

DATE OF DECISION	13 September 2019
PANEL MEMBERS	Bruce McDonald (Acting Chair), Mark Grayson and Nicole Gurran
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Ms Waller and Mr Harle advised that they have a conflict in this matter as this planning proposal has previously been to Council. Mr Doyle advised that he has acted in a case against Al Maha Pty Ltd.

REZONING REVIEW

Panel Ref – 2018WCI006 - LGA – Liverpool – RR_2018_LPOOL_002_00 (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

STRATEGIC MERIT

Earlier Consideration of Site Rezoning Proposal

This site has previously been subject of a rezoning proposal review by the Sydney Western City Planning Panel. The Panel saw strategic merit in a mixed-use development near Warwick Farm Rail Station, however the proposal was not supported as it lacked site-specific merit. The development was considered inappropriate in this location due to excessive height and scale. The Panel also considered the current heavy vehicular traffic on Munday Road and the flood affectation of the area. These were significant issues that would need to be resolved.

While this proposal is of reduced height and scale the strategic position in which the current proposal must be assessed has changed substantively since consideration of the initial proposal. Critical to that context the Liverpool Collaboration Area Place Strategy has been completed. This strategy is the measure to progress the planning of Liverpool to deliver its strategic role as a metropolitan city cluster.

Western City District Plan

The Western Sydney District Plan is considered to be the central strategic policy against which this proposal must be evaluated. Issues central to that evaluation are considered to be;

Planning Priorities

Planning Priority W10 –The proposal is considered inconsistent with the important strategic position of the Western District Plan of retaining, managing and safeguarding industrial and urban services land from competing pressures especially residential and mixed-use zones. The proposal would rezone employment generating land and install potentially noncompatible residential /mixed use zoning resulting in a loss of urban services land. The Panel notes that there is currently no employment lands study to provide guidance in this regard.

Planning Priority W2 -Working through collaboration; Planning Priority W9-Growing and Strengthening the Metropolitan Cluster

These priorities are considered to be central to determination of this proposal.

Liverpool is included as one of four centres that will deliver the metropolitan functions of concentrations of higher order jobs and has accordingly been identified as a Collaboration Area centred on a place-based approach to planning the centre. The Liverpool Collaboration Area under the District Plan includes this element of Warwick Farm Precinct within which the subject site is located. The Liverpool Collaboration Area Place Strategy has now been finalised by the GSC and has identified the element of Warwick Farm in which this site is located as a higher order employment area to support health related activities, advanced manufacturing, mid-tech and educational facilities.

The Liverpool Collaboration Area Place Strategy will be the vehicle for delivering the District Plan objectives. Thus consistent with the District Plan Priority W10 (outlined above), lands designated in the Strategy for industrial and urban services should be safeguarded from competing pressures, especially residential and mixed use zones.

SITE SPECIFIC MERIT

In consideration of the earlier planning proposal for this site the Panel agreed with Council's assessment that the heavy vehicular traffic on Munday Road and flood affectation were significant issues that would need to be resolved before any future rezoning.

It is noted that a detailed flood impact study has not been prepared for this proposal. It is further noted that the Collaboration Area Place Strategy requires a Georges River flood study to be prepared. Council's advice is that such study has not yet been undertaken and is not due for completion for at least 12 months.

Similarly, the Place Strategy identifies the need for an integrated transport strategy addressing capacity and viability of infrastructure to support future growth within the Collaboration Area. Council's independent rezoning review advises this work is not due for completion until the end of 2019.

It is considered that given these site-specific constraints, adoption of the planning proposal would be premature.

Further there is no demonstrated urgency or need to rezone the site in the interest of adding further housing supply/ opportunity given the extent of land closer to the CBD available for housing development.

PANEL MEMBERS	
	

Bruce McDonald (Acting Chair)	Mark Grayson
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	Panel Ref – 2018WCI006 - LGA – Liverpool – R_2018_LPOOL_002_00 Lot 1 Governor Macquarie Drive, Warwick Farm
2	LEP TO BE AMENDED	Liverpool Local Environmental Plan 2008
3	PROPOSED INSTRUMENT	The rezoning review request seeks to amend the Liverpool Environmental Plan 2008 to rezone Lot 1, Governor Macquarie Drive, Warwick Farm, from B5 Business Development to part R4 High Density Residential and part B4 Mixed Use and amend associated development standards.
4	MATERIAL CONSIDERED BY THE PANEL	- Rezoning review request documentation - Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	Site inspection: 5 February 2018 - Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran - Department of Planning and Environment (DPE) staff in attendance: Mark Dennett and Adrian Hohenzollern Site inspection: 10 September 2019 by Mark Grayson Briefing meeting with Department of Planning and Environment (DPE): 10 September 2019 from 1.40pm - Panel members in attendance: Bruce McDonald (Acting Chair), Mark Grayson and Nicole Gurran - DPE staff in attendance: Ashley Richards Briefing meeting with Council and Proponent: 10 September 2019, from 2.05pm - Panel members in attendance: Bruce McDonald (Acting Chair), Mark Grayson and Nicole Gurran - DPE staff in attendance: Ashley Richards - Council representatives in attendance: Graham Matthews, Ian Stendara and Charles Wiafe - Proponent representatives in attendance: Scott Barwick, Jonathan Knapp, Josh Holli and Antoine Bechara. Papers were circulated electronically between 12 September 2019 and 13 September 2019