

# Planning Proposal

## IN2 Zoned Land Austral

Amendment to the State Environmental Planning Policy (Precincts - Western Parkland City) 2021-  
Amending development standards for the Light Industrial zoned land in Austral.

17 September 2024

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## Background

The Austral and Leppington North Precincts were rezoned in March 2013 to provide for 17,350 new dwellings, and 4 town centres supported by an array of planned social, transport and drainage infrastructure. Approximately 40 hectares of land was zoned IN2 (Light Industrial) within the Austral precinct under the State Environmental Planning Policy (Precincts -Western Parkland City) to provide for local jobs and land for urban services which would be demanded by the new population.

When the Precincts were rezoned, an Employment and Industrial Assessment (December 2010) was undertaken. It was recognised that industrial users (namely urban services such as smash repairers and the like) would be subject to competition (being outpriced) by alternative uses such as bulky goods. The study recommended that *around 80 to 85 hectares of industrial zone land should be planned for Leppington North and Austral. This may be in one or two clusters. If a cluster is proposed in Austral it should be restricted to light industrial with an area of around 20 to 30 hectares – leaving around 50 to 60 hectares for Leppington North. Leppington North could accommodate general and light industries provided access is suitable.* Approximately 40 hectares of land is zoned IN2 – Light Industrial in Austral. Whilst more than originally recommended, it is also noted that uncapped dwelling density has resulted in yield that is substantially higher than the 17,350 dwelling planned for, and as such demand for urban services is also likely to be higher.

Despite the zone objectives of IN2- Light industrial zone under the SEPP (“To encourage employment opportunities and to support the viability of centres.”, and “To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.”), there is a lack of controls regarding the scale of non-industrial development that could be delivered in the light industrial zone, specifically take-away food and drink premises, cafes, and restaurants..

At present, the size and scale of non-industrial uses in industrial zones (with the exception of industrial retail outlets, which are controlled in the DCP) are not specified under the SEPP. There are also no controls to specify incompatible uses, or to prevent sensitive uses (e.g. child care centres) from being carried out which may cause problems with future land-uses which are aligned with the zone objectives.

The IN2 – Light Industrial zone under the SEPP is also an open zone. That is, if a land use is not listed as prohibited, or permissible with consent, it can be determined to be permissible upon merit. Given the zone objectives Council can consider some of the non-listed but non-industrial land-uses on merit.

This lack of planning controls for non-industrial uses currently has resulted in Council receiving, and eventually approving developments in which the majority of land is used for take-away food and drink premises, restaurants and cafes. Approved developments include one early example where greater than 50% of the site area was approved for non-industrial (commercial) uses, whilst another example included 8 take-away food and drink premises. The later example was referred to the Local Planning Panel, in which the panel in its comments pointed out the need of planning controls in the planning policies for non-industrial uses in the industrial zone. It is clear in these examples that the development being provided is more commercial in nature, competing with trade for planned town centres, and displacing lands strategically set aside for urban services.

If the current trend of non-industrial development in the industrial zone are not controlled this would create a situation where non-industrial uses would take up majority of the IN2 zone and would threaten the commercial viability of B1 and B2 zoned lands. This would also impact upon the availability of suitable land for industrial development and result in industrial jobs being displaced to other areas. The scale of commercial land uses permitted will encourage out-of-centre development, land use conflict, increasing

local congestion and decrease access to shops and commercial services for those who do not or cannot access a private motor vehicle.

As such, there is a need to secure land for light industrial purposes, and limit competition from retail activities. Securing industrial land will improve access to employment opportunities and reduce travel time / kilometres for residents employed in industrial industries. Given the increase in residential population density (Council staff now anticipate this could be closer to 80,000 as opposed to initial estimated population of 50,000), the amount of land in Austral is likely appropriate, whilst Leppington North is likely under-serviced.

The lack of clear planning controls for take-away food and drink premises, restaurants and cafes. in IN2 Light Industrial zone, warranted an amendment to the development standards in the SEPP. There are planning provisions to regulate the size and scale of non-industrial uses in industrial zone under the *Liverpool Local Environmental Plan 2008* (LLEP 2008). Introducing such provisions into the SEPP, to regulate retail and commercial activities in the industrial zones, would further ensure consistency in planning provisions.

On 18 July 2023, Council's Governance Committee in its meeting resolved to investigate amendments to the SEPP and DCP to provide clearer controls relating to non-industrial development in industrial zones.

## Report Structure

This Planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act with consideration of DPE's 'Local Environmental Plan Making Guideline' (August 2023). Accordingly, the proposal is discussed in the following parts:

- Site Identification
- Delegation of Plan Making Function
- Part 1 – Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project timeline

## Site Identification

All land zoned IN2 – light Industrial, including approximately 40 hectares of land in Austral precinct is under Appendix 4 of the State Environmental Planning Policy (Western Parkland City). Refer to Figure1 below. The site is comprised of multiple parcels of land with multiple landowners.

Table 1 shows the street address, and lot / DP number of the properties that are zoned IN2 Light Industrial under Appendix 4 (Liverpool Growth Centre Precincts) of the Western Parkland City SEPP and subject to the proposed changes of development standard.

