

PLAN 01

**Planning Proposal Request - 84 Memorial Drive,
Liverpool**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	337357.2021
Report By	Brianna Van Zyl - Strategic Planner
Approved By	David Smith - Director Planning & Compliance

Property	84 Memorial Drive, Liverpool
Owner	Canterbury Leagues Club Ltd
Applicant	Zhinar Architects

EXECUTIVE SUMMARY

Council is in receipt of a planning proposal request for land at 84 Memorial Avenue Liverpool (Lot 100 DP 1014714) (**Attachment 1**). The planning proposal request seeks to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LEP) to include residential flat buildings, serviced apartments, and commercial premises as an additional permitted land use, 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 are prohibited in the RE2 zone.

The proposed amendments to the LEP 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.

Council assessed the planning proposal request (**Attachment 2**) as not having sufficient strategic or site-specific merit and recommended that the proposal should not proceed to the Department of Planning and Environment (DPE) for a Gateway determination. Council

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sought an independent peer review of its assessment (**Attachment 3**) which concluded that Council's assessment was reasonable and justified.

The planning proposal request was considered by the Liverpool Local Planning Panel (LLPP) who agreed unanimously with Council's assessment including the proposal lacking strategic and site-specific merit. The LPP advised that the proposal as lodged should not proceed (**Attachment 4**).

Council has written to the proponent on multiple occasions advising that the proposal should be amended or withdrawn. On 29 October 2021, the proponent advised that they would not be withdrawing or amending the planning proposal request.

It is recommended that Council not support the planning proposal request.

RECOMMENDATION

That Council:

1. Notes the assessment of the planning proposal request for land at 84 Memorial Avenue, Liverpool (Lot 100 DP 1014714) and the independent peer review;
2. Notes the advice of the Liverpool Local Planning Panel;
3. Not support the planning proposal request and not refer it to the Department of Planning and Environment for a Gateway determination;
4. Advises the proponent of Council's decision.

REPORT

Background

Council received a planning proposal request for land at 84 Memorial Avenue, Liverpool (Lot 100 DP 1014714) (**Attachment 1**) seeking the following amendments to Liverpool Local Environmental Plan 2008 (LEP):

- Amend Schedule 1 of the LEP to include residential flat buildings, serviced apartments, and commercial premises as additional permitted uses;
- Amend the maximum height of buildings development standard from 25m to a mix of 37m, 62m and 77m; and
- Amend the floor space ratio development standard from 0.25:1 to a mix of 3.02:1, 3.37:1 and 5.45:1.

Site context

The site is a 2.97-hectare parcel of land adjoining Woodward Park on the western side of the Hume Highway opposite the Liverpool City Centre (see **Figure 1** below). The site is zoned RE2 Private Recreation and is surrounded to the south and west by RE1 Public Recreation zoned land. To the north across Memorial Avenue is R4 High Density Residential zoned land, and to the east across the Hume Highway is R4 High Density Residential zoned land (see **Figure 2** below). The site is approximately 880 metres west of the Liverpool train station.



Figure 1: Site Map – Subject site approximately outlined in red (Source: NearMap)



The planning assessment report considered by the Liverpool Local Planning Panel (LPP) is provided at **Attachment 2**. It includes an assessment of the merits of the proposal against the District and Region Plan, the Liverpool Local Strategic Planning Statement (LSPS) and the Department of Planning's 'Local Plan Making Guidelines'. The report concluded that the planning proposal request does not have site-specific and strategic merit and should not proceed.

Prior to referral to the LPP, Council commissioned an independent review on the assessment of the proposal (**Attachment 3**).

The independent review confirmed Council's assessment of the proposal and found that the conclusions and recommendations made by Council were justified. Ultimately, both Council's assessment and the independent review concluded that the proposal lacked sufficient strategic and site-specific merit to proceed.

The planning proposal request was referred to the Liverpool Local Planning Panel for advice as required by the Local Planning Panels Direction – Planning Proposals. The advice of the LPP is included as **Attachment 4**.

The Panel unanimously agreed with the Council assessment that the proposal lacked strategic and site-specific merit.

