

Planning Proposal

Draft Amendment to Liverpool Local Environmental Plan 2008 to rezone and amend development standards for certain land subject to Basin 14 and Bernera Road, Edmondson Park

April 2019

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Background

The Edmondson Park precinct was rezoned from 1(e) Rural – Future Urban to 2(e) Residential – Developing Communities by Amendment 83 to the *Liverpool Local Environmental Plan 1997* on the 31st March 2006. Following the adoption of the *Liverpool Local Environmental Plan 2008* (LLEP 2008) the 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. This has placed increased pressure on existing and proposed infrastructure in Edmondson Park.

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, and the basin will have a secondary function of providing land for open space and recreation purposes. Consultation with Storm Consultants regarding the development of a basin design began in December 2017 and the detailed basin design is to be finalised in 2019. The LLEP 2008 zoning and development standards currently reflect Council's preliminary conceptual design for the basin. 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 has proposed a modified footprint, a planning proposal has been prepared to address the following matters:

1. The revised design of Basin 14 extends the basin further south, resulting in additional land to be acquired by Council. This extension has resulted in a long narrow parcel of residential zoned land that is unfeasible to develop due to its current size;
2. The revised design has resulted in land currently zoned R3 Medium Density Residential identified as being required for the basin footprint;
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;
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; and

5. 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.

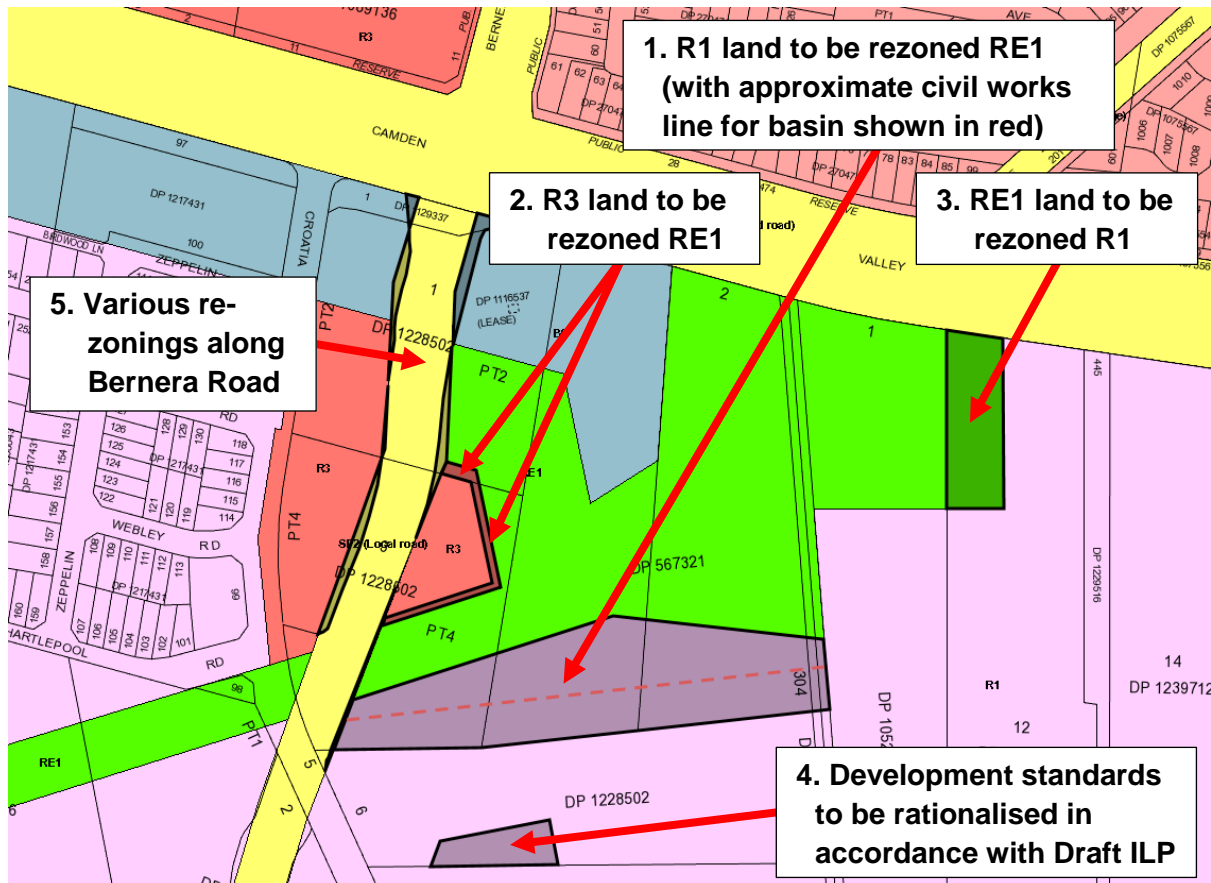


Figure 1: Matters addressed within the planning proposal

It is noted that one of the subject lots (Lot 12 DP 1239712) is currently subject to two development applications (DA-665/2018 and DA-561/2016/A), for the construction of a multi dwelling housing development comprising 11 dwellings and including strata subdivision, and for the modification of stormwater easements and lot sizes, respectively. The planning proposal is not required to support these developments, nor will this planning proposal alter any planning controls which will influence the development applications.

The proposal has been drafted in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* ('the Act') and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals'.

Site Identification

The planning proposal relates to ten lots accessible from Camden Valley Way, Bernera Road and Croatia Avenue, which contain a variety of land use zones and are largely undeveloped. One of these lots form part of the recently re-aligned Bernera Road and one lot is also accessible from Manchuria and Poziers Road. The subject site is located within the South West Growth Centre within the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) and has been biodiversity certified.

Lot 12 DP 1239712 is subject to two development applications (DA-665/2018 and DA-561/2016/A) for the construction of a multi dwelling housing development, and for modifications to stormwater easements and lot sizes. Residential subdivision and the recent development of low density residential dwellings is occurring to the east, west and south of the site, whilst established residential areas are located north of Camden Valley Way. High density residential development is proposed to be concentrated further south of the site, near Edmondson Park station.

In addition to its stormwater infrastructure use, Basin 14 is to provide a public recreation function. The subject land contains a tributary of Maxwells Creek and also contains 'Maxwells Creek North Riparian Park', which is one of three riparian parks identified under Part 2.11 Edmondson Park of the Liverpool Development Control Plan 2008 (LDCP 2008). This park is forecasted to contain passive open space and a children's play area in accordance with Items 10 and 11 within Section 6.4 of the Edmondson Park Contributions Plan 2008 (the Contributions Plan). It is noted that a transmission easement for electrical lines runs through the site.

The addresses and legal descriptions of the subject lots are detailed within Table 1 below and identified in Figure 2. Note that the planning proposal does not intend on rezoning the entirety of all of the subject lands, rather part of some land parcels are proposed to be rezoned.

Table 1: Subject lot addresses and legal descriptions

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

*Note: Part of lots only

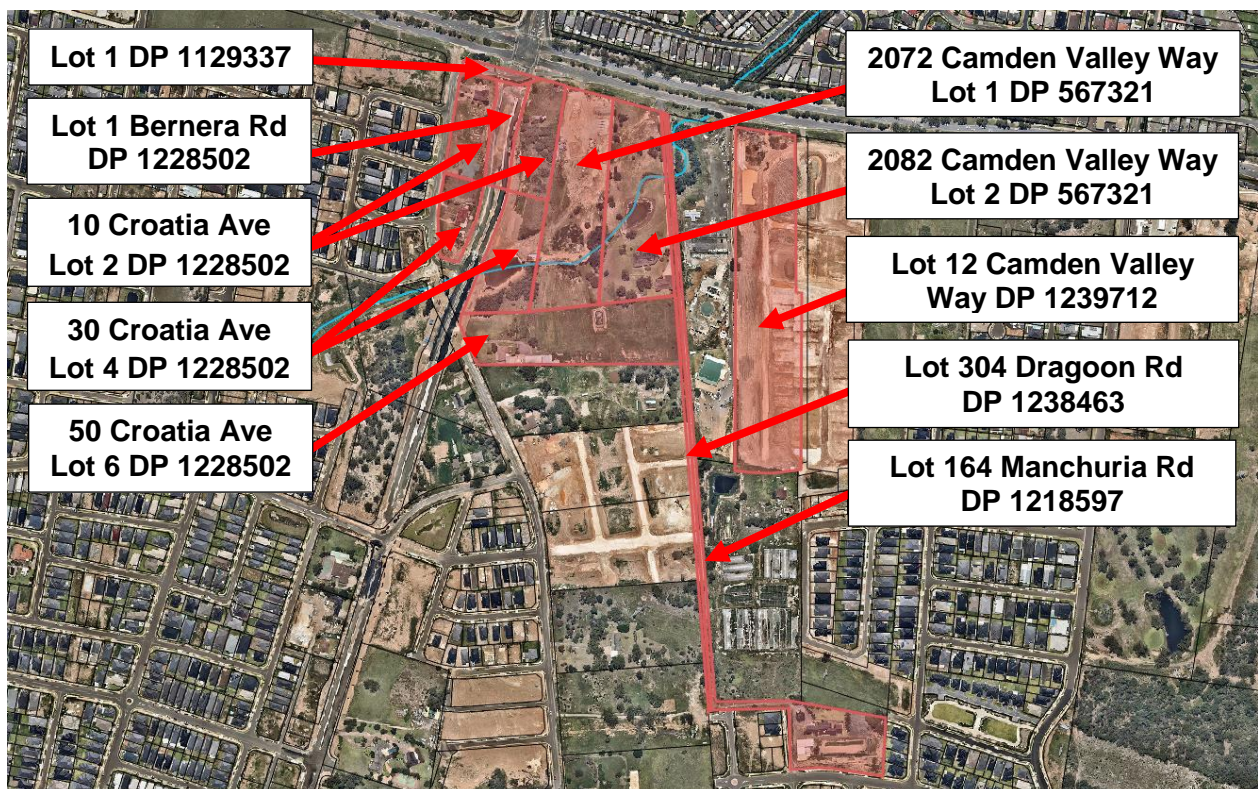


Figure 2: Aerial view of the subject lots (Note: Parts of lots are subject to the planning proposal and not the entire lots)

The portions of land subject to the planning proposal are outlined in Figure 3. Land to be rezoned for the facilitation of Basin 14 include approximately 14,000m² of R1 General Residential zoned land, 3,200m² of RE1 Public Recreation zoned land and 400m² of R3 Medium Density Residential zoned land. Miscellaneous zonings along Bernera Road, and development standards for a portion of land south of the basin are to also be amended.

