

Planning Proposal

Liverpool Local Environmental Plan 2008

Draft Amendment No. 53

**Rezone part Copeland Street, Liverpool
(adjacent to 10-16 Copeland Street and 93-95
Campbell Street)**

September 2015

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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 Environment's guide to preparing planning controls.

In late 2014 Council proposed the closure of part of Copeland Street, Liverpool (the 'subject land') adjacent to 10-16 Copeland Street and 93-95 Campbell Street. The subject land is owned by Council and currently used to provide vehicular access to 10, 12, 14 and 16 Copeland Street.

These lots, and adjoining properties to the east fronting Castlereagh Street, are zoned R4 High Density Residential and expected to be amalgamated for development of residential flat buildings in the future, consistent with development occurring on R4 zoned land in the immediate vicinity. The proposed road closure, to only be implemented in the event of a redevelopment of the lots, will remove access to the lots from Copeland Street and permit access from Castlereagh Street only. It will then facilitate the possible future sale of this land to adjoining landowners to comprise part of any future residential development on the adjacent lots.

Public consultations on the proposed road closure were held by Council in January and February 2015, in accordance with the *Roads Act 1993*. Roads and Maritime Services (RMS) and landowners raised no objections to the road closure.

At its meeting on 29 April 2015, Council subsequently resolved to proceed with the road closure and to rezone the land from SP2 Classified Road to R4 High Density Residential through an amendment to Liverpool Local Environmental Plan (LLEP) 2008.

In order to incorporate this rezoning, a number of ancillary mapping amendments are also proposed. These changes will align the controls on the subject land with those applying to the adjacent residential lots to allow development consistent with that on the adjacent lots. The changes are:

<i>LEP Maps to be Amended</i>	<i>Map Reference</i>	<i>Proposed Change</i>
Land Zoning	4900_COM_LZN_011_005_20110405	R4 High Density Residential
Lot Size	4900_COM_LSZ_011_005_20110405	U 1000sqm
Floor Space Ratio	4900_COM_FSR_011_005_20120201	T 2.0
Height of Building	4900_COM_HOB_011_005_20110405	V 35m

Site Identification

This planning proposal applies to part of Copeland Street, Liverpool, adjacent to 10, 12, 14 and 16 Copeland Street and 93-95 Campbell Street.

The subject land is zoned SP2 Classified Road and located on the western edge of Liverpool city centre, with a total area of approximately 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. 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 zoned land in the immediate vicinity, it is anticipated that the lots containing the detached dwellings will also be developed into residential flat buildings in the future.

