

Planning Proposal

**Amendment to Key Sites Map in the Liverpool
Local Environmental Plan 2008**

104 Fifteenth Avenue, West Hoxton

30 June 2022

Table of contents

Foreword.....	3
Foreword.....	3
Introduction	3
Background	3
Report structure.....	5
Site description	6
Statutory planning framework.....	7
Delegation of plan making functions	11
Part 1 – Objectives and intended outcomes.....	11
Part 2 – Explanation of provisions	12
Part 3 – Justification of strategic and site-specific merit	12
Section A – Need for the planning proposal	12
Section B – Relationship to the strategic planning framework	12
Section C – Environmental, social, and economic impact	19
Section D – Infrastructure (local, state and commonwealth).....	20
Section E – State and commonwealth interests	20
Part 4 – Maps	20
Part 5 – Community consultation	21
Part 6 – Project timeline	22
Appendices.....	22

List of tables

Table 1 – Consistency with the Regional Plan.....	13
Table 2 – Consistency with Western City District Plan	13
Table 3 – Site-specific Merit.....	14
Table 4 – Assessment against the Strategy’s Guiding Criteria.....	15
Table 5 – Consistency with State Environmental Planning Policies.....	16
Table 6 – Consistency with the Ministerial Directions.....	17
Table 7 – Anticipated Project Timeline	22

List of figures

Figure 1 - Potential future road boundary provided by TfNSW.....	5
Figure 2 - Aerial view of subject site (outlined in yellow).....	6
Figure 3 - Existing land use zoning in the LLEP 2008 (site outlined in red).....	8
Figure 4 - Existing land marked for acquisition in the LLEP 2008	9
Figure 5 - Existing key site in the LLEP 2008 (site outlined in red).....	10
Figure 6 - Indicative road layout in Liverpool DCP 2008	11
Figure 7 – Existing key sites map for the subject site	21
Figure 8 – Proposed key sites map for the subject site	21

Foreword

This report has been based on a planning proposal report that was prepared by Michael Brown Planning Strategies on behalf of Mr Fabrizio D'Alfonso (the Proponent) to initiate an amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008).

The planning proposal request was received by Liverpool City Council (LCC) on 27 October 2021. Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 28 February 2022. After considering the assessment report, the LPP provided their advice, that the proposal has both strategic and site-specific merit, and supported the planning proposal proceeding to a Gateway determination. The planning proposal was then considered at Council's Ordinary Meeting on 30 March 2022 where it received in principle support to be forwarded to the Department of Planning and Environment (DPE) seeking a Gateway determination.

Introduction

A planning proposal was received from the proponent, Mr Fabrizio D'Alfonso, to rezone land at 104 Fifteenth Avenue, West Hoxton (Lot 2 DP 1074727). The planning proposal seeks to relocate the existing key site polygon located at 104 Fifteenth Avenue, West Hoxton. The proposal thus proposes to amend the Key Sites Map within Clause 9 of Schedule 1 of the LLEP 2008.

Background

The existing key site polygon applies only to the eastern portion of Lot 2. Clause 9 of Schedule 1 is a legacy provision which was carried over from Liverpool Local Environmental Plan 1997. It appears that the key site polygon is a reflection of the lot area at the time LLEP 2008 was adopted. Since then, lot amalgamation has occurred, hence why the polygon does not apply to the entire site.

In July 2021, a Development Application (DA-750/2021) was lodged for Integrated development at the subject site, comprising demolition of the existing structures and construction of a service station and convenience store, take away food and drinks premises (McDonalds), child care centre for 90 children and Torren's title subdivision into 19 residential allotments.

Pursuant to Section 138 of the *Roads Act 1993*, the application was referred to Transport for NSW (TfNSW) for concurrence. On 3 September 2021, TfNSW advised that the proposal is not supported in its current form for the following reasons:

- 1. TfNSW advises that the subject property is within an area under investigation for the proposed Fifteenth Avenue Upgrade. The subject site (Lot 2, DP 1074727) will likely be affected by road widening to facilitate for the rapid transit corridor from Liverpool to Nancy Bird Walton Airport. As such the development should not intrude on the potential future road boundary (blue line) as stipulated in the attached aerial image.*

2. Whilst TfNSW notes that Fifteenth Avenue is not a State Road or Classified Road, Fifteenth Avenue will likely become a major arterial road, which will carry a high volume of traffic and restriction of access off the road. Therefore, it is recommended that vehicular access to the subject site is via alternative local roads such as Second Avenue to the satisfaction of Council.

