

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**

Proposal Details

Date Planning Proposal Received :	24-Oct-2012	LGA covered :	Liverpool
Region :	Sydney Region West	RPA :	Liverpool City Council
State Electorate :	LIVERPOOL	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	1025-1029 Greendale Road		
Suburb :	Wallacia	City :	Liverpool
		Postcode :	NSW 2745
Land Parcel :	Involves all land zoned RU1 and RU4, and specifically 755 ha of land at Bringelly.		

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :
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Land Release Data

Growth Centre :	Sydney South West	Release Area Name :	Other
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
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 : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

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

If Yes, comment : **The Department's "Table of contacts with Registered Lobbyists" has been checked on 18 October, 2012, and there have been no records of contact with lobbyist in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **Liverpool Council did not consult the Department before the planning proposal was submitted. The Department has not reviewed the draft Rural Lands Strategy which the Council has advised the planning proposal is based on.**

The South West Growth Centre (SWGC) includes approximately two thirds of the land currently zoned rural in the Liverpool local government area. The planning proposal

involves the rezoning of 755 ha of RU1 Primary Production zoned land to RU4 Primary Production Small Lots within Bringelly as well as reduction of the minimum lot size controls applying to the land from 40 ha to 10 ha. Bringelly is identified in the SEPP (Sydney Region Growth Centres) 2006 as land for future land release within the South West Growth Centre. This land falls within the Bringelly and North Bringelly Precincts and two Future Industrial Precincts.

The Department's Land Release (Planning and Delivery) Team has been consulted and provided advice (attached), on the planning proposal.

Supplementary information was also sought from Liverpool Council (attached). This information provided new evidence on the existing subdivision pattern, ANEF affectation and the zoning of land in Wallacia.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal seeks to implement the recommendations from the Council's draft Rural Lands Study (RLS). The intent of the RLS was to review rural land use planning.

More specifically the RLS sought to address the following:

- investigate planning restrictions related to dual occupancies,
- the rezoning of land in Bringelly and Badgerys Creek,
- clarify the transition of land use zones from Liverpool LEP (LLEP) 1997 to LLEP 2008,
- consider other emerging pressures affecting the rural areas, including urban development, and
- recommend amendments to planning controls within LLEP 2008 and the DCP.

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

Is an explanation of provisions provided? Yes

Comment : **BRINGELLY REZONING**

The Planning Proposal (PP) seeks to rezone approximately 755 hectares of land in Bringelly from RU1 Primary Production to RU4 Primary Production Small Lots. This also requires an amendment to change the minimum subdivision lot size from 40 ha to 10ha.

Under the zoning change, the following land uses will no longer be permissible in the zone: airstrips, extractive industries, forestry, hazardous storage establishments, health consulting rooms, heliports, offensive storage establishments, open cut mining and veterinary hospitals. Additional uses that were not previously permitted in the RU1 zone include entertainment facilities, places of public worship, and recreation facilities (indoor).

DUAL OCCUPANCY PROVISIONS

These amendments relate to clause 7.24 of the LLEP 2008 - 'dual occupancies in Zones RU1, RU2 and RU4'

"7.24 Dual occupancies in Zones RU1, RU2 and RU4

(1) Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots unless the gross floor area of at least one of the dwellings is not more than 150 square metres.

(2) Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU2 Rural Landscape unless the gross floor area of at least one

of the dwellings is not more than 60 square metres."

For RU1 and RU4 land within the South West Growth Centre that has not yet been released by the Minister (outlined in blue in Figure 3), the PP seeks to amend the dwelling maximum gross floor area restriction from 150m² to 250m².

For RU1 land outside the Growth Centres the PP seeks to delete the 150m² gross floor area dwelling restriction for dual occupancies.

For RU4 zoned land outside the Growth Centres the PP seeks to increase the dwelling gross floor area restriction from 150m² to 250m².

Council states that these changes to cl. 7.24 seek to achieve a balance between landowners' expectations against actual land capability and future planning intent.

