

Planning Proposal

Liverpool Local Environmental Plan 2008 Draft Amendment 39

Anomalies Amendment

- Rezoning and Reclassification of Lot 4221 Wilson Road, Green Valley from community land to operational land
- Reduction in minimum dwelling densities in Middleton Grange

April 2014

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Background

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and the Department of Planning and Infrastructure's guide to preparing planning controls.

This planning proposal contains a number of amendments to the Liverpool Local Environmental Plan 2008 (LLEP2008). At times it is necessary for Council to conduct a general amendment to its Local Environmental Plan to ensure that the instrument and maps remain current.

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 Council initiated changes at both Councillor and staff levels.

Several items within this amendment were previously a part of Amendment 27 to LLEP 2008. Due to further required information and investigation requested as part of a council resolution these items have been reviewed and placed within this new amendment.

Site identification

The planning proposal applies to the following property:

(Note: there are additional changes in this planning proposal that are not site specific and therefore this is not a complete list of properties affected by the proposal.)

- Lot 4221 Wilson Road, Green Valley
- Certain properties in Middleton Grange

Site Context

All sites are located within the Liverpool local government area. Changes are proposed to the LEP minimum dwelling density maps for the undeveloped areas within the suburb of Middleton Grange. All areas that are currently 23 dwellings per hectare are proposed to change to 21 dwellings per hectare and all 30 dwellings per hectare are proposed to change to 28 dwellings per hectare, see Figure 1.