3. Whilst TfNSW preference is to have no access from Fifteenth Avenue, should access be retained the proponent should consider the following:

a. Access only to the service station from Fifteenth Avenue. Access to the Childcare Centre and Food & Drink Premises from Fifteenth Avenue is not supported.

b. Due to the proximity to the intersection of Fifteenth and Second avenues all access to the Food & Drink Premises and Childcare Centre is recommended to be physically restricted to left in/left out.

c. The access to the site is to be provided at the furthest point away from the intersection of Fifteenth and Second avenues.

d. A left turn deceleration lane from Fifteenth Avenue into the Service Station is to be provided in line with Austroads Standards.

e. Additional setback of the development from the future road boundary will be required. The design of the access point will need to be setback to the future road boundary to ensure that the relocation and reconstruction of the deceleration lane can be achieved within the property boundary in the event that Fifteenth Avenue is upgraded.

f. TfNSW recommends that Swept Path plans are submitted to Council for approval and are to ensure that the following can be achieved:

i. All vehicles are to enter and leave the site in a forward direction. A turn around area will be required within the property boundary.

ii. The driveway should be designed to ensure that the largest vehicle can enter and leave the site simultaneously from the kerbside lane.

iii. The plans are to include details of lane lines, kerb, gutter and median.

iv. All vehicles are to be wholly contained on site before being required to stop.

v. Swept paths should be a smooth, single radius and not have 'kinks' as currently demonstrated (in line with Austroads Standards).

4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

As stipulated in item 1, the potential future road boundary provided by TfNSW (refer to Figure 1) necessitates the acquisition of additional land and encroaches into the existing key site polygon.



Figure 1 - Potential future road boundary provided by TfNSW

Report structure

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* with consideration to DPE's 'Local Environmental Plan Making Guideline' (December 2021). Accordingly, the proposal is discussed in the following parts:

- Site description
- Statutory planning framework
- Part 1 – Objectives and intended outcomes
- Part 2 – Explanation of provisions
- Part 3 – Justification of strategic and site-specific merit
- Part 4 – Maps
- Part 5 – Community consultation
- Part 6 – Project timeline

Site description

The site is formally described as 104 Fifteenth Avenue, West Hoxton (Lot 2 DP 1074727). The subject site is irregularly shaped and has an approximate area of 18,230m². The land is clear of vegetation and contains a two-storey dwelling and several outbuildings. Access to the site is currently provided from Fifteenth Avenue. A transmission line easement on the neighbouring lot runs adjacent to the western boundary of the property.



Figure 2 - Aerial view of subject site (outlined in yellow)

The subject site is surrounded by the following land uses:

- Directly north of the site is low density housing in Middleton Grange, including recently constructed single and double storey detached dwellings;
- Directly east of the site is low density housing comprising predominately of single and double storey detached dwellings;
- Directly south of the site is the Western Sydney Parklands open space corridor, including several waterbodies; and

- Directly west of the site is the Western Sydney Parklands open space corridor including a water body.

The site is located at the corner of Fifteenth Avenue and Second Avenue. Fifteenth Avenue is currently under investigation by TfNSW for further upgrades, including road widening to facilitate the Fifteenth Avenue Smart Transit (FAST) Corridor. The FAST Corridor is envisioned to provide a high-quality rapid bus route connecting the Liverpool CBD to the Western Sydney International (Nancy-Bird Walton) Airport. More broadly, the site is located approximately 1.55km south-west of the Westlink M7 which is a major arterial highway that links Sydney's orbital motorway network.

The subject site has direct access to a bus stop along the frontage on Second Avenue. Bus routes servicing this stop include the 853 (Carnes Hill to Liverpool via Hoxton Park Road) and 854 (Carnes Hill to Liverpool via Greenway Drive and Hoxton Park Road) which are provided by Interline Bus Services. A bus stop is also located approximately 56m from the site on Fifteenth Avenue which is serviced by the 853, 855 and 861 bus routes. There are no train stations within vicinity of the proposed site.

