

**LIVERPOOL CITY COUNCIL  
LOCAL PLANNING PANEL REPORT**

**3 May 2021**

<b>Item no</b>	(Leave blank)
<b>Application Number</b>	RZ-3/2020
<b>Proposal</b>	Planning proposal to relocate land at 77 Moore Street and 193 Macquarie Street, Liverpool from 'Area 11' to 'Area 8' on the Floor Space Ratio Map
<b>Recommendation</b>	Proceed to Gateway determination
<b>Planning Officer</b>	Kweku Aikins, Strategic Planner

## **1. EXECUTIVE SUMMARY**

In March 2020, Archer and Beckett Pty Ltd submitted a planning proposal prepared by Ethos Urban seeking to rezone land at 77 Moore Street and 193 Macquarie Street, Liverpool (Lot 1 DP 628824 and Lot 2 DP 1189772). The planning proposal was updated by Urbis in January 2021 to properly address the strategic planning framework (**Attachment 1**).

Previously, the site was subject to amendment 56 of the *Liverpool Local Environmental Plan 2008* (LLEP 2008) which achieved the following:

- Rezoned the site from B3 Commercial Core to B4 Mixed Use;
- Increased the permissible building height from 70 metres to 100 metres;
- Introduced a provision stipulating that no more than 62.5% of the gross floor area of any building on the site may be used for residential purposes
- Identified the site as 'Area 11' on the FSR map
- Included the site ('Area 11') under the 'Satisfactory Arrangements' Clause (now Clause 7.1A of LLEP 2008)

LLEP 2008 Amendment 56 was sent to the Department of Planning, Industry and Environment (DPIE) for finalisation after the gazettal of Amendment 52 and was gazetted on 22 March 2019.

The current planning proposal seeks to amend the LLEP 2008 as follows:

- Relocate the site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map; and
- Repeal Clause 7.40 (Amendment 56)

As a result, it is also recommended that 'Area 11' is removed from the 'Satisfactory Arrangements' Clause (Clause 7.1A).

The intent of the planning proposal is to bring the subject site into conformity with surrounding sites that are currently identified as 'Area 8' on the FSR Map. The planning proposal is supported by a concept plan for future development of the site.

Determination of strategic merit and site-specific merit has 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 proposal 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.

On the basis that the planning proposal demonstrates strategic and site-specific merit, this report recommends that the planning proposal proceeds to a Gateway determination.

## **2. SITE AND LOCALITY DESCRIPTION**

### **The Site**

The planning proposal relates to land at 77 Moore Street and 193 Macquarie Street, Liverpool (Lot 1 DP 628824 and Lot 2 DP 1189772). The site is zoned B4 Mixed Use and has an applicable FSR of 3:1 (and is identified in 'Area 11' on the FSR Map). LLEP 2008 Clauses 7.1A and 7.40 apply to this site as a result of LLEP 2008 Amendment 56. The clauses are as follows:

#### **7.1A Arrangements for designated State public infrastructure in intensive urban development areas**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.*
- (2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.*
- (3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).*
- (4) In this Part—*  
**intensive urban development area** means the area of land identified as "Area 7", "Area 8", "Area 9", "Area 10" or "Area 11" on the Floor Space Ratio Map.

#### **7.40 Maximum floor space that may be used for residential purposes for certain land in Zone B4 at Liverpool**

- (1) For development of a site on land shown as being within Area 11 on the Floor Space Ratio Map, no more than 62.5% of the gross floor area of all buildings on the site may be used for residential purposes.*
- (2) Any area used for the purposes of car parking is not to be included when calculating the gross floor area used for non-residential purposes.*

