



IRF24/889

Gateway determination report – PP-2024-923

Austral Light Industrial Precinct, Liverpool

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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.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Attachment A – Planning Proposal

Attachment B – Local Planning Panel Advice

Attachment C – Council report and minutes 24 April 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Liverpool City Council
PPA	Liverpool City Council
NAME	Austral Light Industrial Precinct (0 homes, 0 jobs)
NUMBER	PP-2024-923
SEPP TO BE AMENDED	State Environmental Planning Policy (Precincts – Western Parkland City) 2021
ADDRESS	140, 144, 150, 160, 170, 174, 180, 184, 190 Gurner Avenue 535, 545, 555, 561, 575, 585, 595-599, 605, 615, 625 Fifteenth Avenue, Austral
DESCRIPTION	Lots 261-264 DP 804734 Lot 28, Lot 29, Lot 31 DP 3403 Lot 101, Lot 102 620585 Lots 380-385 DP2475 Lots 5-8 DP235953
RECEIVED	7/05/2024
FILE NO.	IRF24/889
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 objective of the Council initiated planning proposal is to secure industrial land in Austral Light Industrial Precinct (Austral Industrial Precinct) for industrial development through limiting non-industrial uses in this precinct. An amendment to the current development standards is proposed to limit the size and scale of non-industrial uses.

The intended outcomes of the planning proposal are:

- Improve the availability of suitable land for industrial development in Austral.
- Limit the size and scale of non-industrial uses in the light industrial zone.
- Reduce land use conflict in the industrial zone.

- Improve the vibrancy and viability of lands zoned for commercial development in zoned centres.
- Maintain flexibility in the industrial zones to provide for small-scale non-industrial activities to support employees in the area.

The planning proposal's objective and intended outcomes are generally supported in limiting non-industrial uses in the industrial land use zone. However, the proposed amendment to the SEPP cannot be supported as proposed by Council. This is discussed in Section 1.3 Explanation of provisions below.

The objectives and intended outcomes will need to be amended to reflect the amendments the Department requires to the planning proposal. A Gateway condition has been included to ensure the planning proposal is updated prior to public exhibition.

1.3 Explanation of provisions

The planning proposal includes a new local provision to insert into SEPP (Precincts – Western Parkland City) 2021, Appendix 4 – Liverpool Growth Centres Precinct Plan, Part 6 – Additional Local Provisions.

The local provision seeks to introduce a maximum floor space ratio of 0.05:1 and site coverage provision of 5% to limit development within the Austral Industrial Precinct that is not defined as 'industry' or 'road' under the *Standard Instrument – Principal Local Environmental Plan*. The draft local provision also proposes a number of definitions to assist in implementing the proposed controls.

The Department is unable to support the proposed amendment in its current form due to the following:

- It is not appropriate to substantially limit development within the IN2 light industrial land use zone that is not defined as 'industry' or 'road'. Ancillary 'non-industrial' uses play an important role within precincts to support the functioning of an area.
- It is considered the amendments are inconsistent with the Department's latest policy position on employment land use zones (local environmental plan employment zone reform).
- 'Explanation of Provisions' section of the planning proposal is to focus on the intent of a provision, a detailed statement of how the objectives or intended outcomes will be achieved to assist in the legal drafting of a clause. This section is not to include the clause itself. There is also the risk that at the point of finalisation and legal drafting of the clause, the provision may end up substantially different to what Council exhibited. Focusing on the intent of a proposed provision in this section of the planning proposal will also assist in avoiding confusion in the community.
- The Department does not agree with all of the concerns raised by Council and there are other planning levers Council should consider to encourage the type of development it wishes to see in this precinct.

The Department agrees that there is merit in investigating if there are any amendments that can be made to address Council's concerns and support the presence of more industrial development in this precinct. Council's concerns as per the planning proposal and additional information the Department has received during the assessment process is discussed in Section 1.3.1 below along with the Department's response. Section 1.3.2 outlines the amendments the Department will make as Gateway conditions to the planning proposal.

