

Rezoning Review Briefing Report – PP 2022-1959

Canterbury Leagues Club – 82 and 84 Memorial Avenue, Liverpool (1,150 homes and 1,009 jobs)

Element	Description
Date of request	21 October 2022 (Attachment A1)
Department ref. no	RR-2022-27
LGA	Liverpool
LEP to be amended	Liverpool Local Environmental Plan 2008
Address	82 and 84 Memorial Avenue, Liverpool
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support
Has council nominated Planning Panel Authority (PPA) role	As Liverpool Council have resolved not to support the planning proposal (Attachment A3), in accordance with the Local Environmental Plan Making Guideline 2021, the Panel must act as the Planning Panel Authority (PPA) if it is supported to proceed to Gateway determination.
Consultation	The Liverpool Local Planning Panel (LLPP) considered the planning proposal on 24 June 2019 (Attachment B and C) and recommended that the proposal not be supported for Gateway determination.
Brief overview of the timeframe/progress of the planning proposal	<p>July 2018: Planning proposal lodged with Council</p> <p>5 June 2019: Council PEER review of its recommendation to the LLPP received</p> <p>18 June 2019: Council advised proponent the proposal lacked strategic and site-specific merit</p> <p>24 June 2019: LLPP considered the planning proposal and recommended that it not progress to Gateway</p> <p>29 October 2021: Proponent confirms the proposal will not be withdrawn</p> <p>30 March 2022: Council resolved not to progress the planning proposal to Gateway</p> <p>21 October 2022: Proponent request for Rezoning Review</p>
Department contact:	Renee Ezzy, Senior Planning Officer – 8275 1266

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	2.97ha
Site Description	<p>82 and 84 Memorial Avenue, Liverpool (Lot 1 DP 654447 and Lot 100 DP1014714)</p> <p>The site consists of two parcels. No. 82 Memorial Avenue is located on the eastern intersection of Memorial Avenue and Copeland Street (Hume Highway) and No. 84 has dual frontages located at the western intersection of Memorial Avenue and Hume Highway Liverpool (Figure 1). The site has a total area of approximately 29,720m².</p> <p>The site has a gentle slope from the south-east to the north-west corners, with a fall of 6.33m.</p>
Proposal summary	<p>The planning proposal (Attachment A3) seeks to amend Schedule 1 (Additional Permitted Uses) of the Liverpool Local Environmental Plan 2008 to:</p> <ul style="list-style-type: none"> • permit residential flat buildings, serviced apartments and commercial premises (up to a maximum of 1,000m² gross floor area (GFA)) on the site, • increase maximum building height from 21m to 37m (club/hotel precinct), 62m (western residential precinct) and 77m (eastern residential precinct) (Figure 5), and • increase the floor space ratio (FSR) from 0.25:1 to 3.02:1 (club/hotel precinct), 3.37:1 (western residential precinct) and 5.45:1 (eastern residential precinct). <p>The objective of the planning proposal is to redevelop the site into 3 precincts: a club/hotel precinct, a western residential precinct and an eastern residential precinct. The masterplan identifies five residential tower buildings within each residential precinct (Figure 2).</p> <p>The proposed amendments are intended to facilitate development of approximately:</p> <ul style="list-style-type: none"> • 1,150 apartments • 150 hotel rooms • 44 serviced apartments • 670m² of active commercial floor space • 9,300m² for a registered club <p>On 4 November 2022, Council confirmed that the rezoning review request is consistent with the planning proposal that it considered on 30 March 2022.</p> <p><u>Voluntary Planning Agreement</u></p> <p>The rezoning review request is accompanied by a Voluntary Planning Agreement (VPA) letter of offer (Attachment A4) for various monetary</p>

