

Planning Services

Gateway Determination Report

LGA	Liverpool
RPA	Liverpool City Council
NAME	The Planning Proposal seeks to amend the Liverpool Local Environmental Plan 2008 to reclassify 4 land parcels from 'Community' to 'Operational' and rezone one land parcel from RE1 Public Recreation to R2 Low Density Residential under Liverpool LEP 2008.
NUMBER	PP_2017_LPOOL_002_00
LEP TO BE AMENDED	Liverpool Local Environmental Plan 2008
ADDRESS/ DESCRIPTION	Site 1 - 6 Moore Street, Liverpool (Lot 102 DP 1151429) Site 2 – Bernera Road, Prestons (Lot 154 DP 867979 and Lot 3046 DP 869842) Site 3 – 24 Atkinson Street, Liverpool (Part Lot 78 DP 27242) Site 4 – Forcett Close, West Hoxton (Part Lot 1001 DP 1006332)
RECEIVED	3 August 2017
FILE NO.	17/10753-1
QA NUMBER	qA416406
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal at Attachment A seeks to amend the Liverpool Local Environmental Plan 2008 to reclassify 4 underutilised Council owned land parcels from 'Community' to 'Operational' and rezone one land parcel from RE1 Public Recreation to R2 Low Density Residential under Liverpool LEP 2008.

As shown in the Table 1 attached, 3 of the land parcels are public reserves and will require public reserve status to be discharged. The planning proposal is to facilitate the sale of the land and the proceeds from the sale to be returned to either S94 Contributions Fund or General Property Reserve which helps fund for additional community facilities and infrastructure.

Council's response to information as required in the Department's LEP Practice Note PN 16-001 Classification and Reclassification of Public Land through a Local Environmental Plan at Annexure 1 of the planning proposal at Attachment A.

Site Description

The location of each of the sites are as below.

Site 1 - 6 Moore Street, Liverpool (Lot 102 DP 1151429)

The land (537sqm) is currently vacant and was previously used as a car park. It is located opposite Bigge Park, about 420m from Liverpool Train Station. The site adjoins a commuter car park at Liverpool Train Station and is located adjacent to TAFE NSW South Western Sydney Institute - Liverpool College.



Site 1 - 6 Moore Street, Liverpool

Site 2 – Bernera Road, Prestons (Lot 154 DP 867979 and Lot 3046 DP 869842)

The land (336sqm) at Bernera Road comprises of two lots. The site is a two metre wide, narrow strip of land and adjoins residential developments to the west and a vacant B1 zoned land at the corner of Bernera Road and Kurrajong Road. The size of the site is severely restricted for any future use. The planning proposal is to facilitate the site to be redeveloped in conjunction with the adjoining B1 zoned land.



Site 2 - Bernera Road, Prestons

Site 3 – 24 Atkinson Street, Liverpool (Part Lot 78 DP 27242)

The triangular shaped lot (270sqm) adjoins the railway corridor to the east. It has no direct frontage to Atkinson Street or McGowen Crescent and is undesirable for open space, has limited potential and is not used by Council. The planning proposal is to facilitate the sale of the site.



Site 3 - 24 Atkinson Street, Liverpool

Site 4 – Forcett Close, West Hoxton (Part Lot 1001 DP 1006332)

The site is a small portion of the site (215sqm) on the western boundary of the Council owned open space land. An electricity tower and easement are located to the east. The site is unutilised by Council. Council resolved to sell the subject land to the adjoining land owner at 22 Forcett Close whose improvements have encroached onto the subject site. No interest on the land is proposed to be discharged.

The reclassification and rezoning of the site from RE1 to R2 Low Density Residential zone would have minimal impact on the overhead transmission line easement.



Site 4 – Forcett Close, West Hoxton

Summary of Recommendation

It is recommended that the proposal proceed with conditions given that:

- Council has satisfactorily addressed all requirements in the Department's LEP Practice Note PN 16-001 Classification and Reclassification of Public Land through a Local Environmental Plan;
- the zoning and development standards for the sites, with the exception of Forcett Close, West Hoxton will remain unchanged;
- the proposal is unlikely to place significant pressure or demand on existing public infrastructure or place additional pressure on existing social infrastructure; and
- the proposal will have positive social impacts as it will facilitate the sale of unutilised/surplus Council owned lands and enable Council to use the funds for upgrade and provision of public amenities and facilities within the LGA.

PROPOSAL

Objectives or Intended Outcomes

The Planning Proposal seeks to amend the Liverpool Local Environmental Plan 2008 to reclassify 4 Council owned land parcels from 'Community' to 'Operational' and rezone one land parcel from RE1 Public Recreation to R2 Low Density Residential under Liverpool LEP 2008.