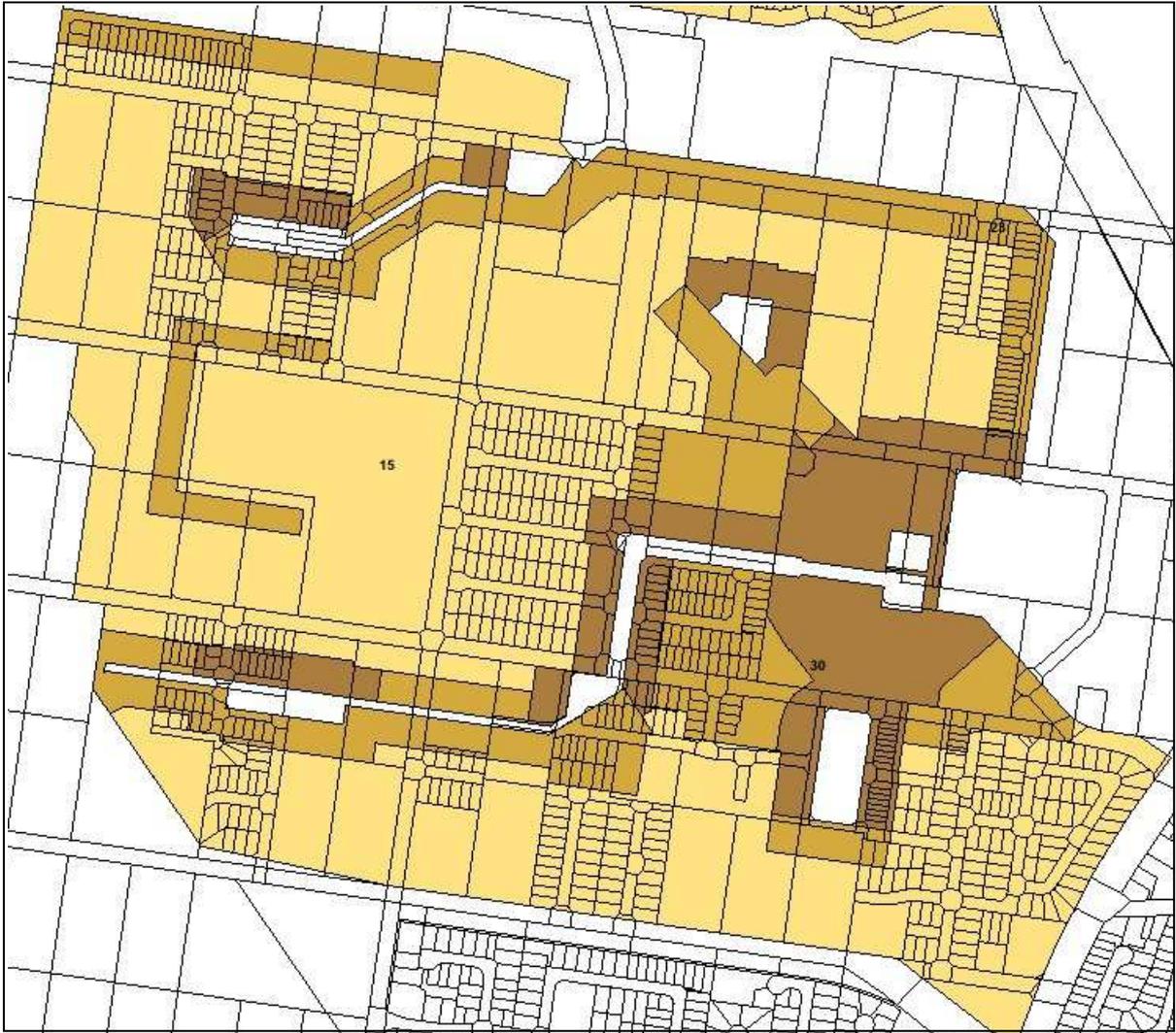


Figure 1 – Dwelling densities in Middleton Grange

It is proposed to reclassify and rezone Council owned land at Lot 4221 Wilson Road, Green Valley, which was resolved on 25 July 2011 to be reclassified, rezoned and sold to the neighbouring school at an agreed upon price. This site was placed in Amendment 27 to LLEP 2008 and upon exhibition Council resolved to defer the rezoning until a further investigation could take place for the use of the land as open space playground. Council resolved on 30 October 2013 to continue with its proposal to sell the land without any additional conditions.

Land Use Zoning

The Council owned property at Lot 4221 Wilson Road, Green Valley is proposed to be rezoned from RE1 Public to R2 Low Density Residential to allow for the potential future sale of the land, see figures 3 - 6.

Part 1 - Objectives

The planning proposal has the objective to revisit the three items deferred from Amendment 27 to LLEP 2008 as all discrepancies have been dealt with and it is now appropriate to proceed with amending the LLEP 2008.

These include:

- Changes to the Minimum Dwelling Density maps for Middleton Grange;
- Reclassification and rezoning of Council owned land.

This LEP amendment considers changes at both Councillor and staff levels that did not proceed within Amendment 27 to LLEP 2008. Both items have received Gateway Determination; have undergone state agency consultation and public exhibition, as well as a public hearing for the land reclassification of Lot 4221 Wilson Road, Green Valley. Details of each of the changes are in Part 2 of the planning proposal.

Part 2 - Explanation of provisions

Amendment of land use zonings

Amendment applies to:	Explanation of provision
Minimum Dwelling Density <ul style="list-style-type: none">• DWD 008	Amend the minimum dwelling density maps for Middleton Grange to show those areas currently 23 dwelling per hectare as 21 dwellings per hectare and areas 30 dwellings per hectare as 28 dwellings per hectare.
Schedule 4 Reclassification of land and Maps <ul style="list-style-type: none">• LZN 007• LSZ 007• FSR 007• HOB 007	Reclassification of Lot 4221 DP 1163525 - Wilson Road, Green Valley (Schedule 4 Part 2) from community land to operational land and rezoning of the site from RE1 Public Recreation to R2 Low Density Residential with updated floor space ratio, minimum lot size and maximum building height maps.

Part 3 - Justification

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. The amendments included in this proposal have been identified by Council staff, Councillors and other stakeholders over time. Both items were in Draft Amendment 27 to LLEP 2008 and were resolved by Council to be deferred to allow further consideration. Consideration of all issues has taken place and it is proposed that the amendment of these two items is continued.

A brief description of the origin of each amendment is provided.

Middleton Grange Density:

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.

