

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

28 February 2022

Item no	1
Application Number	RZ-5/2021
Proposal	Planning proposal to relocate the key site polygon at Lot 2 DP 1074727 Fifteenth Avenue, West Hoxton on the Key Sites Map.
Recommendation	Proceed to Gateway determination.
Planning Officer	Lilyan Abosh, Strategic Planner

1. EXECUTIVE SUMMARY

In October 2021, DalCo Pty Ltd submitted a planning proposal seeking to amend Schedule 1 of the Liverpool Local Environmental Plan (LLEP) 2008, to relocate the key site polygon on Lot 2, DP 1074727 Fifteenth Avenue, West Hoxton. The key site provision applying to the eastern portion of the site allows for additional permitted uses, being a service station and take away food and drinks premises.

In July 2021, Council received a Development Application (DA-750/2021) at the subject site for the demolition of the existing structures and construction of a service station and convenience store, take away food and drinks premises (McDonalds), child care centre for 90 children and Torren's title subdivision into 19 residential allotments.

The Development Application (DA) was referred to Transport for New South Wales (TfNSW) who advised the potential future road boundary of Fifteenth Avenue will likely require additional land to be acquired along the Fifteenth Avenue and Second Avenue frontages. Due to the encroachment of the potential future road boundary into the key site polygon, the applicant was no longer able to accommodate the service station and take away food and drinks premises within this boundary.

Accordingly, the planning proposal was lodged to relocate the key site polygon on the site. The intent of the proposal is to facilitate the development of the service station and take away food and drink premises, in accordance with the development outcome proposed under DA-750/2021, which is to be assessed concurrently with this planning proposal.

To achieve this proposed development, the planning proposal seeks to relocate the key site polygon as it relates to Lot 2 DP 1074727 Fifteenth Avenue on the Key Sites Map.

The amendment will not materially change the permissible uses on the site and is generally in keeping with the intent of the control. Determination of strategic merit and site-specific merit has been assessed in accordance with the Local Environmental Plan Making Guideline, as published by the NSW Department of Planning and Environment (DPE) in 2021. The proposal has been submitted pursuant to Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the proposal is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act 1979.

On the basis that the planning proposal demonstrates strategic and site-specific merit, this report recommends that the planning proposal proceeds to a Gateway determination.

2. SITE AND LOCALITY DESCRIPTION

The Site

The planning proposal relates to land at Lot 2 DP 1074727 Fifteenth Avenue, West Hoxton. The subject site is irregularly shaped and has a total area of approximately 18,230m². The land is clear of vegetation and contains a two-storey dwelling and several outbuildings. Access to the site is currently provided from Fifteenth Avenue.



Figure 1: Aerial image of the subject site

The site is zoned part R2 Low Density Residential and part SP2 Infrastructure. The portion of land zoned SP2 Infrastructure relates to the future road widening of Fifteenth Avenue and is to be acquired by TfNSW in accordance with Clause 5.1 of the LLEP 2008. The site is also identified as a key site within Clause 9 of Schedule 1 Additional permitted uses, allowing for the development of a service station and take away food and drink premises. The key site provision only applies to the eastern portion of the lot at the corner. Clauses 5.1 and 9 are as follows:

5.1 Relevant acquisition authority

*(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the **owner-initiated acquisition provisions**).*

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(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW

