



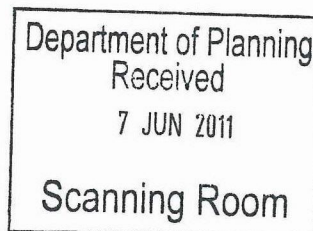
Liverpoolcity council
creating our future together



PCU023132

Date: 1 June 2011

Peter Goth
Director Sydney West
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Mr Goth,

RE: LEGAL DRAFTING OF LIVERPOOL LOCAL ENVIRONMENTAL PLAN (LLEP) DRAFT AMENDMENT NO.21 – MINIMUM LOT SIZE PLEASURE POINT

Pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is forwarding a finalised planning proposal and requests the legal drafting of Liverpool Local Environmental Plan 2008 (Amendment No.21).

In accordance with the Gateway Determination (issued on 9 March 2011), the planning proposal was sent to the relevant state public authorities allowing the required 21 days for feedback. In addition, the relevant documentation was publicly exhibited from 13 April to 2 May 2011. After consideration of all comments and submissions, it was determined that the draft Plan was not required to be varied, and no outstanding issues are a result of the consultation process.

At its meeting held on 21 March 2011, Council resolved to:

1. Proceed with the making of the Draft Liverpool Local Environmental Plan 2008 in accordance with the attached Planning Proposal.
2. Write to the Director-General of the Department of Planning and Infrastructure requesting the making of Liverpool Local Environmental Plan 2008 Amendment No.21.

In this regard, a copy of the Planning Proposal, the aforementioned Council report, amending map, and map cover sheet are enclosed for Parliamentary Counsel's opinion. Note that the map and map cover sheet are not considered final as a number of LLEP 2008 Amendments are due to be clarified prior to this amendment including LLEP 2008 Amendment No. 8,11,12 and 9.

Should you require any further information on this matter, please contact the undersigned on (02) 9821 9317.

Yours sincerely,

Theo Zotos
Executive Planner

If you do not understand this letter/application, please ring the Telephone Interpreter Service (131 450) and ask them to contact Council (1300 362 170). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

ARABIC

إذا لم تستطع فهم هذا الطلب ، الرجاء الاتصال بخدمة الترجمة الهاتفية على رقم 131 450 واسألهم أن يتصلوا بالبلدية على رقم 1300 362 170 . دوام ساعات العمل هي من الساعة 8.30 صباحاً إلى 5.00 بعد الظهر من الاثنين إلى الجمعة.

CHINESE

如您看不懂此信 / 申請書，請打電話給「電話翻譯服務台」(131 450)，請他們聯絡市政廳(市政廳電話 1300 362 170)。市政廳辦公時間，星期一至星期五，上午八時三十分至下午五時。

CROATIAN

Ako ne razumijete ovo pismo/aplikaciju, molimo nazovite Službu prevodilaca i tumača (Translating and Interpreting Service - na broj 131 450) i zamolite ih da nazovu Općinu (na 1300 362 170). Radno vrijeme je od 8.30 ujutro do 5.00 popodne, od ponedjeljka do petka.

GERMAN

Wenn Sie diesen Brief/Antrag nicht verstehen können, rufen Sie bitte den Telefon Dolmetscher Dienst (Telephone Interpreter Service) (131 450) an und lassen Sie sich vom Personal mit dem Gemeinderat (Council) in Verbindung setzen (1300 362 170). Geschäftsstunden sind von 8:30 bis 17:00 Uhr, montags bis freitags.

GREEK

Αν δεν καταλαβαίνετε αυτή την επιστολή/αίτηση, σας παρακαλούμε να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων (131 450) και να τους ζητήσετε να επικοινωνήσουν με το Δημοτικό Συμβούλιο (1300 362 170). Τα γραφεία του είναι ανοιχτά από τις 8.30π.μ. μέχρι τις 5.00μ.μ. από Δευτέρα μέχρι και Παρασκευή.

HINDI

अगर आप इस पत्र/आवेदन को पढ़कर समझ नहीं पा रहे हैं तो कृपया टेलीफोन संवाद-सहायक सेवा (131 450) को फोन करें और उनसे काउंसिल (1300 362 170) से संपर्क करने को कहें। कार्यालय का समय सोमवार से शुक्रवार तक प्रातः ८:३० बजे से सायं ५:०० तक है।

ITALIAN

Se non comprendi questa lettera/questo modulo di domanda, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 1300 362 170). Orario d'ufficio: ore 8.30 -17.00, dal lunedì al venerdì.