Statutory planning framework

Liverpool Local Environmental Plan 2008

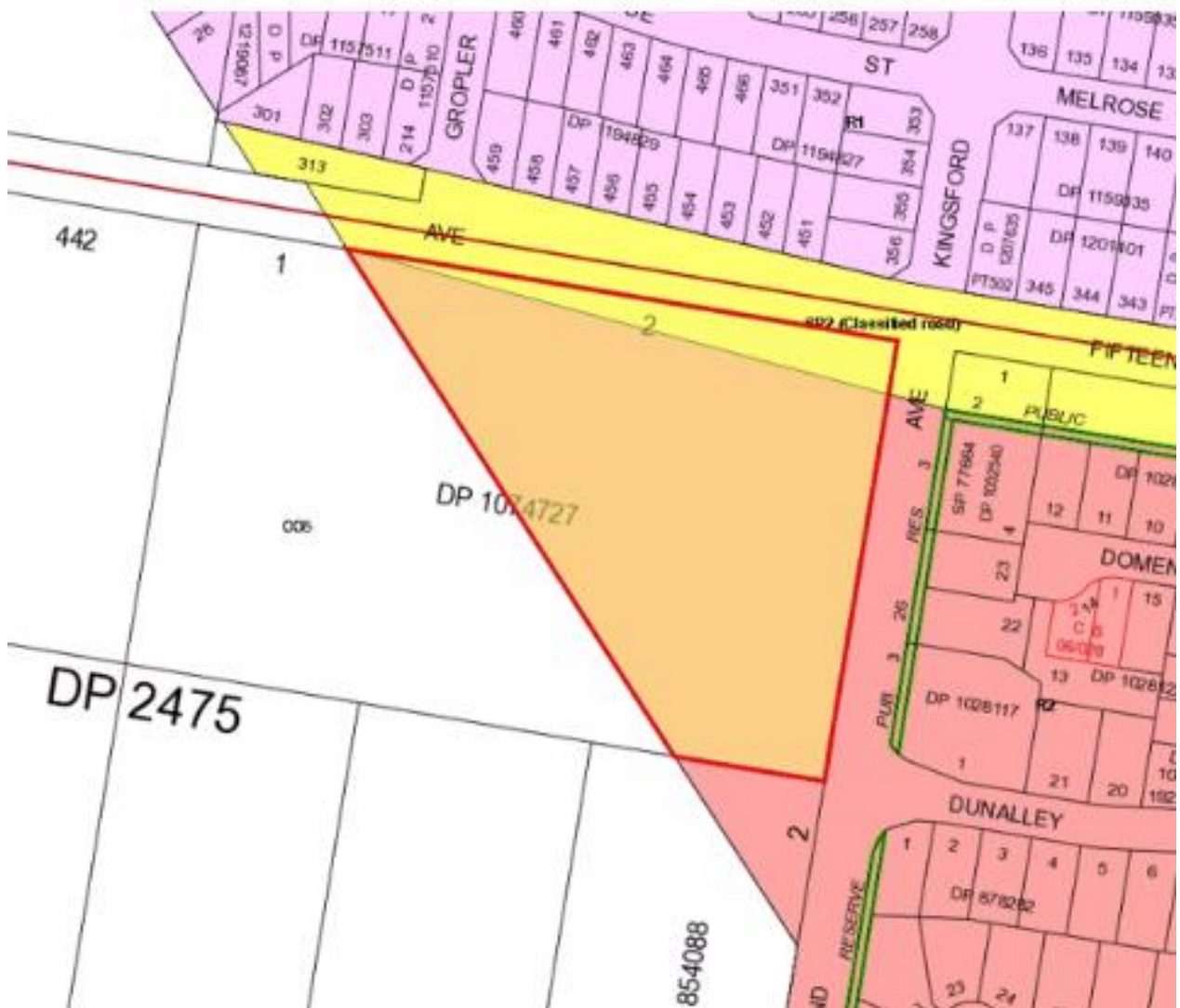


Figure 3 - Existing land use zoning in the LLEP 2008 (site outlined in red)

The subject site is zoned part R2 Low Density Residential and part SP2 Infrastructure (Classified Road) in accordance with the LLEP 2008 zoning map (refer to Figure 3).

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.

- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To reserve land for the provision of infrastructure.

The portion of land zoned SP2 Infrastructure relates to the future road widening of Fifteenth Avenue and is to be acquired by TfNSW in accordance with Clause 5.1 of the LLEP 2008 (refer to Figure 4).

Clause 5.1 of LLEP 2008 is as follows:

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (**the owner-initiated acquisition provisions**).

