

PCU074584

SECURITY WARNING - INTERTWINING LINES SHOULD BE UNBROKEN; BROKEN LINES MAY INDICATE A FRAUDULENT CHEQUE

Commonwealth Bank

Commonwealth Bank of Australia

LIVERPOOL, 270-274 MACQUARIE STREET, NSW



STOIKOVICH LAWYERS

23/04/2018

Cheque # 2056

PAY THE
SUM OF

Twenty Thousand Dollars Only

TO THE
ORDER OF

Department of Environment and Planning

Not Negotiable
Credit Department of Planning Account Only

NOT NEGOTIABLE

\$ 20,000.00

For and on behalf of
STOIKOVICH LAWYERS PTY LIMITED ACN 130 507 550
LAW PRACTICE TRUST ACCOUNT

⑈002056⑈ 062⑈196⑈ 1112⑈4500⑈

Department of Planning
Received
7 MAY 2018
Scanning Room



Rezoning Review Application Form

Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review of a request for a planning proposal prior to a Gateway determination being issued.

A **Rezoning Review** can be sought before a planning proposal has been submitted to the Department of Planning and Environment (Department) for a Gateway determination in the following circumstances:

- the council has notified the proponent that the request to prepare a planning proposal is not supported; or
- the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information¹ or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Before lodging a request for review, it is recommended that you consult the Planning Circular '*Independent reviews of plan making decisions*' and '*A guide to preparing local environmental plans*', which can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process. The guide gives a step-by-step explanation of the review procedure and submission requirements.

To ensure that your request for review is accepted, you must:

- complete **all** relevant parts of this form
- submit **all** relevant information required by this form, including the **initial fee**.
- provide **one hard copy** of this form and required documentation
- provide the form and documentation in **electronic format** (e.g. CD-ROM)

Note: Requests for review will not proceed to initial assessment stage unless the correct fee is provided.

All requests **should be lodged** with the Department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A – APPLICANT AND SITE DETAILS

A1 – Applicant Details

Principal contact

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

David

Family name

Haskew

Name of company (N/A if an individual)

Haskew de Chalain

Street address

Unit/street no.

Suite10
/118

Street name

Katoomba Street

Suburb/town

Katoomba

State

NSW

Postcode

2780

Postal address
(or mark 'as
above')

PO Box or Bag

810

Suburb or town

Katoomba

State

NSW

Postcode

2780

Daytime telephone

04144070
22

Fax

¹ 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

Email

david@hdcplanning.com.au

Mobile

0414407022

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Street address	Unit/street no.	Street name		
		Multiple streets - Freeman Street, Nicholls Street and Station Street		
	Suburb/town	State	Postcode	
	WARWICK FARM	NSW	2170	

NAME OF THE SITE

Freeman Street

REAL PROPERTY DESCRIPTION

28 Lots -

*The **real property description** is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.*

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

Housing NSW,

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- ☒ Yes
☐ No
☐ Some have but not all
☐ N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

R3 – Medium density residential

CURRENT LAND USE AT THE SITE

Predominantly single dwellings with the exception of a medium density dwelling on the north-western corner of the site

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL**B1 – Reason for Rezoning Review and the Relevant Planning Authority (RPA)**

Indicate below the reason for seeking a rezoning review. A review can only proceed if either of these two circumstances has occurred.

- ☐ The council has confirmed in writing that the request to prepare a planning proposal is not supported. Confirmation dated _____
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information² or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?

- ☐ Yes Date: _____
☒ No

Note: If you have answered 'yes' to the above question, please note that a review can only be sought where the supporting information accompanying the request is less than two years old.

Note: If you have answered 'no' to the above question, please note that a review request accompanied by

² 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

Liverpool Council

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

Peter Pham, Strategic Planner, phamp@liverpool.nsw.gov.au, (02) 9821 9266

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

Rezoning site from R3 Medium Density Residential to R4 High Density Residential

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PROPOSED INSTRUMENT

Liverpool LEP 2008

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

- ☒ Yes
☐ No

INFORMATION REQUIREMENTS

A proponent may request a review by writing to the Department and providing the following:

- a completed application form;
- a copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination, including all supporting material and information that was submitted to Council (Note: A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request);
- all correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;
- all correspondence from other Government agencies, if available, about the proposed instrument;
- proponent's justification to the Strategic and Site Specific Merit tests (refer to Step 2 of the Rezoning Review process as set out in 'A guide to preparing local environmental plans'), to confirm why a review is warranted;
- disclosure of reportable political donations under section 147 of the Act, if relevant; and
- fee for lodging a rezoning review.

INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for rezoning review.

Rezoning request application form, rezoning request letter, original Planning Proposal document lodged in February 2016, correspondence from Council dated 30 September, Council reports and minutes from 22 February 2017, 27 July 2017, 30 August 2017

PART C – PAYMENT, DISCLOSURE AND SIGNATURES

C1 – Application Fees

You are required to pay a fee on lodgement of your request. The relevant fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

Please note that a further fee payment shall be required if a Planning Panel or the Secretary of the Department of Planning and Environment is appointed as an alternate relevant planning authority. Further details can be found within 'A guide to preparing local environmental plans' and the Planning Circular 'Independent reviews of plan making decisions'

Payment methods:

- Cheque / bank order

C2 – Donation and Gift Disclosure

Section 147 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of *reportable political donations* or gifts when lodging or commenting on a *relevant planning application*. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

- ☐ Yes

☒ No

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* or gift under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website: www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure

C3 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)

Name(s)

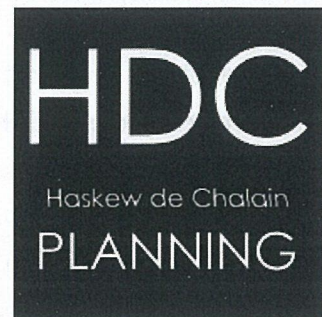
David Haskew

In what capacity are you signing

Date

February 2018

4 April, 2018



Rezoning Review Planning Panel
Department of Environment and Planning
GPO Box 39
SYDNEY, NSW 2001

Dear Sir/Madam,

Rezoning Review Application

**Proposal to Rezone Land Bounded by Freeman Street, Nicholls Street and Station Street,
Warwick Farm from R3 – Medium Density Residential to R4 – High Density
Rezoning Application No: RZ-1/2016 – Liverpool Council**

I refer to the above planning proposal ('Freeman Street') submitted to Liverpool Council on 4 February 2016. A rezoning review is requested as Liverpool Council has failed to indicate its support 90 days after the proponent submitted the request.

The following submission provides a summary of the original planning proposal, its strategic and site specific merit as well as a summary of the situational context that has informed Liverpool Council's decision-making processes thus far.

1. Summary of proposal

On 4 February 2016, the subject Planning Proposal was lodged with Liverpool City Council, on behalf of a consortium of landowners, within the street block bounded by Freeman Street, Nicholls Street and Station Street, Warwick Farm. The proposal relates to approximately 1.89ha of land (28 lots) on the western side of the Main South Railway Line and to the north of the Hume Highway.

The land is presently zoned R3 – Medium Density Residential under LLEP 2008, however, but for one existing medium density building at the north western corner of the subject land, all of the land remains under-developed as single detached dwellings.

David Haskew (Senior Partner)

A: Soper Chambers – Suite 10 / 118-120 Katoomba Street, Katoomba P: 0414 407 022
E: david@hdcplanning.com.au

Gilbert de Chalaín (Partner)

A: Mezzanine Level - 50 Carrington Street, Sydney, NSW 2000 Australia P: 0417 253 416
E: gilbert@hdcplanning.com.au

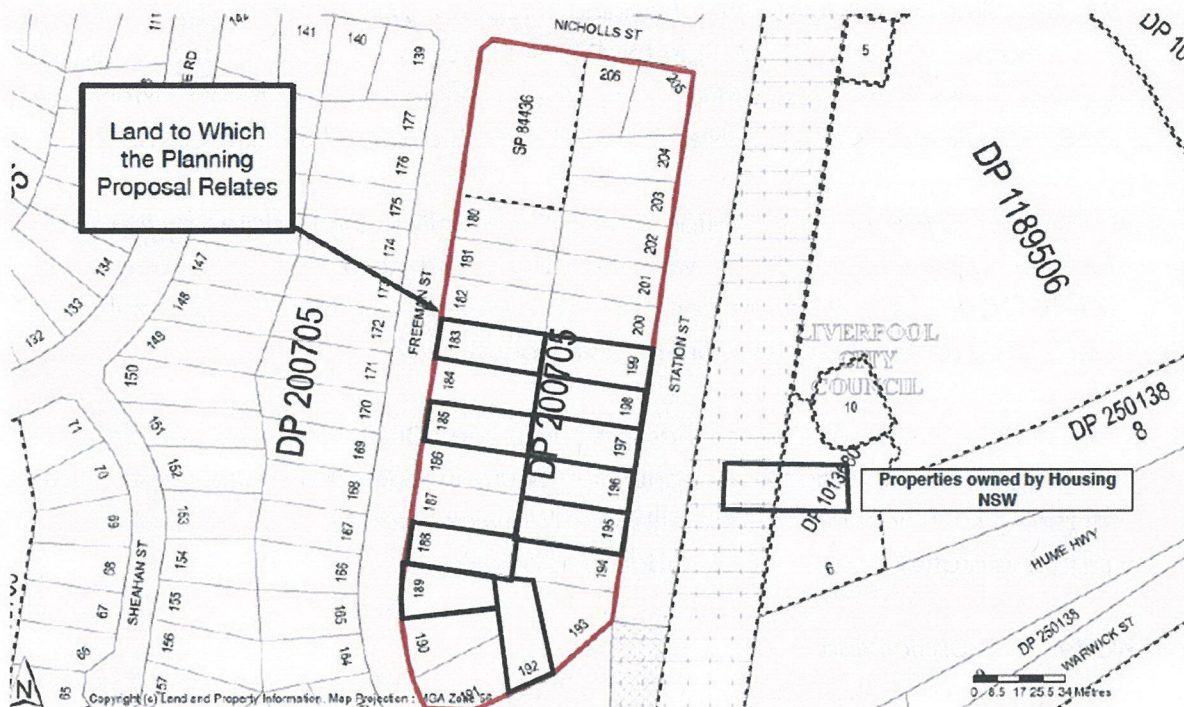
The subject land comprises 28 allotments contained within the street block of Freeman Street, Nicholls Street and Station Street. Of these, the owners of 2-4 Nicholls Street, 3-11 Station Street and 8-12 Freeman Street form a landowner's group who are the applicants for the Planning Proposal. The subject precinct is approximately 250m long on its north-south axis and approximately 80m wide between Freeman Street and Station Street. Total area is approximately 1.89ha.

The remaining southern half (from 13 Station Street and 14 Freeman Street) are mostly owned by NSW Housing. The landowner's group has liaised with Housing NSW and we are advised that the Department does not object to the Planning Proposal. The proposal aligns with NSW Housing's requirement to increase the supply and quality of public housing in the precinct.

The site's local context and Housing NSW owned sites are reproduced in Figures 1 and 2 below.

Figure 1: Site location in relation to Warwick Farm Railway Station (Aerial photograph – Neighbourhood context)



Figure 2: Properties owned by Housing NSW

The principal purpose of the Planning Proposal is to:

- Amend the zoning of the land to R4 – High Density Residential
- Increase the height of buildings development standard to 42m
- Increase the floor space ratio development standard to 2.5:1

The planning proposal (attached) provides in-depth justification for changes proposed to the building height and floor space ratio standards.

2. Strategic and site-specific merit test

As per *A guide to making Local Environmental Plans* the proposal meets the Strategic and Site Specific Merit test as outlined below:

(Please also refer to the Planning Proposal attached for more detailed justification of the proposal)

Strategic merit

- 1. Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment;**

- At the time of lodging the Planning Proposal with Council, the relevant metropolitan strategy was 'A Plan for Growing Sydney' which was accompanied by the draft 'South West District Plan'. The Planning Proposal report extensively addresses the proposal's consistency with the goals of both these strategies.
- However, the existing metropolitan strategy is currently being updated by the 'draft Greater Sydney Region Plan', with the subject site now covered by the 'draft Western City District Plan'. As per Information Note 6, consideration of these draft plans is relevant to the assessment of this proposal.
- In addition, Liverpool Council has prepared the 'Draft Warwick Farm Precinct Strategy', which investigates opportunities for urban renewal and possible changes to zoning and planning controls within the Warwick Farm precinct. The draft district plan and draft precinct plan are addressed below:

Draft Western City District Plan:

- The planning proposal seeks to rezone and redevelop the subject land for higher density living in close proximity to public transport options in accordance with current NSW State Government policy. The draft district plan, comprises four core themes:
 1. Infrastructure and collaboration,
 2. Liveability,
 3. Productivity; and
 4. Sustainability;
- The proposal directly addresses the intent of the core themes as well as many of the Planning Priority statements within each theme.
- The draft district plan designates Liverpool City Council including Warwick Farm, a Collaboration Area. The purpose of the collaborative approach is to work with state and local government agencies to investigate potential for more diverse housing and sustainable jobs in the area. It is evident that the proposed location is in an area where there is existing public infrastructure, transport and community facilities, in particular Warwick Farm Station. This in turn enables people to live in a locality, which is both close to employment and public transport enabling ease of travel to workplaces, leisure and other opportunities.
- With regard to liveability, the proposed rezoning and redevelopment of the subject land is considered a more optimal solution to increased housing development on

the urban fringe where a heavy reliance on private vehicle use occurs as a result of its apparent isolation and lack of direct access to public transport options.

- Warwick Farm, north of Hume Highway, despite being extremely well situated relative to rail infrastructure, is highly underrepresented by high-density residential housing opportunity.
- The Census data for Warwick Farm indicates 53.5% of the suburb's housing is high-density. However this includes a large number of recently developed residential flat buildings on the southern side of Hume Highway within the Liverpool CBD precinct. North of the Hume Highway, and south of Brickmakers Creek, the residential area of Warwick Farm is 32.8ha in area. All of this land is within an 800m radius of Warwick Farm Railway Station.
- Despite this clear locational advantage to support high-density housing, the present extent of the R4 – High Density Residential zone is only 5.1ha (15.5% of the total area south east of Brickmakers Creek).
- The proportion of R3 – Medium Density Residential to R4 – High Density Residential land within this highly accessible precinct is therefore over 6:1 in favour of medium density development.
- In a locality of such high accessibility as this part of Warwick Farm, this ratio is significantly out of kilter with the focus of the draft district plan of housing choice in terms of maximising densities in accessible locations.

Draft Warwick Farm Precinct Strategy

- The draft precinct strategy was undertaken at Council's request due to the number of planning proposals with Council at the time. The strategy investigated Warwick Farm in the context of 'A Plan for Growing Sydney' and the 'Draft South West District Plan'. The strategy ultimately recommended that:
 - There is strategic merit in rezoning land in the north west residential area of Warwick Farm, located within the 400m catchment of the Warwick Farm railway station to R4 High Density Residential and in reviewing the development controls.
 - There is in excess of 250 hectares of land zoned R4 in the LGA, however there has been minimal uptake of this zoning in established area with high density residential development being limited to the fringes of the Liverpool City Centre. In addition, whilst the current pipeline of approved and potential residential development ensures Council is on track to meet short term dwelling supply targets proposed by the Greater Sydney Commission, there is a need to address the supply of affordable housing.

- The north west sub-precinct of Warwick Farm, including the subject site, provides an opportunity to provide diverse and affordable housing in coordination with the Land and Housing Corporation.
 - The area has significant open space provision and local school capacity with other social and road infrastructure being able to be addressed through a VPA and contributions. A necessary infrastructure upgrade would include pedestrian and cycle access across the Hume Highway to provide access to the Warwick Farm station and Liverpool City Centre.
 - The area constitutes a distinctive precinct that provides opportunities to deliver a master planned outcome in cooperation with the local community and Land and Housing Corporation. This will involve detailed studies to assess cumulative impacts on traffic and transport, social infrastructure, retail needs, built form and open space planning.
- The site falls within the 'North western' sub precinct of Warwick Farm and will provide a more optimal solution to increased housing development on the urban fringe where a heavy reliance on private vehicle use occurs as a result of its apparent isolation and lack of direct access to public transport options.
 - It is also considered that the proposed redevelopment will provide a greater diversity of housing types within the locality to meet the demand generated by changing demographic and household needs.
 - The draft Warwick Farm Precinct Strategy was discussed at a public meeting in October 2017. There was large scale support for the appropriate redevelopment of parts of Warwick Farm (see meeting minutes in the accompanying documentation).

2. Consistent with a relevant local strategy that has been endorsed by the Department

There is no relevant Department endorsed local strategy. See comments above regarding the draft Warwick Farm Precinct Strategy

3. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.

- Prior to its adoption of LLEP 2008, Council prepared a Residential Development Strategy (RDS), which was intended to identify the appropriate locations for residential infill development within the existing urban areas of the Local Government Area. In order to meet the Department's target of 20,000 dwellings within Liverpool's existing urban

areas, the RDS focused on the principles of Transit Orientated Development whereby higher density residential nodes would be created around areas of high transport accessibility and in locations close to existing facilities and services.

- The RDS undertook a detailed review of constraints and opportunities for 12 specific "Investigation Areas" within the LGA. For reasons not explained, Warwick Farm was not included as one of those Investigation Areas.
- Nevertheless, given the proximity of the subject land to Warwick Farm station as well as the area's good accessibility to substantial open-space assets, and existing services and facilities the creation of a high density residential mode around the railway station is clearly consistent with the principles of Transit Oriented Development.
- The draft district plan requires that Western Sydney Councils undertake updated housing strategies. Given the extent of focus in the draft district plan on the need to locate new housing in close proximity to mass transit, existing community services and employment nodes, it is likely that the north western sub precinct (including the subject site) of Warwick Farm will be identified for further higher density development.

Site specific merit

1. The natural environment (including known significant environmental values, resources or hazards)

- The subject land the subject land does not contain threatened or endangered ecological communities.

2. The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal

- As outlined above, the draft Warwick Farm Precinct Strategy was requested by Council in response to concern arising from the number of rezoning applications received (four new applications) for the Warwick Farm area in 2015 and 2016. Council determined to defer consideration of the four proposals until it had adopted a broader precinct-wide strategy for Warwick Farm. Of the four planning proposals, three proposed rezoning to R4 – High Density Residential ('Schweppes site', 'Masters site' and the Freeman Street site).

- Of these three sites only the subject site was supported for rezoning as it clearly exhibits strategic and site specific merit.
- There are no future uses proposed in the vicinity of the site that would impact or detract on the livability of the area.

3. 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.

- The subject land is situated approximately 80m to the north of the pedestrian entrance to Warwick Farm Railway Station, with that pedestrian route being via the existing underpass beneath Hume Highway. From the northernmost extent of the subject land, the pedestrian travel distance is approximately 350m. Accordingly, the site is ideally located relative to public transport. Existing pedestrian access to the train station is acceptable and does not require upgrading.
- The Warwick Farm locality is also well served by public open space. Within very close proximity of the subject land is a plethora of open space areas around the Cabramatta Creek open space corridor. Specific parks within this network include including Berryman Reserve, Durrant Oval, Warwick Farm Reserve, Hart Park, Rosedale Oval, Hargrave Park and of course Warwick Farm Racecourse.
- Employment opportunities are available to the north east of site within Sappho Road, Warwick Farm Industrial Area. This area is also within walking distance of the site, being approximately 1.2km via the Hume Highway, which crosses the railway line immediately adjacent the aforementioned Hume Highway pedestrian underpass.
- Warwick Farm adjoins and in fact extends into the northern parts of the Liverpool CBD and in this respect; the site is located within close proximity (approximately 1km) to regional scale shopping, education, health and community services. Also located within the Warwick Farm suburb itself is Warwick Farm public school and a small local shop group located at Mannix Parade. The school and local shop group are situated approximately 1.1km and 600m respectively walking distance from the site.

- With regard to infrastructure provision, it would be expected that upgrades to traffic management be likely. It would be expected that a requirement of Gateway would be the preparation of a detailed Traffic Impact Statement. Referral to the RMS will also be required. We would recommend that the Traffic Impact Statement specifically address whether an exclusive left turn slip lane is required to the eastbound carriageway of Hume Highway at the Hume Highway / Mannix Pde / Remembrance Drive intersection.
- If a slip lane was determined to be necessary, then as part of the subject Planning Proposal it would be appropriate to develop a Section 94 Plan to allow for and fund partial acquisition of land, additional road construction and traffic signal re-configuration at the north-eastern intersection corner. Consistent with section 94 principles, these costs, if required) should be born by all properties for which new development will benefit from such intersection augmentation. This would therefore include under-developed land within the existing R4 – High Density Residential and any R3 – Medium Density Residential zoned land, which will be retained.

3. Chronology since lodgment of Planning Proposal

The following chronology of events is highly relevant as it provides context to the decision making rationale and processing delays regarding the proposal to date:

- 4 February 2016 – Freeman Street Planning Proposal lodged with Council (RZ-1/2016)
- 23 September 2016 – meeting held with Council Officers and myself to discuss the range of concerns and issues held by Council regarding the proposal.
- 30 September 2016 – Council letter advised that 'the planning proposal in its current form cannot be supported as it lacks sufficient merit' and that; 'Council does not have a strategic plan for Warwick Farm to underpin a spot rezoning'.
- 22 February 2017 – Council considered a planning proposal at Lot 1 Governor Macquarie Drive (Masters site) to rezone the site from B5 Business to R4 High Density residential. Council determined to defer consideration of the Masters site proposal until a broader precinct wide strategy for Warwick Farm had been adopted, due to the number of planning proposals lodged for the area seeking zone changes at that time (four planning proposals within Warwick Farm were active at the time).

- 27 July 2017 – The Draft Warwick Farm Precinct strategy was presented to council. The Freeman Street Precinct, as well as five other precincts within the broader Warwick Farm area, was investigated as part of the draft Strategy.

The Freeman Street proposal was recommended for approval by Council staff. Council did not adopt the draft strategy nor the Freeman Street proposal and resolved to hold a public meeting to further understand community aspirations and concerns regarding Warwick's Farm future development. It is clear that Council's objections to the precinct strategy were with regard to recommendations pertaining to precincts other than Freeman Street.

- 30 August 2017 - a rescission of the resolution was passed which would have allowed Freeman Street to progress, but that resolution was then immediately rescinded at the same meeting and replaced with a third alternative motion being (numbering reflects remaining parts of the motion adopted):
 5. *Acknowledges that the bypass road to connect the industrial area with Governor Macquarie Drive and initial funding is included in the forward estimates for the 17/18 budget, and invites further consultation from all stakeholders.*
 6. *Authorises the CEO to organise a meeting involving all the stakeholders of the Warwick Farm horse training, stabling and racing precinct, and councillors.*

And a final request of:

That Council endorses a vision for mixed use development comprising employment, housing and retail for the Warwick Farm Precinct.

These final motions did not deal directly with the Freeman Street precinct and its consideration was left still within the broader Warwick Farm Precinct strategy considerations.

- 24 October 2017 – public meeting held (as per Council's resolution of 27 July 2017) to provide an open forum for the community to express what they would like to see for the future of the Warwick Farm area (see minutes attached). I represented my clients at this public meeting and advised that the Freeman Street Precinct was recommended for support by Council officers. I questioned why there was a need to keep the Freeman Street Planning Proposal tied to the broader strategic planning investigations of the precincts characterised by much more complex issues and challenging proposals.
- 10 November 2017 – I emailed Council staff to formally request the Freeman Street Planning Proposal be excised from the broader Warwick Farm Investigation Area, that it be reported to Council as an independent Planning Proposal and that

If you have any further requirements please feel free to contact me on telephone number 0414407022.

Yours faithfully,

A handwritten signature in blue ink, reading "David Haskew". The signature is written in a cursive style with a large, stylized 'D' and 'H'.

David Haskew
Senior Partner

Council be given the opportunity to deal with it as such. No further correspondence with Council regarding the processing of the planning proposal was undertaken after this time.

- 12 February 2018 - I spoke via telephone with Council staff regarding the outcome of the rezoning review of 5 February 2018, for Lot 1 Governor Macquarie Drive Warwick Farm ('Masters site'), which was not supported by the Planning Panel for progression to Gateway determination as the proposal demonstrated strategic merit 'but not site specific merit'.

During this phone call, the Council officer also advised that the panel agreed with Liverpool Council's position that the site needs to be considered in the broader regional context as defined by the purpose of the Liverpool Collaboration Area. A review of the official panel decision for the Masters site however, makes no reference to this being the reason for refusal. The decision advice merely states that the proposal has strategic merit but site-specific merit had not been demonstrated.

I was further advised that all rezoning applications for Warwick Farm are being placed on hold until they have been considered in the context of the Liverpool Collaboration Area as derived from the draft Western City District Plan.

It is our understanding the key outputs of the Liverpool Collaboration Area is a Place Strategy and an Infrastructure Plan and that the investigations required for delivery of these outputs are ongoing with no delivery date identified. It is understood that the collaboration area includes the Liverpool CBD, health and education precinct and nearby residential and industrial land areas as well as the Warwick Farm Precinct and the under-construction Moorebank Intermodal Terminal.

The context and dilemma of this for Liverpool Council is well appreciated however, given the vast extent of strategic investigation already undertaken and pointing to the benefits of rezoning parts of Warwick Farm, it seems that Council's unwillingness to progress with a precinct it staff has previously recommended proceed to Gateway is less than non-pragmatic.

It would seem more appropriate, given the degree of support already identified for increased densities for this specific precinct of Warwick Farm that the rezoning process can commence and in fact inform the Collaboration Area of future likely infrastructure support for this area.

It is likely that any forecast mapping /planning will be drawn from the Warwick farm precinct strategy given the vast amount of background work undertaken to date. For these reasons it is this Practice's opinion that the rezoning of the site should be supported and the application referred for gateway approval.



**Planning &
Environment**

07.05.2018

Rezoning Review

**HASKEW DE CHALAIN
SUITE 10, 118 KATOOMBA ST
KATOOMBA NSW 2780**

Attention: David Haskew

Receipt

**This is your official Receipt relating to fees received in regards to the below mentioned project.
Should you require further information concerning your application, please contact officer below.**

Payment Details : **Cheque No. 2056 received on 07.05.2018**

Description	Amount
Freeman St, Nicholls St, Station St, Warwick Farm NSW 2170	
Rezoning Review Fee	\$20,000.00
Total	\$20,000.00
Amount paid	\$20,000.00
Balance	\$0.00

Joseph Edwards

Accountant - Planning

Finance Division

Email: joseph.edwards@planning.nsw.gov.au

Telephone: 02 8275 1325

Warwick Farm Precinct Strategy Public Meeting

Tuesday 24 October 2017

Level 5, Bluegum Room, 33 Moore Street, Liverpool

1. WELCOME AND OPENING

- Mayor Waller welcomed all to the meeting
- Bruce Macnee, Manager City Planning welcomed all to the meeting and gave an overview of the draft Warwick Farm Precinct Strategy undertaken by Council staff and outlined the purpose of the meeting. The meeting was required by a resolution of Council and is to be an open forum for the community to let Council know what they would like to see for the Warwick Farm area including City Planning issues and concerns.
- Sean Macken was introduced as the meeting facilitator.
- Current planning proposals in the Warwick Farm precinct were discussed.
- Council resolved to prepare a precinct strategy given the number of planning proposals lodged for the area seeking zone changes.
- Draft Precinct strategy prepared and reported to Council
- Council did not adopt the draft strategy and resolved to hold a public meeting to understand community aspirations and concerns.

2. Discussion from the group commenced:

- Stables area is no longer the primary land use. More homes in the area. Consider rezoning this area.
- Master planning for the area required – community interested in holding a forum with consultants and larger landowners to look at a joint master plan for the area with Council. Acknowledged they can lodge a planning proposal to Council.

- One entry and one exit to the area going through residential area and stables area of concern.
- Trucks and conflict with residential homes and horses – new road needs to be built to Governor Macquarie Drive. How and where this could go including funding was discussed.
- Rezone land entirely in the area to R4.
- Stables should be moved to race course to address land use conflicts and enable redevelopment.
- Masters site should be retained as business/employment land.
- Residential area should be rezoned to higher density residential.
- Flood prone nature of the land is questioned by the community.
- Master plan for the area considered necessary including the rezoning of the land to consider:
 - employment;
 - residential;
 - hospital;
 - hospital accommodation
- Consultant team is being established by some of the landowners to prepare a master plan for the area and a planning proposal. They would like to work with Council.
- Consultant expressed dissatisfaction with council progress with bypass road and with current conflicting land uses.
- Staff explained process of collaboration area with Greater Sydney Commission.
- Discussion on planning for new stables on the Warwick Farm raceway. Concerns raised if ATC don't put stables on their land then landowners can't move and redevelop their sites. Unsafe for horses to be on the road, should be housed on the ATC land. Conflict with horses/people.

- Staff explained the role of the Greater Sydney Commission, the workshops undertaken, costs involved and when draft District Plan would be released.
- Discussion of whether some immediate roads could be built now to address current safety issues.
- Discussion on regional plan, district plans and associated infrastructure needed for the area.
- Community wants certainty now on future land uses.
- Council should take the lead for planning in this area.
- Flooding issues in the precinct discussed including evacuation of people in flood event in this area. Community questioned whether flood impacts are overstated. Requested Council to look at flooding impacts/modelling.
- Strategic planning rationale discussed – Council was asked to move on some of the less complex planning proposals now.
- Need to be aware of the infrastructure needs and the collaboration area discussions. Not look at each planning proposal in isolation.
- Staff explained the priority of the collaboration area, district plan and regional plans.
- Immediate needs: road safety, new road, horse safety, access and egress out of this precinct.
- Issues with Governor Macquarie Drive.
 - What's happening with road upgrades
 - Developers and Council have spent money on upgrading the road.
- Traffic safety in this area needs to be investigated.
- Community wants answers on the District Plan, wants Greater Sydney Commission to brief the community on what it means and wants RMS to outline their plans for the area.

- Councillor Harle spoke to the meeting:
 - Knows area well
 - Discussed the previous Warwick Farm Steering Committee
 - Discussed land use conflicts and that something needs to be done.
 - Outlined conflict with industrial land, residential land, ATC land, Stockland's development – posed the question regarding what's best for the area. 300+ people employed in the area
 - Opportunity for high density residential in the area as well as mixed use development.
 - Need alternative access route.
 - Residential development should be located near railway station
 - The community want change in this area and wants R4 zoned land.
- Horse training should go onto ATC.
- Most of the landowners want to sell out and make a profit.
- Some landowners have formed a group and are preparing a planning proposal to be lodged with Council shortly. Discussed that if Council doesn't make a decision on their planning proposal within 90 days they will lodge a rezoning review with the Department of Planning.
- Build the road bypass from industrial area around the oval to Governor Macquarie Drive. Needs to happen now. Look at rezoning the whole area to help fund the construction of the road.
- Speeding issues in this area need to be considered.

NOMR 01	Rescission of DPG 07 Draft Warwick Farm Precinct Strategy from the Council meeting of 26 July 2017
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Strategic Direction	Creating Connection Create a dynamic, inclusive environment, including programs to support healthy living
File Ref	226668.2017

NOTICE OF MOTION OF RESCISSION

We the undersigned move a rescission motion, as per 38.1 of Council's Code of Meeting Practice, to rescind Item DPG 07 Draft Warwick Farm Precinct Strategy that was passed at the Ordinary Council Meeting held on Wednesday 27 July 2017, as shown below:

"That Council:

- 1. Prepare a draft Warwick Farm Precinct Strategy which reflects a mixed use zoning (specifically for the horse racing precinct), with the input of councillors and residents.*
- 2. Endorse in principle the planning proposal for Lot 1 Governor Macquarie Drive, Warwick Farm, subject to the applicant submitting a modified proposal with a maximum floor space ratio (FSR) of 2.2:1 which equates to approximately 500 residential units of which 10% will be dedicated to retail.*
- 3. Delegates to the CEO the authority to finalise the modified proposal and submit to DPE for Gateway approval with a recommendation that detailed traffic and flood modelling be included in Gateway conditions.*
- 4. Notes that the CEO will finalise negotiations regarding the proposed VPA and public benefit offer and any other relevant conditions as required to support the proposal, with a report to be presented to a future Council meeting.*
- 5. Notes that funds will be sought in the Capital program in the 2017/18 budget to progress land acquisitions for the bypass road."*

Signed:

Clr Kaliyanda
Clr Shelton
Clr Hagarty
Clr Karnib

NOTICES OF MOTION OF RESCISSION

ITEM NO: NOMR 01
FILE NO: 226668.2017
SUBJECT: Rescission of DPG 07 Draft Warwick Farm Precinct Strategy from the Council meeting of 26 July 2017

NOTICE OF MOTION OF RESCISSION

We the undersigned move a rescission motion, as per 38.1 of Council's Code of Meeting Practice, to rescind Item DPG 07 Draft Warwick Farm Precinct Strategy (as shown below) that was passed at the Ordinary Council Meeting held on Wednesday 26 July 2017.