KHMER

បើលោកអ្នកមិនយល់ពីអត្ថន័យឬការប្រតិបត្តិដោះស្រាយ សូមទូរស័ព្ទទៅសេវាកម្មប្រែសម្រួលភាសាចម្បងទូរស័ព្ទ (លេខ 131 450) ហើយស្នើសុំឲ្យគេទាក់ទងសាលាក្រុង (លេខ 1300 362 170)។ ពេលម៉ោងធ្វើការគឺម៉ោង 8 កន្លះព្រឹកដល់ម៉ោង 5 ល្ងាច ពីថ្ងៃច័ន្ទដល់ថ្ងៃសុក្រ

MACEDONIAN

Ako ne go razbirate ova pismo/aplikacija, ve molime da se javite vo Telefonската преведувачка служба на 131 450 и замолете ги да стапат во контакт со Општината на 1300 362 170. Работното време е од 8.30 часот наутро до 5.00 часот попладне од понеделник до петок.

MALTESE

Jekk ma tifhimx din l-ittra/applikazzjoni, jekk jogħġbok ċempel lis-Servizz ta' l-Interpretu bit-Telefon (131 450) u illobhom jikkuntattjaw il-Kunsill (1300 362 170). Il-hinijiet ta' l-Uffiċċju huma mit-8.30a.m. sal-5.00p.m., mit-Tnejn sal-Ġimgħa.

POLISH

Jeśli nie rozumiesz treści niniejszego pisma/podania, zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service) pod numer 131 450 i poproś o telefoniczne skontaktowanie się z Radą Miejską pod numerem 1300 362 170. Godziny urzędowania: 08.30-17.00 od poniedziałku do piątku.

SERBIAN

Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonsku prevodilačku službu (131 450) i zamolite ih da kontaktiraju Opštinu (1300 362 170). Radno vreme je od 8.30 ujutro do 5.00 popodne, od ponedeljka do petka.

SPANISH

Si Ud. no entiende esta carta/solicitud, por favor llame al Servicio Telefónico de Intérpretes (131 450) y pídale que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

TURKISH

Bu mektubu veya müracaatı anlayamazsanız, lütfen Telefon Tercüme Servisi'ne (131 450) telefon ederek Belediye ile (1300 362 170) ilişkiye geçmelerini isteyiniz. Çalışma saatleri Pazartesi - Cuma günleri arasında sabah saat 8:30 ile akşam 5:00 arasındır.

VIETNAMESE

Nếu không hiểu thư/đơn này, xin Quý Vị gọi cho Telephone Interpreter Service (Dịch Vụ Thông Dịch Qua Điện Thoại), số 131 450, và nhờ họ liên lạc với Council (Hội Đồng), số 1300 362 170. Giờ làm việc là 8 giờ 30 sáng đến 5 giờ 00 chiều, Thứ Hai đến Thứ Sáu.

COUNCIL RESOLUTION 23 MAY 2011

ITEM NO: SPDR 02
FILE NO: 2011/0350
SUBJECT: LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 AMENDMENT
NO. 21- MINIMUM SUBDIVISION LOT SIZE PLEASURE POINT

RECOMMENDATION

That Council:

1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 21 in accordance with the attached Planning Proposal.
2. Writes to the Director-General of the Department of Planning and Infrastructure requesting the making of Liverpool Local Environmental Plan 2008 Amendment No. 21.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

LIVERPOOL CITY COUNCIL

STRATEGIC PLANNING AND DEVELOPMENT REPORT

ORDINARY MEETING

23/05/2011

ITEM NO:		FILE NO:	2011/0350
SUBJECT:	LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 AMENDMENT NO. 21- MINIMUM SUBDIVISION LOT SIZE PLEASURE POINT		
STRATEGIC PLAN REFERENCE:	NEIGHBOURHOODS AND VILLAGES		

EXECUTIVE SUMMARY:

Liverpool Local Environmental Plan (LLEP) 2008 Amendment No. 21 seeks to alter the minimum subdivision lot size of 15 Green Street, 17 Green Street and 32 Pleasure Point Road, Pleasure Point (Lot 1, 2 and 3 DP 239468).