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Element	Description
	contributions and construction of local infrastructure upgrades to be provided as part of the proposed development. However, Council have advised that it was not previously provided with a formal letter of offer.
Relevant State and Local Planning Policies, Instruments	<p>Greater Sydney Region Plan: A Metropolis of Three Cities</p> <p>Western City District Plan</p> <p>Liverpool Local Housing Strategy</p> <p>State Environmental Planning Policy: Transport and Infrastructure 2021</p> <p>State Environmental Planning Policy 55 – Remediation of Land</p> <p>Ministerial Direction 5.1 Integrating Land Use and Transport</p> <p>Ministerial Direction 6.1 Residential Zones</p> <p>Ministerial Direction 7.1 Business and Industrial Zones</p> <p>Connected Liverpool – Local Strategic Planning Statement (LSPS)</p> <p>Community Strategic Plan – Our Home, Liverpool 2027</p> <p>Liverpool Residential Development Strategy</p> <p>Liverpool Recreation Open Space and Sports Strategy 2017</p> <p>Liverpool Centres and Corridors Strategy 2020</p>

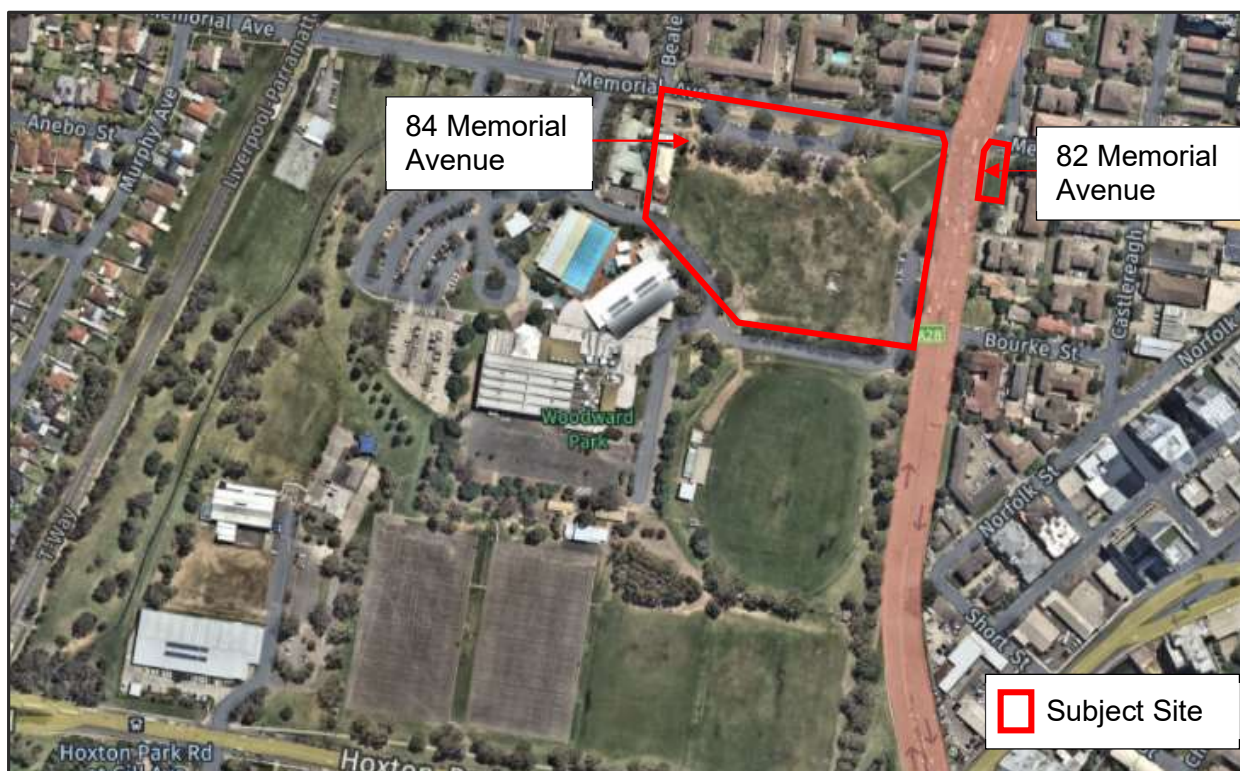


Figure 1 - Subject site (source: Nearmap 2022)



Figure 2 - Concept perspective of the 3 precincts (source: Planning Proposal dated April 2018)

The planning proposal seeks to amend the Liverpool Local Environmental Plan 2008 per the changes in Table 2.

