

PLANNING PROPOSAL

**Liverpool Local Environment Plan 2008
Draft Amendment No. 68**

Rezone and Reclassify of Community Lands

April 2018

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1 EXECUTIVE SUMMARY

The Planning Proposal seeks to amend the *Liverpool Local Environmental Plan (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); and
- 24 Atkinson Street, Liverpool (Part Lot 78 DP 27242).

Also the Planning Proposal also seeks to amend the LLEP 2008 to reclassify and rezone the following land:

- Forcett Close, West Hoxton (Part Lot 1001 DP 1006332) – Reclassify from 'Community' to 'Operational' land and rezone from RE1 Public Recreation to R2 Low Density Residential.

On 17 December 2014, Liverpool City Council resolved to reclassify land at 6 Moore Street from 'Community' to 'Operational' land. The proposal will contribute towards revitalising the Liverpool Central Business District (CBD) and rationalising Council's land. Also the proposal will provide Council with the flexibility to respond to future development opportunity within the Liverpool City Centre.

On 30 September 2015, Liverpool City Council resolved to reclassify land at Forcett Close (Part Lot 1001 DP 1006332) from 'Community' to 'Operational' land and rezone from RE1 Public Recreation to R2 Low Density Residential as the site is unutilised and surplus to Council's needs.

On 25 February 2015 and 27 July 2016, Liverpool City Council resolved to reclassify land at 24 Atkinson Street and Bernera Road from 'Community' to 'Operational' for future disposal as the site is unutilised and surplus to Council's needs.

2 SUBJECT PROPERTIES

The Planning Proposal relates to four parcels of land located within the Liverpool LGA. The location and background information of the sites are provided below.

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

Lot 102 DP 1151429 is an irregular shaped lot and located opposite Bigge Park, approximately from 420m from Liverpool Train Station. The site was previously used as a car park and is currently unoccupied. The site adjoins a commuter car park at Liverpool Train Station and is located adjacent to TAFE NSW South Western Sydney Institute - Liverpool College.

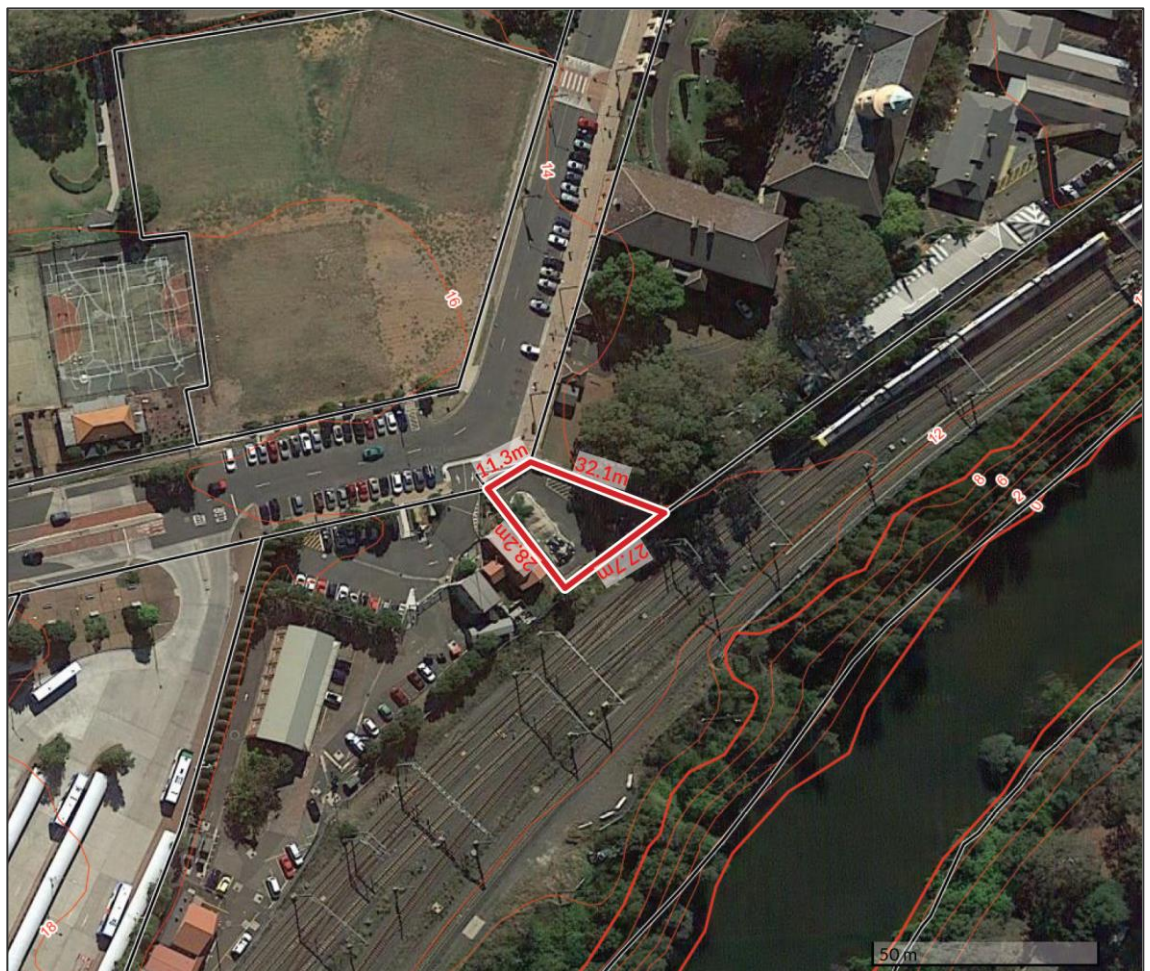


Figure 1: 6 Moore Street, Liverpool

The table below identifies the zoning, development standards and characters of the subject site:

Site	6 Moore Street, Liverpool
Area	537m ² (Approx)
Zoning	B3 Commercial Core
Height of Buildings	45m
FSR	2.5:1
Minimum Lot Size	1,000sqm

Acid Sulfate Soils	Class 5
Heritage Conservation	Bigge Park Heritage Conservation Area

Table 1: Current Land Zoning and Development Standards for 6 Moore Street, Liverpool

On 17 December 2014, Liverpool City Council resolved to reclassify the subject site from 'Community' to 'Operational' land, which contributes towards revitalising the Liverpool Central Business District (CBD) and rationalising Council's land. In addition, the proposal would provide Council with the flexibility to respond to future development opportunity within the Liverpool City Centre.

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

Bernera Road comprises of two lots: Lot 154 DP 867979 and Lot 3046 DP 869842. The site is a two metres wide, narrow strip of land with an approximate area of 336m² and dimensions: 2m x 164m. The site adjoins residential developments located at Brogo Place, Berrara Close and Dalton Place and vacant B1 zoned land located at the corner of Bernera Road and Kurrajong Road. In accordance with the *Local Government Act 1993*, Lot 154 DP 867979 and Lot 3046 DP 869842 are classified as 'Community' land and cannot be disposed of by Council.

The adjoining vacant B1 zoned land (Lot 1500 DP 1168645 and Lot 2 DP 1168646) is classified as 'operational' land. It should be noted that Lot 1500 DP 1168645 and Lot 2 DP 1168646 are not subject of this Planning Proposal.