*Table 1 – Lots subject to the planning proposal*

<b>Street Address</b>	<b>Lot</b>	<b>DP</b>
190 Gurner Avenue	264	804734
184 Gurner Avenue	263	804734
180 Gurner Avenue	262	804734
174 Gurner Avenue	261	804734
170 Gurner Avenue	28	3403
160 Gurner Avenue	29	3403
150 Gurner Avenue	102	620585
144 Gurner Avenue	101	620585
140 Gurner Avenue	31	3403
535 Fifteenth Avenue	380	2475
545 Fifteenth Avenue	381	2475
555 Fifteenth Avenue	382	2475
561 Fifteenth Avenue	383	2475
575 Fifteenth Avenue	384	2475
585 Fifteenth Avenue	385	2475
595-599 Fifteenth Avenue	8	235953
605 Fifteenth Avenue	7	235953
615 Fifteenth Avenue	6	235953
625 Fifteenth Avenue	5	235953

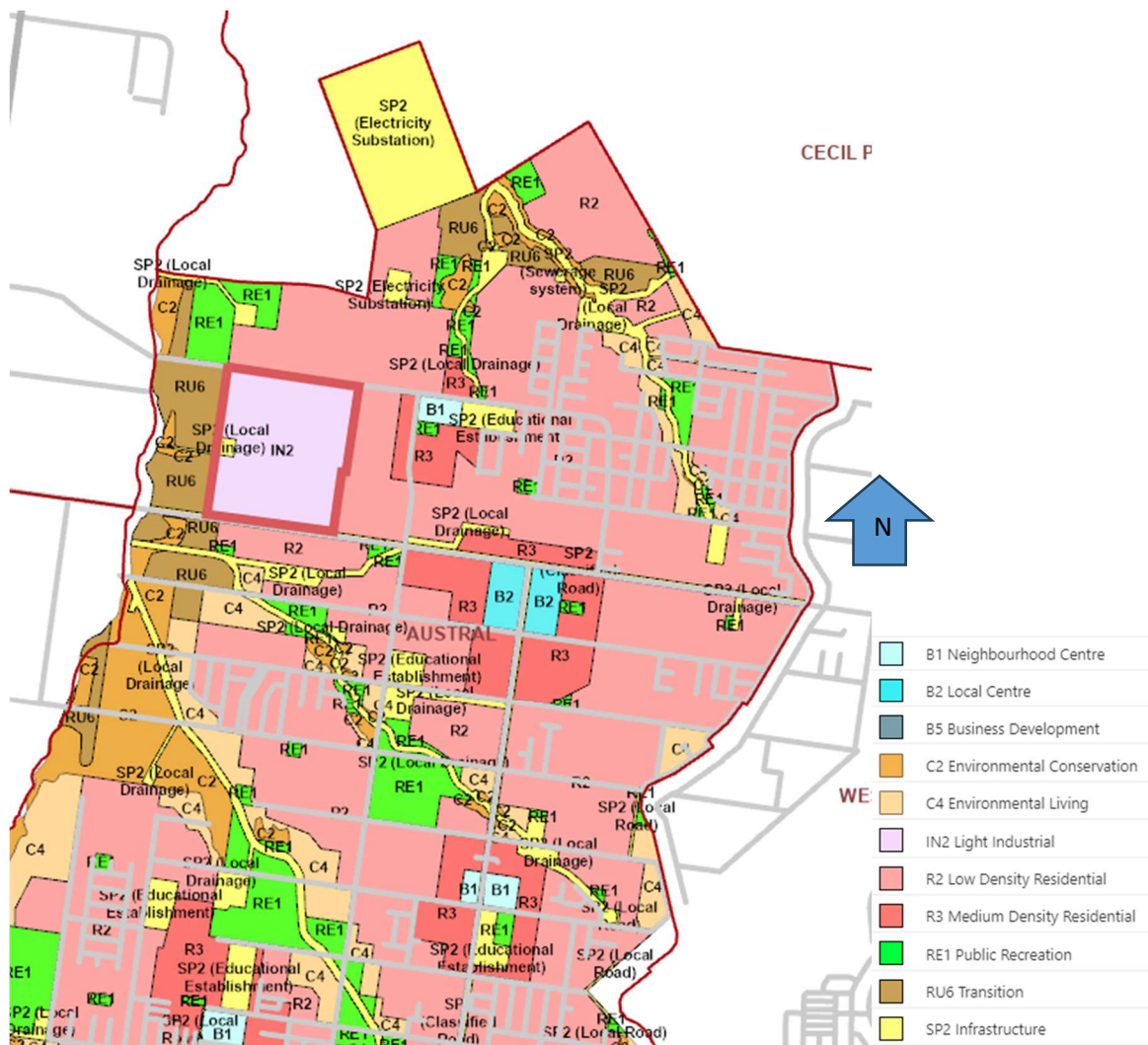


Figure 1: IN2 - Light Industrial zone land in Austral (highlighted)

The light industrial zoned land is located close to the northern boundary of Austral precinct. The land under this zone is bounded by Gurner Avenue to the north and Fifteenth Avenue to the south. The land has RU6-Transition zone land to the west and R2- Low Density Residential zoned land to the north, east and south. Gurner Avenue Town Centre is located approximately 300 metres east of the industrial zoned land.



Figure 2: Aerial view of the site (highlighted)

The site has access to Gurner Avenue and Fifteenth Avenue (refer to Figure 2). Fifteenth Avenue is currently under design investigation for widening to facilitate the future rapid transit corridor between Liverpool CBD and Western Sydney International Airport at Badgerys Creek. The site is also connected with the M7 motorway via Fifteenth Avenue and Cowpasture Road (refer to Figure 3).



Figure 3: Locality Map



The site is in an area which is undergoing rapid urban transformation. Currently, residential development in Austral has gained momentum due to the development of infrastructure and services in the area. The employment land (IN2- light Industrial) was envisaged to meet the demand for employment opportunities for the growing population of the precinct.

Key influences on the area also include the construction of the Western Sydney International Airport, located approximately 5 km west of the site, and the development of the Bradfield City Centre south of the airport site. There is the associated upgrading of supporting infrastructure including roads, rail and utility services which influenced the rapid growth in the area.

## Delegation of plan making functions

This planning proposal seeks to amend a State Environmental Planning Policy. As such, Council is not seeking delegation of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* (“EP&A Act”).

