

Liverpool Local Environmental Plan 2008 (Amendment No 64) - Enable the relocation of dwellings and rural worker's dwellings at 1675 The Northern Road, Greendale

Proposal Title : **Liverpool Local Environmental Plan 2008 (Amendment No 64) - Enable the relocation of dwellings and rural worker's dwellings at 1675 The Northern Road, Greendale**

Proposal Summary : **To amend the Liverpool Local Environmental Plan 2008 to enable the relocation and construction of existing dwellings and rural workers' dwellings at 1675 The Northern Road, Greendale**

PP Number : **PP_2016_LPOOL_004_00** Dop File No : **16/10386**

Proposal Details

Date Planning Proposal Received : **01-Aug-2016** LGA covered : **Liverpool**

Region : **Metro(Parra)** RPA : **Liverpool City Council**

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

LEP Type : **Housekeeping**

Location Details

Street : **1675 The Northern Road**

Suburb : **Greendale** City : **Liverpool** Postcode : **2745**

Land Parcel : **Lot 100 and 101 DP 1171843, and Lot 11 DP 1092165**

DoP Planning Officer Contact Details

Contact Name : **Mark Dennett**

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RPA Contact Details

Contact Name : **Murray Wilson**

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DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	4
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes : **Due to the subject site's location, being adjacent to the Badgery's Creek Airport, and the previous history of the NSW Government and Commonwealth controls over restricting certain residential development in the area, delegation to Council is not recommended.**

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The intent of the Planning Proposal is to:**
1. Enable the continuing of sustainable farming operations on the Base Farm property by permitting the relocation of existing rural workers dwellings on the site.
2. Permit additional rural workers dwellings where it can be justified as necessary to support expanded farming operations.
3. Restrict the location of rural workers dwellings to minimise aircraft noise impacts from the future Western Sydney Airport.

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks exemption from Clause 7.24A of the Liverpool Local Environmental Plan 2008 on the subject site. Clause 7.24A places specific development provisions on rural workers dwellings, including limiting development that will not result in more than 1 rural worker's dwelling being erected on the land comprising the agricultural or rural industry.**

The proposal seeks to amend the written instrument by inserting a new clause in Part 7 - Additional Local Provisions that relates specifically to the subject sites, and gives affect to the following:
- Permits with consent a maximum of five (5) dwellings and sixteen (16) rural workers dwellings on Lots 100 & 101 in DP 1171843, Lot 11 in DP 1092165, subject to satisfying particular criteria relating to rural amenity with additional criteria for rural workers dwellings relating to agricultural activity, location and floor area.

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- Further to the above, permitting with consent up to an additional four (4) rural workers dwellings where a significant investment and expansion in the dairy farm operations justifies it.

Pages 4 and 5 gives specific wording for the draft clause.

The proposal also seeks to denote the developable part of the subject site on the LEP Key Sites Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

4.4 Planning for Bushfire Protection

5.8 Second Sydney Airport: Badgerys Creek

6.3 Site Specific Provisions

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

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

d) Which SEPPs have the RPA identified?

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

The proposal is consistent with all relevant S117 Directions, except for the following:

DIRECTION 1.2 Rural Zones

The subject site is zoned RU1 Primary Production. The proposal contains provisions that will increase permissible density of land with a rural zone. As the proposal only seeks to increase residential density to provide for an additional four dwellings, it is considered the inconsistency is of a minor significance.

DIRECTION 4.4 Planning for Bushfire Protection

The subject site is identified as bushfire prone land. As the proposal contains provisions that will increase residential densities in the area, and the relocation of existing dwellings into one area of the site, it is recommended NSW Rural Fire Service are consulted with prior to exhibition of the proposal. This is to ensure appropriate consideration is given to bush fire evacuation risk.

DIRECTION 5.8 Second Sydney Airport: Badgery's Creek

The proposal is consistent with this Direction as it intends to relocate dwellings and development outside of the prohibitive ANEF 20-2 contour.

DIRECTION 6.3 Site Specific Provisions

The proposal is inconsistent with this Direction, as it introduces site specific planning controls on to the subject site through a specific local clause provision. However the inconsistency is justified as it is of minor significance, being reasonable and reflective of the specific unique situation applying to the land to enable the continued operation of the dairy farm.

The proposal is consistent with all relevant SEPPs.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Adequate mapping is provided that is sufficient for public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **No minimum consultation period is noted in the planning proposal. It is recommended the proposal be exhibited for a minimum of 28 days due to the sites sensitive location.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **August 2008**

Comments in relation to Principal LEP : **The Liverpool Local Environmental Plan 2008 was gazetted on 29 August 2008.**

Assessment Criteria

Need for planning proposal : **As stated in the Council Ordinary Meeting Agenda of 29 June 2016, given the scale and nature of the dairy business, Leppington Pastoral Company (the landowner, business owner and proponent) has stated they must accommodate the current workers onsite to ensure operational efficiencies are maintained for the overall management and economic viability of the farm.**

To ensure Leppington Pastoral Company can continue as a sustainable farming operation, Council has considered it appropriate to consider a new clause in to the LEP which permits 21 dwellings on the site comprising five dwellings and 16 rural workers' dwellings.

Leppington Pastoral Company have requested permission for an additional four (4) rural workers' dwellings to provide them with flexibility if the need arises in the future.

