

25 July 2016



Ms Catherine van Laeren
Regional Director Sydney West
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms van Laeren

**Re: Submission of a Planning Proposal – Greendale
Draft Liverpool Local Environmental Plan (Amendment No. 64)**

In accordance with Section 56 of the Environmental Planning and Assessment Act 1979, Council is forwarding the attached Planning Proposal for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 64) seeking Gateway determination. The planning proposal relates to 1675 The Northern Road, Greendale, and seeks to allow the relocation or construction of rural workers' dwellings on the property and allow (with consent) no more than 25 dwellings total on the site (inclusive of the existing main residences).

At its meeting on 29 June 2015, Council resolved to:

1. Endorse in principle the Planning Proposal to amend the Liverpool Local Environmental Plan 2008, to allow with consent a maximum of 25 dwellings (dwellings and rural workers' dwellings) on 1675 The Northern Road, Greendale;
2. Delegate to the A/CEO the authority to finalise a modified Planning Proposal as detailed in this report, and submit to DPE for Gateway approval.

A copy of the Planning Proposal, the aforementioned Council report and resolution are enclosed for your consideration.

Council requests Gateway determination for the planning proposal in accordance with Section 56 of the EP&A Act 1979. A timely response to this matter would be much appreciated.

Subject to Gateway approval, the proponent will be required to submit a Stage 1 Contamination Report for the area proposed for rural worker's dwellings.

Should you require any further information on this matter, please contact Murray Wilson on 9821 9569.

Yours sincerely

Michael Cullen
Acting Chief Executive Officer
Encl.

If you do not understand this letter/application, please ring the Telephone Interpreter Service (131 450) and ask them to contact Council (1300 362 170). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

ARABIC

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HINDI

अगर आप इस पत्र/आवेदन को पढ़कर समझ नहीं पा रहे हैं तो कृपया टेलीफोन सवादा-सहायक सेवा (131 450) को फोन करें और उनसे काउंसिल (1300 362 170) से संपर्क करने को कहें। कार्यालय का समय सोमवार से शुक्रवार तक प्रातः ८:३० बजे से सायं ५:०० तक है।

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បើលោកអ្នកមិនយល់ពីអត្ថន័យឬការប្រតិបត្តិនេះទេ សូមទូរស័ព្ទទៅសេវាកម្មប្រែភាសាសម្រាប់អ្នក (លេខ 131 450) ហើយស្នើសុំឲ្យគេទាក់ទងសាលាក្រុង (លេខ 1300 362 170)។ ពេលម៉ោងធ្វើការគឺម៉ោង 8 កន្លះព្រឹកដល់ម៉ោង 5 ល្ងាច ពីថ្ងៃច័ន្ទដល់ថ្ងៃសុក្រ

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Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonsku prevodilačku službu (131 450) i zamolite ih da kontaktiraju Opštinu (1300 362 170). Radno vreme je od 8.30 ujutro do 5.00 popodne, od ponedeljka do petka.

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Si Ud. no entiende esta carta/solicitud, por favor llame al Servicio Telefónico de intérpretes (131 450) y pídales que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

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VIETNAMESE

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UPDATED PLANNING PROPOSAL
1675 THE NORTHERN ROAD
GREENDALE



***Submitted to Liverpool City Council
On behalf of Leppington Pastoral Company***

Prepared by:

Greenfields Development Company No. 2 Pty Limited
Cnr Peter Brock Drive & Oran Park Drive, Oran Park

July 2016

DOCUMENT TRACKING

Document Name	Updated Planning Proposal – 1675 The Northern Road, Greendale
Document No.	GDC900/120 Base Farm/Planning Proposal/Updated Planning Proposal
Project Manager	Paul Hume
Prepared by	Paul Hume
Status	Final
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Date	19 July 2016

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INTRODUCTION

This Updated Planning Proposal Report has been prepared at the request of Liverpool City Council following its resolution of 29 June 2016 to endorse the making of a Planning Proposal for 1675 The Northern Road, Greendale. It has been prepared by Greenfields Development Company on behalf of Leppington Pastoral Company Pty Limited ('LPC'), the owners of the subject land and proponents for the Planning Proposal.

The subject land, known as LPC's 'Base Farm', is located immediately west of the Western Sydney Priority Growth Area and at the interface of future major development which includes the Second Sydney Airport at Badgerys Creek. **Figure 1** below illustrates the location of LPC Base Farm property in relation to the Western Sydney Priority Growth Area and the Badgerys Creek Airport Precinct.

