

Planning Proposal

Draft Liverpool LEP 2008 Amendment 33

***Rezone Part of Lot 6, DP 1065574 from E2
Environmental Conservation to RE2 Private
Recreation and Remove Item 11 from Schedule 1***

July 2013

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Background

This Planning Proposal provides an outline and justification for the proposed rezoning of Lot 6 Newbridge Road, Moorebank (Lot 6, DP 1065574) ("the site") and for the removal of item 11 in Schedule 1 of the Liverpool Local Environmental Plan 2008.

The purpose of the planning proposal is to rezone part the site from its current E2 Environmental Conservation zoning under Liverpool Local Environmental Plan 2008 to the RE2 Private Recreation zone to enhance the recreational value of the Moorebank East Precinct and promote access to the Georges River Foreshore.

It has been considered that the additional use which is permissible with consent on Lot 6, DP 1065574 is inconsistent with the objectives of the Moorebank East Precinct and incompatible with current and planned development on land adjacent to the site.

Item 11 of Schedule 1 of the Liverpool Local Environmental Plan (LLEP) 2008 is as follows;

Use of certain land at Moorebank in Zone E2

- 1. This clause applies to Lot 6, DP 1065574 in Zone E2 Environmental Conservation at Newbridge Road, Moorebank.*
- 2. Development for the purposes of a resource recovery facility is permitted with consent*
- 3. This clause is repealed on 1 September 2018.*

The site is located within the Moorebank East Precinct, which consists of former industrial land in the midst of contextual transition to urban land. Much of the precinct is on the former Boral Quarry Site which was rezoned and is being developed for residential development and environmental conservation. The Benedict Sands and Gravel Site (Lot 7 DP 1065574) has also been rezoned to facilitate future medium density residential, commercial and private open space development. The Georges River foreshore has been zoned for public open space.

At its meeting dated 27 March 2013, Council resolved to investigate alternate zoning options for the Moorebank East Precinct to better reflect the emerging recreation and residential precinct and the environmental value of this area.

Through the development of the precinct, Council has acquired land for the purposes of enhancing the ecological and recreation value of the former industrial land. Significant pieces of land, such as Wurrungwuri Reserve and the Georges River Foreshore have been acquired in order to achieve this goal.

The precinct which was once characterised by predominantly extractive industries and related uses, is now characterised by a mixture of residential development, with complimentary public and private open space, and ecological conservation land.

It should be noted that subclause 3 of Item 11 in Schedule 1 of the LLEP 2008 varies significantly from the *Draft Local Environmental Plan* adopted by Liverpool City Council at its meeting dated 5 May 2008. Prior to finalisation by Parliamentary Counsel, the additional permitted use for Lot 6, DP 1065574 appeared as follows;

Use of certain land at Moorebank zoned E2 for materials recycling or recovery centre

- 1. This clause applies to Lot 6 DP 1065574, being land at Moorebank zoned E2 Environmental Conservation.*
- 2. Development for the purposes of a materials recycling or recovery centre is permitted with consent.*
- 3. This clause 21 in schedule 1 expires on the date that occurs 2 years after the date of dedication of all parts of Lot 310 DP 1118048 that are zoned E2 Environmental Conservation, being land at Moorebank, to Council.*

Land zoned E2 Environmental Conservation of Lot 310, DP 1118048 was dedicated to Council on 16 October 2007. At the time of drafting the LLEP 2008, Council considered that the additional permissible use of Lot 6 DP 1065574 would be incompatible with the enhanced environmental value of the locality. Further, Lot 310 DP 1118048 was due to be dedicated to Council prior to the release of a subdivision plan which would result in greater than 480 lots being created in the Georges Fair residential development to the west of the site, as stipulated by the developer deed between Liverpool City Council and Boral Bricks Pty Ltd. It was therefore considered that the additional use of Lot 6 DP 1065574 would be no longer appropriate once this scale of residential development had been achieved within the Moorebank East Precinct.

In line with the draft clause above, this planning proposal seeks to remove the permissibility to allow the broader Moorebank East area to fully transition into a residential and recreational area.

Site identification

This planning proposal applies to Lot 6, Newbridge Road, Moorebank (Lot 6, DP 1065574). The site is zoned entirely E2 Environmental Conservation.

The site is located in the eastern portion of the suburb of Moorebank, adjacent to the Georges River. Moorebank is located in South West Sydney, approximately 4 kilometres east of the Liverpool Regional City and 30 kilometres south west of the Sydney CBD.

The 20.53 hectare site directly adjoins the Georges River in the east, Wurrungwuri Reserve in the west and New Brighton Golf Course to the south. The site is bound to the north by Lot 7, DP 1065574 which is the current site of Benedict Sands and Gravel. Lot 7, DP 1065574 has been rezoned to facilitate a range of residential, commercial and open space land uses. Council has received a development application seeking consent to construct a marina on RE1 and RE2 zoned land within Lot 7. Access to the site is via a 10 metre wide "pan handle" connecting to Newbridge Road.

