

Attachment 1 – Net Community Benefit Test

Key Criteria	Assessment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)? Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The draft South West Subregional Strategy translates objectives of the NSW Government's Metropolitan Plan and State Plan to the local level. The draft SW Subregional Strategy identifies Liverpool as a regional centre and the sub-region's Regional City. The proximity of the site to the city centre combined with the potential investment offered by the LEP amendment would be consistent with the objective of the sub-regional strategy of consolidating and strengthening Liverpool as the sub-region's Regional City.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	Due to the site specific nature of the proposal and the circumstances of the case, the LEP amendment would be unlikely to create a precedent. The LEP essentially seeks approval to a site specific development proposal, supported by investigations including an economic assessment which is development and site specific.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Council has resolved to support a planning proposal in regards to other AJC landholdings at Warwick Farm, relating to Coopers Paddock (seeking in part an IN1 zoning) & the proposed Inglis Site (Stock & Sales Yard proposal). Whilst not seeking identical land uses, cumulative impacts having some commonality with each of the proposals relate to traffic & transport and flooding considerations. It is considered that transport & traffic considerations can be satisfactorily managed through a combination of VPA and DA requirements, with mitigation of flooding impacts being articulated through the DA processes. Although the LEP is applied to an individual site, the 'bulky goods' development is complimentary to existing uses at Sappho Road opposite this site.

Key Criteria	Assessment
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP amendment would facilitate permanent employment generating activity through the construction and occupation of the Munday Street Site (proposed home improvement centre). It would not result in a loss of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Although the proposed development would ultimately cause the loss of 8 dwellings it does not significantly impact upon the supply of residential land and therefore housing supply and affordability.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Munday Street is in close proximity to Warwick Farm Railway Station and bus services along the Hume Highway and Governor Macquarie Drive. The site is strategically well located to take advantage of future public transport initiatives and to be integrated into the regional transport network. Future development as envisaged by this submission would necessitate intersection and road works to Governor Macquarie Drive. The road improvements to the local network through the proposed VPA are considered as providing what could be reasonably requested as the AJC contribution to the upgrade of the local road network. Amplification of existing services (water, sewer, electricity) can be undertaken to service future development.

Key Criteria	Assessment
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Changes to the car distances travelled by customers, employees and suppliers would be negligible in terms of greenhouse gas emissions, operating costs issues. Road safety improvements reasonably attributable to the proposal would be undertaken as part of any future DA. Site proximity to public transport and rezoning seeks to consolidate bulky goods precinct at Sappho Road creating a bulky goods destination.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	It would not be anticipated that future development arising from the proposed amendments would adversely affect patronage of significant Government infrastructure or services investment.

Key Criteria	Assessment
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	LLEP 2008 mapping (Flood Planning Areas) identifies the Munday Street Site as being located on both flood prone land and flood planning areas. Clause 7.8 of LLEP 2008 provides that development consent shall not be granted to development on flood prone land unless the consent authority is satisfied that the development is acceptable in terms of flood behaviour, flow distributions & velocities, safety, erosion, vegetation loss and social & economic costs. LDCP 2008 Part 1.1, Section 9 provides objectives and controls for development on flood prone land in accordance with the principles of the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. Consideration has been given to these matters (on page 16 and 17 of this report) and it is considered that the envisaged development in accordance with the above requirements and no loss of flood storage capacity. The above provisions would apply to any future development on the Munday Street Site as a result of the requested planning proposal. The proposal includes the Warwick Farm Conservation Area (WFCA). Detailed heritage investigations undertaken as part of this request, including a Conservation Management Plan for the WFR, recommend that the WFCA be deleted from Schedule 5 of LLEP 2008. The rezoning would create opportunity for significant investment in the Liverpool region through building construction, supporting infrastructure works and employment growth. Indirect impacts would be spin-off or multiplier economic benefits to the City as a result of the use of the land. The financial gains by the AJC from the project are to be directed back into the reinvigoration of WFR as a major events facility. Such investment would also in turn create multiplier economic benefits to the City through construction work as well as the social benefits offered by a reinvigorated regional sporting and recreation facility and improvement.

