

# Liverpool Rural Lands Study 2012



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**Liverpool City Council**

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## **1 EXECUTIVE SUMMARY**

Councils Rural Lands Study (RLS) seeks to provide a broad strategic document which encompasses development opportunities and constraints of rural lands within the Liverpool Local Government Area (LGA).

The RLS 2012 updates the previous Study completed in 2007 by reflecting the progress made in relation to precinct planning made under the South West Growth Centre (SWGEC), Badgerys Creek Airport reservation and considers other emerging issues and pressures affecting Liverpool's rural areas. The RLS also clarifies the applicable land use zones and planning provisions within the Liverpool Local Environmental Plan (LLEP) 2008 and the Liverpool Development Control Plan (LDCP) 2008.

The RLS contains a number of recommendations, most of which require further action to ensure implementation such as carrying out amendments to Liverpool Local Environmental Plan (LLEP 2008), Liverpool Development Control Plan (LDCP) 2008 whilst other actions rely on State Government or other public agencies for implementation.

## **2 INTRODUCTION**

At its meeting dated 28 September 2011, Council resolved to undertake a review of certain aspects of rural land use planning including the Liverpool Local Environmental Plan 2008 (LLEP2008) controls relating to the permissibility of cemeteries and the provision of dual occupancies. Although the resolution was to investigate specific matters, Liverpool Council has also taken the opportunity to update the Liverpool Rural Lands Study July 2007 authored by Don Fox Planning Pty Ltd.

The Liverpool Rural Lands Study 2012 provides an update on precinct planning under the SWGEC, Badgerys Creek Airport reservation and considers emerging uses and pressures affecting Liverpool's rural areas.

The Study also provides strategic justification and clarification of current land use zones whilst also recommending changes to the LLEP 2008 and Liverpool Development Control Plan 2008 (LDCP 2008) where necessary.

Any future strategy needs to balance the needs for urban sprawl (230 000 of Sydney's new dwellings are to be provided Greenfield areas over the next 20 to 30 years), landowners seeking highest and best use of rural land, visual and scenic qualities, the demand for fresh produce and agricultural uses, extractive industry and environmental constraints.

Overall, the greatest pressure on rural land and its character in Liverpool is attributed to the push for rural lifestyle housing. The demands for additional housing rights may somewhat erode the qualities of rural areas that attract residents to the area in the first place.

The objectives identified in this report not only involve the protection of agricultural lands, but also seek to maintain the rural landscape character of the Liverpool local government area by providing a balance between land uses.

## 2.1 Study Aims and Objectives

The Study updates the 2007 Rural Lands Study and essentially considers what changes have occurred in Liverpool's rural lands since 2007.

The objective of the existing development controls is to preserve the essentially rural character of the area by limiting housing density and protecting and preserving the rural values and quality of the land

At its meeting dated 28 September 2011, Council resolved to undertake a review of rural land use planning including the permissibility of cemeteries and the restrictions relating to dual occupancies. Although the resolution was to investigate specific matters, Council has taken the opportunity to update the current strategic policy relating to rural lands being the Liverpool Rural Lands Study (RLS) 2007.

The aims of the draft RLS 2012 are as follows:

- To consider Councils resolution of 28 September 2011 which includes the permissibility of cemeteries, planning restrictions relating to dual occupancies, the rezoning of particular precincts in Bringelly and Badgerys Creek and the permissibility of specific land uses in the rural zones.
- To provide up to date information relating to precinct planning under the South West Growth Centre and the findings of the Governments Joint Study on Aviation Capacity relating to the Badgerys Creek Airport reservation.
- To clarify the transition of land use zones from LLEP 1997 to LLEP 2008.
- To consider other emerging pressures affecting Liverpool's rural areas including urban development.
- To provide a suburb-by-suburb profile and assessment of attributes, constraints and opportunities.
- To outline the role of Liverpool's rural areas in the provision of fresh produce, rural industry and other rural production.
- To recommend amendments to planning controls within the LLEP 2008 and LDCP 2008.

## 2.2 Study Area

The study area encompasses all suburbs within the Liverpool LGA that contain land zoned rural under the LLEP 2008, being;

- Denham Court
- Cecil Park
- Austral
- Leppington
- Kemps Creek
- Rossmore
- Bringelly
- Badgerys Creek
- Luddenham
- Wallacia
- Greendale/Cobbitty

Refer to Appendix 1 for the study area map.

### **3 STATUTORY CONTROLS**

The RLS 2007 was prepared to inform the Liverpool Local Environmental Plan 2008. Since the preparation of that study the LLEP 2008 has been gazetted, and the supporting LDCP 2008 adopted. Council, its residents and developers have now had the benefit of digesting the objectives and utilising planning controls associated with those planning documents.

Aside from the LLEP, this section provides an up to date summary of the relevant State Environmental Planning Policies, Section 117 Ministerial Directions, Metropolitan Strategy and precinct planning within the South West Growth Centres.

#### **3.1 State Environmental Planning Policies**

State environmental planning policies (SEPPs) deal with issues significant to the state and people of New South Wales. They are made by the Minister for Planning and may be exhibited in draft form for public comment before being gazetted as a legal document.

##### **3.1.1 State Environmental Planning Policy No. 30 – Intensive Agriculture**

SEPP 30 requires that development consent is required for cattle feed lots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs or 20 or more breeding sows.

##### **3.1.2 State Environmental Planning Policy No. 44 – Koala Habitat**

SEPP 44 applies to the Liverpool Local Government Area and as such any future development needs to ensure that development does not affect core koala habitat.

##### **3.1.3 State Environmental Planning Policy Housing for Seniors or People with a Disability 2004**

The State Environmental Planning Policy permits construction of seniors living housing on land zoned or adjacent to urban zones (not including R5 Large Lot Residential).

##### **3.1.4 State Environmental Planning Policy Exempt and Complying Development Codes 2008**

The State Environmental Planning Policy (Exempt and Complying Development Codes) provides for controls for some exempt and complying uses, including rural fencing and other smaller structures.

##### **3.1.5 State Environmental Planning Policy Sydney Region Growth Centres 2006**

The South West Growth Centre (SWGCC) includes approximately two thirds of the land currently zoned rural in the Liverpool local government area. The SEPP provides development controls that must be complied with until such time as a precinct plan has been finalised. In determining a development application within the South West Growth Centre, the consent authority must consider the following: -

- (a) *“Whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,*
- (b) *Whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the affective alienation of the land from those future land uses,*

- (c) *Whether the proposed development will result in further fragmentation of land holdings,*
- (d) *Whether the proposed development is incompatible with desired land use in any draft Environmental Planning Instrument that proposes to include provisions in Schedule 1 with respect to land,*
- (e) *Whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,*
- (f) *Whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,*
- (g) *In the case of transitional land – whether (in addition) the proposed development will protect areas of aboriginal, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.”*

It is therefore important for Liverpool Council to ensure that development applications within the SWGC does not preclude the orderly and economic development for future urban uses of this land. The non-urban land located within the SWGC is appropriately zoned to ensure these objectives are met.

### **3.1.6 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

This SEPP states that extractive industry is permissible on rural land which permits agriculture or industry.

As will be discussed later in this report, there is a substantial area of the remaining land zoned for rural purposes that are located within a shale/clay deposit. Any future statutory controls that allows agricultural purposes shall also allow extractive industry.

### **3.1.7 State Environmental Planning Policy (Infrastructure) 2007**

This State Environmental Planning Policy is to facilitate the effective delivery of infrastructure across NSW by providing for regulatory certainty, efficient delivery and provide for appropriate consultation and assessment for major infrastructure developments.

### **3.1.8 State Environmental Planning Policy (Western Sydney Parklands) 2009**

The aims of the SEPP WSP are essentially to promote the consistent planning and management of the regional parklands by replacing the existing controls with a single plan, to strengthen the perception of the regional parklands and to enhance the ability of the regional parklands to meet the needs of the residents of Sydney. The WSP is located at the eastern edge of the SWGC and provides a buffer between the existing urban areas from the rural zones.

### **3.1.9 State Environmental Planning Policy (Rural Lands) 2008**

In February 2007, the NSW Government established the Central West Rural Lands Panel to advise on rural land use issues within the Central West Region of NSW. The Panels findings have resulted in the formulation of State Environmental Planning Policy (Rural Lands) 2008. While this SEPP does not apply to the Liverpool local government area, much of it is considered relevant to the strategic planning of rural land within the Sydney Basin.

The aims of State Environmental Planning Policy (Rural Lands) 2008 are to:



- *“facilitate the orderly and economic use and development of rural lands for rural and related purposes*
- *identify Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State.*
- *implement measures designed to reduce land use conflicts*
- *identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations*
- *amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.”*

Many of the SEPP’s principles have been translated into mandatory zone objectives and clauses within the Department of Planning and Infrastructure’s Standard Local Environmental Plan Template on which the LLEP 2008 (and all new LEP’s across NSW) has been based.

### **3.1.10 Sydney Regional Environmental Plan 9 – Extractive Industries (No.2)**

SREP 9 seeks to preserve clay shale extraction areas of regional significance which includes both current and potential operations. Sheet 2 of Sydney Regional Environmental Plan No. 9 applies to the study area. Appendix 2 shows that section of the study area affected by SREP 9.

Clause 13 of SREP 9 states that Council cannot make a plan over land identified on Schedule 1 or 2 in the SREP that prohibits extractive industry in areas identified within those Schedules.

Furthermore Council is required to serve a notice in writing on the owner of a property within Division 1, 4, 6, 7, 8 or 9 of Schedule 1 of SREP 9 if the land is to be rezoned to permit rural residential, residential or urban development.

Strategic Planning also has to consider the future planning of land adjacent to or near SREP 9 land as the extraction activities and future extraction activities may impact upon adjoining lands by virtue of noise, traffic generation, secondary industrial activities and the like. For example, the SREP requires any planning policy to prohibit new dwellings from within 50 metres of any road to be used by any future extraction industry for access.

As such extractive industry shall continue to be considered a major constraint to the development of rural land for urban purposes.

### **3.1.11 Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River**

The aim of this plan is: *“To protect the environment of the Hawkesbury/Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”*

The specific planning policies and recommended strategies contained in SREP 20 include

- assessment of total catchment management,
- protection of environmentally sensitive areas,
- improvement of water quality,
- increase water quantity and flow to the Hawkesbury/Nepean River,

- protection of cultural heritage,
- protection of flora and fauna,
- protection of the riverine scenic quality, to ensure that agriculture and aquaculture and fishing do not result in adverse environmental impacts,
- a relationship of rural residential development and agriculture in that rural residential development should not reduce agricultural sustainability or contribute to urban sprawl.

Opportunities for recreation and tourism should be both protected and encouraged and that development should complement the goals, key principles and action plan of the Metropolitan Plan for Sydney.

### **3.2 Draft State Environmental Planning Policies**

At the time of writing, there are no Draft State Environmental Planning policies with any planning implication on the Liverpool Rural Lands Study.

### **3.3 Section 117 Directions**

A number of Directions made by the Minister pursuant to Section 117(2) of the Environmental Planning & Assessment Act 1979 are applicable to the future development potential of land within the study area. The relevant Directions are discussed below:

#### **Direction No. 1.2 – Rural Zones**

The objective of this Direction is to protect the agricultural production value of existing rural land. The Direction applies when Council prepares a planning proposal that will affect land within an existing or proposed rural zone. According to this direction, Council must not increase the permissible density of land within a rural zone (other than land within an existing town or village).

#### **Direction No. 1.3 – Mining, Petroleum Production and Extractive Industries**

The objective of this Direction is to ensure that State or Regionally significant reserves of coal, other minerals, petroleum and extractive materials are adequately considered when preparing a Draft Local Environmental Plan and that inappropriate development does not compromise the future extraction of these resources.

In order to comply with this Direction, Council shall, during the preparation of a planning proposal, consult the Director-General of the Department of Primary Industries regarding any loss of potential resource extraction and identify and consider issues likely to lead to land use conflict between other land uses and the extractive industry.

As described previously, the subject site contains regionally significant potential clay, shale extraction resources. By virtue of SREP 9, extractive industries are permissible with development consent in the non-urban zones in the Liverpool Local Government area. The ability to extract these resources must be considered in the preparation of this study.

#### **Direction No. 2.1 – Environmental Protection Zones**

The purpose of this direction is to protect and conserve environmentally sensitive areas.

This direction requires that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Planning proposal's

must not reduce the environmental protection standards that apply to land in an environmental protection zone or land otherwise identified for environmental protection.

**Direction No. 2.3 – Heritage Conservation**

This direction requires that Councils consider environmental heritage when preparing planning proposals. For the purposes of this study, the existing heritage items contained in the Liverpool Local Environmental Plan will be considered in the outcomes of this study.

**Direction No. 3.1 – Residential Zones**

The objectives of this Direction include the encouragement of a variety of housing types to cater for existing and future housing needs, whilst making efficient use of existing infrastructure and access to services. It also is to minimise the impact of residential development on the environment and resource lands.

There are small pockets of land zoned R2 Low Density Residential and some R5 Large Lot residential zoned land within the study area to which this Direction applies.

**Direction No. 3.5 – Development Near Licensed Aerodromes**

The study area contains part of the future Badgerys Creek Airport site.

This direction requires that planning proposals shall not rezone land for residential purposes nor increase residential densities in areas where the ANEF (Australian Noise Exposure Forecast) exceeds 25, or allow for schools, hospitals, churches and theatres where the ANEF exceeds 20, or for hotels, motels, office or public buildings where the ANEF exceeds 30. These affect the land use opportunities for the study area.

**Direction No. 4.1 – Acid Sulfate Soils**

This section requires that Council's must consider the acid sulfate soils planning guidelines adopted by the Director General when preparing a Draft Local Environmental Plan or a draft Development Control Plan.

**Direction No. 4.3 – Flood Prone Land**

Flooding is considered to be a significant risk and is a critical consideration through the rezoning and development process. Flood hazard planning not only seek to limit damage to property and possessions, it also aims to enable the safe and efficient evacuation of residents during significant flood events.

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and that the provisions of an LEP considers flood hazards and the potential flood impacts of a proposal.

**Direction No. 4.4 – Planning for Bushfire Protection**

Where a planning proposal is in proximity to bush fire prone land Council must follow the directions below:

1. 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 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,
2. A planning proposal must:
  - a. have regard to *Planning for Bushfire Protection 2006*,

- b. introduce controls that avoid placing inappropriate developments in hazardous areas, and
  - c. ensure that bushfire hazard reduction is not prohibited within the APZ.
3. 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,
  - 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,
  - c. contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - d. contain provisions for adequate water supply for fire fighting purposes,
  - e. minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - f. introduce controls on the placement of combustible materials in the Inner Protection Area.

#### **Direction No. 5.8 – Second Sydney Airport: Badgerys Creek**

The objective of this Direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

This Direction applies to land shown within the boundaries of the airport reservation within the ANEF contour as shown on the map. The map is identical to that considered in Councils previous Rural Lands Studies and is part of the LLEP 2008 mapping series.

According to this Direction, Planning Proposals shall not contain provisions that enable the carrying out of development, either with or without development consent, which at the date of this Direction, could hinder the potential for the development of a second Sydney airport. This must be considered as a site constraint for the purposes of this updated Rural Lands Study.

Until such time as this Direction is revoked by the State Government, Council are not able to amend the LLEP 2008 ANEF contour maps.

#### **3.4 Sydney Metropolitan Plan for Sydney 2036**

In 2004 the NSW Government released the Sydney Metropolitan Strategy which was an overarching strategy designed to provide parameters for growth, certainty for development and the orderly release of land. In 2010 the NSW Government updated the Strategy under a re-named Metropolitan Plan for Sydney 2036.

It should be noted that in June 2012 the Department of Planning and Infrastructure released a discussion paper seeking comment on an update of the Sydney Metropolitan Strategy. The intent is to update the current Metropolitan Plan for Sydney and link it to the government's other long-term plans – the Long Term Transport master

Plan and the State Infrastructure Strategy. It is not envisaged that significant policy shifts will occur as a result of this update.

For the purposes of this study, the relevant strategic directions and objectives from the current metropolitan strategy have been listed below;

#### **3.4.1 Strategic Direction D – Housing Sydney’s Population**

This strategic direction seeks to ensure that Sydney is able to house its growing population. Potentially, this will result in urban sprawl which puts pressure on rural and ‘fringe’ land.

Relevant Objective; *D1 – To ensure an adequate supply of land and sites for residential development.*

The South West subregion is expected to accommodate 155 000 new dwellings up to 2036, including 83 000 new dwellings in release areas, 41,00 of which are within the Liverpool LGA.

#### **3.4.2 Strategic Direction F –Balancing Land Uses on the City Fringe**

This strategic direction deals with managing land uses on the fringe of Sydney. The objectives of Strategic Direction F are as follows:

Relevant Objective; *F1 – To contain Sydney’s urban footprint*

This will be achieved by focussing land release in Growth Centres and simplifying the land release process.

Council is supportive of this objective. The focus of land release in the Growth Centres provides certainty to governments, landowners and developers regarding where infrastructure and services will need to be provided. This increases the onus on Councils strategic planning to limit development types that impede land release planning and delivery.

Further, this objective seeks to focus rural settlement growth on infill sites and in existing serviced towns and villages. The objective also notes that subdivision of rural and resource lands for additional dwellings should be avoided.

Relevant Objective; *F2 – To maintain and protect agricultural activities and resource lands*

To achieve this direction, the State government will consider creating an agriculture policy for Sydney and undertake mapping to inform strategic policy with respect to agricultural activities and resource lands.

This objective identifies Liverpool City Council’s rural areas as a major agricultural and resource land area within Sydney.

Relevant Objective; *F3 – To encourage investment in agriculture and resource lands*

This will be achieved by promoting agricultural activities positively in Sydney to reduce land use conflict, preparing and releasing guidance on planning for agricultural activities and planning for the sustainable management of construction materials.

Relevant Objective; *F4 – To maintain Sydney’s soil health*

This will be achieved by implementing the NSW Soils Policy to be prepared by the NSW Land and Property Management Authority.