These lots are partly zoned R2 Low Density Residential and E3 Environmental Management. The Planning Proposal seeks to amend the minimum subdivision lot size of the portion zoned E3 Environmental Management to allow for the subdivision of the R2 Low Development Residential portion. The amendment does not increase the development potential on the E3 zoned land thus retaining the environmental qualities of these parcels.

The resultant development potential from such subdivision would be three residential lots. This scale of development can be supported by the existing infrastructure and will be consistent with the residential character of this section of Pleasure Point Road and with the original rezoning of the site.

At its meeting held 7 February 2011, Council resolved to forward the Planning Proposal to the Department of Planning and Infrastructure and following that proceed with agency consultation and public exhibition. This report considered the findings from the consultation and exhibition stages and recommends that Council forward the Planning Proposal to the Director-General of the Department of Planning and Infrastructure seeking the making and gazettal of LLEP 2008 Amendment No. 21.

DETAILED REPORT:

The purpose of Draft LLEP 2008 Amendment No. 21 is to amend the minimum subdivision lot size control for the portion of Lots 1, 2 and 3 DP 239468 that are zoned E3 Environmental Management.

Lots 1, 2, 3 are zoned part R2 Low Density Residential and part E3 Environmental Management. The land zoned R2 Low Density Residential totals 2,417sqm and was recently rezoned under LLEP 2008 Amendment No.7. The rezoning was supported on the basis that the land fronting Pleasure Point Road did not possess the environmental qualities consistent with the E3 zone, and that the three resultant residential lots would complete the residential character of this side of Pleasure Point Road.

The LLEP 2008 Lot Size Map indicates a minimum subdivision lot size of 700sqm for the land zoned R2 Low Density Residential, and a 120 hectare minimum lot size for the land zoned E3 Environmental Management. The 120 hectare minimum lot size requirement is significantly above the actual lot sizes of 2.5 hectares, 2.2 hectares and 2.1 hectares and so in order to facilitate future subdivision, it is proposed to amend the minimum subdivision lot size requirement from 120 hectares to 2 hectares. This will allow the excising of the R2 zoned portion from the E3 zoned portion of Lots 1, 2 and 3.

Gateway Determination

On 9 of March 2011, the Department of Planning and Infrastructure issued Gateway Determination which stipulated the need to consult with the following four public authorities for a period of 21 days:

- Department of Environment, Climate Change and Water
- Integral Energy
- Sydney Water
- Commissioner of NSW Rural Fire Services (RFS)

Further, the Determination also stipulated a 14 day public exhibition period.

Results of State agency consultation

Council wrote to the stipulated public authorities allowing the required 21 days for feedback. Responses were received from Sydney Water, the RFS and Endeavour Energy (on behalf of Integral Energy).

The response by the RFS made reference to comments sent to Council during consultation in regards to LLEP 2008 Amendment No. 7; which affected the same parcels of land. The RFS did not object to this Planning Proposal on the proviso that its comments sent during the LLEP 2008 Amendment No. 7 process have been addressed. These comments are summarised as follows:

Comment: Lot 4 DP239468 (adjacent to subject site) is mentioned in several places in the bushfire section of Liverpool Development Control Plan (LDCP) 2008 however this lot does not appear on the current cadastre.

Response: As subdivisions occur, property identifiers such as Lot and Deposited Plan numbers are amended in line with land registration protocol. To clarify this issue, Council has introduced maps into the Liverpool Development Control Plan (LDCP) 2008 to highlight which properties in Pleasure Point are subject to bushfire controls.

Comment: The LDCP 2008 refers to AS 3959-1991 Construction of Buildings in Bushfire – Prone Areas. This standard has now been superseded and is now AS 3959-2009.

Response: This Australian Standard is to be used by bushfire consultants during the design and construction of buildings in bushfire prone areas. The fact that the LDCP 2008 lists the superseded standard does not have a material impact on bushfire assessment as consultant experts are required to use the latest standard. However, during the next anomalies amendment, the LDCP will be updated to include reference to the 2009 Australia Standard.

Comment: The proposed 25 metre Asset Protection Zone (APZ) could be more appropriately expressed as a building setback.

Response: The LDCP 2008 refers to the 25 metres APZ as a setback. The Planning Policy also contains strict criteria for the types of buildings allowed within the 25 metre setback. In this regard, the LDCP controls are in line with the requirements of *Planning for Bushfire Protection 2006*.

