

EGROW 02

Proposed amendment to Liverpool Local Environmental Plan 2008 - Rezoning land subject to Basin 14 and Bernera Road, Edmondson Park

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	135577.2019
Report By	Nancy-Leigh Norris - Strategic Planner
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO

EXECUTIVE SUMMARY

A planning proposal has been prepared to amend the *Liverpool Local Environmental Plan 2008* (LEP) to rezone land and amend development standards for certain land comprising proposed Basin 14 and Bernera Road, Edmondson Park (**Attachment 1**). In addition, to support the planning proposal, an amendment has been proposed to the *Liverpool Development Control Plan 2008 Part 2.11 Land Subdivision and Development in Edmondson Park* (DCP) (**Attachment 2**)

The area known as 'Basin 14' is to be acquired by Liverpool City Council for the purposes of stormwater infrastructure and flood mitigation measures. Basin 14 is situated within the bounds of Maxwell's Creek North Riparian Park, as identified within *Part 2.11 Land Subdivision and Development in Edmondson Park* (the DCP). It has a secondary function of providing land for open space and recreation purposes.

The planning proposal seeks to facilitate the development of a revised design for Basin 14, which will provide much needed stormwater infrastructure and public open space to the rapidly growing suburb of Edmondson Park. The planning proposal seeks to enable the appropriate acquisition of land by Council as well as assist in the orderly development of land adjacent to the basin. The following matters have been addressed in the planning proposal:

- The revised design extends Basin 14 further south, resulting in additional land to be acquired by Council. RE1 Public Recreation zone is to be extended to cover the new footprint of the basin. The extension of the basin has resulted in a long narrow parcel of residential zoned land that is unfeasible to develop due to its current size. As quality open space is in high demand in Edmondson Park due to rapid residential development, this land is to also be rezoned from R1 General Residential to RE1 Public Recreation and used as an area of public open space adjacent to the basin.

- The revised design has identified land currently zoned R3 Medium Density Residential as being required for the basin footprint. This land is to be rezoned to RE1 Public Recreation. This includes approximately 150m² of land at 10 Croatia Avenue (Lot 2 DP 1228502) which is too small to develop independently and approximately 250m² of land at 30 Croatia Avenue (Lot 4 DP 1228502). This land has been removed from the outskirts of the R3 Medium Density Residential land and the remaining area is considered to contain an acceptable level of development yield.
- The revised design has resulted in RE1 Public Recreation zoned land at Lot 12 Camden Valley Way (DP 1239712) identified as surplus to Councils initial requirements for the basin footprint. As this land is no longer required for acquisition by Council, it is to be rezoned to R1 General Residential to assist in the orderly development of the area surrounding the basin.
- The revised basin design has resulted in amendments to the Indicative Layout Plan (ILP) within Part 2.11 of the Liverpool Development Control Plan 2008 (LDCP 2008). This is to provide a new road layout and pedestrian access around the site. The amendment of development standards on a portion of land at 50 Croatia Avenue (Lot 6 DP 1228502) will rationalise standards in accordance with the ILP amendment. The height, floor space ratio and dwelling density standards are to be increased, and minimum lot size standards are to be reduced, to correspond with the current standards on the western part of this lot.

The Land Use Zoning, Minimum Lot Size, Floor Space Ratio, Maximum Height of Buildings, Land Reservation for Acquisition and Minimum Dwelling Density LLEP 2008 maps are to be amended as part of this proposal.

Advice was sought from the Liverpool Local Planning Panel at its meeting on 27 May 2019 in accordance with the *Local Planning Panel Direction – Planning Proposals* dated 23 February 2018. Following an inspection of the site and considering the assessment report (**Attachment 3**), the Panel provided their advice (**Attachment 4**) that the proposal has both strategic and site-specific merit and supported the planning proposal proceeding to a Gateway determination.

