

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

Item no:	(leave blank)
Application Number:	RZ-6/2018
Proposed Development:	Planning proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP 2008) to include residential flat buildings, serviced apartments and commercial premises as additional permitted land uses at 84 Memorial Avenue, Liverpool (Lot 100 DP 1014714) and to amend the height of buildings and floor space ratio development standards
Property Address	84 Memorial Avenue, Liverpool
Legal Description:	Lot 100 DP 1014714
Applicant:	Zhinar Architects
Land Owner:	Canterbury Leagues Club Limited
Recommendation	The planning proposal is not supported as it lacks strategic and site specific merit and should not be referred to the Department of Planning & Environment for a Gateway determination
Assessing Officer:	Graham Matthews, Senior Strategic Planner

1. EXECUTIVE SUMMARY

Council has received a planning proposal (**Attachment 1**) to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP) to include *residential flat buildings, serviced apartments and commercial* premises as an *additional permitted land use* at 84 Memorial Avenue, Liverpool (Lot 100 DP 1014714) and to amend the height of buildings and floor space ratio development standards. The site is currently zoned RE2 Private Recreation and the proposed land uses (residential flat buildings, serviced apartments and commercial premises) are prohibited under the LLEP 2008.

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

The planning proposal does not have strategic or site specific merit. The proposal to amend the LLEP 2008 is not consistent with *Section 9.1 Directions* and other relevant regional and local plans as identified in this report.

It is recommended that Council not support the planning proposal and not refer the planning proposal to the Department of Planning & Environment for a Gateway determination.

2. SITE DESCRIPTION AND LOCALITY

The Site

This planning proposal is site specific and relates to land at 84 Memorial Ave, Liverpool (Lot 100 DP 1014714). The site adjoins a Woodward Park on the western side of the Hume Highway, opposite the Liverpool City Centre. The site is zoned RE2 Private Recreation and is surrounded

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**24 June 2019**

to the south and west by RE1 Public Recreation zoned land and to the north across Memorial Avenue by R4 High Density Residential zoned land.



Figure 1 Aerial photograph of subject site (Source: Nearmap)



Figure 2 View of the site from the Hume Highway looking west (Source: Nearmap)

History

- No pre-lodgement advice from Council planning staff was sought by the proponent prior to lodging this planning proposal;

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

- The planning proposal was lodged with Council on 6 July 2018.

3. DETAILS OF THE PROPOSAL

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

Schedule 1 is proposed to be amended by adding the following:

24 Use of certain land in Liverpool in Zone RE2

- (1) *This clause applies to land in zone RE2 Private Recreation known as 84 Memorial Avenue, Liverpool (Lot 100 in Deposited Plan 1014714).*
- (2) *Development for the purposes of residential flat buildings, serviced apartments and commercial premises is permitted with consent.*
- (3) *Development for the purposes of commercial premises is permitted with consent if:*
 - (a) *The total gross floor area of all commercial premises does not exceed 1,000m².*

The height of buildings and floor space ratio development standards are also proposed to be amended as follows:

Development Standard	Current	Proposed
Height of Buildings	21m	37m, 62m, 77m
Floor space ratio	0.25:1	3.02:1, 3.37:1, 5.45:1

The site would be classified into three precincts: a club/hotel precinct, a western residential precinct and an eastern residential precinct. The amendments to the height of buildings and floor space ratio development standards are for each precinct respectively and are detailed in the planning proposal. The proposed amendments are intended to facilitate the development of approximately:

- 1,150 apartments;
- 150 hotel rooms;
- 44 serviced apartments;
- 670m² of active commercial boulevard floor space; and
- 9,300m² for a registered club.

Current zoning

The site is zoned RE2 Private Recreation. The objectives of the RE2 zone are:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable land uses that are compatible with, and complimentary to, recreational uses.

The proposed uses of the site being residential flat buildings, serviced apartments and commercial premises are prohibited in the RE2 zone.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

An extract of the current zoning map is provided in Figure 3 below:



Figure 3 Extract of zoning map (Source: Geocortex)

The following land uses are permitted with development consent in the RE2 zone (relevant to this site):

- Animal boarding or training establishments;
- Building identification signs and Business identification signs;
- Camping grounds;
- Car parks;
- Caravan parks;
- Centre-based child care facilities;
- Community facilities;
- Entertainment facilities;
- Environmental facilities;
- Function centres;
- Hotel or motel accommodation;
- Information and education facilities;
- Kiosks;
- Landscaping material supplies;
- Places of public worship;
- Plant nurseries;
- Recreation areas;
- Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor);
- Registered clubs;
- Respite day care centres;
- Roads;
- Veterinary hospitals;

The additional uses proposed by this planning proposal are not consistent with the objectives of the zone.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

Nevertheless, the existing zoning and development standards would permit significant development on the site. "Registered club" and "hotel or motel accommodation" are already permissible uses on the site and could be developed with consent.

Under the current of development standards (FSR 0.25), approximately 7430 m² of Gross Floor Area (which excludes common areas such as lift wells, corridors et cetera) could be developed on the site. It would therefore be possible to develop a club/hotel on the site to the 21m height limit, in addition to other development, without recourse to amending the LLEP 2008.