Comment: Part 3.2 of the LDCP includes a requirement that fencing being of chain wire material. In some cases the RFS may prefer a fence, such as a sheet metal fence, that will act as a heat shield. A heat shielding fence can enhance the survivability of a dwelling by reducing the radiant heat impacting the building. This factor can also be used by a Bush Fire consultant as part of a performance solution to allow for a reduction in Asset Protection Zones.

Response: The provision regarding a chain wire fence is to alleviate the incidence of illegal dumping of rubbish and green waste on Lots 1, 2 and 3. The dumping of rubbish can contribute to the fire hazard as well as causing environmental harm to the locality. Any deviation from this control would have to be justified during a development assessment process.

No response was received from the Department of Environment, Climate Change and Water.

None of the responses raised any objection to the Planning Proposal.

Results of Public Exhibition

The Planning Proposal and supporting information was made available for public viewing from 13 April 2011 to 2 May 2011. One submission was received. A summary of relevant comments and subsequent responses are provided below:

Comment: The proposal has implications for bushfire hazard management in Pleasure Point and as such the Planning Proposal fundamentally relies on any comments made by the Rural Fire Service.

Response: The correspondence received from the rural Fire made reference to a letter sent to Council during the assessment of LLEP 2008 Amendment No.7. The comments were specifically addressed through an amendment to the LDCP and during the referral of future subdivision and dwelling applications to the RFS.

Comment: The Planning Proposal may facilitate development that restricts prompt access to the E3 zoned portion of Lots 1, 2, 3 for fire fighting purposes, thus increasing the risk to residential properties posed by vegetation on those lots.

Response: The concept subdivision plan submitted to support the initial rezoning of the land (LLEP 2008 Amendment No. 7) allows for a 5 metre access handle into Lot 2 and 3 Pleasure Point Road. Further existing access points on Riverview Road and Green Street are not affected by the Planning Proposal. Also note that the Rural Fire Service did not object on the basis of emergency access throughout the assessment of LLEP 2008 Amendment No. 7 or this Planning Proposal. Further, referral to the RFS is to occur during the subdivision stage and thus any relevant matters specific to emergency access can be addressed at that time.

Comment: Planning Proposals must provide for Asset Protection Zones and two way access roads.

Response: Pleasure Point Road is an existing road and considered adequate in providing two way access to existing and proposed residential allotments in Pleasure Point. The Planning for Bushfire Protection guide 2006 recommends the use of perimeter roads as part of an Asset Protection Zone for certain subdivisions. This amendment is seeking to facilitate infill subdivision of three lots all of which have a frontage to Pleasure Point Road. The current LDCP 2008 contains controls relating to a 25 metre Asset Protection Zone for buildings on the proposed and existing residential lots in this area thus eliminating the need to provide a perimeter road for the purpose of facilitating an Asset Protection Zone.

In light of the above responses, there are no outstanding issues relating to the public exhibition phase.

Conclusion

The Planning Proposal seeks to amend the minimum subdivision lot size for three lots in Pleasure Point to allow for the excising of the R2 zoned land along Pleasure Point Road. The amendment does not increase development potential on the E3 zoned land thus retaining the environmental qualities of these parcels.

The subdivision of the three lots would be subject to a future development application to Council. This scale of development can be supported by the existing infrastructure and will be consistent with the residential character of this section of Pleasure Point Road.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from this report.

RECOMMENDATION:

That Council:

1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 21 in accordance with the attached Planning Proposal.
2. Writes to the Director-General of the Department of Planning and Infrastructure requesting the making of Liverpool Local Environmental Plan 2008 Amendment No. 21.

SIGNED BY:

Milan Marecic

Director

Strategic Planning & Development

Attachments: Planning Proposal



Liverpool City Council

Planning Proposal

**15 Green Street, 17 Green Street and 32
Pleasure Point Road, Pleasure Point**

(Lots 1, 2 and 3 DP 239468)

Draft Liverpool LEP 2008 Amendment No.21

Part 1 - Objectives

The planning proposal applies to 15 Green Street, 17 Green Street and 32 Pleasure Point Road, Pleasure Point (Lots 1, 2 and 3 DP 239468).

The main objective of the planning proposal is to amend the minimum lot size for land zoned E3 Environmental Management from 120 ha to 2ha. The amendment will allow for the R2 zoned portion of the site to be subdivided from the primary lots, being Lot 1, 2, 3 as shown in Figure 1.



