

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

Proposal Title : **Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land**

Proposal Summary : **The planning proposal is to either rezone or, reclassify or, rezone and reclassify 14 Council owned sites across Liverpool LGA. It is proposed to reclassify seven Council owned sites from community land to operational land, and rezone the land; reclassify five other sites from community to operational without rezoning, and; rezone two other council owned sites.**

PP Number : **PP_2014_LPOOL_010_00**

Dop File No : **14/19288**

Proposal Details

Date Planning : **06-Nov-2014**

Proposal Received :

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 : **15 Qantas Boulevard**

Suburb : **Middleton Grange**

City :

Postcode : **2171**

Land Parcel : **Lot 2 DP 1141036**

Street : **99-101 Rose Street**

Suburb : **Liverpool**

City :

Postcode : **2170**

Land Parcel : **Part Lot 6 DP 1050036**

Street : **9 Gunsynd Avenue**

Suburb : **Casula**

City :

Postcode : **2170**

Land Parcel : **Lot 151 DP 717423**

Street : **10 Anjudy Close**

Suburb : **Casula**

City :

Postcode : **2170**

Land Parcel : **Part of Lot 1227 DP 788408**

Street : **22 Box Road**

Suburb : **Casula**

City :

Postcode : **2170**

Land Parcel : **Lot 1103 DP 1051233**

Street : **12A Brain Avenue**

Suburb : **Lurnea**

City :

Postcode : **2170**

Land Parcel : **Lots 145 and 146 DP 213510**

**Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites
from community land to operational land**

Street :	2A Deerwood Avenue		
Suburb :	Liverpool	City :	Postcode : 2170
Land Parcel :	Lot 183 DP 241158		
Street :	72A Grevillea Crescent		
Suburb :	Prestons	City :	Postcode : 2170
Land Parcel :	Lot 25 DP 244956 and Lot 118 DP 244942		
Street :	230 Newbridge Road		
Suburb :	Moorebank	City :	Postcode : 2170
Land Parcel :	Lot 56 DP 567062 and Part Lot 42 DP 237025		
Street :	124A Wonga Road		
Suburb :	Lurnea	City :	Postcode : 2170
Land Parcel :	Lot 106 DP 515081		
Street :	84A St Andrews Boulevard		
Suburb :	Casula	City :	Postcode : 2170
Land Parcel :	Lot 515 DP 242589		
Street :	8 Ferrington Crescent		
Suburb :	Liverpool	City :	Postcode : 2170
Land Parcel :	Lot 3 DP 227788		
Street :	20A Frazer Avenue		
Suburb :	Lurnea	City :	Postcode : 2170
Land Parcel :	Lot 45 DP 220478 and Lot 113 DP 258556		
Street :	26 Wendlebury Road		
Suburb :	Chipping Norton	City :	Postcode : 2170
Land Parcel :	Lot 18 DP 261574		

DoP Planning Officer Contact Details

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RPA Contact Details

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Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

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 : **In relation to the lobbyist code of conduct there is no record of contact with lobbyists regarding this matter. The NSW Government Lobbyist Code of Conduct has been complied with.**

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

If Yes, comment : **The lobbyist contact register was checked on 19 November 2014. No registered meetings with lobbyists were identified.**

Supporting notes

Internal Supporting Notes : **POLITICAL DONATIONS**

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).

To the best of the Regional team's knowledge, 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 : It is intended to rezone 2 parcels of Council owned land, reclassify 5 parcels of Council owned land and, rezone and reclassify 7 parcels of Council owned sites from 'Community' to 'Operational' land.

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

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

Comment : It is identified in the explanation of provisions which sites are to be rezoned, or reclassified or both. For the sites that are being rezoned it is identified that associated planning provisions (and the maps reflecting those provisions) will also need to be amended. However, how the associated planning controls (including minimum lot size, height of building, and floor space ratio) that are to be changed are not clearly identified in this section, only the map sheet numbers. The specific controls are identified in the maps at the back of the planning proposal (page 11-54 of the planning proposal).

