

Planning Proposal for Liverpool LEP 2008 (Amendment No 27) - Housekeeping amendments

Proposal Title :	Planning Proposal for Liverpool LEP 2008 (Amendment No 27) - Housekeeping amendments		
Proposal Summary :	REZONING OF LAND AT ELIZABETH HILLS, PROHIBITION OF CEMETERIES IN RURAL AREAS, PROHIBITION OF SEX SERVICE PREMISES IN THE LIVERPOOL CITY CENTRE AND OTHER MINOR ANOMALIES. Liverpool City Council on 27 February, 2012, resolved to amend Liverpool Local Environmental Plan 2008 (LLEP 2008) to rezone land at Aviation Drive, Elizabeth Hills from SP2 Infrastructure to B1 Local Centre, R2 Low Density Residential and R3 Medium Density Residential. The land is no longer required for the construction of a stormwater detention basin. Council, at its meeting of 28 September, 2011, also resolved to prohibit cemeteries and crematoria in the rural zones and to prohibit sex service premises within the Liverpool city centre (B3 Commercial Core Zone). In addition, Council seeks to make minor amendments to LLEP 2008 including; amending the minimum dwelling density controls for Middleton Grange; introducing additional land uses to the IN1 General Industrial and RU4 Primary production Small Lot zone; amendments/insertion of clauses relating to residential development and Schedule 5 of the LLEP 2008; minor mapping corrections; the reclassification of a number of properties from community land to operational land and updating the flood mapping in response to the adoption of the Cabramatta Creek Flood Study and Basin Strategy Review 2011. Council's covering letter (Tag A1), planning proposal (Tag A2), planning report (Tag A3) and JBA's proposal for Elizabeth Hills (Tag A4) are attached in the "documents" section.		
PP Number :	PP_2012_LPOOL_001_00	Dop File No :	12/04869-1

Proposal Details

Date Planning Proposal Received :	20-Mar-2012	LGA covered :	Liverpool
Region :	Sydney Region West	RPA :	Liverpool City Council
State Electorate :	LIVERPOOL MACQUARIE FIELDS	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :	Elizabeth Hills	City :	Liverpool
		Postcode :	
Land Parcel :	Lot 5050 DP 1161757 Aviation Drive, Elizabeth Hills, Liverpool		

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DoP Planning Officer Contact Details

Contact Name : **Cho Cho Myint**
Contact Number : **0298738583**
Contact Email : **chocho.myint@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Megan Hill**
Contact Number : **0298219285**
Contact Email : **m.hill@liverpool.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Derryn John**
Contact Number : **0298738543**
Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department's "Table of contacts with Registered Lobbyists" has been checked on 15 March, 2012, and there have been no records of contact with Lobbyist in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **The planning proposal is a housekeeping amendment and has a number of objectives, most of which relate to addressing various minor discrepancies within the Liverpool LEP 2008.**

In order to limit the number of amendments to Council's principle planning instrument,

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Council has grouped a number of proposed changes together. Details of each of the changes are in the planning proposal. Council's proposed amendments to the Liverpool LEP 2008 are supported.

The Department's Metropolitan and Regional Project North Team was consulted on the planning proposal in regards to the proposed rezoning of SP2 land at Elizabeth Hills for rezoning from SP2 Infrastructure to B1 Local Centre, R2 Low Density Residential and R3 Medium Density Residential. The Regional Project North Team, on 19 March, 2012, (attached) has confirmed that the proposed reduction of SP2 land in the planning proposal is consistent with the Part 3A Concept Plan approval.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

ELIZABETH HILLS REZONING

The rezoning of land in Elizabeth Hills from SP2 Infrastructure to R3 Medium Density Residential, R2 Low Density Residential and B1 Neighbourhood Centre in the Liverpool LEP 2008 (LLEP) is the result of a rezoning application. The proposal seeks to reconfigure zone boundaries near the detention basin number 6 at Lot 5050 DP 1161757, Aviation Road Elizabeth Hills. This is consistent with the approvals for the site under Part 3A (Concept Plan Approval MP10_0007 and Modification to the Stage 1 Infrastructure Project Approval 10_0008). The land to be rezoned is no longer required for the detention basin. Associated maps including the building height, FSR, lot size controls and land acquisition maps will be amended to reflect the revised zoning. Details of the proposed rezoning are in JBA's planning report, attached at Tag A4 and site maps at Tag B1.

