

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

Proposal Title :	Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands		
Proposal Summary :	The proposal seeks to: • Rezone part of Lots 20-22 DP 29317 from SP2 (Education Establishments) to R1 General Residential • Rezone Lot 101 DP 630178 from RU2 Primary Production Small Lots to SP2 (Depot) • Rezone Lot 7 DP 238364 from B6 Enterprise Corridor to R3 Medium Density Residential • Rezone Lot 17 DP 31863 from B1 Neighbourhood Centre to R3 Medium Density Residential • Change the permissibility of Restricted Premises • Reclassify Council owned land • Various minor amendments and mapping anomalies • Amend controls on dual occupancy developments in the R5 Large Lot Residential zone • Amend controls on Rural Workers Dwellings in the RU1 Primary Production and RU4 Primary Small Lots zones		
PP Number :	PP_2013_LPOOL_006_00	Dop File No :	13/17156

Proposal Details

Date Planning Proposal Received :	08-Oct-2013	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 :	Glenfield Road & Streeton Place and many more properties (see page 4 of the PP)		
Suburb :	Casula	City :	Liverpool
Land Parcel :	Lots 1-3 DP 1162379	Postcode :	

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
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) :	
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 :			

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.**

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 principal planning instrument, 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.

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

Additional information

The planning proposal was received on 8 October 2013 by the regional team. Further information was sought from Liverpool Council and received on 12 November 2013.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment :

Following are the objectives of the planning proposal:

- Amend controls for subdivision of land creating a battle-axe lot;
- Rectify several mapping anomalies from Liverpool LEP 2008;
- Reclassification and rezoning of Council owned land;
- Correct a misdescription of a heritage property;
- Amend Acid Sulfate Soils controls in accordance with changes to the Model Local Provisions;
- Include controls on dual occupancy development in the R5 Large Lot Residential zone.;
- Include controls on the development of Rural Workers Dwellings; and
- Restrict the development of Restricted Premises in Liverpool's centres.

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. The explanatory statement for each amendment together with the relevant maps are in Council's planning proposal in 'Documents'. It is considered that the explanations 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

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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 :

Following are the relevant s117 Directions:

1.1 BUSINESS AND INDUSTRIAL ZONES:

This direction applies as the planning proposal proposes to rezone 9 Grimson Crescent, Liverpool and 9 McLean Street, Liverpool from B1 Neighbourhood Centre zone and B6 Enterprise Corridor zone to R3 Medium Density Zone.

Council has advised that the land at 9 Grimson Crescent is surplus to the existing commercial and retail development on B1 Neighbourhood Centre zoned land. The site was dedicated to Council as Public Garden and Recreation Space in 1959 and is formally known as Sunders Park. The site was reclassified from community land to operational land as part of Amendment 11 of the Liverpool LEP 2008, with the existing zoning being retained. As part of the reclassification process, it was determined that Sunders Park was underutilised and surplus to the open space provisions identified in the DCP and the Liverpool City-Wide Recreation Strategy. Council has determined that R3 Medium Density Residential zoning is most appropriate for the site and will be consistent with the surrounding R3 zoned land.

Similarly, the land at 9 McLean Street, Liverpool is unlikely to be amalgamated with the B6 Enterprise Corridor zoned land to the east of the site.

In light of above it is considered that the inconsistency is of a minor nature and the approval of the Director General's delegate is recommended in this report, to satisfy the Direction.

1.2 RURAL ZONES:

The objective of this direction is to protect the agriculture production value of rural land.

Clause 4 of this Direction states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial or tourist zone.

This direction applies as:

- 85 Lee and Clarke Road, Kemps Creek is proposed to be rezoned from RU4 Primary Production Small Lots zoning to SP2 (Depot),
- a small portion of three lots in Denham Court are proposed to be rezoned from RU4 Rural Landscape to R5 Large Lot Residential,
- the proposal seeks to restrict the size and quantity of Rural Workers dwellings in RU1 Primary Production and RU4 Primary Production Small Lots zoned land.