RECOMMENDATION

That Council:

1. Notes the advice of the *Liverpool Local Planning Panel*;
2. Supports in principle the planning proposal to amend the *Liverpool Local Environmental Plan 2008* to rezone land and amend development standards for certain land subject to proposed Basin 14 and Bernera Road, Edmondson Park;

3. Supports in principle the amendments to the Liverpool Development Control Plan 2008;
4. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal and Development Control Plan if required;
5. Forwards the planning proposal to the Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination;
6. Subject to Gateway determination, undertake public exhibition and community consultation for both the planning proposal and Development Control Plan in accordance with the conditions of the Gateway determination; and
7. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

Background

The Edmondson Park precinct was rezoned from 1(e) Rural – Future Urban to 2(e) Residential – Developing Communities by Amendment 83 to the *Liverpool Local Environmental Plan 1997* on the 31st March 2006. Following the adoption of the *Liverpool Local Environmental Plan 2008* the precinct was primarily zoned R1 (General Residential). Since the initial rezoning, the precinct has been undergoing urbanisation. This rezoning formed part of an extensive planning exercise, which was informed by numerous investigations including a variety of flooding studies, as discussed below. Since this time, the forecasted growth for Edmondson Park has increased, particularly with the development of Edmondson Park South under the *State Environmental Planning Policy (State Significant Precincts) 2005*. This has placed increased pressure on existing and proposed infrastructure in Edmondson Park.

Flood Studies and Strategies for Edmondson Park

The rezoning of Edmondson Park was informed by several investigations including a variety of flood studies and strategies, as follows:

- The *Cabramatta Creek Basin Strategy* was developed in the 1980s to ensure forecasted development would not increase flooding impacts to the creek and locality. This strategy included 19 flood detention basins across urban release areas within the catchment area, with Basin 12 and Basin 14 situated in Edmondson Park.
- Edmondson Park is traversed by the upper reach of Cabramatta Creek, Maxwell's Creek and its tributaries. The rezoning of Edmondson Park for urban development in 2006 included the provision of Basin 12 (adjacent to Cabramatta Creek near Jardine

Drive) and Basin 14 (adjacent to a Maxwell's Creek tributary). These basins are consistent with Council's strategy for Cabramatta Creek.

- A number of flood studies were undertaken from early 2000 to 2008 to inform the rezoning of Edmondson Park for urban development. These studies included the *Water Cycle Management Study* (GHD 2003) and *Edmondson Park Flood Study* (Web McKeon 2007). Both of these studies prepared concept design proposals with different configurations for Basin 14.
- The *Cabramatta Creek Basin Strategy* has been assessed through a number of flood studies and reviews undertaken by Bewsher Consulting for Council in 2004, 2006 and 2011. These studies concluded that the strategy was effective in achieving its flood mitigation objectives and confirmed the need for the construction of remaining basins identified in the strategy, including Basin 14.
- In 2014, FloodMit and Storm Consultants developed concept designs for Basin 12 and Basin 14. Flood behaviour was assessed through 2D TufLOW hydraulic modelling to ensure increased flows from new development in Edmondson Park would not adversely impact the area. Subsequently, the detailed design and partial construction of Basin 12 has been completed.
- In December 2017, Council engaged Storm Consulting to undertake the detailed design of Basin 14. This design is currently being finalised and will incorporate water quality measures such as rain gardens and recreational facilities such as foot paths and viewing platforms. Refer to Figure 1 below for the draft basin design. The scope of works are as follows:
 - a) Stage 1: Feasibility Assessment
 - b) Stage 2: Preliminary Concept Design
 - c) Stage 3: Flood Impact Assessment
 - d) Stage 4: Detailed Concept Design of the basin
 - e) Stage 5: Detailed Design of the basin
 - f) Stage 6: Environmental Assessment and Management



Figure 1: Draft design of Basin 14

Sites affected by the Planning Proposal

The planning proposal relates to ten lots accessible from Camden Valley Way, Bernera Road and Croatia Avenue which are largely undeveloped. One of these lots forms part of the recently re-aligned Bernera Road and one lot is also accessible from Manchuria and Poziers Road.

The subject land contains a tributary of Maxwell's Creek and also contains 'Maxwell's Creek North Riparian Park', which is one of three riparian parks identified under Part 2.11 Edmondson Park of the Liverpool Development Control Plan 2008 (LDGP 2008). This park is forecasted to contain passive open space and a children's play area in accordance with Items 10 and 11 within Section 6.4 of the Edmondson Park Contributions Plan 2008 (the Contributions Plan). It is noted that a transmission easement for electrical lines runs through the site.

The addresses and legal descriptions of the subject lots are detailed within Table 1 below, and are identified in Figure 2. The planning proposal does not intend on rezoning the entirety of the subject lands, only part of some land parcels.

Land to be rezoned for the facilitation of Basin 14 include approximately 14,000m² of R1 General Residential zoned land, 3,200m² of RE1 Public Recreation zoned land and 400m² of R3 Medium Density Residential zoned land. Miscellaneous zonings along Bernera Road, and development standards for a portion of land south of the basin are to also be amended.