Key Criteria	Assessment
Will the LEP be compatible /complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Immediately surrounding land uses comprise WFR (opposite on Governor Macquarie Drive), land used for horse stabling purposes associated with the WFR (opposite on Munday Street), medium density housing (opposite on Manning Street) and Warwick Park (opposite on Warwick Street). Also in the nearby vicinity are Warwick Farm Railway Station, the Peter Warren car dealerships and Warwick Farm Home Improvement Centre. It is considered that the proposed land use would generally not impact on the use of the immediately surrounding lands with potential impacts being satisfactorily mitigated through development design and operation. The sites proximity to the Hume Highway also reinforces the need to travel through neighbourhood streets.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal to construct approximately 13,500m2 home improvement centre will increase in choice and competition.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Given the size of the site and the nature of the proposal it is not considered that it would have the potential to develop into a centre in the future.

Key Criteria	Assessment
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The LEP amendment is considered to be consistent with the objectives of the draft South West Subregional Strategy in regards to consolidating and strengthening Liverpool as the sub-region's Regional City (directly) and improving Sydney's major sporting and cultural event facilities i.e. WFR (indirectly). The ATC Board has advised that the financial gains realised at Warwick Farm e.g. by way of this proposal, are to be reinvested in the facilities at Warwick Farm, further invigorating the precinct. Should the LEP amendment not proceed, it would mean the loss of an opportunity to consolidate and invigorate the WFR as a major sporting facility. Support of the draft plan is considered to be overwhelmingly in the public interest.

Attachment 2 – Relevant s117 Directions

s.117 Direction	Comment	Consistent?
1.1 Business & Industrial Zones <u>Objective:</u> (1) The objective of this direction is to: (a) encourage employment growth in suitable locations; (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. <u>What a relevant planning authority must do:</u> (4) A planning proposal must: (a) give effect to the objectives of this direction; (b) retain the areas and locations of existing business and industrial zones; (c) not reduce the total potential floor space area for employment uses and related public services in business zones; (d) not reduce the total potential floor space area for industrial uses in industrial zones; and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	The proposal is considered as encouraging employment growth in a suitable location. The proposal will not erode existing employment lands or the viability of the Liverpool Business Centre rather this development strengthens the Centre. The proposal does not alter area and locations of existing business & industrial zones; total potential floor space in existing business or industrial zones. The proposal would not be consistent with the <i>Liverpool Business Centres and Corridor Strategy</i> (Liverpool City Council, 2008). Notwithstanding it is considered that this inconsistency is justified as per section 5(b) of Direction 1.1, having regards to the findings of the Leyshon Consulting Economic Assessment discussed in the Planning Proposal.	Yes No, but justified.

s.117 Direction	Comment	Consistent?
2.3 Heritage Conservation <u>Objective:</u> (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance <u>What a relevant planning authority must do:</u> (4) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	Schedule 5 of LLEP 2008 identifies the Warwick Farm Conservation Area (WFCA) as a Heritage Item. The proposal seeks the deletion of the WFCA from Schedule 5 Detailed investigations addressing the heritage significance of the WFCA accompany this proposal. The investigations conclude that the eight houses comprising the WFCA are more relevant to be considered as a group rather than as a conservation area. As a group they do not meet the threshold for heritage listing and the listing of the group as a conservation area is questioned. On this basis the provision of the proposal to delete the WFCA from Schedule 5 is considered to be of minor significance and is justified per section 5(b) of Direction 2.3. The assessment of significance for the Conservation area is contained within the planning Proposal.	No, but justified.

s.117 Direction	Comment	Consistent?
3.1 Residential Zones <u>Objective:</u> (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services to and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands <u>What a relevant planning authority must do:</u> (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, (b) make more efficient use of existing infrastructure and services, (c) reduce the consumption of land for housing and associated urban development on the urban fringe, (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The proposal seeks to rezone the part of the subject site which is part zoned R2 Low Density Residential to B5 Business Development. The part of the site zoned R2 contains eight cottages. This provision of the proposal is considered to be of minor significance considering that the comprehensive LLEP 2008 includes considerable up-zoning of infill areas and significant provision for land release which will cater for the projected housing targets under the Metropolitan Plan and Metropolitan Development Program.	No, but justified.