The site is vacant land which was previously utilised as a landfill site. Much of the vegetation on the site was cleared during this time. The eastern portion of the site remains densely vegetated and is connected with Wurrungwuri Reserve by a vegetation corridor which exists along the southern boundary of the site. The site is severely flood prone and is therefore inappropriate for extensive development.

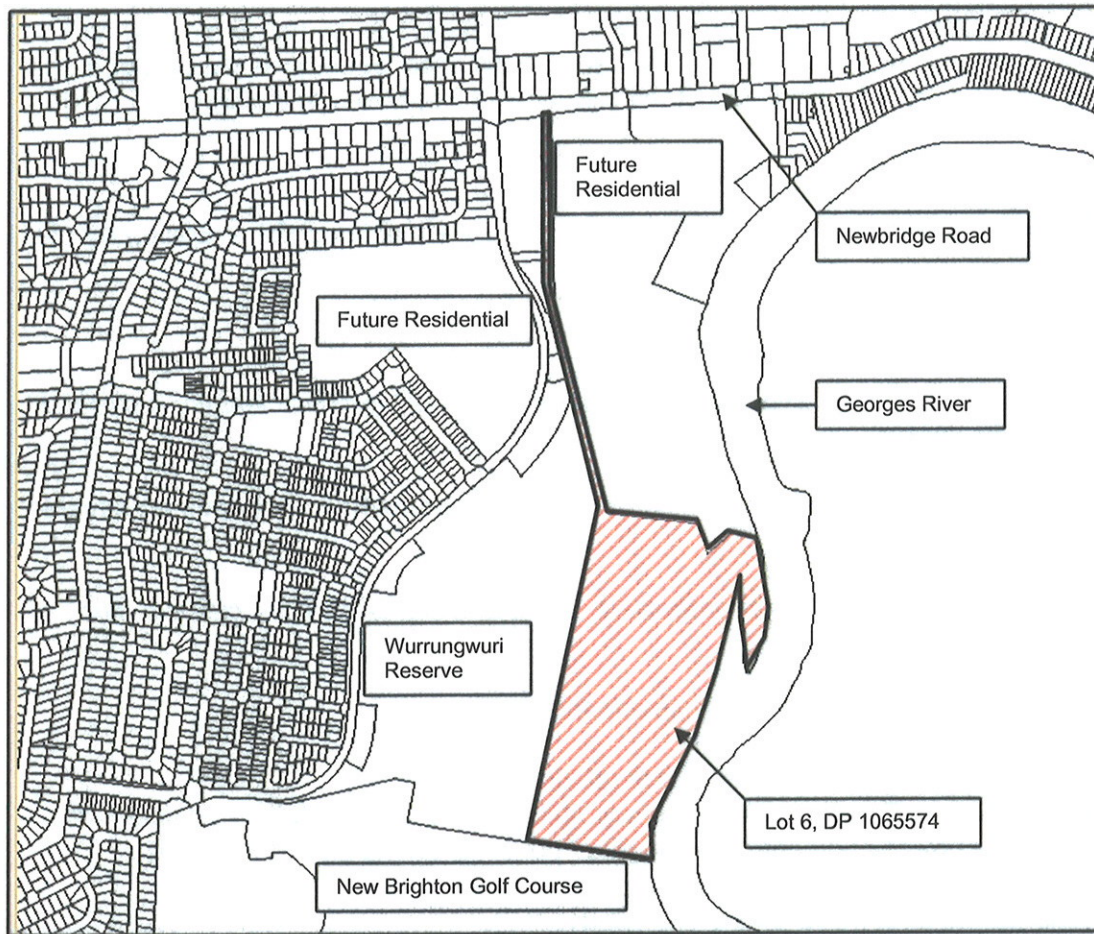


Figure 1: Site Layout

Site Context

The site is located within the Moorebank East Precinct, which is bound to the north by Newbridge Road, to the west by Nuwarra Road, by the Georges River to the east and the M5 Motorway in the south. The precinct is characterised by residential development which is progressing eastward as a result of the rezoning and subsequent residential development of the former Boral Quarry Site. The western portion of the New Brighton Golf Course has recently been rezoned to facilitate residential development as well as a significant proportion of Lot 7, in DP 1065574. Existing land use zoning within the precinct is illustrated in Figure 2. Current and proposed private recreational land uses within the precinct will compliment this residential development.

Land adjacent to the Georges River is severely flood prone. To mitigate the potential impacts of this, Council has acquired extensive foreshore land through Voluntary Planning Agreements and through the Moorebank Voluntary Floodway Acquisition Scheme. Council's recreation strategy establishes that land adjacent to the Georges River will be embellished for public recreation uses. Foreshore land in Lot 6 in DP 1065574 is recognised as the missing link in completing the public land corridor.

Wurrungwuri Reserve was transferred into Council ownership through the rezoning process of the former Boral Quarry Site. The reserve is heavily vegetated and includes several threatened ecological communities which must be preserved.

Foreshore vegetation present on the site also possesses substantial ecological value, including remnant communities. An ecological corridor has been preserved along the southern boundary of the site which links the Wurrungwuri Reserve with the Georges River.

