



Liverpoolcitycouncil
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Our Ref: 2011/0350 025226.2011
Contact: Theo Zotos
9821 9317
t.zotos@liverpool.nsw.gov.au
Date: 11 February 2011



Mr Peter Goth
Regional Director, Sydney West
Department of Planning
GPO Box 5020
PARRAMATTA NSW 2124



Dear Mr Goth,

**SUBMISSION OF A PLANNING PROPOSAL SEEKING GATEWAY DETERMINATION
DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO. 21) – LOTS 1, 2
AND 3 DP 239468 GREEN STREET PLEASURE POINT**

Pursuant to section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is forwarding a planning proposal for Draft Liverpool Local Environmental Plan (LLEP) 2008: Amendment No. 21, seeking Gateway Determination. The purpose of Draft Amendment No. 21 is to amend the minimum subdivision lot size control that applies to Lots 1, 2 and 3 DP 239468 Pleasure Point (LLEP map LSZ 015).

At its meeting on 7 February 2011, Council's resolution was to:

1. Prepare and exhibit an amendment to the Liverpool Local Environmental Plan (Amendment No. 21) to amend the minimum subdivision lot size of Lots 1, 2 and 3 of DP 239468 from 120 hectares to 2 hectares.
2. Forward a copy of the Planning Proposal to the Department of Planning, seeking Gateway Determination and following that proceed with agency and public consultation.
3. Consider a further report containing the findings of the public exhibition period and government authority consultation.

A copy of the Planning Proposal, the aforementioned report to Council on this matter, and maps indicating the proposed amendments to Liverpool Local Environmental Plan 2008 is enclosed for your consideration.

Should you have any questions or require further information, please call Theo Zotos, Executive Planner on 9821 9317.

Yours sincerely

Theo Zotos
Executive Planner

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471

If you do not understand this letter/application, please ring the Telephone Interpreter Service (131 450) and ask them to contact Council (1300 362 170). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

ARABIC

إذا لم تستطع فهم هذا الطلب ، الرجاء الاتصال بخدمة الترجمة الهاتفية على رقم 131 450 واسألهم أن يتصلوا بالبلدية على رقم 1300 362 170 . دوام ساعات العمل هي من الساعة 8.30 صباحاً إلى 5.00 بعد الظهر من الاثنين إلى الجمعة.

CHINESE

如您看不懂此信 / 申請書，請打電話給「電話翻譯服務台」(131 450)，請他們聯絡市政廳(市政廳電話 1300 362 170)。市政廳辦公時間，星期一至星期五，上午八時三十分至下午五時。

CROATIAN

Ako ne razumijete ovo pismo/aplikaciju, molimo nazovite Službu prevodilaca i tumača (Translating and Interpreting Service - na broj 131 450) i zamolite ih da nazovu Općinu (na 1300 362 170). Radno vrijeme je od 8.30 ujutro do 5.00 popodne, od ponedjeljka do petka.

GERMAN

Wenn Sie diesen Brief/Antrag nicht verstehen können, rufen Sie bitte den Telefon Dolmetscher Dienst (Telephone Interpreter Service) (131 450) an und lassen Sie sich vom Personal mit dem Gemeinderat (Council) in Verbindung setzen (1300 362 170). Geschäftsstunden sind von 8:30 bis 17:00 Uhr, montags bis freitags.

GREEK

Αν δεν καταλαβαίνετε αυτή την επιστολή/αίτηση, σας παρακαλούμε να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων (131 450) και να τους ζητήσετε να επικοινωνήσουν με το Δημοτικό Συμβούλιο (1300 362 170). Τα γραφεία του είναι ανοιχτά από τις 8.30π.μ. μέχρι τις 5.00μ.μ. από Δευτέρα μέχρι και Παρασκευή.

HINDI

अगर आप इस पत्र/आवेदन को पढ़कर समझ नहीं पा रहे हैं तो कृपया टेलीफोन संवाद-सहायक सेवा (131 450) को फोन करें और उनसे काउंसिल (1300 362 170) से संपर्क करने को कहें। कार्यालय का समय सोमवार से शुक्रवार तक प्रातः ८:३० बजे से सायं ५:०० तक है।

ITALIAN

Se non comprendi questa lettera/questo modulo di domanda, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 1300 362 170). Orario d'ufficio: ore 8.30 -17.00, dal lunedì al venerdì.

