

Liverpool Local Environmental Plan 2008 draft Amendment 28 - Rural Lands

Proposal Title : **Liverpool Local Environmental Plan 2008 draft Amendment 28 - Rural Lands**

Proposal Summary : **The planning proposal applies to all land zoned RU1 and RU4 in regard to dwelling restrictions for dual occupancies; in regard to FSR changes it applies to land at 1025-1029 Greendale Road, Wallacia; and in regard to rezoning it applies to approximately 755 hectares of land in Bringelly.**

Specifically the proposal intends to do the following:

- **Rezone approximately 755 hectares of land in Bringelly from RU1 Primary Production to RU4 Primary Production Small Lots and amend the minimum lot sizes applying to this land from 40 ha to 10 ha (Figure 1 & Figure 2).**
- **For RU1 and RU4 land within the South-West Growth Centre that has not as yet been released by the Minister (outlined in Figure 3); amend Clause 7.24 to increase the maximum dwelling gross floor area from 150 square metres to 250 square metres relating to dual occupancies.**
- **For RU4 zoned land outside the South-West Growth Centres (outlined in Figure 3) increase the gross floor area dwelling restriction from 150 square metres to 250 square metres.**
- **For RU1 zoned land outside the South-West Growth Centre, amend Clause 7.24 to delete the 150sqm gross floor area dwelling restriction for dual occupancies.**
- **Amend the maximum Floor Space Ratio control for three lots (being 1025-1029 Greendale Road Wallacia) from 0.1:1 to 0.15:1.**

PP Number : **PP_2012_LPOOL_002_00** Dop File No : **12/16306-1**

Planning Team Recommendation

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

S.117 directions : **1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.3 Heritage Conservation
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.8 Second Sydney Airport: Badgerys Creek**

Additional Information : **It is recommended that the proposal proceeds with the following conditions:**

- (1) The Director General agrees that any inconsistency with section 117 Directions:**
 - **1.2 Rural Zones; and**
 - **1.3 Mining, Petroleum Production and Extractive Industries; and**
 - **2.3 Heritage Conservation; and**
 - **3.5 Development Near Licensed Aerodromes; and**
 - **4.1 Acid Sulfate Soils; and**
 - **4.3 Flood Prone Land; and**
 - **5.8 Second Sydney Airport: Badgerys Creek;****are justified as minor matters.**
- (2) That Council amends the planning proposal, prior to community consultation, to provide a locality map to illustrate the land at Wallacia being affected by the floor space ratio changes.**
- (3) Consultation with Commissioner of the NSW Rural Fire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community**

consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

(4) Community consultation under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 40 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 planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

(5) Consultation is Required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Primary Industries - Minerals and Petroleum;
- Adjoining local Councils;
- Commissioner of NSW RFS.

(6) A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.

(7) The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal will lead to LEP amendments that better reflect the existing development form in terms of the Bringelly rezoning from RU1 to RU4 and the minimum subdivision changes. The floor space ratio changes in Wallacia and the changes to the floor area for dual occupancies will allow for the orderly and economic use and development of the land.

To allow the planning proposal to proceed, it is recommended that the Director General agree to the section 117 matters (above) for the reasons outlined in this report.

Panel Recommendation

Recommendation Date : **08-Nov-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, council is to amend the planning proposal to include a map which clearly identifies the subject site and the proposed amendment to the floor space ratio at 1025-1029 Greendale Road, Wallacia.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 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 planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any

relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

5. A public hearing is not required to be held into the matter by any person or body under section 56(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).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

12.11.12