"That Council:

1. *Prepare a draft Warwick Farm Precinct Strategy which reflects a mixed use zoning (specifically for the horse racing precinct), with the input of councillors and residents.*
2. *Endorse in principle the planning proposal for Lot 1 Governor Macquarie Drive, Warwick Farm, subject to the applicant submitting a modified proposal with a maximum floor space ratio (FSR) of 2.2:1 which equates to approximately 500 residential units of which 10% will be dedicated to retail.*
3. *Delegates to the CEO the authority to finalise the modified proposal and submit to DPE for Gateway approval with a recommendation that detailed traffic and flood modelling be included in Gateway conditions.*
4. *Notes that the CEO will finalise negotiations regarding the proposed VPA and public benefit offer and any other relevant conditions as required to support the proposal, with a report to be presented to a future Council meeting.*
5. *Notes that funds will be sought in the Capital program in the 2017/18 budget to progress land acquisitions for the bypass road."*

COUNCIL DECISION

Clr Hadchiti raised a point of order relating to point 38.1 of Council's Code of Meeting Practice (as shown below) and stated that the rescission motion should be ruled out of order as it did not include a proposed replacement motion.

"38.1 A rescission motion means a proposal under section 372 of the Act to either rescind or alter a previous resolution of Council. The rescission motion includes the proposal to rescind or alter and the proposed replacement motion."

"Rescinding or altering resolutions"

- (1) *A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.*
- (2) *If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.*
- (3) *If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.*
- (4) *A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.*
- (5) *If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.*
- (6) *A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.*
- (7) *The provisions of this section concerning negatived motions do not apply to motions of adjournment."*

That the resolution relating to DPG 07 Draft Warwick Farm Precinct Strategy from the Council meeting 26 July 2017 be rescinded.

Vote for: Mayor Waller
Cllr Hagarty

Clr Kaliyanda
 Clr Karnib
 Clr Shelton

Vote against:

Clr Ayyad
 Clr Hadchiti
 Clr Hadid
 Clr Harle
 Clr Rhodes

Note: The motion was carried on the Mayor's casting vote.

Mayor Waller called a recess of Council at 6.47pm.

The meeting reopened at 6.54pm.

Alternate Motion:

Moved: Clr Kaliyanda

Seconded: Clr Hagarty

That Council:

1. Places the Warwick Farm Precinct Strategy on exhibition and invites consultation with all stakeholders, including residents, landowners, business owners/operators and the racing industry, with a report back to Council in November 2017 advising on submissions received in response.
2. Acknowledges that the draft Warwick Farm Precinct Strategy provides discussion on the strategic merit of creating an employment zone that complements the health and education focus of Liverpool, including the potential for advanced manufacturing, agribusiness, medical research, business park and tourism, and requests that a further report be submitted to Council in November 2017 regarding the progress of this discussion.
3. Acknowledges that the draft Warwick Farm Precinct Strategy provides discussion on the strategic merit of Planning Proposal RZ-4/2016 (36-42 Orange Grove Road) (Schweppes Site), and requests that a further report be submitted to Council in September 2017.
4. Acknowledges that the bypass road to connect the industrial area with Governor Macquarie Drive and initial funding is included in the forward estimates for the 17/18 budget, and invites further consultation from all stakeholders.
5. Acknowledges that the Warwick Farm precinct is the focus of a Collaboration Area involving Council, state government departments and the Greater Sydney Commission, and that it is important not to pre-empt the outcomes that may be achieved.

6. Authorises the CEO to organise a meeting involving all the stakeholders of the Warwick Farm horse training, stabling and racing precinct, and councillors.

On being put to the meeting the motion was declared CARRIED.

Note: The motion was carried on the Mayor's casting vote.

Division called:

Vote for:

Mayor Waller
 Clr Hagarty
 Clr Kaliyanda
 Clr Karnib
 Clr Shelton

Vote against:

Clr Ayyad
 Clr Hadchiti
 Clr Hadid
 Clr Harle
 Clr Rhodes

This motion was subsequently subject to a rescission motion (lodged by Councillors Ayyad, Hadchiti and Rhodes at this meeting) and dealt with at the end of the meeting - see page 44 - 46 of these minutes for further details and the final resolution.

ITEM NO: DPG 07
FILE NO: 186735.2017
SUBJECT: Draft Warwick Farm Precinct Strategy

RECOMMENDATION

That Council:

1. Endorses the draft Warwick Farm Precinct Strategy to be placed on public exhibition, with a report back to Council in October 2017 advising on any submissions received in response;
2. Acknowledges that the draft Warwick Farm Precinct Strategy provides discussion on the strategic merit of Planning Proposal RZ-18/2015 for Lot 1 Governor Macquarie Drive, Warwick Farm (Masters Site) to rezone the land from B5 Business Development Zone to R4 High Density Residential Zone and requests that a further report be submitted to Council in August 2017;
3. Acknowledges that the draft Warwick Farm Precinct Strategy provides discussion on the strategic merit of Planning Proposal RZ-4/2016 (36-42 Orange Grove Road) (Schweppes Site), and requests that a further report be submitted to Council in August 2017; and
4. Resolves that there is strategic merit in rezoning land located north-west of the Warwick Farm railway station, as referred to in the Warwick Farm Precinct Strategy, to higher density residential and requests that the CEO undertake a review of the development controls to facilitate the delivery of diverse and affordable housing in the area.

COUNCIL DECISION

Motion:

Moved: Cllr Ayyad

Seconded: Cllr Rhodes

That Council:

1. Prepare a draft Warwick Farm Precinct Strategy which reflects a mixed use zoning (specifically for the horse racing precinct), with the input of Councillors and residents;
2. Endorse in principle the planning proposal for Lot 1 Governor Macquarie Drive, Warwick Farm, subject to the applicant submitting a modified proposal with a maximum floor space ratio (FSR) of 2.2:1 which equates to approximately 500 residential units of which 10% will be dedicated to retail;

3. Delegates to the CEO the authority to finalise the modified proposal and submit to DPE for Gateway approval with a recommendation that detailed traffic and flood modelling be included in Gateway conditions;
4. Notes that the CEO will finalise negotiations regarding the proposed VPA and public benefit offer and any other relevant conditions as required to support the proposal, with a report to be presented to a future Council meeting; and
5. Notes that funds will be sought in the Capital program in the 2017/18 budget to progress land acquisitions for the bypass road.

Foreshadowed motion: Moved: Cllr Hagarty Seconded: Cllr Kaliyanda

That Council:

1. Does not endorse the proposed Warwick Farm Precinct Strategy;
2. Conduct a strategic planning session with Councillors to provide input into a revised precinct strategy; and
3. Notes the concerns and wishes of the residents of Warwick Farm and work constructively with them towards a mutually beneficial outcome.

On being put to the meeting the Motion (moved by Cllr Ayyad) was declared CARRIED and the Foreshadowed Motion (moved by Cllr Hagarty) lapsed.

The vote for the Motion (moved by Cllr Ayyad) was:

Vote for: Cllr Ayyad
 Cllr Balloot
 Cllr Hadchiti
 Cllr Hadid
 Cllr Harle
 Cllr Rhodes

Vote against: Mayor Waller
 Cllr Hagarty
 Cllr Kaliyanda
 Cllr Karnib
 Cllr Shelton

NOTE: A Rescission Motion signed by Councillors Hagarty, Kaliyanda, Karnib and Shelton was subsequently lodged after the meeting. The Rescission Motion will be placed on the 30 August 2017 Council Agenda for consideration.

DPG 07

Draft Warwick Farm Precinct Strategy

Strategic Direction	Creating Connection Create a dynamic, inclusive environment, including programs to support healthy living
File Ref	186735.2017
Report By	Allan Campling - Executive Planner
Approved By	Lina Kakish - Acting Director Planning and Growth

EXECUTIVE SUMMARY

On 22 February 2017 Council considered a report on the Planning Proposal for Lot 1 Governor Macquarie Drive, Warwick Farm (the "Masters Site") to rezone the land from B5 Business Development Zone to R4 High Density Residential Zone. Council resolved to defer consideration of the Planning Proposal until it has adopted a broader precinct-wide strategy for Warwick Farm and a report is brought back to Council in July 2017.

Council officers have undertaken extensive non-statutory consultation, focused predominantly on the land south of the Hume Highway and have commissioned specialist studies regarding flooding and economic analysis. In the intervening period, senior officers have been involved in the initial meetings with state government agencies and the GSC aimed at removing barriers to sustainable growth in the City Centre and neighbouring suburbs (the Collaboration Area).

The draft Strategy, attached, explores the numerous constraints in the area, including road capacity, flooding and odour and adopts a precautionary approach to loss of jobs in the area, as required by the draft District Plan. It examines opportunities for the future planning of Warwick Farm and makes recommendations regarding current Planning Proposals, including for the Masters Site. The recommendations seek to balance the pressure to rezone land to high density residential with the urgent need to preserve and expand employment land and create opportunities for future jobs and to provide affordable homes for our key workers.

The draft Strategy concludes the following conclusions:

- There is an urgent need to retain the industrial sub-precincts at Orange Grove Road and Priddle/Scrivener Street;
- There is no certainty that the valuable equine activities can or will relocate to the racecourse nor that high density development is the best and highest use to replace them, considering the significant constraints - flooding, amenity and reverse-amenity;
- It is not desirable for the Masters Site alone to transition to high density residential;

- The area comprising the Munday Street Precinct, Priddle/Scrivener Street Precinct and the Masters site constitutes a distinctive and contained precinct that provides opportunities to collectively deliver employment land through a master planned outcome that capitalises on synergies with the Health and Education Precinct;
- There is strategic merit in rezoning part at least of the residential precinct north-west of the Warwick Farm railway station to R4 High Density Residential, subject to a thorough master planning exercise; and
- The Planning Proposal for the Masters Site and the Planning Proposal for 36-42 Orange Grove Road (Schweppes Site) do not have strategic merit.

RECOMMENDATION

That Council:

1. Endorses the draft Warwick Farm Precinct Strategy to be placed on public exhibition, with a report back to Council in October 2017 advising on any submissions received in response;
2. Acknowledges that the draft Warwick Farm Precinct Strategy provides discussion on the strategic merit of Planning Proposal RZ-18/2015 for Lot 1 Governor Macquarie Drive, Warwick Farm (Masters Site) to rezone the land from B5 Business Development Zone to R4 High Density Residential Zone and requests that a further report be submitted to Council in August 2017;
3. Acknowledges that the draft Warwick Farm Precinct Strategy provides discussion on the strategic merit of Planning Proposal RZ-4/2016 (36-42 Orange Grove Road) (Schweppes Site), and requests that a further report be submitted to Council in August 2017; and
4. Resolves that there is strategic merit in rezoning land located north-west of the Warwick Farm railway station, as referred to in the Warwick Farm Precinct Strategy, to higher density residential and requests that the CEO undertake a review of the development controls to facilitate the delivery of diverse and affordable housing in the area.

REPORT**Background**

On 22 February 2017 Council considered a report on the Planning Proposal for Lot 1 Governor Macquarie Drive, Warwick Farm (the "Masters Site") to rezone the land from B5 Business Development Zone to R4 High Density Residential Zone. The report asserts that there is widespread support for the proposal, citing a petition signed by residents of the area. The report identified numerous constraints to the proposed rezoning, including traffic conflicts and

capacity limits; flooding; odour; and potential job losses but anticipated that these would be resolved via a broader strategic study. The Council Report (Attachment 1).

Council adopted the following motion:

"That Council defer consideration of the Planning Proposal until Council has adopted a broader precinct-wide strategy for Warwick Farm and a report be brought back to Council in July 2017."

Accordingly, the draft Warwick Farm Precinct Strategy has been prepared by Council officers. The draft Strategy examines opportunities for the future planning of the area, including any possible changes to zoning and planning controls. In this context, the draft Precinct Strategy reviews the current Planning Proposals for the area, including for the Masters Site. This report draws out key issues and conclusions raised in the draft Warwick Farm Precinct Strategy and makes recommendations for the precinct and Planning Proposals.

The Warwick Farm Precinct generally incorporates the entire suburb stretching from the Georges River to the east and south, Cabramatta Creek to the north and Orange Grove Road to the west. It incorporates the Warwick Farm Racecourse, horse stabling area and industrial area to the south, the residential area north west of the railway station as well as Orange Grove. (Figure 1 shows the Precinct and sub precincts that are separately addressed in this report).

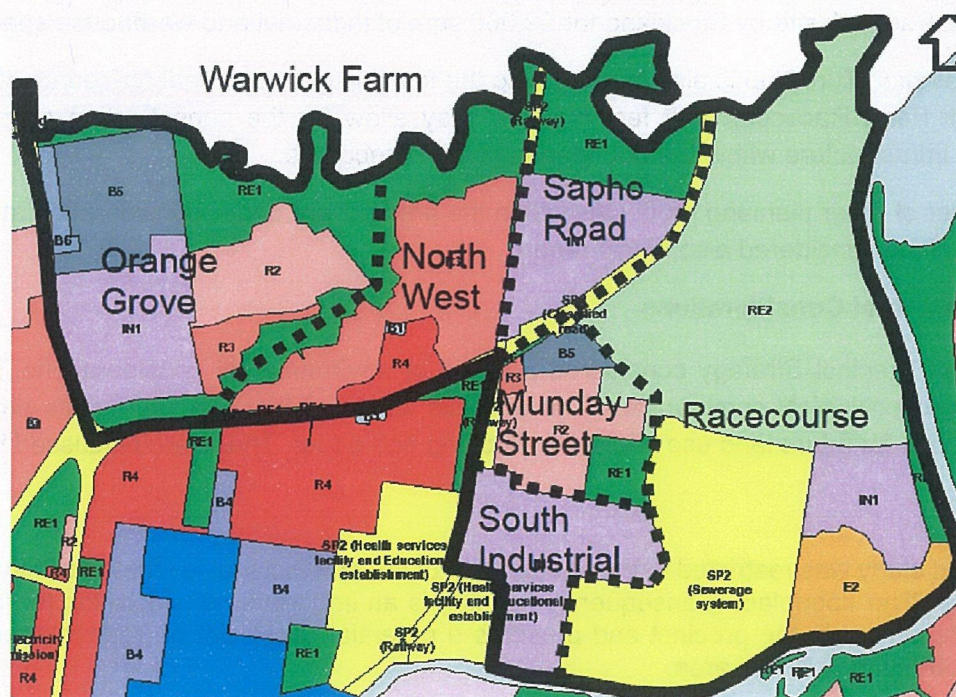


Figure 1: Warwick Farm Precinct and Sub Precincts

The Precinct Strategy provides a brief history of the area that demonstrates a long association with the horse racing industry in the eastern half of the precinct, and a deliberate attempt to provide an affordable and liveable housing solution in the western portion. Council undertook a strategic review in 2012 (Strategic Review of the Warwick Farm Horse Training Precinct) that explored the complex issues surrounding the existing uses and the future development of part of the area. The study concluded, in part, that:

Investment in the horse training precinct and investment in racecourse indicate that the industry is functioning and operating. Council is commitment to continue to provide the opportunity for the equine industry to operate in Warwick Farm in association with the racecourse.

Rezoning of the site is not considered an appropriate option, especially given the wide variety of zones currently applicable in the area – further fragmenting the zone areas would result in even more conflicting land uses in the precinct. Furthermore constraints such as flooding, acid sulphate soils, existing traffic and car parking issues and land use conflicts all contribute to the conclusion that a rezoning of the site is not appropriate.

Council is currently undertaking detailed investigations of a bypass road for the Munday Street area, aimed at resolving some of the traffic conflicts.

There have been recent approvals for major proposals in the area, including a \$100 million redevelopment adjacent to Warwick Farm Racecourse by Inglis comprising up to 1000 thoroughbred stalls, a selling centre and 145-room hotel, as well as the redevelopment of the Coopers Paddock site by Stockland for 52,000 sqm of industrial and warehouse space.

The Australian Turf Club is also investigating the feasibility of additional on-course stabling at Warwick Farm Racecourse. If feasible, this may allow for the consolidation of off-course training infrastructure within the boundaries of the racecourse.

A number of other planning proposals within the precinct are under consideration at present. These will be considered also in this report.

Environmental Considerations

The Draft Precinct Strategy considered a range of environmental considerations, including threatened ecological communities. The analysis identified that two key issues have direct implications for future land use decisions: flooding and odour. These are discussed below.

Flooding

The flood study was restricted to the eastern half of the precinct that is located within the Georges River floodplain. Consequently flooding is an important consideration for land use assessment in the precinct and presents a potential constraint on redevelopment within the Munday Street area.

Council commissioned FloodMit Pty Ltd to prepare a preliminary flood assessment for land at Warwick Farm south of Governor Macquarie Drive. The study area was divided into two separate areas: Area 1, the land north of Priddle Street and Area 2, the land south of Priddle Street.

The extent of inundation for various flood events is illustrated on Figure 2.

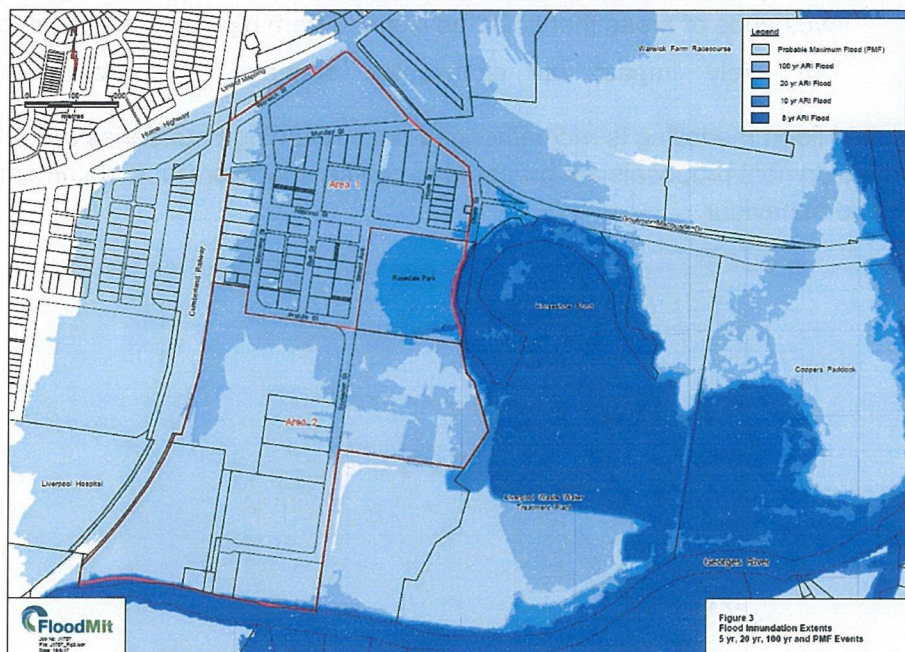


Figure2: Flood Inundation Extents - FloodMit

The conclusions of the Preliminary Flood Assessment are summarised as follows:

- Both areas 1 and 2 area are affected by flooding from the Georges River, and are located within a flood storage area. Both areas are mostly free from inundation in the 20-year flood, but would be inundated in larger events. The 100-year flood would inundate 89% of Area 1 with an average inundation depth of 0.58m, and would inundate 30% of Area 2 with an average inundation depth of 0.46m.
- The two areas would need to be filled to at least the 100-year flood level, and preferably the flood planning level (100 year flood plus 0.5m freeboard) to reduce their flood liability. The loss in flood storage in a 100 year flood has been estimated at 107,000m³ (Area 1) and 42,600m³ (Area 2). Compensatory excavation of a similar volume would be required to ensure that there is no impact on flood levels and for compliance with requirements in Council's DCP. It is unlikely that off-site excavation from the nearby floodplain would provide sufficient volume, and consequently compensatory excavation would need to be provided from within the development area.
- It is unlikely that the full extent of Area 1 could be rezoned for higher density residential development. It has therefore been divided into four components from preferred (Area 1a) to least preferred (Area 1d), (as shown on Figure 3). This division is based on:
 - i) The loss in flood storage;
 - ii) Proximity to higher level road access to the Hume Highway;
 - iii) Avoidance of areas subject to deeper inundation and that could potentially

- interfere with the flow of floodwater leading to Governor Macquarie Drive;
 - iv) Avoidance of areas that could be isolated from higher level road access; and
 - v) The likely impact on stormwater drainage when areas are filled.
- Detailed flood modelling is recommended once rezoning boundaries are refined and as development proposals are prepared to confirm that there is no detrimental impact on flood behaviour.



Figure 3 – preliminary flood assessment sub precincts - FloodMit

The potential loss in flood storage in Area 1 resulting from medium density residential development is shown in Table 1. It is noted that the potential loss in flood storage due to high density residential development is anticipated to be similar, or less than, the loss in storage for medium density residential development.

Location in order of preference (refer to Fig 10)	Total Area (m ²)	Area Inundated		Loss in Storage	
		(m ²)	(%)	Volume (m ³)	Av Depth (m)
Area 1a (preferred)	69,290	48,820	70	24,000	0.49
Area 1b	37,210	36,180	97%	19,000	0.53
Area 1c	49,860	49,150	99%	31,000	0.63
Area 1d (least preferred)	51,440	50,400	98%	33,000	0.66
TOTAL	207,800	184,550	89%	107,000	0.58

Table 1: Potential Loss in Flood Storage – Area 1 Sub-areas – Medium Density Residential development - FloodMit

It is noted that the Section 117 Direction. 4.3 – Flood Prone Land – deals specifically with flood prone land and restricts rezoning of Recreation zoned land within the flood planning areas. This Direction applies to part of Area 1d, which includes land owned by the ATC.

In summary, it will not be possible to develop all of the R2 land below Munday Street for high density residential, because a significant area of land will have to be sacrificed to compensatory cut and flood attenuation. This would be difficult to achieve, given the fragmented nature of ownership, probably requiring compulsory acquisitions.

Odour

Parts of the Warwick Farm Precinct are subject to odour from the Liverpool Treatment Plant, which present a potential constraint on development.

Sydney Water has stated that the Plant is essential to support infill growth across the LGA, as well as in the South West Priority Growth Area. Figure 4 indicates the odour buffer zone established by Sydney Water around the plant. Sydney Water has advised Council of its objection to residential and other non-compatible land uses within this buffer. However, a reduction in odour buffer may be possible in the future as a result of upgrades to the Plant that would be required to be funded by developer contribution.

The buffer includes part of the Munday Street precinct which is currently zoned R2.

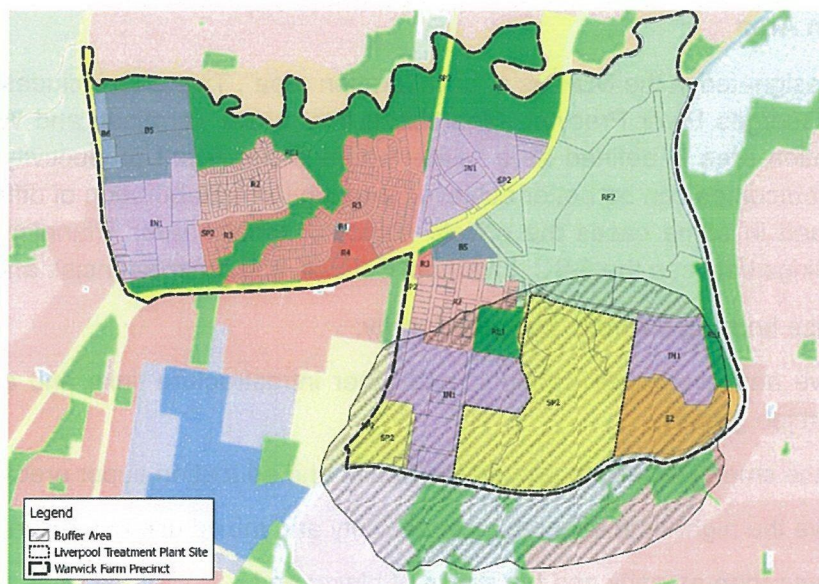


Figure 4: Odour buffer area

Draft South-West District Plan

The draft South West District Plan (DDP) was released by the Greater Sydney Commission in November 2017, and sets the strategic direction for the South West District of Sydney, including Liverpool. The Plan is intended to provide a connection between local planning and

longer-term metropolitan strategic planning for Greater Sydney. It is anticipated that the DDP will be finalised in 2018.

The DDP sets out the following criteria against which a change in land use or intensity in Warwick Farm must be measured to demonstrate strategic compatibility with the document:

- Support Liverpool City Centre and not contribute to 'out of centre' development detracting from the City Centre;
- Support the future Liverpool Health and Education Super-precinct, and the potential role of Liverpool as a major strategic centre in the Western City and aerotropolis;
- Be in accordance with the aims of the collaboration area;
- Take a precautionary approach to rezoning employment services land;
- Support the delivery of diverse and affordable housing;
- Deliver development with high quality urban design recognising the existing characteristics of Warwick Farm;
- Protect the natural environment, health of the Georges River and efficiency of the District; and
- Align with the GSC's vision for the Green Grid around the Georges River and Cabramatta Creek.

Collaboration Area

Liverpool is designated in the DDP as a "collaboration area". This area includes the Liverpool City Centre, Georges River Precinct, Moorebank Intermodal Terminal, and Warwick Farm. The collaboration area is defined as a "place where a significant productivity, liveability or sustainability outcomes can be better achieved through the collaboration of different levels of government and in some cases the private sector or landowners." Planning for this area involves meetings between the GSC, Liverpool Council, and other agencies and aims to:

- Increase housing diversity and affordability;
- Improve and coordinate transport and other infrastructure links and accessibility to support job growth;
- Enhance smart job growth around the health and education super precinct;
- Improve the night-time economy, connectivity and mixed use in the centre;
- Improve urban amenity and the sense of place; and
- Improve environmental outcomes around the Georges River.

Apart from these aims, the collaboration area does not provide an explicit direction for the future planning of Liverpool or Warwick Farm. However, it does provide an opportunity to integrate the views and expertise of Council and other agencies while planning for the area, and to overcome barriers to long-term planning which might result from a lack of alignment between the priorities of different government bodies.

It is noted that the process of collaboration has only recently commenced and that it will take some time to achieve these goals. It is a concern that, in light of this worthwhile process, Council decisions on individual proposals may pre-empt achievement of these aims.

As the Warwick Farm Precinct is included in the “collaboration area” it is suggested that the Greater Sydney Commission be advised of Council’s strategic direction for the precinct, following consideration of this report.

Open Space / Recreational

Warwick Farm currently has over 64 hectares of open space. The majority of this open space is concentrated to the north of the suburb and borders Cabramatta Creek, however there are a number of smaller parks and sportsgrounds dotted throughout the suburb.

With consideration to future potential growth in Warwick Farm, the existing quantity of space is considered sufficient to service a larger resident population, however the type and quality of these spaces will not be adequate.

In response to any future growth in Warwick Farm, a nuanced approach to open space provision would be required to be prioritised over the maintenance of existing large-scale areas that are inaccessible and disconnected. Possible future opportunities for open space in Warwick Farm could include:

1. Re-purposing of some sporting grounds to local parks;
2. Upgrading existing sporting facilities and local parks to consolidate and improve usability;
3. Introduction of ‘pocket parks’ throughout the suburb that connect in a linear fashion to the larger area of open space to the north;
4. Improving connectivity between, and access to, open spaces by re-aligning the road network to create physical and visual links;
5. Improving the safety of open spaces by ensuring adequate lighting and passive surveillance;
6. Embellishment of local parks through the provision of soft and hard landscaping. Particular emphasis should be given to community needs, and consideration given to ongoing maintenance costs. Embellishments could include (but is not limited to) seating, picnic areas, decorative gardens, community gardens, basketball courts, skate parks, children’s playgrounds, and water features;
7. Development of a walking and cycling track that follows Cabramatta Creek and/or the Georges River and connects to Chipping Norton Lakes; and
8. Upgrading the existing walking/cycling connection between Warwick Farm Station and Cabramatta Station.

Sydney Water has recently advised that it is willing to negotiate access to the Georges River foreshore along the frontage of the water treatment plant. This may be coordinated with a broader strategy to provide river access on public authority lands.

Community Consultation

Council undertook preliminary community consultation between 22 May 2017 and 5 June 2017. This consultation focused on the Munday Street Sub Precinct and the South Industrial Sub Precinct and consisted of letterboxed surveys. The survey provided an update for the consultation undertaken in 2012 Strategic Review of the Warwick Farm Horse Training Precinct. Formal consultation, in accordance with planning legislation, would be required to be undertaken should the draft Precinct Strategy progress to a proposal to amend the LEP or DCP.

Council received 25 valid responses from the Munday Street Sub Precinct. Respondents viewed the accessibility of the area favourably, with 52% ranking proximity to the railway station as a positive for the neighbourhood. Despite this, public transport usage in the suburb is low. Similarly, proximity to the Liverpool CBD, including the shops and hospital, were highly regarded. Other often mentioned praises for the neighbourhood include the open space and the tight-knit community.

Contrariwise, the high level of industrial traffic created noise and traffic issues for residents. Almost a quarter of residents urged Council to redirect the industrial traffic and 20% called for the relocation of horses to on-track stabling in order to reduce modal conflict between horses and trucks. The installation of traffic lights at the intersection of Governor Macquarie Drive and Munday St was also a suggested improvement.

Safety was considered to be major issue, largely due traffic conflicts. Eighty-four percent (84%) of respondents believed there to be a conflict between horses and trucks in the neighbourhood, and 88% believed that trucks should not drive through the area, with 80% of residents claiming they had been or nearly been in a collision with a truck. Several horse trainers had been unable to train due to safety concerns. Respondents supported the implementation of the Manning Street Bypass Road.

The respondents were unanimous with regards to the importance of stabling close to the Racecourse, if not on the Racecourse, with safety and elimination of traffic conflicts the main reasons provided. Similarly, there is universal agreement that trainers would leave Warwick Farm if stabling were relocated further away from the Racecourse, citing transport logistics costs.

Regarding rezoning land, 16% of residents (4 out of 25) were in support of high-rise development in the neighbourhood, provided that stabling can be accommodated on the Racecourse. It is noted that only 12% of residents (3 out of 25) supported rezoning to residential. The facilitation of shops and restaurants in Warwick Farm was also suggested to uplift the community.

Council received only 6 valid responses from the Industrial Precinct. Owners all had positive feelings about working in Warwick Farm; however, there were issues raised that could be improved, including additional access routes out of the Industrial Precinct, more stringent parking infringement monitoring, and traffic calming measures for trucks. On the other hand, road widening to better accommodate trucks was also recommended.

Council and Public Authority Consultation

Council sections including Community Development and Planning, Economic Development, Development Engineering and Infrastructure and Environment were consulted during the preparation of the Precinct Plan.

Economic Development provided the following comments previously in response to the Planning Proposal for the Masters Site:

Previous proposals have included a Masters Hardware or bulky goods use (permissible in the zone) and then a more recent re-zoning request to facilitate a residential development of approximately 1400 dwellings. The current proposal seeks the re-zoning of the land for a reduced residential development of 950 units.

There is some mention in the report of retail and "non-residential uses" of 3810 sqm and a supermarket area that is undesignated. The proponent suggests 25 jobs per 1000 sqm of retail would be created. As well as a number of jobs in construction.

However the ongoing sustainability of the development is questionable in relation to jobs and employment. And the current zoning of B5 (bulky goods) is more conducive to ongoing employment creation. So it is quite difficult to support such a proposal currently on strategic grounds. There are ample opportunity sites closer to the Liverpool CBD where this development could occur. However being located next to the Warwick Farm station has some merit in this regard.

In conclusion, and recognising that Council is considering major proposals and developments in Moorebank (Georges River Study), with potential Warwick Farm implications, it is premature for this proposal to be considered in isolation from this strategic study which is already underway.

In our view then, the proponent should be invited to re-consider an application, addressing the issues identified, once council has completed, or is close to completing, the above.

Council officers also met with Sydney Water and the Roads and Maritime Authority (RMS). RMS reiterated its previous advice in response to the Planning Proposal for the Masters Site, that the planning proposal may set a planning precedent for this precinct with associated cumulative traffic and transport impacts on the regional road network and public transport infrastructure. Further, that Council may wish to give consideration to the need to undertake a high level strategic land use and transport assessment for the precinct to identify cumulative transport impacts, infrastructure requirements and funding mechanisms for any preferred land uses.

The RMS agreed with Council's approach - the preparation and investigation of strategic land use options for a wider Warwick Farm Precinct, and advised that it would facilitate a strategic road capacity analysis, to identify regional transport infrastructure required to accommodate the land use options.

Employment Lands

There are 6 distinct employment areas within the Warwick Farm Precinct, as shown in Figure 5.