The useability of Lot 154 DP 867979 and Lot 3046 DP 869842 are severely restricted by the area and dimensions of the site. Therefore, a reclassification will enable the site to be redeveloped in conjunction with the adjoining B1 zoned land (Lot 1500 DP 1168645 and Lot 2 DP 1168646).

All four lots are considered to be surplus to Council's need.

The future use of the land would require a deceleration lane to be created at the corner of Bernera and Kurrajong Road to provide for future traffic demands.



Figure 2: Bernera Road, Prestons

The table below identifies the zoning, development standards and characters of the subject site:

Site	Bernera Road, Prestons
Area	336m ² (Approx)
Zoning	B1 Neighbourhood Centre
Height of Buildings	12m
FSR	1:1
Minimum Lot Size	1,000sqm

Table 3: Current Land Zoning and Development Standards for Bernera Road, Prestons

On 25 February 2015, Liverpool City Council resolved to reclassify the subject site from 'Community' to 'Operational' land to enable the future disposal of the land.

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

Part Lot 78 DP 27242 is a triangular shaped lot with a site area of 270m² and adjoins 26 Atkinson Street to the north; 6-10 McGowen Crescent to the west and railway corridor to the east. The subject site has no direct frontage to Atkinson Street or McGowen Crescent. The site is unutilised by Council.



Figure 3: 24 Atkinson Street, Liverpool

The table below identifies the zoning, development standards and characters of the subject site:

Site	24 Atkinson Street, Liverpool
Area	270m ² (Approx)
Zoning	R3 Medium Density Residential
Height of Buildings	8.5m
FSR	0.5:1
Acid Sulfate Soils	Class 5

Table 4: Current Land Zoning and Development Standards for 24 Atkinson Street, Liverpool

Under the Local Government Act 1993, Lot 72 DP 27242 is classified as 'Community' land. Therefore, Council has no power to sell, exchange or otherwise dispose of this land. To facilitate a sale of the land, a reclassification from 'Community' to 'Operational' is required.

The property owner of adjoining land at 26 Atkinson Street approached Council to purchase part of the Council owned land at Lot 78 DP 27242, 24 Atkinson Street. Council has appointed a valuer to determine the market value of part Lot 72 DP 27242.

The site is surplus to Council's needs as it is currently unutilised and provides no benefits to the community. Furthermore, the site has limited development potential as it is located adjacent to the rail corridor with no street frontage. The sale of Part Lot 78 DP 27242 would not impact access to the railway corridor.

On 27 July 2016, Liverpool City Council resolved to reclassify the subject site from 'Community' to 'Operational' land to enable the sale of the land.

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

Lot 1001 is 7,696m² but the Planning Proposal is only applicable to a small portion of the site on the western boundary. Part Lot 1001 DP 1006332 is an irregular shaped lot with a site area of 215m² and adjoins 22 Forcett Close to the west and electricity tower and easement to the east. The site has a fall of approximately 5m from the top of the site (adjoining the rear boundary of 22 Forcett Close) to Forcett Close. The site is unutilised by Council and provides no public benefit to the community.

According to Council investigation, part of the improvements of 22 Forcett Close encroached onto the subject site. A survey has confirmed that various retaining walls, landscaping and concreting encroached onto Council land.

The owner of 22 Forcett Close was given the option of either removing the encroachments at their expense or purchasing part of Lot 1001 DP 1006332. The owner of 22 Forcett Close resolved to purchase the subject site from Council.

The reclassification and rezoning of the site would have minimal impact on the overhead transmission line easement as development consists of retaining walls, planter boxes and landscaping Transgrid is to be consulted as part of the agencies consultation.



Figure 4: Forcett Close, West Hoxton

Site	Forcett Close, West Hoxton
Area	215m ² (Approx)
Zoning	RE1 Public Recreation
Height of Buildings	Not applicable
FSR	Not applicable

Table 6: Current Land Zoning and Development Standards for Forcett Close, West Hoxton

An agreement has been reached with the adjoining property owner of 22 Forcett Close to purchase part of Lot 1001 DP 1006332. Council has appointed a valuer to determine the current market value of Part Lot 1001 DP 1006332.

In accordance with the *Local Government Act 1993*, Lot 4 DP 1007383 is classified as 'Community' land and cannot be disposed of by Council. Therefore, the Planning Proposal seeks to reclassify the site from 'Community' to 'Operational' to enable the sale of the site.

In conformity with Section 32(5) of the *Local Government Act 1993*, the net proceeds of the sale must be returned to the relevant Section 94 Fund in accordance with a condition imposed under *Section 94 of the Environmental Planning & Assessment Act* as Part Lot 1001 DP 1006332 was dedicated to Council as a Public Reserve.

A rezoning of the site from RE1 Public Recreation to R2 Low Density Residential is also sought as the current zone is highly restricted and only permits the following uses with development consent:

Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures.

The proposed R2 Low Density Residential zone will enable consistent land uses with the adjoining residential development.

On 30 September 2015, Liverpool City Council resolved to reclassify the subject site from 'Community' to 'Operational' land to allow sale of the land to the adjoining land owner.

3 OBJECTIVES AND INTENDED OUTCOMES

The objectives and intended outcomes of this planning proposal are:

- To reclassify surplus Council's land from 'Community' to 'Operational';
- To rezone land at Forcett Close;
- To provide Council with the flexibility to respond to future development opportunity within the Liverpool City Centre;
- To enable the sale of underutilised Council's land and integrate with adjoining property; and
- The net proceeds of the sale will 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 additional provide public facilities and open spaces within the Liverpool Local Government Area (LGA).

4 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); and
- 24 Atkinson Street, Liverpool (Part Lot 78 DP 27242).

The Planning Proposal also seeks to amend LLEP 2008 to reclassify and rezone the following land:

- Forcett Close, West Hoxton (Part Lot 1001 DP 1006332) – Reclassify from 'Community' to 'Operational' land and rezone from RE1 Public Recreation to R2 Low Density Residential.

Zoning Summary

	Existing	Proposed
Forcett Close, West Hoxton (Part Lot 1001 DP 1006332)	RE1 Public Recreation	R2 Low Density Residential

Floor Space Ratio Summary

	Existing	Proposed
Forcett Close, West Hoxton (Part Lot 1001 DP 1006332)	Not applicable	0.6:1

Height of Buildings Summary

	Existing	Proposed
Forcett Close, West Hoxton (Part Lot 1001 DP 1006332)	Not applicable	8.5m

Minimum Lot Size Summary

	Existing	Proposed
Forcett Close, West Hoxton (Part Lot 1001 DP 1006332)	Not applicable	300.0m ²

The proposed FSR and Height of Buildings for Forcett Close are consistent with the adjoining B1 and R2 zoned land.

Amendment to Schedule 4 to the LLEP 2008

In accordance with Practice Note 16-001 dated 5 October 2016, the land to be reclassified is to be described in Schedule 4 of the LEP. Therefore, the following properties are to be incorporated into Part 2 of Schedule 4 of the LLEP 2008:

Column 1 - Locality	Column 2 - Description	Column 3 – Any trust etc not discharged
6 Moore Street, Liverpool	Lot 102 DP 1151429	Nil
Bernera Road, Prestons	Lot 154 DP 867979 Lot 3046 DP 869842	Nil
24 Atkinson Street, Liverpool	Lot 78 DP 27242	Nil
Forcett Close, West Hoxton	Part Lot 1001 DP 1006332	Nil

5 JUSTIFICATION

5.1 Section A – Need for the Planning Proposal

5.1.1 Is the planning proposal a result of any strategic study or report

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 or to enable the contribution towards revitalising the Liverpool CBD.

