

# Planning Proposal

**Amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to allow multi dwelling housing as a land use permitted with consent on Lot 3 DP 602936**

3 April 2019

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## Introduction

The planning proposal relates to a parcel of land at 123 Epsom Road Chipping Norton (Lot 3 DP 602936) which is zoned R2 – Low Density Residential. The proposal seeks an additional permitted use for the site specifically to allow for '*multi dwelling housing*'.

The impetus for the planning proposal is to allow future '*multi dwelling housing*' development on the site despite the R2 – Low Density Residential zoning that applies.

## Site description



Figure 1: Location of subject sites outlined in red (Nearmap 2018)

The total area of the site is approximately 2,209m<sup>2</sup>. The site is a corner allotment with a primary frontage to Epsom Road and a secondary frontage to Governor Macquarie Drive. The site currently contains a large one and two-storey dwelling with associated swimming pool and tennis court within the rear yard. It is noted that a row of locally significant heritage listed Palm Trees (*Phoenix Canariensis*) adjoin and reside within the north-eastern corner of the site.

Adjoining the site to the south is a '*multi dwelling housing*' development that was approved under the now repealed Liverpool Local Environmental Plan (LLEP) 1997. The remainder of the neighbouring lots with immediate proximity to the site contain low density residential dwellings with some secondary dwellings.



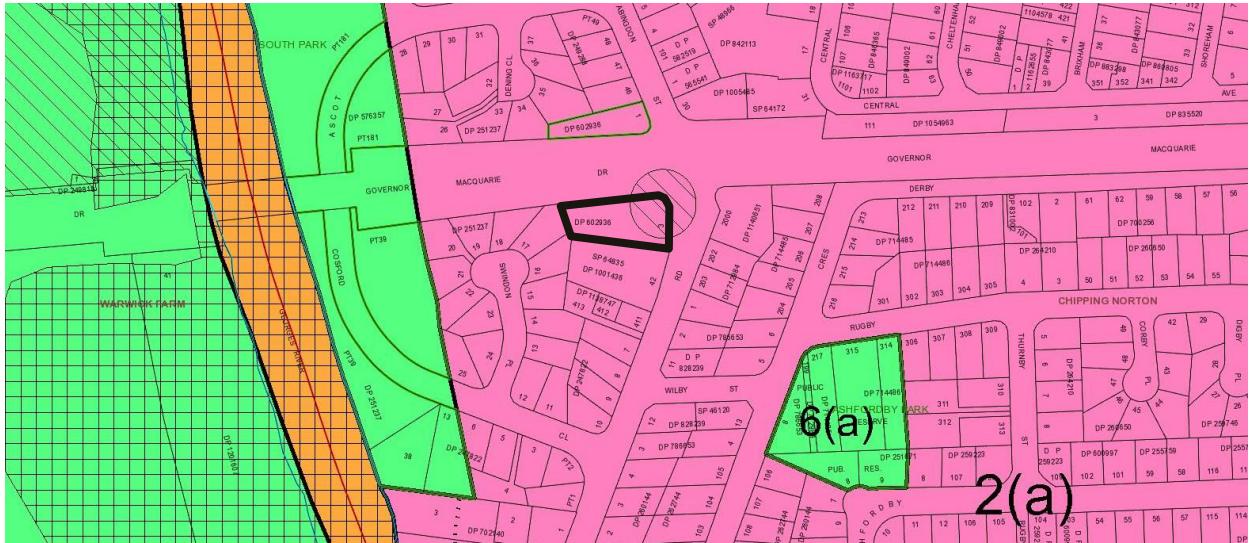


Figure 2: Zoning Map from LLEP 1997 (Subject site outlined in black)

