

## Planning and Assessment

### Gateway determination report

<b>LGA</b>	Liverpool
<b>PPA</b>	Liverpool City Council
<b>NAME</b>	Liverpool LEP 2008 (Amendment 78) - (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2019_LPOOL_006_00
<b>LEP TO BE AMENDED</b>	Liverpool LEP 2008
<b>ADDRESS</b>	To rezone and amend development standards for certain land subject to Basin 14 and Bernera Road, Edmondson Park
<b>DESCRIPTION</b>	Lot 1 DP 1129337, Lot 1 DP 1228502 Bernera Rd, 10 Croatia Ave (Lot 2 DP 1228502), 30 Croatia Ave (Lot 4 DP 122850), 50 Croatia Ave (Lot 6 DP 1228502), 2072 Camden Valley Way (Lot 1 DP 567321), 2082 Camden Valley Way (Lot 2 DP 567321), Lot 12 DP 1239712 Camden Valley Way, Lot 164 DP 1218597 Manchuria Rd, Edmondson Park.
<b>RECEIVED</b>	28 August 2019
<b>FILE NO.</b>	IRF19/5806
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

#### 1. INTRODUCTION

Following the adoption of the *Liverpool Local Environmental Plan 2008*, the Edmondson Park Precinct was primarily zoned R1 (General Residential). Since the initial rezoning, the precinct has been undergoing urbanisation. This rezoning formed part of an extensive planning exercise, which was informed by numerous investigations including a variety of flooding studies.

Since this time, the forecasted growth for Edmondson Park has increased, particularly with the development of Edmondson Park South under the *State Environmental Planning Policy (State Significant Precincts) 2005*. It is anticipated that Edmondson Park will accommodate approximately 30,000 new residents living in approximately 8,200 homes over the next 10 to 15 years.

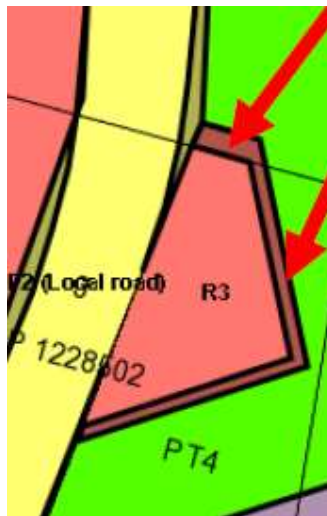
Land subject to this planning proposal contains an area known as 'Basin 14', which is to be acquired by Liverpool City Council for the purposes of stormwater infrastructure and flood mitigation measures. A basin is necessary to cater for the current and forecasted growth of this area.

Quality open space is also in high demand in Edmondson Park due to rapid residential development. The basin will have a secondary function of providing land for open space and recreation purposes.

Consultation with Storm Consultants about the development of a basin design began in December 2017 and the detailed concept design is expected to be finalised in 2019.

The basin is no longer being constructed in accordance with the preliminary concept design as there is an access driveway to a house of worship bisecting the site, and the arrangements and costs involved to move this access driveway are undesirable. Given that the detailed concept design by Storm Consultants has proposed a modified footprint, a planning proposal has been prepared to address the following matters:

1. This extension has resulted in a long narrow parcel of residential zoned land that would be unfeasible to develop. This narrow parcel is illustrated in the following figure – identified by the red arrows.



*Figure 1: residential zoned land that is unfeasible to develop*

The revised design has resulted in this land, which is currently zoned R3 Medium Density Residential, being necessary for the basin footprint and it is proposed to zone the land to RE1 Public Recreation.

2. The revised design of Basin 14 extends the basin further south, resulting in additional land to be acquired by Council. This is illustrated in the land reservation acquisition maps (Figures 2 and 3 - overleaf).

