

Planning Proposal

Pleasure point Road - Amendment to Dwelling Density Map of the Liverpool Local Environmental Plan 2008

30 March 2022

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Introduction

This planning proposal applies to three lots along Pleasure Point Road in the southern region of Pleasure Point, referred to as the subject site throughout this report. Currently, there is a four-lot yield restriction that applies to the three larger lots that make up the subject site. This four-lot yield restriction came as a result of community consultation associated with a previous proposal to amend the LEP aiming to permit a residential use and the subdivision of land. This planning proposal was Amendment 84 to the Liverpool Local Environmental Plan 1997 and was gazetted in 2005. The three original larger lots making up the subject site have been subdivided over the years and now exist in various forms.

At Council's ordinary meeting on 11 December 2019, it was resolved that Council:

- 1. Directs the CEO to prepare a planning proposal to amend the dwelling density map in the Liverpool Local Environmental Plan (LLEP) 2008 that increases the permitted number of lots on certain sites along Pleasure Point Road, Pleasure Point from four lots to five lots; and*
- 2. Notes that, once drafted, the planning proposal will be reported to the Liverpool Local Planning Panel for advice and to a future Council meeting for a decision on whether to seek a Gateway determination from the Department of Planning, Industry and Environment.*

The planning proposal seeks to increase the existing four lot restriction stipulated within Clause 7.12 to a maximum of five lots for each of the original large lots. The impetus for the planning proposal is to increase the yield potential of these lots, and to formalise the existence of a five-lot subdivision that has been approved previously.

Given the significant constraints that apply to the site in terms of water infrastructure and bushfire risk, early consultation was completed with Sydney Water and the NSW Rural Fire Service (RFS). This has helped to ensure adequate consideration is given to these constraints in the early stages of the planning proposal process.

A previous planning proposal (Amendment 84 to the LLEP 2008) was prepared, which included an additional lot to the north of the current site. After receiving in-principle support from Council on 29 July 2020, the planning proposal was sent for Gateway review, and a Gateway determination received on 23 September 2020 from the then Department of Planning, Industry and Environment (the Department). It was noted in the initial planning proposal that development was severely constrained from the perspective of the RFS for the furthest lot – Lot 4 – within the subject site. However, it was deemed that the planning proposal should remain in its current form due to the early stage in the process. A subsequent Bushfire Report prepared post-Gateway confirmed that there was no development potential for Lot 4 when considering the requirements of Planning for Bush Fire Protection 2019.

Due to budget constraints and delay due to Covid-19, the Bushfire Report could not be finalised prior to the expiry of the Gateway of 23 September 2021. Consultation with the Department indicated that a revised planning proposal – this proposal – should be provided removing Lot 4, due to there being no further development potential on the site.

Site description

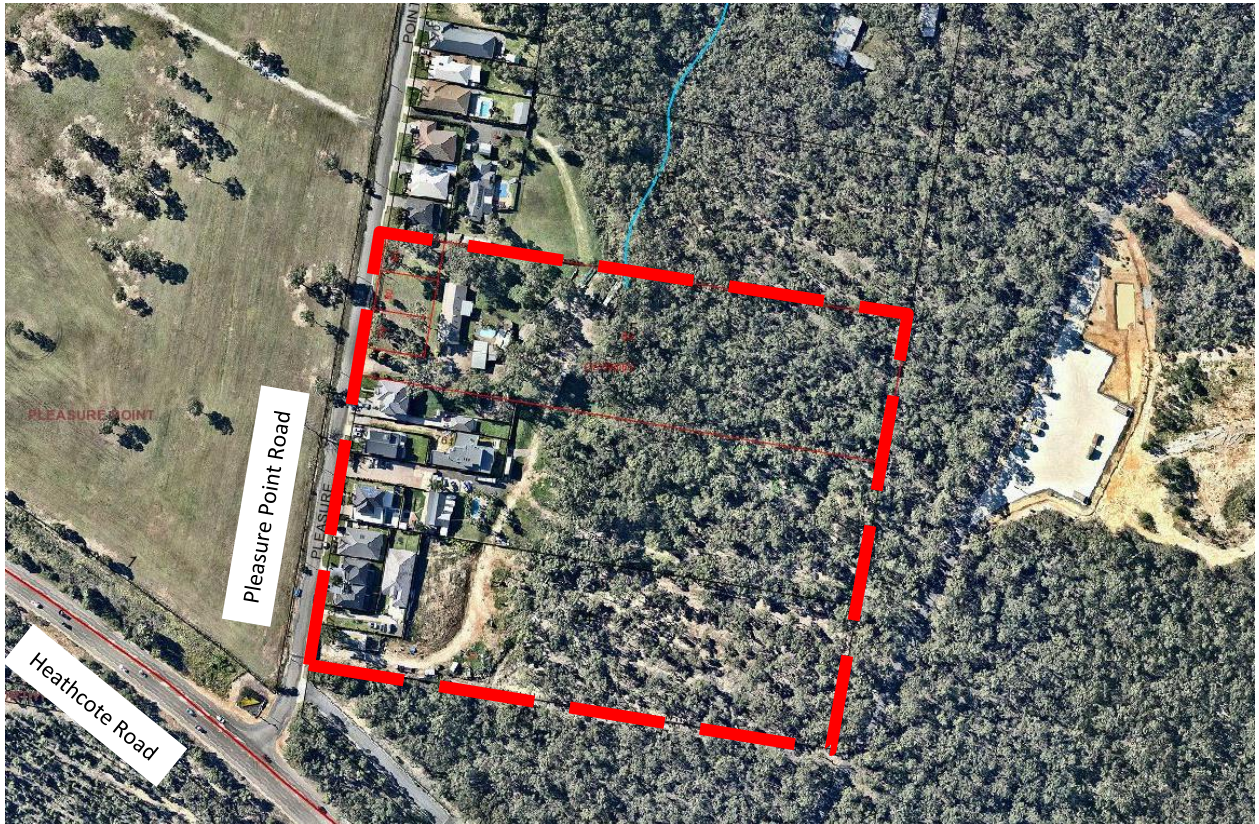


Figure 1: Location of subject site outlined in red (Nearmap 2019)

The subject site is located in the south-eastern corner of the Liverpool local government area (LGA) within the suburb of Pleasure Point. The subject site is divided into three original large lots within the Liverpool Local Environmental Plan 2008 (LLEP) as shown below in Figure 2. It should be noted that subsequent subdivisions have occurred since this gazettal of the LLEP map.



Figure 2 Dwelling Density Map (LLEP 2008) Note: This planning proposal only applies to bottom three lots



Figure 3 Subject Site - Original Larger Lots (LCC Geocortex)

The three original large lots that make up the subject site are numbered as per Figure 3 above. Currently, the four original large lots consist of the following individual formalised lots (from north to the south):

- **Site 1:**
 - Lot 71 within DP 1134477;
 - Lot 72 within DP 1134477;
 - Lot 73 within DP 1134477; and
 - Lot 74 within DP 1134477.

- **Site 2:**
 - Lot 75 within DP 1134478;
 - Lot 77 within DP 1134478;
 - Lot 78 within DP 1134478;
 - Lot 761 within DP 1217961; and
 - Lot 762 within DP 1217961.

- **Site 3:**
 - Lot 5 within DP 239468.

Refer to Table 1 for a summary of development approvals and construction on each individual lot within the subject site.