Figure 1: Land use zone map extract

The proposal to subdivide and rezone these lots is depicted in the following image.

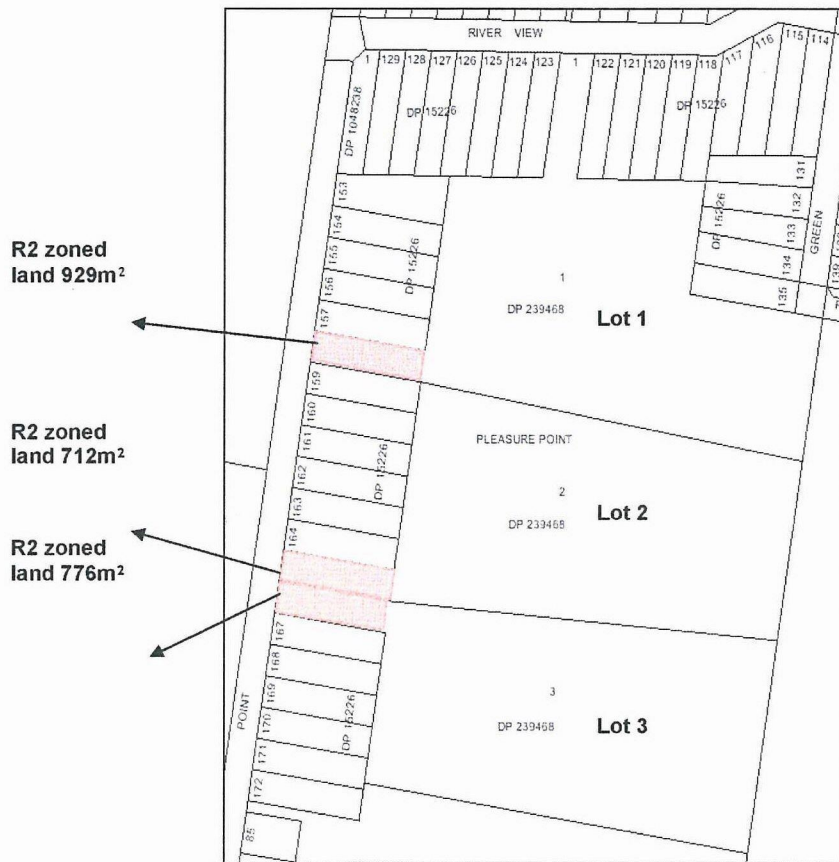


Figure 2: Indicative map of land to be subdivided

Background

Lots 1, 2, 3 are zoned part R2 Low Density Residential and E3 Environmental Management. The land zoned R2 Low Density Residential totals 2,417sqm and is located along Pleasure Point Road. The rezoning of this land was undertaken under LLEP 2008 Amendment No.7.

Since the gazettal of Amendment No. 7, the applicant has sought to subdivide the R2 zoned portion of land from the remainder of Lots 1, 2, 3 in order to create three residential lots.

Any such subdivision would need to comply with LLEP 2008 Clause 4.1 (3) as follows;

"The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land."

The LLEP 2008 Lot Size Map indicates a minimum subdivision lot size of 700sqm for the land zoned R2 Low Density Residential, and a 120 hectare minimum lot size for the land zoned E3. The 120 hectare minimum lot size requirement is significantly above the actual lot sizes of 2.5ha, 2.2ha and 2.1ha. In order to facilitate future subdivision, it is proposed to amend the minimum subdivision lot size requirement from 120 hectares to 2 hectares. This will allow the excising the R2 zoned portion from the E3 zoned portion of Lots 1, 2 and 3 without further fragmenting E3 zoned land in this location.

The Minimum lot size for the R2 zoned lots will remain at 700sqm.

Table 1: Proposed lot sizes subject to future subdivision

Property Description	Area zoned E3 Environmental Conservation	Area zoned R2 Low Density Residential
Lot 1 DP 239468 (15 Green Street)	2.154 ha	929m ²
Lot 2 DP 239468 (17 Green Street)	2.065ha	712m ²
Lot 3 DP 239468 (32 Pleasure Point Rd)	2.04ha	776m ²

The minimum lot size of 2 ha has been selected as this will accommodate the proposed excising of the R2 Low Density Residential zoned portion from the original lots, while also precluding the ability to further subdivide lots zoned E3 Environmental Management which is consistent with the initial intent of applying the 120 hectare minimum subdivision lot size.

