

## Greater Sydney, Place and Infrastructure

IRF19/4732

### Gateway determination report

<b>LGA</b>	Liverpool
<b>PPA</b>	Liverpool City Council
<b>NAME</b>	Collimore Park, Liverpool (Amendment No.77)
<b>NUMBER</b>	PP_2019_LPOOL_004_00
<b>LEP TO BE AMENDED</b>	Liverpool Local Environmental Plan 2008
<b>ADDRESS</b>	Collimore Park, Liverpool (1,500 car parking spaces)
<b>DESCRIPTION</b>	Lot 1 DP 1089398, Lot 2 DP 1089398, Lot 400 DP 1185131 and Lot 7009 DP 1027995 and Crown Land
<b>RECEIVED</b>	1 July 2019 – further advice was sought from Council and finalised on Friday 18 October 2019
<b>FILE NO.</b>	EF19/21904
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Liverpool Local Environmental Plan (LEP) 2008 – Schedule 1 Additional permitted uses to introduce ‘car parks’ as an additional permitted use on land at Collimore Park, Liverpool.

The proposal aims to facilitate a multi-storey car park on the site providing 1,500 additional car parking spaces. No other development controls are proposed to be altered.

### 1.2 Site description

The subject land is Collimore Park and consists of the following allotments:

- Lot 1 DP 1089398 (privately owned and leased by Council);
- Lot 2 DP 1089398 (owned by Council);
- Lot 400 DP 1185131 (owned by Endeavour Energy);
- Lot 7009 DP 1027995 (which is Crown land); and
- Brickmakers Creek Corridor (which is Crown land).

The site is located on the western edge of the Liverpool City Centre and has an area of approximately 38,500m<sup>2</sup>. It is bounded by Elizabeth Drive to the north, Collimore Avenue to the east, Moore Street to the south and residential land to the west, as shown in Figure 1.



Figure 1: Location of the site (site outlined in red).

In 2011, Collimore Park was redeveloped by Council where previous netball courts were converted into an at-grade public car park for 500 spaces to provide additional car parking capacity for workers accessing the Liverpool City Centre. This development was completed under State Environmental Planning Policy (Infrastructure) 2007 which allows for the development of single storey car parks on a public reserve as exempt development. Since the completion of this work, additional recreational facilities have been provided in the form of sporting courts, children's play equipment, and outdoor gym equipment.

### **1.3 Existing planning controls**

Under the Liverpool LEP 2008, most of the site is zoned RE1 Public Recreation but the south-eastern corner of the site (i.e. Lot 400 DP 1185131) is zoned SP2 Infrastructure (Electricity Transmission) as shown in Figure 2 (below). There are no other development controls that are applicable to the site. Car parking is not a permissible use in either zones.

The site is also identified as flood prone land and Brickmakers Creek on the site is classified as environmentally significant land under the LEP. The LEP provisions for flood planning and environmentally significant land use will be applicable to any development on the site.





Figure 2: Current Zoning Map (site outlined in black).

#### 1.4 Surrounding area

The site is surrounded by low density dwellings to the north-east and a variety of low and medium residential developments to the east of Collimore Avenue. These developments range from single storey dwellings to three storey residential flat buildings. There is a larger residential area located to the south of Moore Street which consists of a variety of three to four storey residential flat buildings. To the west of the site are low and medium density developments that range between one and two storeys.

Liverpool City Centre is 650m from the site and a free Council bus shuttle service is available for commuters to travel into the Centre during the mornings and afternoons.

#### 1.5 Summary of recommendation

It is considered that the planning proposal is suitable to proceed to Gateway subject to conditions for the following reasons:

- additional car parking spaces at this location will reduce traffic in the city centre and support the functions of Liverpool CBD by providing an opportunity to improve transport planning in the centre and provide a safer public domain; and
- the proposal is consistent with relevant objectives and planning priorities of the Greater Sydney Region Plan, Western City District Plan and Liverpool Community Strategic Plan in relation to supporting investment and business activities in centres.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The objective of this planning proposal is to amend the LLEP 2008 to permit the development of a multi-storey car park at Collimore Park with consent.

### 2.2 Explanation of provisions

The planning proposal seeks to amend Schedule 1 of the Liverpool LEP 2008 to introduce 'car parks' as an additional permitted use on land at Collimore Park (refer to Figure 3 below). The proposal does not seek to rezone the land or amend the other planning controls.