6 Moore Street, Liverpool (Lot 102 DP 1151429)

The proposal will provide Council with the flexibility to respond to future development opportunity located within the Liverpool City Centre and contribute towards revitalising the Liverpool CBD and rationalising Council's land.

Council at its meeting on 17 December 2016 resolved to reclassify land at 6 Moore Street from 'Community' to 'Operational' land.

No works are proposed on this land. Should Council seek to explore redevelopment of this land, Council shall ensure relevant stakeholders are engaged.

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

Lot 154 DP 867979 and Lot 3046 DP 869842 comprises a two metres narrow strip of land with an approximate area of 336 m² and dimensions: 2m x 164m. The land is surplus to Council's needs as a result of the area and dimensions of the site. Therefore, the reclassification of the land will enable the site to be redeveloped in conjunction with the adjoining vacant B1 zoned land (Lot 1500 DP 1168645 and Lot 2 DP 1168646). An internal consultation was conducted and no objections were raised to the reclassification and rezoning of the subject site.

In accordance with the *Local Government Act 1993*, Lot 154 DP 867979 and Lot 3046 DP 869842 are classified as 'Community' land and cannot be disposed of by Council.

On 25 February 2015, Liverpool City Council resolved to reclassify land at Bernera Road (Lot 154 DP 867979 and Lot 3046 DP 869842) from 'Community' to 'Operational' land which would facilitate the sale of the land.

24 Atkinson Street, Liverpool (Part Lot 1001 DP 1006332)

The owner of 26 Atkinson Street approached Council to purchase Part Lot 78 DP 27242 (24 Atkinson Street, Liverpool). Part Lot 78 DP 27242 is a triangular shaped lot with a site area of 270m² and has no direct frontage to Atkinson Street or McGowen Crescent. The site offers little public benefits as the site is unutilised and has limited development potential as it located adjacent to the rail corridor with no street frontage. The sale of Part Lot 78 DP 27242 would not impact on the access to the railway corridor. An internal consultation was conducted and no objections were raised to the reclassification and rezoning of the subject site.

Under the *Local Government Act 1993*, Part Lot 78 DP 27242 is classified as 'community' land. Therefore, Council has no power to sell, exchange or otherwise dispose of this land. To facilitate a sale, the land is required to be reclassified to 'Operational' land.

On 24 July 2016, Liverpool City Council resolved to reclassify land at 24 Atkinson Street (Part Lot 78 DP 27242) from 'Community' to 'Operational' land as the land is surplus to Council's needs and facilitate the sale of the land.

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

The former owner of 22 Forcett Close has undertaken improvements (i.e. retaining walls, landscaping and concreting) onto Council reserve (i.e. Lot 1001 DP 1006332). The owner of 22 Forcett Close was given the option of either removing the encroachments on Council land at their expense or purchasing part of Lot 1001 DP 1006332, subject to Council approval. The owner of 22 Forcett Close resolved to purchase the site from Council.

An internal consultation was conducted and no objections were raised to the reclassification and rezoning of the site. The site is highly constrained as it is irregular in shape with an area of approximately 215m²; fall of approximately 5m and is affected by an overhead transmission line easement. The site is currently unutilised. Due to these limitations, the site is highly undesirable and offers little public benefit. Therefore, it is considered to be surplus to Council's needs.

On 30 September 2015, Liverpool City Council resolved to reclassify land at Forcett Close (Part Lot 1001 DP 1006332) from 'Community' to 'Operational' land and rezone from RE1 Public Recreation to R2 Low Density Residential.

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

In accordance with the *Local Government Act (LGA) 1993*, Council is unable to sell, exchange or dispose of the properties as they are classified as 'Community' land. To facilitate the sale of these properties (i.e. Bernera Road, 24 Atkinson Street and Forcett Close) and provide Council with the flexibility to respond to future development opportunity within Liverpool City Centre, a reclassification of the properties is required in conformity with Section 27(1) of the LGA1993.

In addition to the classification, rezoning and introduction of development standards contained in LLEP 2008 are sought for Forcett Close (Part Lot 1001 DP 1006332).

A Planning Proposal is the only means to achieve the objectives or intended outcomes as it involves the amendment of the LLEP 2008 and other possible methods are unable to achieve the result sought by Council.

5.2 Section B – Relationship to Strategic Planning Framework

5.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Plan for Growing Sydney

A Plan for Growing Sydney is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

The Plan consists of four key goals which are listed below:

Goal 1: A competitive economy with world-class services and transport;
Goal 2: A city of housing choice with homes that meet our needs and lifestyles;
Goal 3: A great place to live with communities that are strong, healthy and well connected; and
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The applicable Directions and Actions relate to the Planning Proposal are as follows:

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.
Action 1.7.4: Continue to grow Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities.
Direction 1.10: Plan for education and health services to meet Sydney's growing needs.
Action 1.10.2: Support the growth of complementary health and tertiary education activities in strategic centre.
Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs.
Action 2.2.2: Undertake urban renewal in transport corridors which and being transformed by investment and around strategic centre.
Direction 3.1: Revitalise existing suburbs.

Liverpool is identified as a 'regional city centre'.

The reclassification and associated rezoning will enable Council to realise financial gains from sites which are surplus to Council's needs. The net proceeds from the sale will be returned to the relevant Section 94 Contribution Plan or General Property Reserve which can be used to enhance and/or provide public amenities and facilities within the Liverpool LGA.

Considering the location of the properties and proximity to Liverpool Train Station and City Centre, the existing use at 6 Moore Street are considered to be underutilised and underdeveloped. The reclassification of these lands may facilitate the potential future sale of the land to enable redevelopment. Future development may result in additional housing and employment and services to be provided within proximity of Liverpool Train Station and City Centre. Also the new development may complement the health-related land uses, infrastructure and conference facilities around Liverpool Hospital and Bigge Park.

The reclassification and associated rezoning of the sites would facilitate the redevelopment of underutilised and surplus land located within Liverpool LGA.

As illustrated above, the Planning Proposal is not inconsistent with the goals, directions and actions of *A Plan for Growing Sydney*.

Draft South West District Plan

The District Plans are the link between the big picture planning set out in *A Plan for Growing Sydney* and detail planning controls for the local area. It will deliver planning outcomes across

local council boundaries, where coordination between State agencies and/or local government is required.

The Liverpool LGA is located within the South West District.

The applicable Priorities and Actions for Liverpool LGA and/or Strategic Centres are as follows:

- 3.5 – Growing and diversifying the economic opportunities in the District’s strategic centres.**
3.5.1 – Growing the diversity, level and depth of jobs and the vibrancy of Liverpool strategic centre.
Action P13 – Designate Liverpool as a Collaboration Area.
- 3.6 – Growing jobs in the health and education sectors.**
3.6.1 – Foster ‘Smart Liverpool’ – a city of business innovation and health and education excellence
Action P15 – Plan for the Liverpool health and education super precinct as part of the Liverpool collaboration area
- 4.3 – Improve housing choice**
4.3.6 – Create housing capacity in the South West District
Action L3 – Councils to increase housing capacity across the District.

There are no specific Priorities and Actions 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 Priorities and Actions identified in the District Plans.

