

1. To remove the need for an architectural design competition (LEP Clause 7.5(4)) for land at Warwick Farm- Amendment of Key Sites Map (KYS-011) within Liverpool Local Environmental Plan 2008

Objectives or intended outcomes

It is proposed to delete the key site classification for the following properties from the Key Sites Map:

- Cnr Lot 100 DP 1102856, Lachlan Street, Warwick Farm
- Cnr Lot 101 DP 1102856, Lachlan Street Warwick Farm

Explanation

Land coloured blue on the Key Sites Map requires the consent authority to consider an architectural design competition for new development proposals.

Refer to Map 1

Justification

This requirement for an architectural design competition is no longer required for these sites. The subject sites are to be deleted from this map as they have been the subject of development approval and construction.

2. To indicate the required land for acquisition and the authority for proposed road widening for land located at Woodward Park, Liverpool - Land Reservation Acquisition Map (LRA-010)

Objectives or intended outcomes

Land Reservation Acquisition Map (LRA-010) is to be updated to reflect the current need for road widening at Woodward Park, Liverpool

Explanation

The Roads and Traffic Authority (RTA) has written to Liverpool Council expressing the need for widening of the Hume Highway and Hoxton Park road at this location.

Refer to Map 2

Justification

The current SP2 (Classified road) zoning currently reflects the required widening, however, the notation is not reflected in the Land Reservation Acquisition Map.

It is consequently proposed that the Land Reservation Acquisition Map (LRA-010) be updated to reflect the current need for road widening at this site.

3. To introduce dwelling density controls for land located at Middleton Drive, Middleton Grange - Dwelling Density Map (DWD-008)

Objectives of intended outcomes

To update the Dwelling Density Map (DWD-008) to ensure density controls for the land identified as Lot 214 in Deposited Plan 1111381 Middleton Drive, Middleton Grange.

Explanation

To ensure the land zoned residential that was reconfigured in a previous re-zoning is subject to appropriate residential dwelling density controls.

Refer to Map 3

Justification

The amendment to Western Sydney Parklands SEPP (6 March 2009) extended the area of residential zoned land. This amendment did not update the density map at that time. This LEP aims to rectify this omission by adopting a minimum density requirement over the extended residential area.

4. Introduce a minimum lot size, building heights and a floor space ratio for land located at Lot 2 Zouch Road, Ingleburn

Objectives of intended outcome

To include appropriate controls for land located at Lot 2 Zouch Road, Ingleburn, by amending the following maps: Minimum Lot Size (LSZ-009), Height of Building (HOB-009) and Floor Space Ratio (FSR-009) (Small corner of R5 - Large Lot Residential land on delayed zoning map).

Explanation

The required development controls were accidentally omitted during the drafting of the current maps.

The following development controls are proposed for the R5 Rural Residential zoned parcel;

- Minimum Lot size map (LSZ-009) = W (4000 sq m)
- Height of Building map (HOB-009) = I (8.5m)
- Floor Space Ratio (FSR-009) = A2 (0.1:1)

Refer to Maps 4, 5, and 6.

Justification

The land is subject to a delayed rezoning of R5 Large Lot Residential. There is a need to include additional controls for height, minimum lot size and Floor Space Ratio (FSR) to ensure appropriate development controls apply when the delayed zoning comes into effect.

5. Alteration of a 100 metre standard to 50 metres – Zone B6 Enterprise Corridor (Clause 7.16)

Objectives of intended outcome

Clause 7.16 within Liverpool Local Environmental Plan 2008 currently states that “land in Zone B6 Enterprise Corridor that is within 100 metres of a classified road”. It is proposed to alter this figure to 50 metres.

Explanation

Clause 7.16 aims to ensure that any building built within 100m from a main road incorporates active building uses at the street level to encourage the presence and movement of people and to ensure a consistent street presentation.

This Clause conflicts with Clause 7.22 (3) of Liverpool LEP 2008, which states that “development consent must not be granted to development for the purposes of a dwelling unless the dwelling is at least 50 meters from any boundary of the land that adjoins a classified road.” Effectively, clause 7.22 permits dwellings in the B6 zone as long as they are located 50m from a classified road. However clause 7.16 does not permit residential use on the ground floor within 100m from a classified road.

Justification

Changing the 100m figure in Clause 7.16 to 50m will provide consistency between the two clauses. The LEP will continue to promote active street frontages for buildings within 50m from the main road, and will allow for residential dwellings at least 50m from the main road.

6. To make ‘home based child care centres’ permissible in the E3 (Environmental management) Zone

Objectives of intended outcome

It is proposed that *home based child care centres* be included as a permissible land use in the E3 (Environmental Management) zone.

Explanation

A ‘Home based child care centre’ is deemed to be an appropriate land use for the E3 (Environmental Management) zone as dwellings are permissible in this zone.

Justification

The proposed change will allow Home based child care centres in E3 (Environmental Management) zones which is considered to have only a minimal additional impact.

7. To prohibit ‘home occupations’ within zones where dwellings are not permitted

Objectives of intended outcome

Delete ‘home occupations’ from ‘Permitted without consent’ in zones that do not permit a dwelling.