The inconsistency is considered to be justified in this instance, as:

- clause 5(d) of the Direction states that a planning proposal can be inconsistent if the relevant planning authority can satisfy the Director General of the Department of Planning and Infrastructure (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.
- Council has advised that the planning proposal affects only a few small above mentioned areas.

In view of the above, it is considered that the provisions of the planning proposal that are inconsistent with the direction are of minor nature. The approval of the Director-General is recommended.

2.1 ENVIRONMENTAL PROTECTION ZONES

This direction applies when a planning proposal proposes to reduce an existing

environmental protection zoned land or reduces the environmental protection standards.

This direction applies as the Planning Proposal proposes to:

- Amend the Environmentally Significant Land (ESL) map to align with the amended RE1 Public Recreation zone boundary in Casula (see details under Mapping Anomalies). Council has advised that the subject land has been developed for R2 Low Density Residential purposes and the ESL map has incorrectly aligned with the lot boundary instead.
- Rezone part of Lot 1 DP 1046088 from E2 Environmental Conservation to R2 Low Density Residential Zone in Hoxton Park. Council has advised that the subject site has been developed for residential purposes. The proposal will amend the zone boundary to accurately reflect this land use.

The inconsistencies are considered to be of a minor nature and the Director-General's approval for the inconsistency is recommended.

2.3 HERITAGE CONSERVATION:

This Direction applies as the former Pitt Street Road Bridge is listed as a Heritage Item under Schedule 5 of Liverpool Local Environmental Plan 2008.

Item 55 in Schedule 5 of the Liverpool LEP 2008 (the former Pitt Street Road Bridge at Cabramatta Avenue, Miller), is incorrectly described as being located within Lots 100 and 101, DP 1118802. The planning proposal is to amend the property description to indicate its correct location as Lot 16, DP 1036695, Hoxton Park Road, Cartwright.

The planning proposal is not considered to be inconsistent with this Direction.

3.1 RESIDENTIAL ZONES:

This direction applies when a planning proposal affects land within an existing or proposed zone or any other zone in which significant residential development is permitted or proposed to be permitted.

This direction applies in this instance as the planning proposal seeks to rezone the following land for residential purposes:

- R3 Medium Density Residential zoning on land in Grimson Crescent, Liverpool to facilitate the development of a range of housing types within the walkable catchment of the Liverpool Regional City; and
- R1 General Residential zoning on land on Jardine Drive, Edmondson Park to facilitate a range of housing types and densities in close proximity to the planned Edmondson Park centre.

The proposed rezoning of the property on 9 McLean Street, Liverpool from Business Zone to R3 Medium Density Residential will facilitate housing development.

The planning proposal will increase the residential potential by permitting attached dual occupancies on all land zoned R5 Large Lot Residential and detached dual occupancies on lots greater than 2 hectares on land zoned R5 Large Lot Residential.

The proposal also involves amending residential zone boundaries to correctly reflect the development already occurred on some land (see Map Anomalies). Some of these changes will reduce the areas currently zoned residential. However, given the small scale of decrease in residential zoned land, the inconsistency of the proposal with the direction is considered to be of a minor nature. The Director-General's approval is

recommended.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to the planning proposal.

Under this Direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents and the objectives of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. Given the planning proposal seeks to deliver new housing in the established areas of Liverpool, within the walking distance of public transport, the proposal is considered to be consistent with the direction.

4.3 FLOOD PRONE LAND:

This direction applies as the planning proposal seeks to rezone part of the McLean Street Road reserve from existing RE1 Public Recreation zoning to R2 Low Density Residential. According to the maps submitted by Council, this parcel of land falls within Medium Flood Risk Category (Flood Map in the planning proposal in the 'Documents').

A proposal is considered to be inconsistent with the direction unless it could be demonstrated that the development can occur with flood mitigation works.

