

LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING

20/12/2010

ITEM NO:	STRA 01	FILE NO:	2010/2166
SUBJECT:	DENHAM COURT REZONING - DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO.17)		

EXECUTIVE SUMMARY:

The purpose of this report is to recommend rezoning approximately 82 hectares of land at the Church Road precinct (land bounded by Denham Court Road, Campbelltown Road and Zouch Road) in Denham Court. This rezoning would better reflect the topography and character of the precinct and to permit further subdivision and built form to accommodate the demand for large lot residential housing.

At its meeting held on 20 September 2010, Council resolved to investigate potential changes to planning controls for the Church Road precinct. Since this time, Council staff have found that the objectives of the current RU2 (Rural Landscape) zone are too restrictive for the investigation area as the land does not possess scenic qualities that are present further north west on Denham Court Road and Fox Valley Road. This investigation area differs from the higher land to the north-west as the land is less visible and not on the ridge line.

It is recommended that the subject land be rezoned from RU2 (Rural Landscape) to R5 (Large Lot Residential) and that the minimum lot size is reduced from 2 hectares to 1 hectare.

This report recommends that a proposal for rezoning be sent to the Department of Planning to seek gateway determination.

DETAILED REPORT:

Background

On 20 September 2010, Council considered a report on draft Liverpool Local Environmental Plan 2008 (Amendment No.8 - Anomalies); as part of this report, Council resolved to *"investigate possible amendments to the LEP topography to reflect the character of the Church Road precinct at Denham Court as being different to that further along Denham Court Road and introduce reduced minimum lot size in this area"*

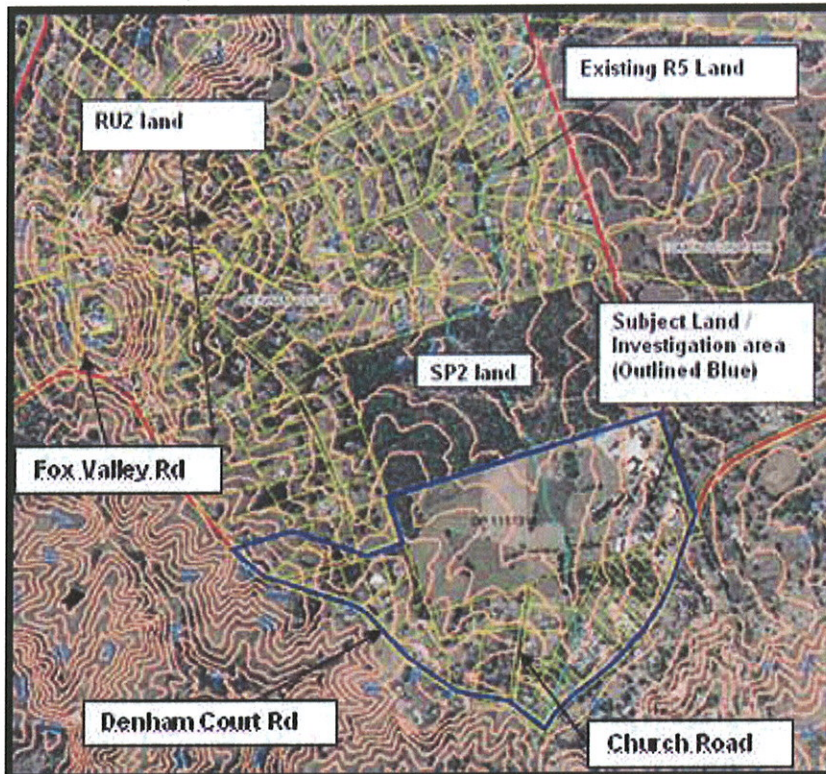


Figure 1 - Subject land & surrounding land uses

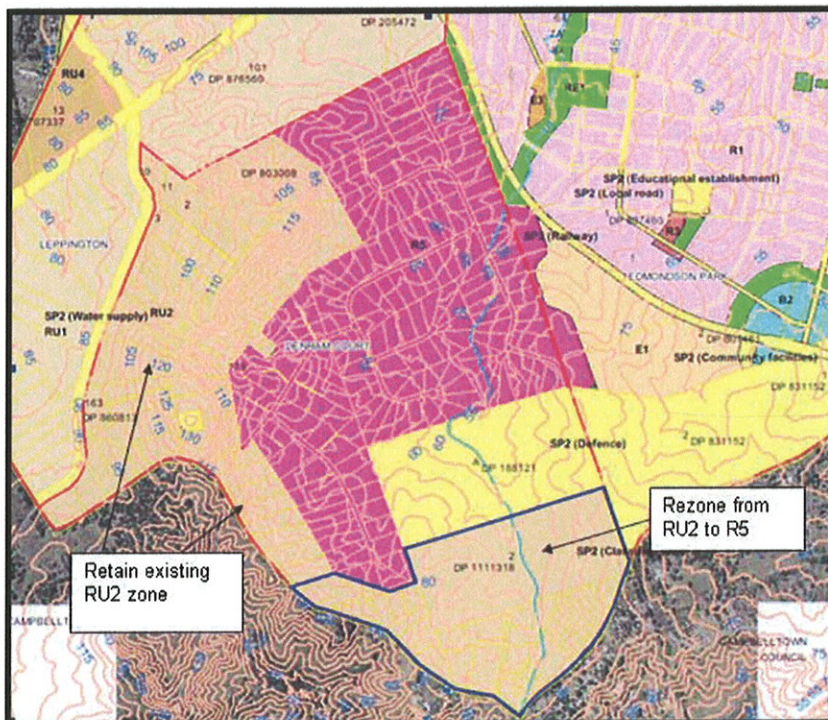


Figure 2 - Existing and Proposed Zoning

Previously, under Liverpool Local Environmental Plan 1997, the land was zoned 1(c) Environmental Protection. The *Updated Liverpool Rural Lands Study* (Don Fox Planning, 2007) recommended that "the higher sections along Denham Court Road and Fox Valley Road that are not currently zoned Rural 1(c) should retain the 2 hectare minimum lot size subdivision control to preserve the scenic quality of the area and the rural character of the area".