4. CONSIDERATIONS FOR STRATEGIC & SITE SPECIFIC MERIT

Section A - Need for the planning proposal

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

The planning proposal has not been made as a result of any strategic study or report.

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

It would not be possible to achieve the stated outcomes without making an amendment to the LLEP 2008 to amend the height of buildings and floor space ratio development standards in addition to expanding the range of permissible uses on site.

Based on the range of uses proposed (high density residential, serviced apartments, commercial premises and a licensed club) the most logical approach to meet the objectives of the planning proposal, irrespective of whether the site can support the development, would be to seek to rezone the site to B4 — Mixed use, in addition to amending the height of buildings and floor space ratio development standards. The proposal does not seek to rezone the subject site, but to retain its RE2 — Private Recreation zoning.

The objectives of the RE2 — Private Recreation zone are not compatible with the proposed outcomes sought through the planning proposal, particularly the proposed development of 1,150 apartments and large numbers of towers on the site. The proposal would change the primary use of the subject site from private recreation to high density residential or mixed use.

All objectives pertaining to the RE2 zone centre on the requirement for the land to provide "private open space" or that the land be used for "recreational purposes". While the dictionary of LLEP 2008 does not specifically define "recreational purposes", it does nevertheless define recreation area, recreation facility (indoor), recreation facility (major) and recreation facility (outdoor).

With respect to the urban design document provided with the planning proposal, none of the proposed land uses (with the partial exception of the provision of two relatively small areas of communal open space), including serviced apartments, residential flat buildings and commercial premises are described in any of the definitions for recreation as provided by LLEP 2008.

Recreational purposes, as described in LLEP 2008 include:

- a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation (recreation facility (indoor));

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

- a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (recreation centre (outdoor));
- theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks (recreation facility (major)); or
- a children's playground, an area used for community sporting activities, or a public park, reserve or garden or the like (recreation area).

While the proposal seeks to add "additional uses" to land zoned for private recreation, the effect of the planning proposal would be to fundamentally change the purpose of the subject site, contradicting the objectives of the RE2 zone. The proposal would re-purpose the subject site for dense, urban land uses, including the range of uses (serviced apartments, residential flat buildings and commercial premises) that would be more applicable on land zoned B4 — Mixed Use, a rezoning which itself would not be appropriate in this out of central location.

Section B – Relationship to 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)?*

The Department of Planning & Environment includes 'assessment criteria' which provide guidance on assessing a proposal's consistency with matters raised in Question 3. The following table summarises the assessment criteria (Part A of the Assessment Criteria).

Guideline Assessment Question	Response
<i>Give effect to the relevant district plan within the Greater Sydney region</i>	This question is addressed in detail below.
<i>Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement</i>	There are no relevant local Council strategies that have been endorsed by the Department to consider.
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.</i>	There are no notable changes in circumstances that have not been recognised by existing planning controls.

A Plan for Growing Sydney

A Plan for Growing Sydney has now been superseded by the *Metropolis of Three Cities Regional Plan*. Note, the Ministerial direction has not been updated to reflect this.

A Plan for Growing Sydney (Metro Plan) is a NSW Government regional strategy for the Sydney area which replaced the Metropolitan Plan for Sydney 2036. It includes general goals and directions applicable across the Greater Sydney area and more localised sub regional strategies. The proponent states that it is consistent with *A Plan for Growing Sydney* because:

The Planning Proposal aligns with the principles and priorities for Liverpool Strategic Centre, in that it would provide for an infill mixed-use development in Liverpool which

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

includes residential accommodation, serviced apartments, a hotel, Club facilities and open space improvements.

The proposal will increase housing supply and choice in a location that is well-connected to a public transport system and situated along the Hume Highway road corridor which provides greater connections to the Greater Sydney Region. The proposal will also encourage long-term employment and economic growth to the subject site and through the hotel and serviced apartments, the proposal will foster business and short-term visitor growth (PP p56).

The subject site is not located within Liverpool city centre. The proposal would engender an "out of centre" development which has the potential to undermine planned residential and commercial growth within the city centre itself.

The site is located more than 800m from the Liverpool railway station and the ability for residents or hotel guests to walk to services and public transport within the Liverpool city centre is somewhat compromised by having to cross the Hume Highway corridor which provides for poor amenity.

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

The following objectives of the Regional Plan are relevant to this proposal:

- Objective 10 - Greater housing supply
- Objective 11 – Housing is more diverse and affordable
- Objective 12 – Great places that bring people together
- Objective 14 – Integrated land use and transport creates walkable and 30 minute cities
- Objective 22 – Investment and business activity in centres
- Objective 30 – Urban tree canopy cover is increased
- Objective 31 – Public open space is accessible, protected and enhanced

Western City District Plan

The proposal has considered 12 of the 20 key priorities in the Western City District Plan in support of the proposal as follows:

W1 — Planning for a city supported by infrastructure

The proposal maintains it is consistent with this priority as:

The proposal contributes to the improvement of local infrastructure through the proposed elevated pedestrian foot bridge and through site links, connecting the City Centre to Woodward Park, Hillier Oval and the Whitlam Centre.

