

EGROW 04**Planning proposal to amend the dwelling density map in the Liverpool Local Environmental Plan 2008 for certain lands in Pleasure Point**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	171601.2020
Report By	Luke Oste - Strategic Planner
Approved By	Tim Moore - Director City Economy and Growth / Deputy CEO

EXECUTIVE SUMMARY

At its meeting on 11 December 2019, Council considered a report (**Attachment 1**) recommending that a planning proposal be prepared to amend the Liverpool Local Environmental Plan 2008 (LEP) by increasing the permitted number of lots on certain sites along Pleasure Point Road in Pleasure Point from four lots to five lots. Council resolved (**Attachment 2**) that the planning proposal be prepared, noted that advice is required to be sought from the Liverpool Local Planning Panel (LPP) and that a further report be submitted to Council to determine if the planning proposal should progress to a Gateway determination.

The planning proposal has now been prepared (**Attachment 3**) following initial consultation with affected landowners, the NSW Rural Fire Service (RFS) and Sydney Water. This initial consultation allowed the concerns of residents to be understood, bushfire constraints adequately considered, and servicing constraints identified.

The planning assessment report presented to the Local Planning Panel is included in **Attachment 4**. The report outlines that the proposal has strategic and site-specific merit and recommends that the planning proposal be submitted to the Department of Planning, Industry & Environment (DPIE) for a Gateway determination.

Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 29 June 2020 in accordance with the *Local Planning Panel Direction – Planning Proposals* dated 23 February 2018. After considering the assessment report, the Panel provided their advice (**Attachment 5**) that the proposal has both strategic and site-specific merit and supported the proposal proceeding to a Gateway determination.

It is recommended that Council note the advice of the LPP, endorse the planning proposal, and submit the proposal to DPIE seeking a Gateway determination and public exhibition.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses the planning proposal to increase the permitted number of lots on certain sites along Pleasure Point Road, Pleasure Point from four lots to five lots;
3. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
5. Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

Background

At its meeting on 11 December 2019, Council considered a report recommending that a planning proposal be prepared to amend the Liverpool Local Environmental Plan 2008 (LEP) by increasing the permitted number of lots on certain sites along Pleasure Point Road in Pleasure Point from four lots to five lots.

At this meeting, Council resolved:

That Council:

1. *Directs the CEO to prepare a planning proposal to amend the dwelling density map in the Liverpool Local Environmental Plan (LLEP) 2008 that increases the permitted number of lots on certain sites along Pleasure Point Road, Pleasure Point from four lots to five lots; and*
2. *Notes that, once drafted, the planning proposal will be reported to the Liverpool Local Planning Panel for advice and to a future Council meeting for a decision on whether to seek a Gateway determination from the Department of Planning, Industry and Environment.*

Proposed Amendment to the Liverpool Local Environmental Plan 2008

The proposed amendment to the LEP increases the existing dwelling density restriction of four lots to a maximum of five lots for the following sites (the subject site) listed in Table 1 and illustrated in Figure 1. The dwelling density restriction applies to four original large lots that are identified in Figure 2 and represented by distinct colors in Table 1.

Table 1 – Subject Site Lots

Original Large Lot	Address	Legal Description
Lot 1	70 Pleasure Point Road	Lot 71 within DP 1134477
	72 Pleasure Point Road	Lot 72 within DP 1134477
	74 Pleasure Point Road	Lot 73 within DP 1134477
	76 Pleasure Point Road	Lot 74 within DP 1134477
Lot 2	62 Pleasure Point Road	Lot 77 within DP 1134478
	64a Pleasure Point Road	Lot 761 within DP 1217961
	64b Pleasure Point Road	Lot 762 within DP 1217961
	66 Pleasure Point Road	Lot 78 within DP 1134478
	68 Pleasure Point Road	Lot 75 within DP 1134478
Lot 3	Lot 5 Pleasure Point Road	Lot 5 within DP 239468
Lot 4	46 Pleasure Point Road	Lot 86 within DP 1134481
	48 Pleasure Point Road	Lot 85 within DP 1134481
	50 Pleasure Point Road	Lot 84 within DP 1134481
	52 Pleasure Point Road	Lot 83 within DP 1134481

