



IRF24/2737

Gateway determination report – PP-2024-1920

New Liverpool Local Environmental Plan (LEP)

April 25

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2024-1920

Subtitle: New Liverpool Local Environmental Plan (LEP)

© State of New South Wales through Department of Planning, Housing and Infrastructure 2005. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 25) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	1
1.3	Proposed amendments.....	1
1.4	Site description and surrounding area	7
1.5	Mapping	8
1.6	Background - Timeline of the LEP review	8
1.7	Early Consultation	10
2	Need for the planning proposal	10
3	Strategic assessment	10
3.1	Regional Plan	10
3.2	District Plan	11
3.3	Local.....	12
3.4	Local planning panel (LPP) recommendation	14
3.5	Section 9.1 Ministerial Directions.....	14
3.6	State environmental planning policies (SEPPs)	20
4	Site-specific assessment	21
4.1	Environmental	21
4.2	Social and economic	21
4.3	Infrastructure	22
5	Consultation.....	23
5.1	Community	23
5.2	Agencies	23
6	Timeframe	23
7	Local plan-making authority	23
8	Assessment summary	23
9	Recommendation.....	24

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal report dated August 2024
Written Instrument Report (Part 2 Explanation of Provisions)
Mapping Amendments Report
Consolidated Council Reports & Resolutions
Local Planning Panel Report & Recommendation
Residential Lands Investigation by Mecone dated November 2023
Commercial Lands Investigation by Mecone dated November 2023
Liverpool Centres and Corridor strategy 2020 and study
Industrial Lands Investigation by Mecone dated November 2023
Council Owned Land Review
Liverpool Biodiversity Study 2019
Liverpool Conservation Zones Study
Land Acquisition Layer Review
LEP review Early Engagement Outcomes Report
Liverpool City Centre Public Domain Masterplan
Letter from TfNSW and appendices to the letter

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Liverpool
PPA	Liverpool City Council
NAME	New Liverpool LEP
NUMBER	RZ-8/2022
LEP TO BE AMENDED	Liverpool LEP 2008
ADDRESS	All areas under Liverpool LEP
RECEIVED	28/08/2024
FILE NO.	IRF24/2737
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to repeal the Liverpool Local Environmental Plan (LLEP) 2008 and to establish a new Local Environmental Plan (LEP) for Liverpool City Council. This includes:

- updating relevant LEP and mapping,
- introducing new provisions as necessary and remove redundant provisions
- minor housekeeping rezoning to address errors and anomalies
- rezoning and/or amendment to development standards for certain residential, employment, conservation, recreational, and infrastructure land

The objectives of this planning proposal are clear and adequate.

1.3 Proposed amendments

The planning proposal is mostly administrative in nature, seeking to structure and update the non-standard instrument provisions under Part 6 Urban release areas and Part 7 Additional local provisions of the LLEP 2008. The planning proposal also includes a housekeeping component which includes rezoning land parcels or areas, as well as, amending relevant development standards as necessary.

The amendments sought under the planning proposal are listed under “**Attachment E- Explanation of Provisions**” (EoP).

Council’s proposed written instrument can be located under “**Attachment F- Written Instrument Report (Part 2 Explanation of Provisions)**”. An LEP clause by clause amendment comparison can be located under “**Attachment Fa - Amendments to the written instrument- by clause**”.

Documents above are subject to being amended in accordance with the gateway determination issued.

Proposed downzoning various R4 High Density and R3 Medium Density Residential areas is not supported

Housing delivery is a priority across all Governments and NSW Government is committed to boosting housing supply across the whole state. Priority is given to building more diverse homes in well-located areas near transport, open space, schools, hospital and community facilities. Well located areas are assumed to have adequate infrastructure to support the growing population.

Liverpool’s housing stock mostly comprises of detached homes, however, since 2011, growth in medium density housing and apartments were 11% and 66% (Mecone, 2023). The planning proposal seeks-

- Backzoning land to R3 Medium Density Residential at Moorebank, Casula, Green Valley, Ashcroft and Cartwright is suitable because the development of land per the current controls would disrupt the current local character and be incompatible with the intended local centre scale, if developed to their full potential.
- Backzoning land to R3 Medium Density in Green Valley, Cartwright, Lurnea, Casula and Liverpool would provide transition between centre cores and the adjoining low-density neighbourhoods.
- Backzoning land to R3 Medium Density in Chipping Norton, Ashcroft and Hinchinbrook is suitable as they are smaller scale local centres and development to their full potential will not be compatible with the local character. Additionally, the current service capacity cannot support any dwelling growth.
- Backzoning certain R3 Medium Density Residential land to R2 Low Density Residential is suitable as it reflects recently developed low-density character. This change would result in a capacity loss of 225 dwellings.

The proposed amendments to downzone residential land will reduce the latent development capacity by approximately 1500 dwellings as supported by the Liverpool Residential Land Investigation (**Appendix 1**) and Council’s pre-gateway community consultation. Council’s justification is based on the assumption that the reduced planning controls will result in smaller scale development (maximum 3 storey building) outcomes as these are considered to be more financially feasible.

However, there is no evidence that the re-development of sites for medium density residential up to 3 storeys is preferred or would be delivered. There is also no impediment for a site to be developed to achieve a lower yield than the maximum achievable under the current controls.

The proposed downzoning has not demonstrated site assessment against relevant planning framework and appropriate justification to demonstrate merit. The Department does not support reducing residential development capacity in the context of the housing crisis and NSW Government’s responsibility to deliver growth per the National Housing Accord.

Reduction of maximum height of building for Commercial zoned land is not supported

The planning proposal includes a reduction of Height of Building (HOB) controls (and consequently Floor Space Ratio (FSR) for smaller scale centres in Liverpool LGA. Council’s “Liverpool Centres

and Corridors Strategy 2020” intended to guide strategic work for all commercial centres by re-defining and re-categorising Liverpool’s centres. In 2023, the employment zone reforms simplified the zoning framework by recategorizing all employment (commercial and industrial) land. For example, all Neighbourhood centres and Local centres were combined under E1 Local Centre and had the same height of building (HOB), and floor space ratio (FSR) applied to them.

The Liverpool Centres and Corridors Study (SGS, 2020) which informed the Liverpool Centres and Corridor strategy examined latent development capacity of commercial floor areas across Liverpool LGA in various development feasibility scenarios (low, medium and high). The low scenario, which is likely the most representative of the reality, assumed that Commercial core and Mixed use zoned land in the Liverpool CBD, and only the vacant commercial land outside of the CBD would be developed. Based on the capacity analysis and demand projection modelling, Liverpool City Centre comprised of excess capacity of over 1.24 million square metres of commercial and retail floorspace, though demand exceeded capacity in other centres, including smaller centres.

