

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 FEBRUARY 2019

Item no:	2
Application Number:	RZ-9/2018
Proposal:	Planning 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)
Property Address	123 Epsom Road, Chipping Norton
Legal Description:	Lot 3 DP 602936
Recommendation:	Proceed to gateway review
Assessing Officer:	David Smith

1. EXECUTIVE SUMMARY

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.

In accordance with the requirements of Section 2.19(1)(b) of the *Environmental Planning and Assessment Act 1979*, this proposal has been submitted to the Liverpool Local Planning Panel for advice.

The Planning Proposal seeks to amend Schedule 1 of LLEP 2008 to permit multi dwelling housing as an additional permitted use with development consent at the subject site. The planning proposal is considered to have strategic and site specific merit. It is recommended that the planning proposal be submitted to the Department of Planning & Environment for a gateway determination.

2. SITE DESCRIPTION AND LOCALITY

The Site

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

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Figure 1: Aerial view of 123 Epsom Road, Chipping Norton
(Source: Nearmap November 2018)

The Locality

The subject 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100m to the north-east (54 and 56 Central Avenue) have been developed for multi dwelling housing pursuant to the superseded *Liverpool Local Environmental Plan (LLEP) 1997*. Hatchet 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.

Approximately 200m south of the subject site, a parcel of lots in the vicinity of the Georges River, and the Childs Road shops 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* (see Part 4 below). Around one third of the properties in the vicinity of the Georges River (fronting Epsom Road) have been developed for multi dwelling housing, with an additional third having been otherwise subdivided.

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.

Approximately 475m to the east of the subject site and across Governor Macquarie Drive, a small parcel of lots adjacent to the Market Plaza Shopping Centre is zoned R4 — High Density Residential.

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

3. DETAILS OF THE PROPOSAL

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.*

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

The Proposal

The Planning Proposal seeks to amend Schedule 1 of LLEP 2008 to permit multi dwelling housing as an additional permitted use with development consent at the subject site.

4. CONSIDERATIONS FOR STRATEGIC MERIT

The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal (Section A, Q1 and Q2).

1. *Is the planning proposal a result of any strategic study or report?*
The planning proposal is not the result of any strategic study or report
2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*
“Multi dwelling housing” is not a permitted use on land zoned R2 — Low Density Residential. A planning proposal seeking either the rezoning of the subject site to R3 — Medium Density Residential or seeking the additional use of “multi dwelling housing” would be required to achieve the intended outcome.

The Department's *A guide to preparing planning proposals* includes the following question to delineate consistency with the NSW strategic planning framework (Section B, Q3).

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)?*

The planning proposal is consistent with the Greater Sydney Region Plan *A Metropolis of Three Cities*, particularly Objective 10: Greater housing supply; and Objective 11: Housing is more diverse and affordable. The proposal also references the Western City District Plan (WCDP) Planning Priority W5: *providing housing supply, choice and affordability with access to jobs, services and public transport*.

While amending planning controls for the subject site to permit “multi dwelling housing” is likely to lead to an increase in the provision of dwellings at the site, it is nevertheless important to critically assess the merit of the proposal for consistency with the WCDP. The proposal can only be considered to have strategic merit, if consistency with the WCDP can be established.

Planning Priority W5 states that:

New housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design. Housing supply must be coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport. This means that some areas are not appropriate for additional housing due to natural or amenity constraints, or lack of access to services and public transport.

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

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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.

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 20 - 25 minutes.

Planning Priority W5 discusses criteria for “Local infill development”. Specifically, it encourages Councils to consider the appropriateness of additional medium density housing. While it states that “councils are in the best position to investigate and confirm which parts of the local government area are suited to additional medium density opportunities”, it goes on to specify a number of criteria that should be considered including:

- *transitional areas between urban renewal precincts and existing neighbourhoods*
- *residential land around local centres where links for walking and cycling help promote a healthy lifestyle*
- *areas with good proximity to regional transport where more intensive urban renewal is not suitable due to challenging topography or other characteristics*
- *lower density parts of suburban Greater Sydney undergoing replacement of older housing stock*
- *areas with existing social housing that could benefit from urban renewal and which provide good access to transport and jobs.*

The subject site meets some of the above criteria:

- *The subject site is part of an existing neighbourhood with varying dwelling typologies representing the previous and current zoning*
- *The subject site is within reasonable proximity of the local centre (700m in a straight line) or 863m utilising footpaths*
- *The subject site is serviced by local public transport*

WCDP housing targets

The WCDP has set a five-year housing target for Liverpool LGA (2016 to 2021) of 8250. Based on current trends and advice from the Greater Sydney commission, the Liverpool LGA will meet the 5 year housing target.