### **3.4.3 Strategic Direction G – Environment and Climate Change**

These objectives and actions need to be included in planning provisions for rural lands within Liverpool City Council. This strategic direction includes adaptation to climate change, health of waterways, biodiversity, air quality and waste management.

### **3.5 Draft South West Subregional Strategy**

The Draft Subregional Strategy by the Department of Planning provides specific strategies relating to South West Sydney. One of the key directions within the strategy is to accommodate a high proportion of additional dwellings within the existing urban areas in order to protect native bushland areas and rural and resource lands from encroaching urban development.

The Sub Regional Strategy also highlights the need to provide for 'working lands'; areas which support diverse rural industries such as agriculture, extractive industry and mining. Agriculture has been an extremely important activity in the South West Subregion since European settlement and has an important cultural heritage and identity. There are also very significant high quality coal resources, and associated methane gas in the subregion.

The strategy also states that working land should "not considered as land for urban development as the protection of these resource lands is not only vitally important to the Sydney fresh produce markets, the construction market and secondary industries such as steelworks and other manufacturers, but also to tourism, biodiversity and catchment protection. It is essential that businesses and individuals involved in these industries have greater certainty for investment timeframes on the future uses of these lands." Further "mineral resources, particularly coal resources, face ongoing pressure from urban land uses, in particular housing and industry. Mining and extractive industry are valuable and finite land uses. Careful consideration should be given to the potential impact of access to these resources before commitments are made to development in the South West Subregion". Appendix 2 of this report illustrates land that is the subject of existing and potential extractive industries.

### **3.6 South West Growth Centre (SWGC)**

In December 2004, the NSW Government announced the new land release plan for the South West and North West Growth Centres as part of the Metropolitan Strategy for Sydney. The SWGC is located within the Liverpool, Camden and Campbelltown Local Government Areas. It comprises approximately 17,000 hectares of land and has capacity for approximately 110,000 new homes. The SWGC also contains employment lands. In particular, the Bringelly North Industrial and Bringelly Industrial Areas are located within the Liverpool Local Government Area on the southern and eastern sides of the Badgerys Creek airport reservation site.

The SWGC provides certainty of the location of release area land over the net 25-30 years encouraging orderly and economic provision of infrastructure as opposed to ad-hoc and opportunistic land releases. The Metropolitan Plan for Sydney 2036 does not encourage wholesale land release outside of the Growth Centre precincts.

The development of the SWGC will be undertaken on a precinct-by-precinct basis. Until a precinct plan is approved by the Minister, the existing land use controls prevail. At present the Minister has released the precincts of East Leppington, Austral and

Leppington North, however the precinct plans are not as yet approved. The detailed planning for the Austral and Leppington North precincts have progressed with the approval of the documentation by the Minister expected late 2012. The East Leppington precinct plan is expected to be approved in 2013.

Under the Growth Centres SEPP, certain development proposals within the released precincts must be referred to the Minister for comment. Council must not approve development applications that will jeopardise the orderly and economic development of the SWGC or alienate any further land. The planning controls for land within the Growth Centre, such as minimum subdivision lot sizes, are aimed at minimising fragmentation of land through subdivision and discouraging development that may prevent or at least hinder future master-planning for urban development.

One of the major influences regarding the timing of land release is the provision of utility and service infrastructure. Utility services and other infrastructure usually rely upon the sequential acquisition or dedication of land, for example the provision of drainage basins and associated drainage channels. If the necessary land is not acquired in the required sequence, the delivery of the infrastructure (and subsequently development) is inevitably delayed. The required acquisition is complicated by fragmented ownership especially if at least one of the landholders is either very attached to their property or engages in opportunistic or strategic behaviour.

### **3.7 Liverpool Local Environmental Plan 2008 (LLEP 2008)**

The LLEP 2008 was prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 which aims to standardise land use zone titles, definitions and prescribed development standards across all NSW Local Government Areas. The LLEP 2008 was gazetted on 29<sup>th</sup> August 2008.

The Standard Instruments six rural land use zones are listed as follows:

- Zone RU1 Primary Production
- Zone RU2 Rural Landscape
- Zone RU3 Forestry
- Zone RU4 Primary Production Small Lots
- Zone RU5 Village
- Zone RU6 Transition

There are many considerations that inform the selection of an appropriate land use zone. In turn, the objectives of the zone and permissible land uses can significantly affect the character of land. Development potential should be commensurate with the capability of the land and allow for a balance of social, environmental and economic outcomes.

Of the six standardised rural zones, the LLEP 2008 utilises three, being RU1 - Primary Production, RU2 – Rural Landscape and RU4 Primary Production Small Lots.

Below is an extract from the LLEP 2008. The zone objectives and land uses in bold are mandated by the Standard Instrument Order.

### 3.7.1 RU1 Primary Production

#### 1. Objectives of zone

- **To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.**
- **To encourage diversity in primary industry enterprises and systems appropriate for the area.**
- **To minimise the fragmentation and alienation of resource lands.**
- **To minimise conflict between land uses within this zone and land uses within adjoining zones.**
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To ensure that development does not hinder the development or operation of an airport on Commonwealth land in Badgery's Creek.*
- *To preserve bushland, wildlife corridors and natural habitat.*

#### 2. Permitted without consent

**Environmental protection works;** *Extensive agriculture; Home-based child care; Home occupations*

#### 3. Permitted with consent

**Agriculture;** *Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Health consulting rooms; Helipads; Heliports; Home businesses; Home industries; Landscaping material supplies; Offensive storage establishments; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Veterinary hospitals; Water recreation structures*

#### 4. Prohibited

*Any development not specified in item 2 or 3*

This zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is not a default zone for non-urban land however it has to consider land capability such as soil types, utility servicing etc.

In the Liverpool LGA, the RU1 zone has been applied to land suitable for primary production, private recreational pursuits and land with potential for extractive industry. Limiting further fragmentation of land and urban development is considered appropriate in the context of land capability, as well as current and potential future land uses.

### 3.7.2 RU2 Rural Landscape

#### 1. Objectives of zone



- **To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.**
- **To maintain the rural landscape character of the land.**
- **To provide for a range of compatible land uses, including extensive agriculture.**
- *To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses.*
- *To preserve bushland, wildlife corridors and natural habitat.*

## **2. Permitted without consent**

**Extensive agriculture; Home-based child care; Home occupations**

## **3. Permitted with consent**

*Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Horticulture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls*

## **4. Prohibited**

*Any development not specified in item 2 or 3*

The Department of Planning and Infrastructure's LEP Practice Note PN11-002 suggests that the RU2 zone should be applied to rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been conserved. It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture (such as 'viticulture'), but where the permitted uses are usually more limited and differ from RU1 land due to landscape constraints.

This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation.

The Liverpool LEP 2008 applies the RU2 zone to land that has agricultural potential (whether or not land owners utilise that potential). Further assessment of land zoned RU2 in Liverpool is included in Part 6 Denham Court suburb profile. In the context of the Liverpool LEP 2008, land zoned RU2 has generally been transitioned from the previous 1 (c) rural zone under LLEP 1997 and has been applied to land with elevated topography and scenic quality, particularly for properties along Fox Valley Road and the upper reaches of Denham Court road.

### **3.7.3 RU4 Primary Production Small Lots**

#### **1. Objectives of zone**

- **To enable sustainable primary industry and other compatible land uses.**
- **To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.**
- **To minimise conflict between land uses within this zone and land uses within adjoining zones.**

#### **2. Permitted without consent**

**Extensive agriculture; Home-based child care; Home occupations**

### **3. Permitted with consent**

**Agriculture**; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; **Dwelling houses**; Entertainment facilities; Environmental facilities; Environmental protection works; **Farm buildings**; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Landscaping material supplies; Places of public worship; **Plant nurseries**; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); **Roads**; **Roadside stalls**; Rural industries; Rural supplies; Secondary dwellings; Water recreation structures

### **4. Prohibited**

*Any development not specified in item 2 or 3*

This zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.

In 2011, the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. The objectives of the zone have been changed to encourage employment opportunities in relation to primary production on small lots and to minimise fragmentation and alienation of resource lands important for food security.

A significant proportion of Liverpool's perishable vegetables are produced on land zoned RU4 Primary Production Small lots. Further, the majority of the RU4 zoned land is earmarked for future urban development within the SWGC and as such the permissible land uses and minimum subdivision lot size need to consider the future planning.

#### **3.7.4 Standard Instrument Zones not utilised.**

The following three rural land use zones from the Standard LEP template have not be utilised in the Liverpool LEP 2008.

#### **RU3 Forestry**

##### **Objectives of zone**

- *To enable development for forestry purposes.*
- *To enable other development that is compatible with forestry land uses.*

This zone identifies and protects land that is to be used for long-term forestry use, such as State forests. Land which is to be used for private forestry may alternatively be zoned RU1 Primary Production zone or RU2 Rural Landscape.

Liverpool does not contain land possessing notable forestry uses. As such, Council nor the DP & I have implemented this zone into the LLEP 2008.

#### **RU5 – Village**

##### **Objectives of zone**

- *To provide for a range of land uses, services and facilities that is associated with a rural village.*

This zone is a flexible zone for centres where a mix of residential, retail, business, industrial and other compatible land uses may be provided to service the local rural community. The RU5 zone would typically apply to small rural villages within rural areas.

Luddenham village ( The Northern Road) and the small hub in Austral (corner of Edmondson and Tenth Avenue) are considered rural villages. These areas have been zoned R2 Low Density Residential and B1 Neighbourhood Centre as these zones best translated the previous 2(a) and 3 (a) zones that applied to the land under the previous planning scheme, the LLEP 1997.

## **RU6 – Transition**

### ***Objectives of zone***

- *To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.*
- *To minimise conflict between land uses within the zone and adjoining zones.*

The transition zone is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfills, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land.

The LLEP 2008 does not utilise the RU6 zone as the current zoning regime provides for appropriate interface between land use zones and land uses.

It is noted that the 2007 study prepared by Don Fox Pty Ltd recommended the use of the RU6 zone across a wide area of Liverpool's rural land. Following advice from the Department of Planning regarding the appropriate application of this zone, Council considered that its use did not suit the Liverpool area in the manner that was proposed in the study. At this point in time, the Western Sydney Parklands provide a significant buffer between the rural and urban parts of the LGA, negating the need for a transition zone. The DP & I are seeking to utilise the RU6 zone within the SWGC however as per the precinct planning process, the zoning of the land will form part of the Growth Centres SEPP rather than the LLEP 2008.

## **3.7.5 Other Zones in Liverpool LEP 2008**

### **R5 Large Lot Residential**

This zone is intended to cater for development that provides for residential housing in a rural setting.

The LEP Standard Instrument groups the Large Lot Residential Land as a residential zone rather than a rural zone and the Metropolitan Strategy advocates the position that it is primarily a residential use, in an area that exhibits rural character. As such the allocation of large lot residential land is primarily justified in Councils Residential Development Strategy.

Many factors are considered when determining the appropriate application of the R5 zone, including access to utility services, existing and desired character, land capability, predominate lot sizes and surrounding land uses. Minimum subdivision lot sizes can be varied within the zone depending on the servicing availability and other

factors such as topography, native vegetation characteristics and surrounding agricultural land uses.

The Bringelly and Luddenham R5 precincts should retain the current minimum subdivision lot size (2 ha) as the predominate lot size is approximately this size and utility servicing has not been amplified since the 2007 Rural Lands Study. Denham Court large lot precinct primarily consists of 1 hectare lots. Further subdivision of these lots is not encouraged due to limited servicing and as such it is recommended that the minimum subdivision lot size (1 hectare) stipulated in the LLEP 2008 for this area is also retained.

It is not deemed necessary to impose a minimum lot size for dual occupancies in the R5 zone. In effect, the minimum subdivision lot size (2 hectares in Bringelly, 1 hectare in Denham Court) ensures that any future subdivision do not result in lots of inadequate size for the development of dual occupancies.

Note that the current controls in Part 3.1 of LDCP 2008 focus on attached dual occupancies. This has caused confusion as it suggests these are the only form of dual occupancy permitted which is not the case. Additional controls pertaining to development of housing, particularly those relating to detached dual occupancies should be further clarified and enhanced.

**Recommendation –Clarify and strengthen DCP controls in relation to Dual Occupancies in the R5 Large Lot Residential zones.**

**E1 National Parks and Nature Reserves**

This zone is generally intended to cover existing national parks and nature reserves, and new conservation areas proposed for reservation that have been identified and agreed by the NSW Government.

**E2 Environmental Conservation**

This zone is generally intended to protect land that has high conservation values. The use of this zone needs to be justified in terms of meeting the core objectives of having high ecological, scientific, cultural or aesthetic values. A number of land uses considered to be inappropriate for this zone have been mandated by the Department of planning as prohibited uses.

**E3 Environmental Management**

This zone is generally intended to be applied to land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards.

Development types are limited however 'dwelling houses' are permitted. This zone may also be suitable as a transition between areas of high conservation value and other more intensive land uses such as rural or residential.

**3.8 Liverpool LEP 2008 Development Standards**

Development in rural zones is controlled by a number of provisions within the Liverpool LEP 2008. Some of these are clauses within Standard LEP Instrument which must be included into all template LEP's including the LLEP 2008.

**Clause 4.1A Strata subdivisions in certain rural and environmental protection zones**

1. *The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.*
2. *This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:*
  - a. *Zone RU1 Primary Production,*
  - b. *Zone RU2 Rural Landscape,*
  - c. *Zone RU4 Primary Production Small Lots,*
  - d. *Zone E1 National Parks and Nature Reserves,*
  - e. *Zone E2 Environmental Conservation,*
  - f. *Zone E3 Environmental Management.*
3. *Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.*

The objective of this clause is to ensure that land in all rural and environmental conservation zones is not fragmented by subdivision that would create additional dwelling entitlements. In essence, the clause prohibits subdivision of a lot under a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.

#### **Clause 4.2 Rural subdivision**

1. *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
2. *This clause applies to the following rural zones:*
  - a. *Zone RU1 Primary Production,*
  - b. *Zone RU2 Rural Landscape,*
  - c. *Zone RU4 Primary Production Small Lots,*
  - d. *Zone RU6 Transition.*
3. *Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.*
4. *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
5. *A dwelling cannot be erected on such a lot.*

The purpose of this clause is to encourage and facilitate rural or primary industry enterprises by allowing the subdivision of land into lots of suitable size to allow for the intended use. In order to ensure that the subdivision of land is for the specified purpose, the resulting lots are not to possess a dwelling nor permit the construction of the dwelling as part of a future application.

#### **Clause 7.10 Minimum allotment size for dual occupancies in rural zones**

1. *The objective of this clause is to maintain opportunities for productive rural and urban fringe uses by providing certainty about the land area required for two dwellings to be on a single lot.*
2. *Development consent for the purposes of a dual occupancy on land may be granted only if the lot*
  - a. *is a lot on which a dwelling house can lawfully be erected, and*
  - b. *has an area of not less than:*
    - (i) *10 hectares, if in Zone RU1 Primary Production, or*

*(ii) 2 hectares, if in Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots.*

The clauses seeks to ensure that rural lands are not overdeveloped with housing due to the lack of utility services (eg water, sewer, upgrades power and gas), social services eg. medical centres, child care, convenience shopping facilities. Further, the proliferation of housing may further inhibit fulfilling the objectives of the zone which may include the protection of rural and scenic character, to support the valuable agricultural industry, extractive industry, recreation opportunities and environmental management.

#### **Clause 7.24 Dual occupancies in Zones RU1, RU2 and RU4**

- 1. Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots unless the gross floor area of at least one of the dwellings is not more than 150 square metres.*
- 2. Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU2 Rural Landscape unless the gross floor area of at least one of the dwellings is not more than 60 square metres.*

Similarly to clause 7.10, this provision aims to limit the land take up of housing in rural zones. Rural areas are increasingly under pressure for lifestyle housing opportunities. Planning controls ensure that housing does not undermine the ability to retain rural character. Regardless of the current use of particular property, development should not compromise the future ability of the land to be used for rural purposes and extractive industry.

Generally, rural zones objectives encourage rural land uses. It is not to provide for additional housing stock. Rather, the delivery of housing should be focused on areas with access to service utilities, community and social infrastructure.

On land within the SWGC, a proliferation of dual occupancies is likely to hinder critical urban release by way higher land acquisitions costs, obstruction of orderly future road and urban subdivision patterns and altering the future character of release areas.

Note that this RLS does propose the 'relaxation' of dual occupancy restrictions in certain areas. These changes seek to achieve a balance between landowner's expectations against the actual land capability and future planning intent.

#### **Schedule 1 Additional permitted uses**

Schedule 1 lists permissible development types for certain land which are ordinarily not permitted within the applicable land use zone.

#### **3.9 Liverpool Local Environmental Plan 1997**

Liverpool Local Environmental Plan (LLEP) 1997 preceded the current LLEP 2008 which was adopted in August 2008. Since then, Council has received feedback that the new LEP drastically changed the development potential of rural land and that the zoning in itself did not reflect previous land use permissibility and potential.

In essence the majority of the rural land use zones applied through LLEP 2008 was the most appropriate transition or zone of 'best fit' from the previous LLEP. As stated earlier in this report, Councils no longer have the flexibility to name zones or change the mandatory land use objectives and permissible land uses. Further, as an internal

policy decision, the Department of Planning has also limited Councils ability to add permissible uses through Schedule 1 Additional permitted uses. Planning permissibility and planning direction is also given through State Environmental Planning Policies which override competing provisions in LLEP 2008.

There are some precincts in Councils rural areas that did undergo a zoning change rather than a 'best fit' transition from LLEP 1997. These are detailed in the maps provided in the suburb by suburb profile in Section 6 of this Study.

The LLEP 1997 contained the following rural zones: 1(a), 1(b), 1(c), 1(d), 1(e), 1(f). The objectives of each of the rural zones are provided below.

