

Planning Proposal

1400-1480 Elizabeth Drive, Cecil Park

Draft Amendment 83 to Liverpool Local Environmental Plan 2008 to rezone and amend development standards for land located at 1400-1480 Elizabeth Drive, Cecil Park

16 July 2020

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Foreword

This report has been based on a Planning Proposal Report that was prepared by Urbis on behalf of Western Sydney Town Centre Pty Ltd (the Proponent) to initiate an amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008).

The planning proposal application was received by Liverpool City Council (LCC) on 22 March 2019. Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 25 May 2020. After considering the assessment report, the LPP provided their advice, that the proposal has both strategic and site-specific merit, and supported the planning proposal proceeding to a Gateway determination. The planning proposal was then considered at Council's Ordinary Meeting on 24 June 2020 where it received in principle support to be forwarded to the Department of Planning, Industry and Environment seeking a Gateway determination.

It should be noted that some additional changes have been made from the Urbis report. This is to reflect the land use changes of part of the site due to the proposed M12 motorway corridor and to amend the minimum lot size development standard from 10ha to 2,000m², to be consistent with minimum lot size control in other IN2 Light Industrial zones in Liverpool.

Introduction

A planning proposal was received 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). The planning proposal, prepared by Urbis on behalf of the landowner, sought to allow a range of light industrial and retail land uses on the site bound by a maximum floor space. To achieve this objective, it was proposed to rezone the land from RU4 Primary Production Small Lots to IN2 Light Industrial and to introduce an additional permitted use for retail premises on the site, with a floor space restriction so that the maximum retail floor space should not exceed 30% of total floor area of all developments on the site. It was further proposed to amend the associated development standards of the site to facilitate the proposed development.

Following an assessment of the request, it was recommended that the planning proposal should include an additional amendment to rezone part of the site subject to the proposed M12 motorway as SP2 Infrastructure. The proposed site-specific provision under the LLEP to enable retail premises on the site was later omitted in the revised planning proposal by the applicant.

The planning proposal thus proposes to amend the Liverpool Local Environmental Plan (LLEP) 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;
- Amend the minimum lot size development standard from 10ha to 2,000m².

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 site is easily accessible from arterial roads with connection to the motorway network available via Elizabeth Drive at the Wallgrove Road intersection. This has made the site accessible for industrial development without inducing heavy vehicular traffic in noise sensitive areas.

The location of the subject site close to major transport arterials, its geographical proximity to the major regional projects such as, the Western Sydney Airport and the Western Sydney Employment Area, has provided strategic justification for industrial uses on the site. Further, the demand for employment land emanating from Liverpool's established areas, as identified in Council's employment lands strategy, is believed to demonstrate strategic merit for the proposed industrial uses.

Background

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 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 the commuter traffic along Elizabeth Drive, a B6 Enterprise Corridor zone might be appropriate subject to an economic analysis and assessment of vehicular access /egress. Undertaking further assessment was also advised to rezone the site to IN2 Light Industrial.
- In May 2011, WSTC submitted a report to Council and the DPIE providing information in support of the potential rezoning of the site to B6 Enterprise Corridor zone.
- 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 an amended proposal stipulating reduced B6 Enterprise Corridor zone with the potential to consider the remainder of the site for an IN2 Light Industrial zoning.
- 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.
- In August 2018, the draft Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan (WSA LUIP) was on public exhibition from August to November 2018, which identified part of the subject site within the LUIP area.
- On 14 February 2019, DPIE recommended WSTC to 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 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 to rezone the land from RU4 Primary Production Small Lots to IN2 Light Industrial. The proposed site-specific provision under the LLEP to enable retail premises on the site was excluded in the revised planning proposal.
- In May 2020, following an assessment of the request, it was recommended by Council that the planning proposal should include an additional amendment to rezone part of the site subject to the proposed M12 motorway as SP2 Infrastructure. The proposed provision was included in the planning proposal.

Report Structure

This Planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act with consideration of DPIE's (formerly DPE's) 'A Guide to Preparing Planning Proposals' (December 2018). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework
- Part 1 – A Statement of the Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project timeline

