

ITEM NO: DPG 02
FILE NO: 209750.2015
SUBJECT: Proposed amendment to the Liverpool Local Environmental Plan 2008 - Rezoning of land at 311 Hume Highway, Liverpool

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit the Draft amendment to the Liverpool Local Environmental Plan 2008.
2. Forwards a copy of the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.

Motion: **Moved: Clr Harle** **Seconded: Clr Hadid**

That the recommendation be adopted.

Vote for: Mayor Mannoun
 Clr Balloot
 Clr Hadid
 Clr Hadchiti
 Clr Harle
 Clr Mamone
 Clr Ristevski

Vote against: Clr Karnib
Clr Shelton
Clr Stanley
Clr Waller

DPG 02	Proposed amendment to the Liverpool Local Environmental Plan 2008 - Rezoning of land at 311 Hume Highway, Liverpool
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Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	209750.2015
Report By	Ian Stendara - Strategic Planner
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

Council received a Planning Proposal to rezone 311 Hume Highway, Liverpool (Lot 71, DP 1004792), herein referred to as 'the site' from B6 – Enterprise Corridor to B4 – Mixed Use. The rezoning would permit the site to be developed in a manner commensurate with the gateway opportunity the site presents. In addition to the B4 – Mixed Use zone, the following amendments are proposed:

- Under Schedule 1 Additional Permitted Use, allowing residential development on the ground floor of the site on condition that a minimum of 600sqm of non-residential development is provided;
- Increase the Floor Space Ratio (FSR) from 2.5:1 to 6:1;
- Increase the Building Height from 24m & 45m to 25m & 100m; and
- Remove reference to the site as a 'Key Site', subject to Clause 7.22 (Development in Zone B6).

These proposed amendments will facilitate a development on the site which is consistent with the development (under construction) on the corner of Macquarie Street and the Hume Highway creating a distinctive built form at this key junction.

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit the Draft amendment to the Liverpool Local Environmental Plan 2008.

2. Forwards a copy of the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.

REPORT

Site Context

A planning proposal was lodged on 15 January 2015 by SJB Planning, on behalf of Hume Developments Pty Ltd, for 311 Hume Highway, Liverpool (Lot 71 DP 1004792), identified in Figures 1 & 2 below. After initial review and consultation with the applicant, Council received an amended Planning Proposal on 10 June 2015.

The site includes three street frontages: the Hume Highway to the east, Hoxton Park Road to the north and Gillespie Street to the west. The site has the shape of two joined rectangles as shown in Figure 2 below. The site is next to a heritage item, being the Collingwood Hotel and Woodward Park lies across Hoxton Park Road to the north.



Figure 1: Site context and aerial identification map (site outlined by a heavy red border).



Figure 2: Current Land Use Zone applying to Lot 71 DP 1004792 outlined in a heavy black border.

Background

The proposed amendment seeks to rezone the site from B6 Enterprise Corridor to B4 Mixed Use. The current planning controls do not permit a form of development that is commensurate with the gateway status of the site. The proposed change of zone, increased FSR and Building Height controls would allow the site to be developed in a similar way to the development opposite, and will create a distinctive gateway at the southern side of the Liverpool CBD. The development under construction opposite at 420 Macquarie Street is a 30 storey mixed use development comprising 439 residential units and 376m² of commercial/retail tenancies.

The subject site is currently vacant, characterised only by a deep excavation after buildings were demolished as part of a previous consent. The site has been subject to numerous historic development applications. These applications have typically consisted of mixed use residential development with ground-level retail. The most recent consent (DA-434/2008/A) includes 93 residential units, 3,600sqm of retail space and 2,500sqm of commercial floor-space.

The proposed rezoning of the subject site was recommended by Council officers following a pre-DA meeting held on 19 November 2014 (PL-71/2014). The primary motivators for this advice were numerous non-compliances with the Liverpool Local Environmental Plan with regards to land-use, building height, and FSR, along with a building design which was not sympathetic to the Collingwood Hotel (adjacent heritage item) nor the gateway development located opposite.

