

Planning Proposal

***Draft Amendment to Liverpool Local
Environmental Plan 2008***

311 Hume Highway, Liverpool

***Rezoning from B6 Enterprise Corridor – B4
Mixed Use***

September 2015

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Background

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 ('the Act') and the Department of Planning and Environment's *'A Guide to Preparing Planning Proposals'*.

An application to modify the Liverpool Local Environmental Plan (LLEP) 2008 and accompanying documentation was lodged with Council on the 15 January 2015. The proponent lodged a Planning Proposal to request an amendment to the LLEP 2008 as follows:

- Rezone the land from B6 Enterprise Corridor to R4 High Density Residential;
- Amend the maximum building height(s) for the site, varying up to 92 metres for a section of the site and to 25 metres at the rear of the site; and
- Increase the maximum floor space ratio (FSR) for the site from 2.5:1 to 6:1.

After an initial assessment of the proposal, Council wrote to the proponent on the 18th March 2015 requesting additional information and amendments to the proposal.

In summary, the amended Planning Proposal (received on 10 June 2015) seeks an amendment to the LLEP 2008 as follows:

- Rezone the land 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 and an active street frontage;
- Amend the maximum building height(s) for the site, varying between 100 metres for a section fronting the Hume Highway and to 25 metres at the rear of the site;
- Increase the maximum floor space ratio (FSR) for the site from 2.5:1 to 6:1; and
- Remove the green border surrounding the site from the Key Sites maps, which refers to clause 7.22 of the LLEP 2008 (Development in Zone B6).

The site of this Planning Proposal 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Applications (DAs), being DA-628/2003 (approved), DA-628/2003/A (cancelled), DA-628/2003/B (approved), DA-628/2003/C (withdrawn), DA-434/2008 (approved), DA-434/2008/A (approved), DA-1443/2013 (withdrawn), DA-566/2014 (withdrawn). These applications have typically consisted of a residential component with ground-level retail or mixed use component. The latest approved development application was DA-434/2008/A consisting of approximately 100 units, 3,300sqm of retail floor-space and 2,510sqm of commercial floor-space.

The potential rezoning of the subject site was recommended by Council officers following a pre-lodgement meeting held on the 19th November 2014 (PL-71/2014). A number of non-compliances with the LLEP 2008 with regards to land-use, building height, and FSR were their primary motives for this advice.

Site identification

The legal description of the subject land is Lot 71, DP 1004792, otherwise known as 311 Hume Highway, Liverpool, here-in referred to as 'the site'.

The site is within the Liverpool City Local Government Area (LGA) and located towards the south western edge of the Liverpool City Centre as designated in Liverpool Local Environmental Plan 2008 (LLEP). 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 below in Figure 3 & Figure 4. The site is adjoined to the south by a local heritage item, being the Collingwood Hotel. The site covers an area of 4,631.2m² and has a street frontage of approximately 57 metres to the Hume Highway, 57 metres to Hoxton Park Road and 30 metres to Gillespie Street.