s.117 Direction	Comment	Consistent?
3.4 Integrating Land Use & Transport <u>Objective:</u> The objectives of this direction ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <u>What a relevant planning authority must do:</u> A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).	The location of the proposal is considered as being consistent with the aims, objectives & principles of the aforementioned Guidelines & Planning Policy in respect to (i) fostering growth & competition in centres; (ii) locating employment close to public transport routes; (iii) locating the development within an existing urban area and (iv) not compromising the function of the adjoining road network through the associated road improvements.	Yes

s.117 Direction	Comment	Consistent?
4.1 Acid Sulfate Soils <u>Objective</u> (1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. <u>What a relevant planning authority must do:</u> (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulphate soils being present. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.	LLEP 2008 mapping (Acid Sulphate Soils) identifies the majority of the Munday Street Site as class 5 acid sulphate soil. Clause 7.7 of LLEP 2008 sets out requirements to be undertaken prior to granting development consent for certain development on land identified as comprising "acid sulphate soils". Liverpool Development Control Plan 2008 (LDCP 2008), Section 1.1, Part 12 provides objectives and controls for development on land identified as having acid sulphate soil potential. The above provisions of LLEP 2008 and LDCP 2008 would be applied to any future development on the Munday Street Site as a result of the requested planning proposal.	Yes

s.117 Direction	Comment	Consistent?
4.1 Acid Sulfate Soils (continued) (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director- General prior to undertaking community consultation in satisfaction of section 57 of the Act. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).	LLEP 2008 mapping (Acid Sulphate Soils) identifies the majority of the Munday Street Site as <i>class 5 acid sulphate soil</i>. Clause 7.7 of LLEP 2008 sets out requirements to be undertaken prior to granting development consent for certain development on land identified as comprising 'acid sulphate soils'. Liverpool Development Control Plan 2008 (LDCP 2008), Section 1.1, Part 12 provides objectives and controls for development on land identified as having acid sulphate soil potential. The above provisions of LLEP 2008 and LDCP 2008 would be applied to any future development on the Munday Street Site as a result of the requested planning proposal.	Yes

s.117 Direction	Comment	Consistent?
4.3 Flood Prone Land <u>Objectives:</u> (1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. <u>What a relevant planning authority must do:</u> (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).	The findings of the Bewsher Consulting Assessment conclude that the proposal can comply with the provisions of NSW Flood Prone Land Policy and the NSW Government's Floodplain Development Manual. Whilst the Assessment does not cover the whole of the Munday Street Site, it is considered that the implications of the expanded area would not alter from the above conclusions. The above provisions would be applied to any future development on the Munday Street Site as a result of the requested planning proposal.	Yes

s.117 Direction	Comment	Consistent?
4.3 Flood Prone Land (continued.) <u>What a relevant planning authority must do:</u> (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The requested planning proposal does seek to rezone land within the flood planning areas from Recreation to an Business Zone. The findings of the Bewsher Consulting Assessment conclude that the proposal can comply with the provisions of the Georges River Floodplain Risk Management Study and Plan. Whilst the Assessment does not cover the whole of the Munday Street Site, it is considered that the implications of the expanded area would not alter from the above conclusions. The above provisions of would be applied to any future development on the Munday Street Site as a result of the requested planning proposal. This inconsistency would be justified having regard to section 9(a) of Direction 4.3.	No, but justified.

