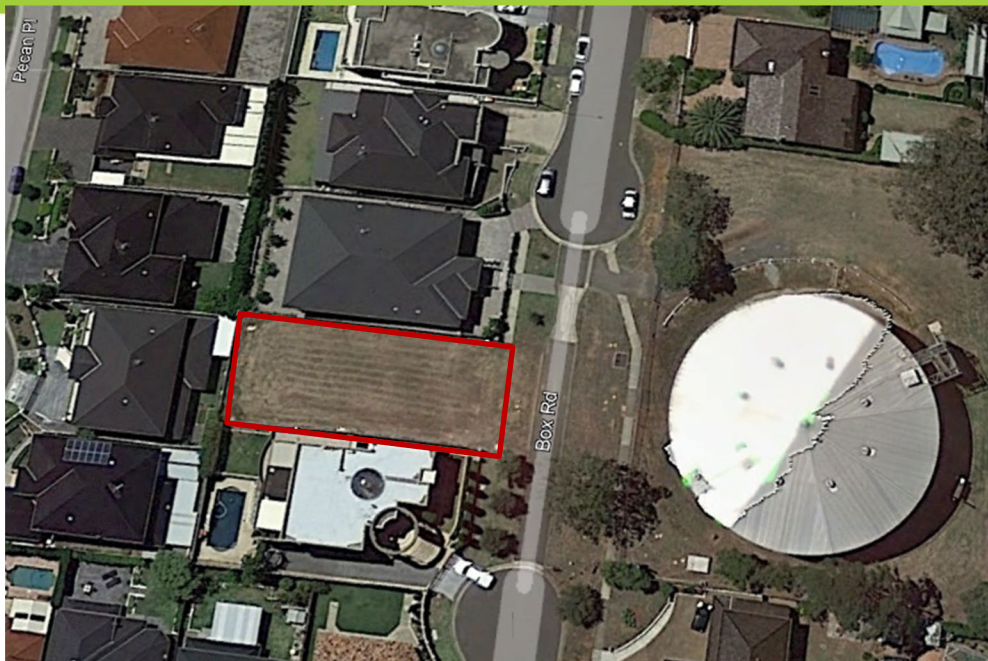


PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT 22 BOX ROAD, CASULA PUBLIC HEARING AND SUBMISSIONS REPORT

FINAL

11 OCTOBER 2023



LIVERPOOL CITY COUNCIL

PROPOSED RECLASSIFICATION OF
COMMUNITY LAND AT
22 BOX ROAD, CASULA

PUBLIC HEARING AND SUBMISSIONS REPORT

FINAL

11 OCTOBER 2023

Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

tel: (02) 9453 6377
mob: 0411 191 866

sandy@parklandplanners.com.au

www.parklandplanners.com.au

DIRECTOR: Sandy Hoy

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1 INTRODUCTION

1.1 Purpose of this report

This report has been prepared under Section 29 of the *Local Government Act 1993* to report to Liverpool City Council on the public submissions made before, at and after the public hearing on Thursday 21 September 2023 regarding the proposed reclassification of 22 Box Road in Casula from community land to operational land.

The purpose of the reclassification of land is to facilitate rezoning and sale of the land for development as a low density residential dwelling.

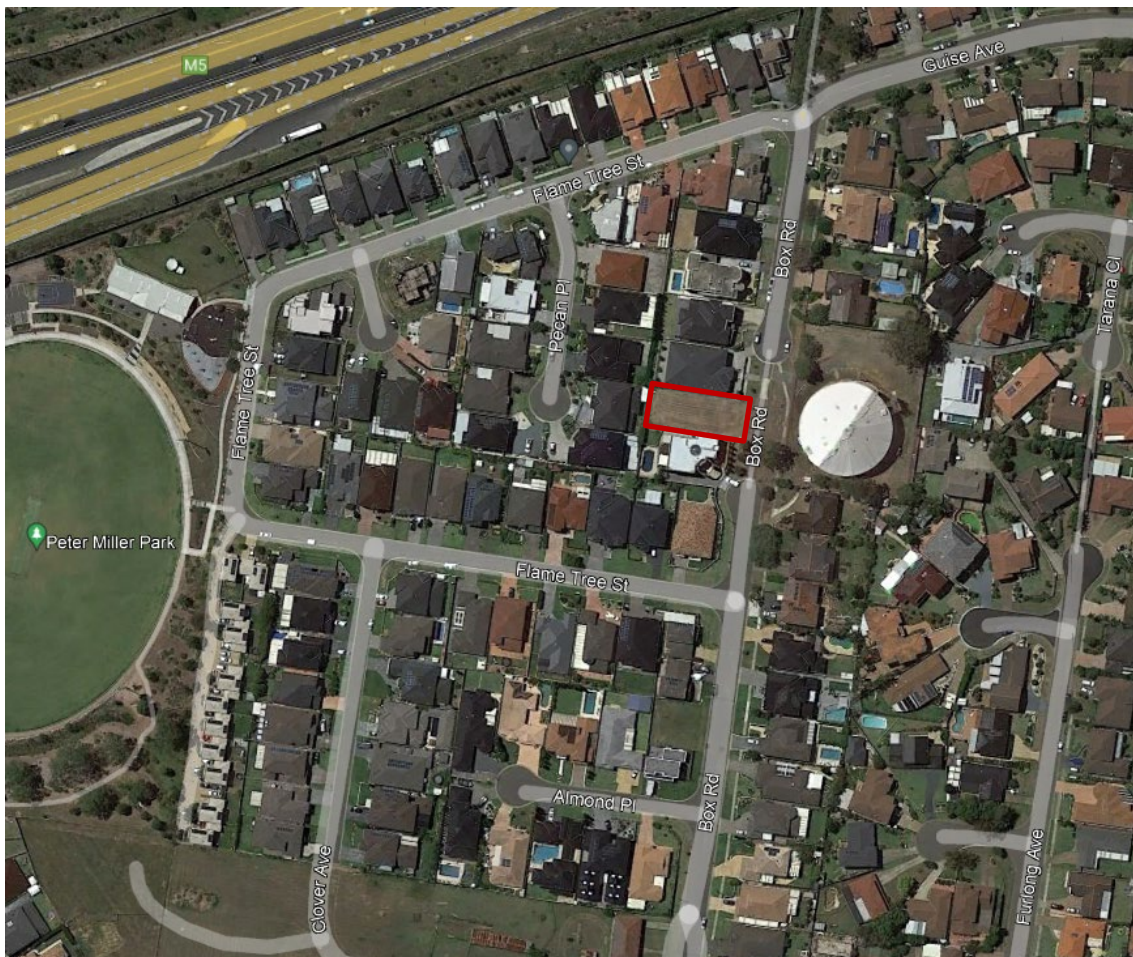
The proposed reclassification of the subject land is explained in detail in the *Planning Proposal: Amendment 98 to the Liverpool Local Environmental Plan 2008 - 22 Box Road Casula (Mimosa Park)* (Liverpool City Council, 2022) referred to in this report as “the planning proposal”.