CEMETRIES AND CREMATORIA

Council seeks to prohibit 'cemeteries and crematoria' in rural zones because of the likely impacts of these uses on the future potential of the rural lands, the surrounding areas in terms of car parking and traffic, servicing of rural areas, amenity of rural areas and contamination of the water table.

The 'cemeteries' will remain permissible in all the industrial and the RE1 Public Recreation and RE2 Private Recreation zones.

SEX SERVICES PREMISES

The Liverpool City Centre has the proliferation of 'sex service premises'. The planning proposal seeks to prohibit sex service premises from B3 Commercial Core Zone.

'Sex service premises' remain permissible in Industrial (IN1, IN2 and IN3) Zones.

RESIDENTIAL DENSITY - MIDDLETON GRANGE

The planning proposal seeks to amend the dwelling density map to reduce the 30 dwellings per hectare area to 28 dwellings per hectare and the 23 dwellings per hectare area to 21 dwellings per hectare in Middleton Grange.

LAND USE TABLES

'Recreation facilities (indoor)' are to be prohibited in IN3 Heavy Industrial Zone as they are not considered compatible with the zone.

'Veterinary hospitals' are considered compatible with the RU4 Primary Production Small Lots Zone and will be made permissible with consent in this zone.

'Vehicle repair stations' and 'vehicle body repair workshop' will both be added as permissible with consent in the IN1 General Industrial Zone.

SINGLE DWELLINGS

The LLEP 2008 currently permits single dwellings in the R3 Medium Density and R4 High Density Residential Zones. This has caused overdevelopment in areas where single dwellings proposals have taken advantage of the development standards intended for medium and high density residential development.

The planning proposal seeks to insert an additional clause in the LEP to ensure that single dwellings have appropriate development standards including a maximum FSR of 0.6:1 and a maximum building height of 8.5 metres, despite the FSR and building height maps.

UNDERSIZED LOTS IN GREENDALE AND COBBITY

In the repealed Liverpool Local Environmental Plan 1997, Clause 36(2) stipulated that certain rural lots did not have individual dwelling entitlements, given their size and shape. This restriction was not carried over into the LLEP 2008. The planning proposal seeks to insert a new clause to restrict dwelling entitlements on these undersized rural lots.

MAPPING ANOMALIES

The planning proposal also seeks to make a number of minor rezonings, as a result of boundary adjustments, in order to correct mapping anomalies in Casula, Chipping Norton, Greendale and Cobbity, see attached maps at Tag B2.

HERITAGE SCHEDULE

There are a number of inconsistencies in Schedule 5, where some heritage properties of 'local' significance are wrongly listed as having 'State' significance. The planning proposal seeks to rectify these anomalies.

RECLASSIFICATION OF COUNCIL OWNED LANDS

The proposal includes the reclassification of a number of properties from 'community' land to 'operational' land and the rezoning of one of these properties from RE1 to R2. The reclassification is consistent with Councils Operational Plan and enables surplus Council properties to be sold. Council has advised that corresponding interests on the land are proposed to change (Schedule 4 Part 2) for all land parcels except for Lot 14 DP 1090122 Pearce Road, Liverpool, as follows:

Reclassification of -

- Lot 14 DP 1090122 - Pearce St, Liverpool (Schedule 4 Part 1)
 - Lot 8 DP 246745 - 150 Heathcote Road, Hammondville (Schedule 4 Part 2)
 - Lots 1 and 2 DP 1150469 - 14 Thompson Avenue and 29 Stockton Avenue, Moorebank (Schedule 4 Part 2)
 - Lot 306 DP - DP233164 - 155 Willan Drive, Cartwright, Lots 27 and 28 DP 1069623 and part of Chapman Street, West Hoxton (Schedule 4 Part 2)
 - Part Lot 236 DP 25142 - 203 Memorial Avenue, Liverpool (Schedule 4 Part 2)
- from 'community' land to 'operational' land.