Table 2. Current and proposed controls

Control	Current (Figure 3, 4 and 6)	Proposed (Figure 5 and 7)
Maximum height of the building	84 Memorial Avenue – 21m	West Precinct – 62m East Precinct – 77m Club/hotel Precinct – 37m
	82 Memorial Avenue – 35m	35m (no change)
Floor space ratio	84 Memorial Avenue – 0.25:1	West Precinct - 3.37:1 East Precinct - 5.45:1 Club/hotel Precinct - 3.02:1
	82 Memorial Avenue – 2.0:1	2.0:1 (no change)

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Control	Current (Figure 3, 4 and 6)	Proposed (Figure 5 and 7)
Additional Permitted Uses (Schedule 1)	N/A	To allow residential flat buildings, serviced apartments, and commercial premises not exceeding 1,000m ² on 84 Memorial Avenue (Lot 100 DP1014714).
Number of dwellings	Nil	1,150
Number of jobs	N/A	1,009



Figure 3 - Current Zoning (source: ePlanning Spatial Viewer 2022)

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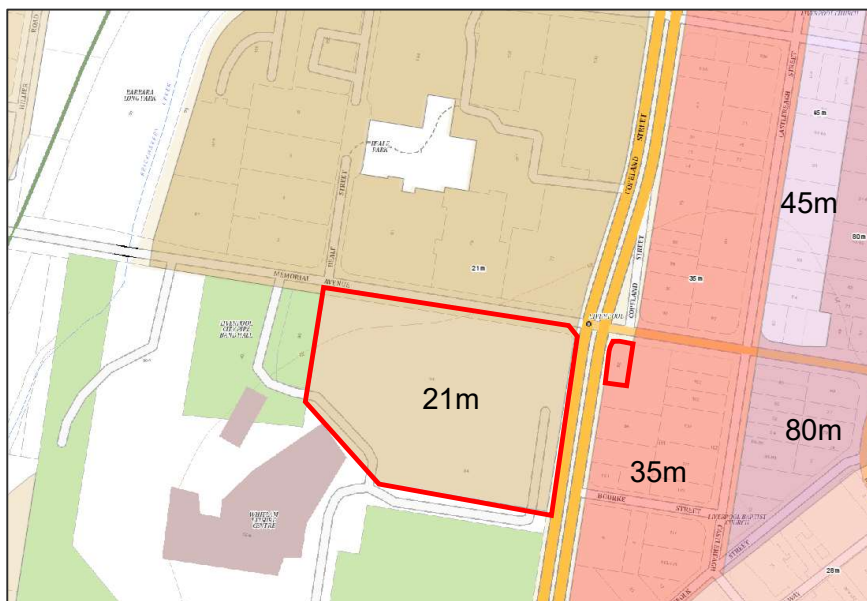


Figure 4 – Current Height of Buildings (source: ePlanning Spatial Viewer 2022)