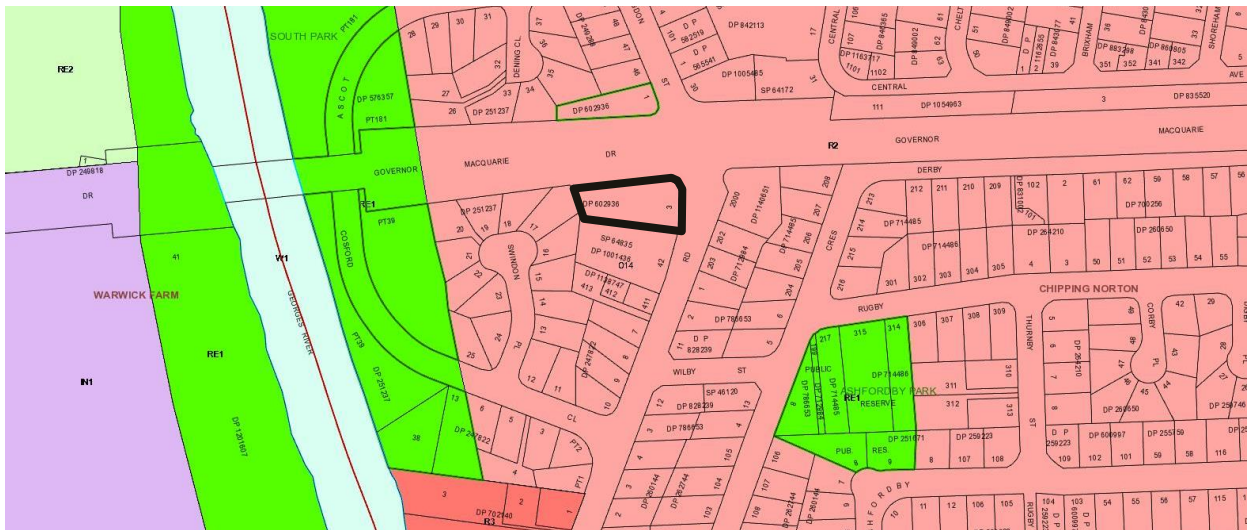


Figure 3: Zoning Map from LLEP 2008 (Subject site outlined in black)



Figure 4 Looking at the subject site in a westerly direction

## Background

The site was previously zoned 2(a) Residential under the now repealed LLEP 1997. Under this previous LEP, 'multiple dwellings' were permissible with development consent within the 2(a) Residential zone. Consequently, a number of 'multiple dwellings' or 'multi dwelling developments' were approved and constructed with proximity to the site under this previous instrument, including the following sites:

- 125 Epsom Road, Chipping Norton
- 54 Central Avenue, Chipping Norton
- 56 Central Avenue, Chipping Norton

With the gazettal of the LLEP 2008, 'multi dwelling development' is now prohibited within the R2 Low Density Zone.

The current owner of the site has engaged in informal discussion over recent years with Council's strategic planners regarding the possibility of achieving multi dwelling development on the site. After hearing from the landowner at Council's October meeting the Council resolved at its 12 December 2018 meeting as follows:

*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.*

## **Part 1 – Objectives**

The objectives of this planning proposal are to amend the LLEP 2008 to permit the development of multi dwelling housing at 123 Epsom road, Chipping Norton with consent. This objective applies to the subject site only.

## Part 2 – Explanation of provisions

The objectives of the planning proposal will be achieved through an amendment to Schedule 1 of the LLEP 2008 to allow “multi dwelling housing” as a land use permitted with development consent at 123 Epsom Road, Chipping Norton (Lot 3 DP 602936). This amendment to Schedule 1 would require an additional clause that applies specifically to the subject site (Clause 25).

To facilitate the above changes, the following LLEP map will be amended:

### Key Sites

- 4900\_COM\_KYS\_014\_020\_20180730

## Part 3 – Justification

### Section A – Need for the planning proposal

#### 3.1 *Is the planning proposal a result of any strategic study or report?*

No, the planning proposal is not the result of any strategic study or report. The planning proposal results from a direction to staff from Council at its 12 December 2018 meeting.

#### 3.2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The alternative to the schedule 1 amendment proposed is a rezoning of the site to R3 medium density residential. It is recognised that this would achieve the intended outcome of enabling multi dwelling housing development on the subject site. However, this would create a landuse zoning anomaly within the context of the immediate area.