In addition, the reclassification of Lot 4221 DP 1163525 - Wilson Road, Green Valley from 'community' land to 'operational' land (Schedule 4 Part 2) and rezoning of the site from

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RE1 Public Recreation to R2 Low Density Residential is proposed. The proposal is to update relevant floor space ratio, minimum lot size and maximum building height maps.

CABRAMATTA CREEK FLOOD STUDY/BASIN STRATEGY REVIEW

At its meeting on the 6 February, 2012, Council adopted the Cabramatta Creek Flood Study and Basin Strategy Review as part of the Liverpool Floodplain Management Committee Minutes. The planning proposal seeks to update the flood prone land mapping in the LLEP 2008 to correspond with the adopted study and strategy.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council has provided an explanation for all the proposed amendments and relevant maps for the proposed amendments. The explanatory statement for each amendment together with the relevant maps are in Council's planning proposal at Tag A2. It is considered that the explanation of the proposed amendments are adequate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified? N/A

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain : S117 DIRECTION

1.1 BUSINESS AND INDUSTRIAL ZONES:

The planning proposal involves a minor adjustment to the B1 Neighbourhood Zone within Elizabeth Hills, which will result in an increase to the neighbourhood service centre by 4,260 sqm, whilst also providing a better buffer between the zone and the adjacent residential zone and will encourage employment growth in a suitable location.

The planning proposal also proposes to prohibit sex services premises from the Liverpool City Centre B3 Commercial Core Zone to restrict proliferation of sex service premises in the area. Sex service premises remain permissible in the IN1, IN2 and IN3 zones.

The planning proposal will not reduce the potential floor space/area of existing business zone, and the planning proposal is not inconsistent with the direction.

1.2 RURAL ZONES:

The planning proposal involves prohibition of cemeteries and crematoria in RU1 Primary Production and RU4 Primary Production Small Lots and to allow 'veterinary hospitals' in the RU4 Primary Production Small Lots Zone with consent.

Accordingly, the direction is relevant. However, the proposal will not rezone land or contain provisions that increase the permissible density of land within a rural zone (i.e. item 4) and is, therefore, not considered to be inconsistent with the direction.

2.3 HERITAGE CONSERVATION:

The planning proposal is to rectify inconsistencies in Schedule 5 environmental Heritage, where some local heritage properties of local significance are listed as having 'State significance'. The direction is relevant but it is not considered inconsistent with the objectives in clause 1 of the direction as it will not amend the existing standard heritage provisions in the Liverpool LEP 2008.

However, it will be recommended for Council to consult with Office of the Environment and Heritage as part of agency consultation.

3.1 RESIDENTIAL ZONES:

The direction requires a draft LEP to facilitate the provisions of housing. The direction is relevant as the proposal will affect an existing residential zone as discussed below.

As discussed in 'Assessment Criteria' section, the planning proposal will increase residential zoned land in Elizabeth Hills, Casula and Green Valley to as part of the zone reconfiguration and land reclassification process consistent with adopted strategies/plans (i.e. Council's Cabramatta Creek Flood Study and Basin Strategy and Council's Operational Plan).

The planning proposal also seeks to insert an additional clause in the LEP 2008 which limits the development controls applying to residential dwellings within R3 Medium and R4 High Density Residential Zones to ensure overdevelopment of single 'residential dwellings' does not occur.

Further, the planning proposal proposes to stipulate certain rural lots in Denham Court and Greendale which did not have individual dwelling entitlements, given their size and shape, to be consolidated. Council has advised that consolidation of these small rural lots is to re-establish a previous Liverpool LEP 1997 provision and to ensure that the rural character is maintained, and that future development does not overburden utilities and other infrastructure.

The proposal also seeks to reduce the permissible residential density from 30 dwellings per hectare area to 28 dwellings per hectare and the 23 dwellings per hectare area to 21 dwellings per hectare in Middleton Grange.

The proposal is not in accordance with a strategy approved by the Director General.