The Liverpool Centres and Corridor strategy 2020 recommended to review land use planning controls to ensure quality built form outcomes and consistency with the retail hierarchy as set out by the strategy. The Commercial Lands Investigation (**Appendix 2**) undertook additional technical investigations to review the current LEP controls and informed the amendments to the commercial lands in Liverpool.

In terms of proposed commercial development, the reduction in height will not affect any mixed use development, such as, shop top housing development as the commercial component is usually located on the ground floor. The resulting reduction of residential development is considered acceptable as the primary objective of the commercial zones are to cater to the commercial demand of the surroundings. The proposed HOB reduction would affect development which is entirely commercial. The investigation rationalised that the development of commercial land to the full potential height was not financially attractive due to construction of basement level to accommodate required car parking, or having to comply with relevant National Construction Code for fire including isolated stairs, sprinklers, and hydrant booster assemblies etc. The investigation also tested a reduction in car parking rates in Liverpool for commercial and retail use, minimising on-site servicing and loading areas. The Investigation concluded that the reduction of the HOB should not be progressed. The proposed reduction of building height will reduce potential development yield, remove flexibility and limit re-development opportunities. The Commercial Lands Investigation does not test the reduction on each centre adequately and does not demonstrate strategic and site specific merit.

The current HOB and FSR controls provide flexibility for the re-development of the land for any scale within the permitted controls. The reduction of building height will reduce development yield, remove the existing flexibility and limit opportunities for potential re-development. Additionally, the projected demand is identified to exceed capacity (using current controls) for the centres outside of the CBD. Reduction in controls will only exacerbate the shortfall and is considered counter intuitive. Accordingly, the Department does not support these amendments as part of the current planning proposal. The planning proposal and supporting documents are to be amended accordingly to remove reference to the proposed reduction amendments for commercial lands.

Proposed new provisions

The planning proposal intends to include several new additional local provisions as discussed under section 1 & 2 of Explanation of Provisions (EoP). The new provisions relate to-

- Environmental considerations, such as, Terrestrial Biodiversity
- Sustainable practice considerations, such as, Stormwater Management, Recycled Water, Waste as an essential service
- Urban design considerations, such as, Heat Island Effect, Public Art Installation, building design principals for Gateway sites into and out of the LGA
- Controls specific to the type of land use, such as, landscaping controls replacing floor space ratio (FSR) controls for medium density residential and industrial land, and permitting low rise apartment buildings and terrace housing on corner lots for medium density lands
- Land use table updates to include appropriate objectives and additional land uses in for various zoned land as listed under section 2 of the EoP

Proposed Amendments for Residential Lands

Other than the amendments discussed above the planning proposal includes residential amendments supported by a Residential Lands Investigations which was prepared as an addendum to the Liverpool Local Housing Strategy and includes technical investigation to:

- Test the impacts of the LEP's proposed changes for Residential land contained in the Scoping Report to determine urban design and feasibility outcomes
- Develop a suite of controls to support greater medium density development in the R3 Medium Density Residential zone
- Determine the impact of proposed changes on medium and long-term housing targets
- Provide recommendations for the LEP and Development Control Plan (DCP)

The planning proposal includes amendments to residential zoned lands through rezoning land to increase density, or increasing applicable development standards, such as HOB, FSR and minimum lot size (MLS).

Amendments seek to-

- Encourage development of R3 Medium Density Residential zoned land by amending applicable development standards, such as, removing FSR and reducing MLS for all medium density land
- Encourage development of R4 High Density Residential Zoned land by increasing FSR for certain high density land
- Amend zoning to reflect the intended vision for the village centre and expand the housing diversity in Edmonson Park village centre by rezoning to R4 High Density Residential
- Increase density for Chipping Norton as the area is well serviced
- Aligning controls with relevant State Environmental Planning Policies (SEPPs)
- Removing redundant provisions under the LLEP 2008, such as, Area 1, 2 & 3 provisions which include development incentives for certain areas, but are unnecessarily complex

Additionally, the planning proposal seeks to increase MLS for Low Density Residential land from 300m² to ensure future low density lots reflect the character of the area. This amendment will exclude less than 25% of the lots (previously able to be subdivided and ranged between 400-600m² in area) and result in a latent dwelling development capacity reduction of 7,450 dwellings. It should be noted that some of these lots already have a higher MLS, and as such, will not be affected by the proposed MLS increase. A new provision is also proposed to retain development

potential for semi-detached and attached dwellings in R2 zoned land but requiring an MLS of 300m² instead of the proposed 400m².

The planning proposal will result in a net increase of approximately 10,725 latent dwelling capacity which includes the loss from the MLS increase proposed in some Low Density Residential areas. The Department supports the MLS increase amendment to proceed to public exhibition for further investigation and anticipating community feedback.

See section 3 of the EoP for further information.

Table 3 Latent dwelling capacity comparison under current LEP controls, Councils planning proposal and amended proposal as supported by DPHI

Zone	Latent Dwelling Capacity			Explanation
	LLEP 2008	Planning proposal	DPHI supported amendments	
R2 Low Density Residential	15,700	8,250	8,250	The significant reduction in capacity is due to the proposed MLS increase.
R3 Medium Density Residential	5,575	23,750	23,750*	The significant increase in capacity is due to the proposed decrease in MLS and incentives for uplift on all corner lots with 25m frontage and 1,000m ² .
R4 High Density Residential	9,500	8,200	9,500*	The decrease in capacity in the proposal is due to downzoning and is not supported.
R1 General Residential (Middleton Grange)	1,050	1,050	1,050	No change.
Total	31,825	41,250	42,550*	Total increase 10,725*

** The DPHI supported amendments calculations are approximate as the exact change resulting from the proposed amendments are unknown.*

Proposed Amendments for Commercial Lands

A Commercial Lands Investigation was prepared as an action set out by the Liverpool Centres and Corridors Strategy 2020 - *to review land use planning controls to ensure quality built form outcomes and ensure consistency with the Council intended retail hierarchy.*

The study included:

- Analysed the structural and market trends influencing the demand for commercial and retail floorspace in the centres, to provide an understanding of demand and supply
- Tested proposed planning controls (specifically heights) impact on development (6 sites), including feasibility and configuration outcomes
- Reviewed of Council's retail hierarchy and planning controls to reinforce the hierarchy
- Analysed the numerical controls applicable to the Liverpool CBD to determine if changes are required.