This alteration was proposed as part of Draft Amendment 27 to LLEP 2008 which underwent State agency consultation and public exhibition. Upon Council's final decision this item was deferred to allow discussion of the matter with a relevant party. Due to the urgency of Draft Amendment 27 completion due to Gateway Determination deadlines this item had to be placed into a new amendment to be considered again. Upon discussion with concerned parties it was found that minimum dwelling density provision could be met and objections to the change were withdrawn. It is noted that the proposed change allows for market appropriate product to be created that provides acceptable minimum dwelling density. As the objection was withdrawn this matter can now proceed.

Reclassification and rezoning of Council owned land:

The proposal includes the reclassification from community land to operational land and the rezoning of Lot 4221 Wilson Road, Green Valley. The vested interests will be changing for this reclassification and it will be placed in Schedule 4 Part 2 – Land classified, or reclassified as operational land – interests changed of the LLEP 2008. Council received a request from the adjoining school to purchase Lot 4221. Upon investigation it was acknowledged that this piece of 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. Due to the supporting circumstances a report was put forth to Council on 25 July 2011 to consider this reclassification and rezoning based on its merits. Council resolved to proceed with reclassifying and rezoning this land for the intended sale to the adjoining

school. This reclassification is not directly part of an endorsed strategy however it is seen as an appropriate use of surplus land that will provide more space for the local school. This provides a benefit for the local school community as a result of a supporting Council resolution.

The reclassification and rezoning of Lot 4221 Wilson Road, Green Valley was previously proposed as part of Draft Amendment 27 to LLEP 2008 which underwent state agency consultation and public exhibition. Upon Council's final decision this item was deferred at 28 August 2013 meeting as there were concerns with the use of the land after sale. Concerns are surrounded around the minimal open space play areas provided by the school. The item was therefore requested to be deferred and rediscussed to work out what possibilities are available to ensure that the land being sold is used for open space rather than further development.

A report into these options was considered at the 30 October 2013 meeting. The options considered were proceeding with the agreed sale price with no restriction on title or to place a restriction on the title of the land through an 88b restriction on title and to renegotiate the sale price. Council resolved at this meeting to continue with the reclassification and rezoning process without placing an 88b restriction on title or renegotiating the sale price. In accordance with this resolution Council seeks to proceed with the reclassification and rezoning of the land.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As these items have already been assessed through the Gateway process it is necessary for Council to continue the process with an amendment to its Local Environmental Plan to ensure that these items are resolved and the instrument and maps remain current and accurate. Council considers that a procedural amendment to LLEP 2008 to be the most appropriate way of achieving this outcome.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The proposal will ensure that the LLEP 2008 instrument and associated maps remain current, accurate and effective and seek to provide certainty to landowners and the community. Council seeks to process a number of amendments through the one Planning Proposal, and in consideration of the nature of the amendment, the cost of implementation does not outweigh the benefit.

B. Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Plan for Sydney 2036

The planning proposal is generally consistent with the Sydney Metropolitan Strategy. The amendments proposed seek to ensure the LLEP 2008 remains accurate and current.

Draft Metropolitan Strategy for Sydney to 2031

The planning proposal is generally consistent with the Draft Metropolitan Strategy for Sydney 2031. The amendments proposed are administrative and seek to ensure the LLEP 2008 remains accurate and current.

South West Draft Subregional Strategy

The Draft South West Subregional Strategy is the strategic land use planning framework to guide the sustainable growth of South West Sydney over the next 25 years.

It translates priorities of the Sydney Metropolitan Strategy to the local level. According to the Strategy, South West Sydney will experience growth in the vicinity of some 155,000 new dwellings over the next 19 years.

The planning proposal consists of a number of minor changes which are consistent with the objectives and actions contained within the draft Southwest Subregional Strategy. However more detailed analysis is provided for the more complex parts of the planning proposal.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Growing Liverpool 2023

Growing Liverpool 2023 is a 10-year plan that has been developed to refine the future strategic directions for Liverpool and its future growth. This planning proposal is consistent with this strategy. Directions 1.3 *Assist existing businesses to grow, innovate and become more competitive*, 2.2 *Create clean and attractive public places for people to engage and connect* and 7.3 *Provide business excellence and financial sustainability to deliver services that meet community expectations*, are particularly relevant to this planning proposal as Council aims to help local business, improve the amenity of widely used parks and open space and to ensure that Council is financially sustainable to be able to deliver the services and improvements that residents would expect.

