

Liverpool LEP 2008 (Amendment No 53) - Rezoning of part Copeland Street, Liverpool

Proposal Title : **Liverpool LEP 2008 (Amendment No 53) - Rezoning of part Copeland Street, Liverpool**

Proposal Summary :

Liverpool Local Environmental Plan 2008 (Amendment No 53) – To rezone part of Copeland Street, Liverpool (adjacent to 10-16 Copeland Street and 93-95 Campbell Street) from SP2 Classified Road to R4 High Density Residential zone and includes principal development standards for lot size, floor space ratio and building height to be consistent with the those on adjoining residential lots.

The site is currently used to provide vehicular access to 10, 12, 14, and 16 Copeland Street. Council has prepared this planning proposal in response to recent consolidation of ownership of the adjacent residential lots at 10-16 Copeland Street and 7-13 Castlereagh Street and has proposed for the closure of access from Copeland Street.

Council anticipates that the consolidated sites will be developed into residential flat buildings, consistent with the surrounding R4 High Density Residential zoned land. Council has advised that in the event of residential development on these lots, it will require vehicular access to be from Castlereagh Street only. The proposed road closure (access from Copeland Street) will be implemented once the effected lots are redeveloped.

PP Number : **PP_2015_LPOOL_008_00**

Dop File No :

15/15680

Proposal Details

Date Planning : **12-Oct-2015**

Proposal Received :

LGA covered :

Liverpool

Region : **Metro(Parra)**

RPA :

Liverpool City Council

State Electorate : **LIVERPOOL**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Adjacent to 10-16 Copeland Street and 93-95 Campbell Street**

Suburb : **Liverpool**

City : **Liverpool**

Postcode : **2170**

Land Parcel :

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 (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 10 December 2015, and no records on the Department's Lobbyist Contract Register regarding this matter.**

Supporting notes

Internal Supporting
Notes : **Additional Information**

The planning proposal was received on 12 October 2015 by the regional team. Further information was sought from Liverpool Council and received on 4 December 2015.

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 Secretary 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 Secretary is required to disclose all reportable political donations (if any).

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

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The planning proposal seeks to amend Liverpool Local Environmental Plan 2008 to enable the amalgamation and redevelopment of 860 square metres of Copeland Street (adjacent to 10-16 Copeland Street and 93-95 Campbell Street), Liverpool for high density residential development by rezoning the site from SP2 Classified Road to R4 High Density Residential zone.

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

Is an explanation of provisions provided? **Yes**

Comment : Council has provided an explanation and relevant maps for the proposed amendment.

The objectives of the planning proposal will be achieved by amending the following Liverpool LEP maps:

Land Zoning Map – Sheet LZN_0011 (Changing the zoning from SP2 Classified Road to R4 High Density Residential zone).

Lot Size Map – Sheet LSZ_011 (Applying a minimum lot size of 1000 square metres to the subject site, consistent with the minimum lot size for the adjacent residential land).

Floor Space Ratio Map – Sheet FSR_011 (Applying a minimum floor space ratio of 2.0:1 to the subject site, consistent with the maximum floor space ratio for the adjacent residential land).

Height of Buildings Map – Sheet HOB_0011 (Applying a maximum building height of 35 metres to the subject site, consistent with the maximum building height for the adjacent residential land).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

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 :

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

If No, explain :

S117 DIRECTIONS:

3.1 RESIDENTIAL ZONES

This direction applies when a planning proposal affects an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary of the Department of Planning and Environment is required if the reduction in density is involved.

This direction applies as the planning proposal proposes to rezone the site from SP2 Classified Road to R4 High Density Residential zone.

The planning proposal is consistent with this Direction as by making available additional land for residential development, the rezoning will not reduce current residential densities.

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 is the objective 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.

The proposal is considered to be consistent with the direction as the site is well situated along a major road with access to public transport.

4.3 FLOOD PRONE LAND

This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

This direction applies as the site is subject to the 1% Annual Exceedance Probability (AEP) (1 in 100 year) flood from a nearby creek (flood risk map in Documents). Council has advised it had however implemented a number of flood mitigation works to alleviate flooding in the area. These works are near completion and once finished, will result in the subject land and surrounding areas being flood free.

The planning proposal is not consistent with the direction. It is recommended that Council formally consult with Office of Environment and Heritage and prepare and submit a Floodplain Risk Management Plan in accordance with the principles and guidelines of the Floodplain Development Manual 2005 prior to the plan being exhibited. The Flood Risk Management Plan is to ensure flood mitigation measures, infrastructure or services to be implemented for the proposed high density residential on

the site as well as protect flood impacts on other properties.

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 Secretary of the Department of Planning and Environment.

The draft plan proposes to rezone the site from SP2 Classified Road to R4 High Density Residential zone to facilitate the possible future sale of the land to adjoining landowners to comprise part of any future residential development on the adjacent lots. The site is in the ownership of Liverpool Council. Therefore, the proposal satisfies the requirement of the Direction that the relevant authority has approved of the rezoning and given the circumstances any inconsistency is considered to be minor. The approval of the Secretary is recommended in this report, to satisfy the Direction.

7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The planning proposal is considered to be consistent with "A Plan for Growing Sydney".

