



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	13 April 2024
DATE OF DECISION	18 March 2024
PANEL MEMBERS	Justin Doyle (Chair), Stephen O'Connor, Glennis James, Daryl Hawker & Suzana Apostolou
APOLOGIES	None
DECLARATIONS OF INTEREST	Liverpool City Council's local members – Cr Ned Mannoun, Cr Karress Rhodes, Cr Peter Harle and Ms Ellis Robertson are unable to sit on the Panel due to a conflict of interest.

REZONING REVIEW

RR-2023-34 – Liverpool LGA – PP-2022-2380

93-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue, Liverpool

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 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

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

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

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard extensively from Liverpool City Council and the Proponent's representatives.

Strategic Merit

The Panel agreed that the planning proposal has Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Regional Plan

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2036, Western City District Plan 2036, Connected Liverpool 2040 (Liverpool Local Strategic Planning Statement) 2020 and the Liverpool Local Housing Strategy.

- Delivering housing supply is a priority issue for Sydney for all levels of Government.

Site Specific Merit

The Panel agreed that the planning proposal should be able to achieve Site Specific Merit subject to revisions addressing site constraints noting that:

- The site is a large, narrow area consisting of 29 lots in the same ownership with an existing R4 High Density Residential zone.
- The land has been zoned R4 since 2008 however the existing development controls have not resulted in redevelopment for significantly higher densities.
- The site is located along the Liverpool-Parramatta Transitway with a bus stop adjacent to the middle of the site.
- Residential development supported by commercial uses in this location optimises the use of existing transport infrastructure connections to services, facilities and jobs in the Liverpool Central Business District.
- The provision of non-residential Gross Floor Area and allowing small scale retail, food and drink premises and other low impact commercial uses on the site would assist in activating the central community open space within the site and would benefit the future residents of the site.

Panel recommendations

The Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- Incorporate Lot 80 DP1154816 (51 Maryvale Avenue); Lot 126 DP25952 (20 Dale Avenue); and Lot 140 DP25952, (48 Dale Avenue) in the Planning Proposal;
- Increase the maximum building height from 15m to 21m;
- Apply the proposed Additional Permitted Uses (APU) to 20 and 48 Dale Avenue in addition to all those allotments fronting Hoxton Park Road;
- Investigate the viability of an Affordable Housing rate of 5% of gross floor area in perpetuity with a community housing provider;
- Preparation of an analysis of the impact of 1,200m² of non-residential floor space as proposed on nearby commercial premises by a suitably qualified person;
- Place a 150m² cap on the size of individual commercial premises, with an allowance for two 300m² premises within the 1,200m² allowance.
- Incorporate a clause in the Liverpool LEP 2008 that requires a development control plan for the site to be in force before a consent authority can grant development consent to a development application on the site; and
- Update the Planning Proposal and supporting reports in accordance with the above points and the LEP Making Guidelines (August 2023) to reflect the Panel's decision.

The Panel also recommends that the Proponent works with Council to produce a Site Specific DCP and a public benefits offer. Council may wish to commission an independent urban design review to inform the preparation of the DCP. The DCP for the site is to be prepared and if practical is to be placed on public exhibition with the Planning Proposal, dealing particularly with the potential consolidation of all commercial premises into a single node and not spread out across the site. Further, through site links to Dale Avenue are to be provided.

The Panel requires confirmation from the proponent that it agrees to:

- a) revise the Planning Proposal to be consistent with the Panel's recommendations; and
- b) subsequently provide a revised Planning Proposal and reports to address the Panel's concerns.

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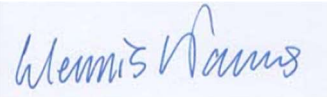

The proponent has up to two weeks from the date of this determination to confirm whether it agrees to revise its Planning Proposal to be consistent with the Panel's recommendations. Should the proponent not agree to revise its proposal, then the Panel will reconvene to determine that the Planning Proposal does not have site specific merit and will not be submitted for a Gateway determination.

Should the proponent agree to revise its Planning Proposal to address the Panel's concerns, then the proponent has up to three months from the determination date to provide the revised Planning Proposal, including supporting reports and studies to the Panel. The Panel wishes to review the revised Planning Proposal prior to it being submitted for Gateway determination.

Liverpool City Council has nominated to be the Planning Proposal Authority (PPA). However, in accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.

In coming to this PPA decision, the Panel has considered the length of time the Planning Proposal has been with Liverpool Council and that on two occasions Council has deferred making a decision on the Planning Proposal whilst it seeks further information and/or community consultation. The Panel notes that both the Liverpool Local Planning Panel and Council officers have recommended sending the Planning Proposal for a Gateway determination.