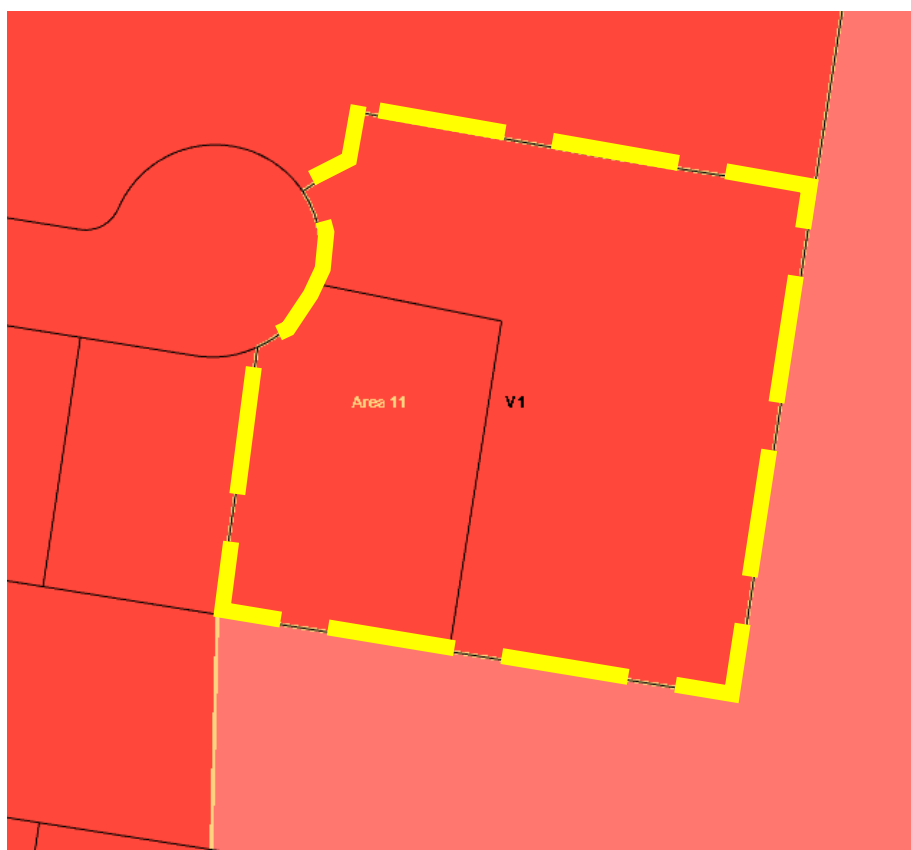
The combined site area of the allotments is 1931sqm, and maximum FSR under the LLEP 2008 is 3:1, resulting in a maximum permissible floor space of 5,793sqm (with 2,172sqm dedicated to retail/commercial uses).



Figure 1: Aerial Image of the site



Figure 2: LLEP 2008 Zoning



*Figure 3: LLEP 2008 Floor Space Ratio (FSR)*

### **The Locality**

The subject site is located in the Liverpool City Centre and sits at the corner of Macquarie Street and Moore Street, with direct frontage to the 'Macquarie Street Mall' pedestrian walkway.

The City Centre includes a major public transport hub at Liverpool Station which is located approximately 500 metres from the site. The remainder of the locality predominantly consists of retail and commercial development in the B4 Mixed Use and B3 Commercial Core land use zones. There is high density residential and mixed use developments on the periphery of the City Centre with further development being planned for the City Centre core, as a result of the Amendment 52 City Centre rezoning.



