

PLANNING AND GROWTH REPORT

ITEM NO: GMPG 01
FILE NO: 026181.2014
SUBJECT: Amendment to Liverpool Local Environmental Plan 2008 - Rezoning of 115, 125, 135 and 215 Croatia Avenue, Edmondson Park

RECOMMENDATION

That Council:

1. Proceeds with the planning proposal seeking to amend the Liverpool Local Environmental Plan 2008 to rezone Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850 located on Croatia Avenue, Edmondson Park from SP2 (Educational Establishment) to R1 – General Residential and make the following map changes to the provisions relating to that site:
 - Zoning Map LZN-009 – rezone land shown SP2 (Educational Establishment) to R1 General Residential
 - Lot Size Map LSZ-009 – amend lot size from blank to “D” (Area 3)
 - Dwelling Density Map DWD-009 amend dwelling density = blank to 17 dw/ha
 - Land Reservation Acquisition Map LRA-009 – delete the identification of the site in yellow and marked “Educational Establishment SP2”.
2. Forwards the attached Planning Proposal to the Minister for Planning and Infrastructure seeking Gateway determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.
3. Writes to the relevant landowners to notify them of Council's decision
4. Approves draft DCP amendment 14 for public exhibition which proposes the following amendments:
 - A street layout over previous school sites,
 - Adds a control relating to traffic calming,
 - Relocates controls relating to Zero Lot Lines within Part 2.11 of LDCP 2008,
 - Deletes controls relating to the town centre and 38dw/ha,
 - Adds sections to Part 2.11 of LDCP 2008 regarding Secondary Dwellings (Studios).

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Waller**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for this motion.

Cllr Mamone left the Chambers at 8.23pm.

GMPG 01	Amendment to Liverpool Local Environmental Plan 2008 - Rezoning of 115, 125, 135 and 215 Croatia Avenue, Edmondson Park
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Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	026181.2014
Report By	Graham Matthews - Strategic Planner
Approved By	Carole Todd - Acting Group Manager Planning and Growth

EXECUTIVE SUMMARY

The NSW Department of Education & Communities (DEC) has notified Liverpool City Council that the site identified for a public school in Edmondson Park and zoned SP2 (Educational Establishment) under the Liverpool LEP 2008 will not be required for a future public school.

The site consists of four properties identified as 115, 125, 135 and 215 Croatia Avenue, Edmondson Park. The legal description of the lots that comprise the site is Part Lot 481 & Lot 482 DP 1173668 and Part Lot 45 & Part Lot 47 DP 228850.

In a letter to Council dated 18 February 2014 the DEC has requested that Liverpool City Council rezone the site and remove the requirement for DEC to acquire the land.

The DEC also on 24 February 2014 provided Council with updated planning and demographic evidence in support of their request to rezone the subject site from SP2 (Educational establishment) to R1 – General Residential and to no longer identify the site on the Land Reservation Acquisition map. At the DEC's request, the material, in addition to correspondence from the DEC to Council on this matter, is included as a confidential attachment to this report.

This report seeks approval from Council to rezone the site, legally described as Part Lot 481 & Lot 482 DP 1173668 and Part Lot 45 & Part Lot 47 DP 228850 from SP2 (Educational Establishment) to R1 – General Residential and to remove the identification of the site from the Land Reservation Acquisition map.

The intent of this amendment is to remove the planning controls that require the land to be developed as a school and introduce appropriate planning controls that allow residential development to occur on the land, consistent with the surrounding properties.

It is to be noted that Draft LLEP 2008 (Amendment 32) proposes to rezone the existing SP2 (Educational Establishment) zoned site at Part of Lots 20-22 (inclusive), DP 29317, Jardine Drive, Edmondson Park to R1 – General Residential, and has received a Gateway Determination from the Department of Planning and Infrastructure (DP&I). The change to be made under Amendment 32 does not delete the school from the western half of Edmondson Park but allows for it to be developed on a different site.

