



PLANNING PROPOSAL JUSTIFICATION REPORT

1411 THE NORTHERN ROAD BRINGELLY
LOT 6 DP 1217784

PROPOSED SERVICE CENTRE;

FOOD & DRINK PREMISES &

LIGHT INDUSTRY

EG

MAY 2023



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Report Stage	Date	Author	Reviewed
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Final	09/02/23	D. Brajuha Planning Director	Dr S. Geha Managing Director
Updated	22/05/23		

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Executive Summary

The Planning Proposal seeks to be included as a Key Site as part of Clause 9 Schedule 1 of *Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008)*, to enable the property at 1411 The Northern Road Bringelly (Lot 6 DP 1217784), to be developed for a Service Centre; Food and Drink Premises; and Light Industry.

The Site has a total area of 2.1 hectares and a 180-m-wide frontage to The Northern Road. The Site is located less than 1 km away from the boundary of the new Western Sydney International (Nancy-Bird Walton) Airport, and only 150 m from the edge of the Aerotropolis. It is also less than 3.5 km south of the proposed Western Sydney International Cargo Precinct. Importantly, the Site is located within the Dwyer Road Precinct, which has already been earmarked by the New South Wales Department of Planning & Environment (NSW DPE) to be re-zoned to ENT-Enterprise, as part of the *Western Sydney Aerotropolis Plan (2022)*. The suggested new zoning of the Site, will simply expedite what is already envisaged for the land in the *Western Sydney Aerotropolis Plan*, noting that land directly across the Site on The Northern Road, has already been re-zoned to ENT- Enterprise, pursuant to *State Environmental Planning Policy (Precincts- Western Parkland City) 2021*.

Given that the new Western Sydney Airport is due to open in 2026 for both passengers and freight (i.e. in less than three years time), there is a clear imperative for the Airport to have such important functional supporting services, at locations such as this one. Also having light warehousing at this location, will be essential in allowing both the new Airport and the Aerotropolis to deliver their core service functions. This will equally ensure the long-term location of permanent employment on the Site. The new employment uses for the Site have been verified by market-led interest from Service-Station operators; fast food outlets; and

multiple industrial users, who all have expressed strong intent in locating here, once the land is appropriately zoned.

The Proposal is fully aligned with the strategic vision for the Western Sydney Aerotropolis and the Proposal has clear public benefits such that:

1. The Proposal will have a Capital Investment Value of approximately \$18.8 Million, and will create 150 direct jobs in the operational phase and 220 jobs during construction.
2. The Proposal responds to the lack of planned service stations in the Aerotropolis, particularly those that link with north-bound traffic on The Northern Road;
3. The Proposal responds to the lack of zoned industrial land across South-Western Sydney;
4. The Proposal is significant and complementary to the 24-hour operations of the new Western Sydney Airport;
5. The Proposal and the Site upon which it is located, are set within an attractive and convenient location that will serve both workers and residents of South-Western Sydney. Such sites will be essential in creating employment opportunities in the West and in delivering the 30-Minute City.

EG is of the view that this Planning Proposal, is appropriate, timely, and logical, not only in the strategic planning for long-term employment in the Area, but also critical to the success of the Precinct. It will also be significant given its size, in delivering the objectives of *The Greater Sydney Region Plan - A Metropolis of Three Cities*; *The Central City District Plan*; and the *Liverpool Local Strategic Planning Statement 2020 (LSPS)*.

The findings of this Planning Proposal, supported by the appended technical reports, conclude that all future proposed land-uses, can be successfully accommodated, with minimal impacts on the Site's surrounds. It is therefore recommended that the Planning Proposal be progressed to the NSW Department of Planning, and Environment (NSW DPE), to issue a Gateway Determination.

1.0 Introduction

EG Advisory has prepared this Planning Justification Report in relation to a Planning Proposal, on behalf of the Owners of the land at 1411 The Northern Road, Bringelly (the Site). This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act, 1979)*. The Planning Proposal seeks to be included as a Key Site as part of Clause 9 Schedule 1 of *Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008)*, to enable the Site to be developed for employment-generating uses, namely: a Service Centre; Food and Drink Premises; and Light Industry.

The Site's legal description is Lot 6 DP 1217784, having a total area of 2.1 hectares and a 180-m-wide frontage to The Northern Road. The Site is positioned approximately only 2 km away from the boundary of the new Western Sydney Airport, and just 60 m from the Aerotropolis Core Precinct. This is land that has already been zoned Enterprise, pursuant to *State Environmental Planning Policy- Western Parkland City*.

The Site is currently zoned RU4 - Primary Production Small Lots, pursuant to the provisions of *Liverpool LEP 2008*. The Site being strategically located, fronting The Northern Road and adjacent to the Aerotropolis Core, makes it a perfect location for development that can support the Aerotropolis' operation.

This land therefore fulfils an important strategic role in supporting the function of the new Aerotropolis. This is especially so, given the property's location within the Dwyer Road Precinct, which will be zoned ENT - Enterprise as part of the *Western Sydney Aerotropolis Plan*, prepared by the NSW Department of Planning, Industry and Environment in 2022.

All intended uses currently considered for the Site, are already permissible in the ENT - Enterprise Zone pursuant to *State Environmental Planning Policy (Precincts - Western*

Parkland City) 2021. A rezoning of the Site will simply expedite what is already envisaged for the land in the *Western Sydney Aerotropolis Plan (2022)*. To confirm the Site's suitability, full investigations have already been carried out. These have identified the key characteristics and constraints of the land. These investigations have formed the basis of a detailed Site Analysis, used in the preparation of this Planning Proposal.

The Project will have a total Capital Investment Value (CIV) of \$18.8 Million (based on about 17,000 sqm of GIA). Based on the amount and nature of floorspace entailed in the Proposed Development, it will provide a total of 150 jobs in the operational phase and 220 jobs during construction.

This Planning Proposal has been prepared, with regard to "*A Guide to Preparing Planning Proposals*", as set out by the Department of Planning and Environment (DPIE) 2022.

The Planning Proposal is structured as follows:

Section 1 - Introduction.

Section 2 - Location & Site Identification - provides a description of the site and context.

Section 3 - Existing Planning Framework - provides a summary of the current relevant strategic planning policies and directions.

Section 4 - Development Concept - provides a description of the Proposed Concept Design,

Section 5 - Planning Proposal, including:

Part 1: Objectives and intended outcomes - a statement of the objectives of the proposed instrument;

Part 2: Explanation of provisions - an explanation of the provisions that are to be included in the proposed instrument;

Part 3: Justification - Consideration of the Site's strategic and potential site-specific merit, outcomes, and the process for their implementation;

Part 4: Effect of the Planning Proposal and the area to which it applies;

Part 5: Consultation - details of the consultation that is to be undertaken on the Planning Proposal; and

Part 6: Project Timeline - project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in the LEP Making Guidelines.

2.0 Location & Site Identification

The land to which this Planning Proposal relates, is located at 1411 The Northern Road Bringelly, within the Liverpool Local Government Area. The Site's legal description is: Lot 6 DP 1217784 and has a total area of 2.1 hectares. In a regional context, Bringelly is located approximately 45 km south-west of the Sydney Central Business District (CBD); approximately 2 km south of the new Western Sydney International (Nancy-Bird Walton) Airport; and is only 150 m from the edge of Aerotropolis. The Site is located on the western side of The Northern Road Bringelly, approximately 550 metres north-west of Badgerys Creek Road. The Northern Road is deemed a Transport for NSW Classified Road, according to Transport for NSW (TfNSW).

The Northern Road is a main road that traverses north-south, connecting Richmond Road in the north and Narellan Road in the south and will become the main connection through the future Aerotropolis Core area. Specifically, the Site is located along the Peter Brock Drive to Mersey Road section of upgraded roadway, which opened to traffic in 2020.

The Site has a significant frontage of 180 metres to The Northern Road, a southern boundary of 165 metres; an eastern boundary of 85 metres; and a western boundary of 170 metres. The Site is strategically located approximately 2 km from the boundary of the new Western Sydney International (Nancy-Bird Walton) Airport. It also has excellent access to several major transport routes. In regard to services, reticulated water and sewer are located nearby and electricity and telecommunications services, are also both available at the Site.

The Site is generally clear of vegetation, apart from a single-storey rural-residential dwelling. The Site has a low-grade slope, from north-west to south-west, with surrounding land being

generally flat. There is a dam in the south-west corner of the Site. There is a single vehicular access is to The Northern Road, on the north-western corner of the Site.

The surrounds are already undergoing a full transition from rural uses to an urbanised precinct. The Site is not affected by the Land Reservation Acquisition Map in *State Environmental Planning Policy (SEPP) Precincts - Western Parkland City 2021*.

Please refer to **Figure 1** and **Figure 2** overleaf, for the Site Location Plan and Aerial View of the Site respectively. **Figures 3 to 5** show photos of the Site and surrounds. **Figure 6** (overleaf) depicts the Site's within the *Western Sydney Aerotropolis Plan*, prepared by the NSW Department of Planning and Environment, 2022.

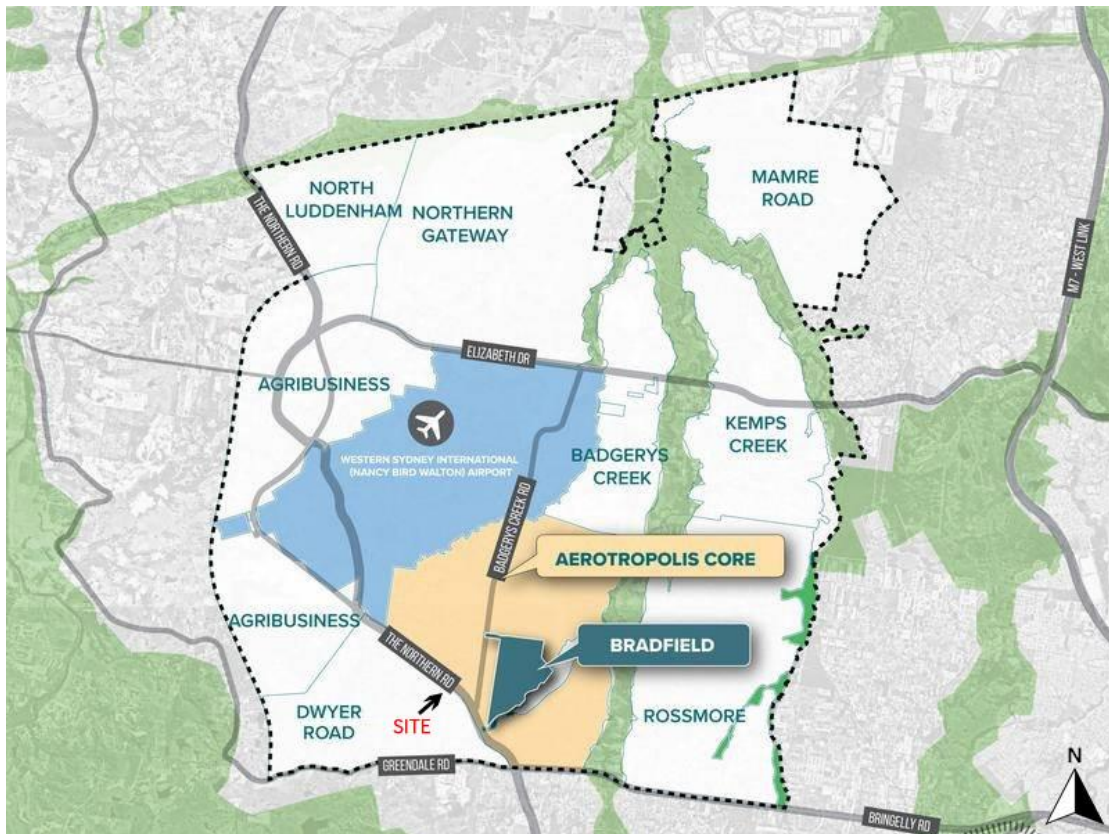


Figure 1 - Site Location Plan, (NSW Department of Planning and Environment, 2022). The Site is located on The Northern Road, at the southern edge of the Aerotropolis Precinct, at the edge of The Dwyer Road Precinct.



