

## REZONING REVIEW

### RECORD OF DECISION

STRATEGIC PLANNING PANEL of the  
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DECISION	16 August 2023
DATE OF BRIEFING	27 February 2023
PANEL MEMBERS	Justin Doyle (Chair), Donna Rygate & Greg Woodhams
APOLOGIES	None
DECLARATIONS OF INTEREST	Local council members Mayor Ned Mannonn, Cr Peter Harle, Cr Nathan Hagarty and Cr Mazhar Hadid had a conflict of interest as they had previously voted on the planning proposal when it was presented to Liverpool City Council meeting on 30/3/2022 and did not participate on the Panel.

### REZONING REVIEW

PP-2022-1959 – Sydney Western City – RR-2022-27 - at 84 Memorial Ave, Liverpool (as described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

### PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
  - ☒ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

### REASONS FOR THE DECISION

#### Need for planning consideration of this site and its surrounding locality

The Panel agrees with the applicant that the area including this site (generally known as Bulldog Park), but also extending to include Woodward Park, the Whitlam Leisure Centre and its surrounds extending west to Brickmakers Creek, and also the land on the opposite side of the Hume Highway/ Copeland Street east through to Norfolk Street, warrants urgent strategic planning attention if Liverpool Council is to secure its position as an increasingly vibrant and important 'city' hub within the Sydney basin. While the subject land is currently zoned RE2 which encourages private recreation purposes and appears as an unfenced park, it is owned by a Leagues club and is not reserved for public recreation or other public uses.

From a city planning perspective, the area presently presents as poorly maintained. The expressed commitment of the Club as owner of the site to some form of redevelopment of the area is well received

by the Panel, and the Panel encourages the Council to devote appropriate resources to harnessing the Club's commitment to renewal.

As one example, the Club's support for an aerial pedestrian crossing of the Hume Highway to improve connectivity of the rapidly expanding residential and hotel development in the City's core with the recreation areas around the site, and conversely the connection of future accommodation on the site to the commercial core appears to offer significant advantages, could be encouraged.

The proponent advised that commitment to construction of the bridge is already a component of a previous scheme for a hotel on the site approved by consent with reference DA 3718/00 (albeit that it appears that no Roads Act approval has ever been secured). The documents supplied did not confirm an existing development consent including that bridge, noting that Roads Act approvals would also be required.

The Panel considers that finalisation and adoption of a masterplan for Woodward Park and the parkland and vacant land around the Whitlam Centre is a pressing planning matter which should be a priority for Council.

### **Form of the Planning Proposal**

Rather than seeking to alter any existing provision of Liverpool LEP 2008, it seeks to supplement Schedule 1 (Additional Permitted Uses) of the LEP to:

- permit residential flat buildings, serviced apartments and commercial premises (up to a maximum of 1,000m<sup>2</sup> 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).

Amending a LEP to facilitate a different form of development in this way may be unsuitable, particularly where the rezoning proposal is not accompanied by a development application.

One reason is that the addition of permitted uses through a Schedule to the LEP that would otherwise be prohibited may conflict with the objectives of the zone. In this case, for example, the zoning objectives for the RE2 Private Recreation zone have little relevance to a possible development comprising residential flat buildings. Indeed the objectives of the RE2 zone might be considered to be directly in opposition to a purely residential use.

A better course for substantially changing the permitted uses on land might be to change the mapping of the zoning of the land to a zoning which permits the desired uses, or at least similar or compatible uses. In such instances, it may also be helpful to consider the zoning applicable to adjoining land. The subject site adjoins land zoned R4 to the north and east and the land further east is generally zoned B4 though that land generally sits within the Liverpool Centre. Given the density of residential use in the planning proposal one approach could be to consider an R4 zone with scheduled additional uses. The proposal would be more compatible with the objectives of the R4 zone.

Similarly, regulation of the height and FSR on a site may be better achieved generally through amendments to the LEP mapping for controls on those aspects of development, so that the objectives of the height and FSR standards set by clauses 4.3 and 4.4 of the LEP which refer to the mapped height and FSR can be easily and directly applied.

That aspect of the planning proposal might have been rectified prior to exhibition, however for the reasons elaborated below, the Panel was not satisfied that the proposal had sufficient strategic merit to proceed at this time without the overdue planning for the surrounding area being further progressed.

## Strategic merit

Given the scale of the recreation areas around the Whitlam Leisure Centre and Woodward Park, the Panel accepts some redevelopment of Bulldog Park is likely to be of planning merit. That is so particularly if the Club's recent support for affordable housing (or possibly a build to rent model) were incorporated, and/or the development could be demonstrated to facilitate the improvement of the recreational facilities around the Whitlam Centre and Woodland Park with the benefits that would offer to the increasing residential density in the Liverpool city core and surrounding area. The Panel noted the role VPAs might play in such circumstances.

The Panel could not however be convinced that there is strategic merit in this planning proposal advancing at this time in the absence of a broader strategic consideration of the wider precinct on both sides of the Hume Highway described above.

This planning proposal was lodged with Liverpool Council in July 2018, close to 5 years ago. While progress with the planning for this site in advance of planning of the wider surrounding area may be strategically appropriate, there are important strategic concerns which require progress before the appropriate future of this site should proceed to Gateway.