In order to facilitate the intent of this LEP amendment, an amendment to the Liverpool Development Control Plan (LDCP) 2008 is required. This report also seeks to amend Part 2.11 of the LDCP 2008 in the following ways:

- To amend the Street Layout Map (Figure 9 of Part 2.11 of Liverpool Development Control Plan (LDCP) 2008) to provide a layout for local roads for Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850 and Part Lots 20-22, DP 29317 (the former school site at Jardine Drive, Edmondson Park) to facilitate future residential subdivision of the sites;
- To amend section 2.1 Street Network and Access of Part 2.11 of LDCP 2008 to add the following control and renumber accordingly:
2.1(2) Council may require additional traffic calming measures to be incorporated into four-way intersections where traffic volumes necessitate controls in addition to signage. Measures may include roundabouts, carriageway narrowing or realignment, pedestrian islands or raised platforms. In circumstances where traffic volumes require traffic calming measures in excess to that provided in the section 94 plan, these are to be provided by the developer.;
- To relocate Section 10.6 of Part 2.11 of LDCP 2008 to Section 5.3 of Part 2.11 of the LDCP 2008 (Setbacks, Controls for Residential Development in the 17 Dwellings/Hectare area) and duplicate the control in Section 6.3 (Setbacks, Controls for Residential Development in the 14 Dwellings/Hectare area) to provide greater clarity;
- To delete Section 3 of Part 2.11 of the LDCP 2008 entitled "Controls for Residential Development in the 38 Dwellings/Hectare area and the Edmondson Park Town Centre" as they are no longer applicable;
- To add sub-section relating to Secondary dwellings (studios), into Section 4.9 "Controls for Residential Development in the 28 Dwelling/Hectare area" and Section 5.10 "Controls for Residential Development in the 17 Dwelling/Hectare area" and Section 6.10 "Controls for Residential Development in the 14 Dwelling/Hectare area".

RECOMMENDATION

That Council:

1. Proceeds with the planning proposal seeking to amend the Liverpool Local Environmental Plan 2008 to rezone Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850 located on Croatia Avenue, Edmondson Park from SP2 (Educational Establishment) to R1 – General Residential and make the following map changes to the provisions relating to that site:
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3. Writes to the relevant landowners to notify them of Council’s decision
4. Approves draft DCP amendment 14 for public exhibition which proposes the following amendments:
 - A street layout over previous school sites,
 - Adds a control relating to traffic calming,
 - Relocates controls relating to Zero Lot Lines within Part 2.11 of LDCP 2008,
 - Deletes controls relating to the town centre and 38dw/ha,
 - Adds sections to Part 2.11 of LDCP 2008 regarding Secondary Dwellings (Studios).

REPORT

Background

The Edmondson Park release area is a master-planned suburb providing a range of residential development types with a projected population of 21,840. Centered around the train station the planning for the area provides for a future town centre, parks and a full range of community facilities including state-run public primary and high schools. The planning currently identifies two stand-alone primary schools (the existing Ingleburn North Public School and a new school planned for Croatia Avenue) and a combined K-12 school to be located near Jardine Drive.

The NSW Department of Education & Communities (DEC) notified Council that the DEC had relinquished its interest in establishing a primary school at 115, 125, 135 and 215 Croatia Avenue Edmondson Park (Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850). The DEC further indicated that they planned to develop one alternative site for a school to the south of the subject site on a land owned by Urban Growth NSW.

Council has sought clarification from DEC on their plans for public schools to service the Edmondson Park Release Area. This was to confirm that the proposal to remove one planned primary school from the release area would not leave inadequate provision of public schools to this growing area.