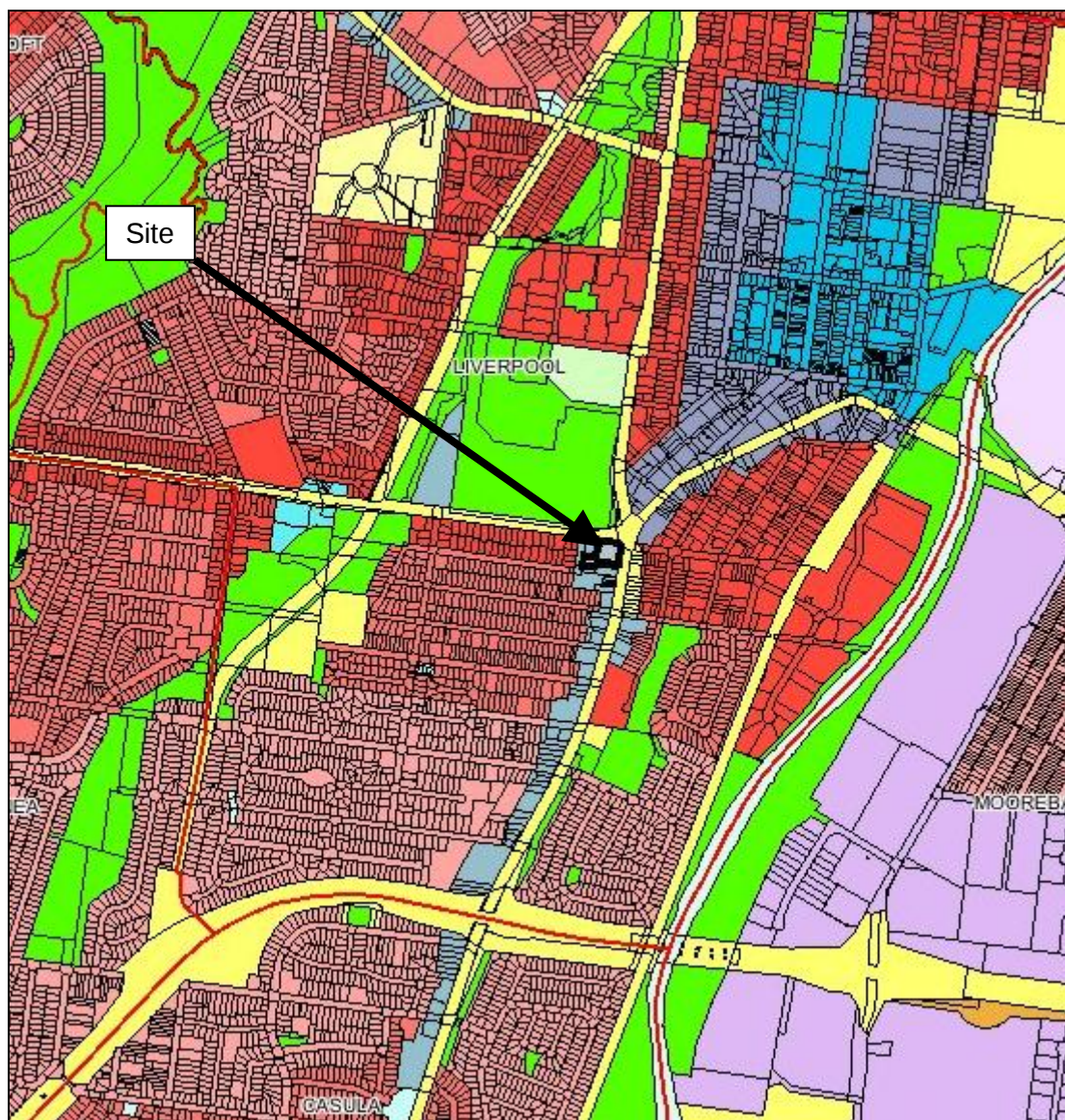


Figure 1: Site context and identification map

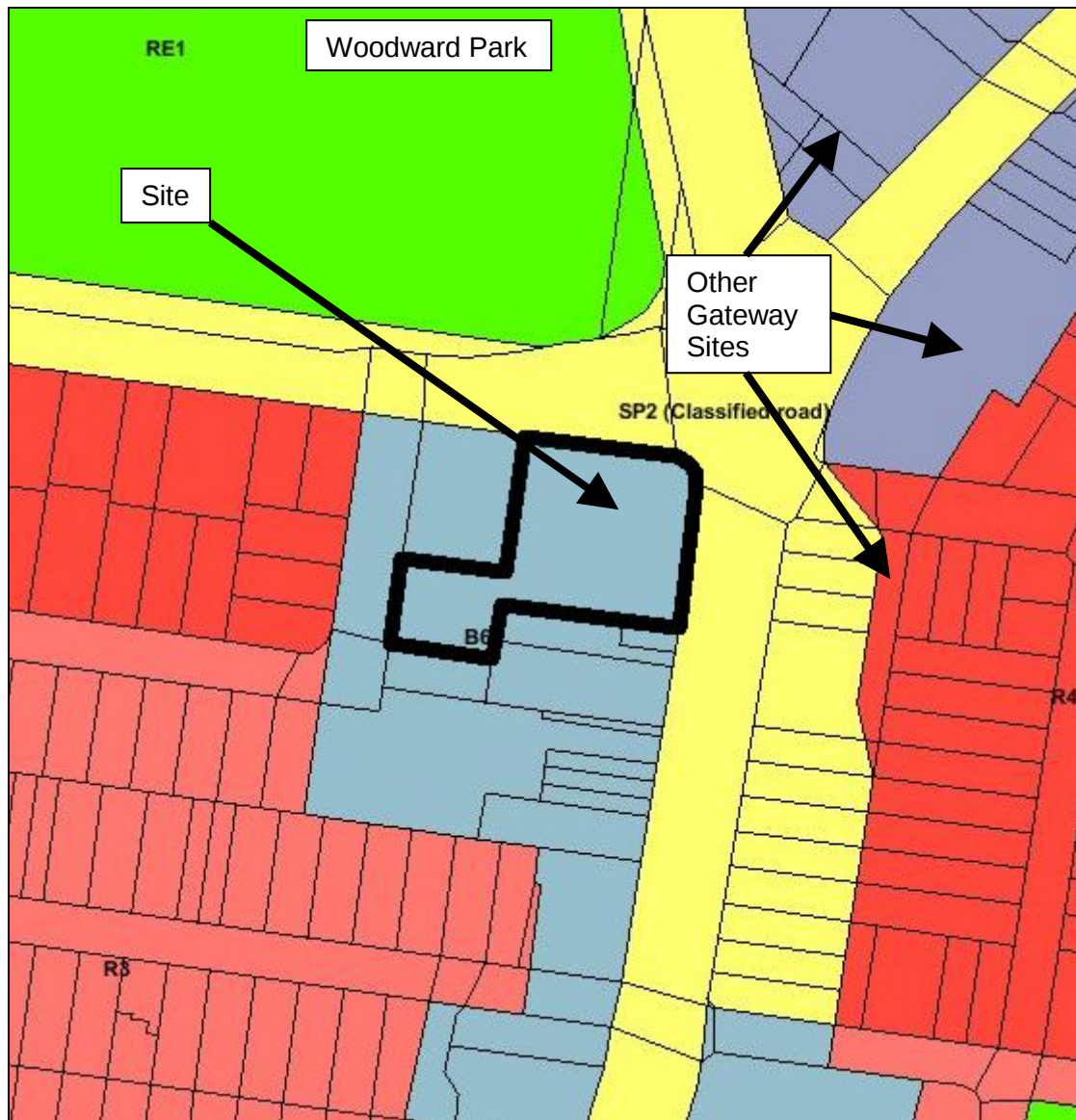


Figure 2: Subject site

Delegation of Plan Making Function to Council

Council requests delegated authorisation to make the plan pursuant to Section 59 of the Environmental Planning and Assessment Act 1979. The following response to the evaluation criteria is in support of this request:

Table 1: Delegated authorisation evaluation criteria

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not Relevant	Agree	Not Agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		

Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and, if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters	Y/N			
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		N/A		

Part 1 – Objectives

The objective of this Planning Proposal is to amend the LLEP 2008 to enable the site to provide a gateway scale of development commensurate with the location at the south-west entrance to the Liverpool City Centre. The Proposal will facilitate a form, height and scale of development commensurate with that approved and permissible on land diagonally opposite on the corner of Hume Highway and Macquarie Street.

The redevelopment of the gateway corner site with a resultant increase in floor space will generate commercial floor-space as well as additional housing opportunities in close proximity to major public transport and amenities. The Proposal will result in urban renewal of the gateway corner site, a high quality design outcome, and promotes rejuvenation of the regional centre. New residents will bring additional retail and service activity and the mix of activities at the ground level will enhance street life

The Proposal will assist in realising the Council's vision to grow the City Centre, including 12,000 additional residents by 2021 (Liverpool City Centre Plan 2006).

The public benefits arising from the increase in the maximum building height and maximum floor space ratio and the rezoning include:

- Revitalisation and activation of an important gateway site to the Liverpool City Centre;
- Additional housing within the Liverpool City Centre;
- Active street frontage to the Hume Highway; and
- Opportunity to introduce a through-site link and active pedestrian space.

Without the changes identified in the Planning Proposal, a feasible development outcome commensurate with the gateway status of the site will not be possible.

It is intended that the Planning Proposal would form part of a stand-alone amendment to the LLEP.

Part 2 - Explanation of provisions

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

- Amend the Zoning Maps 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 and an active street frontage;
- Amend the Height of Building Maps 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 for the site from 2.5:1 to 6:1.
- Remove the green border surrounding the site from the Key Sites maps, which refers to clause 7.22 of the LLEP 2008 (Development in Zone B6).

There are no other provisions of the LLEP that are required to be amended.

The aim of the planning proposal will be achieved by making the following changes to the relevant LLEP 2008 maps (See Part 4 for additional information):

Table 2: LEP Maps to be amended, including an explanation of provisions

LEP Maps to be Amended	Explanation of provision	Proposed change
Land Zoning LZN-010 12/09/2013 LZN-012 31/03/2011	Rezone Lot 71 DP 1004792 From B6 – Enterprise Corridor to B4 – Mixed Use to enable the erection of residential flat buildings and commercial space	B6 – Enterprise Corridor to B4 Mixed Use
Floor Space Ratio FSR-010 28/02/2013 FSR-012 01/02/2012	An increase in maximum permissible FSR controls to allow a form of development which is commensurate with the gateway status of the site	U 2.5:1 to AA 6:1
Height of Building HOB-010 28/02/2013 HOB-012 23/11/2009	An increase in maximum permissible building height controls to 100m allowing a form of development which is commensurate with the gateway status of the site within 30m of the Hume Highway. Provide a 25m building height limit for the rest of the site to allow eight storey developments.	From X 45m & S 24m to T1 25m & AC 100m
Key Sites KYS-010 14/08/2013 KYS-012 16/01/2014	Remove the green line around the site which refers to 'Key site – refer to clause 7.22' as the site will no longer be zoned B6.	Remove green line 'Key site – refer to clause 7.22'

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.