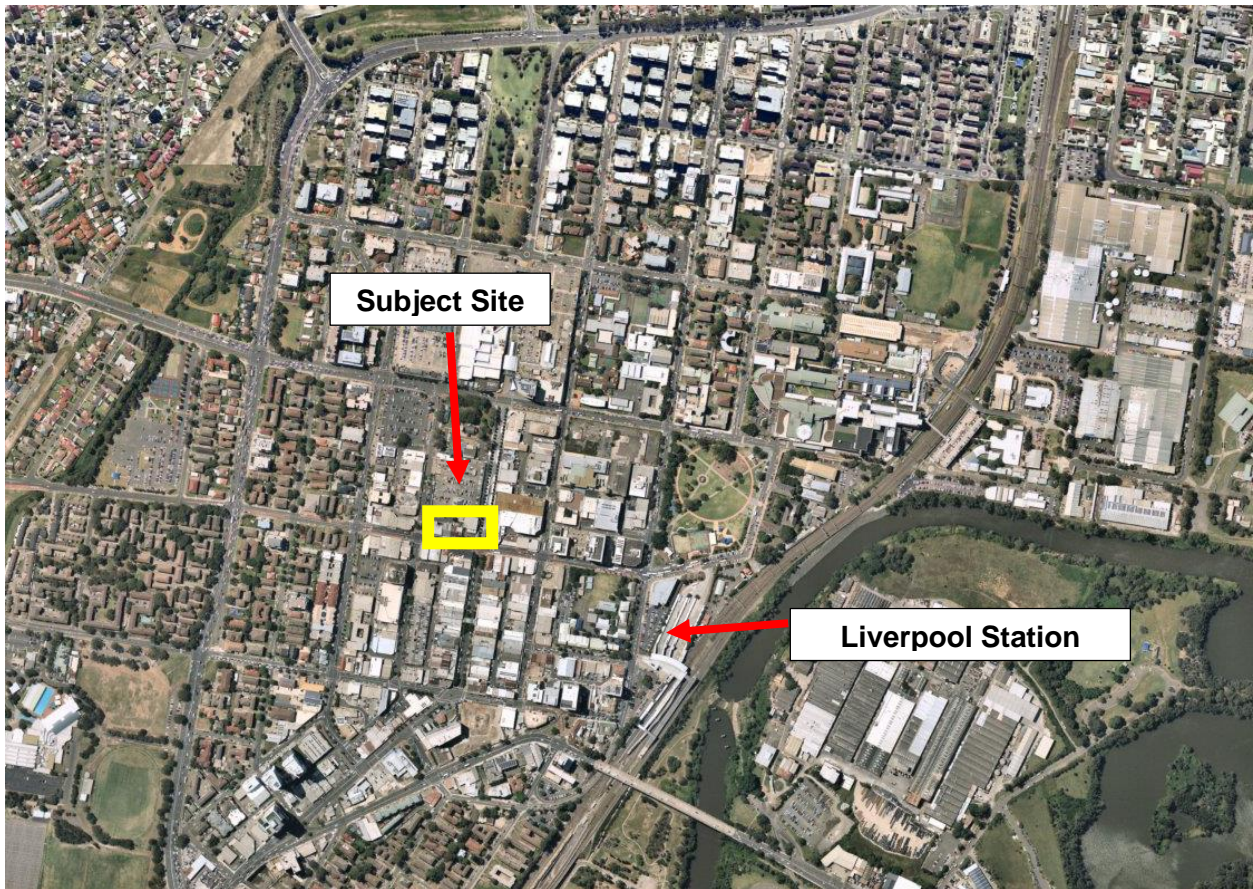


Figure 4: Locality

### 3. SITE HISTORY & BACKGROUND

#### Amendments to Liverpool Local Environmental Plan 2008

##### Amendment 52

In June 2015, Council prepared a planning proposal to rezone large portions of the City Centre from B3 Commercial Core to B4 Mixed Use to “*facilitate an increased population in the city centre and contribute toward Council’s vision to increase activity and vibrancy within the CBD*”. The proposal also sought to include additional provisions for increased development potential on ‘opportunity sites’. However, it was proposed that 77 Moore Street and 193 Macquarie Street would form part of the proposed ‘Fine Grain Precinct’ (‘Area 7’), thereby precluding the site from qualifying as a potential ‘opportunity site’. Accordingly, the owner of 77 Moore Street and 193 Macquarie Street requested that the site be excluded from Amendment 52 and that efforts be made to keep progressing the planning proposal lodged in June 2014 (Amendment 56).

A Gateway determination was issued for Amendment 52 on 24 September 2015 and a revised version of the planning proposal was publicly exhibited between 18 November and 29 January 2015. A post-exhibition report was presented to Council on 27 July 2016 and due to further revisions and delays caused by the need to include a ‘Satisfactory Arrangements’ clause, Amendment 52 was gazetted on 4 September 2018.

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## Amendment 56

In June 2014, Abacus Property Services Pty Ltd submitted a planning proposal to rezone the site from B3 Commercial Core to B4 Mixed Use. The proposal also sought to increase the permissible height from 18 to 70 metres and increase the FSR from 3:1 to 6:1.

In July 2015, the proposal was amended to increase the permissible height from 18 to 100 metres and retain the FSR of 3:1 (and include a provision for minimum commercial/retail floor space). Subsequently, at its Ordinary Meeting on 29 July 2015, Council resolved to provide in-principle support to the proposal and forward it to the Department of Planning and Environment (now DPIE) for a Gateway determination (subject to potential amendments made under delegated authority).

The proposal was forwarded to DPIE in November 2015 once consensus was reached with the applicant regarding a 37.5% minimum commercial/retail floor space requirement being incorporated into the planning proposal amendment. A Gateway determination was issued on 28 July 2016 and a post-exhibition report was presented to Council on 26 April 2017. Due to delays caused by the impending gazettal of Amendment 52, and the need to include the site in the corresponding 'Satisfactory Arrangements' clause, Amendment 56 was gazetted on 22 March 2019.

It was envisaged at the time that the site would be developed together with the neighbouring site (193 Macquarie St – The Liverpool Plaza). Development of both sites in concert, would enable a future applicant to share available FSR between the two sites, pursuant to the provisions of clause 4.4 and clause 4.5 of LLEP 2008.