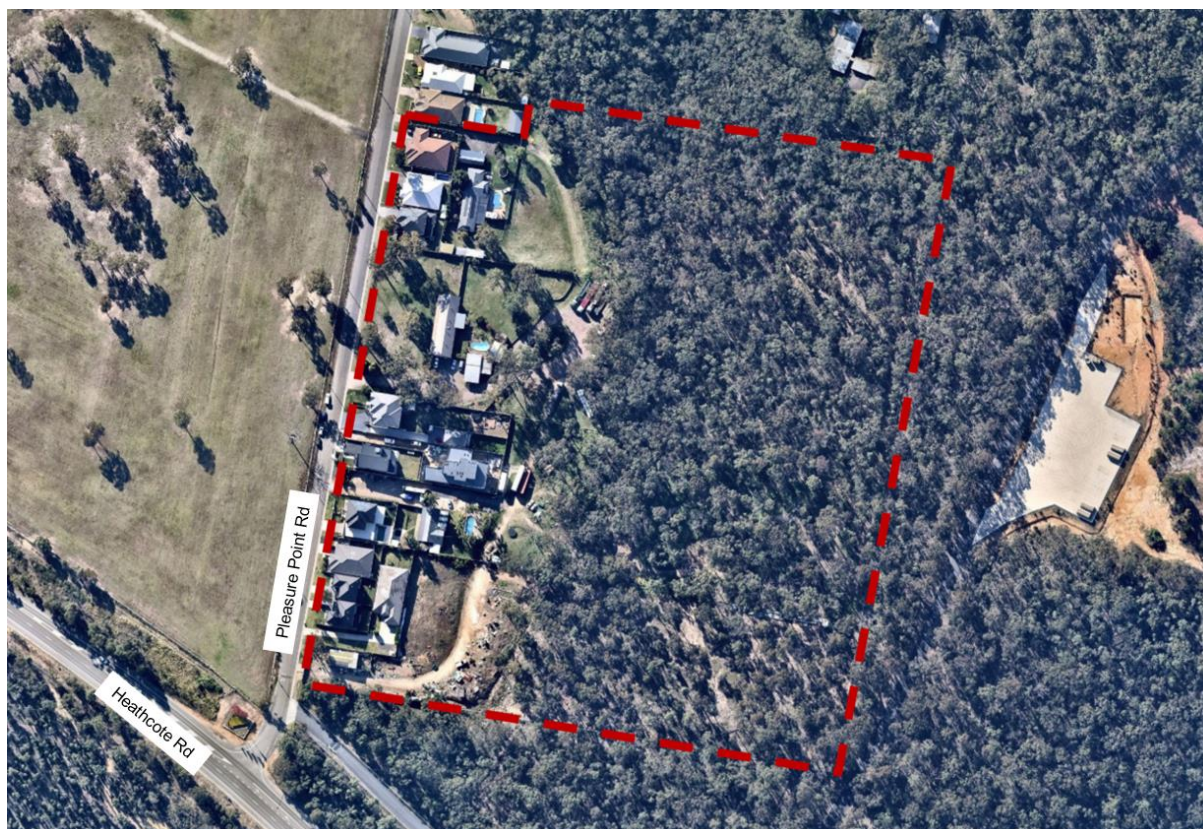


Figure 1 - Location of subject site outlined in red (Nearmap 2019)