The proposal is considered to be inconsistent with the direction as Council has not provided any detail concerning flood mitigation works.

In order to demonstrate consistency with the Direction, it is recommended that Council carry out a hydraulic analysis to determine the ability of the site to be developed without detrimentally affecting flood behaviour on other properties and to ensure the safety and wellbeing of any future occupants.

4.4 PLANNING FOR BUSHFIRE PROTECTION:

This direction applies when a council prepares a planning proposal that affects, or is in proximity to land mapped as bushfire prone land.

Council has advised that 11 properties from this planning proposal are affected by bushfire risk or bushfire buffer (for details refer to the planning proposal).

Council has advised that the requirements for Planning for Bushfire Protection 2006 will be complied with as part of any future development on the relevant subject properties. It is however noted that subclause 4 of this Direction requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination and prior to undertaking community consultation and take into account any comments made by the Rural Fire Service if this Direction applies. Accordingly, it is recommended that Council consult with the NSW Rural Fire Service, prior to exhibition.

6.2 RESERVING LAND FOR PUBLIC PURPOSES:

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

public authority and the Director General of the Department of Planning.

Council has advised that the following parcels of land are affected by this direction:

- Edmondson Park – the Department of Education and Communities has advised that land currently zoned SP2 (Education establishment) and identified for acquisition, is no longer required. Accordingly, the planning proposal seeks to remove the reservation of this land.
- Middleton Grange – the drainage reserve located at Lot 213, DP 280030, has been acquired by Council and will be removed from the Land Reservation Acquisition Map.
- Carnes Hill – Amendment to land reservation map is required to accurately identify land which is required to be acquired to facilitate the extension of Kurrajong Road.
- Elizabeth Hills – Aviation Drive has been dedicated to Council, the Land Reservation Acquisition map will be amended to reflect this.
- West Hoxton – Council is in negotiations to acquire land at Lot 13, DP 1173599. The Land Reservation Acquisition Map will be amended to correctly identify land to be acquired.
- Tepper Park (part lot 17 DP 31863) and part McLean Street– The land will be sold to the Coptic Orthodox Church, after rezoning of the land from the existing RE1 Public Open Space zoning to R2 Low Density Residential and reclassification from Community to Operational.
- 9 McLean Street, Liverpool – The site (436.3sq.m) is currently being used as an open space. It proposed to rezone the site from B6 Enterprise Corridor to R3 Medium Density Residential Zone as Council considers it is surplus to its needs and that it is unlikely to be amalgamated with the adjacent B6 zoned land due to the size, frontage and its irregular configuration. Council has advised that the site has already been reclassified from community to operational.
- 9 Grimson Crescent, Liverpool – The site (727.2sqm) was zoned Neighbourhood Centre and was dedicated to Council as Public Garden and Recreation Space in 1959, formally known as Saunders Park and is being used as a park. Council proposes to rezone the site from its existing B1 to R3 Medium Density Residential zone to be consistent with the surrounding R3 zoned land. Council has advised that the land was surplus to its need. It was classified as operational land as part of Amendment No 11 of the Liverpool LEP 2008.

It is considered that the proposal's inconsistency with the direction is of a minor nature. The Direction General's approval is recommended.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

The Planning Proposal is not inconsistent with the Metropolitan Strategy, Draft Metropolitan Strategy for Sydney to 2031 and the draft South West Subregional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : It is considered that the maps provided by Council are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the planning proposal will be placed on public exhibition for a minimum of 28 days. This is supported.

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **See 'Assessment' section.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Liverpool Principal Plan was made in 2008. This planning proposal seeks to amend Liverpool Local Environmental Plan 2008.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not the result of any strategic study agreed by the Director General. The amendments included in this proposal have been identified by Council except for the amendment to Acid Sulfate Soils clause, which has been requested by the Department.

