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Date: 26 October 2010



Mr Peter Goth  
Regional Director, Sydney West  
Department of Planning  
GPO Box 5020  
PARRAMATTA NSW 2124

Dear Mr Goth

**RE: SUBMISSION OF A PLANNING PROPOSAL  
DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO.  
14) INGLIS AND COOPERS PADDOCK SITES WARWICK FARM**

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is forwarding a planning proposal for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 14) seeking gateway determination. The purpose of Draft Amendment No. 14 is to allow the use 'stock and sale yard' on a portion of land north of Governor Macquarie Drive Warwick Farm while also rezoning land south of Governor Macquarie Drive (Warwick Farm) from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.

At its meeting on 18 October 2010, it was resolved that Council:

1. Proceeds with an amendment to the Liverpool Local Environmental Plan 2008 which:
  - amends Schedule 1 of the Liverpool LEP 2008 to permit "stock and sale yards" as well as rezoning land along the Georges River from RE2 Private Recreation to RE1 Public Recreation for the Inglis site;
  - rezones land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.
2. Forwards the attached Planning Proposal to the Minister for Planning seeking Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.



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3. Enters into a Voluntary Planning Agreement requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).

A copy of the Planning Proposal and Council report for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 14) are enclosed for your consideration and gateway determination.

**Technical studies**

As part of this Planning Proposal the owners have prepared the following technical studies;

- Flooding and Drainage Report
- Flora and Fauna Reports
- Traffic and Transport
- Bushfire Assessment
- Contamination Report
- Conservation Management Plan

Additionally, this letter seeks the Director General's concurrence for the creation of RE1 Public Recreation land. Concurrence is required as per Section 117 Ministerial Direction, **Direction 6.2 Reserving Land for Public Purposes**.

In particular, clause 4 of the above Direction states that a planning proposal must not alter the provision for land for public purposes without the consent of the Director-General. As part of the planning proposal some land north and south of Governor Macquarie Drive will be rezoned from RE2 Private Recreation to RE1 Public Recreation. The land to be rezoned RE1 will be dedicated to Council and will be embellished and dedicated at no cost to Council as part of the Voluntary Planning Agreement. The land that will be dedicated to Council will facilitate future public open space links along the Georges River foreshore.

Council therefore requests both the Director-General's concurrence for the Section 117 Direction 6.2 and Gateway Determination allowing the Planning Proposal to proceed to authority consultation and public exhibition.

Should you have any questions or require further information, please call Murray Wilson, Senior Strategic Planner on 9821 9569.

Yours sincerely



**Tanya O'Brien**  
Manager Strategic Planning



**Liverpool**city council  
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Liverpool City Council

# ***Planning Proposal***

***Draft Liverpool LEP 2008 Amendment No. 14***

**20 October 2010**

## Part 1 - Objectives

The planning proposal applies to the following lots at Warwick Farm known as the Warwick Farm Racecourse and Coopers Paddock:

- Parts of Lot 1 DP 581034;
- Pt Lot 2 DP 581034;
- Lot 3 DP 581034; and
- Pt Lot 1 DP 970591.

The objective of the planning proposal is to permit 'Stock and Sale Yard' development as well as rezoning part of a parcel of the Coopers Paddock site from RE2 Private Recreation to IN1 General Industrial. The remainder of the site is proposed to be rezoned from RE2 Private Recreation to RE1 Public Recreation. The amendment also seeks to rezone part of Coopers Paddock from RE2 Private Recreation to IN1 General Industrial and part RE1 Public Recreation (refer to Figure 3 for details)



Figure 1: Land to which this amendment applies

## Part 2 - Explanation of provisions

### Background

The owner of Warwick Farm Racecourse and Coopers Paddock, the Australian Jockey Club (AJC) are seeking an amendment to the Liverpool Local Environmental Plan 2008 to facilitate development at Warwick Farm. The proposal seeks to permit

'stock and sale yards' on land north of Governor Macquarie Drive and rezone the foreshore to RE1 Public Recreation. The amendment also seeks to rezone land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.

The objective of the draft amendment is to permit 'stock and sale yard' as defined by Liverpool Local Environmental Plan 2008 (LLEP 2008) on Pt Lot 2 DP 581034, Lot 3 DP 581034, Pt Lot 1 DP 970591 and on part of Lot 1 DP 581034 and rezone foreshore land to RE1m Public Recreation north of Governor Macquarie Drive. The amendment also seeks to rezone part of Lot 1 DP 581034 south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.

#### **Land North of Governor Macquarie Drive (Inglis Site)**

Amending Schedule 1 to allow an additional use for stock and sale yard is the preferred mechanism to enable the subject site to be developed for that use. The proposed use stock and sale yard is a compatible use as the existing use of within the race course industry at Warwick Farm. However the use would not be appropriate in all RE2 zoned parcels.

Suggested wording to be added to Schedule 1 is outlined as follows and would be subject to legal drafting by the Department of Planning.

#### Schedule 1 Additional Use Clause

##### Use of land at Warwick Farm in Zone RE2 Private Recreation

- (1) This clause applies to land in zone RE2 Private Recreation North of Governor Macquarie Drive at Warwick Farm.
- (2) Development for the purposes of Stock and Sales Yard (including staff accommodation and temporary accommodation) is permitted with consent.

As well as adding an additional use on this site, there will also be land dedicated to Council along the foreshore of the Georges River and rezoned to RE1 Public Recreation (Refer to Figure 3).

The development of a stock and sale yard for thoroughbred race horses would involve the use of part of Warwick Farm Racecourse site to accommodate additional horse stables, a sales arena, truck loading and parking facilities, staff accommodation (Managers residence), temporary accommodation (being accommodation for owners/strappers to care of their horses during sales events), entertainment conferences, exhibitions, veterinarian services and equestrian riding. The proposed use of a stock and sale yard is a compatible use as the existing use is within the grounds of the Warwick Farm Racecourse.

#### **Land South of Governor Macquarie Drive (Coopers Paddock)**

The land south of Governor Macquarie Drive is known as Coopers Paddock. The land is bounded by Governor Macquarie Drive to the north, the Georges River to the east and south and Liverpool Sewage Treatment Plant to the west. This land has been in the ownership of the AJC since 1923. The land is currently used as training grounds by horse trainers at Warwick Farm (see Figure 1) however this land is in excess of current requirement of the AJC.

