

Liverpool LEP 2008 - Amendment No 35 - Rezoning part of the Tree Valley Golf Course from R3 Medium Density Residential to B6 Enterprise Corridor

Proposal Title : **Liverpool LEP 2008 - Amendment No 35 - Rezoning part of the Tree Valley Golf Course from R3 Medium Density Residential to B6 Enterprise Corridor**

Proposal Summary : **The proposal seeks to amend Liverpool Local Environmental Plan 2008 to rezone part of the Tree Valley Golf Course on Camden Valley Way, Edmondson Park from R1 General Residential, R3 Medium Density Residential and RE 2 Private Recreation to B6 Enterprise Corridor and realign the boundaries of the R1 General Residential and RE2 Private Recreation zoned land.**

PP Number : **PP_2013_LPOOL_005_00** Dop File No : **13/15377-1**

Proposal Details

Date Planning Proposal Received : **11-Sep-2013** LGA covered : **Liverpool**

Region : **Sydney Region West** RPA : **Liverpool City Council**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **2162 Camden Valley Way**

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

Land Parcel : **Lot 101 DP 117017**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

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RPA Contact Details

Contact Name : **Simon Porter**

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DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

Contact Number : **0298601167**

Contact Email : **chocho.myint@planning.nsw.gov.au**

Land Release Data

Growth Centre : **Sydney South West** Release Area Name : **Other**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 52
(where relevant) :

Gross Floor Area : 1,600.00

No of Jobs Created : 359

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

If No, comment :

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

If Yes, comment : In relation to the Lobbyist Code of Conduct there are no records on the Department's
Lobbyist Contact Register regarding this matter.

Supporting notes

Internal Supporting
Notes :

BACKGROUND:

The site (5.14 hectares) is located on Camden Valley Way near the M5 and Hume Highway intersection and is described as Lot 101 in DP 117017 (location map, attached).

Council has advised that the site is identified in the Edmondson Park Indicative Layout Plan (ILP), attached, as a 'Village Centre' and would permit retail uses suitable for a main road frontage. Council states that the planning proposal is consistent with the Edmondson Park ILP and would facilitate redevelopment appropriate for the location and that the planned Edmondson Park Town Centre will be complimented by the proposal.

The site is currently zoned a mix of R3 Medium Density Residential, R1 General Residential, and RE2 Private Recreation under Liverpool LEP 2008 (zoning map, attached).

Council has also advised that the rezoning of land along Camden Valley Way to B6 Enterprise Corridor would provide the desired mix of uses for the site without creating an opportunity for retail development of an inappropriate scale.

The proposal also seeks to:

- retain application of the local provision, Clause 7.23, which limits the retail floor space of any development in the B6 Enterprise Corridor zone to 1,600sqm.
- amend the Minimum Density Map to consolidate the site's current required residential yield.

DELEGATION

Council is seeking an Authorisation to make the plan.

External Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

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

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the Planning system.

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

The term relevant planning application means:

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

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

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

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives of the Planning Proposal are to facilitate:

- the creation of a 'local village', consistent with the Edmondson Park Indicative Layout Plan (ILP).
- a concept Masterplan (copy in Documents) which proposes a supermarket of 1,500m², a service station and three fast food outlets/family restaurants (approximately 2,300m²).
- The Village Centre is proposed as part of a larger mixed use development, including 52 residential dwellings, childcare centre, golf course clubhouse, function centre/fitness centre and motel/serviced apartment.

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

Is an explanation of provisions provided? Yes

Comment :

The planning proposal will amend the Liverpool Local Environmental Plan 2008 to rezone and realign the subject site to B6 Enterprise Corridor, R1 General Residential, and RE2 Private Recreation (proposed zoning map, attached).

The planning proposal will amend the following maps:

- Zoning Map
- Floor Space Ratio Map
- Height of Building Map
- Minimum Dwelling Density Map

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

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

5.8 Second Sydney Airport: Badgerys Creek

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007**

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

Following are the relevant s117 Directions:

1.1 BUSINESS AND INDUSTRIAL ZONES:

This direction applies as the planning proposal proposes to create a business zone. Council has advised that the proposal is the result from an application lodged with Council. Council however considers that the proposal is consistent with the Direction as it will encourage employment growth and facilitate the provision of a small amount of retail space which will not significantly impact on existing centres.

It is considered the planning proposal is not inconsistent with the direction and the Director General's approval is not required.

