

1. Endorse the planning proposal to amend the Liverpool Local Environmental Plan 2008 to rezone Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill from RE1 – Public Recreation to B2 – Local Centre and forward the proposal to the Department of Planning and Environment for Gateway determination;
2. Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
3. Receive a further report on the outcomes of public exhibition and community consultation.

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Karnib**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote for:

- Mayor Waller
- Clr Ayyad
- Clr Balloot
- Clr Hadid
- Clr Hagarty
- Clr Harle
- Clr Kaliyanda
- Clr Karnib
- Clr Rhodes

Vote against: Clr Shelton

EGROW 02	Proposed amendment to the Liverpool Local Environmental Plan 2008 - Rezoning of land at Carnes Hill Shopping Centre
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Strategic Direction	Generating Opportunity Meet the challenges of Liverpool's growing population
File Ref	356321.2017
Report By	Kweku Aikins - Strategic Planner
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO

Property	Carnes Hill Shopping Centre 245 Cowpasture Road, Carnes Hill NSW 2171 Lot 104 DP 11105443
Owner	Bieson Pty Ltd
Applicant	Design + Planning

EXECUTIVE SUMMARY

Council has received a planning proposal seeking to amend the Liverpool Local Environmental Plan (LLEP) 2008 by rezoning a parcel of land at Cowpasture Road, Carnes Hill (Lot 104 DP 11105443) from RE1 Public Recreation to B2 Local Centre, to remove the site from the Land Reservation Acquisition Map in the LEP (as it has been reserved for acquisition by Council for public recreation purposes), and to introduce the following planning controls to the site:

- Floor Space Ratio - 1.7:1
- Height of Building – 21m
- Minimum Lot Size – 1,000sqm

The proposed zoning and development standards are consistent with the adjoining B2 Local Centre zone.

The proposed amendments to LLEP 2008 have strategic merit and are not inconsistent with Council's long-term vision for the Local Government Area (LGA). The planning proposal is generally consistent with the applicable regional and sub-regional strategies, Council's Community Strategic Plan, the relevant State Environmental Planning Policies (SEPPs) and Ministerial Directions (s.117 directions).

Rezoning the site to B2 will enable the site to be included in the B2 zone applying to the shopping centre and will support the proposed redevelopment of the shopping centre. The loss of recreation zoned land will have no impact on recreation opportunities in the vicinity, as the Carnes Hill Community and Recreation Precinct (opposite the site) provides for both active and passive recreation opportunities for the community in an accessible and consolidated area.

The report recommends that Council support the planning proposal and seek Gateway Determination from the Department of Planning & Environment.

RECOMMENDATION

That Council:

1. Endorse the planning proposal to amend the Liverpool Local Environmental Plan 2008 to rezone Lot 104 DP 11105443 at Cowpasture Road, Carnes Hill from RE1 – Public Recreation to B2 – Local Centre and forward the proposal to the Department of Planning and Environment for Gateway determination;
2. Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
3. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

Site Context

Lot 104 DP 11105443 is a regular shaped allotment located on the southern side of Carnes Hill Marketplace. The site has an area of approximately 2,125sqm and is bounded by Main Street to the south, car parking to the north and east, and a vacant commercial site to the west.

The land is currently zoned RE1 Public Recreation with no building height, floor space ratio and minimum allotment size development standards. In accordance with the Land Reservation Acquisition Map, the site is to be acquired by Council for public recreation purposes. The land is currently privately owned by Bieson Pty Ltd. An aerial photo is provided and marked **Figure 1**.

The Carnes Hill Community and Recreation Precinct is located approximately 220m to the north-east of the site. An Aldi supermarket and associated car park are located to the south-east while the Holy Spirit Catholic Primary School and McDonald's restaurant are situated to the south-west.

The closest bus stop is located approximately 250m north-east from the site, providing services from Cecil Hills, Austral, Bringelly and Narellan to Liverpool (Bus routes 827, 851, 852, 853, 854, 855, 857 and 1043). The site can also be accessed from the Westlink M7 via Kurrajong Road and is located approximately 4 km north-east of Leppington Station.