The site contains two groups of derelict buildings comprising houses and stables that are no longer in use. Coopers Paddock also contains four sand tracks and one clay track that are used as alternative horse trails. Alternative training facilities will be relocated to the north of the existing race course grounds near Cabramatta Creek should this site be developed.

The area also contains a large amount of remnant vegetation that is recent regrowth and densely weed infested.

The applicant seeks to rezone approximately 13.7 hectares from RE2 Private Recreation to IN1 General Industrial. The remainder of the 15.9 hectares is proposed to be rezoned from RE2 Private Recreation to RE1 Public Recreation, rehabilitated and dedicated to Council at no cost (through a VPA). The rezoning of foreshore land from RE2 Private Recreation to RE1 Public Recreation will ensure that the area is dedicated to Council so that a continuous open space link can be secured in the future (see Figure 2 for existing zoning and Figure 3 for proposed changes).



## Part 3 - Justification

### A. Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is not the result of any strategic study or report.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The use 'Stock and sales yard' is not a permitted use in the RE2 Private Recreation zone. The rezoning of land from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation also requires an amendment to Liverpool Local Environmental Plan 2008. The only means of amending the LEP in this circumstance is through a planning proposal.

3. *Will the net community benefit outweigh the cost of implementing and administering the planning proposal?*

A Net Community Benefit Test as adapted from the Draft Centres Policy is provided in Attachment 1 of this Planning Proposal. The net community benefit can be summarised as follows:

- Opportunities to consolidate and strengthen Liverpool as the sub region's Regional City;
- Employment Generation;
- Supporting the improvement of a major event facility in Western Sydney through reinvestment of financial gains back in the facilities at Warwick Farm Racecourse Precinct.

The proposal would allow for an additional land use i.e. stock and sale yard, that is compatible to the existing use of the larger precinct as a racecourse. The rezoning to IN1 General Industrial enables the AJC to sell excess land to reinvest into the racecourse. Infrastructure demands and potential environmental and heritage impacts associated with the future use of the land zones IN1 General Industrial would be defined, designed and mitigated through a future development application process.

Land to be zoned RE1 will be transferred to Council which will facilitate future public open space links along the Georges River foreshore. On going maintenance will be agreed upon through a future Vegetation Management Plan.

On balance, it is considered that the proposal would offer significant community benefit.

### B. Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The adopted and draft strategies applicable to this proposal are:

- City of Cities – A plan for Sydney's Metropolitan Strategy (The Metropolitan Strategy) and

- Draft South West Subregional Strategy

As detailed in the Net Community Benefit Test (Attachment 1) and in the discussion of the relevant s117 Directions (Attachment 2) it is considered that the planning proposal is consistent with the above strategies for the following reasons:

- The Metropolitan Strategy identifies Warwick Farm Racecourse (WFR) as a major sports event facility for the Sydney Region (Figure F7 of Strategy). Action F3 (Parks and Public Places) is *to improve Sydney's major sporting and cultural event facilities*. The AJC is a not-for-profit organisation and the AJC Board has directed that any financial gains realised at Warwick Farm e.g. by way of establishing the sales yard facilities and sale of industrial lands, are to be reinvested in the facilities at Warwick Farm, further invigorating the precinct.
- The LEP amendment sought by the applicant would be consistent with the objective of consolidating and Liverpool as a Regional City identified by the Metropolitan Strategy (Centres and Corridors).
- In discussing Parks, Public Places and Culture action F3.1 of the Draft South West Subregional Strategy identifies the need to improve Sydney's major sporting and cultural event facilities, identifying WFR as a significant sporting facility which hosts regular horse racing meets. The action recommends that Councils and the Department of Planning investigate ways to facilitate the improvement of major event facilities in Western Sydney. The amendment to LLEP 2008 sought by the requested planning proposal would create the opportunity to significantly value add to the existing facilities at WFR through both a complementary land use as well as the generation of funds to be invested in the reinvigoration of WFR. The AJC is a not-for-profit organisation and the AJC Board has directed that any financial gains realised at Warwick Farm are to be re-invested in the facilities at WFR, further invigorating the precinct.
- The Draft South West Subregional Strategy identifies Liverpool as a regional centre and the sub-region's Regional City. Whilst WFR is not located within the Liverpool city centre, 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.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The *Liverpool Community Strategy 2009* identifies the social and community priorities for Liverpool as adopted by the Council and proposes strategies "that work towards and sustain a positive level of wellbeing within the community". The Strategy focuses on six (6) key outcome areas:

- a socially inclusive community;
- a family friendly community;
- a learning and working community;
- a safe and healthy community;
- a diverse and culturally rich community; and
- an accessible community.

The Community Strategy outlines the recommended city strategies and social indicators for each outcome area. The proposal would be either directly or indirectly consistent with the following relevant key outcomes and city strategies:

*Table 1 – Liverpool Community Strategy Assessment*

<b>Key Outcomes</b>	<b>City Strategies</b>	<b>Comment</b>
A family friendly community	Enhance the physical amenity of Liverpool's public and open spaces	Land adjacent to the Georges River will be rezoned from RE2 to RE1 which will be used for future public open space links.  Financial gains as a result of the establishing of the Stock & Sale Yard facility would be re-invested in the facilities at WFR, a significant provider of private recreational open space. Consistent.
A learning and working community	Support economic development and access to local employment opportunities	Development ensuing from the proposed amendment clearly supports economic development and local employment opportunities. Consistent.
A diverse and culturally rich community	Improve community pride and identity.  Promote and protect historical and cultural sites and events.	Establishment of the Stock & Sale Yard facility has significant potential to positively contribute to Liverpool's sense of identity. Consistent. Any future development would remain subject to heritage conservation considerations detailed in LLEP 2008. Consistent.

*6. Is the planning proposal consistent with the applicable state environmental planning policies?*

It is considered from a review of State and deemed State Environmental Planning Policies that whilst a number of policies may be applicable at the development application stage those applicable to this Planning Proposal are:

- State Environmental Planning Policy No. 55 – Remediation of Land (“SEPP 55”); and
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River (“the Georges River REP”).

These are discussed below.