The subject site is zoned R5 – Large Lot Residential along the western portion, and E2 – Environmental Conservation along the eastern portion (Figure 4). All land located 60m or further from Pleasure Point Road is identified as Environmentally Significant Land under the LLEP 2008. A riparian corridor is located through the centre of the subject site, running down the slope northwards to the Georges River. An informal unsealed fire trail is located along the rear of the individual lots that is recognised and protected under the Liverpool Development Control Plan 2008 (LDCP 2008).

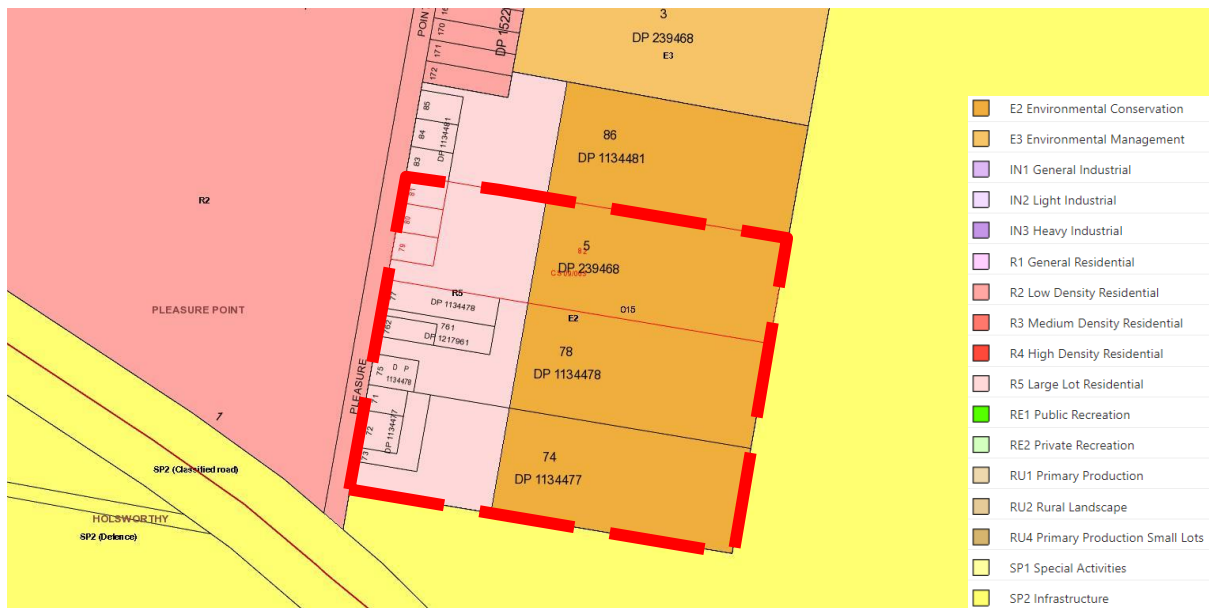


Figure 4 Zoning Map of the Subject Site (LCC Geocortex). Note: subject site outlined in red

Residential development within the subject site is limited to the western edge fronting or connecting to Pleasure Point Road. Most development is in the form of single dwelling houses, with some utilising battle-axe lot configurations. A recently constructed dual occupancy is in the south-western corner of the subject site. Site 1 and 2 have all been subdivided to include battle-axe configurations, and now contain recently constructed dwellings in various forms. Site 3 remains as a single site with an older dwelling situated with a generous setback from Pleasure Point Road. A development consent exists for the subdivision of Site 3 into four lots. A subdivision certificate has also been issued, however the owner has not yet registered the subdivision with NSW Land Registry Services (LRS) and the subdivision is therefore not yet formalised.

Regarding the broader surroundings of the subject site, it is bound by Pleasure Point Road to the west, with a vast open site on the western side of the road that has yet to be developed. It is noted that this land to the west is identified as an urban release area in the LLEP 2008. To the east of the subject site is defence land (Sandy Point Military Reserve) land that contains environmentally significant bushland. This bushland is identified as Red Bloodwood – Grey Gum woodland in good condition, and has regional connectivity. To the south is Heathcote Road, and defence land (Holsworthy Military Reserve) that is densely vegetated. Finally to the north are further dwellings fronting Pleasure Point Road, and significant bushland that surrounds the creek corridor running down to the Georges River.



Figure 5 Looking north-east toward no.76 and further down Pleasure Point Road



Figure 6 Looking north-east at the no.72 dual occupancy development and further down Pleasure Point Road



Figure 7 Looking south-east toward Lot 5 Pleasure Point Road



Figure 8 Looking east down the battle-axe driveway of no. 46 Pleasure Point Road

Background

The following section details relevant past planning proposals, development applications, and legal proceedings that have occurred on the subject site.

Amendment 84 LLEP 1997

In February 2002 Impala Homes expressed interest in developing lots 4, 5, 6 and 7 Pleasure Point Road, Pleasure Point for residential purposes. Due to the significance of the vegetation and the public interest, this matter was subject to a public meeting and subsequent representations from key community representatives. As a result of these meetings the proposed development was scaled down to 16 residential lots which address Pleasure Point Road and ensure the protection of the rear of the sites. This restriction to the lot yield of the site was in response to the following outcomes of community consultation:

- *Limited development would be supported;*
- *There was support for the development principles proposed by the developer;*
- *Protection of defined environmental corridors with no development in these areas;*
- *No development should occur at the rear of the subject lots;*
- *There should be no medium density development;*
- *There should be no zero lot line development;*
- *There should be no significant traffic impacts on Pleasure Point Road; and*
- *There is some scepticism as to Council's ability to enforce proposed environmental controls.*

In April 2003, Council received a formal application (Amendment 84 of the LLEP 1997) to rezone land at Pleasure Point to enable the development of a maximum of 16 dwellings from the subject three original large lots and one additional lot to the north.

The State agency, service provider and internal Council consultations raised the suggestion of and support for a bushfire trail to enable emergency access to the rear of residential properties. It was deemed appropriate to prepare an amendment to the DCP to incorporate this requirement. The draft amendment to the DCP required that:

- A bushfire trail parallel to Pleasure Point Road is provided as part of any development of lots 4, 5, 6 and 7, DP 239468,
- The bushfire trail links to Pleasure Point Road through lots 4, 5 and 7 DP 239468,
- The bushfire trail meets the requirements of Section 4.3.3 of the NSW Government *Planning for Bushfire Protection 2001*,
- The bushfire trail is to be located as shown in the DCP map.

The draft amendment to DCP No 28 was exhibited with the LLEP 1997 draft Am No 84. Following the exhibition process, Council in November 2004 proceeded with the making of the LLEP 1997 draft

Amendment 84 to rezone the land to enable the development of 16 residential lots on the subject land, and adopt the proposed amendment to DCP No 28. The “Restricted Lot Yield” was imposed on the land on 1 April 2005 with the gazettal of Amendment No.84 to the Liverpool LEP 1997.

Amendment 84 was carried into the LLEP 2008 when this new instrument was gazetted to comply with the new standard instrument introduced by the Department. The lot yield restriction is now stipulated within Clause 7.12 and is illustrated on the Dwelling Density Map (sheet DWD-015).