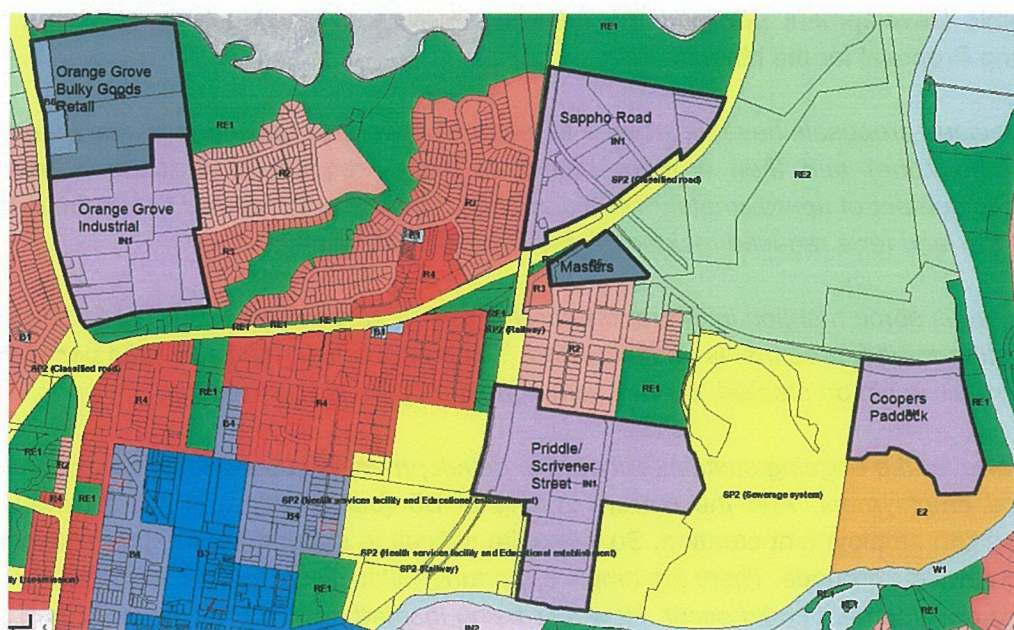


Figure 5: Warwick Farm Employment Areas

Priddle/Scrivener Street

This light industrial area is located in proximity to Liverpool Hospital, Liverpool City Centre and Warwick Farm Station. In fact a part of the hospital complex is located on the south-western edge of the sub precinct and is connected to it by a vehicular and a pedestrian bridge. The area is vibrant with low vacancy rates and sustains significant local employment opportunities. The Liverpool Employment Lands Study (2016) stated that the existing stock of ageing secondary industrial facilities will likely require investment within the next 5 to 10 years to remain compatible with market demand and needs. Occupiers in the transport and freight industries are likely to be attracted to larger hubs in Prestons and Eastern Creek. Smaller industries, serving the local population, such as automotive repairers and construction industries would be attracted to this location, given its proximity to an established population and nearby construction activity.

The Precinct Strategy concluded that it is important that these lands are preserved for employment uses, and that the land-uses allow for the changing nature of employment and industrial activity in the area.

Sappho Road

The Sappho Road area is relatively close to Warwick Farm Station. The land-uses in this area are generally inconsistent with the IN1 (General Industrial) zone, being home to car sales and display yards, bulky goods centres and a display home exhibition village. The current uses are arguably better suited to a B5 zone and would complement any B5 activities on the Masters Site - this was acknowledged as a factor in support of the B5 zone when rezoning was approved in 2011.

The Precinct Strategy concluded that it is important that this area is preserved for employment uses, and that the land-uses allow for the changing nature of employment and industrial activity in the area.

Orange Grove Industrial

The Orange Grove Industrial area is strategically located at the intersection of the Hume and Cumberland Highways. It has bus connections but poorer walkability to railway stations (greater than 1.5kms). The larger landholdings are largely under-utilized, including the vacant Schweppes site. However, many of the smaller factory units remain occupied/vibrant and provide jobs and services close to the residential catchment.

The Precinct Strategy concluded that It is important that this area is preserved for employment uses, and that the land-uses allow for the changing nature of employment and industrial activity in the area.

Orange Grove Bulky Goods Retail

The Orange Grove bulky goods centre consists of factory outlet retailers to the south (Fashion Spree), and large floor plate homeware goods to the north (The Grove). A handful of fast-food outlets adjoin Orange Grove Road and Viscount Place. A liquor store and office supplies retailer also front Orange Grove Road. Employment in this area would primarily consist of retailing, and some management professions. Given the nature of these uses, alternative land uses in the short to medium term have are not considered in this report. However, any future land use strategies should include the adjoining residential area to the east.

Coopers Paddock

Given the recent rezoning and development approvals, this site is not further addressed.

Masters Site

This site is addressed in detail elsewhere in this report.

The Precinct Strategy takes into consideration the findings of the Liverpool Industrial Lands Study (2016) that the nature of industrial uses within employment lands in the inner and middle ring areas of Sydney is changing, with some areas moving away from traditional manufacturing formats and transitioning to “new industries”, including knowledge based industries. It is anticipated that over time these changes will begin to influence the way industrial land is uses in Liverpool LGA, particularly the areas in proximity to the Liverpool Health and Education Precinct and City Centre.

Residential Land

The zoning of the residential land within Warwick Farm Precinct is shown in Figure 7.

The majority of land within the North West Residential sub-precinct is zoned R3 with a small area of land zoned B1 Neighbourhood Centre on the corner of Lawrence Hargrave Road and Mannix Parade. An area of land is zoned R4 surrounding Mannix Parade and a section between the Hume Highway and Hinkler Avenue. This land is predominantly in the ownership of the Land and Housing Corporation.

To the east of Warwick Farm station, there is an existing group of multi-dwelling housing zoned R3; with the remainder of the Munday Street area being zoned R2. It is noted that the LEP contains special provisions permitting stabling on R2 land in this sub precinct.

FSR and height controls are shown in Figure 6.

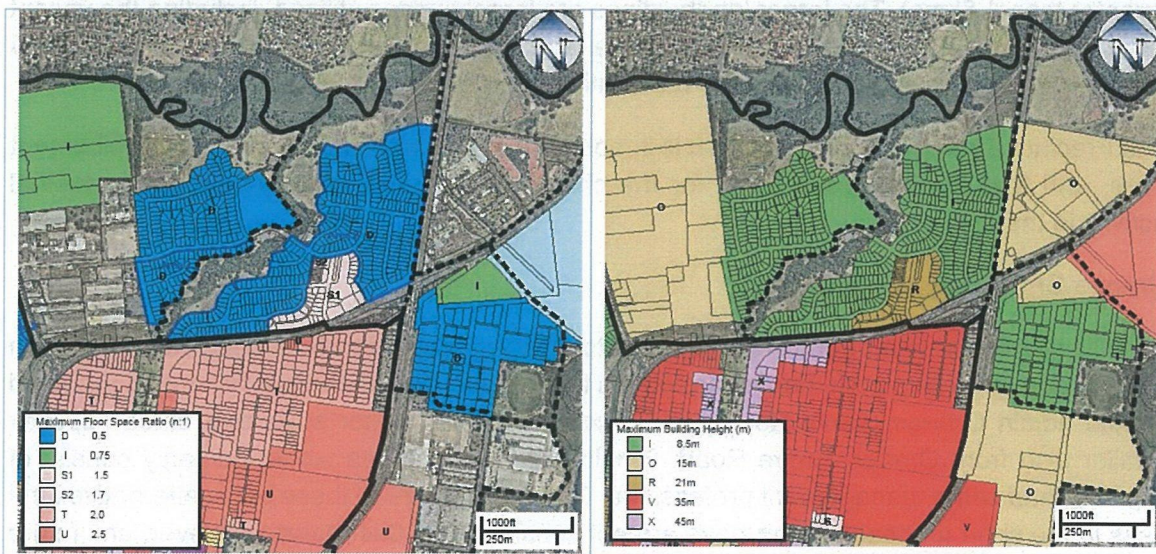


Figure 6: FSR and height controls

Residential Uplift Analysis

For the purpose of identifying any potential residential uplift, a 400m catchment was drawn around Warwick Farm Station, as shown in Figure 7, noting that this could potentially be extended to 800m.

To analyse potential uplift of this precinct, a number of broad assumptions have been made. The strategic analysis is aimed at identifying infrastructure demands and impacts, such as traffic generation, and would be refined as part of the detailed through a master planning exercise or preparation of any amendment to the LEP or DCP.

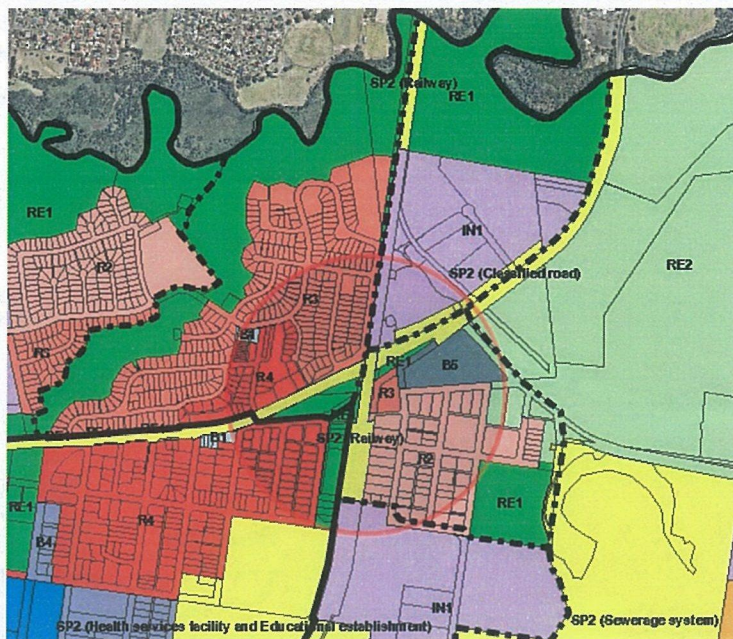


Figure 7: 400m catchment distance from Warwick Farm Station

For the purpose of analysing residential uplift, three scenarios were considered. The scenarios are shown in Table 2. All three up-lift scenarios assume that the area will be rezoned to R4. An FSR of 1.5:1 is modelled for the low yield scenario; 2.0:1, for mid-yield uplift and 2.5:1 for high yield. The result of the mid-yield uplift is shown in Figure 8.

	R4 Zone	R3 (West)	R3 (East)	B5	R2	Total
Current Controls	698	179	24	0	50	950
Low-yield	698	686	93	488	1,373	3,334
Mid-yield	930	915	123	651	1,830	4,446
High-yield	1,163	1,144	154	814	2,288	5,557

Table 2: Comparison of dwelling yield based on existing, low, medium and high FSR scenarios

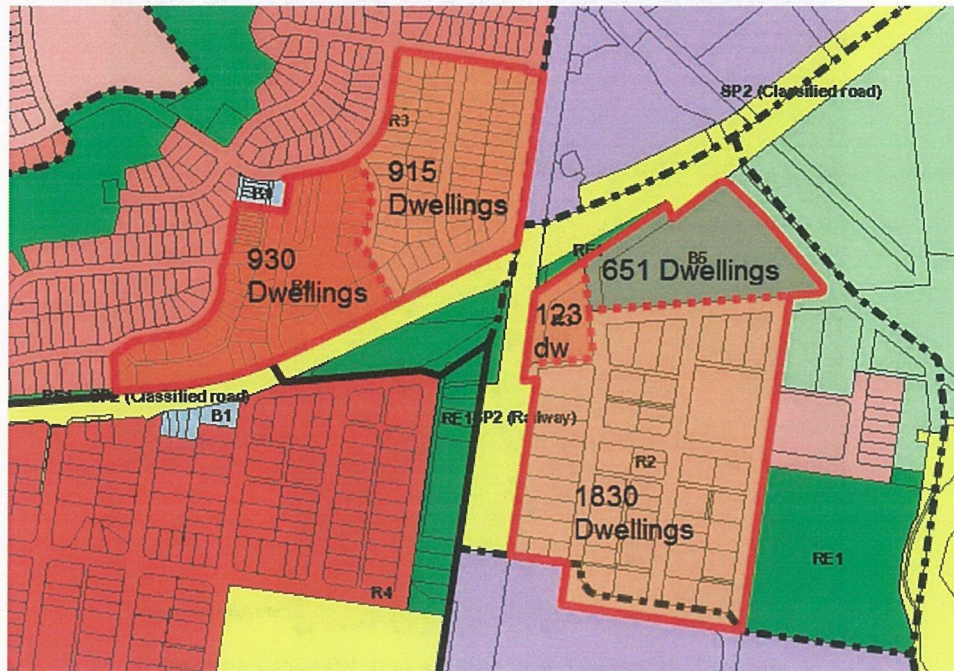


Figure 8: Approximate dwelling capacity under a mid-yield scenario

Traffic and Transport Analysis

The three residential uplift scenarios for the Warwick Farm Precinct were assessed by Council's Traffic Section, which provided high-level strategic advice. The advice also considered traffic issues arising from an employment lands (business park) use of the Munday Street Precinct and Masters Site.

The potential traffic generated as a result of the potential residential uplift and employment lands scenarios is shown in Table 3.

Traffic generations from different options (vehicles/peak hour)							
Options	R4 Zone	R3 (West)	R3 (East)	B5	R2	Total traffic volume (vph)	Additional traffic volume (vph)
Current controls	202	52	7	0	43	276	
Low-yield							692
(FSR 1.5:1)	202	199	27	142	398	968	
Mid-yield							1,014
(FSR 2.0:1)	270	265	36	189	531	1,290	
High-yield							1,337
(FSR 2.5:1)	337	332	45	236	664	1,613	
Business park option			25	186	634	820	544

Table 3 Traffic Generation

As shown in the Table 3, the proposed residential use (R4 zones) on the existing R2, R3 and B5 sites with FSRs (1.5:1- 2.5:1) will generate traffic volume of approximately 970 vehicles per hour -1,610 vehicles per hour.

The business park zone (B7) will generate similar or slightly higher traffic volume (approximately 90 vehicles per hour) compared to R4 zones applied to those lands with FSR 2.0:1.

Traffic impact assessment and the required infrastructure upgrades

Governor Macquarie Drive (GMD), with its current 2-lane road configuration, is operating close to or at its capacity. The GMD is required to be widened to a four-lane road to accommodate additional traffic that will be generated by background growth and future developments.

The ATC is currently widening a 750 m section of GMD between the ATC car park access and the William Long Bridge into a four-lane road. The remaining two lanes section between Hume Highway and the ATC car park access will need to be widened as a result of developments on R3 (East), B5 and R2 lands.

Impact on nearby intersections likely to be affected by the proposed developments

The proposed land use options will have impacts on the following intersections:

- Hume Highway/Mannix Parade intersection;
- Hume Highway/Governor Macquarie Drive intersection;
- Governor Macquarie Drive/Newbridge Road intersection;
- Hume Highway/Home Pride Avenue intersection;

As such, these intersections will need to be improved to mitigate its impacts. Detailed required intersection improvements will be determined after the preferred land use option is confirmed. In particular, Hume Highway/Governor Macquarie Drive intersection will need to be upgraded for any developments within Warwick Farm Precinct (both north and south).

Impacts on local road network

Munday Street is a main access road to serve industrial area as well as R3 (East), B5 and R2 lands. Safety concerns have been raised with regard to conflicts between increasing pedestrian movements as a result of residential developments and heavy vehicle movements.

To mitigate the impacts, the developments on the southern side of Hume Highway will be required to provide a Manning bypass and associated traffic signals at GMD and Shore Street intersection to separate access(s) to residential developments and industrial area.

Active and public transport

There is an existing pedestrian underpass crossing Hume Highway that provides a connection between the northern precinct areas to Warwick Farm Station. It is currently under used due to poor conditions such as inadequate lighting and security concerns. Cyclists are required to dismount to use the underpass.

Improvements, including lighting and cameras, will be required to the existing pedestrian underpass with potential widening to cater for cyclists due to increasing pedestrian and cyclist demands as a result of the proposed residential developments.

In addition, a free shuttle bus service between the precinct and Liverpool/Warwick Farm stations will be required.

Other cumulative traffic and transport improvements

To identify cumulative impacts appropriately, traffic modelling along with funding strategy will be required once the preferred land use option is identified.

Detailed modelling will be carried out in consultation with RMS/TfNSW.

Development options	Improvement works	Comments
Low-yield	<ul style="list-style-type: none"> • Hume Highway/Mannix Parade intersection upgrade; • Improvements to pedestrian underpass • New traffic signals at Governor Macquarie Drive/Shore Street intersection; • Left in/left out at GMD/Munday Street intersection; • Hume Highway/Governor Macquarie Drive intersection upgrade; • GMD between Hume Highway and the ATC car park access is to be widened to a four-lane road; 	Traffic generations from low-yield option can be accommodated if the improvement works are provided.
Medium-yield	<ul style="list-style-type: none"> • Hume Highway/Mannix Parade intersection upgrade; • Improvements to pedestrian underpass • Free shuttle bus service between the precinct and Liverpool station • New traffic signals at Governor Macquarie Drive/Shore Street intersection; • Left in/left out at GMD/Munday Street intersection; • Hume Highway/Governor Macquarie Drive intersection upgrade; • GMD between Hume Highway and the ATC car park access is to be widened to a four-lane road; • Governor Macquarie Drive/Newbridge Road intersection; • Contributions towards Hume Highway/Home Pride Avenue intersection upgrade; 	Traffic generations from medium-yield option can be accommodated if the improvement works are provided.
Business park option (similar to the medium-yield option)	<ul style="list-style-type: none"> • Hume Highway/Mannix Parade intersection upgrade; • Improvements to pedestrian underpass • Free shuttle bus service between the precinct and Liverpool station • New traffic signals at Governor Macquarie Drive/Shore Street intersection; • Left in/left out at GMD/Munday Street intersection; • Hume Highway/Governor Macquarie Drive intersection upgrade; 	Traffic generations from business park option can be accommodated if the improvement works are provided.

	<ul style="list-style-type: none"> • GMD between Hume Highway and the ATC car park access is to be widened to a four-lane road; • Governor Macquarie Drive/Newbridge Road intersection; • Contributions towards Hume Highway/Home Pride Avenue intersection upgrade; 	
High-yield	Detailed analysis and intersection modelling are required to test whether high-yield development option is feasible or not as site constraints (building and utilities) might prevent any further road improvement works.	Not supported until detailed investigation is undertaken to demonstrate that the high-yield option can be accommodated with possible improvement options.

Table 4 Transport infrastructure upgrade to support Warwick Farm Precinct options

As a result of the above, the initial traffic assessment advice includes the following:

- Low-yield, mid-yield and business park options can be supported on traffic ground subject to improvement works being provided. Details of the required infrastructure upgrades to support various land use options are shown in Table 4;
- Developers will be required to enter into Voluntary Planning Agreements (VPAs) with Council for the proposed improvement works;
- All the regional road upgrades or contributions will require TfNSW/RMS approval.

In regard to the capacity of the local road network to absorb additional traffic, it is noted that there may be opportunities to provide all residential uplift in the north west residential precinct due to the areas greater accessibility and potential for good residential amenity.

Economic and Market Assessment

Council commissioned the AEC Group (AEC) to provide economics and land economics advice to help inform the precinct planning for the Warwick Farm Precinct. The key findings by AEC are summarised below:

Munday Street Precinct

ATC are understood to have plans to construct a new stabling facility on the racecourse site. Whilst the Munday Street Precinct is currently operating as a defacto stabling precinct, this function could potentially shift to the racecourse in the future on completion of new stabling facilities.

Survey findings from businesses, landowners and trainers in the Precinct indicate there is a highly favourable sentiment in the neighbourhood for rezoning the Precinct for alternative uses so long as suitable alternatives for horse stabling and related activity in close proximity to the Warwick Farm Racecourse is available.

The provision of this new stabling area on the racecourse would enable the economic contribution of the Munday Street Precinct to be retained in the Liverpool LGA, while also allowing for the Munday Street Precinct to be redeveloped for higher value land uses.

Economic modelling indicates the contribution Munday Street Precinct makes to the Liverpool LGA is significant - supporting 238 jobs (direct and indirect) and approximately \$20.3m in Gross Regional Product each year, and paying \$11.9m in wages and salaries.

Masters Site

Large format retailers and commercial uses require certain features in order to be competitive and sustainable in the long term. Large format retailers require large sites which allow numerous retailers to co-locate and cluster. Office precincts require critical mass in order to facilitate the clustering of services amenity and transport access (public transport). The Site is challenged on all of the above-mentioned fronts. As a B5 zoned site, due to its modest scale and relative isolation, unless commitment from an anchor tenant can be found the Site will likely struggle to be competitive.

Generic feasibility analysis demonstrates that should the Masters Site be rezoned to R4 High Density Residential, a minimum FSR of 1:1 is required for feasible residential unit development. The FSR is less compared to that which the Planning Proposal lodged for the Site proposes (FSR 3.5:1).

Priddle/Scrivener Street Precinct

The Priddle/Scrivener Street Precinct is generally well occupied, catering to a local service need. While manufacturing activity declined over the 2006-2011 period, the Precinct experienced growth in transport logistics and local service-based businesses. Market investigations demonstrate the Precinct generally enjoys good market appeal. That said, the difficulty of access to and from the Precinct detracts from its central location within Liverpool and the South West region. If the issue of road access is left unaddressed, it is conceivable that market interest will decline over time as other locations that offer better vehicle access are available.

Potential Planning Interventions and Scenarios

AEC undertook an analysis of potential planning interventions which is discussed below.

Owing to the important role played by the Priddle/Scrivener Street industrial precinct, all the AEC planning scenarios envisage retention of the area for general industrial uses (i.e. retaining the IN1 General Industrial zone). Various planning interventions are considered for Munday Street Precinct and the Masters Site.

Residential Uses

A rezoning of Munday Street Precinct and Masters Site to permit a mix of residential densities should be predicated on the ability of the horse stabling function to be relocated and accommodated on the Racecourse. This is important for three key

reasons:

- A relocation of horse stabling to the racecourse would allow the economic contribution of Munday Street Precinct to be retained within the Liverpool LGA.
- Should the Munday Street Precinct be rezoned independent of the delivery of new horse stabling facility at the racecourse, there is a risk that utilisation rates at the racecourse will decline, thereby resulting in severe economic loss for the Liverpool LGA.
- Many respondents to the survey indicated that availability of horse stabling facilities in close proximity to the racecourse is essential in their decision to continue training and racing at Warwick Farm.

Residential and industrial uses do not mix. In order for both precincts to be viable and have market appeal, there needs to be provision for separate access and unimpeded access to the industrial precinct.

A rezoning to permit higher densities accompanies an opportunity for Council to require contributions to public benefit as part of a planning proposal. Contributions could include amenity and infrastructure items for the new residential precinct as well as to fund the Manning Street bypass.

Employment Uses

A rezoning to facilitate employment uses at Munday Street Precinct to be sandwiched between two employment zoned areas – Masters Site (zoned B5) and Priddle/Scrivener Street Precinct (zoned IN1) is a logical land use scenario. Similar to the residential scenario, this scenario is predicated on the relocation of Munday Street Precinct's horse stabling function to the racecourse.

A rezoning to employment uses would effectively eliminate any land use conflicts between the existing industrial, residential and horse stabling activities. There would accordingly be a less compelling case to progress and implement the Manning Street bypass.

In practical terms, this scenario is unlikely to result in meaningful outcomes on-ground as existing-uses (low density residential) are generally more valuable than potential B5 or IN1 lands. In the main, it is conceivable that most properties will remain in their existing use (potentially even retaining horse stabling), there being little incentive for landowners to change or redevelop. As a consequence, land use conflicts will arguably still present between existing residential uses and industrial uses at Priddle/Scrivener Street Precinct.

The future of the Masters Site is inextricably linked to the future of Munday Street Precinct. Should the horse stabling functions of Munday Street Precinct be successfully and viably relocated to the racecourse, opportunities arise for Munday Street Precinct and Lot 1 to collectively deliver a master planned outcome

incorporating a range of housing formats, required urban amenity and commercial support services, as well as meet social/community infrastructure need.

North West residential area

AEC concluded that the medium density area is not economically viable to be redeveloped, given the current planning controls. Whilst residential redevelopment would become feasible if the FSR were increased to at least 1.2:1 and the zoning were changed to R4, market demands would require additional infrastructure and services to be made available in the precinct to support the higher density. AEC also noted that transport links, services and urban amenity are not as accessible in the North West residential area compared to land south of Hume Highway.

Conclusions of draft Warwick Farm Precinct Strategy

On 22 February 2017 Council resolved to defer consideration of the Planning Proposal for the Masters Site until Council has adopted a broader precinct-wide strategy for Warwick Farm. In response, Council officers have prepared a Draft Warwick Farm Precinct Strategy. The draft Strategy investigates opportunities and constraints for the Warwick Farm precinct and reviews the current Planning Proposals applying to the area, including the proposal for the Masters Site. The followings conclusions have been drawn:

Precinct Area South of Governor Macquarie Drive

The draft South West District Plan establishes a number of strategic directions, including the requirement to take a precautionary approach to rezoning employment services land. In light of the documented shortage of industrial land in Liverpool and the important role played by the Priddle/Scrivener Street industrial precinct and its economic viability, there is no strategic merit in removing its current industrial zoning.

This raises issues regarding the compatibility of this industrial zone with residential and particularly high density residential uses in the adjacent Munday Street Precinct. Long-standing conflicts between industrial trucks, horses and pedestrians have plagued this area since the 1970's, requiring restrictions on the movement of trucks. There are plans to create a bypass road to avoid some of these conflicts, however, there is a risk that conflicts will persist and may escalate if greater residential density is permitted, for the following reasons:

- It may take a considerable time for the horse stables to leave the area, noting that many properties may not be suitable for high density because of the many constraints described in this report and noting the lukewarm response to the survey regarding residential rezoning;
- At present there is no certainty that the stables can or will move to the racecourse, noting that the racecourse is constrained by flooding and heritage issues and that there has not been an application for this proposal. Failure to secure a viable, timely and certain transition of stabling facilities from the precinct to the racecourse could

negatively impact on the racecourse itself, risking *“severe economic loss for the Liverpool LGA”*;

- Some of the industries operate 24 hours a day. Heavy vehicle movements in the middle of the night are likely to attract complaints even if they are restricted to the bypass road. Moreover, it is unlikely that restrictions can be enforced on light vehicles. Continual complaints may impact on the viability of the industrial precinct, risking valuable jobs close to the City Centre; and
- Taller residential towers will overlook the industrial area, roads and the railway lines creating the potential for noise complaints to persist, particularly in light of the inevitable increase in rail freight movements.

In addition to the above, the area in question lacks many of the attributes required to establish a successful high density neighbourhood: it is isolated from the City Centre, surrounded by industrial activities (including a sewerage treatment works) and by high order roads and a freight line and it lacks community and recreational services and facilities (density without amenity). Moreover, there is a generous supply of residential high density land to satisfy the demand for many years to come and it is considered that there are more suitable locations within the precinct to locate additional R4 uses.

Council officers are of the view that the appropriate land use for the Munday Street Precinct is for employment activities, and in particular uses that support the future Liverpool Health and Education Super-precinct, and the potential role of Liverpool as a major strategic centre in the Western City and aerotropolis.

The area comprising the Munday Street and Priddle/Scrivener Street precincts and the Masters site constitutes a distinctive and contained precinct that provides opportunities to collectively deliver a master planned outcome to capitalise on synergies with the Health and Education Precinct and access to the Georges River foreshore.

Consequently, it is considered appropriate that the entire precinct south of Governor Macquarie Drive be zoned for employment purposes that provide land use flexibility to support business park and technology businesses. This would encourage a transit-oriented development that assists the tidal flow use of Warwick Farm station, and supports the “thirty minute city” concept. Further, the built form of industrial/employment development is less problematic than residential development in addressing flood and odour impacts and minimises traffic conflicts created by incompatible land uses.

It is considered appropriate, however, to defer a decision regarding future zoning for the area until the collaboration area working groups, including one for health and education matters and one for infrastructure, have considered solutions for challenges across a much broader area. For example, solutions for traffic congestion in the Georges River Precinct may impact on the Warwick Farm Precinct and vice versa.

North West Residential Area

The investigation undertaken for the draft Warwick Farm Precinct Strategy indicates that there is strategic merit in rezoning land in the North West Residential Area, located within the 400m catchment of the Warwick Farm Railway station, to R4 High Density Residential and to review the development controls for the remaining R3 land in the sub precinct. This includes the area the subject of the Planning Proposal as well as land owned by the Land and Housing Corporation.

Whilst there is in excess of 250 hectares of land zoned R4 in the LGA there has been minimal take up in the established areas with high density residential development being predominantly limited to the fringes of the Liverpool City Centre. Whilst, the 5 year dwelling supply target proposed by the Greater Sydney Commission is consistent with the current and proposed residential approvals in the LGA there is a need to address supply of affordable housing. The redevelopment of the North West Residential Area provides an opportunity to provide approximately 2000 dwellings with potential to support the delivery of diverse and affordable housing in coordination with the Land and Housing Corporation.

The area has significant open space provision and local school capacity with other social and road infrastructure potentially being able to be addressed through a VPA and contributions. A necessary infrastructure upgrade includes the provision of grade separated pedestrian and cycle access across the Hume Highway to provide access to the Warwick Farm Railway Station and the Liverpool City Centre, as well as facilitating access for residents in the City Centre precinct to the open space network along Cabramatta Creek. This would not only connect the Warwick Farm community to the City Centre, but also connect the residents of the apartment buildings located south of the Hume Highway to open space, schools and recreational facilities – a clear public benefit.

The area constitutes a distinctive and contained precinct that provides opportunities to deliver a master planned outcome in cooperation with the local community and Land and Housing Corporation. This will involve undertaking detailed studies to address cumulative impacts on traffic and transport, social infrastructure, retail needs, built form and open space planning.

Sappho Road

The investigation undertaken for the draft Warwick Farm Precinct Strategy indicates that the area should be retained for employment purposes that allow for the changing nature of employment and industrial activity and recognizing its proximity to the Health and Education Precinct and Liverpool City Centre.

Strategic Outcomes for Current Planning Proposals

The Planning Proposals currently applying to the Warwick Farm Precinct have been reviewed in the context of the findings of the draft Warwick Farm Precinct Analysis.

Amendment 61, RZ-5/2015 (Orange Grove Megacentre)



Figure 9 Extent of Planning Proposal RZ-5/2015 (Amendment 61) and existing zones

In November 2015, Council received Gateway Determination to amend Schedule 1 of the Liverpool LEP to permit 'shops' to a maximum Gross Floor Area of 21,000sqm at 10 Orange Grove Road.

As Draft Amendment 61 has recently completed public authority and public exhibition and will likely be reported to Council in late 2017, the proposal is not further addressed in this report.

RZ-4/2016 (36-42 Orange Grove Road) (Schweppes Site)

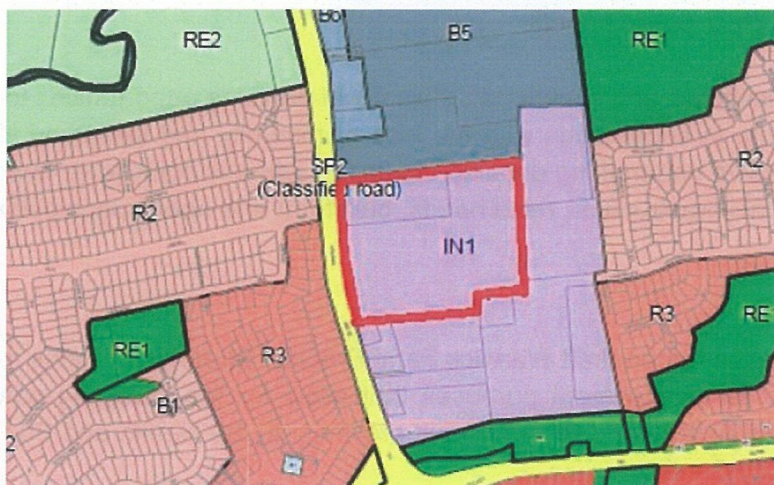


Figure 10 existing zoning map showing extent of planning proposal RZ-4/2016

A Planning Proposal was lodged with Council in August 2016 to rezone 80,803sqm of land at Orange Grove from IN1 – General Industrial to R4 – High Density Residential, B6 – Enterprise Corridor and RE1 – Public Recreation.

In October 2016, Council wrote to the proponent advising that the Planning Proposal lacked strategic merit. Council's assessment was based on a number of grounds, including non-

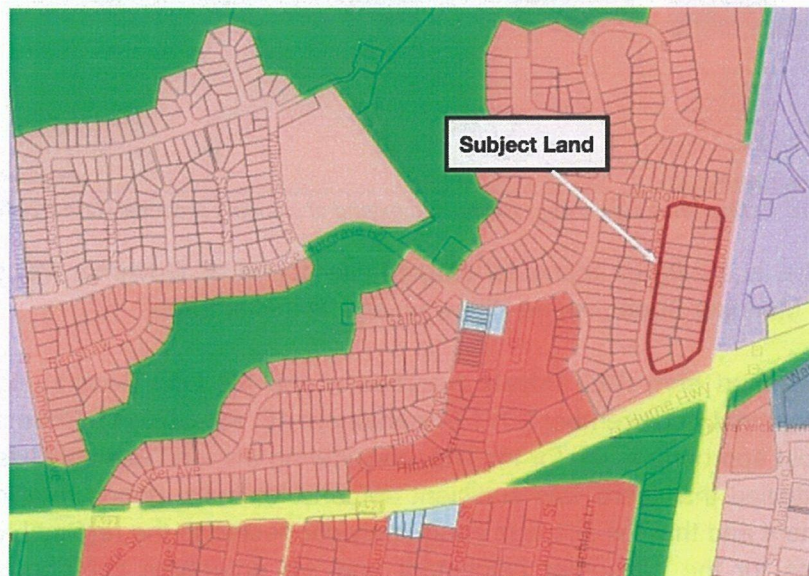
compliance with the objectives of Section 117 Direction 1.1 Business and Industrial Zones, as it did not encourage employment growth or preserve employment land.