Indicative Concept/Design

The applicant engaged DWA architects to prepare an indicative concept which provides an example of the built form which could be achieved through the amended Planning proposal changes, see Figure 3.

The indicative concept shows a key gateway building on the prominent corner site, which addresses the major roads of the Hume Highway and Hoxton Park Road.

A maximum building height of 100 metres and a maximum floor space ratio of 6:1 is proposed. The maximum height to Gillespie Street is increased by only 1 metre, from the current maximum of 24 metres to 25 metres, in order to accommodate a full eight storey building.



Figure 3: Indicative built form concept, looking north-west along the western edge of the Liverpool City Centre (Source: DWA, 2015, *Urban Design Report*, p.20)

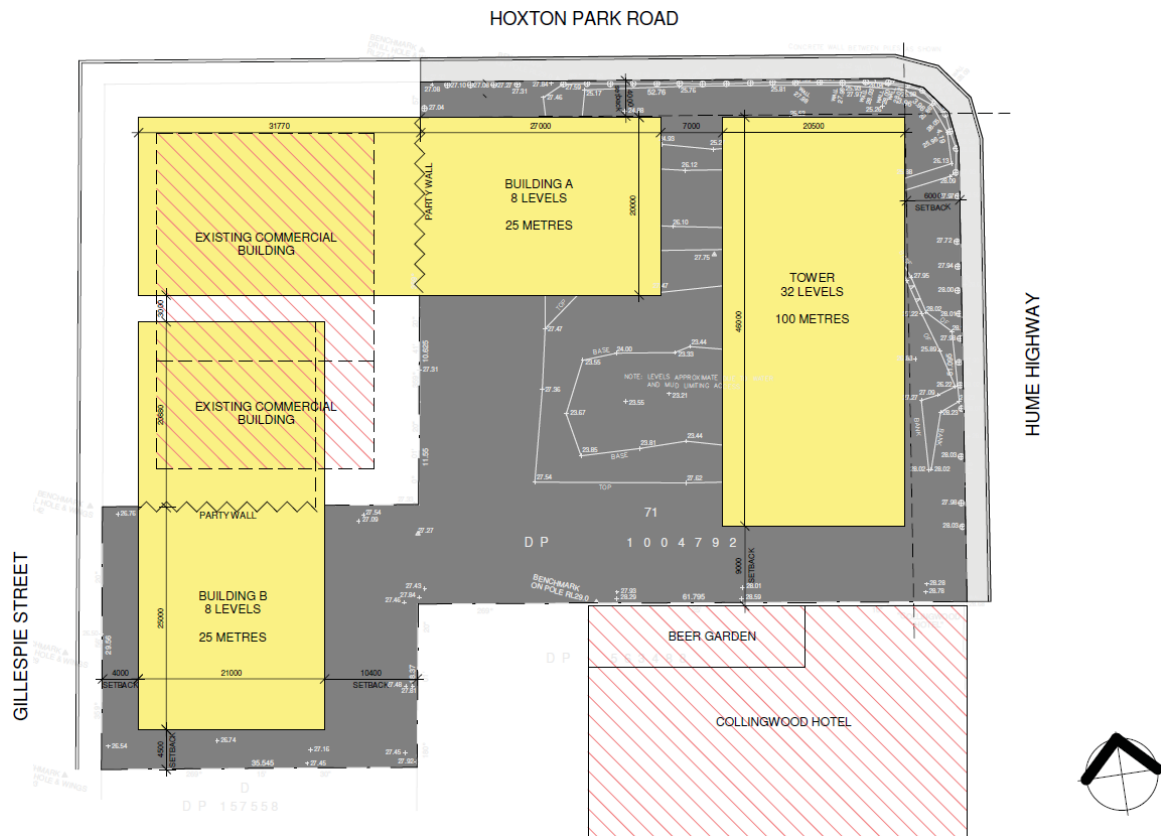


Figure 4: Indicative built form layout plan (Source: DWA, 2015, *Urban Design Report*, p.14)

Range of Land Uses

The indicative concept also demonstrates how the proposed commercial/retail and residential uses can be accommodated on the site with the proposed changes to maximum building height and maximum floor-space ratio, noting that both shop-top housing and residential flat buildings are permissible with consent in the proposed B4 Mixed Use Zone.

Providing a genuine mix of activity and street life in the location will assist in rejuvenation of the southern side of the Liverpool City Centre.

The Urban Design Report drawings prepared by DWA provide an example of the range of uses that could be accommodated within the building as shown in Figure 5 below.

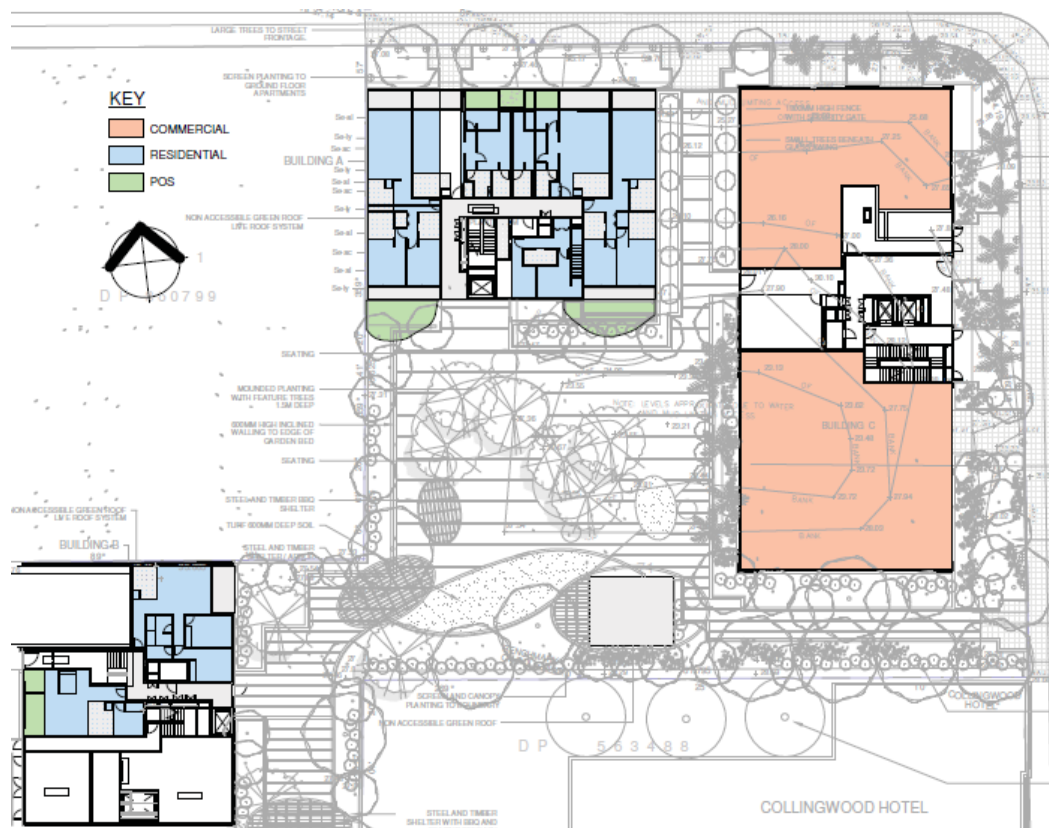


Figure 5: Indicative concept showing range of land-uses on the ground floor (Source: Amended Planning Proposal, SJB, 2015, p.15)

Part 3 - Justification

A. Need for the planning proposal

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

The Planning Proposal itself has not been the result of any site specific strategic study or report but is entirely consistent with the Council's vision for Liverpool City Centre, in which the site lies.