SEPP 55

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
  - (a) *the planning authority has considered whether the land is contaminated; and*
  - (b) *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used; and*
  - (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

**Note.** *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*
- (2) *Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) *If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) *The following classes of land are identified for the purposes of this clause:*
  - (a) *land that is within an investigation area;*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out;*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land;*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out; and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

SMEC Testing Services Pty Limited (“SMEC Testing”) were commissioned to undertake Stage 1 and Stage 2 contamination assessments for WFR. In summary the SMEC Testing assessments found “hot spots” in the re-fuelling area and railway corridor that require remediation to make the site suitable for the proposed use. Remediation works could be undertaken either prior to (as part of a development application for remediation works) or in conjunction with a development application for the future development of WFR as envisaged by the requested planning proposal, thereby satisfying clause 6(1)(c) of SEPP 55.

#### Georges River REP

Clause 7 of the Georges River REP provides that the general and specific planning principles are to be taken into account when a Council prepares a Local Environmental Plan. In general terms these principles relevantly relate to:

- Impact on adjacent or downstream local government areas;

- The cumulative impact on the Georges River or its tributaries;
- Whether there are any feasible alternatives to the development or other proposal concerned;
- Acid Sulphate soils;
- Bank disturbance;
- Flooding;
- Land degradation;
- Urban/Stormwater runoff; and
- Vegetated buffer areas;

A number of these principles have been discussed elsewhere in this Planning Proposal. The LLEP 2008 and the supporting LDCP 2008 have incorporated provisions consistent with the above principles. Accordingly the above principles of the Georges River REP would appropriately be applied and tested against any future specific development proposal on WFR as a result of the requested planning proposal.

On the western side of the Georges River (owned by the Australian Jockey Club), the foreshore land is zoned RE1 Public Recreation and part of this planning proposal additional land will be rezoned to RE1 Public Recreation. The land that is zoned RE1 Public Recreation will be dedicated to Council, rehabilitated and maintained for a period of time (yet to be agreed but normally five years). This land has a minimum width of 40 metres and will provide a vegetated buffer between the Georges River and future development on both sites north and south of Governor Macquarie Drive.

*7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Attachment 2 of this submission sets out an assessment of the relevant s117 directions. Having regard to the assessment provided, the proposal is considered to be predominately consistent with the relevant s117 directions.

**C. Environmental, social and economic impact**

*8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Ecological investigations have been undertaken by Whelan INSITES/Gunninah Environmental Consultants (Project No. D304EV December 2007). That report identifies potential constraints to future development on WFR as endangered ecological communities ("EECs") being located in narrow bands along the Georges River and Cabramatta Creek including variants of the River-Flat Eucalypt Forest on Coastal Floodplains Community. The investigations undertaken by Whelan INSITES considers this remnant vegetation to be in poor condition with some patches along the banks of the Georges River in (at best) moderate condition where there is a native understorey present. It should be noted that these areas vegetation along the banks and environs of the Georges River will be retained, protected and rehabilitated through a future Voluntary Planning Agreement (VPA). The AJC have offered to enter into a VPA with Council where land to be dedicated will be rehabilitated and maintained for a period of time (yet to be agreed but normally five years).

As stated above, the land that is zoned RE1 Public Recreation will be dedicated to Council, rehabilitated and maintained for a period of time (normally five years). This will ensure that the land along the foreshore has long term protection.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

In respect to the likely environmental effects studies focused on areas of flora and fauna, traffic & access and non-indigenous heritage significance have been prepared.

In respect to Flora and Fauna, the understory through much of the woodland is in relatively poor condition with substantial weed infestation (including the removal of weeds). Any land that will be rezoned to RE1 Public recreation will be transferred to Council subject to provisions of the VPA. As part of the VPA, the RE1 land will be rehabilitated prior to its transfer to Council. The RE1 land would be managed in accordance with a VPA to be prepared and publicly exhibited. The Vegetation Management Plan will document the removal of weeds, the rehabilitation of the understory, and the enhancement of the vegetated areas to be rehabilitated.

In respect to traffic and access it is anticipated that the future development as envisaged by this submission would necessitate intersection and road works to Governor Macquarie Drive and the Hume Highway. This would be managed by quantification of the traffic generated by future development and identification of required road improvements.

In respect to heritage significance the future development as envisaged by this submission may require the alteration or removal of some structures forming part of the WFR heritage group. Again, this would be managed through the development application process by way of defining the scope of works, determining the potential heritage impacts and formulating a development approach which satisfactorily manages/mitigates impacts on heritage significance.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The requested planning proposal would enable a higher and better use of WFR in a form and manner compatible with its traditional role as a major sporting facility for thoroughbred horse racing and training. Economic benefits of the Stock and Sale Yard include the construction of state-of-the art equine facilities, supporting infrastructure works and ongoing employment opportunities for. Indirect impacts would be spin-off or multiplier economic benefits to the City as a result of the administration and operation of the Sales. As repeatedly stated 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 and ongoing events.

#### **D. State and Commonwealth interests**

11. *Is there adequate public infrastructure for the planning proposal?*

WFR 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 and the Hume Highway. Quantification of the traffic generated and road improvements required would be concurrent with detailed design work undertaken as part of any future development application for the proposal.

Amplification of existing services (water, sewer, electricity) can be undertaken to service future development.

*12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

Council will forward the proposal to the Department of Planning for Gateway Determination. Council will undertake agency consultation in due course as required by the Environmental Planning and Assessment Act 1979.

## **Part 4 - Community Consultation**

The Gateway Determination will specify the community consultation that must be undertaken for this Planning Proposal. Generally the Department of Planning have set a 14 day public exhibition period for planning proposals considered to be of low impact and a 28 day exhibition period for all other proposals.