The Planning Proposal is not inconsistent with the priorities and actions of the draft South West District Plan and unlikely to impact Liverpool Council in implementing these priorities.

5.2.2 Is the proposal consistent with a council’s local strategy or other strategic plan?

The following strategies are relevant to this planning proposal:

- *The Growing Liverpool 2023; and*
- *Liverpool Business Centre and Corridor Strategy 2013/The Liverpool Retail Centre Hierarchy Review.*

The Growing Liverpool 2023

Liverpool 2023 is community strategic plan, outlining a 10 year path moving Liverpool forward as a vibrant regional city of opportunity, prosperity and diversity. The plan builds on *Growing Liverpool 2021* and realigns and refocuses Council’s efforts towards becoming a prominent regional city centre for South West Sydney.

The plan provides seven key strategic directions for the city including:

1. *Vibrant and Prosperous City*
2. *Liveable Safe City*
3. *Proud Engaged City*
4. *Natural Sustainable City*
5. *Accessible Connected City*
6. *Leading Proactive Council*

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 this Plan.

The planning proposal is consistent with Direction 2.1, which seeks to deliver an efficient planning system which embraces sustainable urban renewal and development. Council recognises that Liverpool is undergoing a rapid transformation regarding housing and employment opportunities. Council has undertaken internal consultation with relevant departments to conclude that these lands are underutilised, offer little public benefit and would benefit from reclassification and sale of the land to help invest into the growing city. The planning proposal does not obstruct Council from achieving their targets and objectives over the next ten years. From a planning perspective, the reclassification of the four sites from 'Community' to 'Operational' land is minor and provides little impediment to Liverpool's growth as a key regional centre. Most of the undeveloped sites are small and irregular shaped parcels, which provide no interaction with surrounding land uses and do not offer any community benefit relating to public open space.

No works are currently proposed for any of the four sites subject of this reclassification. 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.

Liverpool Business Centre and Corridor Strategy 2013

In 2012, Hill PDA was commissioned by Liverpool City Council to undertake a retail centres hierarchy review. The review conducted a stock take of the existing business and commercial zoned land and assessed the function and the community served by each centre. The review provides direction for the future growth of business and retail operations in the LGA.

On 28 November 2012, Council resolved to adopt the Liverpool Retail Hierarchy Review and updated the Business Centres and Corridors Strategy to reflect the findings of the review. A retail centres hierarchy has been established to ensure that the roles of these centres are clearly defined and that the expansion of one centre will not threaten the role of another centre further up or down the hierarchy.

Liverpool City Centre is identified as a 'regional centre'.

The Liverpool Business Centres and Corridors Strategy has adopted the following approach:

1. *Preserve a commercial core area (excluding residential) in the Liverpool CBD for future business, office and retail growth.*
2. *Limit professional office premises to business zones to capitalise on, and concentrate infrastructure and services.*
3. *Establish and maintain Liverpool's Retail Centre Hierarchy.*
4. *Support the expansion of existing retail and business centres in accordance with the adopted Retail Centres Hierarchy 2012.*
5. *Ensure that new centre complement existing centres and do not impact upon their viability.*
6. *Expand start-up business opportunities (and restrict residential) in extended enterprise corridor zones leading into main centres and nodes.*
7. *Support growth of existing bulky goods clusters in accordance with the retail centre hierarchy and limit other locations to serve a district role.*

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 the sites which are currently underutilised and underdeveloped.

Taking into account the above factors, it is considered that the proposal is not inconsistent with the Liverpool Business Centre and Corridor Strategy 2013.

5.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

A preliminary assessment of the Planning Proposal's consistency with all State Environmental Planning Policies is provided below:

State Environmental Planning Policies (SEPP)	Consistent with SEPP	Comments
SEPP No. 1 – Development Standards	Yes	Standard Instrument LEP – Adopts Clause 4.6
SEPP No. 14 – Coastal Wetlands	N/A	Does not apply to Liverpool LGA
SEPP No. 19 – Bushland in Urban Areas	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP No. 21 – Caravan Parks	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP No. 26 – Littoral Rainforests	N/A	Does not apply to Liverpool LGA
SEPP No. 30 – Intensive Agriculture	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP. Intensive agriculture is not conceived as a type of development envisaged in the planning proposal.
SEPP No. 33 – Hazardous and Offensive Development	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP. Hazard and offensive development is not envisaged as part of this planning proposal.
SEPP No. 36 – Manufactured Home Estates	N/A	Does not apply to Liverpool LGA
SEPP No. 44 – Koala Habitat Protection	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP No. 47 – Moore Park Showground	N/A	Does not apply to Liverpool LGA
SEPP No. 50 – Canal Estates	Yes	Applies to Liverpool LGA. The proposal does not contain

State Environmental Planning Policies (SEPP)	Consistent with SEPP	Comments
		provisions that would hinder or contradict the application of the SEPP. Canal estate development is not envisaged as part of this planning proposal.
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Does not apply to Liverpool LGA
SEPP No. 55 – Remediation of Land	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP No. 62 – Sustainable Aquaculture	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP. Aquaculture development is not envisaged as part of this planning proposal.
SEPP No. 64 – Advertising and Signage	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict application of the SEPP.
SEPP No. 65 – Design Quality of Residential Flat Development	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict application of the SEPP.
SEPP No. 71 – Coastal Protection	N/A	Does not apply to Liverpool LGA
SEPP (Affordable Rental Housing) 2009	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP
SEPP (Building Sustainability Index) 2004	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP

State Environmental Planning Policies (SEPP)	Consistent with SEPP	Comments
SEPP (Exempt and Complying Development Codes) 2008	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (Housing for Seniors with a Disability) 2004	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (Infrastructure) 2007	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (Integration and Repeals) 2016	N/A	Does not apply to Liverpool LGA
SEPP (Kosciusko National Park – Alpine Resorts) 2007	N/A	Does not apply to Liverpool LGA
SEPP (Kurnell Peninsula) 1989	N/A	Does not apply to Liverpool LGA
SEPP (Mining, Petroleum and Extractive Industries) 2007	Yes	Applies to Liverpool LGA. Planning proposal does not envisage or propose development for the purposes of mining, petroleum or extractive industries. Planning proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (Penrith Lakes Scheme) 1989	N/A	Does not apply to Liverpool LGA
SEPP (Rural Lands) 2008	N/A	Does not apply to Liverpool LGA
SEPP (State and Regional Development) 2011	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (State Significant Precincts) 2005	Yes	Does not apply to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.

State Environmental Planning Policies (SEPP)	Consistent with SEPP	Comments
SEPP (Sydney Drinking Water Catchment) 2011	Yes	Does not apply to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.
SEPP (Sydney Region Growth Centres)	N/A	Does not apply to Liverpool LGA.
SEPP (Three Ports) 2013	N/A	Does not apply to Liverpool LGA.
SEPP (Urban Renewal) 2010	N/A	Does not apply to Liverpool LGA.
SEPP (Western Sydney Employment Area) 2009	N/A	Does not apply to Liverpool LGA.
SEPP (Western Sydney Parklands) 2009	Yes	Applies to Liverpool LGA. The proposal does not contain provisions that would hinder or contradict the application of the SEPP.

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

Pursuant to the Minister for Planning under section 117(2) of the EP&A Act, the Minister shall issue directions to relevant planning authorities to exercise functions under Divisions 4 and 5 or Part 3 of the Act. It provides directions that planning authorities must follow when preparing planning proposals under new Local Environmental Plans.

