

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Proposal Title : Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Proposal Summary : The planning proposal is to rezone land at 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use zone. It also seeks to amend the height, FSR and Land Acquisition map for the subject site.

The planning proposal also seeks to amend the Liverpool Local Environmental Plan 2008 by adding a new clause 7.35 Minimum residential and non-residential floor space ratio controls applying to the land at 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool. The proposed clause will prohibit development of the subject site unless a development proposal incorporates a minimum non-residential floor space component in the development proposal.

PP Number : PP_2015_LPOOL_001_00 **Dop File No :** 15/04992

Proposal Details

Date Planning Proposal Received :	04-Mar-2015	LGA covered :	Liverpool
Region :	Metro(Parra)	RPA :	Liverpool City Council
State Electorate :	LIVERPOOL	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	133 Bigge Street, 26-28 Elizabeth Street and 148 George Street		
Suburb :	Liverpool	City :	Liverpool
		Postcode :	2170
Land Parcel :	Lots A, B, C & D in DP 337604, Lots 2 and 3 in DP 700219, Lot 1 DP 217460, Lot 1 DP 516633, Lot 4 DP 592346 and Lot 10 DP 621840.		

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	600
Gross Floor Area :	0	No of Jobs Created :	964

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **The Department' Lobbyist Contact Register has been checked on 17 March 2015, and there are no records on the Department's Lobbyist Contact Register regarding this matter.**

Supporting notes

Internal Supporting
Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of this planning proposal is to:**

- **Rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use;**
- **Increase the floor space ratio across the site to 10:1 while restricting permissible development with the inclusion of a requirement of a minimum residential FSR of 2.5:1 and a non-residential FSR of 5:1 pertaining to the site;**
- **To remove height of building controls from the site; and**
- **To remove Land Reservation Acquisition controls from part of the site.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council has provided the following explanation for the proposed amendment:**

The following Liverpool Local Environmental Plan 2008 maps will be replaced:

- 1. Land Zoning Map - LZN-011 – rezone from B3 Commercial Core to B4 Mixed Use.**
- 2. Floor Space Ratio Map - FSR-011 – change FSR from 2.5:1 (133 Bigge Street) and 5:1 (26-28 Elizabeth Street and 148 George Street) to 10:1.**
- 3. Height of Buildings Map - HOB-011 – Remove the height of building controls from the site from the existing 45 metres (133 Bigge Street) and 100 metres (26-28 Elizabeth Street and 148 George Street).**
- 4. Land Reservation Acquisition Map - LRA-0011 - Remove "Local Road (SP2 Infrastructure)" identification applying to Part of Lots A,B,C and D DP 337604.**

The planning proposal also seeks to amend the Liverpool Local Environmental Plan 2008 by adding a new clause 7.35 Minimum non-residential floor space ratio control at 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool. This clause would prohibit development of the subject site unless a development proposal incorporates a minimum non-residential floor space component.

For detail explanation of provisions, please see page 7 of the planning proposal.

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Council's explanation of the provisions is satisfactory.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

Consistency with relevant s117 Directions:

1.1 Business and Industrial Zones

The planning proposal seeks to amend the Liverpool LEP 2008 to reduce the potential business floor space on the subject site from approximately 44,000 square metres to a minimum of 18,700 square metres (as per the proposed minimum non-residential FSR clause)

The reduction in business floor space is justified by the Economic Impact Assessment prepared by Urbis, August 2014(copy in documents) submitted by the proponent. The key findings indicate that the proposed development will not have an adverse economic impact on the Liverpool Regional City or its capacity to achieve its employment targets. The proposal can help meet overall jobs targets whilst also providing the housing supply in a market where population growth is expected to exceed its existing development.

Specifically, the Urbis study has found that:

□ There is a surplus of jobs in industry sectors that deliver services to the local population – indicating that the industry make-up of the Liverpool Regional City is oriented to servicing a local population base.