Proposed Amendment to the Liverpool Local Environmental Plan (LLEP) 2008

The following proposed amendments to the LLEP 2008 would facilitate the redevelopment of the site, as shown in the Urban Design Report prepared by DWA (Attached), and include:

- Amend the Zoning Maps (LZN-010 & LZN-012) to rezone the whole of the site from B6 Enterprise Corridor to B4 Mixed Use;
- Include a Schedule 1 Additional Permitted Uses clause for the site to allow residential dwellings to be provided on the ground floor subject to the provision of non-residential floor space, as discussed below;
- Amend the Height of Building Maps (HOB-010 & HOB-012) for the site to show a maximum building height of 100 metres fronting the Hume Highway and 25 metres to the rear of the site;
- Amend the maximum floor space ratio maps (FSR-010 & FSR-012) for the site from 2.5:1 to 6:1.
- Remove reference to the site in the Key Sites maps (KYS-010 & KYS-012) as being subject to Clause 7.22 of the LLEP 2008.

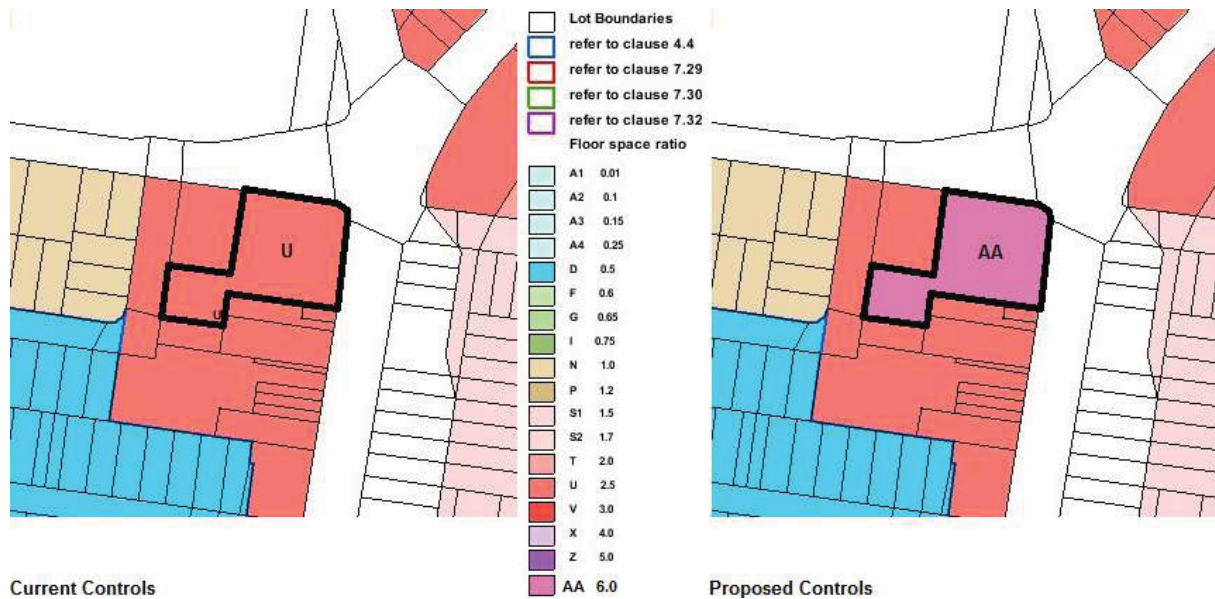
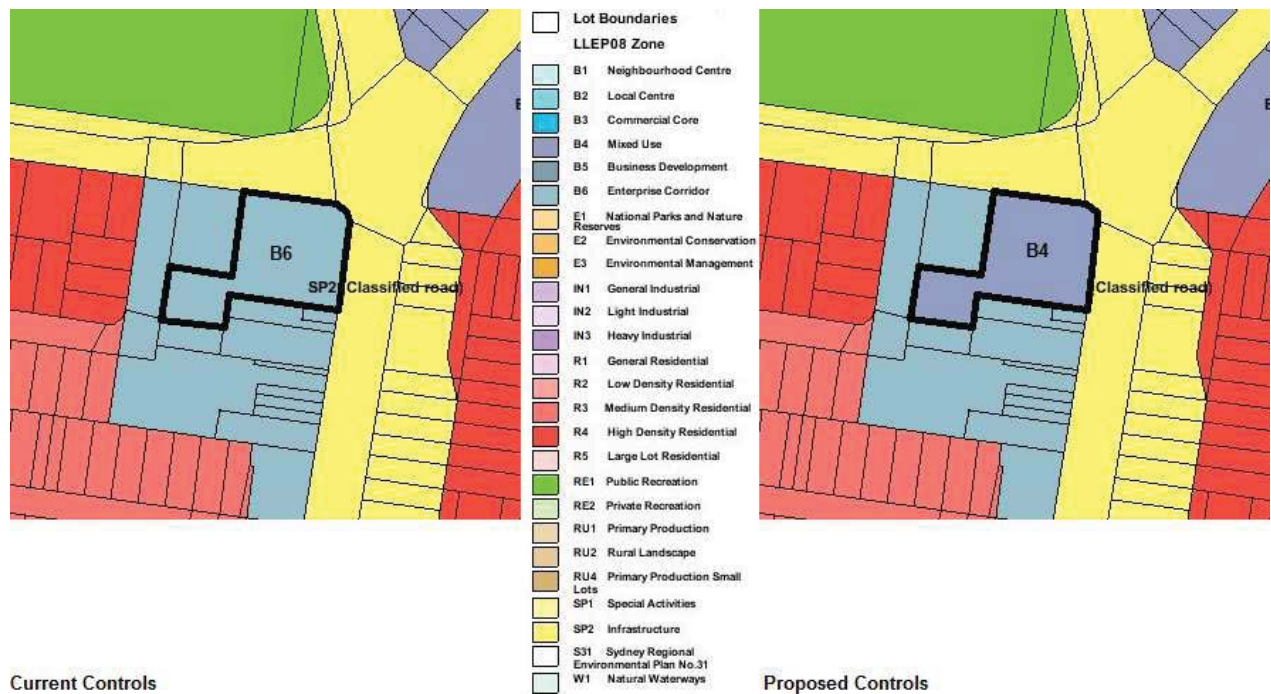
The proposed changes to the LLEP Maps are shown in Figures 3-6 below.