1.3.1 Council's concerns and the Department's response

There are no controls to specify incompatible uses, or to prevent sensitive uses (eg. child care centres) from being carried out which may cause problems with future land-uses which are aligned with the zone objectives.

Response: The Department does not agree that 'non-industrial' development such as childcare centres, service stations, recreation facilities (indoor or outdoor), gymnasium or veterinary hospitals are incompatible uses in the light industrial land use zone. These type of land uses are considered to be ancillary and help support the functioning of an area. The Department will consider floor space area maximums for ancillary land uses (discussed in Section 1.3.2).

In terms of sensitive uses, there is a role for environmental planning instrument provisions to minimise land use conflict with existing developments for sensitive land uses, such as child care centres. *SEPP (Transport and Infrastructure) 2021* permits child care centres in industrial zones and contains provisions under cl 3.24 that aims to minimise land use conflict with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility.

It appears this clause does not apply to the IN2 Light Industrial land use zone. The Gateway has been conditioned for Council to investigate whether it wishes to include provisions similar to cl 3.24 of the *SEPP (Transport and Infrastructure) 2021* within this planning proposal.

IN2 Light Industrial zone under the SEPP is an open zone.

Response: The Department understands Council's main concern is the need to limit the scale of retail and commercial uses in the IN2 light industrial land use zone. The Department has reviewed the E4 General Industrial land use zone in the Liverpool LEP 2008 (representing latest Government policy on a similar employment land use zone to the IN2 light industrial zone) and the IN2 Light Industrial in the SEPP (Precincts – Western Parkland City) land use tables to investigate whether any amendments can be made to address Council's concerns.

The E4 General Industrial land use table has definitive list of land uses permitted with consent under 'permitted with consent', with any development not specified in that section listed as prohibited. This is compared with the IN2 Light Industrial land use table that lists a limited number of land uses 'permitted with consent' and any other development that's not listed as 'prohibited' being permissible. The IN2 Light Industrial land use zone represents more of an 'open' land use zone than the E4 General Industrial.

There are two key differences between the land use tables:

- The permissibility of the 'food and drink premises' (group term) in the SEPP (Precincts – Western Parkland City) which permits 'take-away food and drink premises', 'restaurants and cafes', 'pub' and 'small bar'. Whereas only 'take-away food and drink premises' and 'restaurants and cafes' are permitted in the Liverpool LEP.
- The permissibility of 'hotel or motel accommodation' in the SEPP (Precincts – Western Parkland City) whereas 'tourist and visitor accommodation' (group term including hotel or motel accommodation) is prohibited in the Liverpool LEP.

In light of the above, the Department recommends amendments to the land use table (see section 1.3.2 of this report).

Developments more commercial or retail in nature compete with trade for planned town centres.

Response: The Department understands Council's concern, particularly with the planned Gurner Avenue Town Centre approximately 300m to the east of the site. The Department notes the following:

- ‘business premises’ and ‘office premises’ (both group terms) are prohibited under SEPP (Precincts – Western Parkland City).
- ‘retail premises’ is also prohibited with the exception of ‘neighbourhood shops’ which is permitted with consent.

It is acknowledged that Council may consider development outside of the above listed land uses as being ‘commercial’ or ‘retail’ in nature. The Department has recommended amendments to the IN2 Light Industrial land use table and supporting local provisions for some ancillary development in Section 1.3.2 of this report.

Council cites development applications approved or currently under assessment as justification to support the proposed local provision. The Department has reviewed the development approvals and any applications under assessment:

- DA 995-2020 (approved): A service station, two fast food stores, gymnasium, veterinary hospital, child care centre, light industrial complex.
- DA-996/2020 (approved): 14 light industrial allotments lots.
- DA 975/2022 (under assessment): staged construction of two warehouses with 13 units, 6 restaurant and entertainment premises, 3 food and drink premise, service station. This description of development is as per the Statement of Environmental Effects dated May 2024.