KHMER

បើលោកអ្នកមិនយល់ពីអត្ថន័យឬការប្រតិបត្តិទេ ទេ សូមទូរស័ព្ទទៅសេវាកម្មប្រែភាសាភាសាខ្មែរ (លេខ 131 450) ហើយស្នើសុំឲ្យគេទាក់ទងសាលាក្រុង (លេខ 1300 362 170)។ ពេលម៉ោងធ្វើការគឺម៉ោង 8 កន្លះព្រឹកដល់ម៉ោង 5 ល្ងាច ពីថ្ងៃច័ន្ទដល់ថ្ងៃសុក្រ

MACEDONIAN

Ako ne go razbirate ова писмо/апликација, ве молиме да се јавите во Телефонската преведувачка служба на 131 450 и замолете ги да стапат во контакт со Општината на 1300 362 170. Работното време е од 8.30 часот наутро до 5.00 часот попладне од понеделник до петок.

MALTESE

Jekk ma tifhimx din l-ittra/applikazzjoni, jekk jogħġbok ċempel lis-Servizz ta' l-Interpretu bit-Telefon (131 450) u itlobhom jikkuntattjaw il-Kunsill (1300 362 170). Il-hinijiet ta' l-Uffiċċju huma mit-8.30a.m. sal-5.00p.m., mit-Tnejn sal-Ġimgħa.

POLISH

Jeśli nie rozumiesz treści niniejszego pisma/podania, zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service) pod numer 131 450 i poproś o telefoniczne skontaktowanie się z Radą Miejską pod numerem 1300 362 170. Godziny urzędowania: 08.30-17.00 od poniedziałku do piątku.

SERBIAN

Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonsku prevodilačku službu (131 450) i zamolite ih da kontaktiraju Opštinu (1300 362 170). Radno vreme je od 8.30 ujutro do 5.00 popodne, od ponedeljka do petka.

SPANISH

Si Ud. no entiende esta carta/solicitud, por favor llame al Servicio Telefónico de Intérpretes (131 450) y pídale que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

TURKISH

Bu mektubu veya müracaatı anlayamazsanız, lütfen Telefon Tercüme Servisi'ne (131 450) telefon ederek Belediye ile (1300 362 170) ilişkiye geçmelerini isteyiniz. Çalışma saatleri Pazartesi - Cuma günleri arasında sabah saat 8:30 ile akşam 5:00 arasındır.

VIETNAMESE

Nếu không hiểu thư/đơn này, xin Quý Vị gọi cho Telephone Interpreter Service (Dịch Vụ Thông Dịch Qua Điện Thoại), số 131 450, và nhờ họ liên lạc với Council (Hội Đồng), số 1300 362 170. Giờ làm việc là 8 giờ 30 sáng đến 5 giờ 00 chiều, Thứ Hai đến Thứ Sáu.

Liverpool City Council

Planning Proposal

15 Green Street, 17 Green Street and 32 Pleasure
Point Road, Pleasure Point

(Lots 1, 2 and 3 DP 239468)

Draft Liverpool LEP 2008 Amendment No.21

The proposal to subdivide and rezone these lots is depicted in the following image.

