

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

26 August 2019

Item no:	
Application Number:	RZ-8/2017
Proposal	Planning Proposal to amend the Liverpool Local Environmental Plan 2008 development standards for building height and floor space ratio and a Schedule 1 amendment limiting non-residential uses to 9,000sqm GFA
Property Address	2 Macarthur Drive, Holsworthy
Legal Description:	Lot 5 DP 825745
Applicant:	Architectus Pty Ltd
Land Owner:	Holsworthy Developments Pty Ltd
Recommendation:	Proceed to Gateway determination
Assessing Officer:	David Smith, Manager Planning and Transport Strategy

1. EXECUTIVE SUMMARY

Council has received a planning proposal to intensify the development potential at 2 Macarthur Drive, Holsworthy (Lot 5 DP 825745) by increasing the applicable maximum building height from 21m to a maximum of 45m, and floor space ratio (FSR) from 1.5:1 to 2.15:1. The amended development standards are to be accompanied by an amendment to Schedule 1 of the Liverpool Local Environmental Plan (LLEP) 2008 limiting non-residential uses to a Gross Floor Area (GFA) of 9000sqm on the site. The amendments to the LLEP 2008 are to be supplemented by a corresponding amendment to Part 2.6 (Holsworthy Station Area) of the Liverpool Development Control Plan (LDCP) 2008.

Determination of strategic merit and site specific merit have been assessed in accordance with *A guide to preparing planning proposals*, as updated and published by the NSW Department of Planning, Industry and Environment in 2018. The application has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment (EP&A) Act 1979* and the proposal is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the *EP&A Act 1979*.

This report recommends that the planning proposal be supported by Council and submitted to the Department of Planning, Industry and Environment seeking a Gateway determination.

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2. SITE DESCRIPTION AND LOCALITY

This planning proposal is site specific and relates to land at 2 Macarthur Drive, Holsworthy (Lot 5 DP 825745). The subject site is a vacant, triangular shaped parcel of land with an area of approximately 1.86ha. The site has approximate frontages of 232m to the T8 - Airport & South Railway line in the south, 185m to Macarthur Drive in the northwest and 200m to Heathcote Road in the northeast.



Figure 1: Site location and surroundings

The site is located directly to the east of Holsworthy train station and the 'Mornington Estate', and is approximately 400m to the south of Hammondville Park. The Holsworthy Army barracks are located 65m to the south of the site, being separated by the T8 Rail line.

The site has existing DA consents as follows:

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- On 20 December 2005, DA-1839/2005 was approved for a mixed use residential development for 6800sqm of retail and commercial floor space, and 40 residential units
**Subsequent modifications were approved on 29 March 2006, 14 February 2007, 21 December 2006 and 21 December 2007*
 - On 25 August 2008, DA-820/2008 was approved for a McDonald's restaurant
 - On 11 May 2009, DA-582/2009 was approved to modify the mixed use residential development (DA-1839/2005) to comprise of 8822sqm of retail and commercial floor space, and 10 residential units

3. DETAILS OF THE PROPOSAL

The proposal seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008 as follows:

- Increase the height of building development standard from 21m to part 24m and part 45m;
- Increase the floor space ratio development standard from 1.5:1 to 2.15:1; and
- Insert a site-specific provision under Schedule 1 stipulating a maximum non-residential gross floor area of 9,000sqm on the site.

A summary of the proposed amendments and the existing planning controls are defined below:

	Existing	Proposed
Floor Space Ratio	1.5:1	2.15:1
Height (max)	21m	24m-45m

The proposed changes to the zoning maps for LLEP 2008 are shown below.

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Figure 2: Extract of LLEP 2008 FSR Map (proposed)



Figure 3: Extract of LLEP 2008 Height Map (proposed)

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The proposal is supported by an Urban Design Study and Master Plan. The analysis presents a potential future development outcome for the site. Key features within the urban design analysis are discussed in this report noting that any final development would be subject to further detailed assessment during the DA stage.

Any DA would need to be assessed against Part 2.6 (Holsworthy Station Area) of the Liverpool Development Control Plan (LDCP) 2008. It is proposed that Part 2.6 of the LDCP 2008 is amended to support the planning proposal.

A summary of the proposed built form outcomes are outlined below.

Built form and function	1 storey podium structure (retail and parking) with street wall façade elements and 6 x 6-12 storey tower structures (residential).
Retail Area	8804sqm of Gross Leasable Floor Area (GLA) dedicated to retail uses
Residential Apartments	Potential for 350 dwellings comprising of a mixture of one, two, and three bedroom apartments (approx. GFA of 31000sqm)
Vehicular Access	Off Macarthur Drive only
Parking	Parking provided through 2 levels of on-site basement parking.
Public Domain	Ground level public domain with shelter, street vegetation, public seating areas, and public gathering spaces.