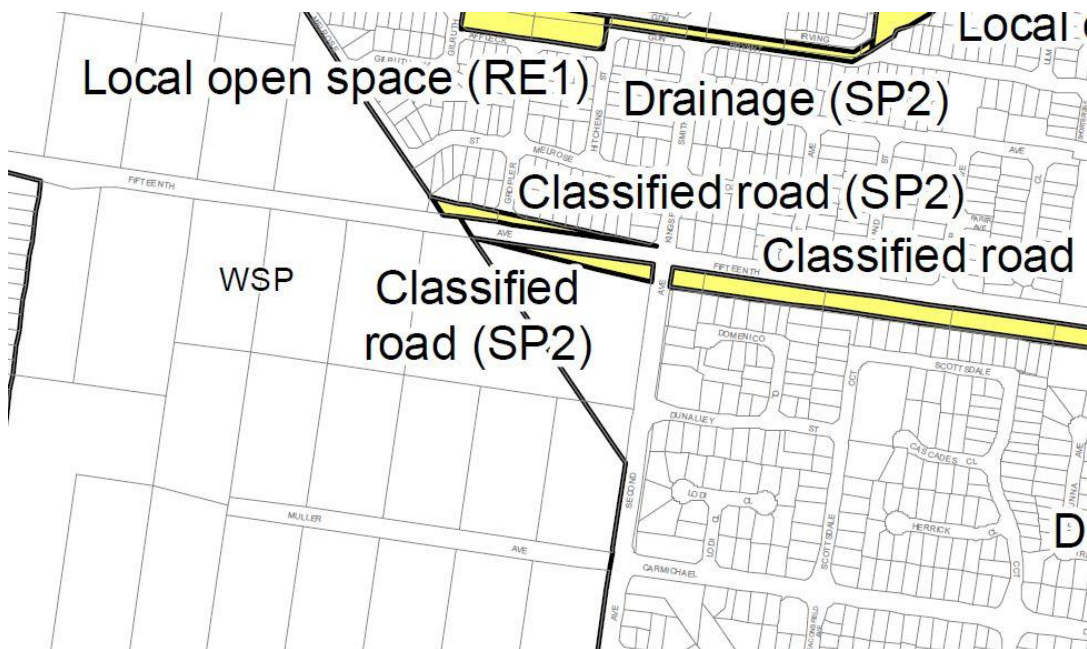


Figure 2: Land Acquisition Map

Schedule 1 – Additional permitted uses

9 Use of certain land for service stations and take away food and drink premises

- (1) This clause applies to land shown coloured yellow on the Key Sites Map.
- (2) Development for the following purposes is permitted with consent—
 - (a) service stations,
 - (b) take away food and drink premises if—
 - (i) there will be no more than 1 take away food and drink premises at each of the areas shown coloured yellow on the Key Sites Map, and
 - (ii) the gross floor area of the take away food and drink premises is not greater than 300m².



Figure 3: Key Sites Map

Locality

The site is located in West Hoxton, at the corner of Fifteenth Avenue and Second Avenue. Fifteenth Avenue is currently under investigation for further upgrades, including road widening to facilitate the Fifteenth Avenue Smart Transit (FAST) Corridor. A transmission line easement on the neighbouring lot also runs adjacent to the western boundary of the property.

The locality predominantly consists of residential development in the R1 General Residential and R2 Low Density Residential land use zones to the north and east. The site is bounded by the Western Sydney Parklands open space corridor to the west and south.

3. BACKGROUND/HISTORY

Clause 9 of Schedule 1 is a legacy provision which was carried over from Liverpool Local Environmental Plan 1997. It appears that the key site polygon is a reflection of the lot area at the time LLEP 2008 was adopted. Since then, lot amalgamation has occurred, hence why the polygon only applies to a portion of the site.

In July 2021, a Development Application (DA-750/2021) was lodged for Integrated development at the subject site, comprising demolition of the existing structures and construction of a service station and convenience store, take away food and drinks premises (McDonalds), child care centre for 90 children and Torren's title subdivision into 19 residential allotments.

Pursuant to Section 138 of the Roads Act 1993, the application was referred to TfNSW for concurrence. On 3 September 2021, TfNSW advised that the proposal is not supported in its current form for the following reasons:

- 1. TfNSW advises that the subject property is within an area under investigation for the proposed Fifteenth Avenue Upgrade. The subject site (Lot 2, DP 1074727) will likely be affected by road widening to facilitate for the rapid transit corridor from Liverpool to Nancy*

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Bird Walton Airport. As such the development should not intrude on the potential future road boundary (blue line) as stipulated in the attached aerial image.