Type of land shown on Map	Authority of the State
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW

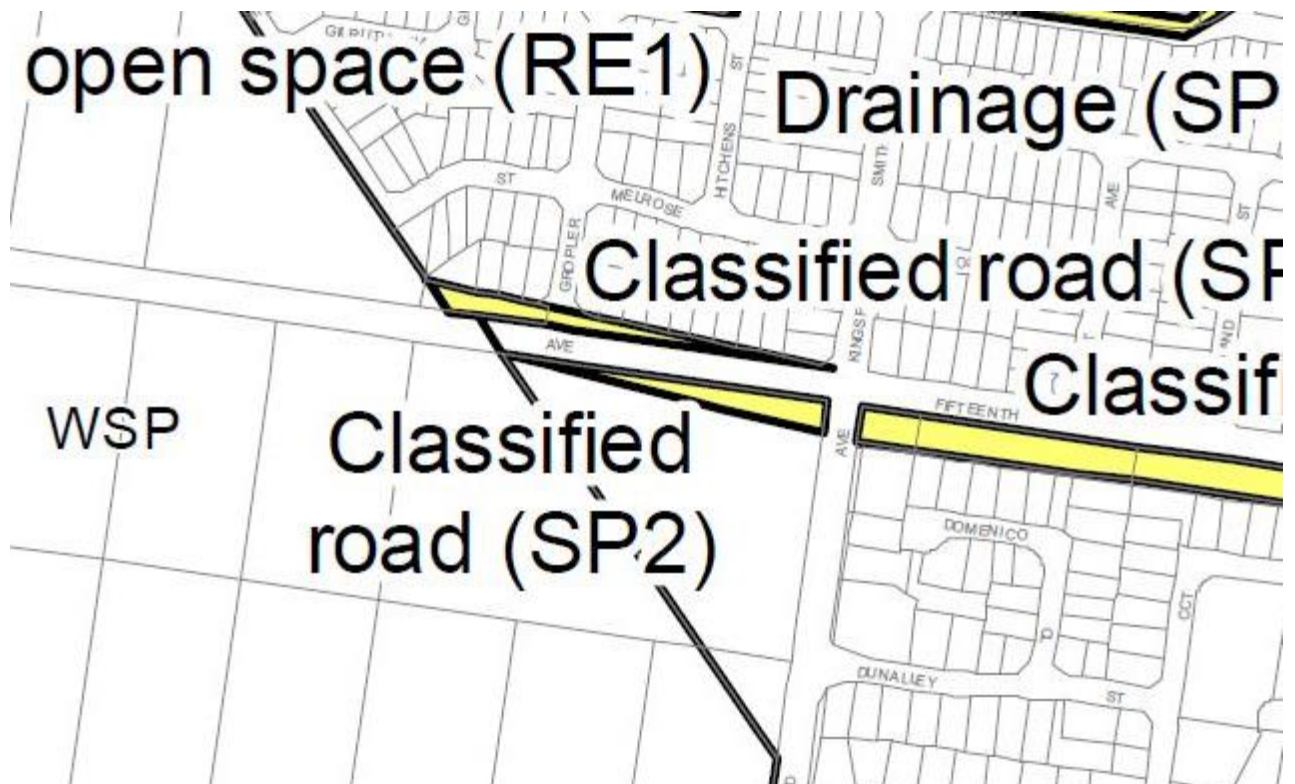


Figure 4 - Existing land marked for acquisition in the LLEP 2008

The eastern portion of the site is also identified as a key site within Clause 9 of Schedule 1 Additional permitted uses, allowing for the development of a service station and take away food and drink premises (refer to Figure 5).

Clause 9 of Schedule 1 is as follows:

Schedule 1 – Additional permitted uses

9 Use of certain land for service stations and take away food and drink premises

(1) This clause applies to land shown coloured yellow on the Key Sites Map.

(2) Development for the following purposes is permitted with consent—

(a) service stations,

(b) take away food and drink premises if—

(i) there will be no more than 1 take away food and drink premises at each of the areas shown coloured yellow on the Key Sites Map, and

(ii) the gross floor area of the take away food and drink premises is not greater than 300m².