The schedule 1 amendment proposed will allow for multi dwelling housing on the site whilst avoiding unwanted changes to nearby sites. The proposed change will efficiently facilitate the outcome previously permitted under the LLEP 1997 as desired.

### Section B – Relationship to strategic planning framework.

#### 3.3 *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

##### A Metropolis of Three Cities and Western City District Plan

The proposed amendment to schedule 1 facilitating multi dwelling housing as a permitted use with development consent will contribute to housing supply within the Chipping Norton locality.

The planning proposal is therefore consistent with the following objectives of the Greater Sydney Region Plan 2018, *A Metropolis of Three Cities*:

- Objective 10: Greater housing supply
- Objective 11: Housing is more diverse and affordable

The planning proposal is also consistent with the following priorities of the *Western City District Plan*:

- Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport

The planning proposal will facilitate the permissibility of multi dwelling housing on the subject site, which in turn will allow for an increase in the quantity of housing within the confines of the site. Consequently, housing supply will increase in alignment Objective 10 and Planning Priority W5. Additionally, the housing typologies that are defined under the multi dwelling housing landuse will provide a diversity in housing in comparison to the single dwellings, secondary dwellings and attached dwellings that typify the immediate area.

#### 3.4 *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

##### Liverpool Community Strategic Plan – Our Home, Liverpool 2027

The proposal to enable multi dwelling housing development on the site aligns with Liverpool's Community Strategic Plan (CSP) – Our Home, Liverpool 2027, which states:

- Direction 3: Generating Opportunity
  - Council will: Meet the challenges of Liverpool's growing population.



#### Liverpool Residential Development Strategy 2008

The proposal is not specifically identified within the Liverpool Residential Development Strategy, with the Chipping Norton study area failing to include the subject site as demonstrated in Figure 5.

Nonetheless, the strategy identified within the plan is of relevance to the subject planning proposal:

- Consolidate medium density residential zones to areas around activity centres (200m-800m) and major transport nodes and down-zone fringe areas.

The subject site is located approximately 693m distance from the Chipping Norton local centre 'as the crow flies'. It is noted that the site is approximately 863m walking distance from the local centre via Council footpaths. The proposal to permit multi dwelling housing with consent aligns with the strategy of containing medium density to within 800m of a local centre.

In regard to transport, the site is not located within 800m of a major transport node. A bus stop is located with proximity to the site along Epsom Road that is serviced by the 903 Transdev bus route, the sole bus route servicing the Chipping Norton area. This bus service provides access to Liverpool every 30 minutes during peak times and every 1 hour in off peak (including weekends). The bus trip to and from Liverpool takes approximately 25 - 25 minutes. This is a substantial increase from the typical car trip of approximately 10 minutes.

The Liverpool Residential Development Strategy also recommends detailed strategies, with the following of relevance to the subject planning proposal:

- Ensure the size/floor space in any medium density area, or low density area which may conceivably be potentially suitable for medium density housing in the long term, is not so great as to preclude eventual consolidation redevelopment for townhouse or villa houses.

The planning proposal seeks to amend schedule 1 only in permitting multi dwelling housing with consent within the existing R2 – Low Density Residential zone. No amendments are proposed to existing floor space ratio provisions. It is deemed that the existing floor space ratio control of 0.5:1 is appropriate and will not preclude redevelopment for townhouses or villa houses.



**Chipping Norton Study Area**

..... Study Area Boundary  
 ..... Indicative Town centre

*Figure 5 Chipping Norton Residential Land Study Map (Subject site circled in yellow)*

#### Liverpool Local Environmental Plan 2008

The planning proposal addresses one of the aims of the LLEP 2008, being “to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool”.

The zoning is to remain as existing for the subject site, with the objectives of the R2 – Low Density Residential zone as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposal aims to facilitate multi dwelling housing as a permissible use with consent within the existing R2 – Low Density Residential zone. Both the existence of similar multi dwelling housing developments

within the R2 zone with close proximity to the subject site and the generous size of the lot suggest that a future multi dwelling development could be developed that aligns with these objectives.