Approved Residential Development

Since the gazettal of Amendment 84, each of the four original broad lots have undergone various forms of residential development. This is summarised and depicted in Table 1 below:

Table 1 Residential Development Summary Table


Site	Development
<p>Site 1:</p> <ul style="list-style-type: none"> ○ Lot 71 within DP 1134477 ○ Lot 72 within DP 1134477 ○ Lot 73 within DP 1134477 ○ Lot 74 within DP 1134477 	<p>8 June 2008 – Consent was granted for DA-1914/2005 to permit the subdivision of the original broad lot to create four residential lots. Since then, the following development has occurred:</p> <ul style="list-style-type: none"> • DA-805/2011 – Single storey detached dwelling (no. 70, lot 71); • DA-177/2011 – Single storey detached dwelling (no. 74, lot 73); • DA-88/2017 – Dual occupancy development (no. 72, lot 72); and • DA-438/2019 – Pre fabricated garden shed under assessment (no. 76, Lot 74).
	
<p>Site 2:</p>	<p>8 June 2008 – Consent was granted for DA-1915/2005 to permit the subdivision of the original broad lot to create four residential lots. Since then, the following development has occurred:</p>

Figure 9 Site 1 (LCC Geocortex)

<ul style="list-style-type: none"> ○ Lot 75 within DP 1134478 ○ Lot 77 within DP 1134478 ○ Lot 78 within DP 1134478 ○ Lot 761 within DP 1217961 ○ Lot 762 within DP 1217961 	<ul style="list-style-type: none"> ● DA-1309/2013 – Double-storey dwelling (no. 68, lot 75); ● DA-896/2014 – Two-storey detached dwelling and a detached secondary dwelling (no. 62, lot 77); ● DA-180/2015 – Two lot Torrens title subdivision (no.64, lot 76) to create no. 64a (lot 761) and no. 64b (lot 762); ● DA-9/2016 – Two-storey residential dwelling and pool (no. 64A, lot 761); and ● DA-809/2016 – Two-storey residential dwelling (no. 64B, lot 762).
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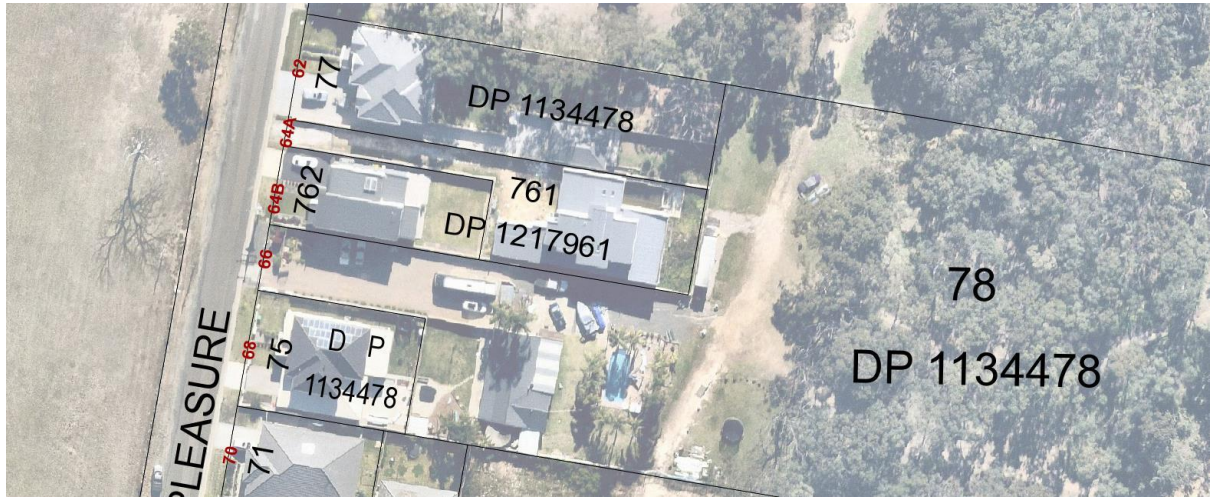


Figure 10 Site 2 (LCC Geocortex)

<p>Site 3:</p> <ul style="list-style-type: none"> ○ Lot 5 within DP 239468 	<p>This lot has an approved development application (DA-1916/2005) and subdivision certificate (SC-63/2009) that has not yet been registered at NSW Land Registry Services. The image below shows the approved and yet to be registered subdivision lots in red.</p>
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Figure 11 Site 3 (LCC Geocortex)

Site 4:

- Lot 83 within DP 1134481
- Lot 84 within DP 1134481
- Lot 85 within DP 1134481
- Lot 86 within DP 1134481

8 June 2008 – Consent was granted for **DA-1917/2005** to permit the subdivision of the original broad lot to create four residential lots. Since then, the following development has occurred:

- **DA-238/2010** – Double-storey detached dwelling (no 52, lot 82)
- **DA-495/2010** – Single-storey detached dwelling (no 50, lot 84)
- **DA-1339/2010** – Single-storey detached dwelling (no 48, lot 85)



Figure 12 Site 4 (LCC Geocortex)

DA-180/2015

This particular DA resulted in Site 2 having a total of five lots, rather than the stipulated maximum of four. The DA sought consent for the subdivision of the former Lot 76 DP 1134478, known as 64 Pleasure Point Road, Pleasure Point, to create two Torrens title lots. The proposed subdivision created one lot with a frontage to Pleasure Point Road of 15 metres (Lot 762) and another lot which will be connected to Pleasure

Point Road by a five-metre-wide access handle (Lot 761). A written Clause 4.6 variation request was provided by the applicant justifying the contravention of Clause 7.12 of the LLEP 2008 in creating five lots within Site 2. Council was satisfied with this Clause 4.6 variation request and an approval was recommended based on the assessment conducted. Given that the DA proposed a variation of more than 10% to a deemed development standard of the LLEP 2008, the DA was reported to the Independent Hearing and Assessment Panel (IHAP).

On Monday 24 August 2015, the IHAP recommended approval of the application subject to the conditions contained within the Council officer's report. Subsequently, the DA was approved by Council on 30 September 2015.

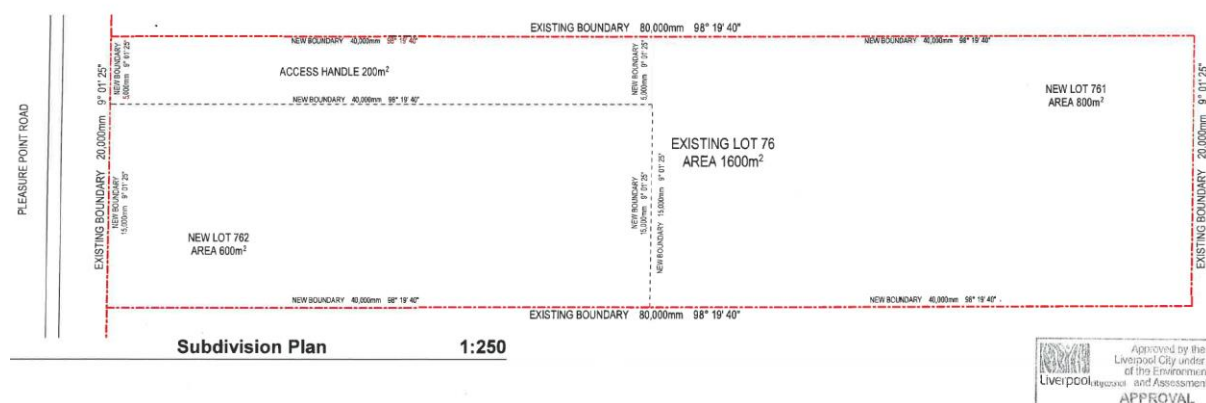


Figure 13 Approved Subdivision Plan DA-180/2015 (LCC E-Planning Portal)

DA-724/2016

The subject DA was lodged on 4 August 2016 that sought consent for the two lot Torrens title subdivision of Lot 74 in DP 1134478, known as 76 Pleasure Point Road, Pleasure Point. This subdivision would result in a total of five lots within the original broad lot (Site 1).