The subject land is currently zoned RU2 (Rural Landscape) under Liverpool Local Environmental Plan 2008 with a 2ha minimum lot size requirement. These controls seek to protect the rural character of the ridge lines and minimise dominance by buildings. These controls are appropriate where the topography means that land is highly exposed. It is proposed that the subject land be rezoned from RU2 (Rural Landscape) to R5 (Large Lot Residential) to reflect the flat topography and character of the precinct around Church Road and to reduce the minimum lot size from 2ha to 1ha to permit further subdivision and built form.

The objectives of the RU2 (Rural Landscape) zone are to:

- Encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- Maintain the rural landscape character of the land;
- Provide for a range of compatible land uses, including extensive agriculture;
- Ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses; and
- Preserve bushland, wildlife corridors and natural habitat.

These objectives do not suit the subject land as the land is not visible, is not on the ridge line and has limited views to and from the site. It is considered that the R5 (Large Lot Residential) zone would be a better fit for the subject land.

The objectives of the R5 (Large Lot Residential) zone are to:

- Provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality;
- Ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future;
- Ensure that development in the area does not unreasonably increase the demand for public services or public facilities;
- Minimise conflict between land uses within the zone and land uses within adjoining zones;
- Ensure that a high level of residential amenity is achieved and maintained;

- Provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.

Table 1 - Comparison of permitted land uses

A brief comparison of land use permissibility is provided below. For a complete list of permissible land uses please refer to Liverpool Local Environmental Plan 2008 and the relevant State Environmental Planning Policies.

Land Use	RU2 Zone	R5 Zone
Aquaculture	Permissible	Not Permissible
Dairies (pasture-based)	Permissible	Permissible
Dual occupancies	Permissible (one dwelling to be no more than 60sqm).	Permissible (one dwelling to be no more than 150sqm).
Dwelling houses	Permissible	Permissible
Extensive agriculture	Permissible (without consent)	Permissible
Farm buildings	Permissible	Permissible
Farm stay accommodation	Permissible	Not permissible
Horticulture	Permissible	Not permissible

A large proportion of lots within the subject area have the capacity to be subdivided into 1ha lots. In this regard, given the land use controls outlined in Table 1 and the demand for large lot residential living, the proposed rezoning would likely provide for more residential housing in a rural residential setting.

Matters of Consideration

- *Loss of Agricultural land*

As shown in *Table 1* (above), the proposed R5 zone still allows for some capacity for rural type uses including dairies (pasture-based), extensive agriculture, and farm buildings.

- *Scenic Qualities*

The land is generally characterised by residential dwellings on relatively flat rural lots and has limited views and scenic value compared to the RU2 (Rural Landscape) zone located north west along Denham Court Road and Fox Valley Roads. These lots further west are on a ridgeline and can be viewed and enjoyed from other areas. These areas have topographic and scenic qualities which should be protected and maintained.

- *State Significant Heritage Item*

The subject land includes a State significant heritage item St Mary the Virgin Church and cemetery group including church and churchyard.

There are no additional provisions added to this planning proposal in relation to the conservation of the heritage item. The significance of the item is protected by existing legislation and Environmental Planning Instruments and the potential subdivision and additional dwellings in the area can be designed to limit impacts on the heritage item.

- *Impact of the R5 proposal on the future development on adjoining land uses*

The subject land is bounded by existing R5 (Large Lot Residential) land and RU2 (Rural Landscape) land. In addition, the subject land adjoins the SP2 Defence land which has a delayed rezoning of E1 National Parks and Nature Reserves.

The proposed rezoning will likely generate additional large lot residential lots and built form, however it is unlikely that this development will have adverse impacts on adjoining land uses.

It should also be noted that Liverpool Development Control Plan 2008 includes land use controls to control development which are not proposed to change.

Conclusion

It is considered that the subject land does not possess the scenic and rural landscape qualities that the current RU2 Rural landscape zone caters for.

It is recommended that the subject land be rezoned from RU2 (Rural Landscape) to R5 Large Lot Residential and that the minimum lot size is reduced from 2ha to 1ha.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from the recommendations in this report.

RECOMMENDATION:

That Council:

1. Resolves to prepare and exhibit an amendment to the Liverpool Local Environmental Plan (Amendment No. 17) to rezone the subject land from RU2 (Rural Landscape) to R5 (Large Lot Residential) and to amend the minimum lot size to 1ha.
2. Forwards a copy of the Planning Proposal to the Department of Planning, seeking gateway determination and following that proceed with agency and public consultation.

3. Considers a further report which outlines the results of the agency and public consultation.

SIGNED BY:

Milan Marecic
Director
City Strategy

Attachments: Planning Proposal