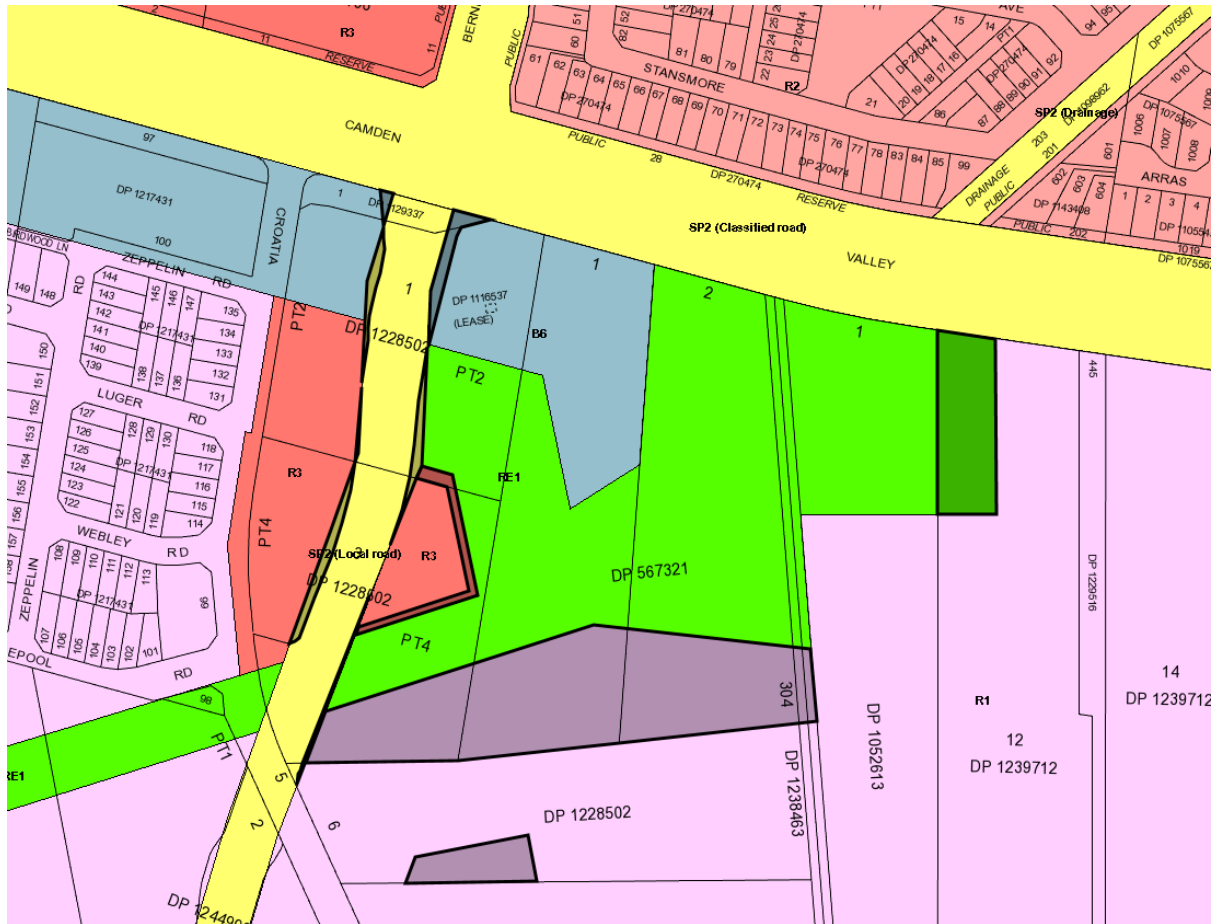


Figure 3: Parcels of land subject to the planning proposal

Delegation of plan making functions

This planning proposal seeks to amend the *Liverpool Local Environmental Plan 2008*. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act").

Part 1 – Objectives

The objective of this planning proposal is to facilitate the development of the revised design for Basin 14, which will provide much needed stormwater infrastructure and public open space to the rapidly growing suburb of Edmondson Park. The planning proposal seeks to enable the appropriate acquisition of land by Council, as well as the rationalisation of land use zones and development standards to reduce undevelopable parcels of land, and assist in the orderly development of land adjacent to the basin. Additionally, the planning proposal is to amend LLEP 2008 mapping inconsistencies along Bernera Road resulting from the re-alignment of the road.

Part 2 – Explanation of provisions

The objectives of the planning proposal will be achieved through changes to land identified in Figures 4 to 8 and their corresponding planning controls listed in Tables 2 to 7. Draft maps are provided in Part 4.

To facilitate the proposed changes, the following LLEP 2008 maps are to be amended:

Land Zoning

- 4900_COM_LZN_009_020_20160628

Minimum Lot Size

- 4900_COM_LSZ_009_020_20160217

Floor Space Ratio

- 4900_COM_FSR_009_020_20160217

Maximum Height of Buildings

- 4900_COM_HOB_009_020_20160217

Land Reservation for Acquisition

- 4900_COM_LRA_009_020_20160217

Minimum Dwelling Density

- 4900_COM_DWD_009_020_20160217

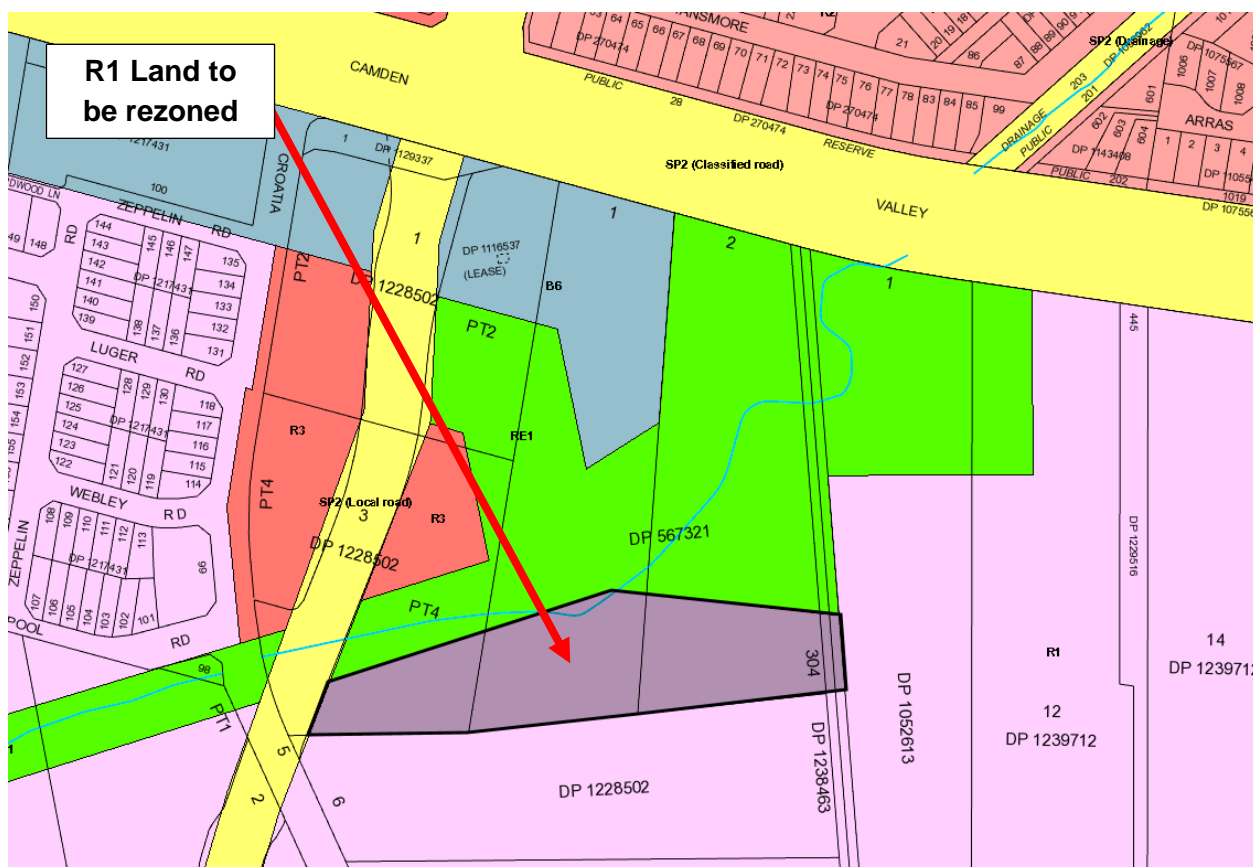


Figure 4: R1 General Residential land to be rezoned

Table 2: Current and proposed standards for land zoned R1 General Residential at: 30 Croatia Avenue (Lot 4 DP 1228502), 2072 Camden Valley Way (Lot 1 DP 567321), 2082 Camden Valley Way (Lot 2 DP 567321), Lot 304 Dragoon Road (DP 1238463) and Lot 164 Manchuria Road (DP 1218597)

Control	Current	Proposed
Zoning (LZN)	R1 General Residential	RE1 Public Recreation
Minimum Lot Size (LSZ)	240m ² (Area 3), 450m ² & no standard	No standard
Floor Space Ratio (FSR)	1.0:1, 0.65:1 & no standard	No standard
Maximum Height of Buildings (HOB)	15m, 8.5m & no standard	No standard
Land Reservation Acquisition (LRA)	No standard	RE1 Local Open Space
Minimum Dwelling Density (RDN)	17 and 14 dwellings/ha & no standard	No standard

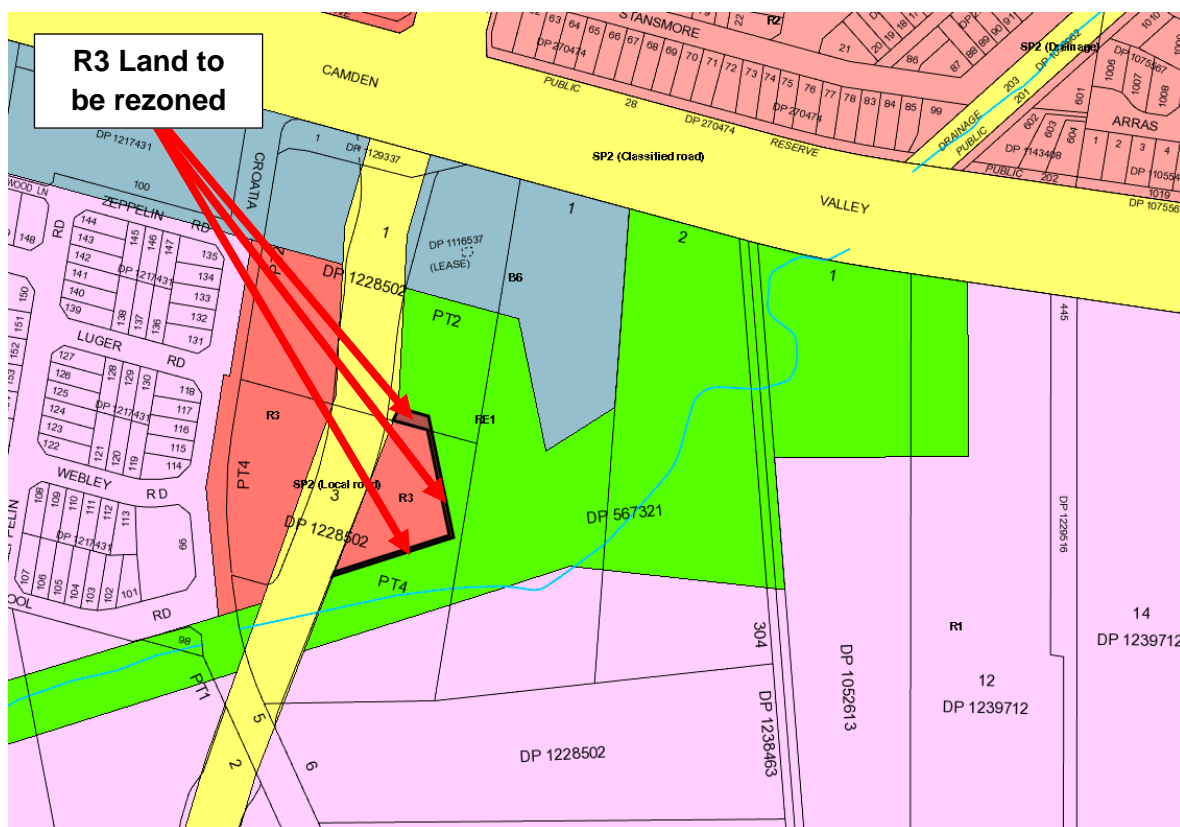


Figure 5: R3 Medium Density Residential land to be rezoned

Table 3: Current and proposed standards for land zoned R3 Medium Density Residential at: 10 Croatia Avenue (Lot 2 DP 1228502) and 30 Croatia Avenue (Lot 4 DP 1228502)

