

## REZONING REVIEW – Briefing Report

Date of Referral:	7 May 2018	
Department Ref. No:	RR_2018_LPOOL_001_00	
LGA:	Liverpool	
LEP to be amended	Liverpool Local Environmental Plan 2008	
Address:	All land bound by Nicholls, Station and Freeman Streets, Warwick Farm (29 lots)	
Reason for review:	<input type="checkbox"/> Council notified the proponent that it will not support proposed amendment	<input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required	

### SUMMARY OF THE PROPOSAL

#### Background

The rezoning review request has been submitted by Haskew Planning on behalf of a private landowners group who own land within a street block bound by Freeman Street, Nicholls Street and Station Street, Warwick Farm. Several properties within the site are owned by the NSW Land and Housing Corporation (LAHC), which does not object to the planning proposal (**Attachment A**).

The landowners seek to rezone the land from R3 Medium Density Residential to R4 High Density Residential to enable the development of an additional 290 residential units. Additional information was received from the proponent that indicated between 290 and 430 net additional dwellings could be provided under the proposed planning controls.

The rezoning review request has been submitted as Liverpool City Council did not indicate its support for the proposal within 90 days of the proponent submitting their initial request with Council.

On 23 September 2016, Council officers advised the proponent that the planning proposal cannot be supported as it lacks sufficient merit. However, this was not officially reported to Council and it remained an active planning proposal. Council's letter is attached at page 83 of the rezoning review request package at **Attachment E1**.

On 26 July 2017, Council considered the planning proposal, together with a draft strategy for the Warwick Farm Precinct, which includes the subject site. Council resolved to not support the draft strategy and to conduct a strategic session with Warwick Farm residents to provide input into a revised precinct strategy. Council has advised that a revised strategy is yet to be prepared. Council also confirmed it has not considered the planning proposal as a separate matter since this decision.

The proposal submitted for the rezoning review is the same proposal that was submitted to Council. The planning proposal is at pages 84–147 of the rezoning review package at **Attachment E1**.

### **Locality and context**

The site (Figure 1) is 1.5km north of the Liverpool CBD on the northern side of the Hume Highway. The site is within 400m of Warwick Farm railway station and access to the station is provided via a pedestrian tunnel underneath the Hume Highway (**Attachment A**).

Warwick Farm railway station is located on the Liverpool to Sydney CBD and Liverpool to Parramatta CBD rail lines.

The site and surrounding area generally consist of single-storey detached dwellings, except for some four-storey residential flat buildings along the Hume Highway and Mannix Parade. Across the railway line to the east is land zoned IN1 General Industrial (Peter Warren car dealership, Masterton Home Showroom and Warwick Farm Hometown).

Access to the Hume Highway is from Mannix Parade to the west of the site. There are parks and playgrounds, open spaces (Cabramatta Creek), two schools (Lawrence Hargrave School and Warwick Farm Public School) and a local shopping centre along Mannix Parade. The locality and site context are shown in Figure 2 (next page).

