

# **Planning Proposal**

# Draft Liverpool Local Environmental Plan 2008 Amendment 46- Macleod Park Master Plan

- Rezoning of part of Lot 3 DP 855930, Macleod Park, Prestons, from RE1 (Public Recreation) to R2 (Low Density Residential).
- Reclassification of Council owned land to Operational land.
- Various related amendments and mapping anomalies

March 2014

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# **Background**

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and Planning and Infrastructure's guide to preparing planning controls.

This planning proposal relates to the North West portion of Lot 3 DP 855930 Macleod Park in Prestons, proposing a rezoning of the land from RE1 Public Recreational to R2 Low Density Residential, as well as to reclassification to Operational.

# **Delegation of Plan Making Function to Council**

Council is seeking an authorisation to make the plan for this planning proposal. The following response to the evaluation criteria is in support of this request;

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

Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?			
Reclassifications	Y/N		
Is there an associated spot rezoning with the reclassification?	Υ		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	Υ		
Is the planning proposal proposed to rectify an anomaly in a classification?	N		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Υ		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	Υ		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	Y		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	Y		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Υ		
Spot Rezonings	Y/N		
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N		
s the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP nto a Standard Instrument LEP format?	N		
Matter in an existing LEP and if so, does it provide enough nformation to explain how the issue that lead to the deferral has been addressed?		N/A	
f yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A	
Does the planning proposal create an exception to a napped development standard?	N		
Section 73A matters	Y/N		
Does the proposed instrument	N		
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a cormatting error?; b. address matters in the principal instrument that are of a			
consequential, transitional, machinery or other minor nature?; or clear with matters that do not warrant compliance with the			

conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		
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#### Site identification

The planning proposal applies to the following property:

• Part of Lot 3 DP 855930- Macleod Park, Prestons (on Braidwood Drive).

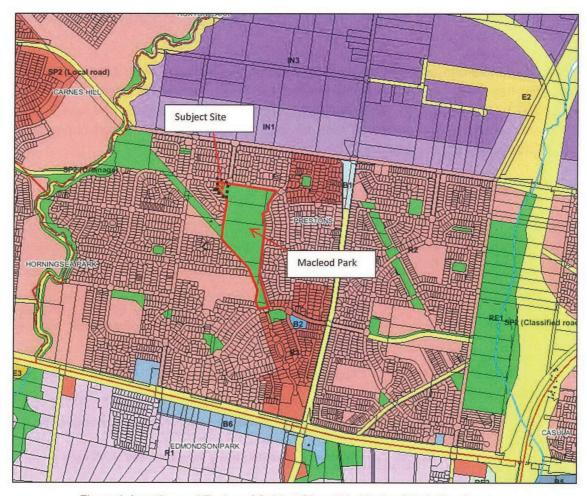


Figure 1: Location and Zoning of Subject Site within Macleod Park, Prestons.

# Part 1 - Objectives

The objective of this planning proposal is to facilitate the upgrade and embellishment of Macleod Park, a major piece of open space in the Prestons area. Funding for the substantial park improvements are proposed to be facilitated through the sale of a small portion of the park. The proposal therefore also provides opportunity for the development of additional and

affordable housing within a residential area with good access to services, community facilities and the recreational areas.

The sale of a portion of Macleod Park is part of the Master Plan and forms part of the Funding Strategy for stage two upgrades and park embellishments. The Macleod Park Master Plan is shown in Figure 4. Project works within Macleod Park include the provision of additional shared paths, bush regeneration activities and improvements to the existing water body to further enhance the natural environment, and recreation opportunities within the park.

The master plan was the subject of extensive community engagement. The loss of approximately 3,800sqm of RE1 Public Recreational space to R2 Low Density Residential is considered negligible given that Macleod Park (excluding the subject site) is around 99,000sqm and the suburb has a number of smaller existing RE1 Public Recreational areas as can be seen in Figure 1.