As discussed above, the majority of land uses listed are considered appropriate ancillary development in the IN2 Light Industrial land use zone.

A different approach for the development of greenfield industrial land is needed. Re-development of brownfield industrial land has the built form ‘shell’ already established by previous typical industrial developments.

Response: The Department understands Council’s concern regarding greenfield industrial areas and defining the built form ‘shell’ to establish ongoing use of these spaces for industrial developments.

The Department has recommended additional strategic planning work for Council under Section 1.3.2 of this report to assist in addressing this.

The LLEP2008 floorspace cap is per premises rather than for the whole development/parent lot which is what the planning proposal is trying to address.

Response: The Department has considered this within its proposed amendments in Section 1.3.2.

Local Planning Panel Advice in respect of DA 975/2022

Response: The Department has considered the advice provided by the Sydney Western City Planning Panel in relation to DA 975/2022. The Panel questions why Council did not have DCP controls addressing the amount of retail floorspace that could be located outside Austral town centre if that was a major concern. The panel noted the potential for cumulative impact of this development.

The Department has considered the comments within its proposed amendments in Section 1.3.2.

1.3.2 Department’s proposed amendments

The Department will support the following amendments to SEPP (Precincts – Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, IN2 Light Industrial land use zone table:

- Prohibit ‘food and drink premises’ (group term) and permit with consent ‘take-away food and drink premises’ and ‘restaurant and cafes’.

- Remove 'hotel or motel accommodation' as a permissible land use, 'tourist and visitor accommodation' is already prohibited.

The Department will support a local provision applying to Austral Industrial precinct providing maximum floor space areas for ancillary land uses, such as restaurant, cafes, take away food and drink premises. Council should include appropriate supporting justification and evidence for maximum floor space areas for ancillary uses.

The Department recommends Council consider replicating provisions relating to child care centres as stated in clause 3.24 of *SEPP (Transport and Infrastructure) 2021* within the planning proposal. This will provide additional provisions for consent authorities to consider when determining a development application for a child care centre within the Austral Industrial precinct.

The 'explanation of provisions' section of Council's planning proposal is required to be revised to outline the intent supporting the above amendments. In respect of the maximum floor space areas for ancillary land uses, Council should state the intent for the provision is to apply to a 'parent lot/whole development'. The drafting of this clause can be discussed with the legal drafters at the finalisation stage of this planning proposal.

The Gateway determination has been conditioned accordingly to reflect the above. The Gateway will also be conditioned for the planning proposal to be resubmitted for the Department's review prior to exhibition.

The Department also considers there is additional planning levers to assist in encouraging industrial development in the Austral Industrial Precinct. Examples include:

- Investigate whether development incentives would assist in encouraging the type of development Council wish to see in the Austral Industrial precinct.
The Department notes the Liverpool Industrial Development Lands Study (APP, 2019) recommends FSR bonuses could be utilised to incentivise investment in Liverpool's industrial precincts. The bonuses could be linked to a requirement to preserve a certain ratio of total floor area for exclusive use by specialised manufacturing, processing or other light industrial uses.
- Investigate DCP objectives and controls to:
 - support the implementation of floor space caps for ancillary developments; and
 - provide objectives and controls to assist in establishing the built form 'shell' development to encourage more industrial style turn-over of uses when businesses move on.

The Gateway determination has been conditioned for Council to consider whether it wishes to proceed with additional strategic planning framework and amend its planning proposal prior to exhibition.

1.3.3 Employment zone reform

In 2021, the Department carried out a reform program of employment zones in the Standard Instrument (Local Environmental Plans) Order 2006. The reforms replaced the existing business and industrial (IN) zones with 5 employment zones and 3 supporting zones. The new land use zones commenced 26 April 2023, including in the Liverpool LGA.

