

Planning Services

Gateway Determination Report

LGA	Liverpool
PPA	Liverpool City Council
NAME	Rezoning land at Carnes Hill Shopping Centre from RE1 to B2 Local Centre (106 jobs)
NUMBER	PP_2018_LPOOL_002_00
LEP TO BE AMENDED	Draft Amendment 70 to Liverpool LEP 2008
ADDRESS	Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill
RECEIVED	20 February 2018
FILE NO.	IRF18/881
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal is to amend the Liverpool Local Environmental Plan (LEP) 2008 to rezone a portion of Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill from RE1 (Public Recreation) to B2 (Local Centre), and amend the development controls applying to the site to reflect the adjoining business zoned land.

Site Description/ Surrounding Area

The site (2,125sqm) is privately owned and is within the Carnes Hill Marketplace complex. It is zoned RE1 Public Recreation under Liverpool Local Environmental Plan (LEP) 2008. No floor space ratio or height controls currently apply to the land.

The site is identified to be acquired by Council for public recreation purpose as part of section 7.11 contribution to Council when the shopping centre was developed. Council has further advised that the owners have made a monetary contribution. The funds collected have been added to a general section 7.11 contributions fund, and the money will be used to manage recreational open spaces within the same contributions catchment as the subject site. Council has no intention of purchasing the land because the surrounding area have adequate open spaces and is not part of Council's open space network. The site will be removed from the section 7.11 contributions plan.

The Carnes Hill Marketplace is located at the corner of Cowpasture Road and Kurrajong Road. The Marketplace is accessed via the signalised intersection at the

corner or Cowpasture Road and Kurrajong Road. Kurrajong Road extends along the northern boundary of the Marketplace. The residential areas of Hoxton Park is located to the north, West Hoxton to the west and Horningsea Park is to the south.

To the south east of the main Marketplace is an Aldi and associated car park. Directly to the south is the Holy Spirit Catholic Primary School and to the south west is a McDonalds. The Freemans Ridge residential development is located to the east. The Carnes Hill Marketplace currently comprises a large at grade car park, speciality retail premises, a Big W, Woolworths and Dan Murphy's.

The new Carnes Hill Community and Recreation Centre is located at approximately 220m on the northern side of Kurrajong Road. The centre is currently under construction and is nearly complete. The centre will cater for residents living in Carnes Hill, Hoxton Park, West Hoxton, Prestons, Middleton Grange, Edmondson Park and the broader Liverpool catchment. The Carnes Hill Community and Recreation Centre will incorporate an indoor recreation centre including a gym, library, skate park, playground, café, basketball courts, cycling and walking paths, parking, and public plaza with a water feature and public art adjoining Kurrajong Road.

Council report

On 7 February 2018, Liverpool Council resolved to support the planning proposal and endorsed the Council officers' report for rezoning of RE1 zoned land to B2 Local Centre located at Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill.

Council's planning report confirms that the land:

- is privately owned with very little vegetation and is not contaminated land;
- is underutilised and is not identified for Council's open space network in the Council's draft Recreation, or Open Space and Sports Strategy;
- the surrounding area have adequate provision of open space and recreation facilities;
- is not integrated with the shopping complex; and
- is part of the draft concept plan to facilitate the redevelopment of the shopping centre.

Summary of Recommendation

Although reducing open space opportunities, the planning proposal will facilitate the redevelopment of the Carnes Hill Market Place and is consistent with the objectives of Greater Sydney Region Plan and the Western City District Plan in terms of providing services to meet the changing needs of the surrounding residential community and create jobs, and creating and renewal of local centres.

The surrounding area have adequate open spaces and the removal of 2,125sqm of open space will not have significant impact on the existing and future provision of open space and recreational facilities in the area.

The planning proposal is of a minor nature and is recommended that the planning proposal proceed with conditions and Council is to exercise Greater Sydney Commissions' delegation, as Local Plan-making Authority to finalise the plan.