A Schedule 1 Additional Permitted Uses clause would be inserted as follows:

Use of certain land at Liverpool in Zone B4

1. *The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people and to provide employment opportunities on Lot 71, DP 1004792 in Zone B4 Mixed Use at 311 Hume Highway Liverpool.*
2. *Clause 7.16 does not apply to the land described in (1) above.*
3. *Development consent must not be granted for development on the land to which this clause applies unless the consent authority is satisfied that:*
 - a) *The development contains at least 600m² GFA of non-residential floor-space (excluding area for car parking), with a frontage to the Hume Highway, and*
 - b) *any building(s) have an active street frontage*
4. *In this clause a building has an **active street frontage** if all premises on the ground floor of the building(s) facing the street provide passive surveillance and access to the adjoining street.*

Rezoning the site to B4 would permit mixed-use tower buildings to be erected on the site. The amended building height and floor-space ratio controls will allow a building form commensurate with the development opposite, to provide a consistent building typology signifying the importance of this gateway. The Schedule 1 additional use clause will ensure that a minimum amount of retail is provided on the ground floor next to the Hume Highway (where the effects of traffic volume would be great for residential uses), whilst allowing residential uses on the other parts of the site, where passing foot-traffic would be considerably lower.



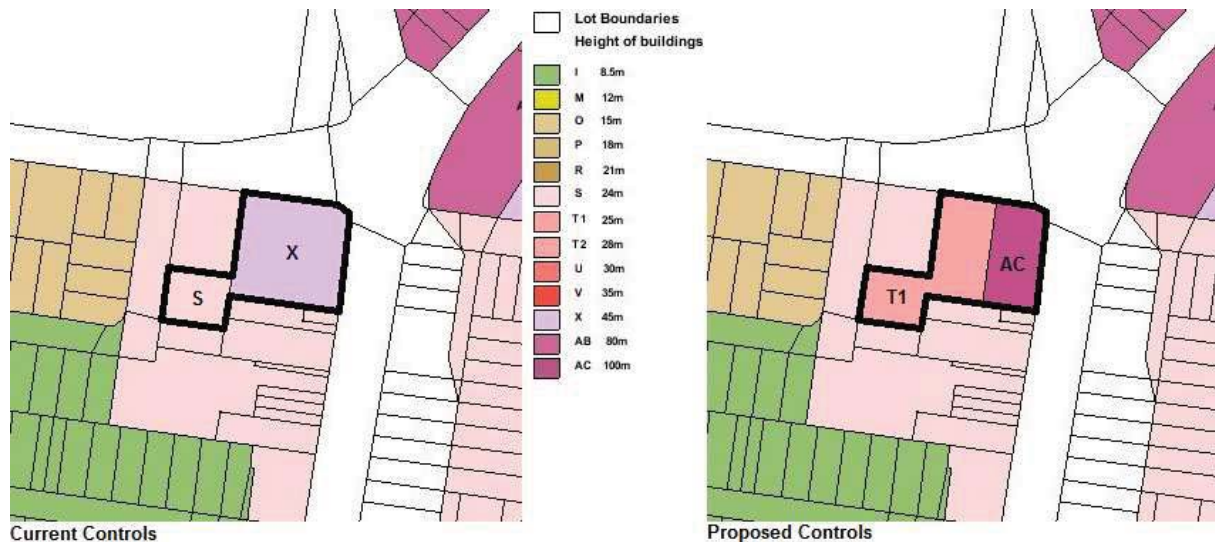


Figure 5: Current and Proposed Maximum Building Height Maps (Area 'AC' is a rectangle with a depth of 30m from the Hume Highway)
(site bordered in heavy black lines)