Indicative locality and amending maps have been attached for reference.

Part 2 - Explanation of provisions

To achieve the objectives mentioned in Part 1, the planning proposal will need to amend the Liverpool Local Environmental Plan 2008 (LLEP 2008) Lot Size Map (LSZ Sheet LSZ-015) by reducing the minimum subdivision lot size from 120 ha to 2 ha for Lots 1, 2, 3 DP239468.

In order to support the subdivision of the R2 zoned land, LLEP Amendment No.7 applied a 700sqm minimum subdivision lot size for the properties along Pleasure Point Road. The proposed subdivision now seeks to create three residential lots ranging from 712sqm to 929sqm and thus compliance with the stipulated lot size is achieved. However LLEP 2008 Amendment No. 7 failed to address the minimum subdivision lot size requirement for the remainder of Lots 1, 2 and 3 which is stipulated at 120 hectares. As seen in Table 1, the resultant lot size from the excision of the R2 zoned portion would result in lot sizes of 2.15ha 2.06ha and 2.04ha respectively, well under the 120 ha

requirement stipulated in LLEP 2008 Lot Size Maps. As such, any proposed subdivision of the E3 zoned portion of Lots 1, 2, 3 is currently not permitted.

This Planning Proposal seeks to amend the minimum lot size that applies to the E3 zoned portion of Lots 1, 2, 3 and facilitate the subdivision of R2 zoned land.

No other planning controls are to be amended as part of this Planning Proposal.

Part 3 - Justification

A. Need for the planning proposal

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

The need for the Planning Proposal is to allow the proposed subdivision of land facilitated by the LLEP 2008 Amendment No.7, which rezoned 2,417sqm of land along Pleasure Point Road from E3 Environmental Management to the R2 Low Density Residential zone. The rezoning was supported on the basis that this land did not exhibit environmental significance

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

The only mechanism available to amend the minimum subdivision lots size that applies these lots is to amend the LLEP 2008 Lot Size Maps.

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

The planning proposal will allow for the subdivision to excise the R2 zoned land from Lots 1, 2, 3. The subsequent subdivision would result in three residential lots.

The additional three residential lots add to the housing supply in an area that is serviced by established roads and infrastructure. The implementation of the 2ha minimum lot size will not allow for the further fragmentation of the E3 zoned sites, limiting any potential impact upon the environmental significance of the zone.

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)?

The NSW Governments South-West Subregional Strategy does not incorporate specific direction in regards to the retention of the environmental protection zones. The proposal will not facilitate further subdivision of land

zoned E3 and thus is not considered to have a direct impact upon the environmental qualities in the area.

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

Providing opportunities for housing in existing urban areas and protecting the significance of environmental qualities of the Pleasure Point area is consistent with Council's strategic direction.

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

One deemed State Environmental Planning Policy (SEPP), namely Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment applies to the planning proposal.

The planning proposal is consistent with the aims, objectives and planning principles of the plan. Given the amendment to the minimum subdivision lot size will result in the creation of three additional lots that are zoned R2 Low Density Residential, the planning proposal will have a negligible impact upon the Georges River Catchment. With reference to Clause 10 of this Plan, the development of three additional residential lots is being carried out in line with the Metropolitan Strategy.

The planning proposal is therefore considered to be consistent with all applicable SEPP's.

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

Two Section 117 Ministerial Directions apply to the planning proposal. Council considers the planning proposal to be consistent with these directions, as discussed below:

4.1 Acid Sulfate Soils

Land that may contain potential acid sulfate soils has been identified from maps provided by the former NSW Department of Land and Water Conservation. These maps known as Acid Sulfate Soils Planning Maps, establish five (5) classes of land based on the probability of acid sulfate soils being present (Class 1 being the most likely and Class 5 being the least likely). The land subject to this rezoning is categorised as Class 5 land, thus the presence of acid sulfate soil materials on the land is unlikely.

While the planning proposal seeks to reduce the minimum lot size for Lots 1, 2, 3, it is considered that this does not constitute an intensification of land uses above that already permitted in that locality.

Therefore, the planning proposal is considered to be consistent with this Section 117 Direction.