As discussed above, part of the planning proposal seeks to increase residential zoned land and is considered to be consistent with the direction.

However, part of the planning proposal is considered inconsistent with the direction as it proposes development controls to restrict residential development in certain residential zoned areas. However, the changes proposed are specific to certain areas and are of minor nature and will not have significant impact on the overall delivery of housing in the LGA. In accordance with clause 6(d) of the direction, the Director General's approval is required.

3.4 INTEGRATING LAND USE AND TRANSPORT:

The planning proposal seeks to rezone land for residential and deliver new jobs within established areas where there is access to public transport and is not inconsistent with the direction.

4.3 FLOOD PRONE LAND:

The planning proposal involves reduction of an area previously identified for a detention basin in Elizabeth Hills from SP2 Infrastructure to part B1 Neighbourhood Business, R3 Medium Density Residential and R4 High Density Residential Zones, and therefore, is inconsistent with the direction.

As discussed in the 'Assessment Criteria' section, a flood management plan has been prepared for the Elizabeth Hills site and the approved design of Basin 6 (part 3A Concept Plan) provides for a peak storage of 136,827m³. This is considered sufficient storage for detention purposes as stipulated by Cabramatta Creek Flood Study and Basin Strategy Review 2011 and to meet Council's requirements for the 1:100 year ARI flood. The design of the detention basin ensures the protection of all the land proposed to be rezoned for business and residential purposes.

The planning proposal also seeks to update flood prone land maps consistent with the Cabramatta Creek Flood Study and Basin Strategy Review as adopted by Council's Floodplain Management Committee.

In terms of the above, the inconsistency with the direction is considered to be of a minor nature and the Director General's approval is required in accordance with clause 9(b) of the direction.

4.4 PLANNING FOR BUSHFIRE:

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

Council has advised that the land at Elizabeth Hills (for rezoning to B1 and R2/R3) is identified as bushfire prone land. The properties along Greendale and Denham Court, 39 Newbridge Road, Chipping Norton (proposed from RE1 to R2 and reclassification) are identified as bushfire 'buffer' areas. 203 Memorial Avenue, Liverpool, is partially bushfire prone, but mostly within a 'bushfire 'buffer' area, however, this land is only proposed to be reclassified.

Accordingly, it is considered that the direction applies.

Under this direction, a relevant planning authority is required to consult with the Commissioner of the NSW Rural Fire Service (RFS) 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. The direction also requires the planning proposal to have regard to Planning for Bushfire Protection 2006 and to introduce development controls to ensure bushfire hazard protection and provision of Asset Protection Zones (APZ).

A planning proposal may be inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director-General (or his delegate) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

It is recommended that Council consult the Commissioner of NSW RFS prior to undertaking community consultation in satisfaction of section 57 of the Act.

5.1 IMPLEMENTATION OF REGIONAL STRATEGY:

The planning proposal is not inconsistent with the draft South West Subregional Strategy.

6.2 RESERVING LAND FOR PUBLIC PURPOSE:

The direction requires that the proposal should not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General of the Department of Planning.

As discussed in the 'Assessment Criteria' section, the draft plan proposes to rezone/reclassify land zoned RE1 Public Recreation and SP2 Infrastructure for drainage in areas including Casula, Liverpool, Moorebank and Elizabeth Hills. These involve Council owned land to be reclassified/rezoned to enable sale of the land (i.e. Casula, Moorebank and Liverpool) for residential purpose and land proposed to be acquired by Council for drainage purpose (i.e SP2 land at Elizabeth Hills).

With regard to the loss of public recreation and open space zoned land in the direction, Council has advised that these land parcels are surplus to Council's needs, consistent with Council's Operational Plan, and are not being utilised as community land.

As discussed in the above 'Assessment Criteria' section, the reduction of SP2 land at Elizabeth Hills is surplus which is no longer required for drainage purposes following the more detailed and revised design of detention basin 6.

The proposed reduction of public land within RE1 Public Recreation Zone and SP2 Infrastructure Zone (for acquisition) requires the approval of the Director-General (or delegate) and in view of the circumstances, it is recommended that the Director General so endorse this inconsistency in accordance with clause 8(d).

