



Liverpoolcitycouncil
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Our Ref: 195185.2013
Contact: Lisa Mackay 9821 9124

2 September 2013

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

RECEIVED

- 4 SEP 2013

Director-General

Dear Mr Haddad

Re: Draft Amendment No. 27 to Liverpool Local Environmental Plan 2008

I write in relation to Draft Amendment 27 to the LLEP 2008. This anomalies amendment includes various changes to the LEP including rezonings, changes to permissibility and other controls to facilitate and encourage appropriate development. At its meeting on 28 August 2013 Council resolved to proceed with the making of Draft Amendment 27 to Liverpool Local Environmental Plan 2008 (LLEP 2008) with exception of:

- changing dwelling density controls in Middleton Grange;
- updating flood planning area maps in Prestons industrial area; and
- reclassification and rezoning of Lot 4221 Wilson Road, Green Valley.

These three items have been deferred by Council with further research and work to be undertaken prior to final determination by Council at a future Council meeting.

Despite the resolution to defer the above three matters Council's intension is not to hold up the multiple matters otherwise included within the amendment. There are several individuals and groups waiting for the urgent completion of this amendment. Parliamentary Counsel are awaiting this amendment to complete a Camden Amendment due to a boundary adjustment between the local government areas, Mirvac are awaiting a rezoning of a residential development stage at Elizabeth Hills; there are also individual land owners who are unable to submit development applications or subdivide their properties for sale until this amendment is gazetted. As such in consideration of these factors it is imperative that the Amendment 27 proceed in accordance with Council's resolution.

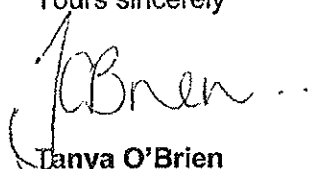
It is recommended that these items be removed from Amendment 27 and be issued a new amendment number. This new amendment will not need to be re-exhibited as this component has been completed. This will allow the required further work to be undertaken without holding up other important changes being made by Amendment 27.

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Should you require any further information on this matter, please do not hesitate to contact Lisa Mackay Strategic Planner, on 9821 9124.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T O'Brien', with a large, stylized initial 'T'.

Tanya O'Brien
Manager Strategic Planning

Council's Response

Council has noted the comments made by the Heritage Branch and confirms that 19 heritage items (as one item has since been listed as state significant) will be changed to having a 'local' significance under LLEP 2008.

Transgrid

Transgrid support the proposal to change the zone of the electrical easement land from B1 Neighbourhood Centre to IN1 General Industrial. Transgrid considered the change of zoning to allow themselves or any future owners to maximise the use of the site for community benefit while reflecting the existing constraint created by the electricity easement.

Council's Response

Council has noted the comments made by Transgrid.

Public Exhibition

Public exhibition of Draft Amendment No. 27 was held for a period of 28 days from Wednesday 19 June 2013 to Wednesday 17 July 2013. Public exhibition material was made available online, at the customer service desk at Liverpool City Council Administrative Centre and at the Liverpool City Library.

The notification of the exhibition was advertised on Council's website, in the Liverpool Leader newspaper and by mail to all residents directly affected or within the vicinity of a proposed change dependent on the anomalies item. A Public Hearing was also held to receive submissions on the reclassification of seven parcels of land from Community land to Operational land under Section 29 of the Local Government Act 1993. This Public Hearing was held on 24 July 2013 and was independently facilitated by Dave Woolbank from Straight Talk in accordance with Section 47G of the Local Government Act 1993. Note taking and a Public Hearing Report were completed by Fee Chemke-Dreyfus, this report forms attachment 3. A presentation discussing each site was completed by Council officers, residents were able to ask questions and make verbal submissions.

A total of 24 written submissions were received, two of these submissions were granted an extension and were received after the exhibition period. All 24 of these submissions have been taken into consideration as well as verbal submissions received at the Public Hearing. Concerns are summarised below and in the attached public hearing report.

Concerns raised as part of the public exhibition for Draft Amendment No.27 to LLEP 2008 are detailed within the attached submission evaluation table.

Conclusion

Draft Amendment No. 27 to LLEP 2008 combines a number of minor amendments. These changes include rezonings, land reclassification, reimplementation of lot consolidation controls, change of heritage listings, changes to the LLEP 2008 land use table, changes to the minimum dwelling density in Middleton Grange and the updating of flood prone land maps.

