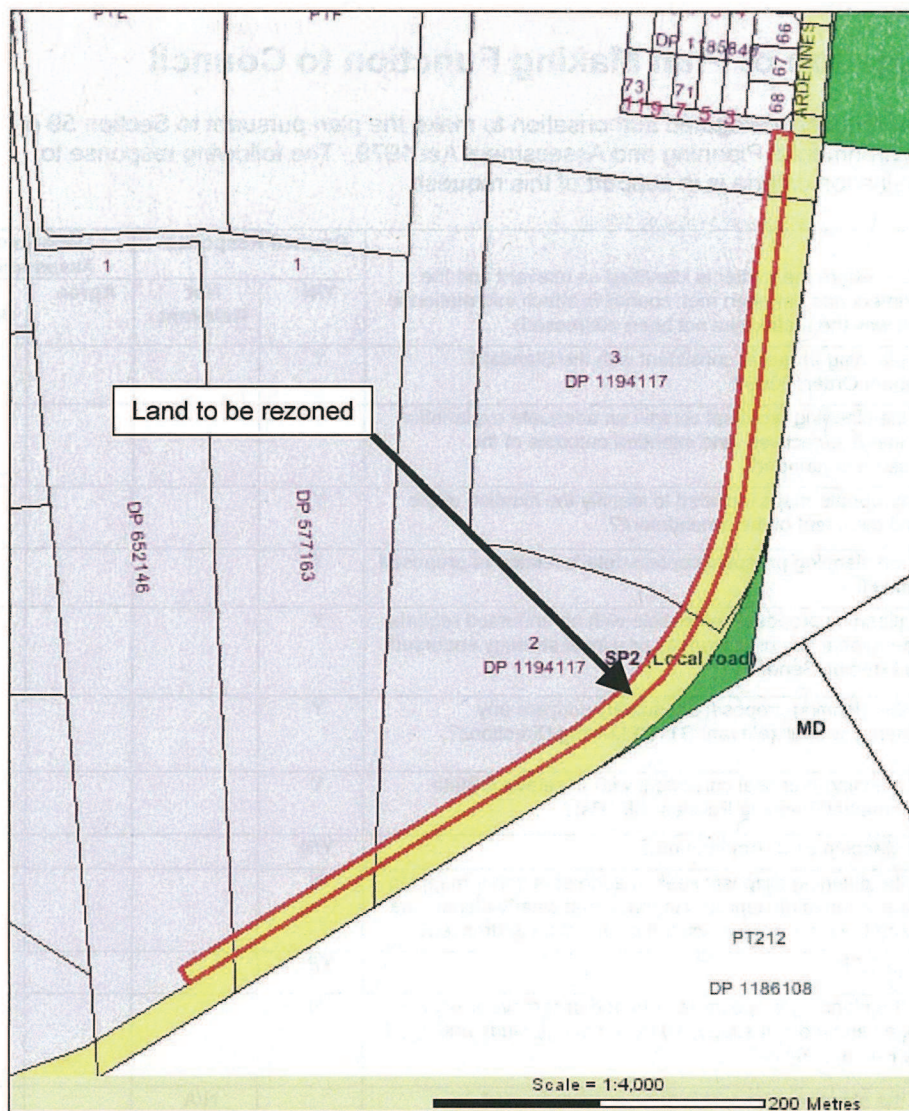


Figure 3: Land to which Planning controls are proposed to change.



## Delegation of Plan Making Function to Council

Council requests delegated authorisation to make the plan pursuant to Section 59 of the Environmental Planning and Assessment Act 1979. The following response to the evaluation criteria is in support of this request:

Table 1: Delegated authorisation evaluation criteria

| (NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)               | Council Response |              | Department Assessment |           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------|-----------------------|-----------|
|                                                                                                                                                                                        | Y/N              | Not Relevant | Agree                 | Not Agree |
| Is the planning proposal consistent with the Standard Instrument Order, 2006?                                                                                                          | Y                |              |                       |           |
| Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?                                                  | Y                |              |                       |           |
| Are appropriate maps included to identify the location of the site and the intent of the amendment?                                                                                    | Y                |              |                       |           |
| Does the planning proposal contain details related to proposed consultation?                                                                                                           | Y                |              |                       |           |
| Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?                                  | Y                |              |                       |           |
| Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?                                                                              | Y                |              |                       |           |
| Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?                                                                                   | Y                |              |                       |           |
| Minor Mapping Error Amendments                                                                                                                                                         | Y/N              |              |                       |           |
| Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed? | N                |              |                       |           |
| Heritage LEPs                                                                                                                                                                          | Y/N              |              |                       |           |
| Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?                                        | N                |              |                       |           |
| Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?                                           |                  | N/A          |                       |           |
| Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?                                | N                |              |                       |           |
| Reclassifications                                                                                                                                                                      | Y/N              |              |                       |           |
| Is there an associated spot rezoning with the reclassification?                                                                                                                        |                  | N/A          |                       |           |
| If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?                                                                                 |                  | N/A          |                       |           |
| Is the planning proposal proposed to rectify an anomaly in a classification?                                                                                                           |                  | N/A          |                       |           |
| Will the planning proposal be consistent with an adopted POM or other strategy related to the site?                                                                                    |                  | N/A          |                       |           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |     |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|--|--|
| Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     | N/A |  |  |
| If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     | N/A |  |  |
| Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?                                                                                                                                                                                                                                                                                                                                                                                                                            |     | N/A |  |  |
| Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     | N/A |  |  |
| Spot Rezoning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Y/N |     |  |  |
| Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N   |     |  |  |
| Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N   |     |  |  |
| Will the planning proposal deal with a previously deferred matter in an existing LEP and, if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     | N/A |  |  |
| If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     | N/A |  |  |
| Does the planning proposal create an exception to a mapped development standard?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N   |     |  |  |
| Section 73A matters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Y/N |     |  |  |
| Does the proposed instrument<br>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;<br>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;<br>or<br>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? |     | N/A |  |  |



## **Part 1 – Objectives**

The objective of this Planning Proposal is to amend the LLEP 2008 to facilitate the rezoning of redundant SP2 Infrastructure (Local Road) land to R1 General Residential, following the narrowing of the road reservation along Ardennes Avenue. This will allow the coordinated residential development of DA-1404/2013, DA-582/2014, DA-583/2014 and DA-999/2014 (subject to approval).

The zone SP2 Infrastructure (Local Road) currently restricts development on the land for the purpose of reserving a 30m wide Asset Protection Road reservation.

## Part 2 - Explanation of provisions

The existing SP2 Infrastructure road reserve for Ardennes Avenue is proposed to be reduced from 30m to 20.5m, due to the conclusions of two bushfire assessment reports which identified that the total extent of the 30m wide reserve was not necessary. This amendment seeks a minor change in land use zoning boundaries from SP2 Infrastructure (Local Road) to R1 (General Residential), and other statutory controls, to accommodate the development of redundant land.

There are no other provisions of the LLEP that are required to be amended.

The aim of the planning proposal will be achieved by making the following changes to the relevant LLEP 2008 maps (See Part 4 – Maps for additional information):

Table 2: LEP Maps to be amended, including an explanation of provisions

| LEP Maps to be Amended                                                   | Explanation of provision                                                                                                                | Proposed change                                  |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Land Zoning<br>LZN-009 03/09/2014<br>LZN-013 10/02/2015                  | 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<br>LSZ-009 03/09/2014<br>LSZ-013 10/02/2015                     | 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 standard to D 300sqm (Area 2 & 3) & G 450sqm  |
| Floor Space Ratio<br>FSR-009 16/07/2014<br>FSR-013 10/02/2015            | Introduce the standard of G 0.65, I 0.75:1 and N 1.0:1 as carried over from land adjacent                                               | No standard to G 0.65, I 0.75 & N 1.0            |
| Height of Building<br>HOB-009 16/07/2014<br>HOB-013 10/02/2015           | Introduce the standard of I 8.5m, M 12m and O 15m as carried over from land adjacent                                                    | No standard to I 8.5m, M 12m & O 15m             |
| Dwelling Density<br>DWD-009 03/09/2014<br>DWD-013 10/02/2015             | Introduce the standard of 14, 17 and 28 dwellings per hectare as carried over from land adjacent                                        | No standard to 14, 17 & 28 dwellings per hectare |
| Land Reservation Acquisition<br>LRA-009 03/09/2014<br>LRA-013 16/07/2014 | Abolish the Local Road (SP2) land reservation acquisition                                                                               | Local Road (SP2) to nil                          |



## **Part 3 - Justification**

### ***A. Need for the planning proposal***

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

The planning proposal is not as a result of any strategic study.

The current road width requirement for Ardennes Avenue of 30m was included in LLEP 2008 to provide adequate protection from Bushfire Prone Land to the east. This planning proposal uses data obtained from Advanced Bushfire Solutions Pty Ltd and Sydney Bushfire Consultants to justify that the BAL contours applicable to the site do not require the full extent of the 30m road reservation to provide adequate protection for residential dwellings. As such, the total road reserve was reduced from 30m to 20.5m with an additional 0.5m added to the verge adjacent to residential lots.