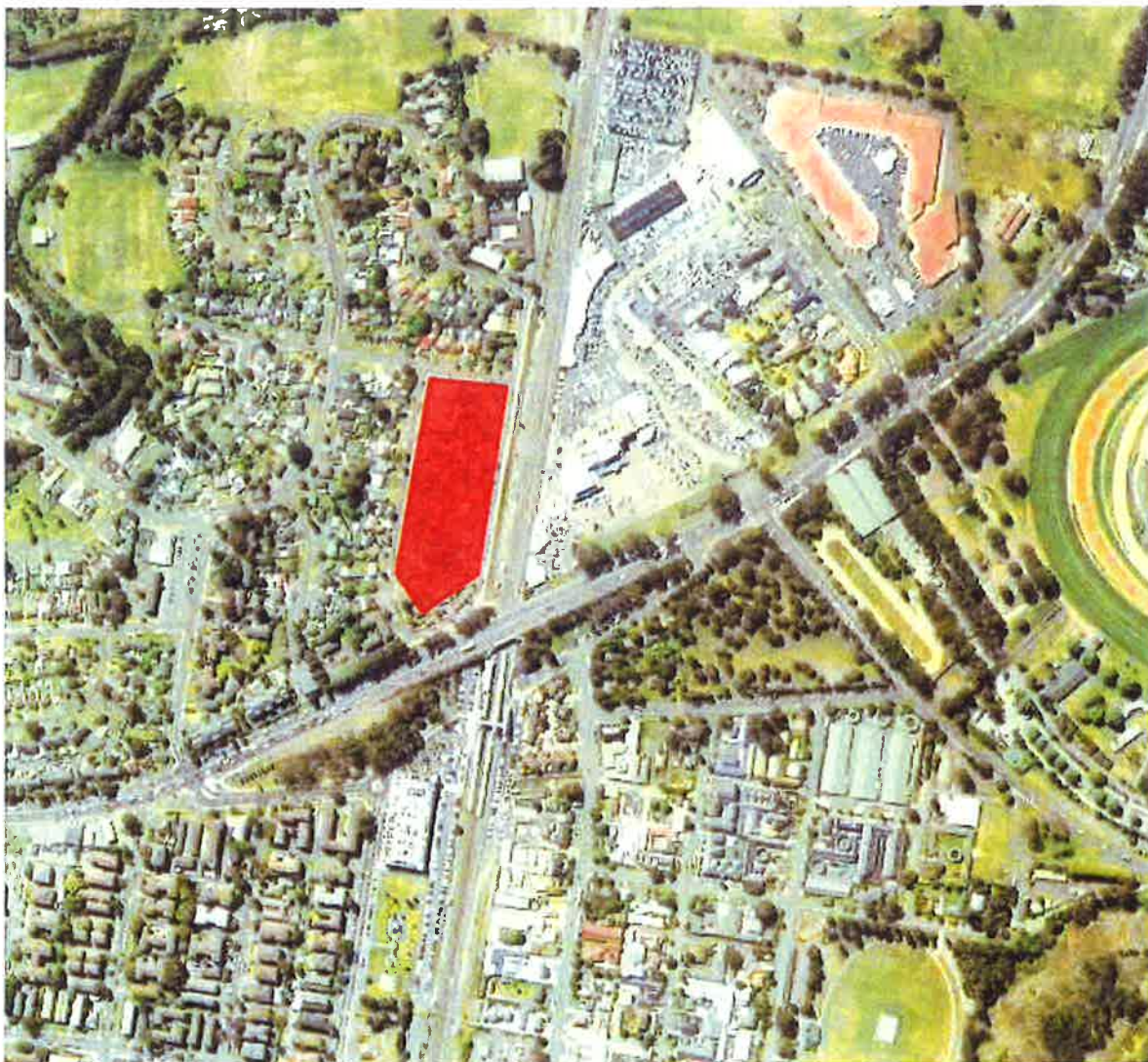


Figure 1: The site (outlined in red).



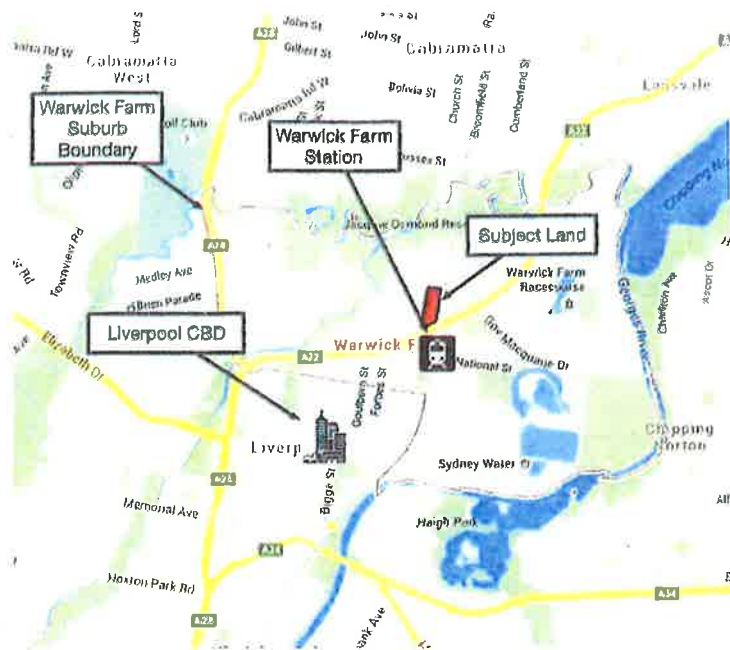


Figure 2: Site context.

