

LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING

30/08/2010

ITEM NO:		FILE NO:	2010/1658
SUBJECT:	Liverpool Local Environmental Plan 2008 - Amendment No. 12		

EXECUTIVE SUMMARY:

Following gazettal of Liverpool Local Environmental Plan 2008, and through the application of the plan the need for minor amendments have been identified. This amendment seeks to correct these anomalies and reclassify four Council owned properties in Liverpool and Cartwright. This report recommends that Council initiate an amendment to Liverpool Local Environmental Plan 2008 for submission to the Minister for Planning (delegated to the Departments' Gateway Panel) in accordance with Section 54 and Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

detailed report:

From time to time it is necessary for Council to initiate a procedural amendment to Liverpool Local Environmental Plan (LLEP) 2008 to correct various anomalies identified by Council staff and other stakeholders. Such procedural amendments allow the resolution of issues that have potential to affect the efficient and equitable application of development and land use decisions within the Local Government Area (LGA).

The Planning Proposal

This report initiates the first stage of the gateway process, that is, the preparation of a planning proposal. A planning proposal is a document that explains the intended effect of the proposed LEP and the justification for making it [EP&A Act s. 55(1)]. It will be used and read by the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it has been written with the intention to be concise, accessible, and technically competent.

The planning proposal for this amendment has been attached to this report. This document includes:

- A statement of objectives and intended outcomes of the proposal;
- An explanation of the provisions of the proposal;
- A justification of the objectives and outcomes, including how this is to be implemented;
- Maps containing the appropriate detail; and

- Details of the community consultation that will be undertaken.

Proposed Amendments to LLEP 2008

The amendments proposed to the instrument relate to LLEP Schedule 5 (Heritage), Land Zoning Maps, Land Use Permissibility, Exempt and Complying development and clauses within the instrument.

The amendment principally addresses issues relating to minor zoning matters. The proposed changes and the amendments are considered consistent with the objectives and intended outcomes of the LLEP 2008 and the government directions outlined within the Southwest Subregional Strategy.

The proposed amendments within the planning proposal are as follows:

1. Update LLEP 2008 Heritage mapping and Schedule 5 (Heritage) of the written instrument. The amendments will correct typographical errors to ensure properties are identified correctly in Schedule 5. This amendment will not subject any additional properties to heritage provisions, but seeks to accurately describe certain properties already within the schedule.
2. Amend LLEP 2008 mapping to incorporate appropriate development controls for various sites and correct mapping errors. The amendment also proposes to rezone four sites from R2 Low Density Residential to RE1 Public Recreation that council has acquired under the Moorebank Floodway Voluntary Acquisition Scheme. LLEP 2008 mapping will also need to be updated to incorporate requests from the Roads and Traffic Authority.
3. Update the Exempt and Complying development schedule within the instrument to introduce provisions for Bus Shelter Advertising.
4. Update the Land Use Table to allow for "Rural Supplies" and "Secondary Dwellings" within the RU1 Primary Production and RU4 Rural Small Holding zones. This will permit secondary dwellings on lots zoned RU1 and RU4 regardless of the lot size. These additional provisions have not been proposed within the RU2 Rural Landscape zone of the LLEP 2008 as the land uses are not consistent with the intended outcomes of the zone and maintenance of the rural landscape character of the land.
5. Amend Schedule 4 *Classification and reclassification of public land* to reclassify 182 Moore Street Liverpool, 1A Bellbird Place Cartwright, 13 Kemira Place Cartwright and Cnr Lot 338 Cartwright Avenue Cartwright from community land to operational land pursuant to Local Government Act 1993. This draft amendment will need to be exhibited in accordance with the LEP practice note "Classification and reclassification of public land through a local environmental plan" (PN 09-003).

Justification for each amendment is provided in the attached planning proposal.

Conclusion

The changes described above do not constitute a significant amendment to the plan, but seek to ensure accuracy and promote certainty within LLEP 2008. As such it is recommended that Council resolve to amend and update LLEP 2008, and forward the attached planning proposal to the Department of Planning for approval.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council arising from this report.

recommendation:

That Council:

1. Proceed with the making of a draft local environmental plan amendment in accordance with the planning proposal.
2. Forward the planning proposal to the Department of Planning seeking a Gateway Determination.

signed by:

Milan Marecic
Director
City Strategy

Attachments: Planning Proposal