The proposed amendments for commercial lands under this planning proposal includes-

- Updates to various key sites mapping for non-applicable notations, such as, service station key sites
- Enhancement of the incentives for development within Liverpool CBD
- Increase efficiency by combining provisions which apply to same zones and updating references where applicable.

The Department supports the proposed amendments except for the amendment seeking reduction of HOB and FSR as discussed above. See section 4 of the EoP for further information.

Proposed Amendments for Industrial lands

Proposed amendments for industrial lands is supported by an Industrial Lands Investigations (**Appendix 3**) which was prepared as an addendum to the Liverpool Industrial and Employment Lands Strategy, and comprises of technical investigation to recommend amended LEP controls for industrial land by undertaking-

- Analysis of the structural and market trends influencing the demand for industrial typologies
- Case study examples of new/emerging typologies and their planning requirements
- Assessing suitability of existing controls and proposed LEP controls and identify opportunities for change, based on planning and development outcomes
- Identifying appropriate planning controls to accommodate new/ emerging typologies
- Brief place-based urban design analysis and synthesis to identify opportunities for change

The proposed amendments for industrial lands set under the planning proposal includes-

- Remove FSR controls entirely to increase development flexibility and amend minimum lot size (MLS) to protect larger land parcels from land fragmentation
- Increase height for some of the industrial land to align with SEPPs
- Increase efficiency by combining provisions where relevant

The Department support the proposed amendments. See section 5 of the EoP for further discussion.

Proposed Amendments for Infrastructure

The planning proposal includes rezoning a number of land parcels to reflect their use for infrastructure purposes. These parcels are owned by public authorities including Sydney Water, Transport for New South Wales (TfNSW), and Council.

TfNSW requested land rezoning

In September 2023, Council received a request from TfNSW to rezone land as they are no longer needed for infrastructure purpose at

- 27-39 Grove Street, Casula – four land parcels
- 300-324 Hume Highway, Liverpool – twelve land parcels.

Council resolved to only support the rezoning of the one of the three Casula parcels. Since then, under section 9.1 Ministerial Direction 5.2 Reserving Land for Public Purposes, TfNSW as a public authority has requested the Department to include the rezoning of all the Casula and Liverpool land parcels as part of this planning proposal.

The Department supports the rezoning of land parcels located along the Hume Highway at 300-324 Hume Highway, Liverpool.

The Department conditionally supports the rezoning of land parcels around Gimes Park and requires targeted consultation with the surrounding residents during the public exhibition period, as further investigation is required to determine the best use of the site.

Refer to section 6 of the EoP for all proposed infrastructure amendments and section 6.2 of the EoP for further discussion on TfNSW requested amendments.

Proposed Amendments for Recreation and Conservation Land

The planning proposal includes amendments to-

- Give effect to the Council Land Review (**Appendix 4**) by rezoning 363 council owned land parcels to reflect their recreation use
- Give effect to Liverpool City Centre Public Domain Masterplan by rezoning 4 land parcels identified to be used as pocket parks under the masterplan
- Rezone lands acquired under Moorebank Voluntary Acquisition Scheme
- Give effect to the Liverpool Biodiversity study 2019 (**Appendix 5**) and Conservation Zones Study 2019 (**Appendix 6**) by rezoning 6 Agency owned parcels and 14 council owned parcels for conservation purpose

Refer to section 7 of the EoP for further discussion on recreation land and section 8 for conservation land.

Housekeeping amendments

The planning proposal includes housekeeping matters including-

- Mapping updates, such as, where the provision is no longer applicable
- Land acquisition notation for proposed new land acquisition (**Appendix 7**)
- Rectifying anomalies, for example, incorrect zoned land and realignment of zone boundaries.
- Updates to schedule 1 Additional Permitted Use items, to amend address and property description errors and remove items which are no longer relevant
- Updates to Schedule 2 Exempt Development and Schedule 3 Complying Development to align with SEPP (**Appendix 9 Part 3B Codes SEPP analysis**) where relevant and relocate current Schedule 7 Exempt Trees under new Schedule 2 Exempt Development

Refer to section 9 of the EoP for detailed discussion for all housekeeping amendments.

1.4 Site description and surrounding area

The proposed new LEP will apply to all land which Liverpool LEP 2008 applies to as shown below.