Control	Current	Proposed
Zoning (LZN)	R3 Medium Density Residential	RE1 Public Recreation
Minimum Lot Size (LSZ)	240m ² (Area 3)	No standard
Floor Space Ratio (FSR)	1.0:1	No standard
Maximum Height of Buildings (HOB)	15m	No standard
Land Reservation Acquisition (LRA)	No standard	RE1 Local Open Space
Minimum Dwelling Density (RDN)	17 dwellings/ha	No standard

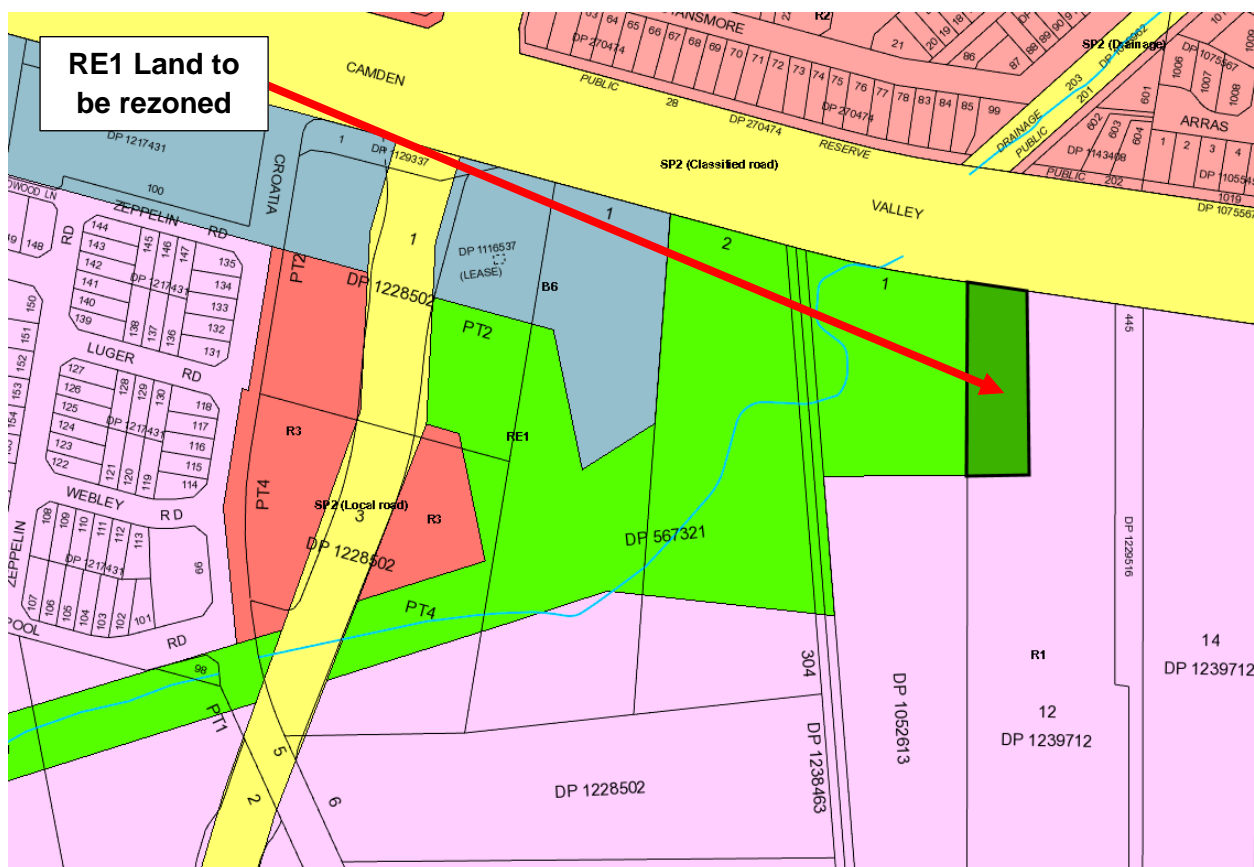


Figure 6: RE1 Public Recreation land to be rezoned

Table 4: Current and proposed standards for land zoned RE1 Public Recreation at: Lot 12 Camden Valley Way (DP 1239712)

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

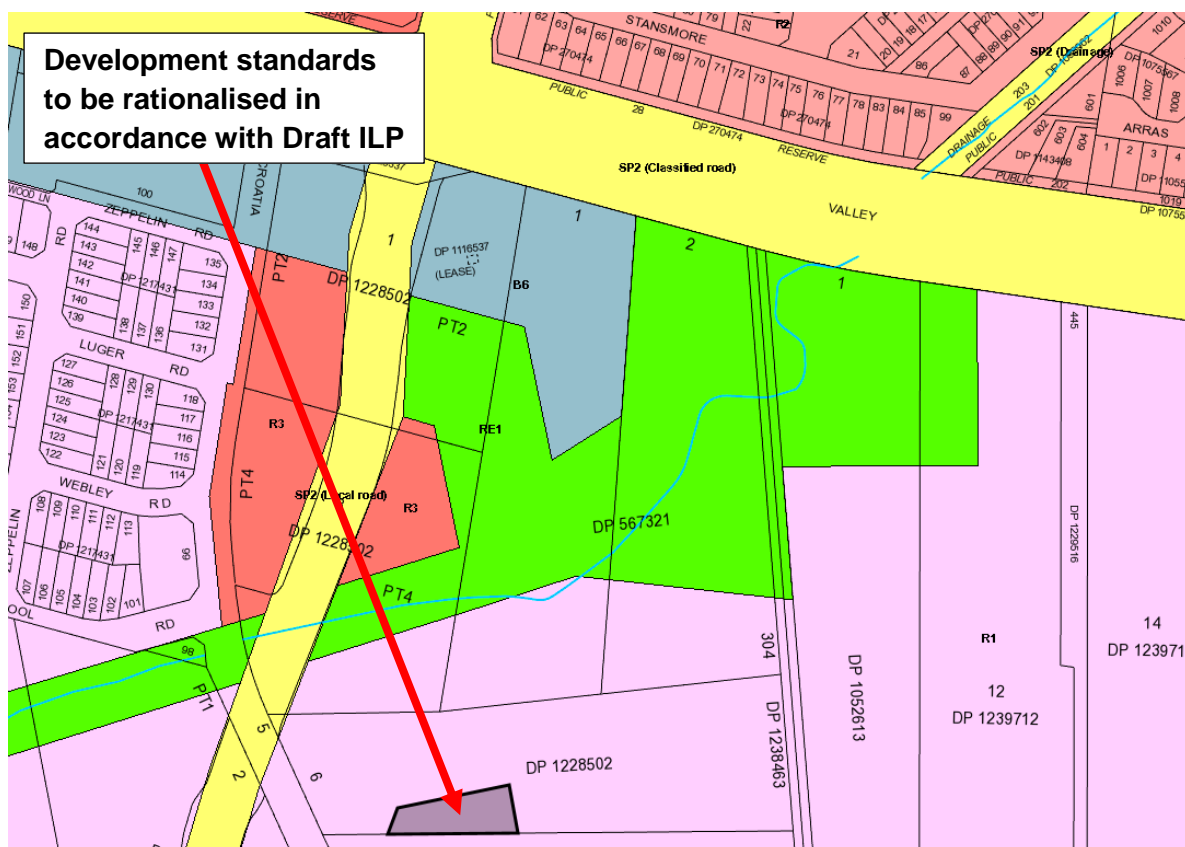


Figure 7: Parcel of land subject to amended development standards

Table 5: Current and proposed standards for a portion of land at: 50 Croatia Avenue (Lot 6 DP 1228502)

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

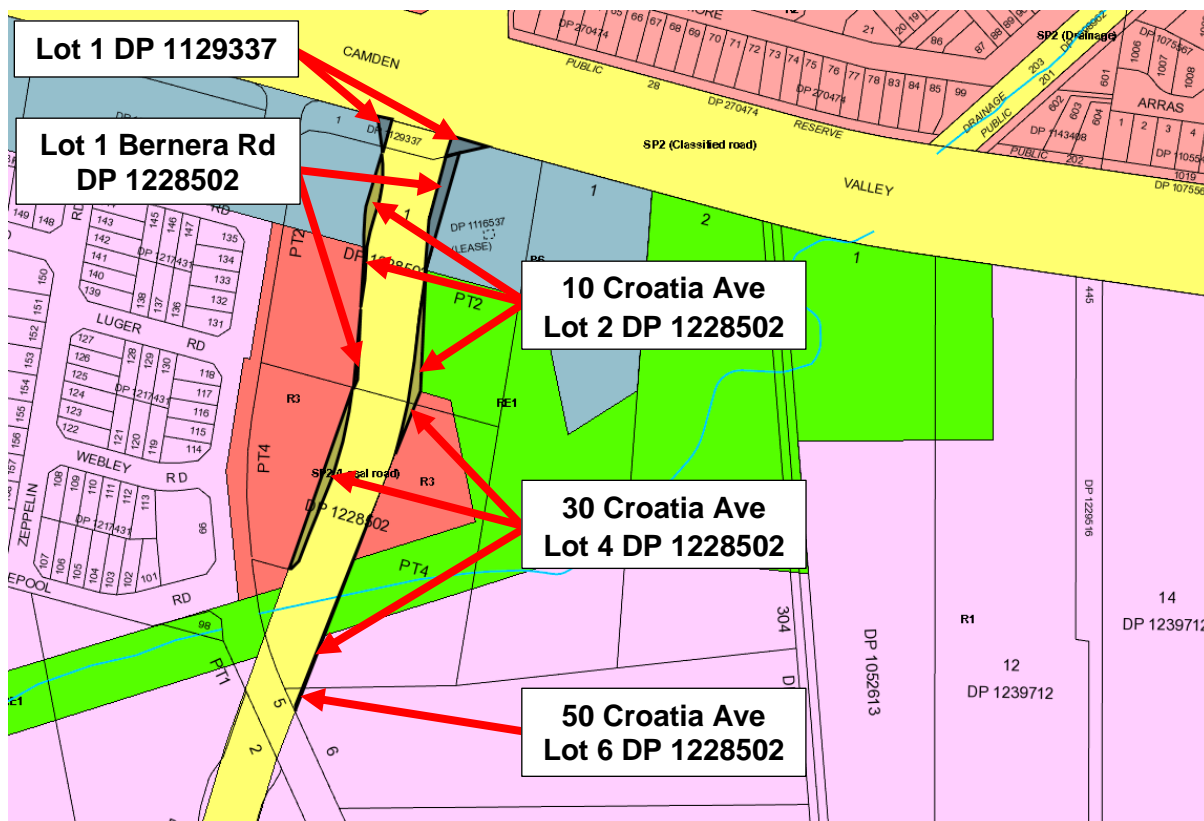


Figure 8: Miscellaneous zoned land adjacent to Bernera Road to be rezoned

Table 6: Current and proposed land use zones for certain portions of land to be rezoned in accordance with their lot boundaries along Bernera Road, at: Lot 1 DP 1129337, Lot 1 Bernera Road (DP 1228502), 10 Croatia Avenue (Lot 2 DP 1228502), 30 Croatia Avenue (Lot 4 DP 1228502), 50 Croatia Avenue (Lot 6 DP 1228502)

Address	Legal Description	Current Zoning	Proposed Zoning
N/A	Lot 1 DP 1129337	B6	SP2
Lot 1 Bernera Road	Lot 1 DP 1228502	B6	SP2
		R3	SP2
No. 10 Croatia Avenue	Lot 2 DP 1228502	SP2	B6
		SP2	R3
		SP2	RE1
No. 30 Croatia Avenue	Lot 4 DP 1228502	SP2	R3
		SP2	RE1
No. 50 Croatia Avenue	Lot 6 DP 1228502	SP2	R1