Council states that within the South West Growth Centre (SWGC) a proliferation of dual occupancies is likely to hinder critical urban release by way of higher land acquisition costs, obstruction of orderly future road and urban subdivision patterns and altering the future character of release areas. This explains the aims behind clause 7.24.

Council has indicated that it may need a 'dual occupancy map' to apply the range of dual occupancy controls to the relevant precincts as described above.

WALLACIA FLOOR SPACE RATIO

This is a straightforward change to the floor space ratio (FSR) map for the three lots from 0.1:1 TO 0.15:1.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

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

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

d) Which SEPPs have the RPA identified?

SEPP (Sydney Region Growth Centres) 2006

SREP No 9—Extractive Industry (No 2—1995)

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 :

SECTION 117 DIRECTIONS

The following lists the s117 Directions which are relevant to the proposal.

1.2 RURAL ZONES

The objective of this Direction is to protect the agricultural production value of existing rural land. The Direction applies when Council prepares a planning proposal that will affect land within a rural zone. According to this direction, Council must not increase the permissible density of land within a rural zone (other than land within an existing

town or village).

Bringelly rezoning from RU1 – RU4

On the face of it this aspect of the plan appears to be inconsistent with the s.117 Direction, particularly as the minimum lot size standard decreases from 40ha to 10ha.

Council advises that the rezoning of land from RU1 to RU4 introduces some land uses not previously permitted and conversely prohibits certain land uses. Overall there is minimal change to the permissible density of development from the rezoning change with the main foreseeable development potential being dual occupancy development (at a maximum build out rate of approximately 0.3 dwellings per hectare). The floor space maximum for dual occupancies is stipulated through the amended clause 7.24. The siting of such development is also controlled through the Liverpool DCP 2008 and a merit assessment during the development assessment process. (Development density is discussed further under Direction 3.5).

Wallacia Floor Space Ratio

This land is zoned R5 - Large Lot Residential and therefore the s.117 Direction does not apply to this aspect of the draft plan.

Dual Occupancy Provisions (Cl. 7.24)

The proposed changes to clause 7.24 seek to allow larger dwellings constructed as part of dual occupancies than are permitted under the current Liverpool LEP. The material effects of these amendments are minimal in that they do not compromise the ability to deliver on the rural land use objectives, nor do they result in additional lot yield or dwelling densities.

It is considered that the inconsistency with the Direction in this case is of minor significance.

Overall these three changes have been considered in the context of the draft Rural Lands Study 2012 which is to be concurrently exhibited with the Planning Proposal. Council considers that the additional development potential under the amendments is considered marginal and will not result in fragmentation of land, or large scale development that inhibits the objectives of rural land use planning. Any inconsistencies with the Rural Zones s117 Direction are either insignificant or justified by the Rural Lands Study.

1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

The objective of this Direction is to ensure that State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are adequately considered when preparing a Draft LEP and that inappropriate development does not compromise the future extraction of these resources.

Land within Liverpool's rural areas is deemed to possess potential for extractive industry. The Planning Proposal does not rezone any rural land to urban zones and as such the potential for extractive industry is retained.

The portion of Bringelly being considered for rezoning to RU4 will be open to some additional development, mostly via the development of dual occupancies. The resultant development is generally limited in density and scale (that is, maximum dwelling size of 250sqm and a maximum of two dwellings on lots with a minimum of 2 hectares). The draft plan is not seen to be inconsistent with the s.117 Direction. However, Council should consult with the Department of Primary Industries in this regard.

2.3 HERITAGE CONSERVATION

This Direction requires that Councils consider environmental heritage when preparing

planning proposals. The proposed amendment to the floor space ratio, land use zoning and minimum lot size maps alters development potential which can only be realised through separate development applications. Specific proposals would need to address heritage considerations through the process of seeking development consent.

The draft plan is considered not to be inconsistent with the Heritage Conservation S.117 Direction.