## Attachment 1 – Net Community Benefit

Key Criteria	Assessment
<p>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)?</p> <p>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</p>	<p>The draft South West Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level. The chapter titled <i>Parks, Public Places and Culture</i> action F3.1 identifies the need to improve Sydney's major sporting and cultural event facilities, identifying WFR as a significant sporting facility which hosts regular horse racing meets. The action recommends that <i>Councils and the Department of Planning investigate ways to facilitate the improvement of major event facilities in Western Sydney</i>. The amendment to LLEP 2008 sought by the requested planning proposal would create the opportunity to significantly value add to the existing facilities at WFR through both a complimentary land use as well as the generation of funds to be invested in the reinvigoration of WFR. The AJC is a not-for-profit organisation and the AJC Board has directed that any financial gains realised at Warwick Farm are to be re-invested in the facilities at WFR, further invigorating the precinct.</p> <p>The draft SW Subregional Strategy identifies Liverpool as a regional centre and the sub-region's Regional City. Whilst WFR is not located within the Liverpool city centre, 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.</p>

Key Criteria	Assessment
<p>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>	<p>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 amendment would be consistent with the expectations of the AJC. The additional use permitted by the LEP amendment would be complementary to existing development in the Warwick Farm precinct and would not be anticipated as being contrary to the expectations of other landholders.</p>
<p>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</p>	<p>Council is in receipt of a request for a planning proposal in regards to other AJC landholdings at Warwick Farm, relating to Coopers Paddock &amp; Munday Street Properties, seeking IN1 &amp; IN2 zonings. These are currently being assessed, with a draft Heads of Agreement as part of a proposed Voluntary Planning Agreement being considered. It is the AJC's desire to proceed firstly and separately with the subject request, with any potential impacts it generates being mitigated as part of a future stock and sale yard development application process.</p>
<p>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</p>	<p>The LEP amendment would facilitate permanent employment generating activity through the operation of the stock and sale yard facility. It would not result in a loss of employment lands.</p>
<p>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</p>	<p>The LEP amendment does not impact upon the supply of residential land and therefore housing supply and affordability.</p>

Key Criteria	Assessment
<p>Is the existing public infrastructure (roads, rail, 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?</p>	<p>WFR 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.</p> <p>Future development as envisaged by this submission would necessitate intersection and road works to Governor Macquarie Drive. Quantification of the traffic generated and road improvements required would be concurrent with detailed design work undertaken as part of any future development application for the proposal.</p> <p>Amplification of existing services (water, sewer, electricity) can be undertaken to service future development.</p>
<p>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?</p>	<p>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, if required would be undertaken as part of any future development application for the proposal.</p>
<p>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?</p>	<p>It would not be anticipated that future development arising from the proposed amendments would adversely affect patronage of significant Government infrastructure or services investment.</p>

Key Criteria	Assessment
<p>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?</p>	<p>LLEP 2008 mapping (Environmentally Significant Land) identifies a band of the eastern part of WFR as “<i>environmentally significant land</i>”. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River (“GMREP 2”) identifies a requirement for the provision of a buffer to “environmentally sensitive areas”, nominally identified by DECCW as 40m. Ecological investigations undertaken by Whelan INSITES/Gunninah Environmental Consultants (Project No. D304EV December 2007) indicate that the “buffer” at WFR includes land clearly not of environmental significance. The planning proposal requested does not seek to remove or alter the existing provisions of LLEP 2008 and GMREP 2 that apply to the land. These provisions would be taken into account as part of any future development proposal. The land along the foreshore is currently zoned RE1 Public Recreation and will be dedicated to Council, rehabilitated and maintained for a period of time (normally five years) thus ensuring its long term protection. This land has a minimum width of 40 metres and will provide a vegetated buffer between the Georges River and future development.</p> <p>LLEP 2008 mapping (Flood Planning Areas) identifies the WFR as being within the <i>Flood Policy Area</i> and partly within the <i>Residential Flood Planning Area</i>. 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 &amp; velocities, safety, erosion, vegetation loss and social &amp; 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</p>

	Development Manual 2005. The above provisions of LLEP 2008 and LDCP 2008 would apply to any future development on WFR as a result of the requested planning proposal.
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<b>Key Criteria</b>	<b>Assessment</b>
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?	As has previously been mentioned, the LEP amendment will facilitate the development of part of the WFR site for the purpose of a sale yard, which is considered to be complementary and compatible to the existing use of the site as a racecourse. The amenity of the site and the wider community will not be adversely impacted by the LEP amendment.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	This question is not applicable as the LEP amendment is not for retail or commercial purposes.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	This question is not applicable as the LEP amendment is not for retail or commercial purposes.
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 improving Sydney's major sporting and cultural event facilities (i.e. WFR) and consolidating and strengthening Liverpool as the sub-region's Regional City. As previously stated, the AJC is a not-for-profit organisation and the AJC Board has directed that any financial gains realised at Warwick Farm e.g. by way of establishing the sales yard facilities, 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.
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## Attachment 2 - Relevant S117 Directions