The changes outlined within the amendment seek to increase flexibility for development such as through rezonings, increased permissibility and reduced minimum dwelling densities, reflect current land constraints such as flood liability and heritage listing. Further the amendment provides for land reclassification to provide Council flexibility in its use and/or disposal of Council owned land.

Council has taken into consideration all submissions received during the public exhibition period. Many suggestions could not be changed due to multiple factors that have been outlined as part of Council's response. However where appropriate, changes are suggested to be made to the documentation. In some circumstances however changes requested are inconsistent with State policy and legislation.

FINANCIAL IMPLICATIONS:

Amendment No. 27 provides for a variety of outcomes. Through the rezonings, increased permissibility and reclassifications, additional residential lots will be created, and a greater range of development types will be facilitated. This is consistent with Council's strategic objective of encouraging investment and development within Liverpool. These amendments will result in an increase in both population and ratepayers within Liverpool local government area.

Development on the additional lots created will generate the requirement for the payment of Section 94 contributions in accordance with the endorsed Liverpool Contributions Plans.

The other changes included within Amendment No. 27 such as flood liability and heritage listing do not result in substantial amendments to development outcomes and thus do not generate any financial implications.

RECOMMENDATION:

That Council:

1. Proceeds with the making of Draft Amendment No. 27 to Liverpool Local Environmental Plan 2008 with changes outlined above.
2. Forward the updated Planning Proposal to the Department of Planning and Infrastructure and Parliamentary Counsel requesting making of the amendment.

SIGNED BY:

Toni Averay
Group Manager
Planning and Growth

Attachments:

1. Submission Evaluation Table
2. Planning Proposal (updated) (under separate cover)
3. Liverpool Local Environmental Plan 2008 Draft Amendment No. 27 Public Hearing Report

Attachment 1: Submission Evaluation Table

Attachment 1: Submission Evaluation Table			Issue Raised	Council response
Issue No.	Topic			
1	Western Sydney Parklands		No concerns with Amendment 27 other than the removal of flood planning area from land located within Western Sydney Parklands as this land is not applicable to the Liverpool Local Environmental Plan 2008.	Flood planning area will be removed from land within the Western Sydney Parklands as this land is controlled by the Western Sydney Parklands State Environmental Planning Policy not the Liverpool Local Environmental Plan 2008.
2	Flooding		OEI has stated that Council should ensure that all flooding studies have utilised the principles of the Floodplain Development Manual 2005, and provide adequate information to demonstrate consistency with Section 117 Direction 4.3 objectives.	The rezoning at Lots 3, 5, 7 and 8 Aviation Drive, Elizabeth Hills complies with direction 4.3 as detention basin 6 has been designed and constructed to be sufficient to minimise any flood risk to the development and surrounding areas. Council no longer proposes to rezone 39 Newbridge Road, Chipping Norton from RE1 Public Recreation to R2 Low Density Residential. The rezoning of Lot 118 Bryant Avenue, Middleton Grange (previously referred to as 100 Flynn Avenue) complies with Section 117 direction 4.3 as the work as executed (WAE) drawings show that Lot 118 Bryant Avenue has been filled above 1% AEP flood.
3	Heritage		No objection is raised to the proposed amendment to the listing of the Bents Basin Inn site from the state heritage significance to local heritage significance.	Noted. No change required.
4	Pedestrian connectivity		Requests assurance that the existing pedestrian path through the sites will remain at 14 Thompson Avenue and 29 Stockton Avenue, Moorebank.	Council's resolution on 28 February 2011 resolved to proceed with the reclassification of 14 Thompson Avenue and 29 Stockton Avenue, Moorebank subject to a laneway being provided for access. Council officers will seek to add site specific clause into Part 7 Division 2 of LLEP 2008:

Issue No.	Topic	Issue Raised	Council response
			"The existing public pedestrian access through Lots 1&2 DP 1150469, 14 Thompson Avenue & 29 Stockton Avenue, Moorebank, shall remain unimpeded". Noted. No change required.
5	Reclassification 155 Willan Drive, Cartwright	Support the reclassification of land at Lot 306 DP 233164 - 155 Willan Drive, Cartwright from community land to operational land.	Noted. No change required.
6	Reclassification 150 Heathcote Road, Hammondville	Supports the reclassification of Lot 8 DP 24 - 150 Heathcote Road, Hammondville to Operational Land due to safety and security reasons.	Noted. No change required.
7	Reclassification Wilson Road, Green Valley	The land at Lot 4221 DP 1163525 Wilson Road, Green Valley was originally purchased by Council for drainage and open space use. The adjoining school use the area for a playground and recommends that the space remain RE1 Public Recreation for the benefit of the school. If the land is rezoned as usable land that in time the school will ask for other portions of the community open space land adjoining this lot to be rezoned as useable land.	Lot 4221 Wilson Road Green Valley was part of Lot 422 DP 886612 which was acquired by Council for construction access to carry out the construction of a drainage channel. As this drainage channel has been completed Lot 4221 has been identified as surplus land. There is sufficient retention of drainage and public open space surrounding the site to justify its rezoning of this land to R2 Low Density Residential. The rezoning will allow the school the opportunity to purchase the subject site. If any future expansion of the school is proposed a Development Application would need to be considered by Council. No change required.
8	Reclassification Wilson Road, Green Valley	Concern raised about congestion and parking surrounding the school at Wilson Road, Green Valley, particularly during drop-off and pick-up times.	The concern about traffic issues in this area will be referred to Council's Traffic Management for investigation. The Liverpool DCP 2008 Part 3.8 Section 3.7 addresses car parking controls for education establishments in residential areas. Additional general controls will be considered in a future DCP amendment to further address traffic generation and management issues including provisions regarding drop off and pick up times. No change required as part of Draft Amendment No.27, additional controls will be added to a future amendment to the Liverpool DCP 2008.
9	Reclassification Wilson Road, Green Valley	The school located at Wilson Road, Green Valley (adjacent to Lot 4221 DP 1163525) uses a public park for the children to play in at recess and lunch due to having a shortage of open space. The school should expand their open space with this new land being	This reclassification and rezoning will provide an opportunity to create additional space within the school grounds which may alleviate use of the nearby park by school students. There are no controls for private schools minimum open space requirements and landscaped areas. Council is to consider placing open space controls for private schools within the Liverpool DCP 2008. No change required as part of Draft Amendment

Issue No.	Topic	Issue Raised	Council response
10	Dwelling density Middleton Grange	reclassified and rezoned so that the public park can be used by the general public. Questions whether the reduction of the minimum dwelling density control in Middleton Grange will allow for the revisitation of Development Approval consents and/or Voluntary Planning Agreements.	No. 27, additional controls will be added to a future amendment to the Liverpool DCP 2008. If applicants wish to alter approved consents and Voluntary Planning Agreements (VPA) then a new development application must be lodged. Otherwise, previous DA consents and VPAs will remain in effect. No change required.
11	Dwelling density Middleton Grange	Seek a further reduction from the proposed 28 dwellings per hectare (from 30) to 23 dwellings per hectare to facilitate for road space and a property market looking for separate dwelling houses.	The proposed reduction in minimum dwelling from 30 to 28 does not alter the objective of the dwelling density provisions which seek to encourage the efficient use of infrastructure through the provision of smaller lots, lots that are in areas that are well serviced and have high amenity. A further reduction to 23 would not be in line with these objectives and is not supported by Council. There has been substantial take up of smaller lot products within Middleton Grange which reflects the emerging market demand for smaller and more affordable homes. The reduction of the minimum dwelling density from 30 to 28 and from 23 to 21 was chosen as it was the reduction would increase developer flexibility and is measured to ensure that the reduction does not negatively affect the Section 94 Plan for Middleton Grange. No change required.
12	Flooding Middleton Grange	Middleton Grange - Lot 102 DP 1149352 is shown to be flood prone. The construction of a drainage channel within Lot 103 DP 1149352 has been stated to have removed the threat of flooding to Lot 102 DP 1149352 and the applicant has requested the amendment of the flood map.	Within Middleton Grange there has been substantial cut and fill works undertaken with the ongoing urban development of the suburb. As a result Council acknowledges that the flood levels have changed and will continue to change over the development life of the area. Council expects a review of flood maps in December 2013 which will incorporate most up to date land forms and constructed channel configurations.
13	Stormwater Kurrajong Road Prestons,	Refers to property 291 Kurrajong Road Prestons, Lot 1 DP 121122, and how the Cabramatta Creek Flood Study will impact the property. Stated that the reason that their land is more affected is as a result of the stormwater redirected from the western side to the eastern side of Bernera Road. That Council should remove the existing four culverts from Bernera	No change required as part of Draft Amendment No. 27, flood planning maps will be continue to be updated in future draft amendments to the LLEP 2008.