The recommendations and overall endorsement of the Macleod Park Master Plan by the community has been reported within the Macleod Park Community Engagement Analysis Report 2013 (Attachment 1). This planning proposal aims to amend the LLEP 2008 to rezone and reclassify this portion of land for sale. Details of the proposed changes are in Part 2 of this planning proposal.

## Part 2 – Explanation of Provisions

Amendment applies to:	LLEP Map Reference	Explanation of Provision	
Land Use Zoning	LZN_008	Rezone part of Lot 3 DP 855930, also known as a portion of Macleod Park, Prestons on Braidwood Drive from RE1 Public Recreation to R2 Low Density Residential. The associated LEP maps will be updated to reflect the change in zoning to R2.	
Floor Space Ratio	FSR_008	Apply a maximum floor space ration of 0.6:1 to the subject site.	
Height of Building	HOB_008	Apply a maximum building height of 8.5m to the subject site.	
Lot Size	LSZ_008	Apply a minimum lot size to the subject site of 300sqm.	
Land Reclassification	RPL_008	Identify the subject site with a red line for Operational Land.	
Schedule 4 Classification and Reclassification of Public Land – Part 2 Reclassification.		Amend Schedule 4 Part 2 regarding Lot 3 DP 855930 from Community Land to Operational Land.	

### Part 3 - Justification

## A. Need for the Planning Proposal

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

The Macleod Park Master Plan which aims to provide the local community of Prestons access to high quality parks, playgrounds and active public places. Currently, Macleod Park is void of playground areas, paved footpaths or bicycle paths, and is largely a grassed open area with scattered trees and a dam centrally located (Figure 3).





Figure 2: Portion of Lot 3 DP 855930 proposed for rezoning and reclassification.

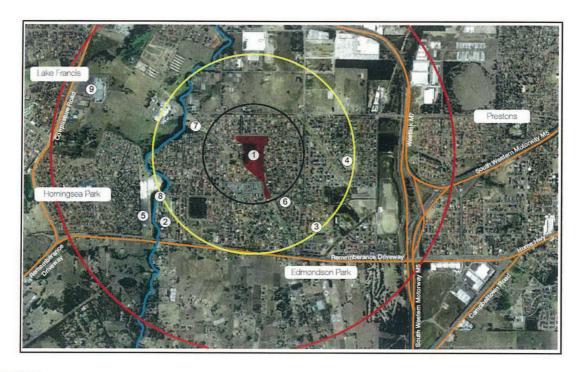
Figure 3: Aerial Photograph of subject site.

The photographs identified below in Figure 4 demonstrate the existing state of Macleod Park from a number of viewpoints for reference.



Figure 4: Photographs of Macleod Park taken in December 2013

The land analysis of Macleod Park concluded that a portion of Macleod Park in the northern North West quadrant was excess open space that would better facilitate residential uses rather than recreational. As the area is well serviced by roads, public buses, retail outlets, and educational facilities (Figure 5), the opportunity to provide additional housing has been embraced by Liverpool City Council and the local community. The proceeds of the sale will return to the Macleod Park Section 94 Contribution Fund and enable future works and upgrades to be undertaken.





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

The proposal will ensure that the LLEP2008 instrument and associated maps remain current, accurate and effective and seek to provide certainty to landowners and the community. The cost of implementing and administering the planning proposal is negligible given the provision of additional residential land and the great community benefit of upgrading the recreation area of Macleod Park. The feedback from the community was positive and supported the creation of a well embellished parkland.

## B. Relationship to strategic planning framework

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

#### Metropolitan Plan for Sydney 2036

The planning proposal is consistent with the Sydney Metropolitan Strategy in providing additional land for residential purposes in appropriate areas which are well serviced by

roads, public transport and community facilities. The amendments proposed seek to ensure the LLEP 2008 remains accurate and current with the rezoning of the subject site.