### Site description

The site comprises 28 land parcels and 27 single dwellings excluding strata lot SP 84436 (Figure 4, next page). Most of the northern parcels are privately owned and most of the southern parcels are owned by the NSW Land and Housing Corporation (LAHC). LAHC owns 11 parcels as highlighted in Figure 4. The site area is 1.89ha (**Attachment A**).

There is a discrepancy between the land description in the planning proposal (**Attachment E1**) documents and the letter from the proponent dated 19 June 2018 in relation to the number of land parcels (**Attachment E2**). The proponent's map shows 29 land parcels, excluding the strata lot, and the planning proposal identifies 28 allotments including the strata lot. See Figures 3 and 4 (next page) for discrepancies.

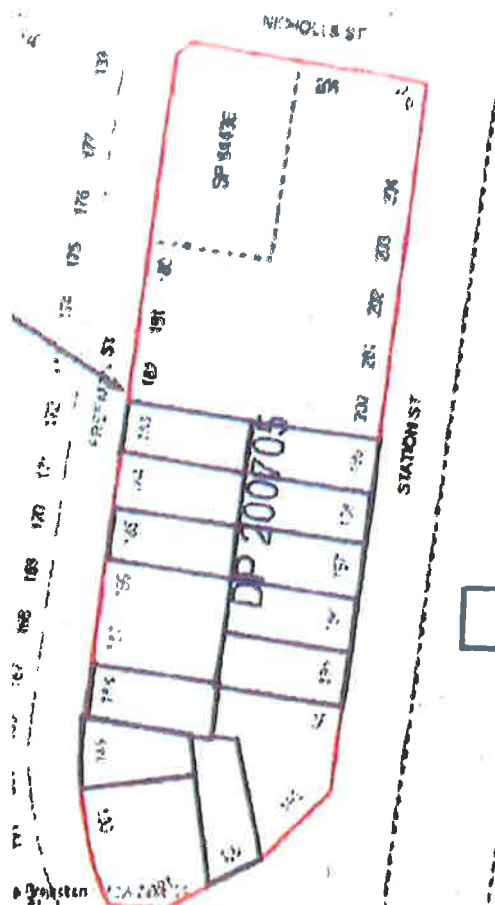


Figure 3: Subject site (as per the proposal).



Figure 4: Subject site (as per the proponent's letter).

The proponent has advised that the landowners group previously liaised with LAHC and LAHC does not object to the planning proposal. The proponent further advised that the proposal aligns with LAHC's requirements to increase the supply and quality of public housing in the precinct.

Except for one residential flat building at the north-western corner, the remainder of the site consists of single detached dwellings. Most of the dwellings are of weatherboard construction, with a few brick veneer houses. Site photos are at **Attachment F**.

Some vegetation can be seen in the backyards of 2-4 Nicholls Street and 3-11 Station Street. The planning proposal states that the subject land does not contain threatened or ecological communities.

The land gently slopes (0.9%) from the south-east towards the north-west. It is not bushfire prone, not affected by acid sulfate soils and does not contain heritage items.

The site is affected by probable maximum flood (PMF) event. Further details on flooding is provided in the *Site-specific merit test* section of this report (page 7) and flood mapping is at **Attachment E1**.

### Current planning provisions

The current planning controls under the Liverpool Local Environmental Plan 2008 (**Attachment B**) applying to the site are:

- R3 Medium Density Residential zone;
- maximum floor space ratio (FSR) of 0.5:1; and
- maximum height of buildings of 8.5m.

The permissible heights for the surrounding land zoned R3, R4 and IN1 are 8.5m, 21m and 15m respectively. Figure 5 shows the current site zoning.

The proponent states that despite the clear locational advantage and high accessibility of the site to Warwick Farm railway station and the Liverpool CBD, the land has not been developed for multi-unit dwellings despite the permissibility of this use under the existing zoning.

