

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

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:
 - 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.

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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. A public hearing is also required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979.
7. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.
8. 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 TO COUNCIL: Delegations cannot be given to Council in this instance as the planning proposal proposes change in interest in 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.

Panel Recommendation

Recommendation Date : **21-Nov-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Council's proposal to prohibit restricted premises in B3 Commercial Core and B4 Mixed Use zones is not supported and should be removed from the planning proposal prior to undertaking public exhibition, because it is inconsistent with Standard Instrument LEP.
2. Council is to update the planning proposal prior to undertaking public exhibition, to provide strategic justification to address why restricted premises are an appropriate land use in the B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones.
3. Additional information regarding hydraulic analysis for land at 9 McLean Street, Liverpool is to be placed on public exhibition with the planning proposal. The additional information is to address flooding on the property and surrounding land.
4. Once the above information has been obtained and consultation with public authorities has been undertaken and prior to undertaking public exhibition, Council is to update its consideration of S117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection to reflect the outcomes of the work and consultation undertaken.
5. Prior to undertaking public exhibition, Council is to ensure the planning proposal addresses the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of A Guide to Preparing LEPs, which includes advising whether the planning proposal extinguishes any interests.

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6. 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 a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW
- Penrith City Council
- Wollondilly Shire Council
- Campbelltown City Council
- Office of Environment and Heritage
- Sydney Metropolitan Catchment Management Authority
- NSW Rural Fire service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.

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

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council should not be issued with plan making delegation in this instance because the planning proposal includes reclassification of public land that will require the Governor's approval.

Signature:



Printed Name:

DAVID KEARNEY

Date:

3/12/13