The Department’s *A Guide to Preparing Planning Proposals* includes the following question (Section B, Q4)

4. *Is the planning proposal consistent with Council’s local strategy or other local strategic plan?*

Liverpool Residential Development Strategy

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The Liverpool Residential Development Strategy (LRDS) was adopted by Council in July 2008. While the strategy is over 10 years old, it nevertheless provides strategy consistent with current Section 9.1 directions, and makes recommendations specifically applicable to Chipping Norton. A revised housing strategy is currently being prepared to inform the preparation of the Local Strategic Planning Statement and LEP review.

Broadly, the current strategy seeks to “consolidate medium density residential zones to areas around activity centres (200m-800m) and major transport nodes and downzone fringe areas”. In addition, the strategy sought to “maintain a small area (equivalent to about 200 m radius) around planned or potential Neighbourhood Centres in the following existing neighbourhood centres” including Chipping Norton (Childs Road) (LRDS p 21).

The specific residential development strategy for Chipping Norton was described as follows:

- *Contain high density residential east of Ernest Avenue to 3 Ha – 5 Ha between the existing pocket of residential apartments in the north and the centre, and instead expand the high density residential zone by a further 1 Ha – 2 Ha immediately west of the centre.*
- *Provide for four storey residential buildings and three storey buildings on interfaces with lower density zones.*
- *Establish a medium density zone extending up to 400m (5 minute walk) from the Centre, up to Central Avenue.*
- *Revise controls to facilitate villa development as an affordable alternative housing development on single 18m wide lots.*
- *Facilitate pedestrian connections and street improvements along Ernest Avenue, Central Avenue and Haddenham Street to the centre and school (LRDS p43).*

The proposed zoning changes recommended by the LRDS for Chipping Norton, which were incorporated into LLEP 2008, are illustrated in Figure 3 below.

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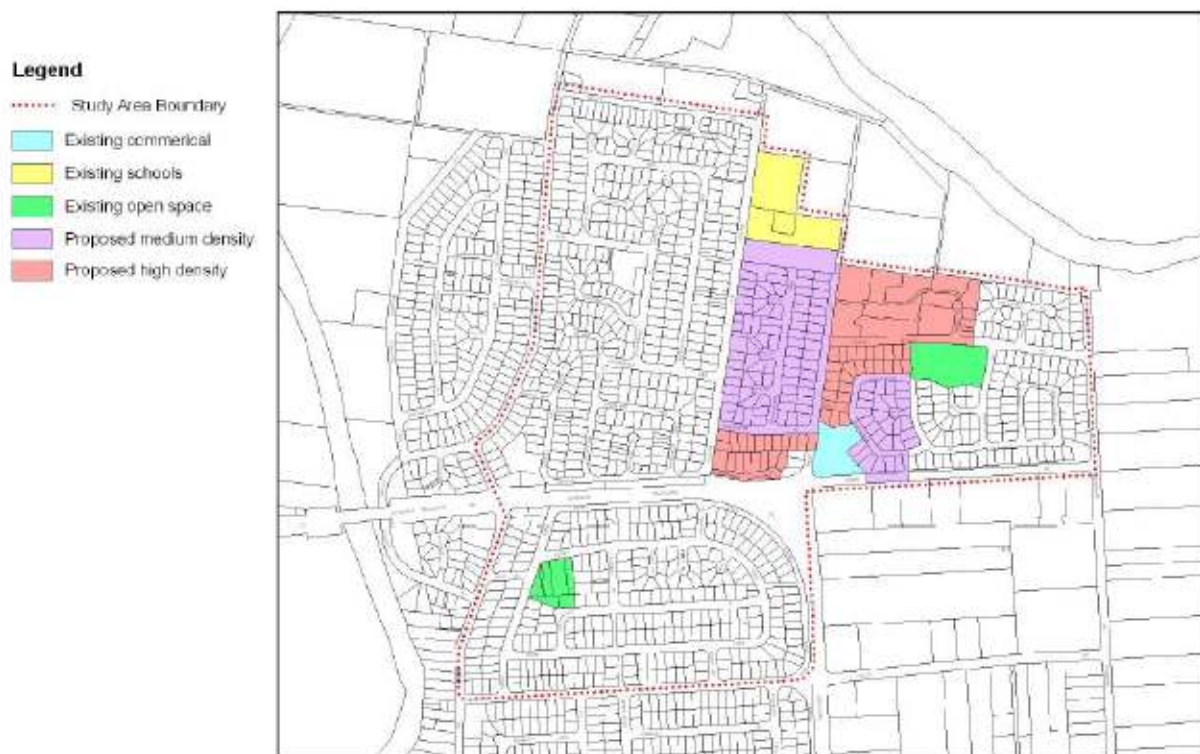


Figure 3: Chipping Norton-residential development strategy

The subject site was not considered for multi dwelling (medium density) development by the LRDS, notwithstanding that the previous LEP allowed multi dwelling housing as a land use permitted with consent. The site is within 800m of the local centre, however by direct footpath is slightly in excess of 860m.