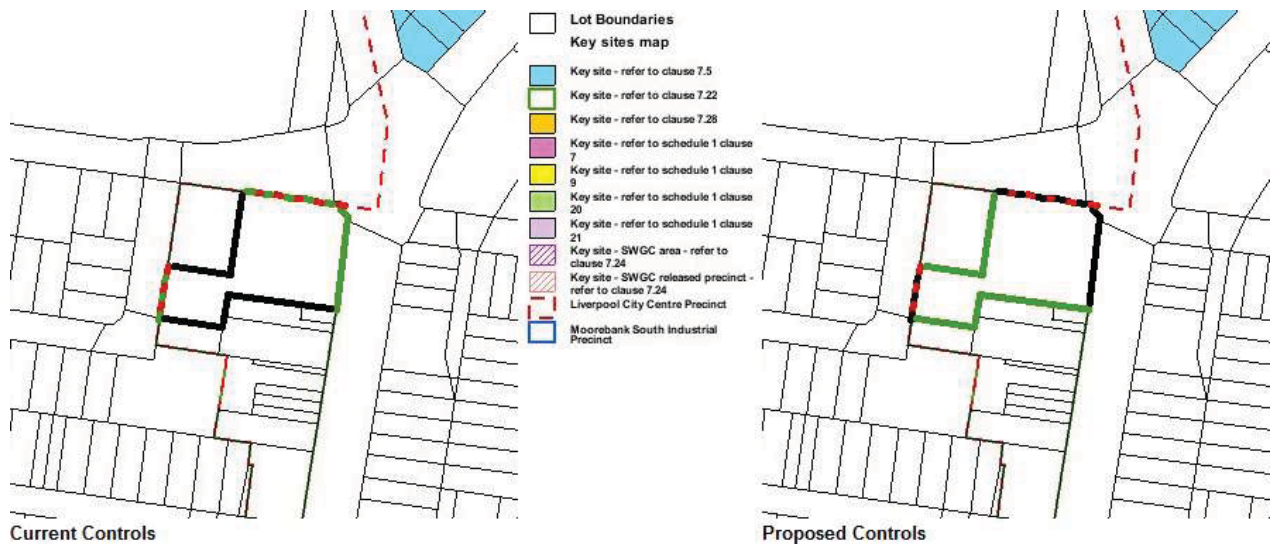


Figure 6: Current and Proposed Key Sites Maps (Changes in Bold; change involves removing application of clause 7.22 to the site only)

Justification for the Proposal

The current zoning of the site (B6 Enterprise Corridor) allows for residential development (in the form of shop-top housing), with commercial/large floor plate uses being the primary function of this zone. The objectives of the B6 zone are:

- *To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To maintain the economic strength of centres by limiting the retailing of food and clothing.*
- *To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.*
- *To ensure a reasonable concentration of business activity.*

The erection of residential flat buildings, with ground floor retail (similar to that approved on the development site opposite) will define this gateway into Liverpool, and provide a consistent form of development across this major intersection. However, the development envisaged is not consistent with the objectives of the B6 zone, or the current building height and the FSR controls. The owner/developer of the site, therefore, was encouraged to prepare a planning proposal to amend the LLEP 2008. The Planning Proposal seeks to rezone the site to B4 – Mixed Use the objectives of which support the proposed development as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

It is perceived that this land-use zone is more consistent with the desired outcome for the site. As seen in Figure 2, land opposite the site is also zoned B4. Similarly, the proposed maximum building height and FSR controls have been selected to provide a form of development which will complement approved and envisaged developments located opposite the site. An Urban Design Report for the site, which reinforces these principles, has been prepared by DWA, and is attached to this report.

Implications of the proposed rezoning

1. Net Public Benefit

The Planning Proposal will result in a net public benefit and serve the public interest by facilitating a viable and well balanced mixed use development that will consist of commercial floor-space and units within the Liverpool City Centre in close proximity to services and public transport.

Council officers have acknowledged that the existing approval for the site does not achieve an optimal outcome and has encouraged the submission of a Planning Proposal in order to achieve an enhanced gateway development. The Planning Proposal will provide a significant incentive to deliver a contemporary and revitalised development at the same time as deriving public benefits.

Economic & Employment Considerations

The B4 zone will permit the construction of residential flat buildings with ground floor commercial uses. The concept development includes more than 300 residential units, with approximately 637sqm of commercial floor-space. As outlined in the Economic Impact Assessment, this breakdown in residential/commercial floor-space will likely satisfy some on-site demand, but will not draw significant commercial interest away from the city centre:

"From an employment perspective, the rezoning scenario would provide greater support to Liverpool City Centre by increasing the potential shopper pool whilst also helping to avoid dilution of the retail and commercial office offer by not delivering a significant amount of such floor-space on-site as would occur under the Base Case."

(AEC Group, 2015, p.12)

The 'Base Case' refers to the current approved DA which consists of 93 residential units, 3,600sqm of retail floor-space and 2,500sqm of Commercial floor-space:

"In consideration of the 3,600sqm of retail floor-space which would be provided under the Base Case, overall the development would deliver 3,113sqm more retail floor-space than would be demanded by residents on-site. On-site facilities would therefore depend on capturing demand from residents in the broader locality which would otherwise be directed to existing or future facilities in Liverpool CBD or other centres/facilities."

(AEC Group, 2015, p.9)

As discussed, the evidence provided by the proponent shows that the proposal will achieve a net public benefit.

2. Urban Design Considerations

The design option currently considered (Option A, see Figure 7) attempts to minimise the extent of off-site overshadowing impacts, whilst still providing a form of development which is appropriate for the location of the site.