The proposal will also involve the internal road upgrade, new northbound slip lane access along Copeland Street, left-in and left-out intersection on Copeland Street, road widening of Memorial Avenue and signalized intersection to Memorial Avenue and the Whitlam Leisure Centre access road, improving the safety of vehicles entering and exiting the site.

The planning proposal makes reference to a potential Planning Agreement that would include:

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

- The construction of a new pedestrian and cycle bridge over Copeland Street connecting Woodward Park with the Liverpool City Centre;
- The dedication of the portion of the subject site's land that includes the Whitlam Leisure Centre and an internal road to Liverpool Council;
- A monetary contribution to facilitate upgrade to Hillier Oval facilities and open space/recreation infrastructure;
- A monetary contribution to facilitate the upgrade or reconstruction of the Whitlam Leisure Centre, including consolidation of community facilities as envisaged by Liverpool Council.

The proposed improvements to Hillier Oval and the Whitlam Centre may provide some public benefit. However, the development of 1,150 dwellings at the site will also increase the pressure on existing social infrastructure, including open space.

Liverpool city centre has an existing shortfall of 46.19 ha of local open space as of 2016 (Stubbs. J, 2016, *'Liverpool Housing, Population and Social Infrastructure Study'*). The proposal seeks development of 1,150 apartments or approximately 3,220 new residents triggering a requirement of approximately 9.1 ha of additional local open space (referring to 2.83ha/1000 persons), which clearly is not achieved in the proposed distribution of built form and open space.

The proposed road and traffic modifications, including the potential development of traffic signals at the intersection of Memorial Avenue and the Whitlam Leisure Centre access road, seek to mitigate the impact of the proposed development and are unlikely to have any broader public benefit. The Hume Highway is heavily congested and this additional development will likely increase congestion.

W3 – providing services and social infrastructure to meet people's changing needs

The proposal states it is consistent with this priority as:

The demographic changes in Liverpool will increase the demand on existing services and infrastructure, including the sport and recreation facilities. The proposal will work with Council in providing for upgrades to Woodward Park and Whitlam Centre and to the Hillier Oval. The proposed pedestrian foot bridge would also increase opportunities for pedestrians to access the site and the recreational uses that surrounds it.

The proposal lacks sufficient justification with regards to community benefit considering the value of the uplift proposed.

There are concerns with a number of the assumptions made, particularly the capacity of existing social infrastructure to provide for the needs of the additional residents.

The social impact assessment provided does not provide a capacity assessment for the hard and soft infrastructure to serve the future population facilitated by the proposal. There is currently an undersupply of community facilities in the district (i.e. Liverpool/Warwick Farm). Most of the existing facilities are single use and smaller in size compared to recently adopted benchmarks.

It is acknowledged that the proponent has offered to enter into a planning agreement (VPA) with Council. However, as it stands, the main beneficiary of the suggested contributions in the short and medium term would be the development itself. Council needs to ensure the best possible

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

outcome is reached for the wider community through such developments to be able to justify such major amendments.

W4 — fostering healthy, creative, culturally rich and socially connected communities

The proposal states it would meet this planning priority as:

The proposal will encourage new residential supply in a location that is adjacent to social and recreational facilities. The proposal will provide for residential living which would foster healthy and socially connected communities.

It is unclear how the proposal properly addresses Action 11(a) that is, “*providing walkable places at human scale with active street life*”. The proposed development would not have a “human scale” with buildings proposed between 37 and 77 m in height. Overlooking of publicly accessible areas would further discourage pedestrian activity (as discussed in relation to W6 below). Proximity to the Hume Highway would also expose residents to traffic noise and poor air quality impacts.

W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport

The proposal maintains it is consistent with this priority by stating that:

The proposal will provide for the ability to accommodate some 1,150 residential apartments on the subject site which would add to the housing supply of this area and would contribute to the housing targets set by the Greater Sydney Commission.

In Appendix 7 to the planning proposal, the proposal claims that the dwelling growth targets for Liverpool assigned by the Greater Sydney Commission (GSC) understate the “implied demand” for housing in the LGA, as follows:

In the short term, the projections suggest demand for 10,415 new dwellings in Liverpool over the five years to 2021. This is equivalent to annual demand for just over 2,000 new dwellings. (Appendix 7, p 12).

The proposal’s growth projections exceed dwelling targets agreed with the GSC by 2165, or 26%. In addition, it must be further noted that since the beginning of 2016, 9,000 additional dwellings have been approved for development within the Liverpool LGA, the largest proportion of those being strata development (multi dwelling housing and residential flat buildings). While there has been some inevitable lag between approval and development, over 4,350 dwellings were completed between January 2016 and June 2018. Based on current trends, the Liverpool LGA is very likely to exceed the targets set by the GSC without the rezoning of the subject site for residential purposes.

On 5 September 2018, the Department of Planning and Environment (DP&E) gazetted LLEP 2008 (Amendment 52), which will facilitate the development of an additional 7,000 dwellings in the Liverpool city centre. In addition, the Liverpool Collaboration Area Place Strategy envisages the development of up to 18,800 new dwellings in the collaboration area alone by 2036 along with 16,200 new jobs (Place Strategy, p15).