On the 26 March 2018 the Independent Hearing and Assessment Panel (IHAP) deferred the determination of DA-724/2016. The DA was deferred pending the submission of additional information addressing the issues raised by IHAP, which relate to:

- i. Whether Clause 7.12 is a prohibition or a development standard capable of being varied under clause 4.6 of LLEP 2008;
- ii. A variation request from the applicant setting out justification for the variation to Clause 7.12 having regard to the tests in Clause 4.6 of LLEP 2008 and relevant Land and Environment Court decisions; and
- iii. Further information on the existing restriction on use affecting the land relating to the conservation management plan for the land within zone E2.

The panel was provided with the supplementary report containing the information required. The DA was again considered by the Liverpool Local Planning Panel (formerly IHAP) on 7 May 2018 and ultimately refused.

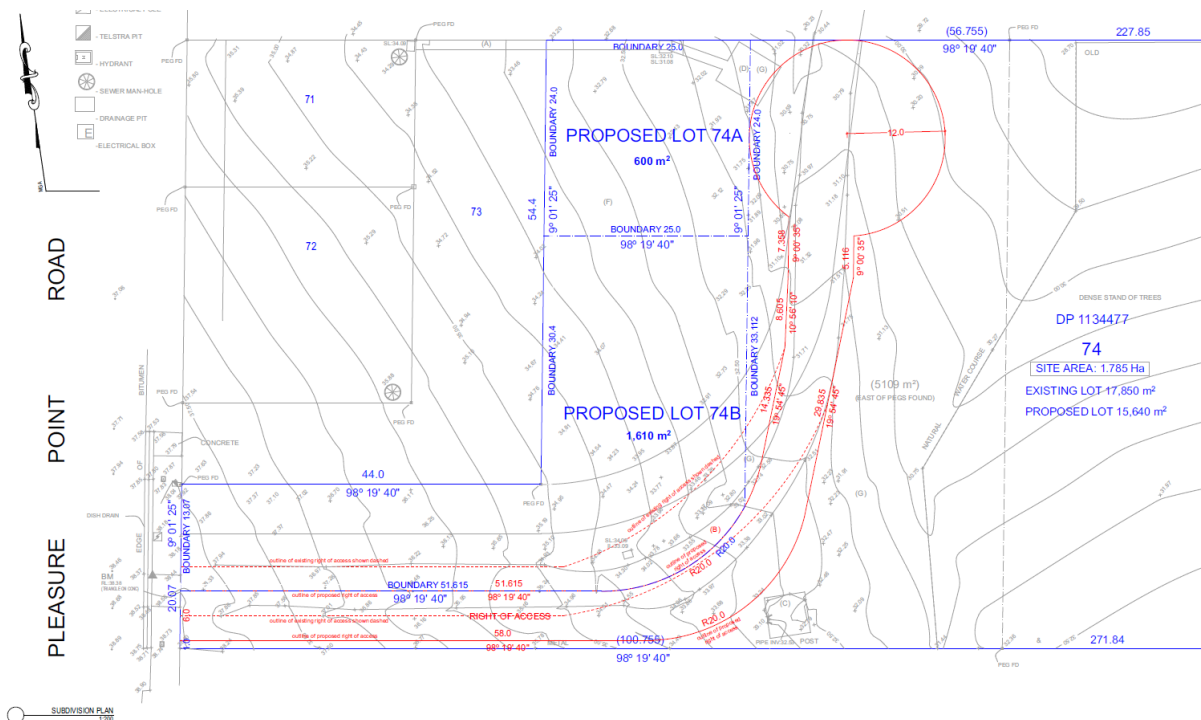


Figure 14 Proposed Subdivision Plan DA-724/2016 (LCC E-Planning Portal)

The applicant initiated a Class 1 appeal, however this appeal was dismissed in the Land and Environment Court by Commissioner Gray. This court decision was in the process of being reviewed by a Judge, when a compromise was reached between Liverpool City Council and the applicant. It was agreed that a planning proposal would be prepared to remove this four-lot restriction within the LLEP 2008 to rectify the existing five lot development (Site 2) and facilitate the further development of the other sites three sites.

Amendment 84 to the LLEP 2008

At Council's ordinary meeting on 11 December 2019, it was resolved that Council:

1. *Directs the CEO to prepare a planning proposal to amend the dwelling density map in the Liverpool Local Environmental Plan (LLEP) 2008 that increases the permitted number of lots on certain sites along Pleasure Point Road, Pleasure Point from four lots to five lots; and*
2. *Notes that, once drafted, the planning proposal will be reported to the Liverpool Local Planning Panel for advice and to a future Council meeting for a decision on whether to seek a Gateway determination from the Department of Planning, Industry and Environment.*

The planning proposal sought to increase the existing four lot restriction stipulated within Clause 7.12 to a maximum of five lots for each of the original four large lots. The impetus for the planning proposal was to increase the yield potential of these lots, and to formalise the existence of a five-lot subdivision that has been approved previously.

After receiving in-principle support from Council on 29 July 2020, the planning proposal was sent for Gateway review, and a Gateway determination received on 23 September 2020. The Gateway determination indicated that the proposal should proceed subject to a number of conditions, including that:

1. Prior to public exhibition, Council is required to prepare a bush fire report in consultation with the Rural Fire Service, and update the planning proposal to address the unresolved inconsistency with Section 9.1 Direction 4.4 Planning for Bushfire Protection.

Due to budget issues largely a result of the Covid-19 pandemic, budget to conduct a bushfire report could not be procured in a timely fashion. Consultation with the Rural Fire Service (RFS) also took longer than expected. This led to the Gateway determination expiring on 23 September 2021, before the bushfire report could be finalised.

The Department advised Council that the Gateway would not be extended and a new planning proposal should be progressed.

Bushfire Report

As part of the Gateway process for Amendment 84 to the LLEP 2008, a bushfire report was prepared by Peterson Bushfire (**Appendix 1**). It found the following:

- The APZ constraint measured from the forest hazard (E2 zone) leaves two of the four sites (Site 1 and 3) with potential developable area. Site 2 already has the proposed limit of five dwellings and the APZ constraint on Site 4 prevents further development.
- The physical separation between Site 1 and Site 3 prevents a through road around the eastern side of the development to act as a continuous perimeter road. Therefore, Sites 1 and 3 would require their own individual access road and turning facility. Private property access roads can link up with the existing fire trail requirement to ensure through access to the rear of all four sites is maintained. Hydrants would also need to be installed along the roads to ensure new dwellings have a compliant water supply for fire-fighters.

In conclusion, the report indicated that “the proposal was not considered incompatible with the surrounding environment and bushfire risk”, and that with “sound bushfire management, the proposal can exist adjacent with the bushland setting”.

As shown in Figure 15: Development potential and road access solution, Sites 1 and 3 have capacity to support additional development. Potential access road solutions for these properties are also shown.