## Part 1 – Objectives and Intended Outcome

### Objectives

The objectives of the Planning Proposal is to secure industrial land in Austral for industrial development by limiting non-industrial uses such as take-away food and drink premises, restaurants, cafes, and hotel or motel accommodation in the industrial zone. Specifically, the objectives of the amendment include:

- To ensure the size and scale of the proposed non-industrial uses in Zone IN2 Light Industrial are proportionate to the day to day needs of the employees in industrial areas
- Improve the availability of suitable land for industrial development in Austral.
- Reduce land use conflict in the industrial zone.
- Maintain flexibility in the industrial zones to provide for small-scale non-industrial activities to support employees in the area.
- To encourage employment opportunities

### Intended Outcome

The intended outcome of this planning proposal is to secure industrial land in Austral for industrial development by introducing a maximum floor space area for non-industrial land uses (take-away food and drink premises, restaurants, cafes, and hotel or motel accommodation) in the industrial zone. The outcome also aims to reduce land use conflicts between child-care centres, and traditional industrial land uses.

## Part 2 – Explanation of provisions

The objectives of this planning proposal will be achieved through the addition of a local provision under Part 6 ‘Additional Local Provisions’ and amending the land use table under Appendix 4 of the Liverpool Growth Centre Precinct Plan of the State Environmental Planning Policy (Precinct Western Parkland City 2021).

The intent of the planning proposal is to limit the scale of retail and commercial uses within the Light Industrial Zone (IN2) and minimise land use conflicts between traditional light industrial land uses, and those of a retail or entertainment nature. The amendment aims to ensure industrial land is protected, and development helps facilitate services to meet the day to day needs of workers and residents in the area and encourage employment opportunities.

To resolve these concerns, the planning proposal seeks to amend the IN2 Light Industrial Land Use Table to:

- Prohibit 'hotel or motel accommodation'
- Prohibit 'food and drink premises' (group term) and
- Permit with consent 'take-away food and drink premises' and 'restaurants and cafes'

In addition, to prohibiting the abovementioned land uses, Council proposes to include a new 'Additional Local Provision' under Part 6. The local provision will apply to the entire precinct zoned IN2 Light Industrial and will be in two parts.

The first section will focus on minimising land use conflicts between Centre-based childcare facilities and the surrounding land uses within the IN2 Light Industrial Zone. The clause will ensure the following matters are considered when assessing and determining a Development Application:

- Ensure the safety and health of people using and visiting a centre-based childcare facility
- Whether the proposed development is compatible with the neighbouring land uses, including its proximity to, Hazardous land uses, Industries, Restricted Premises or sex service premises.
- Whether the proposed development has the potential to restrict the operation of existing industrial land uses
- Whether the location of the proposed development will post a health or safety risk to children visitors or staff

The second section of the new Additional Local Provision will aim to limit the maximum size of non-industrial land uses within the zone. The intent of the clause is to:

- Limit the size and scale of developments more commercial or retail nature to ensure industrial lands are protected for employment and provide a range of industrial related land uses.
- Reduce land use conflicts in the light industrial zone
- Improve the availability of suitable land for industrial development in Austral

Specifically, the clause will introduce a maximum floor space control for 'Take Away Food and Drink Premises', 'Café' and 'Restaurants'. The intent of the limits is to balance the need of non-industrial land uses that provide facilities and services to meet the needs of business and workers, while still ensuring the area is still predominately of industrial nature.

The maximum floor space area controls are intended to apply to, and facilitate no more than 1 of each of the land uses in Table 2 on each parent lot:

*Table 2: Floor space control for non-industrial uses*

Land Use	Maximum Floor Space Control
Take Away Food and Drink Premises	200 sqm
Cafe	60 sqm
Restaurant	200 sqm

The parent lots are identified under the 'Site Identification' section of this report. For the purpose of this amendment, a parent lot means the portion of the original lot which has not been subdivided into small lots on commencement from this provision. The intent is to provide equal opportunity to each existing landowner to develop any one non-industrial use on their property and to control the overall scale and size of the non-industrial uses in the industrial zone.

The following SEPP map is proposed to be amended to add reference to the newly added provision -

Floor Space Ratio Map

- SEPP\_SRGC\_SW\_FSR\_007\_020\_20210415

The existing and proposed Floor Space Ratio Maps are included in Part 4 of this report.

## Part 3 – Justification

### Section A – Need for the planning proposal

#### 3.1 *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

The planning proposal is not the direct result of a strategic study or report. The planning proposal aligns with state and regional strategic documents that set out goals seeking to protect, increase and enhance industrial and urban services land. Additionally, the proposal is aligned with Council strategies and studies, and is broadly consistent with an employment and industrial assessment carried out for the ALN precincts prior to rezoning. These documents include the following:

- Greater Sydney Regional Plan - A Metropolis of Three Cities
- Western City District Plan
- Liverpool Community Strategic Plan 2022 -2032 (CSP)
- Liverpool Local Strategic Planning Statement (LSPS)
- Liverpool Industrial and Employment Land Strategy
- Employment and Industrial Assessment (2010)
- Liverpool LEP Review Industrial Lands Investigation 2023

Further detail in respect of the alignment with these documents is set out in Section B (Relationship to strategic planning framework).

#### 3.2 *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The purpose of the planning proposal is to secure industrial land in Austral for industrial development and to limit the size and scale of non-industrial uses in the zone.

An additional local provision to the SEPP is needed to protect the industrial land for this purpose. Without the provision, the non-industrial uses will continue to be allowed in the zone with no upper limit, which would displace industrial development. This would lead to potential land use conflicts, traffic and transport related issues as well as the lack of suitable land for industrial development. This would further undermine the viability of the planned centres as non-industrial uses are most appropriate to be located at the planned centres within the Growth Area. Limitations placed upon these developments within a DCP would be ineffective as they are not prohibited uses and are otherwise unconstrained by the SEPP.

A planning proposal is the best way of achieving this outcome as it can limit the scale of land uses through detailed local provisions. Specifically, the planning proposal will use the following provisions to facilitate the intended outcome of the planning proposal:

#### **Floor space control**

The new local provision will include a maximum floor space control. The maximum floor space control for the non-industrial use is proposed based on the existing floor size control under the *Liverpool Local Environmental Plan* and approved similar development within the LGA.