#### <u>Draft Metropolitan Strategy for Sydney to 2031</u>

The planning proposal is consistent with the Draft Metropolitan Strategy for Sydney 2031. The proposed rezoning of Macleod Park (part of Lot 3 DP 855930) will be in accordance with the following objectives of the *Metropolitan Strategy for Sydney 2036:* 

- "5.3 Assist local government to identify economically feasible areas for housing growth through Local Plans to support housing targets, both in greenfield and infill area.
- 5.6 Make subdivision of existing blocks easier.
- 6.3 Plan for the inclusion of affordable housing in Sydney.
- 8.1 Prepare guidance on planning and delivering community facilities for local areas.
- 9.1 Prepare guidance on open space planning for local areas".

The proposal amendments will provide approximately 3,800sqm of additional residential land within the Liverpool Government Area (LGA) within a well serviced and connected residential area. The eventual subdivision of land will likely result in the creation of 5-6 additional lots adjacent to Macleod Park, Prestons.

#### South West Draft Subregional Strategy

The Draft South West Subregional Strategy is the strategic land use planning framework to guide the sustainable growth of South West Sydney over the next 25 years.

It translates priorities of the Sydney Metropolitan Strategy to the local level. According to the Strategy, South West Sydney will experience growth in the vicinity of some 155,000 new dwellings over the next 17 years.

The planning proposal consists of a number of minor changes which are consistent with the objectives and actions contained within the draft Southwest Subregional Strategy in housing delivery. As the proposed amendments are very minor in nature a more detailed analysis is not necessary.

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

Growing Liverpool 2023 identifies social and community priorities for Liverpool and proposes strategies that work towards and sustain a better quality of life and increased prosperity within the community. The Strategy focuses on seven future directions. These areas have been developed to build on the work undertaken in the previous community strategic plan.

The planning proposal will achieve two main directions of the community strategic plan in providing additional residential land as well as funding for the embellishment of Macleod Park. The provision of additional residential land is consistent with Direction 2- Liveable Safe City in facilitating diverse and affordable housing options, as well as creating clean and attractive public places for people to engage and connect.

Moreover, the funds that the sale of land will generate will implement the planned works of the Macleod Park Master Plan which is consistent with Direction 3- Healthy Inclusive City. It will achieve improve health and wellbeing and encourage a happy, active community, as well as being congruent with the objective to deliver high quality and accessible services and facilities to the local area of Prestons.

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

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

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

Various Section 117 Ministerial Directions apply to this planning proposal. These are discussed below:

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
3.1 Residential Zone	To provide for a variety of housing types to meet existing and future housing needs that make use of and have access to existing infrastructure and services. Minimise the impact of development on the environment and resource lands.	The rezoning and reclassification will affect land within an existing residential area that is already serviced by existing infrastructure. The proposed reclassification lot does not contain environmentally sensitive land.	Yes
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. This direction requires that the rezoning proposal be consistent with the South West Subregional Strategy.	The planning proposal is in line with the relevant Regional Strategies.	Yes
6.2 Reserving Land for Public Purposes	The objectives of this direction area to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The planning proposal is consistent with objective 1(b) as it removes reservations on public land where it is no longer required although consent is required from Planning & Infrastructure.	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	
7.1 Metropolitan Planning	consistent with the NSW Government's Metropolitan	The planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	

#### C. Environmental, social and economic impact

# 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is anticipated that the planning proposal will not have an impact on critical habitat, threatened species, populations or ecological communities or their habitats, as the land as it exists has already been cleared. The proceeds of the eventual sale of land will however provide funds for bushland regeneration and planting schemes as identified within the master plan providing an environmental benefit.

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

The planning proposal will not result in any negative environmental effects. The reclassification and rezoning of the Council owned Macleod Park affects only a small segment of the park which has been previously cleared of vegetation. Funding from the sale will go toward projects including bush regeneration and water quality works. This therefore contributes to an improved environment.