It is considered more suitable for Council to clearly identify the proposed minimum lot size, height of buildings, floor space ratio controls in this section of the planning proposal, as well as on the maps in the planning proposal.

It is identified that the planning proposal intends to achieve the following:

REZONING ONLY OF COUNCIL OWNED PROPERTIES

15 Qantas Boulevard, Middleton Grange

It is proposed to:

- rezone from zone SP2 Infrastructure Drainage to R1 General Residential;
- amend the minimum lot size map for the site to 400m²;
- amend the floor space ratio map for the site to 0.65:1;
- amend the height of buildings map for the site to 8.5m; and
- amend the dwelling density map for the site to 15 dwellings per hectare.

99-101 Rose Street Liverpool

It is proposed to:

- rezone from zone RE1 Public Recreation to zone B2 Local Centre;
- amend the lot size map for the site to 1000m²;
- amend the floor space ratio map for the site to 1.7:1; and
- amend the height of building for the site to 21m.

REZONING AND RECLASSIFICATION OF COUNCIL OWNED PROPERTIES

9 Gunsynd Avenue, Casula (Part of Thawaral Park)

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- rezone the site from RE1 Public Recreation to R3 Medium Density Residential;
- amend the minimum lot size map for the site to 300m²;
- amend the floor space ratio map for the site to 0.5:1,
- amend the height of building map for the site to 8.5; and
- identify this site on the reclassification map for part of lots.

10 Anjudy Close, Casula (Part of Thawaral Park)

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- rezone the site from RE1 Public Recreation to R3 Medium Density Residential;

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

- amend the minimum lot size map for the site to 300m²;
- amend the floor space ratio map for the site to 0.5:1; and
- amend the height of building map for the site to 8.5m.

22 Box Road, Casula (known as 'Mimosa Park')

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- rezone the site from RE1 Public Recreation to R2 Low Density Residential;
- amend the minimum lot size map for the site to 300m²;
- amend the floor space ratio map for the site to 0.6:1; and
- amend the height of building map for the site to 8.5m.

12A Brain Avenue, Lurnea (known as 'Hannan Park')

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- rezone the site from RE1 Public Recreation to R2 Low Density Residential;
- amend the minimum lot size map for the site to 300m²;
- amend the floor space ratio map for the site to 0.5:1; and
- amend the height of building map for the site to 8.5m.

2A Deerwood Avenue, Liverpool (known as 'Hazel Bradshaw Park')

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- rezone the site from RE1 Public Recreation to R2 Low Density Residential;
- amend the minimum lot size map for the site to 300m²;
- amend the floor space ratio map for the site to 0.5:1; and
- amend the height of building map for the site to 8.5m.

72A Grevillea Crescent, Prestons (known as 'Acacia Park')

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- rezone the site from RE1 Public Recreation to R2 Low Density Residential;
- amend the minimum lot size map for the site to 300m²;
- amend the floor space ratio map for the site to 0.5:1; and
- amend the height of building map for the site to 8.5m.

230 Newbridge Road, Moorebank (part of Regan Park)

It is proposed to:

- reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change;
- It is proposed to rezone the site from R3 Medium Density Residential to B6 Enterprise Corridor;
- amend the minimum lot size map for the site to 2000m²; and
- identify this site on the reclassification map for part of lots.

RECLASSIFICATION ONLY OF COUNCIL OWNED LAND

124 Wonga Road, Lurnea (known as 'McCarthy Park')

It is proposed to reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2 - where interests are proposed to change.

84A St Andrews Boulevard, Casula (known as 'St Andrews Park')

It is proposed to reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

- where interests are proposed to change.

8 Ferrington Crescent, Liverpool (known as 'Ferrington Park')

It is proposed to reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2

- where interests are proposed to change.

20A Frazer Avenue, Lurnea (known as 'Baker Park')

It is proposed to reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2

- where interests are proposed to change.

