

Department of Planning
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Scanning Room

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Date: 5 May 2010

Mr Peter Goth
Regional Director, Sydney West
Department of Planning
GPO Box 5020
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Dear Mr Goth

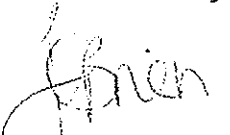
**RE: Draft Liverpool Local Environmental Plan (Amendment No. 8)
39 Newbridge Road, Chipping Norton.**

I am writing in regards to Item 1 of Amendment 8 to Liverpool LEP 2008. Please be advised that contrary to previous advice provided to the Department, Lot 12 DP 17134, 39 Newbridge Road, Chipping Norton is no longer in the process of being acquired by Liverpool City Council. Further the property is not likely to be purchased by Council in the near future.

The Planning Proposal and relevant mapping has been updated to reflect that only 24 Rickard Road and 58 Rickard Road have been identified for acquisition under the Moorebank Floodway Voluntary Acquisition Scheme. No acquisition mapping needs to be amended for the two properties as they are owned by Council.

Should you have any questions or require further information, please call Priya Uppal, Strategic Planner on 9821 9275.

Yours sincerely


Tanya O'Brien
Manager Strategic Planning



The First Macquarie Town

Planning Proposal - Liverpool LEP 2008 Amendment No. 8

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's guide to preparing planning controls. A gateway determination under Section 56 of the Act is requested.

Part 1 – Objectives

The objective of this planning proposal is to address a number of rezoning requests received from either private landholders, government authorities or stipulated within previous resolutions of Council. Further, some errors have been noted in the LEP in which the rectification is proposed within the list of amendment.

Part 2 – Explanation of provisions

A number of amendments are proposed to Liverpool LEP (LLEP) 2008, particularly in respect to the LEP maps. The requested amendments to LLEP 2008 are described as follows:

- LEP Change 1: Council resolved on 24th August 2009, to acquire 24 Rickard Road as part of the ongoing Moorebank Voluntary Acquisition Scheme (MFVAS). Council is acquiring this land as the properties are flood prone. In addition, council's property manager advised that 58 Rickard Road is to be acquired under the MFVAS.

The properties specified above need to be rezoned from R2 Low Density Residential to RE1 Public Recreation so as to allow Council to demolish the residential dwellings and prohibit any further residential uses on the flood prone land. The two (2) subject properties are owned by Council.

Required LEP change: Amend the relevant Land Zoning, Floor Space Ratio, Height of Building and Lot Size Maps for these properties.

- LEP Change 2: Update the lot descriptions of properties within the LEP Heritage Schedule (Schedule 5) as a result of recent subdivisions.

Required LEP change: Amend Schedule 5 of LLEP 2008. Please refer to attachment for further details.

- LEP Change 3: Increase the Floor Space Ratio from 0.1:1 to 0.15:1 for approximately 8 hectares of land along Zouch Road Edmondson Park. The increase in floor space ratio will allow for a scale of development consistent with the adjoining suburb of Denham Court.

Required LEP change: Amend the corresponding Floor Space Ratio maps.

- LEP Change 4: Council is no longer seeking to extend Ingham Drive to the southern side of the Hume Highway at Casula. Council therefore seeks to rezone Part of Lot 35 DP 651316 and Lot 36 DP 661567 from B1 Neighbourhood Centre and SP2 Infrastructure to R2 Low Density Housing with the intention of selling the land.

Required LEP change: Amend the relevant Land Zoning, Floor Space Ratio, Height of Building and Lot Size Maps for the subject sites.

- LEP Change 5: Rezone 49 Medley Avenue Liverpool from RE2 Private Recreation to R2 Low Density Residential to rectify an error that occurred during the drafting of Liverpool LEP 2008. In order to control any future development of that parcel, the corresponding Minimum Lot Size, Height of Buildings and Floor Space Ratio LEP maps will also be updated.

Required LEP change: Amend the relevant Land Zoning, Floor Space Ratio, Height of Building and Lot Size Maps for the property.

- LEP Change 6: The Roads and Traffic authority has written to council requesting that any future draft Local Environmental Plans are updated with the amended RTA road boundaries for the M5 motorway. It is recommended that the LZN maps and corresponding Floor Space Ratio, LSZ and HOB are updated accordingly to reflect the new road boundaries.

Required LEP change: Amend the corresponding Land Zoning, Floor Space Ratio, Height of Building and Lot Size Maps.

- LEP Change 7: The NSW Government Land and Property Management Authority have informed Council of the creation of Lot 7307 DP1146730. The lot was created to include the Liverpool weir which crosses the Georges River east of Liverpool rail station. It is proposed that the lot is zoned RE1 Public Recreation in order to match the adjoining zoning of Light Horse Park.

Required LEP change: Amend the relevant Land Zoning Map.

Part 3 – Justification

A. Need for the planning proposal.

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

The draft Local Environmental Plan is not a result of any strategic study or report. The amendment has been undertaken in order to address anomalies and to update zoning and other development standards in line with requests received from government authorities such as the Roads and Traffic Authority.

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

Amending Liverpool Local Environmental Plan 2008 is the only means to achieve the intended outcomes.

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

The net community benefit includes the correct interpretation of Council's Local Environmental Plan 2008.

The net community benefit outweighs the cost of implementing and administering the planning proposal. The amendment has been undertaken in order to address anomalies and to update the zoning and development controls for land within the LGA.

B. Relationship to strategic planning framework.

- 1. 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 draft Local Environmental Plan is not inconsistent with the objectives and actions contained within the Sydney Metropolitan Strategy and draft Southwest Subregional Strategy.

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

The draft Local Environmental Plan is not inconsistent with Council's strategic plans.

- 3. Is the planning proposal consistent with the applicable state environmental planning policies?**

The draft Local Environmental Plan is not inconsistent with the applicable state environmental planning policies.

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

The planning proposal is consistent with the following applicable Ministerial directions (s.117 directions):

- Business and Industrial zones
- Environmental Protection Zones
- Heritage Conservation
- Residential Zones
- Integrating Land Use and Transport
- Flood Prone Land
- Planning for Bushfire Protection
- Approval and Referral Requirements
- Reserving Land for Public Purposes
- Site Specific Provisions
- Implementation of the Metropolitan Strategy

The Environmental Planning and Assessment Act 1979 allows scope to be inconsistent with the terms of this direction if the planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposals that are inconsistent with the terms of the direction are of minor significance.

C. Environmental, social and economic impact.

- 1. 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 proposed amendments to the draft Local Environmental Plan are unlikely to affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

There are no environmental effects from this Draft Local Environmental Plan. The amendment has been undertaken in order to rectify anomalies within the document.

- 3. How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal meets the social and economics objectives of the area.

D. State and Commonwealth interests.

- 1. Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not increase the demand for public infrastructure.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The requirements to engage State authorities and public exhibition are detailed by the Minister for Planning at the gateway Determination.

If Council proceeds to progress the LEP Amendment, Council will write to the Department of Planning seeking gateway determination.

Part 4 – Community Consultation

Council proposes that the LEP is publically exhibited in accordance with the Environmental Planning and Assessment Act 1979 and the Gateway Determination.

After the resolution of Council, the planning proposal will be sent to the Department of Planning for consideration and gateway determination. The determination will stipulate which authorities are to be consulted and the duration of any public exhibition. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and on Liverpool City Council's website.

During the public exhibition period, the following material will be made available for inspection:

- The planning proposal as amended by recommendations of the Director General of the Department of Planning;
- The Gateway Determination; and
- Any studies relied upon by the Planning Proposal.