2. Whilst TfNSW notes that Fifteenth Avenue is not a State Road or Classified Road, Fifteenth Avenue will likely become a major arterial road, which will carry a high volume of traffic and restriction of access off the road. Therefore, it is recommended that vehicular access to the subject site is via alternative local roads such as Second Avenue to the satisfaction of Council.

3. Whilst TfNSW preference is to have no access from Fifteenth Avenue, should access be retained the proponent should consider the following:

- a. Access only to the service station from Fifteenth Avenue. Access to the Childcare Centre and Food & Drink Premises from Fifteenth Avenue is not supported.*
- b. Due to the proximity to the intersection of Fifteenth and Second avenues all access to the Food & Drink Premises and Childcare Centre is recommended to be physically restricted to left in/left out.*
- c. The access to the site is to be provided at the furthest point away from the intersection of Fifteenth and Second avenues.*
- d. A left turn deceleration lane from Fifteenth Avenue into the Service Station is to be provided in line with Austroads Standards.*
- e. Additional setback of the development from the future road boundary will be required. The design of the access point will need to be setback to the future road boundary to ensure that the relocation and reconstruction of the deceleration lane can be achieved within the property boundary in the event that Fifteenth Avenue is upgraded.*
- f. TfNSW recommends that Swept Path plans are submitted to Council for approval and are to ensure that the following can be achieved:*
 - i. All vehicles are to enter and leave the site in a forward direction. A turn around area will be required within the property boundary.*
 - ii. The driveway should be designed to ensure that the largest vehicle can enter and leave the site simultaneously from the kerbside lane.*
 - iii. The plans are to include details of lane lines, kerb, gutter and median.*
 - iv. All vehicles are to be wholly contained on site before being required to stop.*
 - v. Swept paths should be a smooth, single radius and not have 'kinks' as currently demonstrated (in line with Austroads Standards).*

4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.



Figure 4: Potential future road boundary provided by TfNSW

As stipulated in item 1, TfNSW will likely require additional land for road widening along the Fifteenth Avenue and Second Avenue frontages, to facilitate the FAST Corridor. The potential future road boundary indicated in Figure 4 encroaches significantly into the key site polygon and conflicts with the site configuration proposed under DA-750/2021. Accordingly, the proponent amended the site plan and lodged this planning proposal to relocate the key site polygon. It is intended for the planning proposal and DA to be processed concurrently.

4. DETAILS OF THE PROPOSAL

The planning proposal as prepared by Michael Brown Planning Strategies seeks to amend the LLEP 2008 to accommodate for the development of a service station and take away food and drinks premises, which are permitted uses on the site. The proposal initially sought to amend the Key Sites Map as well as the Land Acquisition Map and Land Zoning Map, to reflect the additional land to be rezoned SP2 Infrastructure.

Council suggested the Land Acquisition Map and Land Zoning Map not be amended as part of this proposal, as the land acquisition is likely to be informed by the final design of the FAST Corridor, which is currently undetermined. Amendments to these maps as part of this planning proposal would impose the responsibility and cost of acquiring additional land on TfNSW, prior to the exact extent of land required being determined. It is therefore anticipated that TfNSW would not support the planning proposal if the Land Acquisition Map and Land Zoning Map are amended, until such time the concept design is finalised.

Prior to lodgment, an email was sent to the proponent suggesting the planning proposal seek to amend the Key Sites Map only for the reasons stipulated above. A revised planning proposal prepared by Michael Brown Planning Strategies was submitted to Council reflecting these changes.