This report makes recommendations to Council regarding the proposed reclassification.

1.2 Land to which the proposed reclassification applies

The subject site (Lot 1103 DP 1051233) is located at 22 Box Road in Casula.

Figure 1 Location of 22 Box Road, Casula



1.3 Contents of this report

The remainder of this report contains:

- ❑ a general explanation of the proposed reclassification of the subject land from community land to operational land (Section 2)
- ❑ explanation of the proposed reclassification of 22 Box Road in Casula (Section 3)
- ❑ the public hearing details (Section 4)
- ❑ submissions (Section 5)
- ❑ assessment of submissions and recommendations (Section 6).

2 RECLASSIFICATION OF COMMUNITY LAND

2.1 What is reclassification of community land?

Under the *Local Government Act 1993*, public land is classified as either 'operational' or 'community' land. 22 Box Road in Casula is currently classified as community land under the *Local Government Act 1993*.

Community land would ordinarily comprise land accessible to the public, such as a park, sporting fields, or a community centre. Community land must not be sold, except in the limited circumstances referred to in Section 45 (4) of the Act.

Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. Council also cannot grant a lease, licence or other estate for private purposes over community land.

Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a Council of its functions, or land which may not be open to the general public such as a works depot. Operational land may be leased for a longer period of time, and may be sold/ transferred. Operational land does not have any special restrictions and can be used by Council for a broad range of purposes.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

2.2 Process of reclassification of community land

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out requirements that Councils must follow when reclassifying community land to operational land. Relevant legislation can be accessed at www.legislation.nsw.gov.au.

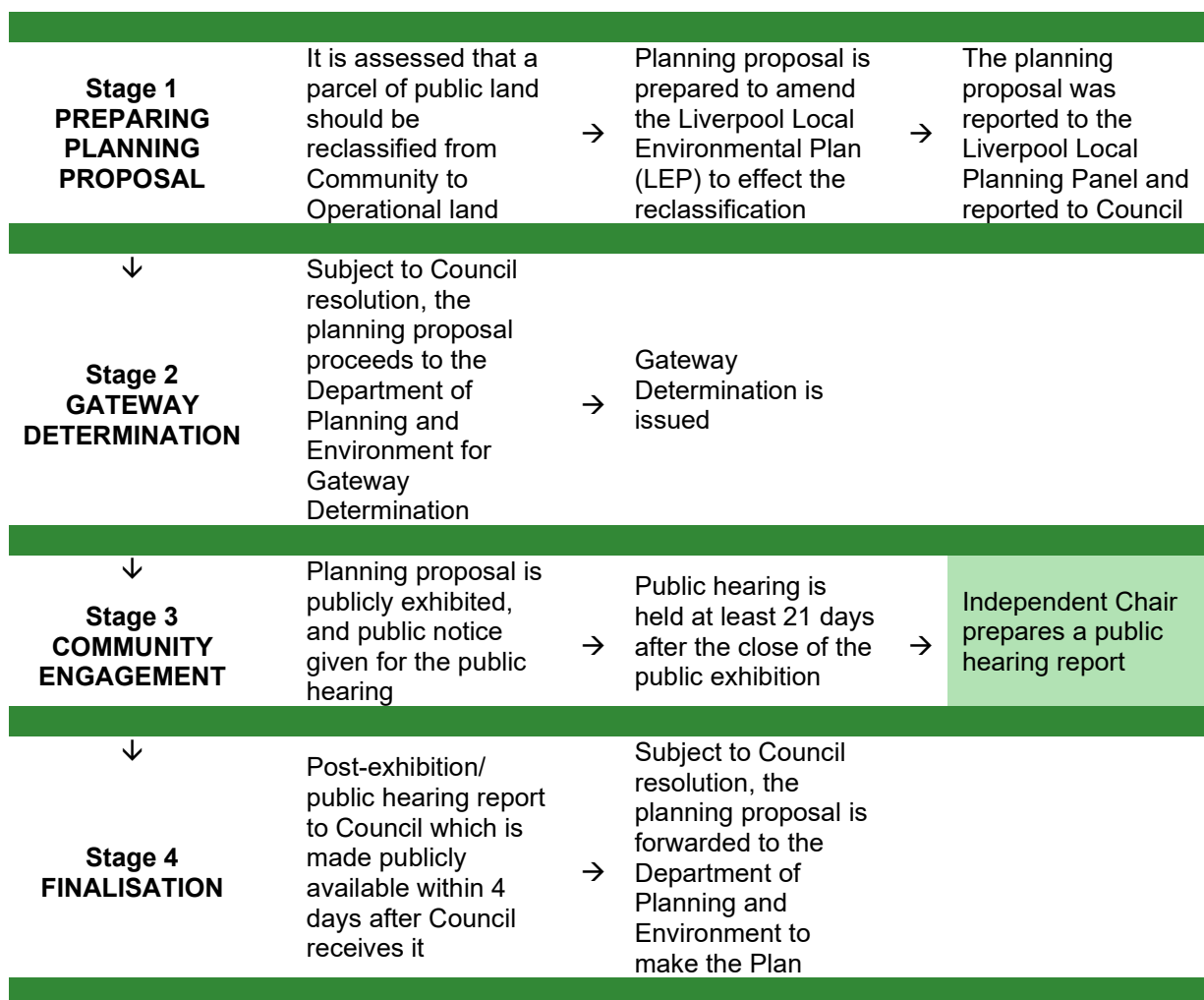
Reclassification may be carried out by either:

1. A Local Environmental Plan under the *Environmental Planning and Assessment Act 1979* through Section 27(1) of the *Local Government Act 1993*, or
2. Council resolution under Section 27(2) of the *Local Government Act 1993*.