4.4 Planning for Bushfire Protection

This direction applies as the planning proposal affects land that is in close proximity to bushfire prone land. The Planning Proposal seeks to amend the minimum lot size to facilitate subdivision of lots 1, 2, 3 i.e. excising the R2 Low Density Residential lots from E3 Environmental management. The rezoning R2 zoned land was gazetted on 24 September 2010 under LLEP 2008 Amendment No.7 within which the Rural Fire Service (RFS) was consulted.

The Planning Proposal does not jeopardise the ability of existing and future development from complying with *Planning for Bushfire Protection 2006* guide. Existing controls in Councils Development Controls Plan include adequate APZ's for the subject land. Further, this draft plan does not increase the associated development potential or bushfire hazard from that assessed under LLEP 2008 Amendment No.7. The planning proposal is considered to be consistent with this Section 117 Direction.

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?

The planning proposal will not impact on critical habitat or threatened species, populations or ecological communities. Any development proposal arising from this LEP amendment will be subject to the current environmental considerations set out in the Liverpool LEP 2008 and relevant State and Federal Government legislation.

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 impact on environmentally significant land. The Planning Proposal will facilitate the subdivision of land that is zoned R2 Low Density Residential. The proposed minimum subdivision lot size of 2 ha will not facilitate the fragmentation of land zoned E3, other than to excise the portion of lots 1,2 & 3 zoned R2 Low Density Residential.

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

The planning proposal will facilitate the subdivision of Lots 1, 2, 3 by subdividing the two zones that apply to each lot, being R2 Low Density Residential and E3 Environmental Management. The Planning Proposal does not impose adverse social or economic impacts.

D. State and Commonwealth interests

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

Any future development on land would utilise existing infrastructure available to the adjoining residential lots along Pleasure Point Road. During the public authority consultation stage, Endeavour Energy and Sydney Water wrote to Council stating that current infrastructure provision was adequate to service resulting development (three additional residential lots).

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

As per the Departments Gateway Determination, Council wrote to the stipulated public authorities allowing the required 21 days for feedback. Responses were received from Sydney Water, the Rural Fire Service and Endeavour Energy (on behalf of Integral Energy).

The response by the Rural Fire Service (RFS) made reference to comments sent to Council during consultation in regards to Liverpool LEP 2008 Amendment No. 7; which affected the same parcels of land. The RFS did not object to this Planning Proposal on the proviso that its comments sent during the LLEP 2008 Amendment 7 process have been addressed. These comments are summarised as follows:

Comment: Lot 4 DP239468 (adjacent to subject site) is mentioned in several places in the bushfire section of Liverpool Development Control Plan 2008 (LDCP) however this lot however does not appear on the current cadastre.

As subdivisions occur, property identifiers such as Lot and Deposited Plan numbers are amended in line with land registration protocol. To clarify this issue, Council has introduced maps into the LDCP 2008 to highlight which properties in Pleasure Point are subject to bushfire controls.

Comment: The LDCP 2008 refers to the AS 3959-1991 *Construction of Buildings in Bushfire – Prone Areas*. This standard has now been superseded and is now AS 3959-2009.

This Australian Standard is to be used by bushfire consultants during the design and construction of buildings in bushfire prone areas. The fact that the LDCP 2008 lists the superseded standard does not have a material impact on bushfire assessment as consultants experts are required to use the latest standard. However, during the next anomalies amendment, the LDCP will be updated to include reference to the 2009 Australia Standard.

Comment: The proposed 25 metre APZ could be more appropriately expressed as a building setback.

Response: The LDCP refers to the 25 metres APZ as a setback. The DCP also contains strict criteria of types of buildings allowed within the 25 metre setback. In this regard, the DCP controls are in line with the requirements of *Planning for Bushfire Protection 2006*.

Comment: Part 3.2 of the LDCP includes a requirement that fencing being of chain wire material. In some cases the RFS may prefer a fence, such as a sheet metal fence, that will act as a heat shield. A heat shielding fence can enhance the survivability of a dwelling by reducing the radiant heat impacting the building. This factor can also be used by a Bush Fire consultant as part of a performance solution to allow for a reduction in Asset Protection Zones.

Response: The provision regarding a chain wire fence is to alleviate the incidence of illegal dumping of rubbish and green waste on Lots 1, 2 and 3. The dumping of rubbish can contribute to the fire hazard as well as causing environmental harm to the locality. Any deviation from this control would have to be justified during a development assessment process.

