

Liverpool Local Environmental Plan (Draft Amendment No. 25) Proposed Rezoning Of New Brighton Golf Course

Proposal Title :	Liverpool Local Environmental Plan (Draft Amendment No. 25) Proposed Rezoning Of New Brighton Golf Course
Proposal Summary :	To rezone a 16.75ha portion of the 87.5ha New Brighton Golf Course (NBGC) land at Moorebank to permit residential development of 310 dwellings and the continued operation of the golf course (via expansion to the south), together with the environmental and open space enhancement of the Georges River foreshore lands. The location and aerial map of the site is at Tags 1 and 2, and the existing zoning the proposed indicative rezonings are shown at Tags 3 and 4, in the "documents" section of the planning report. Specifically the proposal involves: • Area A (refer to the proposed indicative rezoning map at Tag 4) - Rezoning the western portion of the New Brighton Golf Club site from RE2 Private Recreation to R2 Low Density Residential while also adding an additional use into Schedule 1 Additional Permitted Uses for "Multi Dwelling Housing"; • Area B (refer to the proposed indicative rezoning map at Tag 4) - Rezoning of a section of foreshore land of 40 metres wide (including a 5 metre wide strip of land connecting the foreshore land to existing Council owned land) from RE2 Private Recreation to RE1 Public Recreation, and the reclassification of the land from operational to community; • Area C (refer to the proposed indicative rezoning map at Tag 4) - Rezoning of part of the land on the southern side of the M5 Motorway, Hammondville from RE1 Public Recreation to RE2 Private Recreation, and the reclassification of the land from community to operational; • Area D (refer to the proposed indicative rezoning map at Tag 4) - Rezoning of a portion of land south of the M5 Motorway from RE2 Private Recreation to RE1 Public Recreation to assist in strengthening core support habitat community and the reclassification of the land from operational to community; • Area E (refer to the proposed indicative rezoning at Tag 4) - Rezoning of a portion of land north of the M5 Motorway from RE2 Private Recreation to E2 Environmental Conservation to assist in strengthening core support habitat community. Council's planning proposal is at Tag 5.
PP Number :	PP_2011_LPOOL_011_00
Dop File No :	11/18571-1

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :	2.1 Environment Protection Zones 3.1 Residential Zones 3.3 Home Occupations 3.4 Integrating Land Use and Transport 4.1 Acid Sulfate Soils 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection 5.1 Implementation of Regional Strategies 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions 7.1 Implementation of the Metropolitan Plan for Sydney 2036
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Additional Information : The Planning Proposal should proceed subject to the following conditions:

(1) The Director General's delegate agrees that any inconsistency with section 117 directions:

- 4.1 Acid Sulphate Soils;
- 4.3 Flood Prone Land; and
- 6.2 Reserving Land for Public Purpose;

are justified as minor matters subject to Council preparing a flood plain management strategy, and an acid sulphate soil management plan in the event of any inconsistency with Directions 4.1 and 4.3.

(2) A clause giving heads of considerations for where multi unit dwellings will be allowed is to be prepared in consultation with the Department's Regional Team;

(3) Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage;
- Roads and Traffic Authority;
- Catchment Management Authority - Sydney Metro;
- Fire and Rescue NSW; and
- Bankstown Council.

The supporting studies be provided to the relevant agencies for their review and comment.

(4) Consultation with the Fire and Rescue NSW, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments made;

(5) Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009);

(6) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination; and

(7) A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.

If the requested use of R2 Zone with Schedule 1 is not supported by Gateway, an alternative is to apply a higher density zone to the land at the outset – either a R1 or an R3 zone and then introduce a local clause, to limit the bulk and scale (lot size, height and FSR), and permissibility of larger built forms, thereby achieving some of the limitations sought by council.

However, it is considered that the R1 Zone in this location is a preferred option. It will enable a variety of housing types and densities, and is considered to be more flexible to accommodate Council's proposal. It will enable small lot subdivision (i.e. 600 sqm) in designated areas (i.e. corner blocks with two street access) and allow flexibility for Council to set development standards (i.e. parking, FSR and height) and other local provisions needed to maintain and achieve the future desired character. This approach will also require heads of considerations for where multi unit dwellings will be allowed.

Liverpool Local Environmental Plan (Draft Amendment No. 25) Proposed Rezoning Of New Brighton Golf Course

The Gateway letter to Council may care to advise that the VPA agreement being prepared for the site will need to be finalised prior to the plan being made.

In respect of the land proposed for reclassification, Council is to clearly address whether any changes to the covenants, interests etc applying to the land are required in accordance with the Department's Practice Note PN 09-003 (Re)classification of public land through a LEP.

Supporting Reasons : It is considered that, provided the few remaining matters can be adequately resolved, the proposal is generally consistent with state and local strategies, and results in a positive environmental, social and economic outcome both locally and regionally.

Panel Recommendation

Recommendation Date : 01-Dec-2011

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Use of a low density residential (R2) zone and an amendment to Schedule 1 to allow for the development of proposed 'studio' apartments within Area A is not supported. Council is to amend the planning proposal to rezone the site to either R1 General Residential or R3 Medium Density Residential.

2. In addition, Council is to work with the Department's Regional Planning Team to develop a local provision which provides relevant heads of consideration in relation to permitting multi unit dwellings in appropriate locations within the subject site.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- NSW Roads and Traffic Authority
- Catchment Management Authority – Sydney Metro
- Fire and Rescue NSW
- Bankstown Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

6. In regards to the planning proposal's inconsistencies with S117 Direction 4.1 Acid Sulfate Soils, Council is to provide further justification for the inconsistency by preparing an Acid Sulfate Soils Management Plan in accordance with the Direction prior to exhibition. The Plan should be exhibited with the draft LEP.

7. In relation to the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land, Council is provide further justification for the inconsistency by preparing a Flood

Liverpool Local Environmental Plan (Draft Amendment No. 25) Proposed Rezoning Of New Brighton Golf Course

Plain Management Strategy for the site in accordance with the requirements of the NSW Floodplain Development Manual prior to exhibition. The Strategy should be exhibited with the draft LEP.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Nest McEggin

Date: _____

6.12.11