The envisaged built form on the site will include ground level retail in the Tower building, which will provide shop fronts to the Hume Highway and part of Hoxton Park Road. This will also reduce the amenity impacts on potential dwellings on the ground floor adjacent to the Hume Highway. Buildings A and B are envisaged to be wholly residential, which will provide increased passive surveillance to Gillespie Street and Woodward Park.

The amended planning controls will allow a built form outcome which is suitable for the gateway location. The concept development outcome will appropriately respond to the development at 420 Macquarie Street, Liverpool, located opposite, the Collingwood Hotel (adjoining the site to the south) and the future envisaged development outcome for the site on the northern corner of the intersection.

An extensive process of negotiation and discussion between Council's City Architect and the proponent was undertaken to develop a block plan and building envelopes for the site. This was considered necessary in order to resolve the many issues that had not been resolved in the numerous DAs previously approved or under discussion. Specific site responses include matching the height of the development at 420 Macquarie Street, removing the stepping in the building form, removing podium elements, providing generous setbacks at ground-level to maintain views to the Collingwood Hotel, increasing the tower distance from the

Collingwood Hotel, and using simple materials and vegetation sympathetic to the Collingwood Hotel.

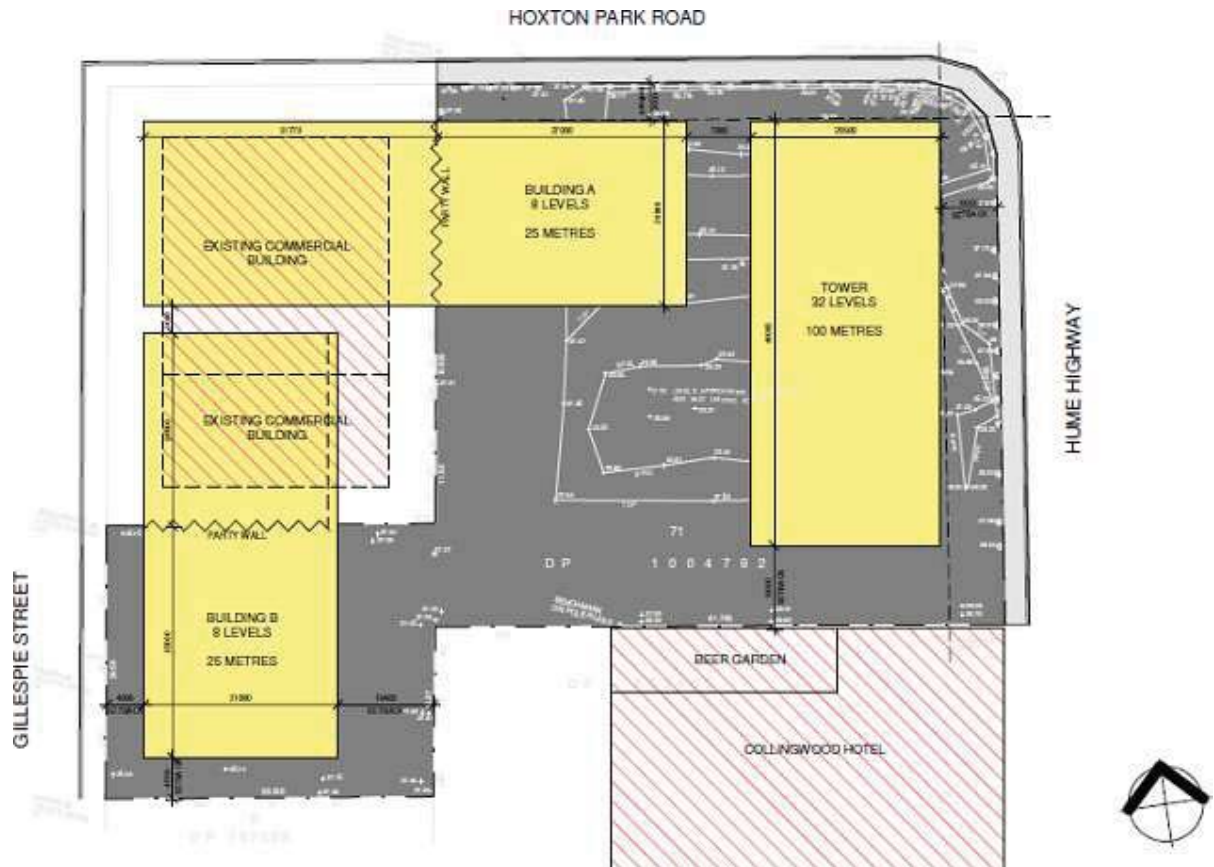


Figure 7: Site layout Option A (Source: DWA, 2015, *Urban Design Report*, p.9).

3. Traffic Implications

The current consent allows for the construction of 93 residential units, 3,600sqm of retail floor-space and 2,500sqm of Commercial floor-space. Included in this consent was a full-line supermarket, which is identified as a major traffic generating development. This would require the addition of a new set of traffic signals at the intersection of Hoxton Park Road and Gillespie Street.

Although the current design concept has a much larger floor plate than the previous consent, the substitution of much of the commercial and retail floor-space with residential development considerably decreases traffic generation. The Traffic Report (prepared by Transport and Planning Associates) has modified the access arrangements to create a left in/left out arrangement at the intersection of Hoxton Park Road and Gillespie Street (including the installation of a concrete median at the intersection). This has removed the need for traffic signals, and is considered satisfactory for traffic movements.

Council's traffic team has also requested that a bus stop near Gill Avenue be relocated and a pedestrian fence be erected along part of the median on Hoxton Park Road and the Hume Highway at the development application (DA) stage.