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

The social and economic impacts of this planning proposal are generally of a minor nature. The upgrades to the park proposed in the Master Plan will be of great social value to the local community. The reclassification of land will result in minimal social impacts besides providing future housing for the population and upgraded park facilities.

The subject site proposed for reclassification will result in minimal social impacts. The site is currently underutilised and the disposal is consistent with Council's strategic plan, which will provide opportunities for investment in the Macleod Park Master Plan upgrades.

#### D. State and Commonwealth interests

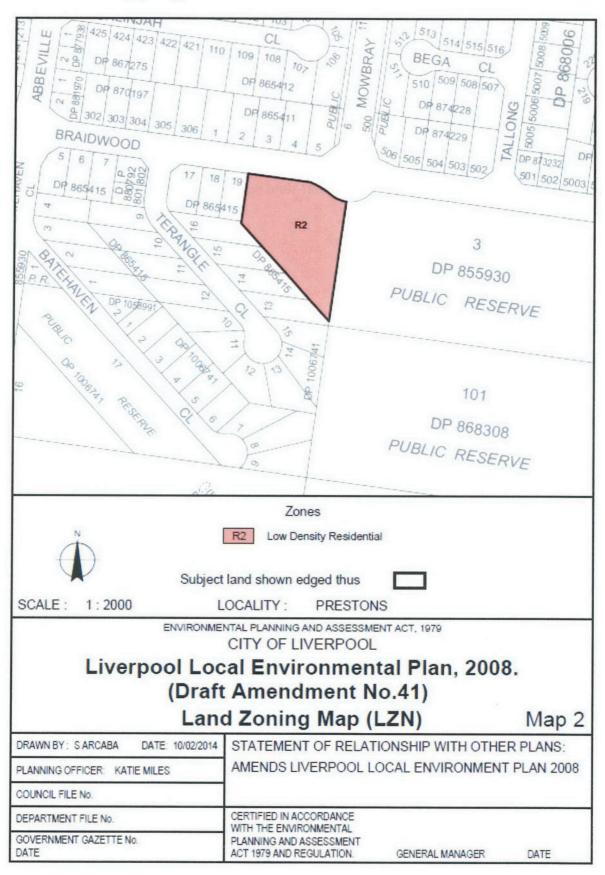
#### 10. Is there adequate public infrastructure for the planning proposal?

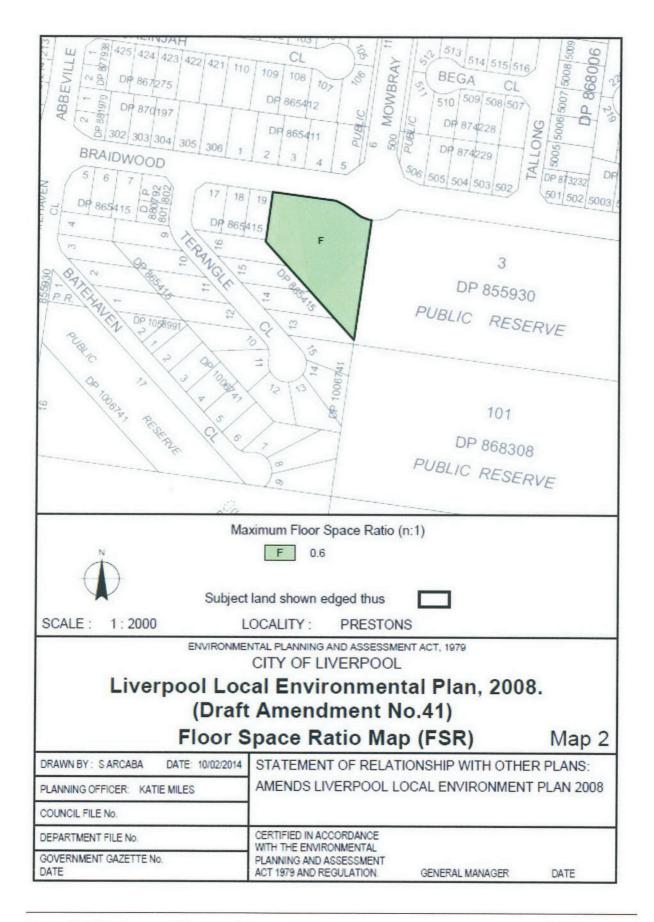
The planning proposal does not result in extensive additional development. As such the planning proposal will not place additional demands on public infrastructure.