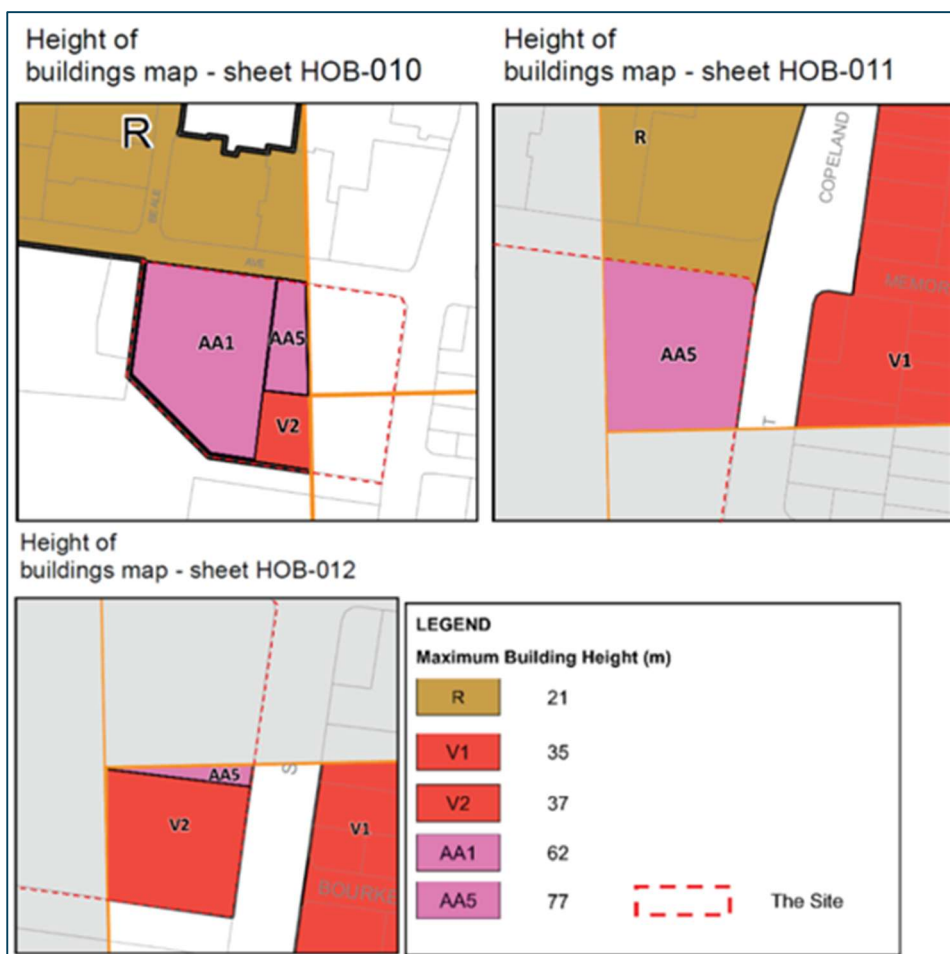


Figure 5 – Proposed Height of Buildings (source: Planning Proposal dated April 2018)

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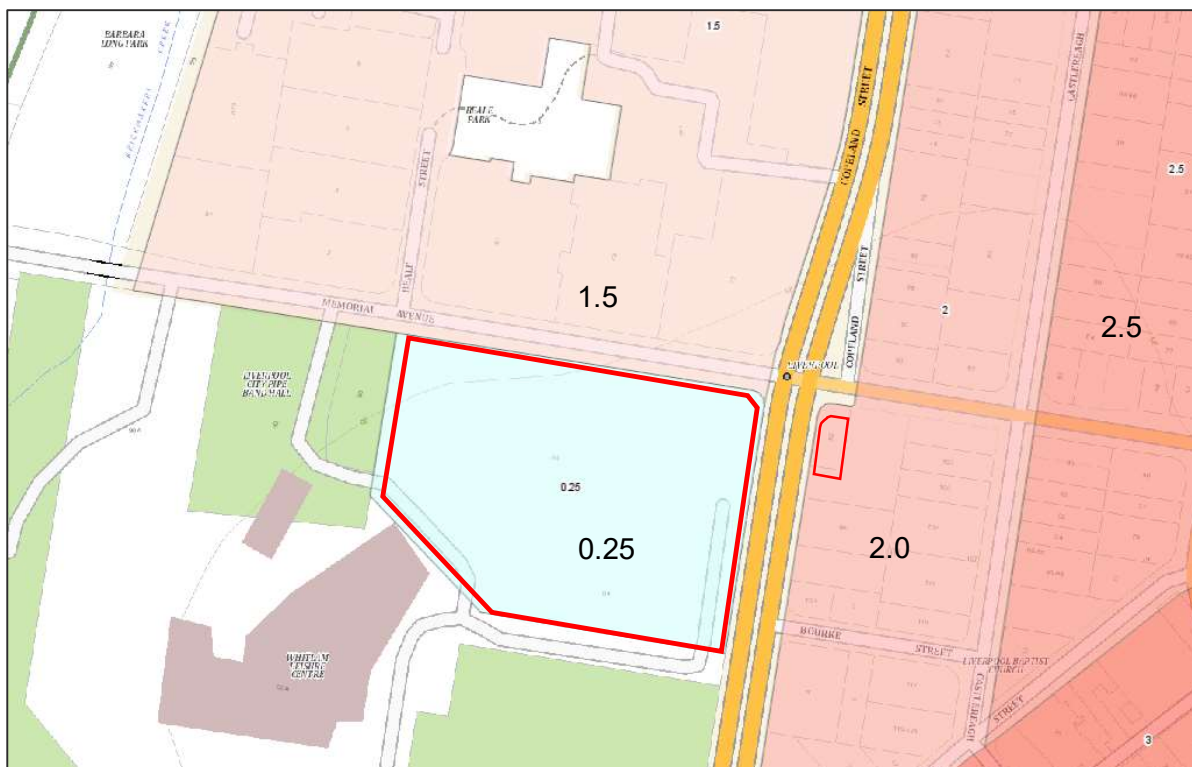


