

**Local Planning Panel Report
14 November 2022**

Application Number:	RZ-9/2022
Proposal:	Planning proposal to amend the zoning, floor space ratio, height of building and minimum lot sizes development standards applying to the land.
Property Address	22 Box Road, Casula (Mimosa Park)
Legal Description:	Lot 1103 DP1051233
Recommendation:	Proceed to Gateway determination
Assessing Officer:	Brianna van Zyl – Strategic Planner

1. EXECUTIVE SUMMARY

This Planning Proposal has been prepared to initiate an amendment to the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The amendment involves the rezoning and reclassification (from community to operational land) of 22 Box Road, Casula (Lot 1103 DP 1051233), known as Mimosa Park. A height of building, floor space ratio and minimum lot size development standard will also be applied to the site.

Mimosa Park is a vacant block of land of approximately 565m², currently zoned RE1 Public Recreation under the LLEP 2008. The site slopes approximately 4m from the Box Road street frontage to the west of the site, and has a gradient of close to 1:10. The site is currently constrained by access, as part of the road is closed along the sites frontage, to prevent Box Road being used as a bypass from the Hume Highway. The road still allows for pedestrian and cycle access to the site. It is bound by low density residential development on the north, south and west frontages. The site has a limited functionality due access, safety and level change constraints.

Several site constraints were identified pertaining to public safety. Accordingly, at its meeting on 31 August 2022, Council resolved to:

1. *“Proceed with an amendment to Liverpool LEP 2008 to seek a rezoning for the property at 22 Box Road, Casula (Lot 1103 DP1051233) to R2 Low Density Residential and reclassification of the site to “operational” land for potential future sale with the proceed from any sale to be allocated for the embellishment of Jardine Park.*
2. *That if a rezoning and reclassification process are approved as part of an amendment to the LEP, that a further report be presented to Council recommending methods of sale and establishing a reserve / minimum price for the property, prior to proceeding with any sale.”*

The planning proposal has been drafted (**Attachment 1**) as required by the above Council resolution. This planning proposal represents the first step in rezoning the property and facilitating the sale of the property. It is envisioned the site will be redeveloped as a single detached dwelling and the funds generated by the sale will embellish Jardine Park, which is located 1.5km from the subject site.

Determination of strategic and site-specific merit has been assessed in accordance with A guide to preparing planning proposal published by NSW Department of Planning and Environment (September 2022).

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The proposal is referred to the Local Planning Panel in accordance with Section 2.19 of the EP&A 1979 for advice.

Council officers recommend that the planning proposal proceed to gateway and consideration by the elected Council.

2. Site Description and Locality

The planning proposal relates to 22 Box Road, Casula (Lot 1103 DP 1051233). The subject site can be seen in Figure 1 below.

The site is constrained and has limited functionality due access, gradients, safety and the adjoining residential dwellings.

Zoned RE1 Public Recreation, with nil development standards, and is classified as 'Community Land'. The surrounding development is of low density context, with the streetscape characterised by detached 2 storey dwellings. Residential land to the north, south and west is zoned R2 Low Density Residential, and land to the east is zoned R3 Medium Density Residential which is predominately characterised by low density developments, with a small number of multi-dwelling developments.

The site is approximately 1km from Casula Town Centre, containing library, recreation facilities and shops including Coles, Aldi and Kmart. The site is also located with 280m of the District Park, Peter Miller Reserve which is currently well used by the community, and Jardine Park Casula, is approximately 1.5km north east.



Figure 1: Locality (Source Near Map)

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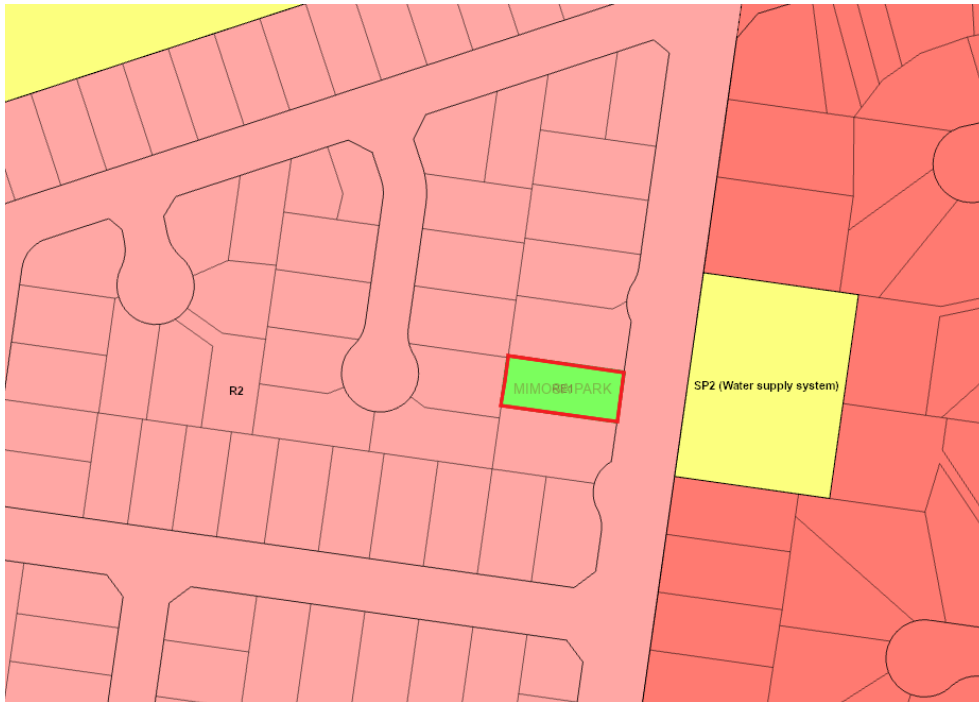