On 23 January 2014, the DEC confirmed in a letter to Council that the site would not be required for a future school. It further stated that,

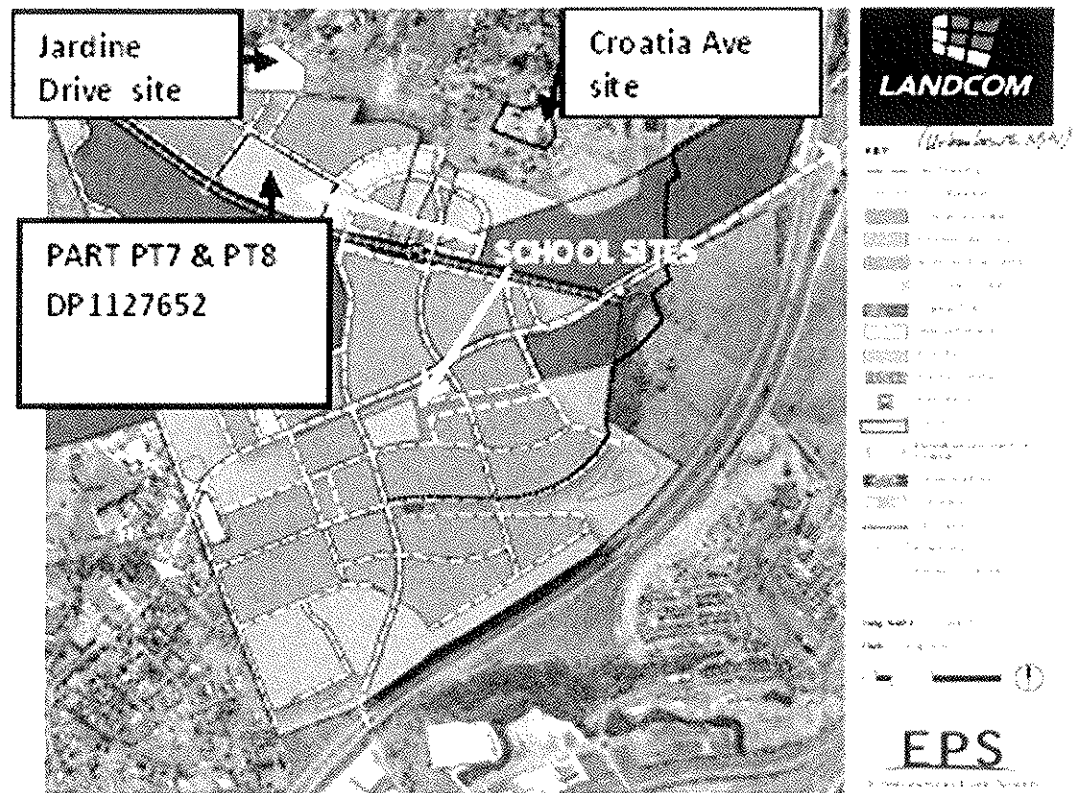
The Department of Education and Communities (the Department) has reviewed Edmondson Park over the last six months and can confirm that given the expected future population for the area and given that there are three existing schools in the area (Ingleburn North, Prestons and Dalmeny public schools), 115 Croatia Avenue will not be required for a future school. The Department of Education and Communities has therefore relinquished any future claim over the site.

The Department has an existing school in the Edmondson Park development area, Ingleburn North Public School, and has secured other land in the area for new schools to meet the future education needs of the Edmondson Park community. The Department confirms Edmondson Park will be well serviced for public education.

On 24 February 2014 the DEC provided Council with planning and demographic evidence in support of their request to rezone the subject site from SP2 (Educational Establishment) to R1 – General Residential and to remove the identification of the site on the Land Reservation Acquisition map. At the DEC's request, the material, in addition to correspondence from the DEC on this matter, is included as a confidential attachment to this report.