The proposal does not establish that the proposed rezoning to permit an additional 1,150 dwellings at the subject site would be required in order for Council to meet targets established by planning priority W5.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

In a letter to Council dated 21 December 2018, the Greater Sydney Commission (GSC) confirmed that Council is on track to meet and exceed 5 year housing targets established in the WCDP. The letter states in part:

The DPE's housing supply forecast confirms that Liverpool City Council's housing supply is on track to deliver 8,340 new dwellings between 2016/17 to 2020/21 which is above the minimum 0-5 year target of 8,250. This has been established by adding completions from July 2016 - September 2018 and a pro-rata of DPE's housing supply forecast from 2017/18 - 2021/22 (7,400 dwellings).

It is acknowledged that the applicant has recognised the need for affordable housing provisions without making a commitment about approximate percentages. However, the size of the suggested development and the increased uplift/density would suggest that the proposal makes a contribution to affordable housing in the higher range supported by the District Plan. This is of vital importance considering the lower than average median income and SEIFA (Socio-Economic Indexes for Areas) score and higher than average unemployment rates existing in the surrounding area.

W6 – Creating and renewing great places and local centres, and respecting the District's heritage.

The proposal provides the following three statements to establish consistency with this planning priority:

*To create a great place, a combination of three elements have been identified in this Plan: (1) **Well-designed built environment:** The proposal will revitalize the existing vacant land, providing a visually attractive, safe and enjoyable space with a mixture of uses and functions.*

*(2) **Social infrastructure and opportunity:** The proposal includes upgrades to the Whitlam Centre and Hillier Oval which would greatly benefit the use of these existing recreational spaces which are already inclusive of people of all ages and abilities. The proposal will provide for improved open space, landscaping and through-site links which would connect towards the existing recreational facilities and to provide for new opportunities for social interaction and connection.*

*(3) **Fine grain urban form** -The proposal provides for through site links and lower level uses with active frontages to interact with the human scale. The proposal seeks to create a sense of place within the subject site and to extend this towards the recreational facilities that adjoin this site.*

Council's City Design and Public Domain team assessed the design study provided with the proposal and concluded that the proposed built form will over-shadow the proposed communal open space and the streetscape of internal roads as shown on the master plan. The shadows will impact the comfort and useability of these spaces, particularly during the autumn, winter and spring months.

The arrangement of the built form around the communal open space will impact the diversity of users within this open space. The sense of enclosure and over-viewing from the built form will limit visitors lingering and reduce the use of this area, particularly for those that are not residents. In addition, the proposed height does not provide a transition from the city core, but rather competes with the city centre massing as a more dominant feature within the Liverpool city centre built environment.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

The Liverpool city centre is increasing both its residential and worker population. Providing opportunities for city centre users to have easy access to active open space is imperative for the success of Liverpool as a city. The clear visual and physical link from the city to the intersection of Memorial Avenue and the Hume Highway provides excellent connection and access for city users into this open space.

Western Sydney has higher temperatures than the rest of Sydney for several documented reasons including the urban heat island effect. Global research outlines the need for a network of open space land parcels across a city to ameliorate the effects of urban heat. Maintaining open space with soft (grass and tree) coverage will help reduce city temperatures.

Night use of training fields with associated noise and light spill is inappropriate adjacent to residential development and may impact the use of Woodward Park as a district level sports precinct. The green space and training areas in their current form, whereby the existing road network and generous green park edges provide physical separation to residential areas, must be retained.

W9 — Growing and strengthening the Metropolitan cluster

The proposal maintains that:

The proposal is located within the Liverpool Metropolitan Cluster and located at the fringe of the Liverpool City Centre. The proposal seeks to provide for new residential accommodation, businesses and improved open spaces which would contribute to the growth and strength of the Liverpool Metropolitan Cluster.

The Liverpool city centre was defined by the *Revitalising Liverpool: City Centre Plan* undertaken by the NSW Government in 2006. The scope of the city centre has subsequently been incorporated into the LLEP 2008 via the key sites map. The subject site is not part of the Liverpool city centre. It is therefore not possible to leverage support for the proposal with reference to this planning priority. Providing significant uplift on the fringe of the Liverpool city centre will undermine potential growth within the cluster.

W11 — Growing investment, business opportunity and jobs in strategic centres

The proposal maintains that, “the proposal will provide for new employment and business opportunities in a location that is directly adjacent to the Liverpool City Centre,” (PP p59). However, as the proposal acknowledges, the subject site is outside of the Liverpool city centre. For the proposal to develop commercial floorspace on the subject site would constitute an “out of centre” development, which may potentially undermine commercial development within the Liverpool city centre itself.

W15 – Increasing urban tree canopy cover and delivering Green Grid connections

The proposal seeks to leverage support from this planning priority as follows:

The proposal will provide for improved tree cover to the subject site. The site is largely vacant land with minimal tree cover, with the existing trees located along the boundaries of the site. The proposal will provide for new tree plantings along pathways and streets which would then adjoin the existing tree corridors located on the adjoining sites.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

The proposal has indicated an intention to retain existing mature trees on site, while increasing plantings within the framework of a comprehensive redevelopment.

W16 – Protecting and enhancing scenic and cultural landscapes

The proponent provides the following statement:

The planning proposal will seek to protect and enhance the existing recreational sites Whitlam Centre and Hillier Oval, which are existing open spaces and sporting facilities that add to the culture and community bonding of residents of Liverpool.