6. Is the planning proposal consistent with the applicable state environmental planning policies?

The planning proposal consists of minor amendments to the LLEP 2008 and is consistent with the various State Environmental Planning Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Various Section 117 Ministerial Directions apply to this planning proposal. These are discussed below:

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
3.1 Residential Zone	To provide for a variety of housing types to meet existing and future housing needs that	The rezoning's and reclassification will affect land within an existing residential area that is already	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
	make use of and have access to existing infrastructure and services. Minimise the impact of development on the environment and resource lands.	serviced by existing infrastructure. The proposed reclassification lot does not contain environmentally sensitive land.	
4.3 Flood Prone Land	This direction aims to ensure that LEPs consider potential flood impacts.	The planning proposal has considered potential flood impacts.	Yes
5.1 – Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. This direction requires that the rezoning proposal be consistent with the South West Subregional Strategy.	The Planning Proposal is in line with the relevant Regional Strategies.	Yes
6.2 – Reserving Land for Public Purposes	The aim of this objective is to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	<i>Reclassification of Public Land</i> Council is seeking reclassification of certain properties. This would be undertaken via this planning proposal. It is considered that the proposal is consistent with the Ministerial Direction.	Yes
7.1 Metropolitan Planning	Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.	The planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	Yes

C. Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As this is an anomalies amendment it affects a number of properties. It is anticipated that the planning proposal will not have an impact on critical habitat, threatened species, populations or ecological communities or their habitats.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal will not result in any negative environmental effects.

Proposed Amendment	Assessment of Impact
Alteration of dwelling density in Middleton Grange	Will not result in environmental impacts.
Reclassification and rezoning of certain Council owned properties	Affects one property which does not have environmental significance and will not result in environmental impacts.

10. How has the planning proposal adequately addressed any social and economic effects?

The social and economic impacts of this planning proposal are generally minimal, as the proposal mostly consists of minor anomalies and corrections. However the following social and economic impacts warrant additional consideration.

Reclassification of Council Owned Land

The property proposed for reclassification will result in minimal social impacts. The site is currently underutilised and the disposal is supported by Council resolution as the reclassification will provide opportunities for investment in other community and open spaces with the returned Section 94 funds that were used to purchase the land for drainage establishment.

D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not result in extensive additional development. As such the planning proposal will not place additional demands on public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation was undertaken with state agencies in accordance with the gateway determination for Amendment 27. Council received responses from the Rural Fire Service, Office of Environment and Heritage, and Heritage Branch. The comments made do not relate to matters in this Amendment.

There is no state agency impediment to proceeding with Amendment 39.