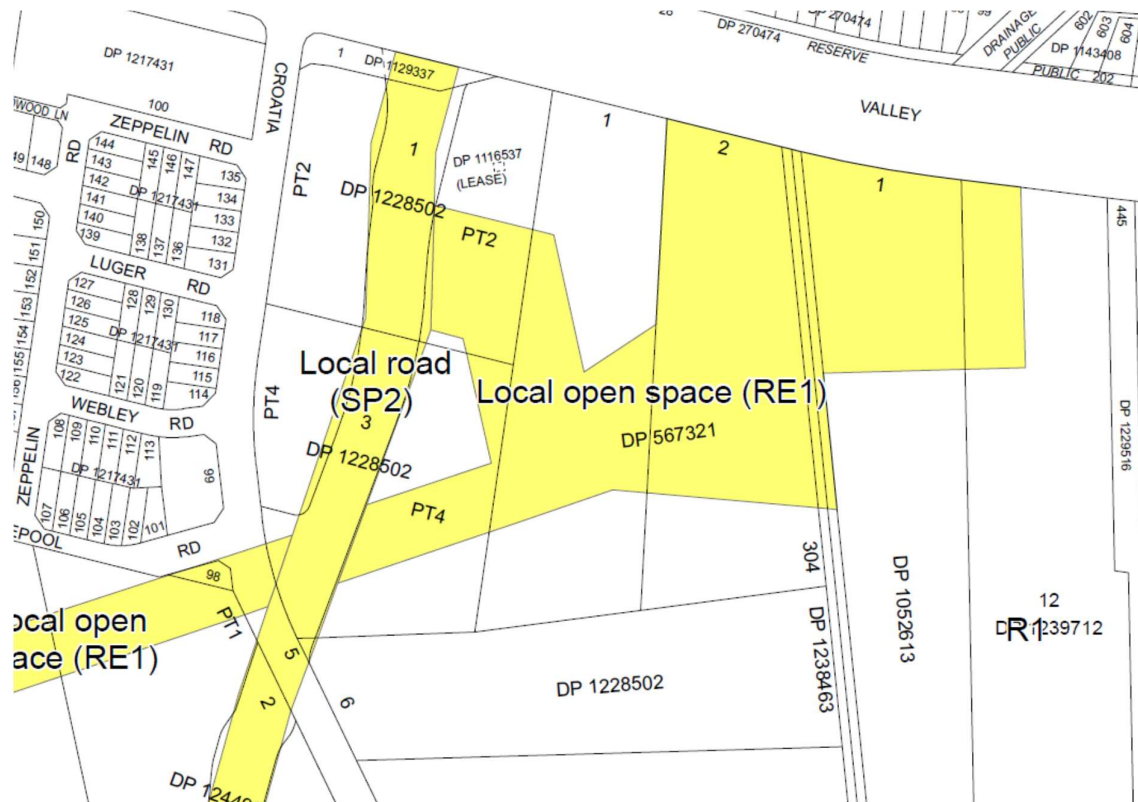


Figure 2: Existing land reservation acquisition map for the subject site

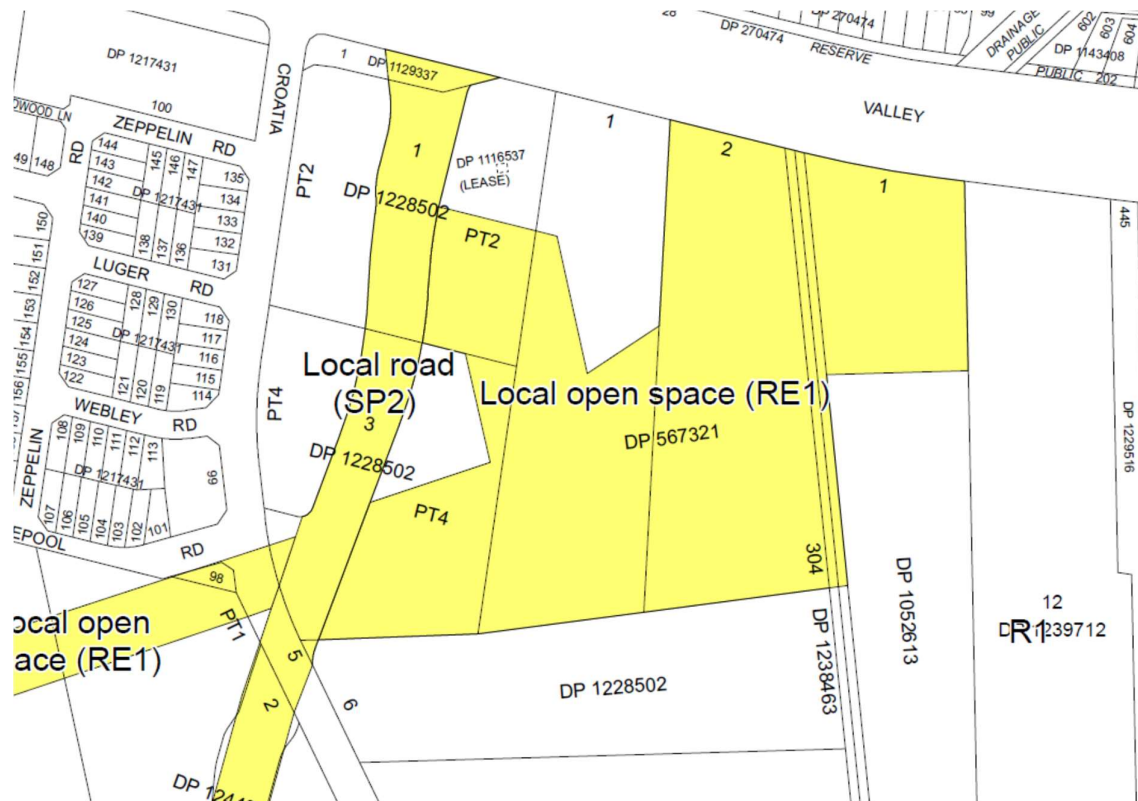


Figure 3: Proposed land reservation acquisition map for the subject site

3. The revised design has resulted in RE1 Public Recreation land identified as surplus to Council's initial requirements for the basin footprint. This land is no longer required for acquisition by Council and can be rezoned to assist in the orderly development of the area surrounding the basin. Land to be rezoned RE1, and removed from this zone, is illustrated in the following comparison diagrams below.

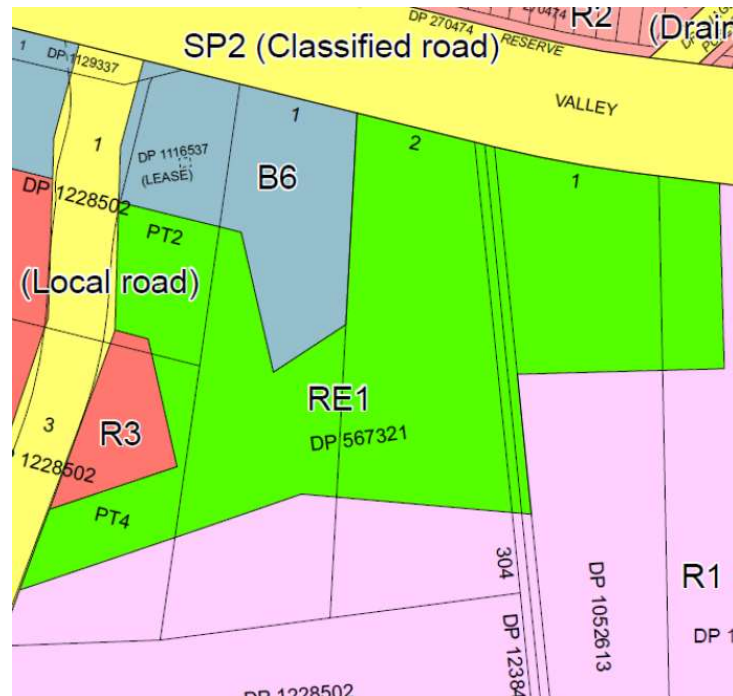


Figure 4 : Existing land use zoning map for the subject site

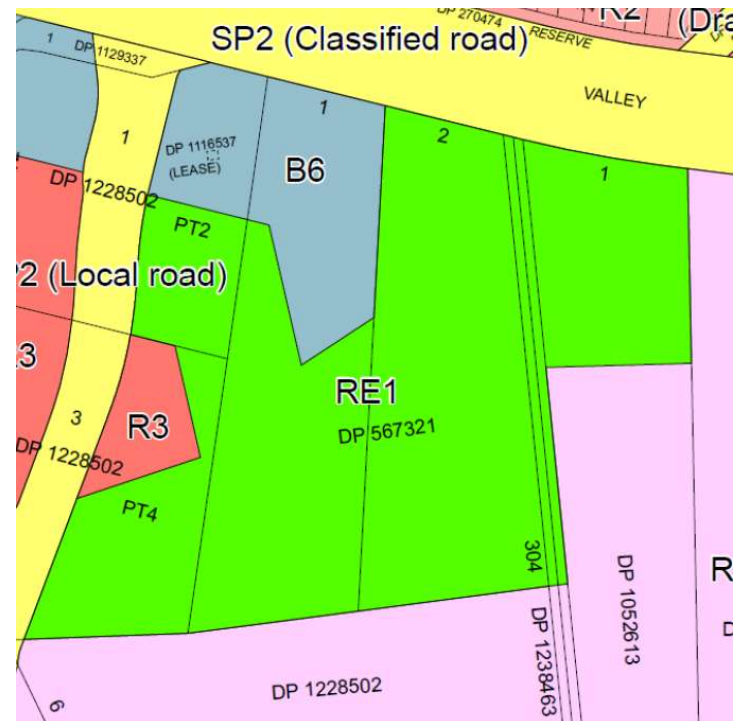


Figure 5: Proposed land use zoning map for the subject site



4. The revised basin design has resulted in amendments to the indicative layout plan (ILP) within Part 2.11 of the Liverpool Development Control Plan 2008 (LDCP 2008). This is to reflect a new road layout and pedestrian access around the site. The development standards for a parcel of land south of the basin are to be altered to rationalise the boundaries of its standards in accordance with the amended road layout.
5. Further, the detailed design and construction of Bernera Road (adjacent to the basin), has resulted in inconsistencies between LEP mapping, the new road alignment and adjacent lot boundaries. These minor amendments are illustrated in the following diagram.

