

EGROW 04**Planning proposal request to rezone land and
amend development standards at 1400-1480
Elizabeth Drive, Cecil Park**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	140457.2020
Report By	Masud Hasan - Senior Strategic Planner
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO

EXECUTIVE SUMMARY

Council has received a planning proposal request (**Attachment 1**) from the landowner, Western Sydney Town Centre Pty Ltd, to rezone their site at 1400-1480 Elizabeth Drive, Cecil Park (Lot 1 to 9 DP 1054778) from RU4 Primary Production Small Lots to IN2 Light Industrial and to include a Floor Space Ratio (FSR) development standard of 1:1 and amend the current 10 ha minimum lot size development standard to 2,000m² to be consistent with other IN2 zones in Liverpool.

Following an assessment of the request, it is recommended that the planning proposal request be supported with an additional amendment to rezone part of the site subject to the proposed M12 motorway as SP2 Infrastructure.

The site is located at the intersection of Elizabeth Drive and Mamre Road and is easily accessible from the arterial road network and the M7 motorway. The proposed M12 motorway traverses through the middle of the site.

The planning assessment report presented to the Local Planning Panel is included in **Attachment 2**. The report outlines that the proposal has strategic and site-specific merit and recommends that a planning proposal be submitted to the Department of Planning, Industry & Environment (DPIE) for a Gateway determination.

Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 25 May 2020 in accordance with the *Local Planning Panel Direction – Planning Proposals* dated 23 February 2018. After considering the assessment report, the Panel provided their advice (**Attachment 3**) that the proposal has both strategic and site-specific merit and supported the proposal proceeding to a Gateway determination.

It is recommended that Council note the advice of the LPP, support in principle the planning proposal, and submit the proposal to DPIE seeking a Gateway determination and public exhibition.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request, with an amendment to also rezone part of the site subject to the proposed M12 motorway as SP2 Infrastructure;
3. Delegates to the CEO to prepare the formal planning proposal incorporating the above amendment in point 2 and any other typographical or other editing amendments if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
5. Subject to Gateway determination, undertake public exhibition and community consultation on the planning proposal in accordance with the conditions of the Gateway determination and Council's Community Participation Plan; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

Background

The background to the planning proposal is summarised as follows:

- In October 2010, Western Sydney Town Centre (WSTC), the owner of the site, approached DPIE and Council to discuss a proposal to develop warehouses, distribution facilities and a retail precinct on the site as a Major Project pursuant to (former) Part 3A of the *Environmental Planning and Assessment Act* (EP&A Act). Council advised WSTC that due to substantial exposure of the site to commuter traffic along Elizabeth Drive, a B6 Enterprise Corridor zone might be appropriate subject to an economic analysis and assessment of vehicular access. Further consideration was also recommended for rezoning the site to IN2 Light Industrial.

- In May 2011, WSTC submitted a report to Council and DPIE providing information in support of the potential rezoning of the site to B6 Enterprise Corridor.
- In July 2011, Council advised WSTC that the potential rezoning of the site to B6 Enterprise Corridor had merit due to its frontage to Elizabeth Drive and its connectivity to the urbanised areas of Liverpool and Fairfield. Council advised that an amended proposal should be considered reducing the area of B6 Enterprise Corridor zone with the remainder of the site zoned IN2 Light Industrial.
- In April 2014, the Australian Government confirmed that the site for the new Western Sydney Airport would be located at Badgerys Creek. A \$3.5 billion infrastructure plan was announced which included the construction of a new east- west motorway (the M12) between the M7 Motorway and The Northern Road connecting the new Western Sydney Airport.
- In June 2015, WSTC requested Council support the rezoning of the site to B6 Enterprise Corridor as a part of a partial precinct release of the Western Sydney Growth Centre under the Precinct Acceleration Protocol. In addition, the Community Update for the new M12 motorway was released, which indicated the future motorway could be located over the site.
- In August 2015, WSTC was advised that the site would be part of the investigation area for the future M12 motorway, however the location of the exact corridor was still being investigated. In addition, DPIE advised that given the site's proximity to the proposed Western Sydney Airport, the proposed M12 motorway and the strategic planning work that was being undertaken at that time, it would be premature to consider the early release of the site under the Precinct Acceleration Protocol.
- In October 2015, the designation of the Western Sydney Priority Growth Area was announced which included the subject site.
- On 23 August 2016, DPIE advised that it was unable to consider the proposal to release the site under the Precinct Acceleration Protocol.
- On 22 February 2018, the early design of the M12 motorway project was released which identified the proposed M12 motorway corridor through the site.
- In March 2018, the Greater Sydney Region Plan and Western City District Plan were released, which identified the subject site as an Urban Land Release.
- In August 2018, the draft Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan (WSA LUIP) was placed on public exhibition from August to November 2018 and identified part of the subject site within the LUIP area.

