

**LIVERPOOL CITY COUNCIL  
LOCAL PLANNING PANEL REPORT**

**11 March 2020**

<b>Item no</b>	(Leave blank)
<b>Application Number</b>	RZ-3/2019
<b>Proposal</b>	Planning proposal request to rezone land at 1400-1480 Elizabeth Drive, Cecil Park from RU4 – Primary Production Small Lots zone to IN2 – Light Industrial and establishing a maximum Floor Space Ratio of 1:1 under the Liverpool LEP 2008.
<b>Recommendation</b>	Proceed to Gateway determination
<b>Planning Officer</b>	Masud Hasan – Senior Strategic Planner

## **1. EXECUTIVE SUMMARY**

A planning proposal (RZ-3/2019) has been prepared seeking to rezone land and amend development standards at 1400-1480 Elizabeth Drive, Cecil Park (Lot 1 to 9 DP1054778).

The original planning proposal request was submitted to Council by the owner of the site, Western Sydney Town Centre (WSTC). The planning proposal seeks to rezone the site from its current RU4 Primary Production Small Lots zone to IN2 Light Industrial and the introduction of a maximum floor space ratio development standard of 1:1 and to rezone the future M12 corridor to SP2 Infrastructure.

The subject site is located at the intersection of Elizabeth Drive and Mamre Road. The proposed M12 motorway route runs through the middle of the site. The subject site is easily accessible from the arterial road network with connection to the motorway network available via Elizabeth Drive at the Wallgrove Road intersection. Proximity to arterial roads make the site accessible for industrial development without inducing heavy vehicular traffic in noise sensitive areas.

The location of the subject site close to the major arterial road network and its geographical proximity to the major regional centres including the under construction Western Sydney Airport, the Western Sydney Employment Area, and the demand for employment land emanating from Liverpool's established areas, provides further strategic justification to rezone the site to industrial.

Following an assessment of the planning proposal request by Council, it is considered that the proposal demonstrates strategic and site-specific merit. The planning proposal aligns with the key strategic directions and actions in the Sydney Region Plan, Western City District Plan and the Liverpool Local Strategic Planning Statement.

The planning proposal is referred to the Liverpool Local Planning Panel (LLPP) in accordance with cl.2.19 of the *Environmental Planning and Assessment Act 1979* for advice. It is recommended that the planning proposal proceeds to Gateway, following consideration by the elected Council.

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## 2. SITE AND LOCALITY DESCRIPTION

### The Site

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 DP1054778. 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
<b>Total</b>	<b>18.881 ha</b>

The total land area within the subject site is 18.881ha. The site benefits from three road frontages, being a 777 metre frontage onto Elizabeth Drive to the north, a 737 metre frontage onto Range Road to the south and a 304.8 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.