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 Planning Proposal will assist in achieving this vision.

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 will provide a new gateway to the City Centre.

Detailed urban design and indicative concept and transport analysis are included with the Planning Proposal.

Urban Design/Architectural

As considered above, an Urban Design Report for the site has been prepared by DWA and is included with the Planning Proposal. The Report considers:

- Building form and massing, demonstrating the proposed changes in height and FSR;
- Potential range of land uses within the buildings;
- Extent of the area of active street frontage; and
- Site plan including urban context, relationship between surrounding sites and area.

The proposed built form as discussed in the Urban Design Report is shown in Figure 6.

Building Height

An analysis of the proposed building height in relation to surrounding existing, approved and permissible buildings in the Liverpool City Centre was undertaken during the preparation of the Urban Design Report for the site. In particular, the analysis specifically responds to Council's vision as this corner site being a gateway feature.

Overshadowing

Detailed shadow analysis has informed the height and density included in the proposal. The built form and height has been carefully modelled so as to ensure there is no unacceptable impact, particularly on sensitive land uses such as the low density residential area to the west and south-west of the Hume Highway site.



Figure 6: Graphic of the proposed built form (Source: Amended Planning Proposal, SJB, 2015, p.17)

SEPP 65 and Residential Flat Design Code

DWA included a preliminary analysis of the performance of the residential component of the buildings in the Urban Design Report; details are attached.

Traffic and Transport

The Transport Impact Assessment report prepared by Transport and Traffic Planning Associates indicates that the scale of development includes car parking which will meet Council's car parking requirements.

The capacity of the site to accommodate car parking and the capacity of the local road system to cope with the traffic generated from a development of the scale envisaged are addressed in the Transport and Traffic report (attached).

Flora and Fauna

The site is located within the established commercial core area of Liverpool that has been cleared of all vegetation. In this instance, an investigation into the impact on flora and fauna is not necessary.

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

The Planning Proposal is considered the best means for the redevelopment of the site in a manner that is compatible with the Liverpool City Centre. The proposed amendments to the LLEP are the best means of achieving the intended outcomes as:

- The site will provide a defined gateway to the south western entrance to the Liverpool City Centre; and
- Land uses permissible in the B4 zone will be included, and with the increase in height and floor space ratio, employment floor space can be provided as well as residential accommodation.

The proposed change to the maximum building height for part of the site to 100 metres has been considered in the context of existing and recently approved buildings in the location within the Liverpool City Centre. This analysis of comparative and compatible height is included in detail in the DWA Urban Design Report (attached).

The proposed increase in the maximum floor space ratio from 2.5:1 to 6:1 has also been considered in terms of the scale and density of development existing, proposed and recently approved in the Liverpool City Centre. The scale of the built environment in Liverpool City Centre is undergoing change and the Proposal will be consistent with this change.

The planning Proposal seeks to adopt the Land Use Zone (B4) on this site, which is consistent with that of the opposing sites in this gateway location (see Figure 2). Clause 7.16 (LLEP 2008) prohibits residential accommodation on the ground-floor; however, the objective of the clause states: *to ensure active uses are provided at the street level to encourage the presence and movement of people*. The Planning Proposal includes a Schedule 1 Additional Permitted Uses standard for the site to allow residential development to be provided on the ground floor where it does not front the Hume Highway. The additional permitted use will still active street fronts along the more heavily trafficked Hume Highway, which will achieve the objective of this clause.

Due to the site's relative isolation from the Liverpool CBD (located on the outermost corner of heavily trafficked roads) the viability of providing retail tenants for the whole ground floor may be in question, and will likely result in vacant (inactive) retail shop fronts along Hoxton Park Road and particularly Gillespie Street. The inability of this gateway junction to attract a large volume of passing foot-traffic (at this point in time) has resulted in a site opposite being developed with a significant amount of screened at-grade parking. It is considered that at-grade parking presents itself as a lesser form of development compared to residential units when considering active street frontages. Woodward Park (located opposite, see Figure 2) may be the site of a future stadium, which would significantly increase the viability of ground floor retail tenancies. In this instance, it would be considered less difficult to convert residential units into commercial tenancies than to relocate and convert at-grade parking.

The R4 zone was also considered for this site, as Neighbourhood Shops are a permitted use; however, such shops are restricted to 100sqm (clause 5.4), and other compatible uses (such as Commercial Premises & Medical Centres) are not permitted. The negative impacts of traffic noise and particulates, especially from the Hume Highway, were also considered to be too great to allow residential dwellings on the ground floor to face the Hume Highway. There would also be no statutory requirement to provide street level retail, nor provide an active street front.

The Planning Proposal will result in a net public benefit and serve the public interest by facilitating a feasible and well balanced mixed use development that will consist of

commercial and retail space and housing within the Liverpool City Centre in close proximity to services and public transport.

Council has acknowledged that the existing consent 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.

The Planning Proposal will provide opportunities for significant urban design improvements, particularly at the ground floor frontage to the Hume Highway and Hoxton Park Road. Redevelopment of the site consistent with the proposed planning controls will result in economic benefits and increased vibrancy for the broader Liverpool City Centre.

The site is ideally located to deliver increased non-residential and housing outcomes within an identified Major Centre and in close proximity to a major public transport hub.

The proposed redevelopment of the site will improve investor and public confidence in the Liverpool City Centre, particularly with such a significant revitalisation of the south western edge of the area.

Achieving both employment and housing outcomes in the strategic location will provide a significant net public benefit. The balance of providing a limited amount of commercial floor-space to satisfy the day-to-day need of residents, whilst not saturating retail demand generated by the development will have a positive impact on the south western side of the CBD, as suggested in the Economic Impact Assessment (attached).

B. Relationship to strategic planning framework

3.4 ***Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

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.

A Plan for Growing Sydney is the NSW Government's plan to achieve growth in employment and housing and develop a competitive economy with world-class services and transport; to deliver greater housing choice to changing needs and lifestyles; to create communities that have a strong sense of wellbeing; and to safeguard the natural environment. Some of the Plan's key actions include:

- Shifting the city's gravity from east to west by establishing Parramatta as a major CBD, alongside the Sydney CBD, for jobs and world-class shopping and entertainment;
- Creating vibrant new neighbourhoods with access to local jobs and first-class local amenities by renewing the area between Greater Parramatta and the Olympic Peninsula;
- Delivering the Sydney Green Grid project to link open space across the Greater Metropolitan area; and
- Transforming Western Sydney by delivering more jobs closer to home, including confirming Penrith, Campbelltown and Liverpool as Regional City Centres.

Under the Metropolitan Strategy, the Metropolitan area is divided into sub-regions, with the Local Government Area of Liverpool and Liverpool City Centre is within the South West sub-region. Liverpool is identified as a Regional City Centre.