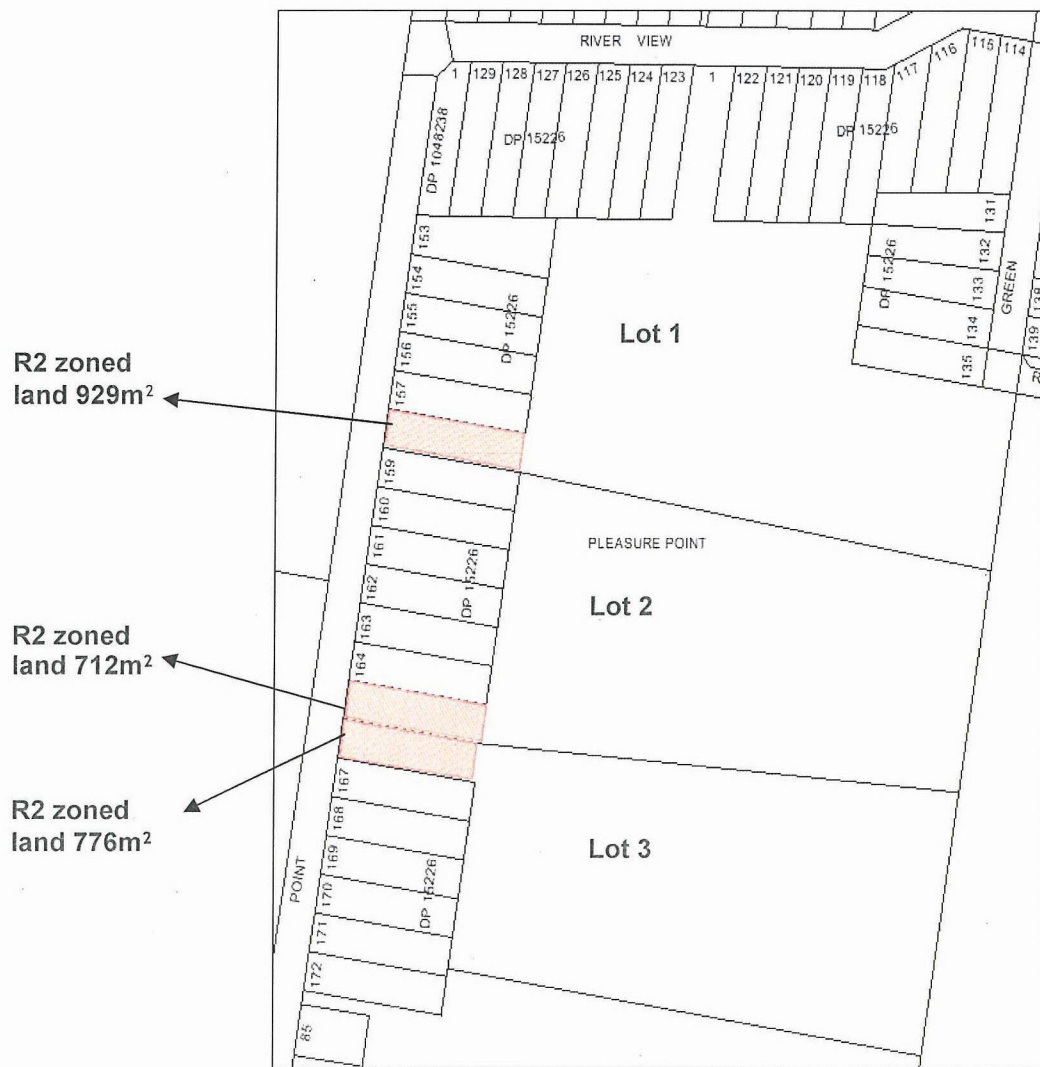


Figure 2: Indicative map of land to be subdivided

Background

Lots 1, 2, 3 are zoned part R2 Low Density Residential and E3 Environmental Management. The land zoned R2 Low Density Residential totals 2,417sqm and is located along Pleasure Point Road. The rezoning of this land was undertaken under LLEP 2008 Amendment No.7.

Since the gazettal of Amendment No. 7, the applicant has sought to subdivide the R2 zoned portion of land from the remainder of Lots 1, 2, 3 in order to create three residential lots.

Any such subdivision would need to comply with LLEP 2008 Clause 4.1 (3) as follows;

"The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land."

The LLEP 2008 Lot Size Map indicates a minimum subdivision lot size of 700sqm for the land zoned R2 Low Density Residential, and a 120 hectare minimum lot size for the land zoned E3. The 120 hectare minimum lot size requirement is significantly above the actual lot sizes of 2.5ha, 2.2ha and 2.1ha. In order to facilitate future subdivision, it is proposed to amend the minimum subdivision lot size requirement from 120 hectares to 2 hectares. This will allow the excising the R2 zoned portion from the E3 zoned portion of Lots 1, 2 and 3 without further fragmenting E3 zoned land in this location.

The Minimum lot size for the R2 zoned lots will remain at 700sqm.

Table 1: Proposed lot sizes subject to future subdivision

Property Description	Area zoned E3 Environmental Conservation	Area zoned R2 Low Density Residential
Lot 1 DP 239468 (15 Green Street)	2.154 ha	929m ²
Lot 2 DP 239468 (17 Green Street)	2.065ha	712m ²
Lot 3 DP 239468 (32 Pleasure Point Rd)	2.04ha	776m ²

The minimum lot size of 2 ha has been selected as this will accommodate the proposed excising of the R2 Low Density Residential zoned portion from the original lots, while also precluding the ability to further subdivide lots zoned E3 Environmental Management which is consistent with the initial intent of applying the 120 hectare minimum subdivision lot size.

Indicative locality and amending maps have been attached for reference.

Part 2 - Explanation of provisions

To achieve the objectives mentioned in Part 1, the planning proposal will need to amend the Liverpool Local Environmental Plan 2008 (LLEP 2008) Lot Size Map (LSZ Sheet LSZ-015) by reducing the minimum subdivision lot size from 120 ha to 2 ha for Lots 1, 2, 3 DP239468.

In order to support the subdivision of the R2 zoned land, LLEP Amendment No.7 applied a 700sqm minimum subdivision lot size for the properties along Pleasure Point Road. The proposed subdivision now seeks to create three residential lots ranging from 712sqm to 929sqm and thus compliance with the stipulated lot size is achieved. However LLEP 2008 Amendment No. 7 failed to address the minimum subdivision lot size requirement for the remainder of Lots 1, 2 and 3 which is stipulated at 120 hectares. As seen in Table 1, the resultant lot size from the excision of the R2 zoned portion would result in lot sizes of 2.15ha 2.06ha and 2.04ha respectively, well under the 120 ha requirement stipulated in LLEP 2008 Lot Size Maps. As such, any proposed subdivision of the E3 zoned portion of Lots 1, 2, 3 is currently not permitted.