□ The subject site's current zoning and FSR controls are incompatible with existing market demand and draft Metropolitan Strategy job targets for office alone, delivering over 80,000sq.m of commercial floor space, making up approximately 99% of the required office space to achieve the minimum draft Metropolitan Strategy targets.

□ The minimum non-residential FSR for both the subject sites - B4 Mixed Use zoned land in the centre will encourage additional development activity, while ensuring a minimum employment yield. Specifically:

□ Ensuring a minimum employment yield of 958 jobs on the subject site, achieving

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

approximately 10% of the draft Metropolitan Strategy minimum jobs target for the Liverpool Regional City;

□ The commercial floorspace of 14,460sq.m is more in-line with market demand and expectations within the Liverpool City Centre, compared to the existing controls;

□ Allow for cross subsidisation of employment floor area, by residential developments;

□ Allow for increased housing supply within the centre, close to transport and amenity;

□ Encourage development activity, revitalising Liverpool's centre; and

□ The relatively low vacancy of the South Subregion's office market, noted lack of A Grade office space, the proposed development if able to secure an anchor tenant could conceivably revitalise the Liverpool CBD's office market.

The Urbis study identified that given the overall market conditions, the viability of developing new office on a standalone basis is questionable. As such, it considered appropriate that the site be developed for other mixed use opportunities for residential and ground floor convenience retail.

COMMENT:

It should be noted that unlike the draft Metropolitan Strategy, the Plan for Growing Sydney has no prescriptive employment/commercial floor space target. The Council's planning proposal and the Urbis study (August 2014) predates A Plan for Growing Sydney (December 2014) document and have not referred to this document.

The Department's Urban and Regional Planning Team was consulted. The Urban and Regional Planning team acknowledged the status of Liverpool in the Plan for Growing Sydney as a Regional City and the priorities for Liverpool.

It is considered the Urbis study recommendations in support of a mixed use zone on the site provides an appropriate consideration of employment in the Liverpool CBD. The proposed site adjoins an open space - Bigge Park and is relatively a small area within the Liverpool CBD, which will largely remain for commercial purpose.

The inconsistency of the planning proposal with the direction is considered to be of a minor significance, and the approval of the Secretary's delegate is recommended.

2.3 Heritage Conservation

Part of the site (133 Bigge Street-Lots A, B, C, and D in DP 337604) is located within the Bigge Park Conservation Area. Clause 5.10(4) of the Liverpool Local Environmental Plan 2008 requires that:

The consent authority must, before granting consent under this clause in respect of heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site is also located in the vicinity of the following heritage items:

- Liverpool College (former Liverpool Hospital) (Item No. 80) – State significance.
- Plan of the Town of Liverpool (Hoddle Street grid) (Item No. 89) – Local significance.
- Dr James Pirie Child Welfare Centre Building (Item No. 100) - Local significance.
- All Saints Roman Catholic Church (Item No. 85) - Local significance.
- Milestone at the corner of Elizabeth Drive and George Street (Item No. 83) - Local significance.
- St Lukes Anglican Church Group (Item No. 84) - State significance.

The proponent recommended that the site be removed from the Conservation Area but did not submit a heritage impact study with the rezoning application.

Council however, did not support the removal of part of the site from the Bigge Park

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Conservation Area.

Council has advised that the subject site has been identified as a potential archaeological site in Liverpool Archaeological Zoning and Management Plan. Council has also advised that the pre-1836 main Liverpool town drain crosses the site and the archaeological remains of the c.1920s Hope Inn are potentially located at no 133 Bigge Street. In addition, the site contains an early weatherboard house. Council recommends that the heritage significance of this building should be addressed, and recommended for an archival recording prior to demolition.

In light of this, Council recommends that the Gateway determination should require that a heritage study be prepared by a suitably qualified and experienced heritage consultant to Council's satisfaction prior to the public exhibition of the planning proposal.

Council's recommendations are supported and it is recommended that a heritage study be prepared by a heritage consultant prior to public exhibition of the planning proposal, and to the satisfaction of the Secretary in accordance with the conditions of the Direction.