The reforms repealed the IN1 General Industrial and IN2 Light Industrial land use zones and replaced it with the E4 General Industrial zone. The intent of the zone is to provide suitable land and floor space for a range of industrial activities including general and light industries, warehousing, and supporting businesses.

Whilst the employment zone reforms did not apply to the SEPP (Precincts - Western Parkland City) 2021, they are relevant to the proposal as any amendments to the IN2 Light Industrial land use zone should consider latest policy in this space.

1.4 Site description and surrounding area

Austral Industrial Precinct comprises of approximately 40 hectares of land within 19 properties. It is bound by Gurner Avenue to the north, residential zoned land to the east, Fifteenth Avenue to the south and rural transition zoned to the west.



Figure 1 NearMap image of Austral Precinct (outlined in red)(May 2024)

The precinct is slowly redeveloping in accordance with the Austral Precinct Plan (rezoned in 2013). The precinct has two sites with development consent (red dots in Figure 1):

- DA 995-2020: A service station, two fast food stores, gymnasium, veterinary hospital, child care centre, light industrial complex.
- DA-996/2020 (under construction): 16 light industrial allotments lots.

There is also one development application under assessment by Council (three properties, yellow dots in Figure 1). DA 975/2022 seeks consent for a staged construction of two warehouses with 13 units, 6 restaurant and entertainment premises, 3 food and drink premise, service station (as per Statement of Environmental Effects dated May 2024).

The Austral Industrial Precinct is also affected by bushfire and flooding (Figure 2 below).

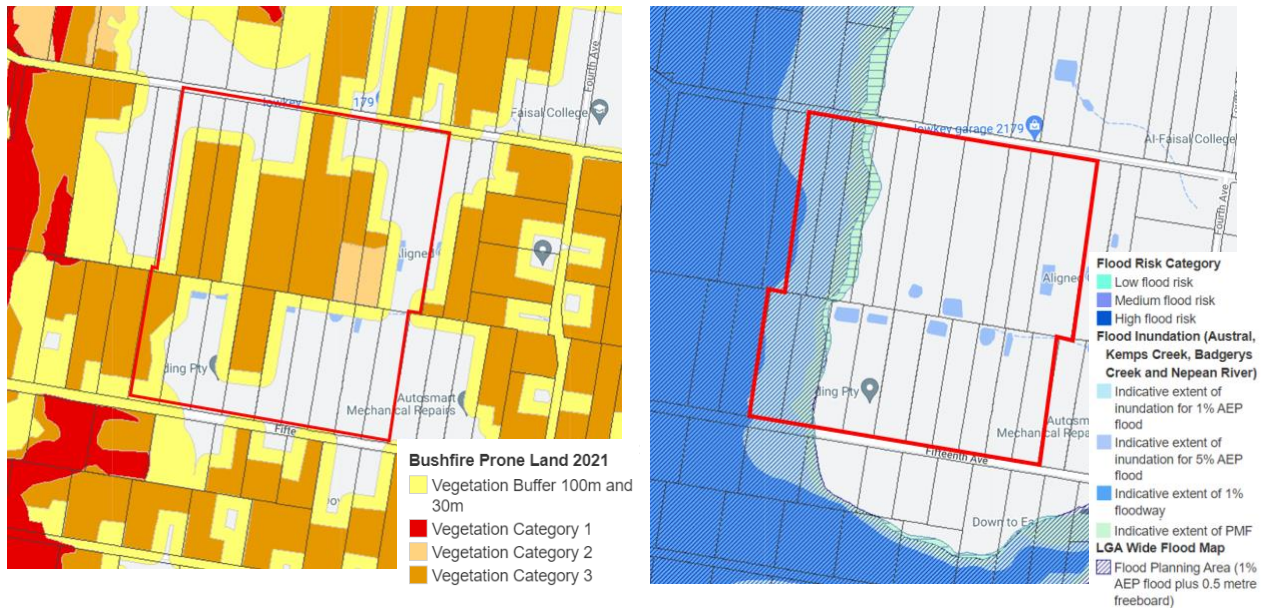


Figure 2 Bushfire prone land (L), Flood affectation (R)

The immediate surrounding area has not started to redevelop for residential purposes yet however there are development applications under assessment by Council. Residential development has started to occur in the precinct, concentrating in the eastern and southern parts of the Austral Precinct Plan.

