

EGROW 06

**Planning Proposal Request - 193 Macquarie Street
and 77 Moore Street, Liverpool**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	126878.2021
Report By	Kweku Aikins - Strategic Planner
Approved By	David Smith - Acting Director City Economy and Growth

Property	193 Macquarie Street, Liverpool Lot 1 DP 628824 77 Moore Street, Liverpool Lot 2 DP 1189772
Owner	Archer and Beckett Pty Ltd
Applicant	Archer and Beckett Pty Ltd

EXECUTIVE SUMMARY

On 7 March 2020, Council received a request to prepare a planning proposal on behalf of Archer and Beckett Pty Ltd for land at 77 Moore Street (Lot 1 DP 628824) and 193 Macquarie Street (Lot 2 DP 1189772), Liverpool. An updated planning proposal request (**Attachment 1**) with supporting documentation (**Attachments 2 – 4**) was submitted to Council on 5 January 2021 after a request for additional information (**Attachment 5**).

The planning proposal request seeks to amend the Liverpool Local Environmental Plan 2008 (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 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.

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 in the LEP. The planning proposal request is supported by a concept plan for future development of the site.

Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 3 May 2021, in accordance with the Local Planning Panel Direction – Planning Proposals dated 23 February 2018 (**Attachment 6**). Following consideration of the planning assessment report, the LPP advised that the proposal has strategic and site-specific merit and supported the proposal proceeding to a Gateway determination. The LPP also advised Council to consider building envelope controls for future development on the site so that overshadowing is minimised and all carparking is constructed below ground level.

It is recommended that Council note the advice of the LPP and support the planning proposal request proceeding to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination, noting that a further report will be provided to Council after state-agency consultation and public exhibition occurs.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request;
3. Delegates to the CEO the preparation of the formal planning proposal including any typographical or other editing amendments if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
5. Subject to Gateway determination, undertake public exhibition and community consultation on the planning proposal in accordance with the conditions of the Gateway determination and Council's Community Participation Plan; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

The site and locality

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

The City Centre includes a major public transport hub at Liverpool Station which is located approximately 500m 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 are 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.

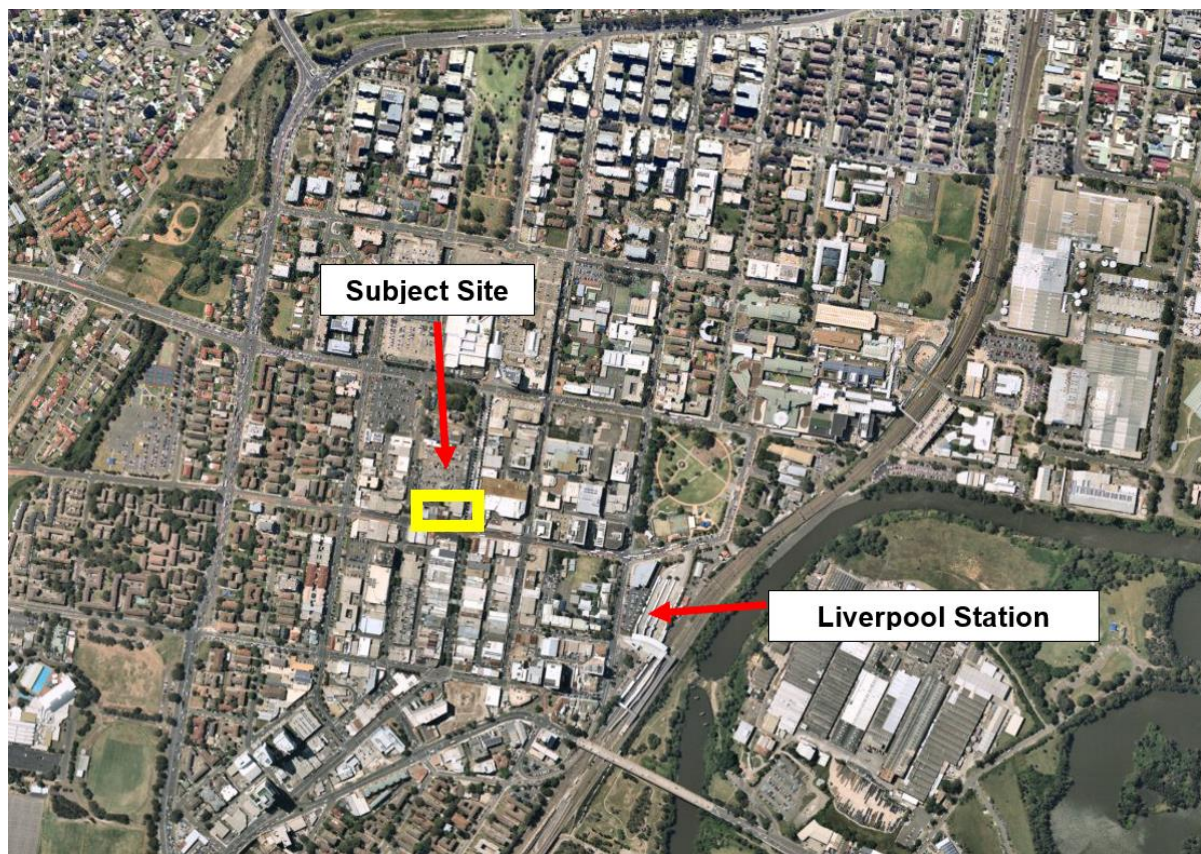


Figure 1 - Aerial image of the locality (Source: Near Map)

The planning proposal relates to land at 77 Moore Street (Lot 1 DP 628824) and 193 Macquarie Street, Liverpool (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 ('Satisfactory Arrangements Clause') and 7.40 apply to this site as a result of LLEP 2008 Amendment 56.