3.5 DEVELOPMENT NEAR LICENSED AERODROMES

This direction requires that planning proposals shall not rezone land for residential purposes nor increase residential densities in areas where the ANEF (Australian Noise Exposure Forecast) exceeds 25, or allow for schools, hospitals, churches and theatres where the ANEF exceeds 20, or for hotels, motels, office or public buildings where the ANEF exceeds 30.

The Planning Proposal seeks to rezone 33.4 hectares (16 lots) of land in Bringelly from RU1 to RU4 affected by ANEF 20 and over (attached map). Under the zoning change, additional permitted uses include recreation facilities and places of public worship.

The Direction requires that PPs that increase residential densities, where the ANEF is between 20 and 25, must include a provision to ensure that development meets AS 2021 regarding interior noise levels. Liverpool LEP 2008 has a provision (cl. 7.18 Development in areas subject to potential airport noise) requiring compliance with AS 2021 for residential accommodation which is proposed on land exceeding 20 ANEF. Therefore the PP will comply with this direction for land between 20 and 25 ANEF.

Although the change in minimum subdivision lot size from 40 ha to 10 ha would appear to be contrary to this direction, Liverpool Council has advised that the Bringelly land contains lots that are all under 20ha, with the largest lots being approximately 10ha, and a large number of lots 3-4 ha. Given this evidence of the actual subdivision pattern, the LEP amendment will not result in further subdivision, nor a significant increase in residential density.

Rezoning of these lots would not result in an inconsistency with this Direction.

It is noted that Council has indicated that it will write to the Commonwealth Government (Minister for Infrastructure and Transport) to try and get the ANEF restriction lifted. However, as no firm decision has been made to abandon the Badgerys Creek Airport option the s. 117 Direction still applies.

4.1 ACID SULFATE SOILS

This section requires that councils must consider the acid sulfate soils planning guidelines adopted by the Director General when preparing a Draft Local Environmental Plan.

The additional development potential facilitated through the planning proposal is contained to additional dwellings on rural lots.

The Liverpool LEP 2008 has an acid sulfate soils provision (cl. 7.7). Development on any land that is affected by acid sulfate soils will require an acid sulfate soils management plan for certain works. Accordingly, the planning proposal is considered to be of a minor nature which can be dealt with at the development approval stage, and therefore the PP is not inconsistent with the direction.

4.3 FLOOD PRONE LAND

The Planning Proposal does not seek to amend controls that relate to flooding. The scope of additional development potential under the planning proposal is limited and

would be assessed on its merits against the flood provisions contained within the Liverpool LEP (cl. 7.8) and DCP 2008. The PP is not inconsistent with this direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION

Where a planning proposal is in proximity to bush fire prone land Council must consider, amongst other things, the requirements under Planning for Bushfire Protection 2006.

The scope of additional development potential possible under the planning proposal is limited. Specific proposals will continue to be subject to the specific bushfire provisions contained within the Planning for Bushfire Protection manual and the Liverpool LEP and DCP 2008.

Given the wide extent of the effect of the PP (almost all rural lands) it is expected that the plan would impact on some bushfire prone land. Under this direction, the relevant planning authority is required to consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a Gateway Determination, and prior to undertaking community consultation, and take into account any comments so made.

A PP may be inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director General (or delegate) that the Council has obtained written advice from the Commissioner, to the effect that, notwithstanding the non-compliance, the NSW RFS does not object to the progression of the PP.

It is recommended that Council consult the Commissioner of NSW RFS prior to undertaking community consultation in satisfaction of section 57 of the Act.

5.8 SECOND SYDNEY AIRPORT: BADGERYS CREEK

The objective of this Direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

This Direction applies to land shown within the boundaries of the airport reservation within the ANEF contours as shown on the map. The map is identical to that considered in Council's previous Rural Lands Studies and is part of the Liverpool LEP 2008 mapping series.