A preliminary assessment of the planning proposals consistency against all s.117 directions is provided below:

Ministerial Direction	Assessment
1.1 Business and Industrial Zones	Not applicable – The subject sites are not located in a business zone.
1.2 Rural Zones	Not applicable – The subject sites are not located in Rural Zones. The Sites are currently zoned RE1 Public Recreation; B1 Neighbourhood Centre; B3 Commercial Core; and R3 Medium Density Residential.
1.3 Mining, Petroleum and Extractive Industries	Not applicable – Planning Proposal does not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive metals.
1.4 Oyster Production	Not applicable – The subject sites are not located in land identified as Priority Oyster Aquaculture Areas.
1.5 Rural Lands	Not applicable – The subject sites are not located in land identified as Rural Lands
Environment and Heritage	
2.1 Environmental Protection Zones	The Planning Proposal is consistent with Direction 2.1 Environment Protection Zones as the subject sites have not been identified as Environmental Protection Zones or for environment protection purposes.
2.2 Coastal Protection	Not applicable – The subject sites are not located in a Coastal Zone.
2.3 Heritage Conservation	According to the LLEP 2008, Forcett Close (Part Lot 1001 DP 1006332), Bernera Road (Lot 154 DP 867979 and Lot 3046 DP 869842) and 24 Atkinson Street (Part Lot 78 DP 27242) are not located in a heritage conservation area or identified as a heritage item or adjoin a heritage item. 6 Moore Street is located within the 'Bigge Park Conservation Area' and adjoins the following heritage items: Item 72 – Liverpool Railway Station Group, including station building, goods shed and jib

Ministerial Direction	Assessment
	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) The intent of the reclassification is to provide Council with the flexibility to respond to future development opportunity and facilitate the revitalisation of the Liverpool City Centre. No development has been proposed as part of the planning proposal. Future development will be subject to Council consent and must have regard to Clause 5.10 Heritage Conservation of the LLEP 2008. Any impacts to the adjoining heritage items and Bigge Park Conservation Area would be considered during the development application stage. Therefore, the Planning Proposal is not inconsistent with Direction 2.3 Heritage Conservation.
2.4 Recreation Vehicle Area	The Planning Proposal is consistent with Direction 2.4 Recreation Vehicle Areas as it does not contain provisions that will permit recreational vehicles on sensitive land or land with conservation values.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The subject sites are not zoned as E2 or E3.

Housing, Infrastructure and Urban Development	
3.1 Residential Zones	For 6 Moore Street, Bernera Road and 24 Atkinson Place, the Planning Proposal only seeks the reclassify land from 'Community' to 'Operational'. The rezoning of Forcett Close from RE1 Public Recreation to R2 Low Density Residential will enable the integration of the site with the adjoining properties and increase the supply of residential land within the Liverpool LGA. Therefore, the Planning Proposal is consistent with Direction 3.1 Residential Zones.
3.2 Caravan Parks and Manufactured Home Estates	The Planning Proposal is consistent with Direction 3.2 Caravan Parks and Manufactured Home Estates as the proposal does not alter provisions concerning Caravan Parks and Manufactured Home estates.
3.3 Home Occupations	The Planning Proposal is consistent with Direction 3.3 Home Occupations as the proposal will not prevent home occupations to be carried out in dwelling houses without the need for development consent.
3.4 Integrating Land Use and Transport	Forcett Close is located within walkable distance, approximately 440m, from a bus stop which provides connection to surrounding areas and services. The proximity to the public transport network would encourage the use public transport. Therefore, the Planning Proposal is consistent with Direction 3.4 Integrating Land Use and Transport.
3.5 Development Near Licensed Aerodromes	Not applicable. The Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Not applicable. The Planning Proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.

Hazard and Risk	
4.1 Acid Sulfate Soils	6 Moore Street and 57 Atkinson Street are identified as Class 5 Acid Sulfate Soil land. No development has been proposed as part of the Planning Proposal. A model local provision (Clause 7.7) and an Acid Sulfate Soils Map have been incorporated into the LLEP 2008. Future development or work that is below the natural ground level or likely to lower the water table will be subject to development consent. Development consent will not be granted unless an acid sulfate soils management plan has been prepared and provided to the consent authority. Any significant adverse environmental impacts from future development or work can be addressed during the development assessment stage. Therefore, the Planning Proposal is consistent with Direction 4.1 Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	Not applicable. The subject sites are not located within a Mine Subsidence District.
4.3 Flood Prone Land	Not applicable. The subject sites are not located on land identified as Flood Prone Land, pursuant to the LLEP 2008.
4.4 Planning for Bushfire Protection	Not applicable. The subject sites are not located on land identified as Bushfire Prone Land pursuant to the LLEP 2008.
Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable. The Regional Strategies are not applicable to the subject sites.
5.2 Sydney Drinking Water Catchments	Not applicable. The subject sites are not within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable. The subject sites are not within the NSW Far North Coast.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable. The subject sites are not located in the vicinity of the existing and/or proposed alignment of the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	Revoked
5.6 Sydney to Canberra Corridor	Revoked
5.7 Central Coast	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Not applicable. The subject sites are not located within boundaries of the proposed airport site and within the 20

	ANEF contour as show on the map entitled " <i>Badgerys Creek – Australian Noise Exposure Forecast – Proposed Alignment – Worst Case Assumptions</i> ".
5.9 North West Rail Link Corridor Strategy	Not applicable. The subject sites are not located in Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.
5.10 Implementation of Regional Plans	Not applicable. The Regional Plans are not applicable to the subject sites.
Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal does not include provisions that require the concurrence, consultation or referral of a Minister or public authority. State agencies and public consultation will be conducted in accordance with the requirements of the Gateway Determination. Therefore, the Planning Proposal is consistent with Direction 6.1 Approval and Referral Requirement.
6.2 Reserving Land for Public Purposes	The Planning Proposal seeks to reclassify four parcels of land from 'Community' to 'Operational' and rezone Forcett Close from RE1 Public Recreation to R2 Low Density Residential zones. Hence, the Proposal seeks the Secretary approval to revoke the 'Community' status of the sites. The sites have been identified as surplus to Council's needs. The majority of the sites are unutilised by Council. The sites are small in size and/or odd in shape and/or poorly located which restricts the useability of the land and redevelopment opportunity. The reclassification of 6 Moore Street will contribute towards revitalising the Liverpool CBD and rationalising Council's land. In addition, the reclassification will provide Council with the flexibility to respond to future development opportunity located within the Liverpool City Centre. Therefore, it is considered that the

	inconsistency with the terms of Direction 6.2 are of minor significance.
6.3 Site Specific Provisions	Development standards for Bernera Road and 24 Atkinson Street will remain unchanged. The height of building and floor space ratio controls will be introduced for Forcett Close. The development standards will be consistent with adjacent zones. No additional development standards or requirements will be introduced into the LLEP 2008. Therefore, the Planning Proposal is not inconsistent with the terms of this Direction.
Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	As demonstrated above, the Planning Proposal is not inconsistent with the Strategic Directions and Actions contained within <i>A Plan for Growing Sydney</i> .
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable. The subject sites are not located within the Greater Macarthur Land Release Investigation.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable. The subject sites are not located within the Parramatta Road Corridor.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable. The subject sites are not located within the North West Priority Growth Area.