### Proposed planning provisions

The planning proposal (**Attachment A**) seeks to:

- rezone the site to R4 High Density Residential;
- amend the maximum FSR to 2.5:1; and
- amend the maximum height of buildings to 42m (up to 14 storeys).

The proponent's concept masterplan (Figure 6, next page) as described in the planning proposal is to deliver nine residential flat buildings (six six-storey buildings with two 14-storey buildings at both ends) over the site. The proposed development is to be carried out in two stages, with the 10 parcels owned by the landowner's group as stage one and the remaining parcels, of which the majority are owned by LAHC, as stage 2. It is intended that a detailed masterplan and site-specific development control plan will be prepared after Gateway determination. Further details are provided in **Attachment C**.

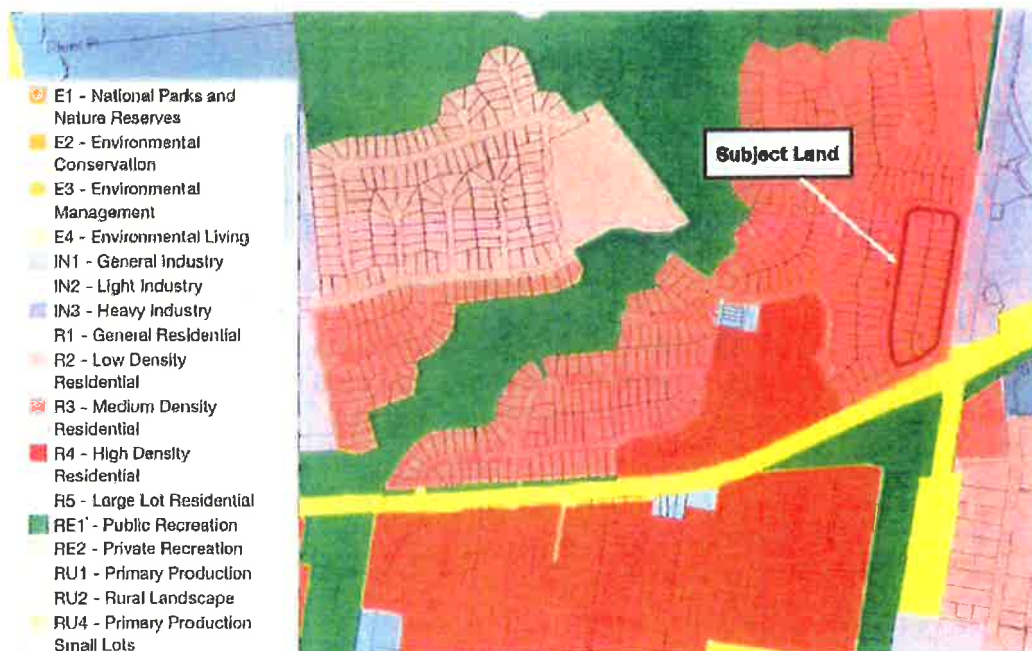


Figure 5: Site zoning.



