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**Planning Proposal - 1411 The Northern Road,
Bringelly**

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	043970.2025
Report By	Danielle Hijazi - Strategic Planner
Approved By	Lina Kakish - Director Planning & Compliance

Property	1411 The Northern Road, Bringelly
Owner	MR A A DE NATALE
Applicant	EG PROPERTY GROUP PTY LTD

EXECUTIVE SUMMARY

In June 2023, EG Property Group Pty Ltd submitted a Planning Proposal request to Liverpool City Council ("Council") via the NSW Planning Portal. The Planning Proposal sought to amend Schedule 1 Clause 9 of the *Liverpool Local Environmental Plan 2008 (LLEP 2008)*, a Clause which permits 'service stations' and 'take away food and drink premises' on certain sites within the Liverpool Local Government Area (LGA). The Proponent sought to amend the Clause to include light industry, and to amend the key sites map to apply the Clause at 1411 The Northern Road, Bringelly (Lot 6 DP1217784).

Several meetings and correspondence between Council and the Proponent were held advising that the Planning Proposal lacked strategic merit, would result in unintended implications, and lacked insufficient technical information to support the Proposal.

In October 2024, the Planning Proposal was updated by the Proponent (**Attachment 1**) to remove the takeaway 'food and drink premises' and 'industrial units' component from the proposal and to proceed with a proposal to allow an additional permitted use to facilitate the development of a 'service station' only.

The Planning Proposal has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") and is broadly consistent with various planning frameworks including the Greater Sydney Region Plan, Western City District Plan,

and Council's Local Strategic Planning Statement (LSPS). It achieves this by generating economic growth, whilst maintaining sufficient consistency with the surrounding context and emerging character of the area.

The subject site is located along The Northern Road, a key State Road corridor in Western Sydney in close proximity to the Western Sydney International (Nancy-Bird Walton) Airport and broader Aerotropolis. This position makes it an opportunistic refuelling point for vehicles travelling to and from the Aerotropolis Precinct, enhancing convenience for both local and regional trips. The proposed development can be designed to be complimentary with surrounding land uses, ensuring compatibility and supporting the overall functionality of the area.

The Planning Proposal was considered by the Liverpool Local Planning Panel (LPP) on 25 November 2024. Following consideration of the Proposal, the Liverpool LPP advised that the Proposal has both strategic and site-specific merit and supported the Proposal proceeding to Gateway determination (**Attachment 2**).

In accordance with Section 7.4 of the EP&A Act 1979, the Proponent has committed to enter into a Planning Agreement with Council. A formal Letter of Offer (LOO), dated 23 January 2025, was submitted by the Proponent, outlining their agreement to the terms of the VPA (**Attachment 3 & 4**).

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.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel.
2. Endorses in principle the Planning Proposal request to amend schedule 1 of the *Liverpool Local Environmental Plan 2008 (LLEP 2008)* to permit the use with development consent to facilitate the future development of a 'service station' at Lot 6 DP1217784, 1411 The Northern Road, Bringelly;
3. Forwards the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI), pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* seeking Gateway determination;
4. Endorses the Letter of Offer to enter into a Voluntary Planning Agreement (VPA) (**Attachment 3**);
5. Subject to a Gateway determination, undertakes public exhibition and community consultation in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022;

6. Subject to a Gateway determination, delegates authority to the Acting CEO to prepare a draft VPA and to exhibit the draft VPA concurrently with the Planning Proposal pursuant to clause 204 of the *Environmental Planning and Assessment Regulation 2021*;
7. Receives a further Report on the outcomes of the public exhibition period; and
8. Delegates to the CEO (or delegate) to amend the draft Planning Proposal and attachments for any typographical and other minor errors / amendments if required.

REPORT

BACKGROUND

The Site

The Planning Proposal relates to land located at Lot 6 DP 1217784, 1411 The Northern Road, Bringelly (see Figure 1). The site is an irregularly shaped parcel of land and covers approximately 2.1 hectares. The site has a frontage of approximately 186 metres to The Northern Road. A dwelling currently occupies the site located at the north-eastern corner as well as a dam on the south-western corner, whilst the remainder of the site consists of cleared land. The site is bounded by The Northern Road (a classified Road) to the North, rural dwelling houses to the East and West and cleared rural land to the South.