The Liverpool Employment Lands Study (2016) identified the possibility of only 2.8 years of serviced industrial land supply remaining and that projected demand in the LGA from key industrial sectors indicates a requirement for an additional 427 ha of industrial zoned land by 2031.

The investigation undertaken for the draft Warwick Farm Precinct Strategy reinforces Council officers' conclusion that the planning proposal lacks strategic merit and that the site should be retained for employment purposes. It is recognised that in the medium term that the nature of industrial uses on the site may transition to a more flexible format that supports the Liverpool City Centre and Health and Education Precinct.

RZ-1/2016 (Freeman Street, Warwick Farm)

Figure 11 Extent of Planning Proposal RZ-1/2016 and existing zones



In February 2016, Council received a Planning Proposal to rezone land bounded by Freeman Street, Nicholls Street and Station Street, Warwick Farm. The planning proposal sought to rezone the site from R3 Medium Density Residential to R4 High Density Residential and increase the Floor Space Ratio from 0.5:1 to 2.5:1 to facilitate approximately 525 residential units.

As mentioned above, Council officers are of the view that there is strategic merit in rezoning land in the North West Residential Area, located within the 400m catchment of the Warwick Farm Railway station, to R4 High Density Residential and to review the development controls for the remaining R3 land in the sub precinct. This includes the area the subject of the Planning Proposal RZ-1/2016.

Consequently, the Freeman Street area can be incorporated into land use outcomes identified through a master planning exercise for the broader precinct, in cooperation with the local community and Land and Housing Corporation and the GSC working groups for the collaboration area. The Planning Proposal, when consistent with a master plan, could then be separately progressed.

RZ-18/2015 (Lot 1 Governor Macquarie Drive) ('Masters Site')

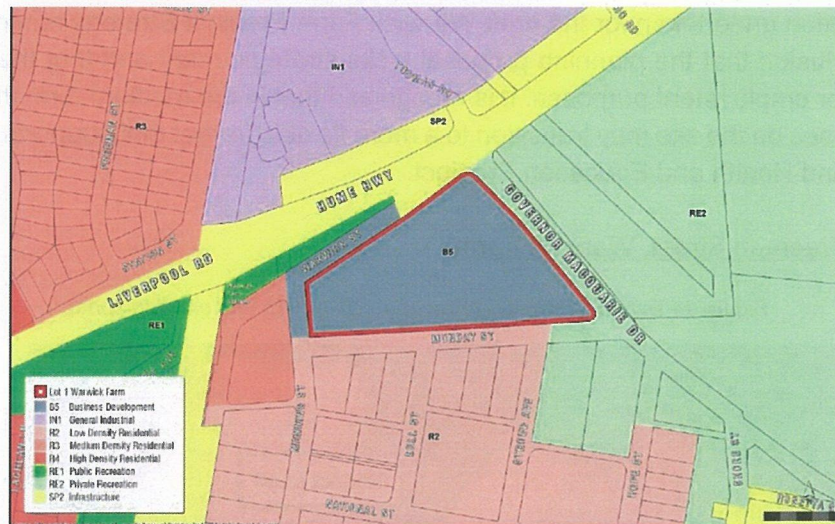


Figure 12 Map showing existing zoning and extend of planning proposal RZ-18/2015

The Masters Site, is a 2.93 ha triangular-shaped site bound by Governor Macquarie Drive, Munday Street, Manning Street, Hume Highway, and Warwick Street.

The site was rezoned from RE2 Private Recreation and R2 Low Density Housing to B5 Business Development in December 2011 (Amendment 18, RZ-3/2011). Council considered B5 to be the most appropriate use for the site, considering the land use conflicts in the area. Council was satisfied that there was sufficient demand for bulky goods retailing within the regional catchment and that the site was adequately connected to the regional road network, providing access for the consumer catchment and the enterprise corridors along Hume Highway and Cumberland Highway. Additionally, the Council was satisfied that the subject property could provide an adequate floor plate for bulky goods retailing. It is noted that the Large Format Retail sector has expanded over the last two years, on the back of steady residential growth.

Following the LEP amendment, development approval was granted in February 2013 (DA-1321/2011) for a home improvement centre (a Masters development). This DA has not been realised.

In November 2015, a new planning proposal was lodged with Council seeking to rezone the site to R4 High Density Residential (FSR of 4.5:1 and heights to 100m, yielding 1,400 dwellings and 2,500sqm of retail). In February 2016, Council officers wrote to the proponent, advising that the proposal could not be supported. In October 2016, following extensive discussions with Council, the proposal was revised to part R4 High Density Residential and

part B4 Mixed Use. The proposal sought a FSR of 3.5:1 (to facilitate approx. 950 residential units); and an additional use provision allowing up to 5,000 sqm of retail floorspace. The applicant subsequently had discussions with Council officers regarding submission of a modified proposal having a maximum FSR of 2:1, which equates to approximately 500 residential dwelling units.

On 22 February 2017, Council considered a report on the matter. The report cited the petition submitted to Council as evidence of widespread community support for the proposal and predicted that the identified conflicts and constraints would be easily resolved by a broader strategic review. Council however resolved to defer consideration of the Planning Proposal until Council has adopted a broader precinct-wide strategy for Warwick Farm.

The strategic review has determined that there is no certainty that the long-running conflicts will disappear and that, in fact they may get worse. The studies commissioned have clarified the significant constraints affecting the precinct and the risks that the proposed rezoning introduces to existing industrial uses, to horse training activities in the Munday Street precinct and to the racecourse itself. The precautionary principle dictates that this proposal should not be supported because it would put existing and future jobs at risk.

Moreover, the community consultation undertaken indicates a lukewarm response at best. In the meantime the GSC collaboration area workshops have just commenced, promising a process that will find solutions to entrenched problems, like congestion and economic growth through collaboration across government agencies.

Having regard to the investigations undertaken for the draft Warwick Farm Precinct Strategy, Council officers have made the following conclusions regarding the Masters Planning Proposal:

- The future of the Masters Site is inextricably linked to the future of the Munday Street Precinct. Consequently the zoning of the Masters Site should be compatible with the preferred future land uses of the Munday Street Precinct. It is inappropriate to rezone the site in isolation as it would exacerbate existing conflicts and result in poor amenity outcomes for existing homes and new residents of the site;
- There is no compelling need for residential high density on the site and nor is there a convincing argument that the current zone is not viable;
- The road network capacity limits the number of dwellings that can be constructed across the broader precinct, making it important to choose the most suitable location for further residential development. The strategy indicates that the residential sub precinct north of the Hume Highway is better suited to absorb the capacity;
- The Munday Street sub precinct does not offer sufficient amenity or services to support high density residential development as it is surrounded by industrial activities and heavy transport routes, it is isolated from the City Centre and lacks necessary social infrastructure;

- There is a risk that future residents would negatively impact on existing viable industries in the southern industrial area;
- There is no certainty that the stables would transition to the racecourse, risking existing jobs and impacting on the viability of the racecourse itself; and
- Flooding and odour are significant constraints to residential development in the area.

It is considered that the appropriate land use for the Munday Street Precinct is employment activities and any future rezoning should be focused on opportunities associated with health and education. Consequently, it is considered that the Planning Proposal to rezone the Masters Site to R4 lacks strategic merit. It is recommended that a further report be submitted to Council explaining fully why the proposal should not be supported.

CONSIDERATIONS

Economic	Enhance the environmental performance of buildings and homes. Facilitate economic development.
Environment	Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses. Promote an integrated and user friendly public transport service.
Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act.

ATTACHMENTS

1. Report to Council meeting of 22nd February 2017⇒ (Under separate cover)
2. Draft Warwick Farm Precinct Strategy⇒ (Under separate cover)

DPG 03

Planning Proposal for Lot 1 Governor Macquarie Drive, Warwick Farm rezoning from B5 Business Zone to R4 High Density Residential Zone

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	028756.2017
Report By	Toni Averay - Director Planning & Growth
Approved By	Kiersten Fishburn - Chief Executive Officer

Property	Lot 1 Governor Macquarie Drive
Owner	Hydrox Nominees Pty Ltd
Applicant	Warwick Farm Village Pty Ltd

EXECUTIVE SUMMARY

This report details the planning proposal submitted by Warwick Farm Villages Pty Ltd for Lot 1 Governor Macquarie Drive, Warwick Farm (Lot 1 DP 1162276), and recommends Council support a reduced residential density with a maximum floor space ratio (FSR) of 2:1 which equates to approximately 500 residential dwelling units. Subject to the applicant providing a modified planning proposal reflecting the reduced density, it is recommended the CEO be delegated authority to finalise the planning proposal and submit to DPE for Gateway approval.

The planning proposal as submitted seeks to amend the Liverpool Local Environment Plan (LLEP) 2008 to rezone the site from B5 Business Development to part R4 High Density Residential and part B4 Mixed Use with associated modifications to the FSR from 0.75:1 to 3.5:1 and height of building (HOB) from 15m to part 45m and part 100m.

The planning proposal as submitted by the applicant would facilitate development of the subject site on a scale of approximately 950 residential units in apartment block-form ranging up to 30 storeys and include up to 5000sqm of retail floor area.

**LIVERPOOL
CITY
COUNCIL**

2

**ORDINARY MEETING 22 FEBRUARY 2017
PLANNING AND GROWTH REPORT**

Council's Planning and Development Committee discussed the planning proposal at its meeting on 7 December 2016, where three options were considered:

1. *Reject the planning proposal as submitted on planning grounds because the proposal lacks strategic or site specific merit; or*
2. *Defer consideration of the planning proposal until Council has adopted a broader precinct-wide strategy for Warwick Farm; or*
3. *Request a modified planning proposal with a reduced FSR of 2:1 which equates to approximately 500 residential apartments.*

This report recommends Council support Option 3.

The applicants have been in discussion with Council officers regarding the subject planning proposal since May 2015. In response to feedback from Council officers during this time, the applicants have revised the proposed residential density from approximately 1400 residential units when discussions first commenced, to the current 950. The applicants have also undertaken a range of supporting studies, including a comprehensive social impact assessment. The planning proposal was formally lodged on 11 November 2015.

Traffic and transport impacts are the most important and complex considerations in the assessment of this planning proposal. Council officers and RMS and TfNSW officers are currently unable to support the proposed residential density in the absence of broader planning and regional traffic upgrades. However, Council's traffic assessment is that a level of development similar to the density west of the Warwick Farm Station can be supported at this time, noting that the applicant proposes a VPA to make a significant contribution to the construction of a bypass road. The bypass road is essential to resolve the long standing traffic and land use conflicts which exist in this area and has been the subject of representations from residents over several years. The bypass road is discussed in more detail in this report.

A reduced density with an FSR of 2:1 which equates to approximately 500 residential apartments would be consistent with the level of other R4 development close to the development site and would also reduce the social impacts of the proposed development. Detailed traffic and flood modelling are recommended to be conditioned as part of a Gateway approval.

The proposed development provides the opportunity to deliver approximately 500 new dwellings, including approximately 25 key worker dwellings, within 5 minutes' walk of a railway station connecting to regional transport services. The acceleration of housing supply is one of the top priorities for the NSW State Government. The draft amendment to *A Plan for Growing Sydney* released in November 2016 notes that Councils are in the best position to investigate opportunities for medium density housing in urban renewal precincts within 1-5 kilometres of regional transport.

The applicant has also proposed to enter into a VPA to contribute to the construction of the Warwick Farm bypass road. The Warwick Farm area is undergoing significant change with ATC developments and GMD upgrade works underway. Council officers propose to undertake a dedicated master planning exercise for the area as part of the current LEP review but planning is in the early stages. A precinct plan will enable a strategic and collaborative approach to the development of the broader Warwick Farm precinct, consistent with the Draft South West District Plan. The future precinct plan will ensure that the current land use conflicts are resolved and will address amenity outcomes for residents and businesses in the locality as a whole. It is considered that a modified planning proposal of 500 units can be supported and can progress concurrently with the broader precinct planning work.

Preliminary discussions have been held with DPE on this report and the recommendations. DPE officers have expressed in principle support for the recommended approach.

A report on the proposed Strategic Framework for the LEP review will be finalised for the March Council meeting and will include discussion on the proposed Warwick Farm precinct plan.

RECOMMENDATION

That Council:

1. Endorses in principle the planning proposal for Lot 1 Governor Macquarie Drive, Warwick Farm, subject to the applicant submitting a modified proposal with a maximum floor space ratio (FSR) of 2:1 which equates to approximately 500 residential dwelling units.
2. Delegates to the CEO the authority to finalise the modified planning proposal and submit to DPE for Gateway approval with a recommendation that detailed traffic and flood modelling be included as Gateway conditions;
3. Notes that the CEO will finalise negotiations regarding the proposed voluntary planning agreement and public benefit offer and any other relevant conditions as required to support the proposal, with a report to be presented to a future Council meeting;
4. Notes that funds will be sought in the capital program in the 2017/18 budget to progress land acquisitions for the bypass road; and
5. Notes that a report on a draft Warwick Farm precinct plan will be presented to the July 2017 Council meeting.

REPORT

Site Context

The subject property is located on Governor Macquarie Drive in Warwick Farm, approximately 1.5 kilometres north-east of Liverpool City Centre. It is a triangular site, 2.93

hectares in size, with frontages along Governor Macquarie Drive, Warwick and Munday Streets. Warwick Farm Train Station is located to the west of the site. The lot is currently vacant but with substantial tree cover.

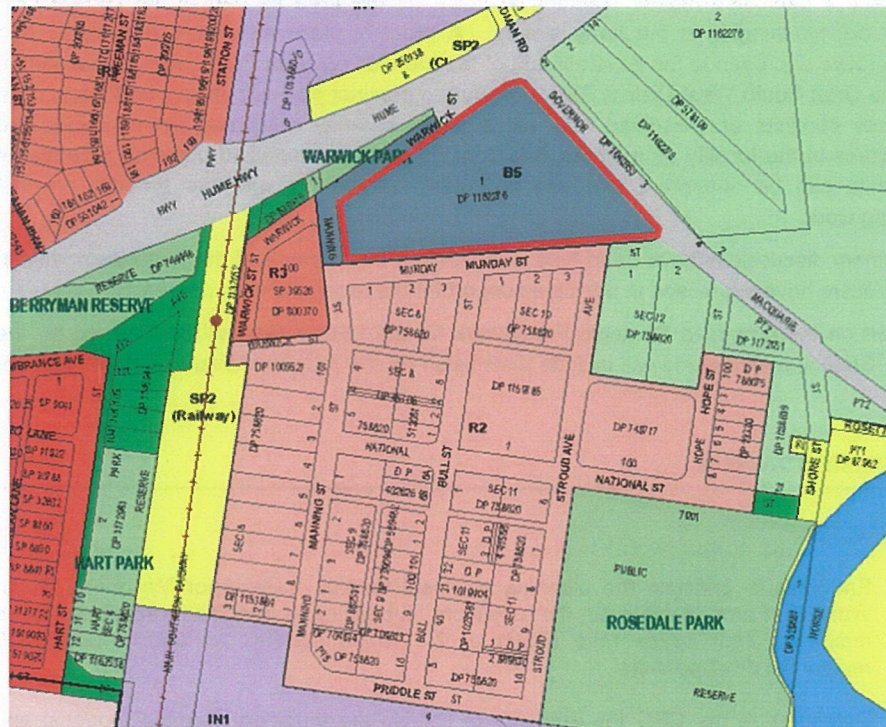


Figure 1: Planning Proposal Site at Lot 1 Governor Macquarie Drive highlighted in red border

The subject site is surrounded by a number of different land uses. The area immediately to south is largely low density residential and predominantly occupied by horse stables and training facilities associated with the Warwick Farm Racecourse, located immediately to the east, opposite Governor Macquarie Drive. To the west, next to Warwick Farm Train Station, is a small clustering of two storey town-homes. Also in proximity to the subject site is an industrial area, just south of the horse-training precinct, supporting operations such as Direct Freight, Visy and Liverpool Hospital's bulk distribution facilities. Within the south-east section of this local area is situated Rosedale Oval and Sydney Water's sewerage treatment facility.

Background

The subject site was previously part of the Australian Turf Club (ATC) Warwick Farm Racecourse landholding. To improve the racecourse facilities, the ATC underwent a rationalisation of their landholdings and disposed of residual land to assist in consolidating and financing upgrades to the racecourse and thoroughbred horse facilities.

LLEP 2008 Amendment No. 18 was gazetted on 9 December 2011 which rezoned the subject site from part RE2 Private Recreation and part R2 Low Density Residential to B5

Business Development. A VPA between the ATC and Council required upgrades to the intersection of Governor Macquarie Drive and Munday Street, including traffic lights to accommodate additional traffic volumes. The amendment was supported by Council on the grounds that there was a local and regional level demand for bulky goods retailing.

Following the LEP amendment, development consent was granted in February 2013 (DA-1321/2011) for a home improvement centre (a Masters development). However, the Woolworths Group has not developed the site but instead entered into contractual arrangements with the current applicant who is seeking to rezone the site to high density residential and mixed use. As a result, the site remains vacant.

The Planning Proposal

Warwick Farm Village Pty Ltd, initially lodged the planning proposal in November 2015. Council officers did not support the proposal which sought a 4.5:1 FSR, approximately 1400 residential units and 2,500sqm of retail floor space, and HOB of 100m or up to 30 storeys. Identified adverse impacts included the scale of the proposal, shadowing, traffic conflicts, existing land use conflicts and flooding constraints. The proponent subsequently revised the planning proposal and resubmitted it to Council in October 2016 – See Attachment A – the link to this document can be found on the following Council website page <http://www.liverpool.nsw.gov.au/council/council-meetings#agendas>

The revised proposal seeks the following:

- Rezone the site from B5 Business Development to part R4 High Density Residential and part B4 Mixed Use;
- Increase the HOB from 15m to part 45m and part 100m;
- Increase the FSR from 0.75:1 to 3.5:1 (facilitate approximately 950 residential apartments); and
- An additional use provision allowing up to 5,000sqm of retail floor space.



Figure 2: Planning Proposal Concept Design

Site Specific Merit

An assessment of potential impacts has been undertaken to determine the proposal's site specific merit. The considerations for assessing the proposal include:

- Existing issues in Warwick Farm
- Suitability of high density residential
- Urban design
- Traffic and transport Impacts
- Social impacts
- Flooding impact

Existing Issues in Warwick Farm

This area of Warwick Farm is unique because it accommodates a variety of conflicting land uses within a relatively small area. The land uses include low and medium density residential uses within the north and west sections; the equine-related activities supporting the Warwick Farm Racecourse that occupy the bulk of area, including the north, east and middle sections; the industrial, logistics and warehousing, operations to the south; and the regional waste treatment facility at the south-eastern edge of the precinct.

Given the number of competing priorities within this area and between stakeholders, Council undertook a review to determine the most appropriate way to resolve the land use conflicts (Figure 2). The Strategic Review of the Warwick Farm Horse Training Precinct was adopted by Council in June 2012. The purpose of this study was to gain an understanding of the

complex issues surrounding the existing uses and the future development of this area of Warwick Farm. The review findings were as follows:

- There are significant challenges to reducing conflicts between residential, equestrian and industrial uses;
- Heavy vehicle movements, generating from the industrial area, significantly impact the established residential and horse training areas;
- There are severe constraints on the local and regional road network, creating significant traffic safety concerns, especially at the Munday Street intersection with Governor Macquarie Drive;
- The significant demand for on-street car parking on local roads close to Warwick Farm Train Station generates conflict;
- The area has poor pedestrian and cycle connectivity as a result of inadequate infrastructure;
- Safety of horses and trainers is an on-going concern;
- There is a lack of services and amenity for the residential community; and
- The Sewerage Treatment Facility impacted the amenity of the local area.

The Council resolved not to permit any increase in residential density within the area because it would exacerbate the existing conflicts identified.

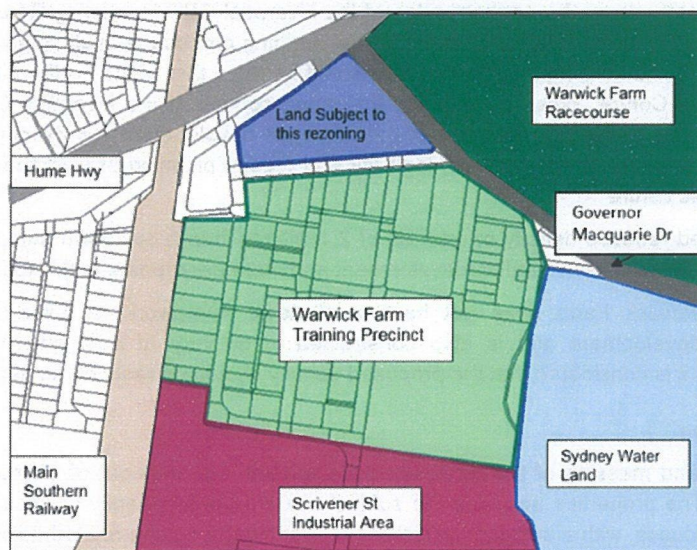


Figure 3: Precincts within Warwick Farm

It is noted that after the completion of the Strategic Review of the Warwick Farm Horse Training Precinct, there has been a number of approved development applications for industrial and equestrian uses. As of 2013, 19 development applications have been approved by Council:

- 5 development approvals within the Warwick Farm Industrial Precinct at a calculated cost of works of \$610,000

- 14 development approvals within the Warwick Farm Horse Training Precinct at a calculated cost of works of \$148,304,372

Existing B5 Business Development Zone on site

As noted above, LLEP 2008 Amendment No. 18 was gazetted on 9 December 2011, and the subject site was zoned B5 Business Development.

Council at the time considered the B5 Business Development zone to be the best use for the subject site, in consideration of the land use conflicts in the area. It was satisfied that there was sufficient demand for bulky goods retailing within the regional catchment and that the site was adequately connected to the regional road network, providing access for the consumer catchment and the enterprise corridors along Hume Highway and Cumberland Highway. Additionally, the subject property was able to provide a large floor plate required to bulky goods retailing.

Subsequently, the applicant determined that the proposed B5 development was no longer commercially viable and that it would not proceed.

Suitability of High Density Residential

As noted above, the subject site adjoins a number of non-residential land uses. It is also separated from other high density residential areas by the Warwick Farm railway station. By way of comparison, the northern edge of the Liverpool CBD in existing R4 areas has an FSR of 1.5:1-2:1 and a HOB of 35m-45m. The planning proposal as submitted is seeking a density (FSR) and building heights that that would be twice that of the northern edges of the Liverpool City Centre. When considering the urban context of the Liverpool CBD and the spatial hierarchy of the city, the scale of the proposed development in proximity to the CBD would undermine the predominance, legibility and orderly planning of Liverpool City Centre as a 'strategic centre'.

The proposed reduced density of an FSR of 2:1 will result in a built form outcome which is more compatible with surrounding development and more appropriate in this location.

Currently Warwick Farm does not have a strategic framework to guide high density residential development and is also constrained in delivery of adequate infrastructure. Accordingly, it is considered that the proposed density should be reduced as detailed above.

Urban Design

The height and massing of the proposed development, currently out of character with the local area. The properties adjoining the subject site are predominantly low-scale 1-2 storey residential houses, with a substantial number supporting the equine-related activities.

The precinct planning process is important to establish future land development patterns and uses. A petition by Warwick Farm residents seeking rezoning to R4 High Density Residential was submitted to Council in March 2016. The petition was signed by 39 Warwick Farm equestrian precinct property owners. Council received further representations from a number of residents in December 2016 supporting the subject planning proposal and urging Council to progress the rezoning of the broader precinct.

The concept plan submitted by the application lacks sufficient justification for this level of density in this area, noting the existing context of the place and likelihood of adverse visual

and overshadowing impacts on the adjoining properties. This further supports the officer recommendation for the proposed density of the proposal to be reduced.

The proposal states that compliance in respect of privacy and overshadowing will be demonstrated as part of any future development application which will address the SEPP 65 Design Quality of Residential Flat Buildings.

The subject site and Warwick Farm are not part of Liverpool City Centre, which is identified in regional and sub-regional plans as a 'strategic centre'. Warwick Farm is not supported by an adequate level of social or physical infrastructure to provide services and amenities required to sustain the level of density as proposed. The scale of the proposed development, is not sympathetic to the local environment and could undermine Liverpool City Centre's strategic placement as a key centre in Sydney's southwest. It is recommended a reduced FSR of 2:1 and a maximum height of 45m be supported and the applicant be requested to modify the planning proposal accordingly.

Traffic and Transport Impacts

Traffic and transport impacts are the most important and complex considerations related to this planning proposal. These will be discussed under three key headings below as follows:

- Proposed road improvements in the Warwick Farm area;
- RMS and TfNSW comments; and
- Council's Traffic Transport assessment and conclusion.

The developer has offered to enter into a VPA with Council to deliver substantial road upgrades required in the area, including a significant contribution to the proposed bypass road (discussed further below). The Council officer conclusion is that the planning proposal can be supported to proceed to Gateway with a reduced density based on a maximum FSR of 2:1 which equates to approximately 500 units, subject to Gateway conditions requiring precinct traffic modelling to be completed, and the VPA being finalised prior to gazettal.

Proposed Road Improvements in the Local Area

Council has identified the need for the following road improvements in the local area to accommodate existing, recently approved and future additional developments:

- **Governor Macquarie Drive (GMD), Hume Highway to William Long Bridge** – Road widening of the section between Hume Highway and William Long Bridge to a four lane road, is required to reduce existing traffic congestion, particularly during morning and evening peak periods,

GMD is currently a regional road, under the care and control of Council. It is an important road link between two State roads, and it is being used as an arterial road. Council has made several representations to the State Government for the road to be reclassified as a State road to be managed by the RMS. However, to date the RMS has responded that the GMD traffic volumes do not meet the criteria for a classified State road.

In the meantime, Council has continued to require improvements to GMD in association with development proposals. The Australian Turf Club (ATC) entered

into a VPA with Council in 2010 to undertake a number of roadworks to support the rezoning of three land parcels along GMD, linked to future development approvals. Recent approvals for an industrial development (*Stockland DA-333/2015 approved by the JRPP on 13 April 2016*) and the Inglis equestrian sales and hotel complex (*DA-1211/2015 approved by the JRPP on 15 June 2016 and now under construction*) have triggered major works on GMD, including widening of approximately 800m of the road. The road widening is expected to be carried out this calendar year.

Should the planning proposal the subject of this report be supported, the developer will be required to widen the section of GMD fronting the development site (between Hume Highway and Munday Street). Subject to funding, road widening of the remaining section of the GMD, between Munday Street and the ATC works, will be carried out in the medium term.

- **Hume Highway and GMD intersection upgrade** – The required intersection upgrade is a shared responsibility of RMS and Council.

Preliminary designs for the required upgrade have been prepared and a significant portion of the land required has been dedicated by ATC under the 2010 VPA.

Council will continue to work with the RMS and subject to funding, including developer contributions, the upgrade should be carried out in the medium term, preferably prior to full occupation of the proposed development under the planning proposal.

- **Manning Street Bypass** – Council has identified the need for a Manning Street bypass road, from GMD along Shore Street to Priddle Street, to address the existing conflicts between heavy vehicles and horse movements across Manning Street.

Council established the Warwick Farm Steering Committee to discuss land use conflicts within the Warwick Farm precinct and to progress considerations for a bypass road to resolve these conflicts. Committee discussions and recommendations are discussed further below. Committee members and residents have advocated for Council to design and construct the road over several years.

Council resolved in July 2016 to again progress the project. Concept and detailed designs of the bypass road are being finalised and funding will be sought in next financial year's budget for the required land acquisition for the road.

- **GMD and Munday Street Intersection** – The current seagull intersection is unsafe and unsatisfactory and urgently requires upgrading. Under the ATC VPA previously discussed, Council the intersection is to be upgraded to a signalised intersection prior to an OC being issued for the industrial development on the Coopers Paddock site. As noted above, in April 2016, the JRPP approved a development proposal by Stockland for industrial development on the Coopers Paddock site fronting GMD near the William Long Bridge. The required civil and traffic signals works have been

approved by Council and the RMS. The intersection upgrade is expected to be carried out during this calendar year.

The traffic signals will permit safe and efficient traffic movements to and from the planning proposal site, while also addressing current safety and traffic conflicts at the intersection. Due to the close proximity of the GMD/Munday Street and GMD/Shore Street intersections, the traffic signals at the GMD/Munday Street will be decommissioned, once the bypass road and associated traffic signals at the Shore Street intersection are completed. At that time, left in/left out only turns will be permitted at the GMD/Munday Street intersection and a load limit will be imposed to restrict heavy vehicles on Munday Street.

RMS and TfNSW comments

RMS and TfNSW have submitted joint comments. Their submission suggests that the planning proposal may set a planning precedent for the Warwick Farm Precinct, with associated cumulative traffic and transport impacts on the regional road network and public transport infrastructure. The concerns regarding public transport are surprising given that the site is adjacent to the Warwick Farm railway station.

These comments further support Council's proposed precinct planning approach to the Warwick Farm area more broadly, which will require an associated transport improvement plan to accommodate the additional developments.

Council officers met with RMS representatives, to clarify their submission and requirements for the assessment of the planning proposal. The RMS representatives confirmed their preference for a Warwick Farm Precinct Plan which would take into consideration the subject planning proposal and employment land uses.

However, should Council support the recommendation for the proposal to proceed to Gateway, the cumulative transport impact assessment can be conditioned as a Gateway requirement. This would be consistent with the approach that has been taken with a number of other planning proposals in and around the Liverpool city centre. The developer would also be required to undertake specific works and make a monetary contribution towards local and regional road improvements to accommodate the traffic/transport impacts of the proposed development.

Traffic and Transport Assessment and conclusions

Council's Traffic and Transport Department has reviewed the proposal and accompanying Traffic Impact Assessment Report and provided the following comments:

The Traffic Impact Assessment Report has assessed a development with 950 units and 3,800m² of commercial use, instead of a development yield with 950 units and 5,000m² of retail use, proposed in the planning proposal.

In addition, the traffic generation potential of the planning proposal has been estimated based on a trip generation rate of 0.19 and 0.15 vehicles per hour, per unit, during weekday

morning and afternoon peak hours respectively. These rates are based on surveyed sites close to public transport hubs such as Parramatta, Chatswood and Strathfield.

Based on existing travel characteristics for Warwick Farm (from TfNSW Journey to Work data), a trip generation rate of 0.29 vehicles per hour, per unit, is considered the appropriate traffic generation rate.

Based on a trip generation rate of 0.29 vehicle per hour, per unit, and RMS specified traffic generation potential of 12.3 veh/hour, for the retail component, the planning proposal, could generate traffic volumes of approximately 760 veh/hour during the morning and afternoon peak periods.

These traffic volumes would result in a significant increase in traffic movements on the surrounding road network, i.e. Hume Highway, Governor Macquarie Drive and Munday Street. In addition, the development would be expected to generate significant pedestrian movements. The proposed residential and retail developments would also exacerbate vehicle, horse and pedestrian conflicts.

The following road improvements will be required in the Warwick Farm area to accommodate the planning proposal and existing and background traffic growth, along with traffic arising from other planned additional developments in the area:

- GMD - Road widening of the section between Hume Highway and Shore Street to a four lane road.
- Bypass road - Construction of the bypass road and signalised intersection at GMD and Shore Street.
- GMD and Munday Street intersection – Signalisation until completion of the bypass road and traffic signals at GMD and Shore Street, after which the signals will be decommissioned and the intersection modified to left in/left out only.
- Hume Highway and GMD intersection – Intersection upgrade to provide two right lanes from Hume Highway into GMD, a left slip lane from Hume Highway into GMD, and a dedicated left turn lane from GMD into Hume Highway.

In addition, the subject proposed development will be required to reconstruct the section of Warwick Street fronting the development site.

As noted above, at the December briefing to the Planning and Development Committee, the following three options were discussed:

1. *Reject the planning proposal as submitted on planning grounds because the proposal lacks strategic or site specific merit; or*
2. *Defer consideration of the planning proposal until Council has adopted a broader precinct-wide strategy for Warwick Farm: or*

3. *Request a modified planning proposal with a reduced density based on an FSR of 2:1 which equates to approximately 500 residential apartments.*

As discussed during the briefing session, the traffic assessment is that an FSR of 2:1 which equates to approximately 500 residential units can be supported on the site, subject to the completion of detailed traffic modelling following Gateway approval and the range of traffic improvements discussed in this report.