### 3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 1 SEPP Consistency

State Environmental Planning Policy	Consistency
State Environmental Planning Policy No 1—Development Standards	Yes
State Environmental Planning Policy No 55—Remediation of Land	Yes – given the site is currently developed as a single dwelling and has been used for residential purposes historically, no contamination impacts are anticipated.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes – Future affordable housing may be proposed on the subject site. Any such potential future development will be required to comply with the provisions of the SEPP. However, the proposal itself does not present any inconsistency.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes – Any future development within the site, including the possibility of multi dwelling housing as sought by this planning proposal, will be capable of achieving compliance with this SEPP. The proposal does not present any inconsistency.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes – If the proposed amendment was to be adopted, future development of the site for multi dwelling housing could be carried out pursuant to the Medium Density Housing Code, to be applied to Liverpool as of 1 July 2019.
State Environmental Planning Policy (Infrastructure) 2007	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Yes

### 3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 2 Section 9.1 Directions Consistency

Section 9.1 Direction	Complies	Justification
<b>Environment and Heritage</b>		
2.3 Heritage Conservation	Yes	<p>The planning proposal does not contain provisions that facilitate the conservation of the heritage listed palm trees (<i>Phoenix canariensis</i>) that are present within the subject site.</p> <p>Nonetheless, these heritage listed trees are already conserved under the existing LLEP 2008 as per cl.5.10.</p>

		Should the proposal receives a Gateway Determination, it is recommended that a heritage impact assessment be commissioned to address the heritage value of the palm trees.
<b>Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Yes	The planning proposal will encourage an increase in building type diversity. The proposal will permit multi-dwelling development with sufficient proximity to Chipping Norton local centre, and access to public transport to Liverpool city centre.
3.4 Integrating Land Use and Transport	Yes	The proposal seeks to facilitate multi dwelling development within the subject site. The site is capable of accommodating adequate car parking provision in accordance with the direction. Furthermore, the site is serviced by public transport in the form of a bus route to enable access to the Liverpool city centre.
<b>Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Yes	The subject site is identified as containing Class 5 Acid Sulfate Soils. If future development sought the construction of any basement level parking or the like, an Acid Sulfate Soils Study is recommended for the site. The preparation of such a study can be deemed as a post Gateway condition if the proposal proceeds to Gateway.
4.3 Flood Prone Land	Yes	The subject site is identified as flood prone land. However, Council flooding advice has confirmed that the property is not affected by the flood planning area for residential development.
<b>Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	The planning proposal does not contain provisions requiring additional concurrence, consultation, or referral to a Minister or public authorities.
6.3 Site Specific Provisions	Yes	<p>The proposal seeks to allow the multi dwelling housing land use to be carried out in the existing R2 Low Density Residential zone applying to the site through a site specific schedule 1 amendment.</p> <p>No drawings or details are provided within this planning proposal detailing a possible future development proposal.</p>
<b>Metropolitan Planning</b>		
7.1 Implementation of A Plan for Growing Sydney	Yes	The proposal seeks to facilitate multi dwelling housing on the site and is therefore consistent with Direction 2.1 of <i>A Plan for Growing Sydney: Accelerate housing supply across Sydney</i> and Action 2.1.1: <i>Accelerate Housing Supply and Local Housing Choices</i> . Additionally, the proposal is consistent with Direction 2.3: <i>Improve housing choice to suit different needs and lifestyles</i> and Action 2.3.2: <i>Enable the Subdivision of Existing Homes and Lots in Areas Suited to Medium Density Housing</i> .



## Section C – Environmental, social, and economic impact

### 3.7 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal will not impact critical habitat or threatened species, populations or ecological communities, or their habitats due to an absence of such constraints within the site and in close proximity to the site.

### 3.8 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No other likely environmental effects are identified. Where environmental impacts do exist, are deemed to be of minor significance.

