



Liverpoolcitycouncil
creating our future together

Our Ref: 069949.2014
Contact: Katie Miles, 9821 9511

1 April 2014



Rachel Cumming
Regional Director Sydney West
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Rachel,

**Re: Planning Proposal to amend Liverpool Local Environmental Plan 2008
(Amendment No.41 – Anomalies)**

I am writing to advise you that at its meeting on 26 March 2014, Liverpool Council has supported a proposal to allow a number of minor amendments to Liverpool Local Environmental Plan 2008, known as an anomalies amendment. This proposal seeks to initiate the following changes:

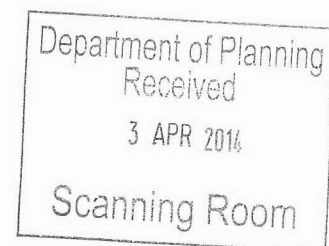
- Part of Lot 104 DP 876128 – 4 Marulan Way, Prestons (part of Pasquale Minnici Park), in accordance with the Council resolution made on the 27 November 2013, to rezone part of the site to R2 Low Density Residential and reclassify the new lot to Operational Land.
- Part of Lot 66 DP 1050611 – 38 Newbridge Road, Chipping Norton. Pursuant to Council purchasing this land which is within the Moorebank Voluntary Acquisition Scheme, the site must be rezoned to RE1 Public Recreation.
- To remove LEP Clause 7.5(4)(a) which refers to the repealed Part 3A system of the Environmental Planning and Assessment Act 1979.

In accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* attached is the Planning Proposal, for which Council is seeking a Gateway Determination. Also attached is the aforementioned report to Council and other documentation on the matter in accordance with "A guide to preparing planning proposals".

Should you require any further information on this matter, please do not hesitate to contact Katie Miles, Strategic Planner, on 9821 9511.

Yours sincerely

Tanya O'Brien
Manager Strategic Planning



Planning Proposal

Draft Liverpool Local Environmental Plan 2008 Amendment 41- Anomalies

- Rezoning of part of Lot 104 DP 876128, 4 Marulan Way, Prestons (part of 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)
- Reclassification of Council owned land to Operational.
- 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 the Department of Planning and Infrastructure's guide to preparing planning controls.

This planning proposal contains a number of amendments to the Liverpool Local Environmental Plan 2008 (LLEP2008). At times it is necessary for Council to conduct a general amendment to its Local Environmental Plan to ensure that the instrument and maps remain current and up to date.

In order to limit the number of amendments to Council's principle planning instrument, it is an accepted practice to group a number of proposed changes together. This amendment considered Council initiated changes.

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?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
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?	Y			
Heritage LEPS	Y/N			

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?	N			
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?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	Y			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	Y			
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?	Y			
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?	Y			
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) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?	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?	Y			
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			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If 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 mapped 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 formatting error?;				
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or				
c. deal 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?				

Site identification

The planning proposal applies to the following properties:

- Part of Lot 104 DP 876128- 4 Marulan Way, Prestons (part Pasquale Minnici Park).
- Part of Lot 66 DP 1050611- 38 Newbridge Road, Chipping Norton.

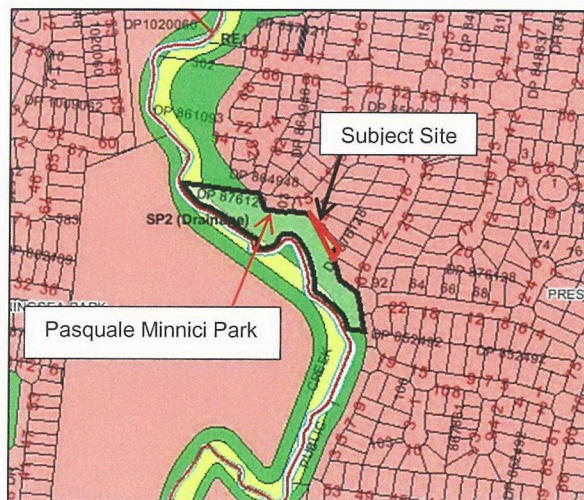


Figure 1: Part of Lot 104 DP 876128- 4 Marulan Way, Prestons

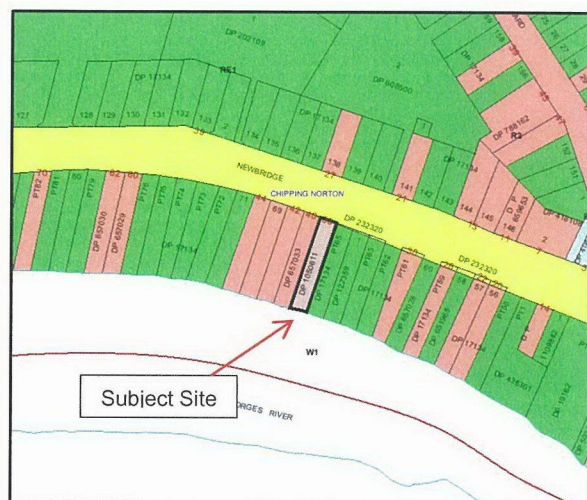


Figure 2: Part of Lot 66 DP 1050611- 38 Newbridge Road, Chipping Norton

Part 1 - Objectives

The planning proposal has a number of objectives most of which relate to addressing various minor discrepancies within the Liverpool LEP 2008.

Several mapping anomalies have been incorporated into this draft amendment. The objective of amending the zoning and reclassification of these lots is to ensure that zoning and classification of land appropriately corresponds to Council's future strategies for the local area and community by creating contextually appropriate development. The building height, Floor Space Ratio (FSR) and lot size controls are reconfigured so as to correspond with the revised zoning and reclassification.

In order to limit the number of amendments to Council's principle planning instrument, it is an accepted practice to group a number of proposed changes together. This LEP amendment considers Council initiated changes as well as changes which have been sought by the community. 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
Part of Lot 104 DP 876128, also known as 4 Marulan Way, Prestons.	Land Use Zoning	LZN_008	Rezone part of Lot 104 DP 876128, also known as 4 Marulan Way, Prestons, from RE1 Private 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 ratio 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 104 DP 876128 from Community Land to Operational Land.
Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton	Land Use Zoning	LZN_014	Rezone part of Lot 66 DP 1050611, also known as 38 Newbridge Road, Chipping Norton, from R2 Low Density Residential to RE1 Public Recreation. The associated LEP maps will be updated to reflect the change in zoning to RE1. The small portion of SP2 Infrastructure is to remain and does not form part of this planning proposal.
	Floor Space Ratio	FSR_014	Removal of Floor Space Ratio control
	Height of Building	HOB_014	Removal of Height of Building control
	Lot Size	LSZ_014	Removal of Lot Size control
	Schedule 4 Classification and Reclassification of Public Land – Part 3 Reclassification as Community Land		Amend Schedule 4 Part 3 regarding Lot 66 DP 1050611 to Community Land.
LLEP Written Instrument	Part 7 – Clause 7.5(4)(a)	Remove Clause 7.5(4)(a) to remove reference to the repealed Part 3A concept plan approval process. Amend 7.5(4) (b) & (c) to 7.5(4) (a) & (b) respectively.	

Part 3 – Justification

A. Need for the Planning Proposal

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

The planning proposal is not the result of any strategic study or report. Most of the amendments included in this proposal have been identified by Council staff and other stakeholders over time and are considered minor in nature.

A description of the origin of each amendment is provided below;

Rezoning and Reclassification of part of lot Lot 104 DP 876128- 4 Marulan Way, Prestons (part of Pasquale Minnici Park)

The subject site is part of Lot 104 DP 876128, 4 Marulan Way, Prestons. The site adjoins a residential property at 14 Taralga Street, Prestons. The portion of Lot 104 DP 876128 is proposed to be reclassified from Community Land to Operational Land. The site and is a near level triangular shaped parcel with an area of approximately 100sqm. 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.