Figure 2 - Aerial View of Site and surrounds showing urban context (Source: Near Maps).



Figure 3 - Aerial view of Site, view generally north-west, Image courtesy of Badgerys Creek Property, 2022.



Figure 4 - Aerial view of Site, view generally north. Image courtesy of Badgerys Creek Property, 2022.



Figure 5 - Existing single storey dwelling on site. Image courtesy of Badgerys Creek Property, 2022.

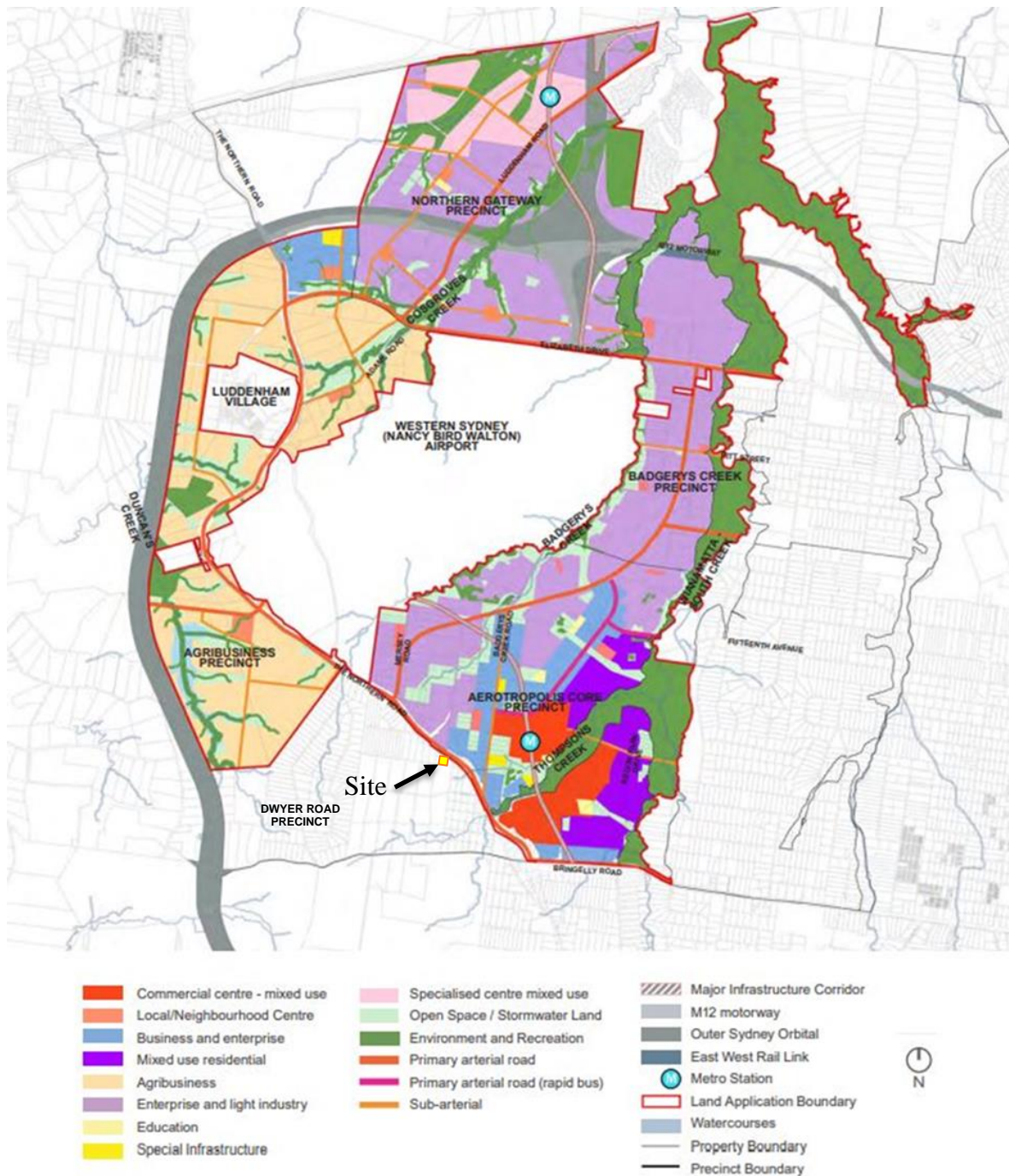


Figure 6 - Site's proximity to Current Aerotropolis Plan (Source: NSW DPE 2022).

(Not to Scale)

The Site is located within the Dwyer Road Precinct, adjoining the southern boundary of the current *Western Sydney Aerotropolis Plan*.

3.0 Existing Planning Framework

The following section sets out the main legislative controls as they relate to the Site and their significance to the desired outcomes of the Site.

3.1 Liverpool Local Environmental Plan 2008

Liverpool LEP 2008 is the principal environmental instrument applicable to the Site and was gazetted on 22nd September 2010. The zoning of the Site, including the relevant objectives, standards and provisions of *Liverpool LEP 2008*, are discussed below.

The aims of the *Liverpool LEP 2008* are quoted below:

(1) This Plan aims to make local environmental planning provisions for land in Liverpool in accordance with the relevant standard environmental planning instrument under Section 3.20 of the EP&A Act, 1979.

(2) The particular aims of this Plan are as follows:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

*(a) to encourage a range of housing, **employment**, recreation and services to meet the needs of existing and future residents of Liverpool,*

(b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work, study and visit,

(c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,

- (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south-west region,*
- (e) to concentrate intensive land uses and trip-generating activities in locations most accessible to public transport and centres,*
- (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,*
- (h) to protect, connect, maintain and enhance the natural environment in Liverpool, and promote ecologically sustainable development which takes into account the environmental constraints of the land,*
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires, by managing development in sensitive areas,*
- (j) to promote a high standard of urban design that responds appropriately to the desired future character of areas,*
- (k) to improve public access along waterways and vegetated corridors while ensuring the natural environmental values of riparian and bushland corridors and the habitat they provide are protected and enhanced,*
- (l) to improve public transport accessibility, and facilitate the increased use of public transport, cycling and pedestrian activity,*
- (m) to enhance the amenity and positive characteristics of established residential areas,*

(n) to ensure the agricultural production potential of rural land and prevent its fragmentation, and

(o) to encourage development opportunities for business and industry so as to deliver local and regional employment growth.

The most relevant objectives of *Liverpool LEP 2008* are highlighted above in bold. The Planning Proposal is consistent with all the relevant objectives of *Liverpool LEP 2008*. The Site is located in an optimal location, adjacent to the new Western Sydney Aerotropolis. The Proposal will therefore deliver additional jobs, close to the new Western Sydney Airport, as planned by both the State and Liverpool Council.

3.1.1 Site's Current Zoning

The Site is currently zoned in the *Liverpool LEP 2008* as RU4 - Primary Production Small Lots (Refer to **Figure 7** overleaf). The intended use of the Site for a Service Station, Food & Drink Premises and Light Industry, are not currently listed as being Permitted With Consent within the RU4 - Primary Production Small Lots Zone. The objectives of the Zone and Permitted Uses are listed in **Table 1** below.

Zone RU4- Primary Production Small Lots	
1 Objectives of Zone	<ul style="list-style-type: none"> To enable sustainable primary industry and other compatible land uses.
	<ul style="list-style-type: none"> 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.
	<ul style="list-style-type: none"> To minimise conflict between land uses within this zone and land uses within adjoining zones.
2 Permitted without Consent	Extensive agriculture; Home-based child-care; Home Occupations
3 Permitted with Consent	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
4 Prohibited	Any development not specified in Item 2 or 3.

Table 1 - Zoning table, RU4 Primary Production Small Lots.

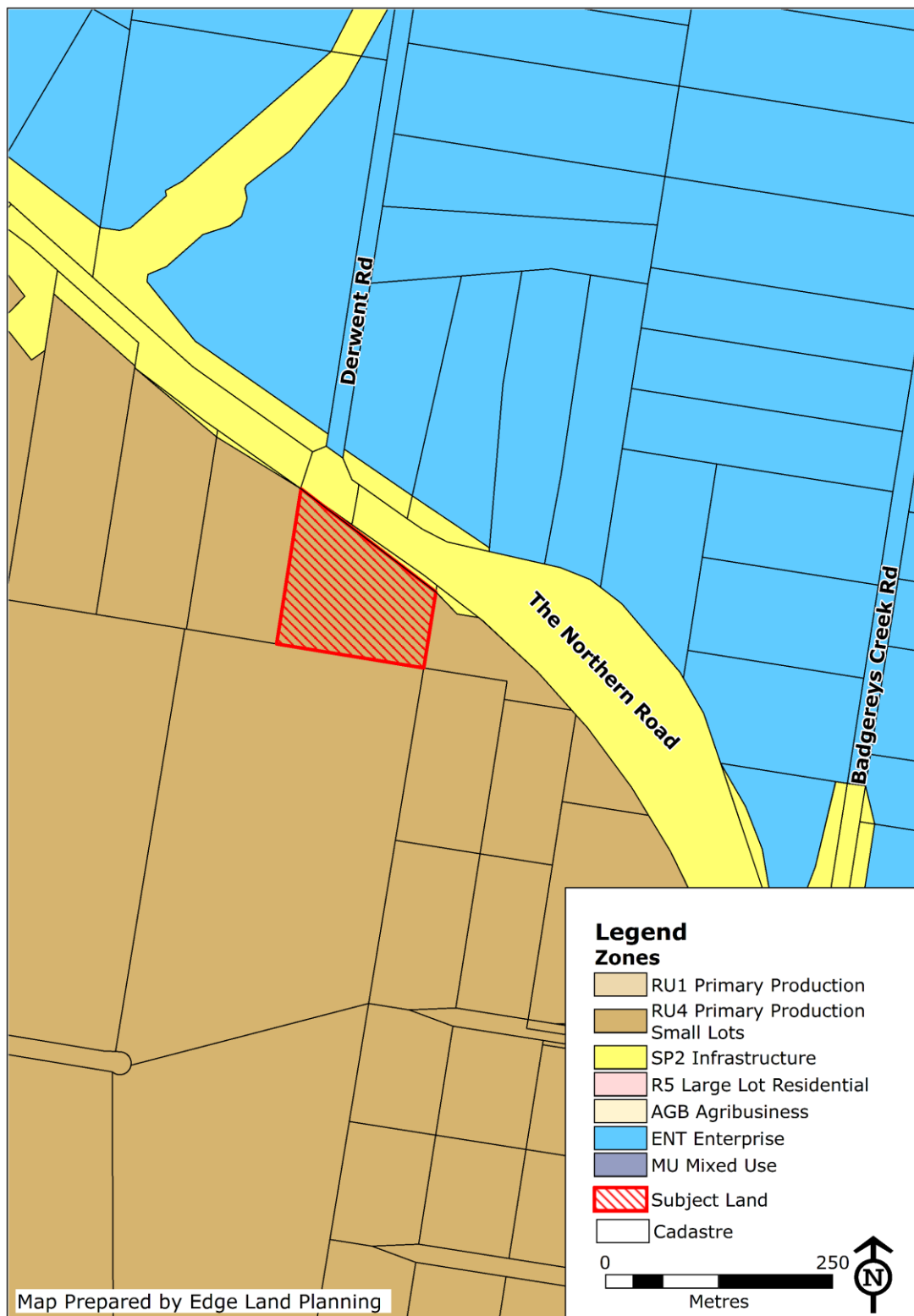


Figure 7 - Liverpool LEP 2008- Land Zoning Map RU4- Primary Production Small Lots. Source Edge Land Planning.