Table 7: Current and proposed development standards for certain portions of land to be rezoned in accordance with their lot boundaries along Bernera Road, at: Lot 1 DP 1129337, Lot 1 Bernera Road (DP 1228502), 10 Croatia Avenue (Lot 2 DP 1228502), 30 Croatia Avenue (Lot 4 DP 1228502), 50 Croatia Avenue (Lot 6 DP 1228502)

Control	Current	Proposed
Minimum Lot Size (LSZ)	Various	Alignment of lot size standards with their lot boundaries
Floor Space Ratio (FSR)	Various	Alignment of floor space ratio standards with their lot boundaries
Maximum Height of Buildings (HOB)	Various	Alignment of height of building standards with their lot boundaries

Land Reservation Acquisition (LRA)	Various	Alignment of acquisition requirements with their lot boundaries
Minimum Dwelling Density (RDN)	Various	Alignment of dwelling density standards with their lot boundaries

Part 3 – Justification

Section A – Need for the planning proposal

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

No. The proposal has been driven by alterations to the design of the footprint for Basin 14. The basin is broadly identified within the Cabramatta Creek Basin Strategy which was developed in the 1980's to ensure forecasted development would not increase flooding impacts to the creek and locality. Storm Consultants were engaged by Council in 2015 to develop a plan for Basin 14. A report was prepared in 2018 which provided basin design options, with the preferred option being recommended based on hydrology, hydraulics and water quality principles. The preferred option has been drafted and is currently being finalised. Whilst the redesign results in the optimal configuration and performance of the basin, it also results in a required change to the land use zoning and acquisition standards to facilitate its development.

The alteration of development standards for a portion of land at 50 Croatia Avenue (Lot 6 DP 1228502) and rezoning of parts of lots to amend inconsistencies regarding zone boundaries along Bernera Road, is not the result of a strategic study or report. The planning proposal will facilitate the resulting changes in land zoning, land acquisition and planning standards.

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

Yes. The planning proposal is the best means of achieving the intended outcomes. The subject land is currently zoned in accordance with the concept basin footprint and concept road alignment. As the basin footprint has been extended south, the LLEP 2008 zoning and development standards maps are required to be amended to enable the development of this revised basin design.

If the land is not rezoned, the land-use zoning will not reflect the intended use of the site. This may hinder property acquisition should Council be forced to enter a compulsory acquisition process. Construction of the basin is considered necessary so that a number of temporary detention basins on privately owned land can be decommissioned and redeveloped for other uses, as per the zoning of those lands. Additionally, due to reconfiguration of the basin footprint, land has been identified which is now surplus to requirements. As the land will not be required for drainage or open space purposes, the planning proposal will remove the land acquisition from Council and will allow the land to be developed in an orderly fashion. The quantum of open space land will be balanced by the gain of additional open space land towards the south of the basin area.

Furthermore, the planning proposal is to amend development standards for part of 50 Croatia Avenue (Lot 6 DP 1228502) to rationalise standards in accordance with the Draft ILP within Part 2.11 of the LDCP 2008, as well as amend inconsistencies in LLEP 2008 mapping around the recently re-aligned Bernera Road. A planning proposal facilitating the necessary amendments to the LLEP 2008 is therefore the best means of achieving the objectives and intended outcomes.

Section B – Relationship to strategic planning framework

3.3 *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

a. Strategic Merit

The planning proposal is considered to be consistent with relevant regional, sub-regional or district plan or strategies. The objective of the planning proposal is not to increase residential, commercial or industrial development, rather it is to amend land use zones and relevant development standards to enable the provision of essential stormwater and community infrastructure, as well as to correct mapping errors. The infrastructure is necessary to accommodate the planned growth of the Edmondson Park area and will further assist in the provision of open space and recreational facilities to the community. The proposal rationalises land uses and development standards to enable the orderly development of surrounding land.

Greater Sydney Region Plan – A Metropolis of Three Cities

The planning proposal is broadly consistent with Objective 6: Services and infrastructure meet communities' changing needs. The rezoning of R1 General Residential land to RE1 Public Recreation is in accordance with the revised design for Basin 14 to accommodate the forecasted growth of the area. This proposal will enable the provision of much needed recreation areas in the rapidly growing locality. It also creates the potential for passive recreation and a children's play area to be developed on non-flood affected land, thereby optimising the use of public land for social infrastructure.

The planning proposal is broadly consistent with Objective 7: Communities are healthy, resilient and socially connected. The revised basin design allows for the optimal development of public open space which can be designed to include recreation facilities such as walkways, seating, cycle ways and a children's play area. Although not part of this proposal, the planning proposal will result in amendment to Part 2.11 Edmondson Park of the LDCP 2008, to improve connectivity to the public open space.

The planning proposal is consistent with Objective 10: Greater housing supply. The planning proposal facilitates the best and most efficient use of land, as it provides stormwater infrastructure and public open space to cater for growth of housing supply in Edmondson Park. The planning proposal will enable the decommissioning of several temporary on-site detention basins scattered throughout the suburb that are currently withholding the development of residential zoned land. The planning proposal results in the following:

- Approximately 14,000m² of R1 General Residential land being rezoned to RE1 Public Recreation and in return, approximately 3,200m² of RE1 Public Recreation being rezoned to R1 General Residential. It is noted that significant portions of this land is identified as a Flood Planning Area under the LLEP 2008. Despite the proposal resulting in an approximate loss of 10,800m² R1 General Residential land, some of the land is restricted by flood constraints as well as a transmission easement for electrical lines limiting its development potential;
- The rezoning of R3 Medium Density Residential land to RE1 Public Recreation, to facilitate the footprint of the basin. This includes approximately 150m² of land at 10 Croatia Avenue (Lot 2 DP 1228502) which is too small to develop independently. Approximately 250m² of land has been removed from the outskirts of R3 Medium Density Residential land at 30 Croatia Avenue (Lot 4 DP 1228502) to facilitate the development of the basin. Despite this, the remaining area is considered to contain an acceptable level of development potential; and

- The amendment of development standards on a portion of land at 50 Croatia Avenue (Lot 6 DP 1228502) will rationalise standards in accordance with the Draft ILP. This amendment will slightly improve development yield of the lot, as height, floor space ratio and dwelling density standards are increased, and minimum lot size standards are reduced, to correspond with the current development standards on the western part of this lot.

The planning proposal is broadly consistent with Objective 12: Great places that bring people together. The proposal will rezone residential land to allow for the implementation of a revised basin design. The basin will include public open space in its design, featuring walkways, seating, and a children's play area on non-flood affected land.

The planning proposal is broadly consistent with Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced. The proposal results in an approximate gain of 11,200m² of land for the use of the basin and public open space. The development of the basin will require substantial earthworks which will result in the removal of existing vegetation. Despite this, the basin and public open space will provide an area where native trees can be established and grow to maturity. The co-location of the basin with the open space will enhance the relationship between vegetation, habitat and riparian land.

The planning proposal is broadly consistent with Objective 30: Urban tree canopy is increased. As previously mentioned, the development of the basin will require the removal of existing vegetation. Despite this, the future use of this land as a basin and area of public open space will create potential for the establishment of urban tree canopy within Edmondson Park.

The planning proposal is broadly consistent with Objective 31: Public open space is accessible, protected and enhanced. The rezoning to facilitate the development of stormwater infrastructure, integrated with public recreation, is an innovative way to implement open space in conjunction with local waterways. Whilst not a part of this proposal, these amendments will result in changes to the indicative layout plan of the Edmondson Park locality in Part 2.11 of the LDCP 2008, improving accessibility and connectivity to the public open space.

The planning proposal is broadly consistent with Objective 37: Exposure to natural and urban hazards is reduced. The proposal ensures the stormwater infrastructure, as specified within the revised design of Basin 14, will meet the needs of the growing Edmondson Park area and will limit flooding impacts in the locality.

Western City District Plan

The planning proposal is to facilitate the development of the improved design for Basin 14. This will provide flood mitigation infrastructure to Edmondson Park and social infrastructure in the form of quality open space, including a children's play area. Despite requiring the removal of vegetation for the basins' development, the proposal will result in the protection of the tributary of Maxwells Creek which traverses through the site, and will provide an area for the establishment and growth of native vegetation. This is considered to be consistent with the following priorities:

- W1: Planning for a city supported by infrastructure;
- W3: Providing services and social infrastructure to meet people's changing needs;
- W12: Protecting and improving the health and enjoyment of the District's waterways;
- W15: Increasing urban tree canopy cover and delivering Green Grid connections;
- W18: Delivering high quality open space; and
- W20: Adapting to the impacts of urban and natural hazards and climate change.

Local Strategy

Assessment of the proposal with regards to Council's Community Strategic Plan is detailed in Section 3.4.

b. Site Specific Merit

The planning proposal will enable Council to acquire land for a stormwater detention basin, which will result in the protection of the existing and future built environment, as well as the enhancement of the natural environment and provision of passive recreation facilities. The proposal includes the rezoning of flood prone land, from residential uses to public recreation uses.

A portion of land at Lot 12 Camden Valley Way (DP 1239712) will be rezoned to enable residential development. This land is flood prone, however the remainder of Lot 12 Camden Valley Way is already zoned for residential uses. The DCP provides controls to ensure that the land can be made flood free appropriately, preventing harm to life and property in the event of a flood.

The planning proposal is not drastically altering the existing or future uses of the precinct; rather the rezoning will rearrange these existing uses, which will facilitate the development of the basin, repurpose land zoned for public open space which Council is not seeking to acquire, rationalise development standards in accordance with the Draft ILP, and amend the mapping inconsistencies along Bernera Road. The subject lands have all utility infrastructure available. Any additional yield from the development of Lot 12 Camden Valley Way (DP 1239712) or 50 Croatia Avenue (Lot 6 DP 1228502) will be captured by the existing contributions plan, which will ensure contributions for infrastructure and services are collected.

3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is generally consistent with Council's Community Strategic Plan: *Our Home, Liverpool 2027*. Council's strategy adopts a quadruple bottom line approach, being Creating Connection (Social), Strengthening and Protecting Our Environment (Environment), Generating Opportunity (Economic), and Leading through Collaboration (Civic Leadership).

The planning proposal is consistent with the following desires of the community:

- Creation of more green spaces
 - The planning proposal increases the extent of land to be zoned for public open space. Continued residential development within Edmondson Park has resulted in an increased demand for quality open space.
- Creation of well-planned, attractive and people-friendly urban environments
 - The planning proposal will enable the LLEP 2008 to facilitate the development of the redesigned basin. This will ensure that down-stream flooding impacts are mitigated, and that temporary detention basins can be decommissioned. The provision of a more regular shaped space for the basin and public open space allows Council to provide synergies between these two spaces. The basin footprint is to be embellished with footpaths and landscaping providing passive recreation opportunities.
- Well managed use of their resources
 - The planning proposal results in the well managed use of Council resources as it will facilitate the optimal design of the basin and public open space. The rezoning of land at part of Lot 12 Camden Valley Way (DP 1239712) to residential uses means that Council does not have to acquire land which is surplus to the requirements of the new basin design,

thereby optimising Council resources. Although the revised basin design requires Council to acquire additional land, the new design ensures the optimal performance of the basin to best meet the stormwater and social infrastructure needs of Edmondson Park.