It is noted that one of the subject lots (Lot 12 DP 1239712) is currently subject to two development applications (DA-665/2018 and DA-561/2016/A), for the construction of a multi dwelling housing development comprising 11 dwellings and including strata subdivision and for the modification of stormwater easements and lot sizes, respectively. The planning proposal will not impact those applications.

Table 1: Subject lot addresses, legal descriptions and proposed changes

Address	Legal Description	Current Zoning* (with approx. size of land to be rezoned)	Proposed Zoning
N/A	Lot 1 DP 1129337	B6 (195m ²)	SP2
Lot 1 Bernera Road	Lot 1 DP 1228502	B6 (365m ²)	SP2
		R3 (25m ²)	SP2
No. 10 Croatia Avenue	Lot 2 DP 1228502	SP2 (180m ²)	B6
		SP2 (50m ²)	R3
		SP2 (240m ²)	RE1
		R3 (150m ²)	RE1
No. 30 Croatia Avenue	Lot 4 DP 1228502	SP2 (400m ²)	R3
		SP2 (50m ²)	RE1
		R1 (3,300m ²)	RE1
		R3 (250m ²)	RE1
No. 50 Croatia Avenue	Lot 6 DP 1228502	SP2 (15m ²)	R1
No. 2072 Camden Valley Way	Lot 1 DP 567321	R1 (5,250m ²)	RE1
No. 2082 Camden Valley Way	Lot 2 DP 567321	R1 (5,000m ²)	RE1
Lot 12 Camden Valley Way	Lot 12 DP 1239712	RE1 (3,200m ²)	R1
Lot 304 Dragoon Road	Lot 304 DP 1238463	R1 (215m ²)	RE1
Lot 164 Manchuria Road	Lot 164 DP 1218597	R1 (220m ²)	RE1

* **Note:** All lots subject to this planning proposal contain more than one land use zone. The 'Current Zoning' column of this table only relates to the portion of land within that lot to be rezoned.

