

Liverpool LEP 2008 - Amendment 41 - Anomalies (4 Marulan Way, Prestons and 38 Newbridge Road, Chipping Norton)

Proposal Title : Liverpool LEP 2008 - Amendment 41 - Anomalies (4 Marulan Way, Prestons and 38 Newbridge Road, Chipping Norton)

Proposal Summary :

Liverpool LEP 2008 is to be amended as follows:

- Rezoning and reclassification of part of Lot 104 DP 876128, 4 Marulan Way, Prestons (part of Council owned Pasquale Minnici Park) from RE1 (Public Recreation) to R2 (Low Density Residential)
- Rezoning of part of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton, from R2 (Low Density Residential) to RE1 (Public Recreation) and to identify the land as "community" in the Schedule 4 Part 3 of the Liverpool LEP 2008
- Removal of Clause 7.5(4)(a) which refers to an architectural design competition under Part 3A of the EP&A Act

PP Number : PP_2014_LPOOL_005_00 Dop File No : 14/06636-1

Proposal Details

Date Planning Proposal Received :	03-Apr-2014	LGA covered :	Liverpool
Region :	Sydney Region West	RPA :	Liverpool City Council
State Electorate :	LIVERPOOL MENAI	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	4 Marulan Way		
Suburb :	Prestons	City :	Liverpool Postcode : 2170
Land Parcel :			
Street :	38 Newbridge Road		
Suburb :	Chipping Norton	City :	Liverpool Postcode : 2170
Land Parcel :			

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

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- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : THE PROPOSAL

REZONING AND RECLASSIFICATION OF PART OF LOT 104 DP 876128- 4 MARULAN WAY, PRESTONS (part of Pasquale Minnici Park)

The subject site is part of 'Pasquale Minnici Park'. The site was dedicated to Council as a Public Reserve as part of a Section 94 Contribution Plan for open space purposes in 1998 (see site location and zoning maps at Document) and forms part of the larger open space parkland. Council has advised that the subject site forms only a very small portion of the open space network (100sqm), and is slightly isolated from the open space network by the footpath which runs along the entire western boundary.

The land is zoned RE1 Public Recreation under the LLEP 2008 and is proposed to be rezoned to the adjoining R2 Low Density Residential zone, to be reclassified from Community Land to Operational Land and to be sold off to the adjoining owner at 14 Taralga Street, Prestons.

Council on the 27 November 2013, resolved to support the rezoning and reclassification of the land with the intent to sell to the adjoining property owner. The vested interests will be changing with the reclassification and will require changes to Schedule 4 Part 2 of the Liverpool LEP 2008. Council has advised that the reclassification is consistent with Council's Operational Plan and enables surplus Council property to be developed and/or sold.

REZONING OF PART LOT 66 DP 1050611, 38 NEWBRIDGE ROAD, CHIPPING NORTON

The 815 sqm site is part of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton, and adjoins the Georges River, zoned part SP2 Infrastructure and part R2 Low Density Residential. The R2 zoned part of the subject site is proposed to be rezoned to RE1 Public Recreation. Location and zoning maps at Document.

Council has advised that the Chipping Norton area was subdivided in 1931 despite the high flooding risks associated with the Georges River. The site falls within the Moorebank-Milperra Floodway area and is one of the worst floodways in NSW. Both Liverpool City Council and Bankstown City Council adopted voluntary purchase programs to acquire and demolish buildings located on the floodway. The Moorebank Voluntary Acquisition Scheme commenced in the early 1980's and since then over half of the houses

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have since been acquired and removed. The subject site was recently acquired by Council in line with the scheme and the residential part is proposed to be rezoned to RE1 Public Recreation in line with the objectives of the Scheme. It is also proposed to insert the site into Part 3 of Schedule 4 of the Liverpool LEP as "community" land.