Currently, the SP2 zoning encroaches on land approved 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.

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

The planning proposal is the best means of achieving the intended outcome.

The current SP2 Infrastructure land-use zone permits infrastructure and related uses only. Given that the full extent of the 30m wide reservation is no longer required for 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.

If the land is not rezoned, several approved and pending allotments will be burdened with the SP2 zone which does not permit residential development. The planning proposal is the only means of achieving a positive outcome.

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

The planning proposal will result in the orderly development of land in Edmondson Park. The changed planning controls will allow a form of development which is sympathetic to the intended development outcome of DA-1404/2013, DA-582/2014, DA-583/2014 and DA-999/2014. The planning proposal will reduce the amount of land reserved for acquisition by council, resulting in funds which could be reallocated to other infrastructure projects within Edmondson Park.

## **B. Relationship to strategic planning framework**

### **3.4 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 Metropolitan Strategy – Plan for Growing Sydney

A Plan for Growing Sydney was released by the NSW Government on the 14<sup>th</sup> December 2014. The new plan has 4 goals, to make Sydney:

- A competitive economy with world class services and transport,
- A city of housing choice, with homes that meet our needs and lifestyles,
- A great place to live with communities that are strong, healthy and well-connected, and
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

These goals are further broken down into strategic directions; those of which are applicable are discussed below:

#### *Direction 2.1: Accelerate housing supply across Sydney – providing homes closer to jobs*

Whilst the number of new dwellings completed in Sydney is rising, there is still a significant gap between housing supply and housing demand. There is also the need to produce a variety of housing choices which will remain viable into the future.

The Planning Proposal will ensure that the DAs affected by the redundant SP2 zone can be developed in an orderly manner.

#### *Direction 2.3: Improve housing choice to suit different needs and lifestyles*

There is a growing number of lone-person and other smaller households in the Sydney region. The need to provide dwellings that respond to demographic trends is important.

The Planning Proposal will allow a number of dwellings to be established. Lots which are affected by the SP2 zoned land are in a higher density area, which promotes housing type diversity.

### **3.5 Is the planning proposal consistent with Council's local strategy or other local strategic plans?**

The planning proposal is inconsistent with the mapped Asset Protection Street of Part 2.11 of the LDCP 2008. 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.

Other than that stated above the Planning Proposal is consistent with the aims and objectives of LDCP 2008 Part 2.11 (Edmondson Park).

Draft LLEP 2008 Amendment - 2088, 2092 & 2140 Camden Valley Way, Edmondson Park. SP2 (Local Road) to R1 (General Residential)



### Growing Liverpool 2023

Liverpool's Community Strategy, *Growing Liverpool 2023*, is a 10-year plan that sets the future strategic directions for Liverpool and influences its future growth. The planning proposal is consistent with the following Directions set out in the document:

Direction 2a, which seeks to *"deliver an efficient planning system which embraces sustainable urban renewal and development"*.

This proposal seeks to amend the LLEP 2008 in order to facilitate a residential subdivision. The planning proposal will allow otherwise surplus land to be developed in an orderly manner.

Direction 2d, which seeks to *"facilitate diverse and more affordable housing options"*.

The proposal will result in additional housing in Edmondson Park. The proposed controls will allow a variety of housing forms to be constructed, which will promote diversity and affordable housing within Liverpool.

### Liverpool Residential Development Strategy

The proposed rezoning supports the Liverpool Residential Development Strategy, a 25-year strategy that establishes the direction of housing for the Liverpool Local Government Area (LGA). The Residential Development Strategy considers a "balanced approach between developing new release areas and redeveloping existing areas" as "the best means of providing a mix of housing types and locations to meet the needs of residents" (Liverpool Residential Development Strategy (2008), p.2).

### **3.6 Is the planning proposal consistent with the applicable state environmental planning policies?**

Various State Environmental Planning Policies are relevant to the subject site. The requirements of each of these are summarised below.