Note that this Figure clearly shows the Site on the southern side of The Northern Road. The land directly opposite the Site, is already zoned ENT-Enterprise pursuant to the *State Environmental Planning Policy- Precincts (Western City Parkland) 2021*.

3.1.2 Liverpool Local Environmental Plan 2008- Provisions

The **Table 2** below provides an overview of the key local planning controls contained in *Liverpool LEP 2008*, in relation to the Subject Site.

Clause/Standard	Provision
Zoning	RU4- Primary Production Small Lots- refer to Section 3.1.1.
Clause 4.1 - Minimum Lot Size	<p>Clause 4.1 - Minimum Lot Size</p> <p>The Site is subject to a 10-hectare minimum lot size control.</p> <p>It is proposed to now include a Minimum Lot Size control of 400 m² in order to allow the development of light industry, each on its own allotment.</p>
Clause 4.3 - Height of Building	The Site is not subject to a Building Height control.
Clause 4.4 - Floor Space Ratio	The Site is not subject to a Floor Space Ratio control.
Clause 5.10 - Heritage Conservation	The Site is not a Heritage Item nor is it located within a Heritage Conservation

	Area. The nearest heritage item is Item 7-Bringelly Public School Group, which is located approximately 2 km south-east of the Site. The Site is not located within sufficient distance to the heritage item to cause any impacts.
Clause 7.6 - Environmentally Significant Land	The property is not identified as being Environmentally Significant Land.
Clause 7.7 - Acid Sulphate Soils	Not Applicable
Clause 7.8 - Flood Planning	The Site is not Flood-Affected. Refer to Figure 10 overleaf.
Clause 7.9 - Foreshore Building Line	Not Applicable.
Clause 7.17 - Airspace Operations	The Site is affected by the 6 km Lighting Intensity Radius. This is not relevant to the Proposal.
Clause 7.24 - Dual occupancies in Zones RU1, RU2 and RU4	Not Applicable. It is not intended to develop the Site for a Dual Occupancy Development.
Schedule 1 - Additional Permitted Use Clause 9	<p><i>9 Use of certain land for service stations and take away food and drink premises</i></p> <p><i>(1) This clause applies to land shown coloured yellow on the Key Sites Map.</i></p> <p><i>(2) Development for the following purposes is permitted with consent—</i></p>

	<p>(a) service stations,</p> <p>(b) take away food and drink premises if—</p> <p>(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</p> <p>(ii) the gross floor area of the take-away food and drink premises is not greater than 300 m².</p> <p>The Site is now included as a Key Site, and a new Key Site Map for this Site has been prepared in Figure 11.</p> <p>Given that the Site will also accommodate Light Industry, we suggest that a new sub-clause (3) be introduced within Clause 9, to also permit light industry on Lot 6 DP 12117784.</p>
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Table 2 - Provisions of *Liverpool LEP 2008*.

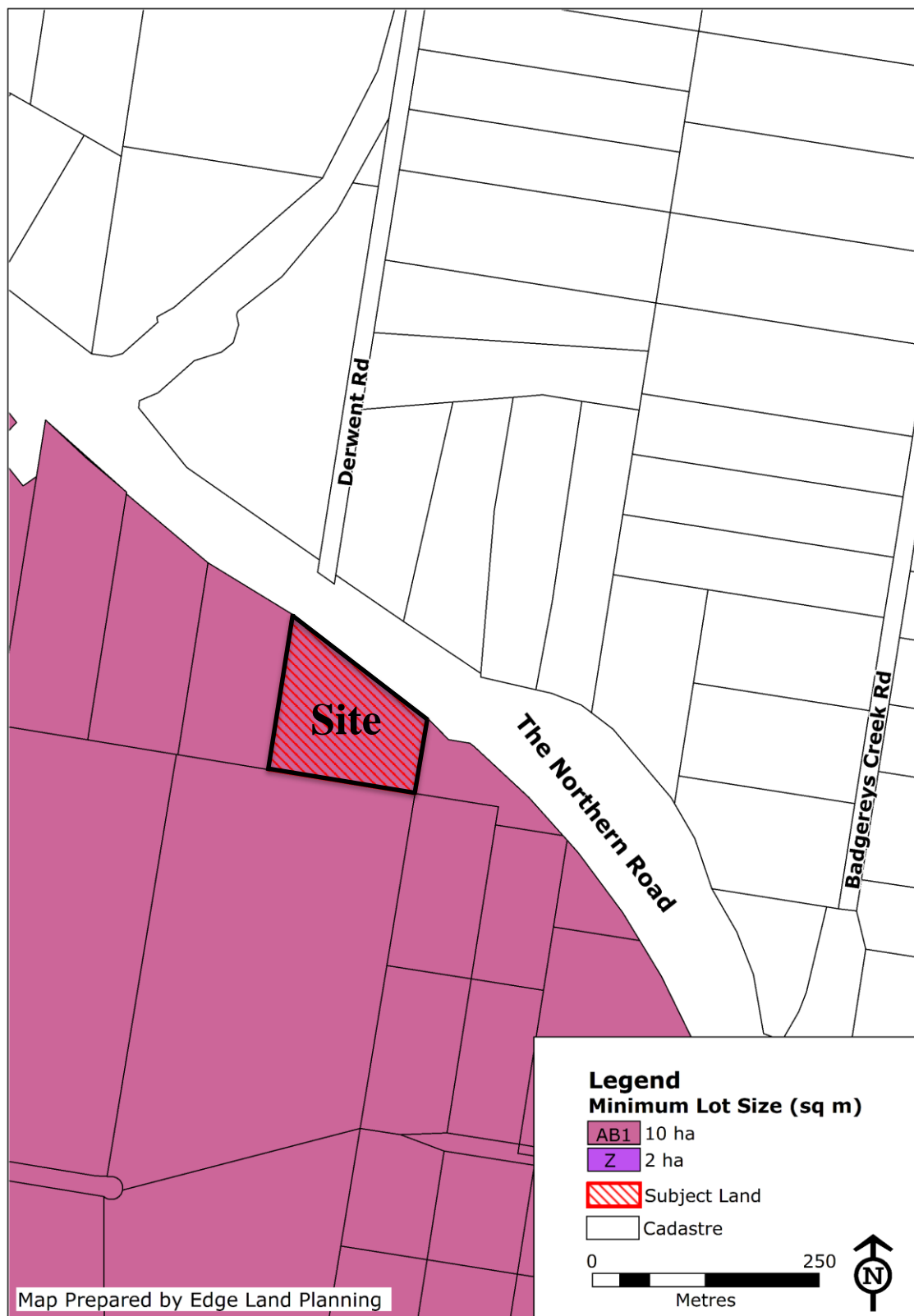


Figure 9 - Liverpool LEP 2008 Lot Size Map, AB1 10 ha.

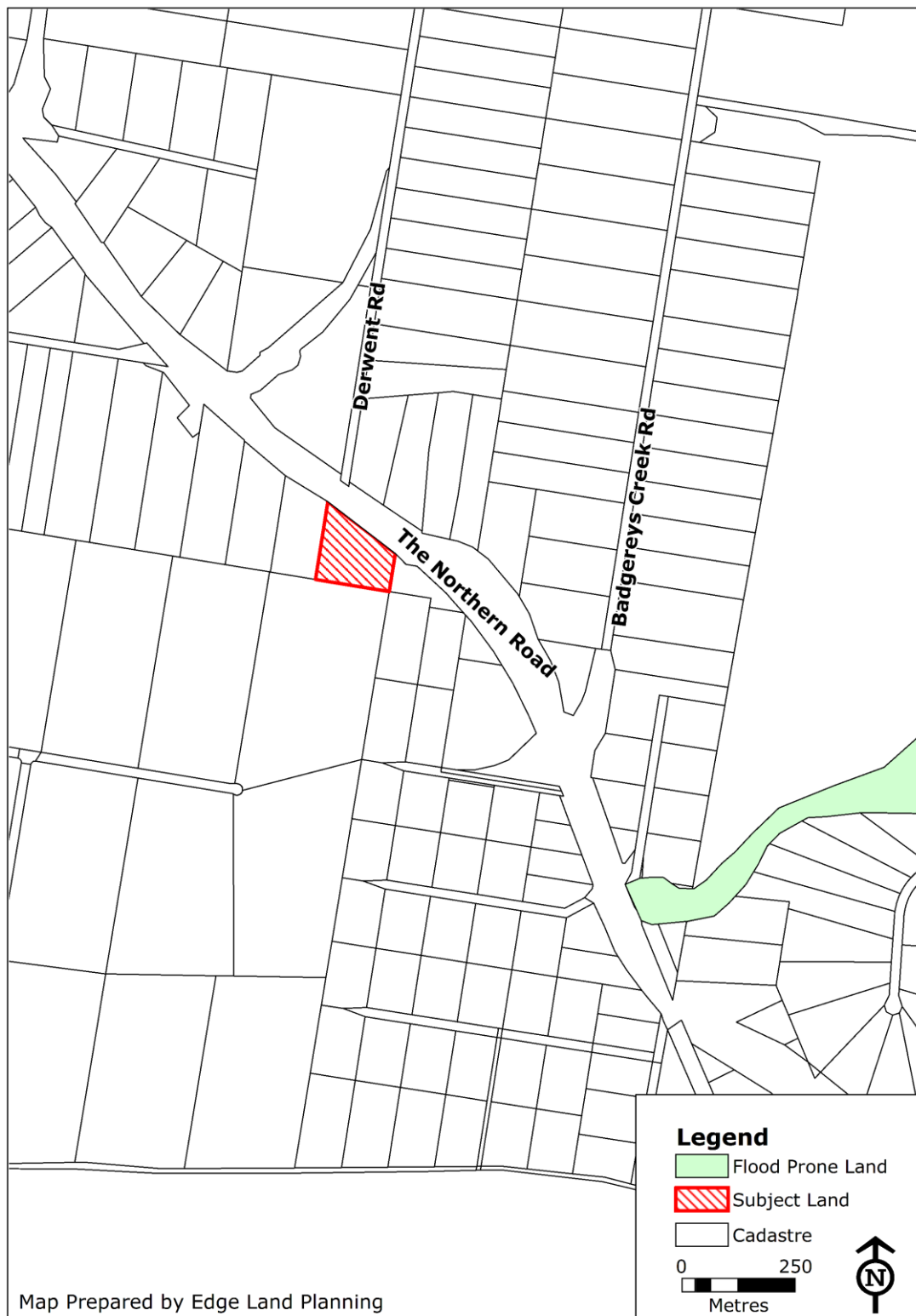


Figure 10 - Liverpool LEP 2008 Flood Planning Area Map. The Site is not flood affected.