The maximum Gross Floor Area (GFA) for 'Restaurants' and 'Takeaway food and drink premises' is proposed based on the maximum floor size prescribed for the uses under clause 7.26 of the *Liverpool Local Environment Plan 2008*. This is to make the proposed provision consistent with the existing floor size control for the uses in an industrial zone.

The floor space area for 'Restaurants', 'Cafes' and 'Takeaway food and drink premises' is derived from recent development applications within the Liverpool LGA.

*Table 3: Floor space area of approved development*

<b>Development Application &amp; Address</b>	<b>Approved development types</b>	<b>Instrument Zoning &amp;</b>	<b>Floor area</b>
2000 Camden Valley Way, Edmondson Park DA-970/2020	Restaurant	Liverpool LEP 2008 E3 Productivity Support	297 sqm
2000 Camden Valley Way, Edmondson Park DA-246/2019	Warehouse, office and café	Liverpool LEP 2008 E4 General Industrial	Café - 97 sqm
555 Fifteenth Avenue, Austral DA-995/2020	Warehouse, service station, gymnasium, childcare centre, veterinary hospital, fast food and café.	SEPP (Precincts – Western Parkland City) 2021 IN2 Light Industrial	Café - 55.2 sqm Take way food and drink premise – 95 sqm
183 Elizabeth Drive Liverpool DA – 248/2024	Take way food and drink premise	Liverpool LEP 2008 E3 Productivity Support	140.8 sqm

The proposed maximum floor space controls are similar to those recently approved throughout the Liverpool LGA, and as such they are appropriate to deliver an outcome which balances both the needs for amenity and services, as well as reducing land use conflicts for the IN2 Light Industrial Zone in Austral.

Additionally, in order to prevent the potential double dipping of the floor space provision, the floor space controls must only be applicable to parent lots.

The intent is to provide equal opportunity to each existing landowner to develop any one non-industrial use on their property and to control the overall scale and size of the non-industrial uses in the industrial zone.

## **Section B – Relationship to strategic planning framework.**

DPIE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

*Amendment to the State Environmental Planning Policy (Precincts -Western Parkland City) – IN2 zoned land in Austral*

### 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

#### a. Strategic Merit

The planning proposal is considered to be consistent with relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are -

- Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP)
- Western City District Plan (WCDP)

#### Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP)

The planning proposal is consistent with the GSRP, particularly Objective 23: *Industrial and urban services land is planned, retained and managed*. Objective 23 of the GSRP focuses on planning, retention and management of industrial and employment land and notes under the ‘Plan and manage’ approach that *in land release areas, there is a need for additional industrial and urban services land in response to long term projected population and development growth*. It is further noted that *the plan and manage approach applies across the South West and Western Sydney Airport Growth Areas*.

Regulating the scale of non-industrial development in the industrial zone will protect the industrial land and will ensure availability of suitable land for industrial development. This will contribute towards improving the economic productivity within the Western City district. The proposal is consistent with this objective in that the proposal will ensure uses consistent with the proposed economic vision for the broader Growth Area and create employment opportunities close to home for the residents of the Growth Area precinct.

#### Western City District Plan (WCDP)

Objective 23 of the GSRP is reiterated as Action 53 of the WCDP – *Plan and manage industrial and urban services land in line, with the principles for managing industrial and urban services land, in the identified local government areas by creating additional industrial and urban services land where required in land release areas to service the growing population*. The action is consistent with the planning proposal in that the proposal is to regulate the size and scale of non- industrial development in industrial zone, thereby ensuring availability of suitable land for industrial development within the release areas of Liverpool LGA.

Planning priority W10 of the Western Sydney District Plan focuses on maximising freight and logistics opportunities and planning and managing industrial and urban services land within Western Sydney as these areas will be the major long-term industrial/employment land for Greater Sydney. The proposal is consistent with this priority as the IN2 Light Industrial zoned land in Austral is suitably located close to residential areas and will serve the local population with urban services.

#### Local Strategy

Assessment of the proposal with regards to Council’s Community Strategic Plan (CSP), Local Strategic Planning Statement (LSPS) and Liverpool Industrial and Employment Land Strategy is detailed in Section 3.4.

#### b. Site Specific Merit

In addition to meeting at least one of the strategic merit criteria, a Planning proposal is required to demonstrate site-specific merit against the following criteria in Table 3 below.

Table 4 - Site Specific Merit

Criteria	Planning Proposal Response
<p><i>Does the planning proposal have site specific merit with regard to: the natural environment (including known significant environmental values, resources or hazards)?</i></p>	<p>Yes. There is no known critical habitat or threatened species, populations or ecological communities or their habitats are present on the industrial land subject of the planning proposal.</p> <p>The subject land is also biodiversity certified under the Order to Confer Biodiversity Certification. The biodiversity impact as a result of future development was assumed by the Biodiversity Certification Order and is offset via the Growth Centre Biodiversity Offset Program. The impact will not trigger entry into any Biodiversity Offset Scheme in accordance with the Biodiversity Conservation Act 2016 nor will it be considered a Controlled Action in accordance with Environment Protection and Biodiversity Conservation Act 1999 as the site is wholly biodiversity certified.</p> <p>The site is identified as bushfire prone land. Part of the industrial zoned land is flood affected. The planning proposal is not impacting on the nature and extent of the environmental hazard on site. Future development in the zone is to address and manage the bushfire and flood affectation of the land.</p>
<p><i>The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i></p>	<p>Yes. The land was zoned IN2 Light Industrial to meet the demand for industrial land in the Growth Area precinct and has the potential to be developed to complement the WSA Aerotropolis and major employment lands close to the Growth Areas. This site would also take advantage of its proximity to the motorway network and existing industrial land demand emanating from local services in the Liverpool region.</p> <p>The subject site is located adjacent to Fifteenth Avenue which is undergoing design to facilitate the future rapid transit corridor between the Liverpool City Centre and WSA Aerotropolis. This would connect the site with both the destinations. The local road network will also connect the site to the broader transport network at M7 motorway and the future M12 motorway.</p> <p>The proximity of arterial road would make the land less suited to noise and amenity sensitive development. This would also attract more private vehicles to use the road corridor. Most of the non-industrial uses could appropriately be located in the planned centres within the Growth Centre area, improving feasibility and vibrancy. These factors indicate that the land needs to be secured for industrial uses.</p>
<p><i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i></p>	<p>Yes. The proposal is to regulate the size and scale of non-industrial development in the industrial zone and this will not increase demand for services and infrastructure than that were generally anticipated from the intended development in the IN2 Light Industrial zone. Existing infrastructure in the area would be augmented as necessary and new infrastructure would be planned and delivered to accommodate the need of the future intended industrial development on the land.</p>