As the subject site was not subject to LLEP 2008 (Amendment 52) it could not access the provisions of clause 7.5A Additional provisions relating to certain land at Liverpool city centre. Additionally, the maximum permissible height of building for the subject site is 100 m, meaning that development on the site cannot access the bonus provisions under clause 4.4 (2C) of LLEP 2008. Nothing in Amendment 56 exempts any building constructed on the subject site from the operation of LLEP 2008 clause 7.2 Sun access in Liverpool city centre. The effect of this provision is to limit the height of any building developed on the subject site to a maximum of 21m, to a depth of 4m from the edge of the Macquarie Street road reserve.

## 4. DETAILS OF THE PROPOSAL

The planning proposal as prepared by Ethos Urban was initially lodged in March 2020. The planning proposal was deficient in a number of ways, with a lack of supporting documentation inhibiting the ability of Council staff to properly assess the proposal. Consequently, a letter was sent to the applicant requesting a number of clarifications be made as well as supporting documentation be prepared and provided. Subsequently, a revised planning proposal (**Attachment 1**) prepared by Urbis was submitted to Council that provided clarification and further justification for the proposed amendment. Additionally, the following consultant studies were submitted:

- Urban Design Report (**Attachment 2**);
- Heritage Impact Statement addendum (**Attachment 3**); and
- Economic Impact addendum (**Attachment 4**).

A preliminary archaeological assessment is also being prepared and will be provided shortly to ensure this element of the subject site is appropriately considered in relation to the proposal.

This planning proposal request seeks to amend the LLEP to increase development potential on the subject site. It is envisaged that future development would support approximately 180

residential apartments and 4,519sqm of combined retail and commercial space resulting in approximately 195 future jobs on an ongoing basis.

The proposal is to be achieved through the following amendments to the LLEP:

- Relocate the site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map; and
- Repeal Clause 7.40

It is suggested by Council staff that any reference to 'Area 11' is also removed from the 'Satisfactory Arrangements' Clause (Clause 7.1A) as it will no longer be identified on the FSR map.

## **5. CONSIDERATIONS FOR STRATEGIC MERIT**

The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal.

### **Section A – Need for the planning proposal**

#### ***1. Is the planning proposal a result of any strategic study or report?***

The planning proposal is not the result of any endorsed strategic study or report. As discussed earlier, the planning proposal aims to bring the site into conformity with surrounding sites that were rezoned under Amendment 52.

#### ***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 the best means of achieving the intended outcome as it seeks to facilitate future development by amending the existing FSR Map.

### **Section B – Relationship to the strategic planning framework**

#### ***3. 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)?***

##### Greater Sydney Regional Plan - A Metropolis of Three Cities

The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of Greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

Consistency with the relevant parts of the Regional Plan is assessed below in Table 1.

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*Table 1: Consistency with the Regional Plan*

Objective	Comment
A city for people	
Objective 10 - Greater Housing Supply	The proposal allows for a contemporary housing supply to be developed in close proximity to public transport and services. The core of the Liverpool City Centre is currently characterised by retail and commercial development with high density residential development occurring on the periphery. The planning proposal will facilitate the provision of high-density residential units in the core of the City Centre. 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.
Objective 11 – Housing is more diverse and affordable	
A well-connected city	
Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	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 Greater Sydney Services and Infrastructure Plan - Future Transport 2056. The site is well positioned to meet this requirement as it is within 500 metres of the Liverpool station interchange.
Jobs and skills for the city	
Objective 22 – Investment and business activity in centres	The proposal seeks to amend the LLEP 2008 to increase development potential of the subject site. Should consent be granted for development as outlined in concept plans, then a significant capital investment would be required at the construction stage. There will also be ongoing investment in the Liverpool City Centre through the occupation of residential dwellings and the operation of commercial and retail ventures on the site.

## Western City District Plan

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in Table 2:

*Table 2: Consistency with the District Plan*

Planning Priority	Comment
<b>Liveability</b>	
<b>Planning Priority W5</b> Providing housing supply, choice and affordability with access to	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 B4 Mixed Use zone. The planning proposal enables a future development encompassing a range of diverse contemporary housing options in an area served by existing public transport and commercial services.