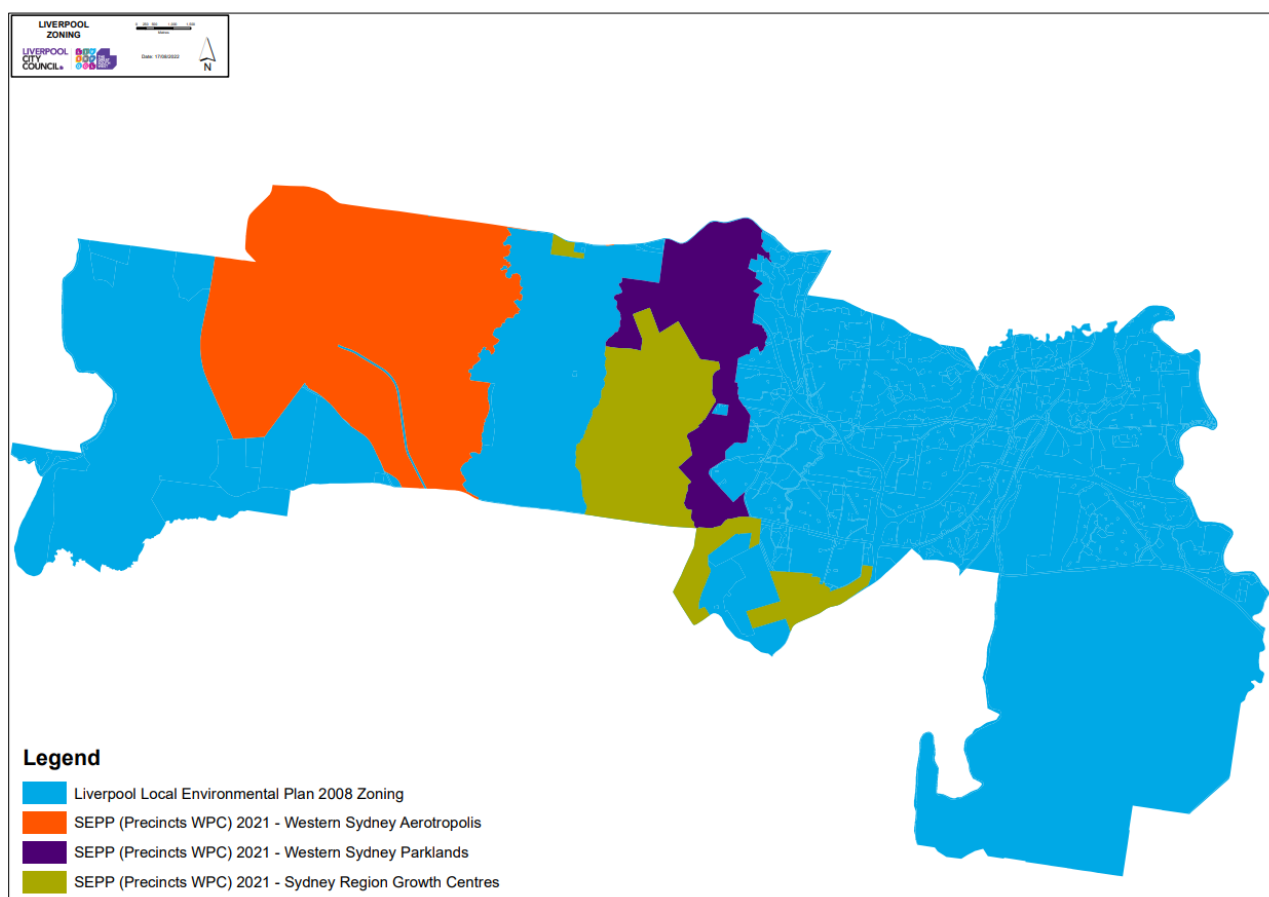


Figure 2: Liverpool LGA and applicable EPI (Source: Planning proposal report, 2025)

1.5 Mapping

The proposed mapping can be located under “**Attachment D - Mapping Amendments Report**”. This document is subject to being amended in accordance with the gateway determination issued.

1.6 Background - Timeline of the LEP review

The planning proposal intends to implement a new planning instrument for Liverpool City Council and includes amendments as recommended by various local strategies and studies. A timeline for the planning proposal is:

4 March 2018 - Western Sydney City Deal was signed by Australian Government, New South Wales Government and Liverpool City Council (amongst 8 other Councils) to receive funding to enable transformative change to the region over the next 20 years. To align Liverpool’s LEP with the District Plan within a two-year period, Liverpool City Council initiated an accelerated LEP review. This included establishment of –

- Liverpool Local Strategic Planning Statement (LSPS) ‘Connected Liverpool – 2040’
- Liverpool Housing Strategy 2020
- Liverpool Centres and Corridors Strategy 2020
- Liverpool Industrial and Employment Lands Strategy 2020

2 February 2022- Council resolved to prepare a new Liverpool Local Environmental Plan, and to lower the heights of buildings in a number of suburbs to 12m.

May – June 2022- Councillor workshop held. Council recommended to undertake-

- questionnaire/survey seeking public feedback on medium density housing
- industry workshop with architects, developers and planners for the design and delivery of medium density housing

27 July 2022- Council received a report for “Principles of the LEP review” for residential, commercial and industrial land. Council adopted the principles and recommended that a scoping report for the changes be prepared which would also include LSPS priorities for environmental and recreational land and review City Centre provisions under the LEP.

31 August 2022- Draft scoping report containing broad overview of what the future planning proposal will comprise (the context, proposed changes, and strategic merit for residential, commercial, industrial and environmental land) and attachments were presented to the Council. Council was generally supported of the reported materials and resolved to proceed with Community engagement and initiate preparing the LEP planning proposal. Community engagement included targeted surveys and workshops for the residents.

19 September to 13 November 2022- Scoping report and attachments were publicly exhibited for feedback.

26 October 2022- Medium Density Housing Workshop held.

1 March 2023- Post exhibition report deferred by Council for further discussion on height of building in commercial areas.

February – November 2023- procurement and completion of additional investigations.

26 April 2023- Post early engagement report presented to Councillors. Council resolved to prepare the LEP for Liverpool Local Planning Panel (LPP).

27 September 2023- Council endorsed the Draft Conservation Zones Study and required further reporting on outcomes of its public exhibition.

21 December 2023- Planning Proposal presented to the Liverpool Local Planning Panel (LPP). Liverpool LPP provided further comments for medium density zone FSR, built form modelling under proposed FSR and HOB for High Density residential zone, suitability of reduced HOB and minimum lot size control for industrial land. Section 3.4 of this report includes further discussion on the LPP findings.

28 February 2024- Principal Planning Proposal for a new Liverpool LEP was presented to Council and the matter was deferred until a councillor workshop was held. However, Council endorsed the Conservation Zones Study recommendations for government owned sites only and recommended to incorporate these amendments into the Principal LEP.

11 March 2024- Councillor workshop held.

27 March 2024- Planning proposal was reported to Council, matter was deferred to the April meeting.

24 April 2024- Planning proposal was reported to Council and the new planning proposal matter was deferred again.

14 May 2024- Councillor briefing undertaken at the May Governance Committee Meeting.

29 May 2024- Planning proposal was reported to the Council. Council endorsed the draft planning proposal subject to additional recommendations and comments. The amended planning proposal was endorsed to be forwarded to the Department. However, some other matters were required to be investigated.

9 July 2024- Investigation findings for additional Councillor raised issues were reported to the Governance Committee Meeting. The committee Received and noted the findings.

1.7 Early Consultation

Community engagement for the Liverpool Local Environmental Plan Review (LEP Review) was conducted from 19 September to 13 November 2022. This exhibition period was the first stage of community engagement on the LEP Review, followed by LEP review survey and medium density housing survey. The consultation process yielded-

- 198 LEP Review surveys
- 53 Medium Density Housing Surveys
- 7 Agency submission
- 132 written submissions

Council has provided an outcomes report detailing the process, outcomes and summary of all submissions received. The report can be located under “**Appendix 7 LEP Review Early Engagement Outcomes Report**”. Key community interest from the consultation process were-

- Natural environment matters, e.g. trees, open space and sustainability
- Transport matters, e.g. road widths and car parking issues
- Opposition to proposed 12m height reduction for high density residential land
- Requests for further reductions in high density residential development
- Medium density housing matters, including support, opposition, lot size and design improvement suggestions; and
- Commercial land matters including in relation to the City Centre, Town Centres, other suburban centres and opposition to reduced development standards.

2 Need for the planning proposal

The planning proposal is a principal planning proposal and includes amendments which give effect to various actions from Connected Liverpool 2020, Liverpool Local Housing Strategy 2020, Liverpool Centres and Corridors Strategy 2020 and Liverpool Industrial and Employment Lands Strategy 2020.