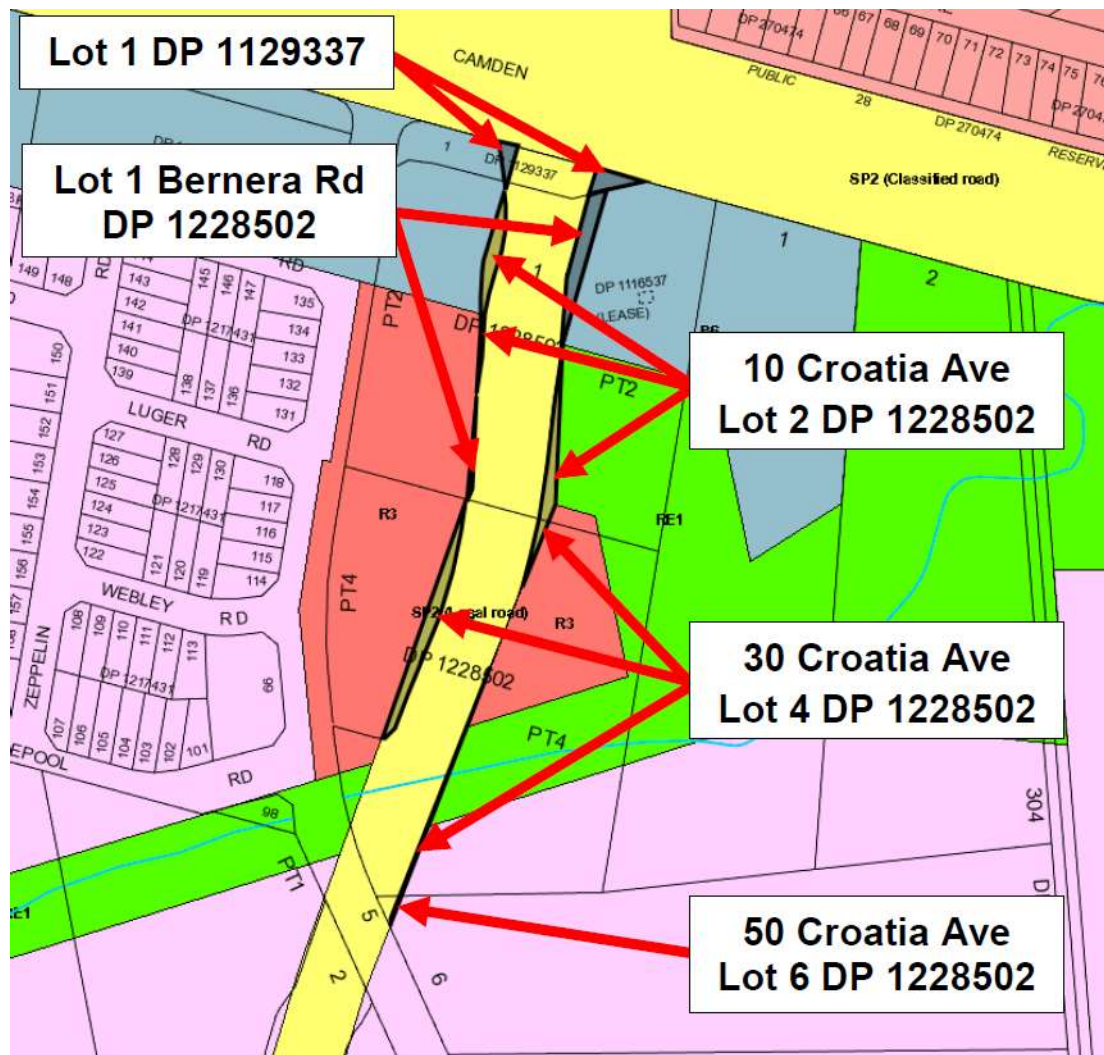


Figure 6: Miscellaneous zoned land adjacent to Bernera Road to be rezoned

### 1.1 Description of planning proposal

Rezoning and changes to development controls in Liverpool LEP 2008 applying to Edmondson Park to reflect the revised footprint of the Stormwater Basin 14 and to rectify mapping anomalies for certain land fronting Bernera Road to rationalise zone boundaries with lot boundaries. The planning proposal is at **Attachment A**.

## 1.2 Site description and surrounding area

While the subject land is located within the Edmondson Park Release Area, South West Growth Centre, the land is zoned under Liverpool LEP 2008. The site location map is at **Attachment D**.

The sites are accessible from Camden Valley Way, Bernera Road and Croatia Avenue and contain a variety of land use zones and are largely undeveloped.

Residential subdivision and the recent development of low-density residential dwellings is occurring to the east, west and south of the site. There are established residential areas to the north of Camden Valley Way. High density residential development is proposed to be concentrated further south of the site, towards Edmondson Park station.

The following (Figures 7, 8 and 9) identify the sites; location; and current zones.

A transmission easement traverses the site. A gas pipeline is also located under Camden Valley Way.

Further, land proposed to be rezoned from RE1 Public Recreation to R1 General Residential at Part of Lot 12 DP 1239712 Camden Valley Way is identified as being within a flood planning area, under the Liverpool LEP 2008 (refer to Figure 10).