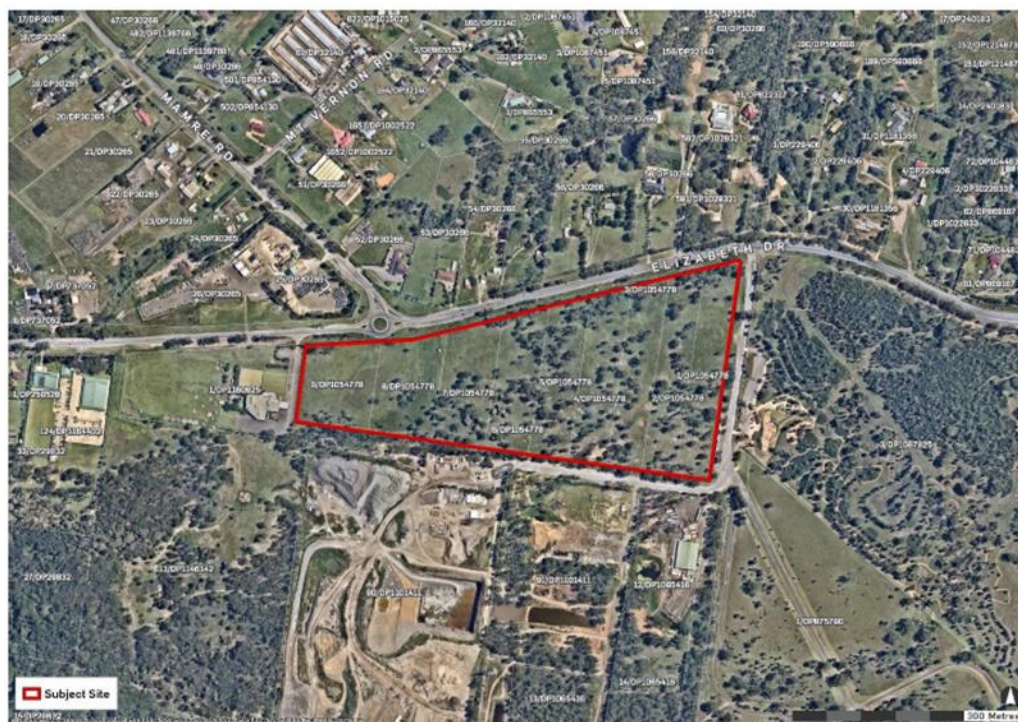
Site Description

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
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 onto Elizabeth Drive to the North, a 737-metre frontage onto Range Road to the south and a 397.33-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 (refer to *Figure 1*).



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

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.
- 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. (Refer to *Figure 2*)

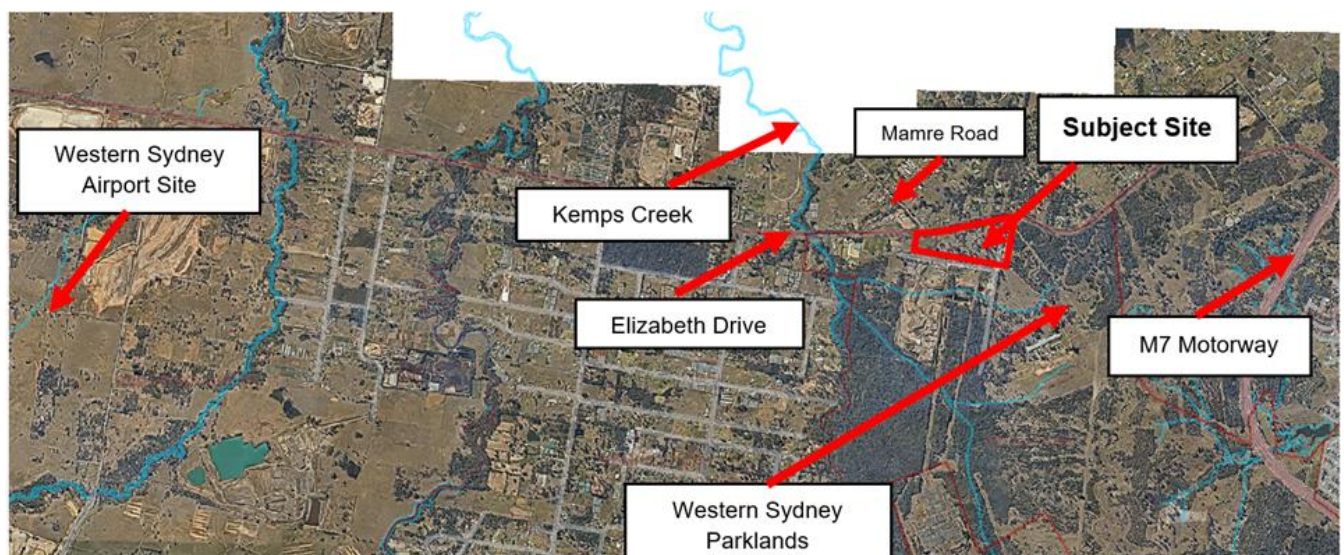


Figure 2: Locality map

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 BWSEA. There is also the associated upgrading of supporting infrastructure including roads, rail and utility services (refer to *Figure 3*).