Proposed Voluntary Planning Agreement (VPA)

To support the subject planning proposal, the developer has submitted a public benefit offer to Council. The developer will enter into a VPA in association with the planning proposal, and will also make required Section 94 developer contributions in accordance with Council's Section 94 contribution scheme as part of future DA approvals.

Through the VPA, the developer proposes to contribute an amount of \$10,000 per residential dwelling unit towards the construction of the future bypass road. This commitment is consistent with Council's adopted Planning Agreement Policy, which identifies a developer contribution under a VPA for planning proposals of \$10,000 per unit for non-waterfront development, and \$15,000 for waterfront development.

The developer will also contribute towards the following road improvements:

- Traffic congestion mitigation measures in Manning and Munday Streets; and
- Upgrading of existing cycle ways and pedestrian walkways between Warwick Farm and Liverpool CBD with regard to continuity and signage.

In addition, the following works will be required to be carried out by the developer to accommodate the traffic impacts of the proposed development:

- GMD - Road widening of the section fronting the development site to a four lane road.
- Hume Highway and GMD intersection – upgrade to provide a dedicated left turn lane from GMD into Hume Highway.
- GMD and Munday Street intersection – Upgrade to left in/out and decommissioning of signals, only when bypass road is completed.

These road works and contributions are to be agreed to in-principle for the planning proposal to proceed to Gateway.

The applicant has also proposed to include 5% key worker housing within the development.

Warwick Farm Steering Committee and residents' petition

Council established the Warwick Farm Steering Committee to consider the following:

- Investigate potential impacts of imposing trading hour restrictions on racing community and industrial area

- Determine appropriate economical means of minimising impacts on majority of stakeholders
- Reducing land use conflicts
- Possible construction of bypass road

A petition by Warwick Farm residents seeking rezoning to R4 High Density Residential was submitted to Council in March 2016. The petition was signed by 39 Warwick Farm property owners. Council received further representations from a number of residents in December 2016 supporting the subject planning proposal and urging Council to progress the rezoning of the broader precinct. Copies of these documents are attached for the information of Councillors.

At the Committee Meeting of 5 July 2016, the Committee members were informed that Council is undertaking an LEP Review which includes the Warwick Farm Precinct as a whole. Concerns were raised by Committee members about the timing of construction of bypass road and the fact that they have not seen any progress on the road despite previous commitments by Council to commence the project.

At the following Council meeting of 27 July 2016, Council resolved as follows:

That Council receives and adopts the Minutes of the Warwick Farm Steering Committee Meeting held on 5 July 2016 noting the following resolutions made by the Committee:

- (a) A/CEO to prepare within one week a timeline to complete detailed design and costing, land acquisition and necessary approvals to commence the bypass road construction (putting aside the funding issue).*
- (b) A/CEO to write to State Government to seek dedication of required State land at no cost to Council for construction of bypass road.*

Council officers advised that subject to the land acquisition being finalised and funding being available, construction can be started in the second half of 2017/18 financial year. Funds will be sought in the capital program in the 2017/18 budget to progress land acquisitions. Multiple representations to the State government over several years seeking State government land dedication have been rejected. Following the July Council meeting, officers again wrote to the State government and received another response advising that the land would not be dedicated. Copies of relevant correspondence are attached for the information of Councillors.

Economic Impacts

The current B5 zoning on the site supports bulky goods development. However, as noted above, the owner has determined not to proceed with the proposed bulky goods hardware development on economic grounds. While the application is not supported by a detailed economic study, a number of new employment generating developments have recently been approved within the immediate vicinity, including the Stockland industrial development and the Inglis equestrian sales and hotel development, with the Inglis development under construction. Additionally, the planning proposal includes up to 5000m² of retail floor space. The proposed retail uses include a small supermarket to support the local Warwick Farm

community. There are currently no retail facilities for this community with the nearest supermarket being located at Chipping Norton. The proposed future supermarket and café will represent both an economic and a social benefit for this community.

The planning proposal also proposes community facilities and publically accessible open space, and the applicant has noted that it will not compete with or impact on the primary role and function of the Liverpool Central City. Rather, the increase in residential population will provide economic support to the businesses and services in the commercial core of Liverpool. It is also noted that the site is ideally positioned as a Transit Oriented Development given it is adjacent to the Warwick Farm railway station.

The future Warwick Farm precinct planning process will include an economic study to consider the economic viability of the horse training. It is noted that while the ATC has verbally advised that it has no plan to repurpose the racecourse at this time, residents have written to Council with anecdotal reports of relocation plans by 2020-2021. The main issue for the Warwick Farm precinct is to resolve the current land use and traffic impacts. The industrial precinct to the south has been the subject of substantial major investment, particularly with companies such as Direct Freight and Visy. There is a pressing need for the bypass road to be constructed to resolve existing conflicts and to enable the future economic opportunities for the precinct to be considered in the proposed precinct planning process. The VPA proposed by the applicant presents an opportunity to progress the bypass road, delivering a significant community benefit and addressing long-standing traffic conflicts.

Social Impacts

The proponent has invested in a comprehensive Social Impact Assessment (SIA) (Refer to Appendix C in Attachment 1) to identify the requirements to support the proposed residential density. The proposal indicates that the increased density as a result of the redevelopment of the site will produce positive social outcomes such as increasing the diversity of housing to meet demographic and cultural change. The study also includes a range of recommendation to address any adverse impacts. The key recommendations include the following areas:

Transport and accessibility

- Traffic
- Walkway and cycleway connectivity

Amenity

- Development amenity
- Urban integration

Services and facilities

- Community and cultural services
- Recreation and open space

In summary, the SIA commissioned by the proponent, recommends a number of facilities and infrastructures upgrades. The study suggests that these can be addressed through a VPA or other contributions.

It is considered that the SIA recommendations will provide a basis for appropriate conditions in future development applications. The proposed reduced density of approximately 500 residential units will also have a reduced demand on and for social infrastructure. The site is ideally positioned in respect of public transport because of its proximity to the Warwick Farm railway station. The site is also in walking distance to a number of schools on the other side of the railway station. It is also within walking distance to open space at Rosedale Oval and a short drive to extensive open space and recreational areas at Chipping Norton Lakes.

The project will provide additional housing and diversity of housing choice. It is also noted that the applicant has agreed to include 5% key worker housing.

The proposed 5000m² of retail floor space will include a small supermarket to support the local Warwick Farm community. There are currently no retail facilities for this community with the nearest supermarket being located at Chipping Norton. The proposed future supermarket and café will represent both an economic and a social benefit for this community.

The planning proposal will also provide additional recreation and amenity for residents and the broader community. Cycle and pedestrian paths have been designed around the site as well as a supervised children's play area designed to achieve maximum solar access. A public square is also incorporated to encourage the sense of place and belonging which will be an active space surrounded by cafes and restaurant facilities.

Flooding impact

The site is identified as being affected by flooding from the Georges River. The site is wholly affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The planning proposal has not provided sufficient justification in the form of a flood impact assessment, an indication of potential impacts for the site or the local area as a result of the proposed development, or options for mitigation to address the potential flood risk.

The applicant will be required to comply with Ministerial Direction (Section 117 Directions 4.3 Flood Prone Land) prior to the proposal being gazetted. It is recommended that the proponent be required to undertake a comprehensive flood impact study and modelling analysis as a Gateway condition.

Housing Delivery priorities for Greater Sydney

The acceleration of housing supply is one of the top priorities for the NSW State Government.

In September 2015, the former Premier Mike Baird announced 12 Premier's Priorities and 18 State Priorities which included the delivery of more housing for the growing population of NSW. NSW's population is expected to grow by more than 100,000 every year. By 2036, an extra 2.1 million residents will need somewhere to live. Key considerations included:

- Increasing housing supply across NSW with the goal of delivering more than 50,000 approvals every year
- Sydney will need 664,000 new homes over the next 20 years.

- Increasing the supply of housing will put downward pressure on prices.

Premier Gladys Berejiklian has advised that her top priorities are as follows:

- local infrastructure;
- housing affordability; and
- building a strong economy, with an emphasis on more jobs.

The government is supporting future growth by establishing housing targets across NSW, and allocating funds to the Housing Acceleration Fund to build the infrastructure to support this growth. However, the housing cannot only be delivered in greenfield areas. Infill housing and urban renewal are also equally important.

The delivery of housing is also prioritised by the GSC in the draft amendment to *A Plan for Growing Sydney* released in November 2016 to accompany the draft District Plans. The draft also notes that there is a need to accelerate housing supply across Greater Sydney: *While the planning system is not responsible for actually building new homes, we have a key role to play in creating opportunities for new housing in the right locations.* The following key considerations are noted in the draft document:

- Projections for growth have been revised up since the release of *A Plan for Growing Sydney*.
- Need to accelerate housing supply across Greater Sydney with an additional 830,000 dwellings required by 2036.
- Create opportunities for new housing in the right locations.
- Urban renewal – focus new housing in existing centres with frequent public transport services within walking distance.
- Councils ideally placed to investigate opportunities for medium density infill in existing areas within 5km catchment of regional transport.

The draft South West District Plan emphasises these priorities and includes the requirement for each Council to develop a local housing strategy. Key considerations for the strategy will be opportunities *to improve housing affordability and for additional capacity around strategic and district centres and other areas with good transport connectivity and service provision.*

This proposed development with the reduced density recommended would deliver approximately 500 new homes in walking distance to the Warwick Farm railway station, which provides a major regional public transport link. The proposal will also deliver approximately 25 key worker dwellings, while the VPA will help fund a vital piece of major infrastructure in the bypass road.

Strategic Merit

The planning proposal process includes an analysis of State and Council planning strategies. A review of the proposal's compatibility with relevant strategies is given below.

A Plan for Growing Sydney

A *Plan for Growing Sydney* is the relevant NSW Government metropolitan strategy for the Sydney area. It includes general goals and directions applicable across the Greater Sydney area and more localised subregional strategies

Goals and Directions

Goals and directions relevant to the planning proposal, along with a summary of the proponent and Council's responses are described in Table 1.

Table 1: Goals and Directions Analysis

Item	Assessment Response
Goal 1: A competitive economy with world class services and transport	
Direction 1.7 Grow Strategic Centres – providing more jobs closer to home	As noted above, Warwick Farm is not a Strategic Centre. This is also identified in Council's adopted ' <i>Residential Development Strategy 2008</i> '. The subject site is geographically isolated by the Warwick Farm Train Station, the Hume Highway, Warwick Farm Racecourse and the George's River.
Direction 1.11: Deliver Infrastructure	The proponent has proposed a VPA to contribute to the construction of a significant piece of infrastructure, being the proposed Warwick Farm bypass road. The proponent will also pay S94 contributions as part of future development consents.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	
Direction 2.1: Accelerate housing supply across Sydney	The proposed development will increase housing supply and choice within Liverpool within close proximity to a railway station. The development will also include 5% affordable housing.
Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs	This direction seeks to support Council-led urban infill and local efforts to lift housing production close to Liverpool City Centre along transport corridors. The proposed development will be a catalyst for urban renewal in Warwick Farm.
Direction 2.3: Improve housing choice to suit different needs and lifestyles.	The direction seeks to promote housing strategies, subdivision of existing housing into medium density housing and the delivery of affordable housing. The planning proposal will lead to the provision of additional housing supply and choice within Liverpool. The densities on the northern edge of the Liverpool CBD, in existing R4 zoned area, have an FSR of 1.5:1 – 2:1 and building heights of 35m-45m. However the current proposed density in the proposal is not consistent with this and accordingly a reduced density of 2:1 FSR as outlined above is more appropriate and consistent with

Item	Assessment Response
	surrounding development. The applicant has also agreed to include 5% key worker housing in the development.
Goal 3: A great place to live with communities that are strong, healthy and well connected	
Direction 3.1: Revitalise existing suburbs	The proposal will help facilitate urban renewal in Warwick Farm. It is noted that the draft South West District Plan highlights that the broader Warwick Farm area is constrained by access, flooding and open space provisions. These issues will be key considerations in the future precinct planning process. The proposed VPA facilitates construction of the bypass road and the future development will be required to address the flooding impacts. It is noted that Rosedale Oval provides a recreational space in the precinct and bikeways will connect the precinct to Chipping Norton Lakes.
Direction 3.3: Create healthy built environments	The proximity of the site adjacent to the Warwick Farm railway station supports public transport use. The current upgrades to GMD associated with ATC development will also deliver a cycle way through to Chipping Norton and provide ready access to the Chipping Norton Lakes recreation area. The site is also in walking distance to Rosedale Oval and several schools on the other side of the railway station, accessed by the railway overpass and lifts.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	
Direction 4.1: Protect our natural environment and biodiversity	The site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event and currently fails to accord with Ministerial Direction (Section 117 Directions 4.3 Flood Prone Land). It is recommended that the applicant be required to undertake a comprehensive flood impact study as part of Gateway approval.

Draft South West District Plan

The Greater Sydney Commission published the *Draft South West District Plan* (District Plan) on 21 November 2016 for public exhibition. The draft District Plan sets out visions, priorities and actions for the development of the South West District of Greater Sydney. The Department's *Guide to Preparing Planning Proposals* states that the draft District Plan is a consideration for determining the strategic merit of a planning proposal.

The proposed development will assist Council in meeting residential and employment targets for the South West District. In particular, it is noted that the development will include 5% key worker housing. Affordable housing is noted as an important requirement in the draft District Plan.

The draft South West District Plan also notes the following issues:

- The level of developer interest in Warwick Farm and the broader constraints in the Warwick Farm area, including access, flooding and open space provisions.
- The need to retain employment land in the area.

It is noted that the current B5 zoning on the subject site did not result in any development on the site. The planning proposal includes 5000m² of retail uses. This will deliver economic and social benefits to the local community and will create new local jobs. The proposed VPA associated with the development will contribute to the construction of the bypass road, which will significantly improve long standing traffic issues and conflicts within the precinct.

The broader constraints will be addressed in the Warwick Farm precinct planning process. The precinct plan will be able to build on the benefits created by the construction of the bypass road.

Action P13 of the *Draft South West District Plan* designates the wider Liverpool City Centre as a Collaboration Area in order to maximise investment, productive and jobs outcomes. This is suggested to be undertaken through coordinated activities across State and local government to provide clarity to the private sector. While the boundary of the Collaboration Area is yet to be determined, it is likely the subject site will be included in this boundary. Given the small scale of the proposed development with the reduced density recommended in this report and the broader benefits it will bring to the Warwick Farm community including economic, social and traffic related, it is considered that the proposal can be supported to Gateway.

Conclusion

The planning proposal for Lot 1 Governor Macquarie Drive, Warwick Farm seeks to amend the LLEP 2008 to rezone the site from B5 Business Development to part R4 High Density Residential and part B4 Mixed Use, with increases to the FSR from 0.75:1 to 3.5:1 and HOB from 15m to part 45m and part 100m. The proposal would facilitate development on a scale of approximately 950 residential units in apartment block form ranging up to 30 storeys and include up to 5000sqm of retail floor area.

This report concludes that a reduced residential density can be supported to proceed to Gateway. It is recommended Council support a maximum FSR of 2:1 which equates to approximately 500 residential dwelling units, with a commensurate maximum building height of 45m.

Council's Planning and Development Committee discussed the planning proposal at its meeting on 7 December 2016 and considered three options:

1. *Reject the planning proposal as submitted on planning grounds because the proposal lacks strategic or site specific merit; or*
2. *Defer consideration of the planning proposal until Council has adopted a broader precinct-wide strategy for Warwick Farm; or*
3. *Request a modified planning proposal with a reduced FSR of 2:1 which equates to approximately 500 residential apartments.*

Option 3 is supported as discussed in this report.

Council's traffic assessment is that a level of development similar to the density west of the Warwick Farm Station can be supported at this time, noting that the applicant proposes a VPA to make a significant contribution to the construction of a bypass road. The bypass road will help resolve long standing traffic and land use conflicts which exist in this area. The bypass road has been the subject of representations from residents over a number of years.

A reduced density with an FSR of 2:1 which equates to approximately 500 residential apartments would be consistent with the level of the development close to the development site and would also reduce the social impacts of the proposed development. Detailed traffic and flood modelling are recommended to be conditioned as part of a Gateway approval.

The VPA proposed by the applicant will significantly contribute to the cost of construction of the bypass road. The applicant has also advised that the development will include 5% key worker housing.

Council officers propose to undertake a dedicated master planning exercise for the area as part of the current LEP review but planning is in the early stages. The future precinct plan will ensure that the current land use conflicts are resolved and will address amenity outcomes for residents and businesses in the locality. It is considered that a modified planning proposal of 500 units can be supported and progress concurrently with the broader precinct planning work.

A report on the proposed Strategic Framework for the broader LEP review, including discussion on the proposed precinct plans, will be presented to the March Council meeting.

CONSIDERATIONS

Economic and Financial	Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways. Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues. Facilitate economic development.
Environmental and Sustainability	Promote an integrated and user friendly public transport service. Support the delivery of a range of transport options.
Social and Cultural	Regulate for a mix of housing types that responds to different population groups such as young families and older people. Deliver high quality services for children and their families.
Civic Leadership and Governance	Foster neighbourhood pride and a sense of responsibility. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Attachment 1 - Planning Proposal - Lot 1 Governor Macquarie Drive Warwick Farm - can be viewed online on Council webpage
<http://www.liverpool.nsw.gov.au/council/council-meetings#agendas>
2. Attachment 2 - RMS and TfNSW Joint Submission
3. Petition by Warwick Farm Residents March 2016
4. Letter from Warwick Farm Resident December 2016
5. Correspondence regarding Land Dedication with State and Federal Agencies
6. VPA Offer March 2016
7. Revised VPA Offer October 2016
8. Latest VPA Offer February 2017

From: elgreko anolofos anolofos@hotmail.com
Subject: Warwick Farm Project
Date: 30 August 2016 at 10:11 PM
To: David Haskew david@haskew.com.au
Cc: Robert Mulder robertjmulder53@gmail.com

Hi David and Robert,

On 29/8/16 I made contact with Darren Troy, a senior officer of the Land and Housing Corporation (LAHC) which manages Housing NSW assets to check whether any formal consultation had occurred with them regarding our rezoning application.

Darren advised that while LAHC has not been formally consulted, Liverpool council is well aware of LAHC's support of our rezoning proposal and due to their need to renew their housing stock. Darren advised that 10% of residential land in the Liverpool LGA is owned by Housing NSW. He expressed a view that our proposal may be caught up with the Liverpool Council LEP review which may explain the length of time it is taking to get a response from council.

Darren further advised that LAHC have just released a site in Warwick Farm and are seeking expressions of interest from the market in developing the site which is 6,500 sq m. The address of the site is 3-13 Mannix St, 2-6 Hinckler St and 2-4 McGirr Pde. This is being done as part of the Communities Plus Program which aims to develop partnerships between govt, non govt and the private sector to develop integrated communities to increase social housing. I have attached the link to this program below. The Warwick Farm site is referred to under Neighbourhood Projects, Release 2. Darren believes that how this progresses will be of interest to us and may further support our proposal.

I have had a look at the site. What the govt proposes under this program would seem to support our rezoning application.

<http://www.communitiesplus.com.au/>

Marina Maroungas
Mob 0412 533 123

Sent from my iPad

30 September 2016

Haskew Planning
PO BOX 810
KATOOMBA NSW 2780

Dear Mr. Haskew,

Re: Planning Proposal – Freeman, Nicholls and Station Streets, Warwick Farm (RZ-1/2016)

I write in response to the above application and subsequent meeting with Council on 23 September 2016.

As discussed, the planning proposal in its current form cannot be supported by Council as it lacks sufficient merit. Council does not have a strategic land use policy for Warwick Farm which can underpin a spot rezoning. However, it was acknowledged that the subject site and Warwick Farm as a precinct, presents opportunities for increased density and higher uses. It was also noted that the site is located in proximity to the Warwick Farm Train Station and is serviced by active and passive public open space. The site is also within relative proximity to the Liverpool CBD which holds regional scale shopping, education, health facilities and community services.

In our discussion, Council expressed a preference to maintain the existing R3 - Medium Density Residential Zone, but is open to examining other development standards, such as Height of Building and Floor Space Ratio, insofar as they adequately respond to the surrounding context and will not undermine the legibility of the Liverpool City Centre. In addition, it is Council's preference that opportunities for a mix of housing types and affordable housing options be explored.

Currently, Council is undertaking a comprehensive review of the Local Environmental Plan for established areas including Warwick Farm. This review is examining opportunities for improved land use including residential densities and higher uses to meet the future demands of the local area. Once these studies are finalised, Council will advise accordingly.

In the meantime, should you wish to revise your proposal to optimise medium density objectives and explore development options that would produce a good outcome for the local area, Council would be happy to discuss the proposal further.

Please do not hesitate to contact Peter Pham, Strategic Planner, on 9821 9266.

Yours sincerely,



Bruce Macnee
Manager Strategic Planning

Planning Proposal

Proposal to Rezone Land Bounded by Freeman Street, Nicholls Street and Station Street, Warwick Farm from R3 – Medium Density Residential to R4 – High Density Residential

Client: Robert Mulder et al.

3 February, 2016

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1 Introduction

This Planning Proposal has been prepared on behalf of a consortium of landowners within the street block bounded by Freeman Street, Nicholls Street and Station Street, Warwick Farm. The Planning Proposal relates to approximately 1.89ha of land on the western side of the Main South Railway Line and to the north of Hume Highway within the street block bounded by Freeman Street, Nicholls Street and Station Street.

The land is presently zoned R3 – Medium Density Residential under LLEP 2008, however but for one existing medium density building at the north western corner of the subject land, all of the land remains under-developed as single detached dwellings.

The principal purpose of the Planning Proposal is to:

- Amend the zoning of the land to R4 – High Density Residential
- Increase the height of buildings development standard to 42m
- Increase the floor space ratio development standard to 2.5:1

The Planning Proposal will be accompanied by a Site Specific DCP which is intended to be inserted as an additional section to Part 2 of Liverpool Development Control Plan 2008 (DCP 2008). The Planning Proposal is accompanied by a Concept Master Plan which provides an indication of the intended development outcome subsequent to rezoning as proposed. However, the preparation of a detailed site specific DCP has been deferred pending completion of all other site specific studies which may be required by either Council or Gateway. It is also the case that redevelopment of the site to 2.5:1 FSR need not necessarily involve a building height of 42m. The Concept Master Plan provides for 6 x 6 storey buildings (~18m height) and 2 x 14 storey buildings (42m height). As will be discussed in detail within this report, the Concept Master Plan is preferred because it results in very good solar amenity to proposed buildings and communal open space areas. Nevertheless, there are other workable design options which could still achieve 2.5:1 FSR, but which would not necessitate the 2 x 14 storey towers. Further decisions in this regard will be made following further discussions with Council officers.

The subject land is situated approximately 80m to the north of the pedestrian entrance to Warwick Farm Railway Station, with that pedestrian route being via the existing underpass beneath Hume Highway. From the northernmost extent of the subject land, the pedestrian travel distance is approximately 350m. Accordingly, the site is ideally located relative to public transport.

The Warwick Farm locality is also well served by public open space. Within very close proximity of the subject land is a plethora of open space areas around the Cabramatta Creek open space corridor. Specific parks within this network include including Berryman Reserve, Durrant

Oval, Warwick Farm Reserve, Hart Park, Rosedale Oval, Hargrave Park and of course Warwick Farm Racecourse.

Employment opportunities are available to the north east of site within Sappho Road, Warwick Farm Industrial Area. This area is also within walking distance of the site, being approximately 1.2km via the Hume Highway, which crosses the railway line immediately adjacent the aforementioned Hume Highway pedestrian underpass. A projected \$70M investment into Warwick Farm has also been recently announced, which will see the relocation of Inglis Thoroughbred Auctioneers from Eastern Suburbs to Warwick Farm¹.

Warwick Farm adjoins and in fact extends into the northern parts of the Liverpool CBD and in this respect, the site is located within close proximity (approximately 1km) to regional scale shopping, education, health and community services. Also located within the Warwick Farm suburb itself is Warwick Farm public school and a small local shop group located at Mannix Parade. The school and local shop group are situated approximately 1.1km and 600m respectively walking distance from the site.

From the above description of the context attributes of the Warwick Farm locality, it is clear that additional population density in this locality is consistent with State Government policy and strategic directions regarding appropriate locations for population growth.

It is also the case that the high-density residential development in this location is consistent with Council's Residential Development Strategy 2008 (RDS) approach of introducing "high-density residential nodes adjacent to main town centres and major transport nodes"². Notwithstanding the above, the RDS did not include the Warwick Farm locality in any of the 12 'Investigation Areas' addressed in detail within the strategy.

Within the Liverpool LGA, there are three suburbs which are serviced by heavy rail infrastructure, Liverpool, Casula and Warwick Farm. Of these, significant high-density residential development opportunity is already available within Liverpool CBD and a high-density node was recommended for Casula in the RDS, despite acknowledgement of topographic challenges to accessing Casula Station. This high-density node was created adjacent to Casula Local Shop Group and not the railway station.

Warwick Farm however, was simply not investigated in the 2008 RDS. Given that Warwick Farm is serviced by heavy rail, does not experience the topographic constraints of Casula and is also so closely situated to Liverpool CBD, the RDS criteria and strategic approach to the location of higher density residential housing clearly operates to support a substantial high-density node in Warwick Farm despite the area not having been specifically addressed within the RDS.

¹ [http://www.liverpool.nsw.gov.au/council/media/media-releases/2015/may-2015/thoroughbred-company-to-build-\\$70-](http://www.liverpool.nsw.gov.au/council/media/media-releases/2015/may-2015/thoroughbred-company-to-build-$70-)

² Liverpool City Council, Residential Development Strategy (2008); pp 19

This Planning Proposal also sets out a schematic vision (Concept Master Plan) of the form and type of high-density residential development which might be encouraged by virtue of amended zoning, building height and floor space ratio controls.

It is expected that NSW Gateway will direct a number of additional detailed studies to be undertaken. It would be premature to attempt to set specific and definitive development controls to guide such future development, ahead of those subsequent detailed studies being undertaken. As such, this Planning Proposal limits the description and analysis of the likely future built form to a broad wireframe. It focuses on key deliverables and desired outcomes and provides a general, broad outline of building envelope and achievable floor space. More granular design detail will be included as part of a site specific DCP to be prepared subsequent to completion of all other site specific studies.

1.1 PROPOSED LEP AMENDMENT

The subject land is presently zoned R3 – Medium Density Residential under LLEP 2008. The existing height of buildings and floor space ratio development standards are, respectively, 8.5m and 0.5:1 (plus 0.05:1 bonus).

The subject Planning Proposal seeks to:

- amend the zoning of the subject land to R4 – High Density Residential;
- Amend the height of buildings maps to specify a maximum building height for the subject land of 42m;
- Amend the FSR Map to specify a maximum FSR for the subject land of 2.5:1

The concept Master Plan seeks to deliver a range of building heights, generally 6 storeys through the central areas of the site with book-end towers at the northern and southern ends of the street block. The existing two storey building at the north-eastern corner of the site is a recently built medium density building which is unlikely to be redeveloped in the short to medium term. Accordingly, the master plan anticipates the retention of this existing building.

Following an assessment of the context and the relevant State and local planning policies, it can be concluded that there is planning merit to the Planning Proposal. It is therefore recommended that this Planning Proposal be favourably considered by Liverpool City Council and that Council resolve to forward it to the NSW Planning and Environment for Gateway determination in accordance with the Environmental Planning and Assessment Act, 1979 to prepare subsequent detailed environmental studies as directed, to prepare a site specific DCP and thence amend LEP in the manner proposed. .

2 Site Details

The subject Planning Proposal relates to all land within the street block bounded by Freeman Street, Nicholls Street and Station Street, Warwick Farm. The site's location is shown in the Regional context as Figure 1. An Aerial Photograph (Neighbourhood Context) and Aerial Perspective (Local Context) are provided as Figure 2 and Figure 3 respectively. An extract of the current zoning map is included as Figure 4.

Figure 1: Site Location (Regional Context)

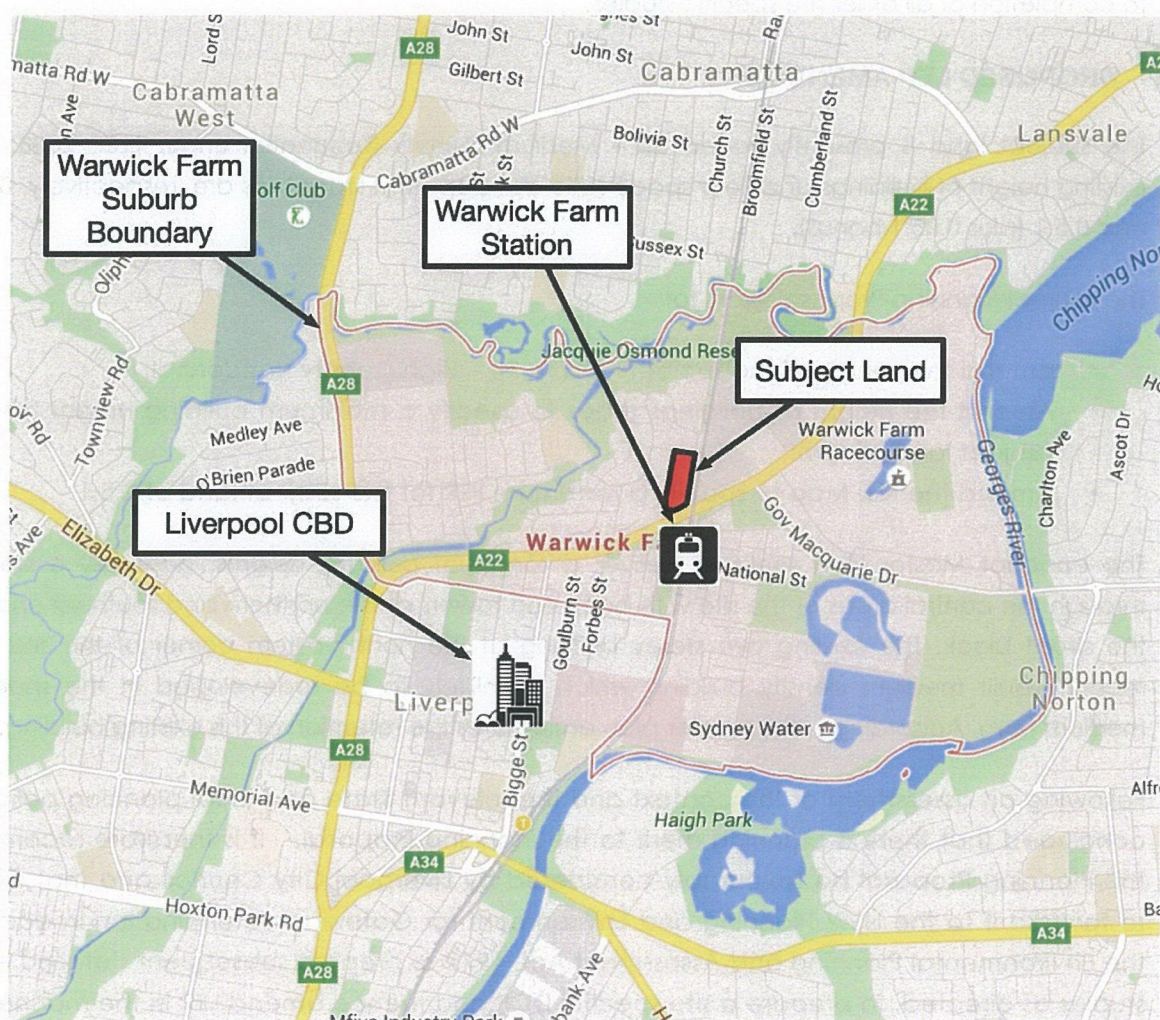
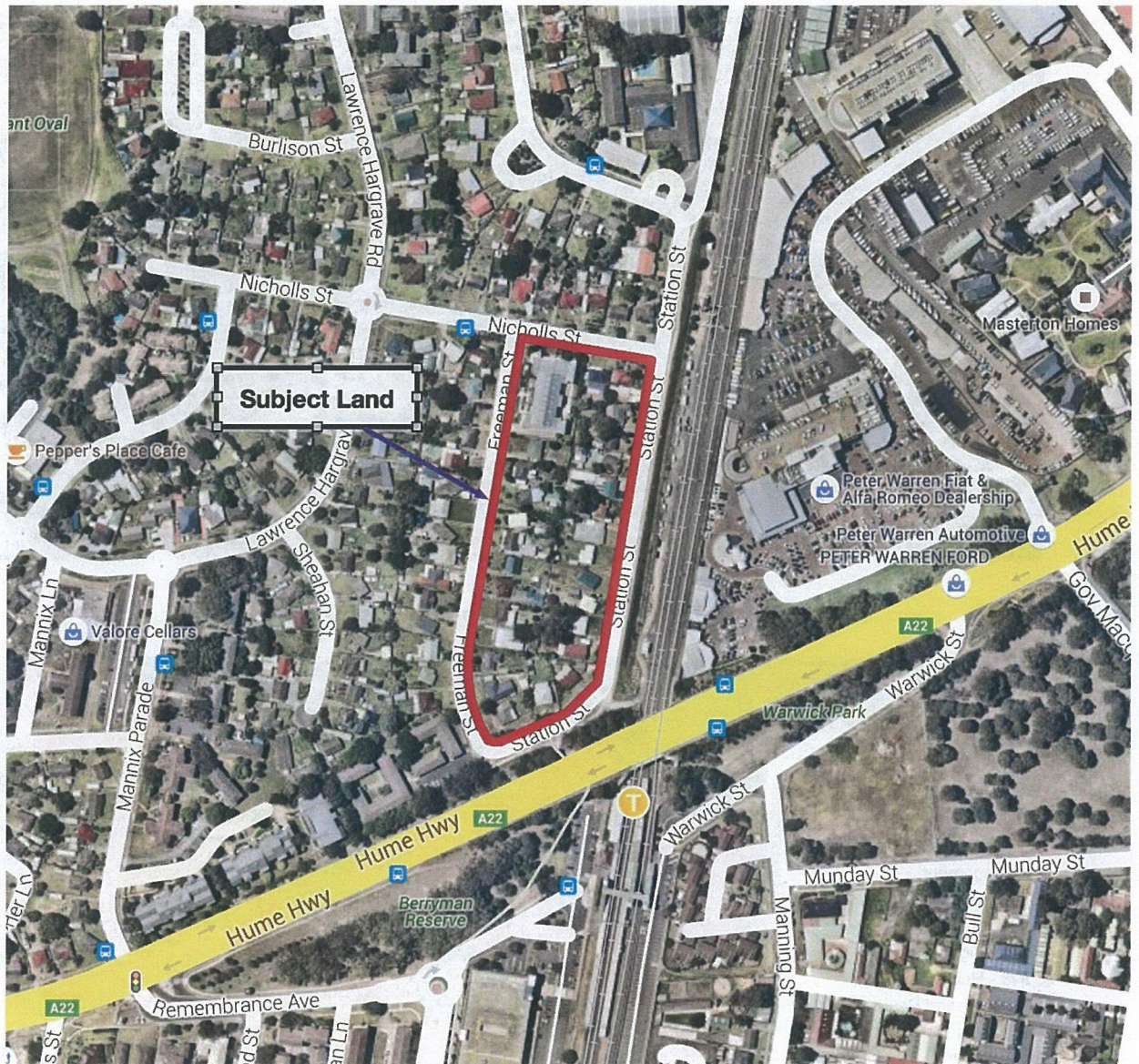


Figure 2: Site Location (Aerial Photograph – Neighbourhood Context)



An aerial photograph showing a residential and commercial area in Hume, Victoria. A specific parcel of land is highlighted with a red outline and labeled "Subject Land". This land is situated between Station Street to the south and Hume Highway to the west. To the east of the subject land is the Main South Railway Line, which includes a railway station. The surrounding area consists of a mix of residential houses, commercial buildings, and parking lots. The image is labeled with "Railway Station", "Subject Land", "Station Street", "Hume Highway", and "Main South Railway Line".