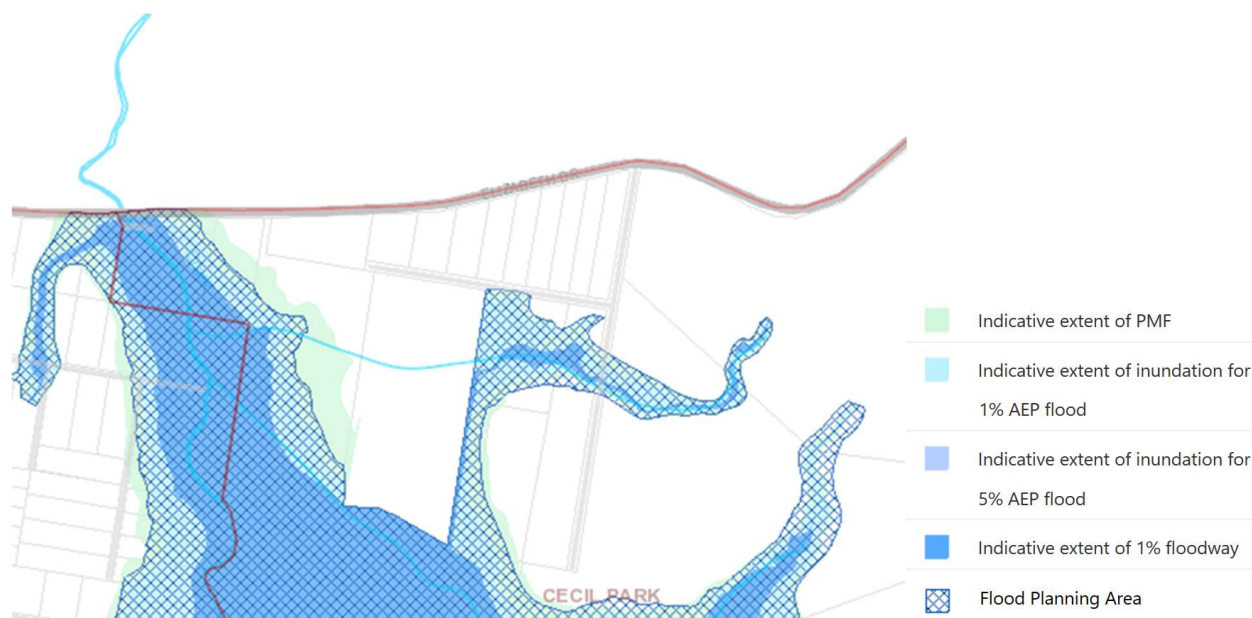
Source: Google Earth

Figure 1: Aerial View of Subject Site

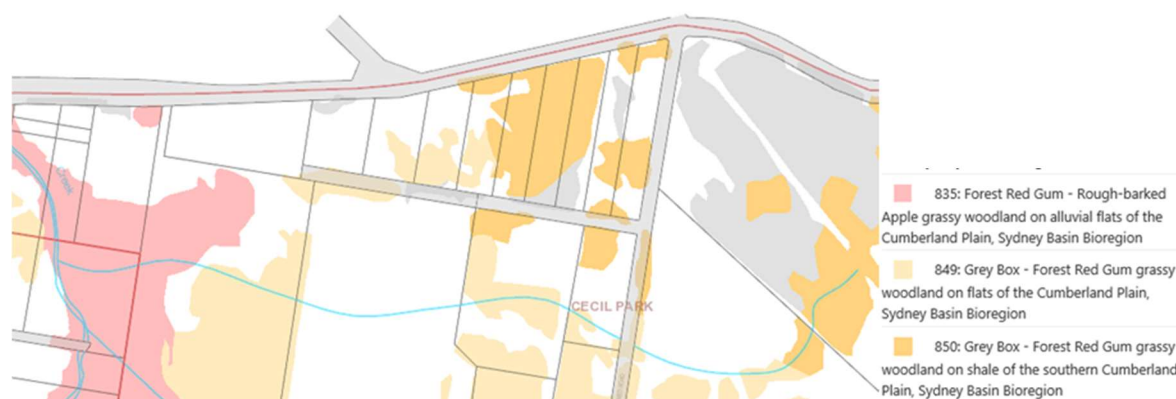
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The site is irregular in shape and has a cross fall from the north-east corner to the south-west corner. It is located on flood free land and Kemps Creek is located towards the west of the site. There are no watercourse or other natural water features on the site. An electricity easement to the benefit of Endeavour Energy traverses the eastern part of the site.



This subject site is largely undeveloped and contains scattered vegetation. It has been biodiversity certified under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)*. It is currently used for grazing purposes.



## The Locality

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 from Leppington and 12 km north-west from the Liverpool city centre. The Broader Western Sydney



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Employment Area (BWSEA) is located north of the site and the intersection of Elizabeth Drive and Mamre Road is located at the north-west corner of the site.

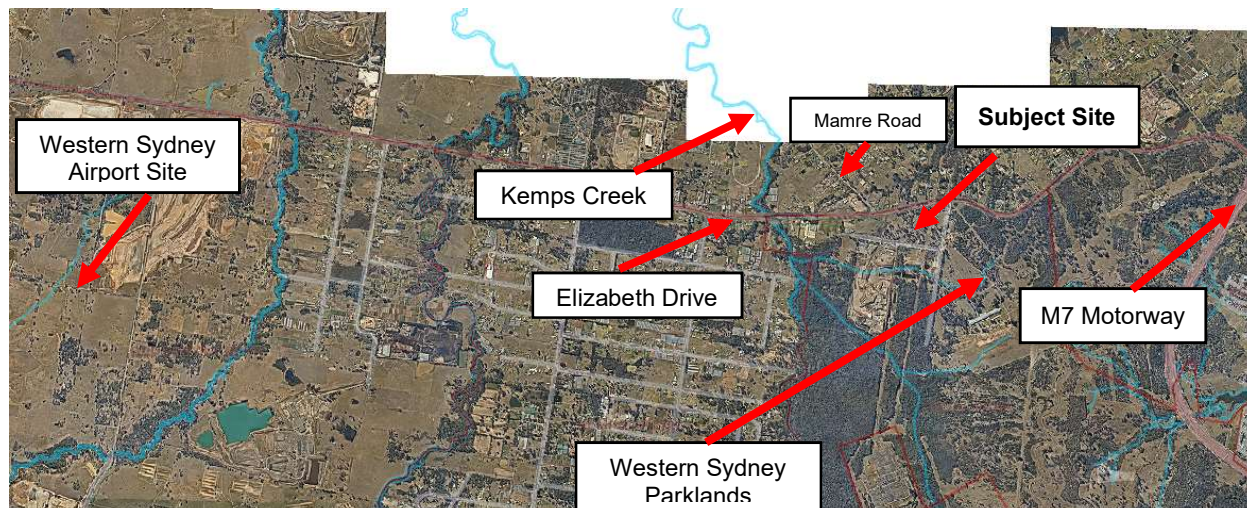


Figure 4: Locality Map

Existing land uses surrounding the site include the following –

- Kemps Creek Sporting and Bowling Club is located to the immediate west of the site and shares a boundary with the subject site.
- An extractive industry, landfill and waste recycling operation is located to the south of the site.
- Western Sydney Parklands is located to the east of the site.
- The Sydney International Shooting Centre is 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.

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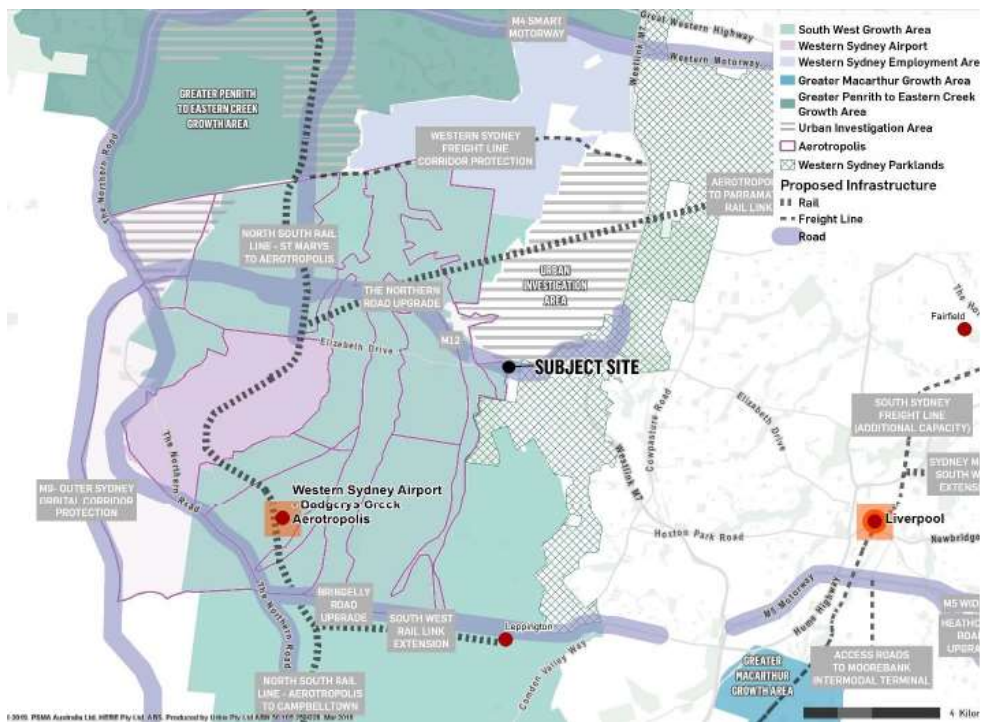