Criteria	Planning Proposal Response
	Facilitating an over-abundance of commercial style development in the industrial zone will reduce the demand for retail floorspace in identified centres (shifting jobs, and walkable centre access whilst also forfeiting employment generated by urban services. This may increase private vehicle use as residents will have to travel further for urban services or to travel to commercial uses in the IN2 zone. The increase in private vehicle use may demand additional road infrastructure, which has not been planned for or accommodated in the current planning framework.

*3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Liverpool Community Strategic Plan 2022-32

Council's Community Strategic Plan is a 10-year plan that identifies community's long-term vision, aspirations and main priorities for its local government area and identifies how these will be achieved. The plan captured the priorities in four strategic objective areas – social, environmental, economic and civic leadership matters. The proposal aligns with the third strategic objective area which aims at achieving an economic, prosperous and innovative city by creating a vibrant, thriving and strong local economy with local employment and education opportunities. The 10-year strategies under this objective area states:

Liverpool Council will –

- *Facilitate quality local employment, training and education opportunities;*
- *Develop the economic capacity of local businesses and industries;*

The proposal is to secure industrial land by regulating the scale of non-industrial development in the industrial zone in Austral. This will limit the growing competition from non-industrial uses in industrial zone, will ensure availability of suitable land for industrial uses, and will contribute towards increasing the economic capacity for local businesses in centres and industries. The proposal will further promote opportunities for local employment, training, and investment in Liverpool LGA.

Liverpool Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) is Council's long-term plan to shape Liverpool's future which will help guide the development of suburbs and balance the need for housing, jobs and services as well as parks, open spaces and the natural environment.

Local Planning Priority 12 under the Productivity goal of the LSPS include the planning priority as '*Industrial and employment lands meet Liverpool's future needs.*' As per the industrial land studies, conducted by Council, there is a lack of zoned and serviced industrial land, requiring Council to investigate suitable areas in the LGA. New industrial land around the Western Sydney International Airport will contribute to meeting demand in the medium to long term for larger industrial uses. However, there is a projected shortage of land zoned for local service-related industrial uses after 2026, particularly in the vicinity of established areas, including areas such as Austral. The growing population in Austral would create the need for jobs close to home. Rising competition from non-industrial uses in the industrial zone initiated the need to regulate non-industrial development in this zone and to ensure availability of industrial land for industrial uses.

Action 12.3 of the LSPS included the action - '*Investigate provision of new industrial land, including light industrial (IN2), between the airport and the CBD, including extension of industrial zoned land in Austral, to*



*ensure ongoing supply (short to medium term)*'. The planning proposal is consistent with the planning priority of the LSPS and its associated Action 12.3 as it is securing industrial land from non-industrial uses, thus facilitating continuous supply of industrial and employment land. This will contribute towards meeting the current and future demand for suitably zoned and serviced industrial land in Austral.

#### Liverpool Industrial and Employment Land Strategy

Liverpool Industrial and Employment Land Strategy contains strategies in relation to the planning and managing the industrial and employment lands in Liverpool LGA.

Strategy number 3 includes, 'Plan and manage employment lands within the western portion of the Liverpool LGA'. The rationale behind this strategy is included as in the western portion of Liverpool LGA there is a need for additional industrial and urban services land in response to long-term projected population and development growth. The planning proposal 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.

#### Employment and Industrial Assessment (2010)

The Employment and Industrial Land Use Assessment is not an adopted strategy of Council, however, it was undertaken for release areas in the South West Growth Centre when the Growth Centre precincts were rezoned, with a specific focus on the Austral and Leppington North precincts. The study recognised that industrial users would be subject to competition (being outpriced) by alternative uses such as bulky goods and recommended to restrict the commercial/ retail uses in the industrial zone. It stated -

*Other considerations for industrial precincts in Austral and Leppington North include the importance of identifying which uses are appropriate for specific industrial areas, that consideration be given to restricting the commercial/retail development that is permitted. For instance food retailing should be permitted provided that it is of a type and scale that only services the industrial precinct.*

As a general guiding principle for the planning of industrial zone the study recommended -

*Do not permit bulky goods retailing in industrial zones. Allow retailing in industrial areas only where it is ancillary to industrial uses;*

The planning proposal is consistent with the above recommendations of the Employment and Industrial Assessment in that it is proposing to regulate the size and scale of non-industrial activities in the IN2 zone.

#### Liverpool LEP Review Industrial Lands Investigation (November 2023)

Like the study above, the Liverpool LEP Review Industrial Lands Investigation is not an adopted strategy of Council, however it was prepared to inform the zoning of industrial precincts in areas subject to a proposed Liverpool LEP 2024. The Austral industrial zone was not subject to review by this study, but the study did look at trends in industrial land-use more broadly, and provides recommendations as to how to respond to changing trends in industrial lands.

The study advocates for open zones (which the IN2 zone in Austral is), but specifies that in the E4 General Industrial Zone (the closest comparative to the IN2 zone in Austral) 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.

This planning proposal takes a different approach, by maintaining an open zone, and maintaining the permissibility of such uses (which, at a small scale, can provide for higher amenities for local workers), but limiting the total area occupied by these uses to ensure that the zone remains oriented at industrial users, and to protect the viability of planned but unconstructed local and neighbourhood centres in the suburb.