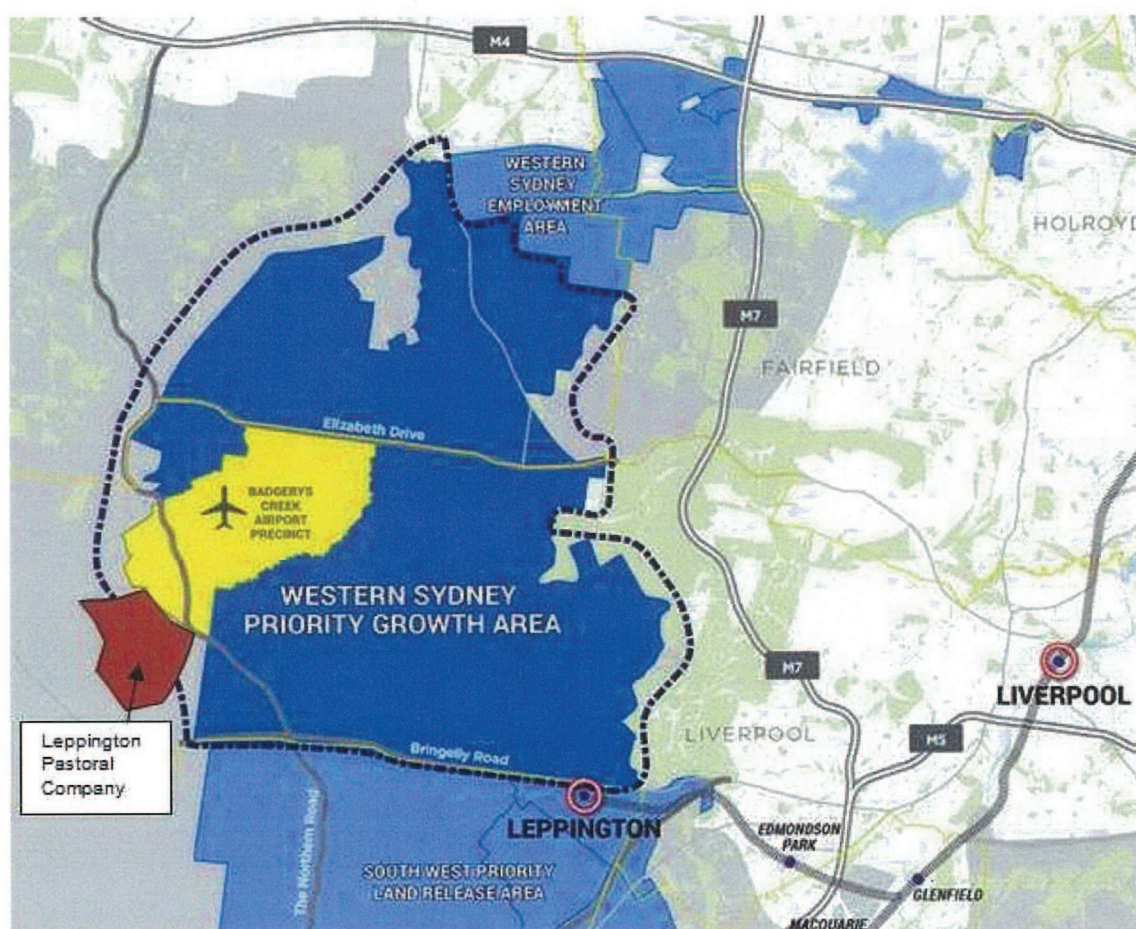


Figure 1 – Location of LPC Base Farm

It comprises some 540ha on which a major dairy farm and organic fertiliser business operate, with about 100 employees directly involved in day-to-day Base Farm operations. There are currently five (5) dwellings and sixteen (16) rural workers dwellings on the farm property. The Base Farm is comprised in four (4) property titles, being Lots 100 & 101 in DP 1171843 (formerly Lot 10 DP 1092165), Lot 11 in DP 1092165 and Lot 102 DP 812653. However, the proposed LEP amendment the subject of the Planning Proposal will not apply to Lot 102 DP 812653.

An initial application for a Planning Proposal (including justification report prepared on behalf of LPCO) was submitted to Liverpool City Council in September 2015. The purpose of the application was to allow LPC to replace existing workers dwellings to be demolished as a result of the future Second Sydney Airport and, in turn, support the continued ongoing viability of the Base Farm at the current scale of operations. This would be achieved by amending Schedule 1 of Liverpool Local Environmental Plan 2008 ('LLEP 2008') to permit more than one rural workers dwelling per lot on the Base Farm.