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Figure 4: Proposed built form layout (Urban Design Study and Master Plan)

4. CONSIDERATIONS OF STRATEGIC MERIT

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

Q1 PPG - Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The proponent has stated that the proposal has been prepared as a result of the Greater Sydney Region Plan 2056 and the Western City District Plan. However, the subject regional and district plans do not mention Holsworthy as being an area of any strategic significance. Although reference is made to a 'Bankstown-Holsworthy' area in the Western City and South District plans, this area comprises of the Punchbowl, Wiley Park and Lakemba Station precincts in the Sydenham to Bankstown Urban Renewal Corridor. As the subject site does not form part of the Sydenham to Bankstown Urban Renewal Corridor, the proposal is not considered to be the subject of any strategic study or report. The site is consistent with the draft Liverpool Local Strategic Planning

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Statement, particularly Local Planning Priority 7 *“housing choice for different needs, with density focused in the city centre and centres well serviced by public transport* and Local Planning Priority 11 *“An attractive environment for local jobs, business, tourism and investment”*.

Q2 PPG - *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The objective of the proposal is to increase the permissible residential density on the site. This will be accomplished by increasing the maximum height from 21m to 45m and the maximum FSR from 1.5:1 to 2.15:1. The proposal also aims to impose a maximum permitted gross floor area (GFA) of 9000sqm for retail uses on the subject site. The retail GFA will be administered through an enabling clause under Schedule 1 of the LLEP 2008. Based on the current development standards, the only way the proposal could be achieved would be via a planning proposal.

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

Q3 PPG - *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

The Department includes 'assessment criteria' which provide guidance on assessing a proposal's consistency with matters raised in Question 3. The following table summarises the assessment criteria.

Guideline Assessment Question	Council Response
<i>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	This question is addressed in detail below.
<i>Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or</i>	This question is addressed in detail below.
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	This question is addressed in detail below.

A Metropolis of Three Cities - Greater Sydney Region Plan (March 2018)

The Greater Sydney Region Plan – A Metropolis of Three Cities (the MoTC) was updated in March 2018 and replaces the previous metropolitan strategies. The MoTC is a strategic land use plan

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which provides the overarching vision for the Sydney Metropolitan Area over the next 20-40 years. Its aim is to manage growth in alignment with agency infrastructure plans, to deliver strategic place-based outcomes for Greater Sydney. Guided by 10 overarching directions in the section of the document titled *Directions for a Greater Sydney*, the optimal goal is to deliver infrastructure, productivity, liveability, and sustainability benefits to Greater Sydney. The planning proposal specifically addresses three directions and their associated priorities under the MoTC as follows:

Item	Comment
<i>Objective 10: Greater housing supply</i>	The proposal allows for a contemporary housing supply to be developed in close proximity to public transport and services. The Holsworthy suburb is currently characterised by detached dwellings and some attached dwelling typologies. The planning proposal will facilitate the provision of high density residential units. The apartments will comprise of a mix of one, two and three bedroom units to cater for a range of people different households and will contribute to Council's supply of residential dwellings.
<i>Objective 11: Housing is more diverse and affordable</i>	
<i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	The concept of a '30 minute city' is to be achieved by establishing connections between various airports, train stations and localities as identified in the <i>Greater Sydney Services and Infrastructure Plan - Future Transport 2056</i> . The site is well positioned to meet this requirement as residents can travel to metropolitan centres such as Liverpool within 30 minutes by train.

Western City District Plan

The *Western City District Plan* (WCDP) provides a guide for the management of economic growth, social service planning, and environmental conservation for the Western District over the next 20 years. The planning proposal specifically addresses three directions and their associated priorities under the WCDP as follows:

Item	Council Response
<i>Planning Priority W1: Planning for a city supported by infrastructure</i>	The site is well supported by Heathcote Road and the 901, 902 and 902X bus routes and the T8 railway line. Increased residential density in this location, close to public transport, will make good use of the existing infrastructure and services in the vicinity.
<i>Planning Priority W5: Providing housing supply, choice and affordability with access to jobs,</i>	The proposal has considered place-based planning priorities that support the vision of the locality and the benefits provided by mixed land uses permitted with consent in a B2 Local Centre zone. The planning proposal enables a range of diverse contemporary housing options in an area served by existing public transport, open space and commercial services.

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<i>services and public transport</i>	
<i>Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage</i>	The site benefits from good accessibility to Holsworthy railway station which provides onwards connections to key employment, education and services destinations. The urban design strategy provides a conceptual built-form which includes embellished areas of open space on-site and on land within road reserves.

The Department's *A Guide to Preparing Planning Proposals* includes the following questions (Section B, Q4 & Q6)

Q4 PPG - Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Our Home Liverpool 2027

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan (CSP) which provides strategic directions that have been identified with the input of community members. The directions are supplemented with goals and targets to achieve each direction. The four key directions are: *creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration*.

The submitted documents state that the proposal "will not affect the implementation of the Liverpool Community Strategic Plan 2027, nor the ability of Council to exercise its functions under the Local Government Act 1993". Additionally, the amended planning controls would ultimately deliver (subject to further development assessment) a mixed use development with quality urban built form and additional employment opportunities. The proposal provides an additional supply of residential apartment dwellings in an area that has access to adjacent parklands and community facilities.