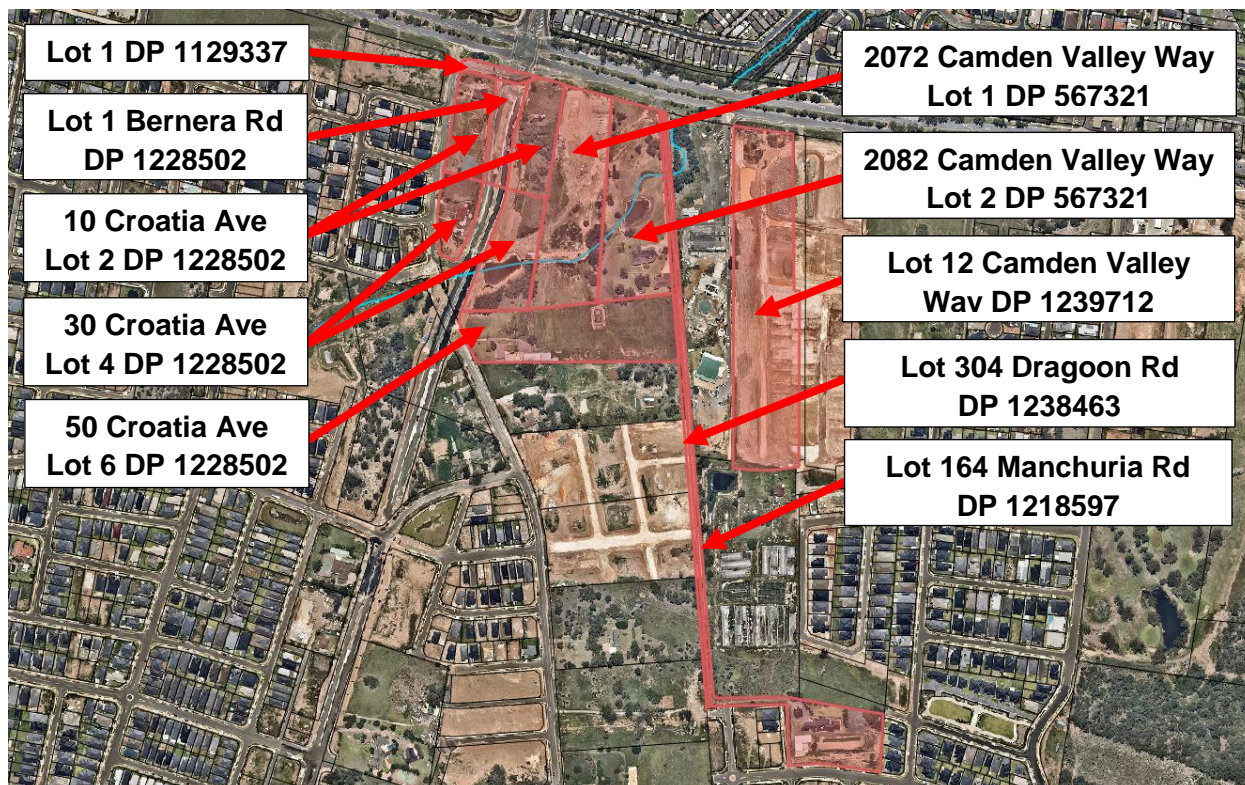


Figure 2: Aerial view of subject lots

Proposed Amendments to the *Liverpool Local Environmental Plan 2008*

The planning proposal seeks to facilitate the development of the revised design for Basin 14. The LEP zoning and development standards currently reflect Council's preliminary conceptual design for Basin 14. Detailed designs have been developed by Storm Consulting and will be finalised in 2019.

This planning proposal seeks to amend the LLEP 2008 to facilitate the development of the revised basin design, as follows:

- The revised design extends Basin 14 further south, resulting in additional land to be acquired by Council. RE1 Public Recreation zone is to be extended to cover the new footprint of the basin. The extension of the basin has resulted in a long narrow parcel of residential zoned land that is unfeasible to develop due to its current size. As quality open space is in high demand in Edmondson Park due to rapid residential development, this land is to also be rezoned from R1 General Residential to RE1 Public Recreation and used as an area of public open space adjacent to the basin.
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approximately 250m² of land at 30 Croatia Avenue (Lot 4 DP 1228502). This land has been removed from the outskirts of the R3 Medium Density Residential land and the remaining area is considered to contain an acceptable level of development yield.

- The revised design has resulted in RE1 Public Recreation zoned land at Lot 12 Camden Valley Way (DP 1239712) identified as surplus to Councils initial requirements for the basin footprint. As this land is no longer required for acquisition by Council, it is to be rezoned to R1 General Residential to assist in the orderly development of the area surrounding the basin.
- The revised basin design has resulted in amendments to the Indicative Layout Plan (ILP) within Part 2.11 of the Liverpool Development Control Plan 2008 (LDCP 2008). This is to provide a new road layout and pedestrian access around the site. The amendment of development standards on a portion of land at 50 Croatia Avenue (Lot 6 DP 1228502) will rationalise standards in accordance with the ILP amendment. The height, floor space ratio and dwelling density standards are to be increased, and minimum lot size standards are to be reduced, to correspond with the current standards on the western part of this lot.

The Land Use Zoning, Minimum Lot Size, Floor Space Ratio, Maximum Height of Buildings, Land Reservation for Acquisition and Minimum Dwelling Density LLEP 2008 maps are to be amended as part of this proposal.

Figure 3 below summarises the land zoning amendments proposed:

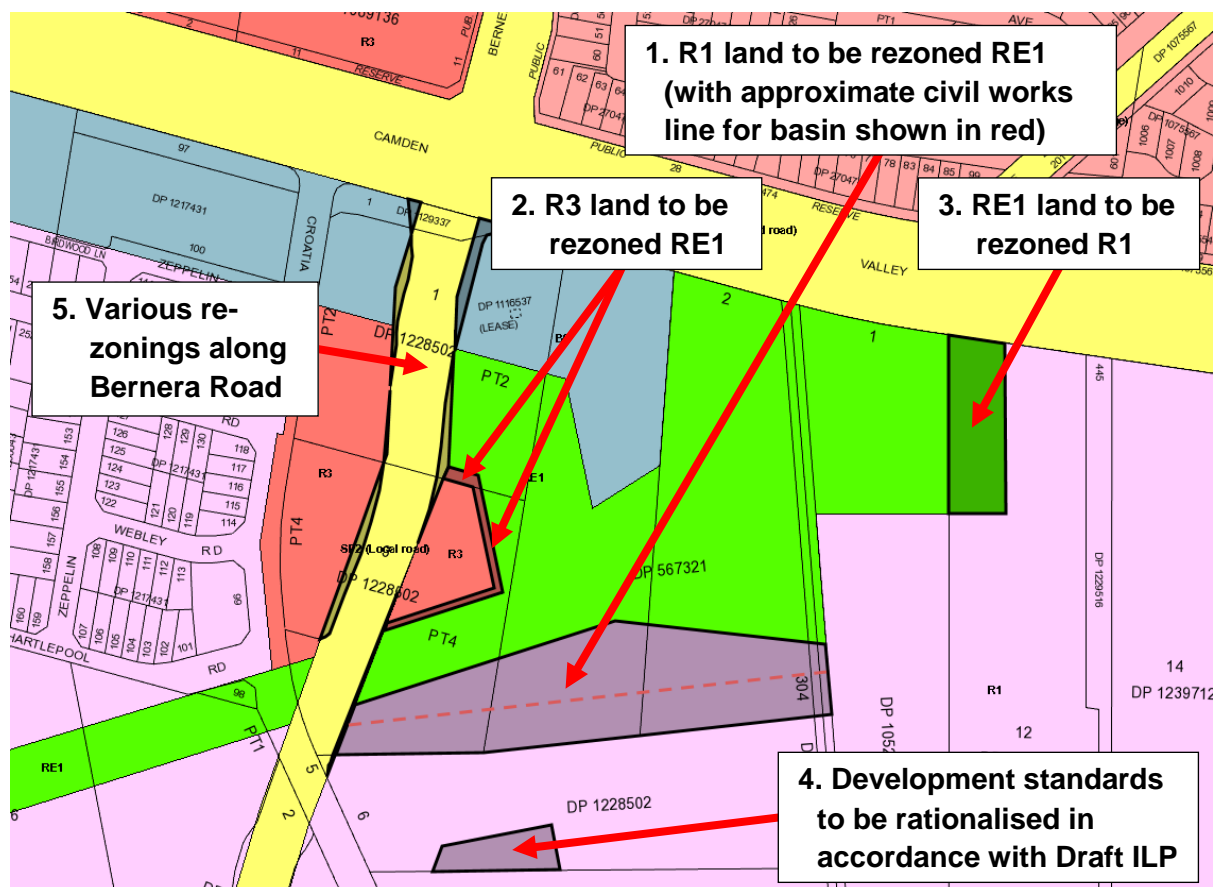


Figure 3: Matters addressed within the planning proposal

Amendments to the DCP

The Indicative Layout Plan (ILP) is a map in the DCP which shows the future road network and the land uses in the precinct (e.g. residential, active open space etc.). The ILP provides Council, developers and land-owners with certainty as to how the land will be developed in a coordinated manner. Land developed in accordance with the ILP ensures optimal traffic flow and accessibility throughout the precinct.

As with the LEP, the proposed amendments to the DCP aim to reflect the revised design of Basin 14. This is achieved by amending a number of DCP maps, including the ILP, to reflect the footprint of the revised basin and the new road layout in the vicinity of the basin, as detailed below (refer to Figure 4).

- **Footprint of Maxwell's Creek North Riparian Park:** The footprint has been extended to cover the extent of Basin 14 and incorporate all land to be acquired by Council for the development of this park. The portion of land at Lot 12 Camden Valley Way identified as part of the park has been removed as it is no longer being acquired by Council.

- *Road layout in the vicinity of Maxwell's Creek North Riparian Park*
 - The local road previously situated south of the riparian park has been relocated further south. The proposed road is to be situated adjacent to the park, along the northern boundary of 50 Croatia Ave (Lot 6 DP 1228502), and has been identified as a fixed road. The location of this road will promote residential amenity and safety, as it will provide separation between the park and future dwellings to the south. These dwellings will front the local road, providing passive surveillance to the open space, instead of having the rear of dwellings backing onto the park. A cul-de-sac is to be constructed at the western end of this road, and access to and from Bernera Road is no longer proposed. This is due to the presence of a bus bay and light pole along Bernera Road where an intersection may have been possible. Temporary access to and from Bernera Road will be possible during the construction and development of the park and neighbouring residential development, until a time where the local road network has been sufficiently developed.
 - In response to the relocation of this local road, a road link south of the park has been altered to rationalise street connections and manage traffic flow through the precinct.
- *Pedestrian access:* Two 10m wide pedestrian access ways leading to Maxwell's Creek North Riparian Park have been added to Figure 8: Street Types map, as discussed further below.