Consistency of the Planning Proposal with key directions and actions contained with the Metropolitan Strategy are identified below. These goals are further broken down into strategic directions; those of which are applicable are discussed below:

Direction 1.7: Grow strategic centres - providing more jobs closer to home

The Government will recognise Penrith, Liverpool and Campbelltown-Macarthur as important strategic centres and regional city centres for additional housing, and additional employment and services benefitting local areas and the North West and South West Growth Centres.

The Planning Proposal will accommodate additional housing benefiting the local area and the sub-region.

Direction 2.1: Accelerate housing supply across Sydney

The NSW Government is to facilitate increasing the housing supply to meet current demands and future demands. Urban infill in feasible areas close to jobs, public transport, services and strategic centres will be targeted.

The Planning Proposal will increase the feasibility of providing residential development on the periphery of the Liverpool City Centre. Dwellings would be located within a strategic centre, close to jobs and services.

Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs

New urban infill development is essential to meeting housing demand for Sydney over the next 20 years. Key areas will be close to public transport and social infrastructure.

The site is located within a strategic centre, and is directly adjacent to Woodward Park. It is located close to schools, train stations and other forms of social infrastructure.

Direction 2.3: Improve housing choice to suit different needs and lifestyles

There is a growing number of lone-person and other smaller households in the Sydney region. The need to provide dwellings that respond to demographic trends is important.

The Planning Proposal will allow a form of development which can provide unit housing that is currently in high demand.

Liverpool is located within the South West sub-region. Priorities for the sub-region include:

Accelerate housing supply, choice and affordability and build great places to live

The Planning Proposal will increase the amount of residential floor-space available for development within the Liverpool City Centre. The Planning Proposal will also provide floor-space available for employment generation, and will boost retail floor-space demand, and subsequently employment opportunities for the Liverpool CBD.

In relation to initiatives targeted at the Liverpool City Centre, the state government recognises the importance of maintaining a commercial core and providing additional capacity for mixed use development.

3.5 Is the planning proposal consistent with Council's local strategy or other local strategic plans?

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". This Planning Proposal will assist in achieving this vision.

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 will provide a new gateway style development to the City Centre.

In addition, Council has published on its website the Liverpool City Centre Vision:

The Liverpool City Centre is located approximately 32 km south west of the Sydney City Centre, between the Georges River and the Hume Highway. The city centre is home to one of Sydney's major medical precincts based around Liverpool Hospital which services a large portion of residents within Sydney's South West. The city centre plays a major retail role in the local area. It is also home to the Liverpool TAFE and the Liverpool Courthouse.

The Liverpool City Centre Vision focuses on Liverpool as one of Sydney's regional cities. The vision looks at ways to improve the strengths of the city centre by creating a strategy for the future of the City Centre. As a major centre in South West Sydney there is a focus on creating more jobs and homes in the City Centre.

The Liverpool City Centre Vision has aims to:

- Encourage a diversity of precincts within the City Centre including thriving retail and medical precincts;
- To provide high quality mixed use developments to provide housing for key working groups in the city centre;
- Improve transportation links to and from the City Centre to ensure access to the greater Sydney area is achieved as well as access to the surrounding suburbs of Liverpool;
- Create new jobs in the City Centre, close to public transport;
- Become a city that is pedestrian and cyclist friendly, with active street fronts to create a more liveable city and;
- To improve the quality of the natural environment.

The Proposal is consistent with the Council's City Centre Vision.

3.6 *Is the planning proposal consistent with the applicable state environmental planning policies?*

Various State Environmental Planning Policies are relevant to the subject site. The requirements of each of these are summarised below.

Table 3: Consistency with State Environmental Planning Policies (SEPPs)

SEPP	Consistency
SEPP (Miscellaneous Consent Provisions) 2007	Policy applies to miscellaneous provisions including the erection and use of temporary structures and certain types of subdivision. The Planning Proposal is not inconsistent with the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The Planning Proposal is not inconsistent with the SEPP.
SEPP (Infrastructure) 2007	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal is not inconsistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal is not inconsistent with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP is relevant to specific development that would become permitted under the Planning Proposal. Future development would need to comply with these provisions.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal is not inconsistent with the SEPP.
SEPP No.65 – Design Quality of Residential Flat Development	This SEPP is relevant to specific development that would become permitted with consent under the Planning Proposal. Future development would need to comply with the provisions of the SEPP.
SEPP No.64 – Advertising and Signage	This SEPP applies to the site and future development would need to comply with these provisions.
SEPP No.55 – Remediation of Land	The site will be the subject of a Contamination Assessment post Gateway and prior to the exhibition.
SEPP No.33 – Hazardous and Offensive Development	The Planning Proposal does not relate to hazardous and offensive development.
SEPP No.32 – Urban Consolidation (Redevelopment of Urban Land)	The Planning Proposal is not inconsistent with the SEPP.
SEPP No.21 – Caravan Parks	The Planning Proposal is not inconsistent with the SEPP.
SEPP No.1 – Development Standards	The Planning Proposal is not inconsistent with the SEPP.

Any SEPPs that are not applicable to the Planning Proposal are not listed.

3.7 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Table 4: Consideration of Section 117 Directions

Section 117 Direction	Consistency / Response
EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones	The Planning Proposal is consistent with the objectives of this direction. Both the B4 and B6 zone allow for residential flat buildings to be constructed. The Planning Proposal will allow for commercial activities to occur on the land and will promote the rejuvenation of business zones on the southern side of the Liverpool CBD.
1.3 Mining, Petroleum Production and Extractive Industries	The Planning Proposal does have the effect of prohibiting mining or restrict the potential development of resources. The site is within an established urban area.
2. Environment and Heritage	
2.3 Heritage Conservation	The LLEP contains heritage clauses. The Planning Proposal does not affect these clauses. There is a heritage item adjoining to the south and relationship of the Proposal to the item has been considered in the Planning proposal, see Section 3.10.
2.4 Recreation Vehicle Areas	The Planning Proposal does not impact on environmental protection zones nor involve recreation vehicle use.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The Planning Proposal responds to this direction by providing additional residential capacity in close proximity to public transport and a major urban centre. The proposal will assist in reducing the demand for fringe urban development, promotes urban consolidation and will provide for higher density residential development in a well serviced area.
3.3 Home Occupations	The Direction applies to home occupations in dwellings. The B4 zoning will allow shop-top housing and Residential Flat Buildings. Home occupations are also identified as Exempt Development in SEPP (Exempt and Complying Development Codes) 2008 in certain circumstances.
3.4 Integrating Land Use and Transport	The proposal responds to this direction by providing residential and commercial development close to public transport and within walking or cycling distance to the Liverpool City Centre. The provision of linkages through the site will also increase pedestrian permeability and encourage active transport.