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<b>Planning Priority</b>	<b>Comment</b>
jobs, services and public transport	
<b>Planning Priority W6</b> Creating and Renewing great places and local centres, and respecting the Districts heritage	<p>Building upon the Region Plan, this planning priority sets out actions for the development of centres. Action 22 <i>“Use place-based planning to support the role of centres as a focus for connected neighbourhoods.”</i></p> <p>The proposed development is situated in the core of the Liverpool City Centre. The planning proposal is justified as it will renew the site, with a focus on the public realm and employment opportunities.</p> <p>Particularly, the proposal will facilitate a development which includes a mix of retail, commercial and residential land uses. It will include communal open space for residents and provide opportunities for through site linkage to Davis Serviceway.</p> <p>Heritage impacts have been largely addressed as part of LLEP 2008 (Amendment 56) and the Heritage Impact Statement lodged in support of the planning proposal. However, it has been identified that a preliminary archaeological assessment will be required to ascertain that there are no remnants of historical buildings on the site from the late nineteenth century. The applicant is currently preparing such a study to support the planning proposal going forward.</p> <p>It can be considered that the proposed development will foster increased enterprise and investment in the City Centre while being capable of respecting the heritage significance of the site and its surroundings. Accordingly, the proposal can be considered broadly consistent with the objectives and actions for this priority.</p>
<b>Productivity</b>	
<b>Planning Priority W9</b> Growing and strengthening the metropolitan cluster	<p>The proposal will facilitate a future mixed-use development in the Liverpool City Centre. The future development as outlined in the submitted concept plan will include permitted land uses that are consistent with the role and function of a Metropolitan Cluster.</p> <p>The proposal seeks to increase development potential by reclassifying the site as ‘Area 8’ on the FSR map. The reclassification will trigger additional provisions under Clause 7.5A of the LLEP 2008 which would enable the development of shop top housing development comprising of a theoretical yield of approximately 15,448sqm of dwellings and at least 3,862sqm of retail and commercial floor space on the site (however, concept plans indicate that 14,789sqm of dwellings and 4,519sqm of retail/commercial will be provided). Accordingly, the proposal is consistent with the envisioned future development within the Metropolitan Cluster.</p>
<b>Planning Priority W11</b>	<p>Liverpool Council is working to create a vibrant 24-hour economy in the City Centre. The planning proposal is consistent with this objective as it will help to rejuvenate and activate the corner of Macquarie and Moore</p>

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Planning Priority	Comment
Growing investment, business opportunities and jobs in strategic centres	<p>Streets, while providing additional retail opportunities along the 'Macquarie Street Mall' pedestrian walkway in the core of the City Centre.</p> <p>The concept plans indicate that the site will accommodate a mixed-use development comprising of 180 dwellings and approximately 4,519sqm of combined commercial and retail floor space once developed.</p> <p>Should consent be granted for development as outlined in the concept plans, then a significant capital investment would be required at the construction stage. There will also be ongoing investment in the Liverpool City Centre through the occupation of residential dwellings and the operation of commercial and retail ventures on the site.</p>

## Liverpool Collaboration Area Place Strategy

The Place Strategy addresses strategic as well as site-specific issues. The preparation of the Place Strategy by the Greater Sydney Commission has occurred in collaboration with Liverpool City Council, the Department of Industry, Planning and Environment, Transport for NSW and 15 other government and institutional stakeholders.

Planning Priority W4 of the Place Strategy is *"Create and renew great places for people"*. The priority is further detailed in action 8 which aims to:

*"Deliver great places by prioritising a people-friendly public realm and open spaces; providing fine grain and diverse urban form; a diverse land use and housing mix, high amenity and walkability; and recognising and celebrating the character of the place and its people."*

The planning proposal would provide a mixed-use development with direct frontage to the existing 'Macquarie Street Mall' pedestrian walkway. The introduction of residential uses to complement the existing commercial and retail, would provide a social benefit for the City Centre core and broader Collaboration area. The proposed development would provide increased amenity and encourage walkability in the City Centre. Further place-based planning and refinement of urban design details to achieve an optimal built form will occur at later stages through consultation with the Design Excellence Panel and during the development assessment process. It is noted that development pursuant to clause 7.5A of LLEP 2008 is to be supported by a site specific DCP or concept DA as per Section 4.2.5 of Part 4 within the LDCP 2008.

## **4. Will the planning proposal give effect to council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

### Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

Assessment of consistency with the LSPS is provided in the Table 3.