It should be noted that no scenic or cultural landscapes are impacted or improved as a result of the proposal.

W18 – Delivering high quality open space

In support of the planning proposal, the proponent is seeking to enter into a VPA with Council which would provide upgrades to the Whitlam Centre and Hillier Oval. However, the repurposing of open space, including private open space is a matter considered in detail in the WCDP. The planning priority states:

*Where the future of any larger spaces used for activities such as golf courses are uncertain, due to declining membership and attendance figures, any land or facilities in public ownership should be retained as open space and transitioned to shared open space and facilities, including for organised sports. **For land in private ownership, there may be opportunities for part of the land to be re-purposed or set aside for open or shared spaces** (emphasis added).*

By contrast, the proposal states that it will create, “a sense of place for pedestrians using the through site links to access the recreational facilities” (PP p59).

The proposal will alienate approximately 3 ha of existing (private) open space for purposes which are largely not supported by the objectives of the zone, as discussed above. In addition, Liverpool city centre has an existing shortfall of 46.19ha of Local Open Space as of 2016. The proposal seeks development of 1,150 apartments triggering a requirement of approx. 9 ha of local open space (referring to 2.83ha/ 1000 persons), which clearly is not achieved in the proposed distribution of built form and open space. The proposal does not contribute to “delivering high quality open space”, rather it increases unmet demand for quality open space.

The applicant’s response to W19 — reducing carbon emissions and managing energy, water and waste efficiently and W20 — adapting to the impacts of urban and natural hazards and climate change is not contested, but is not considered central to an assessment of the proposal for additional uses on the subject site.

Site Specific Merit

The Department of Planning & Environment’s *A Guide to Preparing Planning Proposals* includes the following question relating to site-specific ‘assessment criteria’ (Section B, Q3b).

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

1. *the natural environment (including known significant environmental values, resources or hazards) and*

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

2. *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
3. *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 subject site contains no Environmentally Sensitive Land and is not subject to Acid Sulphate Soils, according to the LLEP 2008. There is no Land Reservation for Acquisition affecting the site.

Since 2009, development consent has been granted for the development of part of the site as a community facility (as noted in the planning proposal). In addition, numerous development consents have been issued for the use of the site for community festivals, circuses and the like. In short, the site has been frequently used for the purposes of private recreation. Should the proposed additional uses be approved, it is unlikely that the site will continue to be used for these purposes.

As noted above, the planning proposal does not adequately provide for a transition from Liverpool city centre to the site from a built form perspective, but instead competes with Liverpool city centre and has the potential to undermine mixed-use development in the city centre itself both in terms of built form and economic viability. The proposed height and density of buildings is also out of character with high density residential developments to the north and east of the subject site.

Support for the planning proposal may encourage landowners in the vicinity (particularly along Memorial Avenue) to seek similar increases of floor space ratio and height of building development standards, further undermining the primacy of Liverpool city centre and providing greater market uncertainty.

Traffic impacts

Traffic generation potential of the proposed development, has been estimated by the applicant's traffic consultant, using traffic generation rates of 0.19 and 0.15 trips per unit AM and PM peak hours respectively, which is considered an under estimation as the rates are based on surveyed sites which are in close proximity to major transport interchanges such as Parramatta and Chatswood with high frequent public transport services.

Based the 2016 census data, approximately 58% of residents who live in the north of Memorial Avenue, opposite to development site, travel to work by car. It is unlikely that this travel pattern and mode share will change significantly in near future. As such, trip generation rates for high residential units should be based on a survey site with similar transport mode share splits such as RMS survey site 4 in Rockdale.

Due to the above considerations, Council's traffic and transport section has used the following rates are to be used to estimate additional traffic generated from residential uses:

- 0.32 vehicle trips/hr and 0.18 vehicle trips/hr per dwelling for high density residential in AM and PM peak hours respectively.

Based on the above rates, the proposed residential development will generate approximately 368 vehicle trips and 207 vehicle trips in AM and PM peak hours respectively. Combined with other land uses, the planning proposal is expected to generate additional 446 vehicle trips and

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 June 2019

360 vehicle trips in AM and PM peak hours respectively. It will also generate more than 400 and 260 trips by non-car modes in AM and PM peak hours respectively.

The development site is bounded by Memorial Avenue and Hume Highway. Memorial Avenue is a local road, which is under care and control of Council. It carries approximately 1,000 vph during commuter peak hours, which has exceeded its maximum environmental capacity for a residential street (300-500 veh/hr).

Additional traffic generated from the development site will have adverse impact on local amenity along Memorial Avenue.

SIDRA modelling analysis indicates that Memorial Avenue/Copeland Street intersection is currently operating at LOS F & E in AM and PM peak hours respectively. The traffic report submitted with the proposal has proposed the following upgrading works at the intersection:

- Road widening along Memorial Avenue for a distance of approximately 150m to provide a third eastbound lane on the approaches to the Copeland Street/Hume Highway intersection; and
- Widening in Copeland Street/Hume Highway for a distance of approximately 60m to provide a new left-turn only slip lane for traffic turning left into Memorial Avenue;

While Council staff raise no objection to the upgrading works, an electronic copy of SIDRA models would be required to be submitted to Council and RMS for review to confirm the proposed upgrades will accommodate additional traffic generated from the development.