On 30 October 2015 Liverpool City Council wrote to the proponent identifying a range of matters for its attention. This included the need for a restriction on the number and size of workers dwellings and noise impact from the future Western Sydney Airport. In its response to these concerns, LPC's submission in reply of 8 December 2015 proposed that, if considered necessary, Council's Planning Proposal could include:

- A stated objective for the Schedule 1 amendment *to limit the number and size of rural workers dwellings to protect the rural amenity.*
- Include a requirement in the Schedule 1 amendment for the consent authority to consider, before granting consent to a rural workers dwelling, to consider the effect on the rural amenity of the locality.
- Include a further requirement that limits the combined number of dwelling houses and rural workers dwellings to a total of 25, allowing some limited additional capacity for additional workers accommodation should farm operations expand.
- Siting replacement workers dwellings in a 5,000sqm area (approximate) cluster in the south-eastern portion of the Base Farm.

After considering the Proponent's submissions a report was made to the Liverpool City Council meeting on 29 June 2016 which included a recommended LEP amendment which:

- Permits with consent a maximum of five (5) dwellings and sixteen (16) rural workers dwellings on Lots 100 & 101 in DP 1171843, Lot 11 in DP 1092165, subject to satisfying particular criteria relating to rural amenity with additional criteria for rural workers dwellings relating to agricultural activity, location and floor area.
- Further to the above, permitting with consent up to an additional four (4) rural workers dwellings where a significant investment and expansion in the dairy farm operations justifies it.

This updated Planning Report has been prepared to respond to the statutory requirements of the *Environmental Planning and Assessment Act 1979* ('the Act') and the supplementary information requirements set out in *A guide to preparing planning proposals* (NSW Department of Planning & Infrastructure, October 2012). The remainder of this Report comprises the following parts:

- Part 1, which provides a statement of the objectives and intended outcomes of the proposed instrument.
- Part 2, which provides an explanation of the provisions that are to be included in the proposed instrument, including supporting mapping.

- Part 3, which provides justification for those objectives, outcomes and the process for their implementation.
- Part 4, which provides details of the community consultation to be undertaken on the planning proposal.
- Part 5, which provides a suggested project timeline.

1. OBJECTIVES OR INTENDED OUTCOMES

The intent of the Planning Proposal is to:

- (i) Enable the continuing of sustainable farming operations on the Base Farm property by permitting the relocation of existing rural workers dwellings on the site.
- (ii) Permit additional rural workers dwellings where it can be justified as necessary to support expanded farming operations.
- (iii) Restrict the location of rural workers dwellings to minimise aircraft noise impacts from the future Western Sydney Airport.

2. EXPLANATION OF PROVISIONS

The proposed outcomes will be achieved by:

- (a) Incorporating the following clause into LLEP 2008:

7. ## *Use of certain land at Greendale in Zone RU1*

1. *The objectives of this clause are:*
 - (i) *to allow the provision of adequate accommodation for employees of agricultural or rural industries operating; and*
 - (ii) *to limit the number of dwellings to protect the rural amenity.*
2. *This clause applies to Lot 100 and 101 in DP 1171843, and Lot 11 DP 1092165 in Zone RU1 at The Northern Road, Greendale, known as the Leppington Pastoral Company.*
3. *The provision of clause 7.24A does not apply to the land referred in sub-clause (2).*
4. *A maximum of five (5) dwellings and sixteen (16) rural workers' dwellings are permitted, with consent on land to which this clause applies.*
5. *Development for the purpose of rural workers' dwellings is permitted with consent providing:*
 - *the development will be on the same lot as an existing lawfully erected dwelling house, and*
 - *the development will not impair the use of the land for agricultural or rural industries, and*
 - *all new dwellings are to be located in accordance with the Key Sites Map, and*
 - *the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*
 - *the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and*
 - *the gross floor area of the rural workers' dwelling does not exceed 100 square metres;*

6. *Despite subclause 4, an additional four (4) rural workers' dwellings, are permitted, subject to consent, in accordance with subclause 5, if it can be proven that there has been significant investment and expansion in the operations of the dairy resulting in an increase in the number of rural workers employed on site and that the additional rural workers' dwellings are necessary to support the expanded operation of the rural use.*
- (b) Including on the *Key Sites Map* to LLEP 2008 an area on the subject site where rural workers dwellings referred to in the above clause could be located, being an area outside of the 20 ANEF contour of the LLEP 2008 Airport Noise Map. **Figure 2** below illustrates the proposed area. Note: Any maps required as part of the proposed LEP amendment, including any required by the Gateway determination for exhibition purposes, will be prepared in accordance with the *Standard technical requirements for LEP maps*.

