

Planning Proposal

Liverpool Local Environmental Plan 2008 Draft Amendment No. 28

The proposal is summarised as followed;

- Re-zone approximately 755 hectares of land in Bringelly from RU1 Primary Production to RU4 Primary Production Small Lots.
- For RU1 and RU4 land within the South-West Growth Centre that has not as yet 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.

September 2012

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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's guide to preparing planning controls.

This planning proposal contains a number of amendments to the Liverpool Local Environmental Plan 2008 (LLEP 2008). Further, details of proposed amendments to the Liverpool Development Control Plan 2008 (LDCP 2008) have also been included for information purposes and, like the amendments to the LLEP 2008, are recommended in the draft Rural Lands Study 2012.

Councils Rural Lands Study (RLS) seeks to provide a broad strategic document which encompasses development opportunities and constraints of rural lands within the Liverpool Local Government Area (LGA).

The RLS 2012 updates the previous Study completed in 2007 by reflecting the progress made in relation to precinct planning made under the South West Growth Centre (SWGC), Badgerys Creek Airport reservation and considers other emerging issues and pressures affecting Liverpool's rural areas. The RLS also clarifies the applicable land use zones and planning provisions within the LLEP 2008 and the LDCP 2008.

The RLS contains a number of recommendations, most of which require further action to ensure implementation such as carrying out amendments to LLEP 2008, LDCP 2008 whilst other actions rely on State Government or other public agencies for implementation.

Site identification

The planning proposal applies to 1025-1029 Greendale Road, Wallacia and to approximately 755 hectares of land in Bringelly with the following street addresses;

- The Northern Road
- Greendale Road
- Badgerys Creek Road
- Shannon Road
- Mersey Road
- Derwent Road
- Lea Road
- Avon Road
- Severn Road
- Carr Road
- Dart Road
- Solway Road and
- Medway Road

There are additional changes in this Planning Proposal that are not site specific but rather affect permissibility of development types across all land within RU1 Primary Production and RU4 Primary Production Small Lot.

Study Area

The rural lands study area encompasses all suburbs within the Liverpool LGA that contain land zoned rural under the LLEP 2008, being;

- Denham Court,
- Cecil Park,
- Austral,
- Leppington,
- Kemps Creek,
- Rossmore,
- Bringelly,
- Badgerys Creek,
- Luddenham,
- Wallacia,
- Greendale/Cobbitty.

Refer to Attachment 1 for the study area map.

Part 1 - Objectives

The amendment to the Liverpool LEP and DCP 2008 arise from recommendations contained within the draft Rural Lands Study 2012.

The proposed amendments are minor in nature and the Rural Lands Study reinforces the protection of rural lands from over-development, particularly in areas with high primary production and extractive industry potential. The intent of the current controls are being maintained in that they essentially protect the rural character of rural precincts by limiting housing density and protecting and preserving the rural values and quality of the land.

At its meeting dated 28 September 2011, Council resolved to undertake a review of rural land use planning including the permissibility of cemeteries and the restrictions relating to dual occupancies. Although the resolution was to investigate specific matters, Council has taken the opportunity to update the current strategic policy relating to rural lands being the Liverpool Rural Lands Study (RLS) 2007.

The aims of the draft RLS 2012 are as follows:

- To consider Councils resolution of 28 September 2011 which requests investigation into the permissibility of cemeteries, planning restrictions relating to dual occupancies, the rezoning of particular precincts in Bringelly and Badgerys Creek and the permissibility of specific land uses in the rural zones.
- To provide up to date information relating to precinct planning under the South West Growth Centre and the findings of the Governments Joint Study on Aviation Capacity relating to the Badgerys Creek Airport reservation.
- To clarify the transition of land use zones from LLEP 1997 to LLEP 2008.
- To consider other emerging pressures affecting Liverpool's rural areas including urban development.
- To provide a suburb-by-suburb profile and assessment of attributes, constraints and opportunities.

- To outline the role of Liverpool's rural areas in the provision of fresh produce, rural industry and other rural production.
- To recommend amendments to planning controls within the LLEP 2008 and LDCP 2008.