Figure 6 - Current Floor Space Ratio (source: ePlanning Spatial Viewer 2022)

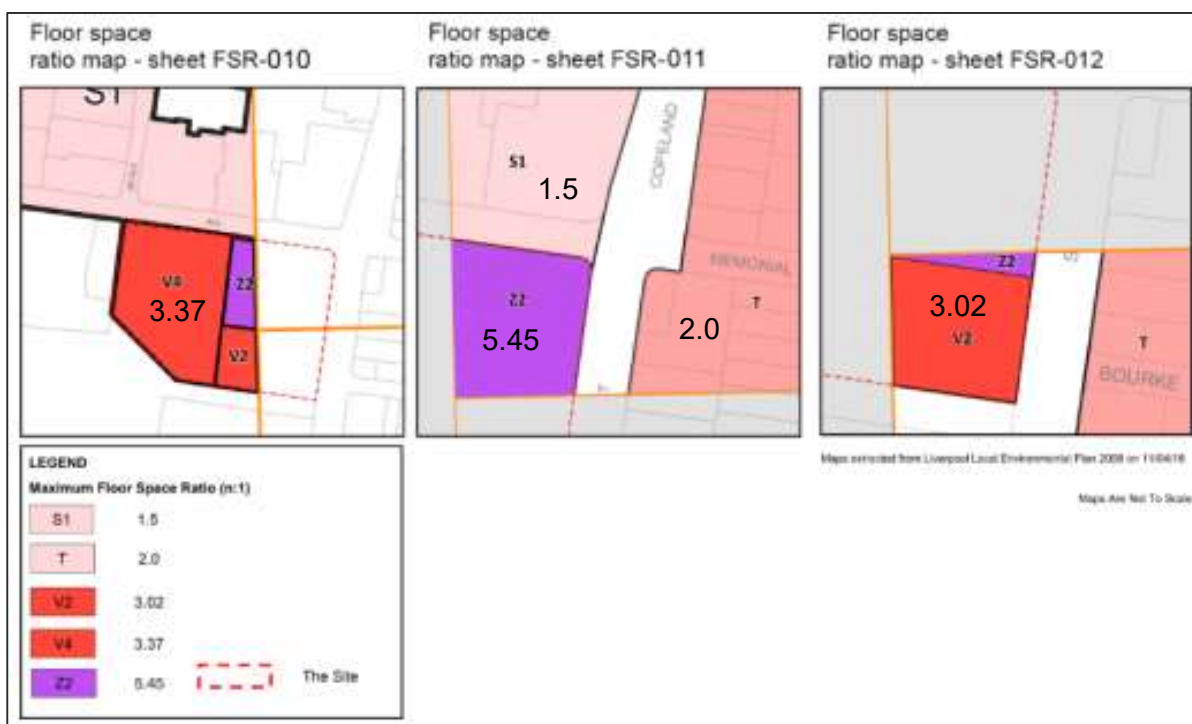


Figure 7 - Proposed Floor Space Ratio (source: Planning Proposal dated April 2018)