Part 4 - Maps

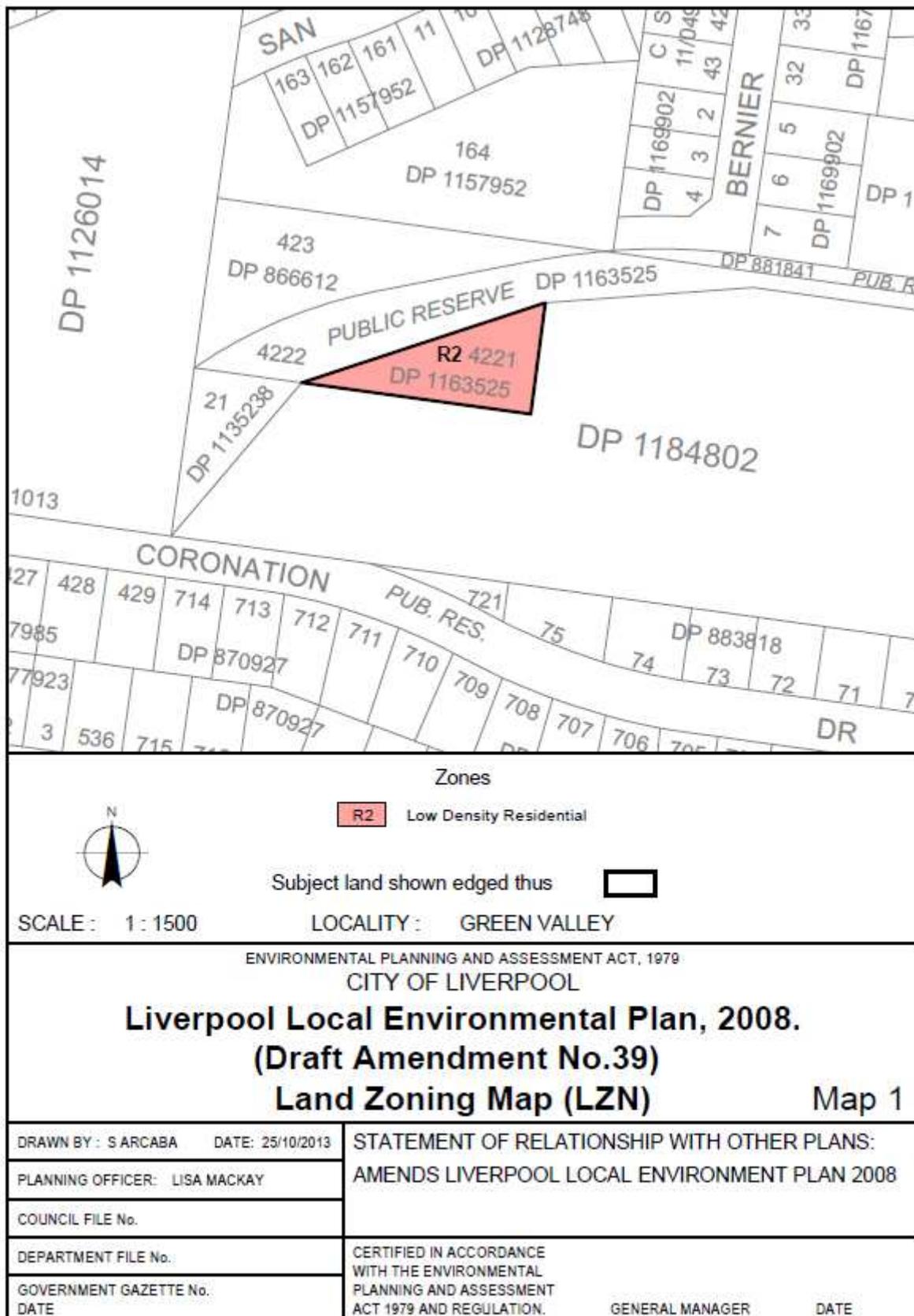


Figure 3 – Proposed land zoning changes to Lot 4221 DP 1163525 - Wilson Road, Green Valley