The planning proposal is consistent with the following actions for Council:

- Protect and enhance bushland, rivers and the visual landscape
 - The proposed rezoning to facilitate the development of Basin 14 will result in the provision of public open space surrounding the North Tributary of Maxwells Creek. The addition of land currently zoned for residential uses, to land dedicated for the basin, will result in the increased protection of the creek.
- Exercise planning controls to create high-quality, inclusive, urban environments
 - In addition to the facilitation of Basin 14, the planning proposal seeks to rationalise planning controls on the site to align development standards with the Draft ILP, amend mapping inconsistencies, ensure the orderly development of land and remove isolated land zonings resulting in undevelopable land.

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Compliance with any SEPP which applies to the land is given in Table 8 below. Note: any SEPP which does not apply to the land, or for which the planning proposal will not preclude the operation of, is not listed.

Table 8: Compliance with SEPPs

SEPP	Complies	Justification
No 19 Bushland in Urban Areas	Yes	The planning proposal is not inconsistent with the SEPP. The rezoning of land from residential uses to RE1 Public Recreation will facilitate the development of the basin. Whilst this will require the removal of existing vegetation, the completed development will result in an area where native vegetation can be established and grow to maturity.
No 44 Koala Habitat Protection	Yes	This planning proposal will not undermine any Koala Habitats to a greater extent than for which is already permitted. The rezoning results in the reduction of land zoned for residential purposes and increases land zoned for public open space. In the case of land to be rezoned at part of Lot 12 Camden Valley Way (DP 1239712), the remainder of the lot is already zoned for urban purposes.
No 55 Remediation of Land	Yes	This planning proposal will not undermine the need for any future development to undergo a Phase 1 Contamination Assessment. Part of Lot 12 DP 1239712 contains RE1 Public Recreation land which is to be rezoned to R1 General Residential. This part of the lot will therefore permit residential development. The lot is subject to approved DA-561/2016 for residential subdivision. This Development Application included the assessment of a <i>Preliminary & Detailed Site Investigation Report, Contamination and Salinity Report and Remedial Works Action Plan</i> . These reports were approved as part of development consent. Refer to Attachment A for this supporting documentation. The site is deemed to have addressed contamination on this lot as part of this DA.
No 65 Design Quality of	Yes	Land zoned for recreation uses at Lot 12 Camden Valley Way (DP 1239712) is to be rezoned to R1 General Residential, in

Residential Flat Development		accordance with the remainder of the lot. This zone allows for the development of Residential Flat Buildings. Where applicable, any amended or future Development Application on this lot will be assessed in accordance with this SEPP.
Exempt and Complying Development Codes 2008	Yes	It is proposed that the land reservation acquisition maps are amended in accordance with the revised land-use zoning maps to ensure exempt and complying development can be carried out in accordance with the zone objectives.
Infrastructure 2007	Yes	<p>The planning proposal seeks to enable flood mitigation works as part of Basin 14. This is classified as development permitted without consent under Part 3, Division 7 of the SEPP. Part 3, Division 12 contains provisions for development within parks and public reserves, and Part 3, Division 17, Subdivision 2 contains provisions for development adjacent a classified road. The proposal is not inconsistent with these clauses.</p> <p>The proposal also includes the change of the zoning of land adjacent to Bernera Road, both to and from SP2 Infrastructure. This is for the purposes of amending mapping inconsistencies only.</p> <p>The proposal does not seek to intensify or enable further development which would interfere with operation of, or delivery of infrastructure. Council expects a condition of Gateway would be to consult with public utility providers.</p>
Sydney Region Growth Centres	Yes	The subject site is located within the South West Growth Centre and is biodiversity certified under this SEPP. Despite this, land-use zoning under the LLEP 2008 applies to the site. The proposal is consistent with the aims of the SEPP as it facilitates infrastructure for the orderly development of the growth centre.
Vegetation in Non-Rural Areas 2017	Yes	The planning proposal is not inconsistent with the SEPP. Whilst the development of the basin will result in the removal of existing vegetation, it will provide an area for vegetation to be established and grow to maturity. Additionally, Council's DCP provides controls for the removal of any vegetation.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The planning proposal seeks an amendment to the Liverpool Local Environmental Plan 2008. Compliance with Ministerial Directions is provided in Table 9 below. Note: any Direction which does not apply to the planning proposal is not listed.

Table 9: Compliance with s.9.1 Directions

S.9.1 Directions	Complies	Justification
Employment and Resources		
1.1 Business and Industrial Zones	Yes	The proposal includes changes to land containing B6 Enterprise Corridor zoning. The proposed changes are to the zone realignment adjacent to Bernera Road and are not inconsistent with the objectives of this Direction. The proposed changes to and from the B6 zoning are minor in nature, are not considered to reduce the development potential of these zones and are to amend mapping inconsistencies only.

Housing, Infrastructure and Urban Development

3.1 Residential Zones	Yes	The inconsistency with the Direction is justified under Part (6)(d) of Direction 3.1, as the changes to residential land use zones are considered to be of minor significance.
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The proposal includes to the rezoning of approximately 14,400m² of residential land that is partially burdened with an easement for transmission lines. The revised design for the basin is extended south to envelop R1 General Residential land and also encroaches on R3 Medium Density Residential land. This will provide for the stormwater needs of the surrounding urban area, as well as allow for the provision of a children's play area on non-flood affected land. Despite the net loss of residential zoned land, the proposed use results in the optimal use of land for the site and locality.

The proposal compensates for the loss of this residential zoned land by adding approximately 3,200m² of R1 land to Lot 12 Camden Valley Way (DP 1239712) and increasing development standards on a portion of land at 50 Croatia Avenue (Lot 6 DP 1228502).

The addition and removal of residential land adjacent to Bernera Road is for the purposes of amending LLEP 2008 mapping inconsistencies.

3.4 Integrating Land-Use and Transport	Yes	This planning proposal amends the zoning and development standards of land zoned for residential and business purposes. The proposed changes are minor in nature, as the objective of the planning proposal is to facilitate the development of the revised basin design and is not for the uplift or downzoning of residential or urban uses. Whilst not part of this proposal, the planning proposal will result in amendments to the LDCP 2008 seeking to improve traffic and pedestrian access to and from the public open space. In turn, this has required the amendment of development standards for part of 50 Croatia Avenue (Lot 6 DP 1228502) as the current development standard boundaries do not align with the draft road layout.
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The proposal is also to amend mapping inconsistencies resulting from the re-alignment of Bernera Road.

Hazard and Risk

4.3 Flood Prone Land	Yes	Land to be rezoned from RE1 Public Recreation to R1 General Residential is identified as being within a flood planning area under the LLEP 2008. However, the land can be made flood free if developed in accordance with controls within Council's DCP and the flood development manual, and therefore Council believes this change is of minor significance and satisfies Part (9)(b) of the Direction.
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The planning proposal is to facilitate the development of a basin for stormwater infrastructure. This will mitigate the effects of flooding on several downstream properties.

Despite this minor inconsistency, the planning proposal is considered to result in positive changes to flood management within the subject site and the locality.

Regional Planning		
5.10 Implementation of Regional Plan	Yes	The regional strategy in effect is the Western City District Plan. Consistency with this plan is demonstrated in section 3.3 of this report.
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The planning proposal does not contain provisions requiring additional concurrence, consultation, or referral to a Minister or public authorities.
6.2 Reserving Land for Public Purposes	Yes	<p>The proposal seeks to include the acquisition of certain land within the LLEP 2008 land reservation acquisition maps. The planning proposal seeks to remove the acquisition of land requirements at Lot 12 Camden Valley Way (DP 1239712). The proposed inclusion and exclusion of land is in accordance with the redesign of the basin footprint and amendments to mapping inconsistencies adjacent to Bernera Road.</p> <p>The redesign of the basin footprint includes approximately 14,400m² of land to be zoned RE1 Public Recreation, and approximately 3,200m² of land to be zoned R1 General Residential, as it is surplus to the revised design requirements. The land acquisition maps are proposed to be amended to match the revised zoning extent.</p> <p>Council is nominated as the acquisition authority for any additional lands to be acquired as per the LLEP 2008. The proposed changes result in a net gain of land reserved for public purposes, which will result in a preferred outcome as the optimal basin design can be realised.</p>
Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Yes	Consistency with <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> is demonstrated in section 3.3 of this report.

Section C – Environmental, social, and economic impact

3.7 *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?*

No. The planning proposal seeks to rezone land from predominately residential uses to public recreation uses to facilitate the development of the basin, which will result in an increase to the extent of land zoned for public open space. The RE1 Public Recreation zone objectives aim to enhance, maintain and protect the natural environment. Land subject to the planning proposal has been biodiversity certified and the LLEP 2008 and LDCP 2008 contain provisions in relation to native vegetation retention in these areas.

As land at 50 Croatia Avenue (Lot 6 DP 1228502) is already zoned for residential uses, the alteration of development standards on part of this lot will not result in additional environmental impacts. Similarly, the realignment of zone boundaries adjacent to Bernera Road to amend the mapping inconsistencies, will not change or intensify the existing use of land, and therefore will not result in additional environmental impacts.

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

No. The rezoning of certain lands and alterations of development standards is not likely to have any significant environmental impacts on the site or locality. Whilst the development of the basin will involve substantial earthworks and the removal of existing vegetation, it will result in an area where native vegetation can be established, grow to maturity and potentially provide habitat for native fauna. The rezoning of land to recreation uses for the development of Basin 14 will reduce any impact upon existing vegetation and habitats. It is noted that the proposal results in a net increase of land to be zoned for recreation uses.

In relation to Lot 12 Camden Valley Way (DP 1239712), the rezoning of part of this lot residential uses is not likely to cause negative environmental effects, as the land has already been cleared and developed for the purpose of a temporary on-site detention basin. Additionally, land subject to flooding is addressed by the LLEP 2008 and the LDCP 2008. As the rezoning of land adjacent to Bernera Road is for the purposes of amending mapping inconsistencies, and land at 50 Croatia Avenue (Lot 6 DP 1228502) is already zoned for residential uses, the proposed changes will not result in any significant environmental effects.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The most likely economic effects of the planning proposal would be to the owners of land being rezoned from R1 General Residential or R3 Medium Density Residential to RE1 Public Recreation. This is to facilitate the essential redesign of Basin 14, which will cater for the growth of Edmondson Park and also provide an area of non-flood affected land for the development of an area of open space, including a children's play area. Council's acquisition of this land will be subject to the *Land Acquisition (Just Terms Compensation) Act 1991*.

The rezoning will result in both positive social and economic effects to Edmondson Park as it will ensure the timely delivery of flood mitigation infrastructure, which will serve to protect the existing and proposed built environment. Additionally, the rezoning will result in an increased area of open space for the community, ensuring adequate recreational facilities are provided for current and future residents.

An objective of this proposal is to rationalise the development of land surrounding the basin. This includes the rezoning of part of Lot 12 Camden Valley Way (DP1239712) to R1 General Residential. As this land has been identified as surplus to the revised basin design requirements, the rezoning removes the obligation for Council to acquire this land. This will remove the economic burden for Council for acquisition, which can otherwise be focused on acquiring land required for the basin.

The planning proposal has resulted in amendments to the Edmondson Park ILP within the LDCP 2008. In turn, the development standards for part of 50 Croatia Avenue (Lot 6 DP 1228502) are to be altered so the development standard boundaries align with the draft road layout. This change will increase the dwelling density, height and floor space ratio standards, whilst reducing the minimum lot size standard, resulting in a slight improvement in development potential for the lot.

The amendment of mapping inconsistencies along Bernera Road is likely to result in positive social and economic effects for Council and land owners. Rezoning these lots will allow land that is zoned SP2 Infrastructure, but is not needed for the road, to be rezoned for other purposes (R1, R3 and B6), whilst ensuring land that is needed for the road is zoned SP2 Infrastructure.