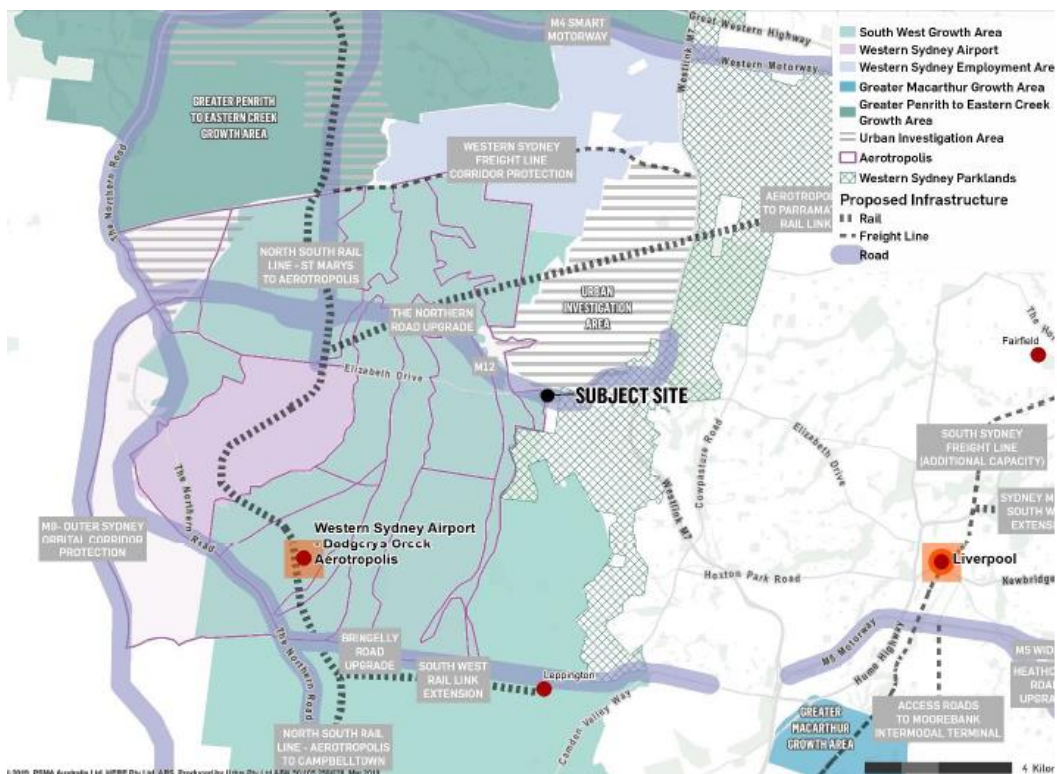


Figure 3: Major developments within the region (source: Planning Proposal report by Urbis, dated 21 February 2020, page 7)

The proposed M12 motorway corridor runs through the subject site dividing it into two parcels of land (refer to Figure 4).

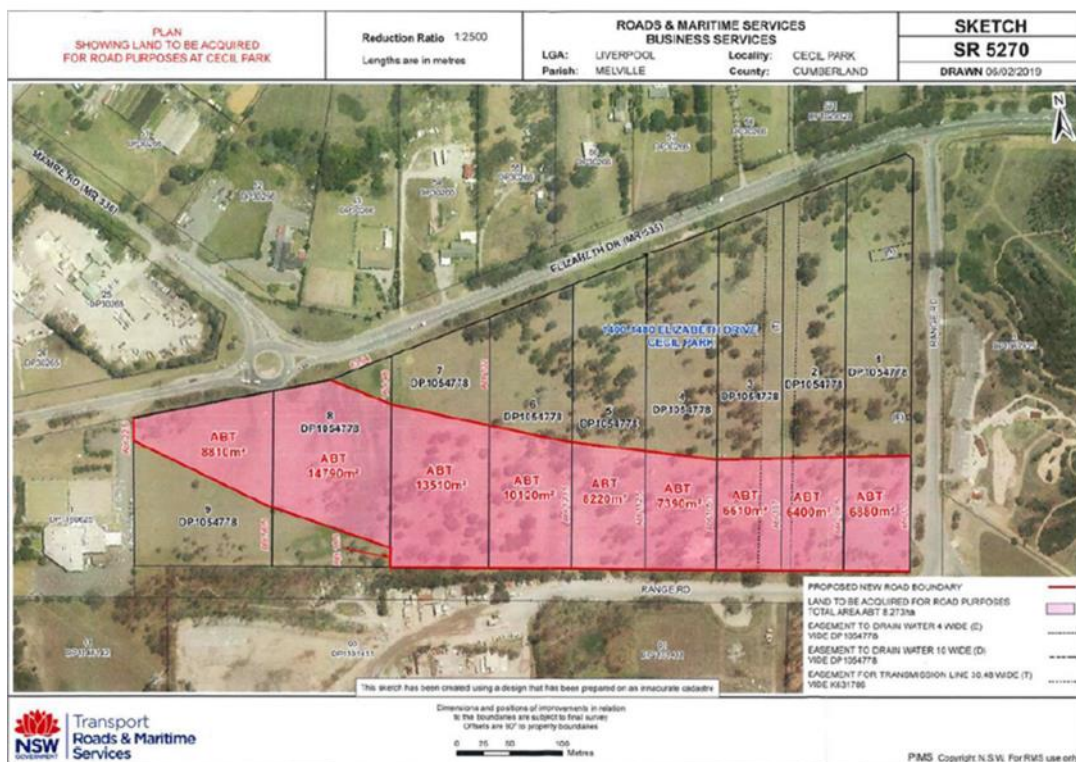


Figure 4: Proposed M12 site acquisition

Statutory Planning Framework

Liverpool Local Environmental Plan 2008

The subject site is zoned RU4 – Primary Production Small Lot in accordance with the zoning map of the LLEP 2008 (refer to *Figure 5*).