A brief description of each amendment and the regional team's assessment is as follow:

SCHEDULE 5 ENVIRONMENTAL HERITAGE

Item 55 in Schedule 5 of the Liverpool LEP 2008 (the former Pitt Street Road Bridge at Cabramatta Avenue, Miller), is incorrectly described as being located within Lots 100 and 101, DP 1118802. It is proposed to amend the property description of Item 55 to indicate its correct location as Lot 16, DP 1036695, Hoxton Park Road, Cartwright. The associated Liverpool LEP 2008 heritage map will also be corrected.

Regional Team's Comments

The regional team agrees with Council's proposal.

MINIMUM LOT WIDTHS IN ZONES R1, R2, R3 AND R4

Council has advised that clause 7.13(4) of the Liverpool LEP has created inefficiencies in the assessment of irregularly shaped lots. Numerous applicants have sought exceptions to the existing controls, pursuant to Clause 4.6 of the Liverpool LEP 2008. The proposed amendment to remove 'average lot width' and replace with a clause to ensure that a dwelling is able to be accommodated within the newly created lot, will ensure that an irregular shaped lot being created through the subdivision of land is able to accommodate a dwelling footprint of 200sqm.

It is also proposed to amend the Liverpool LEP 2008 to facilitate shared access arrangements for adjacent battle-axe lots. At present, under the Liverpool Development Control Plan (DCP) 2008, two adjacent battle-axe lots may share an access handle with a minimum width of five (5) metres. The proposed amendment will make the Liverpool LEP 2008 controls consistent with those of the DCP. The objective of this amendment is to reduce the proliferation of hardstand areas and driveways when viewed from the public domain.

Regional Team's Comments

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

The regional team agrees with Council's proposal.

ACID SULFATE SOILS

Council seeks to amend Clause 7.7(6) of the LLEP 2008 in accordance with changes to the Model Local Provision. The proposed amendment to subclause 7.7(6) will stipulate that development consent is not required for the carrying out of works on land shown on the Acid Sulfate Soils Map, where these works will result in the displacement of less than one tonne of soil and are not likely to lower the water table.

Regional Team's Comments

No objections are raised to Council's proposal.

RURAL WORKERS DWELLINGS

It is proposed to restrict the size and quantity of Rural Workers Dwellings which are permitted on land zoned RU1 Primary Production, and land zoned RU4 Primary Production Small Lots to one (1) and restrict their size to a maximum of 100 square meters. Council has advised that this amendment is a result of feedback received during the public exhibition period of Draft Amendment No. 28 to the Liverpool LEP 2008. Council is proposing to limit the number of rural workers dwellings permitted on rural lots to one and restrict their size to a maximum of 100 square metres by inserting a new clause - 7.24A (page 11 of the planning proposal) to the Liverpool LEP 2008.

Regional Team's Comments

The regional team agrees with Council's proposal.

DUAL OCCUPANCIES IN R5 LARGE LOT RESIDENTIAL ZONE

The planning proposal proposes to amend controls relating to the permissibility of dual occupancy developments on R5 Large Lot Residential zoned land. Council has advised that the proposed amendment is the outcome of community consultation undertaken as part of Draft Amendment No. 28 to the Liverpool LEP 2008.

The proposed controls for dual occupancies within the R5 zone are to permit attached dual occupancies on lots of all sizes under R5 Large Lot Residential zoning and restrict detached dual occupancies to lots greater than 2 hectares. This will be achieved by adopting a new clause 7.10A to the Liverpool LEP 2008.

Council considers that this will ensure more appropriate built form outcomes in these areas. Council has further advised that most of the R5 zoned land in the Liverpool LGA consists of two (2) hectares or greater allotments. Smaller R5 lots are located in Denham Court and Pleasure Point, as well as a small proportion of lots in Wallacia and Bringelly. These lots will therefore be restricted from the development of detached dual occupancies.

Regional Team's Comments

No objections are raised to Council's proposal.

