

Liverpool Local Environmental Plan 2008 (Amendment No 54) – Rezoning and reclassification of part of Hammondville Park, Heathcote Road, Hammondville.

Proposal Title : Liverpool Local Environmental Plan 2008 (Amendment No 54) – Rezoning and reclassification of part of Hammondville Park, Heathcote Road, Hammondville.

Proposal Summary : The planning proposal proposes to amend Liverpool Local Environmental Plan 2008 to rezone part of Hammondville Park (part of Lot 10, DP 1162812), Heathcote Road, Hammondville from RE1 Public Recreation to RE2 Private Recreation and B6 Enterprise Corridor to facilitate potential development outcomes for the land, including a roadside convenience use and recreation or community use. The proposal also involves reclassification of land from community to operational.

PP Number : PP_2015_LPOOL_005_00 **Dop File No :** 15/12435

Proposal Details

Date Planning Proposal Received : 19-Aug-2015 **LGA covered :** Liverpool

Region : Metro(Parra) **RPA :** Liverpool City Council

State Electorate : LIVERPOOL **Section of the Act :** 55 - Planning Proposal

LEP Type : Reclassification

Location Details

Street : Part of Hammondville Park, Heathcote Road

Suburb : Hammondville **City :** Liverpool **Postcode :** 2170

Land Parcel : Part Lot 10 DP 1162812

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : The Department's Lobbyist Contact Register has been checked on 21 August 2015, and no records on the Department's Lobbyist Contract Register regarding this matter.			

Supporting notes

Internal Supporting Notes : **STATE ELECTORATE**

The site is located within Holsworthy State Electoral District.

Additional Information

The planning proposal was received on 6 August 2015. Further information was sought from Liverpool Council and received on 2 September 2015.

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:

- A formal request to the Minister, a council or the Secretary 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 Secretary 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 : **The objective of this planning proposal is to facilitate development of part of the proposed B6 Enterprise Corridor zoned land for retail uses fronting Heathcote Road and a possible recreation facility on land adjoining the Moorebank Sports Club.**

Council has advised that the revenue raised through the development of land fronting Heathcote Road would aid in funding a potential recreation or community facility on the land which is proposed to be rezoned to RE2 Private Recreation.

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

Is an explanation of provisions provided? **Yes**

Comment :

Council has provided the following explanation for the proposed amendment:

The proposal involves amendment to the following maps:

- **Land Zoning Map 015**
- **Floor Space Ratio Map 015**
- **Height of Building Map 015**
- **Land Size Map 015**
- **Land Reclassification Map - RPL 015**

The following development standards will apply to the land being rezoned RE2 Private Recreation:

- **Floor Space Ratio – 1.0**
- **Height of Building – 15m**
- **Minimum Lot Size – 10,000 square metres**

The following development standards will apply to the land being rezoned B6 Enterprise Corridor:

- **Floor Space Ratio – 1.0**
- **Height of Building – 15m**
- **Minimum Lot Size – 2,000 square metres**

The planning proposal seeks to amend Part 1 (Land classified, or reclassified, as operational land-no interest changed) of Schedule 4 of the Liverpool Local Environmental Plan 2008 to include part of Lot 10 DP 1162812.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of A Plan for Growing Sydney**

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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 :

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

If No, explain :

S117 DIRECTIONS:

1.1 BUSINESS AND INDUSTRIAL ZONES

This direction applies as the planning proposal proposes to create a business zone. Council has advised that the proposal is not a result of any strategic study, however, the proposal will:

1. encourage employment growth in a suitable location; and
2. increase business zoned land.

The proposal is consistent with the direction.

3.4 INTEGRATED LAND USE AND TRANSPORT

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The planning proposal is considered to be consistent with the objectives of this direction in that it will create an enterprise corridor adjacent to Heathcote Road, a major arterial road, and within walking distance (650 metres) of Holsworthy Railway Station.

4.1 ACID SULFATE SOILS

This direction applies as the subject site is mapped as having Class 5 Acid Sulfate Soils (map in Documents).