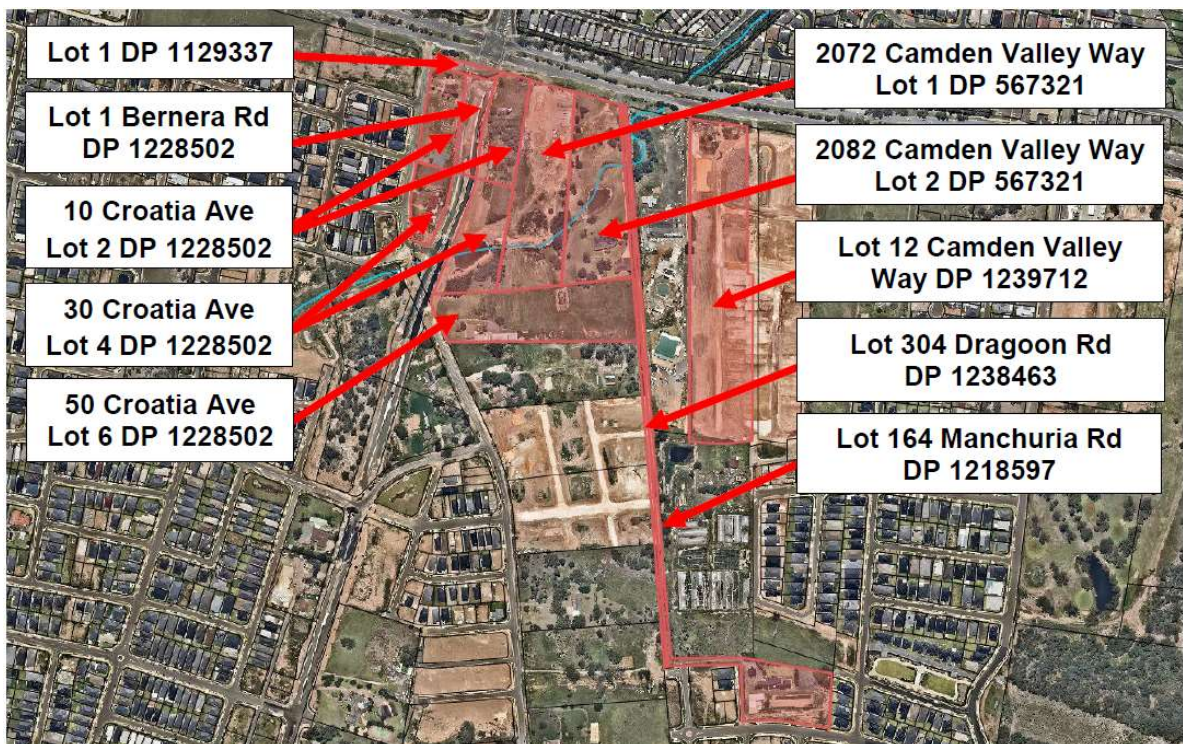


Figure 7 – Site location



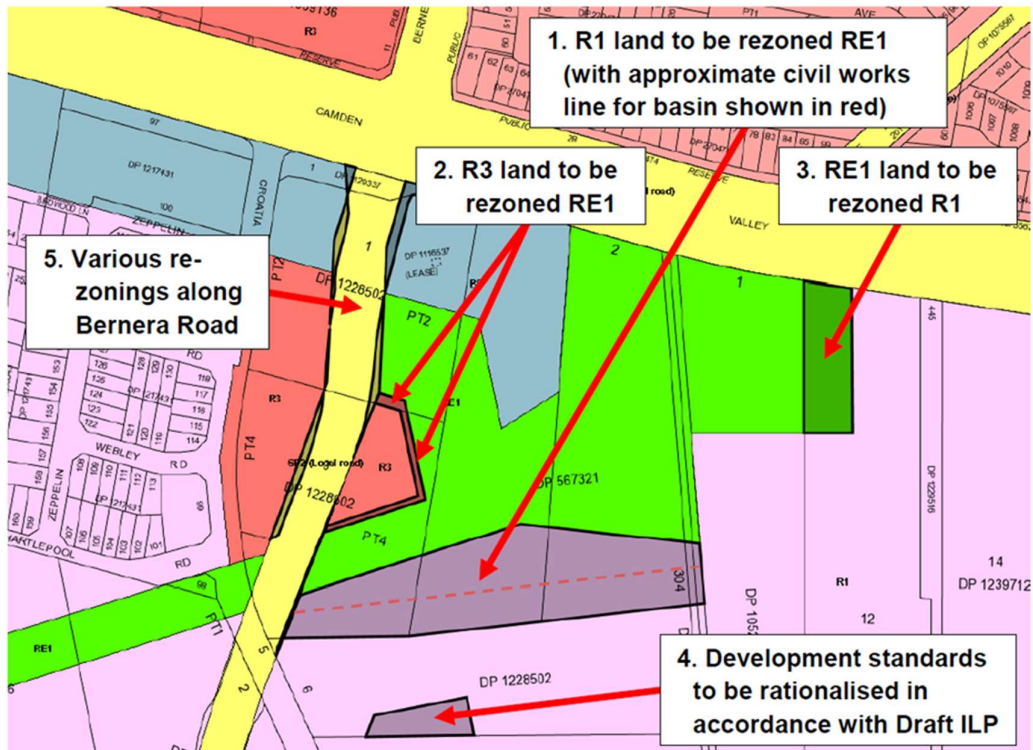


Figure 8 – Land subject to proposed amendments

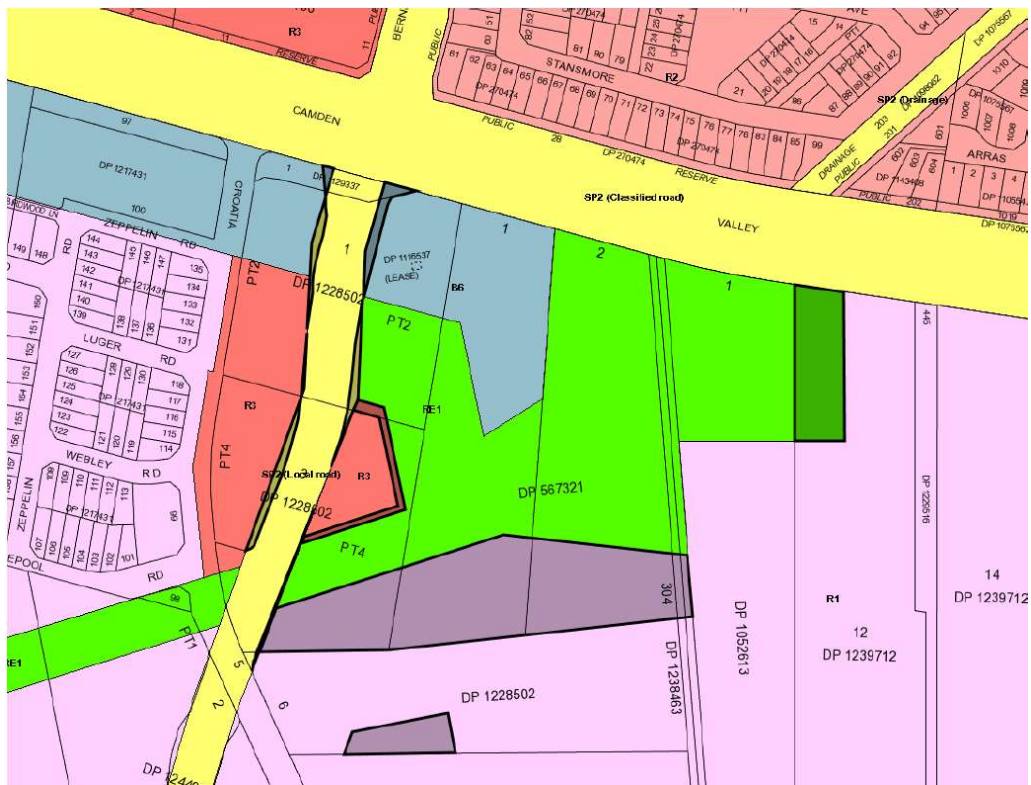


Figure 9 – Current zoning

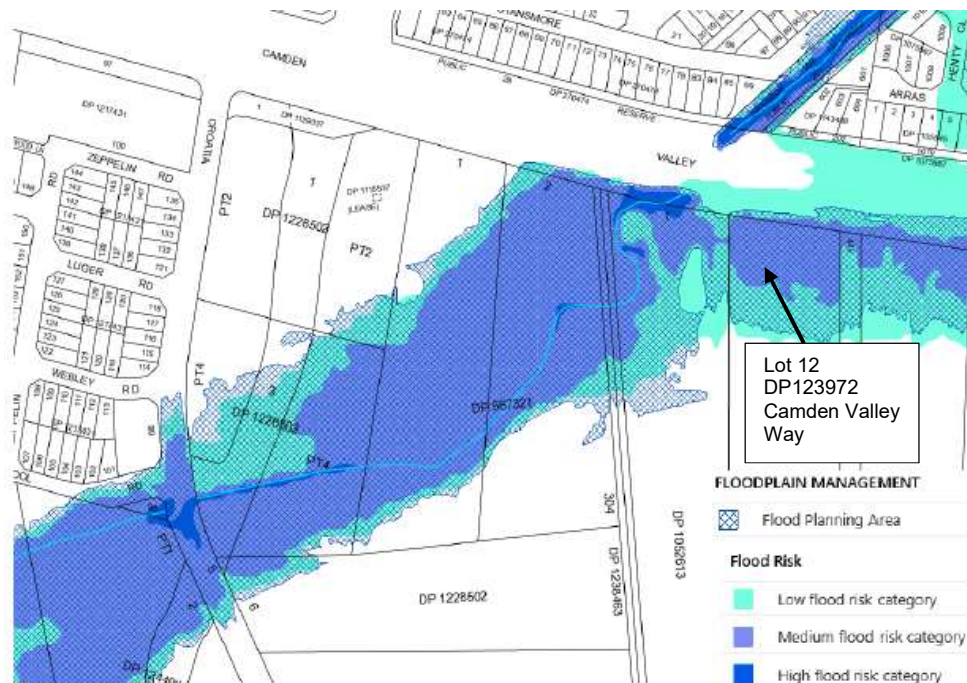


Figure 10 – Flood affectation

### 1.3 Existing planning controls

The sites involved and their land area, current and proposed zonings are shown at **Attachment G**, and in **Table 1** and the current zoning map is at **Figure 3**.

Address	Legal Description	Current Zoning* (with approx. size of land to be rezoned)	Proposed Zoning
N/A	*Lot 1 DP 1129337	B6 (195m <sup>2</sup> )	SP2
Lot 1 Bernera Road	*Lot 1 DP 1228502	B6 (365m <sup>2</sup> )	SP2
		R3 (25m <sup>2</sup> )	SP2
No. 10 Croatia Avenue	*Lot 2 DP 1228502	SP2 (180m <sup>2</sup> )	B6
		SP2 (50m <sup>2</sup> )	R3
		SP2 (240m <sup>2</sup> )	RE1
		R3 (150m <sup>2</sup> )	RE1
No. 30 Croatia Avenue	*Lot 4 DP 1228502	SP2 (400m <sup>2</sup> )	R3
		SP2 (50m <sup>2</sup> )	RE1
		R1 (3,300m <sup>2</sup> )	RE1
		R3 (250m <sup>2</sup> )	RE1
No. 50 Croatia Avenue	*Lot 6 DP 1228502	SP2 (15m <sup>2</sup> )	R1
No. 2072 Camden Valley Way	*Lot 1 DP 567321	R1 (5,250m <sup>2</sup> )	RE1
No. 2082 Camden Valley Way	*Lot 2 DP 567321	R1 (5,000m <sup>2</sup> )	RE1
Lot 12 Camden Valley Way	*Lot 12 DP 1239712	RE1 (3,200m <sup>2</sup> )	R1
Lot 304 Dragoon Road	*Lot 304 DP 1238463	R1 (215m <sup>2</sup> )	RE1
Lot 164 Manchuria Road	*Lot 164 DP 1218597	R1 (220m <sup>2</sup> )	RE1

\*Note: Part of lots only