This Planning Proposal seeks to amend the minimum lot size that applies to the E3 zoned portion of Lots 1, 2, 3 and facilitate the subdivision of R2 zoned land.

No other planning controls are to be amended as part of this Planning Proposal.

Part 3 - Justification

A. Need for the planning proposal

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

The need for the Planning Proposal is to allow the proposed subdivision of land facilitated by the LLEP 2008 Amendment No.7, which rezoned 2,417sqm of land along Pleasure Point Road from E3 Environmental Management to the R2 Low Density Residential zone. The rezoning was supported on the basis that this land did not exhibit environmental significance

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

The only mechanism available to amend the minimum subdivision lots size that applies these lots is to amend the LLEP 2008 Lot Size Maps.

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

The planning proposal will allow for the subdivision to excise the R2 zoned land from Lots 1, 2, 3. The subsequent subdivision would result in three residential lots.

The additional three residential lots add to the housing supply in an area that is serviced by established roads and infrastructure. The implementation of the 2ha minimum lot size will not allow for the further fragmentation of the E3 zoned sites, limiting any potential impact upon the environmental significance of the zone.

B. Relationship to strategic planning framework

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

The NSW Governments South-West Subregional Strategy does not incorporate specific direction in regards to the retention of the environmental protection zones. The proposal will not facilitate further subdivision of land zoned E3 and thus is not considered to have a direct impact upon the environmental qualities in the area.

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

Providing opportunities for housing in existing urban areas and protecting the significance of environmental qualities of the Pleasure Point area is consistent with Council's strategic direction.

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

One deemed State Environmental Planning Policy (SEPP), namely Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment applies to the planning proposal.

The planning proposal is consistent with the aims, objectives and planning principles of the plan. Given the amendment to the minimum subdivision lot size will result in the creation of three additional lots that are zoned R2 Low Density Residential, the planning proposal will have a negligible impact upon the Georges River Catchment. With reference to Clause 10 of this Plan, the development of three additional residential lots is being carried out in line with the Metropolitan Strategy.

The planning proposal is therefore considered to be consistent with all applicable SEPP's.

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

Two Section 117 Ministerial Directions apply to the planning proposal. Council considers the planning proposal to be consistent with these directions, as discussed below:

4.1 Acid Sulfate Soils

Land that may contain potential acid sulfate soils has been identified from maps provided by the former NSW Department of Land and Water Conservation. These maps known as Acid Sulfate Soils Planning Maps, establish five (5) classes of land based on the probability of acid sulfate soils being present (Class 1 being the most likely and Class 5 being the least likely). The land subject to this rezoning is categorised as Class 5 land, thus the presence of acid sulfate soil materials on the land is unlikely.

While the planning proposal seeks to reduce the minimum lot size for Lots 1, 2, 3, it is considered that this does not constitute an intensification of land uses above that already permitted in that locality.

Therefore, the planning proposal is considered to be consistent with this Section 117 Direction.

4.4 Planning for Bushfire Protection

This direction applies as the planning proposal affects land that is in close proximity to bushfire prone land. The Planning Proposal seeks to amend the minimum lot size to facilitate subdivision of lots 1, 2, 3 i.e. excising the R2 Low Density Residential lots from E3 Environmental management. The rezoning R2 zoned land was gazetted on 24 September 2010 under LLEP 2008 Amendment No.7 within which the Rural Fire Service (RFS) was consulted.

The Rural Fire Service did not raise any matters for consideration at the draft LEP stage. It is envisaged that the RFS would not have any additional requirements as this draft plan does not increase the associated development potential or bushfire hazard from that assessed under LLEP 2008 Amendment No.7.

C. Environmental, social and economic impact

8. *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 planning proposal will not impact on critical habitat or threatened species, populations or ecological communities. Any development proposal arising from this LEP amendment will be subject to the current environmental considerations set out in the Liverpool LEP 2008 and relevant State and Federal Government legislation.

9. *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 impact on environmentally significant land. The Planning Proposal will facilitate the subdivision of land that is zoned R2 Low Density Residential.

10. *How has the planning proposal adequately addressed social and economic effects?*

The planning proposal will facilitate the subdivision of Lots 1, 2, 3 by subdividing the two zones that apply to each lot, being R2 Low Density Residential and E3 Environmental Management. The Planning Proposal does not impose adverse social or economic impacts.