Figure 1 Aerial view, showing the site for rezoning marked in red



Figure 2 Current zoning for the site pursuant to Liverpool LEP 2008

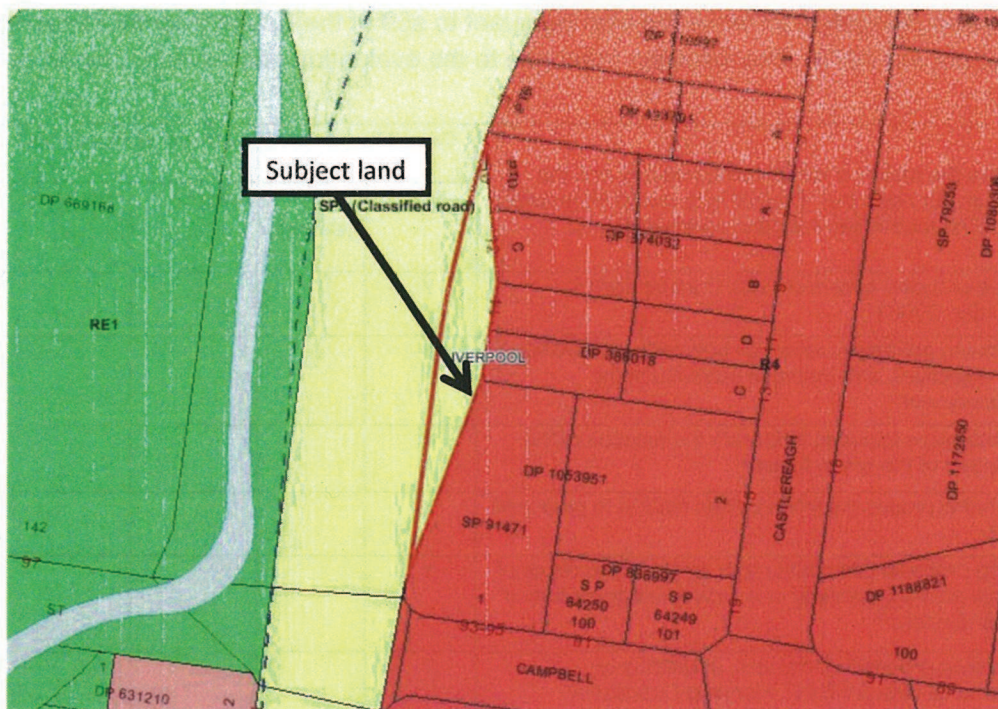
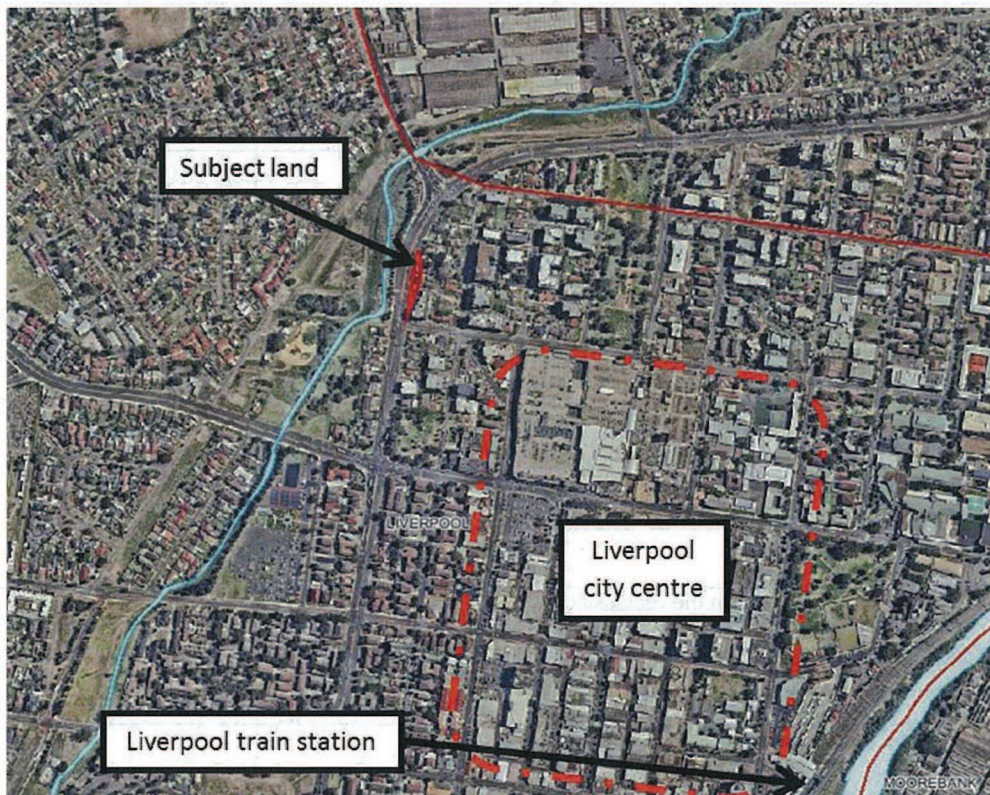


Figure 3 Site context within Liverpool



Delegation of Plan Making Function to Council

Council requests delegation to make the plan pursuant to s59 of the Environmental Planning and Assessment Act 1979. The following response to the evaluation criteria is in support of this request:

(NOTE – where the matter is identified as relevant and the requirement has not been met, Council is to attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not Relevant	Agree	Not Agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		

Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and, if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters	Y/N			
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?	N			

Part 1 - Objectives

The objective of the planning proposal is to enable the amalgamation and redevelopment of 860 square metres of Copeland Street, Liverpool, for high density residential, by rezoning the site from SP2 Classified Road to R4 High Density Residential following formal closure of the access road by Roads and Maritime Services (RMS).

The subject land is located on the western edge of Liverpool city centre and currently forms an access road for adjacent residential properties at 10-16 Copeland Street. The subject site 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.