Part 2 - Explanation of provisions

The draft RLS 2012 contains a number of findings which has resulted in the need to amend LLEP 2008 as follows;

Table 1: Proposed amendment to LLEP 2008

Amendment applies to	Explanation of provision
Land Use Zoning maps LZN-003 LZN-004	Rezone approximately 755 hectares of land in Bringelly (highlighted in Figure 1) from RU1 Primary Production to RU4 Primary Production Small Lots.
Lot Size maps LSZ-003 LSZ-004	Amend the 755 hectares of land in Bringelly from a minimum subdivision lot size of AB2 (40ha) to AB1 (10ha)
Floor space ratio maps FSR-001	Amend the Floor Space Ratio for three lots, being 1025-1029 Greendale Road Wallacia from 0.1:1 to 0.15:1
Clause 7.24	For RU1 and RU4 land within the South West Growth Centre that has not as yet released by the Minister (outlined in blue on Figure 3); amend the dwelling maximum gross floor area restriction from 150 square metres to 250 square metres
	For RU1 zoned land outside the Growth Centres delete the 150sqm gross floor area dwelling restriction for dual occupancies.
	For RU4 zoned land outside the Growth Centres (outlined in brown on Figure 3) increase dwelling gross floor area restriction from 150 square metre to 250 square metres.

Amending the land use zone for part of Bringelly to RU4 better reflects the characteristics of that land. The rezoning is supported for the following reasons;

- The majority of the precinct is categorised as Soil category- Class 3 (with Class1 soils being optimum for agriculture).
- Only a small portion of this precinct is affected by *Sydney Regional Environmental Plan No. 9 Extractive Industry* and by the Badgerys Creek Airport Noise Exposure (ANEF) contours.
- The land is only marginally affected by land use constraints in terms of flooding and Environmentally Significant Land.
- The introduction of the 10 hectare minimum subdivision lot size (which is commensurate with other RU4 zoned land) will not result in substantial fragmentation of land which would impact upon the future planning of the SWGC.
- The precinct is well serviced by The Northern Road; an arterial road.