Figure 2 - Aerial image of the site (source: Near Map)

Background

Amendment 52

In June 2015, Council prepared a planning proposal to rezone large portions of the Liverpool 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 their separate planning proposal that had been 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 finally gazetted on 4 September 2018.

Amendment 56

In June 2014, Abacus Property Services Pty Ltd submitted a planning proposal request 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.

Subject Planning Proposal

This planning proposal request, prepared by Ethos Urban, was initially lodged in late February 2020. The planning proposal request was deficient in several 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 several clarifications be made as well as supporting documentation be prepared and provided to Council for assessment. Subsequently, a revised planning proposal request (**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 2008 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 of the LEP

It is recommended 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.

Planning Assessment

The planning assessment report is provided as **Attachment 6**. It provides a detailed assessment of the merits of the proposal (as lodged) against the District and Region Plans and the Department of Planning's 'Guide to Preparing Planning Proposals'. The report concluded that the planning proposal request has demonstrated site specific merit and strategic merit.

Heritage

The subject site is in the vicinity of three heritage items, as follows:

- The Corner Pub;
- The Plan of Town of Liverpool; and
- The state-listed Saint Luke's Church.

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 request. 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. The purpose of this preliminary archaeological assessment is to ensure any remnants are identified and can be considered in the detailed design phase of a future redevelopment as facilitated by the planning proposal.

Liverpool Local Planning Panel Advice

Pursuant to Clause 2.19(1)(b) of the Environmental Planning and Assessment Act 1979, the planning proposal request was submitted to the LPP for their advice prior to consideration by Council. Following consideration of the planning assessment report, the LPP advised (**Attachment 5**) that the proposal has strategic and site-specific merit and supported the proposal proceeding to a Gateway determination. The LPP also advised Council to consider investigating building envelope controls for future development on the site so that overshadowing is minimised and all carparking is constructed below ground level.

Officer Comment on Local Planning Panel Advice

As per the LPP advice, it is recommended that Council support in principle the planning proposal request and submit the proposal to DPIE seeking a Gateway determination and public exhibition.

Council staff's comments on the LPP advice is outlined in Table 1.

Table 1 - Council staff response to LPP advice

LPP Advice	Council Staff Comment
<p><i>The Panel recommends that Council investigate building envelope controls for future development on the site that:</i></p> <ul style="list-style-type: none"> <i>a. minimise overshadowing on the Macquarie Street Mall; and</i> <i>b. ensure carparking is constructed below ground level, rather than adding to the bulk of the building above ground level.</i> 	<p>It is noted that future development of this site may result in potential overshadowing of Macquarie Street Mall, and increased carparking may add to the bulk and scale of any building on the site. However, the subject issues will be addressed at the DA stage in which the applicant would be required to submit a site specific DCP or concept DA as per Section 4.2.5 of Part 4 within the LDCP 2008 (should development be pursued in accordance with Clause 7.5A of LLEP 2008).</p> <p>It is noted that Part 7 Division 1 of the LLEP 2008 provides robust requirements for development within the Liverpool city centre. Additionally, Part 4 of the LDCP 2008 provides detailed design requirements that will need to be addressed as part of a future DA.</p> <p>Furthermore, any site-specific DCP, or concept DA, would need to be considered by the Design Excellence Panel.</p>

CONCLUSION

The planning proposal request as amended has sufficiently demonstrated both strategic and site-specific merit. Therefore, it is recommended that Council provides in-principle support and endorses the planning proposal proceeding to a Gateway determination. A further report will be provided to Council after the state-agency consultation and public exhibition period, detailing any submissions received and any amendments proposed.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities. Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place. Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Environmental Planning and Assessment Act 1979.
Risk	The risk is deemed to be Low. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Planning Proposal (Under separate cover)
2. Urban Design Report (Under separate cover)
3. Heritage Impact Statement Addendum (Under separate cover)
4. Economic Impact Addendum (Under separate cover)
5. Additional Information Request - 31 March 2020 (Under separate cover)
6. Planning Assessment Report (Under separate cover)

7. Local Planning Panel Advice (Under separate cover)
8. Current ASIC Extract - Archer & Beckett Pty Ltd - **Confidential**

Council

COUNCIL DECISION

Motion:

Moved: Clr Hadid

Seconded: Clr Ayyad

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request;
3. Delegates to the CEO the preparation of the formal planning proposal including any typographical or other editing amendments if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
5. Subject to Gateway determination, undertake public exhibition and community consultation on the planning proposal in accordance with the conditions of the Gateway determination and Council's Community Participation Plan; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

On being put to the meeting the motion was declared CARRIED.

The Councillors voted unanimously for this item.