s.117 Direction	Comment	Consistent?
<p><b>1.1 Business and Industrial Zones</b></p> <p><u>Objectives</u></p> <p>(1) The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic centres</p>	<p>The planning proposal would provide employment in good proximity to transport infrastructure, and is adjacent to other employment / industrial land.</p>	<p>Yes</p>
<p><b>2.1 Environment Protection Zones</b></p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>LLEP 2008 mapping (Environmentally Significant Land) identifies a band of the eastern part of WFR as "<i>environmentally significant land</i>". Clause 7.6 of LLEP 2008 sets out matters for consideration by a consent authority before determining a development application in respect to "<i>environmentally significant land</i>".</p> <p>The planning proposal requested is to permit an additional use at WFR and does not seek to remove or alter the existing provisions of clause 7.6 of LLEP 2008 that apply to the land.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p><b>2.3 Heritage Conservation</b></p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(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,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(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.</p>	<p>Schedule 1 Part 1 of LLEP 2008 identifies the Warwick Farm Racecourse Group (which includes WFR) as a Heritage Item. Schedule 1 Part 3 does not identify any Archaeological Sites at WFR. Clause 5.10 of LLEP 2008 sets out matters for consideration by a consent authority before granting development consent to demolish or alter a heritage item, erecting a building or subdividing land on which a heritage item is located, disturbing or excavating an archaeological site or place of aboriginal significance.</p> <p>The planning proposal requested is to permit an additional use at WFR and does not seek to remove or alter the existing provisions of clause 5.10 of LLEP 2008 that apply to the land.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p><b>4.1 Acid Sulfate Soils</b></p> <p><u>Objective:</u></p> <p>(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.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(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.</p> <p>(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:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</p> <p>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</p>	<p>LLEP 2008 mapping (Acid Sulphate Soils) identifies the majority of WFR as <i>class 4 acid sulphate soil</i> with a band of the eastern part of WFR 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 "<i>acid sulphate soils</i>". 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.</p> <p>The above provisions of LLEP 2008 and LDCP 2008 would apply to any future development on WFR as a result of the requested planning proposal.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p><b>4.1 Acid Sulfate Soils (continued)</b></p> <p>(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.</p> <p>(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).</p>	<p>LLEP 2008 mapping (Acid Sulphate Soils) identifies the majority of WFR as <i>class 4 acid sulphate soil</i> with a band of the eastern part of WFR 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 "<i>acid sulphate soils</i>". 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.</p> <p>The above provisions of LLEP 2008 and LDCP 2008 would apply to any future development on WFR as a result of the requested planning proposal.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p><b>4.3 Flood Prone Land</b></p> <p><u>Objectives:</u></p> <p>(1) The objectives of this direction are:</p> <p>(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</p> <p>(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.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(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).</p> <p>(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.</p>	<p>LLEP 2008 mapping (Flood Planning Areas) identifies the WFR as being within the <i>Flood Policy Area</i> and partly within the <i>Residential Flood Planning Area</i>. 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 &amp; velocities, safety, erosion, vegetation loss and social &amp; 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.</p> <p>The above provisions of LLEP 2008 and LDCP 2008 would be applied to any future development on WFR as a result of the requested planning proposal.</p> <p>The requested planning proposal does not seek to 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</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p><b>4.3 Flood Prone Land (continued)</b></p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(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.</li> </ul> <p>(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).</p> <p>(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).</p>	<p>LLEP 2008 mapping (Flood Planning Areas) identifies the WFR as being within the <i>Flood Policy Area</i> and partly within the <i>Residential Flood Planning Area</i>. 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 &amp; velocities, safety, erosion, vegetation loss and social &amp; economic costs. LDGP 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.</p> <p>The above provisions of LLEP 2008 and LDGP 2008 would be applied to any future development on WFR as a result of the requested planning proposal.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p><b>4.4 Planning for Bushfires</b></p> <p><u>Objective:</u></p> <p>The objectives for this direction are:</p> <ol style="list-style-type: none"> <li>1. To protect life, property and the environment from bush fire hazard, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>2. To encourage sound management of bush fire prone areas.</li> </ol>	<p><i>Planning for Bush Fire Protection (2006)</i> expands the consideration and establishes the bush fire planning objectives for industrial, commercial and warehousing types of development.</p> <p>Specific 'objectives' applicable to industrial type development are for proposals to have regard to the following:</p> <ul style="list-style-type: none"> <li>• Ensure that the bush fire risk to adjoining lands is not increased;</li> <li>• Provide a minimum defendable space;</li> <li>• Provide better bush fire protection, on a re-development site, than the existing situation. This should not result in new works being exposed to greater risk than an existing buildings;</li> <li>• Ensure that the footprint of the proposed building does not extend towards the hazard beyond existing building lines on neighbouring land;</li> <li>• Not result in an increased bush fire management and maintenance responsibility on adjoining land owners unless they have agreed to the development; and</li> <li>• Ensure building design and construction enhance the chances of occupant and building survival.</li> </ul> <p>It is anticipated that future development of the rezoned land would be able to achieve and meet the above objectives where relevant to the development. This could be achieved due to the nature of the likely future development by setbacks or through application of appropriate performance standards and development controls.</p>	<p>Yes</p>

<p><b>6.1 Approval and Referral Requirements</b></p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(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: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(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</li> </ul> </li> <li>(c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul> </li> </ul>	<p>The requested planning proposal does not seek to include further provisions to LLEP 2008 in respect to the concurrence, consultation or referral of development applications to a Minister or public authority.</p>	<p>Yes</p>
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s.117 Direction	Comment	Consistent?
<p><b>6.2 Reserving Land for Public Purposes</b></p> <p><u>Objective:</u>  (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p><b>What a relevant planning authority must do:</b>  (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	<p>In particular, clause 4 of the above Direction states that a planning proposal must not reduce existing zonings or reservations of land for public purposes without the consent of the Director-General. As part of the planning proposal some land north and south of Governor Macquarie Drive will be rezoned from RE2 Private Recreation to RE1 Public Recreation. The land to be rezoned will be dedicated to Council will be embellished and dedicated at no cost to Council as part of the Voluntary Planning Agreement. The land that will be dedicated to Council will ensure that foreshore land and future open space links can be created.</p> <p>The planning proposal is considered to be consistent with the overall objectives of Direction 6.2, however the approval of the Director-General is requested as per clause 4 of the Direction.</p>	Yes
<p><b>6.3 Site Specific Provisions</b></p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(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</p>	<p>The requested planning proposal seeks to allow a land use (i.e. Stock &amp; Sale Yard with ancillary staff &amp; temporary accommodation) without imposing any development standards or requirements in addition to those already contained in LLEP 2008.</p> <p>The requested planning proposal does not contain or refer to drawings that show details of a development proposal.</p>	Yes

<p>situated on, or</p> <p>(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</p> <p>(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.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>		
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s.117 Direction	Comment	Consistent?
<p><b>7.1 Implementation of the Metropolitan Strategy</b></p> <p><u>Objective:</u></p> <p>(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.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(1) Planning proposals shall be consistent with:</p> <p>(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').</p>	<p>The Metropolitan Strategy identifies WFR as a major sports event facility for the Sydney Region (Figure F7 of Strategy). Action F3 (Parks and Public Places) is <i>to improve Sydney's major sporting and cultural event facilities</i>. As previously stated, the AJC is a not-for-profit organisation and the AJC Board has directed that any financial gains realised at Warwick Farm e.g. by way of establishing the sales yard facilities, are to be reinvested in the facilities at Warwick Farm, further invigorating the precinct.</p> <p>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).</p>	<p>Yes</p>

## **STRA 02**

**ITEM NO:** STRA 02  
**FILE NO:** RZ-4/2010  
**SUBJECT:** REZONING OF COOPERS PADDOCK AND ADDITIONAL USE AT WARWICK FARM RACECOURSE - AMENDMENT TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

### **RECOMMENDATION**

That Council:

1. Proceeds with an amendment to the Liverpool Local Environmental Plan 2008 which:
  - amends Schedule 1 of the Liverpool LEP 2008 to permit “stock and sale yards” as well as rezoning land along the Georges River from RE2 Private Recreation to RE1 Public Recreation for the Inglis site;
  - rezones land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.
2. Forwards the attached Planning Proposal to the Minister for Planning seeking Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. Enters into a Voluntary Planning Agreement requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).