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*Table 3: Consistency with LSPS*

Planning Priority	Comment
<b>Liveability</b>	
<b>Planning Priority 5 -</b> A vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart	<p>Liverpool is working to create a vibrant 24-hour economy in the City Centre. The planning proposal is consistent with this as it will activate the corner of Macquarie and Moore Streets, while providing additional retail opportunities along the 'Macquarie Street Mall' pedestrian walkway in the core of the City Centre.</p> <p>The concept plans indicate that the site will accommodate a mixed-use development comprising of approximately 180 dwellings and 4,519sqm of combined commercial and retail floor space.</p>
<b>Planning Priority 7 –</b> Housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport	The proposal would support additional housing supply and housing choice by delivering approximately 180 dwellings which would assist in meeting Liverpool City Council's five-year housing supply target. The dwellings will be within 500m of Liverpool train station and cater for a range of people including singles, couples, and families.
<b>Productivity</b>	
<b>Planning Priority 11 -</b> An attractive environment for local jobs, business, tourism and investment	The proposal will foster an attractive environment for local jobs and businesses as the retail and commercial GFA will cater for a wider range of uses on the site, which will inevitably lead to increased employment opportunities for local workers.
<b>Planning Priority 12 –</b> Industrial and employment lands meet Liverpool's future needs	The proposal will maintain the existing B4 Mixed Use zone and the submitted concept plan indicates that any development would provide approximately 4,519sqm of combined retail and commercial floor space, thereby providing an estimated 195 jobs on the site on an ongoing basis. Accordingly, the proposal will preserve and enhance existing employment to meet Liverpool's future needs.

## Liverpool Centres and Corridors Strategy 2020

The Liverpool Centres and Corridors Strategy (the Strategy) is underpinned by the Centres and Corridors Study prepared by SGS Economics & Planning (February 2020). The SGS Study was prepared in consultation with key stakeholders to understand key retail trends and the performance of the local retail market. The Strategy identifies the subject site as being within a 'Metropolitan Cluster'. The role, function and development of Metropolitan Clusters is outlined below:

### Role

*Provide for the convenience and specialised retail needs of the local community, but do not act as mixed-use centres of the local community.*

### Function

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- *Commercial office development*
- *Mixed Use residential*
- *Multiple supermarkets and department stores*
- *Higher-order services*

## Future Development

*Significant future development is likely.*

The proposal will facilitate a future mixed-use development in the Liverpool City Centre. The future development as outlined in the submitted concept plan will include permitted land uses that are consistent with the role and function of a Metropolitan Cluster.

The Strategy also stipulates five 'Guiding Criteria' for the assessment of planning proposals.

*Table 4: Assessment against the Strategy's Guiding Criteria*

<b>Guiding Criteria</b>	<b>Consistency</b>
1. <i>Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).</i>	The proposal will make a positive contribution to the retail operation of the Liverpool City Centre as the site will accommodate a mixed-use development comprising of residential dwellings and approximately 4,519sqm of combined commercial and retail floor space.
2. <i>The creation of new out of centre retail developments are not encouraged.</i>	NA
3. <i>In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.</i>	<p>The site currently consists of vacant and occupied retail space. The existing LEP provision under Clause 7.40 would potentially facilitate approximately 2,172sqm of retail and commercial floorspace as such land uses must equate to 37.5% of the total floor space of any future development on site.</p> <p>However, it is proposed to delete Clause 7.40 and identify the site under 'Area 8' on the FSR map. Given that the site has an area in excess of 1500sqm and multiple street frontages, the change to 'Area 8' would trigger the 'Opportunity Site' provisions under Clause 7.5A of the LEP.</p> <p>Any DA lodged pursuant to Clause 7.5A would potentially facilitate a theoretical yield of 3,862sqm of retail and commercial floor space on the subject site, as any development would have a maximum FSR of 10:1 in which 20% of the floor space would need to be dedicated to such land uses. Accordingly, the potential retail and commercial floor space under Clause 7.5A ('Area 8') would exceed the potential retail and commercial floor space under Clause 7.40.</p>
4. <i>Proposals for redevelopment or expansion of town centres and local centres must</i>	The site is wholly within the core of the Liverpool City Centre. The proposal facilitates infill development in an existing centre and will provide for place-based retailing

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<b>Guiding Criteria</b>	<b>Consistency</b>
<i>demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.</i>	within the podium fronting the 'Macquarie Street Mall' pedestrian walkway.
5. <i>Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.</i>	NA

**5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?**

The following State Environmental Planning Policies (SEPPs) are of relevance to the site.

