

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORT

ORDINARY MEETING

27/02/2012

ITEM NO:		FILE NO:	RZ-2/2012
SUBJECT:	DRAFT AMENDMENT NO. 27 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - REZONING OF SP2 LAND TO B1, R2 AND R3 AT ELIZABETH HILLS, PROHIBITION OF CEMETERIES IN RURAL AREAS, PROHIBITION OF SEX SERVICE PREMISES IN THE LIVERPOOL CITY CENTRE AND OTHER MINOR ANOMALIES.		
COMMUNITY STRATEGIC PLAN REFERENCE:	DECISION MAKING PROCESSES ARE TRANSPARENT AND THE COMMUNITY HAS OPPORTUNITIES TO BE INVOLVED		

EXECUTIVE SUMMARY:

Council has received an application 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 rezoning seeks to permit development of land that is no longer required for the construction of a stormwater detention basin (Basin 6).

Furthermore, at its meeting of 28 September 2011 (NOMO 03), Council 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 to these items, Council officers have identified a number of necessary 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 to clauses 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.

It is recommended that Council proceeds with this amendment to LLEP 2008 and that this report and the attached documentation are forwarded to the Department of Planning and Infrastructure for a Gateway determination.

DETAILED REPORT:

Background

In order to limit the number of amendments to Council's principle planning instrument, it is an accepted practice to group a number of proposed changes together. This LEP amendment considers both owner initiated changes and Council initiated changes at both Councillor and staff levels.

Elizabeth Hills

Council has received an application to amend LLEP 2008 in order to rezone land at Aviation Drive, Elizabeth Hills from SP2 Public Infrastructure to B1 Local Centre, R2 Low Density Residential and R3 Medium Density Residential.

The proposal seeks to realign zone boundaries near a stormwater detention basin at Lot 5050 DP 1161757, Aviation Road, Elizabeth Hills. Originally, 11 hectares of land was zoned SP2 Infrastructure to cater for the construction of a detention basin. However a redesign of the basin to six hectares means that part of the land is no longer required for this purpose.

The proposal includes the following changes to the land area of each zone in Elizabeth Hills:

Table 1: Proposed areas for zone amendments at Elizabeth Hills.

Zone	Current (sqm)	Proposed (sqm)	Difference (sqm)
SP2 Infrastructure	46 770	25 995	-20 775
R2 Low Density Residential	97 347	106 044	+8 697
R3 Medium Density Residential	30 871	38 700	+7 829
B1 Neighbourhood Centre	10 518	14 778	+4 260

The proposal also includes updating the corresponding floor space ratios, maximum building heights, minimum lot sizes and land acquisition maps.

The rezoning is consistent with the approvals for the site issued by the Department of Planning and Infrastructure under the now repealed Part 3A of the Environmental Planning and Assessment Act 1979.