Parking

The subject site is within 400 m of land zoned B4 mixed use. In accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (Amendment No. 3), the minimum car parking requirement for residents and visitors can be based on RMS Guide to Traffic Generating Developments or Council DCP requirements, whichever is less.

The subject site is located outside of Liverpool CBD, approximately 1 km walking distance from Liverpool railway station. It has much higher car usages (58%) compared to other CBDs such as Sydney CBD. Therefore, the following Metropolitan Sub-Regional Centres parking rates as specified in RMS Guide are to be used to estimate the number of parking spaces required for residential use:

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

Were the proposal to receive Council support, it is recommended that the proponent provide a detailed breakdown of parking proposed to the site, to confirm it meets the RMS Guide requirements.

Infrastructure upgrades and development contribution

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

Traffic and parking assessment report has proposed the following upgrading works to support the planning proposal:

- A new pedestrian bridge over Copeland Street/Hume Highway to facilitate pedestrian access between the site and the Liverpool City Centre;
- Provision of traffic signals in Memorial Avenue at its intersection with the Whitlam Leisure Centre access road; and
- Hume Highway/Memorial Avenue Intersection Upgrade.

Were the proposed development to receive Council support, the proponent would be required to enter into a voluntary planning agreement with Council to deliver the proposed infrastructure upgrades. Consideration would also be given to making the site subject to satisfactory arrangements according to clause 6.4A of LLEP 2008, whereby any residential development on the site would make an additional contribution to the cost of regional transport upgrades.

Should the proposal receive support, the applicant would be required to submit a revised traffic report which includes the following:

- A revised traffic generation potential by 0.32 vehicle trips/hr and 0.18 vehicle trips/hr per dwelling for high density residential in AM and PM peak hours respectively;
- Updated parking provision for residential use by using Metropolitan Sub-Regional Centres parking rates as specified in RMS Guide;
- An electronic copy of SIDRA models of intersection performance analysis; and
- A draft VPA for local and regional transport infrastructure upgrades

The planning proposal should also be referred to RMS for assessment. RMS "in principle" approvals are required for the following works:

- A new traffic signals at Memorial Avenue/Whitlam Leisure Centre access road intersection
- A new left in/left out intersection on Hume Highway
- A new pedestrian/cyclist bridge over Hume Highway
- The proposed Hume Highway/Memorial Avenue Intersection Upgrade

Should the proposal receive support, provision of an infrastructure services report would need to be conditioned as a requirement of any Gateway Determination.

Local Strategic Planning Statement or other endorsed local strategy or plan

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

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

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

Council is in the process of preparing its first Local Strategic Plan and as a result, there is no endorsed LSPS for Liverpool at this stage.

The proposal addresses three Council plans, being Council's Community Strategic Plan, *Our Home, Liverpool 2027*, the Liverpool Residential Development Strategy and the Liverpool Recreation Open Space and Sports Strategy. None of these strategies have been endorsed by the Department of Planning & Environment.

Our Home, Liverpool 2027

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan (CSP) and 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 proposal states that it is consistent with the CSP.

Liverpool Residential Development Strategy

The proposal states consistency with the strategy on the basis that the strategy seeks to develop high density housing in proximity to frequent mass public transport. The proposal states that *"the site is within 800m walking distance to the Liverpool train station and is anticipated through the proposed pedestrian bridge, future residents will be able to cycle and walk to work and to access the variety of services offered in the Liverpool city centre."*

The site is more than 1 km from Liverpool station, which requires crossing the Hume Highway, certainly greater than a reasonable walking distance. The proposal does not therefore meet the requirements of the *Liverpool Residential Development Strategy*.

It is important to note that while the proposal has indicated the provision of a pedestrian bridge, as the asset will cross a classified road, it will become property of the RMS. The RMS has specific triggers as to when a pedestrian bridge can be facilitated, which the proposal has not discussed. As such, it cannot be assumed that a pedestrian bridge would be supported, therefore, pedestrians would likely cross the Hume Highway at ground level either indefinitely or at a point in which warrants are met.

Liverpool Recreation Open Space and Sports Strategy (Sports Strategy) 2017

The proposed redevelopment of the subject site has the potential to impact Council's strategic plan for Woodward Park and must therefore be assessed against Council's Sports Strategy. Consistency with the Sports Strategy is imperative as Woodward Park provides district wide sporting facilities for the Liverpool LGA.

Section 6.1 of the Sports Strategy, "Meeting the needs of a growing population" requires that:

Council's assessment of planning proposals must better align with the provision of recreation infrastructure, and also with value capture, to provide for larger than anticipated populations in certain areas (SSp15).

As noted above, LLEP 2008 (Amendment 52) rezoned the core of Liverpool city centre for mixed use, which is planned for an additional 7,000 new dwellings over time. Woodward Park is the largest area of open space adjacent to the city centre and provides district-wide sports facilities. The Sports Strategy further notes at section 9.4, that even taking account of the

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

facilities at Woodward Park, the city centre will be underserved by open space by 2036 (SS p33).