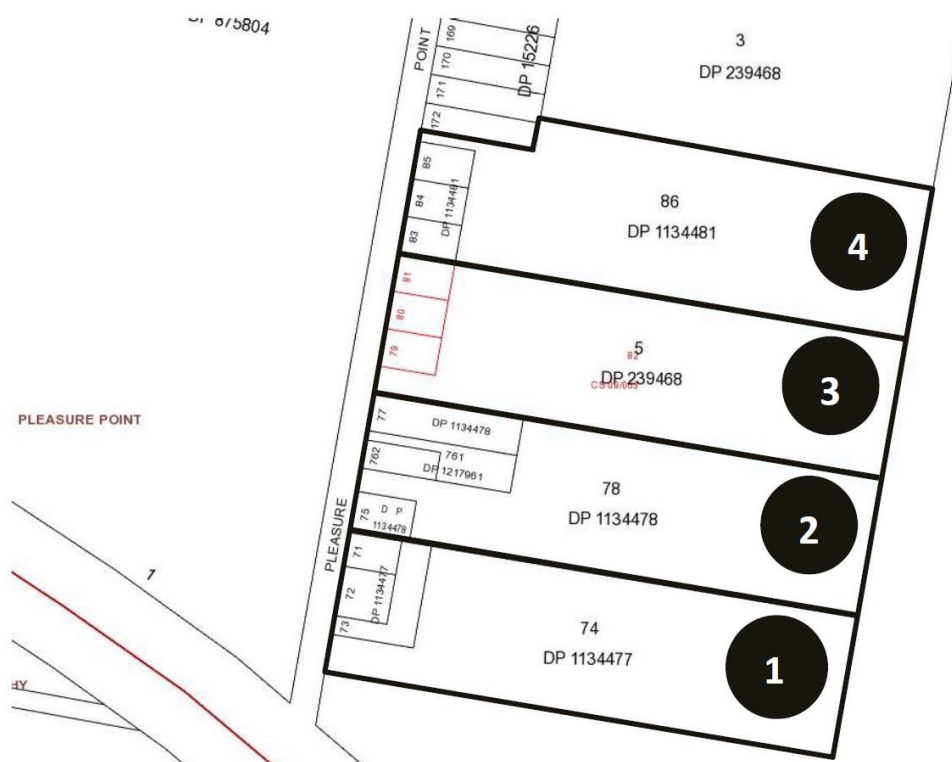


Figure 2- Subject Site – Four Original Large Lots (Geocortex LCC)

CONSULTATION

Initial State Agency Consultation

Initial consultation was undertaken with both Sydney Water and the NSW Rural Fire Service (RFS). Details of these referrals are outlined in the planning proposal (**Attachment 3**). The purpose of this initial consultation was to seek high level advice to ensure any new lots as facilitated by the proposed amendment could be serviced by existing Sydney Water infrastructure and to understand further the bushfire constraints applying to the subject site. It should be noted that the proposal will be subject to more detailed advice following a Gateway determination.

It is noted that the recommendations provided by the RFS included concern regarding the development potential of Lot 4 (refer to Figure 2) given the significant bushfire constraints present. However, at this early stage in the process no changes have been made to the planning proposal to ensure all sites are equitably included as part of the proposed amendment. The concerns of the RFS are noted and more formal discussions will occur with the RFS following a Gateway determination.

Initial Landowner Consultation

Landowners within the subject site were also consulted, with a summary letter sent in late May 2020. This consultation was undertaken to ensure concerns were identified and information provided as required.

LOCAL PLANNING PANEL

Advice of the Liverpool Local Planning Panel

Pursuant to Clause 2.19(1)(b) of the Environmental Planning and Assessment Act 1979, a planning proposal must be submitted to the Local Planning Panel (LPP) for their advice prior to consideration by the Council. The LPP considered the planning proposal at their 29 June 2020 meeting and provided advice accordingly (**Attachment 5**).

The LPP noted the concerns held by the RFS but agreed that the planning proposal should continue in its current form subject to further consultation following a Gateway determination. The LPP otherwise provided support and considered the proposal to have both strategic and site-specific merit and recommended it progress to a Gateway determination.

CONCLUSION

As resolved by Council on 11 December 2019, the planning proposal has been prepared and reported to the LPP before being considered by Council. Initial consultation has been

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undertaken with Sydney Water and the RFS as well as with landowners impacted by the proposed amendment to ensure the planning proposal is well considered and informed.

It is recommended that Council note the advice of the LPP, endorse the planning proposal, and submit the proposal to DPIE seeking a Gateway determination and public exhibition.

Next Steps

If the planning proposal is supported by Council, it will be submitted to DPIE seeking a Gateway determination. After any further technical studies are completed post Gateway, the planning proposal would then proceed to public authority consultation, followed by public exhibition

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.
Social	There are no social and cultural considerations.
Civic Leadership	Act as an environmental leader in the community.
Legislative	<i>Environmental Planning and Assessment Act 1979</i>
Risks	The risk is deemed to be low.

ATTACHMENTS

1. Council Report - 11 December 2019 (Under separate cover)
2. Council Resolution - 11 December 2019 (Under separate cover)
3. Planning Proposal (Under separate cover)
4. Liverpool Local Planning Panel Report (Under separate cover)
5. Local Planning Panel Advice (Under separate cover)