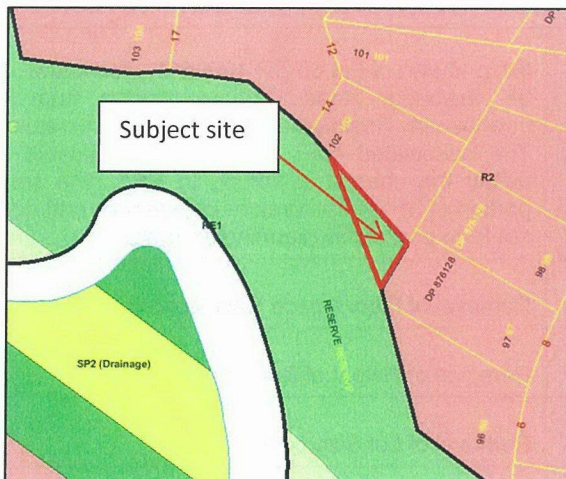


Figure 3: Portion of Lot 104 DP 876128 proposed for rezoning and reclassification.

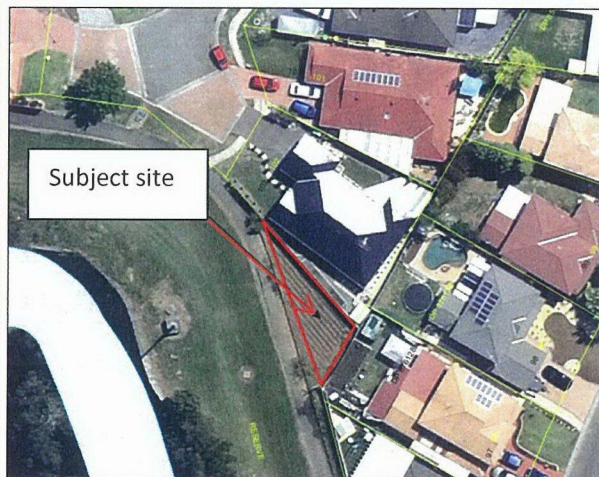


Figure 4: Aerial Photograph of subject site.

Lot 104 DP 876128 was dedicated to Council as a Public Reserve as part of a Section 94 Contribution Plan for open space purposes on 16 April 1998 (see Figure 3). The property is known as 'Pasquale Minnici Park' and forms part of the open space parkland. The subject site however forms only a very small portion of the open space network being only 100sqm, and is slightly isolated from the open space network by the footpath which runs along the entire western boundary. As can be seen below in Figure 5 there are no easements applying to the site.

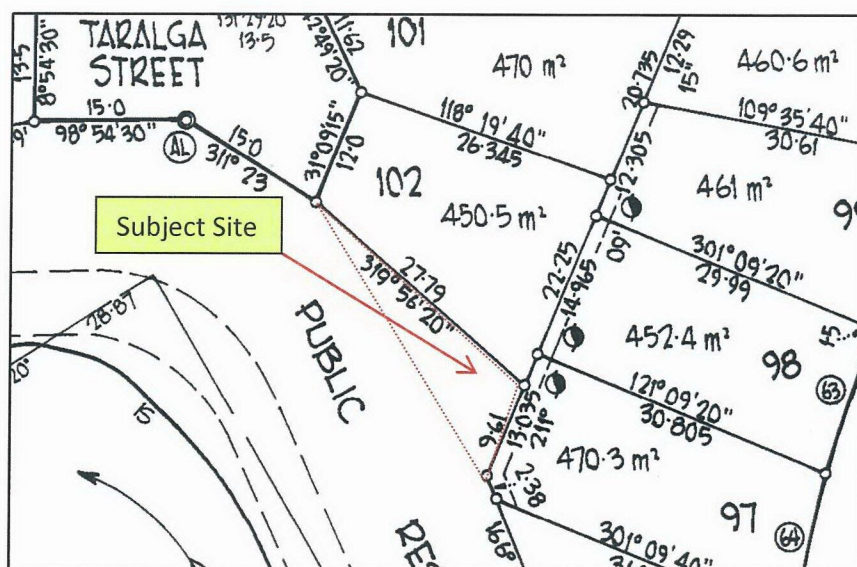


Figure 5: Deposit Plan 876128 showing no easements applying to the subject site.

An adjoining owner has approached Council to purchase the subject site to increase the backyard space of privately owned 14 Taralga Street, Prestons. 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 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.

There are other associated changes to the Liverpool LEP 2008 mapping that must occur as a result of the proposed change to residential. These 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*.

Reclassification of Council Owned Land

The proposal includes the reclassification from Community land to Operational land on Lot 104 DP 876128, 4 Marulan Way (Pasquale Minnici Park). The vested interests will be changing with the reclassification and rezoning of this site. These reclassifications will be placed in Schedule 4 Part 2 – Land classified, or reclassified as operational land – interest changes of the LLEP 2008. The reclassification is consistent with Council's Operational Plan and enables surplus Council property to be developed and/or sold.

The following notification is to be removed from the Certificate of Title of Council owned land once the proposed changes are finalised:

- Lot 104 DP 876128 – Notification 6. 'The land within described is public reserve'.

Rezoning of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton.

The subject site is part of Lot 66 DP 1050611, also known as 38 Newbridge Road, Chipping Norton, and adjoins the Georges River. The subject site is zoned predominately R2 Low Density Residential however, there exists a small slither of SP2 Infrastructure zone on the northern boundary. This SP2 zone is a road reserve and does not form part of this proposal and is to remain SP2 Infrastructure irrespective of the outcome of this proposal. The subject site is approximately 815sqm and is proposed to be rezoned to RE1 Public Recreation. The area was subdivided in 1931 despite the high flooding risks associated with the Georges River (as can be seen in Figure 7).

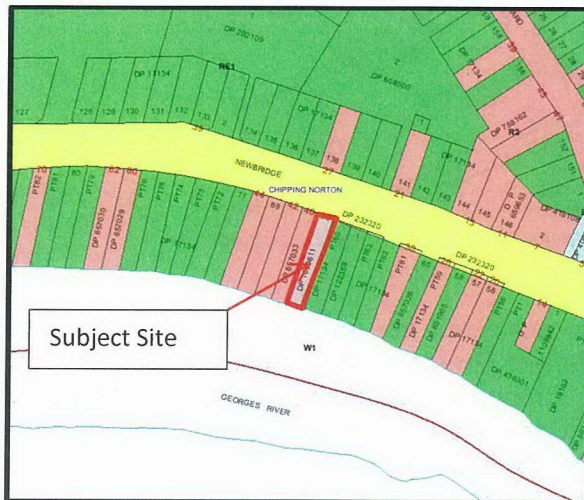


Figure 6: Lot 66 DP 1050611 proposed for rezoning



Figure 7: Aerial Photograph of subject site.



Figure 8: High Flood Risk Category

The Chipping Norton area was subdivided in 1931 despite the high flooding risks associated with the Georges River (see Figure 8). The subject site falls with the Moorebank-Milperra Floodway area and is one of the worst floodways in NSW. Flood conditions are so severe, that 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 have since been acquired and removed. The subject site was recently acquired by Council and in line with the scheme and is proposed to be rezoned RE1 Public Recreation in line with the objectives of the Scheme.

There are other associated changes to the Liverpool LEP 2008 mapping that must occur as a result of the proposed change to RE1 Public Recreational. These are as follows:

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

Remove LEP Clause 7.5(4)(a)

In 2011 the NSW Government repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. The Liverpool LEP 2008 still makes reference to the repealed Part 3A system within Clause 7.5(4)(a). It is proposed to remove this subclause from the Liverpool LEP 2008

"7.5 (4) Development consent must not be granted to the following development in the Liverpool city centre unless an architectural design competition has been held in relation to the proposed development.

- (a) **Development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the EP&A Act 1979.***
- (b) Development having a capital value of more than \$10 million on a key site, being a site shown coloured blue on the Key Sites Map.*
- (c) Development for which the applicant has chosen to have such a competition.*

Subsequently, (b) and (c) will then become (a) and (b) correspondingly.

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. Council seeks to process a number of amendments through the one Planning Proposal, and in consideration of the nature of the amendment, the cost of implementation does not outweigh the benefit.

The rezoning and reclassification of part of 4 Marulan Way will facilitate the sale of surplus land to return funds to the Section 94 fund to contribute to the provision of open space where it can better serve the community.

The rezoning of Newbridge Road is part of a scheme to remove residences from a dangerous floodway, improving the community's safety.

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. The amendments proposed seek to ensure the LLEP 2008 remains accurate and current.

Draft Metropolitan Strategy for Sydney to 2031

The planning proposal is consistent with the Draft Metropolitan Strategy for Sydney 2031. The amendments proposed are administrative and seek to ensure the LLEP 2008 remains accurate and current.