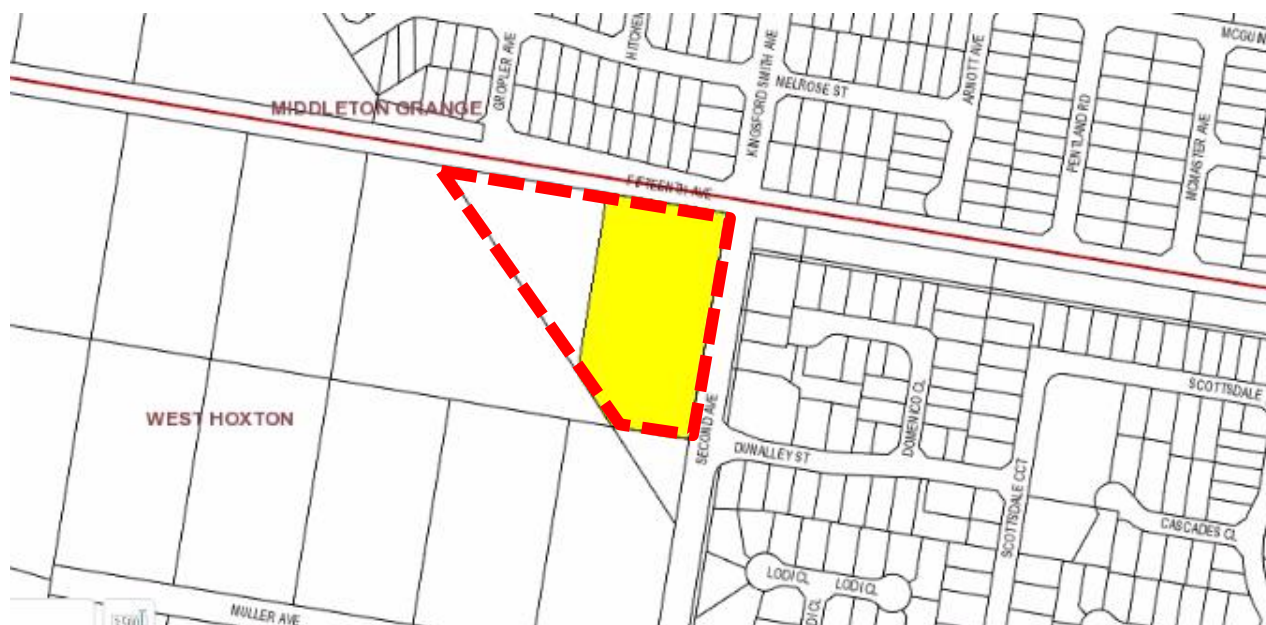


Figure 5 - Existing key site in the LLEP 2008 (site outlined in red)

Liverpool Development Control Plan 2008

An indicative road layout applies to the site under the Liverpool Development Control Plan 2008 (refer to Figure 6). It is noted however that the road layout may be varied as part of the development application (DA) assessment process.



Figure 6 - Indicative road layout in Liverpool DCP 2008

Delegation of plan making functions

This planning proposal seeks to make a relatively minor amendment to the LLEP 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Part 1 – Objectives and intended outcomes

The intended outcome of this planning proposal is to accommodate for the development of the additional permitted uses at the site, being a service station and takeaway food and drinks premises.

The proposed amendment to the Key Sites Map however is intended to facilitate the total development of the site including a:

- Service station and associated convenience store;
- Take away food and drinks premises;
- Child care centre for 90 children; and
- Torrens title subdivided residential allotments.

The above development outcome is being considered through DA-750/2021. Pursuant to Section 3.39 of the EP&A Act, the proponent has requested DA-750/2021 and the subject proposal be assessed concurrently.

Part 2 – Explanation of provisions

The objectives and intended outcomes of the planning proposal will be achieved by amending the Key Sites Map to relocate the existing key site polygon located at 104 Fifteenth Avenue, West Hoxton. To facilitate the proposed change, the following LLEP 2008 map is to be amended:

Key Sites Map

- 4900_COM_KYS_008_020_20151104

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed LSPS strategic study or report?

The planning proposal is not the result of any endorsed strategic planning statement, strategic study or report. It is however generally consistent with the relevant overarching principles contained in the local, district and metropolitan strategic documents. These documents include the following:

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan
- Local Strategic Planning Statement – Connected Liverpool 2040

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

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

The eastern portion of the lot is already identified as a key site on the Key Sites Map. The planning proposal is therefore considered the best means of achieving the objectives and intended outcomes as indicated in Part 1 of this planning proposal.