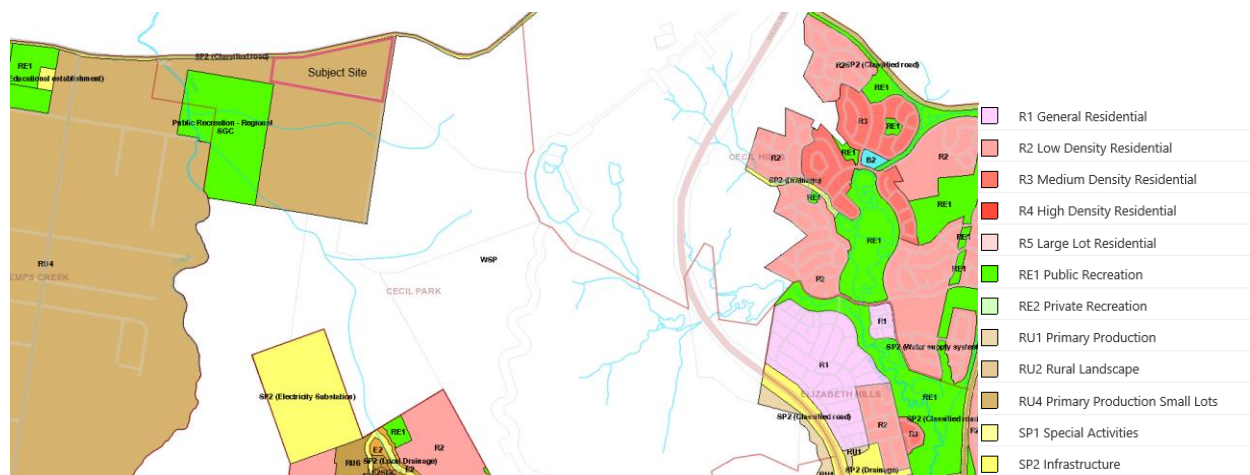


Figure 5: Existing land use zoning in the LLEP2008 (subject site highlighted)

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.

Permissible uses under the RU4 - Primary Production Small Lots zone are:

Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures.

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 proposed light industrial uses of the site.

The objectives of the 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.

- *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*

Permissible uses under the IN2 - Light Industrial zone are:

Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Cemeteries; Centre-based child care facilities; Community facilities; Depots; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Garden centres; Hardware and building supplies; Helipads; Heliports; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Service stations; Sex services premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures.

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.

The objectives of the 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 construction of the proposed M12 corridor is reflected by the proposed SP2 Infrastructure zone.

Delegation of plan making functions

This planning proposal seeks to amend the Liverpool Local Environmental Plan 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act").

Part 1 – Objectives and Intended Outcome

Objectives

The key objective of the Planning Proposal is to allow range of light industrial, warehouse and related land uses on the site with a maximum permissible floor space. An amendment to the current zoning and associated development standards is needed, to allow the industrial uses to be permitted on the site. Without the zoning amendment, the uses proposed for the site will remain prohibited. It is also required to recognise the future M12 motorway corridor through the site by reserving land for acquisition.

Intended Outcome

The intended outcomes of this planning proposal are:

- Enabling light industrial developments to occur on the site with a maximum permissible floor space; and
- Recognising the proposed M12 corridor through the site by reserving land for acquisition.

Part 2 – Explanation of provisions

The objectives of this planning proposal will be achieved through rezoning of the land identified in *Figure 1* and changes proposed to the associated development standards. Draft maps are provided in Part 4 of this report.

To facilitate the proposed changes, the following LLEP 2008 maps are to be amended:

Land Zoning

- 4900_COM_LZN_007_020_20150402

Floor Space Ratio

- 4900_COM_FSR_007_020_20140827

Minimum Lot Size

- 4900_COM_LSZ_007_020_20140827

Part 3 – Justification

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the direct result of a strategic study or report. The planning proposal aligns with state and regional strategic documents that set out goals seeking to protect, increase and enhance industrial and urban services land. Additionally, the proposal is aligned with Council strategies and studies. These documents include the following:

- Greater Sydney Regional Plan A Metropolis of Three Cities
- Western City District Plan
- Liverpool Community Strategic Plan (CSP) – Our Home, Liverpool 2027
- Liverpool Local Strategic Planning Statement (LSPS)

Further detail in respect of the alignment with these documents is set out in Section B (Relationship to strategic planning framework).

3.2 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 with a maximum permissible floor space.

An amendment to the current zone is needed to allow the industrial uses to be permitted on the site. Without a zoning amendment, the uses proposed for the site will remain prohibited. It is also required to recognise the proposed M12 corridor through the site, in order to reserve land for future acquisition.

Section B – Relationship to strategic planning framework.

DPIE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a. Strategic Merit

The planning proposal is considered to be consistent with relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are

- Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP)
- Western City District Plan (WCDP)

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 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. This is to be achieved by creating additional industrial and urban services land where required in land release areas to service the growing population. The planning proposal is consistent with the Action in that it is planning to rezone the site to light industrial and creating and managing additional industrial land within the release areas of the Liverpool LGA.

Planning priority W10 of the Western Sydney District Plan focuses on maximising freight and logistics opportunities, as well as planning and managing industrial and urban services land within Western Sydney. This area 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, Elizabeth Drive, the M7 and the future M12 Motorway, and allows for maximising freight and logistics opportunities, by creating suitable industrial and urban services land on the subject site.