RESTRICTED PREMISES

Council has advised that in order to limit the proliferation of these type of developments in the Liverpool City Centre, it is proposed to remove the permissibility of Restricted Premises from the B3 Commercial Core and B4 Mixed Use zones. Further, to ensure that the services (restricted premises) remain available to the Liverpool Community, Council has proposed to permit this land use within the B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial Zones.

Council has also advised that it is also proposed to amend the Liverpool Development Control Plan 2008 to ensure that their location, appearance and signage are discreet and

contextually appropriate.

Regional Team's Comments

Restricted premises are heavily controlled under various legislations (for example - Part 16 S578 (E)(2) of the Crimes Act 1900 and s49 of the Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63). These legislation controls advertising, display and entry of these premises.

Under the provisions of the Standard Instrument, restricted premises is a mandatory land use in B3 Commercial Core and B4 Mixed Use Zones. Hence, Council cannot remove this use from these zones as proposed. Council will also need to revise the proposed need to allow this land use in B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial Zones.

Further, Council has not demonstrated that the use of the industrial zoned land for freestanding 'retail premises' (i.e. restricted premises), not associated with the permissible use in the zone, is appropriate.

In light of the above, it is recommended that Council be requested to remove this item from the planning proposal before exhibition and it be reconsidered holistically as a separate matter including the permissibility of restricted premises in Enterprise Corridor and Industrial Zones on planning grounds.

MAPPING ANOMALIES (Anomalies maps in Documents):

The planning proposal seeks to rectify the following minor mapping anomalies:

Casula

Planning proposal proposes to rezone part lots 1-2 DP 1162379, 50-60 Glenfield Road and 19-21 Streeton Place, Casula to R2 Low Density Residential. These part lots are currently zoned RE1 Public Recreation due to an inconsistency between the zoning boundary and the lot boundary of Council owned land at Lot 3, DP 1162379. The corresponding Environmentally Significant Land, floor space ratio, minimum lot size and maximum building height maps will also be amended to align with the lot boundaries.

Middleton Grange

Part Lot 213 in DP 280030, Robey Avenue, Middleton Grange is a drainage basin under the ownership of Liverpool City Council. At present, the lot is zoned predominantly SP2 (Drainage) and partially R1 General Residential and four residential lots (part of Lots 217-218 and 228-229 DP 280030, McIntyre Circuit, Middleton Grange) opposite the drainage reserve are zoned partially SP2 (Drainage). It is proposed to rezone part Lot 213 to be entirely SP2 (Drainage) and rezone lots opposite the drainage basin to be entirely R1 General Residential. Associated height of building, minimum lot size, floor space ratio and land reservation acquisition maps will also be amended.

Hoxton Park

Lot 1 DP 1046088, known as 20 Nimbin Avenue, Hoxton Park, is zoned predominantly R2 Low Density Residential and partially E2 Environmental Conservation. The current zoning is a result of a mapping inconsistency between the Liverpool LEP 2008 zoning map and the cadastre. The planning proposal proposes to rezone the lot entirely R2 Low Density Residential and amend the corresponding height of buildings, minimum lot size and floor space ratio maps accordingly. The site has been developed for residential purposes and the proposed amendment will reflect this existing use.

Denham Court

Council has advised that a subdivision of land in Denham Court to create five lots on 8 July 2013 has resulted in inconsistency between the existing zone boundary and the

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

boundary of the newly created lots. The proposed amendment will rezone land to correspond with the new lot boundaries. It is proposed to rezone part of Lot 1 CS13/054, Denham Court Road, Denham Court, from R5 Large Lot Residential to RU 2 Rural Landscape and part of Lots 3-4 CS 13/054 and Lot 44 DP 118653, Huntingdale Drive, Denham Court from RU2 to R5 Large Lot Residential Zone.