D. State and Commonwealth interests

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

Any future development on land would utilise existing infrastructure available to the adjoining residential lots along Pleasure Point Road. Further, infrastructure authorities will have the opportunity to request further infrastructure upgrades however this is not expected considering the future development potential from the Planning Proposal would result in only three additional residential lots.

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

As per the Department of Planning LEP making process, Council will forward the Planning Proposal to the Department of Planning for Gateway Determination after Council resolves to make the plan. The Departments Gateway Determination will stipulate the required consultation with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.

Part 4 - Community Consultation

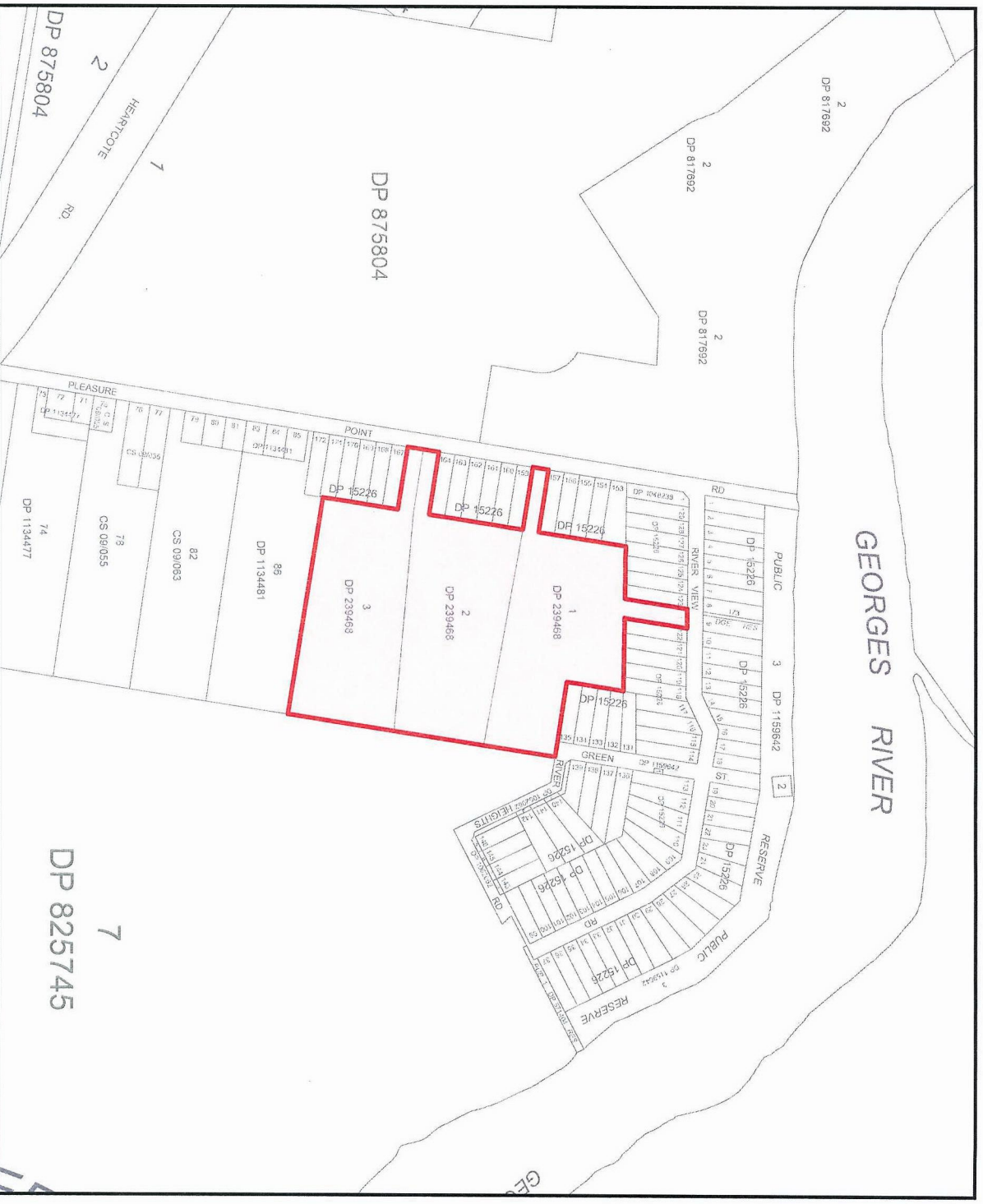
At its meeting held 7 February, Council resolved to forward the Planning proposal to the Department seeking Gateway Determination.

The gateway determination will specify the community consultation that must be undertaken for this Planning Proposal.