Liverpool Residential Development Strategy

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

Broadly, the existing LRDS seeks to implement "location specific development standards (minimum lot size, floor space ratio and building height) to respond to specific capacity or existing or desired urban characters of different areas." In addition, the LRDS seeks to "introduce new high density residential zone nodes adjacent to main town centres and major transport nodes" such as Holsworthy.

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The specific residential development strategy for Holsworthy is described as follows:

- *Introduce a new 4 Ha – 6 Ha high density residential node providing for continued concentrated residential apartment accommodation and terrace housing east of Harris Creek within 400m of the new centre.*
- *Provide for three to four residential buildings.*
- *Establish a medium density zone for the remainder of the investigation area west of Harris Creek, extending 800m (10 minute walk) from the Centre.*
- *Facilitate improved pedestrian connections through Harris Creek Reserve to the Station and new centre and the schools north of Infantry Parade.*

The proposed zoning changes recommended by the LRDS for Holsworthy, which were incorporated into the LLEP 2008, are illustrated in Figure 5 below.

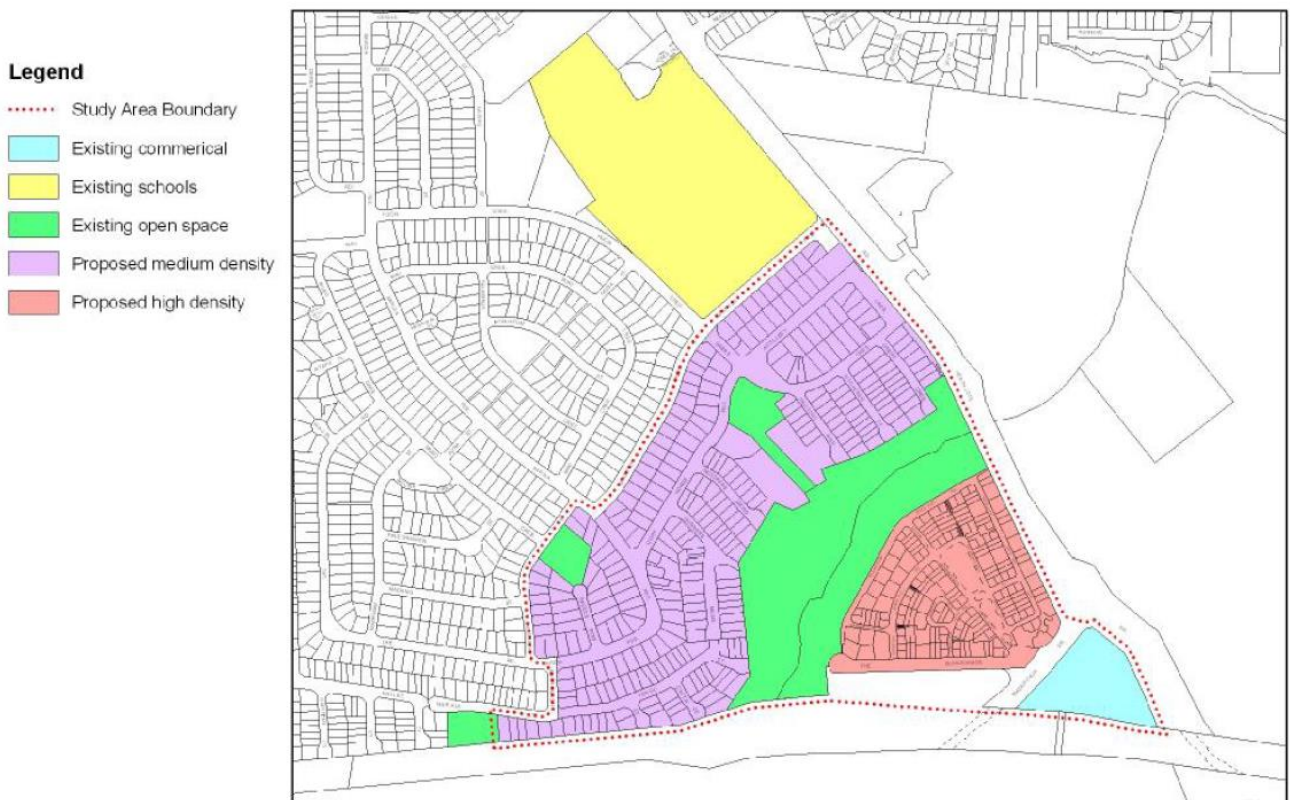


Figure 5: Holsworthy residential development strategy

The subject site has been identified for future commercial development, with the 'Morningside Estate' being identified as a 'high density residential node'. Despite the above, the current zoning permits residential development within the Holsworthy village centre, and the LLEP 2008 and LDCP 2008 include development controls to regulate the density of any proposed development.

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The current FSR and height controls were implemented so that Council's hierarchy of residential and retail uses would not be undermined by potential overdevelopment of the Holsworthy village centre. The current LLEP 2008 and LDPC 2008 controls are capable of supporting a mixed use development comprising of approximately 200 dwellings with 7250sqm of retail GLA and 1200sqm of commercial GLA on the subject site (depending on built form). However, the current DCP for Holsworthy envisions a mixed use development on the site with a limited floor plate, in which the majority of dwellings would be wholly contained within the 'Mornington Estate' to the west of the site (Figure 6).