Figure 1: Subject site highlighted in yellow. Source: Geocortex

The site is zoned RU4 Primary Production Small lots under the Liverpool LEP 2008 with the adjacent area (across The Northern Road) zoned Enterprise under the SEPP (Precincts - Western Parkland City) 2021 -Western Sydney Aerotropolis.

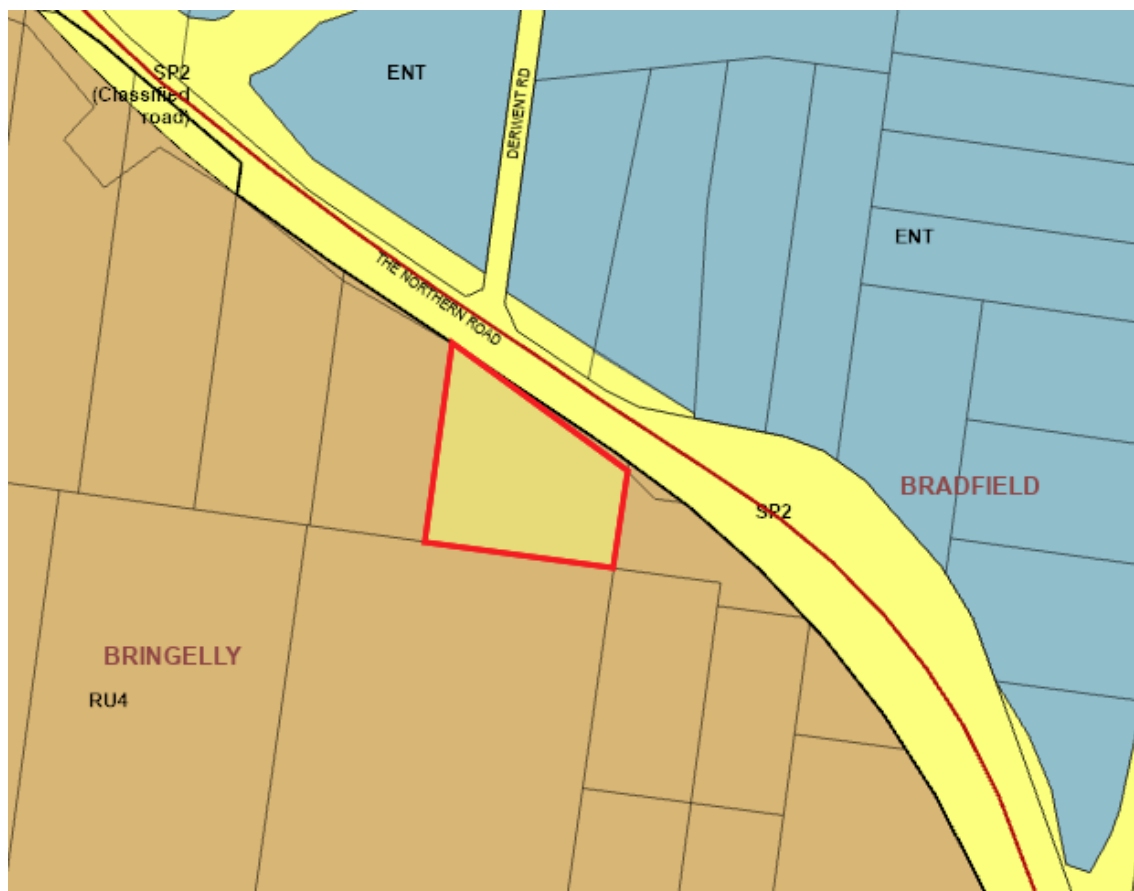


Figure 2: Land Use Zoning Map. Source: Geocortex

The site is also identified in a future Enterprise zone in the Western Sydney Aerotropolis Precinct plan.