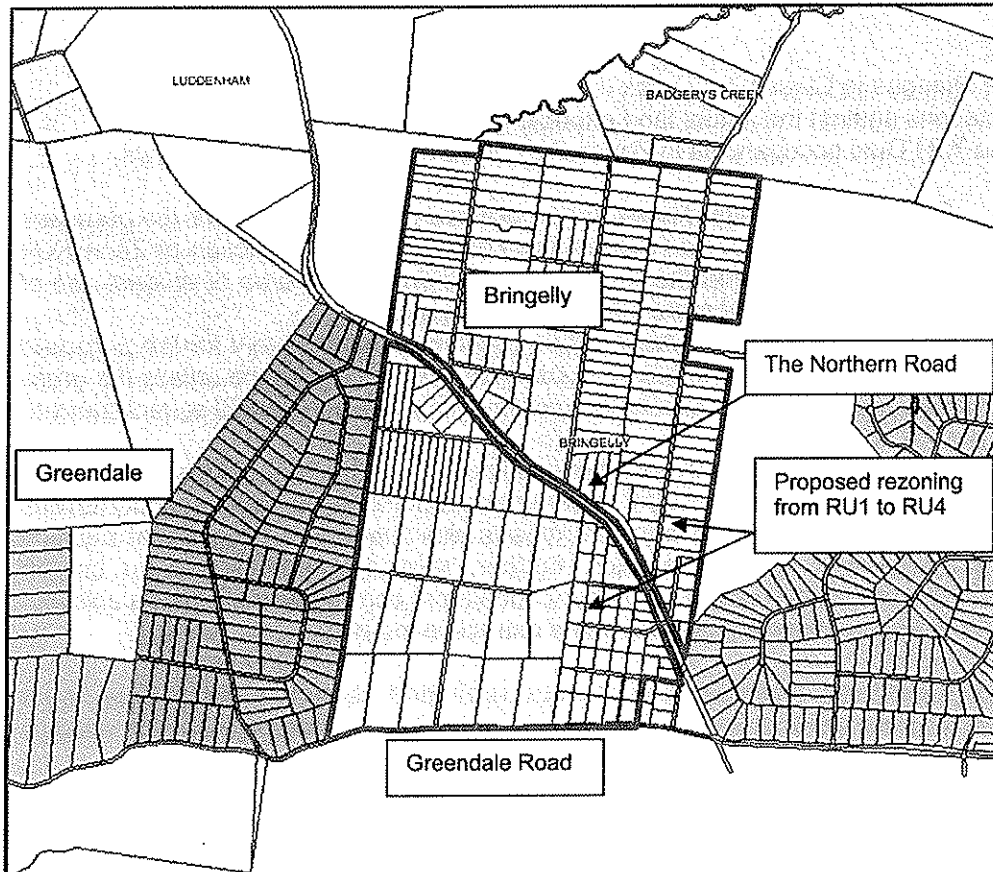


Figure 1 – Proposed rezoning Bringelly

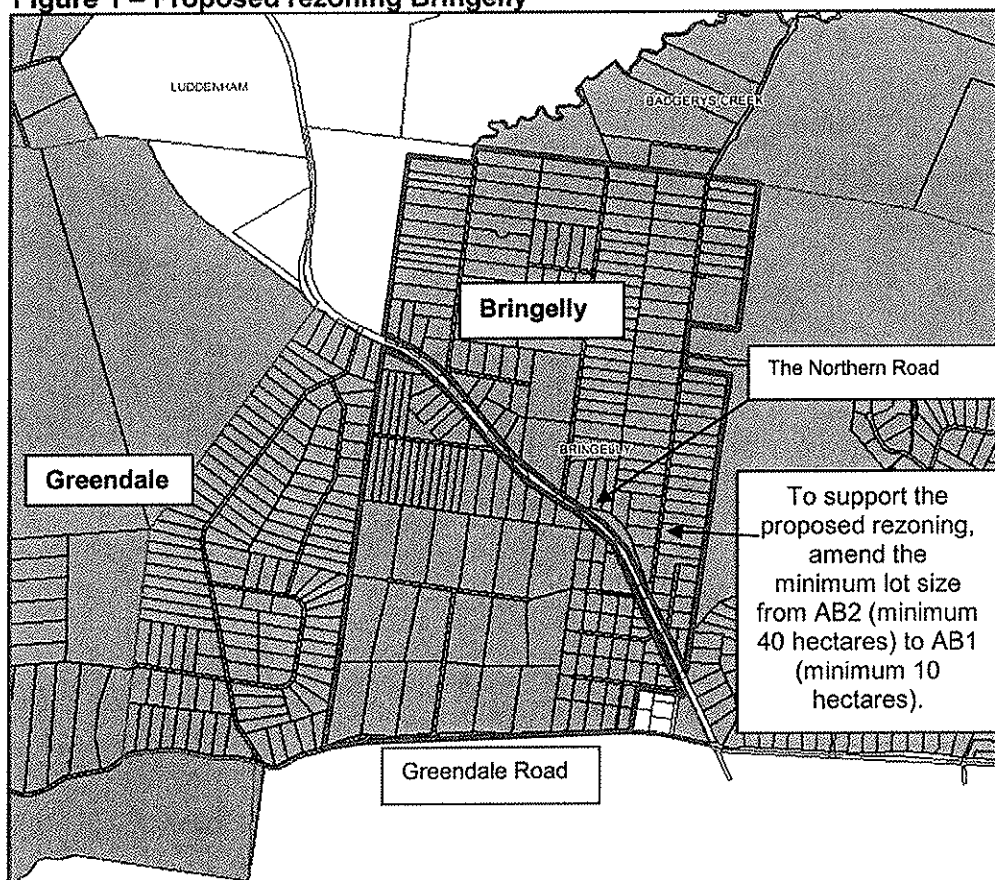


Figure 2 Amendments to the minimum lot size map

These changes to Clause 7.24 seek to achieve a balance between landowner's expectations against the actual land capability and future planning intent.
 Clause 7.24 Dual occupancies in Zones RU1, RU2 and RU4 reads as follows;

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.*

Similar to clause 7.10, this provision aims to limit the land take up of housing in rural zones. Rural areas are increasingly under pressure for lifestyle housing opportunities and planning controls are the principal means within which to ensure that housing does not undermine rural character. Further, regardless of the current use of particular property, non-rural development should not compromise the future ability of the land to be used for rural purposes and extractive industry.