3.1 Residential Zones

The planning proposal proposes to facilitate provision of residential development and is considered to be consistent with the direction. It seeks to make the development of apartment style dwellings permissible on the site in a way that will broaden housing choice, make more efficient use of existing infrastructure and services, reduce consumption of land for housing and be of good design. Further, Council has advised that a thorough assessment of infrastructure requirements of the site will be undertaken following the issuing of a Gateway determination.

The proposal is consistent with the direction.

3.4 Integrated Land Use and Transport

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The planning proposal is considered to be consistent with the objectives of this direction in that it will permit mixed use development in the Liverpool City Centre in a central and well serviced location close to amenities and public transport.

4.1 Acid Sulfate Soils

This direction applies as the subject site is mapped as having Class 5 Acid Sulfate Soils (map on page 18 of the planning proposal) and is located within 500 metres of land mapped as Class 1.

This direction requires that the relevant planning authority must not prepare a planning

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

proposal that proposes an intensification of land uses on land identified as having probability of containing Acid Sulfate Soils Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid. The relevant planning authority must provide a copy of any such study to the Secretary prior to undertaking community consultation in satisfaction of section 57 of the Act.

No acid sulphate soils study was submitted with the planning proposal. The planning proposal recommends that the Gateway determination require that the planning proposal not be placed on public exhibition until such time as the proponent has submitted an acid sulphate soils study that assess the appropriateness of the change of land use given the presence of acid sulphate soils to the satisfaction of Council and be submitted to the Secretary of the Department of Planning and Environment prior to public exhibition of the planning proposal.

It is therefore recommended that should the proposal proceed, an acid sulphate soils study be prepared prior to exhibition of the planning proposal, which gives considerations to the objectives of the direction to avoid significant adverse environmental impacts from the use of the land.

6.2 Reserving Land for Public Purposes

This direction requires that a planning proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary (or an officer of the Department nominated by the Secretary).

This direction applies as the planning proposal seeks to remove the land reserved for acquisition on part of 131 Bigge Street as illustrated in Figure 3 of the planning proposal (map on page 9 of the planning proposal).

Council has advised that it is in the process of developing an alternative traffic pattern for Liverpool City Centre as part of an LEP review process, which will ameliorate future pressure on the Bigge Street/Elizabeth Street intersection. As a result, this land is no longer required for the purpose it was reserved. Council therefore wishes to relinquish its interest in purchasing the land and seeks to have the reservation of the land removed from the site.

It is considered the inconsistency is considered to be of a minor nature. The approval of the Secretary is recommended.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls.

It is considered that the proposal is not consistent with the direction as it proposes minimum non-residential FSR/residential FSR controls to apply to the specific site. It is not considered the proposed control to be suitable for other B4 Mixed Use zoned land throughout the LGA.

The inconsistency in this instance is considered to be justified and minor.

The approval of the Secretary is recommended to satisfy the Direction.

7.1 Implementation of the Metropolitan Strategy

The planning proposal's consistency with 'A Plan for Growing Sydney', and the draft

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

South West Subregional Strategy are discussed under "Consistency with strategic planning framework" section of this report.

It is noted that unlike the draft Metropolitan Strategy, the Plan for Growing Sydney has no prescriptive employment/commercial floor space target. The Council's planning proposal and the Urbis study (August 2014) predates A Plan for Growing Sydney (December 2014) document and have not referred to this document.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided:

- an aerial photograph
- location map
- draft Land Zoning Map
- draft Floor Space Ratio Map
- draft Height of Building Map
- draft Land Reservation Acquisition Map

It is considered that the maps submitted by Council are inaccurate as they do not consistently show the correct subject site. Some of the maps shown on pages 23 - 25 of the planning proposal show George Street and Bigge Street included as part of the subject site but the location map at Figure 1 on page 3 of the planning proposal does not include the streets.