REMOVE LEP CLAUSE 7.5(4)(a)

This is a consequential change relating to the repeal of Part 3A of the EP&A Act. The Liverpool LEP 2008 still makes references to the repealed Part 3A in Clause 7.5(4)(a). It is proposed to remove this subclause from Liverpool LEP 2008 (see reference in Document).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

3.1 Residential Zones

4.3 Flood Prone Land

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

3.1 RESIDENTIAL ZONE

Rezoning of 4 Marulan Way, Prestons:

The planning proposal to rezone approximately 100 sqm of land at (Lot 104 DP 876128) 4 Marulan Way, Prestons (part of Pasquale Minnici Park) from RE1 Public Recreation under the LLEP 2008 to the adjoining R2 Low Density Residential Zone is not inconsistent with the direction.

Rezoning of 38 Newbridge Road, Chipping Norton:

The subject site (815 sqm) falls within the Moorebank-Milperra Floodway area and is part of the Moorebank Voluntary Acquisition Scheme. Council has acquired the land recently in line with the objectives of the Scheme and accordingly proposed to rezone the land from R2 Low Density Residential to RE1 Public Recreation.

The proposed reduction of residential land is of a minor significance, and the Director General's approval is required.

4.3 FLOOD PRONE LAND

Rezoning of 4 Marulan Way, Prestons:

Council has advised that the Pasquale Minnici Park (4 Marulan Way, Prestons) is located on flood affected land and is therefore not consistent with this direction to rezone the site to residential. However, Council considered that its size of 100 sqm size and designated purpose for a backyard swimming pool by the new owner:

- . would have no impacts on the flood hazard of the land;
- . would not impact flood behaviour;
- . would not adversely impact the environment; and
- . is not likely to result in unsustainable social and economic costs to the community as a result.

The inconsistency with Clause(9)(b) of the direction is considered to be of a minor significance and the Director General's approval is required.

Rezoning of 38 Newbridge Road, Chipping Norton:

The subject site (815 sqm) falls within the Moorebank-Milperra Floodway area and is one of the worst floodways in NSW. The area was subdivided in 1931 despite the high flooding risks associated with the Georges River. As part of the Moorebank Voluntary Acquisition Scheme, Council has acquired/rezoned residential land in the surrounding area and the subject site has been acquired recently in line with the objectives of the Scheme. Council has proposed to rezone the land from R2 Low Density Residential to RE1 Public Recreation.

The rezoning of the site to RE1 is not inconsistent with the direction.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

Rezoning and Reclassification of 4 Marulan Way, Prestons (part of Pasquale Minnici Park):

The subject site is proposed to be reclassified from Community Land to Operational Land and rezoned from RE1 Public Recreation to the adjoining R2 Low Density Residential Zone to allow the adjoining owner to use the land as residential.

Council advised that the land was dedicated to Council as a Public Reserve as part of a Section 94 Contribution Plan for open space purposes in 1998 and is known as 'Pasquale Minnici Park'.

At the Council meeting held on the 27 November 2013, Council resolved to support the rezoning and reclassification of land with the intent to sell to the adjoining property owner. Council considers the loss of open space as inconsequential, and the proceeds from the exchange will be returned to the relevant Section 94 Contribution Fund allowing for the embellishment of other recreational spaces.

Council has further advised that:

- the subject site is a very small portion of the larger open space network and is isolated from the open space network by a footpath which runs along the entire western boundary;
- the rezoning and reclassification of part of Pasquale Minnici Park will affect a very small portion of land adjacent to an existing residential area and does not contain environmentally sensitive land; and
- the reclassification is consistent with Council's Operational Plan and enables surplus Council property to be developed and/or sold.

The planning proposal removes a small portion of reservation on a public owned land, however, the inconsistency with the direction is considered to be of a minor significance. The Director General's approval is required to satisfy Clause (8)(d) of the direction.

Rezoning of 38 Newbridge Road, Chipping Norton:

The subject site (815 sqm) falls within the Moorebank-Milperra Floodway area and is part of the Moorebank Voluntary Acquisition Scheme. The proposal involves rezoning of land Council owned land from R2 Low Density Residential to RE1 Public Recreation. Although it is not classified as part of this proposal, Council has proposed to add this land into Schedule 4 Part 3 of the Liverpool LEP 2008 to identify the land as "community" land. The proposal is not inconsistent with the direction.