Part 2 - Explanation of Provisions

The proposed outcome will be achieved by amending the relevant LLEP 2008 maps for the subject site:

LLEP 2008 map	Explanation of provision	Proposed change
Land Use Zoning LZN-011 4900_COM_LZN_011_005_20110405	Rezone the subject site from SP2 Classified Road to R4 High Density Residential, consistent with the land use zone for the adjacent residential land	R4 High Density Residential
Lot Size FSR-011 4900_COM_LSZ_011_005_20110405	Apply a minimum lot size of 1000 square metres to the subject site, consistent with the minimum lot size for the adjacent residential land	U (1000sqm)
Floor Space Ratio HOB-011 4900_COM_FSR_011_005_20120201	Apply a maximum floor space ratio of 2.0:1 to the subject site, consistent with the maximum floor space ratio for the adjacent residential land	T (2.0)
Building Height LSZ-011 4900_COM_HOB_011_005_20110405	Apply a maximum building height of 35 metres to the subject site, consistent with the maximum building height for the adjacent residential land	V (35m)

Part 3 - Justification

A. Need for the planning proposal

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

This planning proposal is not the result of any strategic study or report. It has been identified by Council staff in response to recent consolidation of ownership of the adjacent residential lots at 10-16 Copeland Street and 7-13 Castlereagh Street. Council anticipates that the consolidated sites will be developed into residential flat buildings, consistent with development occurring on other R4 zoned land in the immediate vicinity.

In the event of residential flat building development on these lots, Council will permit vehicular access to the lots from Castlereagh Street only. As a result, the subject land will no longer be needed as an access road to Copeland Street. The access road can therefore be closed and rezoned R4 High Density Residential, consistent with the land use zone of the adjacent residential lots, to facilitate its potential sale to the adjoining landowners to comprise part of any future residential development on their lots. Note that Council will not finalise the road closure until such time as the adjoining lots that presently rely on access to Copeland Street are redeveloped.

With a view to amalgamating the subject site with the adjacent residential lots, Council has commenced the process of formally closing the service road. In accordance with the *Roads Act 1993*, public consultation on the proposed road closure was undertaken in January and February 2015. The only objection received was from Endeavour Energy, which requested an easement over existing underground cables within the road area. Council will accommodate this within the road closure plan and via a section 88B instrument. RMS indicated no objection to the proposed closure of the access road.

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

Amending the principal development standards on the subject site to be consistent with those of the adjacent residential lots is the best means of enabling amalgamation and redevelopment of subject site. It will enable the subject site to be sold by Council and integrated into future residential flat building development on their lots.

B. Relationship to Strategic Planning Framework

3. 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)?

The proposed rezoning of the subject site will provide approximately 830 square metres of additional residential land in Liverpool, facilitating higher density residential development

within a strategic centre close to jobs, public transport and services. It is consistent with *A Plan for Growing Sydney* and priorities for the South West subregion, as discussed below.

A Plan for Growing Sydney

Rezoning part of Copeland Street, Liverpool, to allow the site to be used for high density residential development is in accordance with a number of Directions and Actions of *A Plan for Growing Sydney*:

- Direction 1.7: Grow strategic centres – providing more jobs closer to home
 - Action 1.7.1: *Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity* seeks to unlock developable land in strategic centres for redevelopment, including higher density development.
 - Action 1.7.4: *Continue to grow Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities* identifies Liverpool as a focus for additional housing.
- Direction 2.1: Accelerate housing supply across Sydney
 - Action 2.1.1: *Accelerate housing supply and local housing choices* identifies centres close to jobs and serviced by public transport as the most suitable areas for urban renewal, including increased housing supply.
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs
 - Action 2.2.1: *Use the Greater Sydney Commission to support Council-led urban infill projects* outlines support for small-scale Council-led efforts to lift housing production around local centres.
- Direction 3.1: Revitalise existing suburbs

This direction prioritises the delivery of housing in or near centres in established urban areas to enable more people live close to jobs, services and transport.

South-West Subregion

A subregional strategy outlining Directions and Actions for the South West subregion has not yet been finalised, however *A Plan for Growing Sydney* sets guiding priorities for the subregion. The planning proposal addresses with the following priority:

- Identify suitable locations for housing, employment and urban renewal – particularly around established and new centres and along key public transport corridors.