- On 14 February 2019, DPIE recommended WSTC engage with Council in relation to the proposed rezoning of the site and advised the rezoning of the land could be achieved through an amendment to the Liverpool Local Environmental Plan (LLEP 2008).
- In March 2019, WSTC submitted a planning proposal request to Council for the rezoning of the site from its current RU4 Primary Production Small Lots zone to IN2 Light Industrial zone with proposed floor space restrictions, through a site-specific provision to enable retail premises as an additional permitted use on the site.
- On 6 December 2019, the Western Sydney Aerotropolis Planning Package was placed on public exhibition. The draft Western Sydney Aerotropolis Plan (WSAP) excluded the site from the Aerotropolis planning area, enabling this planning proposal to proceed.
- In March 2020, WSTC submitted a revised planning proposal request to rezone the land from RU4 Primary Production Small Lots to IN2 Light Industrial. The revised planning proposal excluded the proposed site-specific provision within the LLEP for retail premises.

The Site and Locality

The site is located at 1400-1480 Elizabeth Drive Cecil Park (refer to Figure 1). The site is comprised of nine lots which are legally described as Lots 1 to 9 in DP 1054778. The lots with their respective land area are provided in Table 1.

Table 1 – Site description

Lot no.	Area
Lot 1	2.427 ha
Lot 2	2.148 ha
Lot 3	2.097 ha
Lot 4	2.109 ha
Lot 5	2 ha
Lot 6	2 ha
Lot 7	2.037 ha
Lot 8	2.035 ha
Lot 9	2.028 ha
Total	18.881 ha

The total land area within the subject site is 188,881m². The site benefits from three road frontages, being a 777 metre frontage to Elizabeth Drive to the north, a 737 metre frontage to Range Road to the south and a 391 metre frontage to Range Road to the east. It is noted that along the southern boundary, Range Road is a paper road only for part of the frontage.



Source: Google Earth

Figure 1: Aerial View of Subject Site (highlighted in red)

The site is located at the northern boundary of the Liverpool LGA, fronting Elizabeth Drive which represents the boundary between the Liverpool and Penrith LGAs. The Fairfield LGA encompasses land north of Elizabeth Drive and to the east of the intersection at Range Road.

The site is located 2.6km west from the junction of the M7 and Elizabeth Drive, 8km north of Leppington and 12 km north-west of the Liverpool city centre. The broader Western Sydney Employment Area (WSEA) is located north of the site and the intersection of Elizabeth Drive and Mamre Road is located to the north-west corner of the site.