Local Strategy

Assessment of the proposal with regards to Council's Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS) is detailed in Section 3.4.

b. Site Specific Merit

In addition to meeting at least one of the strategic merit criteria, a Planning proposal is required to demonstrate site-specific merit against the following criteria in Table 2 below.

Table 2 - Site Specific Merit

Criteria	Planning Proposal Response
<i>Does the planning proposal have site specific merit with regard to: the natural environment (including known significant environmental values, resources or hazards)?</i>	<p>Yes. All environmental effects related to the planning proposal have been considered in the accompanying Biodiversity report in Appendix A prepared by Eco Logical. The report provides the assessment of the proposal on the natural environment including critical habitat, threatened species, ecological communities and their habitats.</p> <p>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>. The biodiversity impacts as a result of future development was assumed by the Biodiversity Certification</p>

Criteria	Planning Proposal Response
	<p>Order and is offset via the Growth Centre Biodiversity Offset Program. The impacts of this planning proposal will not trigger entry into any Biodiversity Offset Scheme in accordance with the <i>Biodiversity Conservation Act 2016</i> nor will it be considered a Controlled Action in accordance with <i>Environment Protection and Biodiversity Conservation Act 1999</i>, as the study area is wholly biodiversity certified.</p> <p>The site is also identified as containing bushfire prone lands. The impact of bushfire hazards that are expected to affect any future development on site has been assessed in the Bushfire report (Appendix B) 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.</p>
<p><i>The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i></p>	<p>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 Western Parkland City and Western City District. Furthermore, the future land uses of the site will be compatible with the future vision set for the WSA Aerotropolis in the WSA LUIP.</p> <p>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 the lack of suitable land for local services in the Liverpool region. The future M12 alignment through 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.</p>
<p><i>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?</i></p>	<p>Yes. The site is currently located in a predominantly rural setting. It will require additional infrastructure and services to facilitate the industrial uses.</p> <p>An assessment of the utilities and services at the site has been undertaken in the accompanying Servicing and Utility Report in Appendix C. This report identified the infrastructure need and provides direction for the provision of infrastructures to service the site.</p> <p>Accordingly, new infrastructure provisions are proposed to accommodate the demands from industrial development, which includes water, sewer and traffic management facilities.</p>

3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Our Home, Liverpool 2027

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 mostly 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*

The proposal, by introducing industrial uses on the site, will promote opportunities for employment generating activities and investment in the Liverpool LGA.

The planning proposal is not inconsistent with the other three directions of the CSP, in that the proposal will create connection and will strengthen the local community by creating employment opportunities for the residents. This is further creating scope to collaborate with the utility and service agencies for the provision of infrastructure and services in order to facilitate a planned urban development of the area.

Biodiversity impacts on the site, as a result of future development, was assumed by the Biodiversity Certification Order and is offset via the Growth Centres Biodiversity Offset Program. The rezoning 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 the Environment Protection and Biodiversity Conservation Act 1999, as the study area is wholly biodiversity certified.

Liverpool Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) is Council's long-term plan to shape Liverpool's future which will help guide the development of Liverpool's 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, includes the planning priority: *'Industrial and employment lands meet Liverpool's future needs.'* As per the industrial land studies conducted by Council there will be a lack of zoned and serviced industrial land in the near future, 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 closer to Liverpool from 2026.

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 the RU4 - Primary Production Small Lot zone to the IN2 - Light Industrial zone, thus creating additional industrial lands and facilitating supply of industrial and employment land. This will contribute towards meeting the current and future shortage of suitably zoned industrial lands within the LGA.

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in *Table 3* below. SEPPs which the planning proposal will not materially impact nor undermine, where it is deemed that the planning proposal is consistent or not inconsistent with the SEPP objectives are omitted from *Table 3*.

Table 3 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment / Consistency
<i>SEPP (Infrastructure) 2007</i>	The SEPP provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services, currently Transport for New South Wales (TfNSW), for concurrence. The traffic report prepared by McLaren Traffic Engineering accompanying the planning proposal (Appendix D) states – “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, a formal referral to the Roads and Maritime Services (RMS) is necessary. Therefore, if the proposal be supported by a Gateway determination, a referral would be required at that stage.
<i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i>	The land is mapped as ‘future residential growth area’ under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Accordingly, the site has been identified as a future urban area. The industrial land use zone will not preclude activities permitted as per the SEPP.
<i>SEPP (Sydney Region Growth Centres) 2006</i>	The site is located within the land application map of the South West Growth Centres. Despite being located within the Growth Centres, the site is still subject to the controls of the 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. The planning proposal is consistent with the aim of the SEPP which is to co-ordinate the release