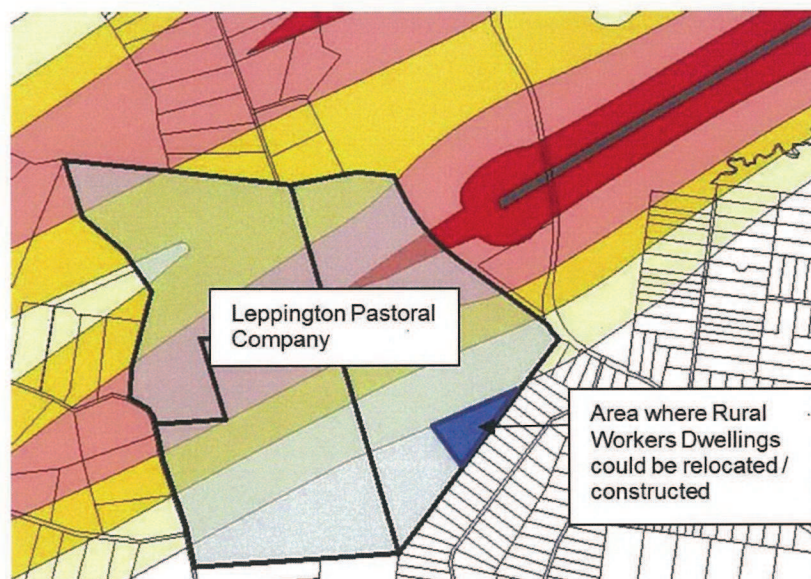


Figure 2 – Image illustrating the location of rural workers' dwellings (blue triangle) outside of the ANEF contour

3. JUSTIFICATION

3.1 Site Context

3.1.1 The Site

The subject property, known as the LPC Base Farm, is located within the rural area of Bringelly. As previously mentioned the subject property is located outside the Western Sydney Priority Growth Area, but is at the interface of major development that includes the Western Sydney Airport - see **Figure 1** previous.

Adjoining development to the north, south, west and south west comprises small rural allotments along Willowdene Avenue, Greendale Road, The Northern Road and Dwyer Road, predominantly used for rural residential purposes. The majority of the land to the east, opposite on The Northern Road, is owned by the Commonwealth of Australia and is the site of the proposed Western Sydney Airport.

The LPC Base Farm commenced its operations in 1962 when the Perich family purchased a 230ha property at Bringelly. Following incorporation in 1963 LPC acquired an adjoining property of about 350ha. Since then, these 2 properties have been used together and constituted the Base Farm property out of which some 38ha was taken by the Commonwealth for the Second Sydney Airport.

The remaining 542ha comprises 65ha in water storage, 239ha of dryland farming, 160ha of year round irrigation, 40ha of winter irrigation and 38ha for utilities i.e. houses, sheds, silage pits and assorted irrigation infrastructure. About 100 employees are directly involved in the day-today Base Farm operations.

The owners and the majority of their respective family members live on the Base Farm, totalling 5 families, each with substantial residences. In addition, 29 Base Farm employees live on the farm in existing workers accommodation cottages. They are employed in roles such as Dairy Managers, technicians, milkers, night herdsman, calf shed workers, feed tractor drivers, farm hands and cow herd care. The workers cottages are rented out to the farm workers as part of an accommodation agreement. The accommodation agreement allows the farm workers to receive affordable onsite accommodation, but is only available to such workers. The rental agreement to some extent is similar to that considered under the Affordable Rental Housing SEPP that allows low-cost accommodation for workers on relatively low incomes. If the farm worker resigns, then that accommodation is no longer available, with the former worker required to cease occupation within 7 days. The rental agreement provides for such workers to pay rent at a significantly reduced rate, which is deducted from their wage.

The plan at **Annexure A** depicts the LPC Base Farm, adjoining properties and the location of dwellings occupied by the owners and rural workers.

3.1.2 Dairy Based Farming Operations

Presently LPC milks over 2,000 cows on a 24/7 basis, producing 68,500 litres of milk per day. Based on Dairy Australia's figures it is the second largest single-site dairy farm in Australia. The Base Farm dairy operations also include the rearing of calves born on the farm or on nearby LPC associated properties (about 2,700 per year). After about 4 months the calves are sent to other LPC properties in the south west Sydney. The females are later returned to Base Farm as pregnant heifers and potential milkers, with the males not returning and sold as steers.

The dairy infrastructure covers an area of about 14ha and includes 2 free stall barns, dry weather exercise lots, milking centre, effluent treatment ponds and calf rearing shed & pens. In addition, as part of the dairy waste water management system liquid effluent from the effluent treatment ponds is mixed with fresh dam water and is irrigated to cropping areas covering 200ha. This area is vital for the ongoing and effective dairy wastewater management.