Council advises that the proposal will provide Council with the flexibility to respond to future development opportunity within the Liverpool City Centre (i.e. 6 Moore Street, Liverpool) and enable the sale of underutilised Council's land (i.e. Bernera Road, Prestons).

The net proceeds of the sale is to be directed into the General Property Reserve or the relevant Section 94 Contribution Plan which would allow Council to enhance existing infrastructures and amenities and/or provide additional public facilities and open spaces within the Liverpool LGA.

Explanation of Provisions

The Planning Proposal seeks to amend LLEP 2008 to reclassify the following lands from 'Community' to 'Operational':

- 6 Moore Street, Liverpool (Lot 102 DP 1151429);
- Bernera Road, Prestons (Lot 154 DP 867979 and Lot 3046 DP 869842);
- 24 Atkinson Street, Liverpool (Part Lot 78 DP 27242); and
- Forcett Close, West Hoxton (Part Lot 1001 DP 1006332).

Only Public Reserve status of land is to be discharged. It is proposed the 3 properties, except for 6 Moore Street, Liverpool, are to be incorporated into Part 2 Land classified, or reclassified, as operational land - interests changed of Schedule 4 Classification and reclassification of public land of the Liverpool LEP 2008. 6 Moore Street, Liverpool is proposed to be included in Part 1 Land classified, or reclassified, as operational land – no interests changed of Schedule 4. No applicable trust on the land are to be discharged.

The Planning Proposal also seeks to amend Liverpool LEP 2008 to rezone the land at Forcett Close, West Hoxton (Part Lot 1001 DP 1006332) from RE1 Public Recreation to R2 Low Density Residential consistent with the adjoining residential land and apply the same development controls (Height of building - 8.5m and FSR of 0.6:1).

Mapping

The maps are provided in Part 4 of the planning proposal. The maps are adequate for community consultation.

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is not the result of any strategic study or report. Council resolved to reclassify and rezone the subject sites as either surplus to Council's needs. Council advises that the net proceeds of the sale of these properties will be transferred to either General Property Reserve, S94 Contributions or to enable the contribution towards the Liverpool Central Business District (CBD) revitalisation program.

The proposal will need amendments to the zoning maps and Schedule 4 Classification and reclassification of public land of Liverpool LEP 2008. It is considered that a planning proposal is the best means for achieving the intended outcomes.

STRATEGIC ASSESSMENT

State

The planning proposal is generally consistent with Goal 3: A great place to live with communities that are strong, healthy and well connected of A Plan for a Growing Sydney as the proposal:

- will enable funding for improvement of public amenities and facilities; and
- will facilitate the redevelopment of underutilised and surplus land.

District

One of the priorities for 'A Liveable City' in the Draft West Central District Plan are to facilitate the development of healthy and safe built environments (i.e. neighbourhoods with good walking and cycling connections and social infrastructure such as public libraries and childcare). The planning proposal will provide Council with funding to improve these facilities. The planning proposal is consistent with the priorities.

Local

Council advises that while there are no specific directional strategies relating to the reclassification of land from 'Community' to 'Operational' and associated rezoning of land, the planning proposal is unlikely to contravene or undermine any strategies and targets put forward by Growing Liverpool 2023.

The reclassification of land provides council with flexibility and robustness to ensure they can continue their transformation as a key regional centre and provide opportunities to enhance the amenity of the city.

The reclassification of 6 Moore Street is likely to strengthen the Liverpool City Centre as it provides Council with the flexibility to respond to future development opportunity and facilitate the redevelopment of currently underutilised and underdeveloped. Council considers that the proposal is not inconsistent with the Liverpool Business Centre and Corridor Strategy 2013.

The planning proposal is consistent with the local strategy.

Section 117(2) Ministerial Directions

The relevant s117 Directions are addressed below.

2.3 Heritage Conservation

Site 1 (6 Moore Street, Liverpool) is located within the 'Bigge Park Conservation Area' and adjoins the following heritage items as follows:

- Item 72 – Liverpool Railway Station Group, including station building, goods shed and jib crane;

- Item 80 - Liverpool College (TAFE) site, including Blocks A–G, chimneystack, fences, gatehouses and archaeological features (formerly Liverpool Hospital and Benevolent Asylum);
- Item 82 – Bigge Park; and
- Item 100 - Dr James Pirie Child Welfare Centre Building (formerly Child Welfare Centre)

No development has been proposed as part of the planning proposal. Council advises that any future development will be subject to Council consent and must have regard to Clause 5.10 Heritage Conservation of the Liverpool LEP 2008. Any impacts to the adjoining heritage items and Bigge Park Conservation Area would be considered during the development application stage.