7.1 METROPOLITAN PLANNING

The planning proposal is not inconsistent with the draft Metropolitan Strategy for Sydney to 2031 and the draft South West Subregional Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Rezoning of part Pasquala Minnici Park:

Mapping changes proposed are as follows:

- Floor Space Ratio (map FSR_008) is to be amended to 0.6:1
- Height of Building (map HOB_008) is to be amended to 8.5m
- Lot Size (map LSZ_008) is to be amended to 300sqm
- Reclassification of Public Land (map RPL_008) is to be amended so that the land bounded by red is identified as Operational Land.

Rezoning of 38 Newbridge Road, Chipping Norton:

Mapping changes are proposed as follows:

- Removal of Floor Space Ratio control
- Removal of Height of Building
- Removal of Lot Size Control.

Mapping submitted are satisfactory for exhibition purpose. The maps are not prepared in accordance with the standard instrument mapping guidelines.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Community consultation is proposed for 28 days.

A public hearing is proposed in accordance to the LEP Practice Note "Classification and reclassification of public land through a local environmental plan".

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Liverpool LEP 2008 is a principal LEP.

Assessment Criteria

Need for planning proposal : The planning proposal is not inconsistent with the draft Metropolitan Strategy for Sydney to 2031 and the draft South West Subregional Strategy.

The proposed reclassification and rezoning of 100 sqm size land at 4 Marulan Way, Prestons would have no significant impacts on the flood hazard of the land, flood behaviour and the surrounding environment. It is not likely to result in unsustainable

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social and economic costs to the community as a result.

The rezoning of part lot 38 Newbridge Road, Chipping Norton from R2 low Density Residential to RE1 Public Recreation is part of the Moorebank Voluntary Acquisition Scheme and will have no impact on the surrounding environment. It will protect residential properties being developed within the Moorebank-Milperra Floodway area which is considered to be one of the worst floodways in NSW.

The inconsistencies with S117 Directions (3.1 Residential Zone, 4.3 Flood Prone Land, 6.2 Reserving Public Land) are considered to be of minor significance.

The removal of Clause 7.5(4)(a) is considered to be consequential change relating to the repeal of Part 3A of the EP&A Act.

Consistency with strategic planning framework :

The planning proposal is not inconsistent with the draft Metropolitan Strategy for Sydney to 2031 or the draft South West Subregional Strategy.

Environmental social economic impacts :

The planning proposal will not have any significant impact on the environment.

Assessment Process

Proposal type : Minor Community Consultation Period : 28 Days

Timeframe to make LEP : 6 months Delegation : DDG

Public Authority Consultation - 56(2) (d) : Office of Environment and Heritage

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

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Planning Proposal.pdf	Proposal	Yes
Extract from Clause 7.5(4)(a), Liverpool LEP 2008.pdf	Proposal	Yes
Location map - 4 Marulan Way, Pestons.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : Recommended with Conditions

S.117 directions:

- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the planning proposal proceed subject to the following conditions:

1. Approval by the Director General's delegate in relation to S.117 Directions:
 - . 3.1 Residential Zone;
 - . 4.3 Flood prone Land ; and
 - . 6.2 Reserving Land for Public Purpose;
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - The Office of Environment and Heritage (OEH)

The OEH is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal;

3. Exhibited for 28 days;
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act; and

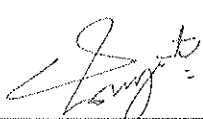
DELEGATION TO COUNCIL

Council requested to use delegation to proceed with the planning proposal (see attached in Documents). However, the planning proposal contains approval in relation to the removal of covenants, trusts relating to the land and it is not recommended for delegation to be given to Council to exercise the Minister's plan making powers in this instance.

Supporting Reasons : The rezoning and reclassification proposed are of minor significance and are not inconsistent with the draft Metropolitan Strategy for Sydney to 2031 or the draft South West Subregional Strategy.

The inconsistencies with S117 Directions (3.1 Residential Zone, 4.3 Flood Prone Land, 6.2 Reserving Public Land) are considered to be of minor significance.

Signature:



Endorsed: 
T. DEAN

Printed Name:

CHO CHO MOUNT

Date:

17/4/14