This direction requires that the relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having probability of containing Acid Sulfate Soils unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Secretary prior to undertaking community consultation in satisfaction of section 57 of the Act.

No acid sulfate soils study was submitted with the planning proposal. It is therefore recommended that should the proposal proceed, an acid sulfate soils study be prepared prior to exhibition of the planning proposal, which gives considerations to the objectives of the direction to avoid significant adverse environmental impacts from the

use of the land.

4.3 FLOOD PRONE LAND

This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

This direction applies as nearly half of the site is identified as being flood prone land (flood map in Documents). Council has advised that there are no immediate plans to develop the land and the likely nature of any future development is unknown at this stage. Council will ensure that the future development of the land is consistent with the principles of the Floodplain Development Manual 2005 and the relevant provisions of the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan.

No flood study, assessment or management of flooding impacts was submitted with the planning proposal. It is recommended that Council consult the Office of Environment and Heritage on flooding issues, and address the inconsistency of the planning proposal with the direction if the plan proceeds to making.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This direction applies when a council prepares a planning proposal that affects, or is in proximity to land mapped as bushfire prone land.

This direction is relevant to this planning proposal as southern part of the site is within Vegetation Buffer as per Council's Bushfire Prone Land Map (copy in Documents).

Council has advised that the requirements of Planning for Bushfire Protection 2006 will be complied with as part of any future development of land.

It is recommended that Council consult with the Commissioner of NSW Rural Fire Service following Gateway Determination, prior to exhibition, to ensure that it does not object to any aspect of this planning proposal as required by this direction.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning and Environment.

The direction applies as the planning proposal seeks to reduce RE1 Public Recreation zoned land and to reclassify the subject land from community to operational. The site is in the ownership of Liverpool Council. Therefore, the proposal satisfies the requirement of the direction that the relevant authority has approved of the rezoning.

The approval of the Secretary is recommended to satisfy the direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY

The planning proposal's consistency with "A Plan for Growing Sydney" and the draft South West Subregional Plan are discussed under "Consistency with strategic planning framework" section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided the following maps:

- 1. Existing Land Zoning Map**
- 2. Acid Sulfate Soils Map**
- 3. Flood Risk Map**
- 4. Bushfire Map**
- 5. Environment Protection Map**

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6. Draft Land Zoning Map
7. Draft Floor Space Ratio Map
8. Draft Height of Building Map
9. Draft Minimum Lot Size Map
10. Draft Land Reclassification Map

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the planning proposal will be placed on public exhibition for a minimum of 28 days, and a public hearing will be held in accordance with the Department of Planning's LEP Practice Note – PN09 -003 (copy in documents).

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 :

The Liverpool principal plan was made in 2008. This planning proposal seeks to amend the Liverpool Local Environmental Plan 2008.

Assessment Criteria

Need for planning proposal :

BACKGROUND

The total area of Hammondville Park is 16.58 hectares. The proposal involves rezoning of 2.9 hectares of the park land.

The site is currently partly occupied by car parking for the adjoining sports fields and the Moorebank Sports Club. The remainder is vacant land and there is no vegetation.

Council is the owner of the land. The exact history of the Council's interest in the land is unclear. The land is former Crown Land, which was given to Council prior to 1979 for use as public open space. The land was not acquired through funds raised by Council under section 94 of the Environmental Planning and Assessment Act 1979.

The land is currently zoned RE1 Public Recreation under the Liverpool Local Environmental Plan 2008.

The Liverpool Master Planning Steering Committee identified the land to be suitable for a higher and better use, given its location adjacent to Heathcote Road, a major arterial road. The proposed B6 Enterprise Corridor will allow a mix of compatible uses including business, office, retail and light industrial.

On 24 March 2015, Council resolved to commence the process to rezoning and

Consistency with strategic planning framework :

reclassification of the subject land and to seek a Gateway determination. At this stage it has not resolved to dispose of the land.