West Hoxton

The proposed amendment will rezone land on 4 lots in West Hoxton. At present, the RE1 Public Recreation zone affects part of Lots 8-10 and Lot 13 in DP 1172599. It is proposed to amend the RE1 zone to correspond with the boundary of Lot 13, being a Council owned public reserve. The proposed amendment will rezone part of Lot 13 DP 1172599 – Lot 13 Elvira Place, West Hoxton from R2 Low Density Residential to RE1 Public Recreation and part of Lots 8-10 DP 1172599 from RE1 to R2. Corresponding maps will also be amended. Council has advised that the proposed amendments will be consistent with adjacent residential land.

Carnes Hill

The planning proposal will rezone land at Carnes Hill to reflect the future location of the Kurrajong Road extension between Carnes Hill and Prestons. Land which is currently zoned SP2 (Local Road) will be rezoned R3 Medium Density Residential and R2 Low Density Residential as per the proposed zoning map in the attached planning proposal. The amendment is sought to reflect the correct location of the future road. Associated height of building, floor space ratio, land reservation acquisition and minimum lot size maps will also be amended to ensure consistency with existing residential zoned land.

Elizabeth Hills

The proposal will amend the Liverpool LEP 2008 zoning maps to indicate the correct location of Aviation Road, Elizabeth Hills. Aviation Road will be zoned SP2 (Local Road) and the land which is currently zoned SP2 (Local Road) will be zoned part RE1 Public Recreation. The land has been dedicated to Council as a Public Road. The Land Reservation Acquisition Map will be updated to reflect this.

SPOT REZONINGS (Spot Rezoning Maps in Documents)

The planning proposal seeks to rezone the following properties:

Lot 101, DP 630178 – 85 Lee & Clarke Road, Kemps Creek from RU4 Primary Production Small Lots to SP2 (Depot).

The site has been acquired by Council to allow for the expansion of Council's Western Depot. It is proposed to rezone the 12,720 sqm site from its existing RU4 Primary Production Small Lots zoning to SP2 (Depot) to facilitate the future development. The amendment will also seek to remove the existing minimum lot size applicable to the site.

Lot 7, DP 238364 - 9 McLean Street, Liverpool from B6 Enterprise Corridor zoning to R3 Medium Density Residential.

The site is a 436.3sqm irregularly shaped lot under Council ownership. The site was dedicated to Council as a public reserve in 1969 under Part 12A of the Local Government Act 1919. It is proposed to rezone the site from its existing B6 Enterprise Corridor zoning to R3 Medium Density Residential. Council has advised that it is unlikely that the site will be amalgamated with the adjacent B6 zoned land fronting Elizabeth Drive due to the nature of existing development. Further, the lot size, frontage and irregular configuration restrict the development potential of the site for commercial purposes. The 436.3sqm lot size is less than that which would be required to permit many of the developments types which would otherwise be permissible under the R3 zone. The proposal will seek to amend the associated Liverpool LEP 2008 maps to remain consistent with R3 zoned land adjacent to the site.

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

Part Lots 20-22 DP 29317 – in Edmondson Park from SP2 (Educational Establishment) zoning to R1 General Residential.

It proposed to rezone the site (approximately 30,400sqm) from its current SP2 (Educational Establishment) zoning to R1 General Residential. The current zoning affects part of Lots 20-22 DP 29317, known as 132-160 Jardine Drive, Edmondson Park. The existing zoning sought to preserve the site as the future location of a public school. The Department of Education and Communities has since advised Council as the landowner that an alternate location has been selected within Edmondson Park South, and that this site will no longer be acquired for educational purposes. It is proposed to rezone the SP2 (Educational Establishment) zoned land to the adjacent R1 General Residential zone. The "Department of Education and Training" will be removed as the relevant acquisition authority of the land. Associated Liverpool LEP 2008 maps will be amended.

Lot 101, DP 30136 – 9 Grimson Crescent, Liverpool from B1 Neighbourhood Centre zoning to R3 Medium Density Residential.