This will facilitate the development of a multi-storey car park at Collimore Park providing 1,500 additional car parking spaces while retaining the recreational uses and the creek line on the site.

The proposal states that a concept plan for Collimore Park and a future multi-storey car park will be prepared and exhibited concurrently with the planning proposal. This will help to provide clarity to the public in depicting the redevelopment of Collimore Park.

Council notes that the exact location of the multi-storey car park is not identified as the proposed concept plan has not been finalised. Council advised that the concept plan will address traffic issues and landscaping to mitigate impacts of the development on the surrounding residential development.

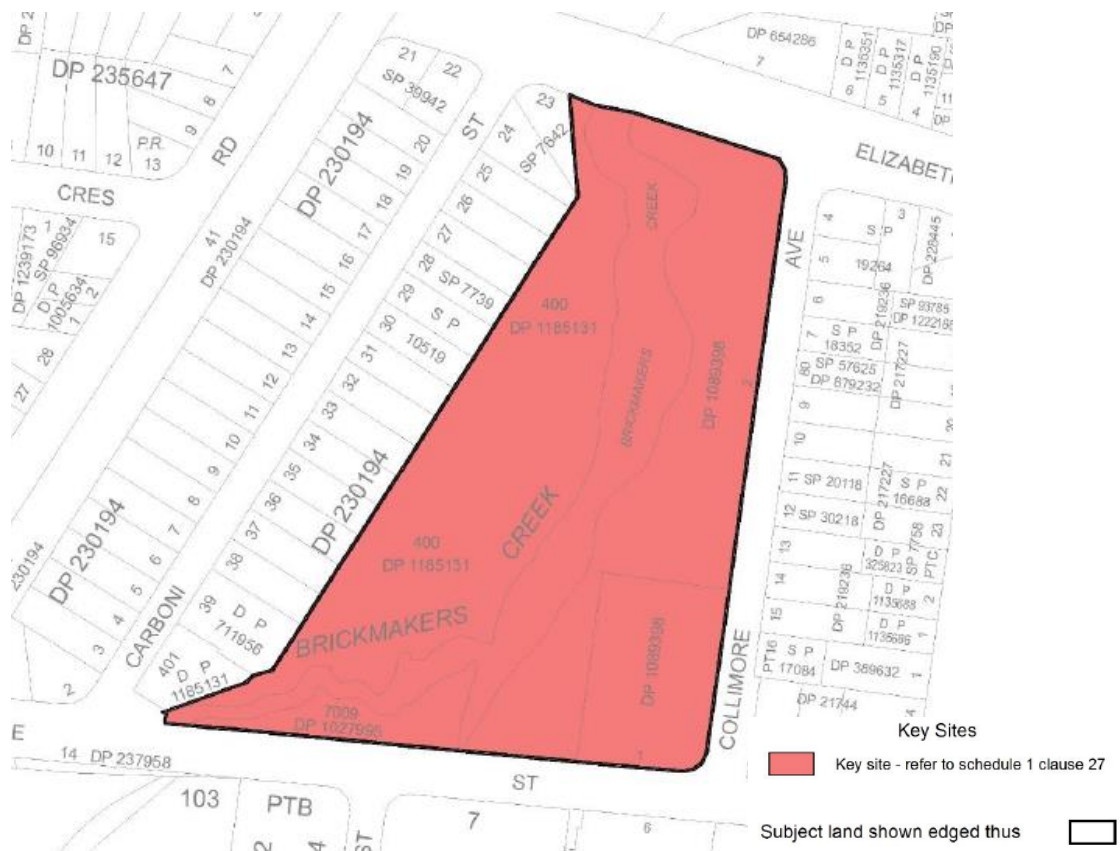


Figure 3: Proposed Key Sites Map (site outlined in black).

## Local Planning Panel

On 27 May 2019, the Liverpool Planning Panel reviewed and supported the planning proposal (**Attachments C1 and C2**). However, the Panel recommended a concept plan for Collimore Park and the proposed car parking should be formulated in order to provide the public with greater understanding of the full range of issues relating to this proposal. The plan should also demonstrate how the objectives of the zone will be achieved for any future proposal involving commuter car parking on the site.