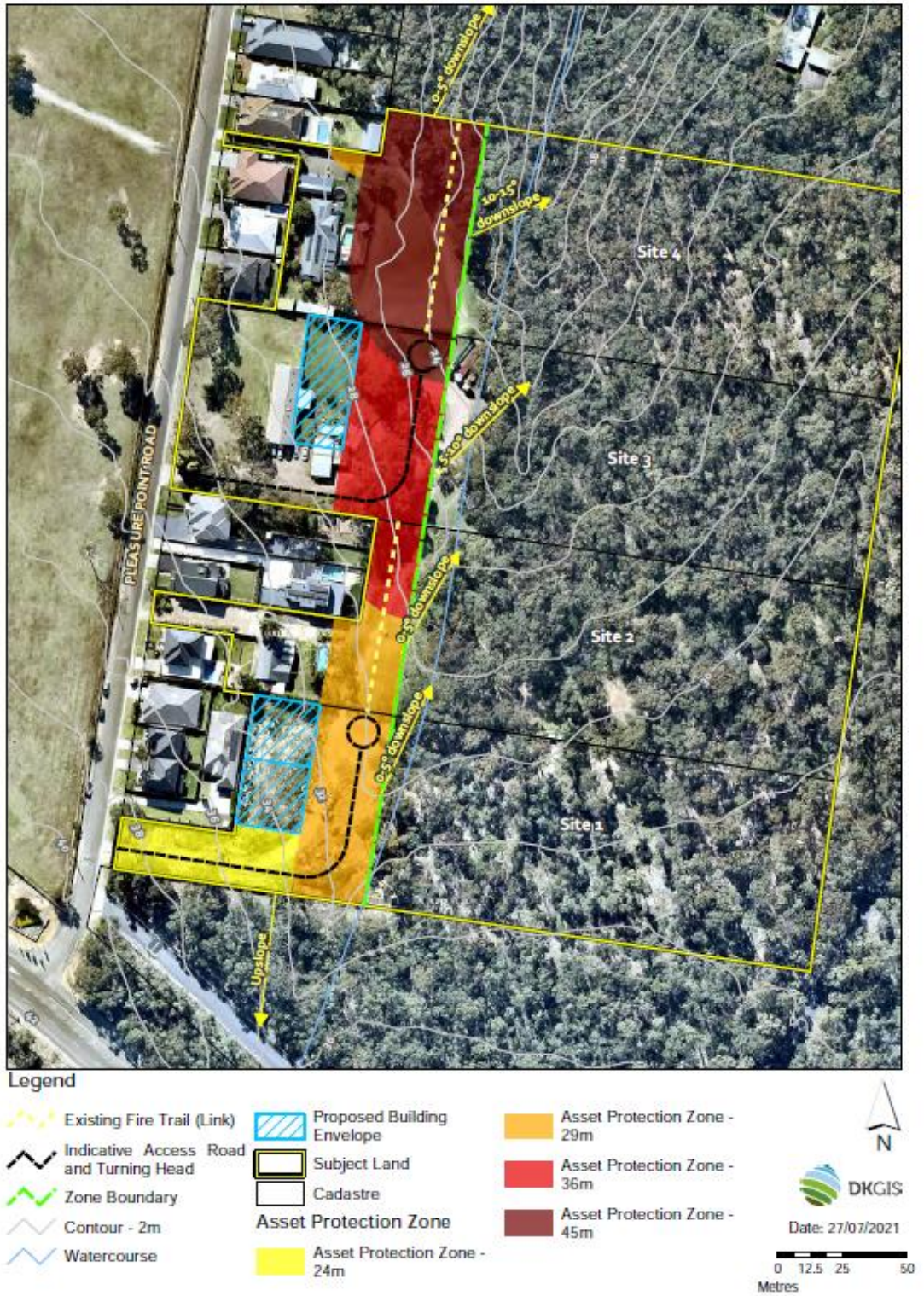


Figure 15: Development potential and road access solution. Source: Peterson Bushfire

Initial State Agency Referrals

Given the significant constraints that apply to the site in terms of water infrastructure and bushfire risk, early consultation was completed with Sydney Water and the NSW Rural Fire Service (RFS). Further consultation with other agencies as part of the state agency consultation process will be undertaken should the planning proposal receive a Gateway Determination.

RFS Referral

Council referred the previous planning proposal (Amendment 84 of the LLEP 2008) to RFS as part of its Gateway requirement. It also forwarded a copy of Council's bushfire report to RFS which provided a suggested property road access solution (See Figure 15), as a perimeter road would not be able to be constructed due to the lack of development potential on Sites 2 and 4.

The RFS referral indicated that the entire property, excluding the E2 zone must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

It also indicated the following:

- Future dwellings in the proposed building envelopes must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
- Property access roads must comply with the following requirements of Table 7.4a of Planning for Bush Fire Protection 2019

The solution presented in Council's bushfire report is compatible with the above RFS requirements.

Sydney Water Referral

The Sydney Water referral advised that additional lot development would be serviceable through the existing water infrastructure present. However, it was noted that any development above 35m AHD could not be serviceable by Sydney Water through the existing infrastructure present. It was added that no planned infrastructure upgrades were anticipated currently.

This will not preclude additional development along Pleasure Point Road given that the additional developable land is situated at a height below 35m AHD. A high-level indication of the height where servicing can no longer be provided is demonstrated in Figure 16.