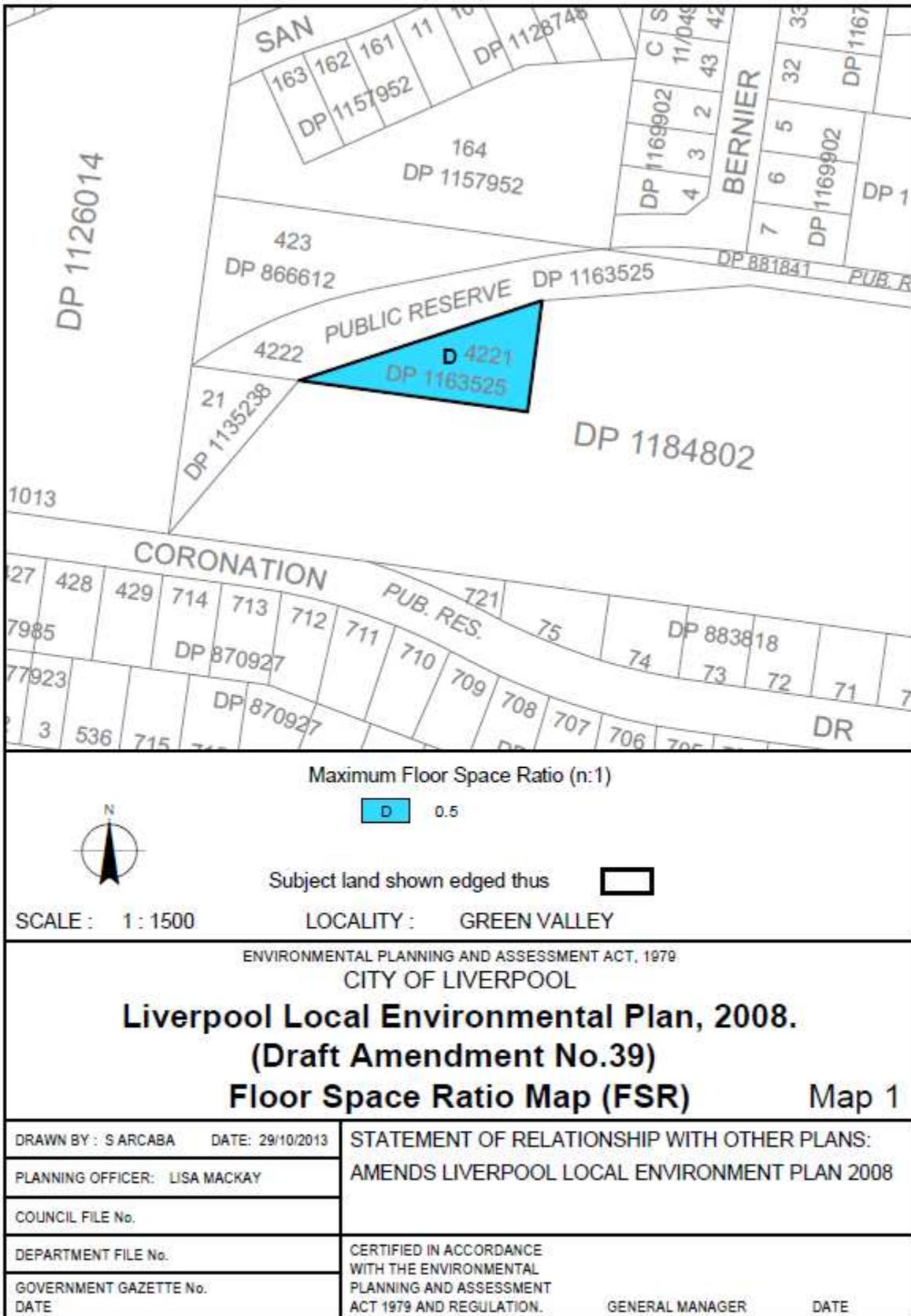


Figure 4 – Proposed floor space ratio changes to Lot 4221 DP 1163525 - Wilson Road, Green Valley