*Table 5: Consistency with applicable SEPPs*

<b>SEPP</b>	<b>Consistency</b>
<i>SEPP No 55 – Remediation of Land</i>	Land contamination issues for the planning proposal are addressed under the Ministerial Directions. Any future DA would be required to comply with the provisions of the SEPP.
<i>SEPP (Affordable Rental Housing) 2009</i>	A future affordable housing provision may be pursued in consultation with the proponent post-Gateway. Any such potential future development is required to comply with the provisions of the SEPP. The planning proposal, as presented, does not appear to present any inconsistency to the SEPP.
<i>SEPP (State and Regional Development) 2011</i>	The planning proposal does not affect the application of the SEPP.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Any future development will be required to adhere with the requirements of BASIX, as stipulated within the SEPP.
<i>Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment</i>	The planning proposal is unlikely to affect the objectives within the SEPP significantly nor significantly detriment the environmental health or quality of the Georges River Catchment.
<i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i>	The planning proposal is accompanied by an architectural design concept that provides a conceptual development outcome that could occur as a result of the planning proposal. Further refinement of urban design and architectural details will occur at a later stage.

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**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Planning Proposal addresses the following Directions, pursuant to Section 9.1 of the EP&A Act 1979:

*Table 6: Ministerial Direction Consistency*

Section	Comment	Consistency
<b>1. Employment and Resources</b>		
Direction 1.1 Business and Industrial Zones	<p>In its current form, the planning proposal is inconsistent with this direction. The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>• <i>encourage employment growth in suitable locations,</i></li> <li>• <i>protect employment land in business/industrial zones,</i></li> <li>• <i>support the viability of identified centres.</i></li> </ul> <p>The site currently consists of vacant and occupied retail space. The existing LEP provision under Clause 7.40 would facilitate a theoretical yield of approximately 2,172sqm of retail and commercial floorspace as such land uses must account for 37.5% of the total floor space of any future development on the site.</p> <p>However, it is proposed to delete Clause 7.40 and identify the site under 'Area 8' on the FSR map. Given that the site has an area in excess of 1500sqm and multiple street frontages, the change to 'Area 8' would trigger the 'Opportunity Site' provisions under Clause 7.5A of the LEP.</p> <p>As a result, any DA lodged pursuant to Clause 7.5A would be required to provide a minimum of 20% commercial GFA in order to ensure that a potential FSR of up to 10:1 is realised. This could result in a development comprising of a theoretical yield of approximately 3,862sqm of retail and commercial floor space on the subject site (with the remaining 15,448sqm being dedicated to residential development). Accordingly, the potential retail and commercial floor space under Clause 7.5A ('Area 8') would exceed the potential retail and commercial floor space required under Clause 7.40.</p> <p>The Planning Proposal complies with Direction 1.1 as it presents an opportunity to support the viability and vision for the Liverpool City Centre as it will result in an overall net increase in commercial floor space being made available on the site.</p>	Consistent
<b>2. Environment and Heritage</b>		



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<b>Section</b>	<b>Comment</b>	<b>Consistency</b>
Direction 2.3 Heritage Conservation	<p>The subject site is located in the vicinity of three heritage items, as follows:</p> <ul style="list-style-type: none"> <li>• The Corner Pub;</li> <li>• The Plan of Town of Liverpool; and</li> <li>• The state-listed Saint Luke's Church.</li> </ul> <p>Heritage impacts have been largely addressed as part of LLEP 2008 (Amendment 56) and the Heritage Impact Statement lodged in support of the planning proposal. However, it has been identified that a preliminary archaeological assessment will be required to ascertain that there are no remnants of historical buildings on the site from the late nineteenth century. Heritage details will need to be addressed prior to Gateway determination. The applicant is currently preparing such a study to support the planning proposal going forward.</p>	Partially Consistent
Direction 2.6 Remediation of land	<p>The planning proposal states, <i>"the site is not known to have been used for any contaminating uses in the past"</i>. As the planning proposal primarily seeks to amend the FSR map, and does not seek to introduce sensitive uses, it is deemed to be consistent with this direction.</p>	Consistent
<b>3. Housing, Infrastructure and Urban Development</b>		
Direction 3.1 Residential Zones	<p>The site is zoned B4 – Mixed Use, which although not a residential zone, otherwise provides for the undertaking of some forms of residential development, including shop top housing as permissible within the zone. The Planning Proposal will facilitate the delivery of high-quality housing of this type, currently not present within the core of the Liverpool City Centre. The development will increase housing supply and improve the variety and choice of dwelling types available.</p>	Consistent
Direction 3.4 Integrating Land Use and Transport	<p>The objective of this direction is <i>"to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <li>• <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li>• <i>increasing the choice of available transport and reducing dependence on cars, and</i></li> <li>• <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li>• <i>supporting the efficient and viable operation of public transport services, and</i></li> <li>• <i>providing for the efficient movement of freight."</i></li> </ul>	Consistent