The large internal courtyard will allow residents to move freely through the site, and the signalised crossing to Woodward Park (at the Hume Highway/Hoxton Park Road intersection) provides residents with the opportunity to access a range of recreation facilities. The proximity of the tower to the Liverpool CBD, Liverpool Station and the T-way will promote active forms of transport.

4. Heritage Implications

Council and the applicant have had extensive consultation to ensure that the conceptual building design appropriately responds to the heritage item (the Collingwood Hotel), in addition to minimising negative externalities (such as overshadowing) in developing planning controls. The applicant has prepared a conceptual building design (see Figure 8) which responds to officers' comments, to keep the building design simple, but of high quality, and maintains view corridors to the heritage item. The applicant has also submitted a Heritage report as part of the initial submission and a Statement of Heritage Impact in an amended submission, which details potential conflicts, and provides guidance for a building design.

It is recognised that the building size and mass will significantly dominate the heritage item. However, it is also important that the building form responds to the gateway status of the site, defining the entrance into the Liverpool CBD. The concept building's horizontal lines and simple façade attempts to complement the historic hotel, without mimicking any features. The tower's depth and large internal courtyard attempts to minimise the extent of overshadowing whilst still providing a form of development that will highlight this gateway.

Council's Heritage Officer provided comment on the proposed development:

"The previous schemes were incredibly "messy" and incorporated a stepped façade. [The City Architect] has provided advice about various urban design principles especially regarding the actual impact of a stepped façade which draws attention to it rather than being recessive. To this end a more regular shape has been requested as well as a similar height to the opposite approved residential development to create a "gateway" into the Liverpool CBD. The proposed building is to be setback behind the building line of the heritage item (so views are somewhat retained); incorporate a vegetated buffer on the southern boundary (to transition to the domestic scale of the heritage item); incorporate architectural devices to connect the new with the old; and utilise sympathetic materials and colours.

It is acknowledged that the scale and bulk of the proposal is considerably larger than the heritage item. However the recessing of the fourth floor to align with the height of the heritage item, as well as landscaping, are an attempt to address the domestic scale of the historic building and are generally supported. Further refinement is expected at DA stage and various discussions with the applicant have occurred in this regard".



Figure 8: Early concept building design, subject to future DA consideration (Source: SJB, 2015, *311 Hume Highway Liverpool Amended Planning Proposal*, p.17).

