

EGROW 03	Proposed Amendment to Schedule 1 Liverpool Local Environmental Plan 2008 - Additional Permitted Use for Multi Dwelling Housing at 123 Epsom Road, Chipping Norton
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	050248.2019
Report By	David Smith - Manager Planning & Transport Strategy
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO

EXECUTIVE SUMMARY

At its ordinary meeting of 12 December 2018, Council resolved to provide in principle support to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008*, subject to the necessary planning investigations required by Section 3.33 of the *Environmental Planning and Assessment Act*, to permit multi dwelling housing as a *land use permitted with consent* at 123 Epsom Road, Chipping Norton (Lot 3 DP 602936).

Council also resolved to investigate the value of any heritage listed trees that may be listed in or in close proximity to the site.

A planning proposal has been drafted as required by the above Council resolution (**Attachment 1**).

The planning assessment report is included in **Attachment 2**. The report outlines that the proposal has strategic and site specific merit and recommends that the planning proposal be submitted to the Department of Planning & Environment for a gateway determination.

Advice was sought from the *Liverpool Local Planning Panel* at its meeting on 25 February 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, the panel provided their advice (**Attachment 3**) that the Council defer a decision on the planning proposal until such time as the Local Housing Strategy has been adopted by Council.

Given the site specific nature of the proposal and the historical land use zoning that applied to this site, it is recommended that Council note the advice of the LPP, support in principle the planning proposal, and submit the proposal to the Department of Planning and Environment seeking a Gateway determination and public exhibition.

RECOMMENDATION

That Council:

1. Notes the advice of the *Liverpool Local Planning Panel*;
2. Supports in principle the planning proposal to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008* to permit multi dwelling housing as a land use permitted with consent at 123 Epsom Road, Chipping Norton (Lot 3 DP 602936);
3. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal if required;
4. 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;
5. Subject to Gateway determination, undertake a heritage impact assessment to assess the heritage values of the palm trees adjacent to the site and undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

The Site

The site is identified as Lot 3 in Deposited Plan 602936 otherwise known as 123 Epsom Road, Chipping Norton. The site is located at the south western corner of the intersection of Epsom Road and Governor Macquarie Drive.

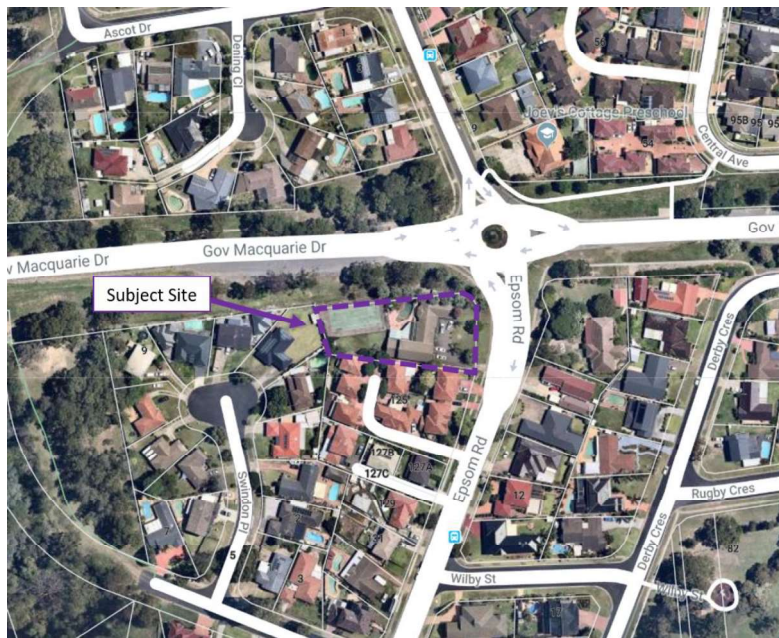


Figure 1: Aerial view of the site (Source: Nearmap December 2018)

The Locality

The site is located in an area of predominantly low to medium density residential development. The lot immediately to the south (125 Epsom Road) and an additional two lots approximately 100m to the north-east (54 and 56 Central Avenue) have been developed for multi dwelling housing pursuant to the superseded *Liverpool Local Environmental Plan (LLEP) 1997*. Battle-axe style subdivision of larger lots has been undertaken on a number of other lots in the vicinity including 127, 143, 151, 165, and 181 Epsom Road.

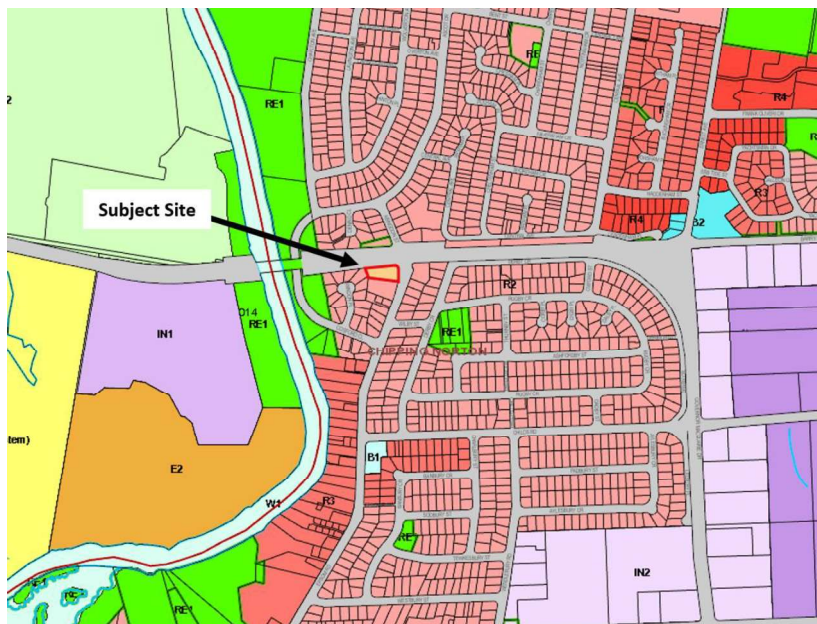


Figure 2: Locality land zoning map (subject site highlighted yellow) (Source: Geocortex)