Section 117 Direction	Consistency / Response
3.5 Development Near Licensed Aerodromes	The Planning Proposal would not make changes to the LLEP 2008 that would permit a building to interfere with the Bankstown Airport Obstacle Limitation Surface (OLS). However the erection of a tower crane may penetrate the OLS and/or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface.
3.6 Shooting Ranges	The Planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4. Hazards and Risk	
4.1 Acid Sulphate Soils	The site is not identified in LLEP 2008 as containing acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	This Direction does not apply to the site.
4.3 Flood Prone Land	The Planning Proposal will be consistent with this Ministerial Direction. The site is not identified a Flood Prone Land or within a potential flood planning area.
4.4 Planning for Bushfire Protection	The site is not identified as being bushfire prone on the Council's Bushfire Prone Lands Map.
5. Regional Planning	
5.8 Second Sydney Airport: Badgerys Creek	The site lies outside the 20 ANEF contour.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal is consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	The Planning Proposal is consistent with this Ministerial Direction.
6.3 Site Specific Provisions	The Planning Proposal contains a <u>minor</u> inconsistency with this Ministerial Direction, as justified below and in section 3.2. Residential flat buildings and commercial premises are permitted in the B4 zone. The proposed Schedule 1 additional permitted uses clause will extinguish part of clause 7.16 <i>Ground floor development in Zones B1, B2 and B4</i> as it applies to the site. While this is inconsistent with the direction, it is a minor inconsistency, as the frontage of any building developed on the site facing the Hume Highway will have to retain a retail/commercial use. The requirement has been removed only from that part of the site on which it would not be feasible to apply, as explained further in section 3.2 of this planning proposal.

Section 117 Direction	Consistency / Response
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal is consistent with the plan. See part 3.4. The Planning Proposal will accommodate additional housing and commercial floor space on the periphery of the Liverpool City Centre. Dwellings would be located within a strategic centre, close to jobs and services. The site is located within a strategic centre, and is close to recreation facilities.

Any Directions that are not applicable to the Planning Proposal are not listed.

C. Environmental, social and economic impact

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

The site is located on urban land that has been cleared of all vegetation. Given the urban and modified nature of the site, it is not anticipated that the Planning Proposal will have any adverse environmental effects.

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

The site is not flood prone, nor bush fire prone.

The site has not been the subject of environmental site assessment in regards to potential contamination.

It is acknowledged that development of the site has the potential to overshadow low scale development to the west and south. Detailed shadow assessment of the potential impacts has determined the maximum acceptable height on the site. The shadow analysis is included with material attached.

In this regard, there are no hazards that impact the site that would preclude consideration of the Planning Proposal.

3.10 How has the planning proposal adequately addressed any social and economic effects?

Social Effects:

The above sections of this Planning Proposal demonstrate that the proposed rezoning accords with the relevant strategic planning framework and is likely to result in a net community benefit. There are no perceived negative social effects.

Economic Effects:

An Economic Impact Assessment prepared by AEC Group is provided (see attached).

The site is currently zoned B6 – Enterprise Corridor which allows a range of non-residential uses and shop-top housing. The maximum floor space ratio for the site is 2.5:1, but a substantial component of this could be expected to be housing, with limited employment generation occurring.

The ‘do nothing’ approach will mean that the site is likely to be developed as per the previous consent. The site benefits from an existing modified development consent with a floor space ratio of approximately 3.4:1, the majority of which is residential and a small quantum of retail space. The approval for the site is not a major employment generator. This consent has been taken up and work commenced on the site.

The Economic Impact Assessment includes the following comments.

In order to assess the economic impact of the planning proposal, two scenarios are considered:

Base Case (Approved Development)

The site is developed pursuant to development approved via s96 modification consent granted in 2007. This comprises the delivery of 93 residential units, 3,600sqm retail floor-space and 2,500sqm commercial floor-space. This development has commenced.

Rezoning Scenario (Proposed Development)

The site is assumed to be rezoned and developed to accommodate 318 residential units and 637sqm retail floor-space.

Once these impacts are identified the net economic costs and benefits are determined which allow considerations of the extent to which a net community benefit would eventuate from the rezoning scenario as follows:

Economic Costs of Rezoning Scenario v Base Case

- *Reduction in on-site jobs of 157, assuming development envisaged in Base Case is fully tenanted.*
- *Reduction in retail floorspace on-site of 2,963sqm*

Economic Benefits of Rezoning v Base Case

- *Generating a net gain in retail floor-space demand of +1,033sqm (compared to negative 3,116sqm under the Base Case). The 3,600sqm of retail floorspace in the Base Case is unlikely to be met from retail demand from new residents (in 93 units) alone, thereby is expected to draw trade from residents in the broader locality which would otherwise be directed to existing or future facilities in Liverpool CBD or other centres/facilities.*
- *Providing an additional 225+ homes [dwellings].*
- *Encouraging a consolidation of retail and commercial uses in Liverpool City Centre.*
- *Allowing an additional +563 residents to live close to Liverpool City Centre.*
- *Providing more suitable residential mix conducive to promoting access to the housing market for first time buyers by delivering a greater number of smaller, more affordable units.*
- *Making more efficient and effective use of an infill development site by delivering a greater quantum of development.*
- *Supporting an additional \$41.5m in direct construction costs.*
- *Supporting an additional \$68.7m in indirect multiplier impacts as a result of the construction process.*
- *Supporting an additional 191 jobs directly and indirectly via the construction process.*

Net Economic Benefit of Rezoning Scenario v Base Case

Based on the above, the rezoning is deemed to deliver a greater net positive community benefit comparative to the Base Case.

It is considered that the Planning Proposal will have no negative impact in terms of employment generation and economic impact. The Planning Proposal envisages mixed use development with components of ground level retail/commercial space. The inclusion of additional floor space on the site and the generation of additional

housing will be a major stimulus for ongoing economic growth in the Liverpool City Centre, supporting retail service industries, as well as additional patronage of well-located public transport system.

The Economic Impact Assessment also addresses the issue of viability of retail/commercial uses on the ground floor of the development:

Ground floor retail and high street commercial uses proposed would likely be economically viable on the site given its location, surroundings and the nature of the proposed development itself which includes high density residential uses. Such provisions would [be] likely to increase the attraction of the end development as a place to live for future residents, through the incorporation of a greater quantum of proximate retail goods and services.

A quantum in the order 637sqm of retail floor-space is envisaged in the Rezoning Scenario. We would recommend provision be made for sub-division into a number of smaller tenancies (if required) which would be capable of accommodating localised retail and high street commercial uses.

Heritage Impact

The subject site is adjoined to the south by a heritage item, being the Collingwood Hotel. The proponent has submitted a Statement of Heritage Impact (SOHI) prepared by Rappaport Heritage Consultants, which is appended to this PP. The SOHI confirms that the proposal will have an acceptable impact on the heritage item, including some recommendations for minor design refinement. Council Officers are involved in on-going discussions with the proponent to ensure that the final design will be sympathetic to the Collingwood Hotel.

D. State and Commonwealth interests

3.11 Is there adequate public infrastructure for the planning proposal?

The site is located within the established urban area of Liverpool. It is clear that the existing infrastructure in the Liverpool City Centre has the capacity to accommodate development on the site, given the emphasis in State, regional and local planning strategies to increase both jobs and residential development in the Liverpool City Centre.