Land Use Zoning

Under the Liverpool LEP 2008 the site is currently zoned entirely E2 - Environmental Conservation.

The objectives of zone E2 are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To enable the recreational enjoyment, cultural interpretation or scientific study of the natural environment.*

The following controls are currently applicable to the site:

- The minimum lot size is 40 hectares (clause 4.1)
- The maximum floor space ratio for any building on the site is 0.01:1 (clause 4.3)
- There is currently no control on height of buildings on the site (clause 4.3)
- Part of the site is environmentally significant land (clause 7.6)
- Acid sulfate soils occur on the site (clause 7.7)

The site has an additional use listed as Item 11 of Schedule 1 under the Liverpool LEP 2008. Item 11 is as follows;

11 Use of certain land at Moorebank in Zone E2

1. *This clause applies to Lot 6, DP 1065574 in Zone E2 Environmental Conservation at Newbridge Road, Moorebank.*
2. *Development for the purposes of a resource recovery facility is permitted with consent.*
3. *This clause is repealed on 1 September 2018.*

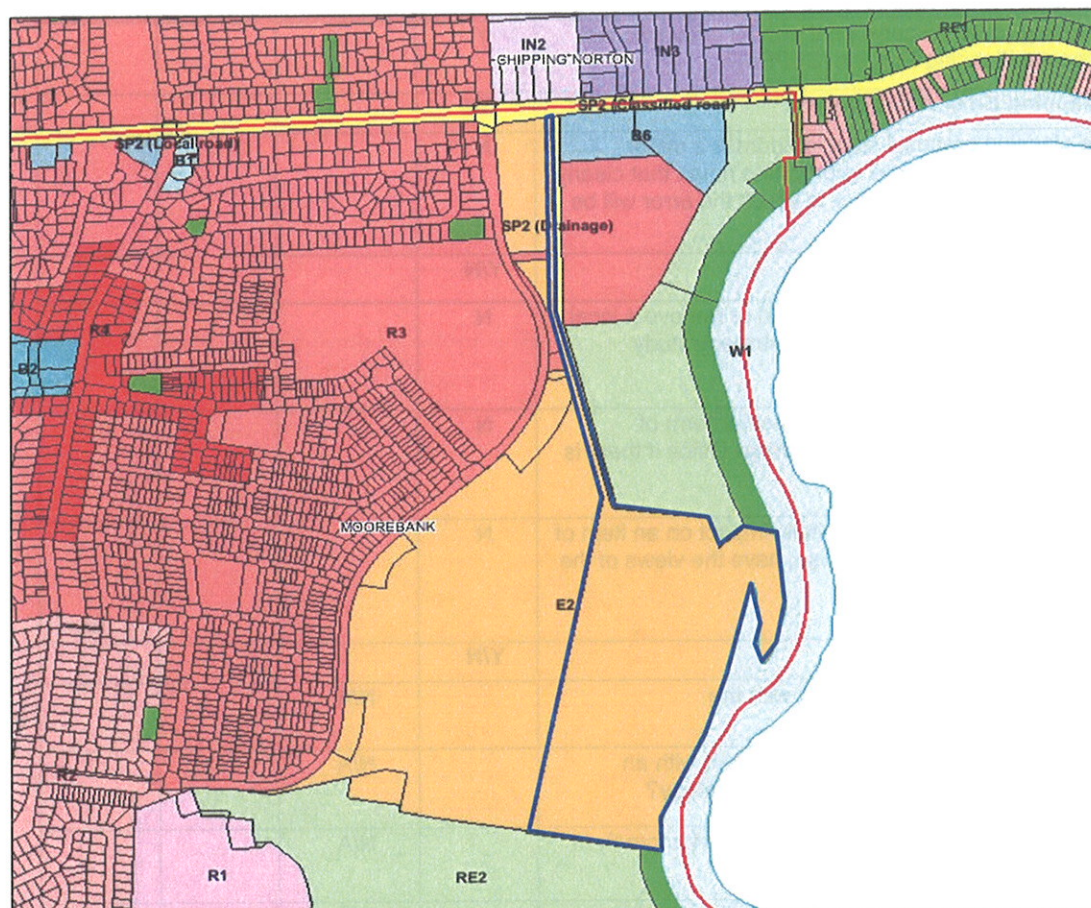


Figure 2: Zoning Extract Liverpool Local Environmental Plan 2008

Delegation of Plan Making Function to Council

Council is seeking an authorisation to make the plan for this planning proposal. The following response to the evaluation criteria is in support of this request;

(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			
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 <i>Local Government Act, 1993</i> ?		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) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		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 Rezonings	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			
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				
Does the proposed instrument 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?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or 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			



Figure 3: Aerial Photograph of Lot 6, DP 1065574

Part 1 – Objectives

The objectives of the Planning Proposal are to:

- Maximise public access to Georges River
- Enhance the amenity of the Moorebank East Precinct and promote the emerging recreational value of the precinct
- Protect environmental values
- Ensure development on the site compliments existing and planned recreational, commercial and residential development within the Moorebank East Precinct