Fifteenth Avenue is also currently under design investigation for widening to facilitate the future rapid transit corridor between Liverpool CBD and Western Sydney International Airport at Badgerys Creek.

In the surrounding locality:

- Gurner Avenue Town Centre (zoned B1 Neighbourhood Centre) is located approximately 300 metres east of the industrial zoned land (as shown in Figure 1). The site remains as rural-residential land, no development approval for the development of this town centre has been issued.
- The Austral and Leppington North precinct plan also included IN2 Light Industrial land in the North Leppington Precinct, approximately 4km south of the subject site. This precinct has started to develop, it appears to be predominantly warehouse and distribution centre type development from a review of Council's DA tracker.
- The site is located approximately 5km to the east of the new Western Sydney International Airport and Bradfield City Centre south of the airport. The Aerotropolis precinct plan indicates the nearest precincts are the Aerotropolis core precinct and Badgerys Creek precinct and are zoned MU (Mixed Use) and ENT (Enterprise). The land use objectives encourage a range of business and employment opportunities.
- Warehousing and logistics State Significant Development applications

2 Need for the planning proposal

The Department is of the view the need for this planning proposal is a result of the development applications Council has received and approved in the Austral Industrial Precinct which contain a number of land uses considered ancillary development. This signals the need to review the IN2 light industrial land use table and whether any supporting local provisions can assist Council in delivering industrial development within this precinct.

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not the direct result of a strategic study or report.

Council's planning proposal agrees with this position however states the proposal is aligned with several strategic planning documents and supporting studies. These are discussed in Section 3.3 Local strategies and studies.

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

Council's planning proposal states an additional local provision with an upper limit on 'non-industrial' development is needed to protect land for industrial development.

The Department agrees a planning proposal is the best means to regulate the size and scale of ancillary uses although not through the same mechanisms as proposed by Council. The Department is also of the view that additional strategic planning work can be undertaken by Council to support the development Council wishes to see within this precinct (Section 1.3.2).

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan – A Metropolis of Three Cities.

Table 3 Regional Plan assessment.

Regional Plan Objectives	Justification
Objective 23: Industrial and urban services land is planned, retained and managed	<p>Objective 23 reinforces the importance of planning, retention, and management of industrial and employment land, particularly across the South West and Western Sydney Airport Growth Areas.</p> <p>The intention of both Council's planning proposal and the Department's amendments to the proposal is to encourage the provision of typical industrial development by amending the SEPP to address ancillary type development within Austral Industrial Precinct. The intent will continue to ensure the availability of suitable land for industrial development. This will contribute towards improving the economic productivity within the Western City district.</p> <p>The proposal is consistent with this objective.</p>

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 productivity priority in the plan as outlined below.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land	<p>Objective 23 within this priority states that ‘industrial and urban services land is planned, retained and managed.’</p> <p>The proposal, both Council’s planning proposal and as amended by the Department, will continue to ensure that urban services are delivered to support the growing local population in Austral and is consistent with this priority.</p> <p>The Department is satisfied the planning proposal, as amended by the Department, gives effect to the District Plan in accordance with section 3.8 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

3.3 Local Strategies and Studies

The proposal states that it is consistent with Liverpool’s Local Strategic Planning Statement and Industrial and Employment Land Strategy. It also states the proposal is aligned with a number of studies. The proposal’s consistency with both local strategies and studies are summarised in table below:

Table 5 Local strategic planning assessment and supporting studies

Local Strategies	Justification
Local Strategic Planning Statement – <i>Connected Liverpool 2040</i>	<p><i>Planning Priority 12 - Industrial and employment lands meet Liverpool’s future needs.</i></p> <p>This planning priority outlines that there is a lack of zoned and serviced industrial land, reiterating the importance of its provision to service and provide employment opportunities for the growing population.</p> <p>The planning proposal, both Council’s planning proposal and as amended by the Department, is consistent with the priority as it is securing industrial land and will contribute to the supply of industrial and employment land.</p>
Industrial and Employment Lands Strategy 2020	<p>Liverpool’s Industrial and Employment Lands Strategy contains 10 strategies to ensure employment lands are the focus of renewal, innovation and investment to help provide employment for Liverpool’s rapidly increasing population.</p> <p>Strategy 3 is to ‘plan and manage employment lands within the western portion of the Liverpool LGA’. There is a need for additional industrial and urban services land in response to long-term projected population and development growth in the western portion of Liverpool LGA.</p> <p>The planning proposal, both Council’s planning proposal and as amended by the Department, is consistent with this strategy in that the proposal is to secure and protect the industrial land in Austral which will contribute to creating employment opportunities for the growing population of the Growth Area precincts including Austral.</p> <p>Strategy 9 is to clarify the intended role and function of industrial precincts. The Strategy notes that the objectives and permissible uses of all industrial uses be refined and to review and update the DCP objectives and controls to clearly reflect the vision for each industrial precinct.</p>

	The Department's recommendation echoes this strategy in that Council should consider undertaking additional strategic planning work to assist in encouraging industrial development.
Liverpool Industrial Development Lands Study (APP, 2019)	<p>Council's planning proposal did not refer to the Liverpool Industrial Development Lands Study. This study was a supporting land use study to inform Liverpool's Industrial and Employment Lands Strategy 2020.</p> <p>The Department has reviewed this study and notes it recommends incentivising investment in Liverpool's industrial precincts to draw redevelopment activity and provide Council with opportunities to improve the public domain, open space provisions and deliver improved infrastructure through increased contributions or site-specific Voluntary Planning Agreements.</p> <p><i>"In IN2 zoned areas to avoid dilution of industrial activities, FSR bonuses should be linked to a requirement to preserve a certain ratio of total floor area for exclusive use by specialised manufacturing, processing or other light industrial uses. These would be considered at the DA stage and imposed as a requirement (positive covenant) on the title of the land and imposed by conditions of development consent" (p.120)</i></p>
Employment and Industrial Assessment (2010)	<p>The Employment and Industrial Land Use Assessment was prepared to support the rezoning of the Austral and Leppington North precincts.</p> <p>The Assessment makes recommendations for the quantity and location of employment and industrial land in Austral. The planning proposal does not seek to rezone any of the site and therefore remains consistent with these recommendations.</p>
Liverpool LEP Review Industrial Lands Investigation (November 2023)	<p>Mecone was commissioned to prepare an Industrial Lands Investigation to support the Liverpool comprehensive LEP review. The Department notes this study refers to broad trends with planning for industrial lands and does not specifically refer to recommendations for Austral.</p> <p>The study advocates for open zones (which the IN2 zone in Austral is) but specifies that in the E4 General Industrial Zone uses such as Amusement Centres, Function Centres, Health Service Facilities, Highway Service Centres, Recreation Facilities (indoor), and Retail Premises should be prohibited. This is to ensure that the zone can accommodate future, undefined industrial uses, but is not displaced by non-industrial uses.</p> <p>The study also recommends a minimum lot size of 8000m² and applying no FSR, supported by DCP controls to manage amenity impacts.</p> <p>The Department disagrees with prohibiting all land uses recommended by the study and notes the other planning lever recommendations. This aligns with the Department's recommendations as outlined in section 1.3.2.</p>

3.4 Local planning panel advice

The planning proposal was referred to, and generally supported by, the Liverpool Local Planning Panel at its meeting on 21 December 2023 (Attachment B).