The proposed rezoning of part of Pasquale Minnici Park (Lot 104 DP 876128) will be in accordance with the following objective of the *Metropolitan Strategy for Sydney 2036*:

“To ensure an adequate supply of land and sites for residential development”

The proposal amendments will provide approximately 100sqm of additional residential land within the Liverpool Government Area (LGA).

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 consistent with the objectives and actions contained within the draft Southwest Subregional Strategy. 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.

Growing Liverpool 2023 has been developed as a result of intensive and ongoing community consultation with various stakeholders, including local residents, businesses and government representatives.

The planning proposal is consistent with Council's Community Strategic Plan, Growing Liverpool 2023 in relation too;

Direction 2: Liveable Safe City

- a) *Deliver an efficient planning system which embraces sustainable urban renewal and development;*

Direction 4: Proud and Engaged City

- b) *Engage and consult with the community to enhance opportunities for communications and involvement.*

Direction 7: Leading and Proactive City

- a) *Position Council as an industry leader, delivering best practice and innovation.*

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 Environmental Planning Policies.

6. Is the planning proposal consistent with application Ministerial Directions (s.117 Directions)?

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's and reclassification of Pasquale Minnici Park will affect a very small portion of land (100sqm) adjacent to an existing residential area that is already serviced by existing infrastructure. The intended use resulting from the sale of land will be for the purposes of a backyard pool and landscaped area. The proposed reclassification lot does not contain environmentally sensitive land.	Yes
4.3 Flood Prone Land	This direction aims to ensure that LEPs consider potential flood impacts.	Pasquale Minnici Park is located on flood affected land and is therefore not consistent with this ministerial direction to rezone the site to residential. However its minute size and designated purpose for a backyard swimming pool, 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. As is stated in Consistency (9)(b) of the 4,3 Flood Prone Land ministerial direction, a draft LEP amendment may be inconsistent with this direction only if council can satisfy the Director-General that (b) the provisions of the draft LEP amendment are of minor	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Comply
		significance. As the subject site is very small being only 100sqm this LEP amendment is considered to be of minor significance and should be allowed to proceed to Gateway. Conversely, 38 Newbridge Road complies to this direction as it is part of a scheme to remove residences from a dangerous floodway area.	
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 are 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
7.1 Metropolitan Planning	Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.	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.	Yes

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?

There are no proposed changes which would affect any environmental zone or environmentally significant land. The reduction of RE1 land in Pasquale Minnici Park is of minor significance and somewhat offset by the proposed addition of RE1 land in Chipping Norton. This planning proposal is unlikely to have an impact on critical habitat, threatened species, populations or ecological communities or their habitats.

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

Of the two properties affected by this planning 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.

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 result in any negative environmental effects.

Proposed Amendment	Assessment of Impact
Rezoning of Pasquale Minnici Park to R2 Residential	Will not result in environmental impacts.
Rezoning of 38 Newbridge Road, Chipping Norton, to RE1 recreation.	Amendment reflects the objective of the Moorebank Acquisition Scheme and will not result in environmental impacts.
Minor mapping amendments	Will correlate associated mapping controls to the proposed re-zoning/reclassification.
Removal of Clause 7.5(4)(a)	Will not result in environmental impacts.

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

The social and economic impacts of this planning proposal are generally minimal, as the proposal mostly consists of minor anomalies and corrections. However the following social and economic impacts warrant additional consideration.

Reclassification of Council Owned Land

The property 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 other community and open spaces.

D. State and Commonwealth interests

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

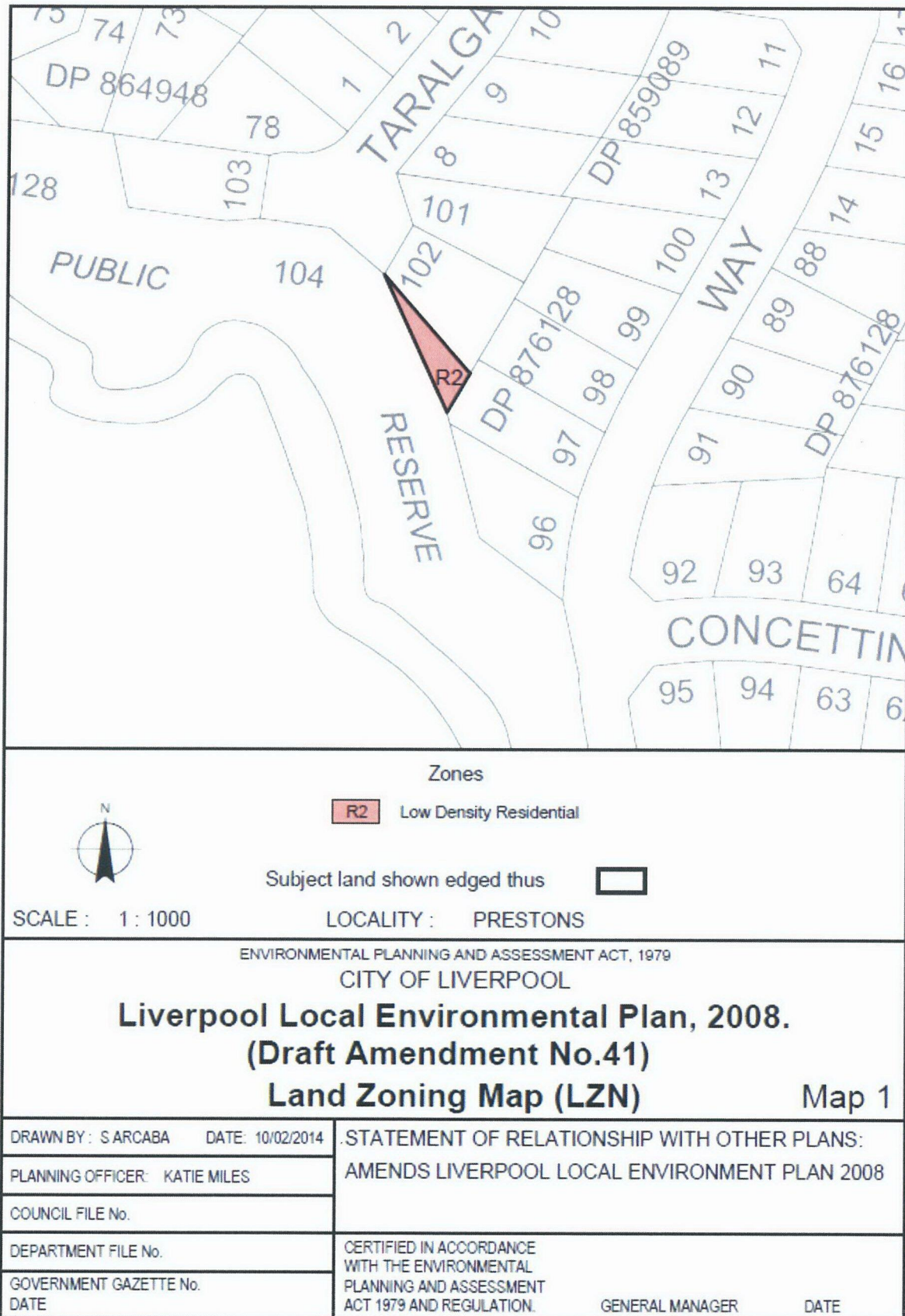
The planning proposal does not result in extensive additional development. As such the planning proposal will not place additional demands on public infrastructure.

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

Consultation will be undertaken with state agencies in accordance with the gateway determination.