Approximately 200m south of the site, a parcel of lots was zoned R3 — Medium Density Residential at the time of the gazettal of LLEP 2008 pursuant to the direction of the *Liverpool Residential Development Strategy*. Around one third of the properties in the vicinity of the Georges River (fronting Epsom Road) have been developed for multi dwelling housing.

Lots in the vicinity of the Childs Road shops (along Childs Road, Banbury Crescent and the east of Epsom Road between Childs Road and Epsom Parkway) zoned R3 — Medium Density Residential would require amalgamation prior to development for multi dwelling housing purposes as these are largely low density residential allotments.

Council Resolution

At its ordinary meeting of 12 December 2018, Council resolved:

That Council:

1. *Supports in principle a proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to allow multi dwelling housing as a land use permitted with consent on 123 Epsom Road, Chipping Norton (Lot 3 DP 602936), subject to the necessary planning investigations required by Section 3.33 of the Environmental Planning and Assessment Act;*
2. *Direct the CEO to prepare a planning proposal for Council's consideration and report back to Council for the second February 2019 meeting; and*
3. *Investigate the value of any heritage listed trees that may be listed in or in close proximity to the site.*

The planning proposal has been drafted as required by the above Council resolution (**Attachment 1**).

Planning Assessment

The planning assessment report is contained in **Attachment 2**. It provides a detailed assessment of the merits of the proposal against the District and Region Plans and the Department of Planning's '*Guide to Preparing Planning Proposals*'. The report's conclusion is that the planning proposal has strategic and site specific merit and should proceed to a Gateway determination.

Local Planning Panel Advice

The planning proposal was considered by the Panel at its 25 February 2019 meeting and their advice is included at **Attachment 3**.

The advice of the LPP is:

The Panel has inspected the site and read the Council officer's report. The Panel received one representation from the owner.

The Panel is concerned that a decision to change the permitted uses on this site in isolation is premature in light of the upcoming review of the LEP2008, a component of which will be informed by the Local Housing Strategy (LHS). The Panel has been informed by Council officers that the strategy will be finalised imminently.

The Panel suggests that Council should be mindful to not pre-empt or prejudice the outcome of the strategy in relation to this site. Until the strategy is finalised, the Panel is not confident in recommending that the planning proposal has strategic merit.

The Panel recommends Council defer a decision on the planning proposal until such time as the LHS (Local Housing Strategy) has been adopted by Council.

Officer comment on LPP Advice

It is recommended that Council note the advice of the LPP and support in principle the planning proposal and submit the proposal to the Department of Planning and Environment seeking a Gateway determination and public exhibition.

The reasons for this recommendation are:

- the proposal has strategic and site specific merit;
- the proposal is site specific and will not undermine the strategic planning framework;
- the site is relatively large and can accommodate, subject to development consent, an appropriate multi dwelling housing development;
- the surrounding development is consistent with that proposed for this site; and
- the historical land use zoning that applied to this site which permitted multi-dwelling housing.

Consistency with Community Strategic Plan

Our Home Liverpool 2027

Council's *Our Home, Liverpool 2027* provides strategic directions that have been identified by the community and the measures that will allow Council to determine progress towards achieving them. The four key directions are: *creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration*. The planning proposal aligns predominately with the second and third directions which states:

Liverpool Council will:

- *Exercise planning controls to create high-quality, inclusive, urban environments*
- *Develop, and advocate for, plans that support safe and friendly communities*
- *Meet the challenges of Liverpool's growing population*

The planning proposal is in general supportive of these goals. The Schedule 1 amendment to the LEP would ultimately deliver (subject to further development assessment) a multi dwelling housing development on the site to contribute additional housing within the area.

Consultation

During the preparation of the planning proposal, consultation was undertaken with Council's traffic engineers and heritage advisor.

The site is a corner allotment with a primary frontage to Epsom Road and a secondary frontage to Governor Macquarie Drive. Council's traffic engineers have requested a traffic impact assessment be prepared following a Gateway determination to ensure no access to the site from Governor Macquarie Drive, appropriate access to the site from Epsom Road and other site specific matters.

The site contains and adjoins a row of locally significant palm trees (*Phoenix canariensis*). The trees on the Governor Macquarie Drive road reserve are heritage listed under Clause 5.10 of the LLEP 2008. The palm trees on the site are not heritage listed. Should the proposal receive a Gateway determination it is recommended that a heritage impact assessment be commissioned to address the heritage value of the palm trees located on and adjacent to the site.

Conclusion

The planning proposal has strategic and site-specific merit. It is recommended that the planning proposal be supported by Council in principle and be forwarded to the Department of Planning & Environment for a Gateway determination and public exhibition.

CONSIDERATIONS

Economic	Facilitate economic development
Environment	There are no environmental and sustainability considerations.
Social	<p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Regulate for a mix of housing types that responds to different population groups such as young families and older people.</p>

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. Planning Assessment Report (Under separate cover)
3. Liverpool Local Planning Panel Advice (Under separate cover)