Table 1 – Subject site and land details



## 1.5 Local Planning Panel

On 27 May 2019, the Liverpool Local Planning Panel supported the planning proposal proceeding to Gateway (**Attachment E2**) on the basis of site and strategic merit. Liverpool Council resolved to endorse the planning proposal on 26 June 2019 (**Attachment E1**).

## 1.4 Summary of recommendation

It is considered that the planning proposal is suitable to proceed, as it will:

- enable the provision of essential stormwater and community infrastructure necessary to accommodate the planned growth of the Edmondson Park area;
- rationalise land uses and development standards;
- rectify mapping inconsistencies and realign Bernera Road; and
- contribute to the orderly delivery of housing within Edmondson Park Release area, South West Growth Centre.

## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

The planning proposal is to facilitate the development of the revised design for Basin 14, which will provide needed stormwater infrastructure and public open space for Edmondson Park and amend zoning and mapping inconsistencies along Bernera Road resulting from the re-alignment of the road.

The planning proposal is accompanied by Draft Design of Stormwater Basin 14, Edmondson Park (Storm Consultants, March 2019) (**Attachment F**).

The planning proposal seeks to enable the appropriate acquisition of land by Council, rationalise land uses and development standards to reduce undevelopable parcels of land, and assist in the orderly development of land adjacent to the basin.