Section B – Relationship to the strategic planning framework

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

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

a. Strategic Merit

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

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan

Greater Sydney Regional Plan – A Metropolis of Three Cities

The current metropolitan strategy applicable to the site is the NSW Government’s Greater Sydney Region Plan (2018). Relevant directions from the metropolitan strategy are noted at Table 1 below.

Table 1 - Consistency with the Regional Plan

Objective	Comment
<i>Objective 6: Services and infrastructure meet communities’ changing needs</i>	The proposal will facilitate a development which will provide job opportunities and improve access to services for businesses, employees and residents in the local area. It will therefore meet and reflect the local communities’ changing needs and improves the quality of life by way of liveability and accessibility.
<i>Objective 7: Communities are healthy, resilient and socially connected</i>	The proposal seeks to support urban development by locating services including convenience-based retail along a strategically significant corridor. The proposed uses shall have consideration to the local context and will attract a combination of people together, thereby creating opportunities for social interaction within the neighbourhood.

Western City District Plan

The site is located within the Western City District and the applicable District Plan is the Western City District Plan (2018), as established by the Greater Sydney Commission in March 2018. Relevant directions from the Western City District Plan are noted at Table 2 below.

Table 2 – Consistency with the Western City District Plan

Criteria	Comment
<i>Planning Priority W3: Providing services and social infrastructure to meet people’s changing needs</i>	The proposal will provide better access to services including convenience-based services for nearby businesses, employees and residents in the local area. It meets and reflects the communities’ changing needs.
<i>Planning Priority W4: Fostering healthy, creative, culturally rich and socially connected communities</i>	Overall, the proposal assists in the planning, managing and accessibility to infrastructure, particularly in consideration of the future growth and development planned for Western Sydney.
<i>Planning Priority W7: Establishing the land use and transport structure to</i>	The proposal will preserve the FAST Corridor whilst simultaneously enabling the development of employment

Criteria	Comment
<i>deliver a liveable, productive and sustainable Western Parkland City.</i>	generating uses that will service the locality and travelling patrons along this corridor.

Local Strategy

Assessment of the proposal with regards to the Local Strategic Planning Statement (LSPS) is detailed in Section 3.4.

b. Site-specific Merit

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

Table 3 – Site-specific Merit

Criteria	Planning Proposal Response
<i>Does the proposal give regard and assess impacts to the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i>	The site is devoid of any vegetation and a portion of the site is identified as biodiversity certified land. A discussion of known hazards is found at Section 3.7
<i>Does the proposal give regard and assess impacts to existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates</i>	The existing uses on the site include a dwelling and several outbuildings which are intended to be demolished via DA-750/2021. The proposal is not seeking to change the permissible uses for the site which would warrant an assessment of the proposal against the likely future uses of land within vicinity.
<i>Does the proposal give regard and assess impacts to services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	The proposal does not change the permissible uses for the site and therefore does not necessitate additional infrastructure provision.

3.4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Liverpool Local Strategic Planning Statement (LSPS)

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

Local Planning Priority 11, under the Productivity goal of the LSPS, includes the planning priority: 'An attractive environment for local jobs, business, tourism and investment.' Although the site is not in an area

that is specifically identified for job growth within the LSPS, it falls within the strategic context of contributing to the economic growth of the LGA and along a key corridor, which will service the Western Sydney International (Nancy-Bird Walton) Airport. The planning proposal will enable for employment generating uses, which will inevitably lead to increased employment opportunities for local workers and support the local economy.

Liverpool Centres and Corridors Strategy 2020

The Liverpool Centres and Corridors Strategy (the Strategy) is underpinned by the Centres and Corridors Study prepared by SGS Economics & Planning (February 2020). The SGS Study was prepared in consultation with key stakeholders to understand key retail trends and the performance of the local retail market.

Although the subject site is not located in a business zone, the Strategy identified service stations and take away food and drink premises permitted on identified key sites often serve an enterprise corridor function that is commensurate with sites in the B6 zone. Given this, an assessment of the planning proposal against the five 'Guiding Criteria' for the assessment of planning proposals contained in the Strategy is warranted.

Table 4 – Assessment against the Strategy's Guiding Criteria

Guiding Criteria	Consistency
<i>1. Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).</i>	The proposal is not considered to pose a threat to the retail function of the Liverpool City Centre, town centres and local centres.
<i>2. The creation of new out of centre retail developments are not encouraged.</i>	Although the proposal includes retail development, it is relatively minor in scale and largely convenience based. It is therefore considered acceptable.
<i>3. In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.</i>	The subject site is not located within a centre.
<i>4. Proposals for redevelopment or expansion of town centres and local centres must demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.</i>	N/A
<i>5. Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.</i>	The subject site is not located in the B5 Business Development zone.