No response was received from the Department of Environment, Climate Change and Water.

None of the responses raised any objection to the Planning proposal.

Part 4 - Community Consultation

The Gateway Determination issued on 9/3/11 stipulated a 14 day public consultation phase for the Planning Proposal. This public exhibition was carried out from 13 April 2011 to 2 May 2011.

One submission was received with a summary of relevant comments and subsequent responses provided below;

Comment: The proposal has implications for bushfire hazard management in Pleasure Point and as such the Planning Proposal fundamentally relies on any comments made by the Rural Fire Service.

Response: The correspondence received from the rural Fire made reference to a letter sent to Council during the assessment of LLEP 2008 Amendment No.7. The comments were specifically addressed through an amendment to the DCP and during the referral of future subdivision and dwelling applications to the RFS.

Comment: The Planning Proposal may facilitate development that restricts prompt access to the E3 zoned portion of Lots 1, 2, 3 for fire fighting purposes, thus increasing the risk to residential properties posed by vegetation on those lots.

Response: The concept subdivision plan submitted to support the initial rezoning of the land (LLEP 2008 Amendment No. 7) allows for a 5 metre access handle into Lot 2 and 3 Pleasure Point Road. Further existing access points on Riverview Road and Green Street are not affected by the Planning Proposal. Also note that the Rural Fire Service did not object on the basis of emergency access throughout the assessment of LLEP 2008 Amendment No. 7 or this Planning Proposal. Further, referral to the RFS is to occur during the

subdivision stage and thus any relevant matters specific to emergency access can be addressed at that time.

Comment: Planning Proposals must provide for Asset Protection Zones and two way access roads.

Response: Pleasure Point Road is an existing road and considered adequate in providing two way access to existing and proposed residential allotments in Pleasure Point. The Planning for Bushfire Protection guide 2006 recommends the use of perimeter roads as part of an Asset Protection Zone for certain subdivisions. This amendment is seeking to facilitate infill subdivision of three lots all of which have a frontage to Pleasure Point Road. The current LDCP 2008 contains controls relating to a 25 metre Asset Protection Zone for buildings on the proposed and existing residential lots in this area thus eliminating the need to provide a perimeter road for the purpose of facilitating an Asset Protection Zone.

In light of the above responses, there are no outstanding issues relating to the public exhibition phase.

Environmental Planning and Assessment Act 1979

Liverpool Local Environmental Plan 2008 (Amendment No 21)

Liverpool Council
33 Moore Street
Liverpool NSW 2170

Map Cover Sheet

The following map sheet is revoked:

Map sheet	Map Identification Number
Lot Size Map LSZ-015	4900_COM_LSZ_014_020_2011xxxx

The following map sheet is adopted:

Map sheet	Map Identification Number
Lot Size Map LSZ-015	4900_COM_LSZ_015_020_2011xxxx

Certified

Milan Marecic
Director Strategic
Planning and Development 1/06/2011

Minister for Planning
and Infrastructure



Liverpool Local Environmental Plan 2008

Lot size map - sheet LSZ-015

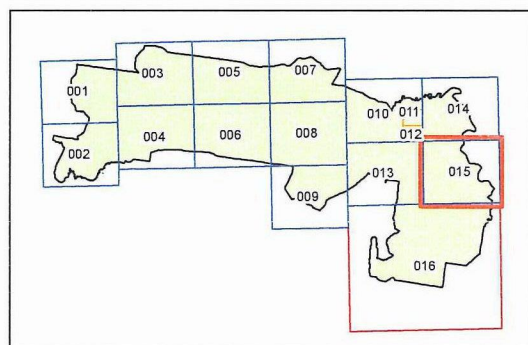
Minimum Lot size (sq m)

- D 300
- F 400
- G 450
- M 600
- Q 700
- U 1000
- V 2000
- W 4000
- Y 10000
- Z 2ha
- AB1 10ha
- AB2 40ha
- AD 120ha

refer to clause 4.1

Cadastre

Cadastre 26/5/2011 © Land and Property Management Authority



0 200 400 600 800
Metres

Scale: 1:20,000 @ A3

Projection GDA 1994
MGA Zone 56

Map identification number:
4900_COM_LSZ_015_020_20110526

To be finalised.