Total dairy sales for 2014 were \$17.8 million.

3.1.3 Organic Fertiliser Business

This business is also a substantial operation, utilising manure generated from onsite farming operations and chicken manure/wood shavings from off-site poultry farms to produce organic fertiliser. The fertiliser is either used for pasture improvement at the Base Farm and other nearby LPC associated properties or is sold to other farmers. It involves the use of about 35 tractors and items of earthmoving equipment and 30 trucks.

Total organic fertiliser sales for 2014 were \$8.3 million.

3.1.4 Liverpool Local Environmental Plan 2008 ('LLEP 2008')

The site the subject of this planning proposal i.e. Lots 100 & 101 in DP 1171843, Lot 11 in DP 1092165 is currently zoned part *RU1 Primary Production* under LLEP 2008. The remainder of the current Base Farm property, comprised in Lot 102 DP 812653 is zoned *SP1 Commonwealth Activities* under LLEP 2008.

The objectives and permitted uses of the RU1 zone are outlined below.

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*

- To ensure that development does not hinder the development or operation of an airport on Commonwealth land in Badgerys Creek.
- To preserve bushland, wildlife corridors and natural habitat.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

3 Permitted with consent

*Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; **Dwelling houses**; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Health consulting rooms; Helipads; Heliports; Home businesses; Home industries; Landscaping material supplies; Offensive storage establishments; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; **Rural workers' dwellings**; Secondary dwellings; Veterinary hospitals; Water recreation structures*

4 Prohibited

Any development not specified in item 2 or 3

There are two main clauses within LLEP 2008 that affect this land. These are outlined below:

1. Clause 7.18 Development in areas subject to potential airport noise, dwellings are not permitted on land where the ANEF (Australian Noise Exposure Forecast) exceeds 25. While residential accommodation is permitted where the ANEF exceeds 20, subject to meeting the requirements of AS 2021-2000 Acoustics—Aircraft noise intrusion—Building siting and construction with respect to interior noise levels.

This intent of this clause is to ensure new developments in the vicinity of the Badgerys Creek airport (and Bankstown Airport) do not hinder the development or operation of the airport.

2. Clause 7.24A was included in LLEP 2008 (Amendment 32), which was gazetted in April 2016. The purpose of Clause 7.24A was to place restrictions on the size and quantity of rural workers' dwellings.

7.24A Erection of rural workers' dwellings in Zones RU1 and RU4

- (1) *The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots.*
- (3) *Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:*
 - (a) *the development will be on the same lot as an existing lawfully erected dwelling house, and*
 - (b) *the development will not impair the use of the land for agricultural or rural industries, and*
 - (c) *the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*

- (d) *the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and*
- (e) *the development will not result in more than 1 rural worker's dwelling being erected on the land comprising the agricultural or rural industry, and*
- (f) *the gross floor area of the rural worker's dwelling does not exceed 100 square metres.*

Clause 7.24A was introduced as a result of the NSW Department of Primary Industries' *Prime Fact Bulletin*, released to assist local councils in determining how to provide for rural workers' dwellings in LEPs.

3.1.5 Western Sydney Airport

As referred to above, in 1991 the Commonwealth acquired 38ha of the original Base Farm for the purposes of the Second Sydney Airport site (now consolidated into Lot 1 DP 838361). A lease arrangement with LPC is currently in place for the 38ha. The Commonwealth however has given notice of its intention to take possession of the 38ha area in May 2016. From a farming perspective, this will cause the loss of 2 rural workers dwellings located on the acquired land.

The recently exhibited Draft EIS and Draft Airport Plan has also identified that part of the Base Farm contained in Lot 102 DP 812653 as additional land to be acquired to be part of the Western Sydney Airport. If acquired this will result in the loss of an additional 5 rural workers dwellings located on Lot 102.

In addition to the above there are a further 3 rural workers dwellings which may be lost due to either future aircraft noise related issues or as a result of the upgrading of The Northern Road (Stage 4) as part of the Western Sydney Infrastructure Plan.

The plan at **Annexure B** includes information identifying the affected rural workers dwellings.

3.2 Need for the Planning Proposal

LPC wishes to continue to operate its Base Farm to at least its current levels. The continued provision of onsite workers accommodation is a significant element of continuing this. Onsite workers dwellings are important to support the 24 hour operation of the farm as well as offering cost effective accommodation as a strategy to recruit and retain farm workers. If such workers had to rent property off-site, the rent would be up to three times the onsite rental rate. Some of the workers have been with LPC for a number of years and therefore the need to retain these employees is paramount to the operation of the business.