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

Part 4 – Mapping





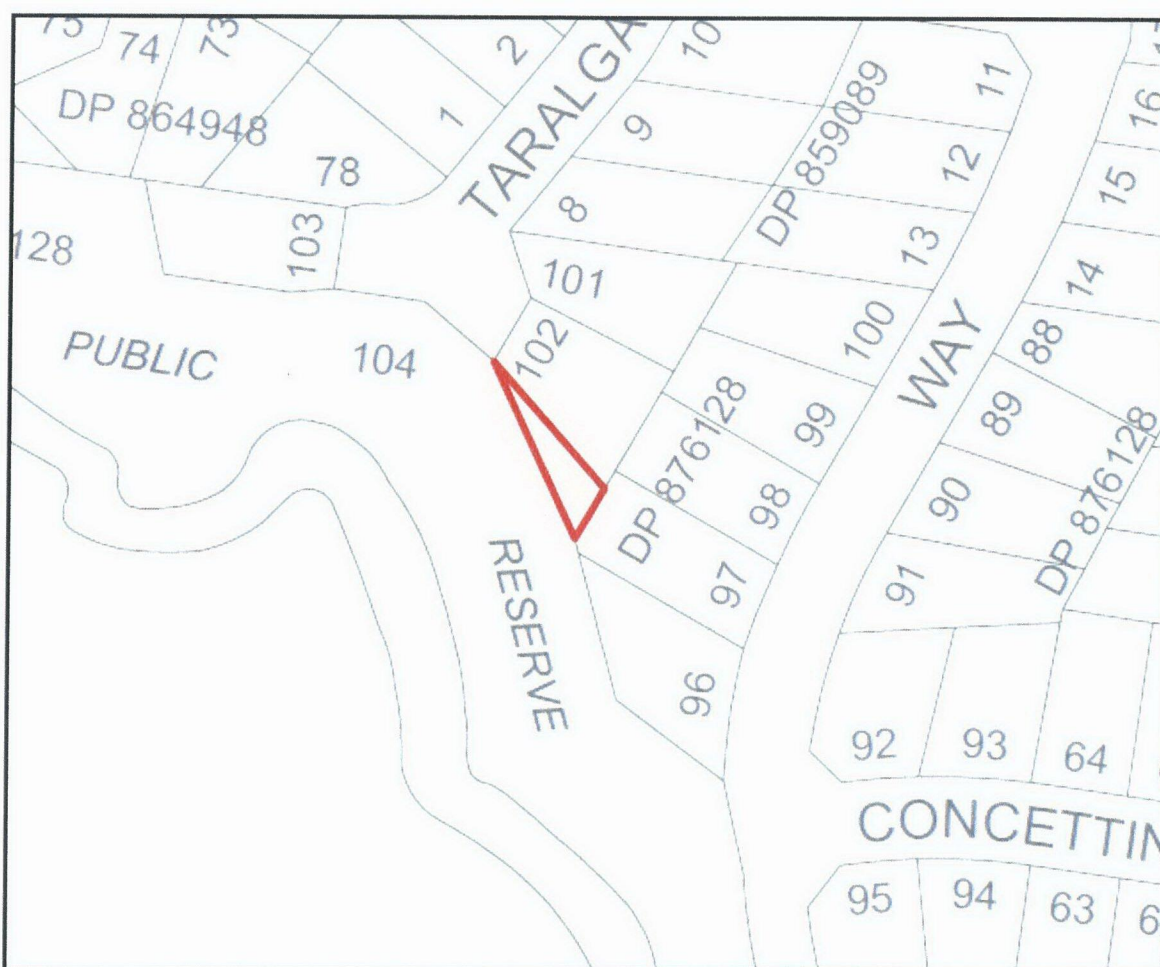
Maximum Building Height (m) 1 8.5	
Subject land shown edged thus 	
SCALE : 1:1000	LOCALITY : PRESTONS
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Height of Buildings Map (HOB) Map 1	
DRAWN BY: S.ARCABA DATE: 10/02/2014	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008
PLANNING OFFICER: KATIE MILES	
COUNCIL FILE No.	
DEPARTMENT FILE No.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION. GENERAL MANAGER DATE
GOVERNMENT GAZETTE No. DATE	



		Minimum Lot Size (sq m) D 300	
SCALE : 1 : 1000		LOCALITY : PRESTONS	
Subject land shown edged thus			
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Lot Size Map (LSZ)			
		Map 1	
DRAWN BY : S ARCABA DATE: 10/02/2014		STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008	
PLANNING OFFICER: KATIE MILES			
COUNCIL FILE No.			
DEPARTMENT FILE No.		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION.	
GOVERNMENT GAZETTE No.			
DATE			
		GENERAL MANAGER	DATE



Maximum Floor Space Ratio (n:1) F 0.6	
Subject land shown edged thus 	
SCALE : 1 : 1000	LOCALITY : PRESTONS
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Floor Space Ratio Map (FSR) Map 1	
DRAWN BY : S ARCABA DATE: 10/02/2014	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008
PLANNING OFFICER: KATIE MILES	
COUNCIL FILE No.	
DEPARTMENT FILE No.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION.
GOVERNMENT GAZETTE No.	
DATE	
GENERAL MANAGER DATE	



		Land Reclassification (Part Lots)  Operational Land	
SCALE : 1 : 1000		LOCALITY : PRESTONS	
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Land Reclassification (Part Lots) Map (RPL) Map 1			
DRAWN BY : SARCABA DATE: 10/02/2014		STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008	
PLANNING OFFICER: KATIE MILES			
COUNCIL FILE No.			
DEPARTMENT FILE No.		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION.	
GOVERNMENT GAZETTE No.			
DATE		GENERAL MANAGER	DATE

BOX 672V
(AA526611)

NEW SOUTH WALES

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE	
REFERENCE TO FOLIO OF THE REGISTER	
IDENTIFIER 104/876128	
EDITION	DATE OF ISSUE
2	17/4/2004
CERTIFICATE AUTHENTICATION CODE	
23TT-6I-KP3F	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

[Signature]



REGISTRAR GENERAL

LAND

LOT 104 IN DEPOSITED PLAN 876128
AT PRESTONS
LOCAL GOVERNMENT AREA: LIVERPOOL
PARISH OF ST LUKE COUNTY OF CUMBERLAND
TITLE DIAGRAM: DP876128

FIRST SCHEDULE

COUNCIL OF THE CITY OF LIVERPOOL

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. DP851265 EASEMENT TO DRAIN WATER 1.5 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
3. DP859089 EASEMENT TO DRAIN WATER 1.2 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
4. DP859790 EASEMENT TO DRAIN WATER 1.2 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
5. 3875058 EASEMENT FOR SEWERAGE PURPOSES 6 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
6. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
7. AA526611 EASEMENT FOR UNDERGROUND CABLES 1 WIDE AFFECTING THE PART DESIGNATED (A) IN DP1057944