Key Issues

Background

Liverpool Local Planning Panel (LLPP)

At its meeting of 24 June 2019, the LLPP supported the Council officer's assessment (**Attachment B**) in relation to the lack of strategic and site-specific merit of the proposal and recommended that the planning proposal not proceed for the following reasons:

- Other areas in proximity to the city centre have been identified for higher density and are yet to reach capacity, and
- Inclusion of serviced apartments and commercial premises could be incorporated where they are complementary to the private recreation uses and supports future opportunities for significant recreational facilities on the site. Higher density residential on the site may be prejudicial to the future recreational facilities on the site and in the Woodward Park precinct.

The LLPP provided additional observations about the site (**Attachment C**) which included the following:

- The site is strategically located in terms of proximity to the city centre and Woodward Park facilities. The size of the site provides a significant opportunity for uses that complement the city centre and public recreational uses for the Woodward Park precinct (bounded by Memorial Avenue, Hume Highway, Hoxton Park Road and the Liverpool-Parramatta Transitway),
- A limited number of seniors living could be developed in a way that complements future recreational facilities on the site, and
- Suggest Council consider whether changes to the maximum height and FSR are necessary to encourage the development of the site for private recreational uses.

Independent PEER Review

Council sought an independent peer review of its assessment (prepared by CityPlan – **Attachment D**) which concluded that the Council officer's recommendation was reasonable due to inconsistencies with State and local strategies and lack of strategic and site-specific merit.

Council endorsement

On 30 March 2022, Council considered the proposal (**Attachment E**), the LPP recommendation (**Attachment C**) and the independent PEER review (**Attachment D**) of Council's assessment. Council resolved to endorse the officer's assessment (**Attachment F**) refusing support of the proposal request for referral to the Department for a Gateway Determination.

The following section summarises the key issues, drawn from the proponent's rezoning review request (**Attachment A1 and A2**), Council's Assessment Report to LPP (**Attachment B**) Council Officer's Report to Council (**Attachment E**), and Council's submission on the rezoning review (**Attachment G**).

Issue no. 1

The planning proposal does not demonstrate sufficient strategic and site-specific merit to proceed and is not endorsed by any planning study.

Council view

- Council and the LLPP do not support the planning proposal being progressed as it is not endorsed by any planning study.
- Council sought an independent peer review of their assessment who confirmed Council's conclusions and recommendations were justified.
- The LLPP agreed with Council's assessment in terms of strategic and site-specific merit, however identified that the site is well located in terms of its proximity to the City Centre and Woodward Park facilities and the future provision of recreational facilities.

Proponent view

- The planning proposal is not a direct result of any specific strategic study or report prepared for Liverpool City Council but is broadly consistent with the current key State and local strategic documents.
- The planning proposal meets the Strategic Merit Test and addresses the housing targets set by the Greater Sydney Commission in the Greater Sydney Region Plan and the Western City District Plan. It will address the shortage of housing supply and contribute new employment opportunities.

Issue no. 2

Whether retention of the RE2 Private Recreation zoning is the appropriate zone to achieve the planning proposal's objectives.

Council view

- RE2 Private Recreation zone objectives are not compatible with the proposed outcomes sought, particularly the development of 1,150 apartments within multiple large towers on site.
- The planning proposal would change the primary use of the site from private recreation to high density residential and mixed-use development.
- Proposed uses are more suited to a B4 Mixed Use zone which would not be appropriate on this site as it is outside the City Centre.