The current provisions in LLEP 2008 relating to rural workers dwellings would not enable the replacing of these rural workers dwellings servicing the Base Farm. As mentioned above (see also **Annexure B**), at least seven (7) existing rural workers dwellings would be required to be replaced as a result of current and future acquisitions for the Western Sydney Airport. Clause 7.24A of LLEP 2008 is the current 'enabling' clause for RU1 zoned land. In summary the clause requires the rural workers

dwelling to be on the same land as the dwelling house and limits the number of permitted rural workers dwellings to one (1) for the land comprising the agricultural or rural industry:

7.24A Erection of rural workers' dwellings in Zones RU1 and RU4

- (1) *The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.*
- (2) *This clause applies to land in the following zones:*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots.*
- (3) *Development consent must not be granted for the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:*
 - (a) *the development will be on the same lot as an existing lawfully erected dwelling house, and*
 - (b) *the development will not impair the use of the land for agricultural or rural industries, and*
 - (c) *the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*
 - (d) *the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and*
 - (e) *the development will not result in more than 1 rural worker's dwelling being erected on the land comprising the agricultural or rural industry, and*
 - (f) *the gross floor area of the rural worker's dwelling does not exceed 100 square metres.*

Whilst a 'one per farm' limitation for workers accommodation, as provided by clause 7.24A, would be a reasonable and understandable approach for the majority of rural farms in the Liverpool LGA, the unique circumstances of the size and scale of the Base Farm operations justifies an exemption from this restriction.

3.3 Questions to consider when demonstrating justification

3.3.1 Q1 – Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. The subject land has however been considered as part of a number of strategic studies undertaken for Liverpool City Council, and of recent time studies in relation to the construction of the Second Sydney Airport.

3.3.2 Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The current RU1 Primary Production zoning permits a limited range of land uses. Whilst Amendment no. 32 proposes to permit rural workers dwellings, its restriction of one dwelling per lot would not adequately support LPC Base Farm needs. Given the unique and site specific scale of operations of the LPC Base Farm this PP is considered the best means of achieving the intended objectives and outcomes. This proposal is site responsive.

3.3.3 Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Table 1 below outlines the relevant regional and sub-regional strategies and the planning proposal's consistency with the strategies:

Table 1 – Relevant Strategies

Strategy	Comment
NSW State Plan 2021	Targets under the NSW State Plan 2021 include <i>to protect strategic agricultural Land and improve agricultural productivity</i> . It is considered that this PP is consistent with this target by supporting the ongoing Base Farm viability.
A Plan for Growing Sydney	The planning proposal is consistent with the Actions in the Plan that are particularly relevant to supporting and protecting agricultural lands, being Actions 1.9.1 and 4.1.2.

3.3.4 Q4 – Is the planning proposal consistent with a council's local strategy or other local strategic plan?

"Draft Growing Liverpool 2023" provides a ten year plan for the LGA. Of particular relevance to this planning proposal is Strategy 4.5 of Direction 4 (Proud Engaged City) to *Protect and preserve Liverpool's heritage, including its rural landscape and cultural history*. The PP Request would serve to protect the rural landscape through supporting the ongoing viability of Base Farm operations.

3.3.5 Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies ('SEPPs')?

Table 2 below sets out the relevant SEPPs and an assessment of the planning proposal in respect to their provisions.

Table 2 – Relevant SEPPs

SEPP	SEPP Provisions	Assessment
SEPP 55 – Remediation of Land	Requires a planning authority to consider whether land is contaminated, and if so whether it is, or can be made suitable for proposed residential development.	Further supporting documentation will be required in relation to potential contamination. The proponent will be required to prepare. A Stage 1- Preliminary Site Investigation for the area proposed for rural workers' dwellings can be prepared subject to a Gateway determination supporting the recommendation.

Table 2 - Relevant SEPPs contd.

SEPP	SEPP Provisions	Assessment
SEPP 60 Exempt & Complying Development	Aims to provide for exempt and complying development for types of development.	The proposal will be based on the Standard Instrument. Clause 1.9 – Application of SEPPs is a compulsory clause within the Standard LEP, which states that SEPP 60 will not apply.
SEPP (Building Sustainability Index: BASIX) 2004	Overrides provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	The relevant principles will inform future residential building design. BASIX certificates will be required at DA stage.
SEPP (Exempt and Complying Codes) 2008	Aims to streamline the assessment process.	The proposal does not contain any provisions that would be inconsistent with the SEPP.
Deemed SEPP No 2 – Hawkesbury Nepean River.	The Policy aims to maintain or improve water quality within the River system.	Planning Policy 8 at Clause 6 of this Plan (Agriculture/aquaculture and fishing) has Strategies of (a) giving priority to agricultural production in rural zones and (e) consider the ability of the site to sustain over the long term the development concerned. This planning proposal would be consistent with both giving priority to agriculture in the applicable RU1 zone and supporting the Base Farm agricultural development over the long term.