5.3 Section C – Environmental, Social and Economic Impact

5.3.1 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 LLEP 2008 contains an Environmentally Significant Land Map and the sites are not identified as environmentally significant land.

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.

The Planning Proposal seeks to reclassify sites from 'Community' to 'Operational'. The Planning Proposal also seeks to rezone Forcett Close from RE1 Public Recreation to R2 Low Density Residential and the introduction of development standards for Forcett Close. The site is located within an existing urban area and no developments are proposed as part of the Planning Proposal. Therefore, it is unlikely that any critical habitat or threatened species,

populations or ecological communities, or their habitats will be adversely affected as a result of the proposal.

5.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be mitigated

Aircraft Noise: The sites are not impacted by aircraft noise.

Flooding: The sites are not impacted by flooding.

Landslip: The sites are not impacted by landslip.

Bushfire Hazard: The sites are not impacted by bushfire hazard.

Contamination: The sites are not impacted by contamination.

Acid Sulfate: 6 Moore Street and 24 Atkinson Street have been identified as Class 5 Acid Sulfate Soils land. No development has been proposed as part of the planning proposal.

A model provision (i.e. Clause 7.7 Acid Sulfate Soils) has been incorporated into the LLEP 2008 to ensure works would not disturb, expose or drain acid sulfate soils and cause environmental damages.

Future development or work that is below the natural ground level or likely to lower the water table would be subject to development consent. Any significant adverse environmental impacts from future development or work can be addressed during the development assessment stage.

5.3.3 Has the planning proposal adequately addressed any social and economic effects

Social effects: No works are proposed as part of the Planning Proposal. Therefore, it is unlikely to impact on item or places of European or Aboriginal cultural heritage

The reclassification and rezoning of Forcett Close (Part Lot 1001 DP 1006332) is unlikely to have a significant impact on existing social infrastructure as the intent of the proposal is to integrate Part Lot 1001 DP 1006332 with 22 Forcett Close to enable the retention of the unauthorised structures. Furthermore, the development opportunity of Part Lot 1001 is severely limited due to area and shape of the site and proximity to the electricity easement.

The zoning and development standards for the remaining four sites will remain unchanged.

Based on above reasons, it is unlikely the proposal will generate additional permanent population in the Liverpool LGA and/or place additional pressure on existing social infrastructure.

Economic effects: The reclassification and associated rezoning of the sites will enable Council to realise financial gains from sites which are surplus to Council's needs. The net process from the sale will be returned to the relevant Section 94 Contribution Plan or General Property Reserve which can be used to enhance and/or provide public amenities and facilities within the Liverpool LGA.

5.4 Section D – Commonwealth and State Interests

5.4.1 Is there adequate public infrastructure for the planning proposal?

The sites are serviced by existing public infrastructure such as public transport, water, electricity and sewerage and other essential services.

Based on the area of the properties, it is not anticipated that the proposal would place significant pressure or demand on existing public infrastructure.

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

Will be considered after Gateway review, based on any feedback received. Consultation with the following government agencies should be considered:

1. NSW Roads and Maritime Services
2. Transport for NSW
3. Railcorp
4. Transgrid

6 COMMUNITY CONSULTATION

The planning proposal will be exhibited for 28 days and is anticipated to generate a minimal amount of local interest within the community, given the nature of the existing land.

In addition to an advertisement being placed in the local newspapers, the notification of adjoining property owners and comments will be placed on Council's website.

Further community consultation will be undertaken in accordance with the normal statutory process of notification and exhibition of the Planning Proposal once Gateway Determination is received.

As the Planning Proposal involves the reclassification of land from 'Community' to 'Operational', Council will hold a public hearing at the conclusion of the public exhibition period in accordance with the provisions of the *Local Government Act 1993*.

7 PROJECT TIMELINE

Stage	Anticipated completion date
Planning proposal reported to Liverpool Council	April 2017
Anticipated commencement date (date of gateway determination)	August 2017
Anticipated timeframe for government agency consultation	September 2017
Anticipated commencement and completion dates for public exhibition period	October 2017
Anticipated date for public hearing	November 2017
Anticipated timeframe for consideration of submissions	January 2018
Anticipated timeframe for the consideration of a proposal post exhibition	February 2018
Anticipated date of reports to Council	March 2018
Anticipated date of submissions, Council report and recommendation to the NSW Department of Planning and Environment and to finalise the draft local environmental plan	April 2018
Anticipated date RPA will make the plan	May 2018
Anticipated date RPA will forward to the Department for notification.	May 2018

**ANNEXURE 1 – PN 16-001: CLASSIFICATION AND RECLASSIFICATION OF
PUBLIC LAND THROUGH A LOCAL ENVIRONMENTAL PLAN**

6 Moore Street, Liverpool (Lot 102 DP 1151429)

As directed in PN 16-001 'Classification and reclassification of public land through a local environmental plan', the following written statement is made in relation to the reclassification of 6 Moore Street, Liverpool from 'Community' to 'Operational' land.

LEP Practice Note: PN 16-001	
Classification and reclassification of public land through a local environmental plan	
Requirement	Response
The current and proposed classification of the land;	Current classification – Community Proposed classification – Operational
Whether the land is a 'public reserve' (defined in the LG Act);	The land is not identified as a 'public reserve'.
The strategic and site specific merits of the reclassification and evidence to support this;	Lot 102 DP 1151429 is an irregular shaped lot and located opposite Bigge Park and approximately 420m from Liverpool Train Station. The site was previously used as a car park and is currently unoccupied and unutilised by Council. The site adjoins a commuter car park at Liverpool Train Station and adjacent to TAFE NSW South Western Sydney Institute - Liverpool College. The reclassification of the land will enable Council to respond to future development opportunity within the Liverpool City Centre which can contribute towards revitalising the Liverpool CBD and rationalising Council's land.
Whether the planning proposal is the result of a strategic study or report;	Planning Proposal is the result of a Council resolution dated 17 December 2014 which resolved to reclassify Part Lot 102 DP 1151429. All relevant Council departments were consulted to determine if the land was surplus to Council's needs. No objections were raised.
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	As illustrated in the Planning Proposal, the proposal is not inconsistent with Council's community plan or other local strategic plan.
A summary of council's interests in the land, including: - How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution); - If council does not own the land, the land owner's consent; - The nature of any trusts, dedications	It is unclear when and how the land was first acquired. According to the land title, Council is the owner of the land. Lot 102 DP1151429 is subject to the following: • Reservations and conditions in the Crown Grant(s).