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

Liverpool's community strategy, *Growing Liverpool 2023*, is a 10-year plan that sets the future strategic directions for Liverpool and influences its future growth. The planning proposal is consistent with the following strategies set out in the document:

- Direction 2a, which seeks to “*deliver an efficient planning system which embraces sustainable urban renewal and development*”. This proposal will facilitate sustainable urban development of the site, by providing an additional 830 square metres of high density residential land in close proximity to jobs, services and public transport. It will also help reduce instances of urban encroachment for additional housing in rural parts of Liverpool LGA, albeit to a minor extent.
- Direction 2d, which seeks to “*facilitate diverse and more affordable housing options*”. The proposal will make available land for the development of additional high density housing in Liverpool city centre.

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

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

6. 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 Direction Residential Zones	This direction states that Draft LEPs are not to reduce the current residential densities unless they provide for a variety of housing forms or increase the permissible residential density of land.	The proposal is consistent with this Direction. By making available additional land for residential development, the rezoning will not reduce current residential densities.	Yes
3.4 Integrating Land Use and Transport	This direction aims to ensure that land uses provide good access to housing, jobs, services and transport infrastructure including walking and cycling, parks and public transportation. To reduce the travel time to get to and from places by car and ensure that public transport is viable.	The site's location and access to public transport, cycling, walking and main road infrastructure, employment and services in Liverpool city centre is consistent with this direction.	Yes
4.3 Flood Prone Land	This direction requires development of flood prone land to be consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and to ensure that LEP	The site is presently subject to the 1% AEP (1 in 100 year) flood from Brickmakers Creek. However, Council has implemented a number of flood mitigation works to alleviate flooding. These works are	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
	provisions are commensurate with flood hazard and potential flood impacts. A planning proposal may be inconsistent with this direction if the proposal is in accordance with a floodplain risk management plan or the inconsistency is of minor significance.	nearing completion and, once finished, will result in the subject land and surrounding areas being flood free. For the assessment of the proposal, Council therefore considers that the site is not affected by the 1% AEP flood, and the proposal is thus consistent with this Ministerial Direction.	
7.1 Metropolitan Planning	This direction requires that planning proposals are consistent with the NSW Government's A Plan for Growing Sydney, published in December 2014.	As set out in Part 3(B)(3), the planning proposal is consistent with the overall intent of A Plan for Growing Sydney and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	Yes

C. Environmental, social and economic impact

7. 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?

The subject site is not identified as containing threatened species, critical habitat, ecological communities or their habitat. It is therefore not likely that the planning proposal will result in any adverse impacts to these species, communities or habitats.

8. 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 is not likely to result in negative environmental effects.

As described earlier, the site is presently subject to medium flood risk but will, as a result of flood mitigation works nearing completion, become flood free.

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

The planning proposal will have positive social and economic benefits, albeit of a marginal scale given the small size of the subject site.

Positive social effects will arise by:

- Providing additional residential land in close proximity to jobs, services and public transport; and
- Utilising the R4 High Density Residential zone, consistent with the surrounding land uses.

Permitting residential uses on the site will also provide positive economic effects on existing businesses in Liverpool. The additional residents will contribute to and potentially strengthen the long-term viability of nearby retail facilities in Liverpool city centre.

The planning proposal will facilitate development that contributes additional housing and potential housing diversity for a population that is recognised to be increasing and changing in its accommodation needs. The proposal will provide additional employment opportunities, including short term employment during the construction phase, and will not cause unacceptable social or amenity impacts to the surrounding community.

D. State and Commonwealth interests

10. 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. Should the rezoning proceed, developer contributions could be payable to Council to augment community facilities and services.

In respect of public transport, the subject site is located in close proximity to public transport stops, including Liverpool train station and stops on the local bus network. The proposal will support service improvements, including more frequent services.

The modest size of the site and consequent potential residential development yield will provide a negligible increase in traffic movements on the local road network.

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

Once a Gateway determination is made by the Department of Planning and Environment, it will stipulate which public authorities need to be consulted for this planning proposal.

It should be noted that public consultation was undertaken in January and February 2015 on the associated closure of part of Copeland Street, and in accordance with requirements of the *Roads Act 1993*. As part of the public consultations, letters were sent to all adjoining owners and public authorities including the Department of Planning and Environment, Transgrid, Endeavour Energy, Roads and Maritime Services, Sydney Water, the Office of Environment and Heritage and the NSW Rural Fire Service.