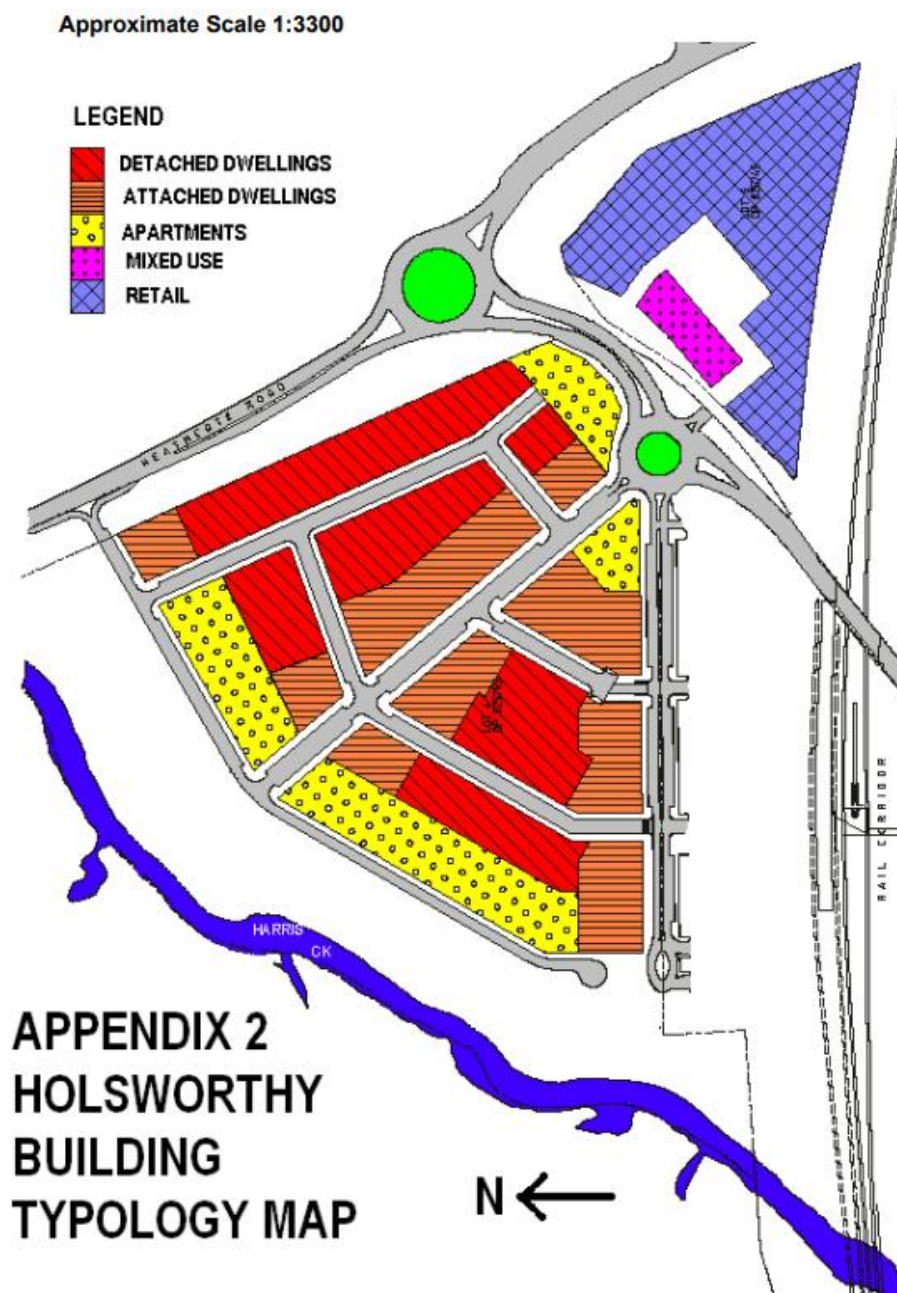


Figure 6: Holsworthy Building Typology

Although consent has been granted for developments which are inconsistent with the building

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typology map, the current controls were designed to cater for the future development of a potential village centre that would largely comprise of retail uses and primarily cater for the shopping needs of residents in Voyager Point, Pleasure Point and the 'Mornington Estate'. Despite the inconsistencies between existing developments, the proposal and the LRDS; Council has recently resolved to endorse a draft Local Strategic Planning Statement (LSPS) which supports density in centres well serviced by public transport.