### ***“33 Objectives of the Rural zones***

- (1) *The objectives of the 1(a) zone are:*
- a. *to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings, and*
  - b. *to permit only those uses which are compatible with the amenity of rural areas and ancillary to development in the locality, and*
  - c. *to ensure that development within rural areas does not generate an unreasonable demand for public services, and*
  - d. *to ensure that development does not hinder the development or operation of an airport on the Badgerys Creek proposed airport site, and*
  - e. *to ensure that development does not hinder the option for orderly and economic development of land in the vicinity of the Badgerys Creek proposed airport site for airport-related purposes, and*
  - f. *to maintain the rural character and scenic landscape qualities of land in the vicinity of the Georges River and Nepean River, and*
  - g. *to ensure that development is compatible with the ecological attributes of the area, and*
  - h. *to preserve bushland, wildlife refuges, wildlife corridors and natural habitat.*

Transition zone of best fit: RU1 Primary Production.

- (2) *The objectives of the 1(b) zone are:*
- (a) *to protect the agricultural potential of rural land and to prevent further fragmentation of rural holdings, and*
  - (b) *to permit only those uses which are compatible with the amenity of rural areas and ancillary to development in the locality, and*
  - (c) *to ensure that development within rural areas does not generate an unreasonable demand for public services, and*
  - (d) *to ensure that development is compatible with the ecological attributes of the area.*

Transition zone of best fit: RU4 Primary Production Small Lots

- (3) *The objectives of the 1(c) zone are:*
- (a) *to provide a physical and visual boundary to urban development, and*
  - (b) *to preserve the rural character and scenic landscape qualities of the area, and*

- (c) *to permit rural residential development which is compatible with the rural character and scenic landscape qualities of the area in terms of allotment size, design and siting of buildings and landscaping, and*
- (d) *to ensure that development is compatible with the ecological attributes of the area, and*
- (e) *to preserve bushland, wildlife refuges, wildlife corridors and natural habitat.*

Transition zone of best fit: RU2 Rural Landscape

- (4) *The objectives of the 1(d) zone are:*
  - (a) *to accommodate demand for rural residential development in a manner which is compatible with the rural character of the area in terms of allotment size, design and siting of buildings and landscaping, and*
  - (b) *to permit only those uses which are compatible with the amenity of rural residential areas and ancillary to development in rural residential areas, and*
  - (c) *to ensure that development is compatible with the ecological attributes of the area.*

Transition zones of best fit: R5 Large Lot Residential

- (5) *The objectives of the 1(e) zone are:*
  - (a) *to identify land which is included or proposed to be included in either the Urban Development Program or land proposed to be included in the Employment Lands Development Program of the Department of Urban Affairs and Planning for future urban development, and*
  - (b) *to avoid further fragmentation of land holdings, and*
  - (c) *to ensure that development does not contaminate or otherwise prejudice the orderly and economic development of future urban land, and*
  - (d) *to ensure that development is compatible with the ecological attributes of the area.*

The Standard Instrument LEP does not contain a land use clause commensurate with the 1(e) Future Urban. Land determined as future urban at the time of transition into the LLEP 2008 was subsequently zoned to a standard instrument zone that matched the land capability.

- (6) *The objectives of the 1(f) zone are:*
  - (a) *to permit the continuation of existing rural residential development, and*
  - (b) *to permit a limited range of compatible development on land within the zone where it can be shown that the development will not:*
    - (i) *compromise the extent, quality or integrity of the ecological attributes of the land, and*
    - (ii) *compromise the extent, quality or integrity of any identified Aboriginal heritage values of the land, and*
    - (iii) *compromise the potential for restoration and enhancement of the scenic landscape and vegetation communities within the locality, and*



- (iv) *cause or increase soil salinity or compromise water quality or quantity, or riparian corridors or vegetation communities, within the locality, and*
- (c) *to provide opportunities for the provision of vegetated biological linkages and the revegetation of the scenic landscape, riparian corridors and vegetation communities located on land within, and adjacent to, the zone."*

Transition zones of best fit: No direct zone transition for the 1(f) zone.

**The following Liverpool LEP 1997 clauses provided controls in relation to development in Councils rural zones.**

#### **Clause 34 Minimum Allotment Sizes**

This clause provides the minimum allotment sizes for land in the rural zones:

- 1(a) 40 hectares
- 1(b) 2 hectares
- 1(c) 2 hectares
- 1(d) 1 hectare
- 1(e) .....
- 1(f) 0.5 hectares

#### **Clause 35 Minimum Allotment Sizes for Dual Occupancy Housing**

This clause provides that dual occupancy development may only be carried out with consent on land with the following minimum allotment size:

- 1(a) 2 hectares
- 1(b) 1.2 hectares
- 1(c) 4 hectares
- 1(d) 2 hectares
- 1(e) 2 hectares
- 1(f) .....

#### **Clause 36 Minimum allotment size for a dwelling house**

This clause prohibits the development of a dwelling house unless the amalgamation of a number of lots (listed in Schedule 7 of LLEP 1997) is carried out. Council had initially failed to transfer this clause into the LLEP 2008. The consequence of this is that dwellings could be constructed on each individual parcel which are of a considerably reduced land area or lot width compared to typical rural lot parcels.

As such a comparable clause has been included in Amendment No. 27 of Liverpool LEP 2008 which is currently being considered by the Department of Planning and Infrastructure.

**Table 1** Clause comparison Liverpool LEP 1997 and 2008

Liverpool LEP 1997	Liverpool LEP 2008	Comment
<b>Minimum Subdivision Size</b>		
1(a) 40 hectares 1(b) 2 hectares 1(c) 2 hectares 1(d) 1 hectare 1(e) N/A 1(f) 0.5 hectares	Minimum lot size map  RU1: 40ha RU2: 2ha RU4: 10ha	Factors affecting the designation of a minimum lot size include; <ul style="list-style-type: none"> <li>• The applicable land use zone objectives,</li> <li>• The future plans for the area e.g. SWGC,</li> <li>• The agricultural potential of the site and adjacent lands,</li> <li>• Current rural uses on the site,</li> <li>• The provision, or lack of utility services (e.g. water, sewer, power)</li> <li>• The lack of proximity to social infrastructure e.g. public transport, social support services, child care, medical facilities, retail and business premises, schools, child care, medical facilities etc.</li> <li>• The potential for extractive industry</li> <li>• The environmental constraints of the land e.g. bushfire, topography, vegetation, flooding etc.</li> <li>• Retention of rural character</li> </ul>
<b>Minimum Dual Occupancy Size</b>		
1(a) 2 hectares 1(b) 1.2 hectares 1(c) 4 hectares 1(d) 2 hectares 1(e) 2 hectares 1(f) N/A	Clause 7.10 Minimum lot size for dual occupancies:  RU1: 10 ha RU2 & RU4: 2ha	The justification for an increase in the minimum lot size for dual occupancies is consistent with those listed in the table above.

### 3.10 Liverpool Development Control Plan 2008

The LDCP 2008 was adopted concurrently with the gazettal of LLEP 2008. It contains a number of Parts which contains guidelines and standards for development across the LGA. The Parts that relate to Councils rural areas include;

- Part 1.1 General controls for all development
- Part 1.2 Controls for all development except dwelling houses on land greater than 400 sqm, on hatchet shaped block and dual occupancies
- Part 3.1 Dwelling Houses in the R5 Large Lot Residential zone
- Part 5 Development in Rural and Environmental Zones

## **4 PHYSICAL ENVIRONMENT**

### **4.1 Flooding and Drainage**

The extent of flood prone land is shown in the LLEP 2008 Flood Planning Area maps. However, not all flood affected areas are indicated as such on these maps as detailed flood modelling has not been carried out in some rural areas for some time.

Detailed flood modelling has however being undertaken for the 'released' land use precincts of Austral, Leppington North and East Leppington.

Controls relating to flood prone land are contained in Clause 7.8 of the LLEP 2008 and Part 1.1 of LDCP 2008.

### **4.2 Bushland and Biodiversity**

The requirements pertaining to the conservation of vegetation are contained within a number of statutory and policy documents produced by all three tiers of government.

At Council level, the LLEP 2008 and LDCP 2008 and the Liverpool Biodiversity Management Plan 2012 contain various requirements for the conservation of vegetation and where appropriate, the removal of vegetation and subsequent parameters for offsetting the loss of significant vegetation species (as determined by vegetation classification).

State and Federal legislation also provides a statutory framework for the consideration of the bushland and biodiversity including the Environment Protection and Biodiversity Conservation Act 1999 and the NSW Threatened Species Conservation Act 1995.

### **4.3 Bushfire**

Liverpool City Council has adopted Bushfire Prone Land Maps which indicate land affected by bushfire hazard. Bushfire hazard is represented as a 100 metre buffer zone around Category 1 vegetation and a 30 metre buffer zone around Category 2 vegetation.

From a land use planning perspective, bush fire affectation may affect the application of land use zone boundaries and minimum subdivision lot size controls. For example minimum lot sizes are required to be large enough to ensure that a dwelling can be erected on land without the necessity of clearing bushland.

In some ways, bushfire protection works hand-in-hand with preservation of remnant bushland and areas of ecological significance, as it is generally these areas that represent the bushfire hazard.

Essentially, the Planning for Bushfire Protection Guidelines 2006, prepared by the Rural Fire Service, utilise the following factors in determining what setback dwelling houses should be provided with from the bushfire hazard:

- Vegetation category
- Slope of the land
- Direction of the slope of the land
- Other bushfire hazards within 240 metres of the site
- Dwelling construction type
- Availability of water supply.

In order to comply with the Planning for Bushfire Protection Guidelines 2006 when developing, it may be necessary to construct perimeter roads, inner and outer protection zones and the under scrubbing of land or removal of trees to prevent a continuous canopy from the hazard to the dwelling/s or other habitable building.

#### 4.4 Agricultural and Soil Classification

The N.S.W. Department of Primary Industry land according into five classes, in terms of its capability for use for agriculture.

The most valuable agricultural land is Class 1 which can be used to grow crops either in rotation with pastures for livestock production.

**Class 1:** Arable land suitable for intensive cultivation where constraints to sustained high levels of agricultural production are minor or absent.

Only a small area to the south of Wallacia on Greendale Road (where dairies formerly operated) were classified by the Department of Agriculture as Class 1. Some small areas of the Nepean river flood plain in the west of LLGA that are currently used for market gardening, could also be considered Class 1 land.

**Class 2:** Arable land suitable for regular cultivation for crops, but not suited to continuous cultivation. It has a moderate to high suitability for agriculture but edaphic (soil factors) or environmental constraints reduce the overall level of production and may limit the cropping phase to a rotation with sown pastures.

Class 2 land is suitable for regular cultivation for crops but not suited to continuous cultivation. The largest area of Class 2 land occurs in the western part of the LLGA (adjacent to the Class 1 land) and extends north towards Wallacia and south, between Greendale Road and the Nepean River. Two other small pockets of Class 2 land occur near Luddenham, one to the east of the village along Adams Road, that has in the past been used for market gardening and another pocket in the south straddling the Northern Road that is now largely within the Badgerys Creek airport reservation land. Leppington Pastoral Company use the Class 2 land to the rest of The Northern Road. Another pocket of Class 2 land occurs in the RU1 zoned area east of the Badgerys Creek Airport reservation between Badgerys Creek and South Creek, south of Elizabeth drive.

**Class 3:** Grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with sown pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors, including climate, may limit the capacity for cultivation and soil conservation or drainage works may be required.

The 1994 Map provided by the N.S.W. Department of Primary Industries shows that most of the rural land in LLGA is Class 3 having been defined as "Grazing land or land well suited to pasture improvement however the overall production level is moderate".

**Class 4:** Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.

The Agribiz consulting report defines Class 4 land as "suitable for grazing not cultivation". The 1994 Rural Land Study map shows a large area of Class 4 land along the western side of Greendale Road south from cemetery on Greendale Road and then extends along Wolstenholme Drive and along Orient Road. The valley, through which Orient Road runs, is classified by the Department of Primary Industry as Class 4 land. A small area of Class 4 land also exists between Dwyer Road and Francis Street.

**Class 5:** Land unsuitable for agriculture, or at best suited only to light grazing. Agricultural production is very low or zero as a result of severe constraints, including economic factors which prevent land improvement. An additional class may occasionally be used where land has some special feature which allows a special crop to be grown (eg. bananas and other tropical horticultural tree crops).

Class 5 land is unsuitable for agriculture. The Gulguer Nature Reserve is classified as Class 5, the only land within the LLGA rural lands with this classification.

Note: Class descriptions taken from Agricultural Land Classification AC.25 authored by Agfacts 2002. The designation of Liverpool soil class is as per the Agribiz Consulting (Report on the current Agricultural capability 15 May 2007).

## **5 RURAL DEVELOPMENT PRESSURES**

### **5.1 Proposed Badgerys Creek International Airport**

#### **5.1.1 History**

In 1986, following an extensive site selection process, the Commonwealth Government announced that a location at Badgerys Creek, had been chosen as the site for a second major airport for Sydney. A site of approximately 1,700 hectares was subsequently acquired between 1986 and 1991.

Since that time some urban growth has continued in the areas surrounding the site. Despite this growth and community pressure, the federal Government has failed to conclusively rule out Badgerys Creek as a potential airport site.

In 2008 The Hon Anthony Albanese Minister of Infrastructure publicly announced that the site would not be used for Sydney's second airport. Upon the announcement, Council advocated for the removal of the associated ANEF noise contours which affect hundred of hectares of non-government land adjoin the Badgerys Creek airport reservation site. Council went so far as to process an amendment to the LLEP 2008 to seek either removal of the ANEF contours from all properties or to at least allow for low scale residential development to occur on the 'affected' sites.

The then Department of Planning (now the DP&I) rejected Councils proposal on the basis that the Federal Government had to change legislation which would in turn allow the DP&I to amend its Ministerial Direction 5.8 that relates to Badgerys Creek Airport. The revocation of the Direction would allow the DP & I to support such an amendment.

The State and Federal governments are yet to repeal legislation relating to the airport site. Further the federal Government haven't made any firm commitments as to the future use of the site. Until such time, Council is not in a position to remove the ANEF contours or drastically change the planning provisions that apply to land surrounding the airport.

### **5.1.2 Joint Study on Aviation Capacity in the Sydney Region**

The Commonwealth Government have on numerous occasions stated that no significant decisions or changes to planning legislation would occur prior to the completion of the State and Federal Governments Joint Study on Aviation Capacity for the Sydney Region report.

The Joint Study on Aviation Capacity for the Sydney Region was released on 2 March 2012. It concluded that the Badgerys Creek reservation remains the best Greenfield site for the development of an airport within the Sydney basin. Despite this finding, the Federal Government has once again announced that Badgerys Creek site is no longer an option for Sydney's second airport.

According to the study, under current constraints, Sydney (Kingsford-Smith) Airport will become unable to meet demand for new services by 2027 (i.e. all slots will be allocated, so no new entrants can be accommodated, unless another service is cancelled).

The study also explores the economic costs if Sydney's future aviation demand cannot be met. By 2060, the economy-wide impacts, in 2010 dollars, across the Australian economy could total \$59.5 billion in foregone expenditure and \$34 billion in foregone gross domestic product. The NSW economy would be especially heavily affected, with losses across all industries totalling \$30.6 billion in foregone expenditure and \$17.5 billion in foregone gross state product.

### **5.1.3 Future Direction**

The issue of Sydney's second airport is unlikely to be shelved. As stated above, from around 2030, an additional airport will be needed to supplement the capacity of Sydney (Kingsford-Smith) Airport.

The reasons why the Joint Study conclude that Badgerys Creek is still the preferred site for a major airport, is its strong transport links following the development of the M7, its proximity to the extension of the South West Rail Link to Leppington (to be completed in 2016) and land acquisition has already occurred, with accompanying costs and social impacts addressed.

Should the airport develop, it is considered necessary to ensure that land use decisions made do not reduce the opportunities or efficiencies of the future second airport. There may well be future service industries that will be required to operate in conjunction with the second airport. It is noted that the employment lands nominated in the SWGC are provided on the eastern side of the Badgerys Creek Airport site; however this area was limited by the SWGC boundary. If the airport is constructed it may also be necessary for additional service support industries to be located on the western side of the airport and as such, land use decisions should not prevent these future opportunities either.

However, as stated above, irrespective of the Study findings, the Federal government reiterated that Sydney's second airport will not be located at Badgerys Creek. If Badgerys Creek is conclusively ruled out, the Joint Study states that Wilton is the next best site and processes should be put in train to secure the site and undertake the full environmental assessment and airport planning processes required to protect and prepare the site for future development.

This would make the Badgerys Creek site available for alternative development. This presents major opportunities for the economic development of Western Sydney.

In light of the Minister once again stating that Badgerys Creek will not be developed as a second airport, it is **recommended that Council once again write to the Minister for Infrastructure and Transport seeking the removal of the Airport noise exposure forecast contours (ANEF) affecting privately owned land .**

## **5.2 Sydney Regional Environmental Plan 9 – Extractive Industries**

The study area contains regionally significant clay shale deposits which are required to be protected under SREP 9. Similarly, the Section 117 Directions indicate that such deposits should also be preserved.

Preservation in this regard means ensuring that LEP's should not allow further fragmentation of this land. The demand for resource material is still strong particularly those that are mined to support construction industry eg clay.

## **5.3 Agriculture**

Large scale agricultural production was generally confined to land along the Nepean River and the large holdings of the Leppington Pastoral Company. There are also a number of smaller agricultural business that produce a high percentage of Sydney's perishable vegetables.

However, the majority of the study area was not being used for economic agricultural purposes. Regardless of the number of lots being used for agriculture, the importance of agriculture within the Sydney basin, from an economic and food supply point of view, is considerable and thus future planning should restrict the ability for subdivision and increased development potential from areas adjacent to significant agricultural pursuits and on land that is Class 1 or Class 2 agricultural capability.

Agribiz consulting produced background report on agricultural capability to support the Don Fox Rural Lands Study update of 2007. The need to engage a specialist consultant was identified in order to report on the nature, extent and constraints or threats to Liverpool's agricultural land. The report also listed Liverpool rural tourist destinations as Bents Basin Recreation Area, Vicary's Wine and Woolshed and The Hubertus Country Club, Luddenham.