Council officers concurred with the advice of the Panel and the planning proposal has been amended to require a concept plan of the car park be exhibited with the planning proposal (**Attachment D1**).

## Department comment

The Department supports the preparation of a concept plan for the redevelopment of Collimore Park to illustrate the intended outcome for the park and exhibiting this plan concurrently with the proposal.

Council officers have also advised that the intention is to locate the proposed multi-storey car park on the site within the confines of the existing at-grade carpark. Thus, no net loss of open space will result from this planning proposal (**Attachment F**).

Therefore, it is also recommended that Council only applies the additional permitted use clause to the portion of the site that contains the at-grade car parking. This will ensure that any existing recreational uses on the site will not be reduced.

## **2.3 Mapping**

The planning proposal will amend the Key Sites Maps (KYS\_010 and KYS\_011) of the Liverpool LEP 2008. The proposed Key Sites Map is shown at Figure 3 (previous page).

## **3. NEED FOR THE PLANNING PROPOSAL**

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This planning proposal is not a result of an endorsed local strategic planning statement, strategic study or report. However, it was initiated as a result of the Transport Strategy for Liverpool City Centre which was prepared for Council by GTA Consultants for the Liverpool CBD planning proposal. The strategy identified the opportunity to supply additional car parking at Collimore Park, which was considered and noted by Council.

A planning proposal is considered to be the best means for achieving an additional permitted use on the site and a Schedule 1 amendment, rather than the rezoning of the site. The additional permitted use will protect the existing recreational uses and the uses that are permissible under the existing zones.

It is agreed that a planning proposal is the most appropriate means for achieving the intended outcome.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 District**

#### 4.2.1 Western City District Plan

The Western City District Plan was released on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

The Department considers the planning proposal to be consistent with Planning Priority W9 Growing and strengthening the metropolitan cluster of Liverpool the



District Plan as it will provide accessible and well-serviced car park that adjoins the CBD. The proposal will also enable the reduction of car parking infrastructure in the CBD facilitating improved transport planning and public domain.

### **4.3 Local**

#### **4.3.1 Liverpool Community Strategic Plan (CSP) – Our Home, Liverpool 2027**

‘Our Home, Liverpool 2027’, has been prepared by Council through extensive community consultation to give strategic planning directions to Council and stakeholders.

In particular, it is noted:

- Direction 2: Strengthening and protection our environment of the CSP identified the community’s desire for more green spaces; and
- Direction 3: Generating Opportunity of the CSP identified the community’s desire to improve traffic management in the CBD.

The Department acknowledges that the proposal is not consistent with Direction 2 of the CSP but is consistent with Direction 3, as it will improve the traffic management within the CBD by creating more parking spaces at Collimore Park at the edge of the city centre.

#### **4.3.2 Council’s Recreation, Open Space and Sports Strategy (2018-2028)**

Council’s Recreation, Open Space and Sports Strategy (2018-2028), and the draft LSPS, also identified Woodward Park as a main open space area and sporting precinct in the future, with world class facilities to support a healthy, connected and diverse population. Collimore Park is not identified in the strategy.

#### **Department comment**

The proposal raises two issues:

1. a multi-story car park would significantly lessen the ability to return the park to a green public open space; and
2. the possible loss of the existing recreational facilities on the site, should the proposed car park structure exceed the current at grade car park.

Further, it should be noted that the planning proposal (**Attachment A** – p.8) specifically states that the proposed Schedule 1 Additional permitted use is to allow car parking on the site whilst avoiding any risk of losing the existing recreational uses on the site or introducing inappropriate or incompatible uses. This approach has been confirmed by the relevant council officer (**Attachment G**).

Taking into consideration the identified need for the provision of car parking facilities to support the centre in this location, and the undertaking that existing recreational facilities will not be lost on the site, it is considered on balance, that the proposal should proceed.

A favourable Gateway determination will allow the community to be further engaged and for Council to consider the views of the community.

#### **4.3.3 Liverpool Collaboration Area Place Strategy**

Expanding the provision of car parking at Collimore Park is one of the projects and initiatives identified in the Liverpool Collaboration Area Place Strategy (GSC, September 2018).

In compensation, the Department notes that Woodward Park (refer to Figure 4 overleaf), 400m south of Collimore Park, is identified to be a major open space area to be improved and expanded in the Sustainability Priorities in the strategy.