	<p>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>
<p><i>SEPP No. 33 Hazardous and Offensive Development</i></p>	<p>The land uses immediately surrounding the site are predominantly rural industrial, extractive industry, landfill and waste recycling operations. 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. The proposal to rezoning of the site from RU4 Primary Production Small Lots to the IN2 Light Industrial zone will not preclude the application of the SEPP. Hazardous and offensive development is generally confined to the IN3 zone within the Liverpool LEP 2008.</p>
<p><i>SEPP (Koala Habitat Protection)</i></p>	<p>The site is located within a Local Government Area (LGA) to which the Koala Habitat Protection SEPP applies. The planning proposal will not change any requirements for a Koala Management Plan. In the event that Council has not provided an LGA wide strategy, a plan may be required upon lodgement of a future DA.</p>
<p><i>SEPP No. 55 Remediation of Land</i></p>	<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"> • Potential for some previous pesticide use • Soil impacted by former storage of vehicles and other unknown materials • Fill materials of unknown origin. <p>These AECs can be further addressed, and mitigation measures implemented for any future development, as part of a Stage 2 assessment</p>

	undertaken at the DA stage, in accordance with the provisions of clause 7 of the SEPP.
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3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 4 - Ministerial Directions Compliance

Ministerial Direction	Consistency	Justification
1. Employment and Resources		
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 the IN2 Light Industrial zone.</p> <p>The proposal is consistent with the objectives of this direction in that the rezoning will encourage employment growth for 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 the Western Parkland City as envisaged in the Greater Sydney Regional Plan.</p>
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 land application map under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. 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 a 'future residential growth area' under the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Accordingly, the site has been identified for future urban development.</p>

		The SEPP will continue to operate despite any uses that may or may not be permitted by the IN2 zone.
2. Environment and Heritage		
2.1 Environment Protection Zone	Not inconsistent	The proposal is not inconsistent with this direction. The land is not currently zoned for environmental conservation purposes. Critically endangered Cumberland Plain Woodland and threatened fauna species, including the Cumberland Plain Land Snail, were identified within the site, under the Biodiversity report prepared by Eco Logical Australia (refer to Appendix A) in support of the planning proposal. Such impacts to native species were considered at the strategic level, via the biodiversity certification order conferred on areas subject to the Growth Centres SEPP. The results of future urban development were assumed by the Biodiversity Certification Order and are offset via the Growth Centres Biodiversity Offset Program. The rezoning 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 the Environment Protection and Biodiversity Conservation Act 1999, 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.
3. Housing, Infrastructure and Urban Development		
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 WSA 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 may benefit from increased public transport services offered in the broader region should they pass near the site. At present, there</p>

		<p>is limited public transport available to service the site.</p> <p>The location of the site close to the highway network, including the M7 motorway, Elizabeth Drive and the future M12 motorway supports the rezoning of the land to IN2 light industrial uses, by 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 development on site will not be adversely affected by the noise and operation of the airport as it is located out of the ANEC/ANEF contours for the Western Sydney Airport and also out of the Obstacle Limitation Surface (OLS) chart for the future airport.</p> <p>The proposal is consistent with the objectives of the direction as rezoning of the site to the IN2 Light Industrial zone will allow development such as warehouses, 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>
3.6 Shooting Ranges	Consistent	<p>The subject site is located adjacent to the Sydney International Shooting Centre, which is located within the Western Sydney Parklands.</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>
4. Hazards and Risk		
4.4 Planning for Bushfire Protection	Not inconsistent	<p>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 B) to assess the impact of bushfire on the planning proposal. The report included strategies to address the issue and to make the planning proposal consistent with the objectives of the direction.</p> <p>Bushfire hazard has been assessed on the subject site and hazards can be managed via an Asset Protection Zone (APZ) within the subject site. On the basis of this assessment, indicative APZ requirements have been mapped across the area proposed to be rezoned. A number of strategies, compliant with the requirements of NSW Rural Fire Service <i>Planning for Bushfire Protection</i> 2018, have been provided.</p>

5. Regional Planning		
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 3.3 of this report.
6. Local Plan Making		
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 to facilitate the acquisition of this land.
7. Metropolitan Planning		
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 3.3 of this report.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Consistent	The site is being 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.

Section C – Environmental, social, and economic impact

3.7 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?

An assessment of the proposal and its impact on critical habitats, threatened species or ecological communities located on the site, or its immediate surrounding, has been considered in the Biodiversity Report prepared by Eco Logical Australia and accompanying in **Appendix A** of this report.

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 planning proposal 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.

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

The site is identified 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 B**) to assess the impact of bushfire on the planning proposal, and strategies have been proposed to address the issue.

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, consistent with the requirements of NSW Rural Fire Service *Planning for Bushfire Protection 2018* have been provided

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.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is expected to result in positive social and economic impacts by enabling the land to sustain industrial employment.

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 existing motorway network and existing industrial land demand emanating from local services in Liverpool LGA. An Economic Impact Assessment report has been prepared for the planning proposal and included in **Appendix F**.

Social Impact Comments (**Appendix G**) have been prepared to review the possible social impacts of the proposal in 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 for the local community.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

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.

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.

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.