It is recommended that the prior to public exhibition, Council is to revise and update the planning proposal to show the subject site correctly and consistently in all documents.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

No community consultation period has been proposed by Council. However, given the nature of the planning proposal, it is recommended that it should be placed on public exhibition for a minimum of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Council's covering letter for the planning proposal mentions the removal of the yellow and "local Road (SP2)" label from the site on the Land Acquisition Map - LRA 011 map. This identification is incorrect as the land identified in Figure 3 of the planning proposal is not zoned SP2. It is zoned B3 Commercial Core.

It is recommended that prior to community consultation, the planning proposal is to be updated to reflect this anomaly.

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Liverpool principal plan was made in 2008. This planning proposal is draft Amendment 51 to Liverpool Local Environmental Plan 2008.

Assessment Criteria

Need for planning
proposal :

THE SITE:

The subject site is located on the northern fringe of the Liverpool City Centre, known as the Peter Warren site. It is situated 400 metres walking distance from Liverpool train station and Liverpool bus interchange and within 400 metres of Liverpool's retail centre. Liverpool Hospital is also located less than 400 metres away (location maps are in Documents).

The area of the subject site is 1.018 hectares. The land is currently zoned B3 Commercial Core which specifically prohibits residential uses. The site is currently occupied by a fruit market, a car yard and a car hire premises comprising various small buildings and structures, and surface car parking.

The subject site is adjacent to Bigge Park to the east and is within the Bigge Park Conservation Area. The site is also located in the vicinity of significant heritage items listed in the Heritage Schedule (see discussion under S117 Direction 2.3 Heritage Conservation) of Liverpool LEP 2008.

The site is identified as a Key Site on the Liverpool Local Environmental Plan 2008 Key Sites map, which triggers extra provisions of Clause 7.5 of the Liverpool Local Environmental Plan 2008 requiring an architectural design competition for any development having a capital value of more than \$10 million on the site.

Current zoning permits a maximum FSR of 5:1 for 148 George Street and 26-28 Elizabeth Street and 2.5:1 for 133 Bigge Street.

Current zoning permits a maximum building height of 100 metres for 148 George Street and 26-28 Elizabeth Street and 45 metres for 133 Bigge Street.

COUNCIL'S VIEW:

The proposed rezoning from B3 Commercial Core and B4 Mixed Use is considered appropriate for the site. The zoning change would:

- provide for a more flexible range of uses, in particular residential accommodation in the form of shop top housing as part of a mixed use development; and
- will facilitate increasing the population in the City Centre, contributing toward Council's vision to increase activity and vibrancy within the Centre.

A Master Plan for the subject site submitted to Council as part of the rezoning application indicates the potential for a large development consisting of a commercial building, mixed use development, and hotel on the site. The proposed zoning change would facilitate this outcome as well as providing flexibility for other potential developments on the site.

The planning proposal:

- ☐ will encourage additional development activity, revitalising Liverpool city centre;

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

- will allow a minimum employment yield of 958 jobs on the subject site, achieving approximately 10% of the draft Metropolitan Strategy minimum jobs target for the Liverpool Regional City;
- will facilitate commercial floorspace of 14,460sq.m which is in-line with market demand and expectations within the Liverpool City Centre;
- will allow for cross subsidisation of employment floor area, by residential developments; and
- will allow for additional 600 dwellings within the centre, close to transport and amenity.

Detailed assessment against strategic documents are discussed under separate headings in this report.

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Consistency with strategic planning framework :

Relationship to strategic planning framework

METROPOLITAN STRATEGY

A PLAN FOR GROWING SYDNEY:

The planning proposal is considered to be consistent with 'A Plan for Growing Sydney' as it supports the following directions within the Plan.

It is expected to create 964 jobs in the city centre (Direction 1.4). It will also grow the strategic centre of Liverpool and provide jobs closer to home. (Direction 1.7).

In relation increasing housing supply across Sydney, the proposal allow for approximately 600 apartments within the Liverpool City Centre (Direction 2.1).