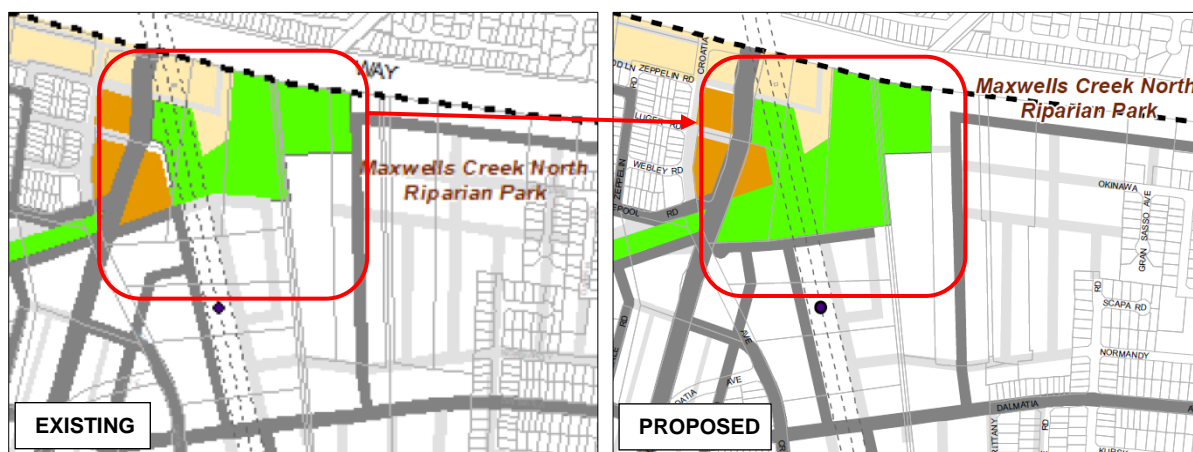


Figure 4: Existing and Proposed Indicative Layout Plan

Pedestrian Access Ways

It is vital that Maxwell's Creek North Riparian Park is easily accessible to the public. The proposed DCP amendment includes the provision of two pedestrian access ways to the riparian park (shown hatched in Figure 5), as follows.

- The western access way replaces the proposed local road link from Zeppelin Road to Bernera Road with pedestrian access only; and

- The eastern access way leads to the riparian park from Lot 12 Camden Valley Way (DP 1239712). This corridor is to be co-located with the stormwater easement leading from this lot to the basin, thereby optimising land and assisting in the overall development of this site. The current road layout has a small local road leading from this lot towards the house of worship on the neighbouring lot. This has been removed, as the pedestrian link will improve pedestrian permeability between the lots and this road is no longer required as the access driveway to Camden Valley Way is being retained.
- Part of a laneway adjacent to Camden Valley Way (circled in red in Figure 5), has been removed from this map, as it is not required for the effective development of the land it was originally intended to service. Its intersection would be too close to the Bernera Road intersection and an existing bus stop.