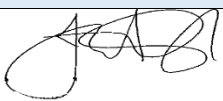
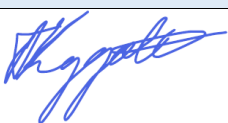

As one example, assessment of the proponent's proposed intersection upgrades will require consideration with regard to planning for the development of Woodward Park and the surrounding area more broadly. Another example is that consideration is needed as to how to ensure progress of development within the city core will be compatible with significant development of this site, possibly through a diversity in the type of residential development planned.

The proposal includes proposed residential development to 77m in height, or around 25 storeys. Given the separation of the site from the spine of tall buildings being delivered around Macquarie Street under present planning through to the commercial core and given the intervening lower rise residential development between the site and Castlereagh Street, the scale and density of development on this site up to 25 storeys with multiple towers would require better contextual analysis. This should occur with better understanding of the renewal opportunities of the lower density area to the north and east.

The Council has proposed that a planning study be completed before the rezoning of this site should proceed. The Panel agrees to an extent, but would not wish to see Council's inaction in relation to the planning for this area continue.

In order for Gateway approval to issue for a rezoning of the subject land a planning proposal will need to demonstrate that land use and infrastructure planning are sufficiently aligned for a redevelopment of the site to give effect to Western City District Plan. The material included in the planning proposal was inadequate to that end for the reasons set out above.

In those circumstances, having regard to the matters outlined in Part 3 of Section 2 "The Planning Proposal" of the Department's LEP Plan Making Guidelines, the Panel could not be satisfied that the planning proposal as presently proposed has sufficient strategic merit to proceed to Gateway.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Donna Rygate
 Greg Woodhams	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	PP-2022-1959 – Sydney Western City – RR-2022-22 - at 84 Memorial Ave, Liverpool
2	LEP TO BE AMENDED	Liverpool Local Environmental Plan 2008
3	PROPOSED INSTRUMENT	The proposal seeks to rezone and introduce an additional permitted use under Schedule 1 for residential flat buildings, serviced apartments and a maximum of 1,000m <sup>2</sup> of commercial floor space, increase the height of buildings to 37m, 62m and 77m and increase the floor space ratio to 3.02:1, 3.37:1 and 5.45:1.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li><b>Site inspections were undertaken individually</b> <ul style="list-style-type: none"> <li>Greg Woodhams – 24 February 2023</li> <li>Justin Doyle – 26 February 2023</li> </ul> </li> <li><b>Briefing with Department of Planning and Environment (DPE):</b> 1:00pm – 1.30pm, 27 February 2023 <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), Donna Rygate &amp; Greg Woodhams</li> <li>DPE staff in attendance: Louise McMahon, Renee Ezzy, Elma Sukurma, Gabrielle Coleman, Lisa Kennedy &amp; Sharon Edwards</li> <li>Key issues discussed: The material identified in the briefing package being the proposal, site location, background and identified key issues.</li> </ul> </li> <li><b>Briefing with Council:</b> 1:30pm – 1.55pm, 27 February 2023 <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), Donna Rygate &amp; Greg Woodhams</li> <li>DPE staff in attendance: Louise McMahon, Renee Ezzy, Elma Sukurma, Gabrielle Coleman, Lisa Kennedy &amp; Sharon Edwards</li> <li>Council representatives in attendance: Luke Oste, Nancy-Leigh Norris &amp; Briana Van Zyl</li> <li>Key issues discussed: strategic planning for the area; draft master plan for Woodward Park; pedestrian bridge over Highway</li> </ul> </li> <li><b>Briefing with Proponent:</b> 2:15pm – 3.22pm, 27 February 2023 <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), Donna Rygate &amp; Greg Woodhams</li> <li>DPE staff in attendance: Louise McMahon, Renee Ezzy, Elma Sukurma, Gabrielle Coleman, Lisa Kennedy &amp; Sharon Edwards</li> <li>Proponent representatives in attendance: Gerard Turrsi, Greg Pickering, Karla Castellanos, Ian Conry, Alexander Peck &amp; Liz Griffin</li> <li>Key issues discussed: history of the Planning Proposal process; current development application for Club and apartments on the site; housing targets; draft master plan for Woodward Park; traffic modelling; community benefits/VPA; pedestrian bridge</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• <b>Panel Discussion:</b> 3.22pm-3.45pm, 27 February 2023<ul style="list-style-type: none"><li>○ Panel members in attendance: Justin Doyle (Chair), Donna Rygate &amp; Greg Woodhams</li><li>○ DPE staff in attendance: Louise McMahon, Renee Ezzy, Elma Sukurma, Gabrielle Coleman, Lisa Kennedy &amp; Sharon Edwards</li></ul></li><li>• <b>Panel Discussion:</b> 9.00am-9.30am, 3 March 2023<ul style="list-style-type: none"><li>○ Panel members in attendance: Justin Doyle (Chair), Donna Rygate &amp; Greg Woodhams</li><li>○ DPE staff in attendance: Renee Ezzy, Lisa Kennedy &amp; Sharon Edwards</li></ul></li></ul>
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