

“FIFTEENTH AVENUE” PLANNING PROPOSAL REQUEST - ADDENDUM

No.104 Fifteenth Avenue, West Hoxton



**Prepared for:
DalCo NSW Pty Ltd**

Prepared by:



October 2021 (amended June 2022)

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1 Introduction

1.1 BACKGROUND

A development application (DA 750/2021) was lodged with Liverpool City Council for the construction of a service station & convenience store, a food & drink premise (McDonalds'), a child-care centre for 90 children, nineteen (19) residential lots, erection of signage and demolition of existing buildings on the subject land ('the land').

The subject property is zoned R2 Low Density Residential under the provisions of Liverpool Local Environmental Plan (LLEP) 2008. The proposed child-care facility and residential subdivision are permissible under the zone. The service station/convenience store and food & drink premises are technically prohibited. However, under Schedule 1 – Additional Permitted Uses – Clause 9 the following is permissible:

9 Use of certain land for service stations and take away food and drink premises

- (1) This clause applies to land shown coloured yellow on the Key Sites Map.
- (2) Development for the following purposes is permitted with consent—
 - (a) service stations,
 - (b) take away food and drink premises if—
 - (i) there will be no more than 1 take away food and drink premises at each of the areas shown coloured yellow on the Key Sites Map, and
 - (ii) the gross floor area of the take-away food and drink premises is not greater than 300m².

The subject property is identified under LLEP as a key site on the key sites map and therefore the proposed development is permissible with development consent. As noted above, there is a restriction on the amount of floor space for the take-away food and drink premises of 300m². The subject property is partly zoned SP2 – Infrastructure (Classified Road) along the Fifteenth Avenue frontage and that part of the land required for road widening will be required to be zoned SP2 so that the acquisition authority is Transport for NSW under Clause 5.1 of LEP 2008. The Land Reservation Acquisition Map – LRA-008.

In accordance with Clause 5.1 of LEP 2008, Transport for NSW (TfNSW) is the relevant acquisition authority to purchase the SP2 land. Vehicular access to Fifteenth Avenue will be restricted in left-in and left-out due to a proposed median strip.

The development application was referred to TfNSW, as required by the Integrated by Section 4.46 of the Environmental Planning & Assessment Act 1979. On 3 September 2021, TfNSW advised that the proposal was not supported.

The Council required the application to be amended and requested that a Planning Proposal Request be lodged to amend the Key Sites Map. The application was referred to the Liverpool Local Planning Panel on 28 February 2022 to proceed to a Gateway Determination.

The Department of Planning and Environment issued a Gateway Determination on 18 May 2022 and requested that prior to public exhibition the following occur:

- (a) the Bushfire Hazard Assessment is to be updated to clearly reflect the proposed site area subject to the new mapping; and
- (b) the planning proposal is to address the consistency with Section 9.1 Direction 4.3 Planning for Bushfire Protection.

In respect of the first matter, Harris Environmental Consulting have revised the bushfire assessment and is addressed in this addendum Planning Proposal Request (PPR) at **Appendix I**. The plans have also been amended to reflect changes to the site configuration as a result of the Key Sites Map amendment and to reflect the road widening required by Transport for NSW (refer to **Figure 1** and **Appendix J**). The Section 9.1 Direction 4.3 – *Planning for Bushfire Protection (PBP) 2019* has been updated to address the assessment by Harris Environmental Consulting.

[illegible]

Therefore, this addendum Planning Proposal (Request) (PPR) addresses the Gateway Determination.

2.1 LAND DESCRIPTION

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Figure 2: Subject land holding

2.2 BUSHFIRE HAZARD ASSESSMENT

As required by the Gateway Determination, Harris Environmental Consulting undertook a strategic bushfire hazard assessment at **Appendix I** to address the change to the Key Site Map and the amended development proposal (refer to **Figure 3** showing that part of the land affected by bushfire. The following is summarised from the report.