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During the assessment, Council staff raised concerns with the planning proposals compliance with the 9.1 Ministerial Directions. Direction 6.3 which relates to site specific provisions discourages unnecessarily restrictive site specific planning controls. Although the proposal does not impose any additional development standards, the irregularity of the key site shape originally proposed led to a more restrictive outcome than what is existing and was inconsistent with other key sites. Furthermore, the shape closely followed the outline of the development footprints proposed under DA-750/2021 and therefore was unnecessarily dependent on the outcome of this DA.

Council staff requested the key site polygon be amended to a more generic, flexible form that is conducive to alternative development scenarios and would be consistent with Direction 6.3. The revised key site polygon as contained within the planning proposal report (**Attachment 1**) represents a less significant change to the existing key site provision and remains contained to the intersection of Fifteenth Avenue and Second Avenue. The proposed polygon has a total area of 11,433m², which in comparison to the existing site key site area of 11,699m², is smaller. The amendment to the Key Sites Map is generally in keeping with the intent of the control.

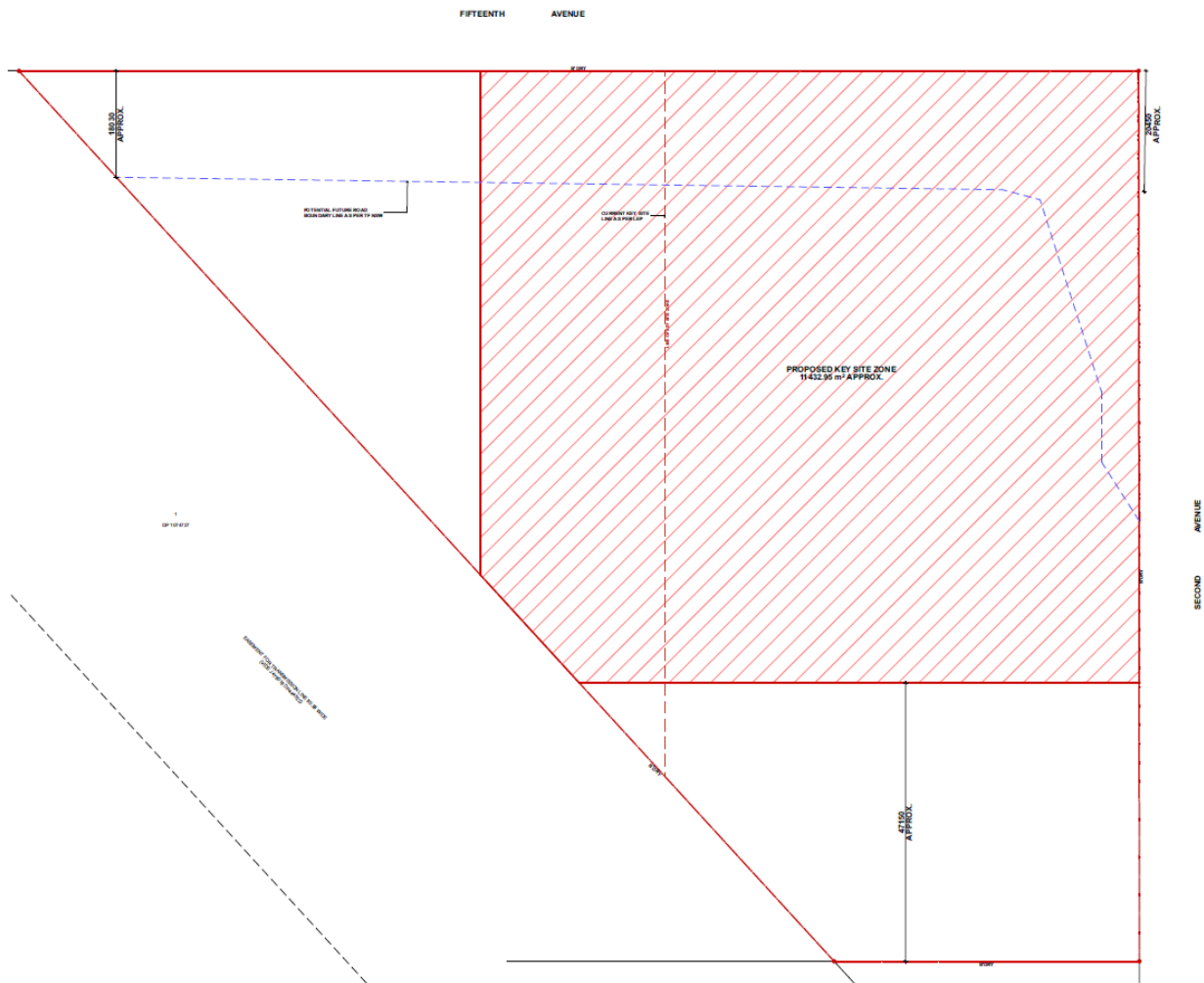
The planning proposal seeks to enable the development of a service station and take away food and drinks premises. It is envisaged that future development of the site will comprise of a:

- Service station and associated convenience store with approximately 2-3 employees;
- Take away food and drink premises (McDonalds) with approximately 12 employees;
- Child care centre for 90 children with 15 employees; and
- Torrens title subdivided residential allotments.

To achieve this proposed development, the planning proposal seeks to:

- Relocate the key site polygon as it relates to Lot 2 DP 1074727 Fifteenth Avenue on the Key Sites Map.

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5. CONSIDERATIONS FOR STRATEGIC MERIT

Section A – Need for the planning proposal

- The planning proposal is not the result of any endorsed strategic study or report. It is however generally consistent with the relevant overarching principles contained in the local, district and metropolitan strategic documents, as identified in Section B to this Part.

- The eastern portion of the lot is already identified as a key site on the Key Sites Map. The planning proposal therefore represents the best means of achieving the intended outcome.

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Section B – Relationship to the strategic planning framework

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)?

Greater Sydney Regional Plan - A Metropolis of Three Cities

The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of Greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

Consistency with the relevant parts of the Regional Plan is assessed below in Table 1.

Table 1: Consistency with the Regional Plan

Objective	Comment
A city for people	
Objective 6 – Services and infrastructure meet communities' changing needs	The proposal will facilitate a development which will provide job opportunities and improve access to services for businesses, employees and residents in the local area. It will therefore meet and reflect the local communities' changing needs and improves the quality of life by way of liveability and accessibility.
Objective 7 – Communities are healthy, resilient and socially connected	The proposal seeks to support urban development by locating services including convenience-based retail along a strategically significant corridor. The proposed uses shall have consideration to the local context and will attract a combination of people together, thereby creating opportunities for social interaction within the neighbourhood.

Western City District Plan

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district.

The relevant priorities and actions are outlined in Table 2:

Table 2: Consistency with the Western City District Plan

Planning Priority	Comment
A city for people	
Planning Priority W3 Providing services and social infrastructure to meet people's changing needs	The proposal will provide better access to services including convenience-based retail for nearby businesses, employees and residents

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	in the local area. It meets and reflects the communities' changing needs.
Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities	Overall, the proposal assists in the planning, managing and accessibility to infrastructure, particularly in consideration of the future growth and development planned for Western Sydney.

4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

Liverpool Council's LSPS provides a long-term strategic plan to guide and shape Liverpool's development for the next 20 years. The LSPS planning priorities focus on supporting housing, jobs, infrastructure and services across the LGA, in addition to protecting natural assets such as parks, open spaces and natural environmental systems. The review of this planning proposal is to ensure that it aligns with the following relevant planning priorities outlined within the LSPS:

Assessment of consistency with the LSPS is provided in the Table 3.