### **COUNCIL DECISION**

**Motion:**                      **Moved: Clr Lucas**                      **Seconded: Clr McGoldrick**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

## LIVERPOOL CITY COUNCIL

### CITY STRATEGY REPORT

### ORDINARY MEETING

18/10/2010

<b>ITEM NO:</b>		<b>FILE NO:</b>	<b>RZ-4/2010</b>
<b>SUBJECT:</b>	<b>REZONING OF COOPERS PADDOCK AND ADDITIONAL USE AT WARWICK FARM RACECOURSE - AMENDMENT TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008</b>		
<b>LANDOWNER:</b>	<b>AUSTRALIAN JOCKEY CLUB 1 ALISON ROAD, RANDWICK</b>		

#### EXECUTIVE SUMMARY:

Council has received an application from the owner of the Warwick Farm Racecourse seeking an amendment to Liverpool Local Environmental Plan 2008 (LLEP 2008) to allow stock and sale yards on a portion of land north of Governor Macquarie Drive while also rezoning land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.

The LEP amendment is supported as the use of the stock and sale yards and the rezoning of land south of Governor Macquarie Drive is considered appropriate development within the Warwick Farm Racecourse precinct and surrounding developments.

Firstly the Inglis development would be consistent with the equine and racing industry that has dominated this site and this part of Warwick Farm since 1889.

The proposed rezoning of Coopers Paddock to IN1 - General Industrial will introduce investment and employment opportunities to an area well serviced by transport and in close proximity to the rail network and consistent with other industrial and utility infrastructure in the area.

#### DETAILED REPORT:

##### Background

The owner of Warwick Farm Racecourse and Coopers Paddock, the Australian Jockey Club (AJC) are seeking an amendment to the Liverpool Local Environmental Plan to facilitate development at Warwick Farm. The proposal seeks to permit 'stock and sale yards' on land north of Governor Macquarie Drive as well as rezoning land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.

### **Land North of Governor Macquarie Drive (Inglis Site)**

The site has been home to the Warwick Farm Racecourse since 1889 and owned by the Australian Jockey Club since 1923. William Inglis and Son Pty Ltd (Inglis) propose to move to a portion of this site on the northern side of Governor Macquarie Drive adjacent to the Georges River (see Figure 1).

An LEP amendment is proposed to allow development for a stock and sale yard on this site which would facilitate the relocation of the existing "Newmarket" thoroughbred auction complex from Randwick (NSW). The relocation of such a complex would provide economic benefits to the equine industry at Warwick Farm as well as Liverpool more generally.

The Newmarket site comprises a sales arena with seating for over 1000 people, plus four stable complexes accommodating up to 620 horses. Inglis sells approximately 3000 horses per year, comprising weanlings and yearlings, broodmares, stallions and tried racehorses through a series of sales events.

Events NSW have identified that the Inglis Easter sale event generates approximately \$71 million of spin-off revenue for the State. Further the sales complex attracts vendors and purchasers from interstate and internationally, encourages investment and compliments the local horse racing industry.

The use of excess land at Warwick Farm Racecourse for the purposes of a stock and sales yard is considered an appropriate additional use, as the use stock and sales yard is complimentary to the existing use of racecourse and is consistent with the heritage of this site. The draft LEP will seek to add an additional use clause to Schedule 1 of the LLEP. Suggested wording to be added to Schedule 1 is outlined as follows and would be subject to legal drafting by the Department of Planning.

#### *Schedule 1 Additional Use Clause*

##### Use of land at Warwick Farm in Zone RE2 Private Recreation

- This clause applies to Pt Lot 1 DP 581034, Pt Lot 2 DP 581034, Lot 3 DP 581034 and Pt Lot 1 DP 970591 being land north of Governor Macquarie Drive, Warwick Farm (as shown in figure 1)
- Development for the purposes of Stock and Sale Yards (including staff accommodation and temporary accommodation) is permitted with consent

Amending Schedule 1 to allow an additional use for stock and sale yard is the preferred mechanism as the use "stock and sale yard" is contained within the group definition of 'rural industries'. Rezoning the land to allow 'rural industries' could potentially allow a range of other uses that are not compatible with the existing use of the land. The proposed use 'stock and sale yard' is compatible with the existing uses currently permitted within the race course at Warwick Farm.

As well as adding an additional use on this site, there will also be land dedicated to Council along the foreshore and rezoned to RE1 Public Recreation. Land that is currently zoned RE1 Public Recreation will be embellished and dedicated at no cost to Council as part of the Voluntary Planning Agreement (VPA). The land that will be dedicated to Council will ensure that foreshore land and future open space links can be created.

### Land South of Governor Macquarie Drive (Coopers Paddock)

The land south of Governor Macquarie Drive is known as Coopers Paddock. The land is bounded by Governor Macquarie Drive to the north, the Georges River to the east and south and Liverpool Sewage Treatment Plant to the west. This land has been in the ownership of the AJC since 1923. The land is currently used as training grounds by horse trainers at Warwick Farm (see Figure 1). Alternative training facilities will be relocated to the north of the existing race course grounds near Cabramatta Creek should this site be developed.

The site contains two groups of derelict buildings comprising houses and stables that are no longer in use. Coopers Paddock also contains four sand tracks and one clay track that are used as alternative horse trails. The area also contains a large amount of remnant vegetation that is recent regrowth and densely weed infested.

The applicant seeks to rezone approximately 13.7 hectares from RE2 Private Recreation to IN1 General Industrial. The remainder of the 15.9 hectares is proposed to be rezoned from RE2 Private Recreation to RE1 Public Recreation, rehabilitated and dedicated to Council at no cost (through a VPA). The rezoning of foreshore land from RE2 Private Recreation to RE1 Public Recreation will ensure that the area is dedicated to Council so that open space links can be secured in the future.



Figure 1 Location Map

### Site Suitability

The rezoning submission has been supported by a number of background reports considering heritage, vegetation and fauna, flooding and drainage and traffic generation.

These issues have been outlined in more detail with the Planning Proposal (see Attachment 1).

