

Clr Balloot left the chambers at 7.37pm.

PLANNING AND GROWTH REPORT

ITEM NO: DPG 01

FILE NO: 290939.2014

SUBJECT: Planning Proposal for 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street Liverpool

RECOMMENDATION

That Council:

1. Endorses in principle, the proposal to rezone 133 Bigge Street, 26-28 Elizabeth Street, and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use.
2. Delegates to the CEO the authority to approve the final Planning Proposal to administer this rezoning, for submission to the Department of Planning and Environment for Gateway Review.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote for:

- Mayor Mannoun
- Clr Balloot
- Clr Hadchiti
- Clr Hadid
- Clr Harle
- Clr Karnib
- Clr Mamone
- Clr Ristevski
- Clr Shelton
- Clr Waller

Vote against: Clr Stanley

DPG 01

**Planning Proposal for 133 Bigge Street, 26-28
Elizabeth Street and 148 George Street Liverpool**

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	290939.2014
Report By	Simon Porter - Acting Manager Strategic Planning
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

Council has received an application to rezone the land known as the Peter Warren site in the Liverpool City Centre. The subject site is comprised of 133 Bigge Street, 26-28 Elizabeth Street, and 148 George Street, Liverpool. The proposal seeks a rezoning from B3 Commercial Core to B4 Mixed Use as well as changes to development standards corresponding to the proposed changes in land use and built form.

Council officers are in the process of finalising the review of this application and preparing a Planning Proposal which details the changes that will be sought to the Liverpool Local Environmental Plan 2008. To allow this process to continue and not be delayed by the Christmas /New Year break, in principle endorsement for the rezoning of the subject site is sought from Council. Council officers will progress the detailed planning proposal for the CEO's review early in the new year.

It is recommended that the CEO be delegated authority to approve the final planning proposal for submission to the NSW Department of Planning and Environment for Gateway determination.

RECOMMENDATION

That Council:

1. Endorses in principle, the proposal to rezone 133 Bigge Street, 26-28 Elizabeth Street, and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use.
2. Delegates to the CEO the authority to approve the final Planning Proposal to administer this rezoning, for submission to the Department of Planning and Environment for Gateway Review.

REPORT

Background

On 22 August 2014 a rezoning application was submitted to Council for 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street Liverpool (the Peter Warren site) by Mosca Pserras Architects P/L (the applicant).

The subject site is identified as Lots A, B, C & D in DP 337604; Lots 2 & 3 in DP 700219; Lot 1 DP 217460; Lot 1 DP 516633; Lot 4 DP 592346 and Lot 10 DP 621840.

The application seeks to rezone the subject site from B3 Commercial Core to B4 Mixed Use, and also seeks a range of other amendments to the Liverpool Local Environmental Plan (LLEP) 2008 as detailed below. The application submitted to Council is also attached to this report for further reference.

Floor Space Ratio

The planning proposal seeks to increase the Floor Space Ratio (FSR) across the subject site to 10:1. 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. The applicant has also recommended that a mechanism be added to LLEP 2008 (either as a new clause or amendment to the existing Clause 4.4), which would impose minimum non-residential floor space controls on the subject site, being 2.5:1 for 148 George Street and 1.5:1 for 26-28 Elizabeth Street and 133 Bigge Street.

Building Height

The planning proposal seeks to remove all building height controls applying to the site. 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.

Land Reservation

The planning proposal seeks the removal of the portion of the subject site indicated on the Land Reservation Acquisition Map for future acquisition by Council for the purposes of road widening at the corner of Bigge and Elizabeth Streets Liverpool.

Bigge Park Conservation Area

The planning proposal seeks to remove 26-28 Elizabeth Street from the Bigge Park Conservation Area.

Overview of the assessment of the proposal

An initial assessment of the proposal was undertaken by Council officers, following which further information and justification was requested of the applicant. This was submitted to Council on 28 November 2014 and is currently being reviewed.

Following this review, a planning proposal detailing the changes sought to the Liverpool LEP 2008 will be prepared by Council officers to be sent to the Department of Planning and Environment (DP&E) for Gateway Review.

The proposed rezoning from B3 Commercial Core and B4 Mixed Use is considered appropriate for the site. This 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. This 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.

To address the potential loss of commercial floor space and jobs which may arise from permitting residential (shop top housing) on the subject site, the applicant has proposed a Floor Space Ratio (FSR) mechanism to require a portion of commercial floor space within the development. Council officers instead recommend the use of an FSR incentive for commercial floor space to achieve this outcome whilst providing greater flexibility. This will be detailed in the finalised planning proposal.

Council is also currently undertaking a broader review of the planning controls for the Liverpool City Centre. This is being informed by a number of studies and work done as part of the Building Our New City initiative. It should be noted that the assessment of this rezoning application has taken into consideration this broader City Centre planning control review.

Process from here

The usual process for rezoning applications following a review of the application is for Council officers to prepare a planning proposal detailing the proposed changes to the Liverpool LEP 2008. This planning proposal would then be reported to Council for endorsement to send to the DP&E for Gateway Review.

In this instance, officers are seeking in principle endorsement from Council before finalising the detailed planning proposal. This is because of the potential for the application to otherwise be delayed as a result of the Christmas break, which would result in the submission of the planning proposal for Gateway Review not occurring until March 2015 at the earliest. To address this, it is recommended that Council delegates to the CEO the authority to approve the final planning proposal to send to the DP&E for Gateway Review. It is anticipated that this will occur during January 2015.

As Councillors would be aware, following a Gateway Determination for a planning proposal there is a process of State agency consultation, public exhibition, and a further report to Council before proceeding with the making of any changes to the LEP.

Conclusion

It is recommended that the proposal to rezone the land known as the Peter Warren Site in the Liverpool City Centre from B3 Commercial Core to B4 Mixed Use be endorsed in principle, and that the authority to approve the finalised planning proposal be delegated to the CEO so that it can be submitted to the DP&E for Gateway Review in January.

CONSIDERATIONS

Economic and Financial	Facilitate economic development. Further develop a commercial centre that accommodates a variety of employment opportunities (in the City Centre).
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	Preserve and maintain heritage, both landscape and cultural as urban development takes place. Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Applicant's Planning Proposal (Under separate cover)
2. Applicant's Urban design study (Under separate cover)
3. Applicant's Economic Impact Assessment (Under separate cover)
4. Applicant's Transport Study (Under separate cover)
5. Applicant's Streetscape Context Study (Under separate cover)