Council is proposing to reclassify the Council-owned community land under Option 1 by amendments to the Liverpool Local Environmental Plan 2008.

The process of reclassifying community to operational land by changes to the Liverpool Local Environmental Plan 2008 is in Figure 2.

Figure 2 Process of reclassifying community land to operational land by local environmental plan



2.3 Process of the public hearing and report

Table 1 Process of the public hearing and report

Process	Relevant legislation
Liverpool Local Planning Panel advice	
Liverpool City Council resolved to support the proposal to reclassify 22 Box Road in Casula from community to operational land	
Council referred the planning proposal to the NSW Department of Planning and Environment for Gateway Determination	Section 3.34(1) of <i>Environmental Planning and Assessment Act 1979</i>
Gateway Determination issued by DPE	Section 3.34(2) of <i>Environmental Planning and Assessment Act 1979</i>
Council places copies of the planning proposal and supporting information on public exhibition for comment. Copies were available on Council's website, and at Council's administration centre. 2 written submissions to the planning proposal were received.	

Process	Relevant legislation
Public notice of the public hearing after the conclusion of the statutory public exhibition of the planning proposal	
<p>The public hearing into the proposed reclassification was held on Thursday 21 September 2023.</p> <p>The person presiding at the public hearing is not a councillor or employee of the council holding the public hearing, or has been a councillor or employee of that council at any time during the 5 years before the date of her appointment.</p> <p>Independent chairperson at public hearing prepared the public hearing report and issued it to Council.</p>	<p>Section 29 of <i>Local Government Act 1993</i></p> <p>Department of Planning and Environment</p> <p>Practice Note PN 16-001</p> <p>Section 47G of <i>Local Government Act 1993</i></p>
Council must make a copy of the public hearing report available for inspection by the public at a location within the area of the council no later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing.	Section 47G of <i>Local Government Act 1993</i>
Consideration of the public hearing report and public submissions by Council.	
<i>If Council decides to proceed with the reclassification:</i>	
Council requests the Department of Planning and Environment to prepare the draft Local Environmental Plan to give effect to the planning proposal.	
Amendment made to the <i>Liverpool Local Environmental Plan 2008</i> to reclassify the community land as operational land may make provision to the effect that, on commencement of the plan, the land ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land.	Section 27 of <i>Local Government Act 1993</i>
Reclassification of the land to operational land.	Section 30(1) of <i>Local Government Act 1993</i>

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3 PROPOSED RECLASSIFICATION OF 22 BOX ROAD, CASULA

3.1 Description of 22 Box Road, Casula

22 Box Road in Casula, also known as Mimosa Park, is owned and managed by Liverpool City Council.

The site comprises a vacant block of land 565m² in area covered by mown grass.

The site slopes approximately 4 metres in level from the Box Road frontage towards the rear of the site at a gradient close to 1:10.

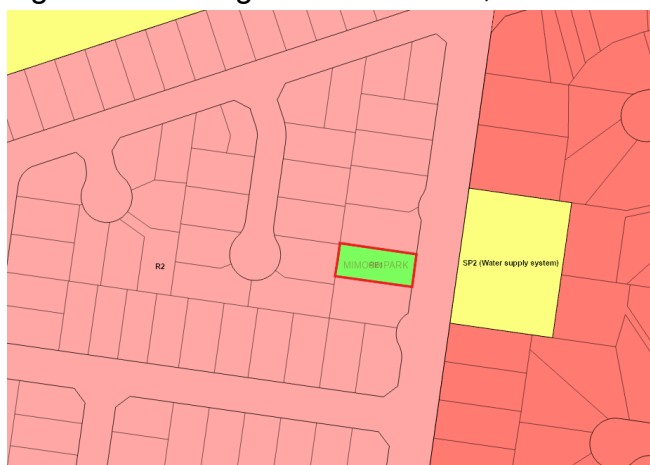
The site is adjoined by low density two-storey residential dwellings on three sides.

Figure 3 Location and characteristics of 22 Box Road, Casula



22 Box Road, Casula is currently zoned RE1 Public Recreation under the Liverpool Local Environmental Plan 2008 as shown in Figure 4. The site is bound by low density double-storey residential dwellings zoned R2 Low Density Residential on its northern, southern and western boundaries.

Figure 4 Zoning of 22 Box Road, Casula



Zoning Map (Source LLEP 2008)

The site is constrained in terms of access. Part of Box Road is closed to private vehicles via a bus filter along the site’s frontage to prevent Box Road being used as a bypass from the Hume Highway to Casula Town Centre. However, Box Road allows pedestrian and cycle access to the site.

Figure 5 Bus filter outside 22 Box Road, Casula



3.2 Background to reclassification of 22 Box Road, Casula

The background to and reasons for the proposed reclassification of 22 Box Road in Casula are set out in detail in the planning proposal. A timeline is in Table 2.