Attachments

Locality Map

Proposed Minimum Lot Size map



Subject land



SCALE :- 1 : 6000

LOCALITY :-

PLEASURE POINT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

CITY OF LIVERPOOL

Liverpool Local Environmental Plan, 2008. **(Draft Amendment No.21)**

Locality Map

Map 1

DRAWN BY :- F N DE ROOY	DATE: 17/2/2011	STATEMENT OF RELATIONSHIP WITH OTHER PLANS:-
PLANNING OFFICER: PRIYA UPPAL		AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008
COUNCIL FILE NO.		
DEPARTMENT FILE NO.		CERTIFIED IN ACCORDANCE
GOVERNMENT GAZETTE NO.		WITH THE ENVIRONMENTAL
DATE		PLANNING AND ASSESSMENT
		ACT 1979 AND REGULATION.
		GENERAL MANAGER
		DATE



Minimum Lot Size (sq m)

Z 2ha



Subject land shown edged thus



SCALE :- 1 : 3000

LOCALITY :- PLEASURE POINT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

CITY OF LIVERPOOL

Liverpool Local Environmental Plan, 2008. (Draft Amendment No.21)

Lot Size Map (LSZ)

Map 2

DRAWN BY :- F N DE ROOY DATE: 17/2/2011

PLANNING OFFICER: PRIYA UPPAL

COUNCIL FILE No.

DEPARTMENT FILE No.

GOVERNMENT GAZETTE No.
DATE

STATEMENT OF RELATIONSHIP WITH OTHER PLANS:-

AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING AND ASSESSMENT
ACT 1979 AND REGULATION.

GENERAL MANAGER

DATE

SPDR 02

ITEM NO: SPDR 02
FILE NO: 2011/0350
SUBJECT: AMENDMENT NO 21 TO LIVERPOOL LEP 2008 PLEASURE POINT
 MINIMUM LOT SIZE

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit an amendment to the Liverpool Local Environmental Plan (Amendment No. 21) to amend the minimum subdivision lot size of Lots 1, 2 and 3 of DP 239468 from 120 hectares to two hectares.
2. Forwards a copy of the Planning Proposal to the Department of Planning, seeking Gateway Determination and following that proceed with agency and public consultation.
3. Considers a further report containing the findings of the public exhibition period and government authority consultation.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Mannoun**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

LIVERPOOL CITY COUNCIL

STRATEGIC PLANNING AND DEVELOPMENT REPORT

ORDINARY MEETING

07/02/2011

ITEM NO:	SPDR 02	FILE NO:	2011/0350
SUBJECT:	AMENDMENT NO 21 TO LIVERPOOL LEP 2008 PLEASURE POINT MINIMUM LOT SIZE		
OWNERS:	D NEILSON (15 GREEN STREET) S & D HARLOR (17 GREEN STREET) K WATERS (32 PLEASURE POINT ROAD)		

EXECUTIVE SUMMARY:

Council is seeking to amend the Liverpool Local Environmental Plan (LLEP) 2008 to alter the minimum subdivision lot size of 15 Green Street, 17 Green Street and 32 Pleasure Point Road, Pleasure Point (Lot 1, 2 and 3 DP 239468).

Lots 1, 2 and 3 are zoned part R2 Low Density Residential and E3 Environmental Management. The LLEP 2008 Lot Size Map indicates a minimum subdivision lot size of 700sqm for the land zoned R2 Low Density Residential, and a 120 hectare minimum lot size for the land zoned E3 Environmental Management. The 120 hectare minimum lot size requirement is significantly above the actual lot sizes of 2.5 hectares, 2.2 hectares and 2.1 hectares and in order to facilitate future subdivision, it is proposed to amend the minimum subdivision lot size requirement from 120 hectares to 2 hectares. This will allow the excising of the R2 zoned portion from the E3 zoned portion of Lots 1, 2 and 3.

The report recommends that Council resolve to prepare and exhibit an amendment to the LLEP 2008 to reduce the minimum subdivision lot size of Lots 1, 2 and 3 from 120 hectares to 2 hectares.

DETAILED REPORT:

Background

In October 2009, Council received an application to amend Council's primary planning instrument, the Liverpool Local Environmental Plan 2008 (LLEP 2008). The application was administered as LLEP Amendment No. 7 and sought to rezone the portion of 15 and 17 Green Street and 32 Pleasure Point Road, Pleasure Point (Lots 1, 2 and 3 DP 239468 respectively) along Pleasure Point Road from E3 Environmental Management to R2 Low Density Residential. Following the rezoning, a subdivision application would be submitted to Council to effectively subdivide the R2 zone land from the E3 land resulting in the creation of three new residential allotments (Refer to Figure 1).