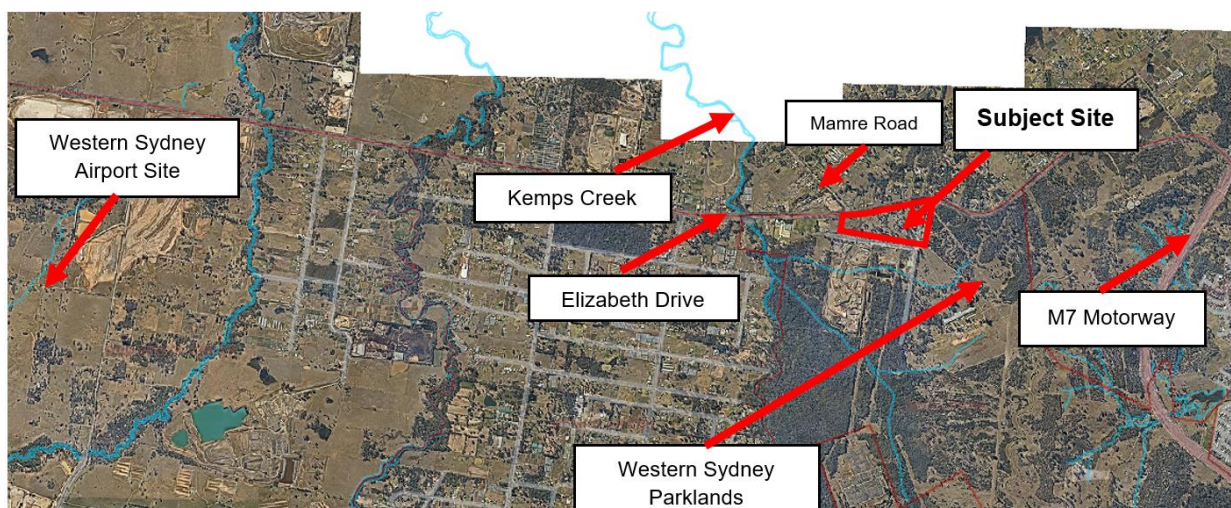


Figure 2: Locality Map

Existing land uses surrounding the site include:

- Kemps Creek Sporting and Bowling Club located to the immediate west of the site and shares a boundary with the subject site.
- An extractive industry, landfill and waste recycling operation, located to the south of the site.
- Western Sydney Parklands located to the east of the site.
- The Sydney International Shooting Centre located to the south-east of the site. The shooting centre is located within the Western Sydney Parklands.
- Land on the opposite side of Elizabeth Drive (to the north) is used for a mix of semi-rural agricultural uses and rural residential purposes and are located within Penrith and Fairfield LGAs.

The site is in an area which is undergoing transformation. Key influences on the area include the construction of the new Western Sydney Airport (WSA) at Badgerys Creek located approximately 5 km west of the site, and continued development of the broader Western Sydney Employment Area (WSEA). There is also the associated upgrading of supporting infrastructure including roads, rail and utility services. The proposed M12 motorway corridor runs through the subject site dividing it into two parcels of land.

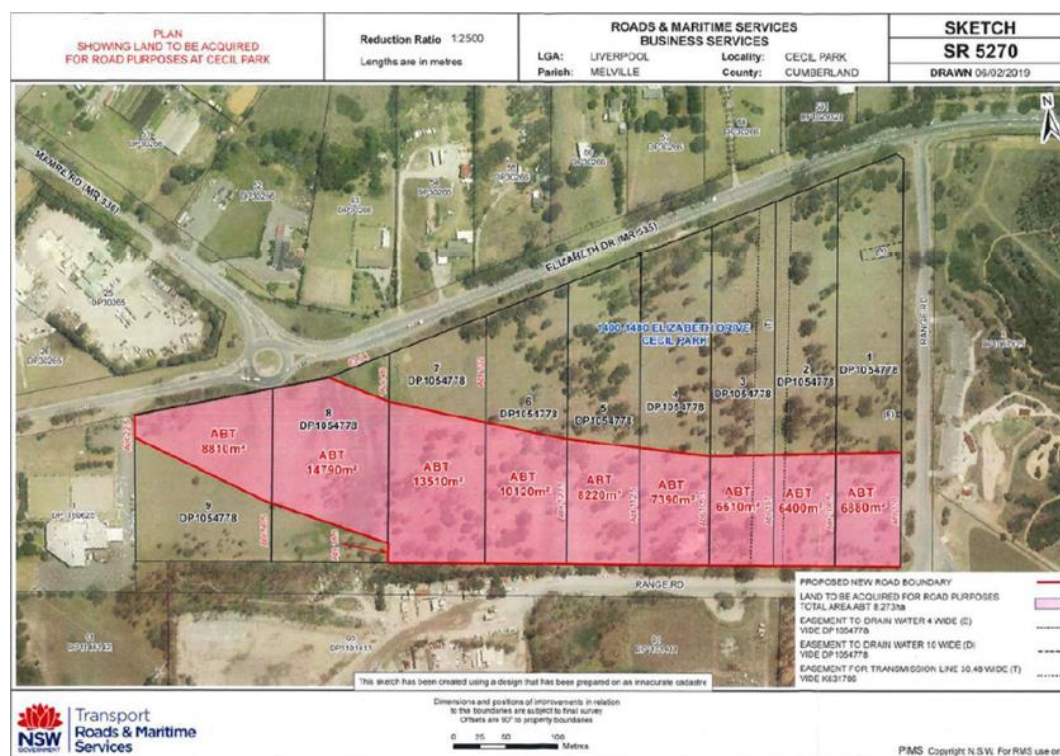


Figure 3: Proposed M12 Site Acquisition

Proposed Amendments to the Liverpool Local Environmental Plan 2008

The site is located within the Kemps Creek Precinct under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. Despite this, the site has not been subject to a precinct plan prepared by DPIE and as such, the land is not zoned, nor subject to development standards as prescribed under the SEPP; therefore, the provisions of the Liverpool Local Environmental Plan (LLEP 2008) apply to the site.