Table 2 Background to proposed reclassification of 22 Box Road, Casula

Date	Event
2003	22 Box Road in Casula was dedicated to Council as a developer contribution for public open space. Site was vested in Council’s ownership on 14 April 2003 upon registration of DP 1051233 when it was dedicated as a public reserve and named Mimosa Park. Site was classified as community land.
August 2015	Council first proposed reclassification of Mimosa Park (22 Box Road in Casula). A public hearing was held on 5 August. The Public Hearing Report: Proposed reclassification of community land in West Ward, Liverpool (Parkland Planners, 2015) recommended to reclassify Mimosa Park as operational land and use the proceeds from sale to embellish a local park.
27 October 2020	Liverpool City Council considered a report on Mimosa Park, 22 Box Road, Casula and resolved to endorse Option 1 of the following two options: <ul style="list-style-type: none"> - Option 1: Mimosa Park to be kept as a local park and embellished - Option 2: Reclassify, rezone and dispose of Mimosa Park. Council resolved to allocate funds to undertake a feasibility study, environmental testing and a concept development for Mimosa Park.

Date	Event
2021	<p>Council prepared a concept for Mimosa Park as a new local pocket park for informal recreation and leisure activities including native vegetation plantings to the western boundary, new seating, and site retention on the western boundary.</p> <p>A soil contamination assessment by Environmental Earth Science in July 2021 found that, despite illegal dumping of domestic rubbish and minor building rubble on the vacant site, the site is unlikely to be contaminated.</p> <p>A Safety in Design Report for Mimosa Park by Moir Landscape Architecture in November 2021 was prepared as part of the ongoing design process for the new pocket park at 22 Box Road in Casula. Several risks were identified pertaining to public safety, accessibility, fall heights, maintainability and material selection, and the dropoff to the property below the site.</p> <p>The studies concluded that the site has limited functionality as public open space for recreation due to access, adjoining residential dwellings, level changes including a drop-off on the western boundary, and public safety constraints. The site is currently underutilised. However the site would be acceptable for low density residential development.</p> <p>Council concluded the site would be more suitable for development for a residential dwelling than as a pocket park, and that sale of the site would provide funds to embellish the larger Jardine Park in Casula. Despite the loss of open space at 22 Box Road, Council considered the embellishment of Jardine Park would improve open space opportunities in Casula.</p>
31 August 2022	<p>At its meeting on 31 August 2022 Council resolved to:</p> <ol style="list-style-type: none"> 1. <i>“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.</i> 2. <i>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.”</i>
September-October 2022	<p>Council prepared a Planning Proposal as the first step in facilitating the reclassification of land from community to operational land, rezoning the property, and facilitating the sale of the property for future development as a single dwelling as permitted under the Liverpool LEP 2008.</p>
28 November 2022	<p>The Planning Proposal was referred to the Liverpool Local Planning Panel for advice at its meeting on 22 November 2022. Council officers recommended the Planning Proposal proceed to Gateway and consideration by the elected Council. The panel determined that the planning proposal has sufficient strategic and site specific merit to progress to the next stage of the planning proposal process to Gateway Determination, subject to Council officers being satisfied that evidence exists to demonstrate that the land is unsuitable for the purpose for which it was dedicated as required by Section 32 of the <i>Local Government Act 1993</i>.</p> <p>The panel noted the special procedure required by Section 32 of the <i>Local Government Act 1993</i> for the reclassification of community land dedicated under Section 94 of the <i>Environmental Planning and Assessment Act 1979</i>. As the land subject to the planning proposal was dedicated under Section 94, the requirements of Section 32 of the <i>Local Government Act 1993</i> are threshold requirements to the reclassification of the land. Sections 32(1) and (2) of the Act states that a council may resolve that land dedicated in accordance with a condition imposed under Section 94 of the <i>Environmental Planning and Assessment Act 1979</i> is to be reclassified as operational land only if it is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because of any one or more of:</p> <ul style="list-style-type: none"> - the size of the land - the shape of the land

Date	Event
	<ul style="list-style-type: none"> - the topography of the land - the location of the land - the difficulty of providing public access to the land.
29 March 2023	<p>At its Ordinary Meeting on 29 March 2023 Liverpool City Council resolved that Council:</p> <ol style="list-style-type: none"> 1. Notes the advice of the Liverpool Local Planning Panel. 2. Endorses the planning proposal for 22 Box Road, Casula to amend the Land Use Zone, Floor Space Ratio, Lot Size and Height of Building development standards in the <i>Liverpool Local Environmental Plan 2008</i>. 3. Forwards the planning proposal to Department of Planning and Environment, pursuant to Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>, seeking a Gateway Determination. 4. Reclassify 22 Box Road Casula from Community to Operational Land as per the requirements in the <i>Environmental Planning and Assessment Act 1979</i>, and <i>Local Government Act 1993</i>. 5. Subject to Gateway Determination, undertake community consultation in accordance with the conditions of the Gateway determination, the Liverpool Community Participation Plan 2022 and the <i>Local Government Act 1993</i>. 6. Receives a further report on the outcomes of public exhibition and community consultation.
6 June 2023	DPE issued the Gateway Determination which requires Council to publicly exhibit the Planning Proposal, and to hold a public hearing according to the <i>Local Government Act 1993</i> and DPE's Practice Note PN 16-001
17 July to 14 August 2023	<p>The Planning Proposal was placed on public exhibition for comment. Two submissions from local residents were received, which were not in favour of the proposed change to the planning controls to allow a new dwelling on the site.</p> <p>Consultation with two State agencies raised no concerns about the proposal.</p>
21 September 2023	Public hearing held under Section 29 of the <i>Local Government Act 1993</i> regarding proposed reclassification of community land to operational land

3.3 Proposed reclassification of 22 Box Road, Casula

As Council considers that 22 Box Road in Casula is not suitable for a public park, Council wishes to sell the site to enable redevelopment for low density residential use, such as a single dwelling.