Draft Local Strategic Planning Statement

At its ordinary meeting of 26 June 2019, Council resolved to endorse the draft *Connected Liverpool 2050* - Local Strategic Planning Statement (LSPS) and place it on public exhibition for a period of 6 weeks. Council's LSPS provides strategic directions to support the implementation of the MoTC, WCDP and CSP. The directions are supplemented with priorities and actions to achieve each direction. The four key directions are: *connectivity, liveability, productivity and sustainability*. The planning proposal specifically addresses directions for *liveability* and *productivity*, and their associated priorities under the LSPS as follows:

Item	Comment
<i>Local Planning Priority 6: High quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth</i>	The planning proposal and urban design report identified high quality public open space which could be provided as part of a future development, consisting of a 1000sqm public square with frontage to Macarthur Drive. Improving access to other local open spaces in the area, such as Hammondville Park, will be essential to provide access to a range of quality open spaces.
<i>Local Planning Priority 7: Housing choice for different needs, with density focused in the City Centre and centres will serviced by public transport</i>	The planning proposal will cater for the construction of approximately 350 dwellings comprising of a mix of one, two and three bedroom apartments, thereby contributing to Council's dwelling targets. The dwellings will be within 250m of Holsworthy train station and cater for a range of people including singles, couples and families.
<i>Local Planning Priority 9: Safe, healthy and inclusive places shaping the wellbeing of the Liverpool Community</i>	The proposal will facilitate the delivery of a mixed use, transit-oriented development which will encourage walkability and promote an integrated cycling network between centres. Improvements to the public domain, including better access to Holsworthy Station and local open spaces will be necessary to ensure the proposal is consistent with this priority.
<i>Local Planning Priority 11: An</i>	The proposal will foster an attractive environment for local jobs and businesses as the retail GFA will cater for a wider range of retail uses on

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<i>attractive environment for local jobs, business, tourism and investment</i>	the site, which will inevitably lead to increased employment opportunities for local workers. The amount of retail floor space achievable on the site would not compete with higher order centres such as Liverpool or Bankstown.
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Liverpool Retail Centres Hierarchy Review 2012

The Liverpool Retail Centres Hierarchy Review 2012 was prepared by Hill PDA to establish a hierarchy of retail and commercial areas across the LGA and to identify existing and potential future demand for retail floor space resulting from residential development and land release, population growth and changing demographics across suburbs.

The subject site has been identified as a potential 'village centre' with a projected GLA of 7000sqm for retail uses. This is supported by the current DCP for the site which allows for a maximum GLA of 7,250sqm for such purposes. Consent was granted for a mixed use development on the site in 2005 (DA-1839/2005) which catered for approximately 5600sqm of retail GLA with an additional 1200sqm of GLA dedicated for commercial purposes. The Economic Impact Assessment submitted with the DA identified that the village centre would have a moderate impact on nearby centres at Wattle Grove and Moorebank, with projected sales deficits of 11.2% and 10.1%, respectively.

Subsequently, consent was granted in 2009 (DA-582/2009) for a development consisting of 7085sqm of retail GLA with an additional 1737sqm of GLA dedicated for commercial purposes. The current planning proposal will provide a GLA of 8,804sqm for retail uses (contained within a GFA of 9000sqm) which represents a 1554sqm (21%) increase above the recommended maximum in the DCP. The proposal has been supplemented by an Economic Impact Assessment which shows that the proposed extent of retail uses would affect the viability of nearby shopping centres at Wattle Grove and Moorebank as there would be a projected deficit of 14.5% and 12.5% in sales, respectively.

Despite the above, the subject site would be the most appropriate location to provide additional retail GFA as the residential population within Holsworthy has increased by approximately 12% since the Retail Centres Hierarchy Review was produced in 2012. Therefore, it is highly unlikely that the impacts noted above would lead to the closure of any supermarkets in the nominated centres.

Q6 PPG - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

9.1 Directions by the Minister (previously Section 117)

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

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Direction	Objectives	Comment
1.1 Business and Industrial Zones	<i>To encourage employment growth in suitable locations.</i>	The proposal is generally consistent with this objective as it will provide opportunities for employment growth on the subject site.
	<i>To protect employment land in business and industrial zones.</i>	The proposal is consistent with this objective as it will retain the current B2 Local Centre zone.
	<i>To support the viability of identified strategic centres.</i>	The proposal is not likely to have any adverse economic impacts on identified strategic centres.
3.1 Residential Zones	<i>To encourage a variety and choice of housing types to provide for existing and future housing needs.</i>	The proposal provides a range of units with varying number of bedrooms, contained within a shop-top housing arrangement.
	<i>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.</i>	The site is in close proximity to a train station and existing bus services. The site also has the potential to accommodate a range of land uses including shops and medical centres.
	<i>To minimise the impact of residential development on the environment and resource lands.</i>	The site is within an urban area adjoining a train line and there is no significant vegetation on the site. Any future development within the site will have no impact on the sensitive vegetation that is situated on Defence Land within the vicinity.
3.4 Integrating Land Use and Transport	<i>Improving access to housing, jobs and services by walking, cycling and public transport.</i>	The subject site is well positioned in relation to public transport, with Holsworthy railway station located within approximately 200 metres, which provides access to employment, education and health services in Liverpool and the wider region. The proximity to the railway station will encourage public transport use.
	<i>Increasing the choice of available transport and reducing dependence on cars.</i>	The site is located adjacent to the Holsworthy Station, which provides frequent train services to the city via the airport, and to Campbelltown via Glenfield. Express services between Holsworthy and Central Sydney allow Sydney Airport to be reached in as little