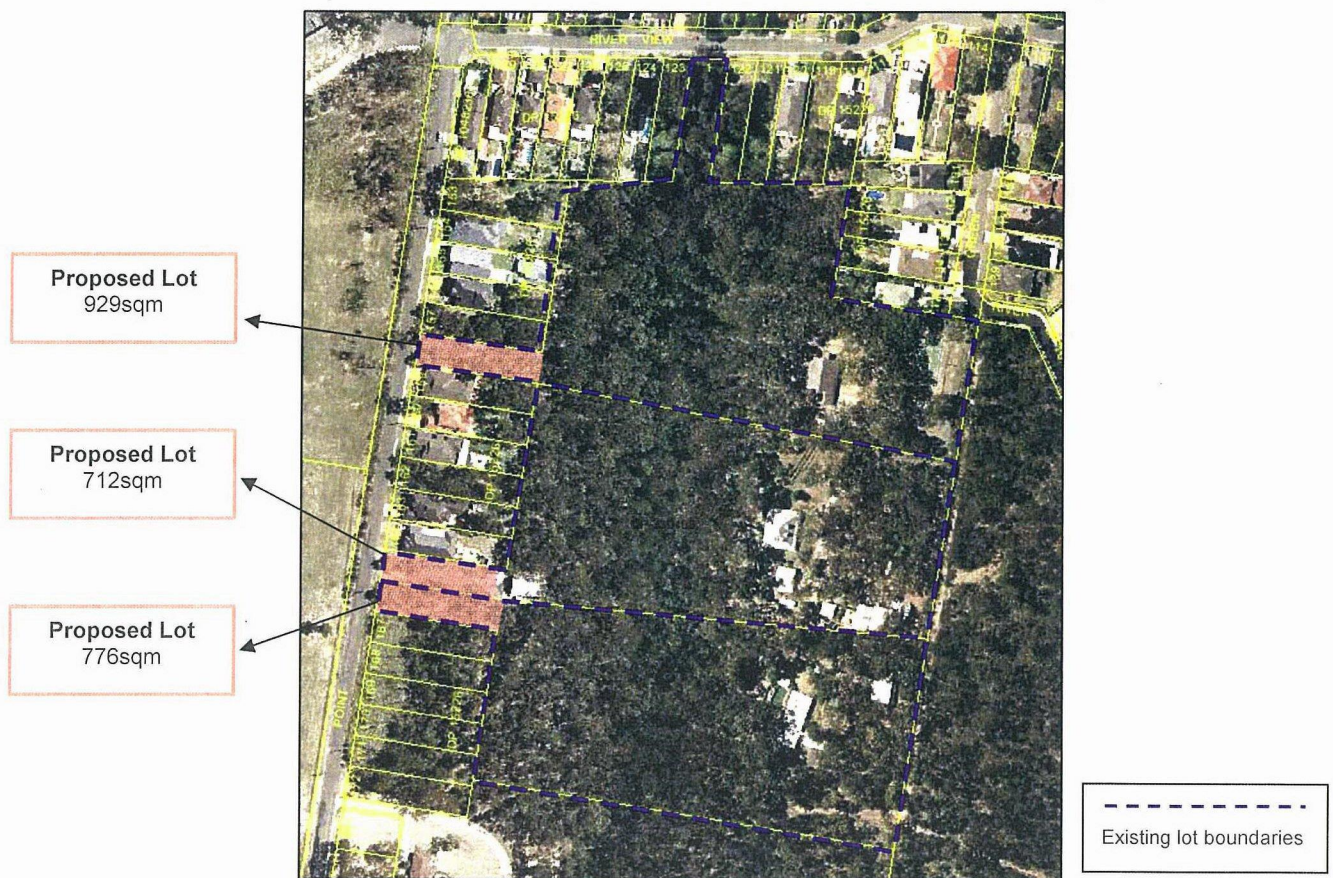


Figure 1: Site identification with indicative subdivision areas.

The land zoned to R2 Low Density Residential was supported on the basis that it did not possess the environmental qualities consistent with the E3 zone and that the three residential infill lots would complete the residential frontage of Pleasure Point Road.

The remainder of Lots 1, 2, 3 would retain the E3 zone and protected by the conservation objectives associated with that zone.