For the current study, it was not deemed necessary to commission another detailed agricultural investigation as many of the findings within that report remain constant over the past five years particularly in reference to soil types, topography, development pressures.

For information purposes a number of the Agribiz findings are summarised below:

- The single biggest threat to rural land has been from urban expansion. These issues have been dealt with through planning instruments.
- Prominent industries in Liverpool include those relating to poultry, dairy, market gardening and horse activities.
- Details soil types and climate in the rural area.
- Highlights the emerging supply of Chinese vegetables for Sydney's restaurant industry.

- Between the 1994 and 2007, agriculture was in decline - re-investment of capital into farming machinery and structures has reduced and therefore so has efficiency of operation.
- Recreational activities, particularly horse related, are an increasing trend.

In addition to the Agribiz report, other reference material has been summarised below with the intent of illustrating the state of agriculture in the Liverpool LGA and the wider Sydney basin. Recent thinking is that agriculture is on the decline. Nonetheless the following trends and statistics reinforce the importance of agriculture in the rural areas within the Sydney basin including the Liverpool Local Government area.

Key trends and statistics for agriculture in the Sydney Basin and include;

- The pressure of retaining agriculture is mostly attributed to urbanisation
- There is an increased trend towards fragmentation of productive agricultural land, viable farming units are now being made into smaller less viable units
- Agriculture on the urban fringe is becoming more intensive as the value of land increases and hence so does the need to house higher yielding commodities eg market gardens, greenhouses, nurseries, flowers, turf farming and poultry
- Sound strategic planning is best placed to provide a future for agricultural land. Detailed study of rural lands should aim to preserve land for potential agriculture rather than facilitate rural-residential development.
- Rural land should not be seen as land within holding pattern awaiting subdivision; rather rural land should be considered as an important commodity and contributor to regional economy, additionally such land has its own unique character.
- Of the total lots used for agriculture within the Sydney Basin, 76% are less than 3 hectares in size.
- Agriculture in the Sydney basin accounts for 100% of the States Chinese cabbages and sprouts, 80% fresh mushrooms, 91% spring onions and shallots.
- It is challenging to defend agricultural land when their value may be significantly increased through developing housing.

Source: *From the outside looking in, The Future of Sydney's Rural Land- Background issues and Workshop outcomes, May 2004*

- More than 50% of Sydney's vegetable growing enterprises are within the South and North West Growth Centres; forcing dispersal and relocation issues as land is released and developed.
- 90% of outdoor field vegetable enterprises were utilising lots smaller than 2ha. This indicates that small lots can sustain agriculture.
- The SWGC contains 42% of Sydney's vegetable farms and accounts for 56% of Sydney's greenhouse vegetables farms
- Only 12 % of all vegetable farms were located on lots larger than 4ha. This can reduce the efficiency of the farm as the relatively small lot size creates difficulty in setting aside residue land for rejuvenation.
- The higher the percentage of fresh provide imported from outside the Sydney basin, the higher the food miles carbon footprint compared to local vegetables.

Source: *Ground Truthing of the Sydney Vegetable Industry in 2008* (NSW Department of Primary Industries, Orange, 2009),



- Topographically, Sydney is a basin and urban expansion and rural residential uses are coming into conflict with agricultural land on the fringes. Most forms of agriculture cannot move over the lip of the Sydney basin west due to drier conditions, less fertile soils and thus local agriculture is under threat.
- Strategic Planning remains an effective mechanism to state objectives, strategies and policies to guide future land use. Community consultation is an important process in land use planning as is setting the context of the rural challenges on Sydney's ever expanding urban fringe.

**Source:** *Growth Management and Rural Land, Ian Sinclair EDGE Land Planning, UNSW 2003*

It is evident that rural lands continue to play an important part in the supply of fresh food. The Liverpool LEP and DCP are an effective way of preserving land for agricultural/primary industries through land use zoning, lot size controls and prohibition of certain land uses.

#### **5.4 Dual occupancies**

Dual occupancy development is permissible in all of Liverpool's rural zones. In the pursuit of rural residential lifestyle, a number of landowners have developed large residential properties on rural lots with associated landscaping and out buildings as an extension of their dwelling rather than pursue agricultural or other rural uses.

However the proliferation of housing in these areas can result in adverse impacts including the erosion of the rural character, which is the attractor for those seeking to live in rural areas in the first place. Further, establishing additional dwellings may require the clearing of vegetation and an increase potential conflict with agricultural uses. Dual occupancies in the SWGC areas increase the challenge of master-planning, land acquisition, and provision of critical infrastructure.

In terms of strategic planning, permitting unrestricted dual occupancies will further increase the number of Liverpool's residents at considerable distances from services and facilities. Many of these homes may lack the basic utility services such as mains water and sewer, requiring the on-site treatment and disposal of effluent. As such the LLEP 2008 restricts the location, size and proliferation of dual occupancies on rural land.

For land zoned RU1 Primary Production and RU4 Rural Small Holdings, dual occupancy development is currently permitted if one of the dwellings does not exceed a maximum gross floor area of 150 square metres. In order to limit the proliferation of this type of development, the establishment of a second dwelling creating a dual occupancy (not including a secondary dwelling) can only be undertaken on lots of at least being 10 hectares for RU1 zoned land and 2 hectares for lots zoned RU4 zoned land.

For land zoned RU2 Rural Landscape, dual occupancy development is permitted if one of the dwellings does not exceed a maximum floor space of 60 square metres. Dual occupancies can only be undertaken if the subject site has a minimum lot size of 2 hectares.

Note that dual occupancies are also permitted in the R5 large Lot Residential zone. No maximum dwelling floor space restriction applies to dual occupancies in this zone

however the total development of floor space cannot exceed that stipulated as the Floor Space Ratio (FSR) that applies to the land.

Council has received feedback from landowners that the dual occupancy controls are too stringent and that they are a significant departure from previous controls under the Liverpool LEP 1997. Although this may be the case for some areas, providing unrestricted dual occupancy development is not within the public interest and is not consistent with sound rural land planning.

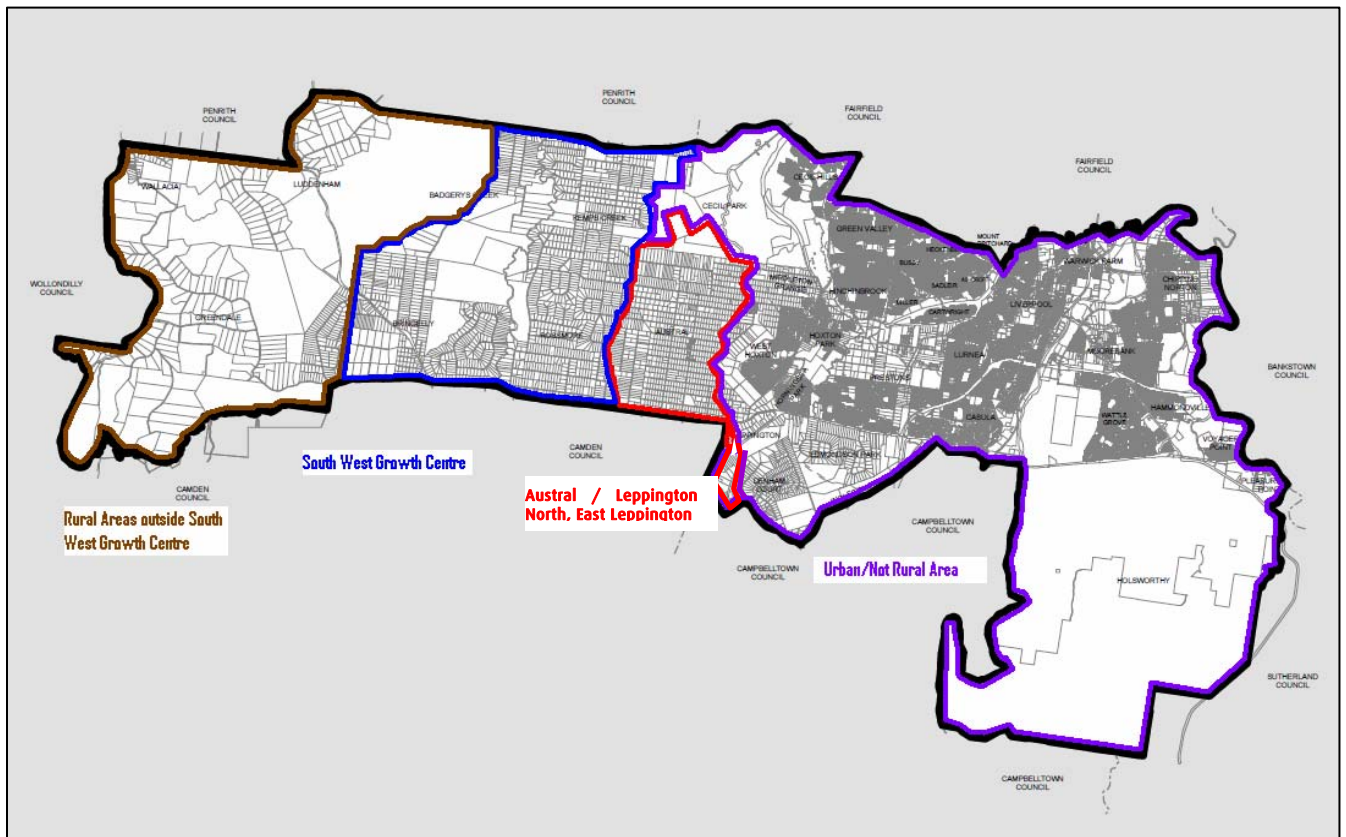
It is for these reasons that dual occupancies should continue to be controlled through the LLEP 2008 and LDCP 2008. However the RLS does recommend amending the controls to better balance the competing interests between the need to retain rural land for rural uses and landowners right the provide for extended accommodation on their properties. The following recommended changes are proposed;

For the Austral/Leppington North and East Leppington precincts 'released' by the Minister as part of the SWGC; (Areas outlined in red in Figure 1);  
Retain the current dual occupancy provisions per LLEP 2008 Clause 7.10 and 7.24.

For land within the SWGC that has not as yet released by the Minister (outlined in blue on Figure 1);  
Increase the dwelling maximum gross floor area restriction stipulated in LLEP 2008 Clause 7.24 from 150 square metres to 250 square metres. Retain the minimum lot size permitting dual occupancy development at 2ha for the RU4 zone and 10 ha for the RU1 zone.

For land rural zoned land outside the Growth Centres (outlined in brown on Figure 1);  
For RU1 zoned land, no specific dwelling gross floor area restriction for dual occupancies. Retain the minimum lot size for dual occupancies at 10 hectares.  
For RU4 zoned land: Increase dwelling gross floor area restriction from 150 square metres to 250 square metres.

Retain current dual occupancy controls that apply to RU2 Rural Landscape in order to ensure that the scenic qualities and character of the area are not compromised by residential development.



**Figure 1 Application of amended dual occupancy controls**

- Red:** South West Growth Centre precincts released by the Minister
- Blue:** South West Growth Centre precincts not as yet released by the Minister
- Brown:** Land outside the South West Growth Centre
- Purple:** Generally indicates Councils urban areas

**5.5 Cemeteries and Crematoria in Liverpool**

Council has received several Development Applications for cemeteries over the past three or so years. The reasons for this appears to be two fold; there is a shortage of burial space within the Sydney metropolitan area and cemeteries and crematoria appear to provide a higher return on investment when compared to many other permissible development uses within rural zones.

The development of cemeteries and crematoria can result in impacts relating to parking and traffic, rural amenity, contamination of groundwater and issues relating to lack of utility servicing. Due to the likelihood of impacts upon the environment and the public interest, Council is facing expensive and lengthy Land and Environment Court proceedings to defend refusals of a number of Development Applications for such uses. Further, cemeteries and crematoria take up large land holdings and generally utilise the land in perpetuity, which removes the potential for other uses in the future, and may result in long term impacts for adjoining lots.

The Draft South West Subregional Strategy states that the issue of the lack of burial space is a matter for the Department of Planning and Infrastructure and the Department of Lands. The limited progress made by these Departments regarding the establishment of site selection guidelines or the dedication of a crown cemetery in Sydney's west is contributing to the number of cemeteries and crematoria seeking to

locate in Liverpool (that is, no new large Crown cemeteries have been established in the Sydney Region since 1937).

As such, Council is seeking to remove cemeteries and crematoria as a permissible land use within rural zones. The necessary amendment to the Liverpool LEP 2008 is being administered within Amendment No. 27 and is currently with the Department of Planning and Infrastructure for consideration.

### **5.6 Liverpool LEP 2008 Amendment No. 17**

On 20 December 2010, Council resolved to prepare and exhibit an amendment to the Liverpool Local Environmental Plan (Draft Amendment No.17) to rezone the subject land in Denham Court from RU2 Rural Landscape to R5 Large Lot Residential and to amend the minimum lot size from two hectare to one hectare. Council also resolved to forward a copy of the Planning Proposal to the Department of Planning and Infrastructure (DPI), seeking Gateway Determination.

On 4 July 2011, the DP& I issued a Gateway Determination allowing Council to proceed with the LEP amendment subject to public authority and subsequent community consultation.

In accordance with the Gateway Determination, the Planning Proposal and associated documentation was forwarded to the stipulated public authorities for comment. During the consultation period, Council received submissions from NSW Transport, NSW Office of Environment and Heritage (OEH), and NSW Trade and Investment.

Comments of note include;

- The requirement to carry out an Aboriginal study
- Given the public transport invested into the surrounding area of Edmondson Park, there may be some long term potential for the site with the possibility to master-plan the area and potentially increase lot density. This option is not considered likely in the short to medium term as the land is not serviced with sewer and water.
- Consideration of impacts upon flora and fauna
- Detail the potential loss of agricultural land.

Given the above requirement for further studies, the following options were considered by Council:

- Proceed with a revised Planning Proposal reflecting a revised site area (thus eliminating the need for flora and fauna study);
- Defer the rezoning and consider the matter in greater detail as part of the upcoming review of LLEP 2008 and Rural Lands Study; or
- Not proceed.

At its meeting held 19 December 2011, Council resolved to:

- (1) Defer the rezoning and not proceed with Amendment No.17 to the Liverpool LEP 2008; and
- (2) Consider the matter in greater detail as part of the upcoming review of Liverpool Local Environmental Plan 2008 and Rural Lands Study.

Council considers that the land subject to Amendment No. 17 does not possess the same scenic qualities as those lots further north and west along Denham Court Road

(also zoned RU2) which are elevated on a ridgeline and can be viewed from an extensive area.

Given the financial implications for Council in terms of carrying out the technical studies, it is considered appropriate that the rezoning of this land be reconsidered when the technical studies and reports are supplied by individual land owners who would benefit from the proposal. A formal rezoning application would have to include the requested technical studies to satisfy the public authority's requirements and other issues relating to traffic and loss of agricultural land.

### **5.7 Department of Planning and Infrastructure- Review of potential housing sites**

As part of the NSW State Governments election commitments to increasing housing supply, the Minister for Planning invited landowners to nominate potential housing sites. Applicants would have to demonstrate that housing could be delivered to the market within the short term and at no cost to Government.

November 2011 marked the end of the submission period within which the State Government received 43 nominated sites including a submission from the owner of 723 Greendale Road, Wallacia.

As part of the consultation process, Council provided a written submission to the Department of Planning & Infrastructure. In particular, Council did not support the rezoning/development of the site at Wallacia on the basis that future residents would not have convenient access to social and utility infrastructure and that the release did not represent the orderly development of land. Furthermore, land further east designated as the SWGC continues to be subject to significant investment towards infrastructure (including a rail line) and master-planning. Permitting ad-hoc land release for urban uses outside of this area puts additional pressure on services authorities to deliver infrastructure at a significant expense (either private or government) which would be passed on through elevated house/land prices. Council is generally not supportive of this process as it encourages opportunistic development rather than well planned and integrated urban expansion.

The nominated sites will be considered by the Government's Chief Executive Officers' Review Committee, chaired by the Director-General of the Department of Premier and Cabinet (the committee also includes the heads of Planning and Infrastructure, Finance and Services, and Treasury agencies). The Committees recommendations will then be considered by Cabinet in due course.

## 6 SUBURB BY SUBURB ASSESSMENT

Each suburb assessment is accompanied by an LLEP 1997 and LLEP 2008 zoning map for the purpose of allowing comparison between the current and previous Liverpool LEP's.

### 6.1 Denham Court

Denham Court is located 8 kilometres south west of Liverpool City Centre. The main arterial roads that service Denham Court are Denham Court Road to the south west and Campbelltown Road to the south east.

The suburb boundaries are defined by the Sydney Water Supply Channel to the west, the main arterial roads are Denham Court and Campbelltown Road along the southern border. The southern edge of Forest Lawn Memorial Gardens Cemetery forms the boundary to the north. The properties on either side of Cabramatta Creek are flood liable.