3.3.6 Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s. 117 Directions)?

Table 3 below sets out the relevant s. 117 Directions and an assessment of the planning proposal's consistency with the Directions:

Table 3 – Relevant s. 117 Directions

1. Employment & Resources	
Direction	Consistent?
1.2 Rural zones – protection of agricultural production value of land.	Yes. Property will be retained as a viable farming operation. The property will retain the existing RU1 zone and the intention is to maintain an ability to provide workers accommodation commensurate with LPC Base Farm needs.
1.5 Rural lands	Yes. Agricultural land will be protected. Refer to comments above.

Table 3 - Relevant s. 117 Directions contd.

4. Hazard & Risk	
Direction	Consistent?
4.4 Planning for Bushfire Protection	Yes. The objectives of this direction are: - to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and - to encourage sound management of bush fire prone areas. Bushfire aspects would be considered during development application stage. The site is capable of providing adequate protection from bush fire risk.
5. Regional Planning	
Direction	Consistent?
5.1 Implementation of Regional Strategies	Yes. The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. As detailed above the proposal would be consistent with the strategies that are applicable.
5.8 Second Sydney Airport: Badgerys Creek	Yes. The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The proposed development is consistent with this Direction, by having future workers dwelling sites outside of the 20 ANEF contour of LLEP 2008 Airport Noise Map. Refer Figure 2 and Annexure B.
6. Local Plan Making	
Direction	Consistent?
6.1 Approval & referral requirements	Yes. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The Planning Proposal does not seek to include further provisions to LLEP 2008 in respect to the concurrence, consultation or referral of development applications to a Minister of public authority.
6.3 Site Specific Provisions	Inconsistent, but justified. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. 6.3 (4) (c) states a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (i) allow that land use to be carried out in the zone the land is situated on, or (ii) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. The proposal is seeking greater flexibility to controls proposed by Amendment no. 32 to reflect the site-specific nature of the proposal to the Base Farm, to permit additional rural workers dwellings on the land to maintain the existing scale of farming operations. It is not considered that the Proposal could be implemented as outlined above. The introduction of a clause within the LEP would be considered to be the best way to effect the amendment.

Table 3 - Relevant s. 117 Directions contd.

7. Metropolitan Planning	
Direction	Consistent?
Implementation of A Plan for Growing Sydney	Yes. As discussed in this report the Proposal would be consistent with the relevant provisions of this plan pertaining to agriculture.

3.3.7 Q7 – 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?*

The subject site is generally devoid of natural vegetation and therefore it is considered unlikely that there will be any impact on critical habitat. The proposed location for future rural workers would have no impact on the environmentally significant land identified by Liverpool LEP 2008 Environmentally Significant Land maps.

3.3.8 Q8 – Are there any other likely *environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no other known likely environmental effects as a result of the planning proposal, other than those relating to wastewater management from workers dwellings. This would be managed by the installation of a suitable onsite wastewater management system, which would be assessed and determined as part of subsequent development applications and s68 applications (Local Government Act 1993) to install a wastewater treatment system.

3.3.9 Q9 – Has the planning proposal adequately addressed any social and economic effects?

The planning proposal has positive social and economic contributions by supporting the ability to continue to provide accommodation for farm workers on the property and thereby support the ongoing viability of the LPC Base Farm. The farm makes a significant contribution to both the local and NSW economy.

3.3.10 Q10 – Is there *adequate public infrastructure for the planning proposal?*

No additional public infrastructure is required to accommodate the planning proposal.

3.3.11 Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

It is proposed that Council consult with the Commonwealth Department of Infrastructure & Regional Development and the NSW Department of Primary Industries post a favourable Gateway determination.