Since the LPP advice was issued, a meeting was held between the proponent and Council regarding amendments to the planning proposal that could improve its strategic and site-specific merit. However, no amendment has been presented to Council for consideration.

Draft Woodward Park Master Plan

Woodward Park is immediately adjacent to the subject site and is zoned RE1 Public Recreation, and contains the Whitlam Leisure Centre, netball courts, football field and a range of community services.

Whilst an entirely separate project to the subject planning proposal, a draft master plan has been endorsed by Council which also includes this site. The aim of the master plan is to provide high quality facilities for both active and passive recreation to support the ongoing growth of the Liverpool City centre and surrounds. This proposal is not consistent with the draft masterplan.

Correspondence

Since the LPP meeting on 24 June 2019 there has been limited correspondence from the proponent. The table below outlines the timeline of correspondence.

Date	Type	Issuer	Details
9 July 2019	Email	LCC	Email from Council to the proponent with LPP Assessment Report, Peer Review and LPP Minutes attached.
8 August 2019	Email	GAT Consultants	Email from the proponents' consultants asking for further time on the proposal.
8 August 2019	Email	LCC	Email confirming more extension of time, however notification of decision required in August.
6 September 2019	Email	LCC	Email from Council asking the proponent to confirm how they would like to proceed.
11 September 2019	Email	GAT Consultants	Email from the proponent's consultants asking for the proposal to be put on hold.
13 November 2019	Meeting	LCC and GAT Consultants	A meeting between both Council and GAT Consultants discussing the proposal.
14 November 2019	Email	LCC	Email from Council to the proponent after meeting clarifying points and asking how they

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			would like to proceed.
26 February 2020	Email	Canterbury Leagues Club	Email from the proponent regarding an article on the Woodward Park Master Plan and requesting a meeting with the property team.
14 July 2020	Email	LCC	Email from Council requesting update to the proposal and explaining the article of concern.
8 July 2021	Email	LCC	Email from Council requesting an update and / or withdrawal of the proposal by 30 July 2021.
20 October 2021	Letter	LCC	A letter explaining Council staff will put a report to the November Council meeting recommending the planning proposal not proceed. However, it is staff's preference that the planning proposal instead be withdrawn.
29 October 2021	Email	Canterbury Leagues Club	An email stating the club will not be withdrawing the planning proposal.
11 November 2021	Email	LCC	An email stating the proposal will be considered by Council in early 2022.

Given recent planning reforms enacted by the NSW Government, Council can no longer hold consideration of this proposal in abeyance as requested previously by the proponent.

Next Steps

If Council adopts the recommendation that the proposal should not proceed, Council will write to the proponent advising them of Council's decision. The proponent may seek a rezoning review which would be considered by the Sydney Western City Planning Panel.

Conversely, if Council supports the proposal, it will be forwarded to DPE seeking a Gateway determination.

Conclusion

Council assessed the planning proposal request as not having sufficient strategic or site-specific merit and it is recommended that the proposal not proceed to the Department of Planning and Environment (DPE) for a Gateway determination.

Council sought an independent peer review of its assessment which concluded that Council's assessment was reasonable and justified.

The request was considered by the Liverpool Local Planning Panel who agreed that the proposal lacked strategic and site-specific merit. The LPP advised that the proposal as lodged should not proceed.

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It is therefore recommended that Council not support the planning proposal request.

FINANCIAL IMPLICATIONS

A fee has been paid by the proponent for the assessment and processing of this planning proposal request.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
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. There is a risk that Council's decision is reviewed by the Sydney Western City Planning Panel. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Planning Proposal Request (Under separate cover)
2. Planning Assessment Report (Under separate cover)
3. Independent Peer Review (Under separate cover)
4. Local Planning Panel Advice (Under separate cover)
5. Current ASIC Extract - CANTERBURY LEAGUE CLUB LTD (Under separate cover) - **Confidential**

Council

COUNCIL DECISION

Motion:

Moved: Cllr Hagarty

Seconded: Cllr Harle

That Council:

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2. Notes the advice of the Liverpool Local Planning Panel;
3. Not support the planning proposal request and not refer it to the Department of Planning and Environment for a Gateway determination; and
4. Advises the proponent of Council's decision.

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

Councillors voted unanimously for this motion.