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036:

The planning proposal is generally consistent with the objectives of the Metropolitan Strategy for Sydney 2036.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Site identification maps/existing zoning have been provided in Appendix 3 of the Council's planning proposal, at Tag B1 and B2.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council considers that the Gateway Determination will specify the appropriate community consultation.

As the amendment includes reclassification of land, the draft LEP will need to be exhibited in accordance with best practice guidelines issued by the Department.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Liverpool Principal LEP was made in August 2008. The draft LEP seeks to make minor amendments to the Principal LEP.

Assessment Criteria

Need for planning proposal :

The planning proposal is not the result of any strategic study agreed by the Director General. Most of the amendments included in this proposal have been identified by Council and as a response to various stakeholders over time and are considered minor in nature.

A brief description of each amendment and the regional team's assessment are as follows:

ELIZABETH HILLS (Part of Former Hoxton Park Aerodrome) REZONING

The planning proposal is to reconfigure zoning boundary of land owned by Mirvac Homes (NSW) Pty Limited at Aviation Drive, Elizabeth Hills from SP2 Infrastructure to part B1 Local Centre, part R2 Low Density Residential and part R3 Medium Density Residential in the Liverpool LEP 2008 (LLEP). Refer to Figures 1-6 and Figures 13-14 of the Planning proposal prepared by JBA Urban Planning report at Tag A4. Maps at Tag B1.

The proposal seeks to reconfigure/realign the SP2 zone boundary near a stormwater detention basin on Lot 5050 DP 1161757, Aviation Road, Elizabeth Hills. The 11 ha land was originally zoned SP2 Infrastructure, for acquisition by Council, to cater for the construction of a detention basin associated with development within Hoxton Park (Len Waters) Industrial Estate. The SP2 land covers 2 sites (Lot 5050 DP 1161757, the subject site owned by Mirvac and Lot 101 DP1158583, owned by Council). However, the redesign of the basin to 67,500 sqm (as part of the Part 3A approval) means that part of the SP2 land (within Mirvac land, north of Len Waters Industrial Estate land) is no longer required for this purpose and is proposed to be rezoned.

The details of the proposed areas are in Table 1 of Council's planning report dated 27 February, 2012 at Tag A3. The rezoning of SP2 is the result of the S75W Concept Plan modification of Stage 1 Infrastructure Approval (MP 10_0008) for the site issued under the now repealed Part 3A of the EP&A Act in April, 2011, as part of Woolworth warehouse buildings development. The Department's Metropolitan and Regional Project North Team was consulted on the planning proposal in regards to the proposed rezoning of SP2 land. The Regional Project North Team, on 19 March, 2012, (attached) has confirmed that the proposed reduction of SP2 land in the planning proposal is consistent with the Part 3A Concept Plan approval.

Council has advised the construction of the detention basin is well progressed. Assessment of its flood storage capacity was undertaken as part of the Part 3A process and Council was satisfied that the stormwater basin can accommodate the required storage capacity for detention purposes as stipulated in the Cabramatta Creek Basin Strategy 2011.

The adjoining SP2 zoned land and RU1 zoned land in Lot 101 DP1158583 is 48,220 sqm and is owned by Council. The reduction of 20,775 sqm of SP2 zoned land on Mirvac site (Lot 5050 DP 1161757) still leaves land for the basin, on the two lots combined, in excess of the

67,500 sqm in the Part 3A Concept Plan approval. Accordingly, Council proposed to update the corresponding floor space ratios, maximum building heights, minimum lot sizes and land acquisition maps.

Regional Team's comment:

Council's proposal is considered satisfactory and rezoning is agreed.

There is no information in the Council's planning proposal in regards to contamination. Given the land's previous use as part of the Hoxton Park Aerodrome, there may be a need for Council to investigate whether the land is contaminated and the suitability of land for the purpose for residential development to be carried out. It is recommended that Council carry out this investigation prior to the public exhibition of the planning proposal and this investigation/statement is to form part of the planning proposal package for exhibiton.