The Planning Proposal seeks to:

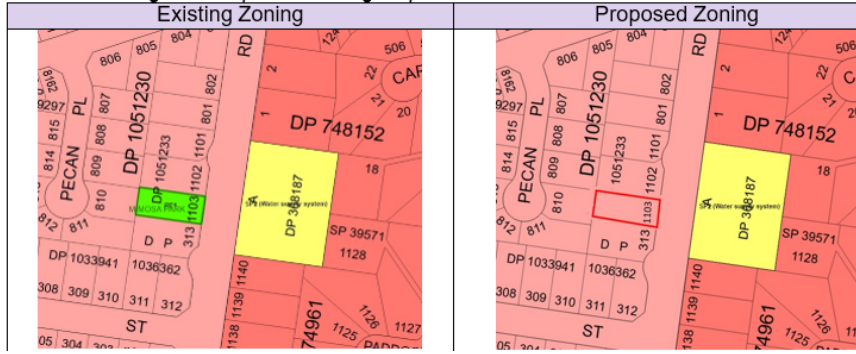
- reclassify 22 Box Road in Casula from community to operational land.
- amend the land use zoning of 22 Box Road, Casula from RE1 Public Recreation to R2 Low Density Residential.
- apply planning controls of Height of Building of 8.5 metres, Floor Space Ratio of 0.6:1 and a Minimum Lot Size of 300m².

Refer to Figure 6 for proposed changes to planning controls.

Figure 6 Proposed changes to planning controls for 22 Box Road, Casula

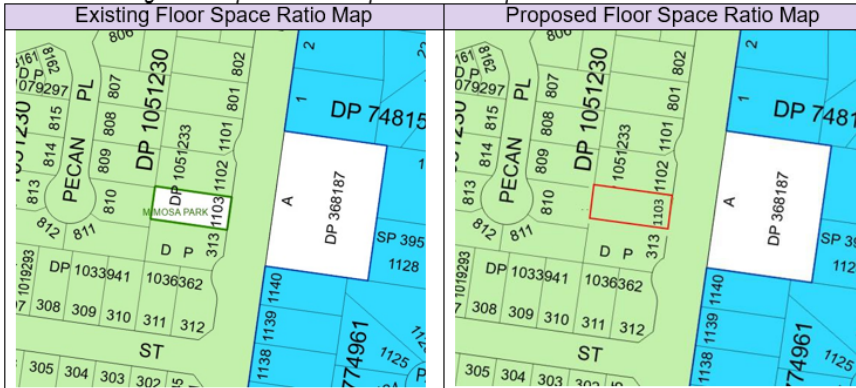
Land Use Zoning

Table 6 Existing and Proposed Zoning Map



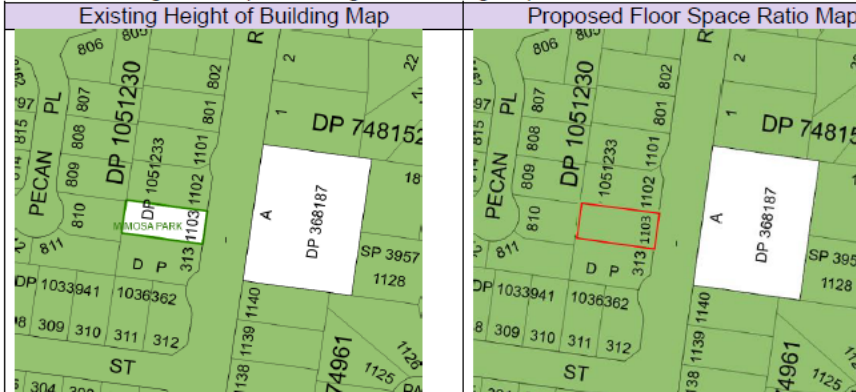
Floor Space Ratio Maps

Table 7 Existing and Proposed Floor Space Ratio Map



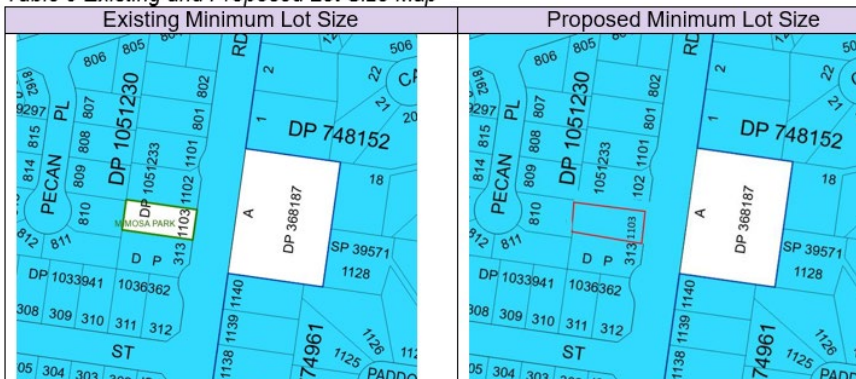
Height of Building Maps

Table 8 Existing and Proposed Height of Building Map



Minimum Lot Size Maps

Table 9 Existing and Proposed Lot Size Map



The process involved includes:

- extinguishing Council's interests in the site, including as a public reserve
- reclassifying the site from community land to operational land to allow sale of the site
- amending the Liverpool Local Environmental Plan 2008 to change the planning controls applying to the site, including changing the zoning from RE1 Public Recreation to R2 Low Density Residential, and applying the adjacent R2 Low Density Residential planning controls (building height 8.5 metres, floorspace ratio of 0.6:1, and minimum lot size of 300m²)
- facilitating sale of the property.

Sale of the site will generate funds to further embellish Jardine Park in Casula, 2.0km walking and driving distance north-east from the site, to further increase its functionality.

Any future residential development on the site would require planning approval, either by a Development Application to Council or by a Complying Development Certificate.