Figure 5: Major developments within the region

The site is in an area which is undergoing rapid urban 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 Western Sydney Employment Area. There are 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.

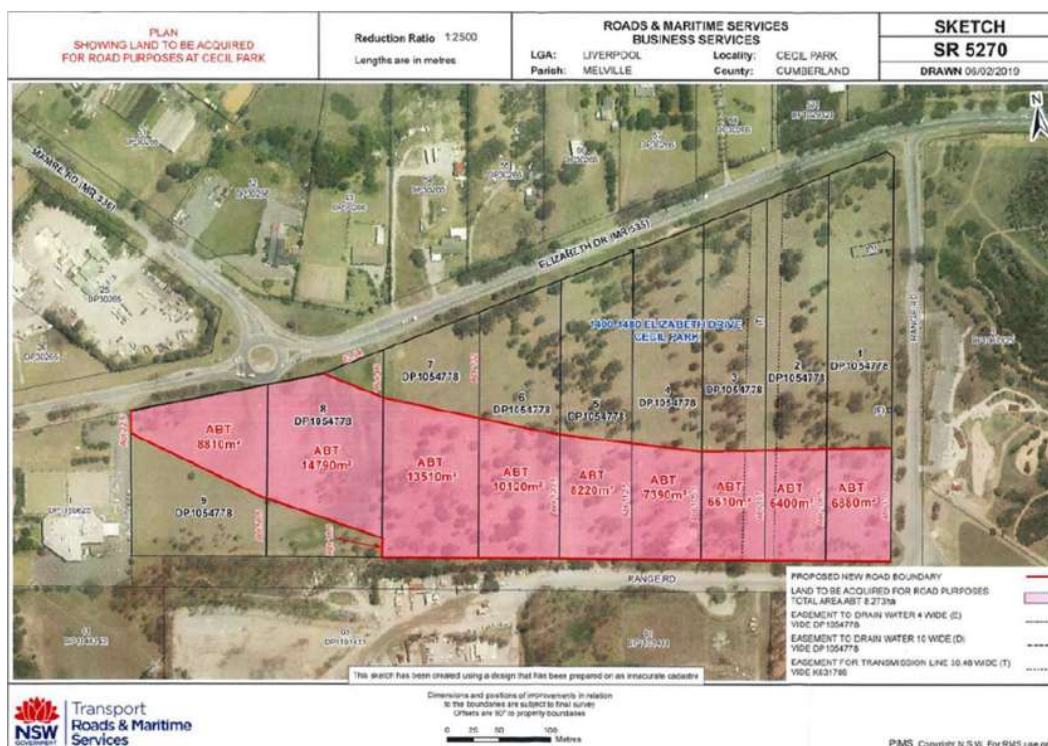


Figure 6: Proposed M12 Site Acquisition

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**3. BACKGROUND/HISTORY**

The background of the planning proposal is summarised as follows –

- In October 2010, Western Sydney Town Centre (WSTC), the owner of the site, approached the Department of Planning, Industry and Environment (DPIE) and Council with a proposal to develop warehouse, 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).
- In October 2010, 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 /egress. Further information to support the IN2 Light Industrial zone was also requested.
- 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, a major east-west arterial road within the region and its connectivity with the urbanised areas of Liverpool and Fairfield. Council advised that an amended proposal containing a reduced area of B6 Enterprise Corridor should be provided with the potential to consider the remainder of the site for an IN2 Light Industrial zone. A revised proposal was not lodged, and no further action occurred until June 2015.
- 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 to support the rezoning of the site to B6 Enterprise Corridor as a part of partial precinct release under the Precinct Acceleration Protocol.
- In July 2015, the Community Update for the new M12 motorway was released, which indicated the future motorway potentially 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.
- 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 showed the proposed M12 motorway corridor through the site.
- In March 2018, the Greater Sydney Regional Plan and Western City District Plan were released, which identified the subject site as Urban Land Release.

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- In August 2018, the draft Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan (WSA LUIIP) was on public exhibition from August to November 2018, which identified part of the subject site within the LUIIP 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 the 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 on public exhibition. The draft Western Sydney Airport Plan excluded the site from the Aerotropolis planning area.
- 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.

## 4. DETAILS OF THE PROPOSAL

The site is located within the Kemps Creek Precinct as per the *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. The provisions of the Liverpool Local Environmental Plan (LLEP 2008) therefore 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 light industrial uses. Currently, there is no Height of Buildings or Floor Space Ratio (FSR) controls for the site in the LLEP. The planning proposal thus proposed an FSR control be introduced for the site.

The planning proposal seeks to amend the Liverpool Local Environmental Plan 2008 in the following way -

- Rezone part of the land from RU4 – Primary Production Small Lots to IN2 – Light Industrial;
- Rezone part of the land from RU4 – Primary Production Small Lots to SP2 – Infrastructure;
- Establish a maximum permissible Floor Space Ratio of 1:1.