It is proposed to rezone the site from its existing B1 Neighbourhood Centre zoning to R3 Medium Density Residential. The proposed zoning will be consistent with the surrounding R3 zoned land. The site is an irregularly shaped 727.2sqm lot at the corner of Grimson Crescent and Grimson Lane in Liverpool. The lot was dedicated to Council as Public Garden and Recreation Space in 1959 and is formerly known as Saunders Park. The site was reclassified from community land to operational land as part of Amendment No. 11 to the Liverpool LEP 2008. Council has advised that according to the Liverpool City-Wide Recreation Strategy Saunders Park is underutilised and surplus to the open space needs. The close proximity of the site to larger centres such as the Liverpool Regional Centre (approximately 450 metres) and the Orange Grove Stand Alone Centre (approximately 750 metres) is such that the loss of additional B1 zoned land in this location may be supported.

Lot 17, DP 3186 – Tepper Park, RE1 Pubic Open Space zoning to R2 Low Density Residential and reclassify from Community Land to Operational Land.

At its meeting dated 23 May 2011, Council resolved (inter alia) to approve the closure of part of McLean Street, Liverpool and sale of this land, as well as part of Lot 17 DP 31863, known as Tepper Park, to the Coptic Orthodox Church, and to commence the reclassification process from Community Land to Operational Land. An easement will be provided on this land to allow Council access for its vehicles to conduct routine maintenance of Tepper Park. The 135 sqm triangular parcel of land within Lot 17 DP 31863, subject to this proposal is outlined in red in Figure 28 of the Council's planning report and the part of McLean Street to which this proposal relates is outlined in blue. This proposal seeks to reclassify part of Lot 17 DP 31863, in accordance with Council's resolution. The proposal also proposes to rezone part Lot 17 and part of the road from their existing RE1 Public Open Space zoning to R2 Low Density Residential. This will ensure that the zoning of the expanded Coptic Orthodox Church land remains consistent with the surrounding residential land. Associated Liverpool LEP 2008 maps will be amended accordingly. The unformed section of the road, which is outlined by the dashed line in Figure 28 (copy in Documents) and is zoned RE1, will be vested in Council as Community Land and form part of Tepper Park.

RECLASSIFICATION OF LAND FROM COMMUNITY TO OPERATIONAL LAND
(Reclassification maps in Documents)

The planning proposal includes reclassification of the following properties from Community to Operational:

Lot 1 DP 805582 – 16A Coonong Street, Busby

In May 2012, Council resolved to reclassify and dispose of this site. The subject land is a

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

former laneway which is obstructed from providing access to Skillinger Park by a neighbouring property. The reclassification of the land will facilitate the sale of the lot to an adjoining landowner. The vested interest will change with this reclassification.

Lot 2-3 DP 1184259 – in Middleton Grange

In 2007, Council acquired the subject site for the purposes of constructing Genairco Park and local roads. This proposal seeks to reclassify the site from Community Land to Operational Land, so that they may be dedicated as public road. No vested Interests will Change.

Lot 10 DP 776165 – 10 Sappho Road, Warwick Farm

In February 2013, Council resolved to reclassify and dispose of Lot 10, DP 776165, known as Lot 10 Sappho Road, Warwick Farm. The subject land is a narrow strip of land adjacent to the railway line in Warwick Farm. It is proposed to reclassify the 570sqm, 3.65 metre wide lot from Community Land to Operational Land. The reclassification will facilitate the sale of the lot to an adjoining landowner. The vested interest will change with this reclassification.

Lot 24 DP 877371 – 24 Hoxton Park Road, Hinchinbrook

The site was acquired by Council in 1998. It is proposed to reclassify the subject land from Community Land to Operational, so that it may be dedicated as public road to facilitate residential development within the locality. No vested interest will change.

Part of Lot 17 DP 31863, Part of Tepper Park, McLean Street, Liverpool

The site was dedicated to Council as a Public Reserve in 1961. The reclassification will allow Council to sell the land to the adjacent owner. Vested interest will change. See more details in "Spot rezoning".