### 3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in *Table 3* below. SEPPs which the planning proposal will not materially impact nor undermine, where it is deemed that the planning proposal is consistent or not inconsistent with the SEPP objectives are omitted from *Table 4*.

*Table 5 – Consistency with State Environmental Planning Policies*

<b>State Environmental Planning Policy</b>	<b>Comments/ Consistency</b>
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	The planning proposal is not inconsistent with the aims and objectives of the chapters under the SEPP related to identifying State Significant Development, State Significant Infrastructure and Regionally Significant Development as well as the concurrence and development consent provisions under the SEPP. These provisions under the SEPP will continue to apply to the zone.
<i>State Environmental Planning Policy (Western Parkland City) 2021</i>	<p>The site is located within the South West Growth Centre. Appendix 4 – Liverpool Growth Centre Precinct Plan under Chapter 4 – Sydney Region Growth Centres of the SEPP apply to the subject site.</p> <p>The planning proposal is consistent with the aim of the Chapter 4 which is to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre. The planning proposal proposed an additional local provision to the SEPP to introduce clear provisions for take away food and drink premises, restaurants and cafes in the industrial zone in Austral precinct. The proposed changes to the SEPP will support to achieve the aim of the policy.</p>
<i>State Environmental Planning Policy (Exempt and Complying Development Code) 2008</i>	The aim of the policy is to provide streamlined assessment processes for development that complies with specified development standards by identifying types of development that are of minimal environmental impact. The planning proposal is not proposing any changes that would impede the aim of the policy. Also the planning proposal will not preclude activities permitted as per the SEPP.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The planning proposal is not inconsistent to the aims of the chapters under the SEPP. The SEPP controls related to clearing of vegetation in non-rural areas and Koala habitat protection under the SEPP will apply to the future developments in the light industrial zoned land.

	The planning proposal will not change any requirements for a Koala Management Plan. In the event that Council has not provided an LGA wide strategy, a plan may be required upon lodgement of a future DA.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	The planning proposal is not inconsistent with the aims and objectives of the chapters under the SEPP. The planning proposal will not preclude the planning controls related to identifying and reducing adverse impact of hazardous and offensive industries, remediation of contaminated land under the SEPP.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	<p>The planning proposal is not inconsistent with the aims of the SEPP in relation to facilitating the effective delivery of infrastructure and services. The proposed additional local provision under the planning proposal will not preclude the application of the SEPP.</p> <p>The SEPP also provides for certain proposals, known as Traffic Generating Development, to be referred to Transport for New South Wales (TfNSW) for concurrence. The planning proposal will support industrial development which is expected to generate traffic to and from the site. Therefore, if the proposal be supported by Gateway, the referral would be initiated at that stage.</p>

### 3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 6 - Ministerial Directions Compliance

Section 9.1 Direction	Consistency	Justification
<b>Focus Area 1- Planning Systems</b>		
1.1 Implementation of Regional Plans	Consistent	The planning proposal through the proposed draft local provision, is to protect and ensure availability of industrial land for industrial development. This will contribute towards the planned productivity growth in the Western City District and Western Parkland City as envisaged in the Greater Sydney Regional Plan. Consistency with the Regional Plan and the District Plan is demonstrated in Section 3.3 of this report.
1.4 Site specific provisions	Not inconsistent	The planning proposal is to regulate the size and scale of take away food and drink premises, restaurants and cafes in the IN2 zone and not to prohibit the uses in the zone. The proposed provisions will apply to the whole zone.

<b>Focus Area 1- Planning Systems – Place Based</b>		
1.21 Implementation of South West Growth Area Structure Plan	Not inconsistent	The planning proposal is not inconsistent with the direction in that the planning proposal will not impact the South West Growth Area Structure Plan. The proposal will protect industrial zoned land for industrial uses.
<b>Focus Area 3 – Biodiversity and Conservation</b>		
3.1 Conservation Zone	Not inconsistent	<p>The planning proposal is not inconsistent with the direction. The land is not currently zoned for environmental conservation purposes. The results of future urban development were assumed by the Biodiversity Certification Order and are offset via the Growth Centres Biodiversity Offset Program. Future development will not trigger entry into any Biodiversity Offset Scheme, in accordance with the Biodiversity Conservation Act 2016, nor will it be considered a Controlled Action, in accordance with the Environment Protection and Biodiversity Conservation Act 1999, as the subject land is wholly biodiversity certified.</p> <p>The planning proposal is therefore not impeding the protection and conservation of environmentally sensitive areas or any conservation zoned land.</p>
3.2 Heritage Conservation	Not inconsistent	The planning proposal is not inconsistent with the direction. The planning proposal is not impeding the protection and conservation of any heritage items or places. Detailed heritage study to identify any indigenous heritage significance on site can be conducted at the DA stage. Future development in the zone will require to address heritage conservation measures if there is any heritage item present on site.
<b>Focus Area 4 – Resilience and Hazards</b>		
4.1 Flooding	Not inconsistent	The planning proposal does not propose to rezone land or to concentrate additional development on flood prone lands. The planning proposal seeks to reduce the scale of commercial activity in industrial zones thereby reducing risk to human life.
4.3 Planning for Bushfire Protection	Not inconsistent	The planning proposal is to secure industrial lands for industrial uses. The industrial zoned land is identified to be bushfire prone. Future development in the zone will be subject to bushfire protection measures and controls.