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



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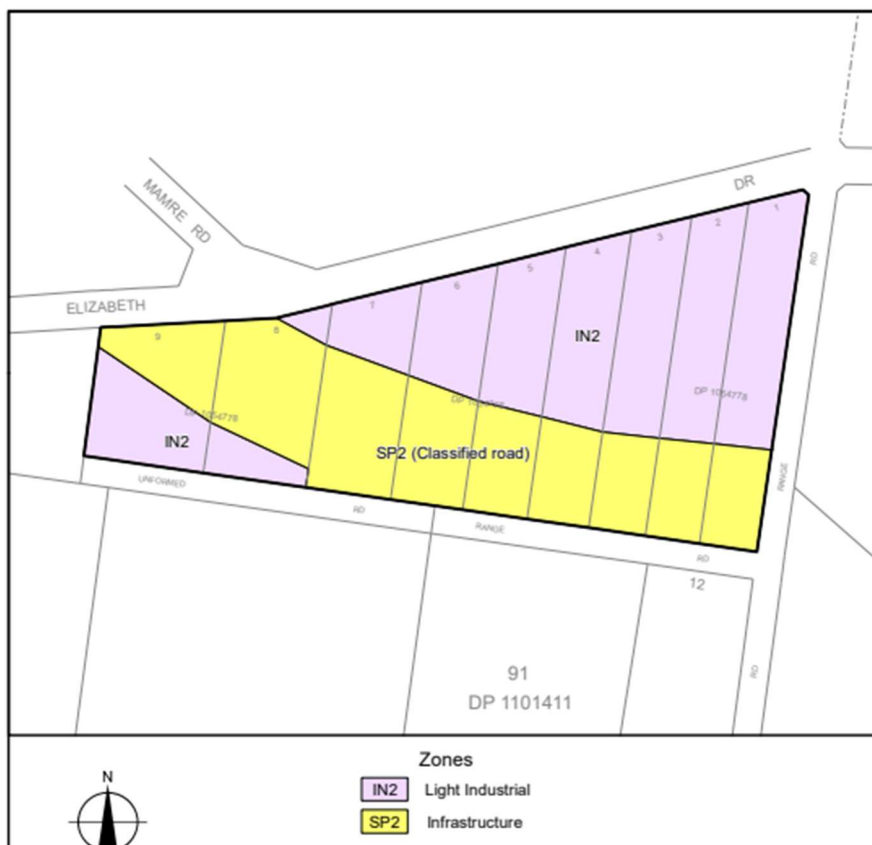
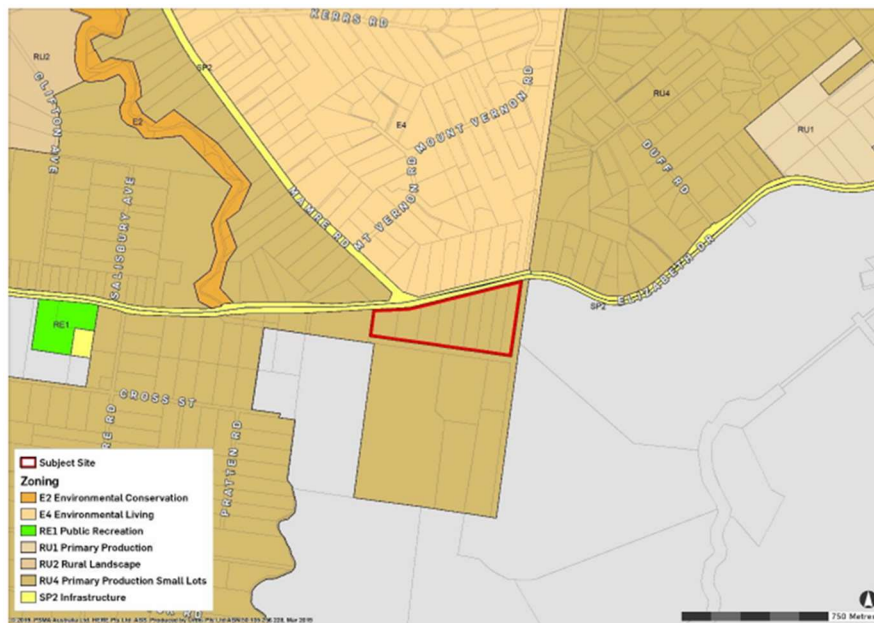






Figure 9: Proposed Floor Space Ratio map

## 5. CONSIDERATIONS FOR STRATEGIC MERIT

- The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal (Section A, Q1 and Q2).

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

Yes, the planning proposal is consistent with the Liverpool Local Strategic Planning Statement which identifies the site as a growth area (page 21 LSPS Structure Plan map) and Action 12.3 "Investigate the provision of new industrial land, including light industrial land (IN2) between the airport and CBD".

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

The subject land is currently zoned RU4 - Primary Production Small Lots. The primary purpose of the planning proposal is to allow light industrial uses on site providing additional lands for urban service type uses and jobs consistent with the LSPS.

An amendment to the current zone is needed to allow the industrial uses to be permitted on the site. Without rezoning the site, the uses proposed for the site will remain prohibited. It is also required to reflect the change in land use due to the future M12 corridor through the site.

A planning proposal is therefore the best means of achieving the objectives and intended outcomes.

- The Department's *A Guide to Preparing Planning Proposals* includes the following question to delineate consistency with the NSW strategic planning framework (Section B, Q3).