### 2.2 Explanation of provisions

The subject sites are zoned in accordance with the concept basin footprint and concept road alignment. The reconfigured basin in the Draft Design of Stormwater Basin 14 extends to the south and requires changes to the LEP zoning and development standards to reflect the zone. The existing and proposed development standards for land proposed to be rezoned to R1 General Residential are at Table 2 and 3 below:

Control	Current	Proposed
<b>Zoning (LZN)</b>	R1 General Residential	No change
<b>Minimum Lot Size (LSZ)</b>	450m <sup>2</sup>	240m <sup>2</sup> (Area 3)
<b>Floor Space Ratio (FSR)</b>	0.65:1	1.0:1
<b>Maximum Height of Buildings (HOB)</b>	8.5m	15m
<b>Land Reservation Acquisition (LRA)</b>	No standard	No change
<b>Minimum Dwelling Density (RDN)</b>	14 dwellings/ha	17 dwellings/ha

Table 2 – proposed changes to development standards for 50 Croatia Avenue (Lot 6 DP 1228502)

<b>Control</b>	<b>Current</b>	<b>Proposed</b>
<b>Zoning (LZN)</b>	RE1 Public Recreation	R1 General Residential
<b>Minimum Lot Size (LSZ)</b>	No standard	450m <sup>2</sup>
<b>Floor Space Ratio (FSR)</b>	No standard	0.65:1
<b>Maximum Height of Buildings (HOB)</b>	No standard	8.5m
<b>Land Reservation Acquisition (LRA)</b>	RE1 Local Open Space	No standard
<b>Minimum Dwelling Density (RDN)</b>	No standard	14 dwellings/ha

*Table 3 – proposed changes to development standards for Lot 12 Camden Valley Way (Part of Lot 12 DP 1239712)*

Further, the development of the revised basin design will require changes to the Indicative Layout Plan (ILP) of the Liverpool DCP 2008 to provide a new road layout and pedestrian access. Figure 7 shows the location of the proposed amendments. Table 4 (following) shows the details of the proposed amendments identified in Figure 7.

<b>Site Number</b>	<b>Site details</b>
1	<p>30 Croatia Avenue (Part of Lot 4 DP 1228502), 2072 Camden Valley Way (Part of Lot 1 DP 567321), 2082 Camden Valley Way (Part of Lot 2 DP 567321), Part of Lot 304 DP 1238463 Dragoon Road and Part of Lot 164 DP 1218597 Manchuria Road:</p> <ul style="list-style-type: none"> <li>The extension of the basin has resulted in a long narrow parcel of R1 General Residential zoned land that is proposed to be rezoned to a RE1 Public Recreation Zone as part of the new footprint of the basin. The land will be acquired by Council and used as an area of public open space adjacent to the basin on flood free land.</li> </ul> <p>Corresponding land zoning, lot size, FSR, height of buildings, dwelling density and land acquisition reservation maps are to be amended.</p>
2	<p>10 Croatia Avenue (Part of Lot 2 DP 1228502) and 30 Croatia Avenue (Part of Lot 4 DP 1228502):</p> <ul style="list-style-type: none"> <li>The revised basin design has identified certain land currently zoned R3 Medium Density Residential as being required for the basin footprint</li> <li>The land is to be rezoned to RE1 Public Recreation and acquired by Council.</li> <li>The land comprises of approximately 150m<sup>2</sup> of land at 10 Croatia Avenue (Part of Lot 2 DP 1228502) and approximately 250m<sup>2</sup> of land at 30 Croatia Avenue (Part of Lot 4 DP 1228502). Council considers the remaining residential land to be acceptable for development.</li> <li>Corresponding land zoning, lot size, FSR, height of buildings, dwelling density and land acquisition reservation maps are to be amended.</li> </ul>
3	<p>Camden Valley Way (Part of Lot 12 DP 1239712)</p> <ul style="list-style-type: none"> <li>The revised basin design has resulted in RE1 Public Recreation zoned land at Part of Lot 12 DP 1239712 Camden Valley Way identified as surplus to Councils initial requirements for the basin footprint due to reconfiguration.</li> <li>The site contains a temporary detention basin on a privately-owned land which will become redundant once the revised Basin 14 is developed.</li> </ul>

	<ul style="list-style-type: none"> <li>The land is to be rezoned to R1 General Residential and the acquisition requirement by Council is to be removed.</li> <li>Corresponding land zoning, lot size, FSR, height of buildings, dwelling density and land acquisition reservation maps are to be amended.</li> </ul>
4	<p>50 Croatia Avenue (Part of Lot 6 DP 1228502)</p> <ul style="list-style-type: none"> <li>The revised basin design has resulted in amendments to the Indicative Layout Plan (ILP) within Part 2.11 of the Liverpool Development Control Plan 2008 (LDCP 2008) to provide a new road layout and pedestrian access around the site.</li> <li>Currently zoned R1 General Residential. No rezoning is proposed.</li> <li>The draft DCP will rationalise development standards on the land. The height, floor space ratio and dwelling density standards are to be increased, and minimum lot size standards are to be reduced, to correspond with the current standards on the surrounding R1 zoned land.</li> <li>Corresponding Lot size, FSR, Height of buildings and Dwelling density maps are to be amended.</li> </ul>
<b>Site Number</b>	<b>Site details</b>
5	<p>Part of Lot 1 DP 1129337, Part of Lot 1 DP 1228502 Bernera Road, 10 Croatia Avenue (Part of Lot 2 DP 1228502), 30 Croatia Avenue (Part of Lot 4 DP 1228502), 50 Croatia Avenue (Part of Lot 6 DP 1228502)</p> <ul style="list-style-type: none"> <li>The planning proposal will rectify various anomalies between concept design and the actual alignment and construction of Bernera Road.</li> <li>Current zonings of B6 Enterprise Corridor, R3 Medium Density Residential and SP2 Infrastructure land will be rezoned to SP2 Infrastructure, B6 Enterprise Corridor, R1, R3 and RE1.</li> <li>Corresponding Land zoning, Lot size, FSR, Height of buildings, Dwelling density and Land acquisition reservation maps are to be amended.</li> </ul>

*Table 4 – Details of the proposed changes to Basin 14 and Bernera Road*

Council advises that the planning proposal will provide stormwater infrastructure and public open space on flood free land to cater for growth of housing supply in Edmondson Park. It will enable the decommissioning of several temporary on-site detention basins on privately owned lands scattered throughout the suburb, that are currently withholding the development of residential zoned land.

The planning proposal will rezone approximately 14,000m<sup>2</sup> of R1 General Residential land to RE1 Public Recreation and in return, approximately 3,200m<sup>2</sup> of RE1 Public Recreation will be rezoned to R1 General Residential. Council advises that despite the proposal resulting in an approximate loss of 10,800m<sup>2</sup> of R1 General Residential land, some of the land is restricted by flood constraints as well as a transmission easement for electrical lines limiting development potential.