Part 2 - Explanation of provisions

Amendment of land use zonings

Proposed amendment

- Amendment of the Land Zoning Map to rezone part of the site RE2 Private Recreation and retain the existing E2 Environmental Conservation zoning for environmentally significant land in accordance with Figure 5.
- Amendment of the Height of Buildings Map in accordance with Figure 8, to indicate a height of 15m, consistent with RE2 zoned land adjacent to the site.
- Amendment of the Floor Space Ratio Map in accordance with Figure 7 to indicate a maximum FSR of 0.1:1.
- Amendment of the Lot Size Map, in accordance with Figure 6, to indicate the minimum lot size of 10,000sqm for land within 40m of the eastern boundary of the site and 10 hectares for the remainder of the site.
- Removal of Item 11 from Schedule 1, to remove the additional use that is considered to be inconsistent with the planning intent.

Proposed land use zones

It is proposed to rezone part of the site from E2 Environmental Conservation to RE2 Private Recreation, as indicated in the attached maps.

Given the former use of the site as a tip it is suggested that this portion of the site is appropriate for rezoning from E2 to RE2 – Private Open Space. This zone would facilitate a greater range of development yet remain consistent with development of the precinct. The RE2 zone would promote the recreational value of the site while continuing to protect its environmental value and better integrate with existing and future land uses.

Zone RE2 Private Recreation

Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable land uses that are compatible with, and complimentary to, recreational uses.

Permitted without consent

Environmental protection works; Home occupations

Permitted with consent

Animal boarding or training establishments; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Places of public worship; Plant nurseries;

Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Stock and sale yards; Veterinary hospitals; Water recreation structures

Prohibited

Any other development not specified in item 2 or 3

Part 3 - Justification

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report.

Following thorough and detailed background studies and community consultation undertaken during the drafting of the LLEP 2008, the clause which had regard to the additional use permissible with consent on Lot 6 DP 1066574 appeared as follows;

Use of certain land at Moorebank zoned E2 for materials recycling or recovery centre

- 1. This clause applies to Lot 6 DP 1065574, being land at Moorebank zoned E2 Environmental Conservation.*
- 2. Development for the purposes of a materials recycling or recovery centre is permitted with consent.*
- 3. This clause 21 in schedule 1 expires on the date that occurs 2 years after the date of dedication of all parts of Lot 310 DP 1118048 that are zoned E2 Environmental Conservation, being land at Moorebank, to Council.*

At the time of drafting the LLEP 2008, Council considered that the additional permissible use of Lot 6 DP 1065574 would be incompatible with the emerging residential and environmental value of the locality during this time of transition.

In line with the draft clause above, this planning proposal seeks to remove the permissibility to allow the broader Moorebank East area to fully transition into a residential and recreational area.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council have concluded that the zoning of Lot 6, DP 1065574 and the additional use listed as Item 11 of Schedule 1 in the Liverpool Local Environmental Plan 2008 (LLEP 2008) is generally inconsistent with the emerging development with the Moorebank East Precinct. Rezoning of part of the site RE2 Private Recreation will facilitate a range of developments which promote the objectives of the precinct. Development for the purposes of a resource recovery facility is inappropriate for the site, given that the site is severely flood prone and that development of this nature is inconsistent with existing and planned land uses within the precinct. The site is appropriate for rezoning as the range of developments which are permissible under the RE2 zone better reflect the recreational and environmental value of

the site. Council considers that an amendment to LLEP2008 to be the most appropriate way of achieving this outcome.

3. *Will the net community benefit outweigh the cost of implementing and administering the planning proposal?*

The proposal will ensure that zoning under the LLEP2008 accurately and effectively conveys the value of the site and seeks to provide certainty to landowners and the community. The community benefit associated with the implementation and administration of this planning proposal is considerable. The site is located in close proximity to residential development and adjacent to the Georges River. The development which is currently permissible on the site is likely to conflict with development on neighbouring land. The proposed changes will result in a more sustainable outcome which promotes the public interest.

B. Relationship to strategic planning framework

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)?*

Metropolitan Plan for Sydney 2036

The planning proposal is consistent with the Sydney Metropolitan Strategy. This planning proposal supports the following actions outlined in the strategy;

- Avoid noise-based land use conflict through strategic planning and the development assessment processes
- Identify strategically appropriate locations for new waste management technologies in *Subregional Strategies*
- Design and plan for healthy, safe, accessible and inclusive places

Draft Metropolitan Strategy for Sydney to 2031

The planning proposal is consistent with the strategies outlined in the draft Metropolitan Strategy for Sydney to 2031. The proposal complies with the following policies;

- Protect high value environmental lands and waterways
- Open space must meet the diverse needs of Sydney's population
- Connectivity will be encouraged between open spaces, walking trails, cyclepaths and streets
- Natural hazards will be considered and planned for at an early stage
- Development, particularly infrastructure, will be avoided in locations at risk from natural hazards unless the risks are demonstrated to be manageable.
- Strategic approaches to reduce exposure to air pollution will inform planning
- Land and waterways of high conservation and biodiversity value will be protected
- Fragmentation of habitat will be avoided and green corridors will connect habitats
- Opportunities to maintain, rehabilitate and/or create new habitats will be encouraged

South West Draft Subregional Strategy

The Draft *South West Subregional Strategy* is the strategic land use planning framework to guide the sustainable growth of South West Sydney over the next 25 years.