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
etc;	- Land excludes mineral (s.141 Public Works Act, 1912). - BK 2057 No 971 Easement for Sewerage 1.83 metre(s) wide affecting the part(s) shown so burden in the title diagram. - BK 2062 No 400 Easement for sewer 1.83 metre(s) wide affecting the part(s) shown so burdened in the title diagram. - AE 511591 Lease to Liverpool City Bowling Ltd expires: 30/11/2011. - DP 1151429 Easement to drain water 5.5 metre(s) wide affecting the part(s) shown so burdened in the title diagram.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	No interest in land is proposed to be discharged.
The effect of the reclassification ((including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The site is zoned as B3 Commercial Core under the <i>Liverpool Local Environmental Plan 2008</i>. The site is unutilised by Council and cannot be accessed by general public. Therefore, the site does not provide any net community benefit.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Please refer to the attached land title and deposited plan for more information.
Current use(s) of the land, and whether uses are authorised or unauthorised;	The site is currently vacant.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	No lease or agreements applying to the subject land.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	There is no agreement to dispose of this parcel. The reclassification is to provide Council with the flexibility to respond to future development opportunity and facilitate the revitalisation of the Liverpool City Centre.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	No rezoning proposed. The land is currently zoned as B3 Commercial Centre.
How council may or will benefit financially, and how these funds will be used;	It is not anticipated that Council will sell or lease the subject site.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
	If the site is disposed of then the net proceeds will be returned to the relevant Section 94 Contribution Fund or General Property Reserve.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	As discussed previously, the net proceeds of any sale will be returned to the relevant Section 94 Contribution Fund or General Property Reserve which helps to fund for additional community facilities and infrastructures such as land acquisition, parks and oval, community centre and road widening.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	Please refer to Annexure 1
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable

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

As directed in PN 16-001 'Classification and reclassification of public land through a local environmental plan', the following written statement is made in relation to the reclassification of Bernera Road, Prestons from 'Community' to 'Operational' land.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
The current and proposed classification of the land;	Current classification – Community Proposed classification – Operational
Whether the land is a 'public reserve' (defined in the LG Act);	Lot 154 was dedicated as a Public Reserve upon the registration of the Plan of Subdivision of Lot 238 DP 867697 registered on 24 April 1997. Lot 3046 was dedicated as a Public Reserve upon the registration of the Plan of Subdivision of Lot 4078 DP 869218 dated 2 July 1997.
The strategic and site specific merits of the reclassification and evidence to support this;	Both lots comprise a two metre narrow strip of land that adjoins Lot 1500 DP 1168645 and Lot 2 DP 1168646. The lots comprise a total area of 363m ² and provide dimensions of 2m x 164m. The useability of Lot 154 DP 867979 and Lot 3046 DP 869842 are severely restricted by the area and dimensions of the site. Reclassification of the two lots would enable the land to be sold off and developed in line with adjoining vacant B1 zoned land (Lot 1500 DP 1168645 and Lot 2 DP 1168646), which are already classified as 'operational land' and surplus to Council's needs.
Whether the planning proposal is the result of a strategic study or report;	Planning proposal is the result of a Council resolution dated 25 February 2015 which resolved to reclassify Lot 154 DP 867979 and Lot 3046 DP 869842. All relevant Council departments were consulted to determine if the land was surplus to Council's needs.
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	As illustrated in the Planning Proposal, the proposal is not inconsistent with Council's community plan or other local strategic plan.
A summary of council's interests in the land, including: - How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a	Lot 154 was dedicated as a Public Reserve upon the registration of the Plan of Subdivision of Lot 238 DP 867697 registered on 25 April 1997.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
subdivision for public open space or other purpose, or a developer contribution); - If council does not own the land, the land owner's consent; - The nature of any trusts, dedications etc;	Lot 3046 was dedicated as a Public Reserve upon the registration of the Plan of Subdivision of Lot 4078 DP 869218 dated 2 July 1997. Council is the owner of the land. DP867979 is subject to the following: • Reservations and conditions in the crown grant(s) • J914486 – Easement for transmission line variable width affecting the part shown so burdened in the title diagram. • 0858390 – Easement now vested in NSW Electricity Transmission Authority. • DP867979 Easement for underground main 1 wide affecting the part shown so burdened in the title diagram. • The land within described is public reserve. DP869842 is subject to the following: • Reservations and conditions in the crown grant(s) • The land within described is public reserve. • DP869842 Easement for underground main 1 wide affecting the part shown so burdened in the title diagram.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	An application will be lodged to the NSW Land & Property and Information to remove the 'public reserve' status of the land upon reclassification from 'Community' to 'Operational'. No other interest in land is proposed to be discharged.
The effect of the reclassification ((including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The site is zoned as B1 Neighbourhood Centre under the <i>Liverpool Local Environmental Plan 2008</i> and unutilised by Council. Due to the size and location, the lots are unsuitable for any recreational or community

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
	need. The lots have no net community benefit and do not contribute to public open space in the LGA.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Please refer to the attached land title and deposited plan for more information.
Current use(s) of the land, and whether uses are authorised or unauthorised;	The two lots are unutilised by Council.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	No lease or agreements applying to the subject land.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	There is no agreement to dispose of this parcel. The reclassification is to allow Council to better manage Lot 154 DP 867979 and Lot 3046 DP 869842 and enable the land to be sold off and developed in line with adjoining Lot 1500 DP 1168645 and Lot 2 DP 1168646, which are already classified as 'operational land'.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	No rezoning proposed. Lands are currently zoned 'B1 Neighbourhood Centre'.
How council may or will benefit financially, and how these funds will be used;	A land valuation will be undertaken before the sale of the land and subject to the negotiation between Council and purchaser. It should be noted that the site will be sold in conjunction with the adjacent vacant 'B1 Neighbourhood Centre' zoned land. If the land is disposed of, Council would not be responsible for the ongoing maintenance costs of the land which can be reinvested to other Council assets that provide greater community benefits. The net proceeds of any sale will be returned to the relevant Section 94 Contribution Fund, in accordance with Section 32(5) of the <i>Local Government Act 1993</i>.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	Liverpool Contribution Plan 2009 was adopted by Council on 14 December 2009. The Contribution Plan has been prepared in accordance with the provision of Section 94 of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment Regulation 2000</i> .

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
	As discussed previously, the net proceeds of any sale must be returned to the relevant Section 94 Contribution Fund which helps to fund for additional community facilities and infrastructures such as land acquisition, parks and oval, community centre and road widening. The S94 Contribution Plan Works Schedule identifies the facilities that contributions will fund and the nexus between development and facilities to be funded by contribution.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	Please refer to Annexure 1
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable

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

As directed in PN 16-001 'Classification and reclassification of public land through a local environmental plan', the following written statement is made in relation to the reclassification of 24 Atkinson Street, Liverpool from 'Community' to 'Operational' land.

LEP Practice Note: PN 16-001	
Classification and reclassification of public land through a local environmental plan	
Requirement	Response
The current and proposed classification of the land;	Current classification – Community Proposed classification – Operational
Whether the land is a 'public reserve' (defined in the LG Act);	Dedicated as a Public Reserve on 15 November 1956 - in a plan of subdivision.
The strategic and site specific merits of the reclassification and evidence to support this;	The lot comprises a triangular shaped allotment located to the rear of 26 Atkinson Street. The lot has a total area of 270m². The lot adjoins a rail line to the east and residential land to the north and west. As a consequence, the site is an isolated strip of excess land at the rear of properties along McGowen Crescent. The site is unutilised by Council. The location would be undesirable for open space or to be utilised for any other community benefit. Reclassification of the lot would enable it to be sold off to the adjoining owner of 26 Atkinson Street.
Whether the planning proposal is the result of a strategic study or report;	Planning Proposal is the result of a Council resolution dated 27 July 2016 which resolved to reclassify Part Lot 72 DP 27242. All relevant Council departments were consulted to determine if the land was surplus to Council's needs. No objections were raised.
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	As illustrated in the Planning Proposal, the proposal is not inconsistent with Council's community plan or other local strategic plan.
A summary of council's interests in the land, including: - How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution); - If council does not own the land, the land owner's consent;	Lot 78 DP 27242 was dedicated as a Public Reserve on 15 November 1956 - in a plan of subdivision. Council is the owner of the land. Lot 78 DP27242 is subject to the following covenant and easement: • Reservations and conditions in the crown grant(s)