The only objection raised was by Endeavour Energy, which requested an easement over existing underground cables within the road area. Council has already undertaken to accommodate this request within the road closure plan and via a Section 88B instrument.

Part 4 – Maps

Four LLEP 2008 maps would require amendment in association with the rezoning of the subject site. Details of the amendments to the maps are set out in Part 2. The changes to each map are illustrated on the following pages.

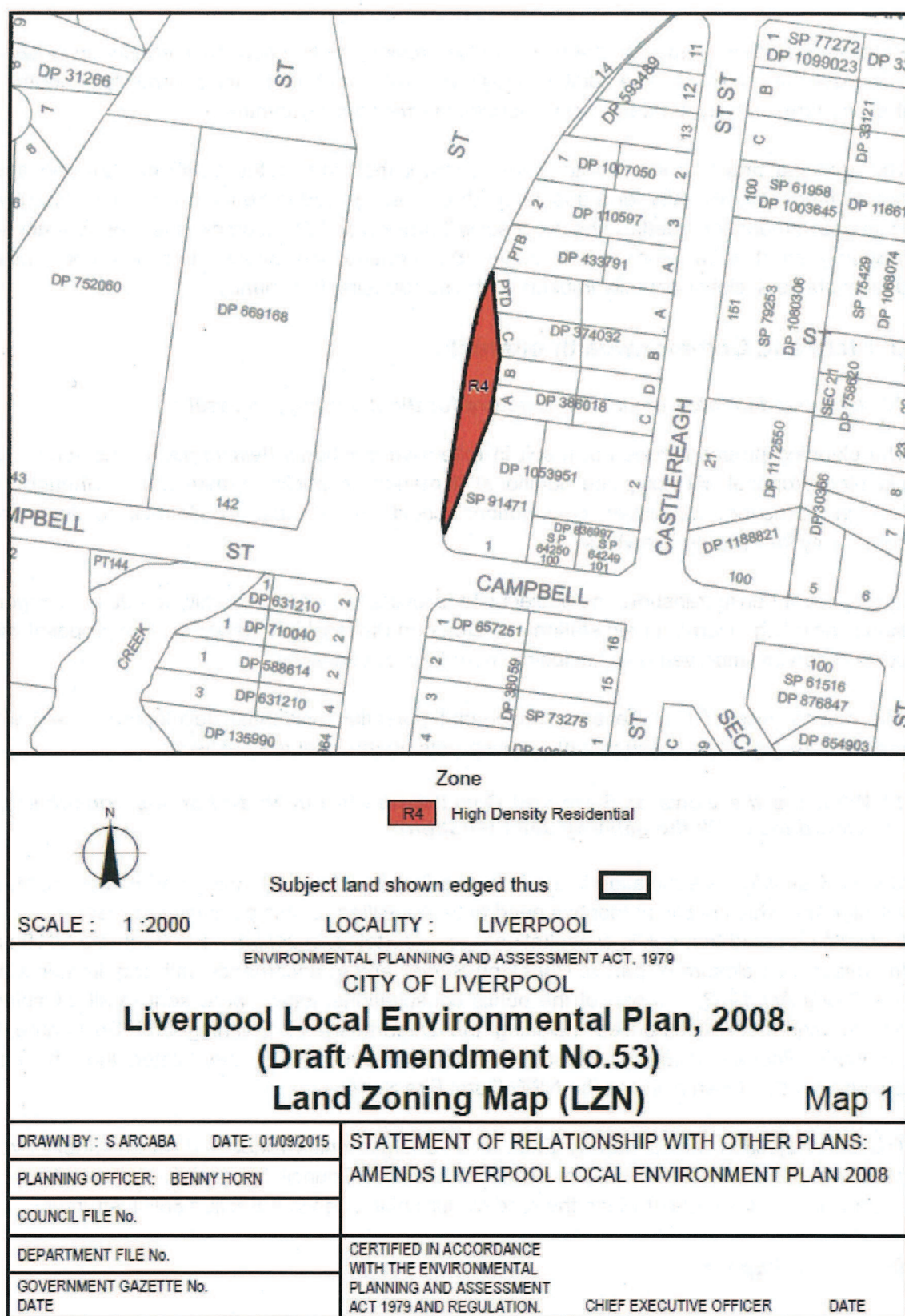


Figure 4 Proposed amendment to LZN-011

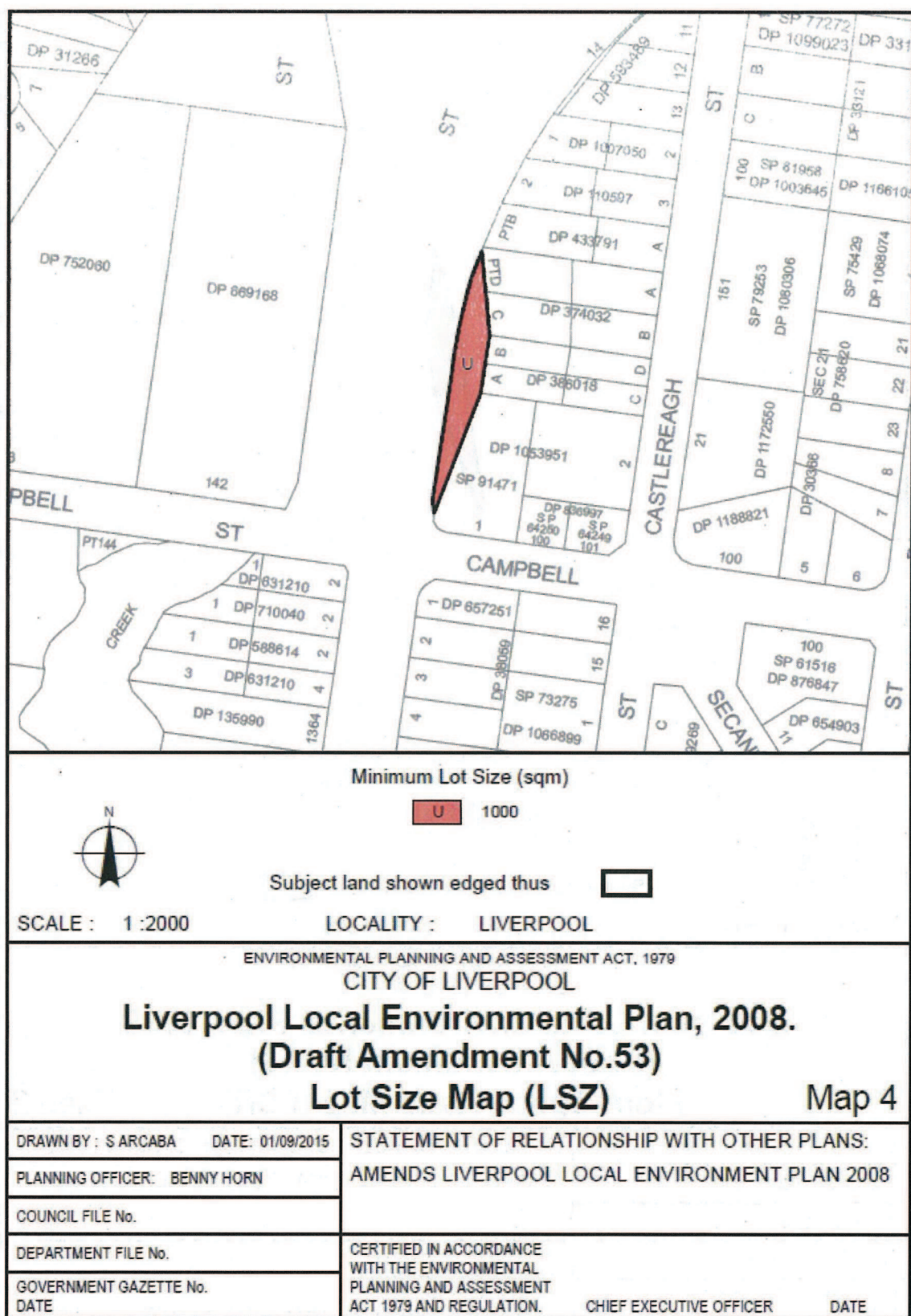


Figure 5 Proposed amendment to LSZ-011

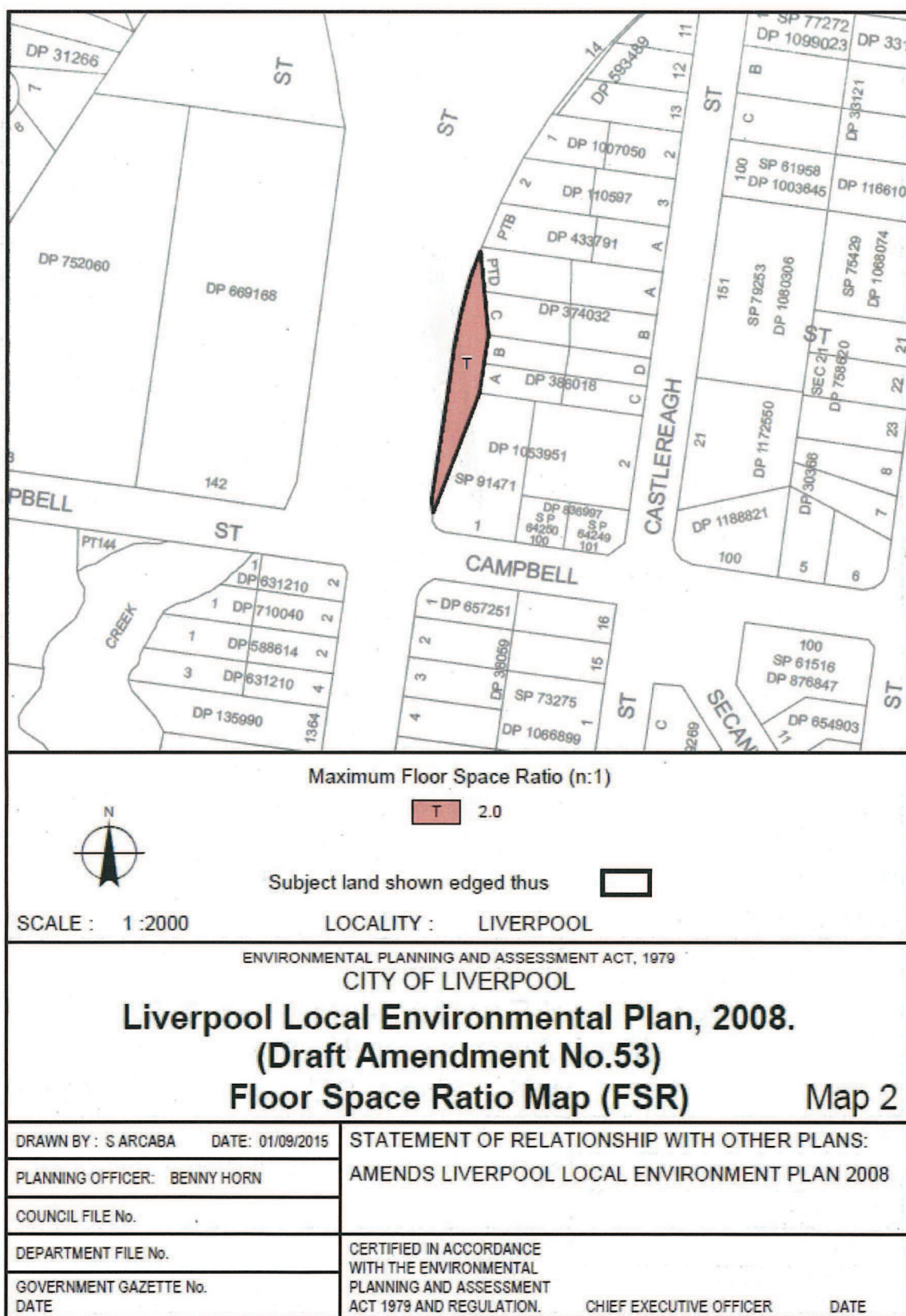


Figure 6 Proposed amendment to FSR-011

Part 5 - Community Consultation

The Gateway determination will specify the requirements for community consultation.

Part 6 – Project Timeline

Timeframe	Action
Late October 2015	Receive Gateway Determination
November 2015	Public authority consultation
December 2015	Public exhibition
January 2016	Review of submissions, Seek PC Opinion
February 2016	Report to Council
March 2016	Legal drafting and finalisation of LEP