Council has advised that the land is identified as bushfire prone land. In accordance with S117 Direction 4.4 Planing for Bushfire Protection (see 'Justification- s55(2)(c)' section), it is recommended that Council consult the Commissioner of NSW RFS prior to undertaking community consultation in satisfaction of section 57 of the Act.

CEMETERIES AND CREMATORIA

'Cemeteries and crematoria' are permissible with consent in RU1 Primary Production and RU4 Primary Production Small Lots Zones under LLEP 2008.

Council has been receiving a number of Development Applications for cemeteries and crematoria (i.e. specifically along Greendale Road) and are subject to many objections from neighbouring residents. The objections are related to the impacts that 'cemeteries and crematoria' can have on surrounding areas in terms of car parking and traffic, servicing and amenity of rural areas and contamination of the water table. It should be noted that the residents in Greendale have also written to the Minister and the Director General raising the same issues.

Council has advised that 'cemeteries and crematoria' also 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.

Council, therefore, seeks to prohibit 'cemeteries and crematoria' in all rural zones.

Regional Team's comment:

It is recommended that Council consult with the Catchment and Land Division (Cemetries) of the Department of Primary Industries.

It should be noted that 'cemeteries' will remain permissible in all industrial, RE1 Public Recreation and RE2 Private Recreation Zones.

SEX SERVICES PREMISES

The Liverpool City Centre has a proliferation of 'sex service premises' and as such this proposal seeks to prohibit sex service premises from the B3 Commercial Core zone. Council has advised that 'sex service premises' remain permissible in the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial Zones.

Regional Team's comment:

The regional team agrees with Council's proposal.

MIDDLETON GRANGE DWELLING DENSITIES

Council has advised that Middleton Grange is a new release area that utilises minimum dwelling density controls to facilitate a variety of development types. Since the adoption of LLEP 2008, the required minimum dwelling density has increased by virtue of the Standard LLEP Instrument LLEP 2008 (i.e. the SI definition of dwelling density includes half road widths as opposed to the previous Liverpool LEP 1997 where roads are unzoned and are not calculated for dwelling density). Council has advised that this increase has made it difficult for developers to achieve the required dwelling yields, leading to a number of Development Applications seeking an exception to the dwelling density provision.

Accordingly, Council seeks to amend the dwelling density map to reduce the 30 dwellings per hectare area to 28 dwellings per hectare and the 23 dwellings per hectare area to 21 dwellings per hectare.

Regional Team's comment:
Council's proposal is satisfactory and is agreed.

LAND USE TABLE

Council, on 28 September, 2011, resolved to:

- allow 'veterinary hospitals' in the RU4 Primary Production Small Lots Zone with consent as it is considered compatible with the zone
- prohibit 'recreation facilities (indoor)' within the IN3 Heavy Industrial Zone as it considered that this use is not compatible with the zone objectives.
- allow 'vehicle repair stations and vehicle body repair workshops' with consent in IN1 General Industrial Zone.

Regional Team's comment:
Agrees with Council's proposal.

SINGLE DWELLINGS IN THE MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

LLEP 2008 currently permits single dwellings (dwelling houses) in the R3 Medium Density Residential and R4 High Density Residential Zones. Council has advised that this has caused overdevelopment in R3 and R4 Zones as the single dwellings taking advantage of the development standards for higher density developments (i.e. FSR and maximum building heights).

The planning proposal proposes to insert an additional clause in the LEP to ensure that single dwellings have appropriate development standards including an FSR of 0.6:1 and a maximum building height of 8.5 m, despite the FSR and building height maps applied to the zone.

Regional Team's comment:
Council's proposal is agreed.

DWELLING ENTITLEMENT IN GREENDALE AND DENHAM COURT

Council has advised that the repealed Liverpool Local Environmental Plan 1997, Clause 36(2) and Schedule 7, stipulated that certain rural lots did not have individual dwelling entitlements, given their size and shape, unless consolidated. This restriction was not carried over into the LLEP 2008.