Figure 1: Aerial Photo (Source: Design+Planning)

History

An extensive Urban Design Workshop for Carnes Hill District Centre was undertaken on 4 November 1996. The workshop was attended by a variety of stakeholders and it was concluded that the Carnes Hill Town Centre should balance retail requirements with a community focus. As illustrated in **Figure 2**, a civic square and community facility were to be provided on the north-eastern corner of the Carnes Hill Town Centre, and a bus stop was proposed on the southern side of the Civic Square.

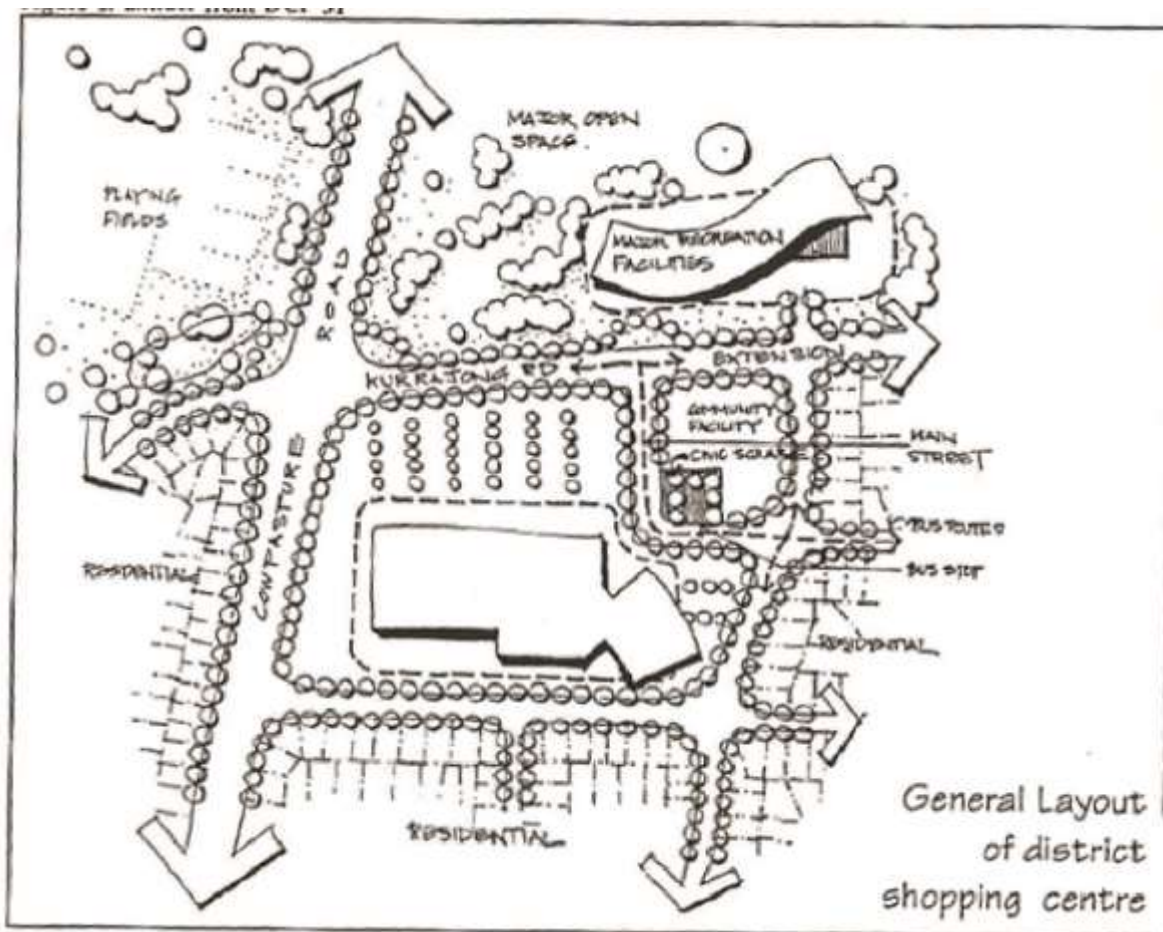


Figure 2: DCP 31 - Proposed Town Centre Plan (Source: Liverpool Council)

On 1 September 1997, two development applications were submitted to Council seeking the following:

- **DA No. 188/98** - Staged development and rezoning for the purpose of a Woolworths supermarket, Big W, retail shops and community uses (*see site plan in Figure 3*).
- **DA No. 198/98** - Subdivision to create 3 Torrens Title lots at the Town Centre for future commercial development, shopping centre and associated parking and community purposes/open space.