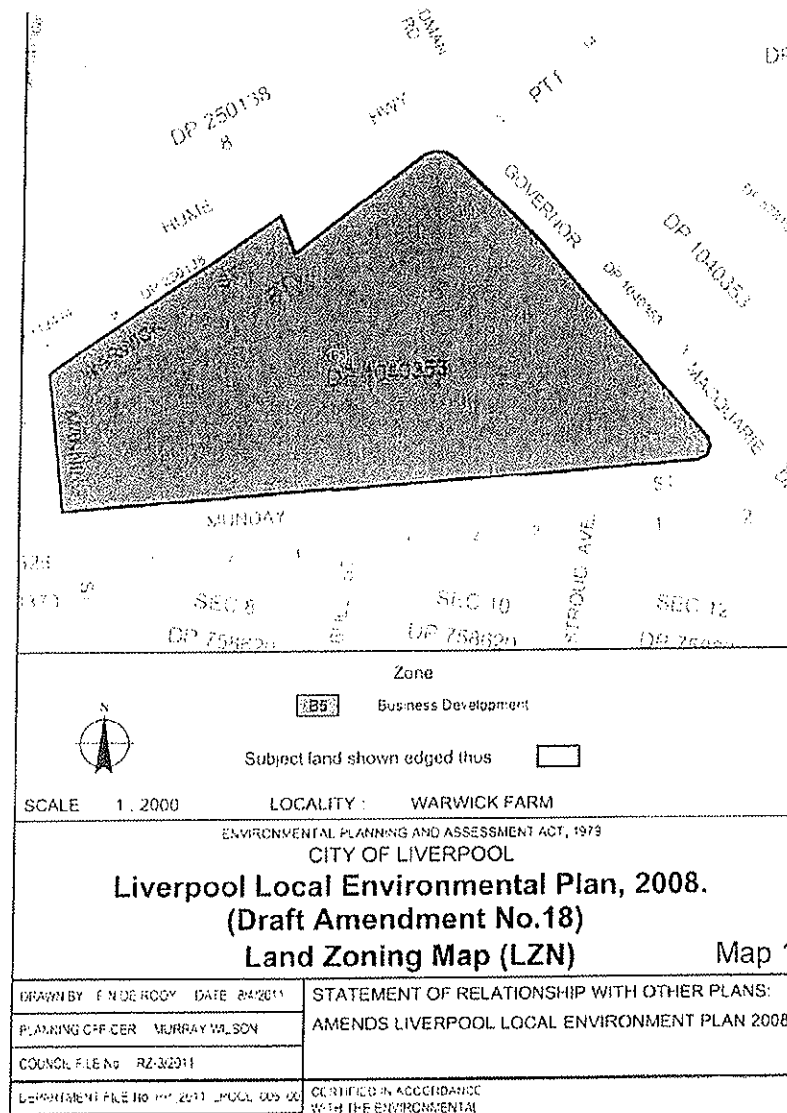
s.117 Direction	Comment	Consistent?
4.3 Flood Prone Land (continued)		
(5) A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.	(6) The site is not in a floodway area (a) Development in accordance with the recommendations of the Bewsher Consulting Assessment would prevent significant flood impacts to other properties. Whilst the Assessment does not cover the whole of the Munday Street Site, it is considered that the implications of the expanded area would not alter the above conclusion (c) Proposal would permit a significant increase in the development of the land. The findings of the Bewsher Consulting Assessment conclude that the proposal can comply with the provisions of the Georges River Floodplain Risk Management Study and Plan. Whilst the Assessment does not cover the whole of the Munday Street Site, it is considered that the implications of the expanded area would not alter from the above conclusions. The above provisions would be applied to any future development on the Munday Street Site as a result of the requested planning proposal. This inconsistency would be justified having regard to section 9(a) of Direction 4.3. (d) Development unlikely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services (e) n/a. (7) n/a.	Yes Yes No, but justified. Yes n/a n/a Yes
(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).		
(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)	(8) Flood planning levels to be consistent with Floodplain Development Manual 2005.	Yes

s.117 Direction	Comment	Consistent?
6.1 Approval and Referral Requirements <u>Objective:</u> (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. <u>What a relevant planning authority must do:</u> (4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act; and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The requested planning proposal does not seek to include further provisions to LEP 2008 in respect to the concurrence, consultation or referral of development applications to a Minister or public authority.	Yes

s.117 Direction	Comment	Consistent?
6.3 Site Specific Provisions <u>Objective:</u> (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. <u>What a relevant planning authority must do:</u> (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	The planning proposal seeks to rezone the Munday Street Site to an existing Zone in LLEP 2008 (i.e. B5 Business Development) but proposes to include requirements via Schedule 1 to allow the entirety of the proposed use. Considered to be of minor significance (section 6 of Direction 6.3). The requested planning proposal does not contain or refer to drawings that show details of a development proposal.	No, but justified. Yes

s.117 Direction	Comment	Consistent?
7.1 Implementation of the Metropolitan Strategy <u>Objective:</u> (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. <u>What a relevant planning authority must do:</u> (1) Planning proposals shall be consistent with: (a) the NSW Government's Metropolitan Strategy: <i>City of Cities. A Plan for Sydney's Future</i>, published in December 2005 (the Metropolitan Strategy).	The LEP amendment sought by the requested planning proposal would be consistent with the objective of consolidating and Liverpool as a Regional City identified by the Metropolitan Strategy (Centres and Corridors).	Yes

Attachment 3 – Draft Zoning Map



Attachment 3: Voluntary Planning Agreement Schedule 3

Schedule 3
Development Contributions

Part 1 – Works

Work	Description	Time for Completion	Contribution Value	Amount retained during Defects Liability Period
Traffic Improvements	Intersection upgrade of Governor Macquarie Drive and Munday Street as shown on and in accordance with Annexure 2.	Prior to the first Occupation Certificate being issued for any Development on the Business Development Land.	\$432,857	5%

Part 2 – Council Road Widening Land (clause 3.2(1))

Public Purpose	Description	Time for Dedication	Value of Dedicated Land
Public road.	The dedication of the Council Road Widening Land as a public road.	On registration of the Subdivision Plan in the office of the Registrar-General.	\$540,582