(Not to scale)

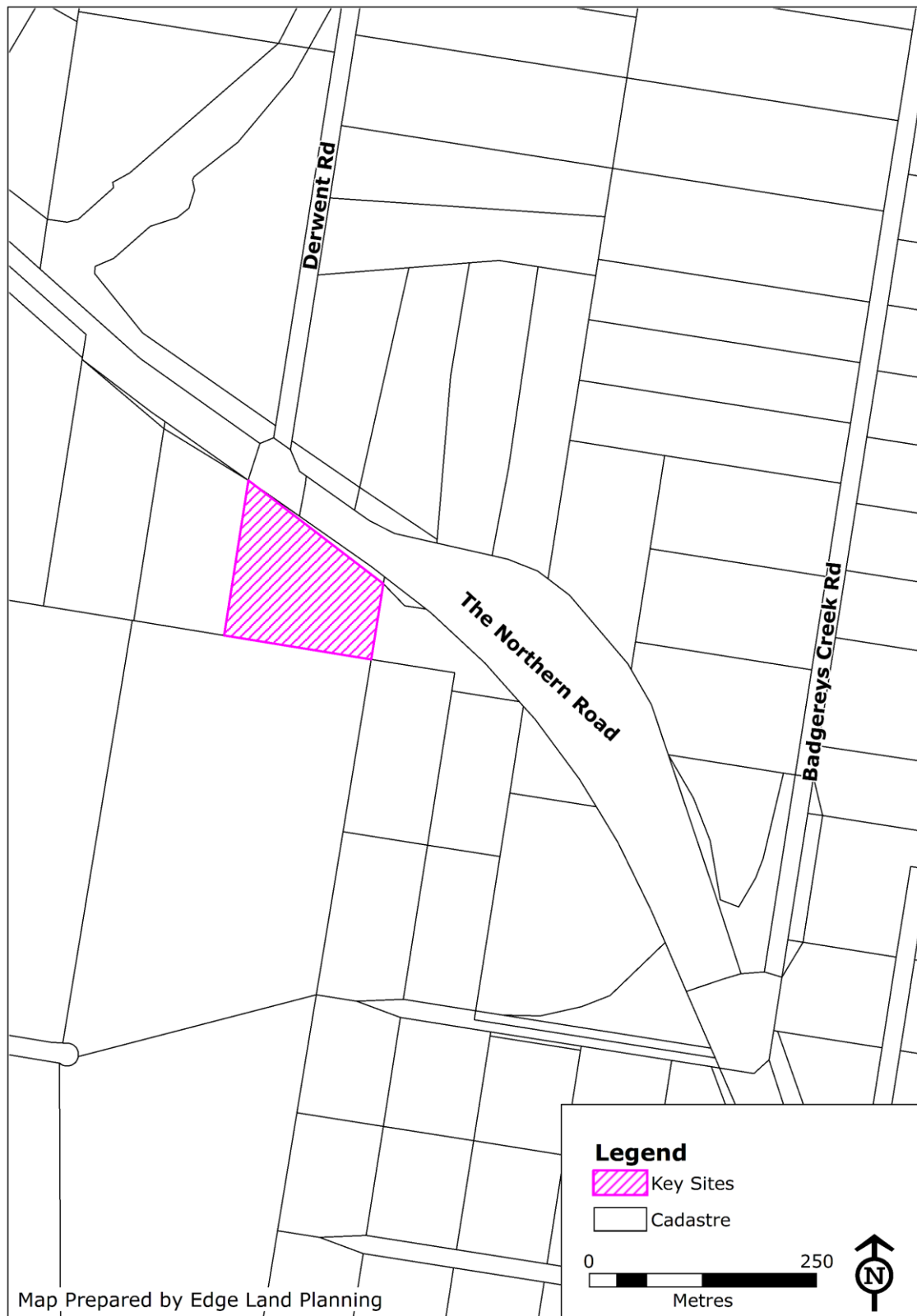


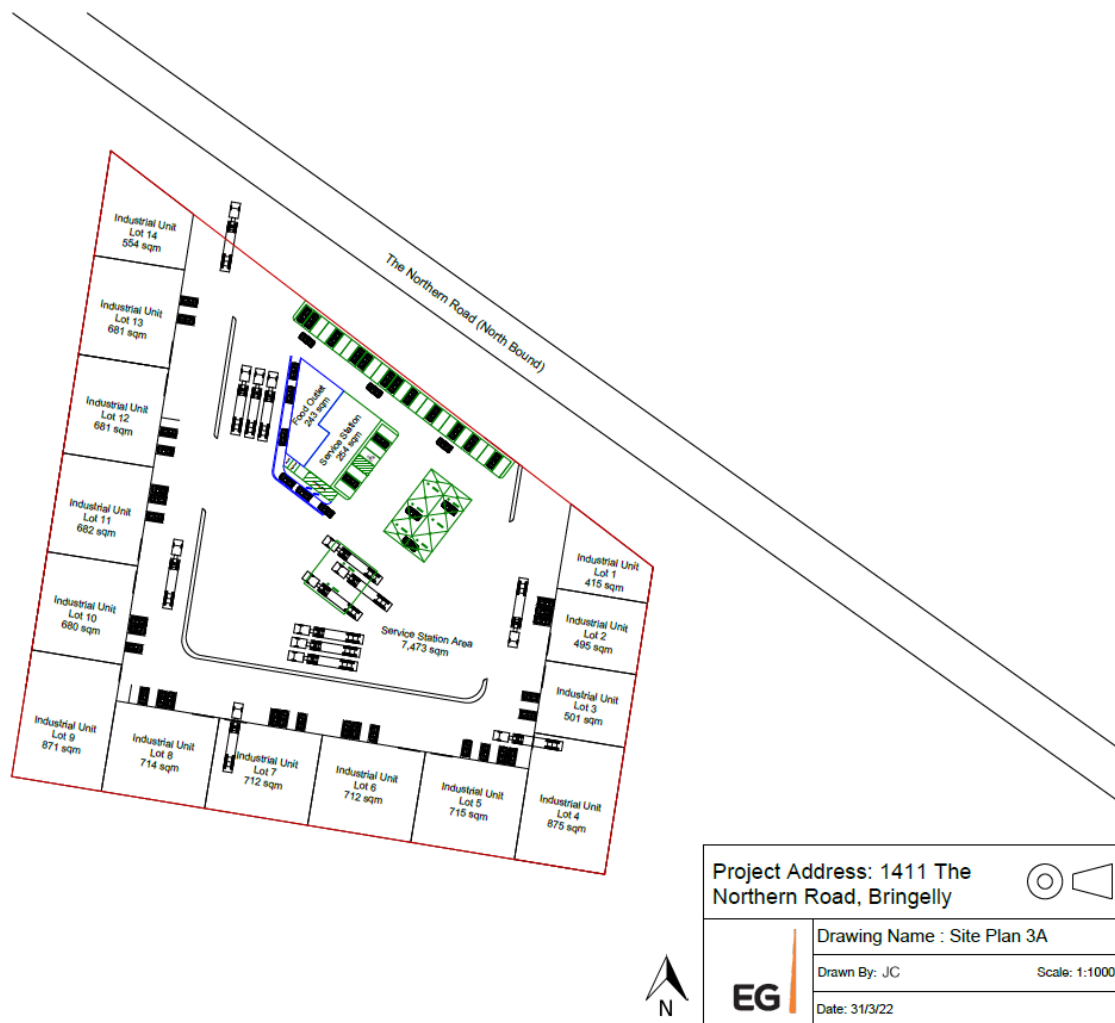
Figure 11 - The Site could be included as a Key Site, pursuant to Clause 9 of Schedule 1 of *Liverpool LEP 2008*.

4.0 Proposed Concept: Service Centre and Light Industry

The Proposed Concept is shown in **Figure 12** below.

The proposed LEP amendment being requested, has been conceived to be in line with market demand. An amendment of the LEP seeks to facilitate redevelopment of the land to enable the following uses:

1. Approximately 7,400 m² of service station, including 6 double-sided bowser pumps for passenger vehicles, in addition to 3 double-sided bowsers for trucks; overhead canopy; and hardstand;
2. Approximately 250 m² service station retail shop;
3. Approximately 250 m² fast food shop including drive through facilities; and
4. Approximately 9,000 m² of light industrial units for business serving the Aerotropolis.



Not To Scale

Figure 12 - Proposed Site Layout (EG, 2022), showing various industrial land uses and associated retail. Refer also to Appendix 1.

5.0 Planning Proposal

5.1 PART 1: OBJECTIVES AND OUTCOMES

Objectives

The Objectives of this Planning Proposal are to:

1. Provide a Service Centre: Food and Drink Premises and Light Industry on the subject land as a permissible land-use with consent, through the use of Clause 9 - Use of Certain Land for Service Stations and Take Away Food and Drink Premises, pursuant to sub-clause 9 of Schedule 1 - Additional Permitted Uses of the *Liverpool LEP 2008*. Neither Service Centres nor Light Industrial are currently permissible as land-uses within the RU4- Primary Production Small Lots Zoning.
2. Provide for the subject land to be subdivided from the parent lot, should a Service Station be developed, with the remainder of the land to be subdivided into Light Industry Lots, with a Minimum Lot Size of 400 m².

The following definitions in the *Liverpool LEP 2008* are relevant:

Service Station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following: -

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note—

Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

Light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Intended Outcomes

The intended objectives can be fully achieved, by including the Site as a “Key Site” under Clause 9, Schedule 1 - Amendment to *Liverpool LEP 2008*, in order to permit with development consent over Lot 6 DP 1217784, the development of a Service Station; Food and Drink Premises; and Light Industry.

5.2 PART 2: EXPLANATION OF PROVISIONS

5.2.1 LOCAL ENVIRONMENTAL PLAN

Schedule 1 of *Liverpool LEP 2008*, provides a list of land parcels where specific land uses are permitted, in addition to those listed in the Land Use Tables to the LEP. Schedule 1 identifies the affected land, the additional land use, and in some cases, conditions applying to the additional permissibility.

In this case, it is proposed to have the Site included as part of sub-clause 9 of Schedule 1 (Additional Permitted Uses) of *Liverpool LEP 2008*, to include a Service Station; Food and Drink Premises and Light Industry on Lot 6 DP 1217784 (subject land), as part of a Key Site. Please see **Figure 11** for a Map of this new Key Site.

The new Key Sites Map for the Site, will identify the Subject Land with an additional permitted use (i.e., those shown in Clause 9 of Schedule 1 of the LEP). The proposed Objectives, will be achieved by amending *Liverpool LEP 2008* as per **Table 3** below:

Proposed Amendment	Explanation of Provision
Land Zoning Map	<p>No change to the Land Zoning Map.</p> <p>The Planning Proposal will introduce an additional item as a Key Site under Clause 9 of Schedule 1- Additional Permitted Uses.</p>

Height of Building Map	<p>No change to the Height of Building Map.</p> <p>A maximum Height of 15 m is proposed to accommodate the height of the canopy of the Service Station.</p>
Floor Space Ratio Map	<p>No change to the Floor Space Ratio Map.</p> <p>The gross floor area of the take-away food and drink premises can be limited to 300 m², in accordance with sub-clause 9.</p> <p>The density of the light industry lots can be controlled through setbacks and site coverage controls, which can be incorporated within Council's Development Control Plan.</p>
Minimum Lot Size Map	<p>No change to the Minimum Lot Size Map.</p> <p>A new sub-clause (3) can be included as part of Clause 9, which would also permit light industry to be developed on the Site, at a minimum lot size of 400 m².</p>
Schedule 1 - Clause 9	<p>9 Use of certain land for service stations and take away food and drink premises</p> <p>(1) This clause applies to land shown coloured yellow on the Key Sites Map.</p> <p>(2) Development for the following purposes is permitted with consent—</p>

	<p>(a) service stations,</p> <p>(b) take away food and drink premises if—</p> <p>(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</p> <p>(ii) the gross floor area of the take away food and drink premises is not greater than 300m².</p> <p>A new provision is proposed to accommodate the light industry. A suggested clause is as follows:</p> <p>(c) Regardless of other provisions of this Plan, the land identified may be subdivided from its parent lot following development of a Service Centre; with the remaining parcels to be developed for light industry allotments. The minimum lot size for these allotments is 400m².</p> <p>We propose that the our Site be included as a Key Site, as shown in Figure 11.</p>
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	The LEP already contains a number of Schedule 1 items, none of which affect the subject land.
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Table 3 - Proposed changes to *Liverpool LEP 2008*.