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		as 17 minutes and Central Station in 30 minutes. Regular services reach the airport in 25 minutes and Central in 38 minutes. Journey time to Liverpool via Glenfield is approximately 17 minutes and frequent bus services are also provided between Holsworthy Station and the Liverpool City Centre.
	<i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i>	Holsworthy station is located on three bus routes including the 901 and 902 which connect the site to Liverpool, and the 902X which connects to Sandy Point.
	<i>Supporting the efficient and viable operation of public transport services</i>	The site is located adjacent to the Holsworthy railway station (200m) which is serviced by the T8 Airport and South Line.
	<i>Providing for the efficient movement of freight.</i>	N/A
3.5 Development Near Regulated Airports and Defence Airfields	<i>To ensure the effective and safe operation of regulated airports and defence airfields</i>	The proposal will not affect the operation of any regulated airports. However, there is an airfield located 3.1km to south of the site within the Holsworthy Army Barracks. Should the proposal receive Gateway Determination, then the Department of Defence will need to be notified as part of the post Gateway Determination process.
	<i>To ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity</i>	The proposed increase in height sought under this Planning Proposal (up to RL.55.0m AHD) is significantly below the OLS limitations applying to the site (Approx. RL. 100m AHD).
	<i>To ensure development, if situated on noise sensitive land,</i>	The site is located approximately 4.2km south of Bankstown Airport, 20km south east of Sydney Kingsford Smith Airport, 25km east of Nancy Bid Walton International Airport and approximately 3.1km

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	<i>incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i>	north of the Holsworthy Army Barracks defence airfield. The site is not burdened by any ANEF restrictions.
4.1 Acid Sulfate Soils	<i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	The site is impacted by Class 5 acid sulfate soils and is within 500m of land affected by Class 4 acid sulfate soils. Accordingly, an acid sulfate soil management plan will be required should any works lower the water table below 1 metre AHD on the adjacent Class 4 land.
4.4 Planning for Bushfire Protection	<i>Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas</i>	This affectation has been considered in the design of the proposal, with a future development capable of complying with Rural Fires Act 1997 and the NSW Rural Fire Service 'Planning for Bushfire Protection' guidelines 2006, subject to concurrence from the NSW Rural Fire Service.
	<i>Encourage sound management of bush fire prone areas</i>	This objective can be achieved, subject to concurrence from the NSW Rural Fire Service.
6.1 Approval and Referral Requirements	<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development</i>	The Planning Proposal does not contravene the objectives of this direction.
6.2 Reserving Land for Public Purposes	<i>to facilitate the provision of public services and facilities by reserving land for public purposes</i>	The proposal does not propose to create, alter or reduce any existing zoning or reservation on the land for public purposes.
	<i>To facilitate the removal of reservations of land for</i>	The proposal does not propose to create, alter or reduce any existing zoning or reservation on the land for public purposes.

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	<i>public purposes where the land is no longer required for acquisition.</i>	
6.3 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	The proposal does not propose any unnecessarily restrictive site specific planning controls, and will use standard built form controls to amend the LLEP 2008.
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	A Plan for growing Sydney has now been superseded by the 'Metropolis of Three Cities' Regional Plan.

5. CONSIDERATIONS FOR SITE-SPECIFIC MERIT

The Department's planning proposal guide includes the following site-specific merit questions (Section B, Q3b).

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

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

Natural environment

Land Contamination

The conclusions and recommendations presented in the Preliminary Site Investigation (Revision No. Final) prepared by GHD Pty Ltd dated 17th July 2017 are dissimilar to those included in the Planning Proposal report. Whilst GHD Pty Ltd identified a need for more detailed investigations of the site, Architectus Group Pty Ltd suggested that the land is appropriate for redevelopment without the need

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for remediation.

SEPP 55 requires the proponent to investigate the site and provide Council with the information needed to carry out its planning functions. To satisfy the requirements of Clause 6 of State Environmental Planning Policy No. 55 - Remediation of Land, more detailed investigations are required to verify the suitability of the land for its intended use (i.e. Stage 2-Detailed Site Investigation or Remedial Action Plan if needed). This should be provided prior to public authority consultation to aid in satisfying the site-specific merits of the planning proposal.

Acid Sulfate Soils

The site is identified as being affected by Class 5 acid sulfate soils. The Planning Proposal states that "The proposed development is not considered to have the potential to disturb, expose or drain acid sulphate soils, nor cause environmental damage." However, Clause 7.7 of the LLEP 2008 requires the submission of an acid sulfate soils management plan when works within Class 5 are undertaken within 500m of Class 1,2,3 or 4 acid sulfate soils, provided that the works will be below 5m AHD and lower the water table by 1m on the adjacent Class 1,2,3 or 4 land. Given that basement level parking is likely to form part of any future development, it is possible that an acid sulfate soils management plan will be required as part of any DA.

Flooding and Stormwater management

The land for the proposed rezoning is not affected by mainstream flooding. However, the flood modelling demonstrates that the existing stormwater pipes do not have the capacity to convey the flow from the entire catchment across the adjoining roads. The existing stormwater drainage system across Heathcote Road is inadequate and will require upgrading to facilitate development of the site. This will need to be addressed as part of any DA, should the proposed LLEP amendment be gazetted.