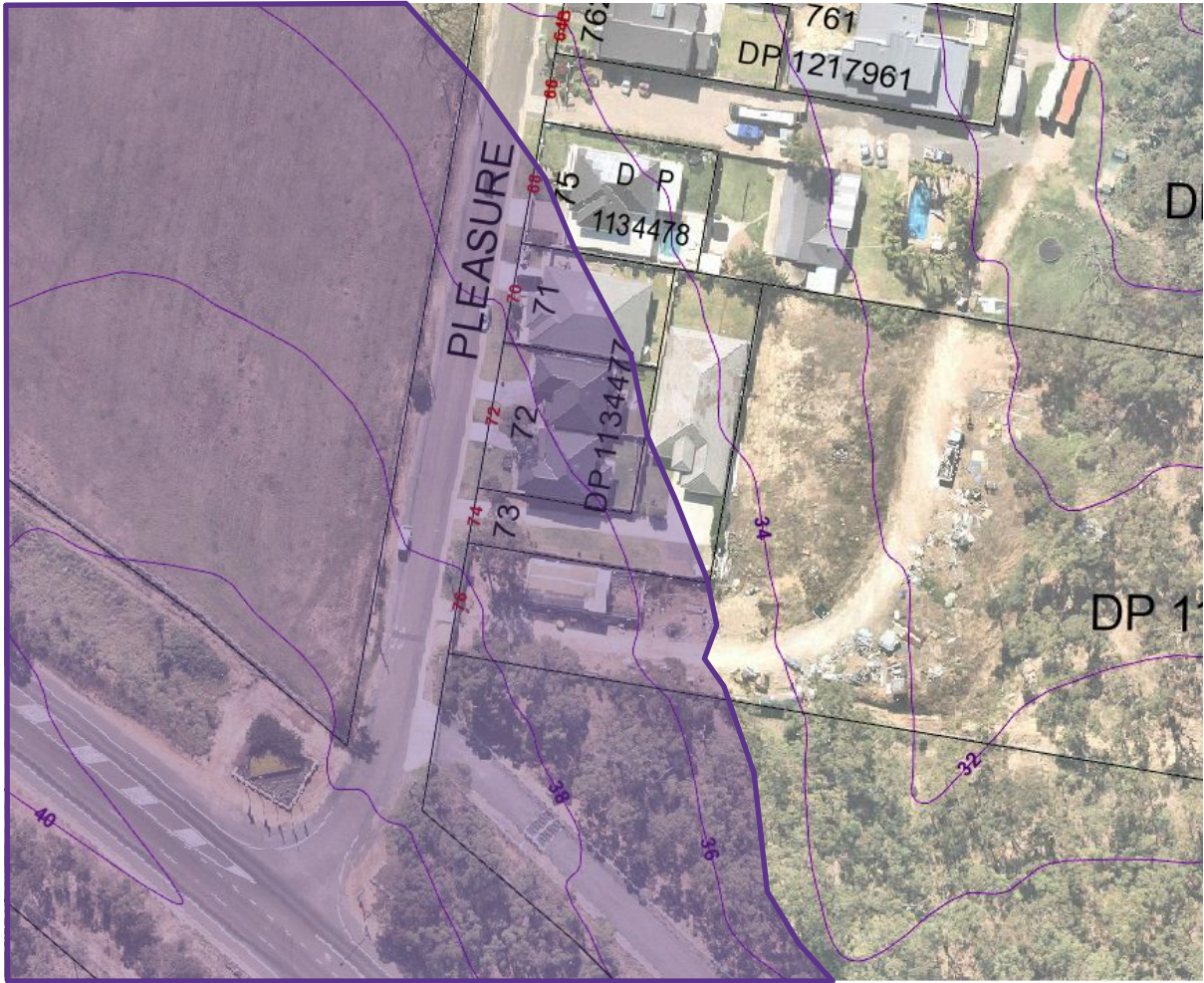


Figure 16 Approximate indication of Sydney Water servicing constraints above 35m AHD (LCC Geocortex)

Part 1 – Objectives

The objective of this planning proposal is to amend the LLEP 2008 to increase the restricted lot yield of the three subject broad sites along Pleasure Point Road. This objective applies to the subject site only.

Part 2 – Explanation of provisions

The objective of the planning proposal will be achieved through an amendment to the Dwelling Density Map DWD-0015 (4900_COM_DWD_015_020_20091013) of the LLEP 2008 to stipulate a restricted lot yield of five. This would apply to the subject site only, which is legally defined as follows:

- **Site 1:**
 - Lot 71 within DP 1134477;
 - Lot 72 within DP 1134477;
 - Lot 73 within DP 1134477; and
 - Lot 74 within DP 1134477.
- **Site 2:**
 - Lot 75 within DP 1134478;
 - Lot 77 within DP 1134478;
 - Lot 78 within DP 1134478;
 - Lot 761 within DP 1217961; and
 - Lot 762 within DP 1217961.
- **Site 3:**
 - Lot 5 within DP 239468.

Part 3 – Justification

Section A – Need for the planning proposal

3.1 *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

No, the planning proposal is not the result of an endorsed local strategic planning statement, strategic study or report.

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

Yes, amending the current lot yield restriction to a five-lot maximum is the best means of achieving the intended outcome. The complete removal of the restricted lot yield for the subject site is an alternative. However, this is deemed to be inappropriate given the sensitive nature of the eastern portions of the subject site, and other constraints present such as bushfire risk.

Increasing the lot yield restriction from four to five lots will legitimise the prior subdivision of Site 2 and facilitate the development of the other two sites while ensuring the impacts of overdevelopment are mitigated.

Section B – Relationship to strategic planning framework.

3.3 *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

A Metropolis of Three Cities

The planning proposal will give effect to the following objectives of the Greater Sydney Region Plan 2018, *A Metropolis of Three Cities*:

- **Objective 10:** Greater housing supply
- **Objective 11:** Housing is more diverse and affordable

The proposed amendment will facilitate the provision of additional housing on the subject site through lifting the current lot yield restriction from four to five for each of the original broad lots. Given the R5 Large Lot Residential zoning of the site, the form of housing will be a relative rarity within the context of Liverpool, and the wider developed areas of metropolitan Sydney. This housing then will help to the diversity of residential development within the local government area of Liverpool.

- **Objective 27:** Biodiversity is protected, urban bushland and remnant vegetation is enhanced
 - **Strategy 27.1:** Protect and enhance biodiversity by:
 - Supporting landscape-scale biodiversity conservation and the restoration of bushland corridors
 - Managing urban bushland and remnant vegetation as green infrastructure
 - Managing urban development and urban bushland to reduce edge-effect impacts.
- **Objective 28:** Scenic and cultural landscapes are protected

The proposed amendment to the lot yield restriction will not impact on the existing zoning provisions, and environmentally significant land classification of the subject site. The proposed change is aimed at improving the efficiency of the large lot residential land along the western portion of the site only, while retaining the biodiversity and scenic significance of the eastern portions of the site.

Western City District Plan

The planning proposal also gives effect to the following priority and action of the Western City District Plan:

- **Planning Priority W5:** Providing housing supply, choice and affordability, with access to jobs, services and public transport
 - **Objective 10:** Greater housing supply
 - **Objective 11:** Housing is more diverse and affordable

By extension of Objective 10 and 11 of the Region Plan, the planning proposal will give effect to the Planning Priority W5 of the District Plan. The proposed amendment will provide additional housing in a unique form on the subject site with proximity to local jobs and services within the centres of Liverpool, as well as public transport in the form of the 902x bus that provides access to the nearby Holsworthy train station.

- **Planning Priority W14:** Protecting and enhancing bushland and biodiversity
 - **Objective 27:** Biodiversity is protected urban bushland and remnant vegetation is enhanced.

The proposed amendment to the lot yield restriction will not impact on the existing zoning provisions, and environmentally significant land classification of the subject site. The proposed change is aimed at improving the efficiency of the large lot residential land along the western portion of the site only, while retaining the biodiversity and scenic significance of the eastern portions of the site.

Assessment Criteria

Assessment Criteria have been established to assist proponents or a PPA justify a planning proposal. Refer to Table 2 below for an assessment of the planning proposal against this prescribed criteria.

Table 2 Assessment of strategic and site-specific merit

Consideration	Merit	Justification
Does the proposal have strategic merit? Will it:		
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	Yes	The proposal has demonstrated that it will give effect to these strategic plans and documents, as outlined in section 3.3 of this report.
Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional	Yes	An assessment against the Connected Liverpool 2040 Liverpool Local Strategic Planning Statement

Consideration	Merit	Justification
or district plan or local strategic planning statement; or		(LSPS) has been provided in Section 3.4 of this report.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.	Yes	The proposed amendment responds to the sufficient provision of infrastructure, and changing demographic trends of the Pleasure Point locality. The proposal will ensure the efficient development of this existing urban land in providing an appropriate increase in residential lots while ensuring environmental impacts continue to be managed appropriately.
<i>Does the proposal have site-specific merit, having regard to the following?</i>		
The natural environment (including known significant environmental values, resources or hazards) and	Yes	The proposed amendment will not change any existing controls that currently mitigate against impacts to the natural environment. This proposal will simply permit the development of previously cleared land within the existing residential portions of the subject site. All future Development Applications will be required to confirm that the natural environment will not be adversely impacted and hazards are appropriately managed.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and	Yes	The existing uses present on the subject site will remain, and simply permit the development of additional lots on Site 1 and 3. Any proposed uses will be required to adhere to the objectives and controls of the R5 Large Lot Residential zone. Future development will be compatible with existing uses within the locality of Pleasure Point.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	Yes	It is not anticipated that the proposed amendments will create servicing and infrastructure deficiencies for the existing and future development on the subject site. State agency consultation will be undertaken subject to a Gateway determination to ensure that all infrastructure and servicing considerations are addressed.

3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Liverpool Community Strategic Plan – Our Home, Liverpool 2027

The proposal to amend the lot yield restriction on the subject site gives effect to the Liverpool's Community Strategic Plan (CSP) – Our Home, Liverpool 2027, which states:

- Direction 2: Strengthening and Protecting our Environment
 - Council will: Exercise planning controls to create high-quality, inclusive, urban environments.