The overall zoning amendments will provide for the efficient use of the land for the stormwater network, public open space facilities and vehicular and pedestrian access, thereby having a positive impact to the economic activities in the business zoned land. Public exhibition of the planning proposal will provide an opportunity for Council to engage with property owners if they have any concerns as to what impact the proposal may have upon their property.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

The planning proposal is not considered to demand any additional public infrastructure. The planning proposal may result in a marginal increase in development yield for Lot 12 Camden Valley Way (DP1239712) due to a portion of the lot being rezoned to residential uses, and 50 Croatia Avenue (Lot 6 DP 1228502) due to amended development standards. It is considered that the extinguishment of development in land being rezoned to RE1 will off-set this marginal increase. The proposal seeks to facilitate the delivery of flood mitigation infrastructure adjacent to an area of public open space. Given the current and forecasted growth of Edmondson Park, there is increased demand for both stormwater infrastructure and quality open space.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be considered following a Gateway determination. The following government agencies, or utility owners, have been identified as potentially interested parties for reasons given below:

- NSW Department of Primary Industries: A tributary of Maxwells Creek runs through the subject site;
- Ausgrid & Transgrid: An easement for a transmission line runs through the subject site;
- Roads and Maritime Services: The subject site is adjacent to Camden Valley Way, which is a classified road;
- APA Gas & Jemena: A gas pipeline is located under Camden Valley Way, which places the subject site within the asset notification zone; and
- NSW Office of Environment and Heritage: The subject site contains riparian land, flood-prone land, and vegetation.

Part 4 – Mapping

The existing standards and the proposed changes to the LLEP 2008 are shown in the maps below.