DRAFT SOUTH WEST SUBREGIONAL STRATEGY

The planning proposal is considered to be generally consistent with the draft South West Sub-regional Strategy.

LOCAL STRATEGY

The planning proposal is generally consistent with 'The Revitalising Liverpool City Centre Plan 2006'. This document describes a vision for the city centre and provides information on the history and development context.

REVIEW OF LIVERPOOL CBD PLANNING CONTROLS

The planning proposal is for rezoning of a site, which is located on the northern fringe of the existing B3 Commercial Core zoned land in Liverpool City Centre to B4 Mixed Use. The proposal seeks to reduce business floor space on the subject site from approximately 44,000 square metres to 18,700 square metres. The reduction in business floor space is justified by an Economic Impact Assessment report submitted by the proponent, which concludes that Liverpool CBD has an excess of land zoned B3 Commercial Core to meet future expected demand for commercial floor space.

It should be noted that this proposal is the first of many proposals following Council's review of planning controls in the Liverpool City Centre (see attached Council's email). Council intends to rezone all land in the city centre currently zoned B3- Commercial Core to B4 – Mixed Use. It also intends to make other amendments to Height of Building and FSR controls and to amend sections of the LEP relating to controls in the city centre. This review will ultimately result in Council preparing planning proposals. Council has advised that a report on the review of planning controls in the city centre is in preparation for Council meeting at the end of March.

As discussed above, the Department's Urban and Regional Planning team sees the Council's review process as an opportunity for the Department and Council to work together to review the appropriateness of the current size and form of the B3 zoned area, and has been included in the Gateway determination letter to Council.

Environmental social economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

ACID SULFATE SOILS

The Acid Sulfate Soils issue has already been discussed under s117 Directions, where it has been recommended that should the proposal proceed, an acid sulphate soils study be prepared and provided to the Department prior to exhibition of the planning proposal.

SOLAR ACCESS TO BIGGE PARK

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

The planning proposal seeks to increase the FSR of the site from an existing maximum of 6:1 to 10:1 and to remove height controls, permitting the development of a tower (the proponent has indicated that a likely height may be 129 metres although it is intended that no height limit apply to the site).

The proponent has acknowledged that some overshadowing of Bigge Park would be a likely impact of development envisaged by the planning proposal and has submitted a shadow diagram showing that the park would not be overshadowed at 12pm on 21 June, but 35% of the park would be overshadowed at 2pm on 21 June.

The proponent has argued that the removal of a height limit from the site will encourage the development of taller, slimmer building on the site. Council acknowledges that the development of the subject site to its full potential as described in this planning proposal will lead to potential environmental impact and must be further investigated and this would form part of the recommended heritage impact study.

BANKSTOWN AIRPORT

The planning proposal is to remove height of building from the subject site as there is uncertainty to permissible building heights due to Obstacle Limitation Surfaces (OLS) related to Bankstown Airport. Council has previously raised concerns with the Department that there are concerns relating to height of buildings within Liverpool City Centre in relation to developments which propose to penetrate the Obstacle Limitation Surfaces (OLS) of flights from Bankstown Airport. It is, therefore, recommended that Council consult Bankstown Council, Bankstown Airport Limited, Civil Aviation Safety Authority, Airservices Australia and the Department of Infrastructure and Transport on the planning proposal.

ECONOMIC IMPACTS

The proponent has submitted an Economic Impact Assessment (EIA) for the proposal prepared by Urbis (August 2014). The EIA was based on the development of the site (10,189 square metres) to provide 600 residential units, 38,800 square metres of commercial floor space and 2700 square metres of retail floor space to accommodate 964 jobs.

Council acknowledges that this would be permissible following changes made to Liverpool Local Environmental Plan 2008 by this planning proposal, this represents one potential option only. Council has clarified that its support for the planning proposal does not constitute support for any particular development option. Any specific development proposal for the site would be determined following the lodgement of a development application.