3.5 Is the planning proposal consistent with any other applicable State or regional studies or strategies?

The planning proposal seeks to facilitate the existing development potential of the site whilst still preserving the FAST Corridor. The Future Transport Strategy 2056 identifies the need to preserve suitable transport options like the FAST Corridor for future means. This connection between the Liverpool CBD and Western Sydney International (Nancy-Bird Walton) Airport forms a part of the envisioned network in the Strategy.

3.6 Is the planning proposal consistent with applicable SEPPs?

Several State Environmental Planning Policies (SEPPs) apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 5 below. It is noted that SEPPs which the planning proposal will not materially impact nor undermine, or where it is deemed that the planning proposal is consistent or not inconsistent with the SEPP objectives have been omitted from Table 5.

Table 5 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment / Consistency
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>Previously SEPP 33 – Hazardous and Offensive Development</i>	Nothing within this planning proposal will prevent the submitted DA from complying with this SEPP. An assessment against the criteria under Clause 3.12 within Part 3 will need to be demonstrated as part of the DA.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>Previously SEPP No 55 – Remediation of Land</i>	Land contamination issues for the planning proposal are addressed under the Ministerial Directions. The submitted DA is required to comply with the provisions of the SEPP.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	This SEPP is not specifically relevant to the planning proposal but may be a consideration for the submitted DA.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>Previously SEPP (Educational Establishments and Child Care Facilities) 2017</i>	The submitted DA is required to adhere with the requirements of the SEPP.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The development of a service station at the site will require an assessment against the provisions of the SEPP. The submitted DA is required to address the SEPP.

<p><i>Previously SEPP (Infrastructure) 2007</i></p>	
<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p><i>Previously SEPP (State and Regional Development) 2011</i></p>	<p>This SEPP is not specifically relevant to the Planning Proposal but may be a consideration for the submitted DA.</p>
<p><i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i></p> <p><i>Previously SEPP (Western Sydney Aerotropolis) 2020</i></p>	<p>The site is within the 13km wildlife buffer zone and Obstacle Limitation Surface (OLS) Map under the SEPP. The submitted DA is required to address the SEPP.</p>
<p><i>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i></p> <p><i>Previously SEPP (Western Sydney Parklands) 2009</i></p>	<p>The planning proposal does not affect the application of the SEPP with regards to the Western Sydney Parklands.</p>
<p><i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i></p> <p><i>Previously Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment</i></p>	<p>The planning proposal is unlikely to contradict the objectives of the SEPP nor contribute to the detriment of the environmental health or quality of the Georges River Catchment.</p>

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

Table 6 – Consistency with the Ministerial Directions

Ministerial Direction	Comment / Consistency
<p>1.1 <i>Implementation of Regional Plans</i></p>	<p>Consistency with the Greater Sydney Regional Plan - A Metropolis of Three Cities is demonstrated in Section 3.3 of this report.</p>
<p>1.3 <i>Approval and referral requirements</i></p>	<p>The planning proposal does not contravene the objectives of this direction.</p>