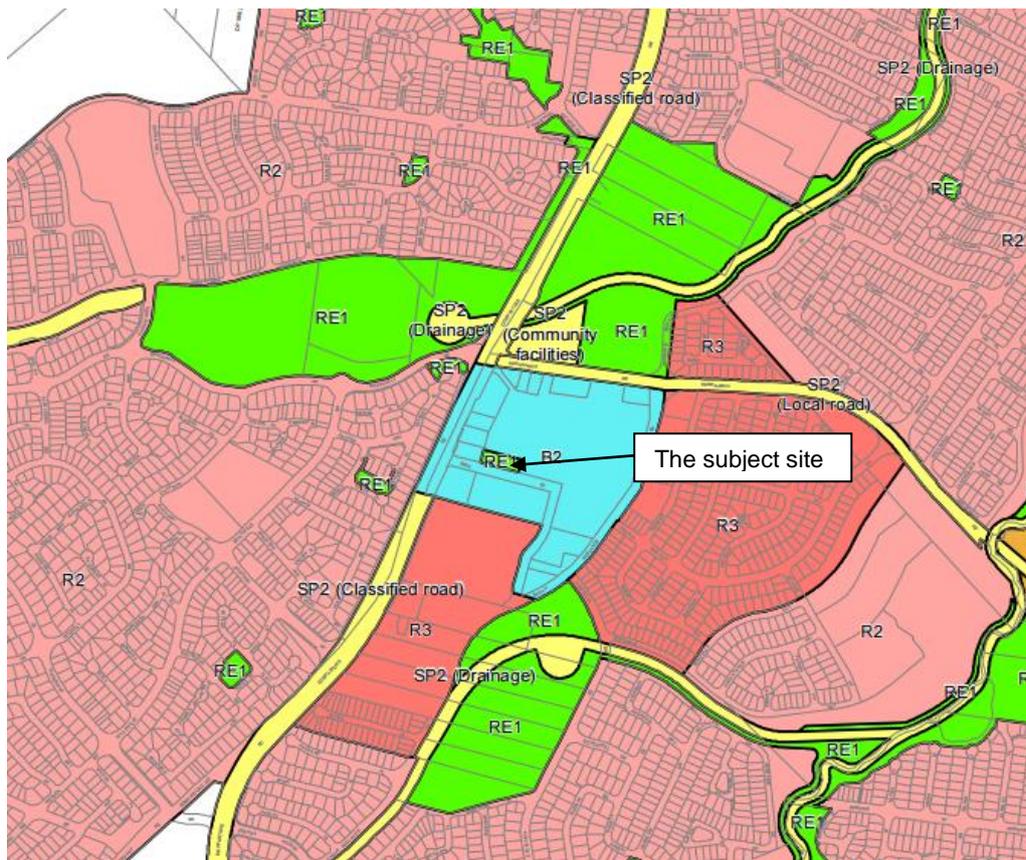
It is recommended that the proposal proceed with conditions.



Subject Site



Subject site and surrounds



Zoning map

PROPOSAL

Intended Outcomes

The planning proposal is to amend the Liverpool Local Environmental Plan (LEP) 2008 to rezone a portion of Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill from RE1 (Public Recreation) to B2 (Local Centre) and to remove Council's responsibility to acquire the site from the Land Reservation Acquisition Map.

The purpose of this proposal is to rezone the land to business zone to be integrated into a concept plan development being prepared by the proponent to redevelop the Carnes Hill Market Place.

Explanation of Provisions

The planning proposal will amend the Liverpool Local Environmental Plan (LEP) 2008 to rezone a portion of Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill from RE1 (Public Recreation) to B2 (Local Centre), amend the development controls in relation to maximum building height, floor-space ratio and minimum lot size for the subject site to reflect the adjoining business zoned land, and amend the Land Reservation Acquisition Map to remove the site.

Mapping

The amendments will necessitate corresponding amendments to the Land Zoning, Floor Space Ratio, Height of Buildings and Land Reservation Acquisition Maps (map tile 008) under the Liverpool LEP 2008.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a strategic study. The proposed changes to the zoning and corresponding development controls can only be achieved via amendments to the Liverpool LEP 2008 Maps.

STRATEGIC ASSESSMENT

State

A Metropolis of Three Cities – the Greater Sydney Region Plan was released on 18 March 2018. The planning proposal is consistent with Liveability Objective 6: Services and infrastructure meet communities' changing needs under the Plan. The proposal will facilitate redevelopment of a local centre on an underutilised site, and facilitate and revitalise the existing local retail centre to service the surrounding residential communities.

