

Liverpool Local Environmental Plan 2008 (Amendment No 39) – Anomalies Amendment

Proposal Title : **Liverpool Local Environmental Plan 2008 (Amendment No 39) – Anomalies Amendment**

Proposal Summary : **The planning proposal is for:**

- **reclassification of community land to operational and rezoning of Lot 4221 DP 1163525 Wilson Road, Green Valley; and**
- **reduction in minimum dwelling densities in Middleton Grange.**

PP Number : **PP_2014_LPOOL_004_00**

Dop File No :

14/05715

Proposal Details

Date Planning : **31-Mar-2014**

LGA covered :

Liverpool

Proposal Received :

Region : **Sydney Region West**

RPA :

Liverpool City Council

State Electorate : **LIVERPOOL**

Section of the Act :

55 - Planning Proposal

LEP Type : **Housekeeping**

Location Details

Street : **Lot 4221 DP 1163525 Wilson Road**

Suburb : **Green Valley**

City : **Liverpool**

Postcode : **2168**

Land Parcel : **Certain properties in Middleton Grange**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
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 :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

Additional Information

The planning proposal was received on 14 March 2014 by the regional team. Further information was sought from Liverpool Council and received on 11 April 2014.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objectives of the planning proposal are to:

RECLASSIFICATION AND REZONING OF COUNCIL OWNED LAND AT LOT 4221 DP 1163525 WILSON ROAD, GREEN VALLEY:

The planning proposal seeks to reclassify Lot 4221 DP 1163525 Wilson Road, Green Valley from community land to operational land and rezoning of the land from RE1 Public Recreation to R2 Low Density Residential.

CHANGE THE MINIMUM DWELLING DENSITY MAPS FOR MIDDLETON GRANGE:

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

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

Is an explanation of provisions provided? Yes

Comment : Council has provided an explanation and relevant maps for all the proposed amendments. The explanatory statement is in Council's planning proposal, attached in Documents. 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 :

3.1 Residential Zones

* May need the Director General's agreement

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?

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

SECTION 117 DIRECTIONS

3.1 RESIDENTIAL ZONES

This direction applies when a planning proposal affects an existing or proposed residential use or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Director General's approval is required if the reduction in density is involved.

This direction applies as the planning proposal proposes to:

- reduce the dwelling density in all areas in Middleton Grange from that are currently 23 dwellings per hectare to 21 dwellings per hectare and 30 dwellings per hectare to 28 dwellings per hectare; and
- rezone land at Lot 4221 Wilson Road, Green Valley from RE 1 Public Recreation to R2 Low Density Residential.

The inconsistency is considered to be of minor nature given:

- the reduction in minimum density in Middleton Grange is in response to the difficulty being faced by developers to achieve the required dwelling yields as the standard 'minimum dwelling density' definition in Clause 7.11 Part 3 of the LEP (copy in Documents) to which Council is unable to alter.

Council has received a number of development applications seeking an exception to the

minimum dwelling density provision. Council has therefore requested reducing the number of dwellings required as opposed to changes to the 'minimum dwelling density' definition in Clause 7.11. The changes will encourage developers to continue with development without significantly impacting on the housing delivery in Middleton Grange release area.

- the residential rezoning at Green Valley is within an existing residential area that is already serviced by existing infrastructure and does not contain environmentally sensitive land.

The inconsistency with the Direction is considered to be of minor significance and the approval of the Director-General is recommended.

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 public authority and the Director General.

The draft plan proposes to reclassify Lot 4221 DP 1163525 Wilson Road, Green Valley as operational land to enable sale of the site to the adjoining Islamic school. This parcel is in the ownership of Liverpool Council and Council as the relevant authority has agreed of the rezoning. The reclassification is consistent with Council's Property Management Strategy and enables the sale of surplus Council properties.

Council has advised that this land is surplus to drainage needs. The land is locked with no road frontage and could only be developed if integrated with adjoining property. Any funds from the sale of this land would be returned to the appropriate Section 94 contributions account, allowing other facilities in the catchment to be purchased or embellished.

The proposal satisfies the requirement of the Direction that the relevant authority has approved of the rezoning and is no longer required for its needs. The approval of the Director-General pursuant to item (4) of the Direction 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.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Council has provided a map indicating dwelling densities in Middleton Grange and existing and proposed (zoning, floor space ratio, lot size and height of building) maps for Lot 4221 DP 1163525 Wilson Road, Green Valley.

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? No

Comment :

Council has requested that this planning proposal should be exempted from the public exhibition period as it has already been subject to 28 days exhibition period, state agency consultation and a public hearing for the reclassification of Lot 4221 DP 1163525 Wilson Road, Green Valley under draft Liverpool LEP 2008 (Amendment No 27) process.

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Upon Council's final decision for the LEP to proceed, this item was deferred in August 2013 as there were concerns raised in the submissions received regarding the use of the land after sale and the minimal open space play areas provided by the school. Council has since addressed these concerns and ensured that the land being sold is used for open space rather than further development.

In October 2013, Council resolved to continue with the reclassification and rezoning of the land as a separate amendment.

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 :

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 the Liverpool Local Environmental Plan 2008.