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<b>Section</b>	<b>Comment</b>	<b>Consistency</b>
	The site is located within the Liverpool City Centre which is well serviced by public transport and active transport connections. The site is within 500 metres of the Liverpool railway station and transport interchange, which provides connections to Sydney, Bankstown and Parramatta.	
3.5 Development Near Regulated Airports and Defence Airfields	<p>The site is located approximately 5.6km west of Bankstown Airport. The site is not burdened by any ANEF restrictions.</p> <p>It is proposed to identify the site under 'Area 8' on the FSR map, which is consistent with that of surrounding sites. Given that the site has an area in excess of 1500sqm and multiple street frontages, changing to 'Area 8' would trigger the 'Opportunity Site' provisions under Clause 7.5A of the LEP.</p> <p>Any DA lodged pursuant to Clause 7.5A would potentially facilitate a mixed-use development with a FSR of 10:1 and no discernible height limit. Accordingly, any potential development would only be limited by the Obstacle Limitation Surface (OLS) as imposed by Sydney Metro Airports (Bankstown &amp; Camden).</p> <p>As a result, there could effectively be a theoretical 8m increase to the current 100m height limit. Given that the proposal merely brings the site into conformity with surrounding sites, any referral to the relevant authorities can be undertaken at DA stage.</p>	Consistent
<b>5. Regional Planning</b>		
Direction 5.10 Implementation of Regional Plans	This Direction requires consistency with the relevant Region Plan. This has been assessed in Table 3 of this report, and in its current form has not demonstrated consistency with this plan.	Consistent
<b>6. Local Plan Making</b>		
Direction 6.1 Approval and referral requirements	The planning proposal is consistent with this Direction as it does not introduce additional concurrence, consultation or referral requirements.	Consistent

## **6. CONSIDERATIONS FOR SITE SPECIFIC MERIT**

### **Section C – Environmental, social and economic impact**

**7. 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?**

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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.

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

Heritage

Heritage impacts have been largely addressed as part of LLEP 2008 (Amendment 56) and the Heritage Impact Statement lodged in support of the planning proposal. However, it has been identified that a preliminary archaeological assessment will be required to ascertain that there are no remnants of historical buildings on the site from the late nineteenth century. The applicant is currently preparing such a study to support the planning proposal going forward.

Built Form and Urban Design

The planning proposal would provide a mixed-use development with direct frontage to the existing 'Macquarie Street Mall' pedestrian walkway. Further place-based planning and refinement of urban design details will occur through consultation with the Design Excellence Panel and during the development assessment process. It is noted that development pursuant to clause 7.5A of LLEP 2008 is to be supported by a site specific DCP or concept DA as per Section 4.2.5 of Part 4 within the LDCP 2008.

There are no other identifiable site constraints or affectations that would be triggered as a result of this proposal. All constraints have been addressed pursuant to the Ministerial Directions.

**9. How 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. The proposal will activate a site that has been underutilised for several years, thereby contributing to the 18-hour economy that is envisioned for the Liverpool City Centre.

Social Impacts

The proposal will not introduce 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.

**Section D – State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the planning proposal?**

Yes. The site is within an established urban area. The proposed amendments will not expunge the applicability of Clause 7.1A which requires the Secretary of DPIE to confirm that "satisfactory arrangements" (i.e. generally a payment levied per dwelling) will be made to contribute to the cost of State public infrastructure in the vicinity of Liverpool City Centre as part of any DA.

**11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

## **7. NEXT STEPS**

Following the Panel's consideration, the planning proposal will be finalised and reported to Council for consideration. Should the planning proposal request be endorsed, it will be forwarded to DPIE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be public authority consultation, a public exhibition period and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008. It is noted that the provision of various additional studies and clarification may be required by DPIE prior to exhibition occurring.

## **8. CONCLUSION**

Pursuant to the requirements of a Guide to Preparing Planning Proposals and relevant Ministerial Directions, this report provides a merit assessment of the planning proposal request.

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.

The planning proposal request is presented to the Panel for consideration and advice.

## **9. RECOMMENDATION**

That the planning proposal is supported as discussed in this report, and that the proposal be presented to Council seeking a Gateway determination.

## **10. ATTACHMENTS**

1. Planning Proposal
2. Urban Design Report
3. Heritage Impact Statement addendum
4. Economic Impact addendum