The changes outlined in this planning proposal are consistent with the objectives and actions contained within the draft *Southwest Subregional Strategy*. Of particular relevance to this planning proposal are the following actions;

E2.1 Improve Health of Waterways, Coasts and Estuaries

The site is located adjacent to the Georges River. The permissible use of the site for a materials recycling facility presents a threat to water quality in the river as a result of runoff and flooding. In the event of a flood the ecological impact of this use could be catastrophic to the river ecosystem. The proposed rezoning would facilitate a range of open space developments which would have a minimal impact on the river. Any development on the site resulting from this rezoning would be subject to a development assessment process which would ensure that the use is appropriate given the risk of flooding on the site.

E2.2 Protect Sydney's Unique Diversity of Plants and Animals

The proposed rezoning would promote the protection of the threatened ecological communities present on the site and the adjacent Wurrungwuri Reserve. The existing E2 Environmental Conservation zoning will be maintained on the portion of the site which remains heavily vegetated to ensure that the existing diversity of flora and fauna is preserved. The removal of Item 11 in Schedule 1 of the LLEP 2008 will ensure that the ecological value of the site is preserved.

E2.5 Minimise Household Exposure to Unacceptable Noise Levels

The existing additional use listed under Schedule 1 is likely to generate unacceptable noise levels as experienced by nearby residential communities. The removal of Item 11 promotes this action.

E5.3 Councils to Identify Natural Hazards and Risk Management Measures in Principal LEP's

Planning processes have been developed to identify the risks associated with flooding and how they can be minimised through land use planning that precludes certain uses from high hazard areas. These risks may increase due to more frequent and intense storms associated with climate change. The development of a materials recycling facility on the site is likely to reduce flood storage and have an unacceptable ecological impact in the event of a flood.

F1.3 Improve access to waterways and links between bushland, parks and centres

The proposed rezoning would allow development which promotes access to the Georges River and recognises the environmental value of the site. Council's recreation strategy establishes that land adjacent to the Georges River will be embellished for public recreation uses. Foreshore land in Lot 6, DP 1065574 is recognised as the missing link in completing the public land corridor.

F2.1 Improve the quality of local open space

Council's vision is to create continuous open space along the Georges River Foreshore and to enhance the recreational and environmental value of the Moorebank East Precinct. This planning proposal will allow this objective to be achieved.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Growing Liverpool 2023 identifies social and community priorities for Liverpool and proposes strategies that work towards and sustain a positive level of wellbeing within the community.

The document is centred on seven key objectives that emerged as priorities in the findings of the community engagement strategy. The strategy has been verified through substantial community consultation.

The planning proposal is consistent with the Liverpool Community Strategy. The following actions outlined in the strategy are relevant to this planning proposal;

5b. Enhance and protect natural corridors, waterways and bushland

Removal of Item 11 from Schedule 1 will reduce the risk of toxic runoff impacting upon the health of the Georges River. Any future development on the site which is permissible under the RE2 zone will need to consider the health of the Georges River as a principle concern in seeking development consent.

This planning proposal will promote the environmental value of the site by preserving an ecological corridor between the densely vegetated eastern portion of the site and the neighbouring Wurrungwuri Reserve. Several threatened ecological communities are present within the site and permissible uses under the RE2 Private Recreation zoning will be compatible with the adjacent E2 Environmental Conservation zoned land and recognise reasonable development potential for the site.

5c. Reduce adverse environmental impacts for present and future generations

Development of the site for the purposes of a materials recycling facility is likely to have a detrimental impact on the environment through air, water, noise and chemical pollution. Removal of the additional use from the LLEP 2008 allows for better management of these factors.

6. Is the planning proposal consistent with the applicable state environmental planning policies?

The planning proposal is consistent with the relevant State Environmental Planning Policy, being State Environmental Planning Policy No. 19 – Bushland in Urban Areas, as well as the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (deemed SEPP). The consistency of the planning proposal with these policies is outlined below;

SEPP No 19—Bushland in Urban Areas

Clause 10 of the abovementioned SEPP has regard to the preparation of draft local environmental plans for land to which the policy applies. Clause 10 states the following;

10 Preparation of local environmental plans

When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:

- a) have regard to the general and specific aims of the Policy, and

- b) *give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.*

This planning proposal is consistent with the aims and objectives of SEPP 19, as stipulated in Clause 2 of the SEPP. Clause 2 states the following;