Table 3: Consistency with the LSPS

Planning Priority	Comment
Productivity	
Planning Priority 11 - An attractive environment for local jobs, business, tourism and investment	<p>Although the site is not in an area that is specifically identified for job growth within the LSPS, it falls within the strategic context of contributing to the economic and employment growth of the LGA and along a key corridor, which will service the Western Sydney International (Nancy-Bird Walton) Airport.</p> <p>The proposal comprises employment generating uses, which will inevitably lead to increased employment opportunities for local workers and support the local economy. Furthermore, should consent be granted to the development as indicated in the site plan, there will be ongoing investment at the site through further development of the residential allotments.</p>

Liverpool Centres and Corridors Strategy 2020

The Liverpool Centres and Corridors Strategy (the Strategy) is underpinned by the Centres and Corridors Study prepared by SGS Economics & Planning (February 2020). The SGS Study was prepared in consultation with key stakeholders to understand key retail trends and the performance of the local retail market.

Although the subject site is not located in a business zone, the Strategy identified service stations and take away food and drink premises permitted on identified key sites often serve an enterprise corridor function that is commensurate with sites in the B6 zone. Given this, an assessment of the planning proposal against the five 'Guiding Criteria' for the assessment of planning proposals contained in the Strategy is warranted.

Table 4: Assessment against the Strategy's Guiding Criteria

Guiding criteria	Consistency

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1. Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).	The proposal is not considered to pose a threat to the retail function of the Liverpool City Centre, town centres and local centres.
2. The creation of new out of centre retail developments are not encouraged.	Although the proposal includes retail development, it is relatively minor in scale and largely convenience-based. It is therefore considered acceptable.
3. In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.	The subject site is not located within a centre.
4. Proposals for redevelopment or expansion of town centres and local centres must demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.	N/A
5. Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.	The subject site is not located in the B5 Business Development zone.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The planning proposal seeks to facilitate the development potential of the site whilst still preserving the FAST corridor. The Future Transport Strategy 2056 identifies the need to preserve suitable transport options like the FAST corridor for future means. This connection between the Liverpool CBD and Western Sydney International (Nancy-Bird Walton) Airport forms a part of the envisioned network in the Strategy.

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

The following State Environmental Planning Policies (SEPPs) are of relevance to the site.

Table 5: Consistency with applicable SEPPs

SEPP	Consistency
SEPP 33 – Hazardous and Offensive Development	The development of a service station at the site will require an assessment against the criteria under Clause 13 of the SEPP. The submitted DA is required to address the SEPP.

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SEPP No 55 – Remediation of Land	Land contamination issues for the planning proposal are addressed under the Ministerial Directions. The submitted DA is required to comply with the provisions of the SEPP.
SEPP (Affordable Rental Housing) 2009	The planning proposal does not appear to present any inconsistency with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The submitted development application is required to adhere with the requirements of BASIX, as stipulated within the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	The submitted development application is required to adhere with the requirements of the SEPP.
SEPP (Infrastructure) 2007	The development of a service station at the site will require an assessment against the provisions of the SEPP. The submitted DA is required to address the SEPP.
SEPP (State and Regional Development) 2011	The planning proposal does not affect the application of the SEPP.
SEPP (Western Sydney Aerotropolis) 2020	The site is within the 13km wildlife buffer zone and Obstacle Limitation Surface (OLS) Map under the SEPP. The submitted DA is required to address the SEPP.
SEPP (Western Sydney Parklands) 2009	The planning proposal does not affect the application of the SEPP.
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (now a deemed SEPP)	The planning proposal is unlikely to contradict the objectives of the SEPP nor contribute to the detriment of the environmental health or quality of the Georges River Catchment.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal addresses the following Ministerial Directions, pursuant to Section 9.1 of the EP&A Act 1979:

Section	Comment	Consistency
1. Employment and Resources		
Direction 1.1 Business and Industrial Zones	<p>Whilst the proposal is not located within a business or industrial zone, an objective of this direction is to:</p> <p style="padding-left: 40px;">a) <i>Encourage employment growth in suitable locations.</i></p> <p>The site is identified as a key site and deemed a suitable location for the additional permissible uses. The proposal is consistent with this objective as the uses will encourage employment growth during the construction phase and throughout the continued operation of the development.</p>	Consistent.
2. Environment and Heritage		
Direction 2.6 Remediation of land	The direction requires a consent authority to consider a report on a preliminary investigation of the land where rezoning allows a change of use	Consistent.