Western Sydney Aerotropolis Plan

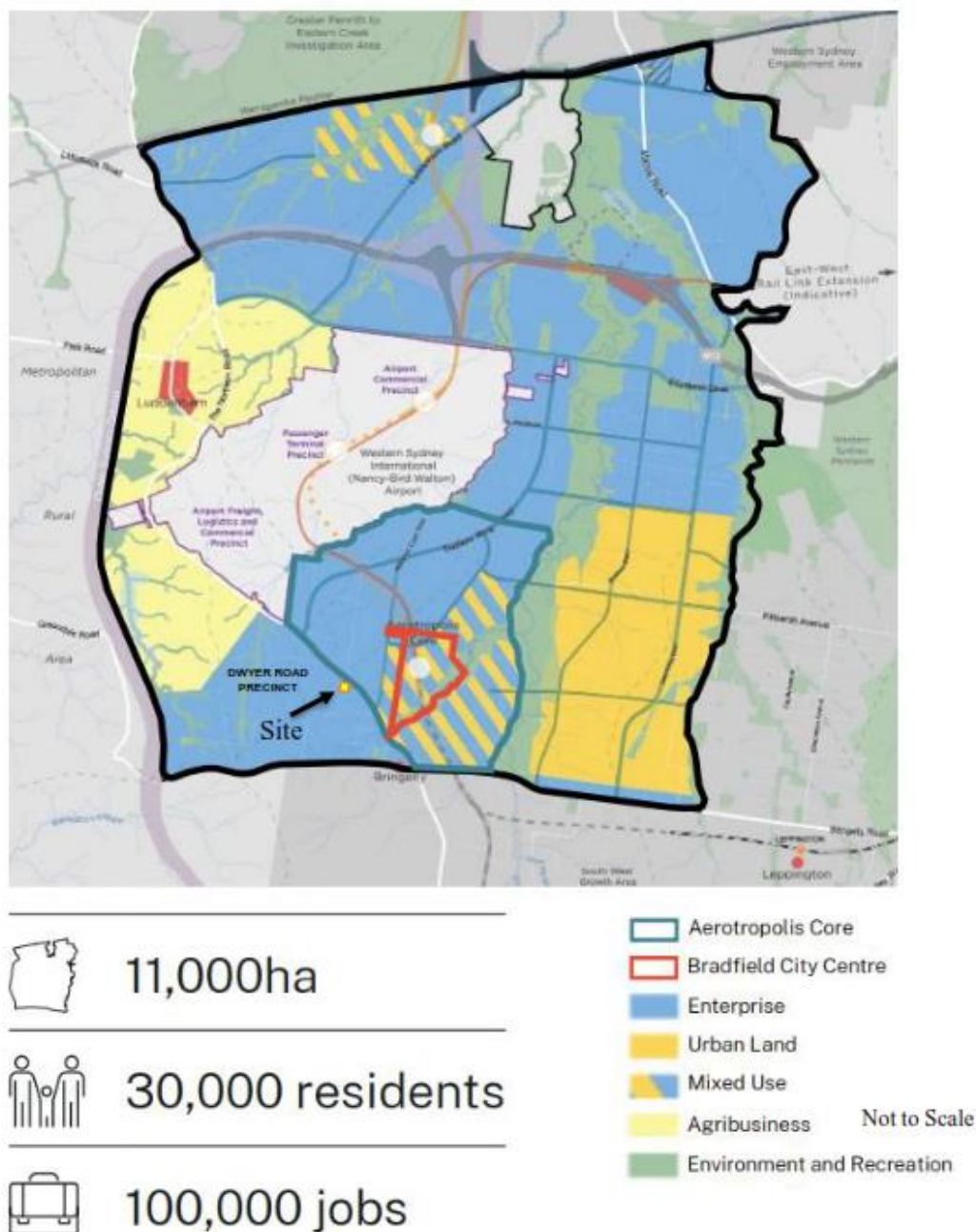


Figure 3: Western Sydney Aerotropolis Precinct plan. Source: DPHI

Locality

The locality contains rural and agricultural land and features predominantly low-density residential dwellings. The northern side of The Northern Road is zoned ENT (Enterprise) as per the SEPP (Precincts – Western Parkland City) 2021, and it is anticipated that the rural character of those lands will transition to a more urban industrial character in the years to come.

The site is located on The Northern Road (classified road), a major arterial route connecting to the M12 motorway (under construction), Badgerys Creek Road, and the future Western Sydney Airport.



Figure 4: Locality Map. Source: Nearmap

Proposed Amendments to the Liverpool Local Environmental Plan 2008

The Planning Proposal seeks to amend schedule 1 of the *Liverpool Local Environmental Plan 2008* (LLEP 2008) to permit the use with development consent to facilitate the future development of a 'service station' at Lot 6 DP1217784, 1411 The Northern Road, Bringelly.