<b>Focus Area 5 – Transport and Infrastructure</b>		
5.1 Integrated Land Use and Transport	Consistent	<p>The planning proposal is to secure industrial land for industrial uses. This will improve access to jobs by promoting industrial uses close to Fifteenth Avenue facilitating future public transport, cycling and walkway provisions.</p> <p>The planning proposal will also reduce the scale of out-of-centre development and promote the commercial viability and vibrancy of commercial centres, thereby concentrating retail activity away from road corridors and into walkable centres.</p>
5.3 Development Near Regulated Airport and Defence Airfield	Not inconsistent	<p>The planning proposal is to secure industrial land for industrial uses by adding a local provision in the SEPP. By being located outside of the WSA airport noise exposure zone, the future industrial uses in this zone would not be adversely affected by airport noise. Industrial uses will not affect the airport operations by being located outside of the airport obstacle limitation surface.</p>
<b>Focus Area 7 – Industry and Employment</b>		
7.1 Employment Zone	Consistent	<p>The planning proposal is to protect industrial land for industrial uses whilst still allowing for some uses which are commercial in nature. This would secure employment land for urban services and would encourage industrial employment growth close to home for the residents of the Growth Area precinct.</p> <p>The planning proposal also supports the viability of identified centres by ensuring that commercial uses are commensurate with the needs of local employees. By limiting the size and scale of non-industrial uses, the zone will be less likely to facilitate out-of-centre development and thereby not compete with planned centres.</p>

## **Section C – Environmental, social, and economic impact**

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

There is no known critical habitat or threatened species, populations or ecological communities or their habitats are present on the land subject of the planning proposal. The planning proposal only seeks to place a limit on the floorspace of certain uses which are already permissible on the lands.

The IN2 zoned land in Austral is biodiversity certified under the Order to Confer Biodiversity Certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Any biodiversity impacts as a result of future development on the land was assumed by the Biodiversity Certification Order

and is offset via the Growth Centre Biodiversity Offset Program. The impact will not trigger entry into any Biodiversity Offset Scheme in accordance with the Biodiversity Conservation Act 2016 nor will it be considered a Controlled Action in accordance with Environment Protection and Biodiversity Conservation Act 1999.

*3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The proposal is to secure industrial land for industrial uses. There are no detrimental environmental effects expected due to the planning proposal. Future industrial development on the land is expected to address and manage the environmental constraints present on site such as retention of existing trees where possible, bushfire prone land, and flooding impacts.

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

The planning proposal is expected to result in positive social and economic impacts by enabling availability of land for industrial development. The land uses permitted under the zone will create job opportunities for local community and will positively contribute to the local economy of the area. Non-industrial land uses (such as take-away food and drink premises) would still be permissible, but at a reduced rate. This will ensure that small scale uses can still provide day-to-day services for local employees without the scale of such uses having a negative impact on planned, but as yet undeveloped centres.

The planning proposal will also include a new local provision which aims to limit land-use conflicts between industrial land uses and child care centres. This is expected to have positive social outcomes.

The planning proposal is not expected to create any detrimental social impacts to the local community. By providing more land available for urban services, it is assumed that there will be improved employment opportunities which would potentially help to reduce unemployment and would create positive socio-economic outcomes. Any employment in commercial premises that would be lost as a result of this proposal could be relocated to planned town centres, which will be more feasible / viable as a result of reduced competition from out-of-centre development.

## **Section D – State and Commonwealth interests**

*3.10 Is there adequate public infrastructure for the planning proposal?*

Most of the IN2 Light Industrial zoned land in Austral is currently undeveloped and limited utilities (water and sewerage) and services are available in the area. The utilities and infrastructure are to be augmented when future development occurs.

The site is currently serviced by limited bus services between Austral and the Liverpool city centre through Fifteenth Avenue. The site is also connected with Leppington rail station by limited bus services. It is anticipated that the public transport services would be improved with the future upgrading of Fifteenth Avenue and continued development of the precincts more broadly. The nature of non-industrial development approved to date qualifies as out-of-centre development, which cannot be efficiently serviced by public transport due to large site footprints and the low density of such uses. Public transport efficiency can be improved by limiting the quantum of commercial oriented uses in the industrial zone and concentrating these uses into consolidated areas within zoned town centres.

The industrial land will take advantage of its strategic location being close to Fifteenth Avenue, Fourth Avenue and Cowpasture Road. This will provide connectivity for the site to the broader road networks at M7 and future M12 motorway through the local road network to facilitate urban services.

### *3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

The views of State and Commonwealth public authorities will be considered following a Gateway determination. The following government agencies, or utility owners, have been identified as potentially interested parties for reasons given below:

- Transport for New South Wales (TfNSW): the subject site is adjacent to Fifteenth Avenue, which is a classified road.
- Rural Fire Service: the subject site contains bushfire prone lands.
- Sydney Water: the site is serviced by Sydney Water for water and sewer services.

## **Part 4 – Mapping**

The existing and the proposed changes to the SEPP mapping are shown in the maps below.

An overlay is proposed on the FSR Map to draw attention to clause 6.7, particularly for developments such as Complying Development where clause 6.7 may be easily overlooked.