According to this Direction, Planning Proposals shall not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this Direction, could hinder the potential for the development of a second Sydney airport.

The Planning Proposal seeks to re-zone land in the vicinity of the airport reservation site from RU1 to RU4. Under the zoning change additional permitted development types include entertainment facilities, recreation facilities (indoor) and places of public worship. Changes are also being made to dual occupancy controls under Clause 7.24. The proposed development types would be limited in density and scale, for example dual occupancies are only permitted to maximum dwelling size of 250sqm (for at least one dwelling) and a maximum of two dwellings per 2 hectare property.

The scope of development potential possible under the Planning Proposal is limited and does not impact upon the likelihood of Badgerys Creek being developed as Sydney's second airport. The PP is not inconsistent with this Direction.

(Airport related matters are also addressed under s.117 Direction 3.5 above.)

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is generally consistent with the objectives of the Metropolitan

Plan for Sydney. A majority of the amendments consider land use constraints, the possibility of rural land for extractive industry, agriculture and rural lifestyle development.

For the purposes of this Proposal, the relevant strategic directions and objectives from the current metropolitan strategy have been listed below;

Strategic Direction D – Housing Sydney's Population

This strategic direction seeks to ensure that Sydney is able to house its growing population. Potentially, this will result in urban sprawl which puts pressure on rural and 'fringe' land.

Objective D1 – To ensure an adequate supply of land and sites for residential development.

The South West subregion is expected to accommodate 155,000 new dwellings up to the year 2036, including 83,000 new dwellings in release areas, 41,000 of which are within the Liverpool LGA. The Planning Proposal does not compromise these objectives as it maintains the controls applying to dual occupancies and minimum lot sizes within the released precincts under the SWGC.

Outside of the released precincts, the Planning Proposal seeks to rezone approximately 755 hectares of land from RU1 to RU4. This increases the potential for all lots over 2 hectares in size to develop dual occupancy development (in accordance with Clause 7.10 of LLEP 2008). At maximum development, the likely additional potential would be approximately 220 dwellings or approximately 0.3 dwellings per hectare. Each dwelling application would be subject to a development application which would need to demonstrate appropriate servicing strategies.

Strategic Direction F –Balancing Land Uses on the City Fringe

This strategic direction deals with managing land uses on the fringe of Sydney. The objectives of Strategic Direction F are as follows:

Objective F1 – To contain Sydney's urban footprint

This will be achieved by focusing land release in Growth Centres and simplifying the land release process.

Council is supportive of this objective. The focus of land release in the Growth Centres provides certainty to governments, landowners and developers regarding where infrastructure and services will need to be provided. This increases the onus on Council's strategic planning to limit development types that impede land release planning and delivery.

Further, this objective seeks to focus rural settlement growth on infill sites and in existing serviced towns and villages. The objective also notes that subdivision of rural and resource lands for additional dwellings should be avoided.

Objective F2 – To maintain and protect agricultural activities and resource lands

To achieve this direction, the draft RLS 2012 retains the restrictive planning controls that relate to higher order agricultural land and land considered to possess sub-surface resources (as indicated under SREP 9). The Planning Proposal does not seek to increase the fragmentation or development potential of land considered as high agricultural potential.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following lists the SEPPs which are relevant to the proposal.

STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

The South West Growth Centre (SWGC) includes approximately two thirds of the land currently zoned rural in the Liverpool local government area. All of the land that is being rezoned in Bringelly is in either Bringelly, North Bringelly or a Future Industrial precinct.

One of the key aims of the SEPP is to coordinate the release of land for residential, employment or other urban development.

The SEPP provides development controls that must be complied with until such time as a precinct plan has been finalised. This includes consideration of whether any proposed development will preclude the future urban and employment development land uses [cl. 16(1)(a)], or result in further fragmentation of land holdings [cl. 16(1)(c)].

The Planning Proposal does not seek to implement any changes to land within any 'released' planning precincts.