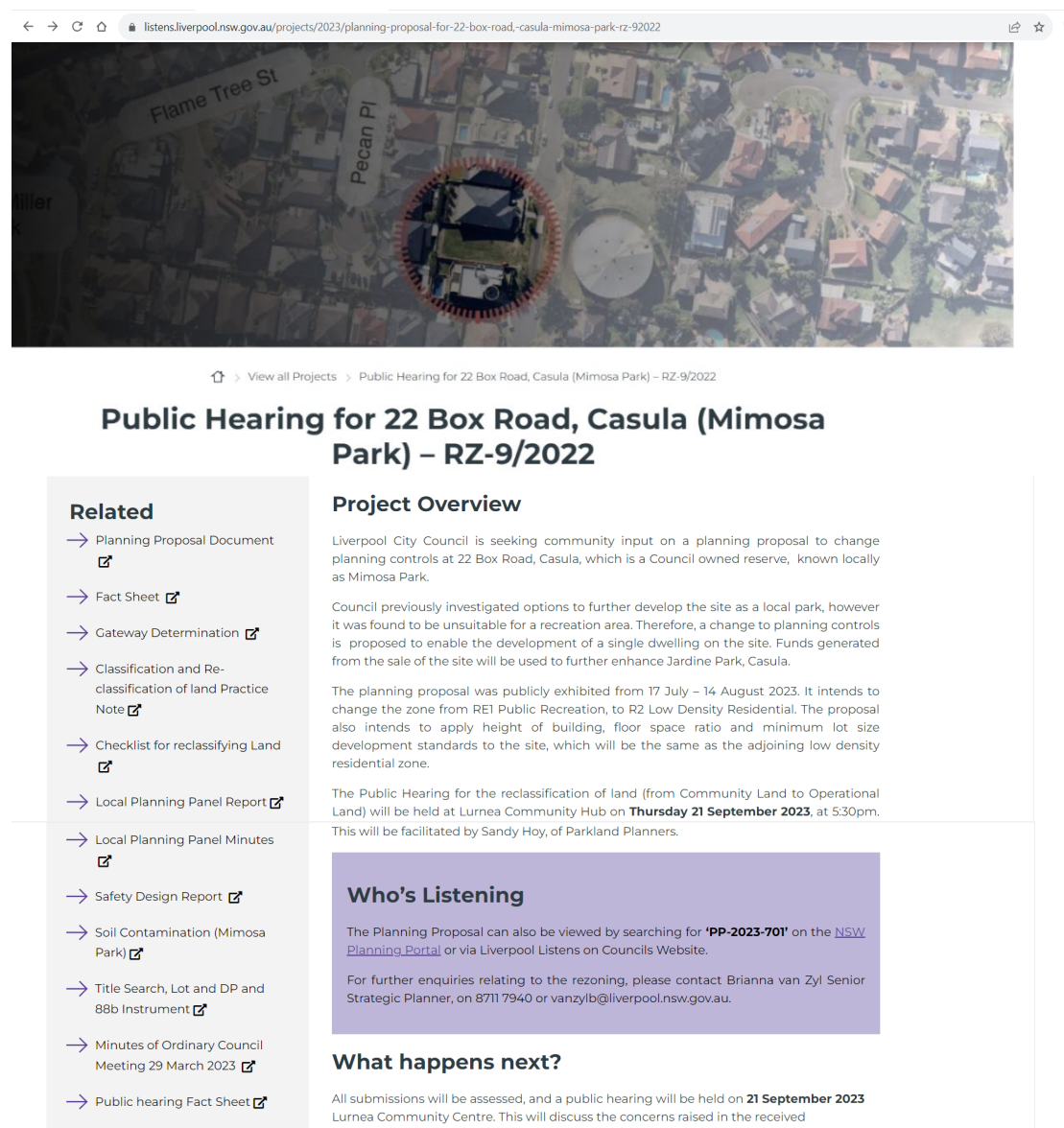
4 THE PUBLIC HEARING

4.1 Advertising and notification

Liverpool City Council advised the community about the public exhibition of the planning proposal and the public hearing in several ways as follows:

- ❑ information on Liverpool Listens, Notices and Exhibition Page, as well as E-planning. Refer to Figure 7 for online notification and information.
- ❑ three social media posts, which notified residents that the exhibition was open for comments, and notification of the public hearing details (Figure 8).
- ❑ two rounds of letters to nearby residents, one notifying of the public exhibition commencing, and one notifying of the public hearing.
- ❑ phone calls to the two individual submitters to the public exhibition advising of the date, time and location of the public hearing.

Figure 7 Online notice about public hearing at 'Liverpool Listens'



← → ↻ 🏠 lists.liverpool.nsw.gov.au/projects/2023/planning-proposal-for-22-box-road-casula-mimosa-park-rz-92022

🏠 > View all Projects > Public Hearing for 22 Box Road, Casula (Mimosa Park) - RZ-9/2022

Public Hearing for 22 Box Road, Casula (Mimosa Park) - RZ-9/2022

Related

- Planning Proposal Document [🔗](#)
- Fact Sheet [🔗](#)
- Gateway Determination [🔗](#)
- Classification and Re-classification of land Practice Note [🔗](#)
- Checklist for reclassifying Land [🔗](#)
- Local Planning Panel Report [🔗](#)
- Local Planning Panel Minutes [🔗](#)
- Safety Design Report [🔗](#)
- Soil Contamination (Mimosa Park) [🔗](#)
- Title Search, Lot and DP and 88b Instrument [🔗](#)
- Minutes of Ordinary Council Meeting 29 March 2023 [🔗](#)
- Public hearing Fact Sheet [🔗](#)

Project Overview

Liverpool City Council is seeking community input on a planning proposal to change planning controls at 22 Box Road, Casula, which is a Council owned reserve, known locally as Mimosa Park.

Council previously investigated options to further develop the site as a local park, however it was found to be unsuitable for a recreation area. Therefore, a change to planning controls is proposed to enable the development of a single dwelling on the site. Funds generated from the sale of the site will be used to further enhance Jardine Park, Casula.

The planning proposal was publicly exhibited from 17 July - 14 August 2023. It intends to change the zone from RE1 Public Recreation, to R2 Low Density Residential. The proposal also intends to apply height of building, floor space ratio and minimum lot size development standards to the site, which will be the same as the adjoining low density residential zone.

The Public Hearing for the reclassification of land (from Community Land to Operational Land) will be held at Lurnea Community Hub on **Thursday 21 September 2023**, at 5:30pm. This will be facilitated by Sandy Hoy, of Parkland Planners.