Regional Team's Comments

It is noted that the vested interest will change with the reclassification of 16A Coonong Street, Busby (Lot 1 DP 805582), Lot 10 Sappho Road, Warwick Farm (Lot 10 DP 776165) and Part of Tepper Park (Part Lot 17 DP 31863). According to the provisions of "A guide to prepare local environmental plans", "a planning proposal which relates to a suspension of covenants clause under section 28 of the Act, or that discharges interests in public land under section 30 of the Local Government Act 1993 will not be delegated to Council." In light of this, delegation cannot be given to Council.

Consistency with strategic planning framework :

The planning proposal is not inconsistent with both the draft South West Sub-regional Strategy and the Sydney Metro Strategy.

Environmental social economic impacts :

It is considered that there is no likelihood of any adverse environmental, social or economic impacts arising from the planning proposal (for detail see page 18-19 of the planning proposal).

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Sydney Metropolitan Catchment Management Authority Office of Environment and Heritage NSW Rural Fire Service Transport for NSW Adjoining LGAs		

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

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. :

Flooding

If Other, provide reasons :

The planning proposal seeks to rezone part of the McLean Street road reserve from existing RE1 Public Recreation zoning to R2 Low Density Residential. According to the maps submitted by Council, this parcel of land falls within Medium Flood Risk Category (Flood Map in Documents). Council has not provided any detail concerning flood mitigation works. It is recommended that Council carry out a hydraulic analysis to determine the ability of the site to be developed without detrimentally affecting flood behaviour on other properties and to ensure the safety and wellbeing of any future occupants.

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 :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Council Resolution.pdf	Determination Document	Yes
Council Report .pdf	Determination Document	Yes
Mapping Anomalies Maps.pdf	Map	Yes
Reclassification Maps.pdf	Map	Yes
Planning Proposal -14.11.2013.pdf	Proposal	Yes
Flood Maps.pdf	Map	Yes
Spot Rezoning Maps.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
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the planning proposal proceed subject to the following conditions:

1. The Director General's delegate agrees that the following inconsistencies are of minor nature in this instance:

Liverpool LEP 2008 (Amendment No 32) – Rectify a number of anomalies associated with the Liverpool LEP 2008 and minor rezoning of certain lands

- 117(2) Direction - 1.1 Business Zones
 - 117(2) Direction – 1.2 Rural Zones
 - 117(2) Direction – 2.1 Environmental Protection Zones
 - 117 (2) Direction – 3.1 Residential Zones
2. Council to demonstrate consistency with section 117 (2) Direction – Flood Prone Land after undertaking a hydraulic analysis for 9 McLean Street, Liverpool to determine the ability to develop the site without detrimentally affecting flood behaviour on other properties and to ensure the safety and wellbeing of any future occupants of the site.
 3. Council is to demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection after undertaking a consultation with the NSW Rural Fire Service prior to community consultation.
 4. Council remove the item concerning changes proposed to the permissibility of restricted premises from the planning proposal before exhibition, as the changes proposed by Council are contradictory to the Standard Instrument. Council should reconsider this matter holistically and demonstrate why the restricted premises needs to be located in an industrial zone on planning grounds.
 5. Exhibited for 28 days, and 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 publically available along with planning proposal 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 6 months from the week following the date of the Gateway determination.
 7. Council is to consult with:
 - NSW Rural Fire Service
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - Transport for NSW
 - Campbelltown City Council
 - Penrith City Council
 - Wollondilly Shire Council

DELEGATION:

Delegation cannot be given to Council as the planning proposal involves reclassification and removal of vested interest to certain public land.

Supporting Reasons :

The planning proposal consists of various minor anomalies, spot rezonings, and amendments to the written instrument which have been identified by Council as necessary to promote the orderly and efficient development of land in Liverpool Local Government Area.

Signature:



Printed Name:

CHO CHO MCINT

Date:

18/11/13