Legend:

- E1 - National Parks and Nature Reserves
- E2 - Environmental Conservation
- E3 - Environmental Management
- E4 - Environmental Living
- IN1 - General Industry
- IN2 - Light Industry
- IN3 - Heavy Industry
- R1 - General Residential
- R2 - Low Density Residential
- R3 - Medium Density Residential
- R4 - High Density Residential
- R5 - Large Lot Residential
- RE1 - Public Recreation
- RE2 - Private Recreation
- RU1 - Primary Production
- RU2 - Rural Landscape
- RU4 - Primary Production Small Lots

2.1 SITE DESCRIPTION

The subject land comprises 28 allotments contained within the street block of Freeman Street, Nicholls Street and Station Street. Of these, the owners of 2-4 Nicholls Street, 3-11 Station Street and 8-12 Freeman Street form a landowner's group who are the applicants for the Planning Proposal.

The subject precinct is approximately 250m long on its north-south axis and approximately 80m wide between Freeman Street and Station Street. Total area is approximately 1.89ha.

2.2 OWNERSHIP

The existing residential flat building situated at the north western corner of the site is owned by a single company and has not been strata subdivided. Although its redevelopment is not expected, it is not intended to be precluded under this Planning Proposal. Excluding the existing residential flat building, the abovementioned 10 owner's group parcels comprise approximately the northern half of the street block. The remaining southern half (from 13 Station Street and 14 Freeman Street) are mostly owned by the NSW Department of Housing.

The landowner's group has liaised with the Department of Housing and we are advised that the Department does not object to the Planning Proposal.

2.3 VEGETATION

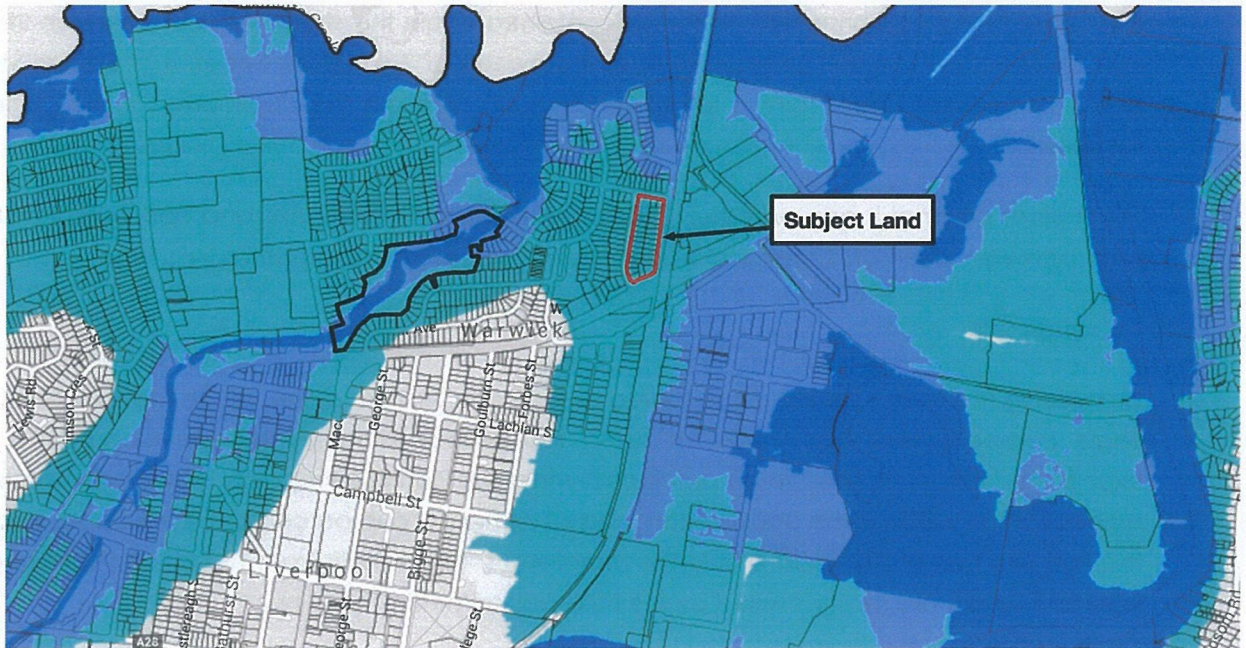
Existing vegetation is predominantly located within the rear yards of Numbers 2-4 Nicholls Street and 3-11 Station Street, with some small shrubbery existing around the perimeter of the front yards of each existing lot and on each street verge.

The existing vegetation is unlikely to have any ecological significance. It would be expected that the majority of existing vegetation would be removed but would be replaced by proposed new plantings as part of the site redevelopment process.

2.4 TOPOGRAPHY

The subject land is described as generally level. It slopes gently from southeast to northwest at an average grade of approximately 0.9%. Topography does not represent a constraint to redevelopment of the land.

The site is situated within a low risk flood plan as shown in the following Figure 5.

Figure 5: Flood Mapping

The site is only affected by the PMF flood event and as such, it is unlikely that flooding would preclude residential flat building redevelopment of the subject land. It is expected that a detailed flood study will be required post Gateway Determination. The flood study should identify minimum freeboard and floor levels and also determine whether there are any constraints to basement parking.

3 Current Planning Controls

3.1 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2013

The site is presently zoned R3 – Medium Density Residential under LLEP 2008. The zone objectives and Development Control Table for the R3 zone are:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

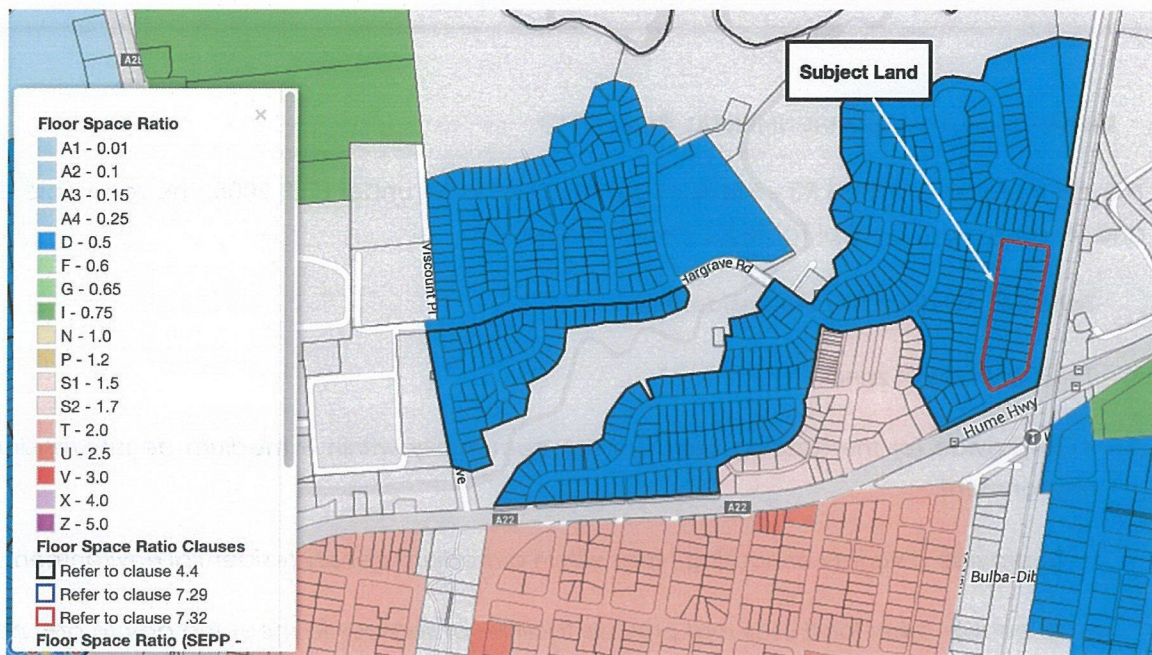
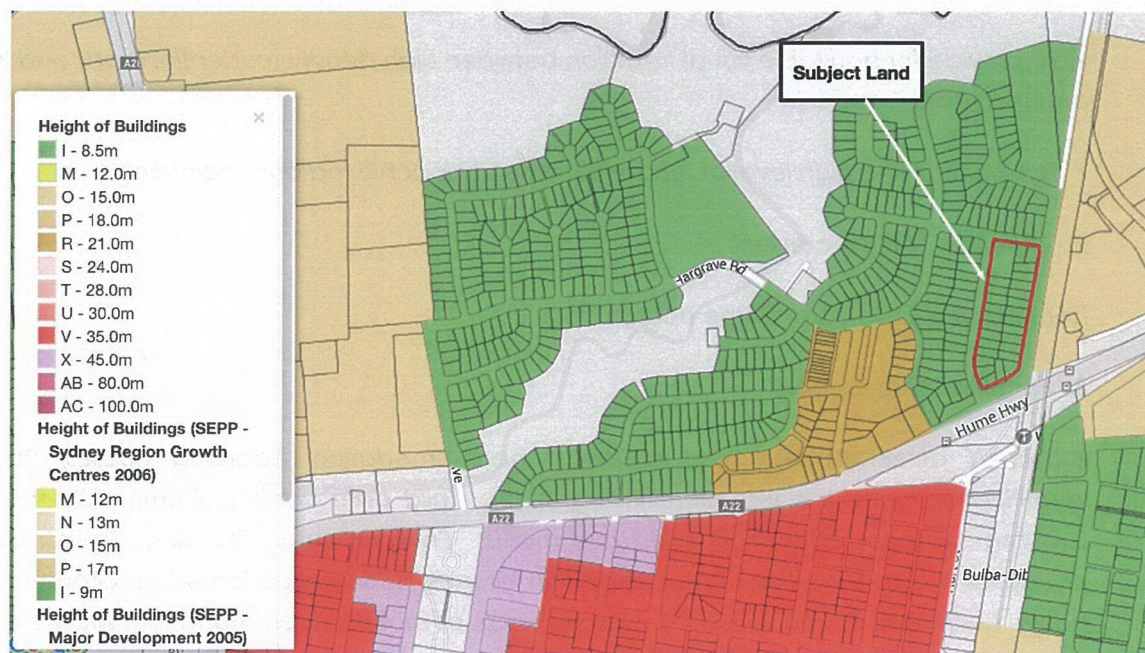
2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing

The FSR and Building Height Development Standards are 0.5:1 (plus 0.05:1 bonus) (see Figure 6) and 8.5m (see Figure 7)

Figure 6: Floor Space Ratio (Existing)**Figure 7: Height of Buildings (Existing)**

Referencing other key elements of the existing LEP controls applicable to the subject land we note the site:

- Is not bushfire prone land;
- Is not affected by aircraft noise;
- Does not contain and is not within the vicinity of a heritage item;
- Is not affected by acid sulfate soils;

- Is presently subject to a minimum subdivision lot size of 300m²
- Is not subject to a prescribed minimum dwelling density;
- Does not contain and is not within the vicinity of environmentally significant land;
- Is not subject to a restricted lot yield;
- Is not subject to land reservation or acquisition;
- Is not a key site and is not within the vicinity of the same;
- Is not subject to any Section 94 Contribution plan works;
- Is not located within an existing defined planning area.

The Planning Proposal proposes to rezone the subject site to R4 – High Density Residential, the objectives and development control table of which are:

R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

3.2 STATE ENVIRONMENTAL PLANNING POLICIES

The following Table 1 provides a summary of applicable State Environmental Planning Policy (and Deemed SEPPs).

Table 1: Summary of Applicable SEPPs

Legislation and Provisions	Comments
<u>State Environmental Planning Policy (SEPP) 32 – Urban Consolidation</u>	<p>This Planning Proposal seeks to rezone and redevelop the subject land for higher density living in close proximity to public transport options in accordance with current NSW State Government policy.</p> <p>The proposed location is in an area where there is existing public infrastructure, transport and community facilities, in particular Warwick Farm Station. This in turn enables people to live in a locality which is both close to employment and public transport enabling ease of travel to workplaces, leisure and other opportunities.</p> <p>The proposed rezoning and redevelopment of the subject land is considered a more optimal solution to increased housing development on the urban fringe where a heavy reliance on private vehicle use occurs as a result of its apparent isolation and lack of direct access to public transport options.</p> <p>It is also considered that the proposed redevelopment will provide a greater diversity of housing types within the locality to meet the demand generated by changing demographic and household needs.</p>
<u>SEPP 55 – Remediation of Land</u>	<p>Clause 7 of SEPP 55 requires that contamination be considered in the assessment of Development Applications. Given the existing and long term residential use of the subject land, it is not considered likely that the existing site has been contaminated in any way in this instance.</p>
<u>SEPP 65 – Design Quality of Residential</u>	<p>The Planning Proposal seeks to provide residential apartment</p>

<p><u>Apartment Development</u></p>	<p>buildings that meet the design quality requirements specified in the SEPP.</p> <p>It is considered that the Proposal will provide sustainable housing in social and environmental terms and will be a long-term asset to the surrounding neighbourhood. It will provide a variety of dwelling types to meet population growth, and to support housing affordability, which is of crucial importance in NSW presently.</p> <p>It will also satisfy the increasing demand for housing, including the needs of a wide range of people from childhood to old age, including those with disabilities, acknowledging the changing social and demographic profile of our communities.</p> <p>The opportunity for existing Warwick Farm residents to downsize from the family home to a residential unit is also an important outcome which allows residents to 'age in place'.</p> <p>The Planning Proposal seeks to maximise amenity, safety and security for the benefit of the occupants of each building and the wider community.</p> <p>The proposed residential buildings will achieve better built form and aesthetics including the surrounding streetscapes and the public spaces they define.</p> <p>It is intended to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions both during the construction of the buildings and during the life of the property.</p> <p>The Planning Proposal is intended to be supported by a detailed Master Plan which will then form the basis of a site specific DCP. The Master Plan is to be prepared subsequent to Gateway Determination.</p>
<p><u>SEPP (Affordable Rental Housing) 2009</u></p>	<p>The Planning Proposal will not preclude new affordable rental housing under the Policy. Moreover, by increasing housing supply in a highly accessible location, the Planning Proposal is consistent with the aims of the SEPP regardless of whether subsequent Development Applications proposed affordable housing.</p>

<u>SEPP (BASIX) 2004</u>	Future residential flat building development would be BASIX affected development. Future Development Applications would be expected to be accompanied by BASIX Certificates.
<u>SEPP (Infrastructure) 2007</u>	The Planning Proposal will facilitate the erection of more than 300 residential apartments and as such, any future Development Application subsequent to LEP amendment would be "traffic generating development" pursuant to clause 104 and Schedule 3 of SEPP (Infrastructure) 2007. It would be expected that the subject Planning Proposal will be referred to the RMS for comment. It is further expected that a requirement of Gateway will be the preparation of a Traffic Impact Statement. Further assessment of traffic impacts arising from the Planning Proposal is provided at Section 7.2.2 of this Report.
<u>Greater Metropolitan Regional Environmental Plan 2 – Georges River Catchment</u>	<p>The Planning Proposal will have minimal impact upon the water quality within the Georges River Catchment.</p> <p>Future Development Applications would be expected to be accompanied by soil and sediment control plans which would provide the mechanism by which Catchment impacts can be appropriately mitigated.</p> <p>The policy sets out general and specific planning principles, which are to be applied when a consent authority determines a Development Application.</p> <p>The Planning Proposal is not inconsistent with the general provisions, whilst none of the specific principles are relevant.</p>

4 The Proposed LEP Amendment

The Planning Proposal seeks specific amendments to LLEP 2008 as setout at **Section 4.2** below. The general effect of these amendments is to make permissible residential flat building development up to a maximum height of 42m and a floor space ratio of 2.5:1

It is also proposed, but subsequent to Gateway Determination, to prepare a detailed Master Plan and site specific DCP.

The Site Specific DCP will provide an additional layer of development control. This document, to be prepared subsequent to Gateway Determination, will form a separate Section to Part 2 of LDCP 2008 and will provide additional design controls aimed at delivering a master planned design outcome. The first iteration of the Master Plan is set out within the following Figure 8 to Figure 11 inclusive.

Figure 8: Master Plan Concept - Aerial Perspective 1

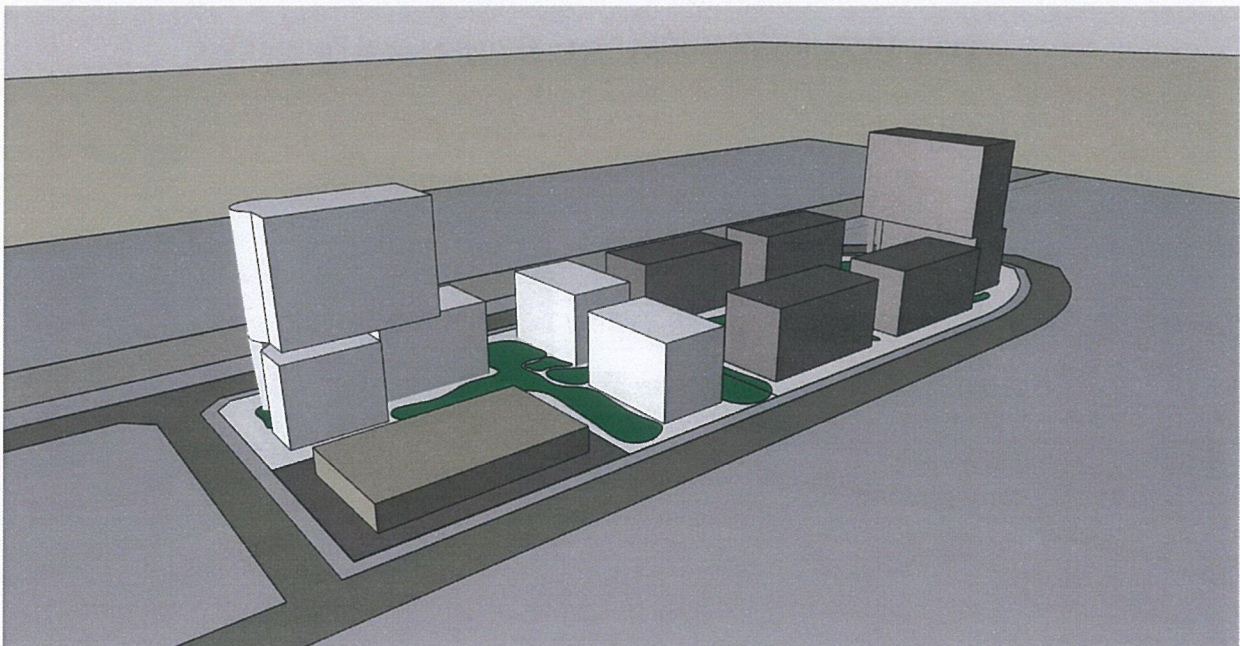


Figure 9: Master Plan Concept - Aerial Perspective 2

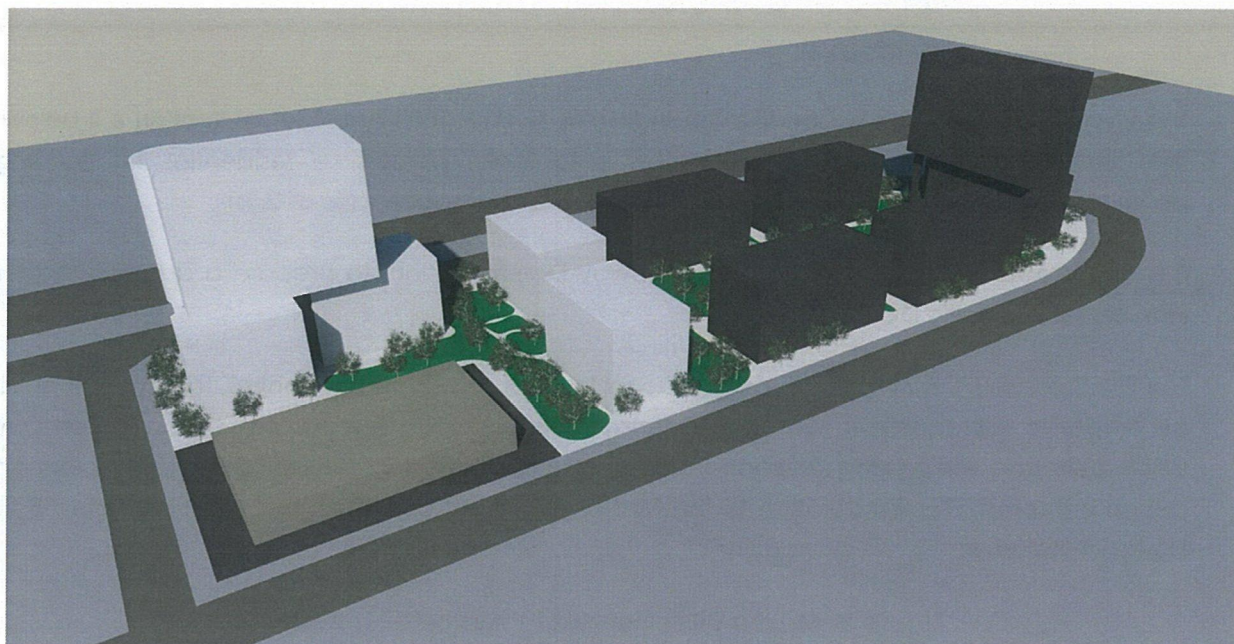


Figure 10: Concept Master Plan - Ground Level Perspective

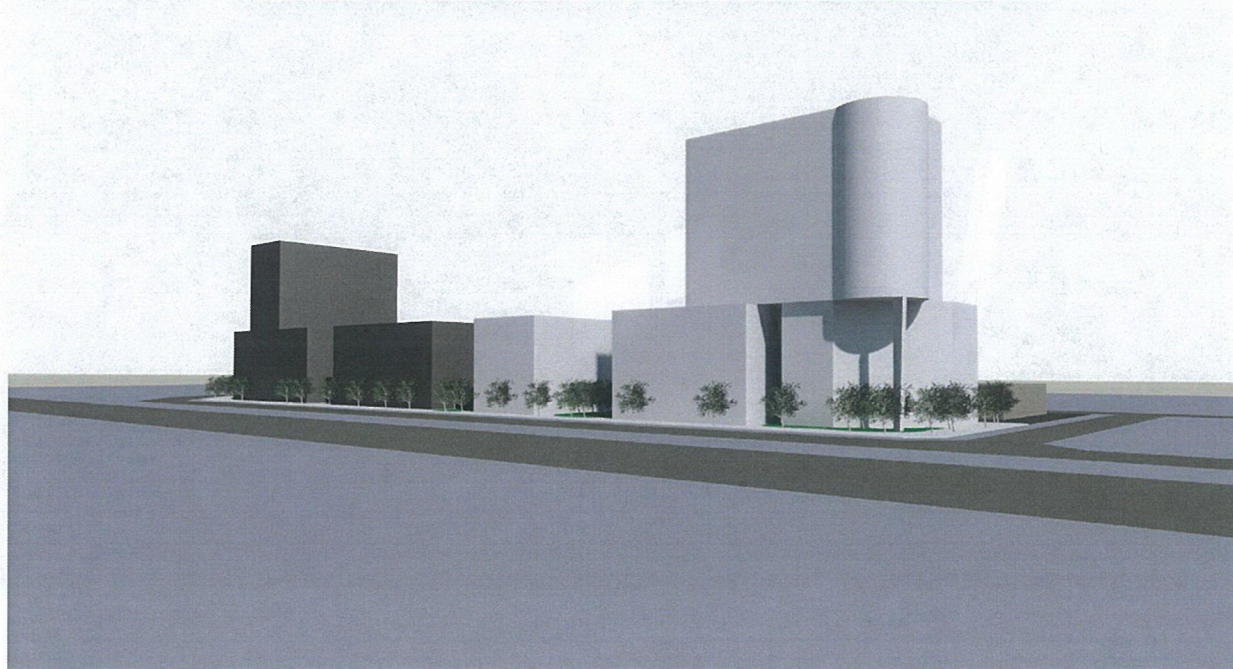
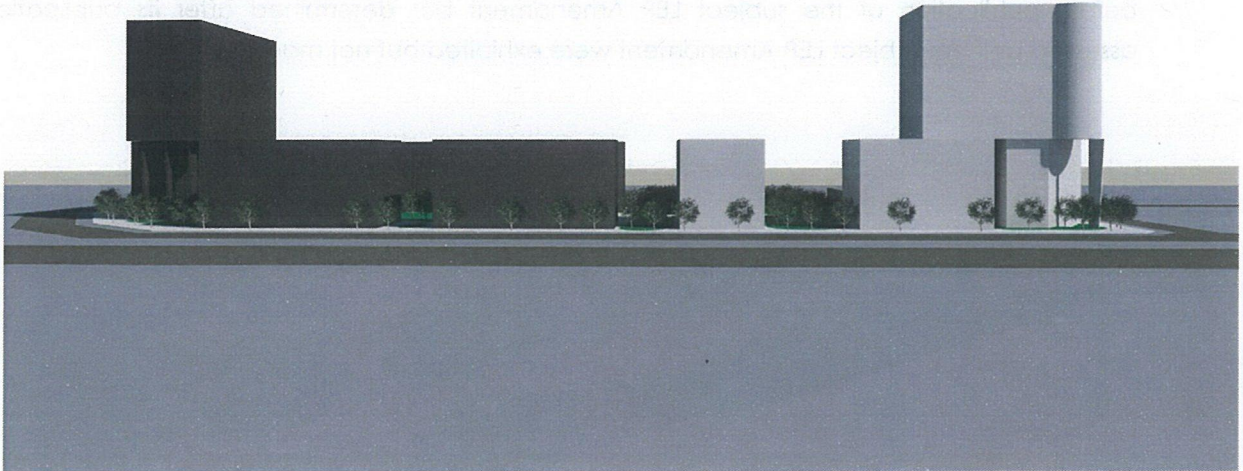


Figure 11: Concept Master Plan - Ground Level Perspective 2



4.1 OBJECTIVES AND INTENDED OUTCOMES

The objectives of this Planning Proposal are to make opportunity for high-density residential development within an area which is highly accessible by heavy rail and bus transit and which is located in close proximity to the Liverpool CBD.

This is proposed to be achieved by amending the zoning of the land and by amending the floor space ratio and height of buildings maps as they apply to subject land.

4.2 EXPLANATION OF PROVISIONS

This planning proposal seeks the following amendments of the Liverpool Local Environmental Plan 2008:

- (a) Amendment of the zoning map as it applies to the subject land from R3 – Medium Density Residential to R4 – High Density Residential.
- (b) Amendment of the height of buildings map as it applies to the subject land from 8.5m to 42m
- (c) Amendment of the Floor Space Ratio map as it applies to the subject land from 0.5:1 to 2.5:1

4.3 LAND TO WHICH THE PLAN WILL APPLY

The plan will apply to land within the street block bounded by Freeman Street, Nicholls Street and Station Street, Warwick Farm.

4.4 RELATIONSHIP TO EXISTING LOCAL ENVIRONMENTAL PLAN

This proposal would amend LLEP 2008 in the manner set out in **Section 4.2** above. It would not result in any other changes to the LEP or any other environmental planning instrument.

Savings provisions should be applied to ensure that any Development Application lodged before publication of the subject LEP Amendment but determined after its publication is assessed as if the subject LEP Amendment were exhibited but not made.

5 Justification of proposed objectives, outcomes and provisions

This section of this report provides the justification for the making of a LEP to amend LLEP 2008. Reference has been made to the Department of Planning's guidelines for the preparation of planning proposals (2009).

5.1 SECTION A - NEED FOR THE PLANNING PROPOSAL

5.1.1 *Is the planning proposal the result of any strategic study or report?*

METROPOLITAN PLANNING - A PLAN FOR GROWING SYDNEY

A Plan for growing Sydney was released on 14 December 2014 and is an action plan which will guide land use planning decisions up to 2034.

It consists of a number of directions and action focuses around four (4) goals:

- **ECONOMY;** a competitive economy with world class services and transport.
- **HOUSING;** a city of housing choice with homes that meet our needs and lifestyles.
- **LIVEABILITY;** a great place to live with communities that are strong, healthy and well connected.
- **ENVIRONMENT;** a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Liverpool is identified within the Strategy as a Regional City Centre and plays a central roll in the Greater Sydney Economy. However of particular relevance to the subject Planning Proposal is Goals 2 and 3 – Housing and Liveability, respectively.

In respect of housing, the Plan encapsulates the focus for Sydney's residential housing in the following terms:

The Plan's focus is on providing more housing, with a greater choice of dwelling types in well-serviced locations. This will help meet changing household needs, lifestyle choices, population growth and different household budgets.

Residents should be able to age at home, if they wish, live close to families and friends, and travel easily to work, education and social activities. New housing will be supported by local infrastructure and services that reflect the demographic needs of a community.

The subject Planning Proposal is considered to be consistent with this Goal. Warwick Farm, north of Hume Highway, despite being extremely well situated relative to rail infrastructure, is highly underrepresented by high-density residential housing opportunity.

The Census data for Warwick Farm indicates 53.5% of the suburb's housing is high-density. However this includes a large number of recently developed residential flat buildings on the southern side of Hume Highway within the Liverpool CBD precinct. North of the Hume Highway, and south of Brickmakers Creek, the residential area of Warwick Farm is 32.8ha in area. All of this land is within an 800m radius of Warwick Farm Railway Station (see Figure 12).

Figure 12: 800m Radius from Warwick Farm Railway Station



Despite this clear locational advantage to support high-density housing, the present extent of the R4 – High Density Residential zone is only 5.1ha (15.5% of the total area south east of Brickmakers Creek).

The proportion of R3 – Medium Density Residential to R4 – High Density Residential land within this highly accessible precinct is therefore over 6:1 in favour of medium density development.

In a locality of such high accessibility as this part of Warwick Farm, this ratio is significantly out of kilter with the focus of the Metropolitan Strategy of Housing Choice in terms of maximising densities in accessible locations.

