

**EGROW 06**

**Proposed Amendment to Liverpool Local  
Environmental Plan 2008 - Rezoning of land at 4-8  
Hoxton Park Road, Liverpool**

<b>Strategic Direction</b>	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
<b>File Ref</b>	026741.2019
<b>Report By</b>	David Smith - Manager Planning & Transport Strategy
<b>Approved By</b>	Tim Moore - Director, City Economy and Growth / Deputy CEO

<b>Property</b>	4-8 Hoxton Park Road, Liverpool (Lot 1 DP 860799)
<b>Owner</b>	Hussein Chahine
<b>Applicant</b>	Architecture Design Studio (NSW) Pty Ltd

## **EXECUTIVE SUMMARY**

Council has received a planning proposal to rezone land at 4-8 Hoxton Park Road, Liverpool (Lot 1 DP 860799) from B6 – Enterprise Corridor to B4 – Mixed Use.

The planning proposal has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act (EPA&A) 1979* and the proposal was referred to the *Liverpool Local Planning Panel* for advice in accordance with Section 2.19 of the EP&A Act.

The assessment of the planning proposal was undertaken by Tract Consultants on behalf of Council. That assessment determined the planning proposal has strategic and site specific merit and is consistent with Section 9.1 Directions and other relevant regional and local plans.

Advice was sought from the *Liverpool Local Planning Panel* at its meeting on 26 November 2018 in accordance with the *Local Planning Panel Direction – Planning Proposals* dated 23 February 2018. Following an inspection of the site and considering the assessment report, the panel provided their supporting advice that the proposal has both strategic and site-specific merit.

The assessment report considered by the Local Planning Panel is attached as **Attachment 1**. The report provides a detailed assessment of the proposal against the criteria for determining strategic and site specific merit, as required.

This report recommends that the planning proposal be supported in principle by Council and submitted to the Department of Planning and Environment seeking a Gateway determination and public exhibition.

## **RECOMMENDATION**

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That Council:

1. endorse the planning proposal to rezone 4-8 Hoxton Park Road, Liverpool from B6 – Enterprise Corridor to B4 – Mixed Use, subject to a detailed site contamination investigation being prepared;
2. notes further discussions with the proponent will occur regarding a voluntary planning agreement offer for public domain improvement works and other transport related works that the proponent has outlined in their Urban Design report;
3. forwards the planning proposal to the Department of Planning and Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
4. subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination;
5. receive a further report on the outcomes of public exhibition and community consultation; and
6. notify the applicant of Council's decision.

## **REPORT**

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### **Site Context**

This planning proposal is site specific and relates to Lot 1 DP 860799, at 4-8 Hoxton Park Road, Liverpool. The site is approximately 1.2km south-west of the Liverpool train station.

The site is on the western edge of the Liverpool City Centre, at the intersection of Hoxton Park Road and Gillespie Street, near the intersection of the Hume Highway and Hoxton Park Road. The site is immediately adjacent to 311 Hume Highway which was rezoned from B6 Enterprise Corridor to B4 Mixed Use pursuant to LLEP 2008 (Amendment 60) on 19 May 2017. The site is rectangular with frontages to Hoxton Park Road to the north and Gillespie Street to the west. The site covers an area of 1,680m<sup>2</sup> and has a street frontage of approximately 47 metres to Gillespie Street and 35.5m to Hoxton Park Road.

The site can be characterised by the land uses surrounding it. The site immediately adjacent (to the East and the South) is 311 Hume Highway, which was rezoned to B4 to enable the development of a predominately residential development with ground floor retail functions.

Other land uses include B6 – Enterprise Corridor uses along the Hume Highway south of the site and R4 – High Density Residential uses along Hoxton Park Road, to the west of the site. Both the Hume Highway and Hoxton Park Road are classified roads under the care and control of Roads and Maritime Services (RMS).

The adjoining properties are:

East (side)	311 Hume Highway (B4 Mixed Use)
West (side)	10 Hoxton Park Road (R4 High Density Residential) / Gillespie Street
South (rear)	311 Hume Highway (B4 Mixed Use)
North (front)	Woodward Park (RE1 Public Recreation)/ Hoxton Park Road



Figure 1: 4-8 Hoxton Park Road, Liverpool site locality

## **Proposal**

The planning proposal seeks a spot rezoning from B6 – Enterprise Corridor to B4 – Mixed Use and a change to the built form development controls. The proposed amendments to the zoning, height of building and floor space ratio development standards provides an opportunity for the development of the site in a similar, but smaller, manner to 311 Hume Highway.



Figure 10: 311 Hume Highway (tower to the left), 4-8 Hoxton Park Road (smaller tower to the right)

This planning proposal proposes a transition between 311 Hume Highway and adjacent residential zones to the west and is the natural bookend for the City Centre opposite Woodward Park.

The key differences between the planning proposal for 311 Hume Highway and this proposal are:

<b>Liverpool Local Environmental Plan 2008 Amendment 60 (311 Hume Highway, Liverpool)</b>	<b>4-8 Hoxton Park Road, Liverpool Proposed Amendment to the Liverpool Local Environmental Plan 2008</b>
Rezone from B6 Enterprise Corridor to B4 Mixed Use	Rezone from B6 Enterprise Corridor to B4 Mixed Use
Increase the maximum height of buildings development standard from 24 metres and	Increase the maximum height of buildings development standard from 24 metres to 50



45 metres to 25 metres and 100 metres	metres
Increase the maximum floor space ratio development standard from 2.5:1 to 6:1	Increase the maximum floor space ratio development standard from 2.5:1 to 5:1
Remove the site from the Key Sites map	Remove the site from the Key Sites map
Amended Schedule 1 Additional Permitted Uses to allow residential dwellings to be provided on the ground floor on the site, subject to provisions for non-residential floor space and active street frontage	No amendments to Schedule 1

## **Planning Assessment**

The planning assessment report is contained in **Attachment 1**. It provides a detailed assessment of the merits of the proposal against the District and Region Plans and the Department of Planning's 'Guide to Preparing Planning Proposals'. The report's conclusion is that the planning proposal has strategic and site specific merit and should proceed to a Gateway determination, subject to a detailed Phase 2 Site Contamination Assessment.