2.2.1 INDICATIVE LAYOUT DESIGN

The following PBP 2019 requirements can be met with this proposal:

- Subdivision - Tables 5.3A, 5.3B and 5.3C, (PBP, 2019);
- Special Fire Protection Purpose - Table 6.8
- Hazardous Industry – Bushfire Protection Measures

The Bushfire Protection Measures for Hazardous Industry can be met:

- The bushfire risk is limited to the western elevation interfacing within a well-developed precinct of West Hoxton Park;
- There is limited connectivity between the upslope woodland remnants which are interspersed between grassland that could support a fully developed bush fire threat to the subject site;
- There is adequate access and defendable spaces to all aspects of the identified hazard within the site; and
- Per the requirements outlined in the BCA for a Class 6 building of this nature, the building will include external fire hydrants, associated boosters and an extensive fire suppression and prevention system.



Figure 3: Bushfire Prone Land Map

2.2.2 COMPLIANCE WITH PBP

This assessment addresses the broader strategic bushfire protection requirements for proposed rezoning as required by the *Environmental Planning and Assessment Act 1979* s.9.1 (2). Direction, 4.4 Consideration of the bushfire risk, evacuation, and environmental constraints which may affect bushfire protection strategy are identified as critical issues in Section 4.4.1 of *Planning for Bush Fire Protection (PBP)* (RFS 2019). Table 4.2.1 (PBP 2019) provides the specific assessment considerations for a bush fire strategic study.

Compliance demonstration to Table 4.2.1 requirements is provided below in the following tables:

- Table 11: likelihood of a bushfire, its potential severity and intensity and the potential impact on life and property in the context of the broader landscape.
- Table 12: most appropriate locations within the masterplan area or site layout for the proposed land use.
- Table 13: existing and potential proposed networks both within and external to the masterplan area.
- Table 14: future impact of new development on emergency services.
- Table 15: issues associated with infrastructure and utilities
- Table 16: new development on adjoining landowners and their ability to undertake bushfire management

2.2.3 COMPLIANCE WITH DIRECTION 4.3

The follow **Table 1** provides summary of requirements applied under Direction 4.3 Planning for Bushfire Protection.

2.2.4 CONCLUSION

The Asset Protection Zone is entirely provided over the entire subject lot as an Inner Protection Area (IPA) as well as the Formal Asset Protection Zone setback (<29kW/m²) on southwest boundary. An Outer Protection Area (OPA) is not proposed based on the size of the hazard of Grassland and Woodland.

The following controls in the form of a legal agreement should be placed on the lot:

- All land within the subject lot to be managed as an IPA for perpetuity or until development permanently removes the hazard.
- No buildings or combustible materials are to be located within the Formal Asset Protection Zone setback (<29kW/m²).

In conclusion, development is considered to be provided proposed appropriate locations to minimise the risk to life and property from bush fire attack. Furthermore, any bushfire risk can be met by complying with the requirements of APZ and BAL setbacks as identified by the PBP 2019.

Table 1 – Direction 4.3 Consideration

Considerations	Comments
In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	To be undertaken Complete
A planning proposal must: (a) have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ)	This assessment is undertaken in accordance with PBP 2019. APZ provide control that avoids placing inappropriate developments in hazardous areas Hazard reduction is not prohibited within APZ
A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,	Complies with IPA requirements. No OPA proposed. Complies with IPA requirements, therefore considered that OPA is achieved.
(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with.	The proposal includes SFPP development and appropriate APZs have been applied.
(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,	Can comply
(d) contain provisions for adequate water supply for firefighting purposes	Can comply
(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,	Can comply
(f) introduce controls on the placement of combustible materials in the Inner Protection Area.	Can comply

3 Conclusion

The subject addendum PPR has addressed the Gateway Determination by the Department of Planning and Environment to enable the PPR to proceed to public exhibition.

APPENDIX “I”

STRATEGIC BUSHFIRE HAZARD ASSESSMENT

APPENDIX “J”
CONCEPT LAYOUT PLAN