To guide and maintain growth, A Plan For Growing Sydney contains a number of goals, directions and actions.

The goals, which are particularly relevant to this proposal and those that will contribute to the achievement of the vision for Sydney are:

Goal 1 – A competitive economy with world-class services and transport

Direction 1.4: Transform the productivity of Western Sydney through growth and investment

It is fair to say that this Direction more specifically targets large and emerging regional centres. However relevant to the subject Planning Proposal, the Direction states:

Improving the scale and mix of job opportunities will help more people work closer to home and reduce commuting times, making Sydney more productive.

Higher density housing opportunities in accessible locations close to jobs, transport, facilities, and services is the most direct and appropriate means of promoting active transport lifestyles and reducing reliance on private motorised transport. The subject Planning Proposal provides opportunity for a significant increase in residential housing in a highly accessible location and will further improve the choice of housing available in this locality.

Goal 2: A city of housing choice with homes that meet our needs and lifestyles;

The Strategy identifies the need to provide 664,000 homes within the Sydney Metropolitan Area by 2031. Councils have been directed to review their housing needs when preparing Local Environmental Plans. Liverpool Council has already undertaken a review in accordance with that direction under the 2008 Residential Development Strategy (address in detail below). The subject Planning Proposal creates opportunity for a significantly higher number of dwellings within close proximity to Warwick Farm Station than would otherwise be delivered under the currently applicable R3 – Medium Density Residential zoning and 0.5:1 FSR.

The Plan further confirms that Sydney's population is changing and the city's stock of homes needs to adapt to suit. The fastest growing households in Sydney are single person households and housing suitable to this demographic is underrepresented in the locality of the subject site.

The Plan advises that as the population ages, many people will choose to downsize their homes and that most people will prefer to remain in their communities. This proposal will provide a viable option for singles and those wishing to downsize, but remain in the locality.

Research indicates a current shortage of apartments in the middle and outer areas of the city and this is affecting the capacity of people to buy or rent a home. This proposal will respond to this demand by providing an affordable apartment product in an area that is currently undersupplied.

Accordingly, the Planning Proposal is considered to be highly responsive to, and consistent with Goal 2 of the Strategy.

Goal 3: A great place to live with communities that are strong, healthy and well connected;

Direction 3.1 – Revitalise Existing Suburbs

Goal 3 of the Strategy promotes additional housing opportunity within existing suburbs. The following is provided under Direction 3.1:

Research has found that focusing new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.

This type of development lowers infrastructure costs; reduces the time people spend commuting to work or travelling between places; gives people more time to spend with their families, relaxing and enjoying sport and other activities; and helps people get involved in the local community.

Directing new housing to the existing urban area will reduce the impact of development on the environment and protect productive rural land at the urban fringe.² It also improves residents' access to jobs, services and recreation and this will enhance the liveability of the city.

The Planning Proposal is consistent with this Goal and in particular this Direction. Compared with other localities addressed in detail within the Residential Development Strategy, the subject land, proximate to Warwick Farm station provides opportunity for sustainable redevelopment opportunity which is consistent with Transit Orientated Development principles.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

This proposal will introduce a housing product which is under represented outside of the Liverpool CBD. The subject Planning Proposal provides immediate and economically viable redevelopment opportunity in a location which is highly strategic from the point of view of promoting Transit Orientated Development within the Liverpool Local Government Area.

The Planning Proposal will provide opportunity for high amenity urban living in a local rather than regional centre context. Whilst Council has embraced higher density living opportunities for similarly sized local centres, Warwick Farm is distinguishable from other localities for which residential flat building have been identified as highly appropriate. This is because Warwick Farm is so significantly advantaged by proximate and highly accessible heavy rail infrastructure and public open space compared with any other localities within the Local Government Area other than the Liverpool CBD.

High residential amenity underpins the Concept Master Plan. This outcomes will be delivered through the Planning Proposal zoning and development standards and supplemented by both

existing and proposed provisions of DCP 2008 as well as other applicable environmental planning instruments, including SEPP 65.

Sub-Regional Planning

A Plan for Growing Sydney adopts a different approach to Sub-Regional Planning than previous metropolitan strategies. In contrast to the previous sub-regions, the current metropolitan strategy will divide the metropolitan area into six districts. Detailed District Plans are yet to be released, however the Local Government Areas of Liverpool, Campbelltown, Camden and Wollondilly are located within the South West District. The vision for the southwest is based around 8 key directions:

- *Plan for major housing growth*
- *Plan for major employment growth*
- *Develop Liverpool as a regional city*
- *Intensify existing areas around retail centres and public transport corridors*
- *Strengthen centres with public transport*
- *Extend transport networks to connect the south west growth centre to existing centres*
- *Recognise and support rural character of subregion*
- *Protect resource lands*
- *The planning proposal is consistent with the draft strategy as it will facilitate additional housing around in extremely close proximity to Warwick Farm railway station and close to the Liverpool Regional City Centre.*

The planning proposal is consistent with these directions as it will facilitate additional housing in extremely close proximity to Warwick Farm railway station and close to the Liverpool Regional City Centre. It is also a location which is extremely well serviced by private open space.

In respect of housing supply, the Metropolitan Plan states at Page 128 and 129 the following:

Accelerate housing supply, choice and affordability and build great places to live. Identify suitable locations for housing, employment and urban renewal – particularly around established and new centres and along key public transport corridors including the Cumberland Line, the South Line, the Bankstown Line, the South West Rail Link and the Liverpool-Parramatta T-Way.

The subject land is wholly consistent with the identified suitable locations for urban renewal, being adjacent Warwick Farm Station on the Main South Railway Line.

Additionally, the Department of Environment and Planning has also prepared several brochures including "Population, Household and Dwelling Projections" for the South West District. From that document, the following is relevant to the subject Planning Proposal:

- **The South West subregion will grow by 325,850 people over the next 20 years.**
 - There will be an ageing of the population. By 2031, the number of residents

aged 65 and older is projected to more than double. This group will make up 16% of all people living in the South West subregion, up from 10% in 2011.

- **126,900 additional dwellings are required by 2031**

- Continued population growth and population ageing will result in increased numbers of couple only and lone person households.

The area of the subject land, excluding the site of the existing residential medium density building at the north western corner is 16,633m². Based on an FSR of 2.5:1, the Planning Proposal will deliver opportunity of 41582m² residential floor space³. The existing zoning and FSR permits 8316.5m² residential floor space. Hence, the net increase as a consequence of the Planning Proposal is potentially 33265.5 m² or approximately 370 additional dwellings.

Importantly, residential units are well suited to smaller household compositions, including singles, childless couples and empty nesters. Additional accommodating for these demographics is identified as necessary within the Metropolitan Strategy. Opportunity for existing Liverpool residents to downside from the family home in order to "age in place" is also consistent with the Strategy.

Residential Development Strategy (July 2008)

The Residential Development Strategy (RDS) was prepared as part of Council's strategic planning processes which were undertaken prior to the gazettal of LLEP 2008.

Prior to the transition from Liverpool Local Environmental Plan 1997 (LLEP 1997) to LLEP 2008, the Department of Planning, via the Metropolitan Strategy, had directed Council to allow for an additional 20,000 dwellings in the existing urban areas of the Liverpool LGA.

The residential strategy implicit under LLEP 1997 is described in the RDS as a "dispersed approach which permits medium density residential development and a limited range of densities across most residential zones in the LGA" (RDS, page 2).

The RDS promoted a fundamental change to that previous residential planning approach. Rather than various types of residential development being dispersed across the LGA on an effectively ad-hoc basis, the RDS promotes concentration of higher density residential forms in accessible and well services locations.

The new approach advocated by this RDS is to concentrate new residential development in areas that are highly accessible by frequent public transport and close to business centres which provide goods and services to the community.

RDS, page 3

³ This estimation of total achievable GFA is greater than is reflected in the Concept Master Plan.

The subject site is clearly consistent with this approach to additional residential housing opportunity within the established areas of the Local Government Area.

The methodology adopted by the RSD was to undertake detailed investigation of 12 "Investigation Areas". In order to achieve the Department of Planning's Target of 20,000 new dwellings within the existing urban areas, the 12 Investigation Areas were assessed relative to the following **RDS Main Strategies**:

- Consolidate medium density residential zones to areas around activity centres (200m-800m) and major transport nodes and down-zone fringe areas.
- Introduce new high density residential zone nodes adjacent to main town centres and major transport nodes.
- Investigate the surrounds (approximately 800m) of the 10 town and village centres identified by the retail strategy and METRIX and determine appropriate locations and extent of housing.
- Investigate the surrounds (approximately 800m) of the 2 locations on the T-way adjacent to the City Centre and determine appropriate locations and extent of housing.
- Encourage modest affordable private housing types within medium density zones, particularly around main town centres at Moorebank, Casula, Miller and Green Valley.
- Group all high density residential zones (including mixed-use residential) into one zone and utilise additional uses and development standards to create distinctive characters.
- Introduce new location specific development standards (minimum lot size, floor space ratio and building height) to respond to specific capacity or existing or desired urban characters of different areas.
- Prepare a housing affordability strategy exploring options available to Council to further facilitate affordable housing, for possible future implementation.

RDS, page 19

Additionally, the following Detailed Strategies are cited at pages 19-20 of the RDS:

- Ensure the existing or desired character of areas and the expected level of amenity is achieved through planning controls and standards.
- Provide floor space controls for residential flat buildings outside the City Centre which encourage building variation and large outdoor areas within the building

envelope, delivering a more garden-style building with greater open space and separation.

- Ensure the size/floor space in any medium density area, or low density area which may conceivably be potentially suitable for medium density housing in the long term, is not so great as to preclude eventual consolidation redevelopment for townhouse or villa houses.
- Ensure development controls facilitate affordable, predominantly single storey villa development on single 18m wide blocks.
- Provide controls to ensure a housing mix within high density residential housing developments. These controls should ideally provide a rate higher than the existing provision for one and two bedrooms in the LGA, such as a minimum 10% one bedroom and 50% one or two bedroom units.
- Provide for suitable non-residential uses in the Medium and High Density zones, such as neighbourhood shops, places of public worship, community facilities and in certain locations small restaurants and business premises.
- Maintain a small area (equivalent to about 200m radius) around planned or potential Neighbourhood Centres and the following existing Neighbourhood Centres:
 - Chipping Norton (Childs Road)
 - Hammondville (Walder Road)
 - Warwick Farm (Lawrence Hargraves Drive)
 - Liverpool North (Grimson Crescent)
 - Mt Pritchard (Reservoir Road)
 - Heckenberg (Jindabyne Street)
 - Liverpool West (Rose Street)
 - Prestons (Braidwood Drive)
 - Hoxton Park (Dorrigo Avenue)

For reasons not specified in the RDS, Warwick Farm did not form one of the 12 Investigation Areas under the 2008 RDS. Given that the Liverpool LGA accommodates three railway stations, and that Casula was included in the Investigation Areas, the exclusion of Warwick Farm would appear to be a curious omission. This is especially so since the RDS "new approach" to

residential development in the established areas was founded on principles of Transit Orientated Development.

Had the RDS included Warwick Farm, it is highly likely that land within an 800m radius of Warwick Farm Station (including the subject land) would already have been zoned R4 – High Density Residential.

Liverpool LEP 2008 Draft Amendment 52 – Liverpool CBD

Whilst not directly relevant to the subject Planning Proposal, it is noted that at the date of this report, Draft Amendment 52, which applies to the Liverpool CBD is presently on public exhibition. Relevant to residential housing, a core purpose of Draft Amendment 52 is to rezone a large area (23 hectares) of the commercial core from B3 - Commercial Core to B4 Mixed Use for the express purpose of stimulating additional residential flat buildings within the CBD.

As a consequence, this LEP amendment alone will provide a significant contribution to Liverpool's dwelling targets, necessary to meet its share of accommodating the 664,000 new dwellings identified under Goal 2 – (a city of housing choice...) of the Metropolitan Plan.

Nevertheless, the "Revitalising Liverpool City Centre Strategic Plan 2006" had already identified a need to accommodate 5000 additional dwellings within the Liverpool CBD.

In any event, current initiatives directed at increasing residential housing supply within the CBD should not be viewed as replacing the need for other medium and high-density residential accommodation within accessible locations.

It is appropriate that additional housing opportunity and housing mix be provided in a variety of locations and not exclusively within CBD environments. Whilst concentration around transit nodes is unquestionably appropriate and necessary, the provision of high-density residential zones in a variety of contexts, settings and suburbs provides improved opportunity for a wider variety in price of housing products and also provides opportunity for existing residents to 'age in place' where social ties are stronger.

Accordingly, whilst Council's actions in relation to the Liverpool CBD are supported, strategic decisions for the CBD do not invalidate or make redundant the appropriateness of an additional high-density residential zone adjacent Warwick Farm Station.

5.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The case for high-density residential development adjacent to Warwick Farm railway station is compelling and relatively self-evident. The more critical issue is whether the proposed development standards, particularly FSR and building height are the most appropriate for the locality.

It is also the case that there are wide ranging options for residential flat building development. The Concept Master Plan is the preferred option, however the input of Council staff is welcomed prior to the preparation of a formal Master Plan and DCP.

Detailed discussion of the current Concept Master Plan is provided at Section 9 of this report. However for the purposes of strategic planning functions under Part 3 of the EP&A Act 1979 it is neither essential nor appropriate to finally resolve design detail to Development Application standard.

For the purposes of this Planning Proposal, the key decisions are in relation to proposed FSR and building height. Each of these matters are addressed in the following subsections.

5.2.1 Justification of Proposed Floor Space Ratio Development Standard

The subject Planning Proposal proposes a floor space ratio for the subject land of 2.5:1

The Concept Master Plan delivers 9 buildings over the subject land, including the existing building at the north western corner of the land. The following Table 2 shows the total floor plate and number of storeys for each of the proposed buildings.

The Concept Master Plan delivers the following building envelope areas:

Table 2: Concept Master Plan Floor Plates and Storeys

Building	Floor Plate (m ²)	Storeys	Building Envelope Floor Area (m ²)	GFA (70% of Building Envelope) ⁴
North west existing building	1301	2	2602	1821.4
Building 1	444	6	2664	1864.8
	504	6	3024	2116.8
	693.85	9	6245	4371.5
Building 2	504	6	7056	4939.2
Building 3	504	6	3024	2116.8
Building 4	702	6	4212	2948.4
Building 5	702	6	4212	2948.4
Building 6	702	6	4212	2948.4
Building 7	702	6	4212	2948.4
Building 8	630	6	3780	2646
	756	9	6804	4762.8
Total			37512	26258.4

⁴ As per page 32 of the Apartment Design Guide

Across the whole site (1.89ha), the concept would allow for 1.4:1 FSR.

However if the north western existing building is excluded, then the GFA reduces to 24437m² and site area reduces to 16633m², resulting in an overall proposed FSR of 1.47:1

Intended development staging and minimum consolidation requirements also need to be considered. Given the existing ownership pattern where the Landowner's Group owns the northernmost 10 parcels (excluding the north western corner) and the Department of Housing owns the majority of land at the southern half of the subject land, it would be logical to allow for staging of the development over two stages, with each stage reflective of the above ownership.

The following Figure 13 shows an overlay of the current concept onto an aerial photograph and identifies the proposed development staging:

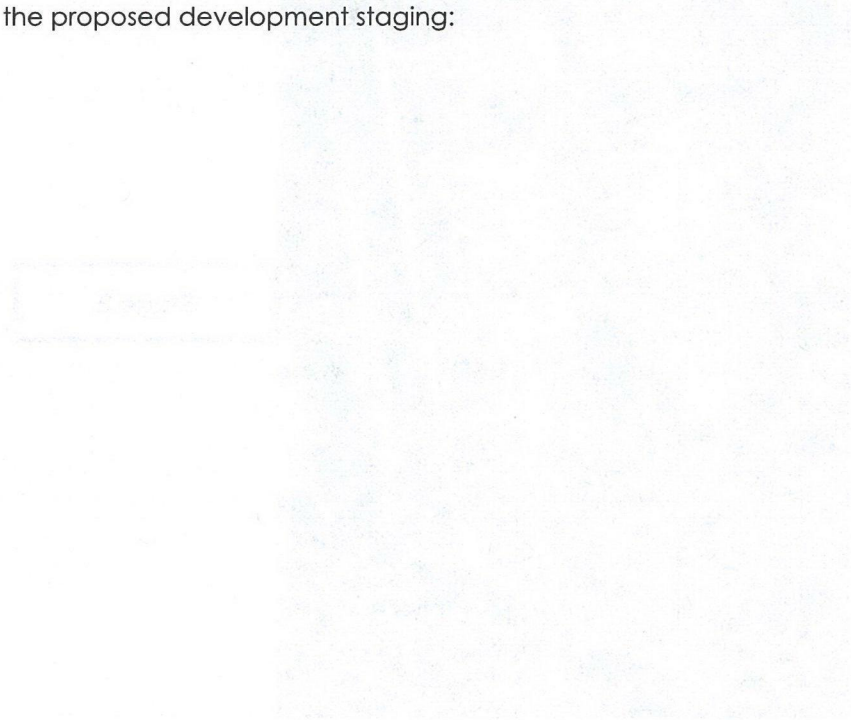
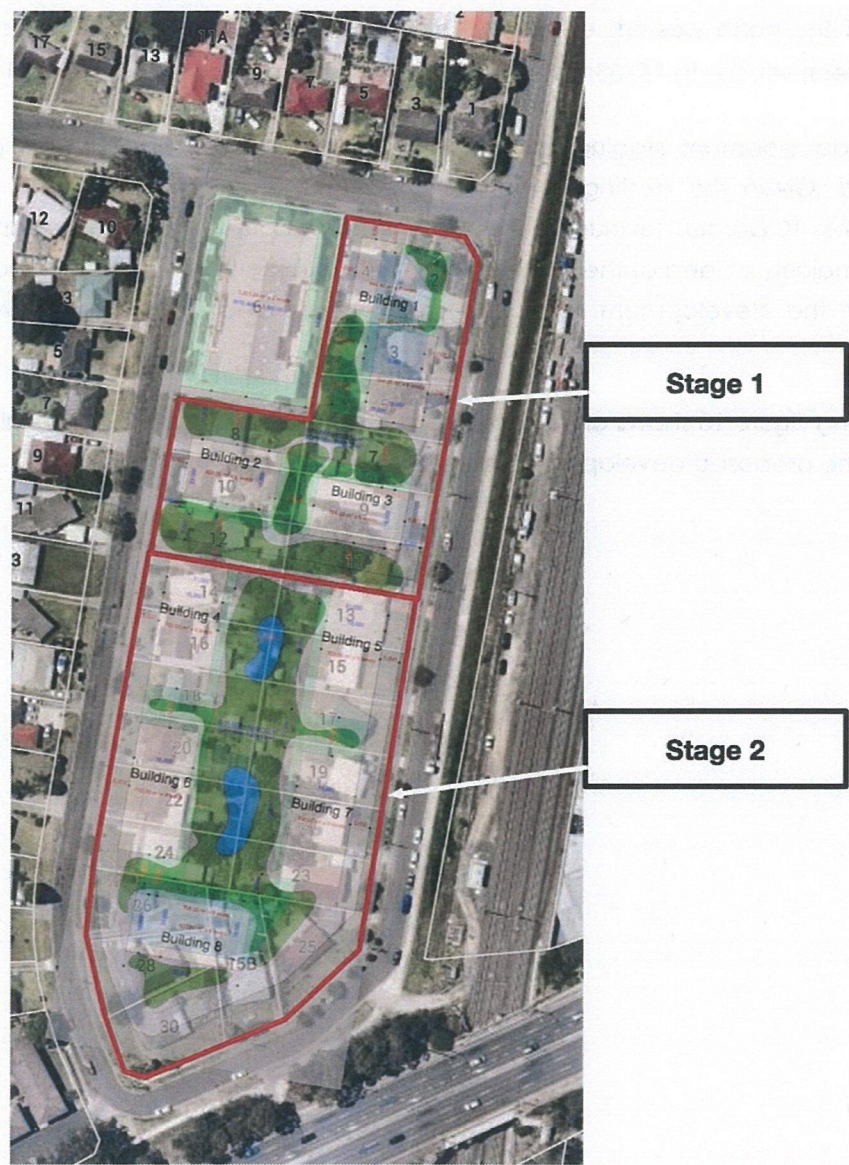


Figure 13: Overlay of Concept Master Plan onto Aerial Photograph



The site areas, GFA and floor space ratio for Stages 1 and 2 are summarised in the following Table 3.

Table 3: FSR by Stage

Stage	Site Area (m²)	Building Envelope (m²)	GFA (70% of Building Envelope)	FSR
Stage 1 (Buildings 1 to 3)	6051	22013	15409.1	2.5:1
Stage 2 (Buildings 4 to 8)	10582	15499	10849.3	1:1
Total Excluding North Western Corner Building	16633	37512	26258.4	1.6:1
Total Including the North Western Corner Building	18900	40114	28079.8	1.49:1

The weighting of development density to the north of the site is consequence of two site planning outcomes. Firstly, the design has allowed for staging to reflect ownership and this in turn, necessitates Buildings 2 and 3 being aligned east west. The constraint imposed by the location of the north western corner existing building would adversely affect building separation outcomes if Building 2 were to be orientated north – south. The need for Building 2 to be aligned east west results in that orientation also needing to be applied to Building 3 to ensure balanced building form and appropriate symmetry of internal communal open space areas.

Secondly, the comparatively lesser weighting of development to the southern portion of the site is a consequence of the provision of the large, north-south aligned communal open space area between building 4 -6 and 5-7. This is a highly desirable element of the overall design.

Despite the Concept Master Plan delivering 1.5:1 FSR over the whole of the subject land, it is appropriate to apply a FSR of 2.5:1. This is because a Development Application will be lodged for Stage 1 which must be capable of being assessed independently of the remainder of development anticipated by the final Master Plan and Site Specific DCP.

The alternative approach, and one which the Applicant would be consensual to, would be to provide different FSR allocations over the subject land. Resolution of potential alternative approaches is a topic for further discussion with Council officers. For the purposes of this report however, an FSR of 2.5:1 over the whole of the site has been assumed.

It is also the case that the Concept Master Plan provides building separation between Buildings 4 and 5 and between Building 6 and 7 of 32m. This dimension has been set by a design intention to limit the depth of building floor plates to 18m rather than because of building separation requirements. A significantly lesser width of that communal open space area would still comply with the Apartment Design Guide building separation requirements and this in turn, may allow for additional development opportunity in the Stage 2 Development Area.

For these reasons, it is proposed to apply an FSR of 2.5:1 across the whole of the site.

Strategic Context Justification for Proposed FSR

Aside from controlling bulk and scale on individual sites, the strategic importance of FSR as a control applied across a Local Government Area, is that it influences the intensity of development in one location relative to another. All contemporary strategic planning documents, from the Metropolitan Strategy down to Council's RDS each promote principals of Transit Orientated Development, whereby population density is maximised in areas well serviced by public transport, shopping and employment opportunities.

The purpose of this approach is to maximise opportunity for a local population to undertake daily travel requirements by means other than private motorised transport. Proximity to shopping and employment facilitates walk and cycle trips, and proximity to public transport facilitates travel via (in the Liverpool context) train or bus underpin this approach.

In relation to public transport, Liverpool is serviced by three categories of mass transit, being local bus services, the Liverpool—Parramatta Transitway bus service and heavy rail.

Transit Orientated Development should not treat each of these modes as equal. Rail transit provides opportunity for fast travel to a much wider array of possible destinations than does a local bus service. With regard to comparison between the Liverpool—Parramatta Transitway and rail, proximity to rail should also be more strongly encouraged by planning controls than proximity to the T-way. Rail provides access to more destinations without modal change. It also tends to offers better shelter at stations and thereby achieves higher patronage during wet weather periods.

From a strategic planning perspective therefore, the FSR control for zones in which residential development is permissible, serves two relevant purposes. At the local context, it governs bulk and scale. However at the regional level it is a tool which allows densities to be arranged to maximise the number of dwellings in the most desirable locations.

Having regard to the foregoing, it is appropriate that residential densities be higher in proximity to railway stations than in proximity to Liverpool—Parramatta Transitway stations.

From this theoretic basis, the proposed FSR of 2.5:1 has been analysed relative to the FSRs applied in 3 relevant areas being:

- FSR of R4 – High Density Residential land in proximity to the Liverpool—Parramatta Transitway

- FSR of R4 – High Density Residential land in proximity to Liverpool CBD
- FSR of R4 – High Density Residential land in Warwick Farm

Comparison with R4 – High Density Residential in Proximity to Liverpool—Parramatta Transitway

The R4 – High Density Residential zones adjacent the Liverpool—Parramatta Transitway through Hinchinbrook, Miller, Cartwright and Busby have been applied a variety of FSR controls ranging from 1:1, 1.2:1, 1.5:1 and in some locations 1.7:1. In these locations west of the Liverpool CBD, density appears to be related to a combination of proximity to the Liverpool—Parramatta Transitway and proximity to local shop groups. The highest FSR which appears to have been applied in the R4 – High Density Residential zone is 1.7:1. Floor space ratios of 2:1 have been applied to commercial land zoned B2 – Local Centre, although there are also examples of B2 – Local Centre land having an FSR of 1.7:1

Given that the Transit Orientated Development advantages of maximising densities close to railway stations are greater than the advantage of maximising densities close to the Liverpool—Parramatta Transitway, then the FSR for the subject land should be higher than any existing R4 – High Density Residential land proximate to the Liverpool—Parramatta Transitway. Accordingly, this suggests that the minimum appropriate FSR for the subject land would be 2:1

There is little meaningful comparison to be had from consideration of existing FSRs in proximity to Casula Railway Station. This is because the R4 – High Density Residential zone in Casula has been co-located with the shopping centre rather than the railway station. This may be appropriate in the case of Casula given the topographic constraints of land immediately adjoining the Casula Station

Comparison to R4 – High Density Residential in Proximity to Liverpool CBD

At the upper end of the range of potentially appropriate FSRs for the subject land is the proposed FSR controls applying to R4 – High Density Residential and B4 Mixed Use zoned land within the Liverpool CBD.

The majority of the R4 – High Density Residential zoned land on the northern edge of the City Centre has been applied a FSR of 1.5:1, with only a select number of key sites having an FSR of 2:1. Under Draft Amendment 52, the FSR for the B4 Mixed Use zone (which permits residential flat building development) is 3:1.

Relevantly, R4 – High Density Residential zoned land at the northern periphery of the CBD is between 900m and 1.7km from Liverpool Station. Accordingly, the subject land is better located relative to Warwick Farm Station than the CBD R4 – High Density Residential zoned land is relative to Liverpool Station. Of course, it is also the case that the Liverpool CBD R4 – High Density Residential zoned land is also more proximate to shopping and other facilities offered in the Liverpool CBD.

From the point of view of managing residential densities to maximise population in close proximity to mass transit infrastructure, it is counter-intuitive that high-density residential

development in Liverpool CBD is applied an FSR of 1:1 whereas high-density residential land in Ashcroft for example has an FSR of 1.7:1. Nevertheless this can likely be explained by other constraints such as lot fragmentation and ownership patterns, whereby likely smaller development parcels in the Liverpool CBD can accommodate a disproportionately smaller amount of floor space.

Within the existing commercial areas of the CBD, the existing and to be expanded R4 – High Density Residential zone permits residential flat buildings. The proposed FSR for the majority of the this land is 3:1. The commercial City Centre land is extremely well located relative to rail transit and facilities and services.

Comparison with existing R4 – High Density Residential in Warwick Farm

The existing R4 – High Density Residential zone in Warwick Farm centred around Mannix Pde is subject to a floor space ratio control of 1.5:1. This area is predominantly older style, circa 1970s residential flat buildings with isolated examples of more recent buildings. Much of this locality remains under-developed with single-storey detached fibro cottages.

A relevant avenue of investigation which might be undertaken as part of the subject planning proposal is an economic viability analysis for redevelopment of existing residential housing stock where the maximum achievable floor space ratio for residential flat building development is 1.5:1. Redevelopment of existing housing stock typically requires a higher yield to be achieved than redevelopment of vacant land. This is because the opportunity cost of lost rental income from the existing dwelling needs to be factored into the redevelopment viability calculations.

Regardless of what level of formal investigation is determined to be appropriate in respect of viability constraints, the fact that very large areas of the existing R4 – High Density Residential zoned land in Warwick Farm remains under-developed provides strong evidence that the current FSR applying to that land is too low.

Summary of FSR Comparison

To the extent that FSR is a tool to maximise population in accessible location, the above analysis indicates that a suitable FSR for the subject land should be greater than 1.7:1 and less than 3:1. The proposed FSR of 2.5:1 fits comfortably within that range.

The second aspect of the relevance / importance of the FSR control is its ability to regulate bulk and scale to respond to locality and character and mitigate against other amenity impacts.

Local Context Analysis of Proposed Floor Space Ratio

Given that the indicative FSR of the current Concept Master Plan is in the range of 2.2: to 2.5:1 the appropriateness of the proposed 2.5:1 FSR control from a local amenity / character perspective can be determined by reference to the acceptability and merit of the Concept Master Plan.

This issue has been discussed in detail at **Section 9** of this Report. By way of summary however, it is to be recognised that the Concept Master Plan contemplates a significant departure from the existing built form character of both the subject land and its wider surrounds.

We argue that significant change in residential character to support high-density living opportunities in this locality is entirely appropriate. However, it is because of this significant transformative effect of the Planning Proposal which had lead to a decision to defer detailed building design and the preparation of a site specific DCP until after Gateway Determination and after further stakeholder consultation.

Nevertheless, by assessment against key metrics contained within the Apartment Design Guide, the Concept Master Plan delivers an extremely high level of residential amenity to future occupants, involves negligible overshadowing impacts to surrounding property owners and will deliver a variety of building heights across the site.

5.2.2 Justification of Proposed Height Of Buildings Development Standard

The Concept Master Plan delivers predominantly 6 storey residential flat buildings across the site with 2 x 14 storey residential towers bookending the development site at its northern and southern ends.

The 14 storey (42m) building elements are not essential to delivering 2.5:1 FSR. However they are essential do deliver relatively low site coverage and generous communal open space areas at that FSR.

When the combination of FSR to Building Height controls applied to other R4 – High Density Residential zoned lands within the Liverpool Local Government Area are considered, the clear design outcome delivered both those controls is tall buildings and low site coverage.

This strategic planning approach is desirable because it allows for generous separation between buildings, high levels of privacy and a generous landscape setting.

For example in the R4 – High Density Residential zone adjacent the Liverpool—Parramatta Transitway at Cartwright, the height and FSR controls are generally 1:1 FSR and 15m building height. The 15m building height tends to connote a 4 to 5 storey building. In order for a building of that height to also comply with the 1:1 FSR, then the resulting site coverage must be between 20 to 25%. This in turn means that unbuilt upon site area (the majority of which is landscaped area) would be in the vicinity of 75-80%.

Consideration of the height and FSR combination in the R4 – High Density Residential zone at the northern periphery of the Liverpool CBD leads to on average, similar results. In this regard, for the 2:1 FSR areas on the periphery CBD the height controls is generally 35m.

Applied to a hypothetical site of say 1000m², then the combination of these controls leads to 2000m² GFA being accommodated in 11 storeys. This represents a site coverage of 182m² or 18.2%

For the purpose of delivering parity, a 2.5:1 FSR on the same hypothetical 1000m² site would allow 2500m² GFA. For this to be contained on 20% of the site area, then the available hypothetical building footprint would be 200m². In order to accommodate 2500m² within a 200m² building footprint, a height of 13 storeys (39m) is required.

The proposed height of buildings control of 42m (14 storeys) is generally consistent and therefore at parity with the mix of FSR and building height controls which have been consistently applied in R4 – High Density Residential zones across the Local Government Area.

It is also the case, as discussed in further detail at **Section 9** of this report, that the delivery of 2 x 14 storey towers within the development site retains very high solar access internal to the site and negligible overshadowing impacts to surrounding land.

6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The applicable Ministerial Directions have been identified and comment provided below.

6.1 DIRECTION 3.1 - RESIDENTIAL ZONES

Objectives

(1) The objectives of this direction are:

- 1. (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- 2. (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- 3. (c) to minimise the impact of residential development on the environment and resource lands.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- 1. (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- 2. (b) any other zone in which significant residential development is permitted or proposed to be permitted.*

What a relevant planning authority must do if this direction applies

- 4. (4) A planning proposal must include provisions that encourage the provision of housing that will:*
 - 1. (a) broaden the choice of building types and locations available in the housing market, and*

2. (b) make more efficient use of existing infrastructure and services, and
 3. (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 4. (d) be of good design.
5. (5) A planning proposal must, in relation to land to which this direction applies:
1. (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 2. (b) not contain provisions which will reduce the permissible residential density of land.