The site is in close proximity to major public transport including the Liverpool Railway Station. The site is in a location where development should be intensified in order to take advantage of such transport availability and the massive public investment that has occurred in recent times in Liverpool and the south west of metropolitan Sydney.

3.12 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

This section will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination.

Part 4 - Mapping

The Planning Proposal proposes amendments to the LLEP maps including:

- Amendment to the Zoning Map to rezone from B6 Enterprise Corridor to B4 Mixed Use (Figure 7);
- Amendment to the floor space ratio map to allow a maximum of 6:1 across the site (Figure 8); and
- Amendment to the Height of Buildings Map to increase the maximum building height on the site to 100 metres fronting the Hume Highway and Hoxton Park Road and to 25 metres fronting Gillespie Street (Figure 9);
- Remove the green border surrounding the site from the Key Sites maps, which refers to clause 7.22 of the LLEP 2008 (Development in Zone B6) (Figure 10).

Map changes are shown below.

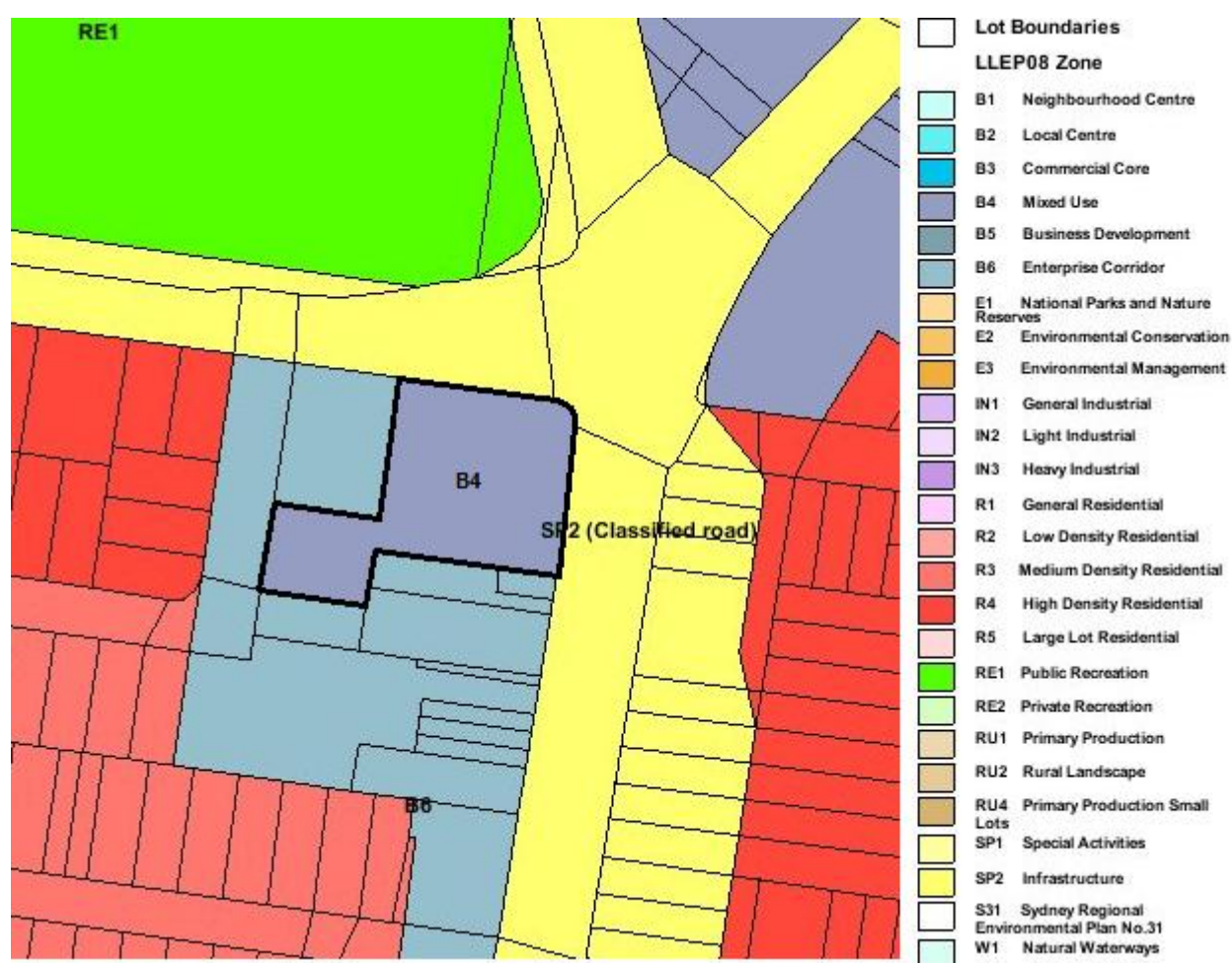


Figure 7: Proposed Land Use Zone Map (site bordered in heavy black lines)