5.2.2 DEVELOPMENT CONTROL PLAN

We note that the existing *Liverpool Development Control Plan 2008 (Liverpool DCP 2008)* does not apply to service stations; take-away food and drink premises; industrial development and warehousing in Rural Zones. A site-specific DCP is not proposed, however, as the Site, at 2.1ha, is not large enough in size to warrant its own separate Development Control Plan. Instead, it is proposed to amend the existing Part 5 Development in Rural and Environmental E3 Zones, of the *Liverpool DCP 2008*, to include the required objectives and controls for the proposed development. These controls can include site coverage; landscaping requirements and other general development controls that have not been captured in Clause 9 of Schedule 1 of *Liverpool LEP 2008*.

5.3 PART 3: JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

The following information provides the detailed assessment of the Proposal, as per the *LEP Making Guidelines*, as set out by the NSW Department of Planning & Environment, 2022.

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a Result of an Endorsed Local Strategic Planning Statement, Strategic Study or Report?

Response: Yes; the Property is located within the Dwyer Road Precinct, which will ultimately be zoned ENT- Enterprise, as part of the *Western Sydney Aerotropolis Plan*. This has been publicly exhibited by the NSW Department of Planning and Environment (2022). All intended uses currently being considered for the Site, are already permissible in the ENT - Enterprise Zone, pursuant to *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*. A rezoning of the Site will simply expedite what is already envisaged for the land in the *Western Sydney Aerotropolis Plan (2022)*. This information has already been published and made publicly available.

2. Is the Planning Proposal the Best Means of Achieving the Objectives or Intended Outcomes, or is there a Better Way?

Response: The Planning Proposal is the best approach to achieve the intended outcomes. It is the most efficient and timely approach to amend the planning controls to rezone the land. It will enable the full future development of the Site for a Service Station development and light-industrial warehousing, to occur in line with the State and Local Government objectives for the Precinct. The Site is located in proximity to an existing and growing South-Western Sydney residential population, with access and transport options to local and regional road and rail infrastructure. The development of the Site will support the growing residential

population in South-West Sydney and encourage additional employment opportunities in the locality. It will greatly support the new Airport; add to regional and local employment; and help achieve the broader objectives of the 30-minute City, by placing new employment near residents and facilities.

SECTION B - RELATIONSHIP TO 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)?

The Site has clear strategic merit, within both State and Local Strategic documents. A comprehensive review of all relevant NSW Government Strategies has been undertaken by EG to determine the level of consistency of the proposed development against the current strategic planning framework as it relates to this Site. This has included a review of:

- *The Greater Sydney Region Plan - A Metropolis of Three Cities*;
- Sub Regional Planning – *The Central City District Plan*;
- and *Liverpool Local Strategic Planning Statement (LSPS)* – (2020).

An overview of the key strategic priorities, both at the Local and at State Government levels, as relevant to the Site, is provided below. The relevant State and District Plans that guide the land-use direction for the Site are:

1. *Greater Sydney Regional Plan - A Metropolis of Three Cities and*
2. *Western City District Plan.*

1. The Greater Sydney Region Plan- A Metropolis of Three Cities

The Greater Sydney Region Plan - A Metropolis of Three Cities, is the overarching strategic document for growing and shaping the Greater Sydney Area. The Plan sets a 40-year vision (to 2056) for the Greater Sydney Region and establishes a 20-year plan to manage growth and change in Sydney encompassing social, economic and environmental matters.

A Metropolis of Three Cities- The Greater Sydney Region Plan aims to rebalance growth and aims to create benefits that are shared equitably between residents across Greater Sydney. The Plan is predicated on a Vision of “Three Cities” allowing residents to live within 30 minutes of their places of employment: education and health facilities and services.

Further, the Plan seeks integration with the accompanying *State Infrastructure Strategy 2018-2038* and *Future Transport Strategy*.

The Proposal is totally in line with the 30-minute City and is also consistent with all the key directions in respect of infrastructure and collaboration, livability, productivity and sustainability. The Proposal’s merits, as measured against State objectives, may be summarised as follows in **Table 4**:

A CITY SUPPORTED BY INFRASTRUCTURE	
Objective	Comment
Objective 4 - Infrastructure use is optimized- The infrastructure to service the proposed development at the density proposed is generally readily available and does not require major augmentation.	The requisite infrastructure to service the proposed development is generally readily available and does not require significant augmentation.
A CITY FOR PEOPLE	
Objective	Comment

Objective 6 - Services and infrastructure meet communities' changing needs.	The proposed development will service both the future residential and worker populations, which are expected to increase as the Aerotropolis develops.
Objective 7: Communities are healthy, resilient and socially connected.	<p>The service station facilities and fast-food retail, to be provided on Site will provide a much-needed service close to where people live.</p> <p>In addition, there will be additional employment opportunities given the diversity of uses proposed on Site.</p>
Objective 22 - Investment and business activity in centres.	The proposal will create new jobs, help diversify income streams and increase revenue detailed from ancillary services such as food and lodging especially in the local area, but also in supporting the new Airport and Aerotropolis.

Table 4 - Site Objectives and proposal outcomes.

2. Western City District Plan

Sub-regional planning is intended to direct the implementation of *A Plan for Growing Sydney* across Sydney's five sub regions. These include: Western City; Central City; North; Eastern City; and South. The Site falls within the *Western City District Plan*. District Plans were

finalised by the Greater Sydney Commission in March 2018 and identify priorities and actions for each District.

The implementation of all District Plans, including the *Western City District Plan* (of which the Site forms part of), at the Local Level, is done through the implementation of the provisions of *Section 3.4 of the EP&A, Act, 1979* which imposes a requirement on all Council's to when preparing Planning Proposals (rezonings) "to give effect to the District Plan".

The Western City Sub-region covers eight local government areas: Blue Mountains; Hawkesbury; Penrith; Camden; Campbelltown; Fairfield; Liverpool and Wollondilly.

Rezoning of this Site is consistent with the following key Planning Priorities of the *Western City District Plan*. The Site is in the Liverpool Local Government Area and is therefore subject to the Provisions of the *Western City District Plan*. The Provisions of this Plan and the Site's compatibility with them, are summarized in **Table 5** below:

Planning Priorities	Compliance with Priority
2.1 Planning Priority W1 - Planning for a City supported by infrastructure.	Many businesses would require prominent main road and highly accessible locations as opposed to internalised locations within large industrial and employment areas. The proposed development will compliment any development which will occur within the Aerotropolis. The Proposal will improve choice and convenience for local and trade area residents. As

	<p>it currently stands, the facility would be the only petrol station on The Northern Road between Oran Park and South Penrith and would provide the most convenient offer to vehicles travelling north along The Northern Road.</p> <p>The Proposal will also provide truck re-fuelling facilities, which are not currently available on The Northern Road. Operators believe that will be critical in serving truck vehicles accessing the Western Sydney Airport, especially during the construction phase but even more so permanently to deliver the full operational services of the Aerotropolis.</p>
<p>2.2 Planning Priority W5 -</p> <p>Providing housing supply, choice and affordability, with access to jobs: services and public transport.</p>	<p>The Proposal will assist in facilitating new housing development in the area by providing much-needed amenity; services; Service Station and food and drink retail outlets; and making them accessible to visitors and residents. The Proposal would also assist to create and permanently support a more diverse workforce.</p> <p>The Proposal would also undoubtedly support the workforce that would be involved in construction and development programs across the Western Sydney Aerotropolis; Western Sydney</p>

International Airport; and South-West Growth Area. It would also help create future permanent workforce within these areas. The South-West Growth Area and Aerotropolis are major growth areas of Sydney and are quite important as such. The Main Trade Area Population is already 31,400 but is projected to increase by more than 3,300 residents per year over the next 15 years. The Proposed Facility will be ideally located to provide new and meaningful employment to satisfy this growing demand. It will deliver employment in a new location where transport infrastructure has been constructed within the subject Site perfectly located adjacent to the Aerotropolis and in close proximity to the South-West Growth Area.

In accordance with the Economic Impact Assessment Report for the Site, prepared by Gap Advisory (May 2022), there are a number of Service Stations within the area, though there is no facility located on The Northern Road, in either direction, between South Penrith and Bringelly Road - an essential location for trucks needing to service the New Airport. To the south

	<p>of Bringelly Road, there is only one future planned. Therefore, there is a clear spatial gap for a Service Station development north of Bringelly Road, on The Northern Road. The Site fills this market need.</p> <p>Importantly, when built and operational the Site will provide jobs in proximity to future land release areas and growth area which will enable residents to live within 30-minutes of their places of employment.</p>
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Table 5 - Planning Priorities and Outcomes.

4. Is the Planning Proposal consistent with the 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), is Council's long-term plan to shape Liverpool's future. This strategy is designed to help guide the development of suburbs and balance the need for housing, jobs and services.

EG is of the view that the Proposal is consistent with Council's *LSPS* and *Centres & Corridors Strategy*. A summary of compliance with *Liverpool LSPS* are summarised in **Table 6** below.

LSPS Objective	Consistency	Merits of Proposal
Local Planning Priority 11: An attractive	Yes	The Site is highly-suited to the envisaged employment uses. This is strongly borne by

<p>environment for local jobs, business, tourism and investment</p>		<p>the market response to both the service station; food and drink premises, and industrial lots proposed on the Site.</p> <p>The Economic Impact Assessment report prepared by Gap Advisory (2022, refer to Appendix 2) concludes that there is strong market demand for the uses proposed in the Planning Proposal. This is further supported by market-led interest from major fuel operators; fast food outlets; and multiple industrial users.</p> <p>The Site is also in proximity (3.5 km) to the proposed Western Sydney International Cargo Precinct and will supplement its operations.</p>
<p>Local Planning Priority 12: Industrial and Employment</p>	<p>Yes</p>	<p>The Proposal would be expected to support a direct operational workforce of around 111, while construction of the project would support 120 direct construction jobs. Additional multiplier-based jobs from the ongoing operations (45 jobs) and the construction period (192 jobs) are also expected.</p> <p>The intended industrial component reflects less than 0.1% of all industrial and</p>

		<p>employment land proposed across the Aerotropolis, but due to its main road location, can provide highly accessible amenity and services for the area in both the short-term and long-term.</p> <p>The Proposal would provide much-needed amenity to support both residents and workers within the broader Aerotropolis precinct.</p> <p>It will supply industrial lands to support warehousing and logistics needs of industry within proximity of the Western Sydney (Nancy-Bird Walton) International Airport and the Aerotropolis.</p>
<p>Local Planning Priority</p> <p>13: A Viable 24-hour Western Sydney International Airport growing to reach its Potential</p>	Yes	<p>The proposed development would support a curfew free economy by providing 24-hour food and refuelling options for vehicles and trucks.</p>

Table 6 - Consistency with Liverpool Council LSPS (2021).