2 Aims, objectives etc

1. *The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:*
 - a) *its value to the community as part of the natural heritage,*
 - b) *its aesthetic value, and*
 - c) *its value as a recreational, educational and scientific resource.*
2. *The specific aims of this policy are:*
 - a) *to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
 - b) *to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
 - c) *to protect rare and endangered flora and fauna species,*
 - d) *to protect habitats for native flora and fauna,*
 - e) *to protect wildlife corridors and vegetation links with other nearby bushland,*
 - f) *to protect bushland as a natural stabiliser of the soil surface,*
 - g) *to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
 - h) *to protect significant geological features,*
 - i) *to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
 - j) *to protect archaeological relics,*
 - k) *to protect the recreational potential of bushland,*
 - l) *to protect the educational potential of bushland,*
 - m) *to maintain bushland in locations which are readily accessible to the community, and*
 - n) *to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

The aim of this planning proposal is to preserve bushland within an urban environment and promote the recreational value of the Moorebank East Precinct. It is considered that the location of Lot 6, DP 1065574 in close proximity to the emerging residential community at Georges Fair and the planned residential development on the Benedict Sands and Gravel site is such that the existing bushland both on Lot 6 DP 1065574 and on land adjacent to it present a very high level of aesthetic value and a unique visual identity. It is also considered that the additional permissible use would result in a loss of this value and should be removed.

In accordance with subclause 2(b) of Clause 10 of the SEPP, the amendments sought by this planning proposal prioritise the value of existing bushland within the Moorebank East Precinct. Development which is permissible within the proposed RE2 Private Recreation zone which would have an impact on this bushland would be subject to the development assessment process where these impacts would be thoroughly assessed.

Greater Metropolitan Regional Environmental Plan (GMREP) No 2 – Georges River Catchment

Clause 8 of the abovementioned policy outlines the general planning principles to be applied in the preparation of a local environmental plan. Clause 8 states the following;

8 General principles

When this Part applies the following must be taken into account:

- a) the aims, objectives and planning principles of this plan,*
- b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,*
- c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,*
- d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),*
- e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),*
- f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,*
- g) whether there are any feasible alternatives to the development or other proposal concerned.*

The aims and objectives of the GMREP have regard to the maintenance and improvement of water flows and water quality in the Georges River. The removal of the additional use listed as Item 11 of Schedule 1 of the LLEP 2008 is therefore considered to be consistent with these objectives. As there is no proposed development associated with this planning proposal, more detailed consideration of the abovementioned principles, as well as the

specific principles listed under Clause 9 of the GMREP, would be given during the development assessment process.

Lot 6, DP 1065574 is within Council's flood planning area. It is likely that use of Lot 6 DP 1065574 for a materials recycling facility would have a detrimental environmental impact on the Georges River during a flooding event. In seeking to remove the permissibility of this use, this planning proposal promotes the aims and objectives of the GMREP No 2.

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

Various Section 117 Ministerial Directions apply to this planning proposal. These are discussed below:

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Figure 4 illustrates the environmentally significant land occurring on the site. This planning proposal recommends rezoning the remainder of the site to RE2 – Private Recreation to facilitate developments which would be compatible with the remnant vegetation present on the site. It is also proposed to rezone the 10m wide "pan handle" to RE2 in order to facilitate access to any future development on the site. It is recognised that this portion of the site is currently identified as environmentally significant land, however, much of the vegetation within the "pan handle" has been cleared to construct a dirt driveway. Flora and Fauna reports submitted to Council suggest that habitat within the "pan handle" has been extensively disturbed and note the occurrence of weeds on the fringes of the driveway. Any development on the site will need to provide evidence that ecological impacts will be acceptable. As such, it is considered that this planning proposal complies with the objectives of this direction.	Yes
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The site is identified as having Class 1, 2 and 4 Acid Sulfate soils. Future development of the site under the RE2 zoning will require consent, at which point the impact of acid sulfate soils can be further assessed.	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
4.3 Flood Prone Land	This direction aims to ensure that LEPs consider potential flood impacts.	This planning proposal will not result in a loss of flood storage. Any development on the site will be subject to development assessment which must satisfy flood planning controls.	Yes
4.4 Planning for Bushfire Protection	This direction aims to protect life, property and the environment from bush fire hazards, and to encourage sound management of bush fire prone areas. The direction requires that a Council shall consult with the Commissioner of the NSW Rural Fire Service during the preparation of the draft LEP, and take into account any comments made. It also requires that the draft local environmental plan shall have regard to Planning for Bushfire Protection 2006, and introduce controls that avoid placing inappropriate developments in hazardous areas.	The site is affected by bushfire risk and bushfire buffer. The requirements for Planning for Bushfire Protection 2006 will be complied with as part of any future development on the relevant subject properties.	Yes
7.1 Metropolitan Planning	Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.	The planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	Yes



Figure 4: Environmentally Significant Land

C. Environmental, social and economic impact

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?

Council has initiated this planning proposal to ensure that any development within the site is compatible with the ecological value of the site, the adjacent Wurrungwuri Reserve and the Georges River. There will be no adverse affect on threatened ecological communities or populations resulting from this planning proposal.