Under the LLEP 2008 the subject site is zoned RU4 Primary Production Small Lots. The planning proposal seeks to amend the LLEP 2008 to enable the development of the land for the purposes of light industrial uses. Currently, there is no Height of Buildings or Floor Space Ratio (FSR) development standards for the site in the LLEP. The planning proposal thus proposed an FSR control to be introduced for the site.

The planning proposal, incorporating the additional amendment referred to above, will amend the Liverpool Local Environmental Plan 2008 as follows:

- Rezone the site from RU4 Primary Production Small Lots to part IN2 Light Industrial and part SP2 Infrastructure;
- Establish a maximum permissible Floor Space Ratio development standard of 1:1.
- Amend the minimum lot size development standard from 10 ha to 2,000m² to be consistent with other IN2 zones in Liverpool.

The LLEP 2008 Land Zoning Map, Floor Space Ratio Map and Minimum Lot Size Map are proposed to be amended as follows:

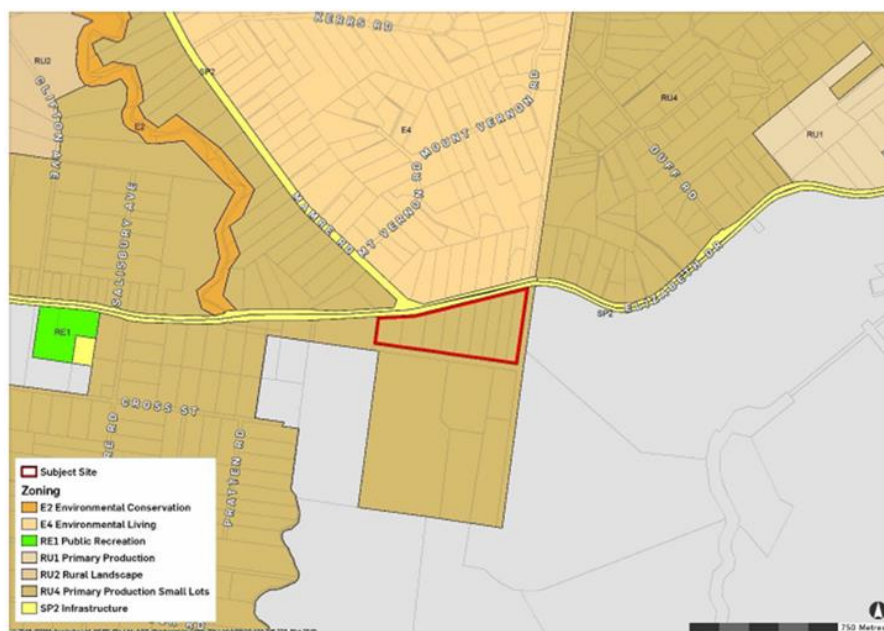


Figure 4: Existing Land Use Zoning map

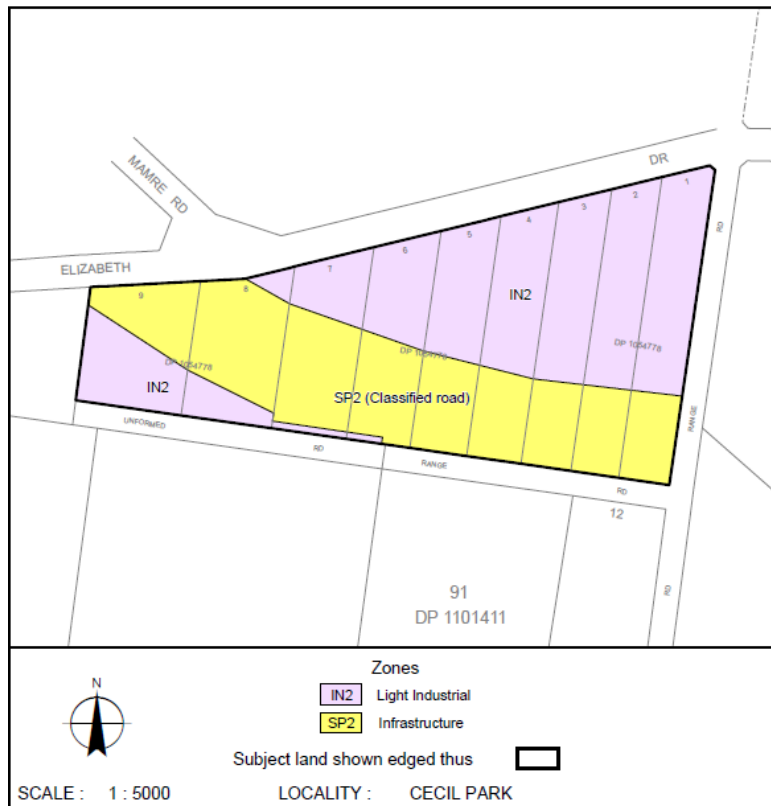


Figure 5: Proposed Land Use Zoning map

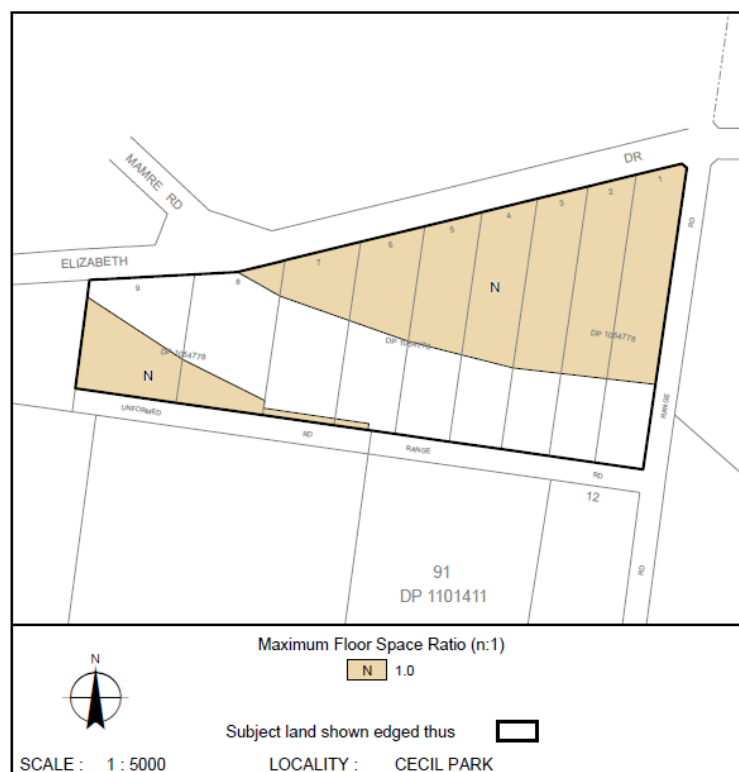


Figure 6: Proposed Floor Space Ratio map



Figure 7: Existing Minimum Lot Size Map

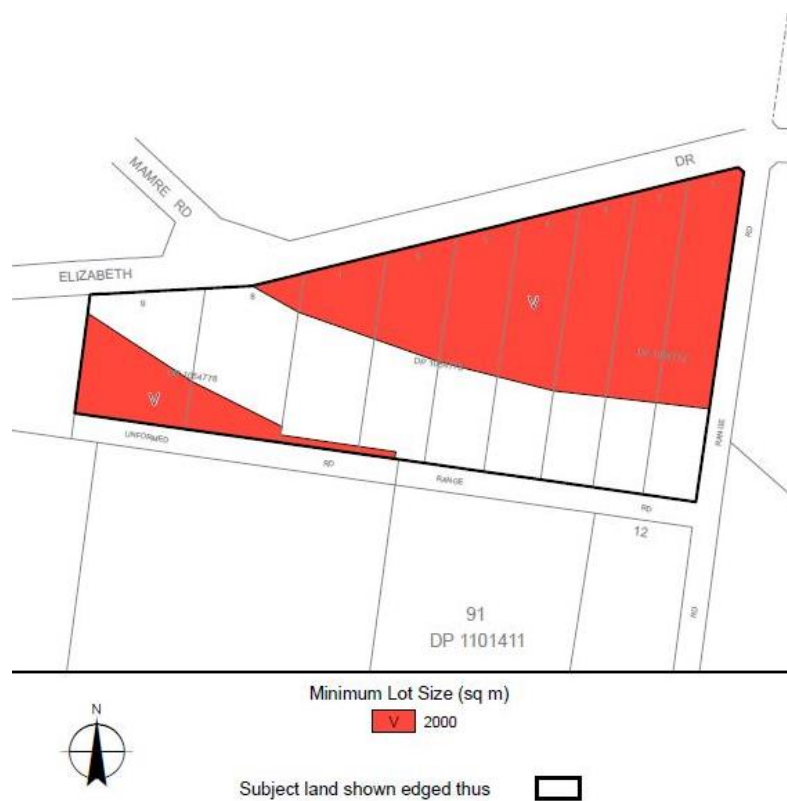


Figure 8: Proposed Minimum Lot Size Map

Advice of the Local Planning Panel

Pursuant to Clause 2.19(1)(b) of the Environmental Planning and Assessment Act 1979, a planning proposal must be submitted to the Local Planning Panel (LPP) for their advice prior to consideration by the Council. The Local Planning Panel considered the planning proposal at their meeting on 25 May 2020 and agreed that the proposal demonstrated strategic and site-specific merit and supported the planning proposal proceeding to a Gateway determination. The advice of the LPP is included in **Attachment 3**.