Noise Impacts

The submitted Noise and Vibration Impact Assessment prepared by Wilkinson Murray Pty Limited (dated 24 May 2017) indicates that the four buildings along the north-eastern boundary may be required to have closed windows to meet the internal noise levels at both facades facing and perpendicular to Heathcote Road. Although it appears that the proposal has generally addressed the statutory requirements of Clause 87 and 102 of State Environmental Planning Policy (Infrastructure) 2007, it should be noted that an updated acoustic report will be required as part of any DA as the report makes reference to an outdated iteration of the proposed master plan (i.e. current masterplan has only three buildings on the north-eastern boundary).

Bushfire hazard

The north-eastern portion of the site is bushfire prone (vegetation buffer) at an approximate depth of 65m from the Heathcote Road frontage. A Bushfire Constraints Assessment report prepared by RPS (dated May 2017) has been submitted indicating that the proposal is capable of complying with

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the Rural Fires Act 1997 and the NSW Rural Fire Service 'Planning for Bushfire Protection' guidelines. The report will be referred to the NSW Rural Fire Service for their review should a Gateway Determination be issued for the proposal.

Services and infrastructure

Gas Pipeline Easement

The subject site is adjacent to the Moomba-Sydney ethanol pipeline which is located along the southern boundary. The proposal was referred to the APA Group who advised that due to the change in density being proposed, the risk associated with the land use surrounding the gas pipeline would go up a level from Residential (T1) to High Density (T2) (a significant step change), under Australian Standard (AS) 2885. Therefore, a Safety Management Study (SMS) will be required to assess the additional risk and examine additional risk mitigation measures. The preparation of a SMS will need to be supported by various studies and will need to include proposed pipeline protections. The proponent will be responsible for the cost of the SMS, and the implementation of protection measures arising from the SMS.

The APA Group has advised that the SMS does not need to be completed prior to Gateway Determination, but should be provided at DA stage subject to further consultation as part of the post Gateway Determination process. However, it must be noted that the APA Group will not support the inclusion of any 'sensitive uses' under AS2885, which includes uses for sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure (e.g. child care, seniors housing, health facilities etc.).

The proponent has been made aware of APA's concerns and has offered to remove the child care centre from the proposed development.

It should also be noted that the land-uses APA uses in its assessment (such as T1 and T2) are not aligned with any NSW planning zones, meaning Council cannot, strictly, prohibit any developments for which APA would object, as per the standard instrument permissible uses.

Traffic and Transport

Traffic considerations will largely depend on concurrence from Transport for NSW, as Heathcote Road will be widened to a four lane road. Any comments from this agency would be considered as part of the post Gateway Determination process.

Voluntary Planning Agreement

The proponent has prepared an offer to enter into a Voluntary Planning Agreement (VPA) in association with the planning proposal and will also make required Section 7.11 development contributions in accordance with Council's *Liverpool Contributions Plan 2009* as part of future DA approvals. The VPA will involve the undertaking of the following works:

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- Upgrade of the existing roundabout in Macarthur Drive to a signalised intersection
 - Removal of the redundant roadway connecting the existing roundabout and rail bridge
 - Embellishment of Macarthur Drive road reserve to Council's satisfaction
 - Landscaping along Heathcote Road to the satisfaction of the RMS
 - Provision of public open space on the site with a minimum area of 1000sqm

The VPA will provide upgrades within the Macarthur Drive road reserve, and the landscaping along Heathcote Road will offer opportunities for embellishment alongside a classified road. The onsite public open space will benefit the wider community as it will cater for new residents who will occupy the site. Provision of the open space will need to be further investigated with APA, as there is a desire to limit areas of congregation within close proximity to high pressure ethane gas pipelines. Connectivity to other areas of public open space should also be in the scope of a VPA.

Statutory Considerations / Conditions

Land Contamination

Prior to public exhibition, a Stage 2 - DSI report would need to be prepared by a suitably qualified and experienced contaminated land consultant in accordance with the *Environmental Protection Authority (EPA) Contaminated Sites Series*, providing an assessment of the suitability of the site for the intended use.

The Stage 2 - DSI report is to identify the level and extent of any contamination at the site, assess the potential risk posed by contaminants to health and the environment, and obtain a sufficient level of information in order to develop a remedial action plan (RAP). It should be noted that future development on the site would be subject to consent and any significant adverse environmental impacts can be addressed as part of any DA.

DCP Amendment

The proposal is supported by an amendment to Part 2.6 (Holsworthy Station Area) of the LDCP 2008. The current DCP includes controls to regulate residential and commercial/retail development on the subject site as well as the 'Morningside Estate' to the west. There are controls for both public and private domain, and the controls are supplemented by a preferred street layout, building typology and local centre design principles.

The amendments will ensure that Part 2.6 includes controls that align with the masterplan as detailed in the planning proposal. Should a Gateway Determination be issued, then the DCP will be exhibited concurrently with the planning proposal as part of the post Gateway Determination process.

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

Q5 PPG - Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The proponent provides a review of the relevant SEPPs as provided below.