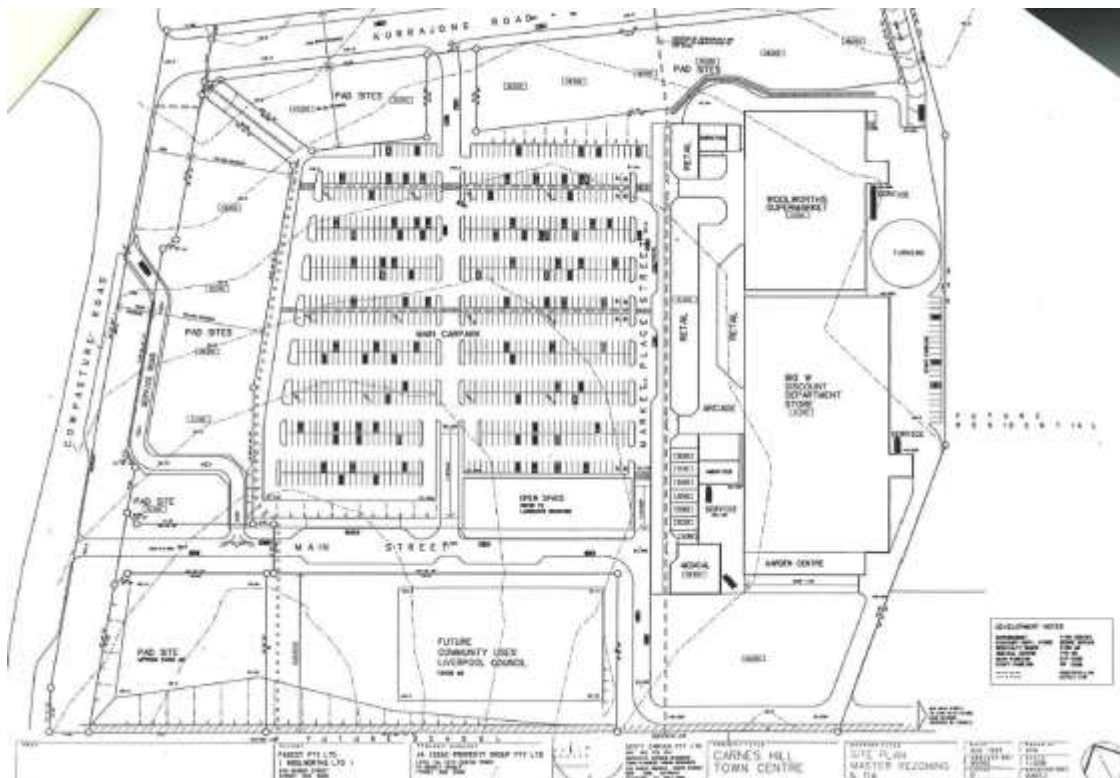


Figure 3: Site Plan for DA No: 188/98 (Source: Liverpool Council)