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

The planning proposal will not result in any negative environmental effects. The RE2 Private Recreation zone is more appropriate for part of the site, considering its previous use as a tip and that it has been extensively cleared. Permissible uses under the RE2 zone will not result in extensive additional development on the site. This zoning is likely to promote access to the Georges River Foreshore, therefore enhancing the environmental and recreational value of the site and facilitate development which is compatible with surrounding development. Removing permissibility of development for the purposes of a materials recycling facility and retaining a substantial proportion of the existing E2 zoning reinforces the environmental benefit to result from this planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will restrict development for the purposes of a materials recycling facility but will facilitate a range of developments which are more appropriate for the site. There will be no negative social impact resulting from this planning proposal.

D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not result in the potential for extensive additional development. As such the planning proposal will not place significant additional demands on public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Gateway determination will stipulate the State and Commonwealth authorities that are required to be consulted.

Council recommends that the following State and Commonwealth public authorities will be consulted;

- New South Wales Rural Fire Service
- Office of Environment and Heritage
- Roads and Maritime Services
- Bankstown City Council

Part 4 – Maps

Amendment applies to the following LLEP 2008 maps;

- FSR014
- FSR015
- HOB014
- HOB015
- LSZ015
- LZN014
- LZN015



Figure 5: Proposed changes to Land Zoning Map



Figure 6: Proposed changes to Lot Size Map

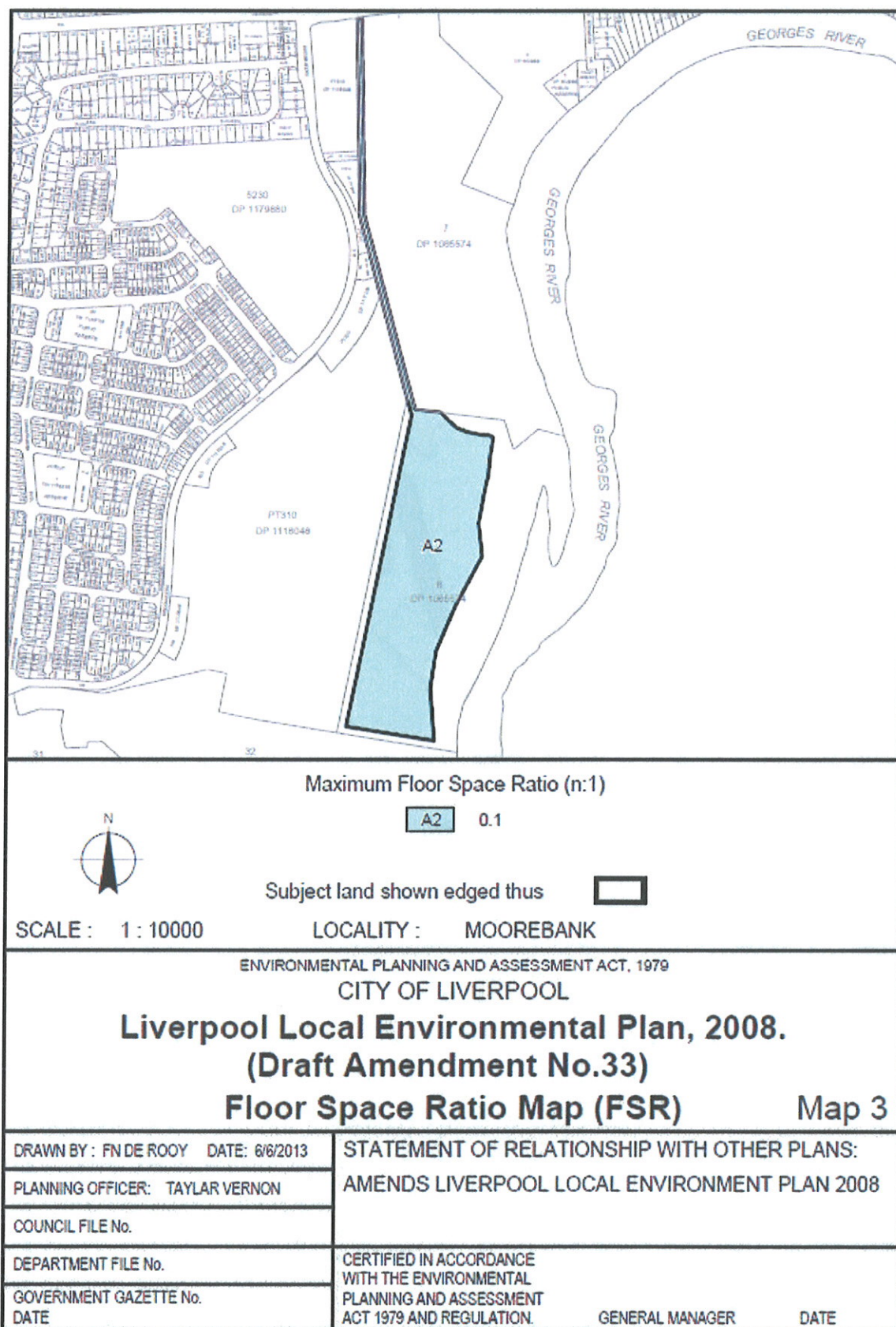


Figure 7: Proposed changes to Floor Space Ratio Map

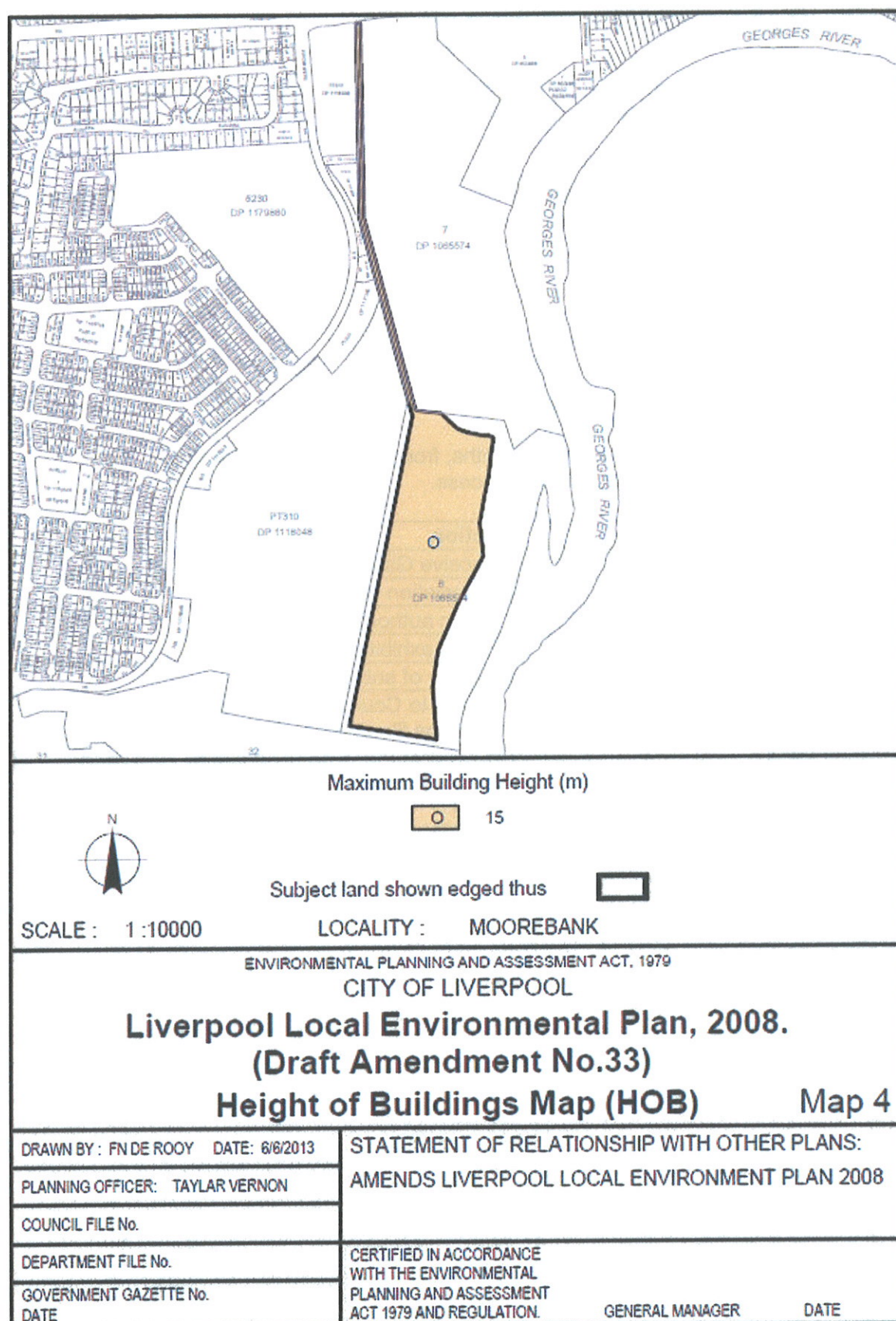


Figure 8: Proposed changes to Height of Building Map

Part 5 - Community Consultation

Although it is unlikely that this planning proposal will generate any concerns from the community, consultation will be undertaken for a period of 28 days, subject to Gateway determination.

Council is not seeking the Director-General's approval to issue a summary of the planning proposal for the purpose of community consultation.

Part 6 – Project Timeline

The proposal is a spot rezoning of a large site.

Council estimates that a timeframe of 12 months, from the issue of a Gateway determination, is required to complete the process.

Timeframe	Action
26 July 2013	Receive Gateway Determination
26 November 2013	Completion of reports/studies
20 November 2013 – 11 December 2013	Public authority consultation
21 December 2013 – 31 January 2014	Public exhibition
7 February 2014 – 22 February 2014	Review of submissions
April – May 2014	Report to Council and forward finalised Planning Proposal to the DP&I
May - June 2014	Review of Planning Proposal by DP&I and finalisation of LEP