Facilitating medium density (multi dwelling) housing at the subject site is not inconsistent with the LRDS.

Section 9.1 Directions

The planning proposal addresses the following directions, pursuant to Section 9.1 of the EP&A Act 1979:

Section Direction	9.1	Complies	Justification
Environment and Heritage			
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. 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.</p>

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Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	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	No	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.
Hazard and Risk		
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.
Local Plan Making		
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	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. No drawings or details are provided within this planning proposal detailing a possible future development proposal.
Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	No	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> .

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Liverpool Local Environmental Plan (LLEP) 2008

The subject site is zoned R2 — Low Density Residential in accordance with the zoning map of the LLEP 2008 (Figure 4).



Figure 4: Zoning Map for Subject Site

The proposal is in the R2 zone and is not inconsistent with the following objectives:

- To provide for the housing needs of the community within a low density residential environment; and
- To provide a suitable low scale residential character commensurate with a low dwelling density.

The objectives of the R2 — Low Density Residential zone are to provide for housing within a “low density residential environment” and to maintain “a suitable low scale residential character”. The proposed amendment would permit the development of multi dwelling housing at the subject site, a use previously allowed for on this site under the LLEP 1997. Given the principal development standards are proposed to remain unchanged, and that multi dwelling housing has been developed on adjoining sites, an appropriate scale of development consistent with existing development can be achieved on this site and be consistent with the existing character of the area.

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5. CONSIDERATIONS FOR SITE SPECIFIC MERIT

The Department's *A guide to preparing planning proposals* includes the following site-specific merit questions (Section B, Q3b).

Does the proposal have site-specific merit, having regard to the following:

- *the natural environment (including known significant environmental values, resources or hazards) and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

With respect to considerations for site merit, there are no natural environmental values present on the site, which has been developed for residential purposes for a number of years.

The site has been developed for residential purposes for a number of years. While there is no concern regarding the provision of basic infrastructure to the site (water, electricity, sewer et cetera), access to public transport is limited (one bus every 30 minutes during peak hour) and whilst generally within 800m of the local centre, pedestrian access to shops and services is limited compared to other R3 zoned land.

The Department's *A guide to preparing planning proposals* includes the following questions regarding State Environmental Planning Policies (Section B, Q5).

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

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 (Infrastructure) 2007	Yes. The scale of the development would not trigger a referral to the RMS pursuant to clause 104.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes. Were the proposed amendment to be adopted, future development of the site for multi dwelling housing could be

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	carried out pursuant to the Medium Density Housing Code, to be applied to Liverpool as of 1 July 2019.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Yes

The Department's *A guide to preparing planning proposals* (Section B) includes the following questions for consideration:

<i>Question</i>	<i>Comment</i>
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?	No. The site has been fully developed for residential purposes for a number of years.
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	No. There are no other likely environmental effects which would result from the planning proposal.
9. Has the planning proposal adequately addressed any social and economic effects?	Social impacts directly related to the proposed amendment would be minimal. Should the proposal proceed, a traffic impact assessment would need to be prepared subsequent to the issuing of a Gateway Determination. A heritage impact assessment would also be required post Gateway, pursuant to Section 9.1 directions 2.3.
10. Is there adequate public infrastructure for the planning proposal?	Yes, the site is fully serviced with access to a limited bus service to Liverpool.
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 would be consulted in accordance with the requirements of a Gateway Determination issued for the proposal.

Next Steps

Following a review of the planning proposal by the Local Planning Panel, the usual process for planning proposals, is for Council officers to finalise the proposal detailing the proposed changes to LLEP 2008 (this report). The Planning Proposal would then be reported to Council for

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endorsement and subsequently forwarded to the Department of Planning and Environment seeking a Gateway determination.

Following a Gateway Determination, in support of the Planning Proposal, there would be public authority and community consultation, a public exhibition period and a further report to Council prior to proceeding with the making of any amendment to LLEP 2008.

6. CONCLUSION

It is recommended that the planning proposal proceeds to a gateway determination as the proposal has demonstrated strategic and site specific merit and is consistent with the resolution of Council.

7. ATTACHMENTS

- 1. Council Resolution**
- 2. Planning Proposal**