The Sports Strategy further notes plans for the redevelopment of Woodward Park via the drafting of a masterplan. The Sports Strategy notes that,

Woodward Park is the largest and most accessible open space catering for sports for City Centre residents. In order to meet current demand and grow future participation, Council recognises the importance of providing high quality facilities that not only facilitate growth in the sports, but which enable broader community development and pathways for increased physical activity. Success of future work will be realised by Liverpool city centre's reputation as a highly liveable city (SS p 48).

The proposal, including the development of 1,150 dwellings will trigger demand for approx. 9 ha of local open space (referring to 2.83ha/1000 persons), which is not achieved in the proposed distribution of built form and open space. While the Sports Strategy acknowledges that provision of open space to preferred standards may not be possible in developed areas of the LGA, nevertheless:

If the provision and embellishment of open space does not keep pace with increasing high density development, Liverpool will risk significant under provision of recreational space that may have health as well as reputational risks (SS p15).

While the planning proposal offers a VPA which would provide for an upgraded to Woodward Park and the Whitlam Centre, Council is unable to assess the full effectiveness of the improvements proposed until the finalisation of the masterplan.

The Woodward Park masterplan will be guided by place making principles developed as a part of the implementation program of the Sports Strategy. Place making guidelines and the Liverpool city centre public domain master plan will direct and define the accessibility and connectivity of the park to the Liverpool city centre and the surrounding social infrastructure. The masterplan is being developed for improved utilisation of the existing open space to support the future demand of public open space and develop a green infrastructure network across and around the city centre.

The proposal also provides for fragmented access on the closest entrance to Woodward Park (from the city centre), and increases the potential for overshadowing of the district wide sporting facilities contained in Woodward Park (as noted above).

In significantly increasing demand for open space, pre-empting the development of the Woodward Park masterplan and fragmenting access to Woodward Park from the city centre, the proposal is considered to be inconsistent with the Sports Strategy.

Consistency with applicable State Environmental Planning Policies

The Department of Planning & Environment's *A Guide to Preparing Planning Proposals* (Section B, Q5) requires an assessment of a proposals consistency with applicable SEPPs.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 June 2019

Policy	Comments
SEPP 55 – Remediation of Land	<p>No preliminary site assessment lodged with the application.</p> <p>Given the nature of the proposal, Clause 6(2) of SEPP No. 55-Remediation of Land requires the planning authority to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines prior to including residential land in a particular zone.</p> <p>Consequently, the preliminary assessment would need to be provided to Council's satisfaction prior to any submission of the proposal for a Gateway Determination. The contamination assessments shall comply with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997.</p>
SEPP 64 – Advertising and Signage	Any signage associated with the proposed licence club or other uses on the site would be assessed at a subsequent development application in accordance with SEPP 64.
No 65—Design Quality of Residential Apartment Development	Compliance with SEPP 65 and the Apartment Design Guide would be assessed with the submission of more detailed plans at DA stage, were the proposal to be supported.
SEPP (Infrastructure) 2007	<p>State Environmental Planning Policy (Infrastructure) 2007 provides for certain proposals, known as Traffic Generating Development to be referred to NSW Roads and Maritime Services (RMS) for concurrence. As noted earlier in this report, should the proposal be supported, the RMS referral would be initiated once a Gateway determination has been issued.</p> <p>Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 applies to development including but not limited to residential accommodation on land in or adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles. The Traffic Volume Maps published by NSW Roads and Maritime Services indicate that Copeland Street adjoining the proposed development site has an annual average daily traffic volume of more than 40,000 vehicles.</p> <p>Were the proposal to receive a Gateway determination, the proponent would need to provide additional information explaining how the proposal would address the considerations of 'Development Near Rail Corridors and Busy Roads- Interim Guideline' published by the Department of Planning (2008).</p>

It is noted that the site falls within the Georges River Catchments, with the *Greater Metropolitan REP No. 2 – Georges River Catchment* being applicable as a result. No assessment of consistency with the REP has been undertaken, though this type of development would not be inconsistent with the REP and would be further considered during a DA assessment.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

Consistency with applicable Ministerial Directions (s.9.1 directions)?

The Department of Planning & Environment's *A Guide to Preparing Planning Proposals* (Section B, Q6) requires an assessment of a proposals consistency with applicable Ministerial Directions.

Direction	Objectives	Council officer comments
9.1 DIRECTIONS		
1.1 Business and Industrial Zones	1(a) To encourage employment growth in suitable locations.	Inconsistent. The proposal is generally inconsistent with this direction as it will provide for commercial development outside of the Liverpool city centre.
	1(c) To support the viability of identified strategic centres.	
3.1 Residential zones	1(a) To encourage a variety and choice of housing types to provide for existing and future housing needs	Currently, residential uses are not permitted in the RE2 zone, however the proposal would allow up to 1,150 new dwellings. This direction could be achieved by application of the Apartment Design Guide and Council's DCP for a diversity of 1, 2 and 3 bedroom units.
	1(b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services	The site is adjacent to the heavily congested Hume Highway and the additional development proposed will further exacerbate congestion.
3.4 Integrating Land Use and Transport	1(a) Improving access to housing, jobs and services by walking, cycling and public transport	<p>The planning proposal has not addressed Direction 3.4, stating that it is "Not applicable".</p> <p>Direction 3.4 (3) describes when this direction applies, as follows:</p> <p><i>This direction applies when a council prepares the draft LEP that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</i></p> <p>While the specific zoning of the subject site (private recreation) is not described in 3.4 (3), the proposal entails additional uses which would provide for extensive residential and business development at the subject site, which is not currently permitted. The proposal would therefore trigger the applicability of Direction 3.4.</p> <p>To be consistent with the direction,</p>
	1(b) increasing the choice of available transport and reducing dependence on cars	
	1(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car	
	1(d) supporting the efficient and viable operation of public transport services	
	1(e) providing for the efficient movement of freight	