3.1 Residential Zones:

The direction applies as the draft proposal alters residential zones. However, the rezoning from R3 High Density Residential to proposed part R1 General Residential will reduce the land area (13,000sqm) but will not reduce the existing residential density. The residential density is to increase from 17 dwellings/ha to 23 dwellings/ha. The proposal is therefore not inconsistent with the direction. The Director General's approval is not required.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to the planning proposal.

Under this Direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and**
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).**

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. Given the site is well situated along two major roads, the proposal is considered to be consistent with the direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

This issue has been discussed in detail in the Assessment section.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal has provided a location map, an aerial photograph of the site, land use zoning map and proposed land use zoning map, a minimum dwelling density

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map and a proposed minimum dwelling density map.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes	
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Comment :	The planning proposal states the requirements for community consultation will be stipulated by the Gateway determination.
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Additional Director General's requirements

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

If Yes, reasons :

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :	The Liverpool LEP 2008 is a Principal Standard Instrument LEP.
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Assessment Criteria	
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Need for planning proposal :	Council has received an application on behalf of a land owner to amend the Liverpool Local Environmental Plan 2008 to rezone the site.
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The subject site is identified as 'Village Centre' under the Edmondson Park Indicative Layout Plan. Council considers that the proposal is consistent with the Edmondson Park Indicative Layout Plan (ILP) and would permit retail uses suitable for a main road frontage which would complement the nearby planned Edmondson Park Town Centre.

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Consistency with
strategic planning
framework :

DRAFT METROPOLITAN STRATEGY FOR SYDNEY 2031

The proposed rezoning is likely to create 359 jobs.

The site is not specifically identified in the draft Metropolitan Strategy for Sydney 2031. However, the proposal is consistent with the following objective of the Strategy:

Objective 15: Provide for a good supply of retail space

This objective supports new centres and states that centres of all sizes will be the primary location for retail, at a scale reflecting the level of public transport accessibility. The draft strategy further makes comments on retailing on major roads as catalysts to revitalise high traffic areas, but this retail should not reduce road efficiency or increase congestion or road safety risks, and should contribute to the function of existing and planned centres.

The Department (Strategies and Land Release Team), however, considers that the planning proposal (a supermarket, a service station and fast food outlets) is not a 'Village Centre' of equivalent scale identified in the Edmondson Park ILP. The ILP also envisaged highway retail further along Camden Valley Way to the west, currently zoned B6 Enterprise Corridor.

The planning proposal, for 4,000 sqm retail (1,500 sqm supermarket and 2,500 sqm fastfood retail) in a proposed Enterprise Corridor Zone (out-of-centre location), to service 3,700 dwellings (over 10-20 years) within the primary trade area is not inconsistent with the 'Village Centre' as identified in the draft Metropolitan Strategy (see attached). However, it is not consistent with the 'Village Centre' as envisaged in the Edmondson Park ILP, which is of a smaller scale center. Edmondson Park was rezoned ahead of the growth centres, the land zoning is under Liverpool LEP 2008, not the SEPP (Growth Centres). It also predates the draft Metropolitan Strategy, therefore there is a conflict defining 'Village Centre' hierarchy in these documents.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The planning proposal is not inconsistent with the draft Strategy, as it proposes retail uses within Enterprise Corridor Zone along a major transport corridor (Page 67 – SWB4.1.1 – copy in Documents).

DRAFT CENTRES POLICY 2009

The proposal is consistent with the objective of this Policy as it seeks to focus retail activity in a 'Village Centre' and will make efficient use of transport and other infrastructure.

LIVERPOOL RETAIL CENTRES HIERARCHY REVIEW

Council has advised that the proposal is consistent with the Liverpool Retail Centres Hierarchy Review which identified an undersupply of retail floor space within the catchment and considers that the proposal will facilitate to fill that gap.

The site is not specifically identified as a centre in the review, however, was identified as part of the Edmondson Park Release area.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The planning proposal would not have any significant environmental effects. The site is an existing golf course with little potential for fauna and flora habitat.

See the Strategies and Land release Team's comments below regarding issues relating to Biodiversity Certification.

ECONOMIC ASSESSMENT

The application is accompanied by an Economic Impact Assessment (EIA), prepared by Location IQ (June 2013). The EIA examines the demand for retail use at the site and states that:

- there is a demand for additional supermarket floorspace throughout the main trade area;
- it would not have impact on the existing retail centres and their viability; and
- the proposal will not impact on the timing or development of the planned Edmondson Park Town Centre.

Council considers that given the small amount of retail proposed on the site it is unlikely to have significant impact on the surrounding retail centres and the proposal is consistent with the existing Edmondson Park ILP.