4. COMMUNITY CONSULTATION

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters. The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

This consultation will, at a minimum include, advertising in local papers, exhibition material provided at Liverpool Council administration buildings and libraries and Liverpool Council’s webpage and the required written notifications that would ordinarily be required. It is considered that the planning proposal falls within the definition of “low impact” planning proposals

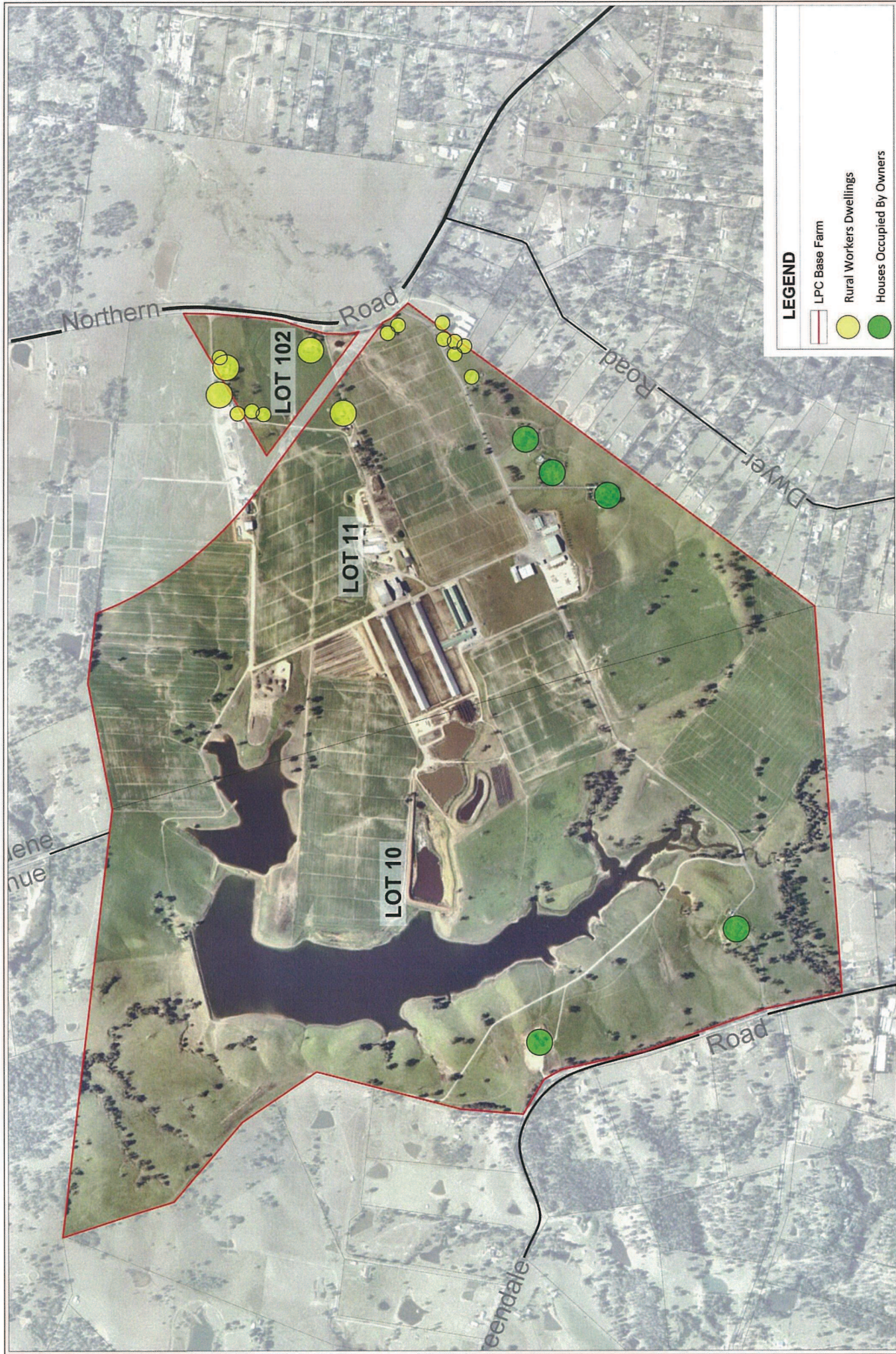
5. PROJECT TIMELINE

A suggested project timeline is provided in **Table 4** below:

Table 4 – Project Timeline

Project Milestone	Timeline
Anticipated commencement date (Gateway Determination)	By August 2016
Anticipated timeframe for the completion of required technical information – after specialist study requirements determined	By October 2016
Commencement and completion dates for public exhibition period & government agency consultation – after amending Planning Proposal, if required	By late November/early December 2016
Dates for public hearing, if required	N/A
Timeframe for consideration of submissions	By February 2017
Timeframe for the consideration of proposal post-exhibition, including amendments and report to Council	By April 2017
Date of submission to the Department to finalise the LEP (including 6 week period for finalisation)	By June 2017

ANNEXURE A
LPC Base Farm & Surrounding Properties



- LEGEND**
- LPC Base Farm
 - Rural Workers Dwellings
 - Houses Occupied By Owners

Lots 10 & 11 DP1092165 & Lot 102 DP812653 - Rural Workers Dwellings Plan - Option 2

BASE FARM