Generally, rural zone objectives encourage rural land uses. It is not to provide for additional housing stock. Rather, the delivery of housing should be focused on areas with access to service utilities, community and social infrastructure.

On land within the SWGC, a proliferation of dual occupancies is likely to hinder critical urban release by way higher land acquisitions costs, obstruction of orderly future road and urban subdivision patterns and altering the future character of release areas.

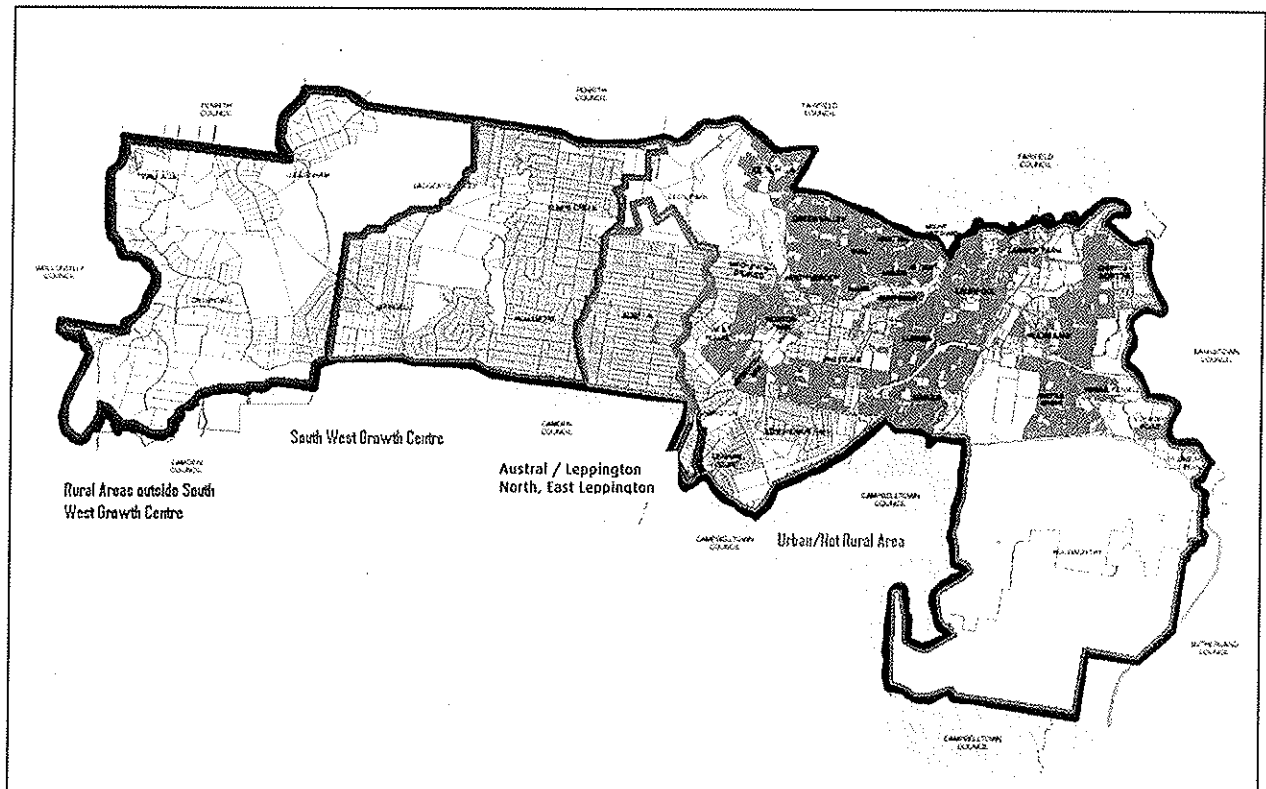


Figure 3 Application of amended dual occupancy controls
 Red: South West Growth Centre precincts released by the Minister