It is noted that the LEP Review Planning Proposal Project seeks to delete Schedule 1 Clause 9 altogether from the Liverpool LEP 2008.

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.*

The LEP Review Project is further progressed and is currently with DPHI for Gateway determination. Given this, the Planning Proposal has been slightly amended, to propose a new clause for a ‘service station’ under Schedule 1 Additional Permitted Uses, as opposed to relying on the existing Clause 9. This will ensure that moving forward the Planning Proposal is not impacted by the deletion of Clause 9 sought under the LEP Review.

Planning Assessment

Local planning panel advice

The draft Planning Proposal was referred to the Liverpool LPP for advice on 25 November 2024. A summary of the Panels comments and staff response is provided in Table 1 below. The LPP Report and Minutes are provided at Attachment 2.

Table 1: Summary of Panel Comments and Staff Response

Local Planning Panel Comment	Council Response
The Planning Proposal is generally consistent with the Greater Sydney Region Plan, District Plan, Council’s Local Strategic Planning Statement (LSPS) and with the Section 9.1 Ministerial Directions.	Noted.
The proposal will create local employment opportunities, contributing to economic growth in the locality, particularly as the population increases with the development of the Aerotropolis and South-West Growth Area.	Noted.
Recommended the Planning Proposal is forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination assessment.	Noted.

Strategic Merit

Dwyer Rd Precinct – Aerotropolis Framework

The Dwyer Road precinct is identified as a non-initial precinct in the Western Sydney Aerotropolis Plan 2020 (WSAP) and includes parts of Greendale and Bringelly. The precinct is generally bounded by Greendale Road in the south, the Northern Road to the east, the Western Sydney International (Nancy-Bird Walton) Airport to the north and pastoral land holdings to the west. The WSAP indicates that the future land-use vision for the Dwyer Road precinct is that of Enterprise zoning, a semi industrial / business park oriented zone unique to the Aerotropolis precincts. Being a non-initial precinct, the site retains its existing zoning as per the LLEP 2008 until such a time as it is rezoned.

Dwyer Rd Precinct – Liverpool LEP 2008, and Rural Lands Strategy Framework

Under the Liverpool LEP 2008, the precinct is largely zoned R5 – Large Lot Residential, RU1 – Primary Production and RU4 – Primary Production Small Lots, with smaller portions being zoned RE1 - Public Recreation and SP2 – Educational Establishment under the Liverpool Local Environmental Plan 2008.

The Liverpool Rural Lands Strategy applies to land within the Dwyer Road precinct. In summary, the future vision for the precinct is to maintain the existing character until land is rezoned for urban uses as part of the Western Sydney Aerotropolis.

“Speculative land investment is to be suppressed by identifying agriculture and large-lot residential as the primary land uses in the locality. Consideration should be given to preserving and enhancing the landscape character and environmental values of this area as part of the Metropolitan Rural Area. Particularly, land uses that value add to agriculture and leverage its proximity to urban development such as roadside stalls, outdoor recreation, and farmers markets should be considered within the precinct. Development which is more commercial and industrial in nature is more suited to land which has already been rezoned nearby. Any proposed land uses are to be compatible with environmental and landscape protection, constraints as a result of airport operations, and enhancement of bushland and riparian corridors along creeks.”

Whilst a service station is considered more commercial than agricultural in nature, the scale and significance of a single service station in the context of the precinct is considered as a minor departure from that vision. The remainder of the site can still be used for agricultural uses, and the provision of a service station will also improve access and convenience for agricultural land-users to refuel plant, vehicles, and equipment.

Site Specific MeritStrategic Location and Accessibility

The site is connected to the surrounding road network, particularly The Northern Road, a key north-south corridor through the Western Sydney region. The presence of three nearby signalised intersections (Badgerys Creek Road, Derwent Road, Mersey Road), which include u-turn bays enhances access to the site for both local and passing traffic.

A Traffic Assessment has been undertaken, advising the site's frontage provides ample space for safe access and egress, facilitating smooth traffic flow. The proposed Left-in, Left-out configuration is supported by traffic studies showing it has the lowest level of incidents, enhancing safety for all road users. Traffic and access considerations will be further refined in consultation with TfNSW at the post-Gateway stage.