26 Wendlebury Road, Chipping Norton (known as 'Wendlebury Park')

It is proposed to reclassify this site from 'Community' to 'Operational' in Schedule 4 Part 2

- where interests are proposed to change.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

4.3 Flood Prone Land

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 :

There are additional matters that should be considered when reclassifying public land in Practice Note PN 09-003 Classification and reclassification of public land in a Local Environmental Plan.

The planning proposal does not address the additional matters. It is proposed that Council amend the planning proposal to address the outstanding matters from Practice Note PN09-003 prior to public exhibition, including:

- **the reason why Council acquired an interest;**
- **any proposal to extinguish or retain other interests in the land through the reclassification; and**
- **a justification /explanation as to why such interests are being extinguished.**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Section 117 Direction 1.1 - Business and Industrial zones

This direction applies as it is proposed to alter an existing business zone boundary through the rezoning of land.

It is proposed in the planning proposal to rezone 230 Newbridge Road, Moorebank from zone R3 Medium Density Residential to zone B6 Enterprise Corridor and 99-101 Rose Street, Liverpool from RE1 Public Recreation to B2 Local Centre. These changes of zone will increase the amount of business zoned land. As such, the planning proposal is considered to be consistent with this direction.

Section 117 Direction 3.1 - Residential zones

This direction is applicable as the planning proposal will affect land within an existing or proposed residential zone.

It is proposed in the planning proposal to rezone a number of sites from RE1 Public Recreation to a residential zone, including zone R1 General Residential and zone R2 Low Density Residential. One site at 230 Newbridge Road, Moorebank is proposed to

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

change from zone R3 Medium Density Residential to zone B6 Enterprise Corridor. This change of zone is considered to be an inconsistency with this direction as it reduces a residential zoned land. This inconsistency is considered to be justified as minor significance, as the planning proposal increases the overall amount of residential land, with 8 other sites being rezoned to residential zone.

It is recommended that the Secretary's delegate support this inconsistency as it is considered to be justified as minor significance.

Section 117 Direction 4.3 - Flood prone land

This direction applies as it is proposed to rezone land within the flood planning area from recreation to a business zone.

Two of the sites that are identified in the planning proposal are identified as potentially flood prone. One site, 99-101 Rose Street, Liverpool is proposed to be rezoned from RE1 Public Recreation to B2 Local Centre. As the site is known to be flood prone, the planning proposal is inconsistent with this direction. Council should provide further information to justify any inconsistency with this direction.

The other flood prone site at 20A Frazer Avenue, Lurnea is proposed to be reclassified only and is not inconsistent with the direction.

The consistency of the planning proposal with this direction should be further considered post exhibition.

Section 117 Direction 6.2 - Reserving Land for public purposes

This direction applies as the planning proposal proposed to alter the existing zone and reservation of land for public purposes.

Council has advised that:

- All 14 sites are considered surplus to Council;
- Nine of the properties for reclassification are identified in Council's Phase 3 of Council's Property Management Strategy 2010-2011;
- the remaining five properties are not the result of any strategic study or report but initiated by Council after reviewing the its usability and potential for development; and
- the proposed reclassification of properties will contribute to the financial sustainability of Council and allow the funding of asset renewal projects, embellishment of existing parks and further property investments.

It is considered that the Secretary's approval should be granted in this instance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided identified the sites, and where required the proposed change of zone, height controls, minimum lot size controls, floor space ratio controls and dwelling density controls.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is proposed to publicly exhibit the planning proposal for 28 days.

It is also proposed to hold a public hearing in accordance with Section 29 of the Local Government Act 1993.

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

Council is yet to address the Director General's requirements regarding matters that must be addressed in the justification of all planning proposal which reclassify public land in a guide to preparing Local Environmental Plans. Council has not provided an explanation of the reasons why the interests are proposed to be extinguished in the planning proposal.

Council should amend the planning proposal to address this prior to exhibition.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

There is adequate information to assess the planning proposal.