The planning proposal intends to result in a new LEP repealing the current LLEP 2008. The planning proposal will also remove redundant and repealed provisions, and restructure *Part 7 Additional Local Provision* of the LLEP 2008, which currently includes additional local provision in the order that they were adopted.

As the planning proposal will result in a large number of amendments, including updating provisions of the LEP, the Department supports the planning proposal. The new LEP, particularly the non-standardised provision will be easier to navigate, will improve legibility, and may result in development activities by gaining community interest when gazetted.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of *A Metropolis of Three Cities- the Greater Sydney Region Plan* (regional plan).

The new proposed new LEP is generally consistent with the regional plan and gives effect to a number of planning objectives for the regional plan.

- Objective 5- Benefits of growth realised by collaboration of governments, community and business and

Action 10- Facilitate the whole-of-government place-based outcomes through Collaboration Areas for targeted centres

Western Sydney City deal is a planning, investment and delivery partnership between all tiers of government to deliver a thriving, productive and sustainable Western Parkland city built around Western Sydney Airport as the economic catalyst. The proposed LEP is result of studies funded by the deal.

- Objective 20- Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City and

Objective 21- Internationally competitive health, education, research and innovation precincts

Proposed amendments will allow additional development incentives within Liverpool CBD as well as enable expansion of Liverpool Health precinct and further strengthen the function of Liverpool CBD which forms part of Western Parkland City metropolitan cluster.

Additionally, the enhancement of incentives for Liverpool CBD and Liverpool Hospital will facilitate expansion of health and education sectors in Liverpool, creating jobs and other related industries in Liverpool.

- Objective 23: Industrial and urban services land is planned, retained and managed

Amendments are proposed to provide flexibility and maximise opportunities where appropriate for commercial industrial lands. Additionally, some of the amendments intend to protect valuable industrial land for future use.

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the *Western City District Plan* on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
W2 Working through collaboration	The planning proposal results in the Liverpool LEP aligning with the commitments made under the Western Sydney City Deal, and collaboration between all tiers of Government.
W3 Providing services and social infrastructure to meet people's changing needs	The planning proposal intends to recognise service availability across the LGA and apply development standards accordingly. The proposal will also expand a number of land uses which provide targeted housing (eg. Senior's housing) to address housing need for Liverpool's aging population, particularly in the 65-84 age group, the largest projected growth age group for Liverpool.
W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	Liverpool is identified as a "housing market demand area" meaning that any housing provided in the area will provide housing for the immediate area and is not likely to cater to other area's shortfall. A number of amendments of this planning proposal intends to increase density based on proximity to services, employment and transport. Additionally, the proposed amendments will result in several diverse housing outcomes.
W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land	The proposed amendments respond to the current level of industrial and urban services land supply, the changing nature of industries and the transformation in the sector impacting on changing demands for land.
W14 Protecting and enhancing bushland and biodiversity	Proposed Environmentally Sensitive Land provision and mapping will strengthen the protection of bushland in Liverpool and will help to conserve the district's biodiversity, preserve its scenic landscape, and enhance its tourist and recreational values.
W15 Increasing urban tree canopy cover and delivering Green Grid connections	Proposed Urban Heat provision will contribute to enhancing tree canopy cover, green grid links and open spaces for new developments.
W19 Reducing carbon emissions and managing energy, water and waste efficiently	Proposed provision for recycling water enables diversification of the non-potable water source, provision for waste enables Council to ensure waste management is designed and constructed for efficient waste disposal, and provision for stormwater management enables stormwater harvesting opportunity for greening open space.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement – <i>Connected Liverpool 2040</i> (Liverpool LSPS)	<p>The planning proposal gives effect to the planning priorities in the Liverpool LSPS-</p> <ul style="list-style-type: none"> • Action 5.2- give effect to City Centre Public Domain Masterplan by rezoning Council owned land as relevant • Priority 7- provide for additional diverse housing in City Centre and centres well serviced by public transport • Priority 12- proposing flexible controls to ensure business are not restricted and protect large industrial blocks. • Priority 14, Action 14.1 and 14.2- Environmentally Significant Land provisions will ensure protection of areas of high ecological conservation value. Rezoning conservation land as relevant. • Action 15.1- recycled water provisions suitably address sustainability in line with recommendations from resource efficiency study • Action 15.3- New Stormwater provision incorporates Water Sensitive Urban Design principles. • Action 15.4- New Urban Heat Clause is proposed to address Urban Heat Island effect
Liverpool Centres and Corridor Strategy	<p>The proposed new LEP will retain, update (as required) and enhance the controls applicable to centres in Liverpool based on their scale, permissible land uses and design outcome. The planning proposal intends to implement actions set out by the strategy for-</p> <ul style="list-style-type: none"> • reviewing land use planning controls to ensure quality built form outcomes and ensure consistency with the revised retail hierarchy • reviewing LEP zoning of key sites
Liverpool Industrial and Employment Lands Strategy	<p>The planning proposal will align the LEP controls with relevant state policies and introduce flexibility where appropriate and reduce potential defragmentation of large industrial land. In particular the proposal will give effect to strategy actions to-</p> <ul style="list-style-type: none"> • Action 1 - Review development standards and objectives for industrial land to ensure land use controls are up to date and quality-built form outcomes can be achieved. • Action 5- Increase industrial development density, efficiency and colocation through increase in HOB limits and removing FSR controls
Liverpool Local Housing Strategy	<p>Liverpool Housing Strategy establishes Housing Priorities and Objectives that align with relevant Planning Priorities in the Western City District Plan and Council's LSPS. The planning proposal intends to-</p> <ul style="list-style-type: none"> • Action 5- Ensure housing density is focused around centres, high frequency public transport and amenity. • Action 7- Ensure development controls encourage greater medium density and housing diversity without adversely impacting neighbourhood amenity. • Action 8- Review controls for R3 zone to improve feasibility, having consideration to appropriate built form outcomes.