The Site

Figure 1: School sites nominated by Edmondson Park South DCP 2012 and sites zoned SP2 (Educational establishment) by LLEP 2008 in Edmondson Park



Source: from Edmondson Park South DCP 2012 and LLEP 2008

Figure 2: Location of existing and proposed public schools in the Edmondson Park Release Area and surrounding suburbs Source: Google Maps

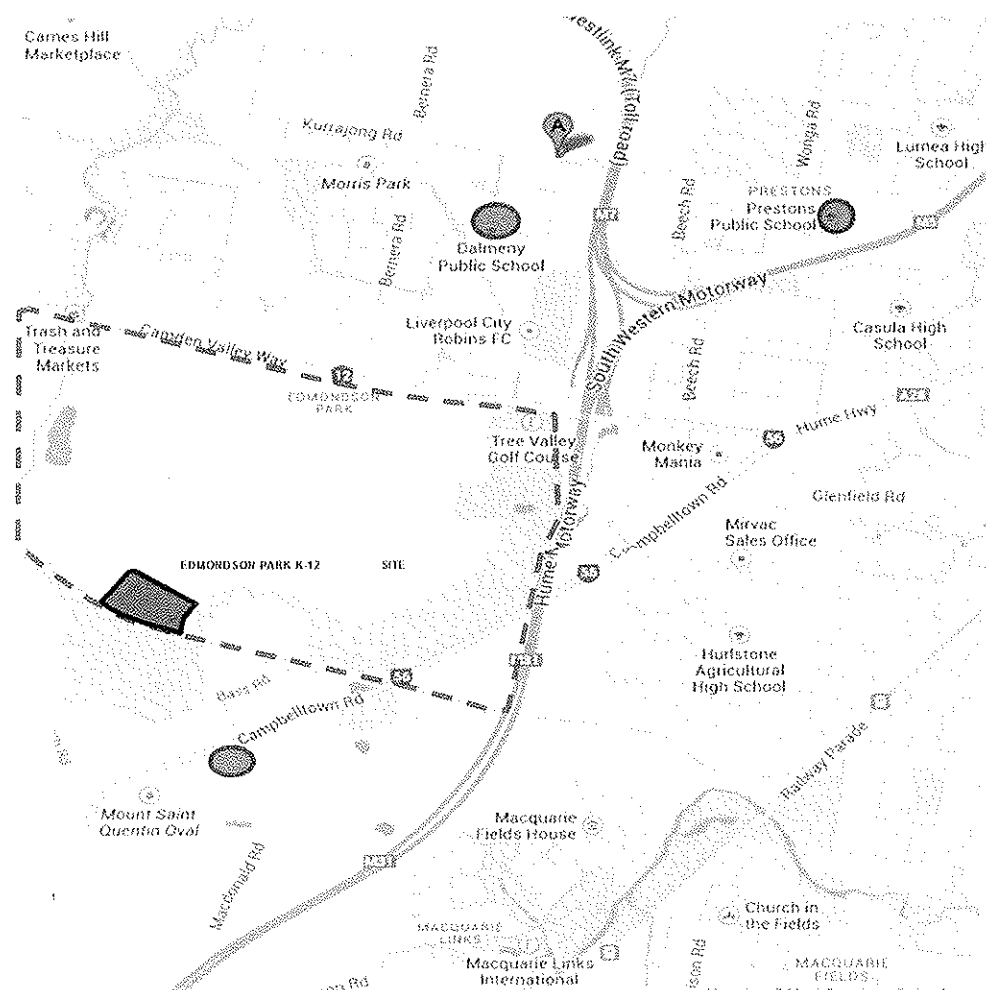
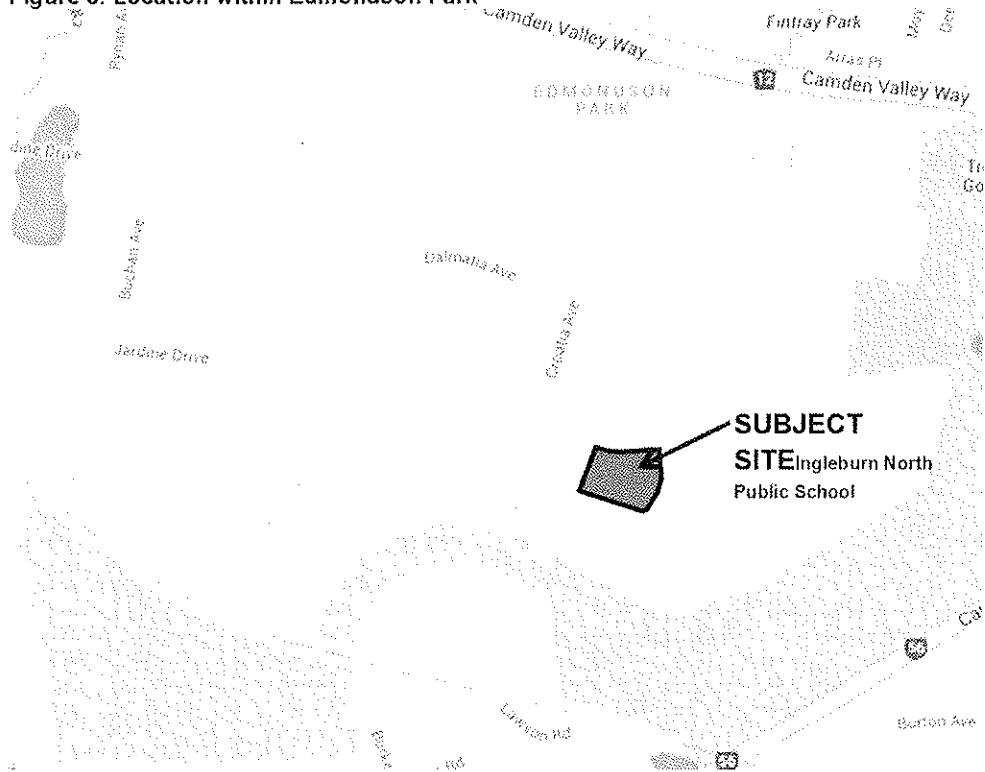
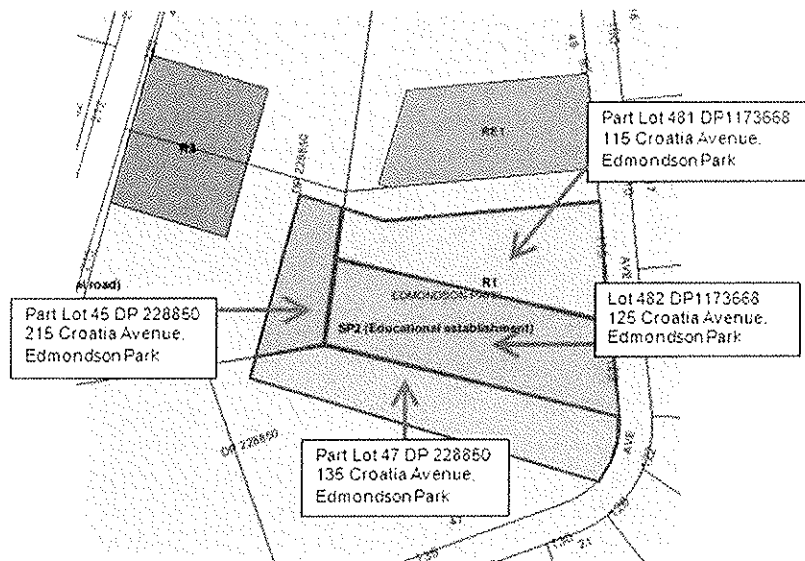