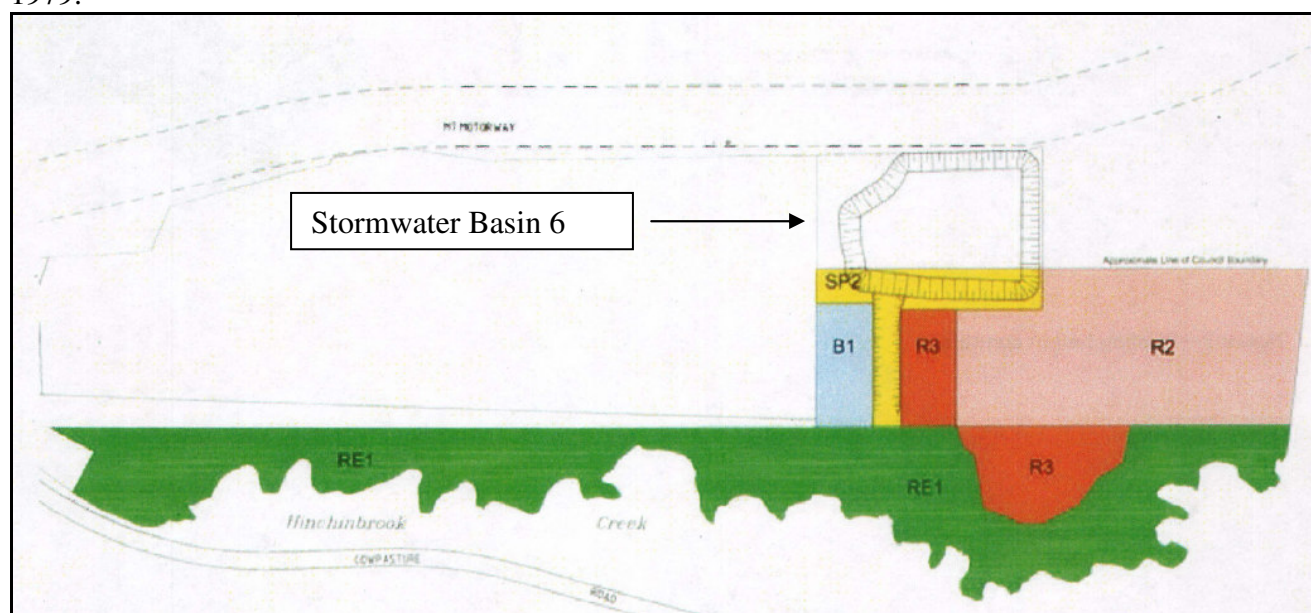


Figure 1: Proposed zoning at Aviation Drive, Elizabeth Hills

The construction of the detention basin is well progressed. Assessment of its flood storage capacity was undertaken during the Part 3A process and reviewed with the receipt of the rezoning proposal. Council officers are satisfied that the stormwater basin can accommodate the required storage capacity for detention purposes as stipulated in the Cabramatta Creek Basin Strategy 2011.

Council will also review Liverpool Development Control Plan 2008 (LDCP 2008) to address the new orientation of the B1 zoning, to provide an updated road layout and set controls for the landscaped treatment of the Basin 6 channel.

Furthermore, it should be noted that TransGrid is seeking permission for an easement through the site.

Cemeteries and Crematoria

During the assessment of a number of Development Applications for cemeteries and crematoria it has been raised that cemeteries and crematoria can have impacts on surrounding areas in terms of car parking and traffic, servicing of rural areas, amenity of rural areas and contamination of the water table.

These uses 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. The proposal therefore seeks to prohibit cemeteries and crematoria in rural zones.

Council will also seek to delete the LDCP 2008 controls that relate to cemeteries and crematoria in the rural zones.

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

Sex Service Premises

The Liverpool City Centre has the proliferation of sex service premises and as such this proposal seeks to prohibit sex service premises from the B3 Commercial Core zone. Sex service premises remain permissible in the IN1, IN2 and IN3 zones.

Council will also seek to delete the LDCP 2008 controls that relate to sex service premises in the City Centre.

Middleton Grange Dwelling Densities

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 LEP Instrument definition. The 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.

As Council is not permitted to alter the definition, this 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. The proposed amendments do not alter the objective of the dwelling density provisions in that they will continue to encourage the efficient use of infrastructure through the provision of smaller lots, locating smaller lots in areas that are well serviced and of high amenity and allow the continued collection of adequate developer contributions to provide for critical services and infrastructure for the suburb.

Land Use Table

Veterinary hospitals are considered compatible with the RU4 zone and will be made permissible with consent in this zone. Council resolved to permit veterinary hospitals in the RU4 zone at its meeting on 28 September 2011 (NOMO 03).

Recreation facilities (indoor) are not considered compatible with the IN3 zone and therefore will be prohibited in this zone.

Vehicle repair stations and vehicle body repair workshops will both be added as permissible with consent in the IN1 zone.

Single Dwellings in the Medium and High Density Residential Zones

LLEP 2008 currently permits single dwellings in the R3 Medium Density Residential and R4 High Density Residential zones. Some development applications for single dwellings in medium and high density residential zones attempt to overdevelop by taking advantage of the development standards that should apply to medium and high density development (such as floor space ratios and maximum building heights). An additional clause in the LEP is proposed to ensure that single dwellings have appropriate development standards including a maximum floor space ratio (FSR) of 0.6 to 1 and a maximum building height of 8.5 metres, despite the FSR and building height maps.

Dwelling Entitlement in Greendale and Denham Court

In the repealed Liverpool Local Environmental Plan 1997, Clause 36(2) stipulated that certain small rural lots did not have individual dwelling entitlements, however should the lots consolidate, a dwelling would be permissible. This restriction was not carried over into the LLEP 2008 and it is proposed to make a new clause to re-establish the previous LEP restriction. The consolidation of these lots will ensure that the rural character is maintained, and that future development does not overburden utilities and other infrastructure.