### 3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the Regional Plan and Western City District Plan

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## Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP)

The planning proposal is consistent with the GSRP, particularly *Objective 23: Industrial and urban services land is planned, retained and managed*. Objective 23 of the GSRP focuses on planning, retention and management of industrial and employment land and notes under the 'Plan and manage' approach that *in land release areas, there is a need for additional industrial and urban services land in response to long term projected population and development growth*. It is further noted that *the plan and manage approach applies across the South West and Western Sydney Airport Growth Areas*.

The rezoning of the land from RU4 to IN2 zone would help to facilitate industrial uses and contribute to improving the economic productivity within the Western City district. The proposal is consistent with this objective in that the proposal will enable uses consistent with the proposed economic vision for the broader Western Sydney Aerotropolis Growth Area and create suitable employment opportunities.

## Western City District Plan (WCDP)

Objective 23 of the GSRP is reiterated as Action 53 of the WCDP – *Plan and manage industrial and urban services land in line, with the principles for managing industrial and urban services land, in the identified local government areas by creating additional industrial and urban services land where required in land release areas to service the growing population*. The action is consistent with the planning proposal in that the proposal is planning to rezone the site to light industrial and creating and managing additional industrial land within the release areas of Liverpool LGA.

Planning priority W10 of the Western Sydney District Plan focuses on maximising freight and logistics opportunities and planning and managing industrial and urban services land within Western Sydney as these areas will be the major long-term industrial/employment land for Greater Sydney. The proposal is consistent with this priority as the site is suitably located close to the major transport networks such as the Elizabeth Drive, the M7 and future M12 Motorway and this will allow for maximising freight and logistics opportunities by creating suitable industrial and urban services land on the subject site.

- The Department's *A Guide to Preparing Planning Proposals* includes the following question (Section B, Q4)

*4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?*

## Our Home, Liverpool 2027 – Community Strategic Plan

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan (CSP) and provides strategic directions that have been identified by the community and the measures that will allow Council to determine progress towards achieving them. The four key directions are: creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration. The proposal aligns with the third direction (generating opportunity) which states:

*Liverpool Council will*

- *Attract businesses for economic growth and employment opportunities*
- *Create an attractive environment for investment*

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The proposal by creating industrial land on the subject site will promote opportunities for employment generating activities and investment in Liverpool LGA.

Connected Liverpool 2040 - Liverpool Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) is Council's long-term plan to shape Liverpool's future which will help guide the development of suburbs and balance the need for housing, jobs and services as well as parks, open spaces and the natural environment.

Local Planning Priority 12 under the Productivity goal of the LSPS include the planning priority as *'Industrial and employment lands meet Liverpool's future needs.'* As per the industrial land studies, conducted by Council, there is a lack of zoned and serviced industrial land, requiring Council to investigate suitable areas in the LGA. 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 included the action - *'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 planning priority of the LSPS and its associated Action 12.3 as it is rezoning the subject site from RU4- Primary Production Small Lot zone to IN2- Light Industrial zone, thus creating additional industrial lands and facilitating continuous supply of industrial and employment land. The proponent has also provided information which demonstrates that the servicing of the site is likely to be economically feasible. This will contribute towards meeting the current and future shortage of suitably zoned and serviced industrial lands within the LGA.

Section 9.1 Directions

The planning proposal has been assessed against relevant applicable directions, pursuant to Section 9.1 of the EP&A Act 1979. Full justification as to how the planning proposal is consistent with these directions is provided below –

Section 9.1 Direction	Consistency	Justification
<b>Employment and Resources</b>		
1.1 Business and industrial Zones	Consistent	<p>The site is presently zoned RU4 Primary Production Small Lots under the LLEP2008. The planning proposal seeks to rezone the land to IN2 Light Industrial.</p> <p>The proposal is consistent with the objectives of this direction in that the rezoning will encourage employment growth for the Liverpool LGA in a suitable location for industrial development with major transport linkages and minimal impacts on sensitive receptors.</p> <p>This will further contribute towards the planned productivity growth in the Western City District and Western Parkland City as</p>

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		envisaged in the Greater Sydney Regional Plan.
1.2 Rural Zone	Not inconsistent	<p>The planning proposal is not inconsistent with the direction. The site is currently zoned RU4 Primary Production Small Lots under the LLEP 2008 and the IN2 Light Industrial zone is sought.</p> <p>The site is located within the South West Growth Centre Boundary map under the <i>State Environmental Planning Policy (Sydney Region Growth Centres)</i> and one of the aims of the policy is to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Not inconsistent	<p>The planning proposal is not inconsistent with the direction. The land is mapped as 'future residential growth area' under the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>. Accordingly, the site has been identified for future urban development.</p> <p>The SEPP will continue to operate despite any uses that may or may not be permitted by the IN2 zone.</p>
<b>Environment and Heritage</b>		
2.1 Environment Protection Zone	Not inconsistent	<p>The proposal is not inconsistent with this direction as the site is biodiversity certified under the Order to Confer Biodiversity Certification on the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>.</p> <p>Critically endangered Cumberland Plain Woodland and threatened fauna species Cumberland Plain Land Snail were identified within the study area under the Biodiversity report prepared by Eco Logical Australia (refer to Appendix B) of the planning proposal. The biodiversity impact as a result of future development was assumed by the Biodiversity Certification Order and is offset via the Growth Centre Biodiversity Offset Program. The impact due to the rezoning of the site will not trigger entry into any Biodiversity Offset Scheme in accordance with the <i>Biodiversity Conservation Act 2016</i></p>