The proposed amendment will not rezone the site, nor is there any amendments proposed to the existing environmentally significant land classification. The proposed amendment will facilitate the efficient development of the subject sites in a manner that retains the environmental protection restriction mechanisms within the LLEP 2008 and the LDCP 2008. This will improve the urban environment while ensuring mitigation against environmental impacts remains.

- Direction 3: Generating Opportunity
 - Council will: Meet the challenges of Liverpool's growing population.

The increase to the lot yield restriction proposed will help to ensure the efficient development of this existing urban land. Efficient development of the site will be facilitated to meet the population growth occurring within Liverpool and the wider Metropolitan Sydney area.

Connected Liverpool 2040 – Liverpool's Local Strategic Planning Statement (LSPS)

The planning proposal gives effect to the LSPS as follows:

- *Planning Priority 8 – Community-focused low-scale suburbs where our unique local character and heritage are respected*

The proposed amendment to the lot yield control will allow the subject site to reach its development potential within the unique area that it is located. It is noted that the existing R5 – Large Lot Residential zoning is to remain which will help to retain the low-scale and high amenity character of the area.

- *Planning Priority 14 – Bushland and waterways are celebrated, connected, protected and enhanced*

The planning proposal will allow for the remaining developable area within the subject site to be utilised, while retaining the existing E2 – Environmental Conservation land to the east. The proposed amendment will simply allow for a small amount of additional development within areas mostly cleared for such purposes.

- *Planning Priority 15 – A green, sustainable, resilient and water-sensitive city*

The proposed amendment has already been referred to the RFS and Sydney Water for initial consultation, and further consultation will occur should a Gateway determination be given. The

proposal will not impact on the requirements of the PBP 2019 to be satisfied as part of any future development.

Liverpool Local Environmental Plan 2008

The planning proposal gives effect to some of the aims of the LLEP 2008, being:

(a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,

(b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work and visit,

(h) to protect and enhance the natural environment in Liverpool, incorporating ecologically sustainable development,

(i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires.

The proposed amendment will help to improve the range of housing available for residents within Liverpool, ensuring that the unique typology of larger lot residential dwellings is provided. Furthermore, the efficient provision of housing in this locality will provide benefits to residents in facilitating the considered development of this high amenity area. Any future development as facilitated by the amendment will be required to adhere to the R5 Large Lot Residential zone objectives, encouraging low impact, high amenity and environmentally sensitive development. Finally, all future proposal will be required to confirm that all potential hazards have been adequately addressed, and mitigation measures employed to avoid impacts to the site and its surrounds.

The zoning is to remain as existing for the subject site. This zoning is R5 Large Lot Residential for the western portion and E2 Environmental Conservation for the remaining eastern portion of the subject site.

The objectives of the R5 Large Lot Residential zone are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.*

The proposed amendment will facilitate the development of the western portion of the site within the R5 zone. The minor amendment to increase the lot yield restriction from four to five will not change the requirement for future development to satisfy these objectives. The proposed amendment will ensure that

efficient development of the existing urban land within the subject site can be developed in alignment with the objectives of the R5 zone.

The objectives of the E2 Environmental Conservation zone are as follows:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To enable the recreational enjoyment, cultural interpretation or scientific study of the natural environment.*

This zoning will remain, and continue to safeguard the eastern portion of the site from clearing and development.

It should be noted that the current minimum subdivision lot size control applying to the subject site is 600m², and this requirement will remain. The existence of this control will contribute to the protection of the large lot character of the subject site, and avoid any inappropriate overdevelopment.

Liverpool Development Control Plan 2008 (DCP)

The DCP has two parts that are of particular relevance to the proposed amendment.

Part 2.13 Land Subdivision in Pleasure Point

The proposed amendment will not alter this existing part of the DCP, ensuring that development remains aligned with these objectives and controls. It is noted that the DCP requires a fire trail that runs behind the existing development and parallel with Pleasure Point Road (Figure 17).

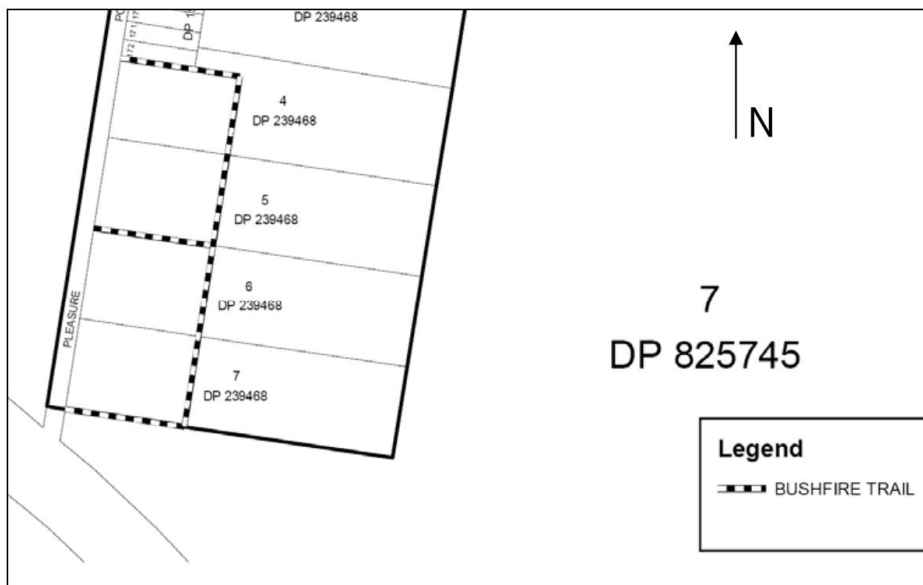


Figure 17 Bushfire Trail DCP Requirement

Any future additional lots facilitated by the proposed amendment will still be required to include this bushfire trail and ensure that it is accessible to the RFS.

Part 3.1 Dwelling Houses in the R5 zone

It is noted that control 3 within section 1. Preliminary of Part 3.1 states that “*requirements for Setbacks and Landscaped Area and Private Open Space must be assessed on their merits*” for the lots within the subject site. Therefore, future development as part of this proposed amendment will be assessed on a merit basis.

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

Table 3 SEPP Consistency

State Environmental Planning Policy	Consistency
State Environmental Planning Policy No 19— Bushland in Urban Areas	Yes – No immediate impacts are anticipated as a result of the proposed amendment. The proposal will facilitate the development of existing R5 land that has been predominately cleared previously.
State Environmental Planning Policy No 44 – Koala Habitat Protection	Yes – No immediate impacts are anticipated as a result of the proposed amendment. No known Koala habitation exists within the R5 portion of the subject site given the limited vegetation present and the developed nature of this portion. Nonetheless, any future development application will be required to provide evidence that there are no Koala habitats are present, and that this SEPP has been addressed.
State Environmental Planning Policy No 55— Remediation of Land	Yes – No immediate impacts are anticipated as a result of the proposed amendment. Given that the subject site is currently developed and has historically been vacant, no contamination impacts are anticipated.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes – Secondary dwelling development is permissible under this SEPP within the subject site. Any future development applications for secondary development will be required to comply with the objectives and controls of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes – Any future dwelling construction will be required to adhere with the requirements of BASIX, as stipulated within the SEPP.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes – No immediate impacts are anticipated as a result of the proposed amendment. The proposed amendment does not facilitate the clearing of vegetation without a permit. Any future development applications that include vegetation clearing will be required to adhere with the SEPP.
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Yes – No immediate impacts are anticipated as a result of the proposed amendment. Any future development applications will be required to indicate consistency with the principles of the SEPP.