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	<p>that may increase the risk to health or the environment. The planning proposal does not materially change the uses permitted on the site and therefore is deemed to be consistent with this direction.</p> <p>Notwithstanding this, a Preliminary Site Investigation report was submitted at the lodgement of DA-750/2021 which advises asbestos fibres were detected in the soil samples. The report concludes that the site is suitable for the proposed land uses subject to remediation and validations works being undertaken on the asbestos contaminated soil.</p>	
3. Housing, Infrastructure and Urban Development		
Direction 3.1 Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <i>a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> <i>b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> <i>c) to minimise the impact of residential development on the environment and resource lands.</i> <p>The site is predominately zoned R2 Low Density Residential. The proposal entails the delivery of residential allotments which, once developed, will contribute to housing supply in the locality. The non-residential development part of the site will ensure future housing on site will have suitable access to services.</p>	Consistent.
Direction 3.4 Integrating Land Use and Transport	<p>The subject site is located on a future major arterial road with accessible bus routes. The proposed uses will also benefit from the future potential FAST Corridor, which will provide a rapid public transit connection from Liverpool CBD to Western Sydney International (Nancy-Bird Walton) Airport. These uses will provide a service convenience along a strategic route to the future airport.</p>	Consistent.
4. Hazard and Risk		
4.4 Planning for Bushfire Protection	<p>The site is affected by Category 3 Bushfire Prone Vegetation. A Bushfire Hazard Assessment prepared by Harris Environmental Consulting was submitted at the lodgement of DA-750/2021. The report assesses the characteristics of the site with the uses proposed to meet BAL 12.5 as specified by AS3959 - 2018 Construction for Buildings in Bushfire Prone Areas.</p>	Consistent.

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	Consultation with the NSW Rural Fire Service (RFS) may also be required to ensure that the planning proposal aligns with <i>Planning for Bushfire Protection 2019</i> .	
5. Regional Planning		
Direction 5.10 Implementation of Regional Plans	This direction requires consistency with the relevant Regional Plan. This has been assessed in Table 1 of this report, and the proposal in its current form has demonstrated consistency with this plan.	Consistent.
6. Local Plan Making		
Direction 6.1 Approval and referral requirements	The Planning Proposal does not introduce any provisions that will require additional concurrence, consultation or referrals.	Consistent.
Direction 6.2 Reserving Land for Public Purposes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <i>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i> <p>A portion of the site is zoned SP2 Infrastructure for the purpose of Classified Road. The proposal will not hinder the acquisition of this land nor any additional land required by TfNSW for the Fifteenth Avenue upgrades.</p>	Consistent.
Direction 6.3 Site Specific Provisions	<p>The objective of this direction is:</p> <ul style="list-style-type: none"> <i>a) to discourage unnecessarily restrictive site-specific planning controls.</i> <p>The proposal does not impose any additional development standards. Furthermore, the revised key site polygon does not represent a more restrictive shape than what is currently applicable to the site.</p>	Consistent.
7. Metropolitan Planning		
Direction 7.8 Implementation of Western Sydney Aerotropolis Interim Land use and Infrastructure Implementation Plan	The site is not impacted adversely by the airport related OLS and is located outside the Aircraft Noise Exposure Forecast (ANEF) contours.	Consistent.

6. CONSIDERATIONS FOR SITE SPECIFIC MERIT

Section C – Environmental, social and economic impact

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

The site is devoid of vegetation. There is no likelihood that any critical ecology or habitat will be adversely impacted by the proposal.