Land Use Zoning Maps

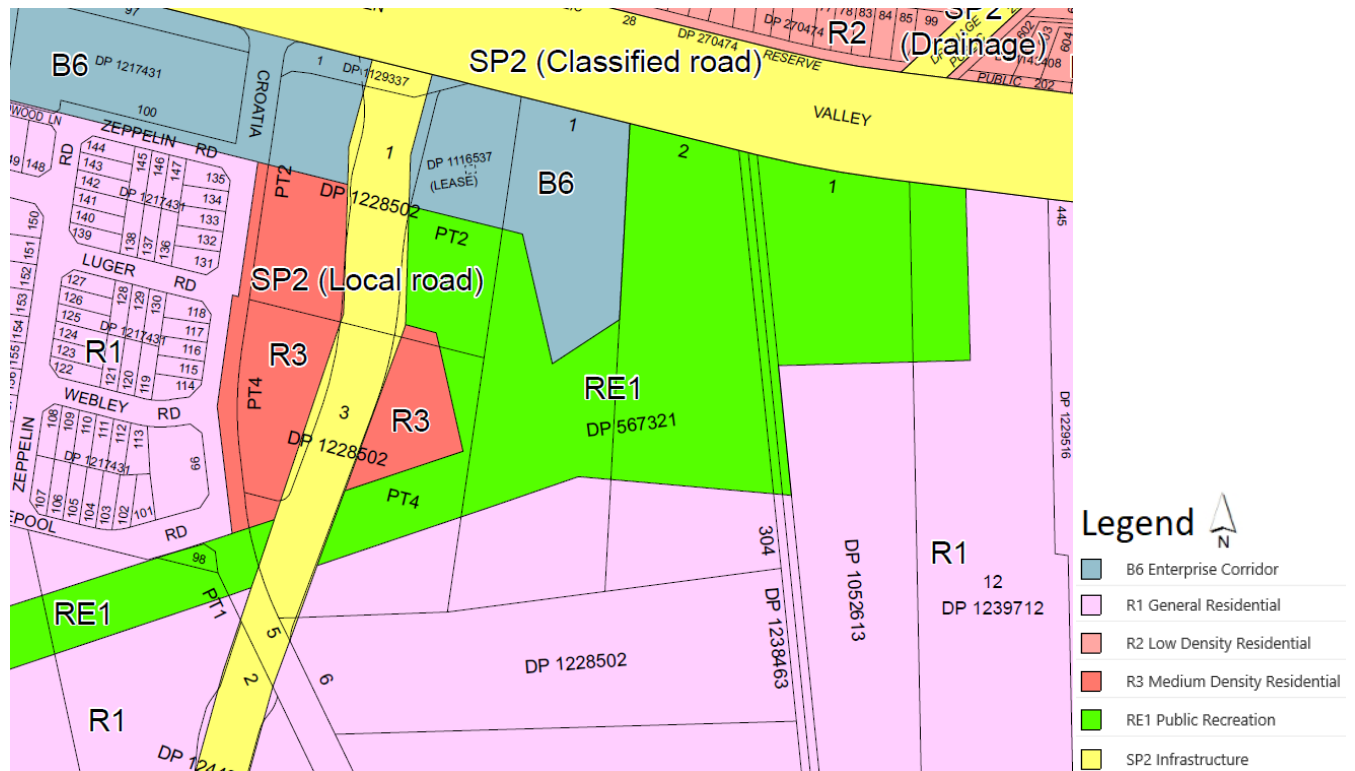


Figure 9: Existing land use zoning map for the subject site

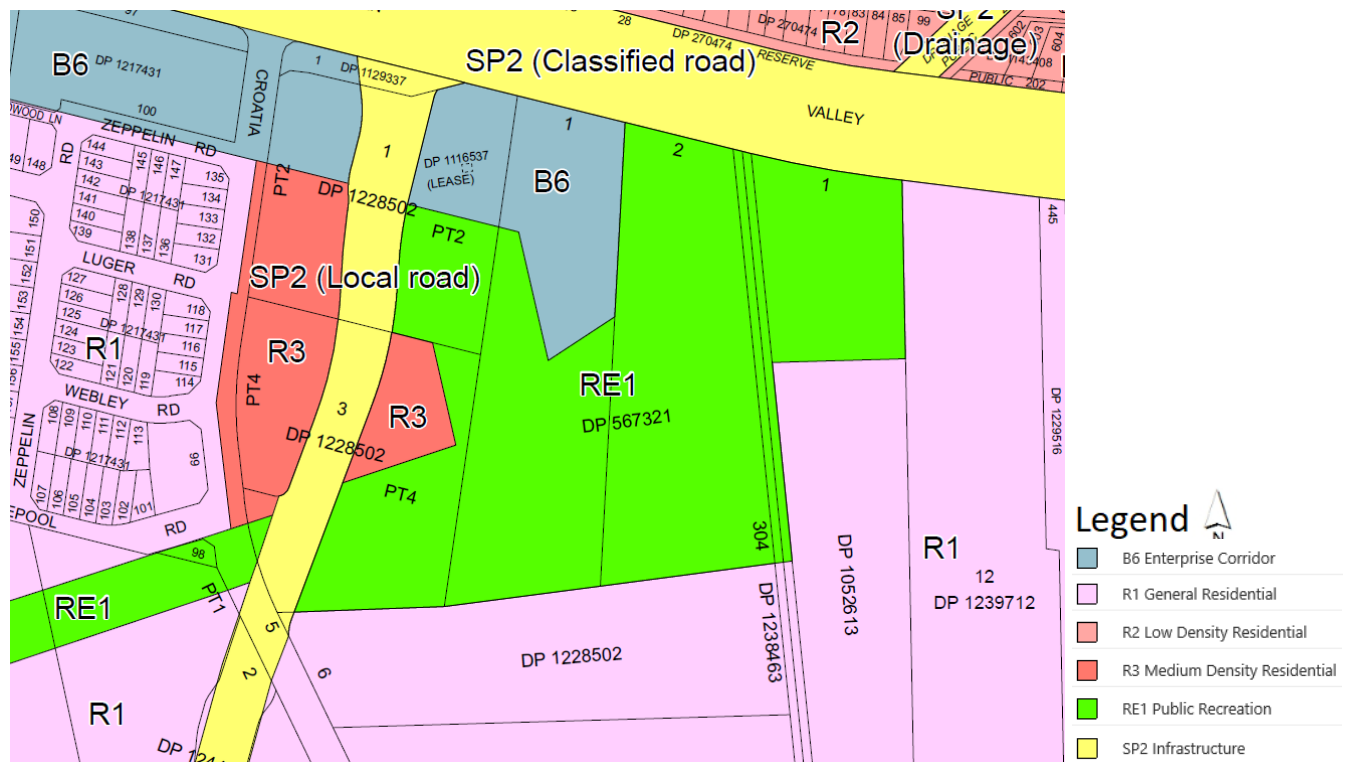


Figure 10: Proposed land use zoning map for the subject site

Minimum Lot Size Maps

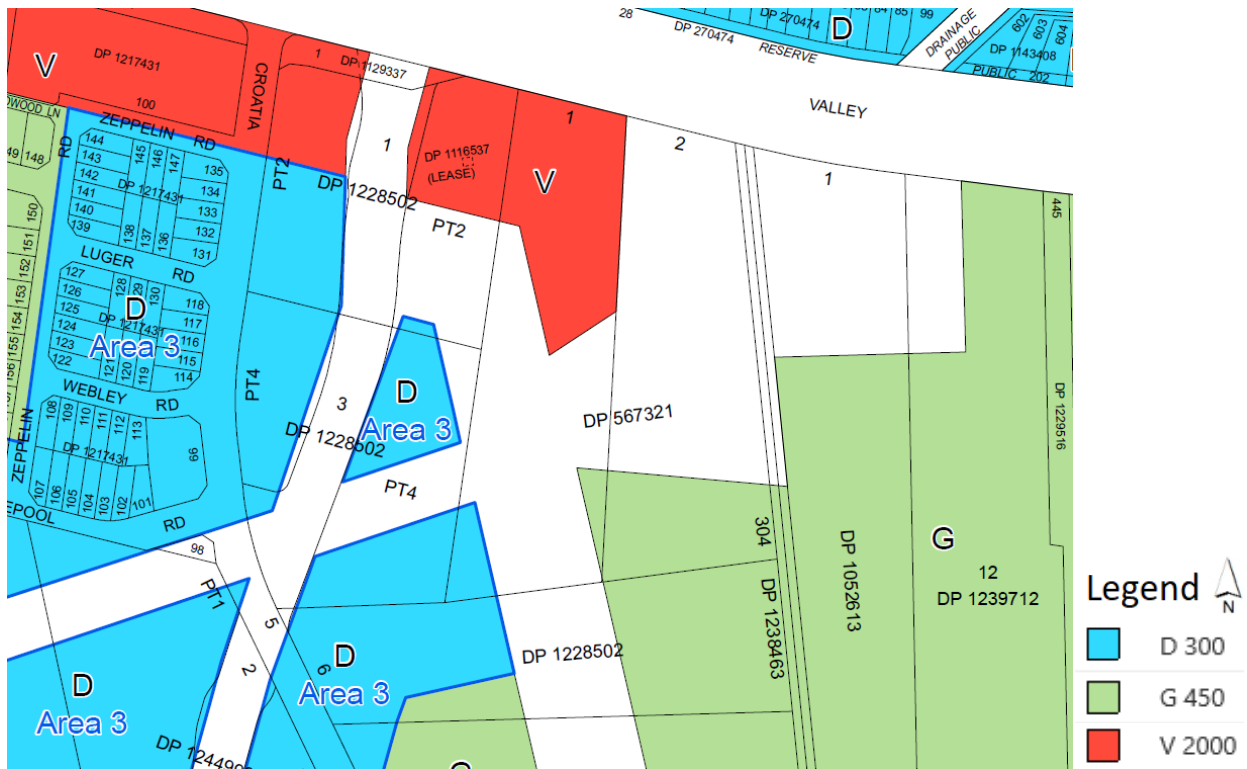


Figure 11: Existing minimum lot size map for the subject site

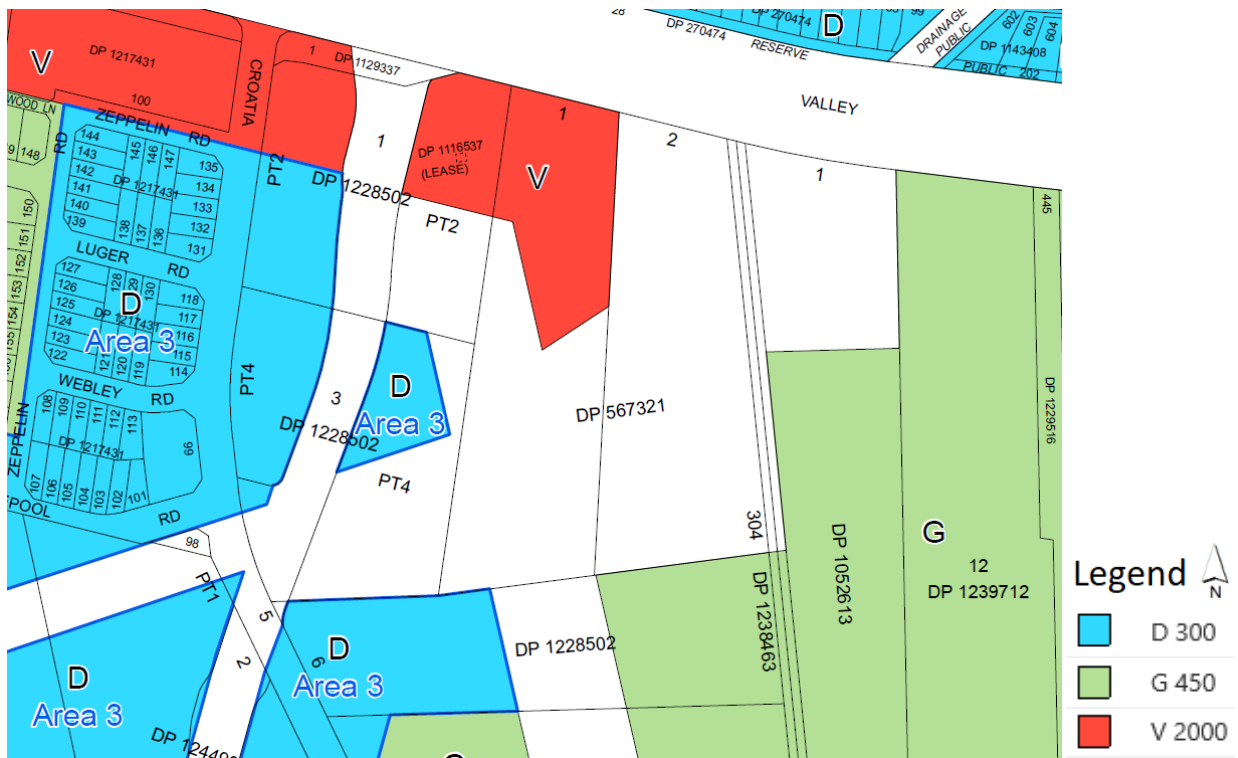


Figure 12: Proposed minimum lot size map for the subject site

Floor Space Ratio Maps

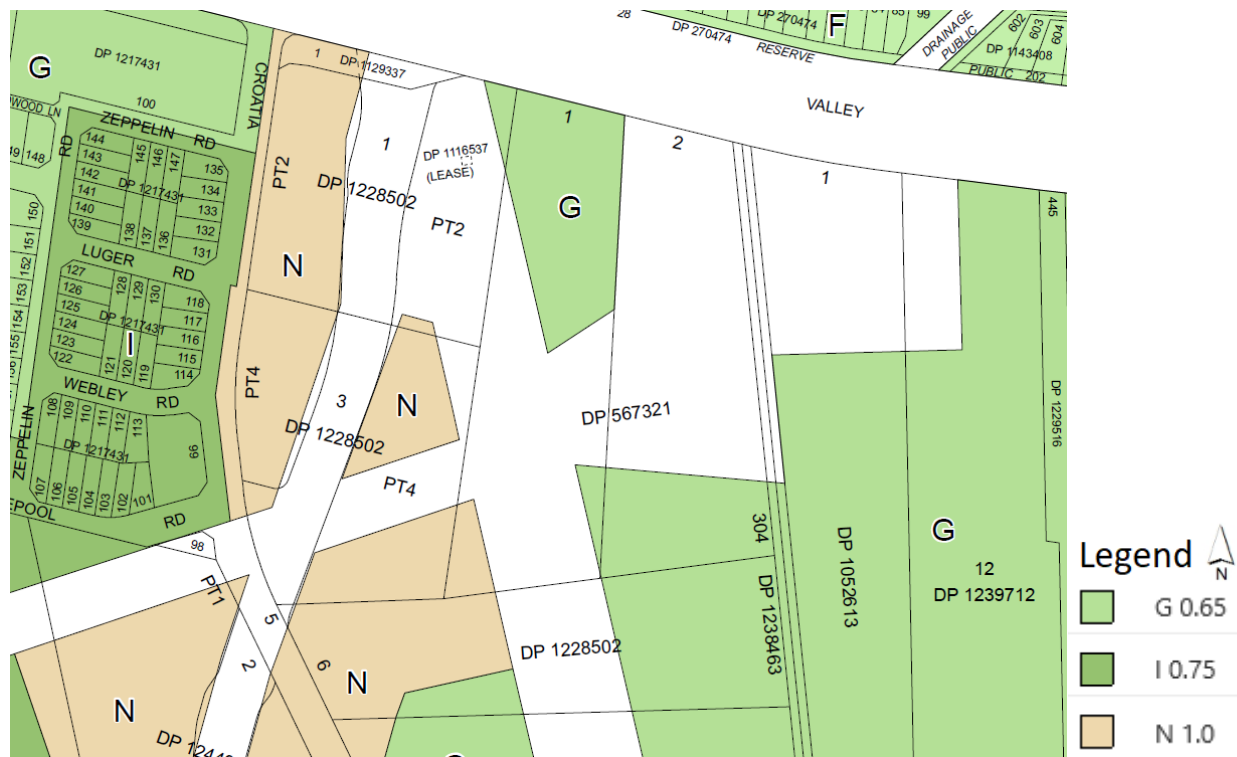


Figure 13: Existing floor space ratio map for the subject site

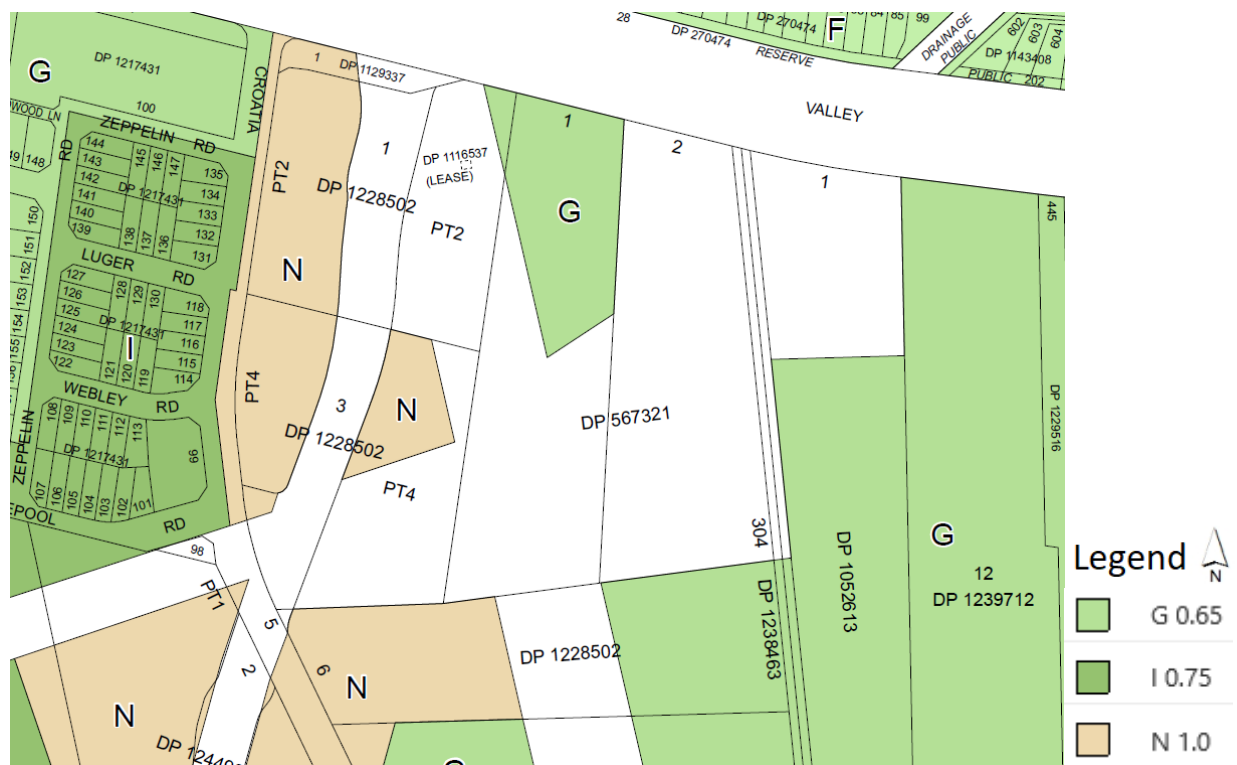
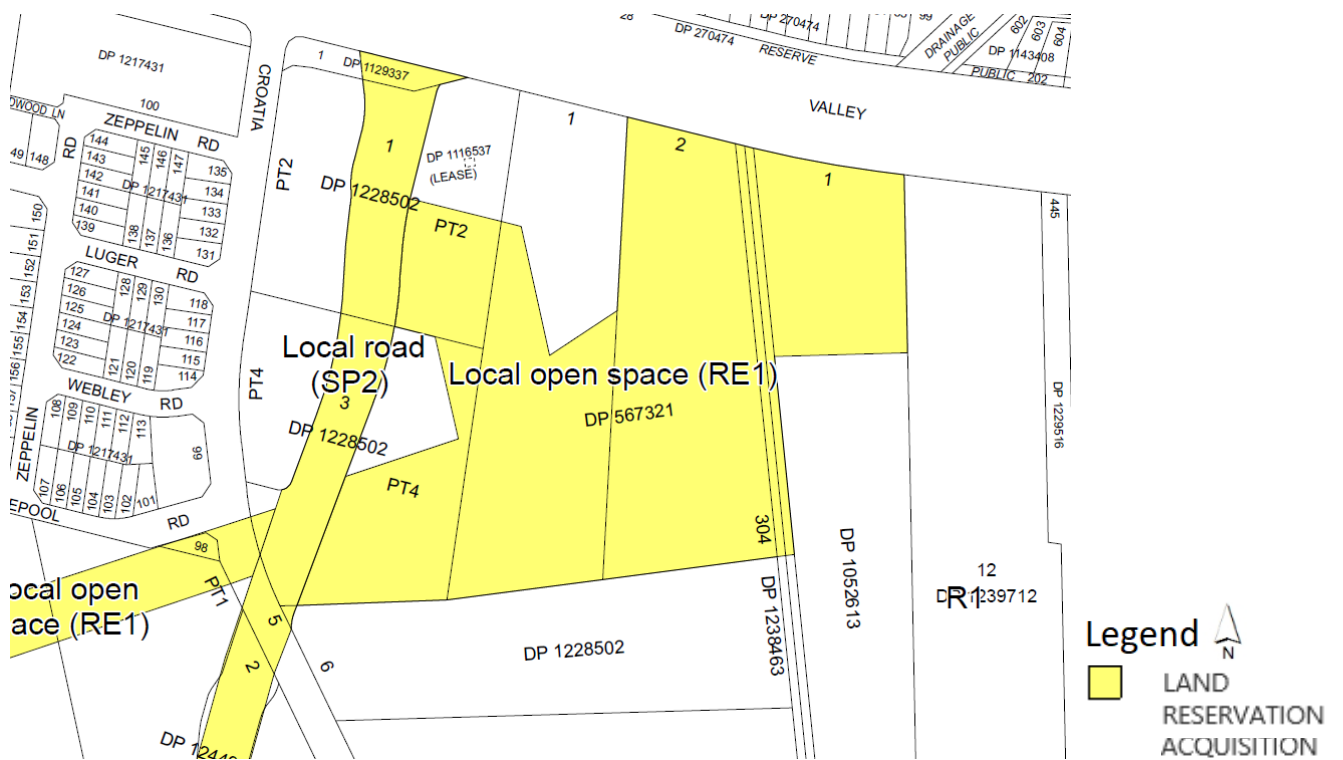
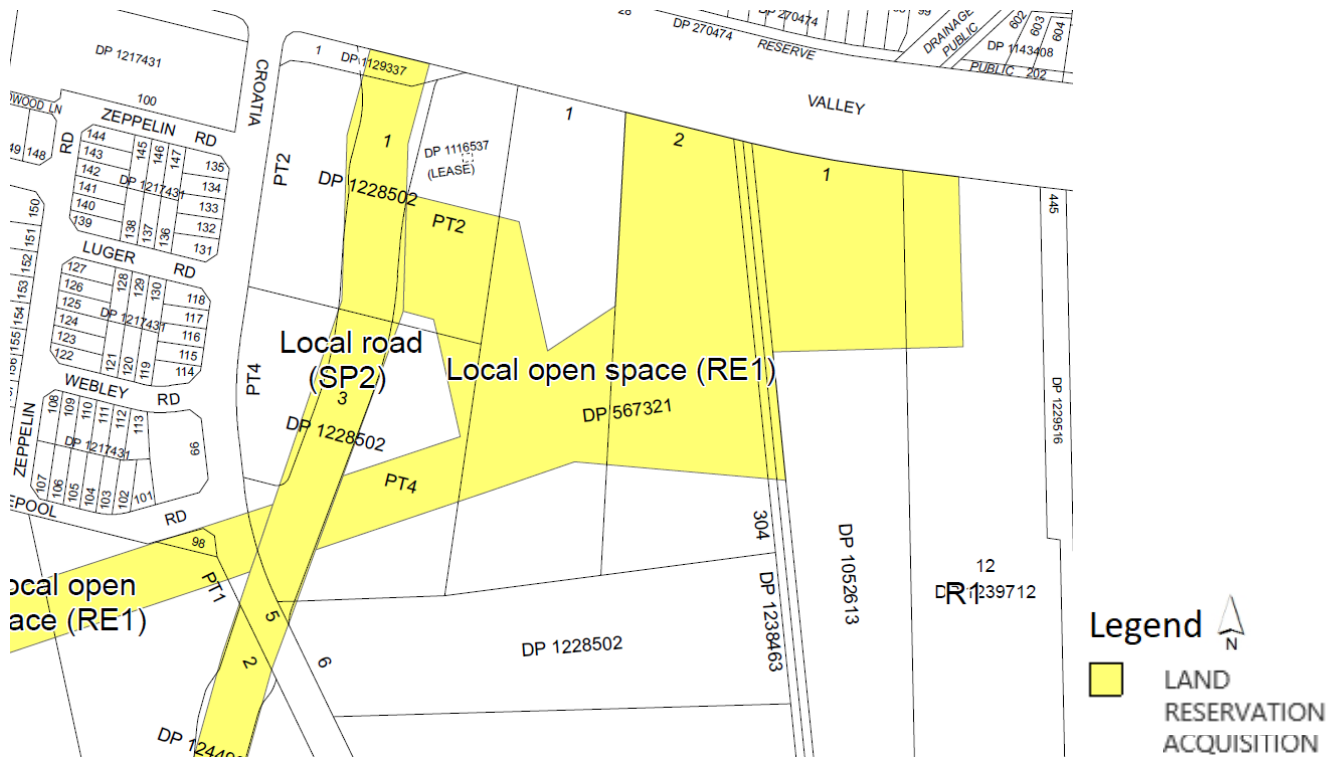