In summary, the Panel's advice included:

- Acknowledged the Austral Industrial Precinct faces unique pressures on non-industrial development given the large undeveloped lots. This justifies a unique approach to controlling non-industrial uses.

- ‘Non-industrial’ uses that typically service existing workers in industrial areas are most appropriate in developed industrial areas, as opposed to new greenfield industrial areas. In greenfield industrial areas, it is important ancillary non-industrial uses do not hinder or compromise the primary uses sought to be established.
- Recommended clarification on certain terms related to area calculations, and supports the proposed FSR for non-industrial uses.

Department response

The Department has provided comment in Section 1.3 of this report why Council’s planning proposal cannot be supported in its current form. Section 1.3.2 of this report outlines the Department’s amendments to the planning proposal which has considered the local planning panel advice.

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
1.4 Site specific provisions	Consistent	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal as submitted by Council is inconsistent with that objective as the proposed local provision was unnecessarily restrictive.</p> <p>The planning proposal as amended by the Department encourages Council to investigate maximum floor space areas for ancillary land uses such as restaurant, cafes, take away food and drink premises, to be inserted into the SEPP via a local provision.</p> <p>Maximum floor space areas for these ancillary uses are not considered unnecessarily restrictive. The planning proposal, as amended, is consistent with this direction.</p>
1.21 Implementation of South West Growth Area Structure Plan	Consistent	<p>This direction applies when a planning proposal applies to land in Camden, Campbelltown and Liverpool LGA that applies to land within the South West Growth Area.</p> <p>The South West Growth Centres Structure Plan updated in December 2022 shows the subject site as rezoned for Employment Land.</p> <p>The planning proposal is consistent with this direction as it will retain the IN2 Light Industrial zoning and continue to facilitate employment uses.</p>
4.1 Flooding	Consistent	<p>This direction applies as the planning proposal alters a zone or provision on land that is flood prone.</p> <p>Three lots on western portion of the site are located within the Flood Planning Area (refer to image in Section 1.4). The proposal does not seek to intensify land uses and is therefore consistent with this Direction.</p>

4.3 Planning for Bushfire Protection	Inconsistent	<p>This direction applies as the proposal includes land that is mapped as bushfire prone land (refer to image in Section 1.4).</p> <p>This direction requires consultation with RFS following the receipt of a Gateway determination and the consideration of any comments within the planning proposal. Until this occurs, the planning proposal will remain inconsistent with this direction.</p>
5.1 Integrated Land Use and Transport	Consistent	<p>This direction applies as the planning proposal will alter a zone or provision relating to urban land which includes employment zoned land.</p> <p>The planning proposal is to secure industrial land for industrial uses. This will improve access to jobs by promoting industrial uses close to the existing transport corridor of Fifteenth Avenue.</p> <p>The planning proposal is consistent with this direction.</p>
7.1 Employment zones	Consistent	<p>This Direction applies as it will affect land that is an employment zone.</p> <p>The planning proposal, as amended by the Department, gives effect to the objectives of the direction and does not reduce the total potential floor space area for employment uses and related public services.</p> <p>The planning proposal, as amended, is consistent with this direction.</p>

3.6 State environmental planning policies (SEPPs)

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
<i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i>	The site is located within the South West Growth Centre. Appendix 4 – Liverpool Growth Centre Precinct Plan under Chapter 3 – Sydney Region Growth Centres of the SEPP apply to the subject site.	Yes	<p>The planning proposal is consistent with the aim of the Chapter 3 which is to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.</p> <p>The proposal does not include any amendments that make it inconsistent with this SEPP.</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021	The SEPP requires certain proposals, known as Traffic Generating Development, to be referred to Transport for NSW.	Yes	<p>The subject site is located on Fifteenth Avenue, which is a classified road. Pursuant to Schedule 3 of the SEPP, development within this precinct would require a referral to TfNSW at development application stage.</p> <p>The proposal does not directly result in development outcomes that require TfNSW comment at this stage.</p>
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4 Site-specific assessment

4.1 Environmental

The planning proposal states there are no known critical habitat or threatened species, populations or ecological communities present on the subject site.