The proponent is to pay the PPA fee within two weeks of confirming they wish to revise their Planning Proposal to be consistent with the Panel's recommendations. Should the proponent fail to pay the PPA fee by the designated date, then the Panel will no longer proceed with the Planning Proposal and the making of a local environmental plan amendment.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Stephen O'Conner
 Glennis James	 Daryl Hawker
SApostolou Suzana Apostolou	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-34 – Liverpool LGA – PP-2022-2380 - 93-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue, Liverpool
2	LEP TO BE AMENDED	Liverpool Local Environmental Plan (LEP) 2008
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> • Increase maximum building height from 15m to 20.5m; • Increase FSR from 1:1 to 1.5:1; and • Insert Additional Permitted Use – to allow small scale retail that includes business premises, food & drink premises and shops. Maximum Gross Floor Area 150m²/premise.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Rezoning Review Briefing Report, Department of Planning, Housing and Infrastructure, February 2024 • Presentations from Department of Planning, Housing and Infrastructure, Liverpool City Council and the proponent
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site inspections were either held individually at the Panel members' discretion or not held as sufficient background information was provided to all Panel members • Daryl Hawker - 16 March 2024 • Briefing with Department of Planning, Housing and Infrastructure (Department): 9:30am – 10:19am, 18 March 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Stephen O'Connor, Glennis James, Daryl Hawker & Suzana Apostolou ○ Department staff in attendance: Casey Joshua, Elizabeth Kimbell, Gabrielle Coleman, Alex Galea, Tim Coorey, Lisa Kennedy and Adam Williams ○ Key issues discussed: <ul style="list-style-type: none"> ○ History of Planning Proposal including Council's previous public exhibition ○ Council's request for a maximum building height of 21m consistent with the existing HOB category in the Liverpool LEP. ○ Site area subject to the Planning Proposal and incorporation of lots along Maryvale Avenue and Dale Avenue ○ Traffic management - issues along Hoxton Park Road and site access from Dale Avenue ○ Non-residential Gross Floor Area - impacts on neighbouring centres; proposed Additional Permitted Uses (APU) to permit shops; inclusion of lots along Dale Avenue and application of APU • Briefing with Liverpool City Council: 10:19am – 11.00am, 18 March 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Stephen O'Connor, Glennis James, Daryl Hawker & Suzana Apostolou

		<ul style="list-style-type: none"> ○ Department staff in attendance: Casey Joshua, Elizabeth Kimbell, Gabrielle Coleman, Alex Galea, Tim Coorey, Lisa Kennedy and Adam Williams ○ Council representatives in attendance: Stephen Peterson, Luke Oste and Nancy-Leigh Norris ○ Key issues discussed: <ul style="list-style-type: none"> ○ Clarification of land along Hoxton Park Road - part of road corridor, owned by Transport for NSW & zoned SP2 ○ Inclusion of the lots at 20 and 48 Dale Avenue in Planning Proposal and application of APU ○ Removal of proposed APU to permit shops as shop-top housing permitted in R4 zone ○ Status of Voluntary Planning Agreement (VPA) for the site – bus stop upgrades and site access ○ Seeking exhibition of DCP & VPA concurrently with the Planning Proposal ○ Traffic impacts – more work required with Transport for NSW, traffic generation in Dale Avenue, street parking in Dale Avenue ○ Proposed 200m² retail cap – recommended by Liverpool Local Planning Panel ○ Site subject to the planning proposal – landowner of 51 Maryvale Avenue would like to part of Planning Proposal <ul style="list-style-type: none"> ● Briefing with Mecone (Proponent): 11:00am – 11:35am, 18 March 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Stephen O'Connor, Glennis James, Daryl Hawker & Suzana Apostolou ○ Department staff in attendance: Casey Joshua, Elizabeth Kimbell, Gabrielle Coleman, Alex Galea, Tim Coorey, Lisa Kennedy and Adam Williams ○ Proponent representatives in attendance: Tony Owen, Adam Coburn, Tyson Ek-Moller & Chris Shannon ○ Key issues discussed: <ul style="list-style-type: none"> ○ Accept Council's request for maximum height of building of 21m - seeking 6 storeys ○ Inclusion of 51 Maryvale Avenue in Planning Proposal – land ownership & negotiations with other landowners ○ Traffic management – investigations of access off Hoxton Park Road, Maryvale Avenue and Dale Avenue, & visitor parking onsite ○ Bus stop along Liverpool-Parramatta Transitway ○ Proposed through site links and design of multiple retail areas in the development ○ VPA/public benefit offer update – includes 5% affordable housing for 15 years with community housing provider; bus stop upgrades; pedestrian paths & through site links ○ Lodgment of development application concurrently with Planning Proposal
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		<ul style="list-style-type: none">○ Preparation of a site specific DCP○ Site too narrow to use 30% FSR/HOB bonus provisions○ PPA delegation – proponent’s preference for the Panel to be the PPA <ul style="list-style-type: none">● Panel Discussion: 11:35am – 12:11pm, 18 March 2024<ul style="list-style-type: none">○ Panel members in attendance: Justin Doyle (Chair), Stephen O’Connor, Glennis James, Daryl Hawker & Suzana Apostolou○ Department staff in attendance: Casey Joshua, Elizabeth Kimbell, Gabrielle Coleman, Alex Galea, Tim Coorey, Lisa Kennedy and Adam Williams
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