Consistency

(6).. (Not applicable)

Comment The subject Planning Proposal is consistent with Section 117 Direction 3.1. The Planning Proposal seeks to deliver an improved variety and choice of housing types within the Warwick Farm locality by facilitating economically viable residential flat building development in close proximity to Warwick Farm Station and in so doing maximise efficiency of existing infrastructure. The Planning Proposal results in minimal environmental impacts and delivers high resource efficiency through building typology, maximising density in accessible locations and through sustainable building design, the last of which will be fully expounded within a Site Specific DCP to be prepared subsequent to Gateway Determination.

Given the above, the subject Planning Proposal is considered to be consistent with all of the objectives of Direction 3.1 as well as the specific requirements set out within clause 4 of the Direction.

The subject land is presently serviced by all necessary urban services to support residential flat building development of the land. Clearly the proposal does not involve a reduction in permissible residential density. As such, the Planning Proposal is consistent with the requirements of clause 5 of the Direction.

6.2 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The objectives of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

Comment: This proposal will facilitate the achievement of the objectives of this direction by:

- Increasing the supply of housing within close proximity to public transport, services and employment.
- By maximising residential development in an accessible location, the proposal will assist in reducing travel demand including the number of trips generated by development and the distances travelled, especially by car;
- Additional population density in close proximity to Warwick Farm Station and local bus routes is likely to have positive impact on public transport viability and patronage.

6.3 3.5 - DEVELOPMENT NEAR LICENSED AERODROMES

Objectives

(1) The objectives of this direction are:

1. *(a) to ensure the effective and safe operation of aerodromes, and*
2. *(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and*
3. *(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Comment: The subject land is not affected by aircraft noise.

6.4 DIRECTION 4.1 - ACID SULFATE SOILS OBJECTIVE

(1) 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.

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

What a relevant planning authority must do if this direction applies

4. (4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.
5. (5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
 1. (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or
 2. (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.
6. (6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.
7. (7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

Consistency

(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

1. (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
2. (b) of minor significance.

Comment The subject site is not identified containing acid sulfate soils and accordingly, the Planning Proposal is not inconsistent with this Direction.

6.5 DIRECTION 4.2 - MINE SUBSIDENCE AND UNSTABLE LAND OBJECTIVE

(9) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Where this direction applies

(10) This direction applies to land that:

(a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or

(b) has been identified as unstable land.

Comment The subject site is not located within a proclaimed mine subsidence area and accordingly, the Planning Proposal does not offend this Direction.

6.6 DIRECTION 4.3 - FLOOD PRONE LAND

The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Comment: The subject site is situated within the PMF flood zone area. However the site is situated above the 1:100 year ARI Flood event and accordingly, high-density residential development of the subject land does not offend the NSW Flood Prone Lane Policy or the Floodplain Development Manual 2005.

Notwithstanding the above, consideration should be given to ensuring that impacts of basement parking on the water table are either satisfactory or can be appropriately managed / mitigated. For that reason, it is expected and recommended that a flood and water table study be carried out subsequent to Gateway Determination.

Subject to the above, the Planning Proposal will satisfy the requirements of 117 Direction 4.3

6.7 DIRECTION 7.1 - IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

Objective

(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Where this direction applies

(2) This direction applies to land to which the following regional strategies apply:

- 1. (a) Far North Coast Regional Strategy*
- 2. (b) Lower Hunter Regional Strategy*
- 3. (c) Illawarra Regional Strategy*
- 4. (d) South Coast Regional Strategy*
- 5. (e) Sydney–Canberra Corridor Regional Strategy*
- 6. (f) Central Coast Regional Strategy, and*
- 7. (g) Mid North Coast Regional Strategy.*

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

1. (a) is of minor significance, and
2. (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Comment The subject Planning Proposal has been previously demonstrated to be consistent with the Metropolitan Strategy.

6.8 DIRECTION 5.8 - SECOND SYDNEY AIRPORT: BADGERYS CREEK

Objective

(1) The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

Where this direction applies

(2) This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.

Comment: The subject land is not located within the 20 ANEF contour within the abovementioned map. Accordingly the Planning Proposal does not offend this Direction.

6.9 DIRECTION 6.1- LOCAL PLAN MAKING: APPROVAL AND REFERRAL REQUIREMENTS

Objective

(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

1. (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and

2. (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:

1. (i) the appropriate Minister or public authority, and
2. (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),

prior to undertaking community consultation in satisfaction of section 57 of the Act, and

3. (c) not identify development as designated development

Comment

The subject Planning Proposal will not involve any additional concurrence or referral requirements and will not have any effect on existing designated development provisions. Accordingly, the Planning Proposal does not offend this Direction.

6.10 DIRECTION 6.3 - -SITE SPECIFIC PROVISIONS OBJECTIVE

(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

4. (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
 1. (a) allow that land use to be carried out in the zone the land is situated on, or
 2. (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 3. (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
5. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Comment

The Planning Proposal seeks to rezone the subject land to R4 – High Density Residential which is an existing zone already applying under LLEP 2008. The Planning Proposal does not intend to rely on any drawings showing details of the proposed development. Rather, the Concept Master Plan is intended to be refined in consultation with Council and other stakeholders and upon finalisation, the Master Plan is to be reflected in a Site Specific DCP which will form an additional Section to Part 2 of DCP 2008.

Accordingly, the Planning Proposal does not offend this Direction.

7 Environmental, Social and Economic Impact

7.1 IS THERE A LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES POPULATIONS OR ECOLOGICAL COMMUNITIES OR THEIR HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

No, the subject land does not contain threatened or endangered ecological communities.

7.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The primary causes for potential impacts are visual / streetscape arising from a proposal which will be transformative to the existing residential character. Additional impacts relate to traffic, and additional demand for public services and utilities.

7.2.1 Streetscape / Character

Streetscape and character impacts are to be managed / mitigated through high standards of architectural design and the implementation of a Master Plan and site specific DCP which will be prepared in consultation with Council and other stakeholders. The introduction of 6 and 14 storey residential flat buildings into the Warwick Farm locality is necessarily transformative to the existing streetscape and character.

However given the proximity of this land to Warwick Farm Station, such transformation is contextually appropriate and desirable.

7.2.2 Traffic

Based on the Concept Master Plan anticipated GFA (26258m²) additional residential floor space, the Planning Proposal would deliver approximately 291 additional apartments. By way of worst case scenario assessment, the proposed FSR of 2.5:1 if implemented across the whole of the subject land would yield approximately 525 apartment.

However, the subject land is already zoned R3 – Medium Density Residential which would permit a minimum of 9450m² GFA or say 105 dwellings (in the form of multi-dwelling housing).

The RTA Guide to Traffic Generating Developments provides a traffic generation rate for high-density residential flat buildings of 0.24 peak hour movements per dwelling. The traffic generation rate for multi dwelling housing (relevant for determining existing anticipated traffic generation) is 0.5 peak hour trips.

Accordingly:

- Expected traffic generation under the current zoning = $105 \times 0.5 = 52$ peak hour movements
- Expected traffic generation for maximum possible yield under proposed zoning and FSR = 126 peak hour movement
- Net increase as a consequence of the Planning Proposal = $126 - 52 = 74$ peak hour movements.

Residential traffic is predominately tidal in nature and adopting a 90-10 split this would represent an additional say 67 outbound AM movements and 67 inbound PM peak hour movements.

The vast majority of trips are likely to access the site via the Hume Highway / Mannix Pde / Remembrance Drive signalised intersection. This is a four way signalised intersection, however Remembrance Drive channelised to right turn only onto Hume Highway. The westbound carriageway of Hume Highway is provided with a 43m exclusive right turn lane, three through lanes as well as an exclusive left turn slip lane into Remembrance Drive.

The eastbound carriageway of Hume Highway is provided with a left turn and through movement kerbside lane, a centre through lane and an exclusive right turn lane into Remembrance Drive.

It would be expected that a requirement of Gateway will be the preparation of a detailed Traffic Impact Statement. Referral to the RMS will also be required.

We would recommend that the Traffic Impact Statement specifically address whether an exclusive left turn slip lane is required to the eastbound carriageway of Hume Highway at the Hume Highway / Mannix Pde / Remembrance Drive intersection.

If the same is determined to be necessary, then as part of the subject Planning Proposal it would be appropriate to develop a Section 94 Plan to allow for and fund partial acquisition of land, additional road construction and traffic signal re-configuration at the north-eastern intersection corner. Consistent with section 94 principles, these costs, if required) should be born by all properties for which new development will benefit from such intersection augmentation. This would therefore include under-developed land within the existing R4 – High Density Residential and any R3 – Medium Density Residential zoned land which will be retained.

7.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The social and economic impacts of this proposal are significant as it will facilitate additional supply and choice of housing within a highly accessible location. The Planning Proposal seeks to develop a Master Plan and site specific DCP which will ensure a high standard of amenity and deliver a high quality housing product which promotes healthy and sustainable living.

The Planning Proposal has been demonstrated to be consistent with the Metropolitan Strategy and also accords with Council's RDS, albeit that the same did not specifically investigate the Warwick Farm locality. This high level of accord with the existing strategic planning framework is also demonstrative of the consistency of the Planning Proposal with positive social outcomes.

Given the residential nature of development which will be facilitated by the Planning Proposal, it is unlikely that the proposal will have any significant long term economic impacts. Nevertheless, the construction phase of future redevelopment will result in considerable employment. There are no identified negative economic impacts.

8 State and Commonwealth Interests

8.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The subject site is located in an area which is well serviced by existing infrastructure as detailed within this proposal. The locality is provided with all necessary utilities and public transport services.

It would be expected that liaison with utility providers will occur subsequent to Gateway Determination.

8.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

Consultation with other public authorities or the community has not yet occurred. Consultation requirements should be identified following the gateway determination.

9 Concept Master Plan Assessment and Constraints / Opportunities Analysis

The Concept Master Plan is submitted as a starting point for discussion with Council officers and other stakeholders regarding the most appropriate development form for the site if rezoned to R4 – High Density Residential.

The case for 2.5:1 FSR has been established as **Section 5.2.1** of this Report. Referencing the relationship between building height and FSR which exists in other R4 – High Density Residential zones within the locality, it was established at **Section 5.2.2** that the proposed 42m height limit is appropriate where 2.5:1 FSR is proposed.

The Concept Master Plan provides for generally 6 storey buildings throughout the majority of the site, with the street block framed at its northern and southern ends by 14 storey towers.

The purpose of this section of the Report is to provide an assessment of the Concept Master Plan against the design guidance and design criteria contained within the Apartment Design Guide.

9.1 APARTMENT BUILDING TYPES

Given the relative absence of constraints, a range of building types are available and each offers unique advantages and disadvantages.

Courtyard Apartments are identified within the Apartment Design Guide as building suitable for sites with two or more public frontages, where a landscaped street frontage is desired. These characteristics apply to the subject land and accordingly, courtyard apartments would be an appropriate typology (albeit that other characteristics to courtyard apartments such as sloping sites and a predominant aspect of outlook are not present).

However courtyard apartments were not favoured because the return elements would introduce additional mid-block overshadowing and therefore erode the quality of communal open space which has been provided under the Concept Master Plan.

The north-south alignment of the street block argues for perimeter edge buildings with a large and undeveloped central communal open space area. As such, courtyard buildings were not favoured, it is not suggested that they would be inappropriate to the context of this site.

Perimeter Block Apartments are described within the Apartment Design Guide as follows:

Typically, perimeter block apartments have elongated plans and apartments are generally arranged along a corridor, with a single or multiple cores depending on the building length.

They range from four to nine storeys and are best used when:

- an increase in residential density is desired*
- a clear definition and continuous street wall edge is desired*
- active frontages with commercial and/or retail uses are encouraged at lower levels (see shop top apartment building type)*
- towers and tall buildings are not desired.*

The context, constraints and opportunities of the site argues significantly in favour of this building typology. However, given the extensive length of the subject street block, the Concept Master Plan provides for essentially two rows of three perimeter block apartments. The breaks between buildings assist in reducing bulk and scale impacts which would otherwise arise from a continuous and unbroken 6 storey building extending 135m in length.

As discussed above, a significant advantage arising from the perimeter block typology is that it preserves a large unbuilt upon open space corridor through the majority of the central portion the subject land. In addition to minimising bulk and scale impacts, the abovementioned breaks between proposed buildings provides opportunity for additional morning and afternoon sunlight to penetrate between the buildings and into the communal open space area.

Tower Apartments are described within the Department Design Guide is being suited to major centres and urban renewal areas. Whilst the subject land is not located within a major centre, it is located within close proximity to Warwick Farm station and it has been established within this report that the locality is appropriate for accommodating a significant uplift in residential density and as such is analogous to an urban renewal area.

The guide recommends the use of tower apartments in four scenarios of which the subject site meets three of those. Given the proposed density relative to other R4 – High Density Residential zones within Liverpool the subject area would be described as being a "dense urban area". Much of the additional density to be provided under the Concept Master Plan is to be achieved by perimeter block buildings and as such the use of tower apartments is consistent with the scenario of an area requiring greater density which can be delivered by perimeter block buildings. Lastly, the Apartment Design Guide recommends the use of tower apartments where "strong vertical form or landmark is desired". As previously discussed, the combination of floor space ratio and building height limits within Liverpool tends to promote tall buildings with low site coverage. The creation of a landmark residential locality adjacent to Warwick Farm station is considered to be an appropriate and desirable outcome which is also consistent the building height expected or anticipated in Liverpool in circumstances where the FSR is 2.5:1

The Apartment Design Guide cautions that the location and siting of tower apartments needs to reflect environmental considerations such as wind, overshadowing and visual impacts.

It is unlikely that the proposed 14 storey buildings will introduce adverse wind impacts in this locality given the absence of landform or other built form to promote funnelling affects. Nevertheless it would be prudent for a wind analysis to be undertaken subsequent to Gateway Determination.

The Concept Master Plan is accompanied by shadow diagrams which indicate extremely good solar access outcomes. This has been achieved by orientating the northernmost tower in a north-south direction and because there is no adjoining development to the south of the subject land.

Similarly, the subject land adjoins the Main South Railway Line on its eastern side and Hume Highway to the south. This characteristic of the subject land's location means that it has less direct interface with adjoining land than would be the case for many other redevelopment areas. This reduction in interface assists in minimising visual impacts.

9.2 RESOLUTION OF HEIGHT DISTRIBUTION

Arrangement of building height across the site has been primarily informed by Maerten's Theory of Scale.

9.2.1 Maertens' Theory of Scale

'Der Optische-Maassstab' (The Optics of Scale) was published by Herman Maerten In 1884. His Theory of scale arising from this work provides useful and relevant contemporary tools by which to manage and mitigate impacts of bulk and scale. Maertens' methodology was to analyse the most successful Renaissance plazas and public spaces of Europe. He determined that scale is perceived by the human eye within what is essentially a view cone the details of which can be summarised as.

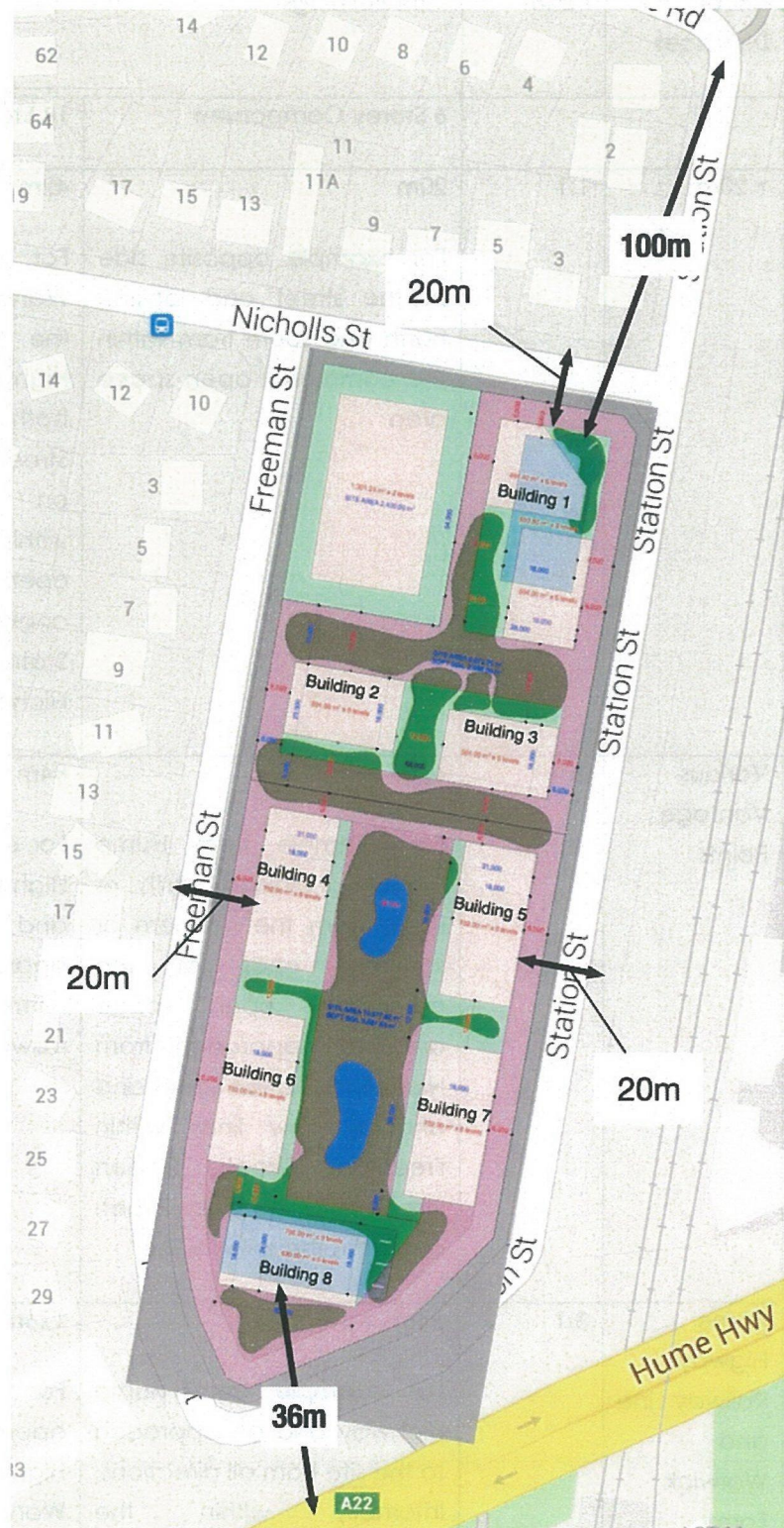
- The detail of a building is best observed within a proportion of 1:1 (building height/distance to observer), or 45°.
- A building is perceived at its most comfortable scale when observed from a distance of twice its height, 2:1 (building height/distance to observer) or 27°. This coincides with a cone of vision wherein the observer does not need to tilt his or head upwards to perceive the whole.
- A building is perceived in its context from a distance of three times its height, 3:1 (building height/distance to observer), or 18°. Beyond this distance the building begins to lose its predominance in the field of vision and merges with the background of the neighbourhood.

The subject site will be visible from a range of vantage points and it is neither possible nor desirable to attempt to have the proposed development height align with prescribed view cones from all vantage points. However consideration of Maertens Theory of Scale allows careful manipulation of building height from the most significant area of the public domain.

Building Height Relationship to the Surrounding Street Network

The following provides a summary of the lineal distance between various vantage points and the elevations of the proposed development.

Figure 14: Lineal View Line Distances from Primary Site Vantages



Applying Maerten's Theory of Scale, the following building heights fall within optimum view cones.

Table 4: Building Height View Cone Calculations

Relevant View Cone	Relevant Lineal Distances	Optimum Ratio	Comfortable Viewing Distance for the Concept Master Plan Buildings	
			6 Storey Component	14 Storey Component
Building Detail	> 20m	1:1	20m For example opposite side of the street and looking north and south from within the communal open space area	42m For example from Warwick Farm Station, the railway line; Hume Highway on approach in both directions; Station Street and Nicholls Street on approach; from within the communal open space area and angled view lines within Station, Freeman and Nicholls Streets.
Optimum Comfort	Various Vantage Points	2:1	40m For example from Hume Highway; looking north or south from the northern or southern ends of the communal open space area; on approach from Nicholls or Station Street and angular view lines within Freeman Street, Station Street and Nicholls Street; and from the railway line.	84m For example from Hume Highway, Station Street and Nicholls Street on approach, and Warwick Farm Station and the railway line.
Building Context	Hume Highway, Railway Line and Warwick Farm	3:1	54m For example from Hume Highway and on approach to the site from all directions; Internally within the	126m For example on approach from Hume Highway; and from Warwick Farm Station

	Station		communal open space area and when viewed at an angle along any of the streets surrounding the subject land as well as frp, the railway line.	and railway line.
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The proposed 6 storey height limit for the majority of the site is an appropriate height which delivers a 1:1 building height to view line distance ratio when viewed from the opposite side of the streets bounding the subject land.

Whilst not delivering optimum view comfort directly opposite the proposed buildings, the proposed six storey building height will deliver optimum view comfort when viewed at an angle along those same streets.

The proposed tower buildings will be comfortably viewed from Hume Highway, the Railway Line and Warwick Farm Station.

Having regard to the above analysis, the proposed building heights are considered to be suitable and appropriate to the context of the site when considered from both the immediate and wider areas.

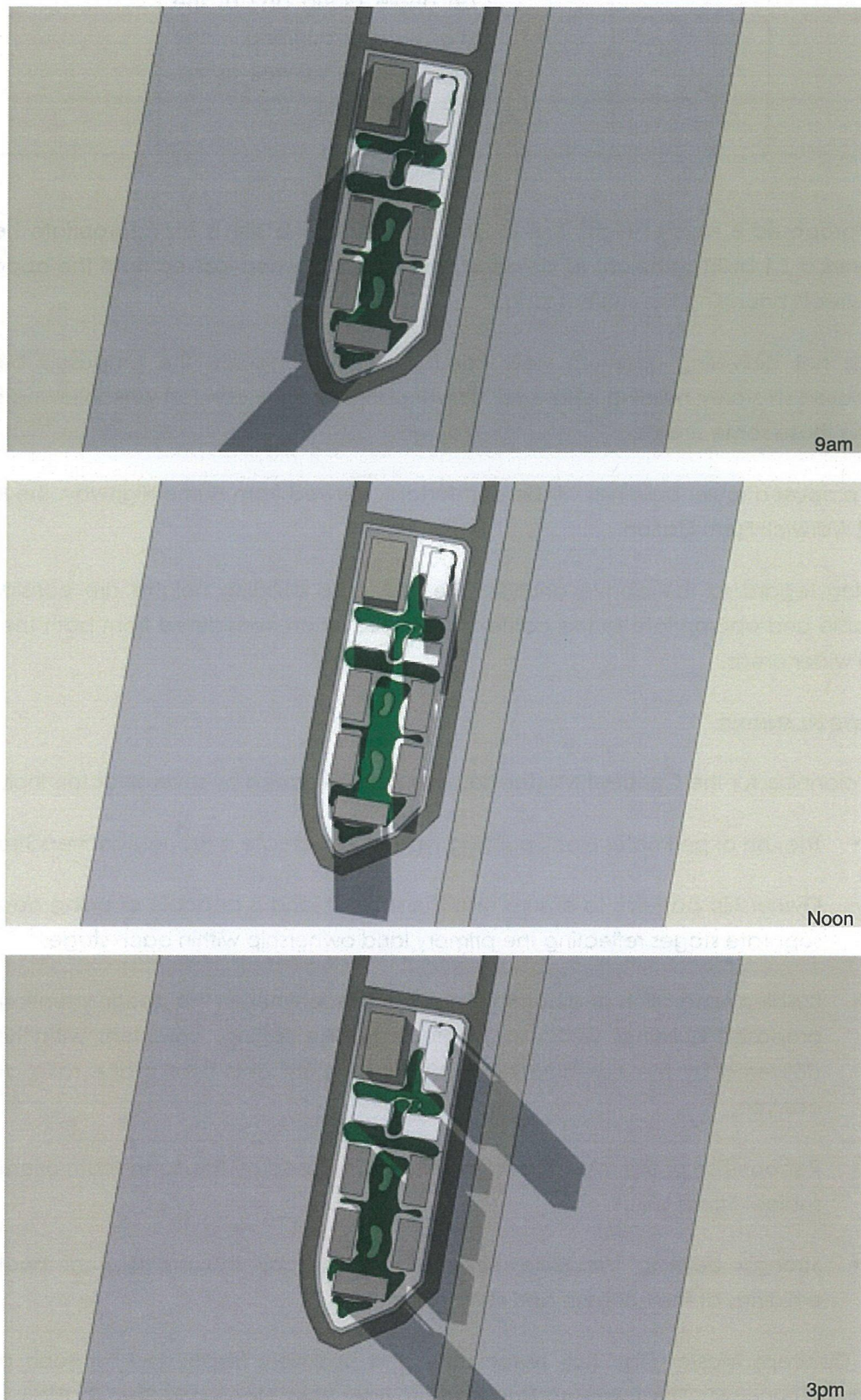
9.3 SITE PLANNING

Site planning for the Concept Master Plan has been informed by several factors including:

- The use of perimeter block building typology to create a strongly defined Street edge;
- Ownership patterns to ensure that the subject land is capable of being developed into separate stages reflecting the primary land ownership within each stage.
- Building separation and communal open space wherein the design intention is to locate proposed buildings within a generous parklike setting, consistent with the outcomes delivered by the combination of building height and floor space ratio development controls.
- Recognition of the solar access constraints imposed by the north-south orientation of the subject Street block
- Strongly defining the redevelopment precinct by the provision of bookend tower buildings at the northern and southern ends.

The Concept Master Plan has successfully and positively responded to each of these site planning principles. The following **Figure 15** provides 9am, Noon and 3pm shadow diagrams for midwinter.

Figure 15: Shadow Diagrams



In our opinion, the only potentially problematic aspects of the site planning outcomes delivered by the Concept Master Plan is that it results in an unequal distribution of floor space ratio across the site. The northern stage (Stage 1) delivers an approximate FSR of 2.5:1 and the southern stage (Stage 2) delivers an approximate FSR of 1:1.

This aspect of the Concept Master Plan arises because Stage 1 is smaller in area than Stage 2 and given the design attention of defining the redevelopment precinct with towers at the northern and southern ends of the site a disproportionate amount of the Stage 1 site area is occupied by the footprint of a tower building. Reciprocally, because Stage 2 is larger in area a disproportionate amount of its site area is occupied by six-storey buildings within a generous landscape setting.

The distribution of floor space relative the entrance to Warwick Farm station has been considered, however given the close proximity of all of the site to the station, this is not considered to be a significant or consequential issue.

In our opinion the unequal distribution of floor space between the two stages is appropriate because it delivers a logical and appropriate built form outcome across the whole of the site and facilitates the orderly and economic development of land given the ownership constraints, and as such, this outcome accords with Objective 5(a)(ii) of the EP&A Act 1979. Further, the FSR delivered to the Stage 2 land is consistent with that which has been applied to other R4 – High Density Residential zoned land within the Local Government Area such that it remains appropriate and applicable to the proposed R4 – High Density Residential zoning.

10 Conclusion

This report is provided a detailed analysis and assessment of a Planning Proposal which seeks to rezone the subject land from R3 – Medium Density Residential to R4 – High Density Residential. The subject land is situated in close proximity to Warwick Farm station, with that the station entrance accessible via an existing pedestrian underpass beneath Hume Highway. Warwick Farm is also well serviced by public open space within the Cabramatta Creek open-space corridor.

The existing R3 – Medium Density Residential zoning has been applied to the site since at least 2008 and during that time only one medium density development has occurred. The remainder of the site subject land (some 16,000 m²) remains underdeveloped with low-density detached housing.

Given the locational advantages of the Warwick Farm locality in terms of its proximity to heavy rail transport and accessibility to public open space assets, as well as the underdeveloped nature of the subject land opportunity is available to facilitate higher density residential development than is presently permissible under the R3 – Medium Density Residential zoning. Development of the subject land for high density residential flat buildings has been demonstrated to be consistent in all respects with the metropolitan strategy and Department of Planning and Environment's vision for the South West District.

Prior to its adoption of LLEP 2008, Council prepared a Residential Development Strategy which was intended to identify the appropriate locations for residential infill development within the existing urban areas of the Local Government Area. In order to meet the Department's target of 20,000 dwellings within Liverpool's existing urban areas, the Residential Development Strategy adopted a 'new approach' to residential densities than that which existed under LLE 1997. The former LEP allowed medium density residential development in wide-ranging areas throughout the Local Government Area and the same occurred on a relatively ad hoc basis dependent on land availability and developers preferences. The new approach adopted under the Residential Development Strategy was founded on principles of Transit Orientated Development whereby higher density residential nodes would be created around areas of high transport accessibility and in locations close to existing facilities and services.

In order to identify the most appropriate location for high density residential nodes, the Strategy undertook a detailed review of constraints and opportunities for 12 specific "Investigation Areas". For reasons not explained within the Residential Development Strategy, Warwick Farm was not included as one of those Investigation Areas.

Nevertheless, given the proximity of the subject land to Warwick Farm station as well as the area's good accessibility to substantial open-space assets, the creation of a high density residential mode around the railway station is clearly consistent with the 'new approach' recommended and adopted within the Residential Development Strategy.

For these reasons the adoption of the R4 – High Density Residential for the subject land is considered to be appropriate and entirely consistent with all aspects of contemporary metropolitan strategic planning. Arguably the more complicated issue arising from the subject Planning Proposal is the form, density and height of which such high density residential development should occur.

Warwick Farm, north of Hume Highway, already contains an R4 – High Density Residential precinct for which the floor space ratio and height controls are 1.5:1 and 21m (7 storeys) respectively. However, the development take-up rate of this area has been slow and much of it remains underdeveloped. Whilst it is therefore the case that there is existing supply of land within Warwick Farm which is capable of accommodating high density residential development, it is neither appropriate nor necessary to defer rezoning of additional land for high density residential development. This is because the subject land is so ideally suited for residential flat buildings and that there may be a variety of reasons including ownership and land values which are presently operating to prevent redevelopment of the existing R4 – High Density Residential zone.

Nevertheless, the existing R4 – High Density Residential zoned land centred around Mannix Pde represents the most proximate existing and likely future residential flat building precinct with which the subject land will have contextual relationship.

The Planning Proposal seeks 2.5:1 FSR and 42m building height. This will result in greater height and density than the existing Mannix Pde precinct. However that is not to say that the proposed density and height are incompatible with existing and likely future development within Mannix Pde. Even within the confines of the subject land, the Concept Master Plan delivers varied building heights and floor space ratios which between the two development stages, reflects greater variation than that which is proposed between the subject land and the Mannix Pde Precinct.

It has been established within this report that the FSR control serves two strategic planning functions. Firstly it guides bulk and scale to ensure that future development achieves an appropriate fit to the existing or desired future character of the site's immediate locality. Secondly, the FSR control allows the density of development to be controlled so that dwelling density is maximised in the most desirable locations relative to strategic planning objectives. In this case, the most relevant strategic planning objective is to concentrate residential density around transport nodes.

Of these two functions of the FSR control, the bulk and scale of future development under the proposed zoning and development standard will be transformative to the Warwick Farm locality, but nonetheless compatible with the existing R4 – High Density Residential zone around Mannix Pde and also appropriate to the site's location relative to Warwick Farm Station.

In respect of the second function (strategic distribution of residential density) a comparative analysis of FSR controls around the Liverpool—Parramatta Transitway, Liverpool CBD and the Mannix Pde precinct has been undertaken. That analysis indicates that strategic allocation of

density is best served if the FSR for the subject land is greater than 1.7:1 and less than 3:1. The proposed FSR of 2.5:1 fits comfortably within that range.

In the context of R4 – High Density Residential zoned land in Liverpool, building height is a function of FSR where an hypothetical site coverage of 20% is applied. This relationship between FSR and height applies to all R4 – High Density Residential zoned in the Liverpool LGA which we have investigated in the preparation of this report.

This consistently adopted relationship between FSR and building height within the LGA is supported because it promotes low site coverage and therefore tall buildings with a generous landscaped setting. Accordingly, it is considered to be appropriate to adopt this same relationship of FSR to building height for the subject land. Allowing for 2.5:1 FSR and a notional 20% site coverage, the applicable building height would be 39m. The proposed building height limit of 42m is therefore generally consistent.

The Planning Proposal is accompanied by a Concept Master Plan which anticipates 8 new buildings comprising 6 x 6 storey perimeter block buildings and 2 x 14 storey tower buildings.

The Concept Master Plan has necessarily been prepared ahead of the full suite of detailed studies which will be required subsequent to Gateway Determination. As such, the Concept Master Plan should be regarded as a starting point for discussion and does not represent the Applicant's firm development proposal. The views and preferences of Council officers and other stakeholders are necessary factors to be included in the preparation of a final Master Plan.

Once fully resolved through that consultative and inclusionary process, it would then be proposed to convert the final Master Plan to a Site Specific DCP to be included as an additional Section to Part 2 of DCP 2008. In this way, it is intended that the final development outcomes which would result from the subject Planning Proposal will have significant certainty and control prior to publication of an amending LEP.