Figure 3: Location within Edmondson Park



Source: Liverpool City Council GIS

Figure 4: Lots and part lots within the Subject site



Source: Liverpool City Council GIS

Figures 1 to 4 show the subject site as comprising one complete lot plus three adjoining part lots in the south-west corner of the loop road Croatia Avenue, Edmondson Park.

The subject site is zoned SP2 (Educational Establishment) by the LLEP 2008, and is not included in lands zoned by the Major Development SEPP 2005 (Edmondson Park South).

Proposed amendment to Liverpool Local Environmental Plan (LLEP) 2008

It is proposed to rezone the subject site (legally identified as Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850) from SP2 (Educational Establishment) to R1 – General Residential. It is also necessary to amend LLEP 2008 maps in relation to the lot size, dwelling density, and land reservation acquisition.

Table 1: Schedule of LLEP 2008 maps to be amended pursuant to rezoning of 15 Croatia Avenue, Edmondson Park

Liverpool Local Environmental Plan 2008 Map		From (current) maps	To (proposed) maps
Zoning	LZN-009 (10/02/2009)	SP2 (Educational Establishment)	R1 General Residential
Lot Size	LSZ-009 (04/08/2010)	Lot size = blank	"D" (Area 3 as per Cl. 4.1)
Dwelling Density	DWD-009 (13/10/2009)	Dwelling density = blank	17 dw/ha
Land Reservation Acquisition	LRA-009 (30/07/2012)	Site marked yellow and labeled "Educational Establishment SP2"	Removal of yellow and "Educational Establishment SP2" label

Note: amended maps are shown in the planning proposal

Justification for the proposal

The proposed amendment to LLEP 2008 is not the result of any specific strategic study or report. It is based on a request from the DEC to rezone the site and further information received on 24 February 2014. This advice assures Council that the site will not be required for future development of a public school and that *"Edmondson Park will be well serviced for public education"*.

The R1 – General Residential zoning has the following objectives, which permit residential and other land uses that meet the day to day needs of residents:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- To facilitate development of social and community infrastructure to meet the needs of future residents.

It is to be noted that land zoned R1 – General Residential is a prescribed zone pursuant to clause 28 of the State Environmental Planning Policy (Infrastructure) 2007. The development of a school is permissible with consent on land within a prescribed zone.

Policy Context

1. Draft Sydney Metropolitan Strategy

The Planning Proposal is consistent with the Draft Metropolitan Strategy for Sydney, which has been publicly exhibited but not finalised. The proposal is supported by the "Metropolitan Priorities for the South West" section, which, in relation to the South West Growth Centre states, "plan for at least 64,000 of the estimated 110,000 new dwellings over the next 20 years that will be well integrated into neighbouring suburbs". By virtue of the fact that the proposal will release additional land for residential uses, this is consistent with the strategy.

2. Growing Liverpool 2023 Community Strategic Plan

The Planning Proposal is consistent with Direction 2a of the *Growing Liverpool 2023 Community Strategic Plan* to, "Deliver an efficient planning system which embraces sustainable urban renewal and development".

3. State Environmental Planning Policies

The proposal is consistent with State Environmental Planning Policies.

4. Section 117 Ministerial Directions

The planning proposal is consistent with applicable Ministerial Directions (s.117 directions), in particular No. 3.1 *Residential Zones*, which requires that:

A draft LEP shall include provisions that encourage the provision of housing that will:
(b) make more efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services

Other considerations

The proposal to rezone the subject site from SP2 (Educational Establishment) to R1 – General Residential zoning will increase the supply of residential zoned land within the Sydney Metropolitan Area consistent with the NSW State Plan 2021 and the Draft Metropolitan Plan for Sydney 2031.

The provision of R1 – General Residential zoned land in the Edmondson Park Release Area will have a positive social and economic impact, on the condition that the provision of public schooling is maintained. The DEC has stated that adequate provision has been

made for the future provision of public schools based on expected growth. This is consistent with principles of the *Education Act 1990*, that:

- (a) every child has the right to receive an education, [and]
- (d) the principal responsibility of the State in the education of children is the provision of public education.

Proposed amendments to Liverpool Development Control Plan 2008

Pursuant to rezoning the subject site from SP2 (Educational Establishment) to R1 – General Residential, is the requirement to extend the planned road network to facilitate the future residential subdivision of the site. It is proposed to amend the Street Layout map (Figure 9) of Part 2.11 of LDCP 2008 to extend the planned road network in line with the design depicted in figure 6 below to Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850.