**Current zoning:** RU2 Rural Landscape,  
R5 Large Lot Residential  
SP2 Infrastructure (Defence)

**Number of properties:**

Year	Number of Properties
2004	206
2007	222
2012	230

**Population:** 866

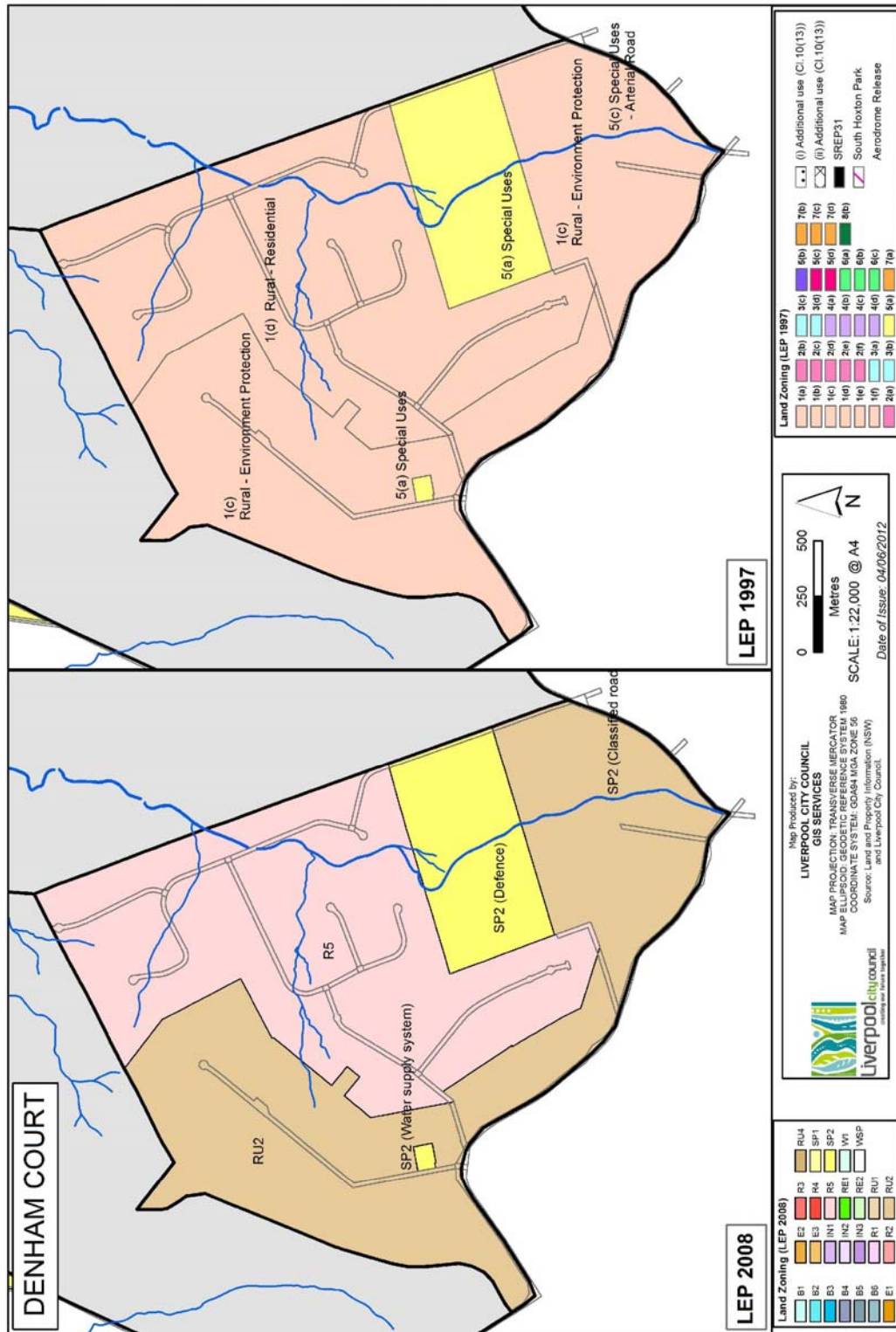
**Land area:** 463

**Land Ownership:** Land ownership in the RU2 and R5 zones are made up of fragmented lots with private owners. There is a large lot south of the SP2 that is owned by the International Bible Students. The SP2 land is zoned for defence purposes. The majority of lots within Denham Court are less than two hectares in size and therefore unable to be subdivided considering the current minimum lot size control in the LLEP 2008.

#### Strategy for Denham Court

- In recognition of the scenic qualities exhibited of properties within the RU2 zone (particularly lots along Fox Valley Road and the upper regions of Denham Court Road) retain the current planning controls.
- Re-consider the rezoning of RU2 land (subject land area as revised and reported to Council 19 December 2001) that was subject to LLEP 2008 Amendment No. 17 as part of a specific rezoning application with the required technical studies including Aboriginal archaeology and traffic.

Map of Denham Court



## 6.2 Cecil Park

Cecil Park is located 7.5 kilometres west of Liverpool City Centre. The main arterial road in Cecil Park is Elizabeth Drive (east to west connectivity). Elizabeth Drive is the northern boundary of the Cecil Park Kemps Creek forming the western boundary.

The land surrounding Kemps Creek has the potential to experience flooding. Most of the suburb is unzoned as it is part of Western Sydney Parklands. The M7 Motorway also runs through Cecil Park and the closest entry and exit ramps go onto Elizabeth Drive.

**Current zoning:** RU1 Primary Production,  
RU4 Rural Small Holdings,  
SP2 Infrastructure (Electricity Transmission)

**Number of properties:**

Year	Number of Properties
2004	4
2007	4
2012	3

**Population:** 10

**Land area (ha):** 1313

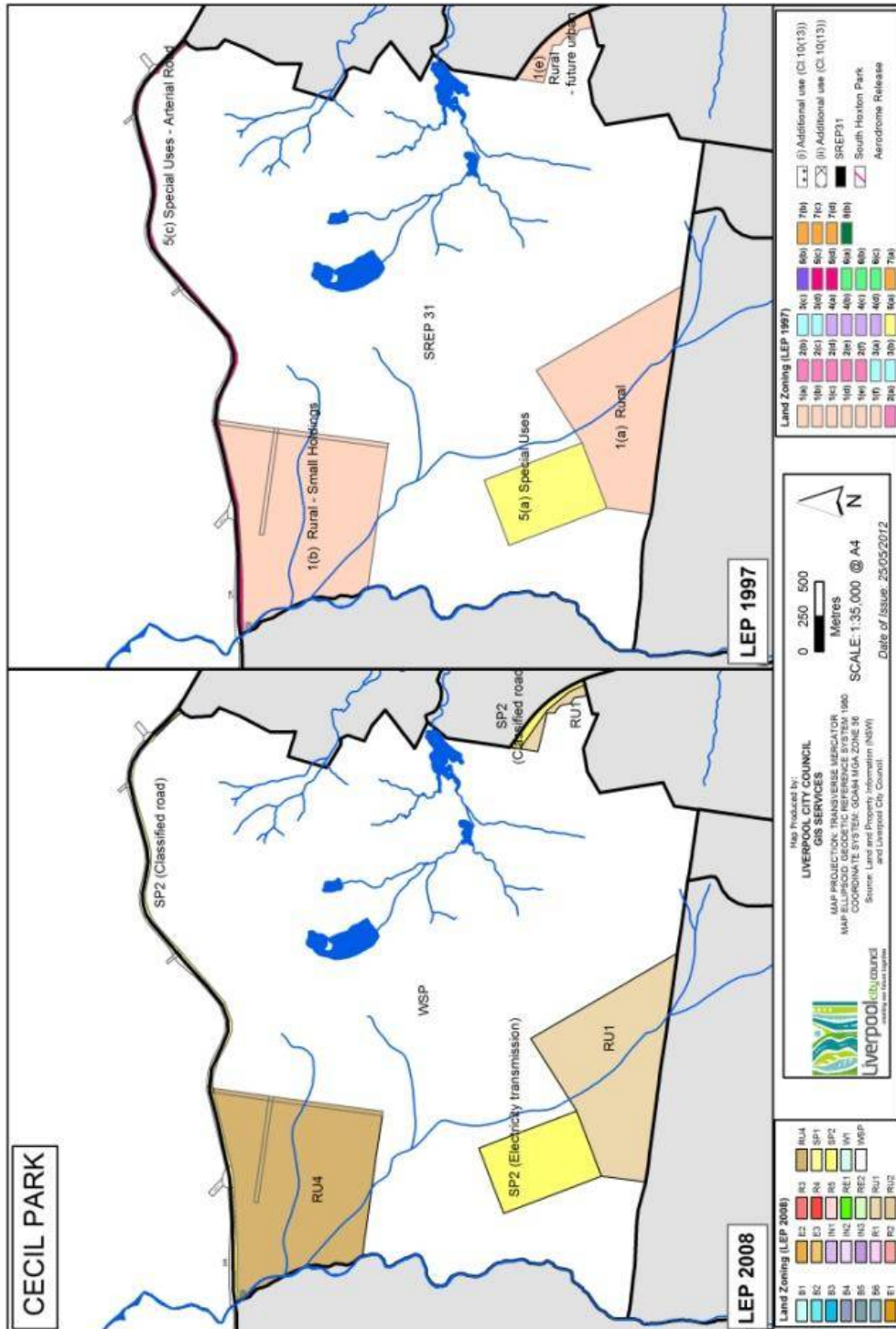
**Land Ownership:** The RU1 zoned land is owned by the State Government, the RU4 land is owned by various businesses and also a section of lots is owned by one private land owner. The majority of the Western Sydney Parklands land is owned by the Department of Infrastructure and Natural Resources and is managed by Western Sydney Parklands Trust

### Strategy for Cecil Park

- Due to the future release of the SWGC Kemps Creek planning precinct, further fragmentation of land is not encourage and as such it is recommended that the current minimum subdivision lot sizes in the LLEP 2008 should be retained.
- Continue to liaise with the Western Sydney Parklands Trust regarding opportunities for recreational facilities and other active uses in line with the Western Sydney Parklands Plan of Management.



### Map of Cecil Park



### 6.3 Austral

Austral is located 8.5 kilometres west of Liverpool City Centre. The main arterial roads servicing the suburb are Fifteenth Avenue and Bringelly Road (east west connectors), and Edmondson Avenue and Fourth Avenue providing north-south access.

The Sydney Catchment Authorities water canal and Western Sydney Parklands form the eastern border of Austral. Bringelly Road is the southern border and Kemps Creek borders the western side of the suburb. There is risk of flooding in several parts of Austral including land adjoining Kemps Creek and land through the centre of the suburb coming down from the north.

The vast majority of Austral is subdivided into 2 ha lots with only a small proportion of lots being over 5 hectares in size.

Austral is within the SWGC and is currently undergoing precinct planning with the DP & I and Liverpool City Council. A draft exhibition plan was exhibited at the end of 2011.. It is planned that the area will house an extra 22,000 residents (within approximately 8,000 dwellings).

**Current zoning:** RU4 Rural Small Holdings,  
R2 Low Density Residential,  
RE1 Public Recreation,  
B1 Neighbourhood Centre  
WSP Western Sydney Parklands

**Number of properties:**

Year	Number of Properties
2004	702
2007	726
2012	726

**Population:** 3147

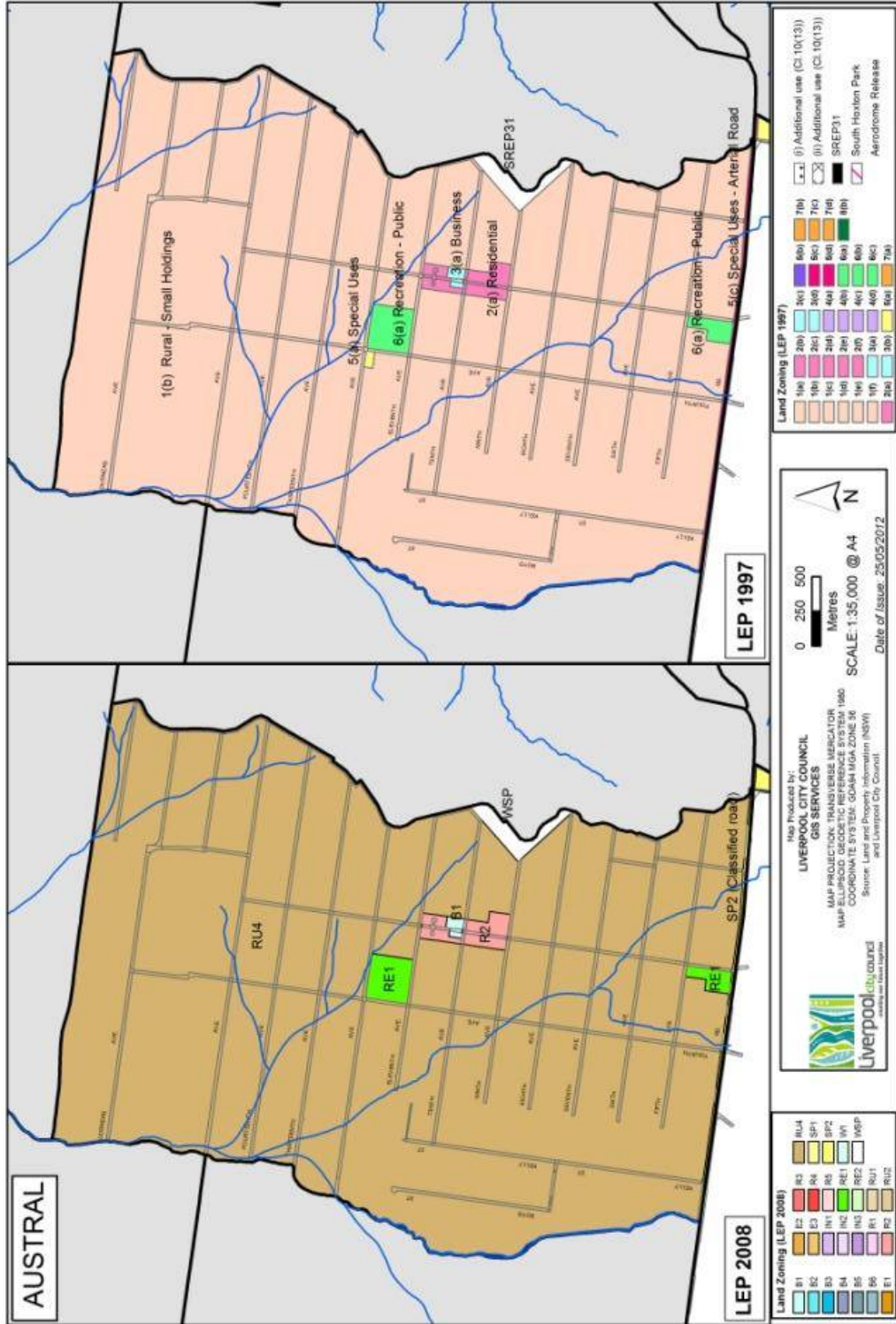
**Land area (ha):** 1420

**Land Ownership:** There is fragmented private ownership across Austral with the majority of lots between 1.2 and 4 hectares.

**Strategy for Austral**

Continue to work with the Department of Planning and Infrastructure in the detailed planning of the future release precincts labelled as Leppington North and East Leppington. In the meantime retain current LLEP 2008 and LDCP 2008 planning controls.

### Map of Austral



## 6.4 Leppington

Leppington is located 8 kilometres west of Liverpool City Centre. The main arterial roads servicing Leppington are Camden Valley Way (south west to north east) and Denham Court Road (north west to south east).

The suburb boundary is defined by Bringelly Road to the north, Cowpasture Road leading into Camden Valley Way to the west, Denham Court Road to the south and the water supply channel and the southern side of Forest Lawn Memorial Gardens Cemetery to the east.

Flooding affects large proportions of Leppington in the north-east and through the middle portion of the southern portion from Kemps Creek which is to the north west and Cabramatta Creek from the north east of the suburb.

Leppington is part of the SWGC (within the precincts of Leppington North and East Leppington) and includes land within three different Local Government Areas being Liverpool, Camden and Campbelltown. The Leppington North precinct has been the subject of detailed planning alongside Austral and is further progressed compared to the East Leppington precinct, which current has draft planning policies including land use zoning maps on public exhibition.

**Current zoning:** RU1 Primary Production,  
RU4 Rural Small Holdings  
SP2 Infrastructure (Railway)

### Number of properties:

Year	Number of Properties
2004	37
2007	38
2012	71

**Population:** 193

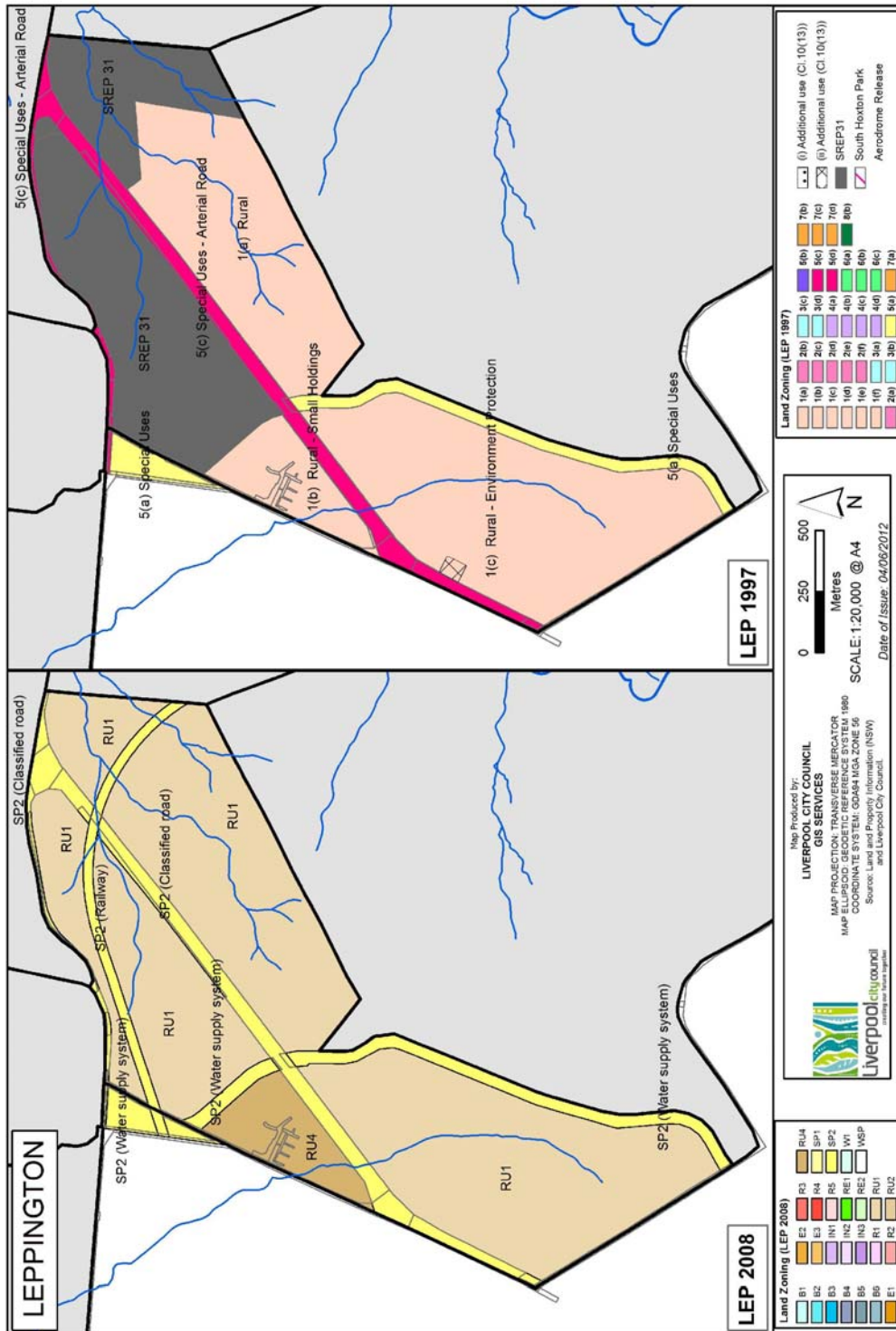
**Land area (ha):** 270

**Land Ownership:** Land ownership consists of fragmented lots in private ownership, a public cemetery in the most northern part of Leppington and the areas surrounding the SP2 land that is the future site for the South West Rail Link which is owned by Department of Infrastructure, Planning and Natural Resources.