An assessment of the utilities and services at the site has been undertaken in the accompanying Servicing and Utility Report in **Appendix C**. This report identified the infrastructure need and provides directions for the provision of needed infrastructure to service the site. Accordingly, there will be adequate provision of public infrastructures to facilitate the proposed industrial uses.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As a part of the Gateway Determination, the relevant public authorities will be identified who are to be consulted in relation to the planning proposal. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

The following government agencies, or utility owners, have been identified as potentially interested parties for reasons given below:

- NSW Department of Primary Industries: Impact on agricultural and grazing land.
- 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.
- NSW Rural Fire Service: The subject site contains bushfire prone lands.
- Sydney Water: the site is currently used for rural uses and will require water and sewer services to be developed and connected with reticulated water and sewer services.
- Endeavour Energy: An easement for a transmission line runs through the subject site;
- NSW Department of Planning, Industry and Environment (Environment, Energy and Science Group): The site is fully biodiversity certified. However, development will impact upon critically endangered flora and fauna.

Part 4 – Mapping

The existing and the proposed changes to the LLEP 2008 are shown in the maps below.

Land Use Zoning Maps

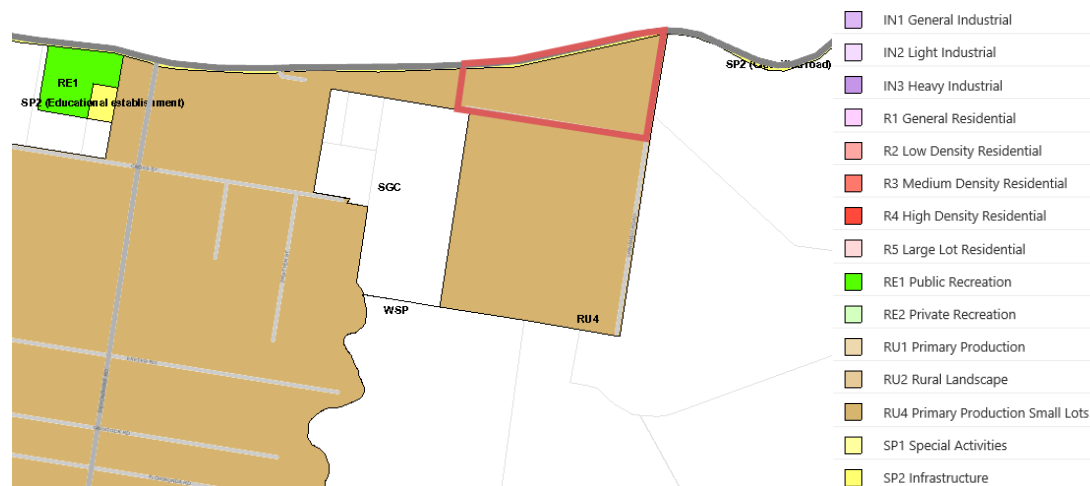