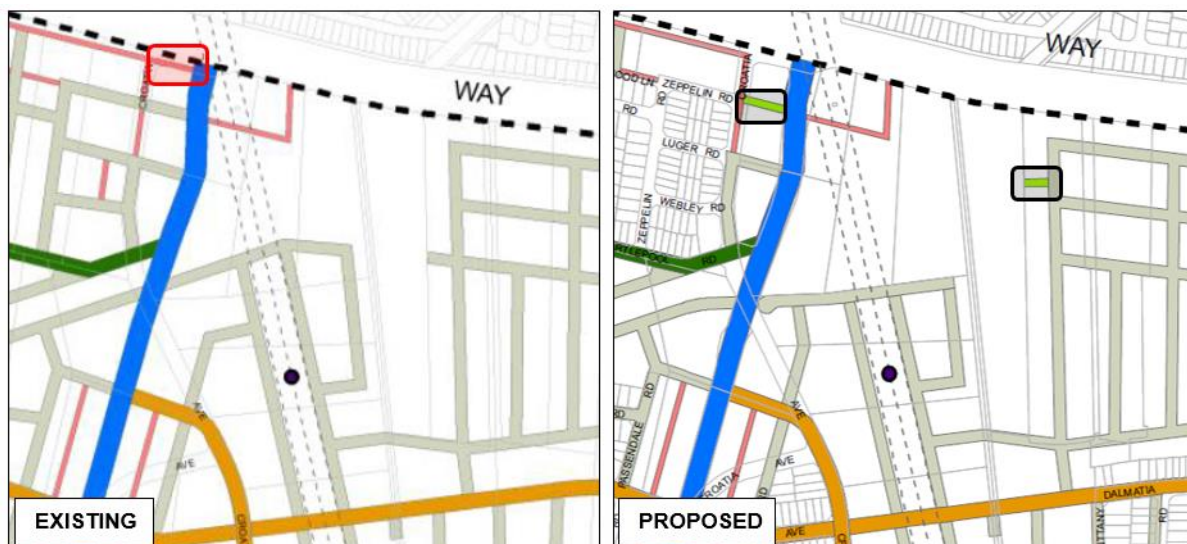


Figure 5: Existing and Proposed Street Types Maps

The proposed DCP amendment provides detail as to the design of these pedestrian access ways within Section 2.1 Street Network and Access, as follows:

“Pedestrian Access Way

All pedestrian access ways are to be designed in accordance with the 10m wide access way detailed in Figure 18. Any other through site links, pedestrian access paths or overland flow paths that continue the desire line of a road corridor are to be the same width of that corridor.”

The cross section in Figure 6 below indicates the proposed design solution which would be applied to these pedestrian access links, and is the new ‘Figure 18’ within the amended DCP. In conjunction with providing pedestrian access to public open space, the corridors will also improve pedestrian permeability and overland stormwater flow paths within Edmondson Park. Additionally, the corridor is sufficiently wide to provide for good sight lines, limiting opportunities for concealment and other crime related activities.

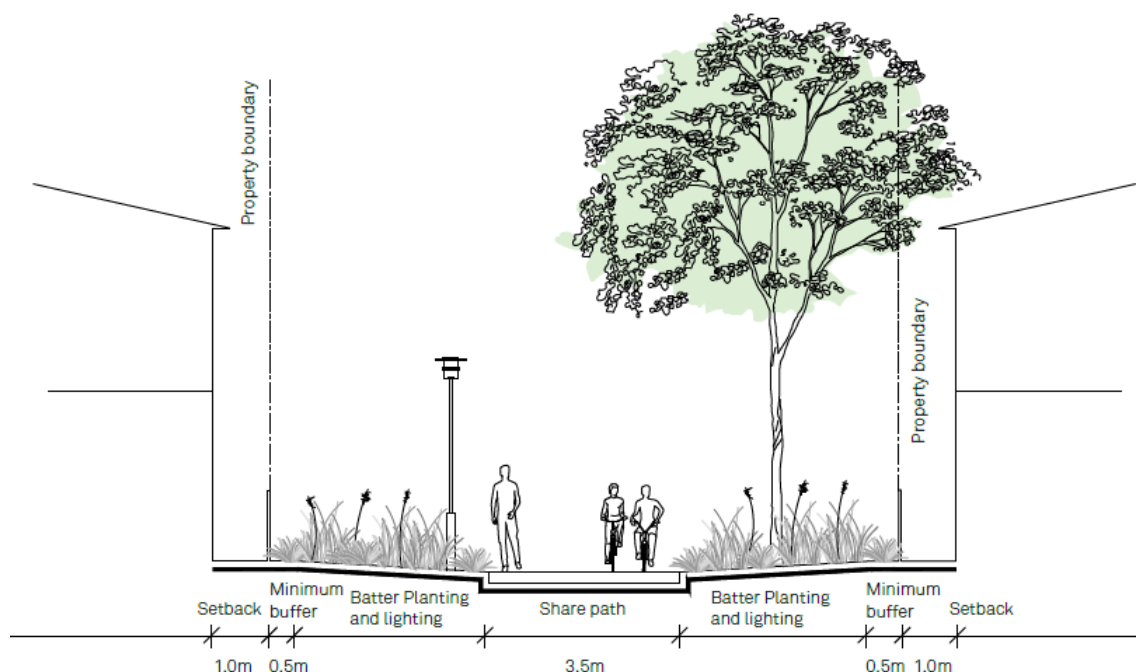


Figure 6: Pedestrian Access - 10m

Miscellaneous Amendments to Edmondson Park Development Control Plan

The following maps in the DCP are to be amended to reflect the revised footprint of Maxwell's Creek North Riparian Park and the new road layout in the vicinity of this park.