Given the applicability of the Growth Centres SEPP this PP was referred to Land Release (Planning and Delivery) for comment. Advice initially received from Land Release (attached) objected to the rezoning and change to minimum subdivision lot size (40ha to 10ha). It was considered that the changes to the minimum lot size for the area may lead to development types and land fragmentation that may preclude future urban development, and that there was an inconsistency with clause 16(1)(a) and (c) of the SEPP.

Subsequent to receiving the Land Release advice further information was received from Liverpool Council (attached) regarding the existing lot sizes. This information clarified that the Bringelly land contains lots (248 in total) that are all under 20ha, with the largest lots being approximately 10ha, and a large number of lots 3-4 ha. With a 10ha subdivision standard it is unlikely that there will be any further subdivision.

Given this new evidence of the actual subdivision pattern, it is now considered that there is little risk of the rezoning leading to land fragmentation that may preclude future development of the urban and industrial precincts. Therefore the PP is not inconsistent with the Growth Centres SEPP.

Land Release did not object to the changes to the dual occupancy floor area, as this change was seen not to preclude future urban development.

SYDNEY REGIONAL ENVIRONMENTAL PLAN 9 - EXTRACTIVE INDUSTRIES (No. 2)

SREP 9 seeks to preserve clay shale extraction areas of regional significance which includes both current and potential operations. Sheet 2 of Sydney Regional Environmental Plan No. 9 applies to the study area.

Council has advised that the Planning Proposal does not compromise any land that is currently the subject of quarry/mine activities, nor does it affect land that is approved for future extractive industry.

Of the 755 hectares of land being rezoned in Bringelly, approximately 83 hectares of land is mapped on the SREP 9 map as "Development in this area could adversely affect or be affected by future quarrying/mining operations". The proposed rezoning from RU1 and RU4 increases the potential for dual occupancy development at a scale of approximately 0.3 dwellings per hectare. This scale of development is not likely to inhibit minimum operations and the proposed change in minimum lot size will not result in any potential subdivision within the 83 hectare area. The proposed RU4 zone has been already applied to similar affected areas under SREP 9.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : Mapping is provided to illustrate the proposed Bringelly rezoning (Figure 1 of Council Planning Proposal), amendments to the lot size map (Figure 2) and the application of dual occupancy controls (Figure 3). However, there is no map to illustrate the land that is affected by the proposed change on the FSR of land in Wallacia.

It is recommended that Council amend the PP to illustrate the Wallacia land.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council considers that the Gateway determination will specify the duration of Community consultation. However Council has resolved to exhibit the PP and the supporting Rural Lands Study 2012 for a period of 60 days. Council also intends to provide additional information delivery and display, above that required by legislation, including public notice venues.

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 Principal LEP was made in August 2008. The draft LEP seeks to make amendments to the Principal LEP.

Assessment Criteria

Need for planning proposal : The PP is the result of recommendations contained within Liverpool Council's draft Rural Lands Study (RLS) 2012. The RLS seeks to provide a broad strategic document which encompasses development opportunities and constraints of rural lands.

The RLS updates the previous 2007 study by reflecting progress made to precinct planning in the South West Growth Centre and Badgerys Creek Airport, and considers emerging issues and development pressures affecting Liverpool's rural areas.

The RLS contains a number of recommendations, most of which require further action such as carrying out amendments to Liverpool LEP 2008 (LLEP 2008).

Council advises that significant resources have been spent on the RLS. Not proceeding with the recommendations in the draft RLS will result in a higher cost, in that many outcome based recommendations would not be realised.

Council argues that the rezoning of the land at Bringelly is supported for the following reasons:

- The majority of the precinct is Soil category - Class 3,

- Only a small portion of the precinct is affected by SREP 9 Extractive Industry and by Badgerys Creek Airport Noise Exposure (ANEF) contours,
- The land is only marginally affected by constraints in terms of flooding and Environmentally Significant Land,
- The introduction of the 10 ha minimum subdivision lot size will not result in substantial fragmentation of land which would impact upon the future planning of the SW Growth Centre, and
- The precinct is well served by The Northern Road, an arterial road.