## **Local Planning Panel**

The proposal was presented to the *Liverpool Local Planning Panel* at its meeting on 26 November 2018 for advice.

The Local Planning Panel advice is contained in **Attachment 2**. The Panel's key comments were:

*The panel is supportive of the proposal for the following reasons:*

- *The proposal is consistent with state and local strategies;*
- *There is strategic merit to support the proposal;*
- *The proposal demonstrates site specific merit;*
- *The urban design and built form considerations for this proposal are consistent with the assessment that was undertaken for the adjoining 311 Hume Highway planning proposal.*

*The panel recommends the planning proposal be allowed to proceed to Gateway determination subject to the following considerations:*

- *That a voluntary planning agreement is entered into between the proponent, council and the RMS for necessary road improvements to support future development under the planning proposal;*
- *That consideration is given to whether there is any benefit to the re-opening of Gillespie Road;*
- *Consideration is given to the appropriate zoning of the Gillespie Road road Reserve adjacent to the subject planning proposal.*

Officer Comment on LPP Advice

During public agency consultation, the RMS will be consulted and their views considered, including impacts of this proposal on the Hume Highway / Hoxton Park Road intersection and the potential for a monetary contribution to be required to part fund an upgrade of this intersection.

There is an existing provision in the LLEP 2008 (Clause 6.4A) that requires arrangements to be made for designated State public infrastructure in intensive urban development areas. If required, this Clause could be amended to include this site and would be the mechanism for any such contribution that RMS may require the proponent to make.

The proponent has stated in their urban design submission that the proposal will make public domain improvements which Council officer's consider should be secured through a voluntary planning agreement. This may include public domain improvements including widened footpaths, bike or shared path, street trees, public seating areas, through site links, and public gathering spaces. Council will also consider opportunities for a monetary contribution from the proponent to part fund works to improve pedestrian crossing points on the Hume Highway, improve connectivity with the Liverpool City Centre.

During a post gateway period, Officers will ensure the zoning of the Gillespie road reserve aligns with the neighbouring zones, for consistency.

**Consistency with Community Strategic Plan**Our Home Liverpool 2027

Council's *Our Home, Liverpool 2027* provides strategic directions that have been identified by the community and the measures that will allow Council to determine progress towards achieving them. The four key directions are: *creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration*. The planning proposal aligns predominately with the second and third directions which states:

*Liverpool Council will:*

- *Exercise planning controls to create high-quality, inclusive, urban environments*
- *Develop, and advocate for, plans that support safe and friendly communities*
- *Meet the challenges of Liverpool's growing population*
- *Attract businesses for economic growth and employment opportunities*
- *Create an attractive environment for investment*

The planning proposal is in general supportive of these goals. The rezoning and amended planning controls would ultimately deliver (subject to further development assessment) a mixed use development to contribute additional employment and housing within the area. The planning proposal provides additional supply of residential apartment dwellings in an area that has access to the adjacent parklands and community facilities.

In comparison to the existing B6 zone, rezoning the site to B4 (Mixed Use) provides a more appropriate transition between the high density, mixed use City Centre zoning and the R4 (High Density Residential) zoning to the west of the site.

### **Consultation**

During the assessment of the planning proposal, consultation was undertaken with Council's City Economy, Traffic and Transport and Environment and Health Departments.

Council's traffic engineers have identified that the proposal will impact the performance of the Hume Highway / Hoxton Park Road intersection and that a contribution to its upgrade is required. As stated above, this will be discussed with the RMS and if required, the existing LEP clause requiring satisfactory arrangement for designated State public infrastructure can be amended to include this site.

City Economy supports the proposal as it will provide additional mixed use development and the creation of additional jobs as well as a more appropriate land use and interface between the existing B4 and R4 zones.

Environment & Health identified that a Stage 2 Detailed Site Contamination assessment is required to support the rezoning. The recommendation to support this planning proposal is conditional on the proponent preparing a detailed site contamination investigation to ensure the requirements of SEPP 55 are met.

### **Conclusion**

The planning proposal has strategic and site-specific merit. It is recommended that the planning proposal be supported by Council in principle and be forwarded to the Department of Planning & Environment for a Gateway determination and public exhibition.

### **CONSIDERATIONS**

<b>Economic</b>	Facilitate economic development.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
<b>Civic Leadership</b>	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes.
<b>Legislative</b>	Environmental Planning and Assessment Act 1979.

**ATTACHMENTS**

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1. Local Planning Panel Council Officer's Report (Under separate cover)
2. Advice of the Liverpool Local Planning Panel (Under separate cover)
3. Planning Proposal (Under separate cover)
4. Urban Design Report (Under separate cover)
5. Traffic Impact Assessment Report (Under separate cover)
6. Social Impact Assessment (Under separate cover)
7. Economic Assessment Report (Under separate cover)
8. Preliminary Site Investigation (Under separate cover)