Consistency with Liverpool Local Strategic Planning Statement

All planning proposals must be consistent with Council's adopted Local Strategic Planning Statement (LSPS).

Local Planning Priority 12 is relevant to this planning proposal. It states that "*Industrial and employment lands meet Liverpool's future needs*". The Industrial Lands Studies identify a lack of zoned and serviced industrial land, requiring Council to investigate suitable areas in the LGA for additional industrial land. New industrial land around the Western Sydney International Airport will contribute to meeting demand in the medium to long term for larger industrial uses. However, there is a projected shortage of land zoned for local service-related industrial uses after 2026, particularly in the vicinity of established areas.

Action 12.3 of the LSPS states that Council will "*Investigate provision of new industrial land, including light industrial (IN2), between the airport and the CBD, including extension of industrial zoned land in Austral, to ensure ongoing supply (short to medium term)*".

The planning proposal is consistent with the relevant planning priority and actions of the LSPS as it proposes rezoning the site to enable the future development of additional industrial land.

Consultation

Consultation was undertaken with Council's internal departments including Council's City Economy, City Environment, Traffic and Transport, Floodplain and Water Management and Community Planning departments, with no objections raised.

Initial advice was sought from public authorities including RMS (TfNSW), Sydney Water, Jemena and Endeavour Energy. The public authorities did not raise any objections to the planning proposal. The Gateway determination will specify what formal consultation is required with State agencies.