In regards to the dual occupancy changes, Council has received feedback from a number of landowners that the dual occupancy controls are too stringent and that they are a significant departure from previous controls under Liverpool LEP 2007. Therefore these LEP changes to the dual occupancy controls reinstate the previous planning regime and address community concerns. Council argues that the amending controls provide a better balance between the need to retain rural land for rural uses and the intent of some landowners to provide extended accommodation on their properties.

The change to the floor space ratio in Wallacia is required to allow the flexibility for the renewal of housing stock. Considering that this change will only apply to three lots, the impact of increasing potential dwelling size is not considered significant. Any impact would be localised and assessed through a specific development application process.

Consistency with strategic planning framework :

The consistency with the Metropolitan Plan for Sydney 2036 is addressed above under the s.117 consideration.

DRAFT SOUTH WEST SUBREGIONAL STRATEGY

One of the key directions within the Draft South West Subregional Strategy is to accommodate a high proportion of additional dwellings within the existing urban areas in order to protect native bushland areas and rural and resource lands from encroaching urban development.

The Strategy also highlights the need to provide for 'working lands'; areas which support diverse rural industries such as agriculture, extractive industry and mining. Agriculture has an important cultural heritage and identity value. There are also very significant high quality coal resources, and associated methane gas in the subregion.

The Strategy also states that working land should not be considered as land for urban development as the protection of these resource lands is not only vitally important to the Sydney fresh produce markets, the construction market and secondary industries such as steelworks and other manufacturers, but also to tourism, biodiversity and catchment protection. It is essential that businesses and individuals involved in these industries have greater certainty for investment timeframes on the future uses of these lands.

Careful consideration should be given to the potential impact of access to these resources before commitments are made to development in the South West Subregion.

The Planning Proposal accords with these directives as it maintains the majority of the restrictive framework limiting urban develop and fragmentation. It is not inconsistent with any of the specific housing objectives for the South West.

LIVERPOOL RURAL LANDS STUDY 2012

The draft LEP seeks to implement recommendations from the draft Liverpool Rural Lands Study 2012.

Environmental social economic impacts :

The PP is not expected to have an impact on critical habitat, threatened species, populations or ecological communities or their habitats. Specific development achieved under the amended planning controls would be carried out via a development application and be subject to a separate environmental assessment at the time.

Issues in regard to bush fire prone land and flooding are discussed under the S117 Direction consideration.

In terms of potential social and economic impacts, the PP responds to landowner queries regarding the dual occupancy parameters as they relate to rural land. The proposed amendment allows for larger dwellings as they form part of dual occupancies in certain precincts, that are not subject to urban land release in the short term. The PP can have a positive social and economic impact through the provision of additional rural housing. The likely increase in development density is minor and maintains the intent of rural land zoning which is to promote rural and private recreational uses.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **40 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Adjoining LGAs**

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 :

Residential Land Release (MDP)

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Fig 1 & 2 Bringelly Maps.pdf	Map	Yes
Fig 3 - Dual Occupancy Controls.pdf	Map	Yes
ANEF Map Bringelly.pdf	Map	Yes
Councils additional information.pdf	Proposal	Yes
Land Release advice.pdf	Proposal	Yes
L'pool Am 28 Planning Proposal letter.pdf	Proposal Covering Letter	Yes
L'pool Am 28 Part 1 Planning Proposal.pdf	Proposal	Yes
L'pool Am 28 Part 2 Planning Proposal.pdf	Proposal	Yes
L'pool Am 28 Cncl Report.pdf	Proposal	Yes

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.

Liverpool Local Environmental Plan 2008 draft Amendment 28 - Rural Lands

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.

Signature:



Printed Name:

DERRYN JOHN

Date:

2/11/12