The *Liverpool Economic Development Strategy 2019-2029*, which forms part of Council's *Centres and Corridors Strategy*, details the economic priorities, actions and targets for Liverpool Council that guide the development of the Liverpool LGA's economy. The

Proposal contributes to this strategy by key features of how the Proposal conforms to this Economic Strategy and summarised in **Table 7** below.

Features	Consistency	Comment
1. Land use planning which balances economic opportunities with environmental requirements	Yes	This land is highly-suited for employment-generating uses such as the service station and industrial uses provided for the Site.
2. Improved freight and passenger transport with continued investment in infrastructure projects by the public and private sector	Yes	The Site's envisaged uses respond directly and perfectly to the freight, transport and economic needs of the sub-region and the Aerotropolis and airport functions located across the road. Very few sites in the vicinity are able to do so immediately.
3. A growing and trained workforce to support contemporary business needs	Yes	A large amount of market research has been conducted to determine both final users and potential occupiers for the Site. The enquiries conducted strongly point to strong market demand for industrial units. Also, a strong enquiry from a major fuel operator has been received for the service station and they are ready for an immediate financial

		commitment, as the Site can permit the Service Centre uses envisaged.
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Table 7 - Liverpool Economic Development Strategy 2019.

As is evident from **Table 7** above, the Proposed Development satisfies the key intent of the *Liverpool Economic Development Strategy 2019-2029*.

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

Other than those examined and detailed herein, there are no additional State or regional studies or strategies applicable to the Site.

6. Is the Planning Proposal consistent with the applicable SEPPs?

A full assessment has been undertaken of this Planning Proposal, against all relevant State Environmental Planning Policies (SEPPs) and a summary is provided in the **Table 8** below.

Table 7 - Proposed Concept's Consistency with relevant SEPPs.

State Environmental Planning Policy (SEPPS) 2021	Consistent	Comment
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes	The Proposal has been designed having regard to the requirements of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> .

		<p>The Proposed Development is supported by a Traffic Impact Statement prepared by Traffix demonstrating that the proposal will not result in any unreasonable impacts upon to the local road network. It is expected that a referral to Transport for NSW would be required. Preliminary comments from Transport for NSW have already been received in relation to the initial Proposal.</p>
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p>	Yes	<p>The Site is zoned RU4- Primary Production Small Lots and is located within the Liverpool Local Government Area. As a result, the SEPP applies. However, it is not proposed to remove any vegetation as part of this Planning Proposal. Future development is not foreseen to have any significant ecological impacts, as most of the Site is currently managed grassland. Endangered Ecological Communities have not been identified on the Site.</p>
<p>State Environmental Planning Policy (Primary Production) 2021</p>	N/A	<p>It is not proposed to use the land for Primary Production. The Site has been earmarked to be re-zoned to ENT-Enterprise in the future, which validates that the land is no longer suited for primary production uses.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	The aim of this Policy is to ensure the appropriate management and remediation of contaminated land. Contamination, if any is found, can be further addressed and mitigation measures implemented for future development, at the time of DA lodgement.
State Environmental Planning Policy (Industry and Employment) 2021	N/A	Not Applicable as the Site is not located within Precincts identified in the <i>State Environmental Planning Policy- (Industry and Employment) 2021</i> .
State Environmental Planning Policy (Resources and Energy) 2021	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Planning Systems) 2021	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Precincts - Regional) 2021	N/A	Not Applicable to this Proposal.

State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Precincts - Central River City) 2021	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 Chapter 4 Western Sydney Aerotropolis	Yes	<p>Currently, the Site is zoned RU4- Primary Production Small Lots pursuant to the <i>Liverpool LEP 2008</i>.</p> <p>The Site is located on the southern edge of the Aerotropolis Core precinct boundary as shown on the <i>Western Sydney Aerotropolis Precinct Plan (2022)</i>. This Plan has been prepared by the NSW Department of Planning and Environment (2022).</p> <p>The Site is part of the Dwyer Road Precinct and is mapped as a future Enterprise Zone. Under this future zoning, the development of a Service Station; Food and drink premises; and light industry is permissible.</p> <p>The Proposed Development will supplement the Western Sydney Airport operation (in particular</p>

		<p>the Western Sydney International Airport Cargo Precinct) and the surrounding enterprise land uses.</p> <p>The Site is highly suited to the envisaged employment uses. This is strongly borne by the market response to both the service station; fast food shops, and industrial units proposed on the Site.</p> <p>The Proposed Development will be able to satisfy the public utility infrastructure requirements because it suffices the orderly and transformational development in the long-term.</p>
State Environmental Planning Policy SEPP (Precincts - Regional) 2021	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Housing) 2021	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Building Sustainability Index BASIX) 2004	N/A	Not Applicable to this Proposal.

State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Sustainable Buildings) 2022	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	Not Applicable to this Proposal.
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	Yes	<p><i>State Environmental Planning Policy (Major Infrastructure Corridors) 2020 (Corridor Protection SEPP)</i> was finalised by the DPE in August 2020 and secures the location of three major infrastructure corridors in Western Sydney to support the growing population.</p> <p>The aim of the <i>Corridor Protection SEPP</i> is to identify land that is intended to be used in the</p>

		<p>future as an infrastructure corridor and establish appropriate planning controls, for land to allow for the ongoing use and development of the land, until it is needed for future infrastructure corridors. In addition it aims to protect land from development that would adversely impact on, or prevent the land, from being used as an infrastructure corridor in the future.</p> <p>The three major corridors that are identified in the <i>Corridor Protection SEPP</i> are the: Sydney Metro – Western Sydney Airport line; South-West Rail Link Extension, and Western Sydney Freight Line (Stage One). The Proposal does not impact on any of these corridors, however given the Site’s proximity to the Western Sydney International Cargo Precinct (approximately 3.5 km south), it will service trucks and vehicles accessing and using the Freight Terminal.</p>
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Table 8 - Proposed Concept’s Consistency with relevant SEPPs.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

An assessment has been undertaken of the Planning Proposal against all relevant Section 9.1 Directions. Consistency with the Directions is summarised below.

Focus Area 1: Planning Systems	
Ministerial Direction	Justification
1.1 Implementation of Regional Plans	Consistency with the <i>Western Sydney Aerotropolis Plan</i> and <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> is demonstrated in Section B of this Report.
1.2 Development of Aboriginal Land Council land	Not Applicable.
1.3 Approval and Referral requirements	The Planning Proposal does not contravene the objectives of the Direction
1.4 Site Specific Provisions	The Planning Proposal will be initiated by a Schedule 1 - Amendment to <i>Liverpool LEP 2008</i> .
Focus Area 1: Planning Systems - Place-based	
Ministerial Direction	Justification
1.10 Implementation of the Western Sydney Aerotropolis Plan	The proposed amendment will not impact the achievement of the objectives, planning principles and priorities of the <i>Western Sydney Aerotropolis Plan</i> . The proposed development is in line with the Desired Future Outcome for the Dwyer Road Precinct, which is expected to be allocated on an Enterprise Zone. Service stations,

	restaurant outlets and light industrial uses are all permissible land uses under the Enterprise Zoning.
Focus Area 3: Biodiversity and Conservation	
Ministerial Direction	Justification
3.1 Conservation Zones	Not Applicable
3.2 Heritage Conservation	Not Applicable
3.3 Sydney Drinking Water Catchments	Not Applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable
3.5 Recreation Vehicle Areas	Not Applicable
3.6 Strategic Conservation Planning	Not Applicable
Focus Area 4: Resilience and Hazards	
Ministerial Direction	Justification
4.1 Flooding	Not Applicable
4.2 Coastal Management	Not Applicable
4.3 Planning for Bushfire Protection	A Bushfire Report prepared by Travers and Ecology has been submitted with the application.
4.4 Remediation of Contaminated Land	Not Applicable
4.5 Acid Sulfate Soil	Not Applicable

4.6 Mine Subsidence and Unstable Land	The Site is not on Mine Subsidence or unstable land.
Focus Area 5 – Transport and Infrastructure	
Ministerial Direction	Justification
5.1 Integrating Land-Use and Transport	The Site is located approximately 2 km west of the new Western Sydney Airport. Having such important functional services, such as refuelling, at this location, including light warehousing, will be essential in allowing the new Airport and the Aerotropolis to deliver their core service functions. This will also ensure the long-term viability of permanent employment on the Site.
5.2 Reserving Land for Public Purposes	The Planning Proposal does not propose to create, alter or reduce any existing zoning or reservation for public purposes on the land.
5.3 Development near Regulated Airports and Defence Airfields	The Site is located approximately 2 km west of the new Western Sydney Airport. The Proposal will not affect the operation of any regulated Airports.
5.4 Shooting Ranges	Not Applicable.
Focus Area 6 - Housing	

Ministerial Direction	Justification
6.1 Residential Zones	Not Applicable
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.
Focus Area 7 - Industry and Employment	
Ministerial Direction	Justification
7.1 Business and Industrial Zones	The Planning Proposal will support new convenience style retail and provide employment to locals communities. It will also encourage employment growth for future facilities by creating a new convenient setting for employment.
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.
Focus Area 8 - Resources and Energy	
Ministerial Direction	Justification
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable
Focus Area 9 - Primary Production	
Ministerial Direction	Justification
9.1 Rural Zones	The Direction states that a Planning Proposal must not rezone land from a rural

	<p>zone to a residential, business, industrial or tourist zone.</p> <p>This application does not rezone land, rather will facilitate “a Schedule 1 - Additional Permitted Use”.</p> <p>The land is clearly unproductive for agricultural purposes having not been used for that purpose over 60 years. The lack of productivity can be deduced from the lands inclusion in the Dwyer Precinct which is earmarked to be zoned for employment purposes (ENT Zone).</p>
9.2 Rural Lands	Not applicable as it applies to LGA’s outside of Greater Metropolitan Sydney.
9.3 Oyster Aquaculture	Not Applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.

Table 9 - Consolidated Ministerial Directions and Justifications.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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 was previously used for agricultural purposes. The Site has been cleared for many years and has a mixed both native and non-native grassland vegetation cover. The Site has a low-grade slope from north-west to south-east, with the surrounding land being generally flat. There is a dam in the south-west corner of the Site.

The Site is surrounded predominately by rural and rural-residential land uses. Vegetation exists surrounding the site, varying between grassland, small patches of remnant vegetation and non-native and weed vegetation. Future development will require the clearing of all vegetation from the Site. The impact however, is considered low, as the majority of the Site is currently deemed to be managed grassland (Keystone Ecology, 2023).

An Ecological Constraints Report has been prepared by Keystone Ecology (**Appendix 6**) and confirms that the site does not contain important any ecological values of note. The general absence of ecological constraints, are properly reflected in the relevant strategic planning documents. The biodiversity features of the site provide no additional constraint to an Enterprise land zoning and subsequent development for service station and take away food outlet. No Endangered Ecological Communities (EECs) have been identified on the Site.

An initial search was also conducted on the Aboriginal Heritage Information System (AHIMS) by Heritage NSW. The study by Heritage NSW, has concluded that there are no identified Aboriginal sites of significance within 50 m of the Site.

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

The Site is not mapped as being Flood affected.