Following receipt of a Gateway determination, community consultation will occur with a minimum exhibition period of 28 days.

Next Steps

If the planning proposal is supported by Council, the proposal will be submitted to DPIE seeking a Gateway determination. After any further technical studies are completed post Gateway, the planning proposal would then proceed to public authority consultation, followed by public exhibition.

Conclusion

The need for additional, suitably located light industrial land within Liverpool LGA is identified in both the Industrial Lands Strategy and the Liverpool Local Strategic Planning Statement. The planning proposal has both strategic and site-specific merit as it will assist in the provision of suitably zoned industrial lands to service Liverpool's growing population.

It is recommended that Council endorses the planning proposal to proceed to a Gateway determination. A further report will be provided following the public exhibition period detailing submissions received and any amendments proposed.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	Support the delivery of a range of transport options.
Social	There are no social and cultural considerations.
Civic Leadership	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision-making processes.
Legislative	Environmental Planning and Assessment Act 1979
Risk	The risk is deemed to be Low. If Council does not support the planning proposal request, there is a risk that the landowners will seek a review of Council's decision by the Sydney Western City Planning Panel.

ATTACHMENTS

1. Planning Proposal Request (Under separate cover)
2. Planning Assessment Report (Under separate cover)
3. Advice of Local Planning Panel (Under separate cover)

CITY ECONOMY AND GROWTH REPORT

Councillors voted unanimously for this motion.