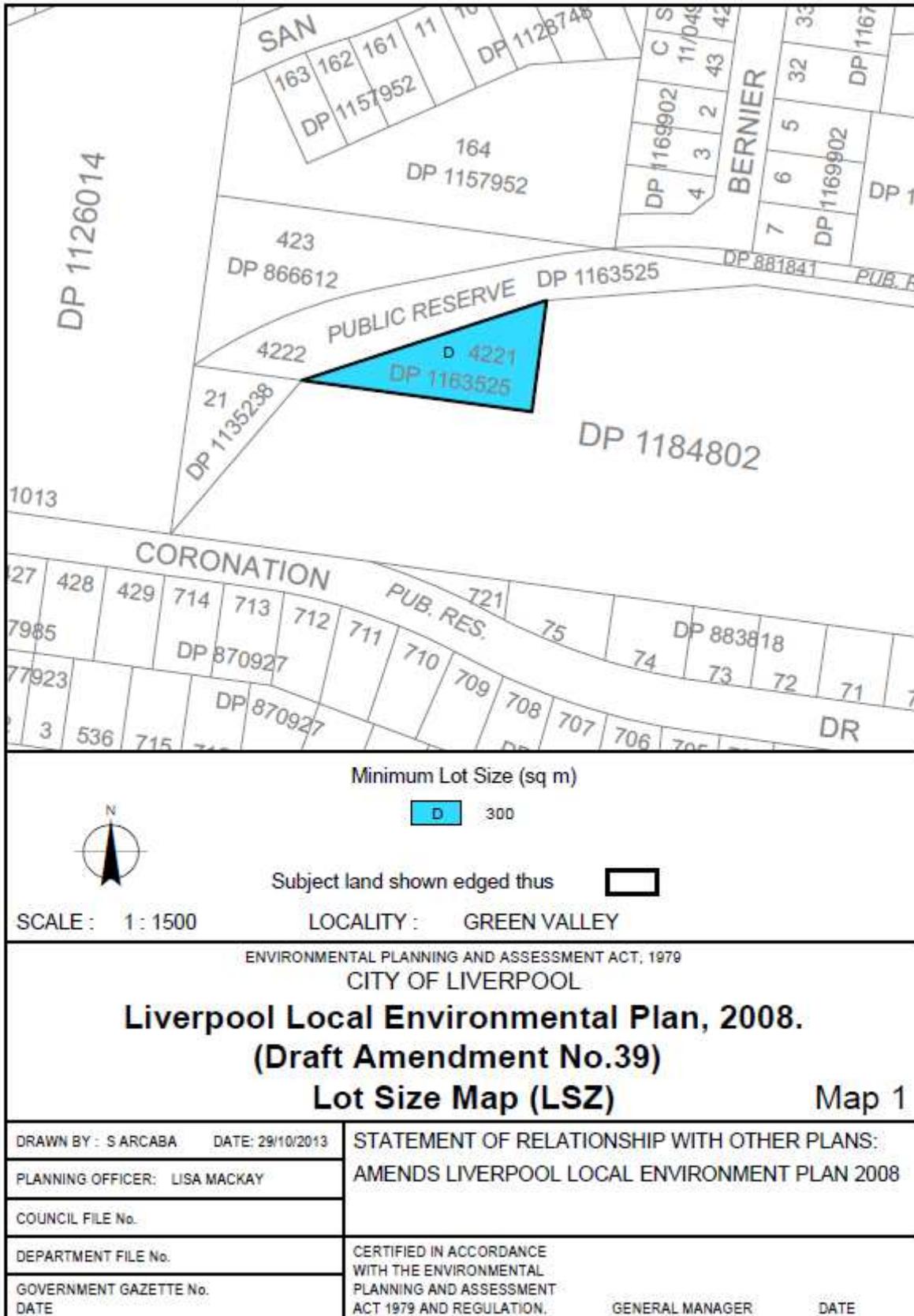


Figure 5 – Proposed lot size changes to Lot 4221 DP 1163525 - Wilson Road, Green Valley