Assessment Criteria

Need for planning
proposal :

BACKGROUND:

Proposed draft Liverpool LEP 2008 (Amendment No 39) contains two amendments that were previously part of the planning proposal for draft Amendment No 27 . On 28 August 2013 Council resolved to proceed with the making of Draft Amendment No 27 to Liverpool LEP 2008 with deferment of:

- reduction of dwelling density in Middleton Grange; and
- The proposed reclassification and rezoning of Lot 4221 DP 1163525 Wilson Road, Green Valley.

On 25 February 2014, Council resolved to prepare a new draft LEP (Amendment No 39) to address these deferred matters.

THE PLANNING PROPOSAL

REDUCTION OF MIDDLETON GRANGE DENSITY

Middleton Grange is a new residential release area that utilises minimum dwelling density controls to facilitate a variety of development types. Since the adoption of Liverpool LEP 2008, the required 'minimum dwelling density' calculation has been increased by virtue of the Standard LEP Instrument definition and includes internal roads and vehicle access to the development (Clause 7.11 attached in Document). This 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 provisions.

As it is a standard definition and Council is unable to alter it, this 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 dwelling per hectare area to 21 dwellings per hectare. The proposed amendment does not alter the objective of the dwelling density provisions. The dwelling density is proposed to be reduced to the smallest number possible that would still allow for market appropriate product to be created while minimising impact on the Middleton Grange Section 94 Contribution Plan.

As discussed previously, this alteration was proposed as part of the draft Liverpool LEP 2008 (Amendment No 27), which underwent State agency consultation and public exhibition process. Council did receive an objection to this change during exhibition period. The submission questioned whether the proposed minimum dwelling density can be achieved. Upon Council's final decision this item was deferred to allow discussion of the matter with the relevant party. Council has since resolved the matter with the relevant party as it was found the dwelling density provision could be met and the objection to the change were accordingly withdrawn (see Council's planning report for the draft Amendment 27 at 'Documents').

RECLASSIFICATION AND REZONING OF COUNCIL OWNED LAND

The planning proposal also includes the reclassification from community land to operational land and rezoning of Lot 4221 Wilson Road, Green Valley. The vested interest will be changing for this reclassification and it will be placed in Schedule 4 Part 2 – Land classified or reclassified as operational land – interest changed of the Liverpool LEP 2008.

Council received a request from the adjoining school to purchase Lot 4221. Council has advised that the land is surplus to Council's drainage needs. Lot 4221 is land locked with no road frontage and could only be developed if integrated with an adjoining property. In July 2011, Council resolved to proceed with reclassifying and rezoning of this land for sale to the adjoining school.

It was previously proposed as part of draft Liverpool LEP 2008 (Amendment No 27), which underwent state agency consultation and public exhibition. Upon Council's final decision this item was deferred in August 2013 as there were concerns with the use of the land after sale. Concerns were raised about the minimal open space play areas provided by the school. Council has since addressed these concerns and ensured that the land being sold is used for open space rather than further development.

In October 2013, Council resolved to continue with the reclassification and rezoning of the land.

Council has further advised that reclassification is not directly part of an endorsed strategy however it is seen as an appropriate use of surplus land will provide more space for the local school.

Consistency with strategic planning framework :

The planning proposal is not considered to be inconsistent with both draft Metropolitan Strategy for Sydney 2031 or the South West Sub-regional 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.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **Nil**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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 :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Determination Document	Yes
Council Resolution.pdf	Determination Document	Yes
Council Report.pdf	Determination Document	Yes
Clause 7.11 of Liverpool LEP 2008.pdf	Determination Document	Yes
Relevant extract from Draft Liverpool Amendment No 27.pdf	Determination Document	Yes
Existing maps for Lot 4221 Wilson Road, Green Valley.pdf	Map	Yes
Proposed Maps for Lot 4221 Wilson Road, Green Valley.pdf	Map	Yes
Revised Planning Proposal - April 2014.pdf	Proposal	Yes
An Extract from A guide to preparing LEPs.pdf	Determination Document	Yes
Delegation of Plan MakingFunction to Council - Liverpool Council Draft Amendment 34 LLEP 2008.docx	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

3.1 Residential Zones
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

RECOMMENDATION:

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

1. The Minister's delegate exempts the planning proposal from public exhibition, state agency consultation and public hearing for reclassification of Lot 4221 Wilson Road, Green Valley.
2. The Director General's delegate:
 - (i) pursuant to item (6)(d) of section 117 (2) Direction – 3.1 Residential Zones agrees that reduction of dwelling density in this instance is of a minor nature; and
 - (ii) pursuant to item (4) of the Section 117(2) Direction – 6.2 Reserving Land for Public Purposes, endorses the rezoning of Lot 4221 Wilson Road, Green Valley from RE1 Public Recreation to R2 Low Density Residential; and
3. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

DELEGATION

Council is seeking an Authorisation to make the plan.

Delegation to Council cannot be given in this instance as the Governor's approval is required in relation to the removal of covenants, trusts etc for reclassification of Lot 4221 Wilson Road, Green Valley (a copy of the relevant page from "A guide to preparing local environmental plans" is in Documents).

Supporting Reasons :

The planning proposal is supported as:

- reclassification and rezoning of Lot 4221 Wilson Road, Green Valley will assist Council to sell the land to the adjoin Islamic School; and
- reducing the dwelling density would encourage residential development.

Signature:



Printed Name:

CAO CAO MCMINT

Date:

12/4/14