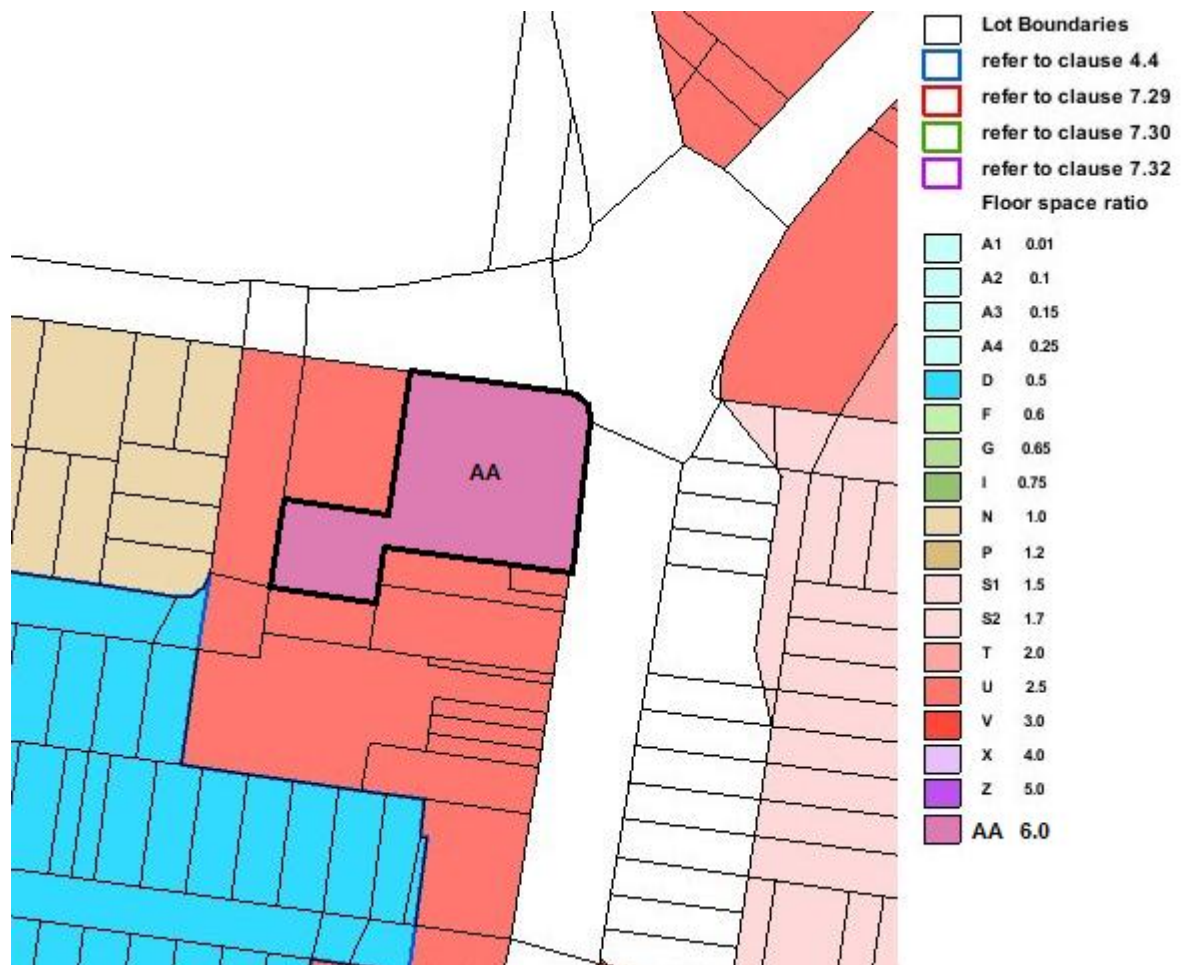


Figure 8: Proposed Floor Space Ratio Map (site bordered in heavy black lines)



Figure 9: Proposed Maximum Building Height Map (Area 'AC' is a rectangle with a straight boundary at a depth of 30m from the Hume Highway for the majority of the site) (site bordered in heavy black lines)

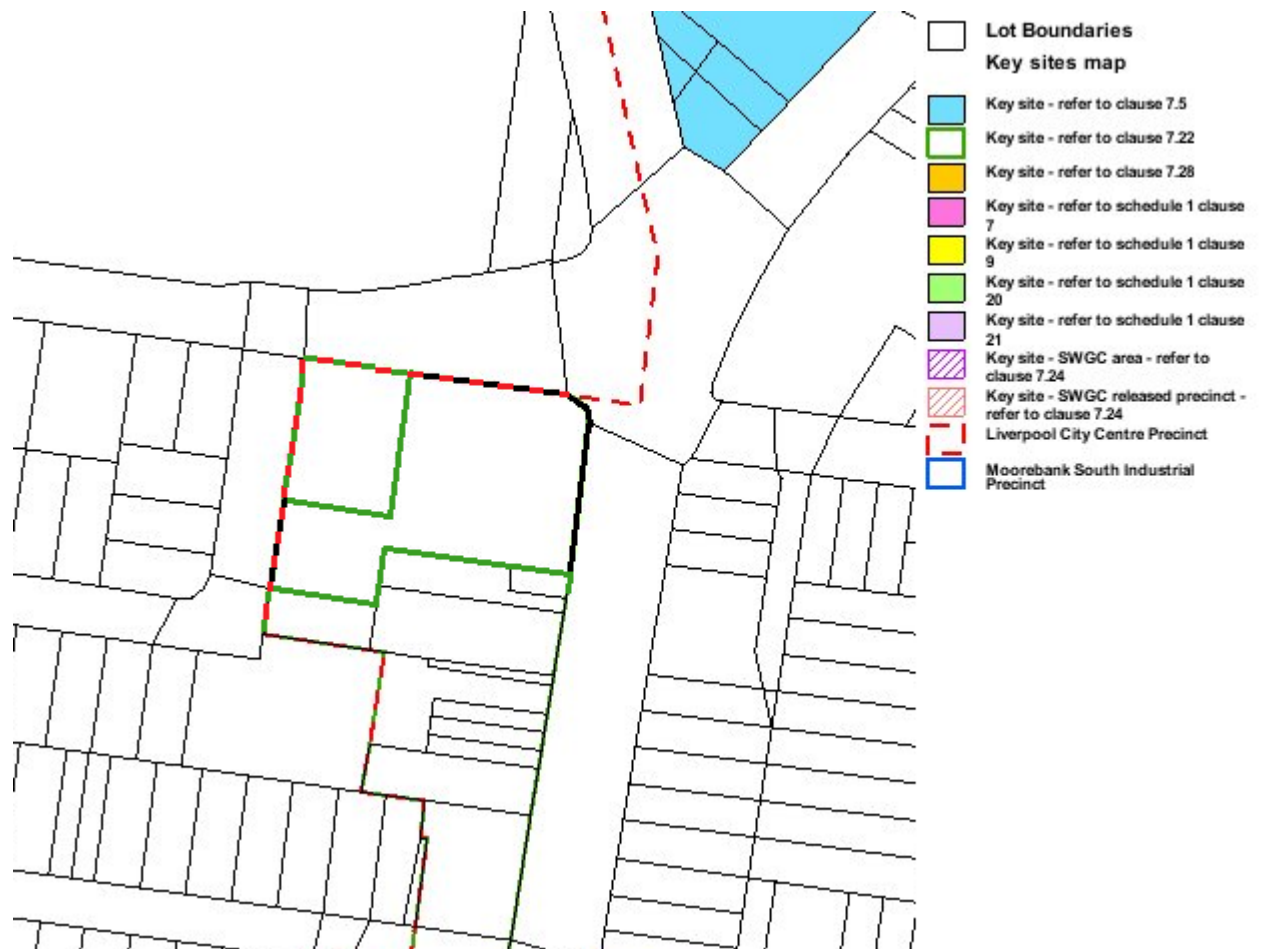


Figure 10: Proposed Key Sites Map (Changes in Bold, remove application of clause 7.22 to the site)

Part 5 – Community Consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination directives.

It is anticipated that Council would engage in a high level of consultation for the Planning Proposal and the public exhibition of the Planning Proposal would include:

- Advertising of the Planning Proposal in the Council Column within local circulating newspapers;
- Notification letters sent to relevant State Agencies and other authorities nominated by the Department of Planning and Environment;
- Notification letters sent to adjoining property owners and relevant community groups;
- Notification period would be for a minimum of 28 days (or as specified by the Department of Planning and Environment);
- Advertising and placement of Planning Proposal on Council's website; and
- Exhibition notice of Planning Proposal displayed at Council's administration building.

Part 6 – Project Timeline

The project timeline shall be generally adhered to in the outlined in 5 below:

Table 5: Project Timeline

Timeframe	Action
December 2014 - June 2015	Submission from applicant and consideration by Liverpool City Council planning officers
September 2015	Council resolution to forward the Planning Proposal for a Gateway Determination
November 2015	Anticipated commencement date (date of Gateway Determination)
December 2015 – February 2016	Anticipated timeframe for the completion of required technical information
March 2016	Timeframe for Government Agency consultation
March – April 2016	Commencement and completion dates for public exhibition
May – June 2016	Timeframe for consideration of proposal post exhibition
June 2016	Date of request to the Parliamentary Council for opinion on amendments.
August 2016	Anticipated date Council will make the plan (if delegated).
September – October 2016	Anticipated date Council will forward to the Department for notification.