Table 3: Consistency with State Environmental Planning Policies (SEPPs)

| SEPP                                                               | Consistency                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Sydney Region Growth Centres) 2006                           | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                |
| SEPP (State and Regional Development) 2011                         | The provisions of this SEPP do not apply to the site.                                                                                                                                                                                                                                                                   |
| SEPP (Miscellaneous Consent Provisions) 2007                       | This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.                                                                                                                                                        |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                |
| SEPP (Major Development) 2005                                      | This SEPP is relevant to particular development categories. The Planning Report identifies that the SEPP (Major Development) 2005 is applicable to the land adjacent, identified as South Edmondson Park Precinct. This Planning Proposal does not derogate or alter the application of the SEPP to future development. |
| SEPP (Infrastructure) 2007                                         | This SEPP is relevant to particular development categories. This Planning Proposal does not                                                                                                                                                                                                                             |



|                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                | derogate or alter the application of the SEPP to future development.                                                                                                                                                                                                                                                                                                                                                         |
| SEPP (Housing for Seniors or People with a Disability) 2004    | The provisions of this SEPP are currently applicable to the subject land and will remain applicable to the land upon its rezoning from zone SP2 to zone R1 General Residential.                                                                                                                                                                                                                                              |
| SEPP (Exempt and Complying Development Codes) 2008             | This SEPP will become relevant to the subject land upon rezoning of the land from SP2 Infrastructure (Local Road) to R1 General Residential.                                                                                                                                                                                                                                                                                 |
| SEPP (Building Sustainability Index: BASIX) 2004               | This SEPP is relevant to specific development that would become permitted under the Planning Proposal. Future development would need to comply with these provisions.                                                                                                                                                                                                                                                        |
| SEPP (Affordable Rental Housing) 2009                          | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP No.65 – Design Quality of Residential Flat Development    | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP No.64 – Advertising and Signage                           | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP No.55 – Remediation of Land                               | The land has previously been assessed for contamination and salinity as part of DA-1404/2013. Environmental Earth Sciences NSW were commissioned to prepare a contamination and salinity assessment of the site in June 2012. The report concluded that <i>the site can be readily made suitable for residential development and that implementation of the recommendations should occur during the development process.</i> |
| SEPP No.32 – Urban Consolidation (Redevelopment of Urban Land) | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP No.21 – Caravan Parks                                     | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                                                                                                                     |
| SEPP No.1 – Development Standards                              | The Planning Proposal is not inconsistent with the SEPP.                                                                                                                                                                                                                                                                                                                                                                     |

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

Table 4: Consideration of Section 117 Directions

| Section 117 Direction                                      | Consistency / Response                                                                                                                                          |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EMPLOYMENT AND RESOURCES</b>                            |                                                                                                                                                                 |
| 1.1 Business and Industrial Zones                          | The Planning Proposal does not affect Business or Industrial zoned land.                                                                                        |
| 1.2 Rural Zones                                            | The Planning Proposal does not affect rural zoned land.                                                                                                         |
| 1.3 Mining, Petroleum Production and Extractive Industries | The Planning Proposal does have the effect of prohibiting mining or restrict the potential development of resources. However, the site is within an urban area. |



| Section 117 Direction                                   | Consistency / Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2. Environment and Heritage</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.1 Environment Protection Zones                        | <p>The Planning Proposal does not apply to land within an environment protection zone or land otherwise identified for environmental protection purposes.</p> <p>The site does not contain an environmentally sensitive area and there are no site features that warrant consideration of the application of an environment protection zone.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2.3 Heritage Conservation                               | <p>All of the land is not listed as being a heritage item, within the vicinity of a heritage item or a conservation area.</p> <p>Part of the land has previously been assessed for aboriginal archaeology as part of DA-1404/2013 (Lots 1-3 DP1194117). Artefact were engaged to prepare a due diligence Aboriginal Heritage Assessment Report.</p> <p>The report concluded that isolated Aboriginal items were identified and that further archaeological investigation is required. As such, an Aboriginal Survey Report (ASR) has been commissioned as per the recommendations of the Aboriginal Heritage Assessment Report. There were no items of Aboriginal Heritage significance identified in Area A, and council's heritage officer accepted that the DA be approved, subject to proceeding with caution (consistent with the OEH <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (2010)). DA-999/2014 (Lot 1 577163 and Lot 1 DP 652146) is not within an archaeologically sensitive area as provided in Figure 4 an 5 of <i>Edmondson Park Composite Site Master Plan – Aboriginal Heritage Management Plan</i>.</p> |
| 2.4 Recreation Vehicle Areas                            | The Planning Proposal does not impact on environmental protection zones nor involve recreation vehicle use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.1 Residential Zones                                   | The Planning Proposal responds to this direction by providing additional residential capacity in close proximity to public transport and a planned centre.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3.2 Caravan Parks and Manufactured Home Estates         | The Planning Proposal does not involve caravan parks or manufactured home estates.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.3 Home Occupations                                    | The proposed zone will permit home occupations to be carried out in dwelling houses without the need for development consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