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

Land Use Compatibility

The planning proposal was referred to Council's Community Planning section who raised concerns with the safety implications and land use compatibility of a child care centre located adjacent to a service station. These issues have also been captured in the assessment of DA-750/2021 and conveyed to the applicant through an emailed request for information on 2 December 2021. Given that these concerns stem from non-compliances with the Liverpool Development Control Plan 2008 and the Child Care Planning Guideline within the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, it is considered appropriate that these matters be resolved as part of the detailed DA assessment. Ultimately, the planning proposal directly relates to the additional permitted uses of a service station and take away food and drinks premises, which could not be rationalised within the existing key site polygon once TfNSW advised additional land may be required.

Traffic and Access

The amendments to the key site polygon will assist in reconfiguring the layout of the development to ensure the uses proposed can be accommodated. The planning proposal will not introduce any new forms of traffic generating uses that are not already permissible on the site. Furthermore, given the proposed key site provision is smaller in size to the existing, the proposal will not result in the intensification of existing permissible uses.

In terms of access, Council's Traffic section are currently assessing the suitability of obtaining access off Fifteenth Avenue. Although the existing key site provision already benefits from access off Fifteenth Avenue, Council's Traffic section are reviewing this through both the planning proposal and DA pathways to ensure the intentions of the planning proposal can be considered. Further information has been requested from the proponent to assist with this. Ways in which the future FAST Corridor can be protected through this process will be further refined at the post-Gateway stage in consultation with TfNSW, noting that the details of this future project remain undetermined at this stage.

Bushfire

The site is affected by Category 3 Bushfire Prone Vegetation. A Bushfire Hazard Assessment has been prepared by Harris Environmental Consulting for DA-750/2021. The report assesses the characteristics of the site with the uses proposed to meet BAL 12.5 as specified by AS3959 - 2018 Construction for Buildings in Bushfire Prone Areas. Consultation with the NSW Rural Fire Service (RFS) may also be required should a Gateway determination be issued.

There are no other identifiable site constraints or affectations that would be triggered as a result of this proposal. All constraints have been addressed pursuant to the Ministerial Directions.

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

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Economic Impacts

The proposal has potential to facilitate a positive economic impact in the locality through the creation of jobs in the area, aligning with the aspirations for employment within the Liverpool LGA set by Council's Economic Development Plan. The proposal will also activate a site that is predominately vacant and consequently underutilised for several years.

Social Impacts

The proposal is unlikely to introduce any adverse impacts on the social fabric of the area surrounding the site. The development will not significantly reduce or impact upon the level of service provided by existing social infrastructure and facilities. Accordingly, there are no notable social implications within the scope of the planning proposal.

Section D – State and Commonwealth Interests

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

The planning proposal does not seek to materially change the permissible uses on the subject site. Existing provision of public infrastructure is therefore considered to be adequate.

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

7. NEXT STEPS

Following the Panel's consideration, the planning proposal will be finalised and reported to Council for consideration. Should the planning proposal request be endorsed, it will be forwarded to DPE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be public authority consultation, a public exhibition period and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008. It is noted that the provision of various additional studies and clarification may be required by DPIE prior to exhibition occurring.

8. CONCLUSION

Pursuant to the requirements of the Local Environmental Plan Making Guideline and relevant Ministerial Directions, this report provides a merit assessment of the planning proposal request.

The above assessment has shown that the proposal is consistent with State and local strategies. There is strategic merit to support the proposed rezoning. The proposal demonstrates site specific merit where the amended standard will enable the development of the additional permitted uses, without negatively impacting upon current or future land uses and infrastructure upgrades in the vicinity.

The planning proposal request is presented to the Panel for consideration and advice.

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9. RECOMMENDATION

That the planning proposal is supported as discussed in this report, and that the proposal be presented to Council seeking a Gateway determination.

10. ATTACHMENTS

1. Revised Planning Proposal
2. Stage 1 Site Investigation Report (from DA-750/2021)
3. Bushfire Hazard Assessment (from DA-750/2021)