Land use compatibility

The proposal aims to allow the use of a service station on the subject site, this would offer a transitional use from the Enterprise and light industrial uses on the opposite side of The Northern Road, thereby enhancing overall land use compatibility to the locality.

Whilst service stations are not considered as specifically aligned with the objectives of a rural zone, it is recognised that service stations provide for day-to-day needs of residents and agricultural land-uses, and therefore an exception for a single service station can be considered of minor significance.

Market Demand and Service Gaps

The absence of service stations within and around the locality creates a service gap for commuters and freight traffic, underscoring the demand for the proposed facility. By situating a Service Station on the western side of The Northern Road, the proposal addresses the current lack of facilities serving north-bound traffic, enhancing convenience for travellers.

Public Infrastructure

The site is serviced by essential public services including electricity, telecommunications, and gas. There are constraints relating to the servicing of sewerage infrastructure however, it is Council's understanding that the development can initially accommodate a temporary on-site sewage wastewater management system until Sydney Water infrastructure is available.

Temporary pump-out of wastewater is feasible with Council support, although it's unlikely to be necessary given the site area available for an on-site effluent disposal system.

Connection to Sydney Water’s reticulated sewer is expected to be available around 2030/31, at which point the development should connect to this infrastructure.

This issue will be further explored at the post-Gateway stage with Sydney Water.

S7.11 contributions

The development is in an area which is subject to the Liverpool Contributions Plan 2009 (section 2.10 Rural Areas). The plan only anticipates rural and residential development, and as such there is no nexus between the Contributions Plan and the Planning Proposal.

The site is adjacent to the ENT (Enterprise) zone as per the Aerotropolis planning framework. The applicable Contributions Plan in the ENT zone is the Aerotropolis Contributions Plan (s.7.12).

Given that the proposal’s commercial nature is complimentary to the Aerotropolis Planning Framework, it was determined in consultation with the applicant that the most appropriate mechanism for implementing a Voluntary Planning Agreement (VPA) would be to apply the same contribution fee rate as those established for the adjacent land. This approach ensures consistency and equity in contribution planning across the Aerotropolis precincts.

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). The Proponent provided a Letter of Offer dated 23 January 2025, to enter a Planning Agreement with Council (Attachment 3).

The following terms were proposed to Council as outlined in the Letter of Offer:

Terms	Public Benefit	Value of works	Timing
Application of the Aerotropolis s7.12 Contributions Plan 2024	To provide a monetary contribution to help meet the cost of providing local infrastructure for the Aerotropolis precinct	4.6% contribution rate of the development cost as determined by a cost summary report from a professional quantity surveyor	Prior to the issue of an Occupation certificate, Post completion of construction

Council has negotiated the timing of the monetary contribution payment to occur “Prior to the issue of a *Construction Certificate*”. This revised timing is reflected in the Draft VPA attached to this report (Attachment 4).

Conclusion and Next Steps

It is recommended that Council endorses “in principle” the Planning Proposal request and that it be forwarded to the DPHI for Gateway determination. This is supported by the advice of the Liverpool LPP and Council’s assessment that the Proposal has sufficiently demonstrated both strategic and site-specific merit.

Upon receipt of a Gateway determination, public exhibition and community consultation will be undertaken in accordance with the Liverpool Community Participation Plan 2022. It is noted that the provision of various additional studies and clarification may be required by the DPHI prior to exhibition occurring.

Council will then receive a Post-exhibition Report for a final decision on the Proposal including any possible amendments resulting from the consultation process.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979
Risk	<p>The risk is deemed to be very low.</p> <p>Landowners and the community will have a further opportunity to comment on the Planning Proposal if and after a Gateway determination in favour of the Proposal is issued. Further community feedback as well as requirements from DPHI will then be presented to Council at a second meeting, prior to the finalisation of the Planning Proposal.</p> <p>The risk is considered within Council’s risk appetite</p>

ATTACHMENTS

1. Planning Proposal - 1411 Northern Road Bringelly Planning Justification Report_PP-2023-1130
2. LLPP Advice
3. Letter of Offer
4. DRAFT Voluntary Planning Agreement