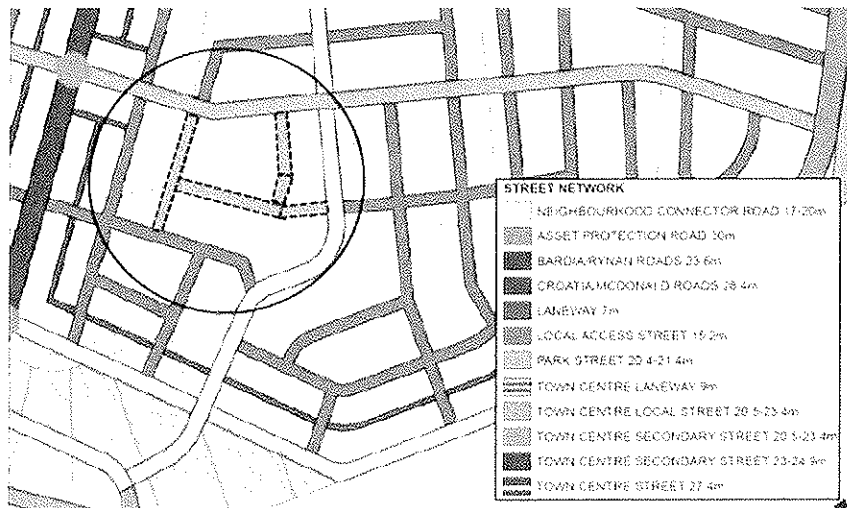


Figure 6: Proposed local road layout for Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Lot 47 DP 228850 (115, 125, 135 and 215 Croatia Avenue)

This report also proposes to amend Part 2.11 of LDCP 2008 to amend the Street Layout map (Figure 9) of Part 2.11 of LDCP 2008 to extend the planned road network into Part Lots 20-22, DP 29317 (Jardine Drive school site) in line with the design depicted in figure 7 below. The DEC intend to merge this proposed primary school with a proposed high school to create a K-12 school on land to the south of this site owned by Urban Growth. This site is the former school site at Jardine Drive, which is in the process of being rezoned from SP2 (Educational establishment) to R1 – General Residential, pursuant to Draft LLEP 2008 (Amendment 32). The proposed amendment has received a Gateway determination but is yet to be publicly exhibited.

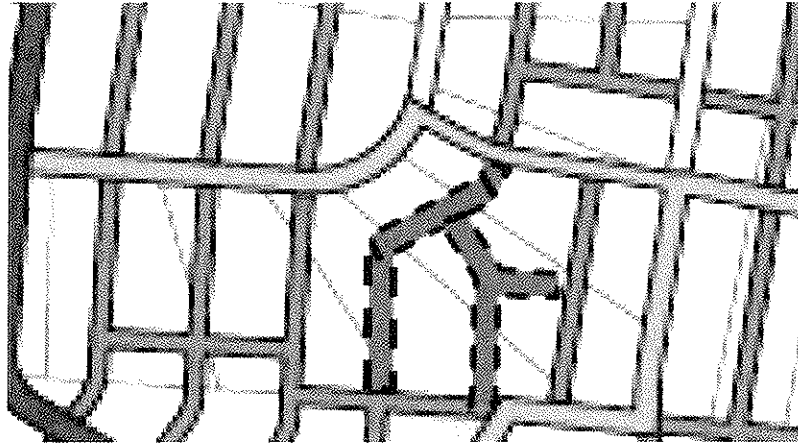


Figure 7: Proposed local road layout for Part Lots 20-22, DP 29317 (Jardine Drive school site)

Rationale: The proposed amendments to the street network for Edmondson Park which constitute the addition of local roads to the former school sites at Jardine Drive and Croatia Avenue will facilitate the future residential subdivision of the sites, pursuant to their R1 – General Residential zoning.

This report also seeks approval to amend Part 2.11 of LDCP 2008 to:

- Add the following control to Section 2.1 of Part 2.11 of LDCP 2008, and to renumber accordingly:

2.1(2) Council may require additional traffic calming measures to be incorporated into four-way intersections where traffic volumes necessitate controls in addition to signage. Measures may include roundabouts, carriageway narrowing or realignment, pedestrian islands or raised platforms. In circumstances where traffic volumes require traffic calming measures in excess to that provided in the section 94 plan, these are to be provided by the developer.

