

Urban^{NSW} Taskforce

20 November 2007

Your reference 2007/1650

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC 1871

Attention: Ms. Tanya O'Brien

Copy by e-mail:
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Dear Sir

RE: LIVERPOOL CONTRIBUTIONS PLAN 2006 – EDMONDSON PARK NOVEMBER 2007 AMENDMENT AND ASSOCIATED EXHIBITION MATERIALS

The NSW Urban Taskforce would like take this opportunity to comment on the recently exhibited Liverpool Contributions Plan 2006 - Edmondson Park and associated materials.

The NSW Urban Taskforce supports the efforts Liverpool city Council ("the Council") to increase the achievable residential density within the precinct, providing a rationalisation of the local road network and extent of nominated riparian corridor, and simplification of the built form controls applying to development of land within the precinct.

There are however a number of issues that should be addressed prior to the adoption or finalisation of any of the material that has been exhibited by the Council. Some of the issues raised below are of a technical nature and others raise issue of planning policy which the NSW Urban Taskforce believes should be addressed in consultation with the NSW Department of Planning (DoP)

Department of Planning Circular PS07 – 018

DOP Circular PS07-018 details advice concerning the changes to the setting and collection of infrastructure contributions in NSW. The circular addresses changes to the collection of both local and state government levies contributions.

The Circular advises that any local environmental plan (LEP), planning agreement or section 94 or section 94A contributions plan made before or on 12 November 2007 will continue to operate until transitional measures are put in place.

The consequence of the changes in terms of the setting and collection of local infrastructure contributions is that costs relating to facilities benefiting existing communities (including council or district wide community and recreation facilities) can no longer be recovered through local contributions.

The provisions of the circular apply to the draft Liverpool Contributions Plan 2006 – Edmondson Park as it together with draft Liverpool local Environmental Plan 1997 (Amendment No. 114) **(draft**

LEP) and draft Development Control Plan No. 61 Edmondson Park (**draft DCP**) were placed on exhibition on 24 October 2007.

Draft Liverpool Contributions Plan 2006 – Edmondson Park

The contributions set under draft Liverpool Contributions Plan 2006 – Edmondson Park ("draft Edmondson Park CP") can under the terms of DoP Circular PS07 – 018 only seek to recover the local infrastructure costs attributable to:

- Local roads,
- Local bus infrastructure,
- Local parks that service a development site or precinct,
- Drainage and water management expenses,
- Land and facilities for local community infrastructure that services a development site or precinct, and land for other community infrastructure and recreation facilities.

The draft Edmondson Park CP indicates that contributions for district level community facilities and recreation/open space will be levied against development within Edmondson Park Precinct under the terms of the Liverpool contributions Plan 2001 and that, local facilities will be levied under the draft Edmondson Park CP.

While the Liverpool Contributions Plan 2001 is itself not impacted by the provisions of DoP Circular PS07- -018 (given that it was adopted prior to 12 October 2007) the proposal to seek to levy the Edmondson Park precinct for regional facilities is in direct conflict with the planning circular.

The DoP is proposing to introduce transitional provisions for contributions plans adopted prior to 12 October 2007. As no land has been developed within the Edmondson Park precinct to date and revised zoning, system of staging and development controls are being introduced through draft Liverpool local Environmental Plan 1997 (Amendment No. 114) and draft Development Control Plan No. 61 Edmondson Park it is appropriate for the draft Edmondson Park CP to be amended to delete reference to contributions towards regional facilities.

The draft Edmondson Park CP does not examine the reasonableness or nexus issues when seeking to impose contributions for both local and regional facilities. This issue can be resolved by an amendment to the Liverpool Contributions Plan 2001 by deleting the requirement for development within the Edmondson Park Precinct to contributions for regional facilities.

The draft contributions plan should not be adopted until this issue is resolved. It may be necessary to re-exhibit the draft Edmondson Park CP after it has been amended to address the above matters.

Draft Edmondson Park Precinct Development Control Plan 2007 and Liverpool local Environmental Plan 1997 (Amendment No. 114)

The draft DCP once adopted will replace the current DCP adopted for the precinct. Amendment No.114 will effect zone boundary adjustments and will facilitate the implementation of the draft DCP and contributions plan.

Concurrent with the preparation of the draft DCP and draft LEP has been the preparation of the comprehensive LEP for the Liverpool local government area under the Standard Instrument LEP.

The draft LEP will facilitate the rezoning of the land however the zone designations will be different to the anticipated zone designations under the comprehensive LEP (if it is compliant with the Standard Instrument LEP). The Council and DoP should ensure in the preparation of the

comprehensive LEP that the zone designations for Edmondson Park, if compliant with the Standard Instrument, do not conflict with what will be achieved under the draft LEP.

The draft DCP incorporates numerous definitions for terms that are either not contained within the Standard Instrument LEP or are inconsistent with the Standard Instrument LEP or the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. As the draft DCP is intended to guide development over the next 5 to 10 years and the comprehensive LEP is expected to be placed on public exhibition this year then a potential for conflict exists if there is a difference between the definition of terms in the comprehensive LEP and the draft DCP.

Alternatively, if the comprehensive LEP adopts the definition of terms consistent with those contained within the draft DCP then this would present as a significant departure from the Standard Instrument LEP and undermine the consistency of planning sought to be achieved by the Standard Instrument.

Examples of terms within the draft DCP that are different to the Standard Instrument LEP or EP&A Act include attic, building height, bush fire prone land, floor space ratio, height, finished ground level and place of Aboriginal heritage significance. These are core definitions to be found within both LEPs and DCPs. If the definitions are to be consistent with the Standard Instrument LEP then this has potential implications for and could result in variations to the proposed built form controls within the draft DCP.

The NSW Urban Taskforce submits that the use of definition of terms different to those within the Standard Instrument LEP is a serious policy issue to be resolved with the DoP as it has the potential to stand as a precedent for significant departures from the Standard Instrument LEP by future comprehensive LEPs or DCPs.

Liverpool Contributions Plan 2001

If the submission above reading the deletion of Edmondson Park from the operation of Liverpool Contributions Plan 2001 in relation to the levying of contributions for regional infrastructure is not acted upon, then it will be necessary for the Liverpool Contributions Plan to be reviewed and amended to reflect the development staging proposed under the draft LEP and draft DCP.

Should you wish to discuss any matter raised in this letter please do not hesitate to contact me.

Yours sincerely

NSW Urban Taskforce

A handwritten signature in black ink that reads "Aaron Gadiel". The signature is written in a cursive style with a long horizontal stroke extending from the bottom of the name.

Aaron Gadiel
Chief Executive Officer