Figure 6: Existing land use zoning map for the subject site

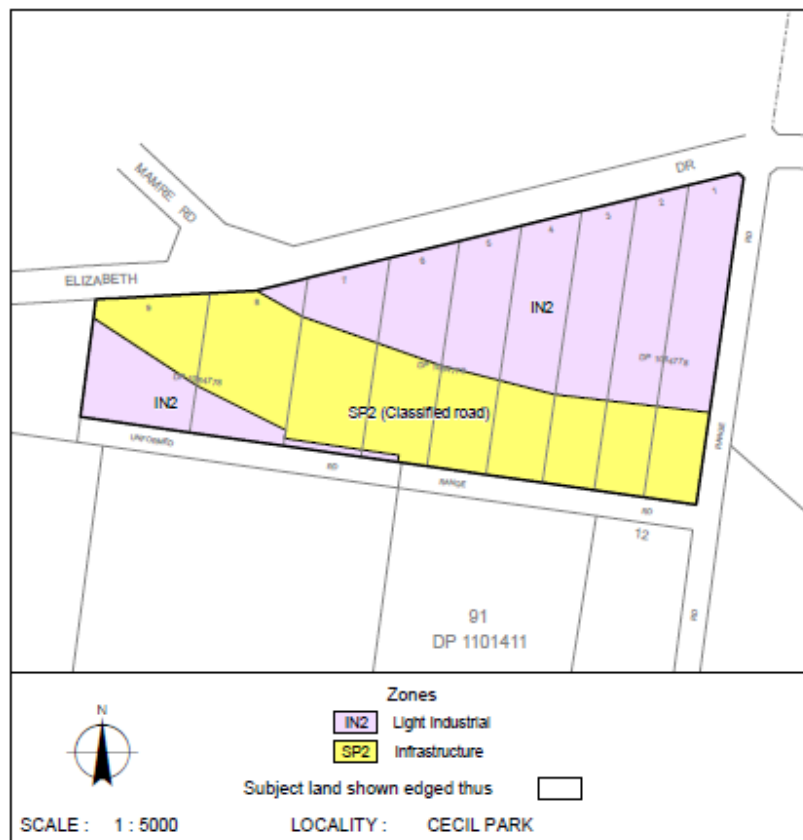


Figure 7: Proposed land use zoning map for the subject site

Floor Space Ratio Maps

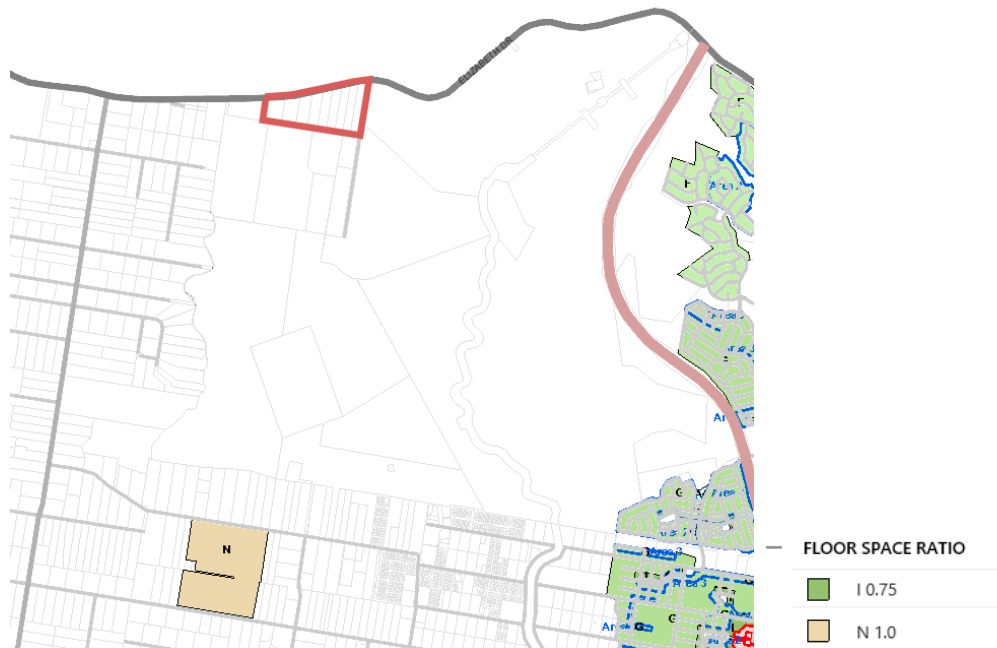


Figure 8: Existing floor space ratio map for the subject site

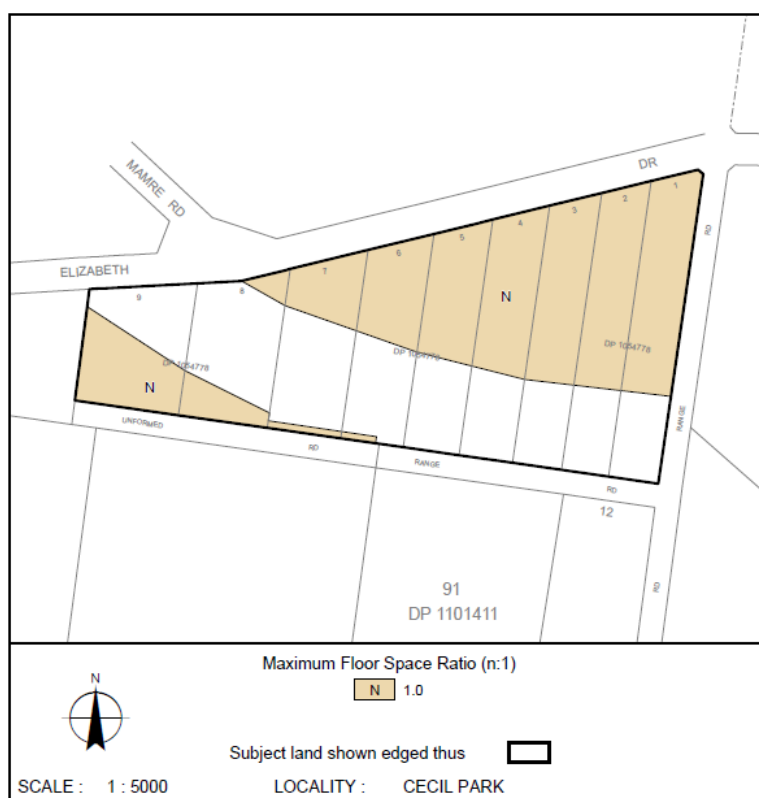


Figure 9: Proposed floor space ratio map for the subject site

Minimum Lot Size Maps



Figure 10: Existing minimum lot size map for the subject site



Figure 11: Proposed minimum lot size map for the subject site

Part 5 – Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DP&E's A Guide to Preparing Local Environmental Plans. The planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

At a minimum, the notification of the public exhibition of the Planning proposal is expected to involve:

- Notification on the Liverpool City Council website, and
- Written correspondence to owners and occupiers of adjoining properties.

Part 6 – Project Timeline

An anticipated project timeline is shown in **Error! Reference source not found.6.**

Table 5 – Anticipated Project Timeline

Timeframe	Action
May 2020	Presented at the Local Planning Panel meeting
June 2020	Presented to Liverpool City Council
July 2020	Submission of Planning Proposal to DPIE
October 2020	Gateway Determination issued
October 2020 – November 2020	State agency consultation
November 2020 – December 2020	Community consultation
December 2020- January 2021	Consideration of submissions and proposal post-exhibition
February 2021	Post-exhibition report to Council
March 2021	Legal drafting and making of the plan

Appendices

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