Policy	Proponents Comments	Council Assessment
<i>SEPP 55 – Remediation of Land</i>	As noted within this report, a Preliminary Site Investigation has been prepared for the site by GHD Pty Limited. This Preliminary Site Investigation is consistent with previous studies and concluded elevated levels of PAH at locations consistent with previous studies, however that the site is appropriate with no remediation required for residential use with no direct access to soil (i.e. a residential apartment building), where this soil is otherwise covered by permanent structures (concrete slab, road etc.). On this basis, it is considered that the subject site is suitable for the proposed development and is satisfactory with regard to Clause 6 of SEPP 55.	The proposal has provided a Stage 1 Preliminary Site Investigation. Council requires a Stage 2 Detailed Site Investigation report to determine the extent of contamination on the site (if any). This can be provided prior to exhibition and will inform the suitability of the site for the intended use.
<i>SEPP 65 Design Quality of Residential Flat Buildings</i>	The proposal has been designed to ensure consistency with the provisions of SEPP 65 and the ADG, specifically relating to building massing, setbacks provision of landscaping and open space at the site.	Consistent. The proposal includes an Urban Design Concept report that indicates potential to develop residential flat buildings in alignment with SEPP 65. Any future development to occur on the site as a result of the rezoning would be subject to consent, with any significant adverse design impacts or conflicts with SEPP65 being addressed during the development application stage.
<i>SEPP (Vegetation in Non-Rural</i>	The SEPP applies to land zoned B2 Local Centre in Liverpool Local Government Area. Consistency with this	Consistent. The proposal would not be in conflict with the requirements under SEPP (Vegetation in Non-Rural Areas)

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<i>Areas) 2017</i>	SEPP will be subject to future DAs, although there is very limited vegetation on the site, a result of minor groundworks undertaken under the consent of extant DAs for the site.	2017.
<i>SEPP (Infrastructure) 2007</i>	The proposal has been designed having regard to SEPP Infrastructure, considering the proximity of the site to the adjacent railway line and scale of the development overall (considered to be traffic generating development). The proposal is supported by a Traffic Impact Assessment prepared by Terrafic demonstrating the proposal will not result in any unreasonable impact to the local road network.	Consistent. Although, potential traffic impacts can be mitigated (subject to RMS concurrence), it is advised that Clause 55 of the SEPP (Infrastructure) 2007 requires consent authorities to assess any risks associated with development within a gas corridor. The APA Group recommends that mitigation measures are largely addressed prior to gazettal and that a Safety Management Study is submitted at the DA stage. Accordingly, the proposal will need the concurrence of APA Gas as part of the post Gateway Determination process.

Q7 PPG - 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 and any proposed land uses would be contained within an established urban environment, therefore there will be no adverse impacts on ecological communities or habitats.

Q8 PPG - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The applicant will be required to submit a Stage 2 - detailed site investigation (and RAP if required) and undertake potential upgrades of the stormwater drainage system within the vicinity. Bushfire mitigation measures will need to be implemented in accordance with any advice received from the NSW Rural Fire Service.

Q9 PPG - Has the planning proposal adequately addressed any social and economic effects?

Economic Impacts

The planning proposal would allow for additional land uses that would neither negate nor reduce employment outcomes in the area, and would be complimentary to the approved neighbouring developments. As discussed earlier in this report, there will be no significant adverse impacts upon any existing shopping centres that have been identified in the Economic Impact Assessment.

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Social Impacts

The Social Impact Assessment Report found that the proposal will not have any adverse impacts on the social fabric of the area surrounding the site. The subject site is well suited for a mixed use development and is in context with neighbouring developments. The development will not significantly reduce or impact upon the level of service provided by existing social infrastructure and facilities. Accordingly, there are no notable social implications for the proposal.

Q10 PPG - Is there adequate public infrastructure for the planning proposal?

Yes. As discussed earlier in this report there is adequate public infrastructure for the planning proposal including shops, open space and public transport options.

Q11 PPG - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As noted earlier, referrals will be made to the NSW Rural Fire Service, Transport for NSW, Department of Defence and APA Gas, subject to Gateway Determination. Consultation with other state or Commonwealth authorities will be determined during the post Gateway Determination process, and at DA stage should the proposal be supported.

Next Steps

The Planning Proposal will be reported to Council for endorsement and subsequently forwarded to the Department of Planning, Industry and Environment seeking Gateway Determination.

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

7. CONCLUSION

This report has been prepared following consultation with internal Council officers and relevant external agencies. The above assessment has shown that the proposal is consistent with State and local strategies. There is strategic merit to support the proposed rezoning. The proposal demonstrates site specific merit where the amended development standards will facilitate increased housing supply and retail uses, without negatively impacting upon current or future land uses in the vicinity. As demonstrated in this report, the urban design and built form considerations for this proposal are consistent with Council's future vision for the site.

It is recommended that the planning proposal proceed to Gateway Determination.

Attachments

1. Planning Proposal

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2. Urban Design Study and Master Plan
 3. Traffic Impact Assessment
 4. Social Impact Assessment
 5. Economic Impact Assessment
 6. Flood Study
 7. Preliminary Site Investigation
 8. Noise and Vibration Impact Assessment
 9. Bushfire Preliminary assessment
 10. Servicing Report