3.4 Local planning panel (LPP) recommendation

The planning proposal was reported to Liverpool LPP on 21 December 2023. The LPP generally supported the planning proposal and provided specific comments. The LPP report and recommendation can be located under “**Attachment I- Local Planning Panel Report and Recommendation**”

The recommendations and how they are addressed are as follows:

Issues raised	Comment
Reconsider FSR removal for medium density residential lands	The planning proposal intends to remove the FSR controls and implement landscaping requirement for R3 zoned lands.
Undertake design modelling for potential design outcomes with and without FSR	The planning proposal intends to remove the FSR controls and implement landscaping requirement in for all industrial lands.
Undertake design modelling with new FSR and HOB for R4 high density residential zoned land	The residential land study provides modelling for various density and building types.
Reconsider proposed 9m and 12m HOB align with anticipated storeys	No changes were made.
Impose MLS or lot width for residential flat building development in R3 medium density residential zoned land	The planning proposal includes a requirement of a minimum lot width provision for residential flat building development in R3 medium density residential zoned land.
Supports 8000m ² MLS for industrial lots	Retained.
Supports the land use table being closed by prohibited all land uses which are not permitted	Retained.
Include a minimum Landscaping and site coverage for industrial land	The planning proposal includes a landscaping control, however removed FSR for Industrial lands.

3.5 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As discussed under 3.1

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	No, but justified	<p>This direction seeks to discourage unnecessarily restrictive site specific planning controls.</p> <p>The planning proposal will result in a new LEP which will include several site specific additional local provisions and permit additional uses in the new land use table. There are some minor amendments which will enable some additional provision to be applied to specific locations/sites, for example, Moorebank Intermodal area, however, the new uses will be subject to assessment of the Council.</p> <p>Given that some of the provisions are already existing and new LEP will include additional lands which the provision apply to, as well as the new provisions give effect to the relevant regional and district plans, the inconsistency with this direction is considered to be of minor significance.</p>
1.4 A Exclusion of Development Standards from Variation	Yes	<p>This direction aims to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of the LEP.</p> <p>The planning proposal will result in the current applicable clause 4.6 of the LLEP 2008 being slightly altered. Currently, the application of the clause does not apply to a number of other local provisions under clause 4.6(8). The planning proposal intends to alter clause 4.6(8)(ca) by removing reference to redundant provisions as well as clause 7.5A. Clause 7.5A enables additional FSR and HOB incentives for sites located within Liverpool CBD, and flexibility under clause 4.6 does not apply to developments which access these incentives. It is proposed that the current restriction is removed to encourage development in the Liverpool CBD.</p> <p>As such, the proposed amendments give effect to the objective of this direction and is considered to be consistent with this direction.</p>
1.10 Implementation of Western Sydney Aerotropolis Plan	Yes	<p>The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan. The planning proposal does not propose inconsistencies with the Western Sydney Aerotropolis Plan.</p>
1.21 Implementation of South West Growth Area Structure Plan	Not applicable	<p>The objective of this direction is to ensure that development within the South West Growth Area is consistent with Structure Plan and Guide. The planning proposal does not relate to the land located in the South West Growth Area.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Yes	<p>The objective of this direction is to protect and conserve environmentally sensitive areas. The planning proposal intends to</p> <ul style="list-style-type: none"> remove areas that have been cleared since 2016 (e.g. from residential development) Refine existing boundaries, especially around paddock trees and road corridors Add small patches of trees and areas of regrowth in the Western Sydney Parklands Land that has been bio-certified under the Biodiversity Conservation Act 2016 (the Act) has not been marked on the Terrestrial Biodiversity Map. <p>The proposed amendments give effect to the objective of this direction by protecting and conserving environmentally sensitive areas accurately. Only areas being removed are already developed or cleared, and as such, protection is no longer applicable. In this regard, the proposal is considered consistent.</p>
3.2 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The planning proposal retains all existing provisions considering for heritage significance and items which are listed to be heritage significant. The proposal is consistent with this direction.</p>
3.7 Public Bushland	Yes	<p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland. The proposal does not alter any existing public bushland and intends to rezone land to conservation and recreation zones to conserve the biodiversity and natural landforms as appropriate. The proposal is consistent with this direction.</p>
3.10 Water Catchment	Yes	<p>The objective of this direction is to maintain, improve, protect and enhance water quality within a regulated catchment. The planning proposal intends to include a new Water Sensitive Urban Design guideline which will give effect to the objective of this direction and as such is consistent with this direction.</p>
4.1 Flooding	No, but justified	<p>Direction 4.1 seeks to ensure that flood-prone land is developed as per the NSW Government's Flood Prone Land policy and ensure that the applicable LEP provisions consider flood impacts appropriately.</p> <p>The planning proposal does not intend to alter any applicable flood provision or rezone an existing Recreation, Rural, Special Purpose or Conservation flood affected land to Residential,</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>Employment, Mixed Use, Working Waterfront or Special Purpose Zones.</p> <p>The proposal however seeks to increase density for land in Chipping Norton where part of the land is flood affected. The planning proposal will rezone part of flood affected land from low density to medium density. However, the land is already zoned residential and the impact is appropriate to be managed or mitigated at the Development Assessment (DA) stage.</p> <p>The planning proposal is deemed to be inconsistent with direction by increasing density on a flood affected land, but inconsistency with this direction is considered to be of minor significance.</p>
4.2 Coastal Management	Yes	<p>The objective of this direction is to protect and manage coastal areas of NSW.</p> <p>The planning proposal relates to areas identified as Coastal Environment, Coastal Wetlands and proximity lands under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The planning proposal will not rezone any affected land to increase density or permit intensive land use on the affected lands. The planning proposal is deemed to be consistent with this direction.</p>
4.3 Planning for Bushfire Protection	Yes	<p>Direction 4.3 seeks to discourage development in bushfire prone land and encourages sound management of bushfire prone areas.</p> <p>The planning proposal applies to Liverpool LGA which includes bushfire prone land. The proposal does not alter any applicable provisions or rezone any land currently identified to be bushfire prone land. The proposal is considered to be consistent with the terms of this direction.</p>
4.4 Remediation of Contaminated Land	No, needs further justification	<p>This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning authorities.</p> <p>The direction applies as the planning proposal seeks to rezone residential land. Although the planning proposal does not intend to result in development being carried out, future development might be undertaken due to the uplift in the land density. Council indicates that the any new development assessment will assess contamination as part of the DA process. However, the proposal has not been demonstrated if the historical land uses for the affected sites have been thoroughly investigated.</p> <p>In this regard, the proposal is deemed inconsistent and requires further justification.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.5 Acid Sulfate Soils	No, but is of minor significance	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils (ASS).</p> <p>LLEP 2008 contains adequate provisions for consideration of ASS, which are also proposed to be retained in the new LEP. Assessment of presence of the ASS and mitigation measures are appropriate to be undertaken at the DA stage.</p> <p>In this regard, the planning proposal is inconsistent with this direction by proposing intensification of various lands, but the inconsistency is considered to be of minor significance.</p>
5.1 Integrating Land Use and Transport	Yes	<p>This direction seeks to ensure that new developments have good access to public transport, reduce car dependency and provide efficient movement of freight.</p> <p>The planning proposal seeks to increase density in areas serviced by public transport (trains and busses).</p> <p>In this regard, the planning proposal is consistent with the terms of this direction.</p>
5.2 Reserving Land for Public Purposes	No, needs further investigation and justification	<p>This direction seeks to facilitate the provision of public services and facilities by reserving land for public purposes.</p> <p><u>Update to Acquisition Mapping</u>- Council is proposing several amendments to the acquisition mapping which will result in a part of privately owned properties being identified to be acquired. Mapping for these sites has not been provided at this stage.</p> <p><u>TfNSW Land “Gimes Park”</u>- TfNSW has directly requested the Department to rezone land parcels adjoining Gimes Park for residential purpose under this direction. The identified parcels are observed to used in conjunction with the RE1 zoned land. It is not clear if the rezoning of these land parcels will result in loss of public recreational land and valuable biodiversity.</p> <p><u>TfNSW and private land “Hume Hwy”</u>- TfNSW has directly requested the Department to rezone TfNSW and Private owned land parcels along Hume Highway to mixed use zoning under this direction. TfNSW has provided technical plans to demonstrate that there are no plans to use these parcels for road widening. The current zone of the land prevents the existing business on the land to expand as well as does not offer any potential suitable re-development for the sites.</p> <p>Council is required to undertake targeted consultation with surrounding residents for Gimes Park and affected landowners for the acquisition mapping by notifying the proposed amendments appropriately and provide further justification following the targeted public consultation. This direction in this</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		regard remains inconsistent and unjustified until adequate investigation has occurred.
5.3 Development Near Regulated Airports and Defence Airfields	Yes	<p>This direction seeks to ensure the effective and safe operation of regulated airports and defence airfields.</p> <p>The planning proposal includes updated Australian Noise Exposure Forecast (ANEF) mapping, thereby replacing the outdated Australian Noise Exposure Contour (ANEC) mapping. It is anticipated that consultation will occur with relevant agencies during public consultation stage.</p> <p>In this regard, the proposal is consistent with the terms of this direction.</p>
6.1 Residential Zones	No, but justified	<p>This direction aims to encourage housing choice, make efficient use of infrastructure and services, and minimise the impact of residential development on environment and resource lands.</p> <p>The planning proposal includes a number of amendments, and the following amendments are consistent with the terms of this direction by-</p> <ul style="list-style-type: none"> • increasing dwelling yield by removing FSR and reducing MLS for all medium density land • increasing FSR for certain high density land • Increasing density for areas which are well serviced <p>to encourage residential development throughout the LGA. Additionally, the planning proposal does not prohibit existing residential land uses in adequately serviced areas.</p> <p>The proposed amendment for increasing MLS in R2 Low Density Residential land reduces the latent dwelling capacity by 7,450 dwellings and affects less than 25% of the R2 zoned lots across the LGA.</p> <p>The proposed controls will ensure that future development/subdivision reflects the existing local character of the area. Additionally, the planning proposal will result in overall increase in dwelling capacity through other amendments sought under this proposal.</p> <p>In this regard, the planning proposal is generally consistent with the terms of this direction except for the reduced MLS amendment as it will increase the consumption of land for housing by reducing the dwelling yield in low density land. However, the proposal is supported by the residential land investigation study and as such, the inconsistency is considered justified according to the terms of this direction. Post public exhibition, the matter will be reconsidered against the received feedback.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.1 Employment Zones	Yes	<p>This direction seeks to encourage employment growth in suitable location, protect employment land in employment zones and support the viability of the identified centres.</p> <p>The planning proposal does not rezone or reduce any employment zone and generally gives effect to the objective of this direction. In this regard, the proposal is deemed consistent.</p>
9.1 Rural Zones	Yes	<p>This direction seeks to protect the agricultural production value of rural land. The planning proposal does not rezone any rural land and as such, is consistent with the terms of this direction.</p>