Council supports the ongoing operation of this significant rural enterprise which provides local employment and contributes significantly to the local economy. Council considers it appropriate to facilitate expansion of the business in the future by allowing potential for additional rural workers' dwellings.

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Consistency with strategic planning framework :

METROPOLITAN PLAN

The proposal is consistent with A Plan for Growing Sydney, specifically Actions 1.9.1 by supporting the growth of priority industries with appropriate planning controls, and Action 4.1.2 by minimising adverse economic impacts on existing primary industry and productive agricultural land.

OUTER SYDNEY ORBITAL

The subject site is located in the Outer Sydney Orbital investigation area, as identified in A Plan for Growing Sydney. The project is being led by Transport for NSW.

It is recommended that Transport for NSW is consulted with as part of any Gateway determination.

WESTERN SYDNEY AIRPORT/BADGERY'S CREEK AIRPORT

The subject site lies just west of the proposed second runway of Badgery's Creek Airport. The Council report notes whilst additional residential accommodation would not normally be supported in such close proximity to a future airport, the need to relocate or replace existing rural workers' dwellings has arisen as a direct result of acquisition of some of the existing land by the Commonwealth Government for the future airport.

As a result of these land acquisitions, it is likely that LPC will lose approximately seven rural workers' dwellings. To ensure LPC can continue as a sustainable farming operation, Council considers it appropriate to allow them to relocate or replace their existing rural workers' dwellings on their property in a location that is currently located outside of the current Australian Noise Exposure Forecast (ANEF) contours 20-25.

Page 5 of the planning proposal shows the ANEF contours over the subject site, and a blue triangle area where dwellings/rural dwellings are likely to be located outside of the ANEF contours 20-25 that limit/prohibit residential and other associated development.

Environmental social economic impacts :

ENVIRONMENTAL

The land is primarily used as a large dairy farm and a contributor to the local economy. It is considered appropriate to enable the land/business owner to proceed with agriculture activities on the land.

The land is partially affected by bushfire prone land. As previously stated, consultation with NSW Rural Fire Service is recommended due to the relocation of residential development and resultant density increase.

SOCIAL

No adverse social impacts are anticipated from the planning proposal.

ECONOMIC

The proposal is considered necessary to ensure the continued operation of the Leppington Pastoral Company, supporting 100 jobs via the provision of rural workers' dwellings to ensure financial viability.

Council notes they are aware that additional dwellings (including rural workers' dwellings) around the airport could potentially set an undesirable precedent considering that the area around Badgerys Creek has been protected from residential development through NSW Government planning restrictions, since the 1990s.

Council also notes that it is considered that the situation is unique to the LPC farm because of the size of the site, the significance of the rural business, the nature of the rural operations and the loss of land and dwellings as a result of the government acquisition process. As such, it is recommended the proposal proceeds in this instance due to the unique circumstances surrounding the subject site.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Agriculture
Department of Trade and Investment
NSW Rural Fire Service
Other**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Bushfire

If Other, provide reasons :

Identify any internal consultations, if required :

Employment Lands (ELDP)

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Part 1 - Submitted Planning Proposal 1675 The Northern Road Greendale Liverpool City Council.pdf	Proposal	Yes
Part 2 - Council Report Planning Proposal 1675 The Northern Road Greendale Liverpool City Council.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
4.4 Planning for Bushfire Protection
5.8 Second Sydney Airport: Badgerys Creek
6.3 Site Specific Provisions**

Additional Information : **GATEWAY DETERMINATION
* The recommendation is consistent with the planning proposal submitted by Council.**

As a consequence, it is considered appropriate that the Gateway determination function

be exercised by the Director, Sydney Region West.

SECTION 117 DIRECTIONS

It is recommended that the Secretary's delegate approves the inconsistency with s117 Directions 1.2 on the basis of minor significance.

Council is to consult with the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with s117 Direction 4.4 Planning for Bushfire Protection.

DELEGATION OF PLAN MAKING FUNCTION

Council has not requested delegation of the plan making function in relation to this planning proposal. Authorisation for Council to exercise the plan making function is not recommended due to the subject site's location, being adjacent to the Badgery's Creek Airport, and the site being located in the Outer Sydney Orbital investigation area. There is also a history of the NSW Government and Commonwealth controls over restricting certain residential development in the area.

GATEWAY RECOMMENDATIONS AND CONDITIONS

The Gateway determination should be issued subject to the following:

1. The Commissioner of the NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal prior to public exhibition. Council will need to take into consideration any comments received as part of this consultation, and the proposal amended accordingly prior to exhibition.

2. Council is to consult with Transport for NSW in specific relation to the Outer Sydney Orbital investigation area to ensure the proposal's consistency with the project.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning 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 LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

-Transport for NSW

-NSW Department of Primary Industries - Agriculture

-Commonwealth Department of Infrastructure and Regional Development

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

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6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is supported as it will enable the continued operation of an existing and established business in the area, contributing to jobs in the locality. The proposal also suitably recognises the constraints of Badgery's Airport, and is considered an acceptable response due to the mapped noise contours in the area that limits development.

Signature:



Printed Name:

ADRIAN HOHENZOLLERN

Date:

15 / 8 / 2016