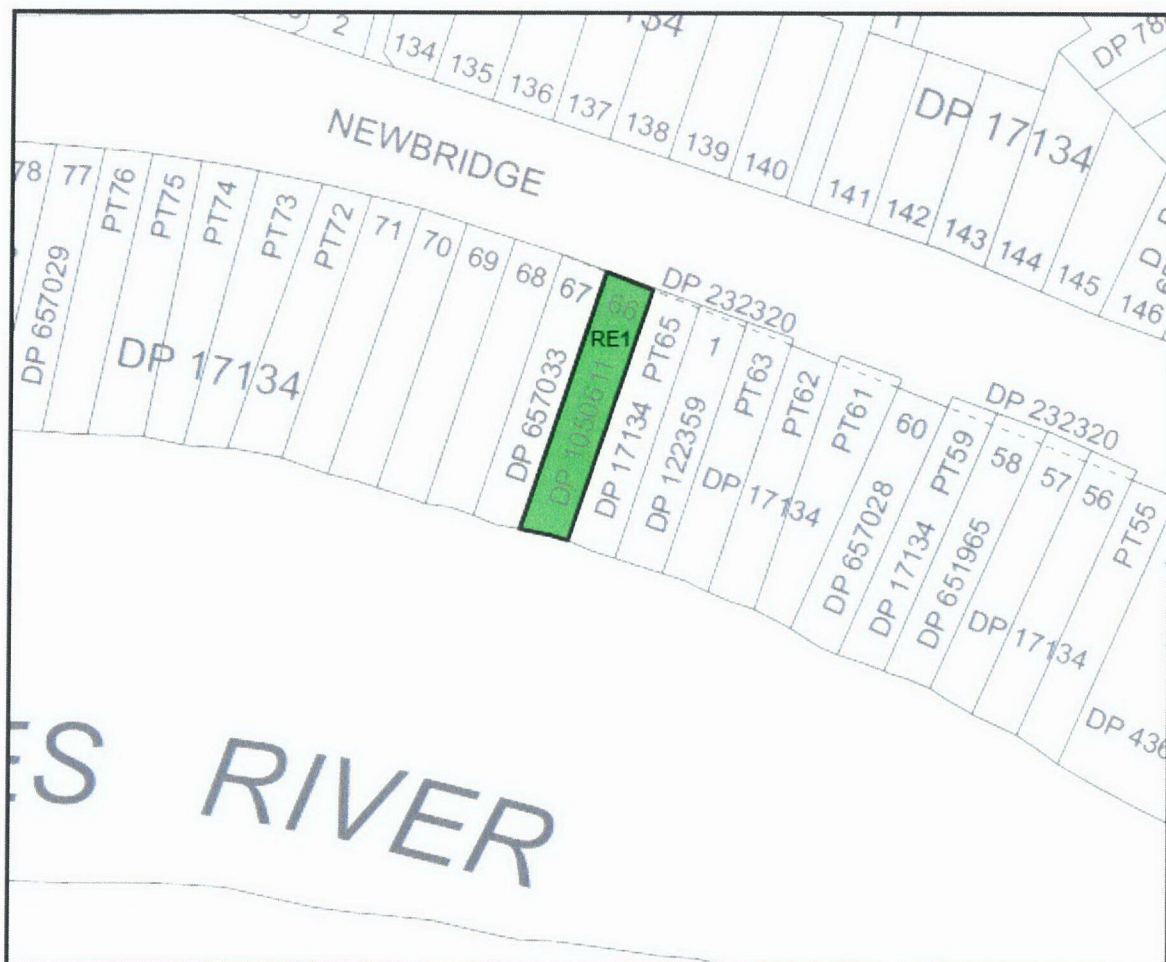
**** END OF CERTIFICATE ****

REG. P 5627-200
IDENTIFICATION CODE: 2 MacFarlane
DEPOSIT NO:
FOLIO NO:
DATE:
ID 3377

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT)

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

0188477



Zones



R2 Public Recreation

Subject land shown edged thus



SCALE : 1 : 1500

LOCALITY : CHIPPING NORTON

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

CITY OF LIVERPOOL

Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41)

Land Zoning Map (LZN)

Map 3

DRAWN BY: S.ARCABA DATE: 10/02/2014

PLANNING OFFICER: KATIE MILES

COUNCIL FILE No.

DEPARTMENT FILE No.

GOVERNMENT GAZETTE No.
DATE

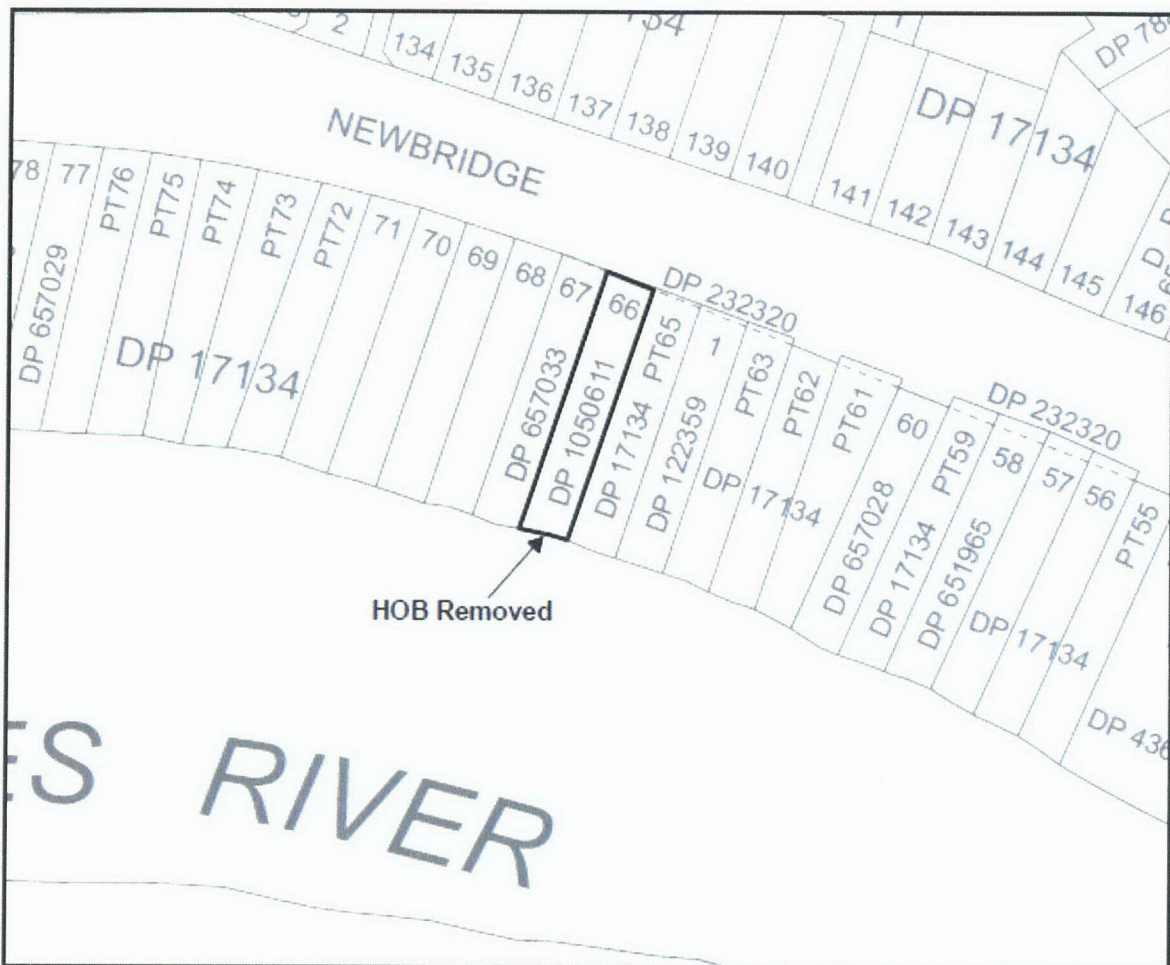
STATEMENT OF RELATIONSHIP WITH OTHER PLANS:

AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008

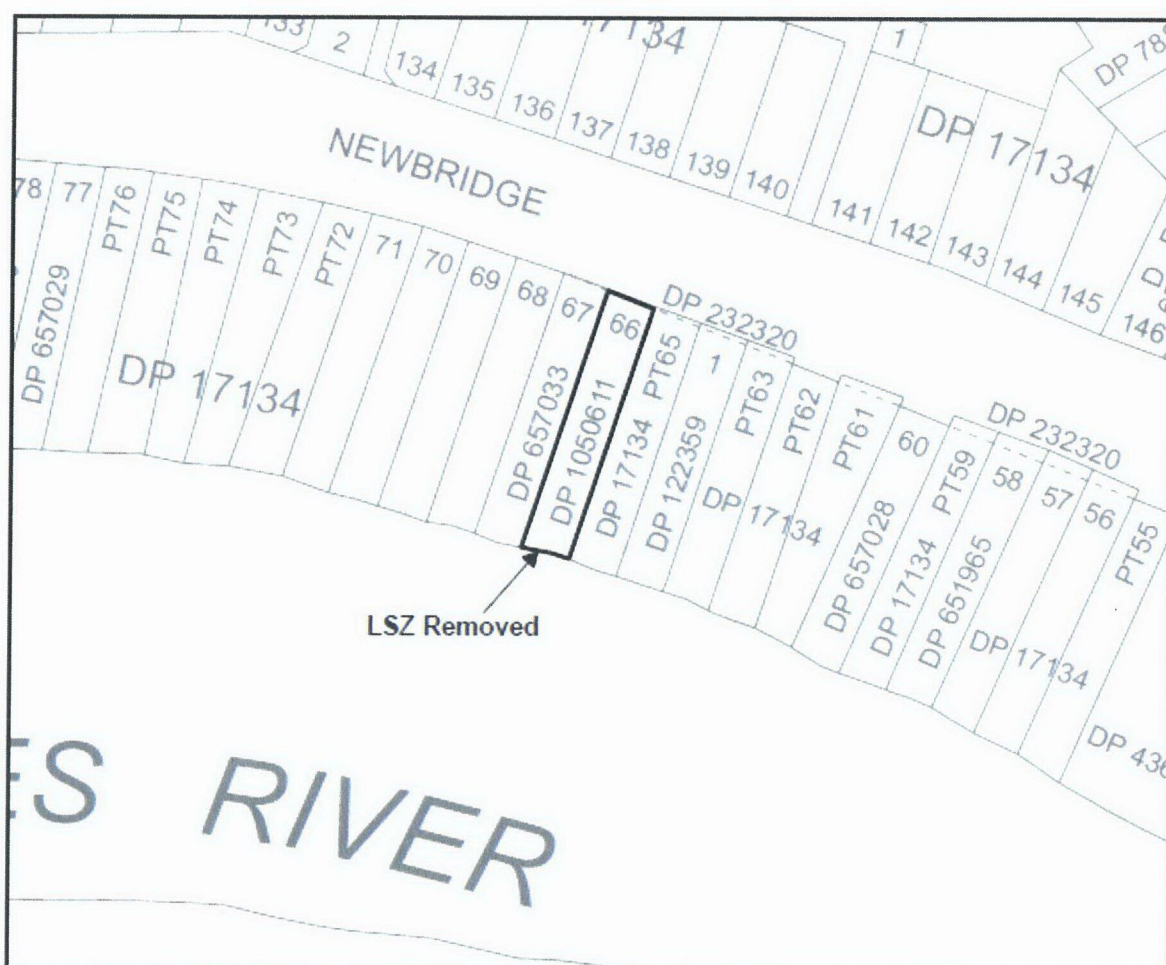
CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING AND ASSESSMENT
ACT 1979 AND REGULATION.