Figure 14: Proposed floor space ratio map for the subject site

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Draft Amendment to Liverpool Local Environmental Plan 2008 – Basin 14 & Bernera Road

Land Reservation Acquisition Maps



Minimum Dwelling Density Maps

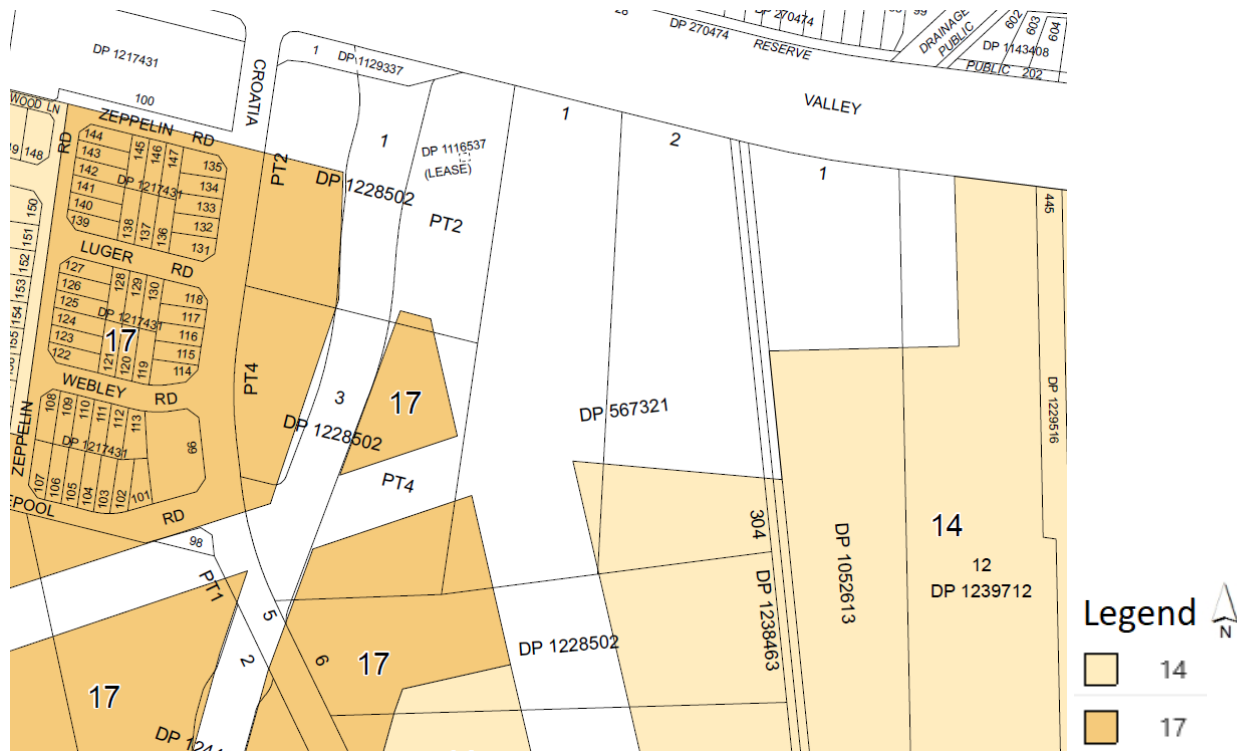


Figure 19: Existing minimum dwelling density map for the subject site

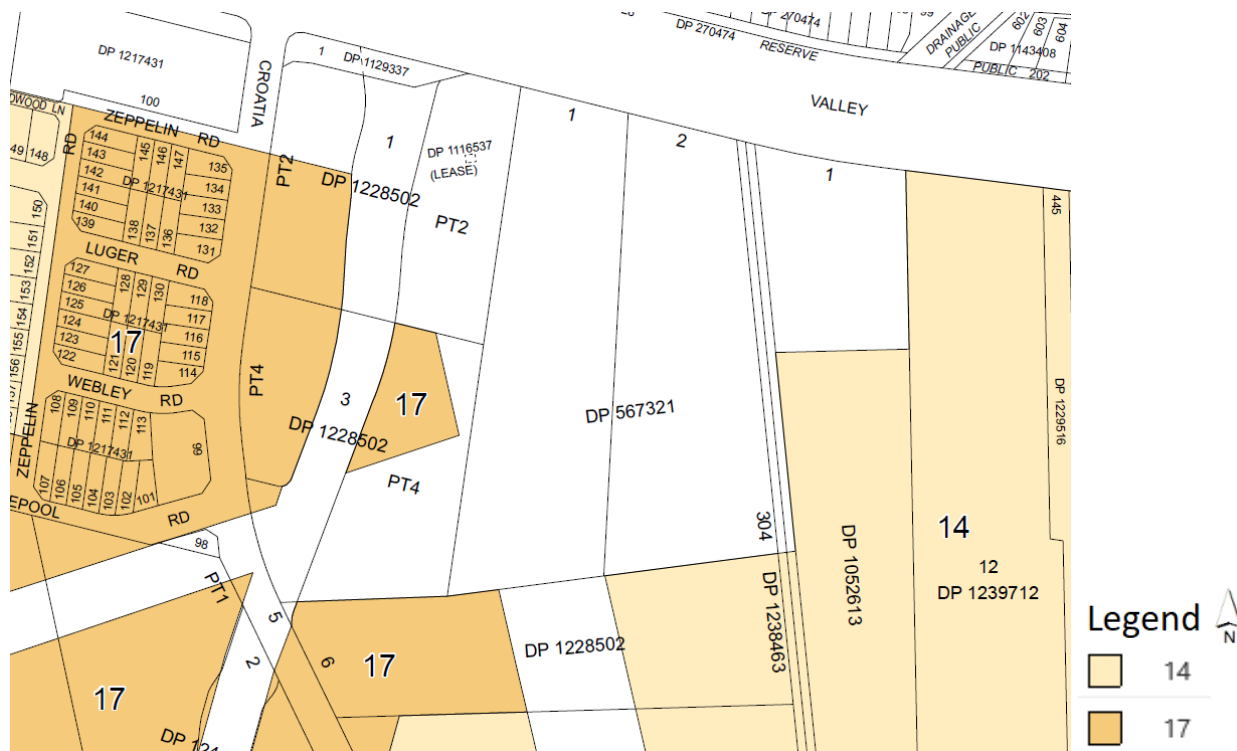


Figure 20: Proposed minimum dwelling density map for the subject site

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the Gateway determination. It is anticipated that the proposal will be exhibited a period of at least 28 days through:

- Newspaper advertisements in the Liverpool Leader;
- Notification on Liverpool City Council's public exhibition website; and
- Letters to the affected landowners.

Part 6 – Project Timeline

An anticipated project timeline is shown in Table 10 below.

Table 10: Anticipated project timeline

Timeframe	Action
June 2019	Submission of Planning Proposal to DP&E
July 2019	Gateway Determination issued
August 2019	Completion of required technical information
September 2019	State agency consultation
October 2019	Community consultation
November 2019	Public hearing if required
December 2019	Consideration of submissions and proposal post-exhibition
January 2020	Post-exhibition report to Council
February 2020	Drafting and making of the plan

Attachment A – Additional Information for DA-561/2016

- Remedial Works Action Plan (19 December 2016)
- Contamination and Salinity Report (27 April 2016)
- Preliminary & Detailed Site Investigation Report (08 December 2014)