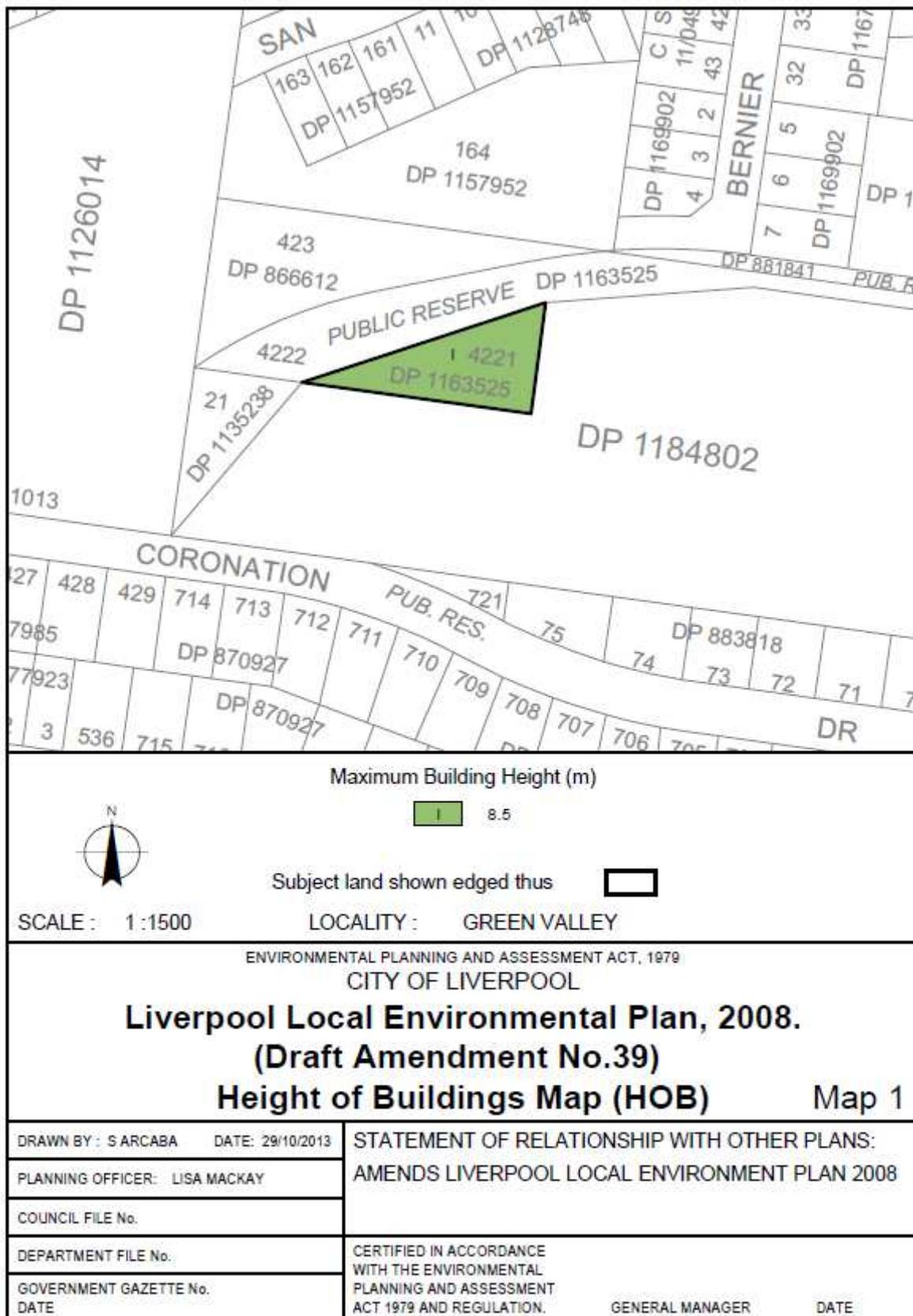


Figure 6 – Proposed height of building changes to Lot 4221 DP 1163525 - Wilson Road, Green Valley

Part 5 - Community Consultation

Community consultation was required to be held for 28 days and a public hearing was held as community land was proposed to be reclassified to operational land.

All items included within this amendment have previously been on public exhibition, these items include:

- Minimum Dwelling Density provisions in Middleton Grange
- Rezoning and reclassification of land at Lot 4221 Wilson Road, Green Valley (triangular piece of land at the rear of the Islamic School).

A Public Hearing was held on 24 July 2013 for 7 parcels of land including Lot 4221 Wilson Road, Green Valley. This was undertaken in accordance with the Department of Planning and Infrastructure's LEP practice note PN09CO3 'Classification and reclassification of public land through a local environmental plan'.

Draft Amendment 27 to LLEP 2008 was on public exhibition from Wednesday 19 June 2013 to Wednesday 17 July 2013. Letters were sent to all residents that were directly affected by an item in the amendment or who lived within the vicinity of particular items, such as rezoning's and land reclassifications. The Draft Amendment was advertised in the Liverpool Leader, on Council's website and at the Liverpool Administration Centre and Liverpool City Library Customer Service Desk.

The final Council Report for Draft Amendment 27 went to Council on 28 August 2013. Council resolved to proceed with the making of Draft Amendment 27 with the exception of the three items, two now in this amendment, which were deferred with Council seeking further information and discussion.

It is proposed that this amendment should be exempt from the public exhibition period as it has already been subject to a 28 day exhibition period, state agency consultation and a public hearing for the land reclassification of Lot 4221 Wilson Road, Green Valley. The matters raised by the community have been reported to Council for consideration.

Part 6 – Project Timeline

Action	Timeframe
Report to Council	February 2014
Forward finalised Planning Proposal, maps and supporting documentation to Parliamentary Counsel	March 2014
Review of Planning Proposal and finalisation of LEP by Parliamentary Counsel	June 2014