The planning proposal seeks to insert a new clause to re-establish this restriction to apply to "certain" rural properties under 2 ha at Greendale Road, Greendale and Campbelltown

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Road, Denham Court. The area of these lots are around 8,000 sqm. Council has advised that consolidation of these small rural lots will ensure that the rural character is maintained, and that future development does not overburden utilities and other infrastructure.

Regional Team's comment:

Agrees with Council's proposal additional clause.

MAPPING ANOMALIES (see maps at Tag B2)

CASULA: Zoning to correspond with lot boundary anomaly

Applies to land known as Lots 881-884 DP 1149386 - 54, 56 and 58 Paperbark Circuit, Casula and 13 Maple Road, Casula to R2 Low Density Residential and Lot 99 DP 1139963 - Lot 99 Paperbark Circuit, Casula (Council reserve) to RE1 Public Recreation.

The corresponding floor space ratio, minimum lot size and maximum building height maps are proposed to be updated in the planning proposal.

CHIPPING NORTON: Council no longer acquiring property

Lot 133 DP 17134 known as 39 Newbridge Road, Chipping Norton is no longer being acquired by Council and is proposed to be rezoned from RE1 to R2 (map reference LZN-014).

The corresponding floor space ratio, minimum lot size and maximum building height maps are also proposed to be updated in the planning proposal.

GREENDALE/COBBITY: Land transferred from Camden Council area to Liverpool

The proposal is to zone part lots 2, 6 and 7 DP 582023 - 575 Wolstenholme Avenue Greendale, 51 Orient Road Greendale and 40 Orient Road Greendale, and Lots 4 and 5 DP 776502 - 20 Orient Road Greendale and 24 Orient Road Greendale to RU1 Primary Production under the LLEP2008.

The corresponding minimum lot size maps will also be updated. This will ensure the land transferred has land use controls consistent with the majority of the land holding.

MIDDLETON GRANGE: Revision of zone boundaries due to detail design

The property known as Lot 318 DP 2475 100 Flynn Avenue, Middleton Grange is zoned R1 General Residential and RE1 Public Recreation. The alignments of these zone boundaries are required to be revised in light of the detailed design of the detention basin proposed in the land zoned RE1 Public Recreation.

WEST HOXTON: Land no longer required for Council purposes

The property known as Lot 16 DP 1058298, Pontville Close, West Hoxton is mostly zoned R2 Low Density Residential, however, a corner of the site is zoned RE1 Public Recreation. The portion of the land zoned RE1 is no longer required for Council purposes and there is proposed to be rezoned to R2 Low Density Residential, which will align with the remainder of the property.

The corresponding floor space ratio, minimum lot size, maximum building height and land acquisition maps are also proposed to be updated as part of the planning proposal.

Maps showing the current and proposed zoning are shown in Appendix 3 of the Council

report at Tag A3.

Council has advised that the proposed changes relate to mapping errors and no reclassification of the land is required as a result of these changes.

Regional Team's comment:

Agrees with Council's proposed amendments.

SCHEDULE 5 OF LLEP 2008 - STATE AND LOCAL SIGNIFICANT HERITAGE ITEMS

There are a number of inconsistencies in Schedule 5, where some local heritage properties of local significance are listed as having 'State significance'. The planning proposal seeks to rectify these anomalies. A list of properties which require changes are at Appendix 2 in the Council's planning proposal Tag A2.

Regional Team's comment:

The team agrees with Council's planning proposal. However, it is recommended that Council consult the Office of the Environment and Heritage (OEH) as part of the agency consultation.

RECLASSIFICATION OF COMMUNITY LAND TO OPERATIONAL LAND

Liverpool Council, at its meeting on 28 February, 2011 and 25 July, 2011, resolved to reclassify the following land:

- Lot 1103 DP 1051233 - 22 Box Road, Casula from community land to operational land and to rezone the site from RE1 Public Recreation to R2 Low Density Residential Zone;
- Lot 8 DP 246745 - 150 Heathcote Road, Hammondville, Lots 1 and 2 DP 1150469 - 14 Thompson Avenue and 29 Stockton Avenue, Moorebank, Lot 306 DP - DP233164 - 155 Willan Drive, Cartwright, Lots 27 and 28 DP 1069623 and part of Chapman Street, West Hoxton and Part Lot 236 DP 25142 - 203 Memorial Avenue, Liverpool from community land to operational land;
- Lot 4221 DP 1163525 - Wilson Road, Green Valley from community land to operational and to rezone the site from RE1 Public Recreation to R2 Low Density Residential and update corresponding floor space ratio, minimum lot size and maximum building height maps as the land has been identified as surplus to Council requirements; and
- Lot 14 DP 1090122, Pearce Street, Liverpool from community land to operational land consistent with the surrounding land and to rectify an omission from the previous reclassification.