The Proposal is located on land identified as bushfire prone (mostly Vegetation Category 3 and part Vegetation Buffer (100 m) adjacent to The Northern Road) on the Liverpool City Council Bushfire Prone Land Map. A Bushfire Report prepared by Travers Ecology Bushfire & Ecology (see **Appendix 5**) has been submitted with the application. The Assessment has concluded that rezoning of the Site and future development of the Lot, can comply with the planning requirements of *Planning for Bush Fire Protection 2019*.

10. Has the Planning Proposal adequately addressed any social and economic effects?

In facilitating jobs and skills for the city, the *Greater Sydney Region Plan*, identifies retaining, managing and planning for industrial and urban services land, as a Key Priority. The Western Parkland City, is clearly a tremendous asset to Greater Sydney, as it provides additional land for future industrial activity, particularly in areas yet to be zoned or serviced, which will support the investment and business opportunities created by the Western Sydney (Nancy-Bird Walton) International Airport.

The Proposed Rezoning responds to the industrial land shortfall, identified in the Sydney Region Plan as well as providing a much-needed functional requirement for fuelling and convenience retail. There is also registered strong market demand from end-users for the service station and industrial lots. This has been validated by the Economic Assessment Report (2022) prepared by Gap Advisory (**Appendix 2**), as well as a supporting letter from a major fuel operator expressing strong interest in the Site. As explained earlier in this report, there is currently no facility located on The Northern Road, between South Precinct in Bringelly Road. This is also significant because the Proposed Development will also provide

truck-refuelling facilities. This is a critical function in this emerging area, as it will address the current lack of facilities and services for heavy vehicles in the area.

SECTION D - INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

11. Is there adequate public infrastructure for the Planning Proposal?

There are significant Public and Private major infrastructure commitments already proposed to service the Western Sydney (Nancy-Bird Walton) International Airport. This includes significant road upgrades and public transport projects, to support new economic activity and the future employment of the site and surrounding areas. The Site's close proximity to the new airport, creates a unique and timely opportunity for the renewal of a highly-accessible Site. The Site is also ready immediately to be developed for its intended uses.

A detailed analysis of the surrounding road network, in relation to the addition of the anticipated traffic generation as a result of the Proposal, have been performed by Traffix (2022) and is included in the submitted Report and shown in full in (refer to **Appendix 7**).

SECTION E – STATE AND COMMONWEALTH INTERESTS

12. What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway Determination?

It is envisaged that the State and Commonwealth public authorities listed below, would be consulted, pending the outcome of a Gateway Determination. Council would be responsible for the consultation with both the State and Federal Agencies in accordance with Section 57 of the *EP&A Act, 1979*. In this regard, it is considered that the following authorities would need to comment formally as part of the Planning Proposal:

1. NSW Rural Fire Service;
2. NSW Office of Water;
3. Transport for NSW;
4. Roads and Maritime Services; and
5. NSW Department of Planning, Industry and Environment.

Comments from Transport for NSW have already been sought and received for the Project in 2022.

The following comments were received from Transport for NSW on 29 November 2022.

- *The Proposal should demonstrate strategic alignment with the relevant region or District Plan, Precinct Plan (Aerotropolis) or Council's endorsed planning strategies. As outlined in the DPE Plan Making Guidelines (September 2022), it is encouraged where a proposal fails to adequately demonstrate strategic merit, the Planning Proposal Authority is unlikely to progress the proposal despite any site-specific merit it may have. This is certainly not the case in this instance, as the Proposal satisfies both strategic and site-specific merit.*

- *The proposal should give consideration to TfNSW's Future Transport Strategy (released in 2022) and demonstrate consistency with Local Planning Direction 5.1 – Integrating Transport and its supporting policies.*
- *In accordance with Section 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021, future access points to The Northern Road should be minimised and consolidated. Due to the Site being part of an unplanned precinct, the cumulative impact on the network by other properties fronting The Northern Road is not considered. TfNSW strongly recommends that an Access Management Plan that is consistent with the primary traffic function of The Northern Road and alternative lower priority access are investigated (i.e.. Indicative Layout Plan).*
- *Future public transport improvements along The Northern Road are currently being investigated and yet to be finalised. Proposed mitigation measure (i.e. deceleration lane) is likely to impact the planned improvements. Should the Proposal proceed to Gateway, future investigations would be required to ensure there will be no impacts on future public transport improvements.*
- *There is no current Government commitment or funding to allow for widening for 3 lanes for general traffic in each direction.*

EG considers that the above comments support broadly the Proposal's intentions and priorities. All matters of strategic and site-specific merit have been addressed in this Planning Justification Report.

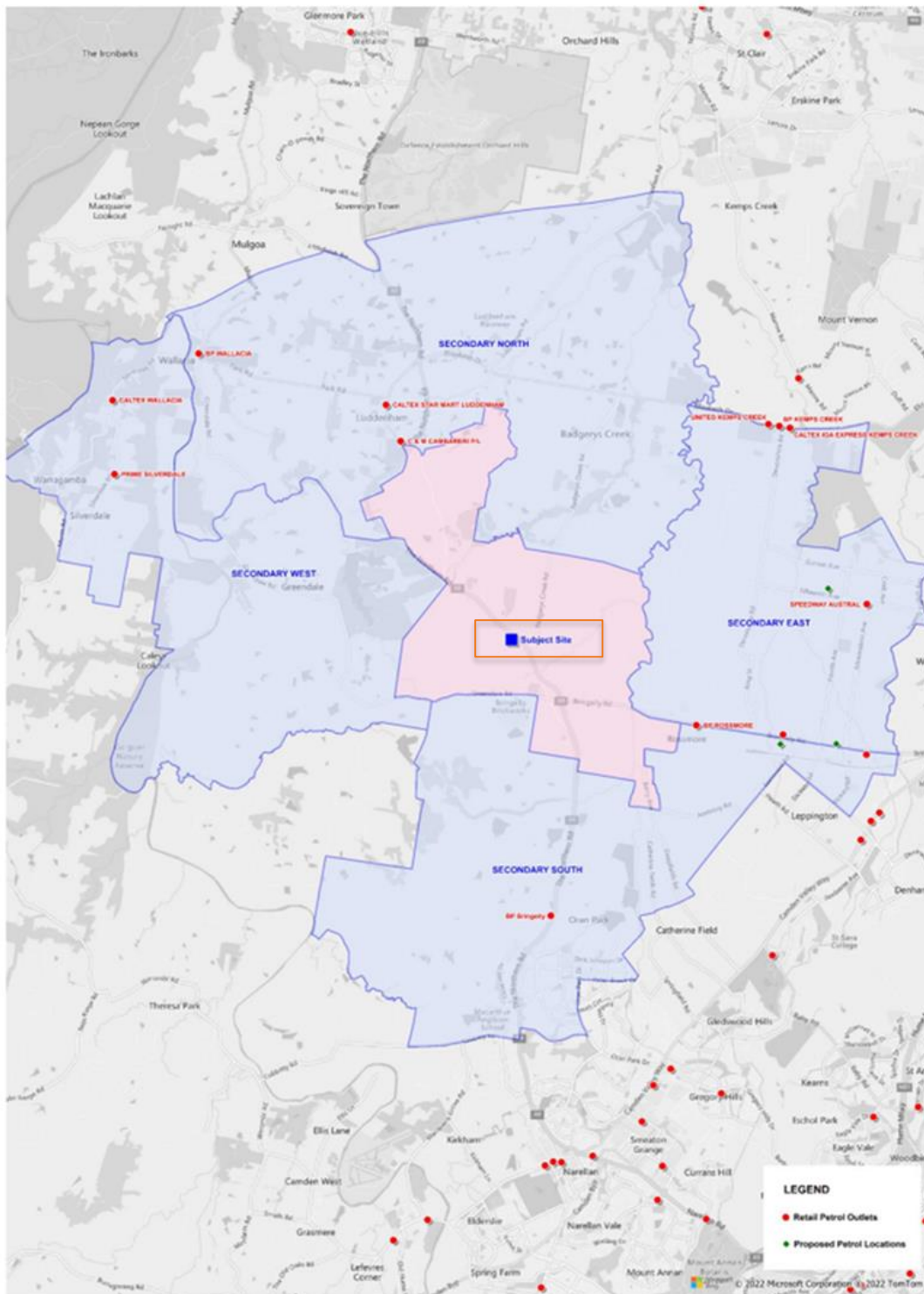
Site-Specific Merit

In addition to meeting strategic merit criteria, a Planning Proposal is required to demonstrate site-specific merit. EG believes that the Proposal does have unique offerings and possesses strong site-specific strategic merit. The location of the Site is highly suitable for a Service Centre development for the following reasons:

1. The Site has a wide frontage of 180 m on The Northern Road - a main road, with ample room for access on and off the road.
2. The Northern Road is a major commuter route for those working in South-West Sydney. The Site is perfectly located to serve this purpose and is an attractive and convenient location that would service commuters and industrial uses in this location.
3. There are a lack of sites located on roads that can service north-bound traffic, noting that the sites that are currently zoned for this kind of development are located on roads which service South-bound traffic.
4. Sites currently zoned for Service Stations are all clustered on the Aerotropolis side. This creates a need for a facility on the Dwyer Road Precinct side, thereby raises issues regarding safety, convenience, and access. This has been confirmed through market enquiry.
5. The Proposed Development, would be the final service station Northbound before the Western Sydney International Cargo Precinct, making it ideal for trucks to refuel before picking up freight.
6. The proposed development incorporates a Left-in-Left-out System, which is the ideal model for a Service Station. Research by Traffix (See Traffix Traffic Assessment in App.4) has shown that a Left-in, Left-out Service Station, has the lowest level of incidents.

7. There are three signalised intersections on the northern side of The Northern Road which are located at Badgerys Creek Road, Derwent Road and Mersey Road. These intersections do provide excellent access and exit to passing traffic. However, some of the corner sites do not allow vehicles to continue traveling north-bound on The Northern Road. This is of great significance, given that the proposed Freight terminal, is located only 2 km north on The Northern Road. In addition, forcing heavy vehicles to turn onto a local road on the opposite side of the road, is not considered to be a major inconvenience, rather a serious safety hazard, especially for heavy vehicles. Therefore, by allowing Service Stations on both sides of The Northern Road, safety and convenience would both be greatly improved thereby improving safety and the number of potential traffic incidents.

Figure 13 below shows the location of existing Service Stations in the vicinity of the Site. This figure shows that within the vicinity of the Site, there are no service stations to be found and the distance in between the two nearest service stations is 37 km away from each other.



Map 3.1: 1411 The Northern Rd, Bringelly
Petrol stations



Figure 13 - Map of existing service stations in the vicinity of the Site. Refer to Appendix 2.

5.4 PART 4 - EFFECT OF PLANNING PROPOSAL

Mapping

The Planning Proposal seeks to be included, as a Key Site as part of Clause 9 Schedule 1 to *Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008)*, to enable the Site to be developed for employment-generating uses, namely: a Service Centre; Food and Drink Premises; and Light Industry. Accordingly, a new Key Site Map (**Figure 11**), showing our Site, has been included as part of this Planning Proposal.

5.5 PART 5 - CONSULTATION

The requirement for this Consultation is determined by the *EP&A Act 1979*. The minimum requirements for this consultation are identified in Section 4.5 of *A Guide to Preparing Local Environmental Plans*, prepared by the NSW Department of Planning and Environment.

The requirements set out in Section 4.5, relate to the notification requirements and the material that is to be made available for exhibition.

Should the Planning Proposal be supported, Council may request that the Planning Proposal be exhibited for a period of 28 days and include:

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to surrounding and nearby property owners;
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning, Industry and Environment (but not limited to).