List of affected zones:

Zone SP1 (Special Activities),
Zone E2 (Environmental Conservation),
Zone B5 (Business Development),
Zone IN2 (Light Industrial),
Zone W1 (Natural Waterways)

Zone SP2 (Infrastructure),
Zone B3 (Commercial Core),
Zone IN1 (General Industrial)
Zone IN3 (Heavy Industrial)

Explanation

For the purposes of Liverpool Local Environmental Plan 2008, 'home occupation' means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- the employment of persons other than those residents, or
- interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam.

Currently, the LEP allows Home Occupations in zones where dwellings are prohibited.

Justification

A small number of existing dwellings are located in some of these zones, however continuing to permit home occupations in these locations will likely intensify the use of the dwelling and therefore reduce the likelihood of that site being re-developed for the intended purpose of the zone.

8. To permit 'serviced apartments' within land zoned as B6 (Enterprise corridor)

Objectives of intended outcome

The addition of "Serviced apartments" to the B6 (Enterprise Corridor) zone within Liverpool LEP 2008.

Explanation

Serviced Apartments are considered an appropriate use within commercial areas adjacent to main arterial roads. Serviced apartments may be considered as complimentary to recreation facilities and registered clubs which are development types currently permitted in the B6 zone.

Justification

As above.

9. To permit 'hotel and motel accommodation' to the uses permitted within the RE2 (Private Recreation) Zone within Liverpool LEP 2008

Objectives of intended outcome

The addition of "Hotel and motel accommodation" to uses permitted within the RE2 (Private Recreation) zone.

Explanation

Hotel and motel accommodation is considered an appropriate use for the zone and may be considered as complimentary to land uses such as entertainment facilities, function centres, and registered clubs which are currently permitted in the zone.

Justification

Hotel and motel accommodation is considered to be a complementary use to other uses permitted within the zone. There is also a foreseeable demand for the provision of accommodation in the Liverpool local government area.

10. To identify the Department of Education and Training as an acquisition authority

Objectives of intended outcome

To update Clause 5.1 (2) within Liverpool Local Environmental Plan 2008 so that the Department of Education is identified as the acquisition authority for land zoned SP2 Infrastructure (Educational Establishment).

Explanation

The Department of Education and Training (DET) actively acquire land for the provision of schools.

Justification

Listing the DET in clause 5.1 as the acquisition authority for properties zoned SP2 Infrastructure and marked "Educational Establishment" will allow the Department to acquire land for educational establishments such as schools.

11. To clarify controls for the development of “hatchet shaped” allotments within Liverpool LEP 2008

Objectives of intended outcome

- Amend Clause 7.13(4) to delete reference to the requirement of “450 square meters or more”
- Add a new clause in Part 7 of the LEP for minimum allotment size for hatchet shaped lots as follows:

New clause heading: Minimum allotment size for Hatchet shaped lots

- (1) The minimum lot size for a hatchet shaped lot shall not be less than the minimum lot size shown on the Lot Size Map.
- (2) For the purposes of clause (1), the area of any access way handle for the hatchet shaped lot is not included as part of the lot for the purposes of calculating minimum lot size.

Note: A “Hatchet Lot” means:

- (i) a lot that has access to a road by means only of an access strip or access handle, or
- (ii) a lot that has a road frontage the same width as (or similar to) an access strip or access handle.

Explanation

This amendment is required in order to clarify of minimum lot sizes and lot minimum lot widths for hatched shaped blocks.

Existing 7.13(4) states:

“An irregular shaped lot with an area of 450 square metres or more that has an average width of more than 10m may have a minimum width of not less than 5 metres.”

Justification

The intent of clause 7.13(4) is to stipulate minimum lot dimensions for hatchet shaped lots and not all irregular shaped lots as the wording suggests. The proposal is that Cause 7.13 only intends to control lot width, and a new clause be added to stipulate minimum lot size for hatchet shaped blocks.

12. To update property descriptions

Objectives of intended outcome

Include updated property details (e.g. Lot and DP references) within Liverpool LEP 2008.

Explanation

As a result of recent subdivisions, some property details have changed (i.e. Lot and DP numbers). These are proposed to be updated accordingly.

The amendment does not introduce new properties for heritage listing, nor does it delete existing heritage properties from the schedule.

Justification

As above

13. To clarify controls currently within clause 5.4(9)(b) of Liverpool LEP 2008 for secondary dwellings (i.e. ‘granny flats’).

Objectives of intended outcome

The intent of the clause is to clarify the maximum permissible floor area of secondary dwellings (i.e. granny flats) to a suitable size which complements the principle dwelling on the site.

To clarify the interpretation of the clause, it is proposed to replace “20% of the total floor area of both the self-contained dwelling and the principle dwelling” with “25% of total floor area of principle dwelling”

Explanation

The current clause is difficult to interpret and the amendment is required to improve readability and provide further certainty. This amendment does not increase the resultant size of the secondary dwelling.

Justification

As above.