In order to support the subdivision of the R2 zoned land, LLEP Amendment No.7 also amended the minimum subdivision lot size for the properties along Pleasure Point Road to 700sqm. The proposed subdivision now seeks to create three residential lots ranging from 712sqm to 929sqm and thus compliance with the stipulated lot size is achieved. However LLEP 2008 Amendment No. 7 failed to address the minimum subdivision lot size requirement for the remainder of Lots 1, 2 and 3 which is stipulated at 120 hectares. As seen in Table 1 below, the resultant lot size from the excision of the R2 zoned portion would result in lot sizes of 2.15 hectares 2.06 hectares and 2.04 hectares respectively, well under the 120 hectare requirement stipulated in LLEP 2008 Lot Size Maps. As such, any proposed subdivision of the E3 zoned portion of Lots 1, 2 and 3 is currently not permitted.

Table 1: Proposed lot sizes

Property Description	Area zoned E3 Environmental Conservation	Area zoned R2 Low Density Residential
Lot 1 DP 239468 (15 Green Street)	2.15 hectares	929m ²
Lot 2 DP 239468 (17 Green Street)	2.06 hectares	712m ²
Lot 3 DP 239468 (32 Pleasure Point Rd)	2.04 hectares	776m ²

LLEP 2008 Minimum subdivision lot size: 120 hectares for land zoned E3

During the formulation of Liverpool LEP 2008, a 120 hectare minimum subdivision lot size was applied to land throughout Pleasure Point precinct, including Lots 1, 2, 3 and adjoining land owned by the Department of Defence. The objective of the 120 hectare minimum lot size was to ensure that the E3 zoned land was not subdivided in an ad-hoc fashion resulting in additional lots and associated further development that could detract from the environmental qualities of the area. Through the assessment of LLEP Amendment No. 7 it was accepted that E3 zoned land along the Pleasure Point Road frontage did not possess the environmental values typical of land within this zone, and that the land would be better utilised as residential land. Subsequently, 2,417sqm of land was rezoned from E3 to the R2 zone.

Essentially, this amendment proposes to facilitate the subdivision of the R2 land from the remainder of Lots 1, 2 and 3 by reducing the minimum subdivision lot size from 120 hectares to 2 hectares for the E3 zone. Under the two hectare minimum lot size, the balance of land within the E3 zone could not be further subdivided, thus meeting the original objectives of the 120 hectare requirement, which is to minimise the opportunities of further fragmentation of land exhibiting environmental significance.

As no additional development potential is expected from that justified under the gazetted LLEP 2008 Amendment No. 7, no environmental impact is expected from the draft amendment.

Gateway Determination

In accordance with the Department of Planning "Guide to preparing Local Environmental Plans", a copy of the planning proposal is to be forwarded to the Department of Planning for Gateway Determination.

The Gateway Determination is a checkpoint for planning proposals as it allows the Department of Planning to assess the proposal and stipulate whether further technical studies and investigations are required. The Gateway Determination also stipulates the parameters of community and government authority consultation.



Figure 2: Proposed minimum lot size map

Conclusion

LLEP 2008 Amendment No. 7 facilitated the rezoning of 2,417 sqm of land along Pleasure Point Road from R2 Low Density Residential to E3 Environmental Management.

In order to facilitate the original intent of subdividing the R2 zoned land from the E3 zoned area, the minimum lot size that applies to the E3 area needs to be amended. Amending the minimum subdivision lot size from 120 hectare to two hectare will allow the proposal to subdivide as originally intended, whilst still maintaining the objective of the 120 hectare lot size which was to prohibit any further fragmentation of Lots 1, 2 and 3.

The proposed LLEP 2008 amendment will facilitate the subdivision of three lots zoned R2 Low Density Residential which will fit in with the existing subdivision pattern along Pleasure Point Road and low density residential character of the area.

As there are no anticipated adverse impacts associated with the amendments of the minimum subdivision lot size control i.e. it seeks to facilitate a subdivision that was intended through LLEP 2008 Amendment No.7, it is recommended that Council prepare and exhibit and amendment to the LLEP 2008.

In order to progress the LLEP 2008 amendment, Council is to forward a copy of the Planning Proposal (attached) to the Department of Planning seeking Gateway Determination and subsequently proceed with government agency and public consultation.

A report containing the findings of the public exhibition will be reported back to Council for consideration.

FINANCIAL IMPLICATIONS:

There are no financial implications arising out of the recommendations contained within this report.

RECOMMENDATION:

That Council:

1. Resolve to prepare and exhibit an amendment to the Liverpool Local Environmental Plan (Amendment No. 21) to amend the minimum subdivision lot size of Lots 1, 2 and 3 of DP 239468 from 120 hectares to 2 hectares.
2. Forward a copy of the Planning Proposal to the Department of Planning, seeking Gateway Determination and following that proceed with agency and public consultation.
3. Consider a further report containing the findings of the public exhibition period and government authority consultation.

SIGNED BY:

Milan Marecic
Acting Director
Strategic Planning and Development

Attachments: Planning Proposal