At the close of the consultation period, Council may consider all submissions received and present a report to the elected Council, for its endorsement of the Planning Proposal before proceeding to finalisation of any proposed amendment to the LEP. This process would be acceptable to the Applicant.

5.6 PART 6 - PROJECT TIMELINE

Table 10 below outlines the estimated timeframes allocated for each action for the Project Timeline, as currently estimated by EG. The allocated times are estimates based on the tasks and the responsibility of parties involved. The estimated times may alter during the life of the Proposed Project but are reasonable indications at this point in time.

Item	Action	Estimated Timeframe	Responsibility
1.	Anticipated date of Gateway Determination	4 months	Department of Planning, Industry & Environment
2.	Anticipated completion of required technical studies.	Prior to Exhibition	Consultant
3.	Government agency consultation	2 month period	Agencies
4.	Public exhibition period.	1 month period	Council
5.	Date of Public Hearing	N/A	Council, if required.
6.	Consideration of Submissions	2 months	Council
7.	Assessment of Proposal post-exhibition	2 months	Council
8.	Report to Council	1 month	Council

9.	Final Planning Proposal prepared	1 month	Council
10.	Submission to Department for finalisation of LEP	1 month	Council
11.	Anticipated date Relevant Planning Authority will make the LEP	1 month	Council (if under delegation)
12.	Anticipated date Council will forward the final Planning Proposal to Department for notification.	1 month	Council
13.	Anticipated date LEP will be notified.	1 month	Parliamentary Counsel and DPIE

Table 10 - Indicative Project Timeline.

Please note that after a Gateway Determination is issued, a further period of community consultation in the form of public exhibition will be held.

5.7 ENVIRONMENTAL ASSESSMENT

This Section provides an environmental assessment of the proposed development, that will be facilitated by this Planning Proposal. A summary of the key environmental constraints, is provided below.

5.7.1 - Servicing and Wastewater

In regard to servicing, reticulated water and sewer are located nearby. Electricity and telecommunications services, are also both available at the Site. No Sydney Water potable water reticulation system currently service this property. A substantial new Sydney Water DN600 trunk main has already been constructed approximately 700 m to the south-east of the Site, at the intersection of The Northern Road and Badgerys Creek Road. Refer to the Service Infrastructure Assessment in **Appendix 3**.

It is noted that the Site has not yet been serviced for sewerage infrastructure by Sydney Water. According to Land Partners (2022), the rezoning of the Site, would be able to accommodate a temporary on-site sewage wastewater management system, until the Sydney Water infrastructure is provided. Any on-site sewage wastewater management system proposed for the Site, would comply with all of the provisions of the *Liverpool City Council On-Site Sewage Management Standard 2021*, the *Sydney Catchment Authority 2012, Designing and Installing Onsite Wastewater Systems* and the *NSW Health 2001, Septic Tank and Collection Well Accreditation Guidelines*.

In terms of sewerage provision, the Site is located on a crest and the proposed on-site sewage management system, would therefore not be adversely impacted by future flooding or overland flows. Refer to the Wastewater Assessment in **Appendix 4 by XYZ (2023)**. Testing conducted on the existing Site, in terms of soil depth, type and nutrient removal/water absorption rates, would not be necessary, because the Site will be reshaped with fill imported

onto the Site. The characteristics of these soils for any temporary treatment area, could be specified in the Development Application as development consent conditions. Likewise, the area and treatment type, could also be specified in a future development application and in the development consent conditions.

The Site's development, will require reshaping of the land to form flat building pads for the service station and the industrial units. This reshaping, would remove the existing dam from the Site. This reshaping would also remove the slope and natural drainage paths on the Site. The development would include a pipe-stormwater system to control run-off on the Site. Also, building pads would have to be slightly raised to ensure overland flows on the Site do not inundate the industrial unit floors. As such, any irrigation bed used to manage disposal of treated sewage, would not be subject to overflows from elsewhere on the site. The bed would be flat and thereby maximise the treatment and absorption area. The design flows would influence the type of treatment system selected and the size of any irrigation bed required.

For any temporary on-site sewage management system, the construction of the industrial sheds, along the southern boundary of the Site, would be postponed and the building pads used as the treatment bed. There is an area of up to 4,600 m² available, which would be ample for this treatment bed and its size would allow compliance with all Council setback distances, as specified in their Development Control Plan. There is also an option to use an aerated treatment system, which would reduce the area required even further.

5.7.2 - Bushfire & Ecology

Travers Bushfire & Ecology, has undertaken a Bushfire Protection Assessment for the Proposal (refer **Appendix 5**).

The assessment by Travers Bushfire & Ecology, found that though bushfire can potentially affect the Site from grassland vegetation from the east, west and south, the overall fire risk from this vegetation, after considering fire history, climate and available mitigation options, is comparatively low.

The Proposal is located on land identified as Bushfire Prone on the Liverpool City Council Bushfire Prone Land Map. *Planning for Bush Fire Protection 2019* identifies matters for consideration for Planning Proposals that will impact on, or are in proximity to, land mapped as Bushfire Prone. The Assessment has concluded that rezoning of the Site and future development of the Lot, can comply with the planning requirements of *Planning for Bush Fire Protection 2019*.

The Proposal is subject to the requirements of Section 9.1(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act, 1979)*, which requires Council to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any requirements of, or comments by, the Commissioner related to section 4.4.1 of *Planning for Bushfire Protection 2019*.

The Site can accommodate Asset Protection Zones within its boundaries with a minimum of environmental disturbance, while still providing viable options for a number of designs and development types. In order to comply with *Planning for Bushfire Protection* requirements, a temporary 88B easement agreement would be entered into with neighbouring landholders, to ensure temporary management of APZs adjacent to the Site, until any grassland bushfire threat is removed.

An Ecological Constraints Report has also been prepared by Keystone Ecology (**Appendix 6**) and confirms that the Site does not contain any important ecological values of note. The general absence of ecological constraints, is properly reflected in Council's relevant Strategic Planning Documents. The biodiversity features of the Site provide no additional constraints to an Enterprise land zoning and subsequent development for service station; takeaway food and drink premises; and industrial uses. Endangered ecological communities have not been identified on the Site.

5.7.3 - Traffic

A Traffic Assessment has been performed and it reflects that the Site is well connected to the surrounding road network, having convenient connections to The Northern Road, which is the main north-south connection through the Western Sydney region and the future Enterprise Area. The Traffic Report prepared by Traffix is detailed in full in **Appendix 7**. The report indicates that the Concept Development, would require a total of some 129 off-street parking spaces and that the Site is large enough to accommodate such a parking provision.

The Subject Site is approximately 1 km away from the intersection of the Eastern Ring Road. The Proposed Service Station has been flagged to facilitate north-bound traffic en-route to the new Western Sydney International (Nancy-Bird Walton) Airport. The large frontage to The Northern Road would allow the utilisation of ramps for freight vehicles.

The layout of the proposed carparking areas associated with the proposal including driveways, grades, turning paths, sight distance requirements will be in accordance with Australian Standards. A deceleration lane is likely to be required for the proposed access from The Northern Road.

5.7.4 - Acoustic

Acoustic specialists SLR were engaged to assess the potential operational noise emissions from the proposed industrial and retail development (refer **Appendix 8** for the Acoustic Report). The Assessment included the operation of both light industry and a service centre, predicated on a 24/7 basis.

The operational noise levels modelled are predicted to comply with all relevant criteria. All receivers under both standard and noise-enhancing weather conditions showed acceptable levels of noise.

Night-time sleep disturbance noise levels, were also modelled by SLR and are also predicted to be acceptable as measured at all receivers. These noise levels were deemed to also be unlikely to cause awakening reactions, as the predicted noise levels resulting from the Development, are expected to produce less than a 1 dB increase in traffic noise levels. Therefore, any increased traffic generated by the Site, is unlikely to be discernible and would therefore, according to SLR, not require mitigation.

5.7.5 - Contamination

As part of the Rezoning application, a Phase 1 and Phase 2 Detailed Site Investigation Contamination Assessment may be required, noting that the Proposed Development will be for a Service Station and Light Industry.

5.8 VOLUNTARY PLANNING AGREEMENT

In accordance with Section 7.4 of the *Environmental Planning & Assessment Act, 1979*, the Proponent is committed to entering into a suitable Voluntary Planning Agreement (VPA) that is appropriate for the development and its context, as well as paying all relevant Section 7.11 Contributions.

6.0 Conclusion

After a thorough site investigation, EG has prepared this Planning Justification Report seeking that the Site be included as a Key Site, as part of Clause 9 Schedule 1 to *Liverpool Local Environmental Plan 2008*. This would enable the property at 1411 The Northern Road Bringelly (Lot 6 DP 1217784), to be developed for a Service Centre; Food and Drink Premises; and Light Industry. This Planning Proposal to amend the *Liverpool LEP 2008*, has been prepared in accordance with all the relevant provisions of the *Environmental Planning & Assessment Act, 1979*. It has also considered all the applicable Local Planning Directions and the Guidelines for the preparation of the Liverpool LEP (2020) amendments. EG strongly believes that the Site at 1411 The Northern Road Bringelly, possesses strong strategic merit for a change of use, based on its location, employment-generating capacity and compelling Site-Specific merit.

The current RU4 - Primary Production - Small Lots zoning, does not permit the uses required to support the adjoining Western Sydney Aerotropolis. There are however no currently zoned sites that would permit a service station use, located on the southern side of The Northern Road. The Site, given its of 2.1 hectares and a 180-m wide frontage is a significant asset and has an important role to play in supporting the purpose and function of both The Northern Road and the district in which it is located. The employment generated by this Proposal, would greatly benefit the Aerotropolis, the new Western Sydney International (Nancy-Bird Walton) Airport and contribute positively to the Dwyer Road Precinct.

All site investigations carried out at this Site, demonstrate that the Site is ideally located to support the operation of many other surrounding development and will provide new employment opportunities and services to locals in the vicinity and in the region. It would also create a real benefit for a range of other new businesses and employment opportunities.

The Proposal is totally consistent with State, Regional and Local Strategic Planning plans. It is more specifically consistent with the Directions for a Greater Sydney; *Greater Sydney Region Plan*; *Western City District Plan*; and *Liverpool LSPS (2021)*.

Given that the Western Sydney International (Nancy-Bird Walton) Airport is due to open in 2026, EG believes that there are many compelling reasons, as to why this rezoning should be supported for the creation of new employment. The Site will prove essential for the proper and orderly operation of The Aerotropolis. Additionally, given the strong market demand and the employment-generating uses envisaged, the Site would be highly suited to many of the support functions required in 2026 by the Airport's operation. It is therefore considered that the rezoning of this Site would be economically viable and is in the Public Interest.

APPENDIX 1 - SITE LAYOUT PLAN

APPENDIX 2 - ECONOMIC IMPACT ASSESSMENT

APPENDIX 3 - SERVICING REPORT

APPENDIX 4 - WASTEWATER REPORT

APPENDIX 5 - BUSHFIRE PROTECTION REPORT

APPENDIX 6 - ECOLOGY REPORT

APPENDIX 7 - TRAFFIC REPORT

APPENDIX 8 - ACOUSTIC REPORT



The background of the entire page is a complex, dark gray geometric pattern. It consists of numerous concentric, interlocking lines that form a series of star-like or crystalline shapes. A single, solid orange vertical line runs from the top to the bottom of the page, positioned slightly to the left of the center. In the bottom left corner, the letters "EG" are printed in a bold, white, sans-serif font.

EG