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided the following maps:

1. Aerial view of the site
2. Existing Land Zoning Map
3. Flood risk map
4. Draft Land Zoning Map
5. Draft Floor Space Ratio Map
6. Draft Height of Building Map
7. Draft Minimum Lot Size Map

It is considered that the maps are adequate for consultation purposes. Council has advised there are no property details for the subject land. It is recommended a key sites map be prepared to identify the land in reference to other draft development control maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : Council has advised that the Gateway Determination will specify the community consultation period. Given the nature of the planning proposal, it is recommended that it should be placed on public exhibition for a minimum of 14 days.

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 : Liverpool LEP 2008 is a Standard Instrument LEP. The planning proposal is to amend the Liverpool LEP 2008.

Assessment Criteria

Need for planning proposal :

BACKGROUND AND PROPOSAL

The planning proposal applies to part of Copeland Street, Liverpool adjacent to 10, 12, 14, and 16 Copeland Street and 93-95 Campbell Street, Liverpool (aerial map in Documents).

The site is zoned SP2 Classified Road and located on the western edge of Liverpool City Centre. It has an area of 860 square metres. The land is triangular in shape, extending approximately 110 metres north-south adjacent to the Copeland Street carriageway and is 12 metres in width at its widest point.

The adjacent lots to the east are zoned R4 High Density Residential, with a building height limit of 35 metres and a maximum floor space ratio of 2.0:1. Number 10, 12, 14 and 16 Copeland Street contain detached dwellings and construction of a residential flat building is nearing completion at 93-95 Campbell Street.

Consistent with this development and similar development occurring on R4 High Density Residential zoned land in the immediate vicinity, Council anticipates that the lots presently containing the detached dwellings will also be developed into residential flat building in the future.

In 2014, Council proposed the closure of part of Copeland Street, Liverpool (the subject land). The subject land is owned by Council and is currently used to provide vehicular access to 10, 12, 14, and 16 Copeland Street. Council has advised that the proposed road closure will be implemented only in the event of a redevelopment of the lots. The proposal will remove access to the lots from Copeland Street and permit access from Castlereagh Street only. The proposal will facilitate the possible future sale of this land to adjoining landowners to comprise part of any future residential development on the adjacent lots.

In January 2015, in accordance with the Roads Act 1993, Council conducted a public consultation. No objections were raised by the landowners and the agencies consulted.

Council has advised that no Lot and DP numbers are available for the site. It is therefore recommended that Council be asked to identify the site on the Key Sites map.

Consistency with strategic planning framework :

METROPOLITAN STRATEGY

A PLAN FOR GROWING SYDNEY

The planning proposal is considered to be of minor significance in context of the A Plan for Growing Sydney. The planning proposal is considered to be not inconsistent with the goals and actions of the Plan as the proposed additional uses will service the surrounding employment lands, which will help in creating a competitive economy and in transforming the productivity of Western Sydney through growth and investment.

The proposed R4 High Density Residential zone on the site is also considered to be consistent with the guiding principles for the South West Region in the "A Plan for the Growing Sydney" as it will facilitate housing supply along a key public transport corridor.

Environmental social
economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The site does not contain threatened species, critical habitat, ecological communities or their habitat. The planning proposal therefore will not result in any adverse impacts to those species, communities or habitats.

The planning proposal will not result in negative environmental effects. The site is presently subject to medium flood risk but will, as a result of flood mitigation works, which is nearing completion, become flood free. However, it is recommended that Council formally consult with Office of Environment and Heritage and prepare and submit a Floodplain Risk Management Plan in accordance with the principles and guidelines of the Floodplain Development Manual 2005 prior to the plan being exhibited. The Flood Risk Management Plan will ensure that the subject land and surrounding areas are flood free.

The planning proposal will have positive social and economic benefits as it will provide additional residential land in close proximity to jobs, services and public transport.

Assessment Process

Proposal type : **Minor** Community Consultation **14 Days**
Period :

Timeframe to make **12 months** Delegation : **RPA**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**
: **Sydney Water**
: **Telstra**
: **Transgrid**

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
Proposal Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Locattion and Curren zoning Maps.pdf	Map	Yes

Aerial view of the site.pdf	Map	Yes
Flood risk - Copeland Street, Liverpool.pdf	Map	Yes
Draft Maps.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 6.2 Reserving Land for Public Purposes
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **RECOMMENDATION**

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

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be publicly exhibited for 14 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 the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. The Secretary's delegate pursuant to: the item(4) of the Section 117(2) Direction – 6.2 Reserving Land for Public Purposes, agrees that a reduction of SP2 Classified Road zoned land is of minor nature.

3. Council is to prepare and submit a Floodplain Risk Management Plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005 prior to plan being exhibited.

4. Council is to identify the site on the Key Sites Map.

5. 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:

Endeavour Energy
Road and Maritime Services
Office of Environment and Heritage
Sydney Water
Telstra

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

6. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

DELEGATION TO COUNCIL

Liverpool City Council has requested plan making functions be delegated to Council in this instance. Given the minor nature of the planning proposal, it is recommended that delegations of the Plan Making functions be given to Council in this instance.

Supporting Reasons : The planning proposal is supported, as it will facilitate development that will contribute additional housing and housing diversity along a key transport corridor.

Signature:



Printed Name:

CHO CHO MCINTOSH

Date:

11/1/16