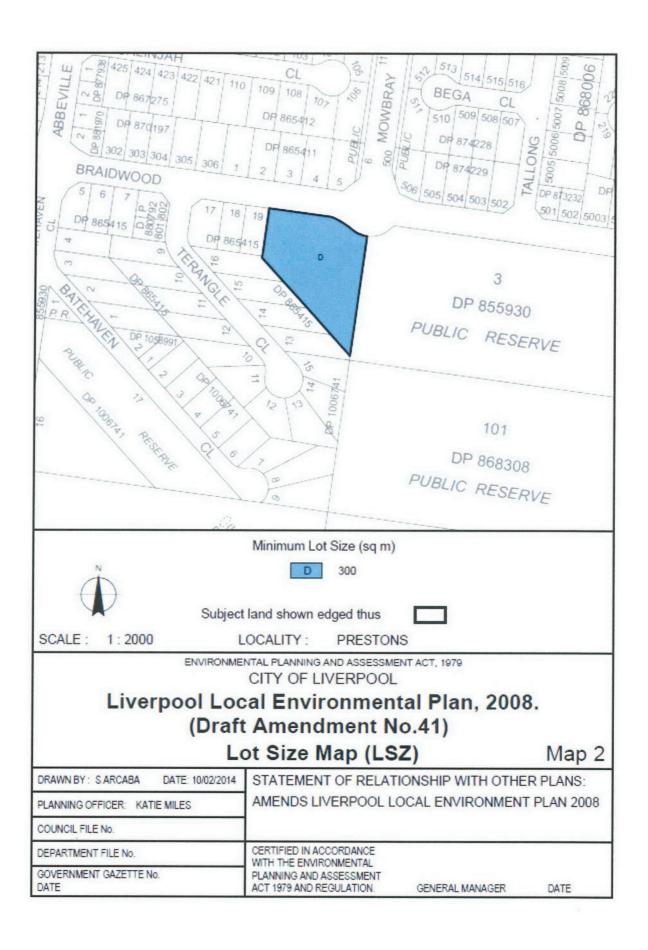
# 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

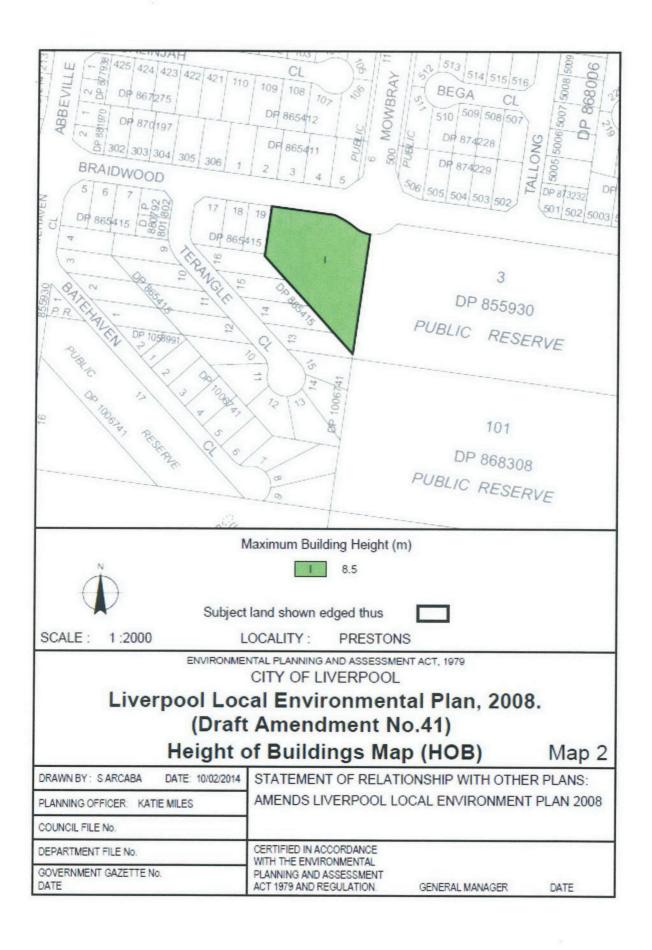
There is no identified state agency impediment to proceeding with this draft Amendment No 46. It is considered that the development resultant of this planning proposal is minor and of a local nature only. Is it therefore considered that state agency consultation is not required.