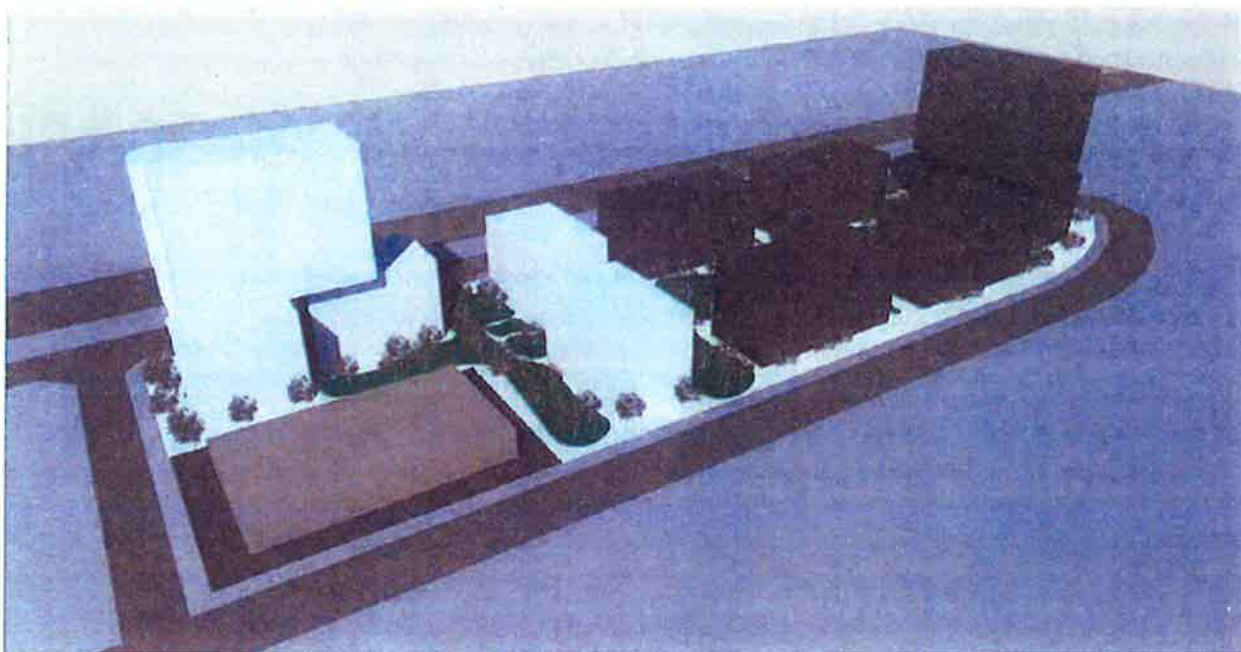


Figure 6: Concept masterplan.

## **INFORMATION ASSESSMENT**

*Does the proposal seek to amend a zone or planning control that is less than five years old?*

No. The planning proposal is to amend the Liverpool LEP 2008.

## **STRATEGIC MERIT TEST**

*Consistency with the relevant regional plan outside of the Greater Sydney Region, 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.*

*Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied upon.*

## **Western City District Plan**

The Western City District Plan was released on 18 March 2018. The plan is not mentioned in the planning proposal as this was submitted prior to the plan's release. However, the following comments are provided having regard to the planning priorities and actions in the plan:

- Planning Priority W2 Working through collaboration and W9 Growing and strengthening the metropolitan cluster: The site falls within the Liverpool Collaboration Area. A place-based strategy is being prepared for the collaboration area, led by the Greater Sydney Commission (GSC) and infrastructure stakeholders. It is a whole-of-government approach to prioritise investment decisions for infrastructure, services and development to occur alongside the construction of new homes, new schools and other essential services to meet the area's potential growth over the next 20 years. One of the aims of the collaboration area is to undertake urban renewal at Warwick Farm and retain a social housing mix.
- Planning Priority W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport: The site is near Warwick Farm railway station, which is along the Liverpool to Sydney CBD and Liverpool to Parramatta CBD rail lines, and would therefore support the provision of housing within 30 minutes of a regional centre. The district plan's 0-5-year housing target for Liverpool is 8250, and the proposal is to deliver an additional 290 dwellings in an accessible location, with

access to jobs and services. The proponent considers that the proposal will enable older/detached housing stock to be replaced with new housing stock and revitalise the residential area.

*Consistency with a relevant local strategy that has been endorsed by the Department.*

There is no local strategy that has been endorsed by the Department that can be relied on to establish strategic merit.

*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.*

The site is near Warwick Farm railway station and is occupied by single-storey detached dwellings in an R3 Medium Density zone where medium-density housing such as multi-dwelling housing, semi-detached dwellings and shop-top housing is permissible. The proponent states that the current controls have not attracted redevelopment of the site.

Council's Draft Warwick Farm Precinct Strategy identified that the proposal could be a catalyst to improve necessary infrastructure upgrades and services in the area and the Liverpool CBD, such as the provision of grade-separated pedestrian and cycle access across the Hume Highway to the railway station.

The Liverpool city centre is identified for revitalisation. A planning proposal (draft Amendment No 52 to the Liverpool LEP 2008) to revitalise the city centre is in its final stages. The city centre will be rezoned to allow approximately 10,000 high-rise residential dwellings and more than 20,000 jobs within the Liverpool CBD. The proponent considers that the planning proposal will further contribute to the provision of new dwellings near the Liverpool city centre and jobs.