Who's Listening

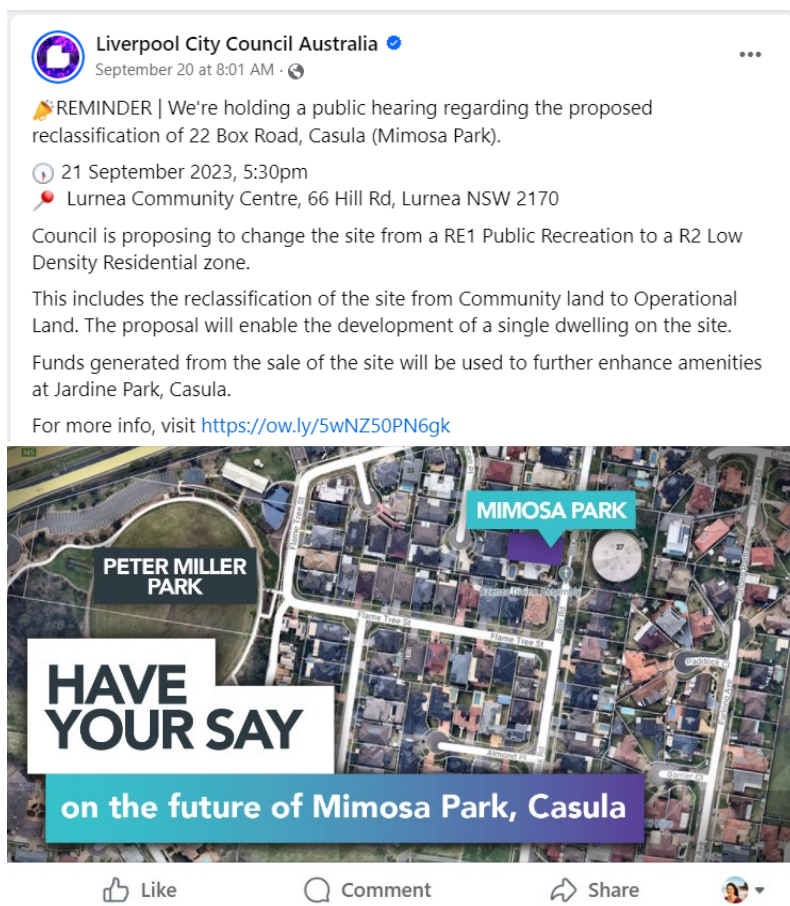
The Planning Proposal can also be viewed by searching for '**PP-2023-701**' on the [NSW Planning Portal](#) or via Liverpool Listens on Councils Website.

For further enquiries relating to the rezoning, please contact Brianna van Zyl Senior Strategic Planner, on 8711 7940 or vanzylb@liverpool.nsw.gov.au.

What happens next?

All submissions will be assessed, and a public hearing will be held on **21 September 2023** Lurnea Community Centre. This will discuss the concerns raised in the received

Figure 8 Facebook post



4.2 Timing of the public hearing

The public hearing was timed to occur after the public exhibition of and receipt of written submissions regarding the planning proposal for the proposed reclassification of the land closed on 14 August 2023.

Public notice of the public hearing was given at least 21 days after the completion of the statutory public exhibition period of the planning proposal.

The public hearing to receive submissions on the proposed reclassification of community land at 22 Box Road, Casula was held on Thursday 21 September 2023 from 5.30pm at the Lurnea Community Hub, 66 Hill Road, Lurnea.

4.3 Chairperson

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing. Ms. Hoy has not at any time been either a Councillor or an employee of Liverpool City Council.

4.4 Site inspection

Ms. Hoy inspected 22 Box Road, Casula before the public hearing.

4.5 Attendance at the public hearing

The following Council officers were present at the hearing to represent Council, listen to verbal submissions, and answer questions:

Brianna van Zyl	Senior Strategic Planner
Nancy-Leigh Norris	Acting Co-ordinator Strategic Planning
Luke Oste	Acting Manager City Planning
Danielle Hijazi	Assistant Strategic Planner

Four community members attended the public hearing.

4.6 Agenda of the public hearing

Ms. Hoy opened the public hearing at 5:35pm, and explained the purpose and process of the public hearing. Council officers explained the purpose of the proposed reclassification, and answered questions. A presentation using information from the planning proposal was referred to for background information about the proposed reclassification.

Verbal submissions regarding the proposed reclassification were received at the public hearing. The content of those submissions is outlined in more detail in Section 5 of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 6.20pm.

4.7 Written submissions

Written submissions after the public hearing could be lodged with the Independent Chairperson by Thursday 28 September 2023 by:

- email at sandy@parklandplanners.com.au
- post to Sandy Hoy, Parkland Planners, PO Box 41, FRESHWATER NSW 2096.

No written submissions after the public hearing were received.

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5 SUBMISSIONS

5.1 Written submissions before the public hearing

Two written submissions were received by Council in response to the public exhibition of the Planning Proposal.

The first written submission received was from a resident of Box Road. They disagreed with the proposed change to the planning controls for 22 Box Road in Casula, because if a new dwelling is built it will cause the area to be more overcrowded and busy, and the parking space to be more limited. They noted parking at Box Road has been a problem for a while now.

The second written submission was received from a resident of Pecan Place. They are concerned about the impacts of construction of a new dwelling on 22 Box Road on their property, in terms of drainage patterns and water flow, flooding, soil erosion, and potential damage to their home's foundations and structural integrity. They request that Council conducts a thorough assessment of the potential impacts of properties situated on the lower side of 22 Box Road, which should include a comprehensive analysis of water flow patterns, soil stability, and potential risks of converting the land to residential use. Council should consider implementing proper mitigative measures to address any potential issues that could arise, which could include proper drainage systems, retaining walls, or other mechanisms to effectively manage water runoff and prevent damage to properties.