The remaining 3 sites are not located in a heritage conservation area or identified as a heritage item or adjoin a heritage item.

The Planning Proposal is consistent with the Direction.

3.1 Residential Zones

The rezoning of Forcett Close from RE1 Public Recreation to R2 Low Density Residential will enable the integration of the 215sqm site with the adjoining properties and increase very minimum potential residential zoned land. The Planning Proposal is consistent with the Direction.

4.1 Acid Sulfate Soils

6 Moore Street and 57 Atkinson Street are identified as having Class 5 Acid Sulfate Soil land. No development is proposed as part of the Planning Proposal. Liverpool LEP 2008 Clause 7.7 Acid sulfate soils will ensure future development or work that is below the natural ground level or likely to lower the water table will be subject to development consent and can be addressed at development stage. The provision require an acid sulfate soils management plan to be prepared before a development consent can be given.

The Planning Proposal is consistent with the Direction.

6.2 Reserving Land for Public Purposes

The Planning Proposal seeks to reclassify four parcels of land from 'Community' to 'Operational' and seeks the approval to revoke the 'Community' status of the sites.

The sites have been identified as surplus to Council's needs and are unutilised. The sites are small and odd shaped which restricts the useability and redevelopment opportunity.

The reclassification of Site 1 (6 Moore Street, Liverpool) will contribute towards the Liverpool Central Business District (CBD) revisitation program and as part of Council's land rationalisation strategy. It will provide Council with the flexibility to respond to future development opportunity within the Liverpool City Centre.

It is recommended the Secretary's delegate agrees that the inconsistency of the planning proposal with the direction is of a minor significance.

State Environmental Planning Policies

The proposal is consistent with all relevant State Environmental Planning Policies.

SITE SPECIFIC ASSESSMENT

Social/ Economic

The planning proposal is unlikely to cause any significant adverse social or economic effects.

The sites are unutilised by Council. The sites are small, odd shape and are two are poorly located which restricts the useability of the land and redevelopment opportunity.

The reclassification of the properties will provide future development opportunities in the city centre and facilitate the redevelopment of land currently underutilised. The sale of the land would allow Council to enhance existing infrastructures and amenities and/or provide additional public facilities and open spaces within the Liverpool LGA.

Environmental

The sites are located within an existing urban area and no developments are proposed as part of the planning proposal. The sites are not identified on the Environmentally Significant Land Map as having environmentally significant land.

Council advises a desktop study was undertaken via NSW Office of Environment and Heritage BioNet, the website for the Atlas of NSW Wildlife, which did not identify any species sightings on the subject land.

It is unlikely that the critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected by the planning proposal.

Acid sulfate soils

Two of the sites, Site 1 (6 Moore Street, Liverpool) and Site 3 (24 Atkinson Street, Liverpool) are identified as having Class 5 Acid Sulfate Soil land. It is considered that Clause 7.7 Acid sulfate soils of the Liverpool LEP 2008 will ensure works would not disturb, expose or drain acid sulfate soils and cause environmental damages.

Heritage

Site 1 (6 Moore Street, Liverpool) is located within the 'Bigge Park Conservation Area' and adjoins four local heritage items. Clause 5.10 Heritage Conservation of the Liverpool LEP 2008 will ensure any future development will be subject to Council consent and must have regard to any impacts to the adjoining heritage items and Bigge Park Conservation Area.

CONSULTATION

Community

A community consultation period of 28 days is proposed by Council. This is considered to be an appropriate amount of time to gauge the response by the community.

Agencies

Council is required to consult with Transport for NSW - Roads and Maritime Services, NSW Office of Environment and Heritage - Heritage Division, TransGrid and RailCorp.

TIMEFRAME

12 months timeframe to finalise this planning proposal is considered to be appropriate.

DELEGATION

Council has not requested delegation of the plan making function for this planning proposal. The planning proposal relates to reclassification of Council owned lands and delegation of the Greater Sydney Commission is not recommended.

CONCLUSION

The planning proposal is supported to proceed with conditions as it will allow development of unutilised lands and allow Council to enhance existing infrastructures and amenities and/or provide additional public facilities and open spaces.