### 3.9 *Has the planning proposal adequately addressed any social and economic effects?*

The subject site contains and adjoins a row of locally significant heritage listed palm trees (*Phoenix canariensis*). Preliminary advice suggests that these trees are likely to date from the 1930s and were related to a significant homestead that once occupied the site that was demolished to allow construction of Governor Macquarie Drive. Palm trees were a common species planted in the Inter-war period, one theory for this is because in areas around Egypt and Palestine palm trees were seen by WWI soldiers noting that Chipping Norton was also an inter-war or post WWI soldier resettlement area.

An aerial photograph from 1943 is provided in Figure 6, with the row of palm trees present within this photo.



Figure 6 Aerial Photo in 1946 of the Subject Site (SixMaps)

The proposal will not directly detriment this example of European Heritage, with consideration in this regard required for any possible future development application. Nonetheless, the heritage constraint identified is noted. A subsequent Heritage Impact Assessment will be required subject to Gateway Determination.



The site is a corner allotment with a primary frontage to Epsom Road and a secondary frontage to Governor Macquarie Drive. Council traffic advice suggested the requirement of a Traffic Impact Assessment Report addressing the following matters:

1. No access off Governor Macquarie Drive.
2. 'Left-in, left-out' access driveway off Epsom Road is to be allowed.
3. Traffic generation.
4. Traffic impact of the proposed development including a review of existing traffic conditions adjacent to the proposed development site, the surrounding road network and intersections including the existing roundabout at Governor Macquarie Drive.
5. Adequacy of on-site parking provision.
6. Public transport provision.
7. Swept path analysis for driveway access and parking bays.
8. Restrictions to on-street parking provisions.
9. Emergency, waste and service vehicle arrangements.
10. Internal and external pedestrian crossing points and facilities are to be clearly identified.
11. Clear delineation of driveway access and internal circulation.
12. Footpath to be provided along all street frontages.
13. Street lighting to Council's specifications.

Should the proposal receive a Gateway Determination, it is recommended that a Traffic Impact Assessment is prepared that addresses (at a minimum) the points identified above.

The planning proposal will not create adverse social or economic impacts. The development of multi dwelling housing via the proposed Schedule 1 amendment will enable additional housing supply within the subject site, a site that is of a size and nature that is capable of accommodating development such as this. The site has sufficient access to nearby schools within the Chipping Norton, Moorebank, Warwick Farm and Georges Hall suburbs.

## **Section D – State and Commonwealth interests**

### *3.10 Is there adequate public infrastructure for the planning proposal?*

The planning proposal is of local significance and is of a relatively small scale of impact in regard to public infrastructure provision. It is noted that the site is currently occupied by a large single dwelling and has present access to water, sewage, electricity and the road network via the existing driveway.

An infrastructure services report is to be commissioned by the proponent should the proposal proceed through Gateway.

*3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

The views of state and Commonwealth public authorities will be considered following Gateway determination. The following government agencies should be considered:

- NSW Office of Environment and Heritage – Heritage Division; and
- Roads and Maritime Services.