These issues are briefly addressed below:

#### *Heritage Impact*

The applicant has prepared a draft Conservation Management Plan (CMP) for the Warwick Farm Racecourse Precinct which includes the sites north and south of Governor Macquarie Drive. The CMP considers all heritage values within the precinct and establishes a framework for retaining values and accommodate appropriate development.

#### *Vegetation and Fauna*

The native vegetation on the subject land that will be dedicated to Council including some land south of Governor Macquarie Drive and along the Georges River is currently in poor condition. The AJC will rehabilitate this land as part of a Voluntary Planning Agreement (which will be discussed later in this report). This land (which will be dedicated to Council at no cost) and will be maintained by the AJC for a period for 5 years as per an approved Vegetation Management Plan (VMP). This maintenance period will allow rehabilitated areas to establish and minimise Council maintenance obligations into the future.

#### *Flooding and Drainage*

The site is partially flood liable. The proposed rezoned area can be made flood free through appropriate flood mitigation measures such as filling and compensatory storage without adversely affecting flood behaviour in the area. These works would need to be proposed and addressed as part of a future DA on these sites.

#### *Traffic Generation*

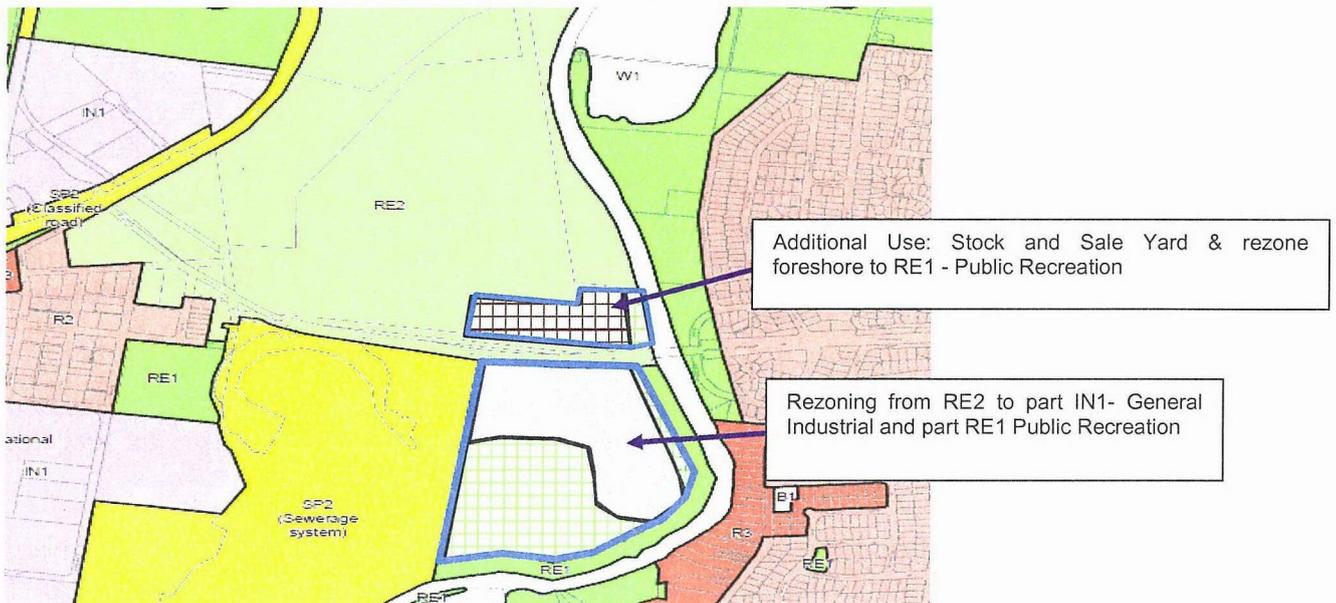
Governor Macquarie Drive currently has high traffic volumes during peak periods. Proposed road improvements including widening of Governor Macquarie Drive, upgrading the existing signalised intersection of Governor Macquarie Drive and the Hume Highway, upgrading the intersection of Governor Macquarie Drive and Munday Street will be required to facilitate development within the area.

As part of the VPA the developer will be required to upgrade Governor Macquarie Drive and undertaken infrastructure works.

### **Planning Proposal**

The Planning Proposal stipulates the intent, benefits and impacts of the LEP amendment as well as compliance with relevant State Government Growth Strategies, Ministerial Directions and State Environmental Planning Policies.

The Planning Proposal is considered by the Department of Planning through the Gateway Determination. If the determination is favourable, Council, at the direction of the Department undertakes government authority consultation and public exhibition. A copy of the Planning Proposal has been attached for reference (see attachment 1). The proposed zone changes are generally outlined in Figure 2.



**Figure 2 - Proposed Changes to the LLEP**

A future report considering the public exhibition and government consultation will be prepared for Council's consideration following the Department of Planning gateway determination.

### **Voluntary Planning Agreement**

To support their application to amend the LEP, the Australian Jockey Club has offered to enter into a Voluntary Planning Agreement. The Voluntary Planning Agreement is based on a Heads of Agreement which lists the items the owner/developer must provide as part of developing the subject lands (see Attachment 2). Generally, the list of items that will be provided by the developer are:

- Remediation and dedication to Council of designated land (land to zoned RE1).
- Management of the designated land for five years.
- Carrying out of works as per the Vegetation Management Plan.
- Traffic Improvements:
  - Governor Macquarie Drive to be widened to two lanes in each direction between Hume Highway and William Long Bridge. The new carriageway is to be located on the southern side of the existing carriageway including:
    - Lighting;
    - Kerb and guttering;
    - Median strip.
- AJC to undertake minor upgrade of Hume and Governor Macquarie Drive and dedicate land to the RTA for intersection upgrades of Hume Highway and Governor Macquarie Drive.
- Intersection upgrades of Governor Macquarie Drive and Munday Street.
- New intersection is to be constructed at the Coopers Paddock and Governor Macquarie Drive.
- New intersection is to be constructed at the Inglis entry at Governor Macquarie Drive.

Note that all works above will be subject to future Development Application and reporting and consideration.

## **Conclusion**

Following consideration of the reporting provided and the attributes of the sites, it is recommended that Council amend Schedule 1 of the Liverpool LEP 2008 to permit “stock and sale yards” as well as rezoning land from RE2 Private Recreation to RE1 Public Recreation for the Inglis site. It is also recommended that land south of Governor Macquarie Drive is rezoned from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.