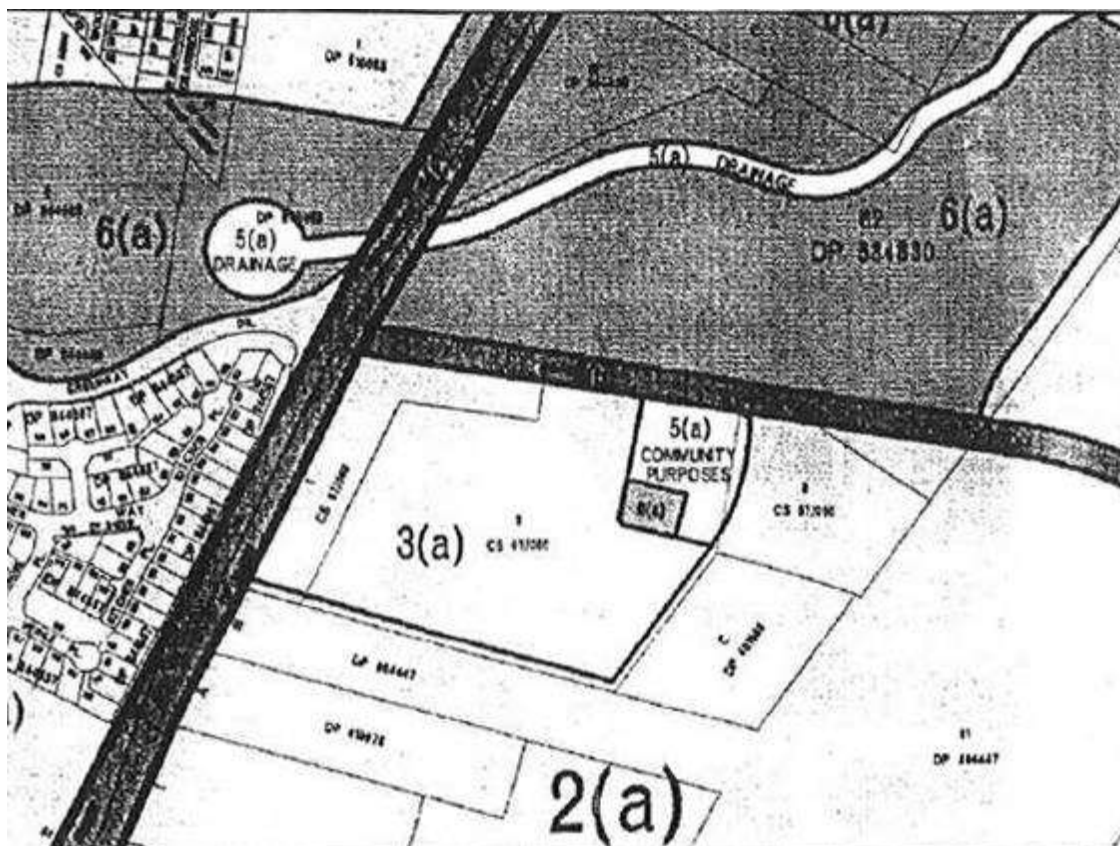


Figure 4: Zoning Map Extract prior to Gazettal of Amendment No. 10 (Source: LLEP 1997)

On 15 December 1997 and 15 January 1998, Council resolved to amend the LLEP 1997 and Development Control Plan (DCP) No. 31 – Subdivision of Land in Hoxton Park, Carnes Hill and Prestons Residential Release Area. The intent of the amendment was to adjust/relocate the commercial, open space and special uses zones for the Carnes Hill Town Centre so that they were consistent with the development applications lodged with Council.

On 16 September 1998, Council issued a 'Deferred Commencement' consent for DA No. 188/98.

On 16 October 1998, LLEP 1997 (Amendment No. 10) was gazetted to facilitate an alteration of zone and zoning boundaries at the Carnes Hill Town Centre.

On 1 February 1999, Council resolved to adopt Amendment No. 5 to DCP 31. The amendments included recognition of changes to the zoning boundaries gazetted under LLEP 1997 (Amendment No. 10), changes to the proposed road network in the vicinity of the Carnes Hill Town Centre and the establishment of development controls for the commercial pad sites.

As illustrated in **Figures 3 and 5**, the public recreation area was originally to be located to the north-east of the future community facilities/uses across Main Street.