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		nor will it be considered a Controlled Action in accordance with the <i>Environment Protection and Biodiversity Conservation Act 1999</i> as the study area is wholly biodiversity certified.
2.3 Heritage Conservation	Consistent	The planning proposal is not inconsistent with the direction. The site is not located within any Heritage Conservation Area as per the LLEP 2008. The site is predominately used for grazing and no items of heritage significance were identified on site. A detailed heritage study to identify any indigenous heritage significance on site can be conducted at the DA stage.
<b>Housing, Infrastructure and Urban Development</b>		
3.4 Integrated Land Use and Transport	Not inconsistent	<p>The proposal is not inconsistent with this direction as the rezoning will facilitate predominately light industrial uses on site, which will provide more opportunities to support local jobs and services in the area.</p> <p>It is noted that the development of Western Sydney Aerotropolis will include new public transport facilities such as rail and bus service networks within the area. As a result, the future employees of the site can benefit from the public transport services offered in the broader region. At present, there is limited public transport available to service the site.</p> <p>The location of the site adjacent to the arterial road network, including the M7 motorway, Elizabeth Drive and the future M12 motorway supports the rezoning of the land to IN2 light industrial uses, allowing the efficient movement of freight and logistics from the site to the greater freight network.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The proposal is consistent with the objectives of the direction as rezoning of the site to IN2 Light Industrial zone will allow development for warehouses on the site which will not have any detrimental impacts to the efficient and safe operation of the airport by creating fumes or smoke and undesirable night time light emissions.</p> <p>The development on site will not be adversely affected by the noise and operation of the airport as it is located out of</p>

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		the ANEC/ANEF contours for the Western Sydney Airport and also out of the Obstacle Limitation Surface (OLS) chart for the future airport.
3.6 Shooting Ranges	Consistent	<p>The subject site is located adjacent to the Sydney International Shooting Centre located within the Western Sydney Parkland Trust (WSPT) land.</p> <p>The planning proposal is consistent with the direction as light industrial uses are not noise sensitive land uses and will not be adversely affected by the operation of the shooting range.</p>
<b>Hazards and Risk</b>		
4.4 Planning for Bushfire Protection	Not inconsistent	The site is mapped as containing Bushfire Prone Land under Council's bushfire prone land mapping. A Bushfire Impact Assessment report has been prepared by Eco Logical Australia (refer to Appendix C) to assess the impact of bushfire on the planning proposal and strategies have been developed to address the issue, making the planning proposal consistent with the objectives of the direction. A number of strategies, compliant with the requirements of NSW Fire Service <i>Planning for Bushfire Protection 2018</i> have been provided.
<b>Regional Planning</b>		
5.10 Implementation of Regional Plan	Consistent	The regional strategy in effect is the Western City District Plan. Consistency with this plan is demonstrated in Section 5 of this report.
<b>Local Plan Making</b>		
6.1 Approval and Referral Requirements	Consistent	The planning proposal does not contain provisions requiring additional concurrence, consultation or referral to a Minister or public authority.
6.2 Reserving Land for Public Purposes	Consistent	The future M12 motorway corridor runs through the middle of the subject site. The planning proposal has proposed to rezone the future M12 corridor as SP2 Infrastructure zone to facilitate the protection of this important corridor.
<b>Metropolitan Planning</b>		

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7.1 Implementation of A Plan for Growing Sydney	Consistent	Consistency with Greater Sydney Region Plan - A Metropolis of Three Cities is demonstrated in Section 5 of this report.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Consistent	The site is excluded from the second stage of the Interim Land Use and Infrastructure Implementation Plan i.e. the draft Western Sydney Aerotropolis Plan. It is also located out of the ANEC/ANEF contours for the Western Sydney Airport and also out of the Obstacle Limitation Surface (OLS) chart.

## Liverpool Local Environmental Plan (LLEP) 2008

The subject site is zoned RU4 – Primary Production Small Lots in accordance with the zoning map of the LLEP 2008 (refer to Figure 10).

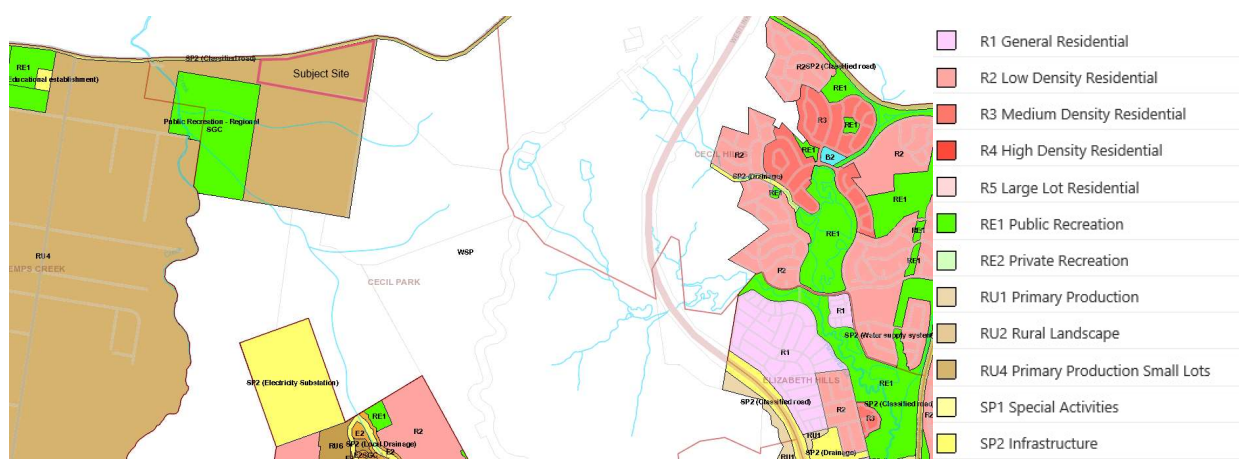


Figure 10: Existing land use zoning in the LLEP 2008

The objectives of the RU4 - Primary Production Small Lots zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The RU4 zone facilitates land uses related to primary and rural industries. The planning proposal is inconsistent with the RU4 zone with regards to the future intended uses of the site.