The EIA concludes that impacts on the surrounding retailers will be 7.5% or less and therefore, well within the normal competitive range. Edmondson Park Town Centre will provide a substantially large retail and non-retail services to area.

The EIA states that given the small size of the supermarket (1,500 sqm), it would serve mainly the immediate surrounding residential population and would not attract business from the broader region. The EIA (page 20) states that the planning proposal, is to service 3,700 dwellings (over 10-20 years) within the primary trade area, which equates to about 50% of the 6,000 dwellings proposed within the Edmondson Park Release area by 2021.

Council further considers that clause 7.23 of the Liverpool Local Environmental Plan 2008, which restricts the development for the purposes of retail premises on land in zoned B6 Enterprise Corridor to 1,600 sqm, would limit any significant economic impact on nearby existing and planned centres.

It is also noted that EIA analysis considers that the Edmondson Park Centre will not be developed until 2021. This is, however, incorrect, as Urban Growth NSW has previously advised (for another planning proposal) that the first phase of Edmondson Park Town Centre will be developed by 2016.

It is noted that Table 3.3 Main Trade Area Supermarket Provision, 2013 (page 41) does not include ALDI, Camden Valley Way and Edmondson Park supermarkets located within the main trade area. The EIA is considered inconclusive and should be accurately revised/updated prior to public exhibition to ensure that a more complete picture of the potential economic impact of the proposal on the surrounding centres is provided.

CONSULTATION WITH STRATEGIES AND LAND RELEASE TEAM

The Strategies and Land Release Team was consulted and has advised as follows:

- the need for the planning proposal to demonstrate the consistency with the Edmondson Park conservation agreement under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, as well as the Growth Centres Biodiversity Certification and Strategic Assessment.
- the site is identified in the Edmondson Park Indicative Layout Plan (ILP) as 'Village Centre'. The Team considers that what is proposed under the planning proposal (a supermarket, a service station and fast food outlets) is not suitable for Village Centre. According to the Team the ILP envisages highway retail further along Camden Valley Way to the west (this land is already zoned B6).

TRAFFIC IMPACT

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Council has advised that the planning proposal included a traffic report, which argues that there would be an acceptable impact on traffic generated from the proposed rezoning. However, Council's Traffic Engineers have indicated that the impact could be much greater and consultation with Roads and Maritime Services is necessary.

This report recommends consultation with the Roads and Maritime Services.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Department of Trade and Investment Transport for NSW Transport for NSW - Roads and Maritime Services		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

The EIA is to be updated and the planning proposal is to demonstrate the consistency with the Edmondson Park conservation agreement under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, as well as the Growth Centres Biodiversity Certification and Strategic Assessment.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Economic Impact Assessment .pdf	Determination Document	Yes
Location Map.pdf	Map	Yes
Concept Plan.pdf	Map	Yes
Extract from Metrostrategy.pdf	Determination Document	Yes
Extrct from Sub-regional Strategy.pdf	Determination Document	Yes
Land Release Team comments.pdf	Determination Document	No
Current & proposed zoning maps.pdf	Map	Yes
Aerial_location_map.pdf	Map	Yes
Extract from Draft Metropolitan Strategy_Centre_type .pdf	Proposal	Yes

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Indicative_layout_plan_of_Edmonson_Park_Release_ar ea.pdf	Map	Yes
Surrounding_Zoning_map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.4 Integrating Land Use and Transport
 5.8 Second Sydney Airport: Badgerys Creek
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Recommendation:**

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

1. exhibited for 28 days;
2. the timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination;
3. Council is to consult with Transport for NSW, Roads and Maritime Services and the Department of Trade and Investment;
4. the proposal should not proceed until the EIA is updated to further investigate and analyse the impact on all the surrounding existing and future centres, particularly Prestons, ALDI, Camden Valley Way and Edmondson Park prior to public consultation process; and
5. the planning proposal is to demonstrate the consistency with the Edmondson Park conservation agreement under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, as well as the Growth Centres Biodiversity Certification and Strategic Assessment.

Supporting Reasons : The planning proposal is generally consistent with the draft Metropolitan Strategy for Sydney 2013, the draft SW Subregional Strategy, and the draft Centres Policy 2009 as it proposes retail uses within an identified village centre, to be zoned Enterprise Corridor, located along a major transport corridor. It will make efficient use of transport and other infrastructure.

The planning proposal will also provide business choice and employment opportunities for the local community.

Signature: _____



Printed Name: _____

CHO CHO MYINT

Date: _____

27/9/13