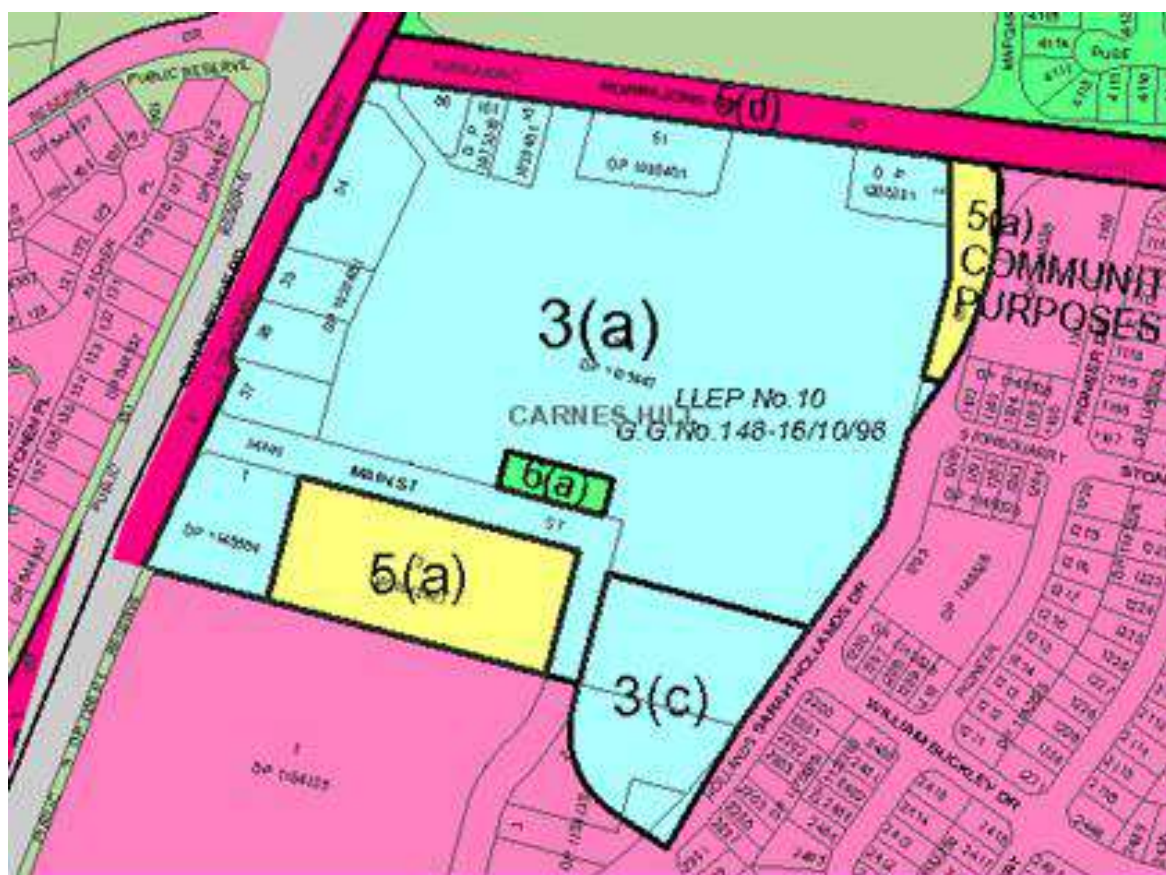


Figure 5: LLEP 1997 - Zoning Map (Source: LLEP 1997)

As part of the preparation of the comprehensive LEP, Council resolved to amend the zoning map to reflect the current location of the existing open space within the Carnes Hill Town Centre. On 29 August 2008, LLEP 2008 was gazetted (see **Figure 6**).



Figure 6: LLEP 2008 – Zoning Map (Source: OneMap)

Proposed LLEP 2008 Amendment

The proponent, Design + Planning, lodged a planning proposal to Council in October 2017 which seeks the following amendment to LLEP 2008:

	Existing	Proposed
Zoning	RE1 Public Recreation	B2 Local Centre
Floor Space Ratio	None	1.7:1
Height of Building	None	21m
Minimum Lot Size	None	1000sqm

Assessment of Impacts

Open Space

Rezoning of the site would result in the apparent reduction of public recreation land, (approximately 2,125sqm) within the LGA. However, it should be noted that the site has not

been identified as an open space network within the draft Recreation, Open Space and Sports Strategy. The strategy was put on public exhibition between 17 October 2017 and 15 December 2017. Adequate open space and recreational facilities have been provided for the local community including the Carnes Hill Community and Recreation Precinct and Greenway Park.