#### **SITE-SPECIFIC MERIT TEST**

*The natural environment (including known significant environmental values, resources or hazards).*

The land is unlikely to contain threatened species or endangered ecological communities. The proponent has identified the land to be within the probable maximum flood (PMF) flood area, which is above 1:100-year flood area (page 11 of the planning proposal) (**Attachment E1**). The proponent states that a flood study is to be prepared post-Gateway determination to identify minimum freeboard and flood levels. Figure 7 (next page) shows flood affectation of the site.



Figure 7: Flood mapping.

*The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.*

The site is owned by a private landowners group and NSW Land and Housing Corporation (LAHC). It is surrounded by low-density residential dwellings and some four-storey residential flat buildings along Mannix Parade and the Hume Highway.

#### Draft Warwick Farm Precinct Strategy

The broader Warwick Farm area contains a mix of different uses including equestrian, residential and industrial uses. The Draft Warwick Farm Precinct Strategy sought to address the conflicting land uses, opportunities for urban renewal and possible changes to planning controls in a strategic review for the Warwick Farm precinct. The strategy was prepared by Council in 2016/17 but is yet to be adopted by Council.

The draft strategy concluded that under the existing development controls, the redevelopment of the residential precinct north-west of the railway station is not economically viable. The draft strategy noted that the redevelopment of the site would enable the provision of additional dwellings to support the delivery of affordable housing in coordination with LAHC. More details are in **Attachment E1**.

#### *Council meeting of 26 July 2017*

The Council officer's report to the 26 July 2017 Council meeting advised that the planning proposal is consistent with the draft strategy and recommended the planning proposal proceed to enable the land to be rezoned for high-density residential subject to the development of a thorough masterplan. Council resolved to delay consideration of the planning proposal pending the finalisation of the draft strategy.

The latest Council resolution was in September 2017, which recommended a strategic planning session with the community and to revise the strategy. The community session was held on 24 October 2017, but the strategy is yet to be updated and reported to Council. More details are in **Attachment E1**.

Council has provided more recent comments on the proposal that differ to the position outlined above. Council's recent comments are detailed in the *Council views* section of this report (page 9).

#### Concept masterplan analysis

The proponent's concept masterplan analysis supports a two-stage development. An overall FSR of 2.5:1 is proposed, which had been determined based on a comparative analysis with other land zoned R4 High Density Residential near the Liverpool-Parramatta transit way (FSR 1.1–1.7:1), and the proposed Liverpool CBD R4 High Density Residential-zoned areas (FSR 2:1 to 3:1).

The proposed concept design of six six-storey and two 14-storey residential towers with a maximum building height of 42m on the site, with north-south orientation, is intended to support low site coverage, communal open space, separation of buildings, high solar access and privacy and landscape settings, and to minimise the overshadowing impact on the surrounding development.

The concept masterplan contemplates a significant departure from the existing built form character of the subject land and its wider surrounds. The FSRs for the surrounding R3 and R4 zoned land in Warwick Farm are 0.5:1 to 1.5:1 respectively. The proponent is of the view that despite the high accessibility of the site to rail infrastructure, it is underrepresented by high-density residential housing. Further details are provided in **Attachment E1**.

#### Planning proposal – 1 Governor Macquarie Drive, Warwick Farm

On 5 February 2018, the Sydney Western City Planning Panel considered a rezoning review for a vacant commercial site at 1 Governor Macquarie Drive (former Masters site). This site is east of the subject site across the Hume Highway and the proposal sought to allow high-density residential, commercial and retail purposes facilitating



approximately 950 dwellings and 125 jobs. The panel did not support the planning proposal to proceed to Gateway as the proposal had strategic merit but not site-specific merit. Further details are provided in **Attachment E1**.

*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.*

The proponent advises that the subject site:

- is ideally located near public transport via a pedestrian underpass, with access to employment opportunities to the north and the Liverpool CBD;
- is well served by public open spaces, schools and local shops, with access to regional-scale shopping, education, health and community services; and
- can be adequately serviced with all required utilities.

The proponent further states that a masterplan and a site-specific development control plan will be developed post-Gateway, which will ensure a high standard of amenity and deliver a high-quality housing product that promotes healthy and sustainable living.