The objectives of IN2 Light Industrial zone are:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*

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- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity*

The intended future development (warehouses etc.) for the site is consistent with the objective of the IN2 Light Industrial zone and it is aligned with the aim and objectives for this area in the Regional and District Plan and the LSPS.

The objectives of SP2 Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To reserve land for the provision of infrastructure.*

The future land use change on site due to the proposed M12 Corridor is properly reflected by the proposed SP2 Infrastructure zone.

## **6. CONSIDERATIONS FOR SITE SPECIFIC MERIT**

- The Department's *A guide to preparing planning proposals* includes the following site-specific merit questions (Section B, Q3b).

*Does the proposal have site-specific merit, having regard to the following:*

- *the natural environment (including known significant environmental values, resources or hazards) and*

Yes. All environmental effects related to the planning proposal have been considered in the accompanying Biodiversity report in Appendix B prepared by Eco Logical. The report provides an the assessment of the proposal on the natural environment including critical habitat or threatened species, ecological communities and their habitats.

The site is biodiversity certified under the Order to Confer Biodiversity Certification on the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The biodiversity impact as a result of future development was assumed by the Biodiversity Certification Order and is offset via the Growth Centre Biodiversity Offset Program. The impact will not trigger entry into any Biodiversity Offset Scheme in accordance with the *Biodiversity Conservation Act 2016* nor will it be considered a Controlled Action in accordance with *Environment Protection and Biodiversity Conservation Act 1999* as the study area is wholly biodiversity certified.

The site is also identified as bushfire prone land. The impact of bushfire hazards that are expected to affect any future development on site has been assessed in the Bushfire report (Appendix C) prepared for the planning proposal. The report provided strategies to mitigate any bushfire risk for the site. There are no other natural environmental factors identified that would inhibit the rezoning of the site or, future development of the site in accordance with the rezoning.



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- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*

Yes. The planning proposal has been informed by the Greater Sydney Regional Plan and the Western City District Plan having regard to the development directions included for the Western Parkland City and Western City District. Furthermore, the future land uses of the site have been informed by the future vision set for the WSA Aerotropolis in the WSA LUIP and the LSPS.

The subject site is located in a strategic location close to the M7 motorway and approximately 8 kilometres from the centre of the future Western Sydney Aerotropolis. The site has the potential to be developed to complement the future land uses of the Aerotropolis and the Western Sydney Employment Area. This site would also take advantage of its proximity to the motorway network and existing industrial land demand emanating from local services in the Liverpool region. The proximity of arterial roads, the M12, and the shooting range near the site would make the land less suited to noise and amenity sensitive development if it were to urbanise. These factors indicate that an industrial zone reflects an appropriate use of the land.

- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Yes. The site is currently located in a predominantly rural setting and zoned as RU4 Primary Production Small Lots. The site will require servicing by utilities and services to develop the site for industrial uses. Existing infrastructure in the area can be augmented as necessary and new infrastructure can be planned and provided to accommodate the need of the future intended development.

An assessment of the utilities and services at the location has been undertaken in the accompanying Servicing and Utility Report in Appendix D. This report identified the infrastructure demand and the provision of infrastructure to service the site for the intended future development.

- The Department's A guide to preparing planning proposals includes the following questions regarding State Environmental Planning Policies (Section B, Q5).

*5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal complies with or is not inconsistent with any SEPPs that apply to the land. A review of the relevant SEPPs is provided below.

<b>Policy</b>	<b>Comments</b>
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	<p>The site is located within the South West Growth Centre. Despite being located within the Growth Centres, the site is still subject to the controls of Liverpool Local Environmental Plan 2008 (LLEP). This is because Appendix 8 – Liverpool Growth Centre Precinct Plan of the SEPP does not currently apply to the subject site as it is not identified in the Land Application Map.</p> <p>The planning proposal is consistent with the aim of the SEPP which is to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre. The proposed industrial zone and associated development on the site will support to achieve this aim of the policy.</p>

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State Environmental Planning Policy No 55 - Remediation of Land	<p>A Stage 1 Contamination Assessment was carried out as part of the studies undertaken for the site - refer to Appendix E. The report concludes that widespread contamination within the site is not present, however it notes some isolated areas of environmental concerns (AECs). The AECs include:</p> <ul style="list-style-type: none"> <li>• Potential for some previous pesticide use</li> <li>• Soil impacted by former storage of vehicles and other unknown materials</li> <li>• Fill materials of unknown origin.</li> </ul> <p>These AECs can be further addressed, and mitigation measures implemented for any future development, as part of a Stage 2 assessment undertaken at DA stage in accordance with the provisions of Clause 7 of the SEPP.</p>
State Environmental Planning Policy (Infrastructure) 2007	<p>The SEPP provides for certain proposals, known as Traffic Generating Development, to be referred to Transport for New South Wales (TfNSW) for concurrence. The traffic report prepared by McLaren Traffic Engineering accompanying the planning proposal (Appendix F) states – <i>“If the planning proposal were approved, the subsequent development application for the master plan would qualify as a development with relevant size and/or capacity under clause 104 of the SEPP (Infrastructure) 2007. Additionally, the development fronts a State Classified Main Road (Elizabeth Drive) and proposes direct access to this road. Accordingly, formal referral to the Roads and Maritime Services (RMS) is necessary.”</i> Therefore, if the proposal be supported by Gateway, the referral would be initiated at that stage.</p>
State Environmental Planning Policy (Koala Habitat Protection) 2019	<p>The site is located within a Local Government Area (LGA) to which the Koala Habitat Protection SEPP applies. However, as the whole site is biodiversity certified, it is assumed that any impact on biodiversity, including koala habitat, is not required on biodiversity certified land in accordance with Section 8.4(2) of the <i>Biodiversity and Conservation Act 2016</i>. A Koala Management Plan due to future removal of the on-site vegetation will be prepared at the DA stage if needed.</p>
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	<p>The land is mapped as ‘future residential growth area’ under the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>. Accordingly, the site has been identified as a future urban area.</p> <p>The industrial land use zone will not preclude activities permitted as per the SEPP.</p>