## Part 4 – Mapping

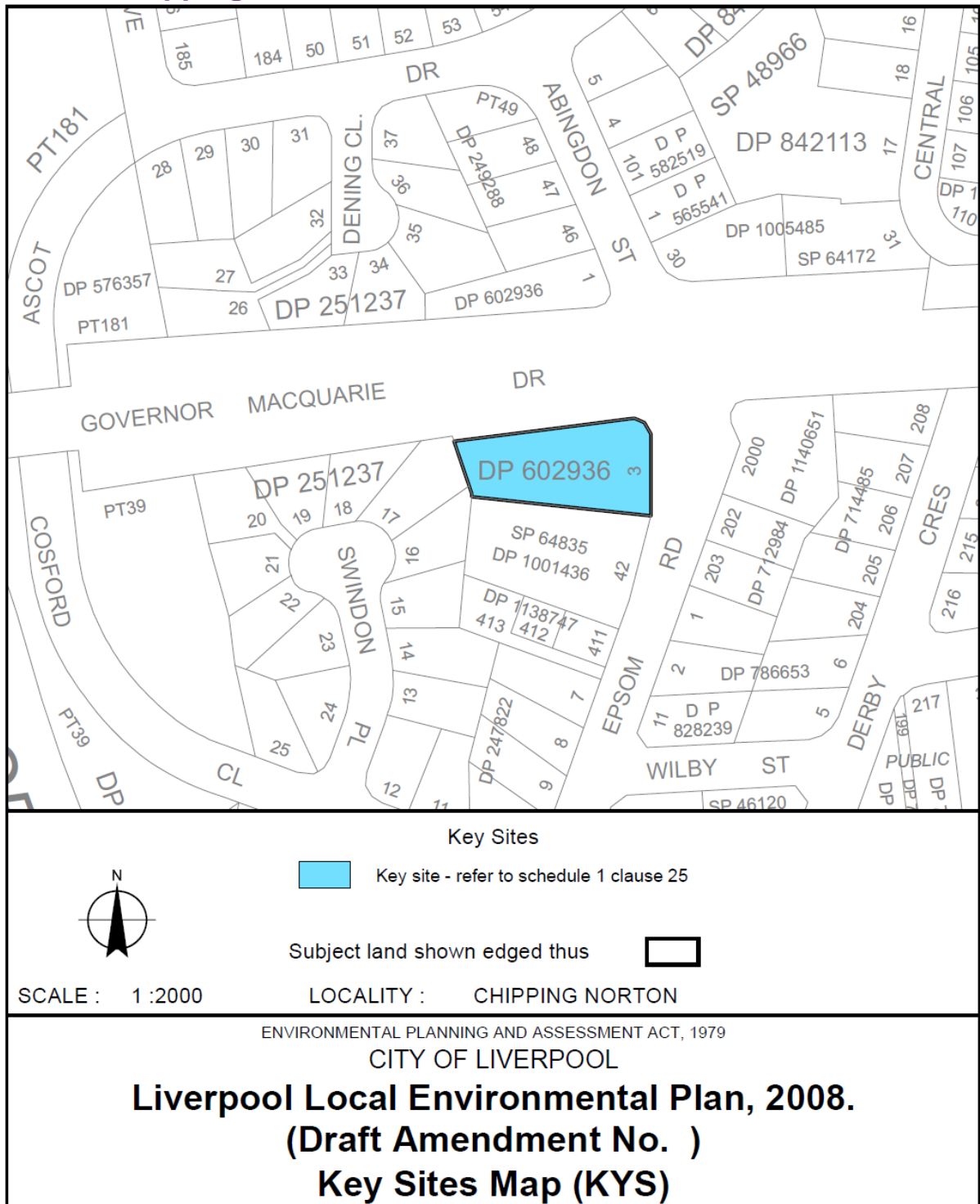


Figure 7: Proposed Key Sites Map

## **Part 5 – Community Consultation**

Community consultation will be undertaken in accordance with the Gateway Determination. It is anticipated that the proposal will be exhibited for 14 days through:

- Newspaper advertisements in the Liverpool Leader;
- Notification on Liverpool City Council's planning portal and Liverpool Listens website; and
- Letters to the adjoining landowners.

## Part 6 – Project Timeline

An anticipated project timeline is shown in Table 3.

*Table 3: Anticipated project timeline*

Timeframe	Action
<b>Feb 2019</b>	Presented at the Local Planning Panel meeting
<b>Mar 2019</b>	Presented to Liverpool City Council
<b>April 2019</b>	Submission of Planning Proposal to DP&E
<b>May 2019</b>	Gateway Determination issued
<b>May 2019 – June 2019</b>	State agency consultation
<b>May 2019 – June 2019</b>	Community consultation
<b>June 2019 – July 2019</b>	Consideration of submissions and proposal post-exhibition
<b>August 2019</b>	Post-exhibition report to Council
<b>September 2019 – October 2019</b>	Legal drafting and making of the plan