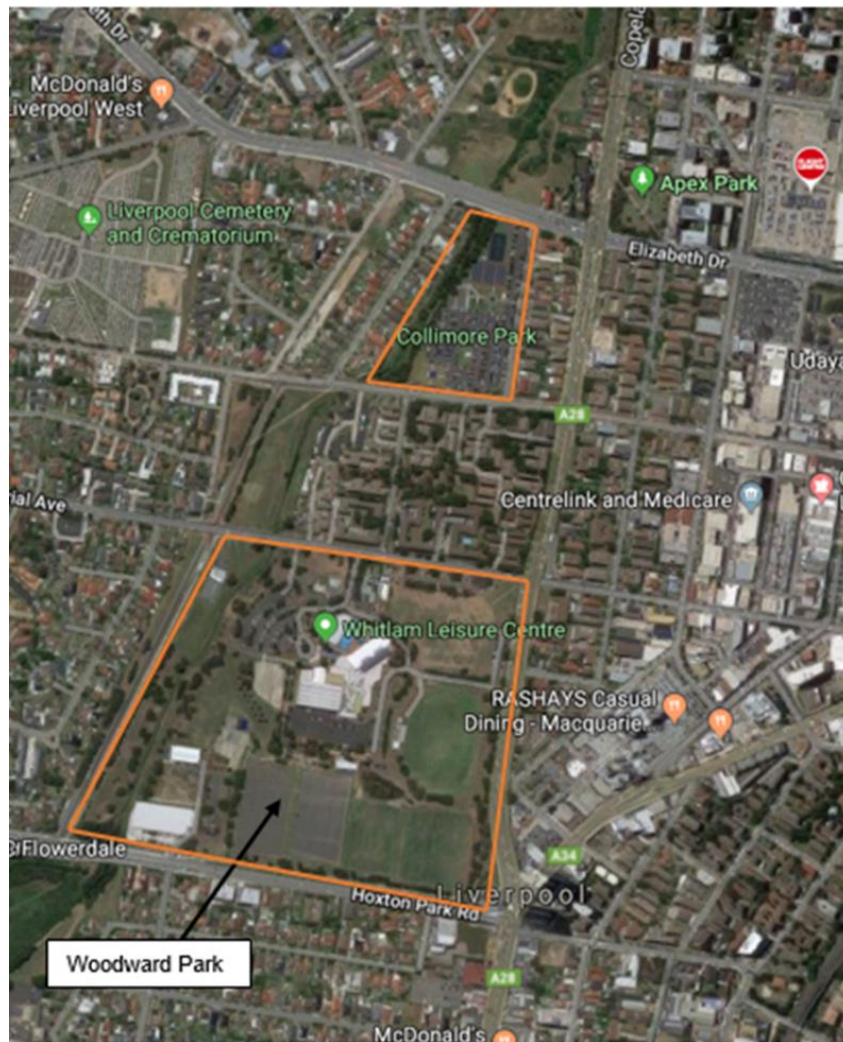


Figure 4: Woodward Park and Collimore Park (edged by orange).

#### 4.4 Section 9.1 Ministerial Directions

The following 9.1 Ministerial Directions are applicable to the site:

##### Direction 2.1 Environment Protection Zones

This Direction requires the protection and conservation of environmentally sensitive areas. The Direction requires a planning proposal to include provisions which facilitate the protection and conservation of environmentally sensitive areas.

Brickmakers Creek runs across the western border of the site and has been identified as environmentally significant land in the Liverpool LEP 2008. Council advises that the proposed car park will not have any impact on the creek corridor.

Any future development on the site will be subject to Clause 7.6 Environmentally significant land and Clause 7.8 Flood planning of the LEP which includes provisions that ensures protection of the environmental significant land and impacts of flooding.

The provisions of the *Water Management Act 2000* will prevent development from occurring within 40m of the bank of the creek. Stormwater management issues can

be appropriately considered at development assessment stage. The proposal is consistent with this Direction.

#### Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.

The site is serviced by public transport in the form of a shuttle bus providing access to Liverpool City Centre and surrounding suburbs to reduce incoming traffic into the centre. The proposal is consistent with this Direction.

#### Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Flood Planning Development Manual 2005, and to ensure that provisions of an LEP on flood prone land is commensurate with flood hazard and includes considerations of the potential flood impacts both on and off the subject land.