GENERAL MANAGER

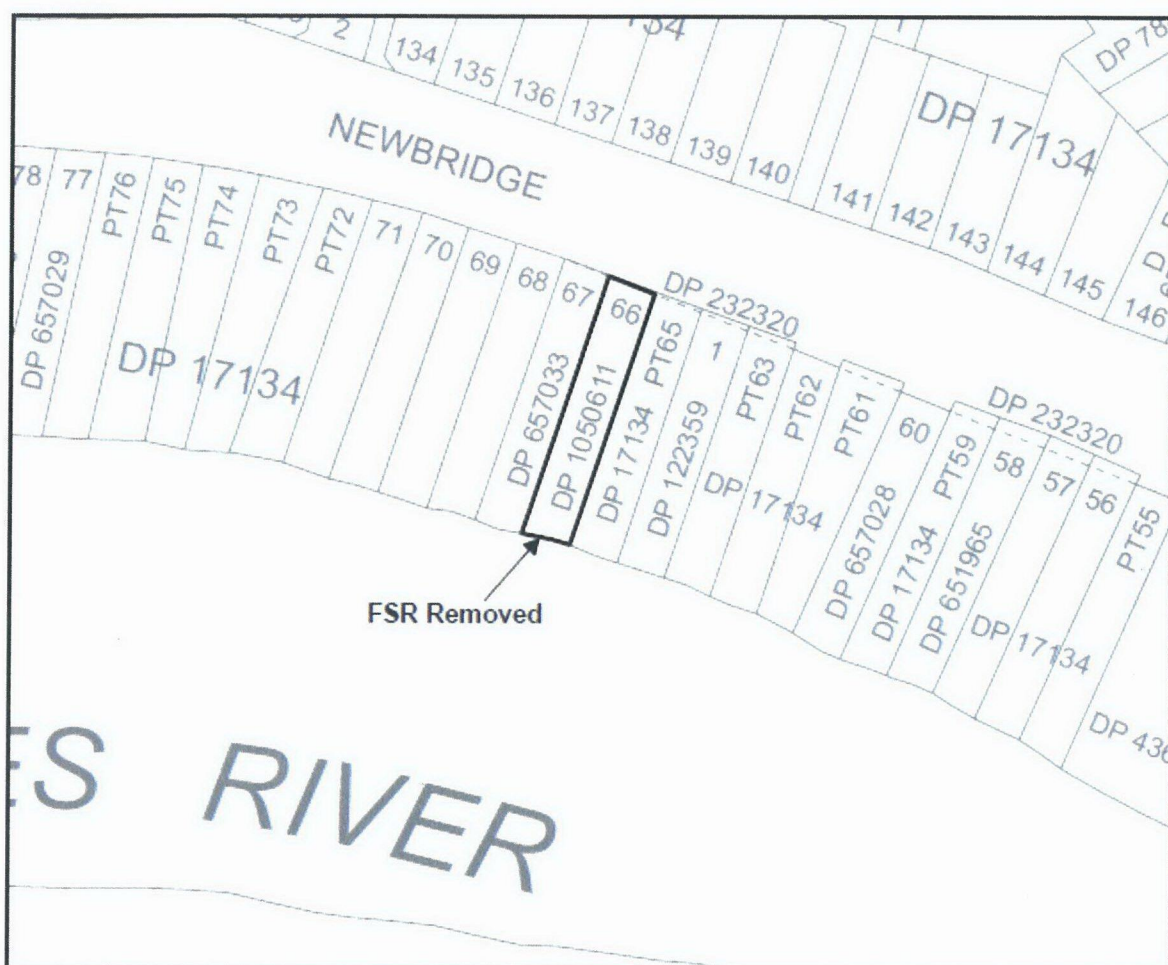
DATE



Maximum Building Height (m) 1 8.5	
	Subject land shown edged thus
SCALE : 1:1500	LOCALITY : CHIPPING NORTON
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Height of Buildings Map (HOB) Map 3	
DRAWN BY: S.ARCABA DATE: 10/02/2014	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008
PLANNING OFFICER: KATIE MILES	
COUNCIL FILE No.	
DEPARTMENT FILE No.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION. GENERAL MANAGER DATE
GOVERNMENT GAZETTE No. DATE	



Minimum Lot Size (sq m) V 2000	
N	Subject land shown edged thus
SCALE : 1 : 1500	LOCALITY : CHIPPING NORTON
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Lot Size Map (LSZ) Map 3	
DRAWN BY : S.ARCABA DATE: 10/02/2014	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008
PLANNING OFFICER: KATIE MILES	
COUNCIL FILE No.	
DEPARTMENT FILE No.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION.
GOVERNMENT GAZETTE No. DATE	
GENERAL MANAGER DATE	



Maximum Floor Space Ratio (n:1) F 0.5	
Subject land shown edged thus 	
SCALE : 1 : 1500	LOCALITY : CHIPPING NORTON
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 CITY OF LIVERPOOL Liverpool Local Environmental Plan, 2008. (Draft Amendment No.41) Floor Space Ratio Map (FSR) Map 3	
DRAWN BY: SARCABA DATE: 10/02/2014	STATEMENT OF RELATIONSHIP WITH OTHER PLANS: AMENDS LIVERPOOL LOCAL ENVIRONMENT PLAN 2008
PLANNING OFFICER: KATIE MILES	
COUNCIL FILE No.	
DEPARTMENT FILE No.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATION. GENERAL MANAGER DATE
GOVERNMENT GAZETTE No.	
DATE	

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's LEP Practice Note: PN09C03 'Classification and reclassification of public land through a local environmental plan'.

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 – late June 2014	Public Exhibition and Public Hearing
Early July 2014	Review Submissions
30 July 2014	Report to Council Meeting

Attachment 1 – Best Practice Guidelines (Council Properties)

Council regularly initiates a procedural amendment to Liverpool Local Environmental Plan 2008 (LLEP 2008) to correct anomalies identified by Council staff and other stakeholders. Such procedural amendments allow the resolution of issues that have potential to effect the efficient and equitable application of development and land use decisions within the Liverpool Local Government Area. In the case of Draft Amendment No. 41 the changes relate to land use zoning changes and the reclassification of one land holding.

As part of an amendment to the LLEP 2008 and the supporting planning proposal, Council must provide a statement that addresses site specific requirements for public land. This statement has been prepared in accordance with “*Classification and reclassification of public land through a local environmental plan*” (PN 09-003).

The following sites are proposed to be reclassified from Community to Operational land as part of LLEP 2008 Draft Amendment No.32:

- Pasquale Minnici Park, part Lot 104 DP 876128, or 4 Marulan Way.

The following property has been reclassified from Operational to Community Land in line with the Local Government Act 1993:

- 38 Newbridge Road, Chipping Norton, or Part of 66 DP 1050611.

The properties proposed to be reclassified are owned by Council. The proposal seeks to amend Part 2 and Part 3 of Schedule 4 of the Liverpool Local Environmental Plan 2008. Public exhibition of the amendment to the instrument will also be undertaken in accordance with the requirements stipulated in the practice note.

In relation to Pasquale Minnici Park, Council is reclassifying a small parcel of land to remove restrictions associated with a community classification, to allow each parcel of land to be sold. The parcel of land which are intended for sale have been determined to be surplus to Council and community needs.

Alternatively, 38 Newbridge Road, Chipping Norton has been reclassified as Community Land in line with the Moorebank Voluntary Acquisition Scheme and as such needs to be identified in Schedule 4 Part 3.