### Strategy for Leppington

Continue to work with the Department of Planning and Infrastructure in the detailed planning of the future release precincts identified as Leppington North and East Leppington. In the meantime retain current LLEP 2008 and LDCP 2008 planning controls.

Map of Leppington



## 6.5 Kemps Creek

Kemps Creek is located 11.5 kilometres west of the Liverpool City Centre. The main arterial roads servicing the suburb are Elizabeth Drive and Fifteenth Avenue being east west connectors with Western and Devonshire Roads providing north-south road connectivity.

South Creek and Kemps Creek form the western and eastern suburb boundaries respectively with many of the lot parcels adjoining the creek possessing significant riparian areas and are affected by the 1:100 year recurrence flood event (i.e. within the flood planning area).

The suburb of Kemps Creek is within the SWGC. Kemps Creek suburb contains part of both the Kemps Creek and North Rossmore Growth Centre precincts. The Kemps Creek and North Rossmore Precincts have not been formally released by the Minister for Planning under Clause 276 of the Environmental Planning and Assessment Regulation 2000.

**Current zoning:** RU4 Primary Production Small Lots  
 SP2 Infrastructure – (Depot, Classified Road and Educational Establishments)  
 E3 Environmental Management  
 RE1 Public Recreation

### Number of properties:

Year	Number of Properties
2004	377
2007	389
2012	390

**Population:** 1622

**Land area (ha):** 1199

**Land ownership:** Fragmented land ownership pattern with predominately 2 to 3 hectare parcels in private ownership.

### Strategy for Kemps Creek

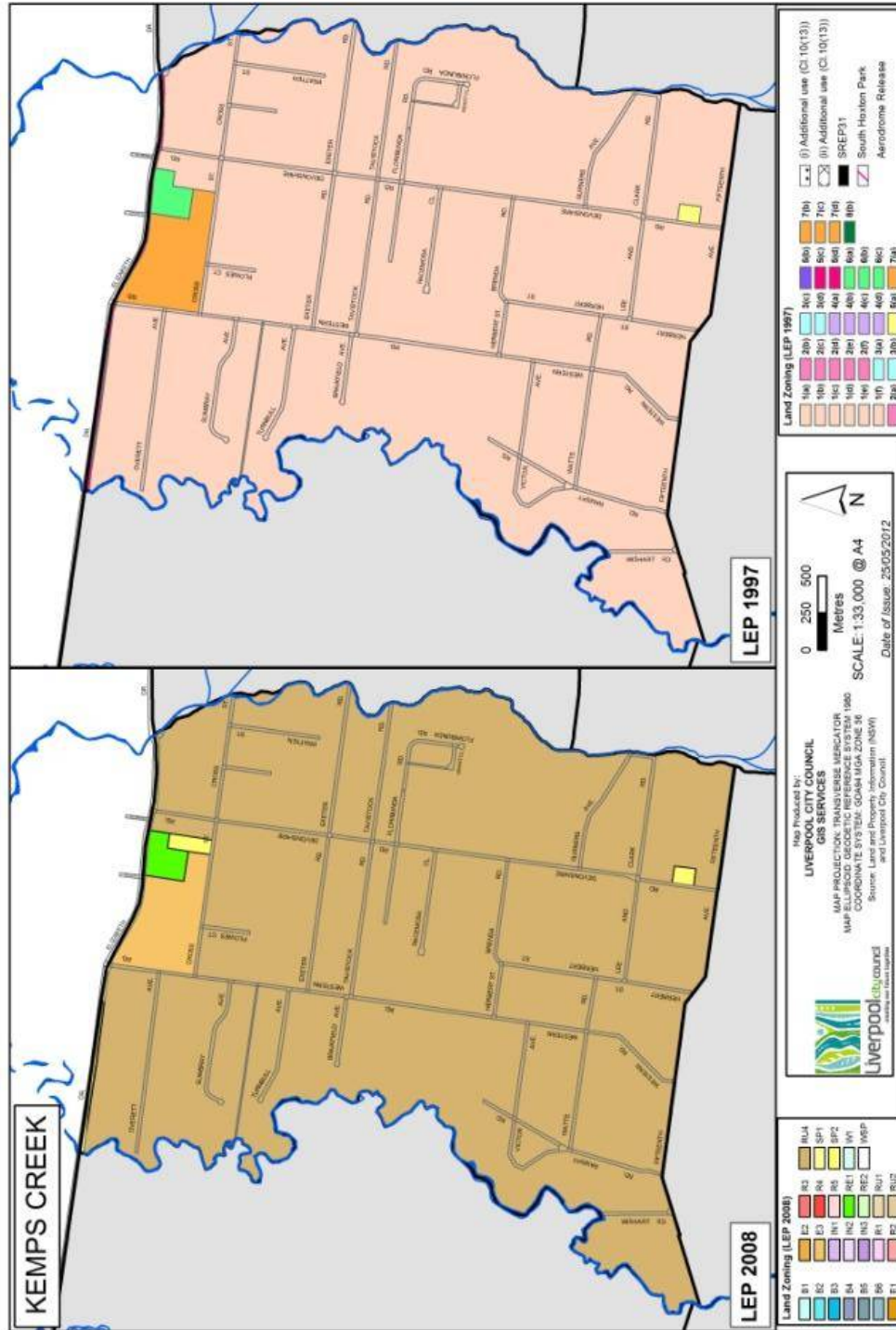
Due to the impending release of the SWGC precincts within Kemps Creek, further fragmentation of land should be limited by retaining the current minimum subdivision lot sizes in the LLEP 2008.

Sydney Water has prepared an indicative plan for the servicing of the SWGC, which includes a waste water treatment facility in Kemps Creek. The DP&I and Sydney Water provide periodic updates regarding the provision of sewage infrastructure to service the future planning precincts within Kemps Creek.

Continue to liaise with Sydney Water regarding wastewater strategy and infrastructure delivery relating to the South West sector.



Map of Kemps Creek



## 6.6 Rossmore

Rossmore is located 12 kilometres west of Liverpool City Centre. The main arterial roads are Bringelly Road and Fifteenth Road (east west connectors); and King Street which turns into Devonshire Road providing a north south connector.

Bringelly Road is the southern border and Fifteenth Avenue is the northern border of Rossmore. The western border runs along South Wianamatta Creek and the eastern border runs along Kemps Creek. The two creeks cause a small amount of flood risk to either side of them.

Rossmore is made up of rural small holdings and Rossmore Grange public recreation area. Rossmore is part of the SWGC and located next to Austral and North Leppington which are 'released' precincts and currently undergoing precinct planning.

**Current zoning:** RU4 Rural Small Holdings  
RE1 Public Recreation

### Number of properties:

Year	Number of Properties
2004	433
2007	437
2012	436

**Population:** 1722

**Land area (ha):** 1150

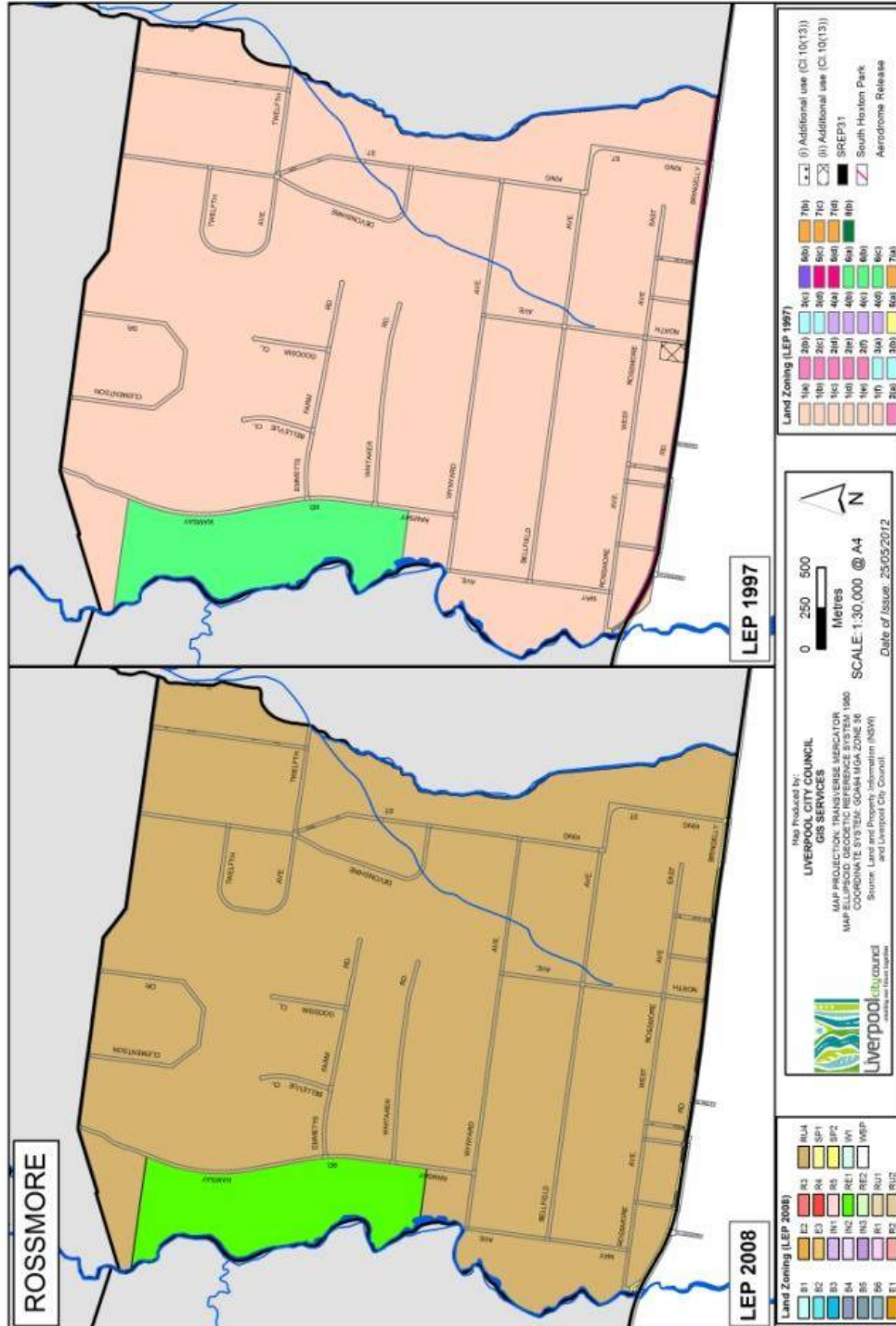
**Land Ownership:** There is fragmented private ownership over the suburb with lot primarily 2 hectares in size with some lots up to 5 hectares.

### Strategy for Rossmore

Due to the impending release of the SWGC precincts further fragmentation of land should be avoided. Retain the current minimum subdivision lot size controls in the LLEP 2008.



Map of Rossmore



## 6.7 Bringelly

Bringelly is located 15 kilometres west of Liverpool City Centre. The main arterial roads that service the suburb are Bringelly Road which continues into Greendale Road (east west connector). The Northern Road which runs north to south through the western side of Bringelly and Badgerys Creek Road which runs north to south through the centre.

Bringelly and Greendale Roads form the southern border of suburb and South Wianamatta Creek is the border to the east. Bringelly has some flood prone areas along South Wianamatta Creek and where it meets with Thompsons Creek in the north east of Bringelly.

**Current zoning:** RU1 Primary Production,  
 RU4 Rural Small Holdings,  
 R5 Large Lot Residential,  
 SP2 Infrastructure (Telecommunications),  
 SP2 Infrastructure (Defence),  
 SP1 Special Activities (Commonwealth Land)  
 RE1 Public Recreation

### Number of properties:

Year	Number of Properties
2004	519
2007	532
2012	533

**Population:** 2125

**Land area (ha) :** 1907

**Land Ownership:** Fragmented private ownership over the suburb with varying sized lots between 2 and 120 hectares in the rural zones and 2 hectares in the residential zones.

### Strategy for Bringelly

Rezone approximately 775 hectares of land from RU1 to RU4 applying a 10 hectare minimum subdivision lot size control (consistent with other RU4 zones) to limit further fragmentation of land facilitating future planning land within the SWGC.

The rezoning is supported for the following reasons;

- The majority of the precinct is categorised as having moderate agricultural capacity (Soil category- Class 3, with Class1 soils being optimum for agriculture).
- Only a small portion of this precinct is affected by *Sydney Regional Environmental Plan No. 9 Extractive Industry* and by the Badgerys Creek Airport Noise Exposure (ANEF) contours.
- The land is only marginally affected by land use constraints in terms of flooding and Environmentally Significant Land.

- The introduction of the 10 hectare minimum subdivision lot size (which is commensurate with other RU4 zoned land) will not result in substantial fragmentation of land which would impact upon the future planning of the SWGC.
- The precinct is well serviced by The Northern Road; an arterial road.

Notable land uses permissibility differences between the RU1 and RU4 zone are summarised as;

Permitted without consent: RU1	Permitted without consent: RU4
Environmental protection works	---
Extensive agriculture	Extensive agriculture
Home-based child care	Home-based child care
Home occupations	Home occupations

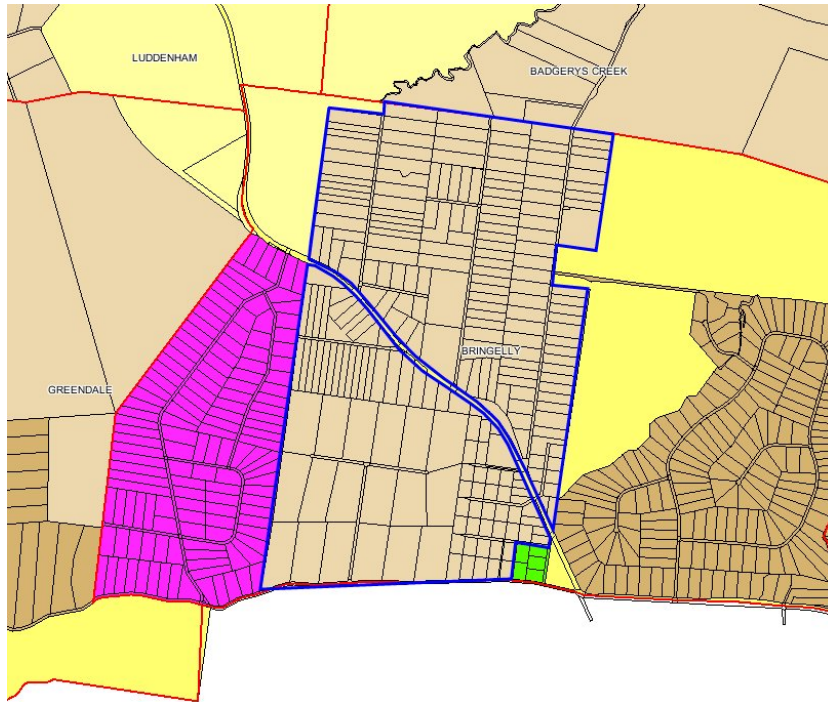
Permitted with consent RU1	Permitted with consent: RU4
Agriculture	Agriculture
Airstrips	---
Animal boarding or training establishments	Animal boarding or training establishments
Bed and breakfast accommodation	Bed and breakfast accommodation
Building identification signs	Building identification signs
Business identification signs	Business identification signs
Cemeteries	Cemeteries
Community facilities	Community facilities
Crematoria	Crematoria
Dual occupancies	Dual occupancies
Dwelling houses	Dwelling houses
---	Entertainment facilities
Environmental facilities	Environmental facilities
---	Environmental protection works

Extractive industries	---
Farm buildings	Farm buildings
Farm stay accommodation	Farm stay accommodation
Flood mitigation works	Flood mitigation works
Forestry	---
Hazardous storage establishments	---
Health consulting rooms	---
Helipads	Helipads
Heliports	---
Home businesses	Home businesses
Home industries	Home industries
Landscaping material supplies	Landscaping material supplies
Offensive storage establishments	---
Open cut mining	---
---	Places of public worship
Plant nurseries	Plant nurseries
Recreation areas	Recreation areas
---	Recreation facilities (indoor)
Recreation facilities (outdoor)	Recreation facilities (outdoor)
Roads	Roads
Roadside stalls	Roadside stalls
Rural industries	Rural industries
Rural supplies	Rural supplies
Secondary dwellings	Secondary dwellings
Veterinary hospitals	---