Figure 2: Zoning Map (Source: Geocortex)

3. Details of the Proposal

The intent of the planning proposal is to facilitate the reclassification of No. 22 Box Road, Casula (Lot 1103 DP 1051233) from Community Land to Operational Land, and to enable its future development as a single dwelling within a low density residential area, as the site is deemed too constrained for its use as a quality public park.

The planning proposal will impose a Maximum Floor Space Ratio of 0.6:1, Maximum Height of building of 8.5m and a minimum lots size of 300m², commensurate with adjoining land.

At its meeting on 27 October 2020, Council considered a report on Mimosa Park, 22 Box Road, Casula and resolved to endorse Option 1 of the following two options:

- Option 1: Mimosa Park to be kept as a local park and embellished
- Option 2: Reclassify, rezone and dispose of Mimosa Park.

Following this, a feasibility study, environmental testing, and conceptual development was undertaken. The study identified several risks, including the site topography, public safety, accessibility, fall heights, and maintainability.

At its meeting, on 31 August 2022, Council resolved to:

“That Council:

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1. *Proceed with an amendment to Liverpool LEP 2008 to seek a rezoning for the property at 22 Box Road, Casula (LOT 1103 DP 1051233) to R2 Low Density Residential and reclassification of the site to 'operational land for potential future sale with proceeds from any future sale to be allocated for the embellishment of Jardine park*
2. *That if a rezoning and reclassification process are approved as part of an amendment to the LEP, that a further report be presented to Council recommending methods of sale and establishing an_[sic] reserve / minimum price for the property, prior to proceedings with any sale."*

Council intends to sell the site to allow redevelopment for low density residential purposes, as it is currently underutilised and not appropriate for further embellishment into a park. The planning proposal will facilitate this outcome by rezoning the site so it can be redeveloped in the future. Under the existing LLEP 2008 development standards, the application of the R2 Low Density Residential zone and development standards will only facilitate the development of one dwelling. Funding from the sale of the site will be allocated to the embellishment of Jardine Park in Casula.

The site will have to be reclassified from Community to Operational Land. This will be done as per the requirements in the *Local Government Act 1993*.

4. Consideration of Strategic Merit

In summary, the proposed amendment is considered to have strategic merit as outlined within the planning proposal justification report (**Attachment 1**). The proposed amendment is considered the best outcome for the site and the community. The site is currently underutilised and the risk analysis identifies several safety risks if the site was developed as open space. Thus, the rezoning will generate additional funds to embellish Jardine Park and subsequently increase its functionality. Consideration has been given to the relevant 9.1 Ministerial Direction and State Environment Planning Policies to confirm consistency. This is outlined in detail in **Attachment 1**.

5. Consideration for Site Specific Merit

In summary, the proposed amendment is deemed to have site specific merit as outlined within the Planning Proposal justification report (**Attachment 1**). It is noted the site is constrained in regards to access, site access, and level changes which make it unsuited for public open space, but acceptable for low density residential development.

Ministerial direction '4.4 Remediation Contaminated Land' required consideration where residential development is to occur. Council has considered contamination risks as outlined in **Attachment 1**, due to the nature of illegal dumping on vacant site. However, a recent investigation in July 2021 found the site to be unlikely to be contaminated. Investigations will be ongoing, but the proposal is considered consistent with this direction.

6. Next Steps

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Following the panel's consideration, the planning proposal will be reported to Council for their consideration. Should the planning proposal request be endorsed, it will be forwarded to DPE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be a public authority and community consultation. This will include a Public Hearing to meet the criteria for reclassifying under the *Local Government Act 1993*. Following consultation, a further report will be tabled to Council.

It is noted additional studies and clarification may be required by DPE prior to exhibition occurring.

7. Conclusion

Pursuant to the requirements of a Guide to preparing planning proposal and relevant ministerial directions, this attached planning proposal provides a merit assessment of the planning proposal.

The following amendments can be supported to proceed with the planning proposal process:

- Rezone to site from RE1 Public Recreation to R2 Low Density Residential;
- Apply a Floor Space Ratio of 0.6:1;
- Apply a Height of Building of 8.5; and
- Apply a minimum lot size of 300m².

The planning proposal request is presented to the panel for consideration.