Proponent view

- Several of the uses sought are already permissible in the RE2 Private Recreation zone including 'hotel or motel accommodation', and 'registered clubs'.
- Retention of the RE2 Private Recreation zone with additional permitted uses (residential and commercial uses) complements the existing permitted uses while retaining the objectives of the RE2 Private Recreation zone.
- The amendment to the height and FSR controls is required to assist Liverpool LGA meet their housing targets by providing 1,150 new dwellings.

Issue no. 3

The planning proposal is an ‘out of centre’ development which could potentially undermine planned residential and commercial growth in the City Centre.

Council view

- The planning proposal does not provide adequate transition from the City Centre to the site. The height and density compete with the City Centre and has potential to undermine it in terms of built form and economic viability.
- The height and density are out of character with high density residential developments to the north and east of the site.
- The proponent has confused growth forecast in the Local Housing Study with housing targets identified in the Western City District Plan. Council exceeded its 2016-2021 housing target by 1,341 dwellings, with 9,591 completions compared with a housing target of 8,250. Council continues to plan for housing growth in appropriate locations in line with its Local Strategic Planning Statement and Local Housing Strategy.

Proponent view

- The provision of non-residential uses on this site will assist in providing ongoing jobs in the local community, while the provision of residential development on this site (an increase of approximately 3,305 people) will assist in the retail and commercial viability of the City Centre with increased population directly adjacent to the City Centre with excellent public transport access.
- It will have a minor negative impact on the City Centre due to the limited retail/commercial floor space.
- The current approval and completion rates indicate that the required dwellings will not be delivered. The planning proposal will assist in meeting these targets.

Issue no. 4

The planning proposal lacks sufficient community benefit considering the value of uplift proposed, and results in the removal of open space in an area with an existing shortfall.

Council view

- The proponent has indicated an intent to enter into a planning agreement with Council, however a formal letter of offer was not provided to Council for consideration during their pre-Gateway assessment. However, in June 2022, the proponent provided a letter of offer to the Department with the rezoning review application (See Table 1). Council has not commented on the proposed VPA.
- Woodward Park is the largest area of open space adjacent to the City Centre providing district-wide sport facilities. The planning proposal will result in a potential increase in overshadowing of these facilities.
- There is no clear broader community benefit for the proposed scale of amendments sought. The main beneficiary of the contributions identified is the development itself.

Proponent view

- The provision of additional housing and other commercial uses is considered a logical future use of the site given its proximity to existing recreational infrastructure and high-density residential uses to the north and east.
- The contribution of upgrades to the existing recreational infrastructure and provision of the pedestrian foot bridge would improve the overall site and area in a holistic manner.

Issue no. 5

Additional traffic generation will have adverse impacts on Memorial Avenue

Council view

- The traffic generation rates used in the proponents Traffic and Parking Assessment (prepared by Varga Traffic Planning, dated 17 April 2018) are considered an under-estimation as they are based on sites which are in close proximity to major transport interchanges with frequent public transport services, which the site is not.
- While Council raises no objection in principle to the proponent's proposed intersection upgrades, these are not supported by SIDRA modelling to confirm whether this measure will accommodate the additional traffic generation from the development.

Proponent view

- The traffic and transport impacts are acceptable and the road network will not have any unacceptable traffic implications in terms of road network capacity. Despite increases in traffic flows from the development, intersections will continue to operate at current or better levels of performance with the proposed intersection upgrades identified.

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Attachments

Attachment A1 – Rezoning Review Application form (21 October 2022)

Attachment A2 – Rezoning Review Application letter (2 June 2022)

Attachment A3 – Planning Proposal (April 2018)

Attachment A4 – Letter of Offer (VPA)

Attachment B – Council Officer Assessment to LLPP (24 June 2019)

Attachment C – LLPP Advice (24 June 2019)

Attachment D – Independent PEER review of Council assessment (CityPlan)

Attachment E – Report to Council (30 March 2022)

Attachment F – Council resolution (30 March 2022)

Attachment G – Council Submission – Response to Rezoning Review request

Attachment H – Location Map

30/11/2022

(Signature)

(Date)

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5/12/2022

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