METROPOLITAN STRATEGY

A PLAN FOR GROWING SYDNEY

The planning proposal is considered to be of minor significance in the context of the “A Plan for Growing Sydney”. The planning proposal is not considered to be inconsistent with the goals and actions of the Plan as the proposed rezoning would permit better use of the land, which will help in creating a competitive economy (including start up businesses) and in transforming the productivity of Western Sydney through growth and investment.

DRAFT SOUTH WEST SUBREGIONAL PLAN

The planning proposal is consistent with the draft South West Subregional Plan as the proposed development will lead to job creation in a highly accessible location and close to public transport infrastructure.

OTHER STRATEGIES

Council has advised that the Growing Liverpool 2023 (Council's Community Strategic Plan) 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. This document has been developed as a result of intensive and ongoing community consultation and various stakeholders, including local residents , business and government representatives.

The planning proposal is consistent with this Community Strategic Plan as it will facilitate job creation through establishment of an enterprise corridor.

Environmental social economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

Acid Sulfate Soils

This issue has already been discussed under s117 Directions, where it has been recommended that should the proposal proceed, and acid sulfate soils study is to be prepared prior to exhibition of the planning proposal to assess the appropriateness of the change of land use.

Flooding

This issue has also been discussed under s117 Directions, where Council has advised that it will ensure that the future development of the land will be consistent with the principles of the Floodplain Development Manual 2005 and relevant provisions of the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan. Further, Council is to consult with the Office of Environment and Heritage and address the consistency of the proposal with the direction.

Bushfire

As discussed under s117 Directions, it is recommended that following Gateway determination, Council consult with the Commissioner of NSW Rural Fire Service prior to community consultation to ensure it does not object to any aspect of the planning proposal.

Social and Economic

The planning proposal is expected to result in positive social and economic impacts as the proposed development would create some jobs in a highly accessible location and provide for enhanced recreational opportunities within the Liverpool LGA.

Council has advised that the amount of any financial gain to Council that would result from the reclassification of the land fronting Heathcote Road is not known at this stage. There has been no agreement made to either sell the land, or enter into lease over the land

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at this stage. Council might consider either to dispose the land or enter into a lease over the land for financial gain. The reclassification will allow for some flexibility in this regard.

Revenue raised through the development of land fronting Heathcote Road would aid in funding a potential recreation or community facility on the land which is proposed to be rezoned to RE2 Private Recreation.

Council has advised that the land will either remain vacant or used as a possible recreation facility on land adjoining the Moorebank Sports Club or utilised for car parking by Council to service the adjoining facilities.

The planning proposal is unlikely to result in any other negative environmental effects.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Nil
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Sydney Water Telstra Adjoining LGAs Other		

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
Council's letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Determination Document	Yes
Planning Proposal.pdf	Proposal	Yes
Amendment 54 - Zoning.jpg	Map	Yes
Amendment 54 - Acid Sulphate.jpg	Map	Yes
Amendment 54 - ESL.jpg	Map	Yes

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Amendment 54 - Flood Risk.jpg	Map	Yes
Amendment 54 -Bushfire.jpg	Map	Yes
Draft Maps.pdf	Map	Yes
LEP Practice Note - PN 09 - 003.pdf	Determination Document	Yes
An Extract from A guide to preparing LEPs concerning delegations to councils.pdf	Determination Document	No

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **RECOMMENDATION**

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

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be publicly exhibited for 28 days, and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. In accordance with:

- Section 117 Direction 4.1 Acid Sulfate Soils, prior to public exhibition, Council is to undertake Acid Sulfate Soils study and provide a copy of the study to the Secretary. If required, the planning proposal is to be amended to reflect the findings of the study;
- Section 117 Direction 4.3 Flood Prone Land, Council is to address the inconsistency with the direction if the plan proceeds to making; and
- Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with NSW Rural Fire Service prior to public exhibition and take into account any comments made by them.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Department of Primary Industries - Lands
Road and Maritime Services
Endeavour Energy
Office of Environment and Heritage
Sutherland Shire Council
Sydney Water
Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any

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obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is supported, as it will facilitate potential economic development outcomes for the land.

Signature:



Printed Name:

CHO CHO MYINT

Date:

22/9/15