The changes resulting from the reclassification, such as the proposed future use of the land, proposed future zoning, site specific requirements, anticipated physical or operational changes (in addition to other requirements stipulated under the Practice Note) are addressed in the table on the following pages.

	Pasquale Minnici Pak, Part of Lot 104 DP 876128, or 4 Marulan Way	Part of Lot 66 DP 1050611, or 38 Newbridge Road, Chipping Norton.
Proposed zone	R2 Low Density Residential zone.	RE1 Public Recreational
Council's proposed future use of the land	The reclassification will allow Council to dispose of the land for residential purposes (additional backyard space for the adjacent property).	Reclassification will place the necessary restrictions on the parcel of land.
Site Specific Requirements	Addition of residential development controls.	Removal of residential development controls.
The nature of council's interest in the land	Council owns the subject property. Currently Classified as Community Land	Council owns the subject property. Currently Classified as Community Land
How and when the interest was first acquired	The land was dedicated to Council as a Public Reserve as part of a Section 94 Contribution Plan for open space purposes on 16 April 1998.	Council acquired 29 May 2013 using Section 94 funds.
Why council acquired an interest in the land	The land was acquired as a public reserve however the portion proposed for rezoning is isolated from the the footpath, minute in size, and would be better suited for residential uses.	Acquired for the purposes of public open space in the highly flood affected precinct of Chipping Norton.
Any agreements over the land	The sale of the land has been agreed upon with an adjacent landowner.	Nil known
The magnitude of any financial gain or loss from the reclassification and the type of benefit that could arise.	The price and terms of the sale of the land have been agreed upon with the adjacent landowner. The reclassification of the land will facilitate its disposal. The narrow strip of land is of little benefit to Council or the community.	Nil known.
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, (how the council may or will benefit financially)	By reclassifying the subject land, Council can dispose of the underutilised land, which will provide opportunities for investment in other areas. The finances generated by this process will go into a property development reserve.	Not Applicable to site.
Is there an agreement for the sale or lease of the land? If yes, what are the details of	Yes. A sale price has been not been agreed upon and will be subject to land evaluation and consultation	Yes. As part of the Moorebank Voluntary Acquisition Scheme 1984 the land was bought using the

this agreement and, if relevant, when council intends to realise its assets.	with the adjacent landowner, but it is Council's intent that the transaction be finalised once the land is reclassified.	associated Section 94 funds on the 29 May 2013.
Other relevant matters	Vested interests will change and this property will be placed in Schedule 4 Part 2 of Liverpool Local Environmental Plan 2008. This reclassification seeks to allow disposal excess and unutilised public space	This property will be placed under Schedule 4 Part 3 of the Liverpool Local Environmental Plan 2008, as the land has changed from Operation to Community Land There has been a gain of open space resulting from this reclassification.

ITEM NO: GMPG 04
FILE NO: 041895.2014
SUBJECT: Draft Amendment to Liverpool Local Environmental Plan 2008 - Draft Planning Proposal

RECOMMENDATION

That Council:

1. Endorses the attached Anomalies Planning Proposal (Amendment No.41) to be forwarded to Planning and Infrastructure seeking Gateway determination.
2. Subject to Gateway approval, proceeds with public authority consultation and public exhibition in accordance with the determination.
3. Notes that the outcomes of public authority consultation and public exhibition will be reported to Council in future.

COUNCIL DECISION

Motion: **Moved: Cllr Waller** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note, Cllr Mamone was not in the Chambers when this matter was voted on.

GMPG 04
**Draft Amendment to Liverpool Local
Environmental Plan 2008 - Draft Planning Proposal**

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	041895.2014
Report By	Katie Miles - Strategic Planner
Approved By	Carole Todd - Acting Group Manager Planning and Growth

EXECUTIVE SUMMARY

This report proposes a number of minor amendments to the LLEP 2008. It is accepted practice to group a number of proposed changes together within the one planning proposal and to regularly review the LLEP to keep the controls current and up to date.

Several mapping anomalies have been incorporated into the draft amendment. The objective of amending the zoning and reclassification of the lots identified is to ensure that zoning and reclassification of land appropriately corresponds to Council's future strategies for the local area and community by creating contextually appropriate development. The building heights, floor space ratio (FSR) and lot size controls have been reconfigured so as to correspond with the revised zoning and reclassification.

This report considers the following Council initiated changes:

- Part of Lot 104 DP 876128 – 4 Marulan Way, Prestons (part of Pasquale Minnici Park), in accordance with the Council resolution made on the 27 November 2013, to rezone part of the site to R2 Low Density Residential and reclassify the new lot to Operational Land.
- Part of Lot 66 DP 1050611 – 38 Newbridge Road, Chipping Norton. Pursuant to Council purchasing this land which is within the Moorebank Voluntary Acquisition Scheme, the site must be rezoned to RE1 Public Recreation.

This report also proposes to remove LEP Clause 7.5(4)(a) which refers to the repealed Part 3A system of the Environmental Planning and Assessment Act 1979.

In order to achieve this rezoning and reclassification a planning proposal is required to be submitted to Planning and Infrastructure (P&I) for Gateway Determination.

RECOMMENDATION

That Council:

1. Endorses the attached Anomalies Planning Proposal (Amendment No.41) to be forwarded to Planning and Infrastructure seeking Gateway determination.
2. Subject to Gateway approval, proceeds with public authority consultation and public exhibition in accordance with the determination.
3. Notes that the outcomes of public authority consultation and public exhibition will be reported to Council in future.

REPORT

This planning proposal contains a number of amendments to the LLEP2008. At times it is necessary for Council to conduct a general amendment to its Local Environmental Plan to ensure that the instrument and maps remain current.

In order to limit the number of amendments to Council's principle planning instrument, it is an accepted practice to group a number of proposed changes together. This amendment considered Council initiated changes.

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 Lot 104 DP 876128, 4 Marulan Way, Prestons. The site adjoins a residential property at 14 Taralga Street, Prestons. The portion of Lot 104 DP 876128 is proposed to be reclassified from Community Land to Operational Land. The site is a near level triangular shaped parcel with an area of approximately 100sqm. 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.



Figure 1: Aerial Photograph of subject site.

Lot 104 DP 876128 was dedicated to Council as a Public Reserve as part of a Section 94 Contribution Plan for open space purposes on 16 April 1998 (see Figure 1). The property is known as 'Pasquale Minnici Park' and forms part of the open space parkland. The subject site however forms only a very small portion of the open space network being only 100sqm, and is slightly isolated from the open space network by the footpath which runs along the entire western boundary. As can be seen below in Figure 2 there are no easements applying to the site.



Figure 2: **Deposit Plan 876128 showing no easements applying to site**

An adjoining owner has approached Council to purchase the subject site to increase the backyard space of privately owned 14 Taralga Street, Prestons. 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 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 recreation spaces.

Under the Local Government Act 1993, Council has no power to sell, or exchange, or otherwise dispose of any land classified as 'Community' Land. Therefore, in order to facilitate a sale the land is required to be reclassified to 'Operational'. The proceeds of the sale are required to be returned to the relevant Section 94 Contribution Fund as per Section 32(5) of the Local Government Act 1993.

There are other associated changes to the Liverpool LEP 2008 mapping that must occur as a result of the proposed rezoning to residential. These 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*.

Reclassification of Council Owned Land

The proposal includes the reclassification from Community land to Operational land on Lot 104 DP 876128, 4 Marulan Way (Pasquale Minnici Park). The vested interests will be changing with the reclassification and rezoning of this site. These reclassifications will be placed in Schedule 4 Part 2 – Land classified, or reclassified as operational land – interest changes of the LLEP 2008. The reclassification is consistent with Council's Operational Plan and enables surplus Council property to be developed and/or sold.

The following notification is to be removed from the Certificate of Title of Council owned land once the proposed changes are finalised:

- Lot 104 DP 876128 – Notification 6. 'The land within described is public reserve'.

Rezoning of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton.

The subject site is part of Lot 66 DP 1050611, also known as 38 Newbridge Road, Chipping Norton, and adjoins the Georges River. The subject site is zoned predominately R2 Low Density Residential however, there exists a small slither of SP2 Infrastructure zone on the northern boundary. This SP2 zone is a road reserve and does not form part of this proposal; it is to remain SP2 Infrastructure irrespective of the outcome of this proposal. The subject site is approximately 815sqm and is proposed to be rezoned to RE1 Public Recreation.