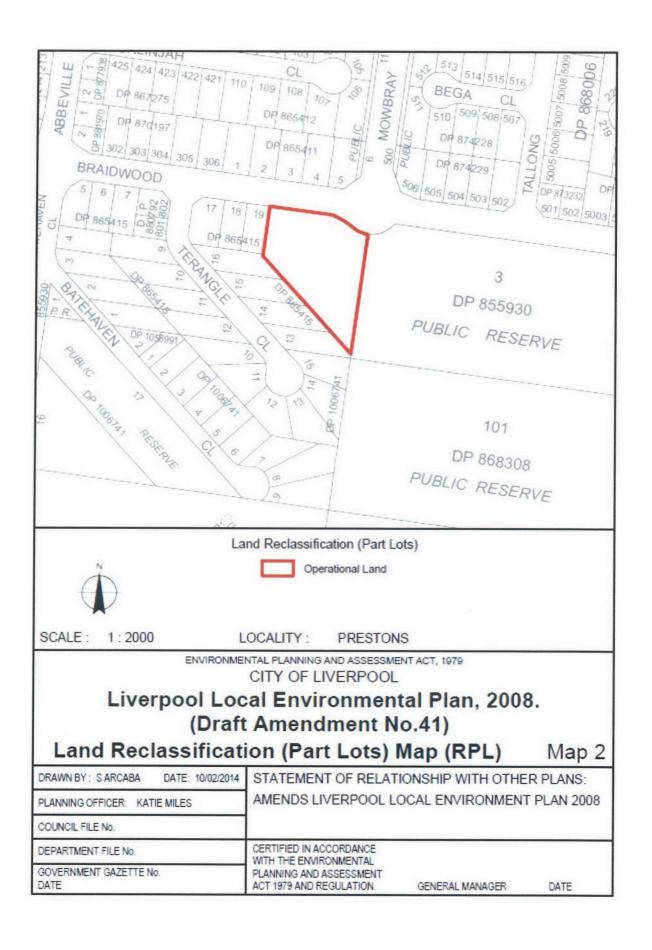
## Part 4 - Mapping











## Part 5 - Community Consultation

It is suggested that community consultation, involving exhibition of the planning proposal and supporting documentation, is undertaken for a period of 28 days. As community land is proposed to be reclassified to operational land, a public hearing is also required to be held in accordance to section 68 of the EP&A Act 1979 (s.29). This will be undertaken in accordance with the P&I LEP Practice Note: PN09C03 'Classification and reclassification of public land through a local environmental plan' and the requirements of the Local Government Act 1993.

## Part 6 - Project Timeline

The proposal consists of a minor rezoning and reclassification of Council owned land and various administrative amendments. Council estimates that a time frame of 6 months from the issue of a Gateway Determination is required to complete the process.

Timeframe	Action
1 May 2014	Receive Gateway Determination
Mid May to late June 2014	Public Exhibition and Public Hearing
Early July 2014	Review Submissions
30 July 2014	Report to Council Meeting
September 2014	Gazettal of Amendment