Proposal Assessment

Principal LEP:

Due Date : **August 2008**

Comments in relation to Principal LEP :

The Liverpool Local Environmental Plan 2008 was notified on 29 August 2008.

Assessment Criteria

Need for planning proposal :

An amendment to the Liverpool Local Environmental Plan is the best mechanism to achieve the planning outcome. Reclassification of these parcels of land is required to enable the sale or long term lease of these sites for redevelopment.

Consistency with strategic planning framework :

METROPOLITAN STRATEGY

The planning proposal is consistent with the Metropolitan Strategy, in particular, "ensure an adequate supply of land and sites for residential development", which Council will provide through the reclassification of surplus land.

SOUTH WEST DRAFT SUBREGIONAL STRATEGY

The planning proposal is consistent with the draft subregional strategy as it provide additional land for housing through the reclassification of surplus Council land.

LOCAL STRATEGY

Council has advised that nine of the properties for reclassification are identified in Council's Phase 3 of Council's Property Management Strategy 2010-2011, however, the remaining five properties are not the result of any strategic study or report but initiated by Council after reviewing the its usability and potential for development.

Liverpool Council has advised that the planning proposal is consistent with its local strategy Growing Liverpool 2023, in particular, that it will ensure that Council is financially sustainable to be able to deliver the services and improvements that the residents will expect.

Environmental social economic impacts :

ENVIRONMENTAL

Two of the sites are potentially flood prone. Land at 99-101 Rose Street, Liverpool, which is proposed to be rezoned from zone RE1 Public recreation to B2 Local Centre is identified to be affected by the 1:100 flood level. The other site at 20A Frazer Avenue, Lurnea is identified to be affected by the probable maximum flood level and is proposed to be reclassified from community to operational.

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

SOCIAL

The reclassification and rezonings of these sites have the potential to reduce the amount and location of public open space across Liverpool Local Government Area. To address these concerns Council has proposed to prepare a strategy to engage the community about the loss of parks or part of parks.

ECONOMIC

The reclassification of Council owned land will enable Council to lease or sell the land to be financially sustainable to deliver services and improvements for the community.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - s56(2)(d) :

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 letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Resolution and Report.pdf	Determination Document	Yes
Best Practice Guidelines Am 38 LLEP 2008(2).pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
3.1 Residential Zones

Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites from community land to operational land

4.3 Flood Prone Land
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Delegation of Gateway determination**

The planning proposal is to rezone 2 sites, rezone and reclassify 7 sites and reclassify 5 sites from community to operational, across Liverpool Local Government Area. The proposal is considered to be minor in nature, and it is recommended that the determination function of the Gateway be exercised under delegation by the Director, Metropolitan (Parramatta).

Delegation to Council

Liverpool City Council has not requested plan making functions be delegated to Council in this instance. As the proposal relates to land owned by Council and the proposal includes the discharge of interests in relation to numerous parcels of land, which will require the Governor's approval, it is therefore recommended that delegations of the Plan Making functions not be given to Council in this instance.

Recommendation

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

1. Prior to public exhibition, Council amend the planning proposal to:
 - (a) clearly identify in the explanation of provisions all the proposed changes to planning controls where appropriate.
 - (b) address the outstanding matters from Practice Note PN09-003, including:
 - i) the reason why Council acquired an interest,
 - ii) any proposal to extinguish or retain other interests in the land through the reclassification, and
 - iii) provide a justification /explanation as to why such interests are being extinguished.
 - (c) further address the consistency of the planning proposal with Section 117 Direction 4.3 - Flood Prone Land. specifically in relation to land at 99-101 Rose Street Liverpool, and if required, consult with Office of Environment and Heritage.
2. Community consultation is required under Section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made 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 LEPs (Department of Planning and Environment 2013)
3. 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 obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land)
4. 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 :

**Liverpool Local Environmental Plan 2008 - Amendment 38 - Reclassification of 14 sites
from community land to operational land**

Signature:



Printed Name:

CHO CHO MYINT

Date:

25 / 11 / 14