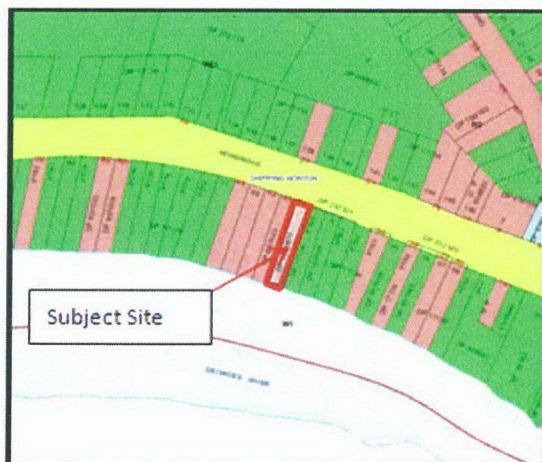


Figure 5: Lot 66 DP 1050611 proposed for rezoning

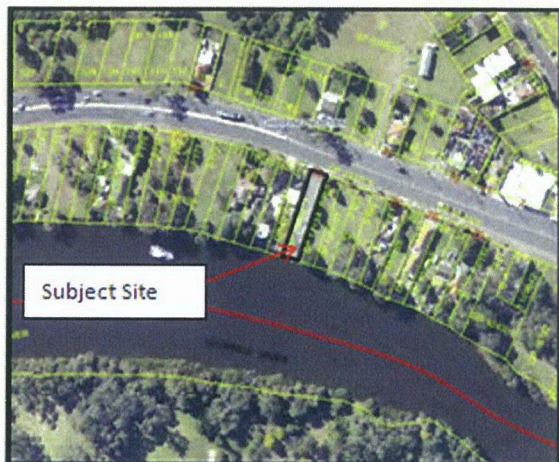


Figure 6: Aerial Photograph of subject site.

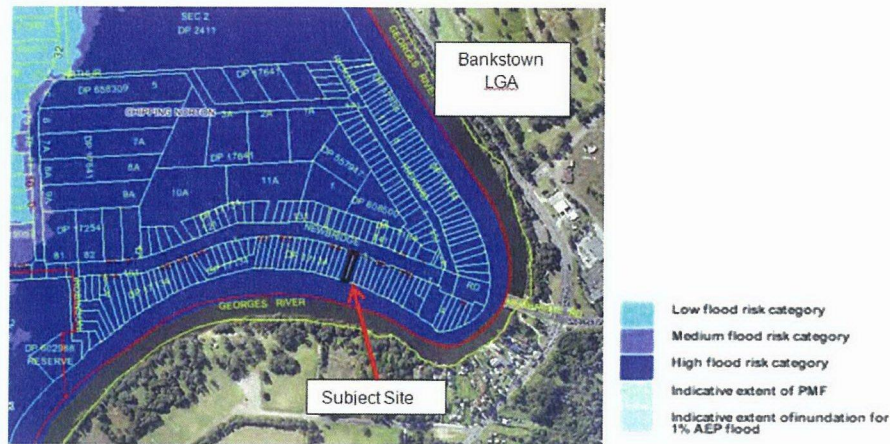


Figure 7: High Flood Risk Category

The Chipping Norton area was subdivided in 1931 despite the high flooding risks associated with the Georges River (as can be seen in Figure 7). The subject site falls within the Moorebank-Milperra Floodway area and is one of the worst floodways in NSW. Flood conditions are so severe, that 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 have been acquired and removed. The subject site was recently acquired by Council and is proposed to be rezoned RE1 Public Recreation in line with the objectives of the Scheme.

There are other associated changes to the Liverpool LEP 2008 mapping that must occur as a result of the proposed change to RE1 Public Recreational. These are as follows:

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

Remove LEP Clause 7.5(4)(a)

In 2011 the NSW Government repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. The Liverpool LEP 2008 still makes reference to the repealed Part 3A system within Clause 7.5(4)(a) (see below). It is proposed to remove this subclause from the Liverpool LEP 2008

"7.5 (4) Development consent must not be granted to the following development in the Liverpool city centre unless an architectural design competition has been held in relation to the proposed development.

(a) Development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the EP&A Act 1979.

(b) Development having a capital value of more than \$10 million on a key site, being a site shown coloured blue on the Key Sites Map.

(c) Development for which the applicant has chosen to have such a competition.

Subsequently, (b) and (c) will then become (a) and (b) correspondingly.

CONSIDERATIONS

Economic and Financial	Facilitate economic development.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership and Governance	Undertake communication practices with the community and stakeholders across a range of media. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Council Meeting 26 June 2013- Acquisition of Lot 66 DP 1050611, 38 Newbridge Road
2. Council Report 27 November 2013- 4 Marulan Way Rezoning.
3. Planning Proposal Amendment No. 41 - Anomalies (Under separate cover)

ITEM NO: GMGO 05
FILE NO: 2012/3737
SUBJECT: PROPOSED RECLASSIFICATION, REZONING AND DISPOSAL OF
PART OF LOT 104 DP 876128, 4 MARULAN WAY, PRESTONS
KNOWN AS 'PASQUALE MINNICI PARK'

RECOMMENDATION

That Council:

1. Agrees to commence the process of reclassification and rezoning of part of Lot 104 DP 876128, 4 Marulan Way, Prestons through an amendment to the Liverpool Local Environmental Plan 2008.
2. Receives a further report following the conclusion of the public exhibition period recommending whether or not Council should proceed with the reclassification/rezoning.
3. Approves 'in principle' the disposal of part of Lot 104 DP 876128, 4 Marulan Way, Prestons, for the price and terms outlined in the confidential attachment subject to the outcome of the public exhibition process in accordance with an amendment to the Liverpool Local Environmental Plan 2008.
4. Keeps confidential the attachment supplied under separate cover containing the purchase price pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
5. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect to this decision.
6. Transfers the net proceeds from the sale back into the relevant Section 94 Contribution Fund.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Balloot**

That Council:

1. Approves the reclassification, rezoning and disposal of part of Lot 104 DP 876128, 4 Marulan Way, Prestons.
2. Keeps confidential the attachment supplied under separate cover containing the purchase price pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;

3. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect to this decision; and
4. Transfers the net proceeds from the sale back into the relevant Section 94 Contribution Fund.

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

Vote For: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Karnib
Clr Mamone
Clr Ristevski
Clr Shelton
Clr Waller

Against: Clr Stanley

DIRS 11

ITEM NO: DIRS 11
FILE NO: 2009/0662
SUBJECT: PROPOSED ACQUISITION OF LOT 66 DP 1050611, 38 NEWBRIDGE ROAD, CHIPPING NORTON UNDER THE MOOREBANK VOLUNTARY ACQUISITION SCHEME

RECOMMENDATION

That Council:

1. Approves the acquisition of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton under the provisions of the Moorebank Voluntary Acquisition Scheme on the terms outlined in the confidential attachment;
2. Keeps confidential the attachment supplied under separate cover containing the purchase price pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
3. Authorises its delegated officer to execute any documents, under Power of Attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Shelton** **Seconded: Cllr Stanley**

That Council:

1. Approves the acquisition of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton under the provisions of the Moorebank Voluntary Acquisition Scheme on the terms outlined in the confidential attachment;
2. Keeps confidential the attachment supplied under separate cover containing the purchase price pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
3. Authorises its delegated officer to execute any documents, under Power of Attorney necessary to give effect to this decision.
4. Continues with its enforcement practices including prosecutions in relation to properties that fall within the area bounded by the Moorebank Voluntary Acquisition Scheme.

Amendment:**Moved: Clr Ristevski****Seconded: Clr Hadchiti**

That Council moves into Closed Session prior to the conclusion of the meeting with the press and public excluded, for the purpose of consideration of proposed acquisition of Lot 66 DP 1050611, 38 Newbridge Road, Chipping Norton under the Moorebank Voluntary Acquisition Scheme in accordance with Section 10A(2) (a) of the Local Government Act 1993.

On being put to the meeting the amendment moved by Clr Ristevski was declared LOST, the motion moved by Clr Shelton was declared CARRIED.

Division called:

Vote For: Clr Balloot, Clr Hadid, Clr Harle, Clr Karnib, Clr Shelton, Clr Stanley, Clr Waller.

Against: Mayor Mannoun, Clr Hadchiti, Clr Mamone, Clr Ristevski.