- Figure 1: Land to which this part applies
- Figure 2: Indicative Edmondson Park Layout Plan
- Figure 3: Sub-precincts
- Figure 5: Locations of Character Areas
- Figure 6: Possible Public Transport Routes
- Figure 7: Fixed Roads
- Figure 8: Street Types
- Figure 21: Bicycle Network
- Figure 23: Open Space Network
- Figure 24: Areas which may be filled with Council Consent

Figure 24 - 'Areas which may be filled with Council Consent', is to be amended to remove a minor marking that specified an area which may be filled with Council's consent. This area is no longer required as the local road layout has been revised.

Advice of the Local Planning Panel

Pursuant to Clause 2.19(1)(b) of the *Environmental Planning and Assessment Act 1979*, a planning proposal must be submitted to the Local Planning Panel for their advice prior to consideration by the Council. Only the planning proposal was considered by the LPP, as the panel doesn't have a statutory role in reviewing DCP amendments under the Act. The Local

Planning Panel agreed that the proposal has strategic and site specific merit and supports the proposal proceeding to a Gateway determination. The advice of the LPP included in **Attachment 4**.

Next Steps

If the planning proposal is supported by Council, the proposal will be submitted to the Department of Planning and Environment (DPE) seeking Gateway determination. After any further technical studies are completed post Gateway, the planning proposal would then proceed to public authority consultation, followed by public exhibition of both the planning proposal and DCP amendment.

During public exhibition, landowners, developers, and other interested parties will be able to submit on the proposed changes. This provides an opportunity for land-owners to comment on how the changes would affect them, and/or suggest changes. Each submission will be considered and if required amendments made to the planning proposal and DCP amendments for Council's further consideration.

Consultation

The planning proposal and DCP amendment have been prepared by Council's Planning and Transport Strategy department. The requirement for a planning proposal to amend the LEP arose from the revised design of Basin 14 undertaken by Council's City Infrastructure and Environment Department. Both the planning proposal and the DCP amendment have been prepared in consultation with the Floodplain and Water Management, Development Assessment, Property and Commercial Development and Community Development teams.

Community consultation will occur with a minimum exhibition period of 28 days. It is proposed that the land-owner of each property who is affected by changes to the LEP and/or DCP will be notified in writing via a letter to their postal address.

Financial Implications

The acquisition of land by Council for the purposes of Basin 14 and Maxwell's Creek North Riparian Park will be subject to the *Land Acquisition (Just Terms Compensation) Act 1991*. The planning proposal was prepared to reflect the intended uses of the site, which will ensure the appropriate acquisition of land for future infrastructure. The removal of land acquisition requirements that are no longer needed for the development of the basin or Bernera Road, ensures that Council will not be burdened by unnecessary compulsory acquisition in the future.

The financial implications for landowners has been taken into consideration within Section 3.9 of the planning proposal. In summary, the development of the basin will enable the decommissioning of several temporary on-site detention basins on privately owned land, which will allow the land to be developed for its intended use. This includes the temporary basin at Lot 12 Camden Valley Way (DP1239712) which is to be rezoned to residential uses

as it is no longer required for the development of Basin 14. The planning proposal also corrects mapping inconsistencies along Bernera Road, which will result in positive economic effects as the zoning will reflect the intended use of the lot.

The amendment to the DCP may result in an increased financial burden on the land owner of 50 Croatia Avenue. The indicative local road to be located south of the basin is now entirely situated within this lot, decreasing developable residential land and increasing the cost of future building works. This burden will be counteracted by increasing the minimum dwelling density standard and improving connectivity within the western part of this lot, which will improve development potential on this part of the lot.

The development of pedestrian access ways to the riparian park will present a lower up-front construction costs for developers as these are replacing corridors which were previously shown as roads. The maintenance costs for Council for a pedestrian access path will also be lower than that of a street. The value of improved connectivity within the area and accessibility to quality open space in the form of a well-designed access way should also be taken into consideration.

CONSIDERATIONS

Economic	Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways. Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Environment	Manage the environmental health of waterways. Manage air, water, noise and chemical pollution. Support the delivery of a range of transport options.
Social	Support policies and plans that prevent crime.
Civic Leadership	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes.
Legislative	Environmental Planning and Assessment Act 1979

ATTACHMENTS

1. Planning Proposal (Under separate cover)
2. DCP Amendment - Part 2.11 Land Subdivision and Development in Edmondson Park (Under separate cover)
3. Planning Assessment Report for Local Planning Panel (Under separate cover)
4. Advice of the Local Planning Panel (Under separate cover)