5.2 Public hearing submissions

The question posed to the community regarding the purpose of the public hearing is:

Do you agree or not with the proposal to reclassify 22 Box Road in Casula from community land to operational land? Why or why not?

Four people attended the hearing, with three people addressing the public hearing. Their comments and questions are set out below.

Table 3 Verbal submissions to the public hearing

Submission / question	Council response
There is a 4 metre dropoff to the back of the site. The slope is dangerous.	Noted
Children hang out in the park.	Noted
What does 300m ² minimum building size mean?	The site can't be subdivided because each lot would need to be a minimum 300m ² which is not possible on a lot size less than 600m ² .
What are the setbacks and boundaries?	Setbacks and boundaries are the same as those that apply to the surrounding development as set out in the Liverpool Development Control Plan.

Submission / question	Council response
The retaining wall will be at the same level as our roof at 10 Pecan Place.	The roof of a dwelling on 22 Box Road can be a maximum of 8.5 metres above the natural ground level.
We have lived next door to the land for 17 years. We can't accept it like it is, and would rather see it developed. A house on 22 Box Road would enhance the whole street and the whole area.	Noted
It is definitely not a park because it is not usable.	Noted
We have spoken to the person who did the safety review and raised concerns that it is not safe for a park.	Noted
We wouldn't let children go next door to kick the ball. They have to go to another park for safety.	Noted
Long grass on the site. We have sent letters and emails to Council to have the grass cut. Council is now maintaining it.	Noted
Rats, spiders and snakes are in the grass.	Noted
Children jump over our fence from the park	Noted
Children dump rubbish there	Noted
When it rains water and snails come into our property.	Noted
Within a 2 to 3 minute walk we have a fantastic, beautiful park where our grand-children play.	Noted
If the park was built and maintained we would be happy, but as it is unsafe and the park is not going to happen, a house can be built and no-one will dump rubbish	Noted
Concern about the impact of an 8.5 metre building height on 22 Box Road on our privacy. We built the top level of our house to overlook the park because we thought a park would be established.	Noted
Concern about drainage and water levels due to slope and runoff. Concern about water issues in our house such as moisture on walls during heavy rain.	Noted

Submission / question	Council response
Concern about soil on a steep site, and its pressure on a retaining wall that it won't hold up. Doesn't know how strong the retaining wall will be. There should be legislation if something is built on 22 Box Road that there will be no impact from water on neighbours.	Council staff have checked the soil.
Concern about noise, excavation and dust during construction of a house on 22 Box Road. Want conditions imposed and extra precautions to ensure there are no impacts on adjoining houses in terms of setbacks, soil, etc.	Noted
All water should be caught. Council's engineers say the easement at the back of 22 Box Road will carry stormwater to the easement.	Nos. 16 to 24 Box Road are serviced by a 300mm stormwater pipe. Each house has a stormwater pit. There will be an opportunity to comment on the Development Application for 22 Box Road regarding the design, and to raise issues such as water.
The person who buys the property needs to know about the site issues.	Noted
Make sure the people who buy the land have amenity.	Noted
How large will the retaining wall be?	A list of conditions regarding the R2 zoning is included in the process to allay such concerns.
Ensure that the new house won't have an impact on existing neighbours.	Noted
Ensure that the buyer of 22 Box Road has to deal with their site in terms of retaining walls, etc.	Noted
Do I have to do anything to make sure the new house on 22 Box Road won't affect my house?	Your land is yours to do what you wish with. Under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Council may not be required to notify the neighbours of a Development Application for 22 Box Road. The developer is required to post contact details on the site and to follow a Construction Management Plan.

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6 ASSESSMENT AND RECOMMENDATIONS

6.1 Assessment of submissions

After reviewing and considering the written submissions and the verbal submissions made at the public hearing set out in Section 5, the key points of the submissions are:

- support for reclassification, because the site is unsuitable for a public park, for reasons including vermin, rubbish, steep gradient, and poor drainage.
- support for reclassification, subject to concerns about privacy, water drainage and soil retention being addressed in the planning and construction process
- objection to changes in planning controls resulting in increased demand for parking in Box Road.

On balance, the land is not suitable for a public park in terms of its location, poor vehicle access, small size, steep slope, poor visibility and public safety. The community would be better served by Council reclassifying, rezoning and selling the site for low density residential development, and using the proceeds to improve another local park. Concerns from adjoining residents about privacy, drainage and soil movement resulting from development of the site should be addressed in the development approval process.

6.2 Recommendations regarding the proposed reclassification

Submissions to the public exhibition and the outcomes of the public hearing will be reported to a Council meeting later in 2023 to determine if the Planning Proposal should proceed.

After considering the submissions received, my recommendations to Liverpool City Council regarding the proposed reclassification of 22 Box Road, Casula from community land to operational land are to:

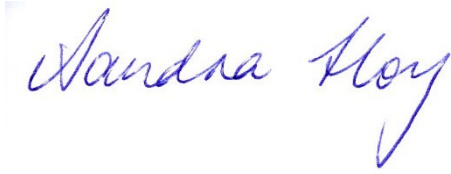
1. Consider the viewpoints and issues raised in the verbal submissions outlined in Section 5 when making the decision whether to proceed with the proposed reclassification.
2. Reclassify 22 Box Road, Casula (Lot 1103 DP 1051233) from community land to operational land.
3. Amend the Liverpool Local Environmental Plan 2008 to change the planning controls applying to the site, including changing the zoning from RE1 Public Recreation to R2 Low Density Residential, and applying the adjacent R2 Low Density Residential planning controls (building height 8.5 metres, floorspace ratio of 0.6:1, and minimum lot size of 300m²).

6.3 Recommendations for reporting

Within four days of receiving this report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public. It is recommended that Council:

- send a copy of the public hearing report to the people who attended the public hearing.

- keep a copy of the public hearing report for inspection at Liverpool and Casula Libraries, and at the Liverpool Customer Service Centre in Moore Street (on request).
- post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director, Parkland Planners

11 October 2023