3.6 State environmental planning policies (SEPPs)

Except for SEPP (Exempt and Complying Development Codes) 2008, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	To protect the biodiversity values of trees and other vegetation in non-rural areas of the State	Yes	The planning proposal will result in appropriate protection of valuable biodiversity and conservation lands.
SEPP (Exempt and Complying Development Codes) 2008	identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act	No	<p>A number of amendments intend to align the new applicable development controls with controls with the SEPP.</p> <p>The rezoning of Edmonson Park land parcels identified as village centre to R4 High Density Residential is intended to prohibit the operation of the code SEPP, as the code SEPP does not apply to R4 zoned land. The rezoning is deemed appropriate as the proposed amendments protect the village centre from being developed for only medium density residential development, which is not the intended land use for the identified village centres.</p>
SEPP (Housing) 2021	Enable development of diverse housing types	Yes	A number of amendments intend to align the new applicable development controls with controls with the SEPP.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Precincts— Western Parkland City) 2021	To facilitate the development of State significant precincts for the benefit of the State	Not Applicable	The proposed amendments only apply to land which is under Liverpool LEP.
SEPP (Sustainable Buildings) 2022	Encourage the design and delivery of sustainable buildings	Yes	The planning proposal does not deviate from the aim of the SEPP, rather complement the requirements with new provisions, e.g. waste, urban heat island etc.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Building design and site-specific impact assessment	The new LEP will enable several amendments to the development standards for various residential, commercial and industrial lands. This planning proposal is mostly administrative in nature and is not intended to result in any direct development at this stage, however, some development may occur as a result of the proposed amendments. Any design consideration and impact from development on affected land is appropriate to be assessed and mitigated at the Development Assessment (DA) stage.
Sustainable urban design practices	The new LEP will include a number of new provisions which relates to sustainable building practices, such as recycled water, urban heat impact and water sensitive urban design. The new provisions will ensure that future developments in Liverpool incorporate sustainable building practices as well as green urban design principles.
Flooding	As discussed under section 3.5 Section 9.1 Ministerial Directions 4.1 Flooding of this report.
Conservation land and Terrestrial Biodiversity	The proposed rezoning of conservation land and insertion of new environmentally sensitive land mapping will ensure that all land identified to have valuable biodiversity are protected.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Additional Housing	There are several amendments which intend to increase the development yield near centres throughout the LGA by rezoning land or amending applicable development standards. Although the planning proposal's main objective is not to increase development yield, a consequential outcome may be new development utilising the additional yield. This will mean additional housing may be available near centres reducing housing demand in the area.
Local Character	Amendments to the minimum lot sizes and rezoning in Edmonson Park are some of the amendments which will ensure that all future development align with the intended local character of the affected land.
Jobs	The planning proposal does not directly intend to result in any development, but the proposed amendments may result in future development, as such additional short term and long term jobs for construction and other service jobs which can be accessed by local residents. The new developments will have positive flow on effect for employment opportunities in the immediate area as well as Liverpool LGA.
Council owned recreational land	The planning proposal intends to rezone more than 350 parcels of land for recreational land resulting from Council's land review, Public Domain Masterplan etc. These lands will ensure that recreational lands are zoned and protected for its intended purpose and is able to be embellished by Council as appropriate.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Waste Management	Proposed amendments to recognise waste as an essential service will enable Council to implement <i>NSW Waste and Sustainable Materials Strategy</i> which aims to reduce waste generation, diverting waste from landfill etc. Waste from new developments, particularly higher density development can now be assessed adequately at the DA stage.
Infrastructure	A number of amendments rezone lands which are currently being used for Infrastructure. Additionally, the planning proposal includes rezoning (as requested by agencies) to rezone land from infrastructure to other relevant zones.