Water recreation structures

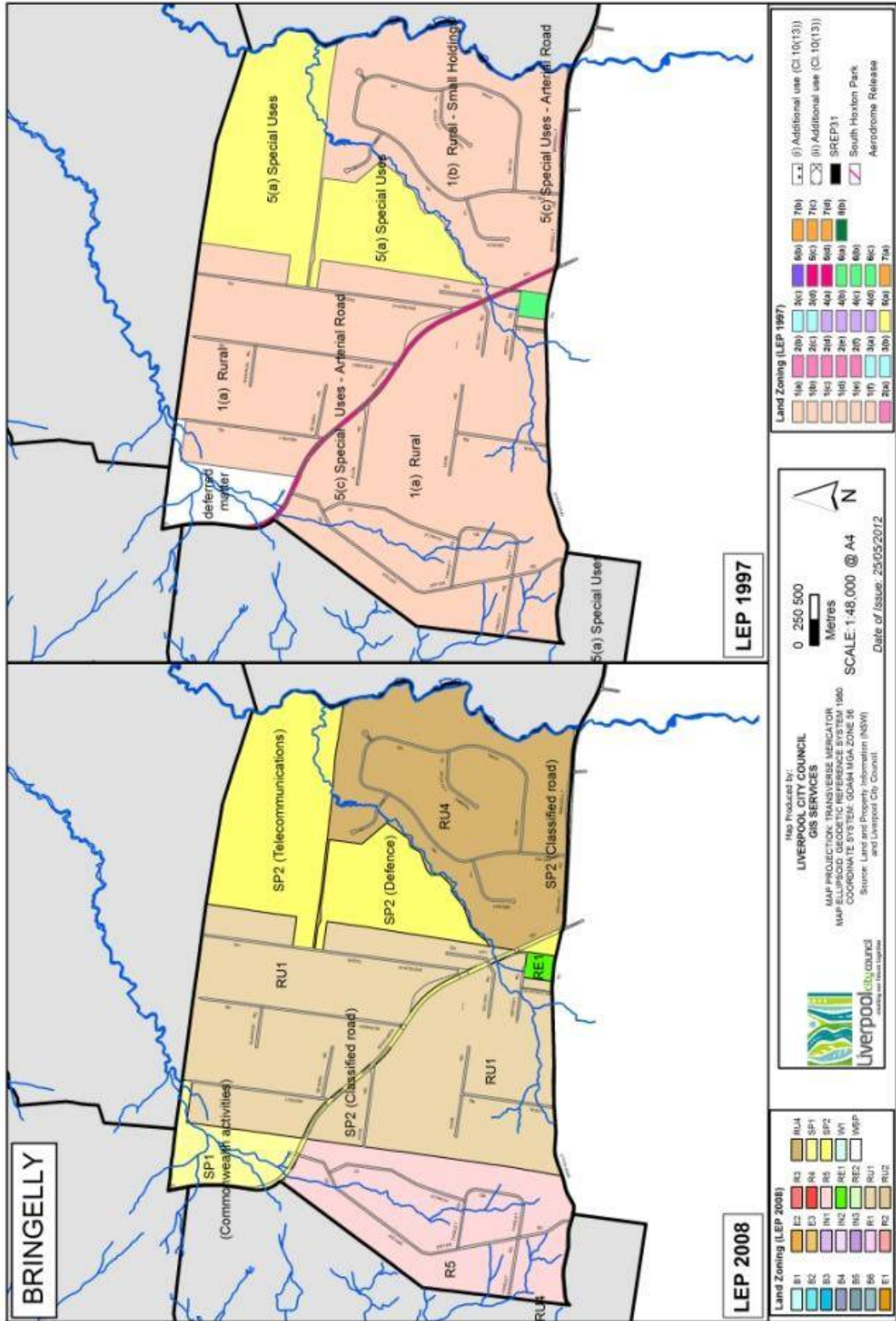
Water recreation structures

In terms of the Infrastructure SEPP, health service facilities and correctional services are permissible in RU4 and not in RU1 while the RU1 zone permits waste or resource



**Figure 1 Land subject to rezoning from RU1 to RU4 (outlined in blue)**

Map of Bringelly



### 6.8 Badgerys Creek

Badgerys Creek is located 14 kilometres west of the Liverpool City Centre. The main arterial roads servicing the suburb are Elizabeth Drive (east west connector) with Badgerys Creek Road providing north-south connectivity.

South Wianamatta Creek forms the suburbs eastern boundary, Oaks Creek and Anton Road south of where the Oaks Creek crosses under the road forms the western suburb boundary, while Elizabeth Drive is the Northern Boundary. There is minor flood affected land to the west of Badgerys Creek near Lawson Road.

The land in the east of the suburb forms part of the SWGC. A majority of it is denoted as Future Industrial. A small portion of the suburb is in the North Bringelly precinct.

The land on the western half of the suburb was proposed for Sydney's second airport. Notwithstanding the Governments announcement that the site will not be used for an airport, Council is unable to re-zone the land from SP1 Special Activities and/or remove the ANEF contour controls. The site contains parcels of land with residential dwellings with some parcels being used for agricultural uses by private operators.

**Current zoning:** SP1 Special Activities – (Commonwealth Activities)  
RU1 Primary Production

**Number of properties:**

Year	Number of Properties
2004	189
2007	184
2012	181

**Population:** 669

**Land area (ha):** 1846

**Land Ownership:** A majority of land is owned by Department of Infrastructure and Transport. Some land to the eastern side of the border is under private ownership with 10 to 40 hectare parcels. There are also some businesses that own land and operate in the area.

#### Strategy for Badgerys Creek

Although there has been some landowner interest in rezoning land within Badgerys Creek from RU1 to RU4, the proposal is not supported the following reasons;

- Many of these lots currently contain agricultural uses or extractive industry.
- The Martin Road and Lawson Road precinct in Badgerys Creek is categorised as 'Soil Type 2' which is the second highest classification of soils indicating agricultural capability.
- This precinct contains a number of large lots which may be capable of subdivision if rezoned to RU4 and applied with the corresponding 10 hectares minimum subdivision lot size. Further increasing fragmentation



can result in additional obstacles during future precinct planning and development under the SWGC.

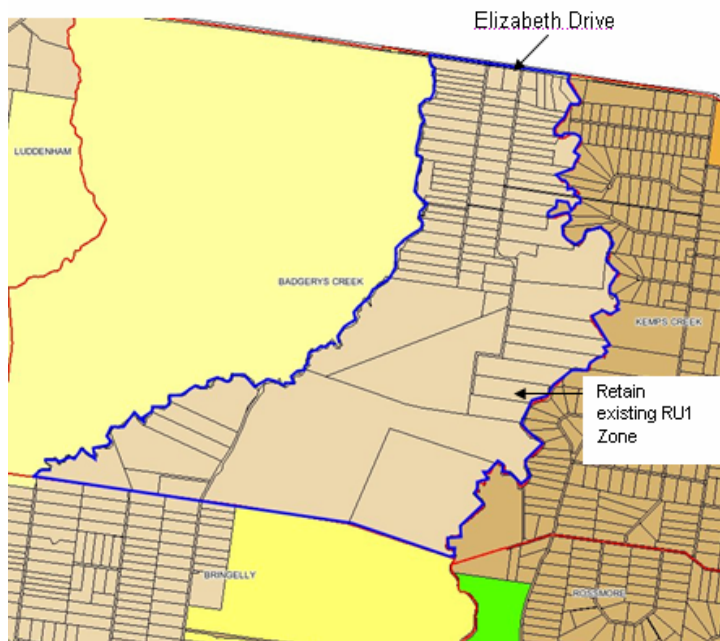
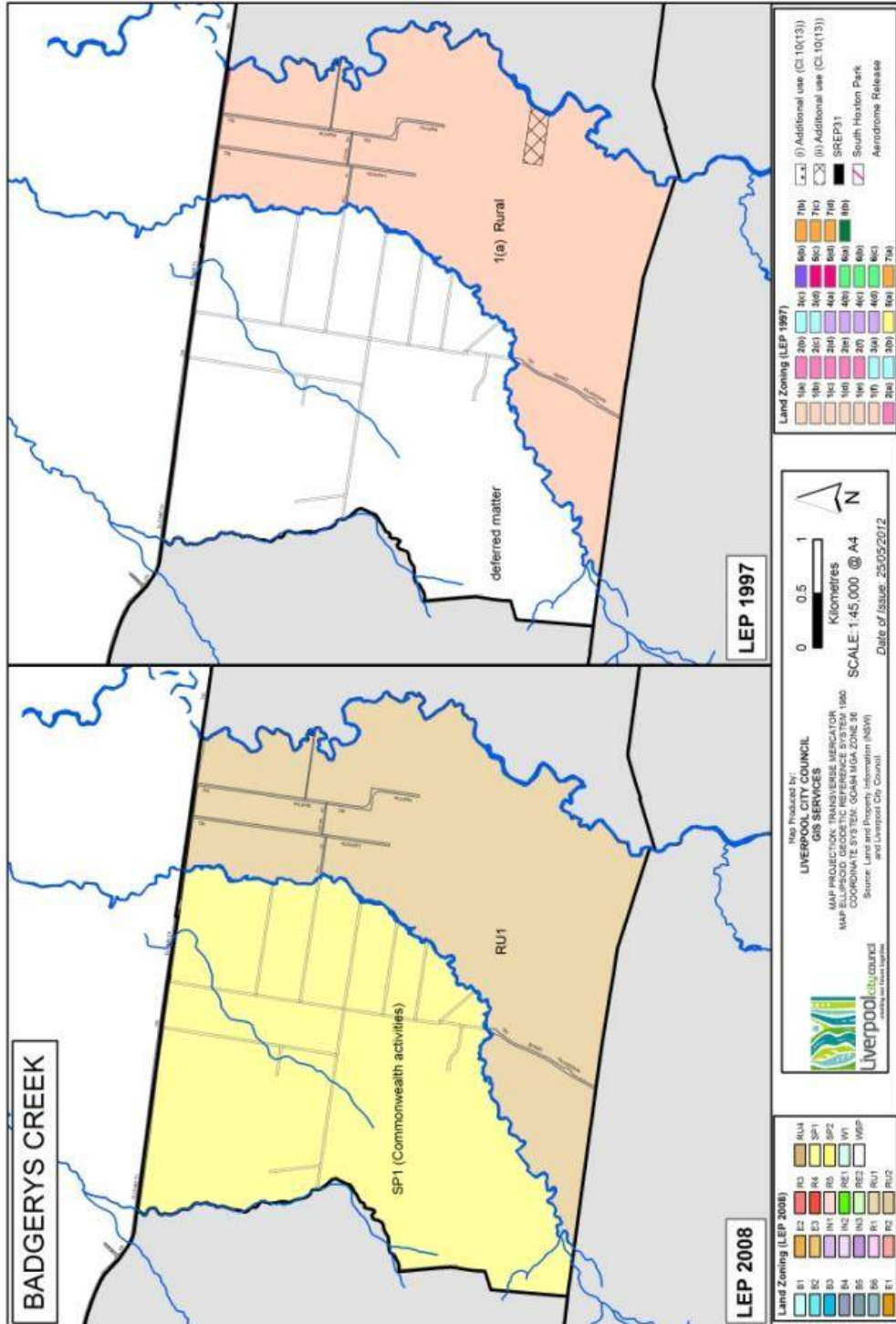


Figure 2 land within Badgerys Creek retaining the LLEP 2008 RU1 zone.



Map of Badgerys Creek



## 6.9 Luddenham

Luddenham is located 18.5 kilometres west of Liverpool City Centre. The main arterial roads servicing the suburb are Elizabeth Drive (east west connector), Adams Road (north-east to south-west running) and The Northern Road which runs North to South through the middle of Luddenham.

Oaky Creek is the suburbs eastern border and Elizabeth Drive forms the northern boundary of the area. The western border is The Northern Road until Adams Road where it diverts out towards the west again and then runs south down parts of Duncans Creek.

A large proportion of the suburb (eastern side) is part of the Badgerys Creek Airport reservation site which is zoned SP1 Special Activities.

The southern section of Luddenham Village contains some capacity for future residential development. However, it is considered that given that the village is constrained to the south-east by the ANEF contour lines to the east and by the SREP 9 area, the only area where the village could expand is to the north i.e the land zone R5 Large Lot Residential.

Luddenham Village is connected to Sydney Water's reticulated water system, however Sydney Water's sewer is not available. The village relies upon either septic tanks or pump out sewage systems.

The RU4 zoned land within Luddenham consists of a number of 10 ha lots and is not affected by SREP 9.

**Current zoning:** RU1 Primary production,  
 RU4 Rural Small Holdings,  
 R2 Low Density Residential,  
 R5 Large Lot Residential,  
 SP1 Special Activities – (Commonwealth Activities),  
 RE1 Public Recreation,  
 B1 Neighbourhood Centre

### Number of properties:

Year	Number of Properties
2004	205
2007	211
2012	224

**Population:** Mid 2011 = 819

**Land area (ha):** 1530

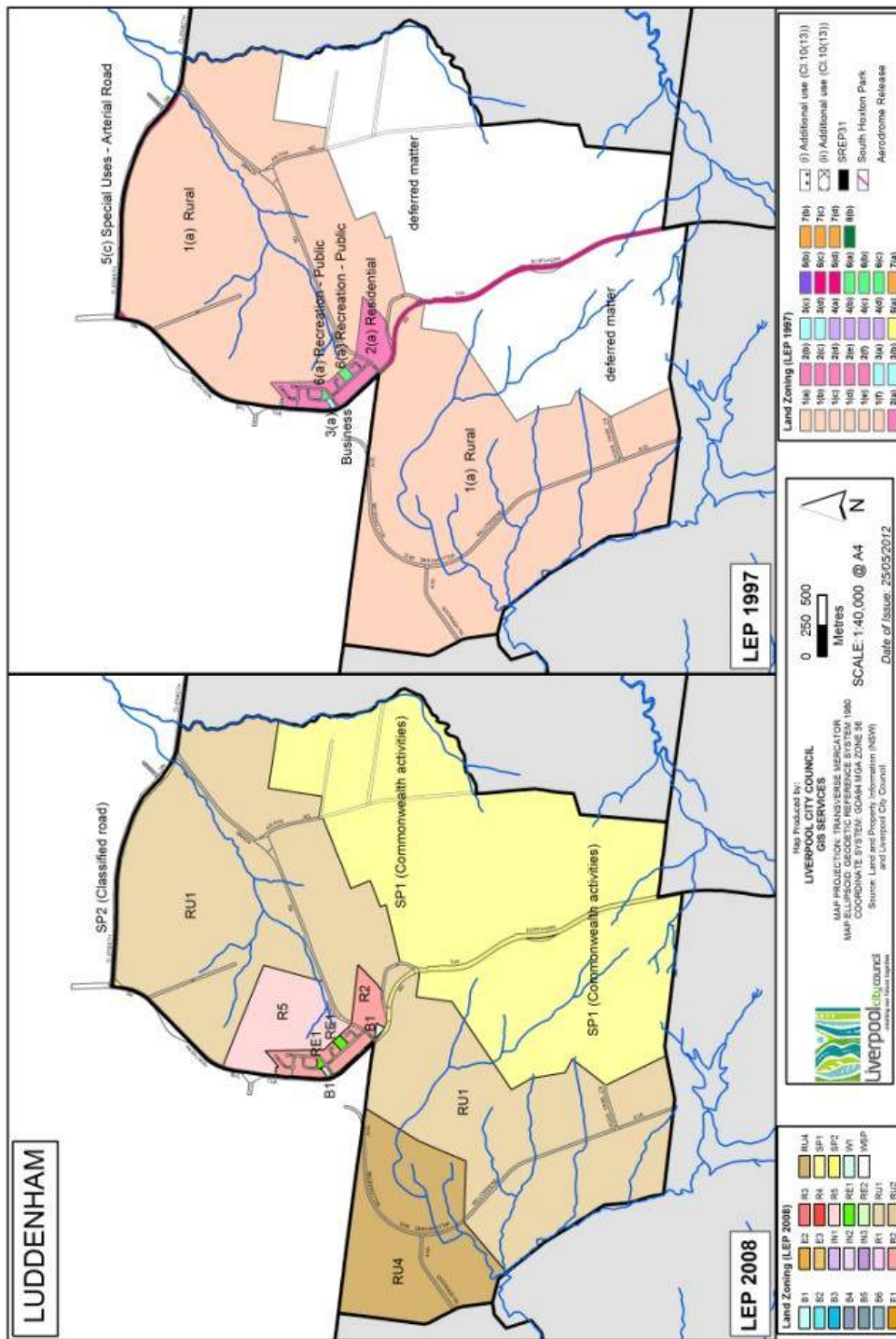
**Land ownership:** Approximately half of Luddenham is owned by Commonwealth Government. The other side of the suburb is made up of fragmented ownership. The lot sizes within the Luddenham Village are generally around 500 square metres whilst lots along

Adams Road vary between 10 hectares and 15 hectares, however there is one allotment which is in excess of 40 hectares. Lots zoned R5 vary in size with lots along Willowdene Avenue and Silverwood Ave are generally between 5 ha and 10ha. Many relatively new large dwellings have been constructed in Willowdene Avenue.

### **Strategy for Luddenham**

- It is recommended that the Luddenham Village not be expanded beyond its current R2 zoning limits for the following reasons;
  - ANEF affectation of adjoining land
  - Significant residential development take up in areas being planned within the SWGC
  - That village is not connected to Sydney Waters Sewage System
  - The scenic quality of the visible hills to the east of Luddenham Village from the dwellings and The Northern Road.
  - There is capacity for additional residential development within the current R2 zoned land.
- Investigate the potential expansion of the R5 zone south of Adams once the Government has amended the relevant legislation allowing the deletion of the ANEF noise contours.
- Investigate/pursue the potential expansion of the RU4 zone south to lots on either side of Willowdene Drive (No.'s 215-500) once the Government has endorsed the deletion of the ANEF noise contours.
- Continue to pursue the State and Federal Government regarding future land use options for the Badgerys Creek Airport land reservation.

Map of Luddenham



### 6.10 Wallacia

Wallacia is located 23.5 kilometres west of Liverpool City Centre. This suburb is located in the north-western corner of the LGA. Its northern boundary is the common local government boundary with Liverpool and Penrith Councils at Wallacia, the western boundary is the Nepean River. The eastern boundary is the rear of properties that address Willowdene Ave and Silverwood Ave.