| <b>Section 117 Direction</b>              | <b>Consistency / Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.4 Integrating Land Use and Transport    | <p>The planning proposal relates to land within the South West Growth Centre which is an area that has been specifically identified as an area for intensive greenfield residential development.</p> <p>The South West Growth Centre is currently served by public transport in the form of bus routes and train stations. It will further benefit from the future development of the Leppington Town Centre around the Leppington station, which opened earlier this year.</p> <p>The Planning Proposal is consistent with the Direction as it supports the efficient and viable operation of existing public transport services, and is in an area that has access to transportation options that do not require a car (upon completion of linking roads).</p> |
| 3.5 Development Near Licensed Aerodromes  | The Planning Proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3.6 Shooting Ranges                       | The Planning proposal does not create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>4. Hazards and Risk</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4.1 Acid Sulphate Soils                   | The site is not identified in LLEP 2008 as containing acid sulphate soils.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4.2 Mine Subsidence and Unstable Land     | This Direction does not apply to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4.3 Flood Prone Land                      | Lots to which this Planning Proposal applies have areas of flood liable land; however, the subject land is not identified as Flood Prone Land or within potential flood planning area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4.4 Planning for Bushfire Protection      | <p>This site is identified as being bushfire prone in the southern precinct. The land has previously been assessed for bushfire risk as part of DA-1404/2013 and DA-999/2014. Advanced Bushfire Solutions Pty Ltd and Sydney Bushfire Consultants were engaged to prepare bushfire assessment reports and to assess the bushfire implications and future bushfire attack levels (BAL) for the lots. The reports recommended that the 10m outer protection buffer was not required. Refer to the reports attached for more details.</p> <p>The site is considered suitable for the proposed zone with respect to the provisions of <i>Planning for Bush Fire Protection 2006</i>.</p>                                                                             |
| <b>5. Regional Planning</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5.8 Second Sydney Airport: Badgerys Creek | The site lies outside the 20 ANEF contour.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



| Section 117 Direction                           | Consistency / Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6. Local Plan Making</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6.1 Approval and Referral Requirements          | The Planning Proposal is consistent with this Ministerial Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6.2 Reserving Land for Public Purposes          | <p>Direction 6.2 (4) outlines that a Planning Proposal "must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General (Secretary) of the Department of Planning (or an office of the Department nominated by the Director General)".</p> <p>The proposal seeks to rezone land that is zoned SP2 Infrastructure (Local Road) and is identified on the Land Reservation Acquisition Map as "Local Road".</p> <p>Following the justification for a reduction in the bush fire protection buffer, the 30m wide road reservation to contain this buffer is no longer required.</p> <p>In accordance with Direction 6.2 (7) "when a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/ or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/ or remove the relevant reservation in accordance with the request."</p> <p>The Planning Proposal therefore includes a request to remove the relevant reservation over the land. The Planning Proposal is consistent with this Ministerial Direction.</p> |
| 6.3 Site Specific Provisions                    | <p>The purpose of this Direction is to enable environmental planning instruments in order to allow a particular development proposal to be carried out.</p> <p>This Planning Proposal is to facilitate the future development of the land for residential purposes, currently constrained by unnecessary restrictions.</p> <p>The Planning Proposal is consistent with this Ministerial Direction.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>7. Metropolitan Planning</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 7.1 Implementation of A Plan for Growing Sydney | The Planning Proposal is consistent with the relevant objectives actions of the Metropolitan Plan for Sydney. This report has also referred to the A Plan for Sydney, published in January 2015.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Any directions that are not applicable to the Planning Proposal are not listed.

### **C. Environmental, social and economic impact**

#### **3.8 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?**

In accordance with the *Threatened Species Conservation Act 1995*, the land 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 under the Growth Centres SEPP can occur without the need for further assessment under the *TSC Act 1995*.

The land identified for rezoning is currently zoned for SP2 Infrastructure (Local Road). Rezoning from SP2 to R1 General Residential is considered of no impact on critical habitats or ecological communities in the area.

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

The rezoning of redundant land following the reduction in road width of Ardennes Avenue is a minor alteration to the current zoning and therefore, the likely environment 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 by Advanced Bushfire Solutions Pty Ltd and Sydney Bushfire Consultants.

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

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.