- The Department’s *A guide to preparing planning proposals* (Section B) includes the following questions for consideration:

Question	Comment
7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will	An assessment of the proposal and its impact on the critical habitats, threatened species or ecological communities located on site or immediate surrounding has been considered in the Biodiversity

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<p>be adversely affected as a result of the proposal?</p>	<p>Report prepared by Eco Logical Australia and accompanying in Appendix B of this report.</p> <p>The site is biodiversity certified under the Order to Confer Biodiversity Certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Under the Biodiversity Report impacts were noted on the critically endangered Cumberland Plain Woodland and the Cumberland Plain Land Snail within the study area. The biodiversity impact as a result of future development was assumed by the Biodiversity Certification Order and is offset via the Growth Centre Biodiversity Offset Program. The impact will not trigger entry into any Biodiversity Offset Scheme in accordance with the Biodiversity Conservation Act 2016 nor will it be considered a Controlled Action in accordance with Environment Protection and Biodiversity Conservation Act 1999 as the study area is wholly biodiversity certified.</p>
<p>8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p>	<p>The site is identified as Bushfire Prone Land under Council's bushfire prone land mapping. A Bushfire Impact Assessment report has been prepared by Eco Logical Australia (refer to Appendix C) to assess the impact of bushfire on the planning proposal and strategies have been proposed to address the issue</p> <p>Bushfire hazard has been assessed across the subject site and found to be acceptable based on the ability to provide an APZ within the subject site. On the basis of this assessment, an indicative APZ has been mapped across the site. A number of strategies, compliant with the requirements of NSW Fire Service <i>Planning for Bushfire Protection 2018</i> have been provided</p> <p>There are noise sensitive developments in the vicinity of the proposed site, including several rural residential developments on the northern side of Elizabeth Drive. A noise impact study investigating the noise impacts on the residential uses can be prepared for each DA to ameliorate noise impacts on sensitive receivers.</p>
<p>9. Has the planning proposal adequately addressed any social and economic effects?</p>	<p>The planning proposal is expected to result in positive social and economic impacts by enabling the land to sustain industrial employment.</p> <p>The land uses permitted under the proposed zone will create job opportunities and will positively contribute to the economy of the local area. The proposal will complement the future land uses of the Aerotropolis and the Western Sydney Employment Area. This site would also take advantage of its proximity to the</p>

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	<p>existing motorway network and existing industrial land demand emanating from local services in Liverpool LGA.</p> <p>Social Impact Comments (Appendix G) have been prepared to review the possible social impacts of the proposal on the area. This has identified no detrimental impact to the local community from the proposal. Further, the resulting job opportunities will provide positive economic effects to the local community.</p>
10. Is there adequate public infrastructure for the planning proposal?	<p>The site is presently used for rural purposes and not serviced by all necessary urban utility infrastructure. As part of the proposal it is intended that utilities and infrastructure are to be augmented to accommodate the needs of the future development.</p> <p>The site is currently serviced by limited bus services between Badgerys Creek and the Liverpool city centre. It is anticipated that these bus services will be improved, due to the development of Western Sydney Airport, and the Aerotropolis.</p> <p>The site will take advantage of its strategic location close to the M7 motorway, Elizabeth Drive and the future M12 motorway corridor. This will provide connectivity to other road networks.</p>
11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	<p>The views of State and Commonwealth public authorities will be considered following a Gateway determination. The following government agencies, or utility owners, have been identified as potentially interested parties for reasons given below:</p> <ul style="list-style-type: none"> <li>• NSW Department of Primary Industries: Impact on agricultural and grazing land.</li> <li>• Transport for New South Wales (TfNSW): The subject site is adjacent to Elizabeth Drive, which is a classified road. Part of the site is also identified as within the future M12 motorway corridor.</li> <li>• Rural Fire Service: The subject site contains bushfire prone lands.</li> <li>• Sydney Water: the site is currently used for rural uses and will require water and sewer services to be developed and connected with the reticulated water and sewer services.</li> </ul>



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	<ul style="list-style-type: none"><li>• Endeavour Energy: An easement for a transmission line runs through the subject site;</li><li>• NSW Department of Planning, Industry and Environment (Environment, Energy and Science Group): The site is fully biodiversity certified. However, development may impact upon flora and fauna.</li></ul>
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### **Next Steps**

Following the Panel's consideration, changes may be made to the planning proposal. The proposal would then be reported to Council for endorsement and subsequently forwarded to the Department of Planning, Industry and Environment seeking a Gateway determination.

Following a Gateway Determination in support of the planning proposal, there will be public authority and community consultation, a public exhibition period and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008.

## **7. CONCLUSION**

The planning proposal has been prepared to facilitate the proposed rezoning of the land located at Cecil Park. Council considers the planning proposal has strategic and site-specific merit, and complies with the broader planning framework, including the metropolitan plan, district plan, community strategic plan, LSPS, Ministerial Directions and relevant SEPPs. The planning proposal aims to promote positive social, environmental and economic outcomes.

The above discussions of strategic and site merit are presented to the Panel for consideration and advice.

## **8. RECOMMENDATION**

That the planning proposal is supported and be presented to Council at the next available meeting seeking a Gateway determination.

## **9. ATTACHMENTS**

- A. Planning Proposal
- B. Biodiversity Report
- C. Bushfire Impact Assessment report
- D. Servicing and Utility Report
- E. Stage 1 Contamination Assessment Report
- F. Traffic Report
- G. Social Impact Comments
- H. Economic Impact Assessment