Regional/District

Liverpool LGA is located within the Western City District Plan area. The Planning Proposal is consistent with the Liveability objectives in the Planning Priorities W3 and W 6 of the District Plan in that it will facilitate the provision of services and social infrastructure, and revitalise the existing local retail centre to service the increasing residential communities and create a more attractive place to live.

The proposal is not consistent with the Planning Priority W18 Delivering high quality open space of the District Plan. However, the site is within the vicinity of existing public open spaces and future community recreation facilities and the proposed reduction of 2,125sqm public open space on the subject site will not significantly reduce the availability of overall open space and recreation facilities for future population in the surrounding areas.

Local

Council advises the planning proposal is not the result of a strategic study or report, however, the proposal will assist in revitalising the Carnes Hill Market Place shopping centre to service a wider range of commercial services to the surrounding community. The proposal is consistent with Council's Liverpool Community Strategic Plan, Liverpool Council Social Impact Assessment Policy and Liverpool Business Centres and Corridors Strategy 2013.

Section 9.1(2) Ministerial Directions

1.1 Business and Industrial Zones

The planning proposal will increase business zoned land and is consistent with the direction.

3.4 Integrating Land Use and Transport

The planning proposal will support the revitalisation of a local shopping centre and will potentially reduce car use for local shopping trips by the surrounding residential development and, therefore is consistent with the direction.

6.2 Reserving Land for Public Purposes

The planning proposal seeks to remove the requirement for Council to acquire part of the underutilised privately-owned land zoned public open space land, and will amend the land reservation acquisition map accordingly.

This Direction requires, amongst other things, that a planning proposal must not reduce reservations of land for public purposes without the approval of the relevant public authority and the Secretary (or Secretary's delegate) of the Department. Council has requested for the removal of this land from its acquisition responsibility as the subject land is underutilised, within the vicinity of existing open spaces and is no longer required for the public purpose for which it was required.

Although the proposal reduces 2,125sqm of local open space land it will increase business zoned land and facilitate redevelopment of the existing local retail centre to service the increasing residential communities and create a more attractive place to live. On balance, it is considered the planning proposal is justifiably inconsistent with the direction. The Secretary's delegate's approval is recommended.

State Environmental Planning Policies

The planning proposal is not inconsistent with any applicable SEPPs.

SITE SPECIFIC ASSESSMENT

Social/Economic

The planning proposal will facilitate and revitalise the existing local retail centre to service the increasing residential communities and create a more attractive place to live. The proposal will have a positive social and economic impact for the area.

Environmental

The site is clear and is underutilised. Council has advised that the area has adequate open space in the surrounding area including the nearly completed Carnes Hill Community and recreation Centre public plaza. It is not known to be affected by flood, contamination or bushfire. No adverse environmental effects are envisaged because of the planning proposal.

CONSULTATION

Community

The planning proposal is of a low impact in nature and community consultation is proposed by Council for 14 days, which is appropriate.

Agencies

Agency consultation with relevant major servicing authorities such as Sydney Water, gas and electricity providers.

TIMEFRAME

The timeframe for finalisation of the planning proposal is recommended for 9 months.

DELEGATION

Council has not requested the use of plan making delegations. The proposal is of a minor nature and will not have significant impact on the surrounding environment. Evaluation criteria for delegation of plan making functions is at **Attachment G**. It is recommended Council be given delegation to exercise Local Plan-Making Authority function under section 3.31(3)(c) of the *EP&A Act* to make the plan under section 3.36 of the *EP&A Act*. All relevant documents authorising Council to exercise delegation of plan making functions of a Local Plan-Making Authority are at **Attachment D**.

CONCLUSION

The planning proposal is supported to proceed with conditions because it will rezone an underutilised open space and will facilitate redevelopment of a local centre and contribute to a more vibrant and viable local centre.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistency with Section 9.1 Directions 6.2 Reserving Land for Public Purposes is minor.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - Sydney Water; and
 - Relevant gas and electricity providers in the area.
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



6/3/2018

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