The planning proposal will provide an opportunity for the development of the site for land uses and activities commensurate with the future character of the surrounding locality, with no reduction in passive recreation space in Maxwells Creek North Conservation Area.

Rezoning of the land will increase the viability of residential development on land fronting Ardennes Avenue. The rezoning of the land will increase dwelling stock within the Liverpool LGA. The rezoning will reduce the burden on Council's section 94 funding, as less land is required to be purchased by Council.



## **D. State and Commonwealth interests**

### **3.11 Is there adequate public infrastructure for the planning proposal?**

Detailed technical studies were undertaken in planning the Precinct. The studies, including the Liverpool Contributions Plan 2008 (Edmondson Park), included the planning of adequate community infrastructure and primary utilities.

The proposed rezoning does not alter the expected outcome of the urban development or significantly increase the number of dwellings proposed in the area. The proposed rezoning is therefore unlikely to result in the need for increased overall capacity requirements for public infrastructure or primary utilities.

The proposed amendment is unlikely to result in increased traffic generation or adverse impacts upon the local and Precinct wide road networks which have been planned for and are demonstrated in the ILP.

### **3.12 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?**

#### Commonwealth Public Authorities

The only matter of interest to a Commonwealth public authority would be related to the application of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).

In this regard it is noted that a Strategic Assessment of the entire North West and South West Growth Centres was approved by the Department of Sustainability, Environment, Water, Population and Communities in February 2012. The effect if the approval of the Strategic Assessment was to essentially 'switch off' the EPBC Act 1999 in a similar manner to the State level biodiversity certification order.

In the circumstances, the site's rezoning to R2 Low Density Residential does not raise any issue under the EPBC Act 1999 and further consultation with the Commonwealth is not warranted.

#### State Public Authorities

The proposed changes to the outer protection area may require consultation with the Rural Fire Service during the gateway process. It should be noted that three DAs for subdivision relating to lots 1-3 DP 1194117 were authorised by the RFS. Lot 1 DP 577163 and Lot 1 DP 652146 (DA-999/2014) for residential subdivision are anticipated to be resolved similarly.

Any other public authorities will be consulted according to the direction of the Gateway Determination.

## Part 4 – Maps



Figure 4: Land to be rezoned from SP2 (Infrastructure) to R1 (General Residential)

Draft LLEP 2008 Amendment - 2088, 2092 & 2140 Camden Valley Way, Edmondson Park. SP2 (Local Road) to R1 (General Residential)





Figure 5: Proposed Minimum lots size controls applying to the redundant SP2 (Infrastructure) land (controls from land adjacent)



Figure 6: Proposed Maximum Building Height controls applying to the redundant SP2 (Infrastructure) land (controls from land adjacent)





Figure 7: Proposed Maximum Floor Space Ratio controls applying to the redundant SP2 (Infrastructure) land (controls from land adjacent)



Figure 8: Proposed Minimum Dwelling Density controls applying to the redundant SP2 (Infrastructure) land (controls from land adjacent)





Figure 9: Removed Land Reservation Acquisition for land subject to rezoning

## Part 5 - Community Consultation

As outlined in this Planning Proposal, the proposed rezoning will have no discernable impact on the land or surrounding locality.

The proposal essentially proposes the reduction in a proposed road width and subsequent redundant land to be used for residential development purposes. The current zoning of SP2 land is restrictive and prevents the orderly development of land fronting Ardennes Avenue.

It is considered that the minimum exhibition period of 14 days will be satisfactory and it is anticipated that this will occur as part of the formal exhibition of the planning proposal as directed through the gateway determination process.

## Part 6 – Project Timeline

| Timeframe                 | Action                                                                                                               |
|---------------------------|----------------------------------------------------------------------------------------------------------------------|
| July 2015                 | Consideration by Liverpool City Council and resolution to forward the Planning Proposal for a Gateway Determination. |
| August 2015               | Anticipated commencement date (date of Gateway Determination).                                                       |
| August 2015               | Anticipated timeframe for the completion of required technical information.                                          |
| August 2015               | Government agency consultation                                                                                       |
| September 2015            | Commencement and completion dates for public exhibition.                                                             |
| Not likely to be required | Dates for public hearing.                                                                                            |
| September 2015            | Consideration of submissions.                                                                                        |
| September 2015            | Consideration of a proposal post exhibition.                                                                         |
| September 2015            | Date of request to the Parliamentary Council for opinion on amendments.                                              |
| October 2015              | Anticipated date Council will make the plan (if delegated).                                                          |
| November 2015             | Anticipated date Council will forward to the Department for notification.                                            |