HERITAGE ISSUES

The Heritage issues have already been discussed under s117 Directions, where it has been recommended that should the proposal proceed, a heritage study be prepared to Council's and Department's satisfaction prior to exhibition of the planning proposal.

TRAFFIC AND TRANSPORT

Council has advised that the proponent submitted a traffic and transport study prepared by Colston Budd Hunt and Kafes Pty Ltd which assessed that the planning proposal would facilitate the development of 41,500sqm of commercial floor space and approximately 600 dwellings on the site.

The transport study identifies the inclusion of a right of way at the southern boundary of the site between George Street and Bigge Street, providing access

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

to the development.

Council has also advised that a subsequent "Streetscape Context Study" submitted by the proponent has identified a new public laneway from the southern boundary of Elizabeth Street as the only viable option for providing pedestrian access to and through the site.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Energy Australia
Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

Metropolitan and Regional Strategy

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Resolution and Report.pdf	Determination Document	Yes
Economic Impact Assessment.pdf	Study	Yes
Existing - 4900_COM_LZN_011_005_20110405.pdf	Map	Yes
Existing - 4900_COM_LRA_011_005_20120730.pdf	Map	Yes
Existing - 4900_COM_HOB_011_005_20110405.pdf	Map	Yes
Existing - 4900_COM_FSR_011_005_20120201.pdf	Map	Yes
Draft - 4900_COM_LZN_011_005_20150116.pdf	Map	Yes
Draft - 4900_COM_LRA_011_005_20150116.pdf	Map	Yes

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

Draft - 4900_COM_HOB_011_005_20150116.pdf	Map	Yes
Draft - 4900_COM_HOB_011_005_20150116.pdf	Map	Yes
Draft - 4900_COM_FSR_011_005_20150116.pdf	Map	Yes
Location Maps.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: 1.1 Business and Industrial Zones
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **Recommendation:**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be publicly exhibited for 28 days, and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. Prior to public exhibition Council is to;

- update the planning proposal in relation to identifying the part of land to be removed from the Land Acquisition map. This land is incorrectly identified in the planning proposal as zoned "Local Road (SP2 Infrastructure)" instead of B3 Commercial Core zone; and

- update the planning proposal and all relevant documents to accurately show the correct site subject to the planning proposal.

overshadowing construction

3. Prior to public exhibition, Council is to undertake Heritage Impact Study and Acid Sulfate Soils Study as proposed in the planning proposal and amend the planning proposal if required. The studies are to be submitted to the Department for consideration in accordance with section 117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils.

4. The Secretary's delegate pursuant to:

- item (5) (d) of section 117(2) Direction - 1.1 Business Zones agrees that the inconsistency in this instance is of minor nature;

- item (4) of the Section 117(2) Direction – 6.2 Reserving Land for Public Purposes, endorses the removal of land reserved for acquisition on 131 Bigge Street, Liverpool.

- item (4) of the Section 117(2) Direction – 6.3 Site Specific Provisions, endorses

Liverpool Local Environmental Plan 2008 (Amendment No 51) – to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

inclusion of the minimum non-residential FSR site specific controls applying to the site.

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Office of Environment and Heritage
Transport for NSW
Road and Maritime Services
Sydney Water
Energy Australia
Telstra
~~Bankstown City Council~~
Bankstown Airport Limited
Civil Aviation Safety Authority
Airservices Australia
Department of Infrastructure and Regional Development

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

DELEGATION TO COUNCIL

Council requested to use delegation to proceed with the planning proposal (see attached Documents). Given the potential broader strategic implications involved it is recommended delegation not be granted.

Supporting Reasons :

The planning proposal is supported, as it will create 600 dwellings and over 900 jobs within Liverpool City Centre, strengthening its role as a regional city for south-western Sydney and facilitating the creation of a vibrant hub of activity.

Signature:

R. Cumming

Printed Name:

Rachel Cumming

Date:

21 May 2015 .