Council has advised that corresponding interests on the land are proposed to change for all land parcels except for Lot 14 DP 1090122 Pearce Road, Liverpool. A formal reclassification process will be required. The proposed reclassifications are consistent with Council's Operational Plan and enables surplus Council properties to be sold.

Regional Team's comment:

The discharge of interests under s.30 of the LG Act effects private property rights, and requires the approval of the Governor under s.30(2). The regional team agrees with Council's proposed reclassification.

CABRAMATTA CREEK FLOOD STUDY AND BASIN STRATEGY REVIEW

Council, at its meeting on 6 February, 2012, resolved to adopt the Cabramatta Creek Flood Study and Basin Strategy Review as part of the Liverpool Floodplain Management

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Committee Minutes. The LLEP 2008 flood prone land maps will be updated to correspond with the adopted study and strategy.

Regional Team's comment:

While the regional team agrees with Council's proposal, it is recommended that Council consult with the Sydney Metropolitan Catchment Management Authority (Georges River).

Consistency with strategic planning framework :

The planning proposal is generally consistent with both the draft South West Sub-regional Strategy and the Sydney Metro Strategy.

Environmental social economic impacts :

There is no likelihood of any adverse environmental social economic impacts. Reclassification and rezoning of RE1 Public Recreation zoned land, flooding and heritage conservation issues are considered in the 'Assessment criteria' section of the planning report.

In view of the previous use of the site as an aerodrome, it is recommended that Council carry out investigation as to whether the land is contaminated and the suitability of the site for the proposed residential development.

Council has advised that some of the land involved in the planning proposal are identified as bushfire prone land or bushfire 'buffer' area. This has been addressed in 'Justification - s55(2)(c)- consistency with S117 Directions' section of this report.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
NSW Rural Fire Service
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Tag_A1_-_Council's_letter_for_the_Planning_Proposal.pdf	Proposal Covering Letter	Yes
Tag_A3- _Council's_planning_report_dated_27_Feb_2012.pdf	Proposal	Yes
Tag_A4 - _JBA_Planning_Proposal_Report_for_Elizabet h_Hills.pdf	Proposal	Yes
Tag_A2 - _Council's_Planning_Proposal.pdf	Proposal	Yes
Comments_from_Metropolitan_and_Regional_Projects_North.pdf	Determination Document	No
Elizabeth_Hills_site_-_Relevant_site,_zoning,_and_acqu isition_maps.pdf	Map	Yes
Tag_B1 - _Relevant_maps_for_Elizabeth_Hills_site.pdf	Proposal	Yes
Tag_B2 - _Changes_proposed_to_rectify_map_anomalie s.pdf	Map	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. approval by the Director General's delegate in relation to S.117 Directions 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purpose;
2. consultation with the Commissioner of the NSW Rural Fire Service, 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 so made;
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 Rural Fire Service
 - Department of Primary Industries (Cemetries, Catchment and Land Divison)
 - Sydney Metropolitan Catchement Management Authority (Georges River);

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5. 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; and

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

In view of the previous use of the site as an aerodrome, it is also recommended that Council carry out an investigation as to whether the land is contaminated and the suitability of the site for the proposed residential development. This investigation is to be carried out prior to public exhibition of the planning proposal and is to be publicly exhibited as part of the planning proposal package.

Supporting Reasons : To allow the planning proposal to proceed: it is recommended that the Director General agree to the section 117 matters (above) for the reasons discussed in this report.

Signature:



Printed Name:

DERRYN JOHN

Date:

23/3/12