It is also recommended that Council resolves to enter into a Voluntary Planning Agreement with the Australian Jockey Club which will deliver upgrades to infrastructure as well as remediation works as outlined in the Heads of Agreement above.

Further it is recommended that Council forward the Planning Proposal to the Department of Planning seeking Gateway Determination with a view to publicly exhibit the proposed amendment and draft VPA.

## **FINANCIAL IMPLICATIONS:**

The proposal to enter into a VPA with the landowner will secure the provision of appropriate infrastructure items by the developer. Adoption of the recommendations mentioned within this report does not lead to any budget impacts upon Council but secures appropriate works that will be delivered to facilitate and support the development.

## **RECOMMENDATION:**

That Council:

1. Proceeds with an amendment to the Liverpool Local Environmental Plan 2008 which;
  - a. amends Schedule 1 of the Liverpool LEP 2008 to permit “stock and sale yards” as well as rezoning land along the Georges River from RE2 Private Recreation to RE1 Public Recreation for the Inglis site;
  - b. rezones land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation.
2. Forwards the attached Planning Proposal to the Minister for Planning seeking Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. Enters into a Voluntary Planning Agreement requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).

**SIGNED BY:**

**Milan Marecic**  
Director  
City Strategy

**Attachment:** Attachment 1: Planning Proposal  
Attachment 2: Heads of Agreement  
Attachment 3: List of Directors

**Attachment 1:**

## Attachment 2:

## Part 1 - Monetary Contribution

Item No	Public Purpose	Amount	Time for Payment
1	Section 94 Contributions	Nil	Not applicable

## Part 2 - Works

Item No	Item of Work	Description	Time for Completion	Contribution Value	Amount Retained during Defects Liability Period
1	Remediation of the Designated Land (zoned RE1) as identified in <b>Annexure 1</b> - draft rezoning map	<p>Removal of any waste and subsequent fill (related to the removal of the waste) on designated land</p> <p>Prepare a Site Contamination Report for the Designated land and obtain the approval of Council for that plan.</p> <p>Removal or other appropriate management of site contamination as identified in the Site Contamination Report.</p>	Prior to the dedication of the Designated Land.		10%
2	Management of the Designated Land	<p>Prepare a Vegetation Management Plan (VMP) for the Designated Land and obtain the approval of Council for that plan.</p> <p>Carry out the program of works and maintenance as stipulated in the approved VMP. The VMP is to be agreed on prior to the rezoning.</p>	Prior to the dedication of the Designated Land.	\$5000.00	Not applicable

3	Carrying out of works as per Liverpool City Council's Offsetting Policy	In accordance with Liverpool City Council's Offsetting Policy the revegetation of 7.88 hectares of designated land shall be undertaken within the Coopers Paddock Site to the satisfaction of Council.	Prior to the issue of a subdivision certificate		
4	Traffic Improvements (In accordance with <b>Annexure 2</b> and road design plans to be approved by Liverpool City Council)	<p>a) Governor Macquarie Drive to be widened to two lanes in each direction between Hume Highway and William Long Bridge. The new carriageway is to be located on the southern side of the existing carriageway.</p> <p>b) Works to both carriageways of Governor Macquarie Drive are to include:</p> <ul style="list-style-type: none"> <li>- Lighting</li> <li>- Kerb and Guttering</li> <li>- Median strip</li> </ul> <p>c) AJC to dedicate land to the RTA for Intersection upgrades of Hume Highway – Governor Macquarie Drive</p> <p>d) Intersection upgrades of Governor Macquarie Drive and Munday Street.</p> <p>e) Subject to Council approval a new intersection is to be constructed at the Coopers Paddock and Governor Macquarie Drive</p> <p>f) Subject to Council approval a new intersection is to be constructed at the Inglis entry at Governor Macquarie Drive (subject to traffic report)</p>	Prior to the issue of a subdivision certificate for a plan that when registered would create the first (1 <sup>st</sup> ) Industrial Lot.		5%
5	Construction of bike/pedestrian paths (in accordance with <b>Annexure 2</b> )	a) Shared Paths are to have a minimum width of 2.5 metres located adjacent to Governor Macquarie Drive on the northern side of the existing carriageway, to run the length from the existing cycle path near the William Long Bridge to the Hume Highway. This	Prior to the issue of a subdivision certificate for a plan that when registered would create the first (1 <sup>st</sup> ) Industrial Lot.		10%

		<p>will be in accordance with the map.</p> <p>b) A Shared Path of a minimum width of 2.5m shall be constructed within the dedicated land along the foreshore and within the Coopers Paddock site as shown on the map.</p> <p>c) A shared path of a minimum of 2.5 metres shall be constructed from Munday Street to Warwick Farm Railway Station (<i>This is to replace the proposed bus shuttle</i>)</p>			
6	Flood Mitigation Works	Any cut and fill works on the Coopers Paddock, Munday Street site or the reconstruction of Governor Macquarie Drive are to ensure that there are no net adverse impacts on the adjacent sites, or impact on flood storage volume to Council's approval.	Prior to the issue of a construction certificate		5%
7	Road Governor Drive Reservation Macquarie	AJC will dedicate only necessary land along the Governor Macquarie Drive road reservation which will align with zoning boundaries. This will ensure that the future road carriage is with the road reservation owned by the Council	Prior to the issue of a subdivision certificate		Not applicable

### Part 3 - Designated Land

Public Purpose	Description of Designated Land	Time for dedication
Public recreation land	Part of the Developer's Land coloured green and identified as "RE1" on the plan attached to this agreement as on <b>Annexure 1</b> .	After the issue of the Subdivision Certificate and on registration of the Subdivision Plan.

**Attachment 3:**

Directors of the Australian Jockey Club

**MR RON FINEMORE (CHAIRMAN)**  
**MR JOHN CORNISH (VICE CHAIRMAN)**  
**MS JULIA RITCHIE**  
**MR RICHARD KELLY**  
**MR JOHN INGHAM**  
**MR THOMAS FORD**  
**MS SHARON SKEGGS**  
**MR JAMES MATHERS**  
**MR ALAN OSBURG**  
**MR WILLIAM SWEENEY**