Council has also satisfactorily responded to the information required in the Department's LEP Practice Note PN 16-001 Classification and Reclassification of Public Land through a Local Environmental Plan at Annexure 1 of the planning proposal at Attachment A.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

- agree that any inconsistencies with Section 117 Directions 6.2 Reserving Land for Public Purposes is of a minor significance.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities and the planning proposal is to be updated to include any comments received where appropriate:
 - Transport for NSW - Roads and Maritime Services
 - NSW Office of Environment and Heritage – Heritage
 - Transgrid
 - Railcorp

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

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligations it has, to conduct a public hearing in relation to reclassifying land under other legislation.

4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



10/8/17

Adrian Hohenzollern
Team Leader, Sydney Region West



11/08/17

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Contact Officer: Cho Cho Myint
Senior Planning Officer, Sydney Region West
Phone: 9860 1507

Table 1 - Details of the Planning Proposal

Site/Existing Zone/Site area	Proposed Change	Existing Use	Interest	Justification by Council
Site 1 6 Moore Street, Liverpool (Lot 102 DP 1151429) B3 Commercial Core Zone (537sqm)	Community to Operational (Part 1 of Schedule 4)	Vacant Site. Not a Public Reserve. Easement for sewerage and drainage.	No interest change.	420m from rail station. Unutilised/adjoins commuter car park/TAFE and not been used. If disposed, net proceed will enable contributions towards CBD revitalisation project and give Council flexibility for future development opportunity within the Liverpool City Centre.
Site 2 Bernera Road, Prestons (Lot 154 DP 867979 and Lot 3046 DP 869842) B1 Neighbourhood Centre zone (336sqm)	Community to Operational (Part 2 of Schedule 4)	Dedicated as Public Reserve.	Public Reserve status of land to be discharged.	2mx164m, two narrow lots to be sold off to adjoining B1 Neighbourhood Centre zone. Net proceed will be returned to relevant S94 Contributions Fund.
Site 3 24 Atkinson Street, Liverpool (Part Lot 78 DP 27242) R3 Medium Density Residential zone (270sqm)	Community to Operational (Part 2 of Schedule 4)	Dedicated as Public Reserve. Easement for transmission line on whole Lot 78 DP 27242.	Only Public Reserve status of land to be discharged.	To enable the sale of unutilised Council land. Net proceed will be returned transferred to General Property Reserve.
Site 4 Forcett Close, West Hoxton (Part Lot 1001 DP 1006332) RE1 Public Recreation (215sqm, 2.5% of the overall Council owned land)	Community to Operational (Part 2 of Schedule 4). Rezoning to R2 Low Density Residential, height of building 8.5m and FSR 0.6:1	Dedicated as Public Reserve. Easement for transmission line.	Only Public Reserve status of land to be discharged.	To enable the sale of part of Council land to the owner of adjoining R2 Low Density Land. Net proceed will be returned to relevant S94 Contributions Fund.



Ms Kiersten Fishburn
Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Ms Fishburn

Planning Proposal PP_2017_LPOOL_002_00 to amend Liverpool Local Environmental Plan 2016 (Amendment No. 68)

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to reclassify four unutilised Council owned land parcels from 'Community' to 'Operational' and rezone one land parcel from RE1 Public Recreation to R2 Low Density Residential under Liverpool Local Environmental Plan 2008.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 6.2 Reserving Land for Public Purposes is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils in October 2012. I have considered the nature of the planning proposal, and have decided not to issue an authorisation for Council to exercise delegation to make the plan. The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on (02) 9860 1507.

Yours sincerely



11/08/17

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_LPOOL_002_00): to reclassify four unutilised Council owned land parcels from 'Community' to 'Operational' at Liverpool, West Hoxton and Prestons and rezone one land parcel at West Hoxton from RE1 Public Recreation to R2 Low Density Residential under Liverpool Local Environmental Plan 2008.

I, the Director, Sydney Region West, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under Section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Liverpool Local Environmental Plan (LEP) 2008 to reclassify 4 unutilised Council owned land parcels from 'Community' to 'Operational' and rezone one land parcel from RE1 Public Recreation to R2 Low Density Residential under Liverpool LEP 2008, should proceed subject to the following conditions:

1. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities and the planning proposal is to be updated to include any comments received where appropriate:
 - Transport for NSW - Roads and Maritime Services
 - NSW Office of Environment and Heritage – Heritage
 - Transgrid
 - Railcorp

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

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligations it has, to conduct a public hearing in relation to reclassifying land under other legislation.



4. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 11th day of August 2017.

A handwritten signature in black ink, appearing to read "C. Van Laeren", written in a cursive style.

Catherine Van Laeren
Director, Sydney Region west
Planning Services