The planning proposal (**Attachment E1**) identified that it will result in additional traffic movements and the need for a detailed traffic impact statement to address intersection improvements at Mannix Parade, the Hume Highway and Remembrance Drive. The planning proposal also identified the need for a section 7.11 (formerly section 94) contribution to allow for road upgrades including the partial acquisition of land, additional road construction and traffic signal reconfiguration.

### **COUNCIL VIEWS**

The Department received Council's views on the proposal on 19 June 2018 (**Attachment D**). Council considers the proposal lacks merit, the proposed FSR and height are excessive, and there was no existing framework to rezone the site with consideration of the future surrounding land uses. Council suggests the proposal should not proceed and would be more appropriately considered as part of the upcoming review of the Liverpool LEP.

The key issues raised by Council are summarised below:

#### **Strategic policy context – Western City District Plan**

- Intensification of the residential land use of the site would fulfil some of the objectives of the Western City District Plan, including providing increased housing diversity and locating housing near transport to deliver a 30-minute city.
- Planning Priority W9 of the plan identifies the need to plan for growth in Liverpool, with one of the stated aims of the collaboration area to undertake urban renewal of Warwick Farm and retain a social housing mix. Overdevelopment of sites at the fringe of the Liverpool city centre, such as the subject site, threaten to detract from the development momentum in the core of the city centre where Council is seeking to encourage mixed-use development, and detracts from other aims for the Liverpool city centre outlined in Action 42 of the plan.
- *Planning Priority W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport* emphasises appropriate planning for housing in the right locations. Council is on track to meet its 0-5-year housing targets of 8250 dwellings and there is ample land zoned R4 High Density Residential around the Liverpool city centre and other centres to accommodate short-term to medium-term growth. There is no need to rezone more land for high-density residential before Council conducts a housing study.
- The district plan emphasises the need for urban renewal to be located near existing centres and regional transport. The justification of the FSR in this proposal only considers proximity to transport infrastructure.

### Liverpool Collaboration Area

- The collaboration area strategy is close to finalisation and will identify the roles of Council and other agencies in delivering the agreed future land-use vision for the area. This is likely to include what infrastructure upgrades may be necessary to support growth.
- It is premature to consider this planning proposal while a strategy for the long-term land use of the area is being prepared under the Liverpool Collaboration Area.

### Site context

- The proposed high-density residential development with tower forms of 14 storeys should be located within a district or subregional centre.
- There is already land appropriately zoned R4 north of the Hume Highway, which is closer to local shops and does not immediately adjoin the subject site.
- Rezoning the subject site in isolation without proper consideration of the surrounding land uses would impact on the established residential character of the area. The proposal does not consider these impacts.

### Social impact

- Warwick Farm is an area with large amounts of social housing and considerable socio-economic disadvantage. The area has high rates of crime and limited access to retail and urban services within walking distance.
- The proposed rezoning would create capacity for approximately 527 dwellings on the subject site (noting that the proponent considers that 290–430 additional dwellings would be provided under the proposal). The realisation of only a part of a change would result in significant social impacts, including the displacement of the existing population, and has not been assessed by the proposal.
- It is important that any redevelopment of Warwick Farm provides for the retention of diverse housing tenures, including social housing within the area, and the possible increase of affordable housing. The necessary background work to support this framework has not been undertaken. The proposal does not make any provision for social or affordable housing.
- The proposed rezoning has not demonstrated the following elements:
  - the cumulative impact of development on traffic or social infrastructure;
  - the infrastructure requirement to support future redevelopment;
  - social impacts of redevelopment, including the displacement of the existing population;
  - the appropriate built form on a precinct-wide basis, including the appropriate outcome for different land parcels and a transition to lower density;
  - the necessary level of affordable housing and redevelopment of social housing that should be delivered; and
  - how the existing neighbourhood centre should be redeveloped to support increased population and improve amenity.

## **ATTACHMENTS**

Attachment A – Site and locality maps

Attachment B – Current LEP map

Attachment C – Proposed development

Attachment D – Council comments

Attachment E1 – Rezoning review application package

Attachment E2 - letter from proponent

Attachment F – Site photos

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