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
- The nature of any trusts, dedications etc;	- The land within described is public reserve. - T152200 – Easement for transmission line affecting the whole of Lot 78 within described.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	An application will be lodged to the NSW Land & Property and Information to remove the 'public reserve' status of the land upon reclassification from 'Community' to 'Operational'. No other interest in land is proposed to be discharged.
The effect of the reclassification ((including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The site is zoned as R3 Medium Density Residential under the <i>Liverpool Local Environmental Plan 2008</i> and unutilised by Council. Taking into account the size, shape and location of the site, it is mostly unsuitable for any recreational or community need. The lot provides no net community benefit and does not contribute to public open space within the LGA.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Please refer to the attached land title and deposited plan for more information.
Current use(s) of the land, and whether uses are authorised or unauthorised;	The site is currently unutilised by Council.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	No lease or agreements applying to the subject land.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	The owner of 26 Atkinson Street has expressed interest to acquire Part Lot 72 DP 27242. Upon reclassification of the land, Council is intended to sell this portion of land to the owners of 26 Atkinson Street.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	No rezoning proposed. The land is currently zoned as 'R3 Medium Density Residential'.
How council may or will benefit financially, and how these funds will be used;	Council has appointed a valuer to determine the current market value of the subject site. The adjoining land owner of 26 Atkinson Street was in negotiation with Council in relation to the value of the land. A purchase price has been agreed.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
	If the land is disposed of, Council would not be responsible for the ongoing maintenance costs of the land which can be reinvested to other Council assets that provide greater community benefits. The net proceeds of any sale will be transferred to the General Property Reserve.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	The General Property Reserve allows Council to provide additional community facilities and improvements which are not identified within the Work Schedule of the Sg4 Plan.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	Please refer to Annexure 1
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable

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

As directed in PN 16-001 'Classification and reclassification of public land through a local environmental plan', the following written statement is made in relation to the reclassification of Forcett Close, West Hoxton from 'Community' to 'Operational' land.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
The current and proposed classification of the land;	Current classification – Community Proposed classification – Operational
Whether the land is a 'public reserve' (defined in the LG Act);	The land was dedicated as a Public Reserve upon the registration of the Plan of Subdivision of Lot 603, 604 and 605 DP 2475 dated 25 May 2000.
The strategic and site specific merits of the reclassification and evidence to support this;	Part Lot 1001 DP 1006332 is an irregular shaped lot with a site area of 215m ² and adjoins 22 Forcett Close to the west and electricity tower and easement to the east. The site has a fall of approximately 5m from top of the site to Forcett Close. Its location would be undesirable for open space or to be utilised for any other community benefit. Reclassification of the lot would enable it to be sold off to the adjoining owner of 22 Forcett Street.
Whether the planning proposal is the result of a strategic study or report;	Planning Proposal is the result of a Council resolution dated 30 September 2015 which resolved to reclassify Part Lot 1001 DP 1006332. All relevant Council departments were consulted to determine if the land was surplus to Council's needs. No objections were raised.
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	As illustrated in the Planning Proposal, the proposal is not inconsistent with Council's community plan or other local strategic plan.
A summary of council's interests in the land, including: - How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution); - If council does not own the land, the land owner's consent; - The nature of any trusts, dedications	The land was dedicated as a Public Reserve upon the registration of the Plan of Subdivision of Lot 603, 604 and 605 DP 2475 dated 25 May 2000. Council is the owner of the land. Lot 1001 DP1006332 is subject to the following: • Reservations and conditions in the

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
etc;	crown grant(s) - The land within described is public reserve. - J476016 Easement for transmission line 60.96 metre(s) wide affecting the part(s) shown so burdened in the title diagram 0858395 Vested in the NSW Electricity Transmission Authority.
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	An application will be lodged to the NSW Land & Property and Information to remove the 'public reserve' status of the land upon reclassification from 'Community' to 'Operational'. No other interest in land is proposed to be discharged.
The effect of the reclassification ((including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The reclassification and associated rezoning of Forcett Close will result in the loss of public open space comprising an area of 215m². According to Council investigation, part of the improvements of 22 Forcett Close encroached onto the subject site. A survey has confirmed that various retaining walls, landscaping and concreting encroached onto Council land. The subject site offers little amenity to the users as it adjoins an electricity tower and easement. The proposal is unlikely to have significant impacts to the neighbouring residents as the site is located within proximity to other public recreation lands, such as Shale Hills -Western Sydney Parkland (750m) and Greenway Park (1km). Furthermore, the planning proposal only seeks to rezone approximately 215m² or 2.5% of the park. Taken into account the site area, it is unlikely the proposal will impact on the overall function and/or discourage passive recreation of the park.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	Please refer to the attached land title and deposited plan for more information.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
Current use(s) of the land, and whether uses are authorised or unauthorised;	The site is currently unutilised by Council.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	No lease or agreements applying to the subject land.
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	Part of the improvements of 22 Forcett Close encroached onto the subject site. A survey has confirmed that various retaining walls, landscaping and concreting encroached onto Council land. The owner of 22 Forcett Close was given the option of either removing the encroachments at their expense or purchasing part of Lot 1001 DP 1006332. The owner of 22 Forcett Close resolved to purchase the subject site from Council.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	It is proposed that the site is rezoned from RE1 Public Recreation to R2 Low Density Residential, in accordance with the adjoining R2 Low Density Residential zone of 22 Forscett Close. A Generic Plan of Management for Parks 2007 has been adopted for the subject site. The subject site has been identified as a 'local park' subject to a powerline easement. The site is to provide opportunities for passive recreation. A local park is smaller in size and provides fewer facilities than district parks and provides opportunities for passive recreation. No other information has been provided for the subject site. Based on the site inspection, no facilities are provided at the subject site. The useability of the site is heavily restricted due to the fall of the site (approximately 5m) and powerline easement. The park consists of a total area 8,483m². The planning proposal only seeks to rezone approximately 215m² or 2.5% of the park. Taking into account the site area, it is unlikely the proposal will impact on the overall function and/or discourage passive recreation of the park.
How council may or will benefit financially, and how these funds will be used;	Council has appointed a valuer to determine the current market value of the subject site.

LEP Practice Note: PN 16-001 Classification and reclassification of public land through a local environmental plan	
Requirement	Response
	Council submitted an offer to the owner of 22 Forcett Close. Following negotiations, a purchase price has been agreed. If the land is disposed of, Council would not be responsible for the ongoing maintenance costs of the land which can be reinvested to other Council assets that provide greater community benefits. The net proceeds of any sale will be returned to the relevant Section 94 Contribution Fund, in accordance with Section 32(5) of the <i>Local Government Act 1993</i>.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	Liverpool Contribution Plan 2009 was adopted by Council on 14 December 2009. The Contribution Plan has been prepared in accordance with the provision of Section 94 of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Environmental Planning and Assessment Regulation 2000</i>. As discussed previously, the net proceeds of any sale must be returned to the relevant Section 94 Contribution Fund which helps to fund for additional community facilities and infrastructures such as land acquisition, parks and oval, community centre and road widening. The S94 Contribution Plan Works Schedule identifies the facilities that contributions will fund and the nexus between development and facilities to be funded by contribution.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	Please refer to Annexure 1
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Not applicable