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

24 June 2019

		<p>proposed LEP amendments must achieve consistency with <i>Improving Transport Choice — Guidelines for Planning and Development</i> and <i>The Right Place for Business and Services — Planning Policy</i>.</p> <p>An assessment of the proposal concludes that it is not consistent with <i>The Right Place for Business and Services — Planning Policy</i>. Under the section entitled "Locating development", the policy states:</p> <p><i>Leisure and entertainment facilities include cinemas, theatres, bowling alleys, gymnasiums, clubs, hotels and amusement centres. They support the viability of centres, extend their hours of activity and generate high trip levels. They should always be located in centres with suitable accessibility (emphasis added).</i></p> <p>The proposal, which seeks to develop a club and hotel as part of a mixed-use development would therefore be inconsistent with the policy, and therefore inconsistent with Direction 3.4.</p> <p>It is important to note that it is the range of uses proposed (residential and commercial) that triggers Direction 3.4. Development of the site consistent with the objectives of the zone, and entailing permissible uses (including registered club and hotel, without the additional proposed development), would not trigger Direction 3.4.</p>
3.5 Development near Licensed Aerodromes	1(a) to ensure the effective and safe operation of regulated airports and defence airfields	The site is located with the OLS to Bankstown airport and the OLS at this site is 150m ASL. Any proposed building must be less than 150m ASL.
4.3 Flood Prone Land	To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	N/A, the site is not flood prone.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning	The proposal does not encourage unnecessarily restrictive site specific planning controls.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

	<i>controls.</i>	
--	------------------	--

Section C – Environmental, Social and Economic Impact and Section D – State and Commonwealth Interests

The Department of Planning & Environment's *A Guide to Preparing Planning Proposals* includes the following questions (Section C, Q7, 8, 9, 10, 11)

<i>Question</i>	<i>Comment</i>
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?	No. The site is not mapped as containing any ecological communities.
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	There are no specific environment impacts related to the proposal.
9. Has the planning proposal adequately addressed any social and economic effects?	<p>The applicant has indicated an intent to enter into a planning agreement with the Council pursuant to Section 7.4 of the EP&A Act to provide:</p> <ul style="list-style-type: none"> • An upgrade of Hillier Oval; • Potential for a long term upgrade or rebuild of Whitlam Centre; • Construction of a pedestrian bridge across Copeland Street connecting Woodward Park to the CBD; • Dedication of land as public open space. • Contributions to open space upgrades. <p>The public open space to be provided pursuant to the proposal consists of "the central Boulevard" only. However, the proposal generates demand for an additional 9 ha of open space (referring to 2.83ha/ 1000 persons), which is not provided by or acknowledged by the proposal.</p> <p>Woodward Park is also subject to the development of a masterplan. While the intention to upgrade the Whitlam Centre and Hillier Oval are items for consideration in the masterplan, the proposed development would significantly restrict the scope or redevelopment of Woodward Park as a whole.</p> <p>In addition, as noted above, there is an existing</p>

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

24 June 2019

	<p>shortage of 772 m² of district level facilities within the Liverpool area. The proposal will add to demand, without adding to the provision of these facilities.</p> <p>Council's City Economy team advise that the proposal would engender an "out of centre" development which would undermine development in the Liverpool city centre, as noted above.</p>
10. Is there adequate public infrastructure for the planning proposal?	The proposal will increase demand for public open space by an additional 9 ha and would place additional pressure on existing open space in the vicinity. The proposal would also place increased pressure on community facilities as discussed above.
11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	Public authorities would be contacted for their consideration of the proposal, should the proposal be granted a Gateway determination.

Next Steps

The usual process for planning proposal applications, following a review of the application, is for Council officers to finalise the proposal detailing the proposed changes to LLEP 2008 (this report). The Planning Proposal would then be reported to Council for a decision on whether to support the planning proposal. If the Council supports the proposal, it will be forwarded to the Department of Planning and Environment seeking a Gateway determination. If Council adopts the officers recommendation that the proposal not proceeds, the proponent may seek a rezoning review through the Department of Planning & Environment which would be considered by the Western City Planning Panel.

5. CONCLUSION AND RECOMMENDATION

This report has been prepared following consultation with Council's City Economy, City Design and Public Domain, Traffic and Transport departments..

The above assessment has shown that the proposal is inconsistent with State and local strategies. There is no strategic merit to support the proposal. The proposal does not demonstrates site specific merit.

It is recommended that the planning proposal does not proceed to a Gateway determination.

6. ATTACHMENTS

1. Applicant's Planning Proposal