The rezoning of R3 Medium Density Residential land to RE1 Public Recreation, to facilitate the footprint of the basin at part of 10 and 30 Croatia Avenue, involving 400m<sup>2</sup> are too small to develop independently. The remaining area, zoned R3 Medium Density Residential, is considered to be acceptable for residential development.

Council advises the planning proposal and DCP amendments have been prepared by Council in consultation with its internal Floodplain and Water Management, Development Assessment, Property and Commercial Development and Community Development teams.



## 2.3 Mapping

The Liverpool LEP 2008 Land Use Zoning, Lot Size, Floor Space Ratio, Height of Buildings, Land Reservation Acquisition (Part Lots) and Dwelling Density maps are to be amended as part of the planning proposal (**Attachment A**).

The following Liverpool LEP 2008 maps are to be amended:

- Land Zoning - 4900\_COM\_LZN\_009\_020\_20160628;
- Lot Size - 4900\_COM\_LSZ\_009\_020\_20160217;
- Floor Space Ratio - 4900\_COM\_FSR\_009\_020\_20160217;
- Height of Buildings - 4900\_COM\_HOB\_009\_020\_20160217;
- Land Reservation for Acquisition - 4900\_COM\_LRA\_009\_020\_20160217;
- Dwelling Density - 4900\_COM\_DWD\_009\_020\_20160217.

The maps submitted as part of the planning proposal are sufficient for community consultation.

## 3. NEED FOR THE PLANNING PROPOSAL

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The planning proposal is the outcome of a revised footprint design of Basin 14 by Storm Consultants engaged by Council. The revised design provided basin design options, with the preferred option for optimal configuration and performance of the basin being recommended based on hydrology, hydraulics and water quality principles. The preferred option has been drafted and is being finalised by Council. The basin redesign will require changes to the land use zoning, development standards and acquisition responsibilities to facilitate the development.

The alteration of development standards for portions of land along Bernera Road are to rectify anomalies between concept design and the actual alignment and construction of Bernera Road.

The planning proposal will facilitate these changes by amending land zoning; land acquisition responsibilities; and, development standards applying to the sites, within Liverpool LEP 2008.

## 4. STRATEGIC ASSESSMENT

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### 4.1 Regional / District

#### Western City District Plan

The Western City District Plan was released in March 2018. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

The planning proposal is consistent with the liveability and sustainability priorities and actions of the plan, as discussed below.

*Planning priority W1: Planning for a city supported by infrastructure;*

The revised design ensures the optimal performance of the stormwater basin to best meet the stormwater and social infrastructure in the form of quality open space, including a children's play area to facilitate the orderly delivery of housing within Edmondson Park Release area of the South West Growth Centre.

*Planning priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport*

The planning proposal seeks to better facilitate the development potential and orderly development and delivery of residential land parcels within Edmondson Park.

*Planning priority W3: Providing services and social infrastructure to meet people's changing needs;*

The proposal will provide social infrastructure in the form of quality open space and access to it, including a children's play area (on non-flood affected land) for the population in the release area.

*Planning priority W12: Protecting and improving the health and enjoyment of the District's waterways;*

The proposal will involve removal of some vegetation associated with the basin development, however, the proposal will result in the protection of the northern tributary of Maxwells Creek which traverses the site, and will provide new areas for the establishment and growth of native vegetation in association with proposed RE1 zones.

*Planning priority W15: Increasing urban tree canopy cover and delivering Green Grid connections;*

The proposal will increase areas for the establishment and growth of native vegetation and linkages to other open spaces within the South West Growth Centre areas. This will provide opportunities for increasing urban tree canopy and green grid connections.

*Planning priority W18: Delivering high quality open space;*

The development of stormwater infrastructure, integrated with public recreation will improve accessibility and connectivity to public open space in its design. It will include walkways, seating, and a children's play area on non-flood affected land delivering high quality open space.

*Planning priority W20: Adapting to the impacts of urban and natural hazards and climate change.*

The proposal ensures the optimal performance of the stormwater basin to best meet the stormwater and social infrastructure needs of the area and to limit flooding impacts in the locality. The proposal will also give Council with an opportunity to require landscaping and increase tree canopy cover on the site to:

- mitigate urban heat island effect; and
- minimise exposure to flooding hazards on the surrounding residential areas.

As such, the Department is satisfied that the planning proposal gives effect to the District Plan in accordance with Section 3.8 of the *Environmental Planning and Assessment Act 1979*.

#### **4.2 Local**

Council advises the proposal is consistent with its Community Strategic Plan. The proposal meets community desires to achieve more green spaces, well-planned urban environments and efficient use of Council resources.

The proposal will facilitate the development of Basin 14 and provide public open space surrounding the North Tributary of Maxwells Creek, enhancing the creek. Council further advises that the planning proposal will rationalise planning controls

on the site to align development standards with the Draft ILP and amend mapping inconsistencies to ensure the orderly development of land.

#### **4.3 Section 9.1 Ministerial Directions**

##### **1.1 Business and Industrial Zones**

The objectives of this direction are to encourage employment growth in suitable locations, and support the viability of identified centres.

The planning proposal makes some changes between land zoned B6 Enterprise Corridor and SP2 as part of realignment of Bernera Road to rectify mapping inconsistencies (**Table 1**). The proposed changes to and from the B6 zoning are of a minor nature, and are not considered to reduce the development potential of these zones. Consequently, the proposal is consistent with the objectives of this Direction.

##### **3.1 Residential Zones**

This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure. The Direction ensures that the impacts of residential development on the environment and resource lands are minimised.

The proposal includes the rezoning of approximately 14,000m<sup>2</sup> of R1 residential land and 400m<sup>2</sup> of R3 Medium Density Residential land that is partially burdened with an easement for transmission lines and flood constraints. This will provide for the stormwater needs of the surrounding urban release area, as well as allowing for the provision of open space on non-flood affected land.

The loss of this residential zoned land is compensated by adding approximately 3,200m<sup>2</sup> of R1 General Residential land to Camden Valley Way (Part of Lot 12 DP 1239712) and increasing development standards on a portion of land at 50 Croatia Avenue (Part of Lot 6 DP 1228502) as referred in Table 1.

Despite the net loss of residential zoned land, in balance, it is considered the inconsistency with the Direction is of minor significance.

##### **3.4 Integrating Land-Use and Transport**

The objective of this Direction is to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.