14. To improve the presentation of clause 4.4 (2C) of Liverpool LEP 2008.

Objectives of intended outcome

Column headings are included that expresses the lot sizes to which this clause applies.

Explanation

Clause 4.4 2(c) sets maximum floor space ratio (FSR) controls commensurate to the lot size. In order to improve interpretation of this clause, the relevant lot size thresholds that apply to FSR calculation should be reproduced at the column headings of the table in clause 4.4 (2c)

Justification

Detailed above.

15. Rezone Lot 1 DP 1126484 Leacocks Lane, Casula.

Objectives of intended outcome

Rezone Lot 1 DP 1126484 from E1 (National Parks and Nature Reserves) to R5 (Large Lot Residential).

Add additional planning controls (i.e. lot size, building heights, floor space ratio) to the proposed R5 portion of the site by amending the LEP maps as follows:

- Minimum Lot Size Map – 10000 sqm
- Height of Building Map – 8.5m
- Floor Space Ratio Map – 0.1:1

Explanation

Council has received a request from the NSW National Parks and Wildlife Service and the Department of Planning to rezone Lot 1 DP 1126484 to an appropriate zone that will permit development to the existing dwelling (i.e. R5 Large Lot Residential).

The minimum lot size, height of building, and floor space ratio maps are to be updated to ensure appropriate development controls apply to the property.

Refer to Maps 7, 8, 9, and 10.

Justification

As above.

16. To include a definition for ‘Vocational training facilities’ to the dictionary within Liverpool LEP 2008 and permit this use within various zones

Objectives of intended outcome

To define a ‘Vocational training facility’ within Liverpool LEP 2008.

Explanation

It is proposed that a new definition for ‘Vocational training facility’ is introduced to the Liverpool LEP 2008 and the Standard LEP Instrument and this use is permitted with consent in the following zones:

B5 (Business Development)	RU1 (Primary Production)
RU4 (Rural Small Holdings)	IN1 (General Industrial)
IN2 (Light Industrial).	

The following draft definition for ‘Vocational training facility’ is proposed to be forwarded to the Department of Planning for their review of the LEP Standard Instrument.

“means a building or place used for providing education and training to individuals for the purpose of gaining workplace skills but does not include training for skills related to office or retail operations”

Justification

To facilitate workplace training. There is currently no definition which permits this type of land use in the standard instrument. It should be noted that this definition is not currently in the Department of Planning’s Standard LEP Instrument and that an amendment to the Standard LEP would be required prior to introducing this definition to the Liverpool LEP 2008.

17. Consistency of Liverpool LEP 2008 with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Objectives of intended outcome

Amendment of Schedule 2 – Exempt Development and Schedule 3 – Complying Development, within Liverpool LEP 2008 to ensure the Liverpool LEP is consistent with recent amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Explanation

Amend Schedule 2 Exempt Development as follows:

- Delete the heading '*Change of use – Light industrial premises, office and business premises and shops*' and associated provisions.
- Delete heading '*Change of use – Light industrial premises in business and industrial zones*' and associated provisions.
- Delete heading '*Change of use – office and business premises in business zones*' and associated provisions.
- Delete heading '*Change of use – shops in business zones*' and associated provisions.

Amend Schedule 3 Complying Development as follows:

- Delete the words "Alterations and" from 'Alterations and additions to industrial and warehouse buildings in industrial zones'.
- Delete the heading 'Changes to commercial premises in business zones' and associated provisions.

Justification

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 commenced on 27 February 2009. The Codes SEPP currently includes the General Exempt Development Code and the General Housing Code.

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial) 2009 commenced on 7 September 2009. This amendment adds new provisions regarding commercial and industrial development and internal alterations to dwellings to the Codes SEPP.

The SEPP overrides provisions in Liverpool Local Environmental Plan 2008, as a result, certain provisions relating to commercial and industrial development and internal alterations to dwellings in Schedules 2 and 3 are to be deleted to ensure controls are not 'doubled up' with the SEPP.

18. Consistency of Liverpool LEP 2008 with the Standard Instrument (Local Environmental Plans) Amendment (Affordable Rental Housing) Order 2009

Objectives of intended outcome

Add "Boarding houses" as a permissible land use in Zone R2 Low Density Residential

Explanation

To ensure Liverpool Local Environmental Plan 2008 is consistent with Standard Instrument (Local Environmental Plans) Amendment (Affordable Rental Housing) Order 2009 gazetted 29 July 2009.

Justification

As above.

19. Consistency of Liverpool LEP 2008 with the Standard Instrument (Local Environmental Plans) Amendment (Affordable Rental Housing) Order 2009

Objectives of intended outcome

Omit "generally has shared facilities, such as communal" from paragraph (c) of the definition of boarding house.

Insert instead "may have shared facilities, such as communal living room".

Insert "Some or all of which may have private kitchen and bathroom facilities" after "rooms in paragraph (d).

Explanation

To ensure Liverpool Local Environmental Plan 2008 is consistent with Standard Instrument (Local Environmental Plans) Amendment (Affordable Rental Housing) Order 2009 gazetted 29 July 2009.

Justification

As above.