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

Table 4 Section 9.1 Directions Consistency

Section 9.1 Direction	Complies	Justification
Environment and Heritage		
2.1 Environment Protection Zones	Yes	The planning proposal does not reduce the environmental protection standards that apply to the land. The proposed amendment will not facilitate development within the E2 portions of the subject site.
Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>The planning proposal will help to broaden the choice of building types and locations in the Liverpool housing market. Furthermore, it will allow for the efficient development of the existing urban land located in the western portion of the site.</p> <p>In regard to servicing, the planning proposal process will include consultation with State Agencies to guarantee that servicing and infrastructure is adequate for the subject site and future development as facilitated by the proposed amendment.</p>
Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The subject site is identified as containing class 5 acid sulfate soils. Given the current and potential future development on the subject site, adverse impacts are not anticipated regarding acid sulfate soils. Any future development applications will be required to address this constraint in accordance with the acid sulfate soils provisions of the LLEP 2008 (cl. 7.7).
4.4 Planning for Bushfire Protection	Yes	The planning proposal underwent State Agency consultation following the previous Gateway determination. NSW Rural Fire Service (RFS) has confirmed that Council's bushfire report's solution for access can appropriately meet the requirements of <i>Planning for Bush Fire Protection 2019</i> , and that there is development potential on Sites 1 and 3 outside of relevant APZs.
Regional Planning		
5.10 Implementation of Regional Plans	Yes	Consistency with <i>A Metropolis of Three Cities</i> is outlined in Section B above.
Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Referral to the RFS has been made as part of the former planning proposal. Other state agency consultation prescribed by the Department as part of a Gateway Determination will be undertaken.
Metropolitan Planning		

Section 9.1 Direction	Complies	Justification
7.1 Implementation of A Plan for Growing Sydney	Yes	The proposal is consistent with <i>Direction 2.1: Accelerate housing supply across Sydney</i> , <i>Direction 2.3: Improve housing choice to suit different needs and lifestyles</i> , and <i>Direction 4.3: Manage the impacts of development on the environment</i> .

Section C – Environmental, social, and economic impact

3.7 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The proposed amendment applies to the subject site, however it will facilitate development within the western portion of the site only where development and vegetation clearing has occurred previously. It is noted that the environmentally significant land classification of the subject site will remain. This classification will ensure that any future development applications are required to address the significant nature of the site, and mitigate against potential adverse impacts.

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

The subject site is identified as bushfire prone land. The western portion of the site is specifically identified as ‘vegetation buffer’. Following consultation undertaken with the RFS, Council’s bushfire consultant has determined that development that would be enabled by this proposal would be able to meet requirements of *Planning for Bush Fire Protection 2019*. The northern-most lot (Site 4) has been removed from this revised planning proposal due to bushfire-related restraints that render development on additional lots unfeasible.

No other likely environmental effects are identified. Where environmental impacts do exist, are deemed to be of minor significance.

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

It is not anticipated that the proposed amendment will have any adverse social or economic impacts on the subject site, or surrounding locality. The proposed amendment will simply facilitate the efficient development of this existing urban land. A community consultation process will be undertaken pending a Gateway Determination that will ensure all social or economic concerns are considered and sufficiently addressed.

Section D – State and Commonwealth interests

3.10 *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will have a modest impact on public infrastructure, with potential future development resulting in a small increase in dwelling numbers along Pleasure Point Road. It is not anticipated that public infrastructure deficiencies are present. Nonetheless, the state agency consultation process will ensure that any such issues are identified, and addressed as required.

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

The views of state and Commonwealth public authorities will be considered following Gateway determination. The following government agencies should be considered:

- Transport for NSW;
- Department of Planning and Environment – Environment, Energy and Science Group;
- Department of Lands and Industry; and
- State Emergency Services.

It should be noted that the views of RFS and Sydney Water have already been obtained, which are detailed under 'Initial State Agency Referrals' on page 18.

Part 4 – Mapping



Figure 18: Current Dwelling Density Map



Figure 19: Proposed changes to affected lots



Figure 20: Proposed Dwelling Density Map

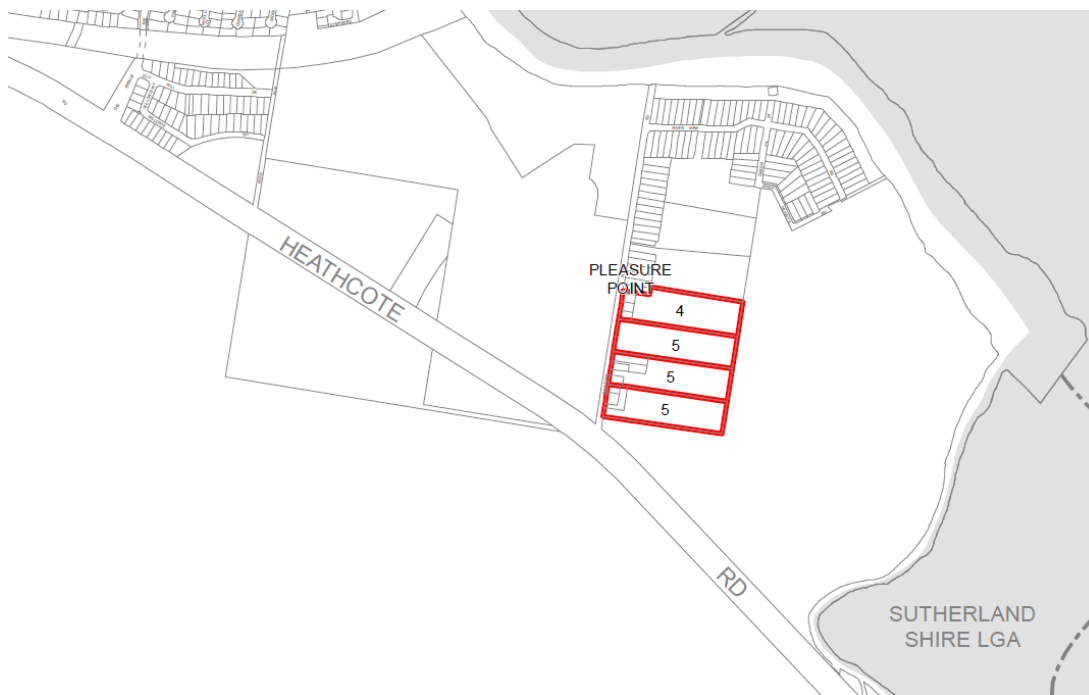


Figure 21 Proposed Dwelling Density Map Excerpt

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the Gateway determination. It is anticipated that the proposal will be exhibited through:

- Notification on Liverpool City Council's planning portal and Liverpool Council website; and
- Letters to the affected and adjoining landowners.

Part 6 – Project Timeline

An anticipated project timeline is shown in Table 5.

Table 5: Anticipated project timeline

Timeframe	Action
June 2020	Presented at the Local Planning Panel meeting
July 2020	Presented to Liverpool City Council
February 2022	Submission of revised Planning Proposal to DPE
March 2022	Gateway Determination issued
March 2022-April 2022	State agency consultation
March 2022-April 2022	Community consultation
April 2022	Consideration of submissions and proposal post-exhibition
May 2022	Post-exhibition report to Council
June-July 2022	Legal drafting and making of the plan

Appendix 1

Bushfire Report – provided separately