The site is inconsistent with this Direction as it has been identified as flood prone land with low flood risk (1 in 100-year flood). However, considering the non-commercial and non-residential nature of the development, this inconsistency is considered to be of minor significance.

Council has also demonstrated their intent to undertake additional flood investigations to ensure that the development is consistent with the principles of the Floodplain Development Manual 2005 if Gateway is granted.

It is recommended that the Secretary's delegate agree that the inconsistency with this Direction is of minor significance.

#### Direction 6.3 Site Specific Provisions

This Direction provides that a planning proposal which allows a particular development must allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principle LEP.

This Direction applies to the planning proposal as it includes a site-specific provision in Schedule 1 of the Liverpool LEP 2008 to allow the development of multi-storey car park.

The provisions of this clause will only apply to the site and will not impose any additional development standards in addition to the existing provisions applying to the site. Therefore, the inconsistency is considered to be justified as of minor significance.

#### **4.5 State environmental planning policies (SEPPs)**

The Department notes that the planning proposal demonstrates consistency with the following applicable SEPPs:

- SEPP No 55 – Remediation of Land – Council has advised that the site does not contain contaminated land and therefore, remediation is not required;
- Vegetation in Non-Rural Areas 2017 SEPP – No vegetation has been proposed to be removed, therefore making it consistent with this SEPP; and
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment – the proposal is consistent with the objectives of this SEPP as it will not impact or contaminate Brickmakers Creek.



## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The planning proposal will not create adverse social impacts. It will facilitate the development of a community car park that will contribute to supporting and sustaining the function of the Liverpool CBD and facilitate reduction of traffic in the CBD.

### **5.2 Environmental**

Brickmakers Creek has been identified as environmentally significant land in Liverpool LEP 2008. However, it is noted that flooding constraints surrounding the corridor, along with the provisions of the Water Management Act 2000 will prevent development from occurring within 40m of the bank of the creek.

No threatened species or critical habitats exist on the site and no other potential environmental effects have been identified or will be impacted.

### **5.3 Economic**

The development of a multi-storey car park will assist in supporting and sustaining the function of the Liverpool CBD and facilitate reduction of traffic in the CBD. The site will be serviced by public transport and a shuttle bus service to provide a direct link to Liverpool CBD and support the site's surrounding residents.

### **5.4 Infrastructure**

The proposal will allow for the future development of a public multi-storey car park, which will function to provide additional public infrastructure supporting Liverpool CBD. The site is also well serviced by public transport and has access to surrounding road networks.

## **6. CONSULTATION**

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### **6.1 Community**

The planning proposal is low impact in nature. Public exhibition is proposed by Council for 14 days, which is considered appropriate.

### **6.2 Agencies**

Consultation is required with the Endeavour Energy as a landowner of a portion of the site. A condition for Council to consult with RMS and TfNSW has also been included given the 1,500 additional car parking spaces proposed and the potential traffic generation as a result.

## **7. TIME FRAME**

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Council's request for timeframe to finalise this planning proposal is six months from the date of the Gateway determination. It is proposed that nine months will be more appropriate to allow sufficient time for Council to undertake community consultation, consultation with agencies and finalise the plan.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested to be the local plan-making authority, however, given the local nature of the proposal, authorisation is to be given to Council to finalise the proposal.

## 9. CONCLUSION

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The preparation of the planning proposal is supported to proceed to Gateway subject to conditions. The proposal is of a minor nature and will facilitate the provision of additional car parking and support the functions of the Liverpool CBD.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 4.3 Flood Prone Land and Direction 6.3 Site Specific Provisions are of minor significance.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition Council is to:
  - (a) finalise the draft concept plan for Collimore Park and ensure the concept plan addresses traffic issues and includes methods to ameliorate any impacts resulting from the proposed devolvement upon the surrounding residential area;
  - (b) update the planning proposal to reflect the draft concept plan and apply the additional permitted use clause to the confines of the existing at-grade car park area;
  - (c) exhibit the draft concept plan concurrently with the planning proposal; and
  - (d) amend Part 6 – Project Timeline to reflect a timeframe of nine months.

The revised planning proposal is to be forwarded to the Department for review and endorsement before public exhibition.

2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. Consultation is required with Endeavour Energy, RMS and TfNSW.
4. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.



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