The main arterial road servicing the suburb is Greendale Road which runs from the North to the South.

**Current zoning:** RU1 Primary Production  
 RU4 Rural Small Holdings  
 R5 Large Lot Residential  
 W1 Natural Waterways

**Number of properties:**

Year	Number of Properties
2004	34
2007	34
2012	36

**Population:** 137

**Land area:** 679 Ha

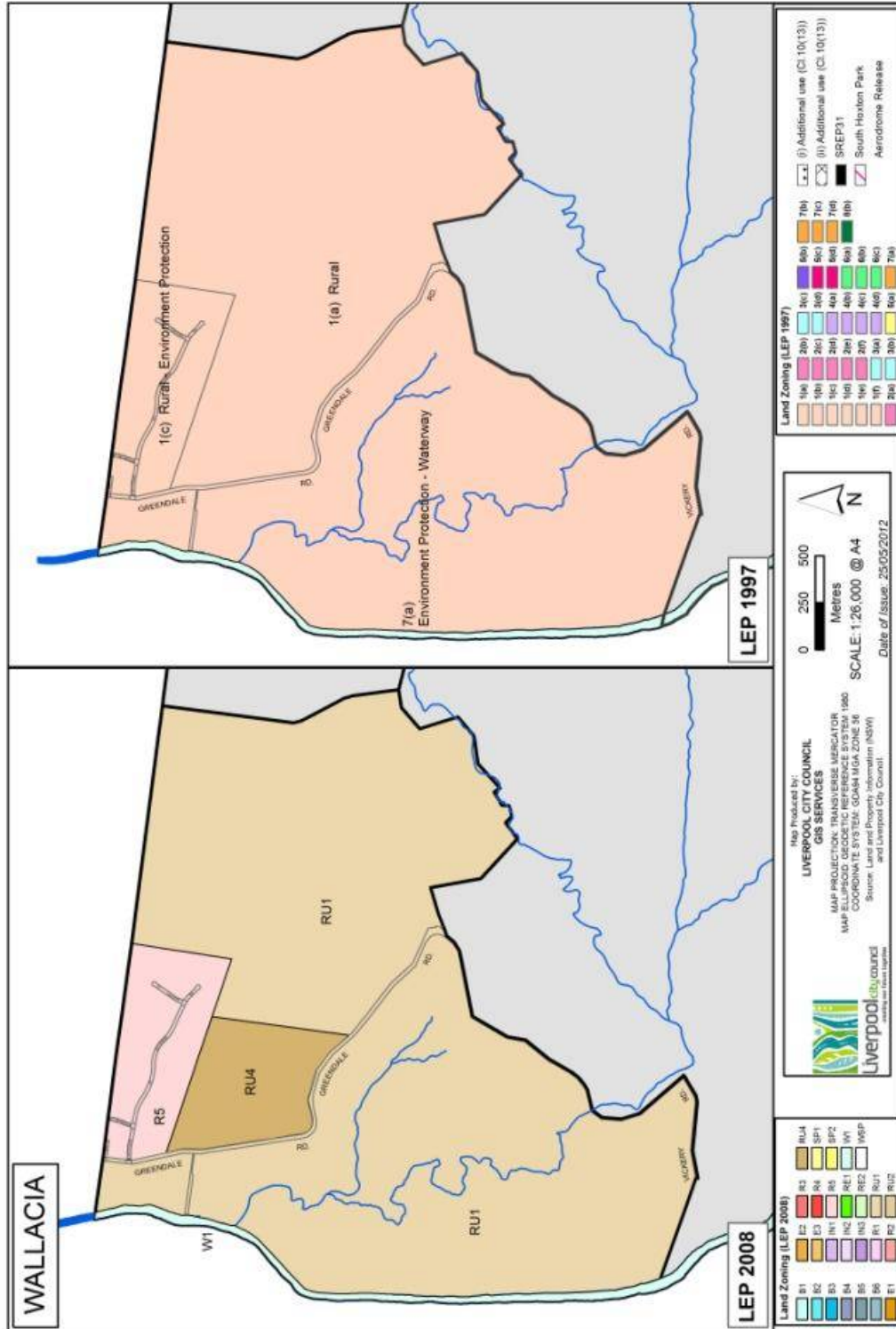
**Lot pattern:**

There is a large variation in lot sizes within Wallacia lots under 1500sqm allotments along the northern section of Greendale Road at Wallacia. There are 2ha lots at Matingara Way, and 10 hectare lots along the southern sections of Greendale Road. Through the middle of the suburb there are large allotments of 70 hectares to over 100 hectares. The majority of private ownership lies in the south and west of the suburb and the business ownership occurs more in the north and the east.

**Strategy for Wallacia**

- Continue to advocate for the removal of the Badgerys Creek ANEF contours.
- Alter the Floor space ratio for three lots, being 1025-1029 Greendale Road Wallacia from 0.1:1 to 0.15:1. This would allow the flexibility for the renewal of housing stock. Considering this change only applies to three lots, the impacts of increasing potential dwelling size in this instance would be localised and assessed through a specific development application process.
- Retain the agricultural potential of land along Nepean River available through the retention of the RU1 Primary Production zone.
- Retain the current RU4 zone which results in the potential of only one additional lot.

Map of Wallacia



### 6.11 Greendale/Cobbity

Greendale is located 20 kilometres west of Liverpool City Centre. The main arterial road servicing the suburb is Greendale Road which runs from the North West to the South East.

Greendale is bounded by the Nepean River to the west, Bringelly Creek and land zoned SP2 Educational Establishment (University Farm) to the This precinct also includes the Bents Basin Conservation Area site to the south-west and the southern part of the Leppington Pastoral Company Dairy at the northern road.

Several lots to the south of the precincts are split by Bringelly Creek. The land to the south of the Creek were, up until recently, part of the Camden Local Government Area. Although the land is now part of the Liverpool Local Government Area, the land is still considered within the suburb of Cobbitty

Significant proportion of Greendale is affected by the ANEF contours from the formerly proposed Badgerys Creek Airport with the exception of land to the south towards Bringelly Creek.

The main areas of viable agricultural/primary industry activities in this section are the western side of Wolstenholme Avenue between the Nepean River where there is a significant amount of irrigated field vegetables along the river flat, to the east where the Leppington Pastoral Company operates and equine related industry at the end of Wolstenholme Avenue. These operations are reflected in the soil capability assessment, which indicates that the river flats along the Nepean River are of high agricultural capability, as is a section of land used by the Leppington Pastoral Company.

**Current zoning:** RU1 Primary Production  
RU4 Rural Small Holdings  
E1 National Parks and Nature Reserves  
SP2 Infrastructure  
SP1 Special Activities  
W1 Natural Waterways

**Number of properties:** 79 (2004)  
85 (2007)  
87 (2012)

**Population:** 456 (Mid 2011)

**Land area:** 3492 ha

#### Topography

Areas of scenic quality exist on land at the end of Wolstenholme Avenue and Orient Road due to its slope and high level of visibility. Land within Bents Basin National Park is also of high conservation significance.

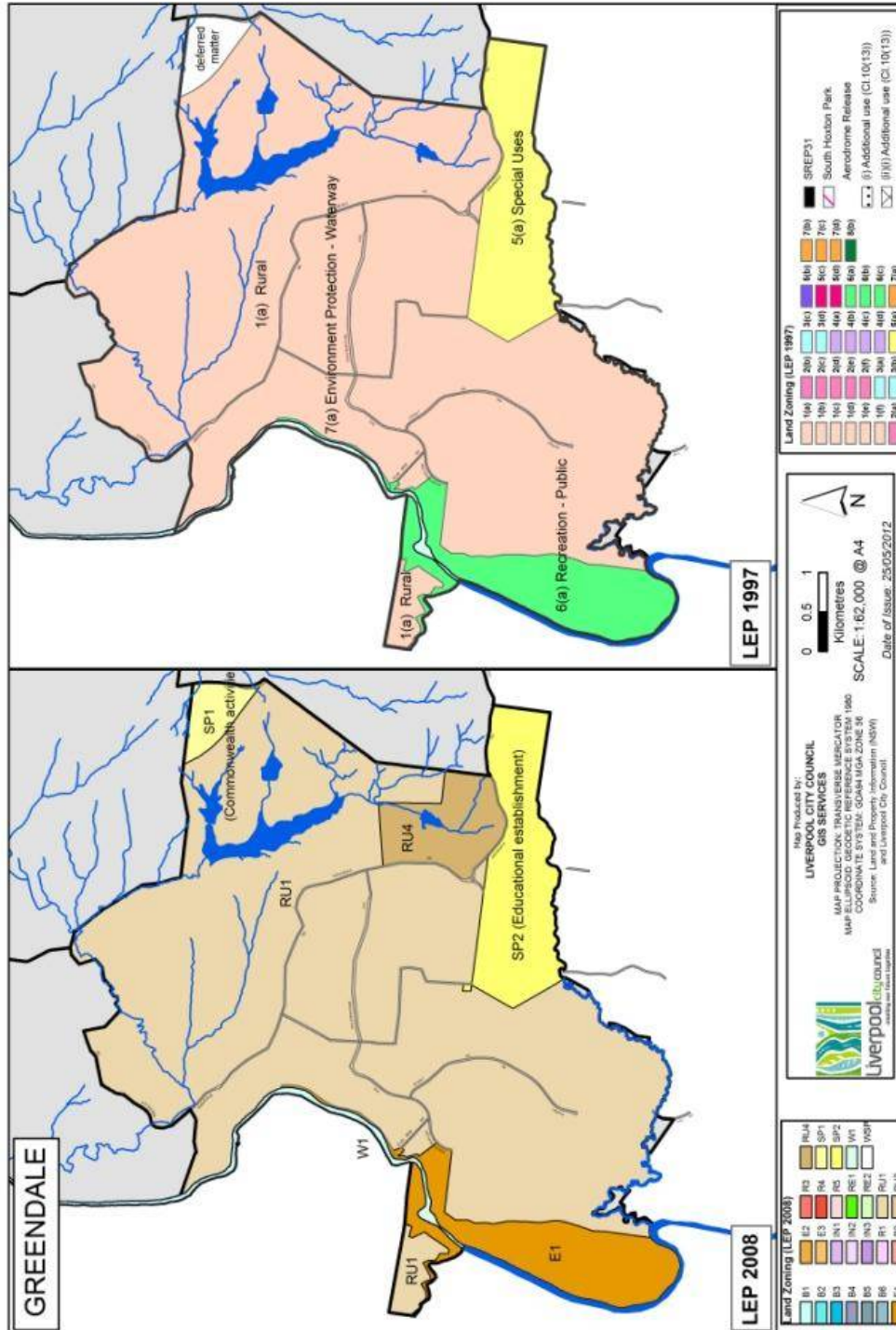
**Land Ownership:** Greendale possesses some of the largest landholding within the local government area with many properties in excess of 40 hectares. Lots sizes in the northern section range significantly from around 10 hectares (along Greendale Road and Wolstenholme Road) to over 100 hectares.

#### Strategy for Greendale

- In recognition of current land patterns, equine, agricultural and extractive industry potential and the remoteness of the majority of the area from any services or townships, limit development potential by retaining the current LLEP 2008 land use zoning and minimum subdivision lot size controls.
- Allow for dual occupancies without a mandated floor space restriction as detailed in the recommendations.
- Continue to advocate for the removal of the Badgerys Creek ANEF contours.



Map of Greendale



## 7 Recommendations

1. Rezone approximately 755 hectares of land in Bringelly (highlighted in Figure 1) from RU1 Primary Production to RU4 Primary Production Small Lots.
2. Amend LLEP 2008 to permit Veterinary hospitals in the RU4 land use zone.
3. For the Austral/Leppington North and East Leppington precincts 'released' by the Minister as part of the SWGC; (Areas outlined in red in Figure 3); retain the current dual occupancy provisions (LLEP 2008 Clause 7.10 and 7.24).
4. For land within the SWGC that has not as yet released by the Minister (outlined in blue on Figure 3); increase the dwelling maximum gross floor area restriction stipulated in LLEP 2008 Clause 7.24 from 150 square metres to 250 square metres. Further, retain the minimum lot size permitting dual occupancy development at 2ha for the RU4 zone and 10 ha for the RU1 zone.
5. For land rural zoned land outside the Growth Centres (outlined in brown on Figure 3); for RU1 zoned land, no specific gross floor area dwelling restriction for dual occupancies. However retain the minimum lot size for dual occupancies at 10 hectares. For RU4 zoned land; increase dwelling gross floor area restriction from 150 square metres to 250 square metre.
6. Clarify and strengthen LDCP 2008 controls in relation to Dual Occupancies in the R5 Large Lot Residential zone and Part 5 Rural and Environmental zones.
7. Write to the Minister of Infrastructure and Transport regarding the governments Joint Study of Aviation Capacity seeking removal of the ANEF contours and to seek a final decision on the future land use of the Badgerys Creek Airport reservation.
8. Amend the Floor Space Ratio for three lots, being 1025-1029 Greendale Road Wallacia from 0.1:1 to 0.15:1. This would allow the flexibility for the renewal of housing stock. Considering this change only applies to three lots, the impacts of increasing potential dwelling size in this instance would be localised and assessed through aspecific development application process.
9. That Council do not proceed with the amendment to RU2 zone as proposed in LLEP 2008 Amendment No.17.

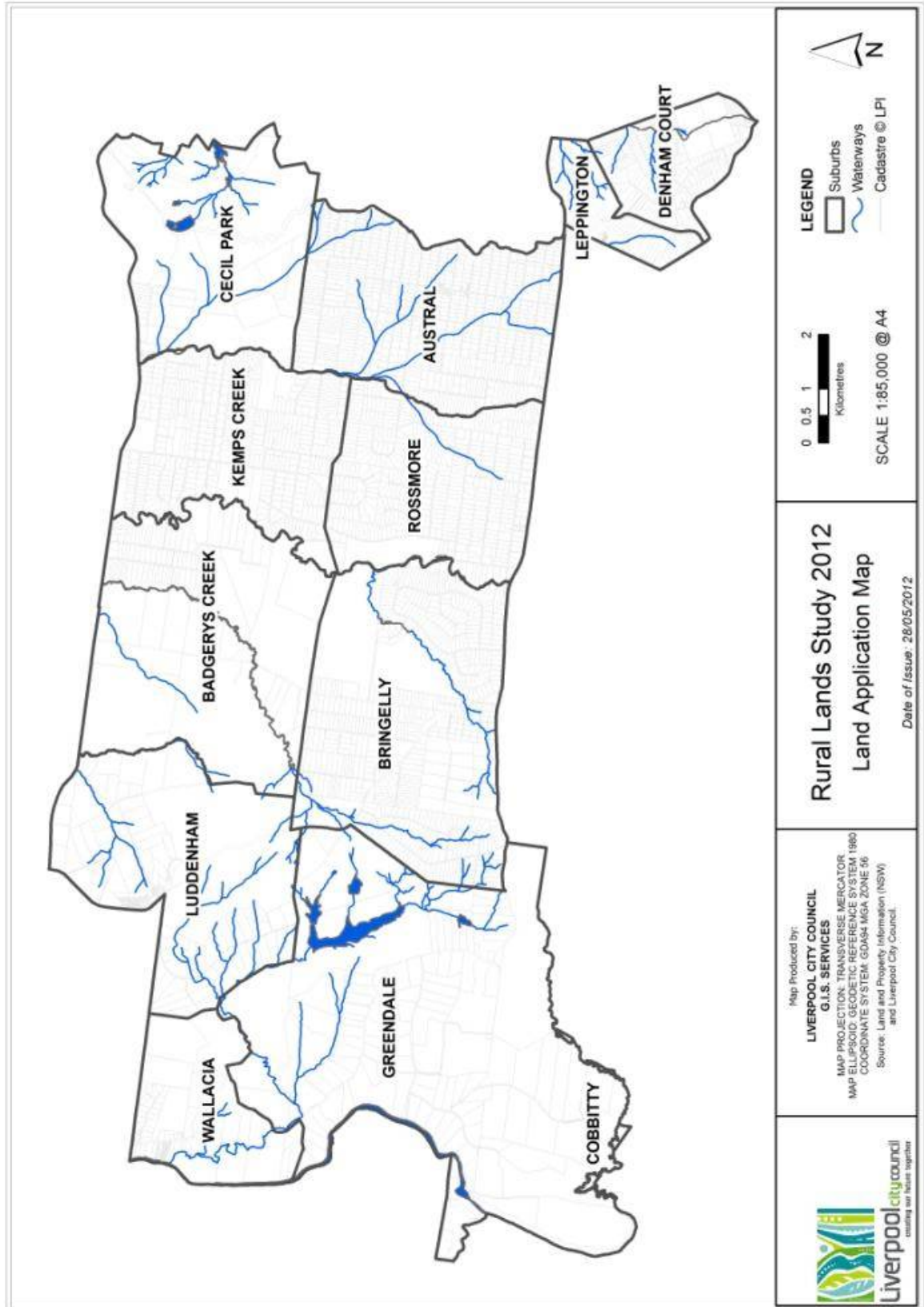
## 8 Conclusion

The RLS 2012 seeks to update the previous study with up to date information relating to Badgerys Creek Airport reservation and the detailed precinct planning for the South West Sector. Additionally, further issues that have been raised by the public have been investigated resulting in a number of recommendations as outlined in this report.

The proposed changes to planning policy seek to better balance the challenges facing rural lands which include the use of land for primary production, extractive industry and recreational pursuits, protecting land with scenic qualities and environmental constraints whilst allowing some reasonable development types such as dual occupancies. Further challenges considered in the RLS include the relatively recent proliferation of cemetery proposals and the delivery of new neighbourhoods within the

SWGC. The importance of the rural areas for fresh food production is reiterated and is the extractive potential for land as outlined in SREP 9.

**Appendix 1 Land Application Map (trim 138909.2012)**



## Appendix 2 SREP 9 Sydney Regional Environmental Plan 9 – Extractive Industries (No.2)