In addition, the planning proposal, both Council's planning proposal and as amended by the Department, will be facilitating land use table amendments and additional local provisions that do not warrant any further environmental investigation during the planning proposal stage.

4.2 Social and economic

The planning proposal, both Council's planning proposal and as amended by the Department, will result in positive social and economic benefits by ensuring land is developed for urban services, in turn providing improved employment opportunities for the local area.

4.3 Infrastructure

The proposal does not result in adverse impacts on infrastructure. The existing Clause 6.1 of the SEPP requires appropriate public utility infrastructure is provided to support development.

5 Consultation

5.1 Community

Council proposes a minimum community consultation period of 28 days.

The exhibition period proposed is considered appropriate and is included in 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.

- NSW Rural Fire Service

6 Timeframe

Council proposes a 5 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 standard planning proposal, the Department recommends an LEP completion date of 28 March 2025.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority however considering the nature of this proposal, Council is authorised to be the local plan-making authority.

8 Assessment summary

The planning proposal, as amended, is supported to proceed with conditions as it demonstrates strategic and site specific merit for the reasons outlined below.

- It gives effect to the Western City District Plan, specifically Planning Priority 10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land.
- Is consistent with priorities and actions within Liverpool Council's Local Strategic Planning Statement and Industrial and Employment Lands Strategy.
- The objective of the proposal is to encourage the provision of industrial uses which will have a positive social impact as it will result in employment opportunities for the local area.
- Due to the nature of this planning proposal, there are no adverse infrastructure or environmental impacts.

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

- Amend the Objectives and Intended Outcomes and Explanation of Provisions sections to be address the Department's amendments under Section 1.3.2 of this report.
- Amend the remaining sections of the planning proposal, where appropriate, to address the Department's amendments under Section 1.3.2 of this report.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note the inconsistency with Section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will require justification.

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:

- Update Explanation of Provisions to include the following amendments to the *State Environmental Planning Policy (Precincts - Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan*:
 - Amend the IN2 Light Industrial land use zone table to:
 - Prohibit food and drink premises
 - Permit with consent take away food and drink premises, restaurants and cafes
 - Remove hotel or motel accommodation as a permissible land use
 - Investigate a local provision applying to the Austral Industrial Precinct to:

- set maximum floor space areas on ancillary land uses with the intent that the caps apply to a parent lot. Appropriate supporting justification and evidence for maximum floor space areas is to be provided.
 - introduce additional provisions relating to childcare centre proposals to minimise land use conflict (similar to cl 3.24 of the SEPP (Transport and Infrastructure) 2021)
 - The format of explanation of provisions should focus on the intent of a provision, a detailed statement of how the objectives or intended outcomes will be achieved.
 - Update Objectives and Intended Outcomes of the proposal to be in line with amendments referred to above.
 - Update remaining sections of the planning proposal, where appropriate, to address the Department's amendments.
2. Prior to community consultation, the planning proposal is to be revised to address Condition 1 and forwarded to the Department for review. Council is to consider the suggested strategic planning work outlined in Section 1.3.2 of this report and confirm with the Department if it wishes to amend the planning proposal further.
 3. Prior to community consultation, NSW Rural Fire Service is to be consulted and any outcomes incorporated into the planning proposal
 4. No further consultation with other public authorities is required.
 5. The planning proposal should be made available for community consultation for a minimum of 28 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 28 March 2025 be included on the Gateway.



18.07.2024

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22 July 2024

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