This will apply to the following properties:

Lots 13–16 (inclusive), DP 18891	Greendale Road, Greendale
Lots 17–20 (inclusive), DP 18891	Greendale Road, Greendale
Lots 50–51 (inclusive), DP 18891	Greendale Road, Greendale
Lots 10–11 (inclusive), Sec B, DP 1443	Church Road and Campbelltown Road, Denham Court
Lots 17-19 (inclusive), Sec B DP 1443	Campbelltown Road, Denham Court
Lots 20-21 (inclusive), Sec B DP 1443	Church Road and Campbelltown Road, Denham Court
Lots 27–28 (inclusive), Sec B, DP 1443	Campbelltown Road, Denham Court
Lots 29–31 (inclusive), Sec B, DP 1443	Campbelltown Road, Denham Court
Lots 32–34 (inclusive), Sec B, DP 1443	Campbelltown Road, Denham Court
Lots 35–37 (inclusive), Sec B, DP 1443	Campbelltown Road, Denham Court

Mapping Anomalies

Casula

Certain properties in Casula have zone boundaries that are incorrect. It is proposed to rezone the land to correspond with the lot boundaries. The proposal will rezone 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 will be updated also.

Chipping Norton

The property known as 39 Newbridge Road, Chipping Norton is no longer being acquired by Council and therefore should be zoned for residential purposes. The proposal will rezone Lot 133 DP 17134 known as 39 Newbridge Road, Chipping Norton from RE1 to R2 (map reference LZN-014). The corresponding floor space ratio, minimum lot size and maximum building height maps will be updated also.

Greendale/Cobbity

A number of part lots have been transferred from the Camden Council area to the Liverpool City Council area. The proposal will 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 LLEP208. The corresponding minimum lot size maps will also be updated. This ensures the land transferred has land use controls consistent with the majority of the land holding.

Middleton Grange

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 need to be revised in light of the detailed design of the detention basin proposed in the land zoned RE1 Public Recreation.

West Hoxton

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 will be updated also.

Maps showing the current and proposed zoning can be found in Attachment 1.

Schedule 5 of LLEP 2008 - State and Local Significance Heritage Items

There are a number of inconsistencies in Schedule 5, where heritage properties are listed as having State significance, when they should be listed as having Local significance. This change is required due to the Department of Planning and Infrastructure stating that only State Heritage Register items are to be noted as having state heritage significance. This proposal seeks to reflect the recently announced direction from the Department.

Reclassification of Community Land to Operational Land

At its meeting held on 28 February 2011 Council resolved to reclassify 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. At this meeting Council also resolved to reclassify 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. The inclusion of these properties in this Council report will commence the formal reclassification process.

At its meeting held on 25 July 2011 Council resolved to reclassify 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.

The purpose of the reclassification is for the sale of the land to the Muslim League of NSW Inc as the land has been identified as surplus to Council requirements.

Furthermore, it is proposed to reclassify Lot 14 DP 1090122, Pearce Street, Liverpool from community land to operational land. The land area is 12.6 square metres. The surrounding land was classified as operational land in 1999 and this lot appears to have been omitted from the previous reclassification.

Cabramatta Creek Flood Study and Basin Strategy Review

As its meeting on the 6th February 2012 Council resolved to adopt the Cabramatta Creek Flood Study and Basin Strategy Review as part of the Liverpool Floodplain Management Committee Minutes. The LLEP 2008 flood prone land maps will be updated to correspond to the adopted the study and strategy.

Conclusion

It is recommended that the draft amendment to LLEP 2008 should proceed to the Department of Planning and Infrastructure for a Gateway determination and that the draft amendment to the LDCP 2008 be prepared and exhibited.

FINANCIAL IMPLICATIONS:

Reclassification of Community Land to Operational Land

There will be no impact to the 2011/2012 budget due to the long lead time in reclassification and rezoning. However the agreed purchase price for Lot 4221 DP 1163585 will be credited to Section 94 as these funds were initially used to acquire the parent lot.

Liverpool LEP Anomalies Amendments

There are no financial implications for Council resulting from the remainder of the report.

RECOMMENDATION:

That Council:

1. Resolves to prepare and exhibit Draft Amendment 27 to the Liverpool Local Environmental Plan 2008.
2. Resolves to prepare and exhibit Draft Amendment No 7 to Liverpool Development Control Plan 2008.
3. Forwards a copy of the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.
4. Considers a further report that outlines the results of the public authority consultation and public exhibition.

SIGNED BY:

Milan Marecic

Director

City Planning

Attachment: Planning Proposal (under separate cover)