The Carnes Hill Community & Recreation Precinct (the Precinct) is located approximately 220m from the subject site. The Precinct consists of a gym, library, public plaza with a water feature and public art, a skate park, children's playground, outdoor multipurpose sports courts, community centre, picnic area, a cafe, cycling and walking paths as well as parking facilities. The Precinct has been designed to support the continuing growth of the area and provide social, cultural and sporting facilities for the community.

Greenway Park is located approximately 300m from the site on the western side of Cowpasture Road, and the following facilities are provided: two ovals, community centre, playground equipment and BBQ's. It is also noted that there is a parcel of vacant open space (zoned RE1 Public Recreation with an area of approximately 2.29ha) located approximately 260m to the south-east of the site, and the parcel of vacant space is joined to Schoeffel Park which lies directly to the south in Horningsea Park.

Minimal amenity has been provided to the users of the site as it consists of seven benches, trees, low hedging and planting around the perimeter. There is a lack of integration with the Carnes Hill Marketplace as the site is located at the periphery of the development in which fencing and a retaining wall separate the site and the Marketplace car park. Additionally, the site is located adjacent to the entry and exit of the car park.

As the site is immediately surrounded by vacant land and a car park, there is minimal pedestrian traffic along the western end of Main Street. On-street parking is also provided at the front of the site which may obscure natural surveillance.

According to the planning proposal prepared by Design + Planning, Charter Hall is currently finalising a draft concept plan for the redevelopment of the shopping centre. A town square will be incorporated adjacent to Kurrajong Road to include the provision of a civic square that complements the activities associated with the Marketplace and responds to the Carnes Hill Community and Recreation Centre public plaza located on the northern side of Kurrajong Road. Charter Hall intends to submit a development application to Council for redevelopment of the Marketplace.

Rezoning

The planning proposal seeks to rezone the site from RE1 Public Recreation to B2 Local Centre; introduce new development standards and remove the land from the Land Reservation Acquisition Map.

The objectives of the proposal are as follows:

- To rezone a parcel of isolated land within the Carnes Hill Market Place from RE1 Public Recreation to B2 Local Centre;
- To provide consistent zoning and planning controls across the Carnes Hill Market Place and neighbouring properties; and
- To enable a holistic development of the Carnes Hill Market Place and cater for future population growth in the Liverpool LGA.

A rezoning is required as the RE1 zone is highly restricted and only permits the following uses with development consent:

Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures.

The proposed B2 Local Centre zone will cater for consistent land uses throughout the Carnes Hill town centre and facilitate the redevelopment of the Marketplace. The proposed development standards are consistent with the adjoining B2 zoned land.

Reclassification

The site is under private ownership and is not classified as 'community land' so reclassification is not required.

Consultation

The planning proposal was referred to Council's Community Planning and Property sections for comment. Both Departments support the planning proposal.

Conclusion

It is recommended that Council endorse the planning proposal.

The planning proposal will allow for an underutilised parcel of land to be integrated with Carnes Hill Marketplace and surrounding B2 zoned land. The loss of the open space is considered insignificant due to its isolated location and its proximity to other open space and recreational facilities. The planning proposal is not inconsistent with Council's long-term vision for the LGA nor does it conflict with the objectives of the Draft Greater Sydney Region Plan, A Plan for Growing Sydney and the draft Western City District Plan.

If the planning proposal is endorsed by Council, a copy of the planning proposal will be forwarded to the Department of Planning and Environment for Gateway Determination.

Should a Gateway Determination be issued, Council officers will proceed with the planning proposal in accordance with the requirements of the Gateway Determination and undertake agency consultation, public consultation and a public hearing (if required). The outcomes of the consultation process and the public hearing will be reported to Council at a future meeting.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities. Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979

ATTACHMENTS

1. Planning Proposal [⇒](#) (Under separate cover)