The proposal is to facilitate the development of the revised basin design, make mapping inconsistencies and realign Bernera Road. Under amendments to the indicative layout plan (ILP) of the Liverpool Development Control Plan, the proposal will deliver and improved local road system as well as a range of transport related infrastructure such as footpaths, bus shelters and bikeways. The proposal is consistent with this Direction.

#### **4.3 Flood Prone Land**

The objectives of this Direction are to:

- ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Flood Planning Development Manual 2005;
- to ensure that provisions of an LEP on flood prone land is commensurate with the level of flood hazard; and,



- that consideration is given to the potential flood impact both on and off the subject land.

Land to be rezoned from RE1 Public Recreation to R1 General Residential at Part of Lot 12 DP 1239712 Camden Valley Way is identified as being within a flood planning area under the Liverpool LEP 2008 (Clauses 7.8 Flood planning and 7.5A Floodplain risk management refer). Council, however, advises the land can be made flood free if developed in accordance with controls within Council's DCP and the flood planning provisions in the LEP.

Overall, the planning proposal is to facilitate the development of a basin for stormwater infrastructure needs of the urban release area, which will mitigate the effects of flooding on several downstream properties. On balance, the planning proposal is considered to result in a positive impact to flood management within the subject site and the locality.

It is accordingly considered the proposal's inconsistency with this Direction is of minor significance.

#### 6.2 Reserving Land for Public Purposes

This Direction aims to facilitate the provision of public services and facilities by reserving land for public purposes or removing such reservations when the land is no longer required for that purpose.

This Direction applies as the planning proposal seeks to remove and add acquisition responsibilities for certain land by amending land reservation acquisition maps.

The planning proposal seeks to remove the acquisition of land requirements at Lot 12 DP 1239712 Camden Valley Way as well as the proposed inclusion and exclusion of land in accordance with the redesign of the basin footprint and amendments to mapping inconsistencies adjacent to Bernera Road. The development of the basin will also enable the removal of several temporary basins on private properties.

Overall, approximately 14,400m<sup>2</sup> of residential land is to be zoned to RE1 Public Recreation for acquisition by Council for the basin, and approximately 3,200m<sup>2</sup> of land to be zoned R1 General Residential, as it is surplus to the revised design requirements. It is considered the proposed changes will result in a net gain of land reserved for public infrastructure purposes.

Council advises that the removal of land acquisition requirements, under the Land Acquisition (Just Terms Compensation) Act 1991, that are no longer required for the basin or Bernera Road will ensure that Council will not be burdened by the funding for future compulsory acquisition.

The planning proposal's inconsistency with this Direction is considered to be of minor significance.

#### **4.4 State environmental planning policies (SEPPs)**

The proposal is consistent with relevant SEPPs, as follows.

##### SEPP 19 Bushland in Urban Areas

The planning proposal is consistent with the SEPP. Whilst the rezoning of land to RE1 Public Recreation will require the removal of existing vegetation, the basin development will result in an area where native vegetation can be established and grow to maturity.

## SEPP 55 Remediation of Land

Part of Lot 12 DP 1239712 contains RE1 Public Recreation land which is to be rezoned to R1 General Residential for residential development. The lot is subject to approved DA-561/2016 for residential subdivision. A preliminary and detailed site investigation report; contamination and salinity report; and, remedial works action plan (**Attachment H**) were approved as part of the DA process. Council advises the site is deemed to have addressed contamination on this lot as part of this DA. It is considered the proposal has satisfactorily addressed Clause 6 of the SEPP.

## SEPP (Sydney Region Growth Centres) 2006

The site is located within the South West Growth Centre and is biodiversity certified under this SEPP. It is zoned under the Liverpool LEP 2008. The proposal is consistent with the aims of the SEPP as it facilitates infrastructure for the orderly development of Edmondson Park Precinct.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The proposal will facilitate major stormwater infrastructure to facilitate orderly development of the Edmondson Park Precinct, as well as, providing open space and recreation areas for the community on non-flood affected land.

### **5.2 Environmental**

The proposal will not have significant environmental impacts on the site and the locality. The proposal will involve removal of some vegetation associated with the basin development, however, the proposal will result in the better management of the northern tributary of Maxwells Creek - which traverses the site. Rezoning will provide increased RE1 areas for future establishment and growth of native vegetation.

### **5.3 Economic**

The intention of the planning proposal is to amend land use zones and relevant development standards to enable the provision of essential stormwater necessary to accommodate the planned growth of the Edmondson Park area, as well as, to correct mapping errors and realignment of Bernera Road. It will further assist in the appropriate provision of open space and recreational facilities for the community.

### **5.4 Infrastructure**

The proposal will facilitate major stormwater and flood mitigation infrastructure needs for the Edmondson Park Release Area. The proposal will not necessitate any significant additional public infrastructure.

## **6. CONSULTATION**

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### **6.1 Community**

Council has indicated a 28 day community consultation period to exhibit the proposal will be appropriate.

### **6.2 Agencies**

It is recommended the following agencies are consulted:

- Sydney Water;

- Roads and Maritime Services;
- Department of Planning, Industries and Environment (Environment, Energy and Science)
- Endeavour Energy and Transgrid; and
- APA Gas and Jemena.

## **7. TIME FRAME**

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The proposed time frame to finalise this planning proposal is to be 12 months.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Liverpool Council has requested to be a local plan-making authority, pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"). The planning proposal is of minor nature, consistent with the objectives of the Western City District Plan and relevant SEPPs. Council should be authorised to be the local plan-making authority.

## **9. CONCLUSION**

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The planning proposal is supported to proceed to Gateway for the following reasons.

The proposal will enable the provision of essential stormwater infrastructure and realignment of Bernera Road to rectify mapping inconsistencies, and contribute to orderly delivery of housing growth within Edmondson Park Release Area of the South West Growth Centre.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. Agree that inconsistencies with section 9.1 Directions: 3.1 Residential Zones; 4.3 Flood Prone Land; and, 6.2 Reserving Land for Public Purposes are of minor significance.

It is recommended that the delegate of the Minister for Planning and Public Places determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend an appropriate diagram within the planning proposal to show the boundaries of the proposed basin and include an appropriate key on the diagram.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act 1979* as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the planning proposal 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 5.5.2 of *A guide to preparing local environmental plans*.
3. Consultation is required with the following public authorities:



- Sydney Water;
  - Roads and Maritime Services;
  - Department of Planning, Industry and Environment (Environment, Energy and Science)
  - Endeavour Energy and TransGrid; and
  - APA Gas and Jemena.
4. Council is to include the final concept design of the basin in the exhibition material and within the material made available to the consulted public authorities.
  5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
  6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.
  6. Given the nature of the planning proposal, Council should be the local plan-making authority.



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