Rationale: The addition of control 2.1(2) strengthens the control regarding the treatment of four-way intersections in Edmondson Park, enabling Council to require appropriate treatments.

- Delete Section 3 of Part 2.11 of LDCP 2008, "Controls for Residential Development in the 38 Dwellings/Hectare area and the Edmondson Park Town Centre".

Rationale: The deletion of section 3 removes a section of the DCP which has become redundant following the rezoning of the Edmondson Park South site pursuant to the Major Development SEPP in 2011. The Edmondson Park Town Centre and 38 dwellings/hectare area is no longer on land zoned by LLEP 2008 and is not therefore controlled by LDCP 2008.

- Relocate the Zero Lot Line provision from Section 10.6 to Section 5.3 Setbacks, Controls for Residential Development in the 17 Dwellings/Hectare area and duplicate in Section 6.3 Setbacks, Controls for Residential Development in the 14 Dwellings/Hectare area.

Rationale: The repositioning of Section 10.6 "Zero Lot Lines" to Section 5.3 and its duplication at Section 6.3 as described above is an administrative amendment, designed to make the controls regarding zero lot lines easier to navigate for applicants.

- Add a sub-section regarding Secondary dwellings (studios), as outlined below into
 - Section 4 "Controls for Residential Development in the 28 Dwelling/Hectare area"
 - Section 5 "Controls for Residential Development in the 17 Dwelling/Hectare area"
 - Section 6 "Controls for Residential Development in the 14 Dwelling/Hectare area" as Section 6.10.

Rationale: The addition of a subsection on Secondary Dwellings (Studios) brings the controls in Part 2.11 of the LDCP 2008 (Edmondson Park) in line with the controls applying to Part 2.5 of the LDCP 2008 (Middleton Grange). The primary function of rear laneways is to provide vehicular access to residential properties. The laneway is a public shareway primarily catering for vehicles, pedestrians, bicycles, and waste bin servicing. Restricting the development of studios primarily to corner lots (and where a laneway bends) reduces the potential conflict between the use of laneways as a serviceway and the increased usage created by the development of studios.

The proposed changes are shown in 'track changes' in the attached document.

Conclusion

The rezoning of Part Lot 481 & Lot 482 DP 1173668 & Part Lot 45 & Part Lot 47 DP 228850, known as 115, 125, 135 and 215 Croatia Avenue Edmondson Park, from SP2 (Educational establishment) to R1 – General Residential provides a community benefit by freeing land considered excess capacity by the DEC, for alternative development. Planning and demographic analysis provided by the DEC and included as a confidential attachment under a separate cover, provides the rationale for the DEC's decision to relinquish its interest in the subject site and demonstrates that contingency has been made by the DEC to provide for the expected growth in demand for public school places in Edmondson Park over the next 10 years.

The proposed amendments to LDCP 2008 will complement the rezoning of 115, 125, 135 and 215 Croatia Avenue, Edmonson Park and the former Jardine Drive school site

by facilitating the future residential subdivision of the land. Proposed LDCP 2008 amendments will also strengthen the treatment of 4-way intersections in Edmondson Park, delete a section of the LDCP 2008 made redundant by the zoning of the Edmondson Park South site by the Major Development SEPP in 2011, relocate controls regarding "zero lot lines" for easier navigation, and bring controls for secondary dwellings (studios) in line with those applying in Middleton Grange.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	This proposed rezoning reduces the area of land reserved for acquisition by the Department of Education and Communities (DEC) for the purposes of developing schools in the Edmondson Park Release Area. The planning and demographic rationale provided by the DEC as part of requesting the rezoning is detailed in the confidential attachment.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Planning Proposal Rezoning 115, 125, 135 and 215 Croatia Ave Edmondson Park from Special Uses SP2 to R1 General Residential
2. Correspondence and Planning and Demographic Planning Summary provided by DEC - **Confidential**
3. Proposed changes to Part 2.11 of LDCP 2008 (track changes) (Under separate cover)