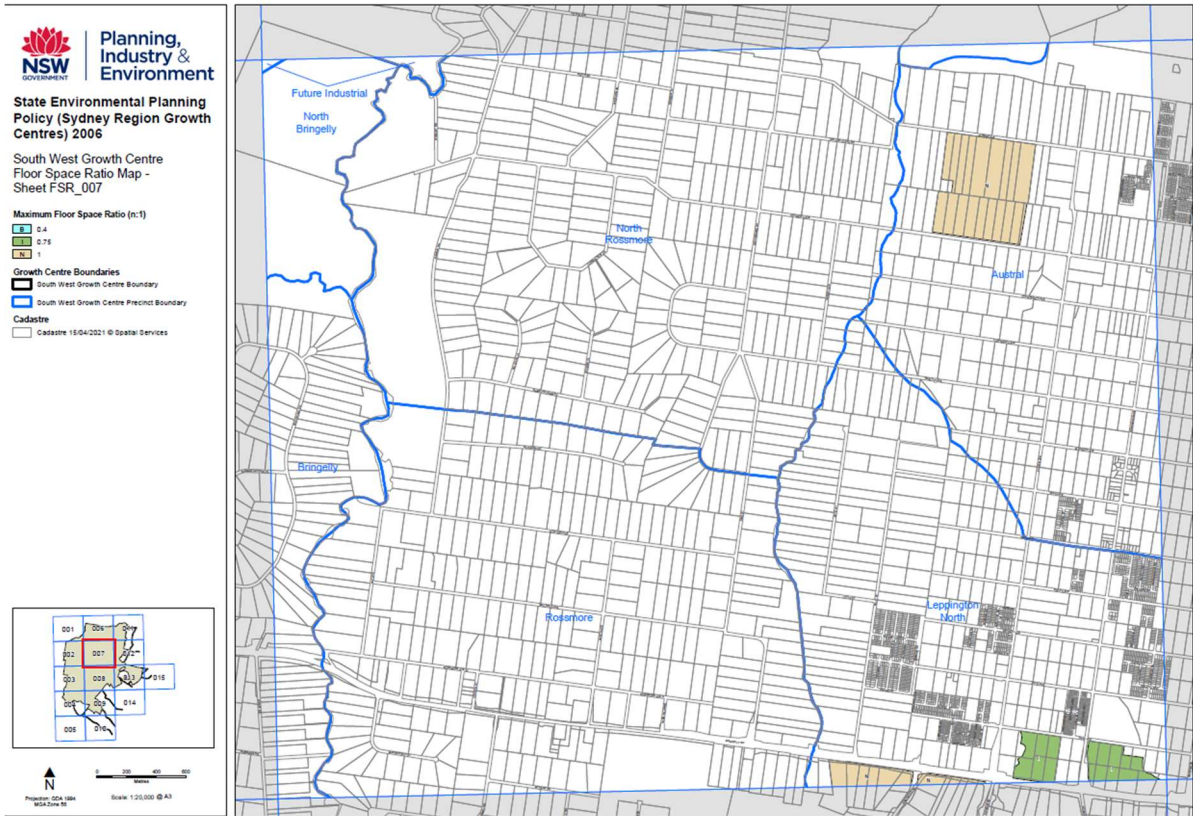


Figure 4: Existing floor space ratio map

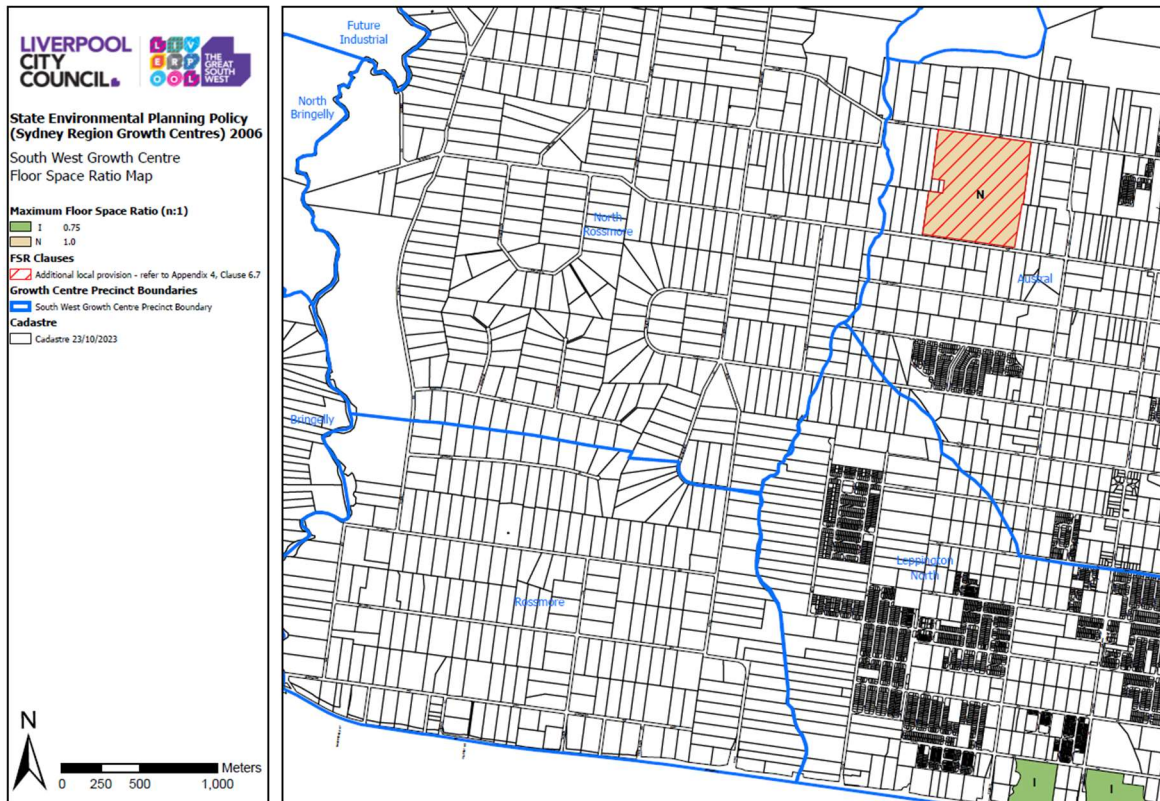


Figure 5: Proposed floor space ratio map



## Part 5 – Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DP&E's A Guide to Preparing Local Environmental Plans. The planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

At a minimum, the notification of the public exhibition of the Planning proposal is expected to involve:

- Notification on the Liverpool City Council website, and
- Written correspondence to owners and occupiers of the properties located in the industrial zone and adjoining properties.

## Part 6 – Project Timeline

An anticipated project timeline is shown in Table 7.

*Table 7 – Anticipated Project Timeline*

<b>Timeframe</b>	<b>Action</b>
21 December 2023	Present at the Local Planning Panel meeting
24 April 2024	Present to Liverpool City Council
3 May 2024	Submission of Planning Proposal to DPE
22 July 2024	Gateway Determination issued
August 2024 – September 2024	Consideration of Gateway conditions
September 2024	DPHI Review of Gateway conditions to be addressed prior to public exhibition
October 2024 – November 2024	Consultation with RFS
November 2024 – December 2024	Community consultation
December 2024	Consideration of submissions and proposal post-exhibition
March 2025	Post-exhibition report to Council
April 2025	Legal drafting and making of the plan
May 2025	Finalisation of the Plan