Policy Context

1. The Metropolitan Strategy - Plan for Growing Sydney

On 14 December 2014 the NSW Minister for Planning released the new Metropolitan Strategy – a Plan for Growing Sydney. The Planning Proposal is consistent with the following directions:

- Direction 1.7 (Grow strategic centres - providing more jobs closer to home),
- Direction 2.1 (Accelerate housing supply across Sydney),
- Direction 2.2 (Accelerate urban renewal across Sydney – providing homes closer to jobs), and
- Direction 2.3 (Improve housing choice to suit different needs and lifestyles).

The planning proposal will allow a significant number of residential units to be built within an identified strategic centre, close to jobs amenities and recreation areas. The planning proposal will also allow residential flat buildings to be constructed, which will cater to the growth in single person and smaller households in the Sydney region.

2. Liverpool City Centre Plan

The Liverpool City Centre Plan (2006), prepared by Liverpool City Council and the NSW Department of Planning and Environment, envisages an additional 12,000 residents in the City Centre by 2021, with the creation of a “living city”. The proposed rezoning will assist in achieving this vision by allowing for feasible residential dwellings to be constructed on the city’s periphery, creating additional demand for retail and other services in the CBD.

3. Growing Liverpool 2023

The Liverpool ten year plan Growing Liverpool 2023 (2013) reinforces the focus for Liverpool to be the regional centre for south-western Sydney and nominates City Centre Revitalisation Projects to include new gateways to the city. The Planning Proposal and concept design outcome will provide a new gateway style development on the edge of the City Centre. The inclusion of a limited amount of retail floor-space will reduce the number of car trip generated by residents purchasing day-to-day needs, whilst also increasing demand for additional retail floor-space within the centre. The site’s location in relation to the Liverpool CBD and public transport infrastructure will also promote local spending and the use of public transport to access employment and other opportunities.

4. State Environmental Planning Policies and Ministerial Directions

The proposed amendments to the LLEP 2008 would not be inconsistent with any SEPPs or with any s117 Ministerial Directions, as detailed in the Planning Proposal.

Conclusion

It is recommended that Council amend the LLEP 2008 to rezone the site to B4 Mixed Use, and amend other planning controls as described. The rezoning will permit a form of development which is consistent with the gateway opportunity the site presents. The proposal would amend the Floor Space Ratio from 2.5:1 to 6:1 across the site. The maximum proposed building height will be amended from a mix of 24m at the rear of the site and 45m at the front to 25m for the majority of the site and 100m on a 30m deep portion of the site adjoining the Hume Highway (see Figure 3 – Figure 6). An additional permitted uses clause is also proposed, to ensure that 600m² of non-residential uses are located on the ground floor to face the Hume Highway, minimising residential amenity impacts.

The proposed rezoning and amended planning controls applying to the site would allow for the construction of a mixed use tower and two smaller residential flat buildings which would complement the development opposite, the Collingwood Hotel to the south and the built form envisaged for other sites at this important gateway. The Planning Proposal will result in:

- A net public benefit, by providing additional housing and revitalisation at the southern side of the CBD;
- Improved economic and employment viability at the southern side of the CBD;
- Improved urban form for the precinct;
- Minimal traffic impacts; and
- A building and site design which will respond to the curtilage of the Collingwood Hotel.

The proposed rezoning is consistent with state and local policy and is consistent with Council officers' recommendations to the applicant. It is recommended that Council forward the Planning Proposal to the Department of Planning and Environment, seeking a Gateway Determination.

CONSIDERATIONS

Economic and Financial	Facilitate development which will create additional demand for commercial and retail services in the Liverpool CBD.
Environmental and Sustainability	Encourage urban renewal and redevelopment of brownfield land.
Social and Cultural	Encourage a variety of housing choices.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. FINAL Planning Proposal for 311 Hume Highway, Liverpool from B6 to B4[View](#) (Under separate cover)
2. Urban Design Report (June 2015), 311 Hume Highway, Liverpool[View](#) (Under separate cover)