5 Consultation

5.1 Community

Council proposes a community consultation period of 30 days which is equivalent to 20 working days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water – Environment and Heritage
- Department of Climate Change, Energy, the Environment and Water – NSW Climate and Energy Action
- Transport for NSW
- Sydney Water
- Department of Planning, Housing and Industry- Western Sydney Aerotropolis
- Western Sydney International Airport
- Adjoining Councils.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a principal planning proposal.

The Department recommends an LEP completion date of 27 August 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported, it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal is a principal planning proposal, the Department, as the delegate of the Minister, is to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is consistent with the regional plan, *A Metropolis of Three Cities- the Greater Sydney Region Plan* by implementing changes which contribute to delivering a thriving, productive and sustainable Western Parkland City.

- The planning proposal is consistent with the Western City District Plan by enabling government collaboration to provide additional housing, employment opportunities and by protecting bushland while continuing to improve sustainability of the district.
- The proposal will facilitate additional diverse housing in Liverpool LGA and further incentivise development in Liverpool CBD
- The proposal will streamline development assessment by removing redundant provisions and simplifying relevant assessment framework
- The proposal will address minor housekeeping matters, which remain otherwise unresolved

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Remove all amendments not supported by the Department
- Address inconsistencies with section 9.1 Ministerial directions

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Amend descriptions and mapping as required by the Explanation of Provision document (See condition 1 below)

9 Recommendation

It is recommended the delegate of the Secretary:

- **agree** that any inconsistency with section 9.1 Directions 1.4 Site Specific Provisions, 4.1 Flooding, 4.5 Acid Sulfate Soils, 6.1 Residential Zones 4 are justified in accordance with the terms of the Directions; and
- **note** that the inconsistency with section 9.1 Directions 4.4 Remediation of Contaminated Land and 5.2 Reserving Land for Public Purposes remains unresolved until further justification has been provided.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:

- (a) Prior to exhibition, the planning proposal including mapping and supporting documentation is to be amended and forwarded to the Minister under s 3.34(6) of the Act as below-
 - i. Remove relevant references and mapping for-
 - Rezoning of R3 medium density residential to R2 Low Density Residential for land at Moorebank, Carnes Hill Centre, Wattle Grove, Prestons and Cecil Hills
 - Rezoning of R4 High Density land identified as smaller scale local centre, faced interface issues and are located out of a centre area.
 - All commercial land amendments which seek to reduce height and, as a consequence, floor space ratio.
 - Endeavour Energy Sites rezoned under PP-2024-1481
 - 24 Willowie Way, Pleasure Point
- (b) Update description and/or mapping-

- i. Include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process
- ii. Address inconsistency with Ministerial Direction 4.4 Remediation of Contaminated Land by confirming that the residential zoned sites proposed to have density increase were not subject to land uses or activities which may cause contamination
- iii. Update discussion for new provisions-
 - Public Art Installation
 - Urban Heat
 - Waste as Essential Service
- iv. Remove all references to Build-to-rent as a land use under the Land use table
- v. Ensure that the indicated number of Council owned land parcels to be rezoned to recreation zone is consistent
- vi. Include amendments requested by Transport for New South Wales (TfNSW) for
 - 300-304 and 318-324 Hume Highway Liverpool and 310-316 Hume Highway, Liverpool
 - Gimes Park - 27, 29, and 37 Grove Street Casula, and Lot 100 DP880218

In this regard, include TfNSW's request as part of the public exhibition package.
- vii. Amend description rectifying discrepancy in zoning reference for proposed RE2 Private Recreation zoned land at Moorebank area (table 84 of the mapping report)
- viii. Include mapping of all privately owned land proposed for acquisition
- ix. Include mapping for Middleton Grange and Edmonson Park under clause 7.11 amendment
- x. Include mapping for all new land mapped under clause 7.25 amendment
- xi. Confirm and provide further details (if relevant) on associated development standards proposed to be amended for Moorebank Voluntary Acquisition Scheme.
- xii. Relocate items under table 32 of the mapping report to a relevant section and provide proposed mapping for each item at
 - Leacocks Ln, Casula
 - 73 Woodlands Rd, Liverpool

- Bernera Road, Prestons
2. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and forward to the Department for approval
 3. Consultation is required with the following public authorities:
 - Department of Climate Change, Energy, the Environment and Water – Environment and Heritage
 - Department of Climate Change, Energy, the Environment and Water – Water
 - Transport for NSW
 - Sydney Water
 - Water NSW
 - Department of Planning, Housing and Industry- Western Sydney Aerotropolis
 - Western Sydney International Airport
 - Civil Aviation Safety Authority (CASA)
 - NSW Health
 - Adjoining Councils
 4. The planning proposal should be made available for community consultation for a minimum of 20 working days.
 5. As part of the post exhibition package submitted to the Department for the LEP finalisation, Council is to include –
 - (a) a draft DCP for Medium Density development on corner lots
 - (b) discussion on the consultation outcome for the TfNSW requested land rezoning at Casula

The timeframe for the LEP to be completed is on or before 27 August 2026



4 April 2025

Suzanne Wren

Manager, Local Planning and Council Support



10 April 2025

Tina Chappell

Director, Local Planning and Council Support



22 April 2025

Dan Thompson

Executive Director, Local Planning and Council Support



Assessment officer

Oyshee Iqbal

Planning Officer, Local Planning and Council Support

5852 6824