<p>1.4 <i>Site-specific Provisions</i></p>	<p>Although the proposal does not impose any additional development standards the revised key site polygon (11,467m²) is slightly smaller than the existing key site (11,699m²). The planning proposal is therefore inconsistent with this direction. This inconsistency however is considered justifiable on the basis that it is of minor significance, being a minor mapping change to an existing key site boundary.</p>
<p>1.10 <i>Implementation of Western Sydney Aerotropolis Plan</i></p>	<p>The site is not impacted adversely by the airport related OLS and is located outside the Aircraft Noise Exposure Forecast (ANEF) contours.</p>
<p>4.3 <i>Planning for Bushfire Protection</i></p>	<p>The site is affected by Category 3 Bushfire Prone Vegetation. A Bushfire Hazard Assessment prepared by Harris Environmental Consulting was submitted at the lodgement of DA-750/2021. A revised Bushfire Hazard Assessment dated 15 June 2022 was submitted following the Gateway determination reflecting the revised site configuration. The revised report concludes that the uses have the ability to comply with Planning for Bushfire Protection 2019. Furthermore, the assessment proposes an Asset Protection Zone be provided over the entire subject lot.</p>
<p>4.4 <i>Remediation of contaminated land</i></p>	<p>The planning proposal does not materially change the uses permitted on the site and therefore is deemed to be consistent with this direction.</p> <p>Notwithstanding this, it is noted that a Preliminary Site Investigation report was submitted at the lodgement of DA-750/2021 which advises asbestos fibres were detected in the soil samples. The report concludes that the site is suitable for the proposed land uses subject to remediation and validations works being undertaken on the asbestos contaminated soil.</p>
<p>5.1 <i>Integrating Land Use and Transport</i></p>	<p>The subject site is located on a future major arterial road with accessible bus routes. The proposed uses will also benefit from the future potential FAST Corridor, which is intended to provide a rapid public transit connection from Liverpool CBD to the Western Sydney International (Nancy-Bird Walton) Airport. These uses will provide a service convenience along a strategic route to the future airport.</p>
<p>5.2 <i>Reserving Land for Public Purposes</i></p>	<p>A portion of the site is zoned SP2 Infrastructure for the purpose of Classified Road. The proposal will not hinder the acquisition of this land nor any additional land required by TfNSW for the Fifteenth Avenue upgrades.</p>
<p>6.1 <i>Residential Zones</i></p>	<p>The site is predominately zoned R2 Low Density Residential. The development outcome entails the delivery of residential allotments which, once developed, will contribute to housing supply in the locality. The non-residential development part of the site will ensure future housing on site will have suitable access to services.</p>
<p>7.1 <i>Business and Industrial Zones</i></p>	<p>The site is identified as a key site and deemed a suitable location for the additional permitted uses. The proposal will accommodate for the development of employment generating uses during the construction phase and throughout the continued operation of the development.</p>

Section C – Environmental, social, and economic impact

3.8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal is not expected to affect any critical habitat or threatened species, populations, or ecological communities.

3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Land use compatibility with child care centre

The intended development outcome comprises the development of a child care centre adjacent to the service station. Land use compatibility concerns have been identified with regards to the co-location of these two uses, particularly with regards to safety. This aspect however will be assessed as part of the DA, given that both these uses are already permissible with consent on the site. Furthermore, the planning proposal directly relates to the additional permitted uses of a service station and take away food and drinks premises.

Access points

The existing key site provision in the LLEP 2008 already benefits from frontage to Fifteenth Avenue. The proposed key site polygon however is characterised by a longer frontage along Fifteenth Avenue and shorter frontage along Second Avenue. Access to the service station is intended to be provided from Fifteenth Avenue. Given the future intended role of this corridor however, TfNSW advised in the assessment of DA-750/2021 that this is not the preferred access point.

Furthermore, the IRL applicable to the site restricts all access to the site to the southernmost entry point off Second Avenue (refer to Figure 6). Access to the take away food and drinks premises is intended to be provided from Second Avenue, however not in the location shown in the IRL.

The suitability of the proposed access arrangement is therefore intended to be further investigated and explored post-Gateway as part of state agency consultation with TfNSW. This is to ensure the intended access points contained within the revised key site polygon (along both Fifteenth Avenue and Second Avenue) can be genuinely considered as part of the DA assessment process.

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

The social and economic effects of this planning proposal have been considered and addressed. In particular, the proposal provides clear economic benefits, particularly in relation to increased employment.

Economic effects

The proposal has potential to facilitate a positive economic impact in the locality through the creation of local jobs, aligning with the aspirations for employment within the Liverpool LGA set by Council's Economic Development Plan. It will also activate a site that is predominately vacant and consequently has been underutilised for several years.

Social effects

The proposal will capitalise on the residual social benefits associated with greater employment land uses adjacent to existing and future residential development. Aside from this, it is acknowledged that the proposal is unlikely to introduce any adverse impacts on the social fabric of the area surrounding the site. Furthermore, it will not significantly reduce or impact upon the level of service provided by existing social infrastructure and facilities.

Section D – Infrastructure (local, state and commonwealth)

3.11 Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal does not seek to materially change the permissible uses nor intensify the development potential of the site. Existing provision of public infrastructure is therefore considered to be adequate.

Section E – State and commonwealth interests

3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As a part of the Gateway determination, the relevant public authorities will be identified who are to be consulted in relation to the planning proposal. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

Part 4 – Maps

The existing and the proposed changes to the LLEP 2008 are shown in the maps below.

Key Site Maps

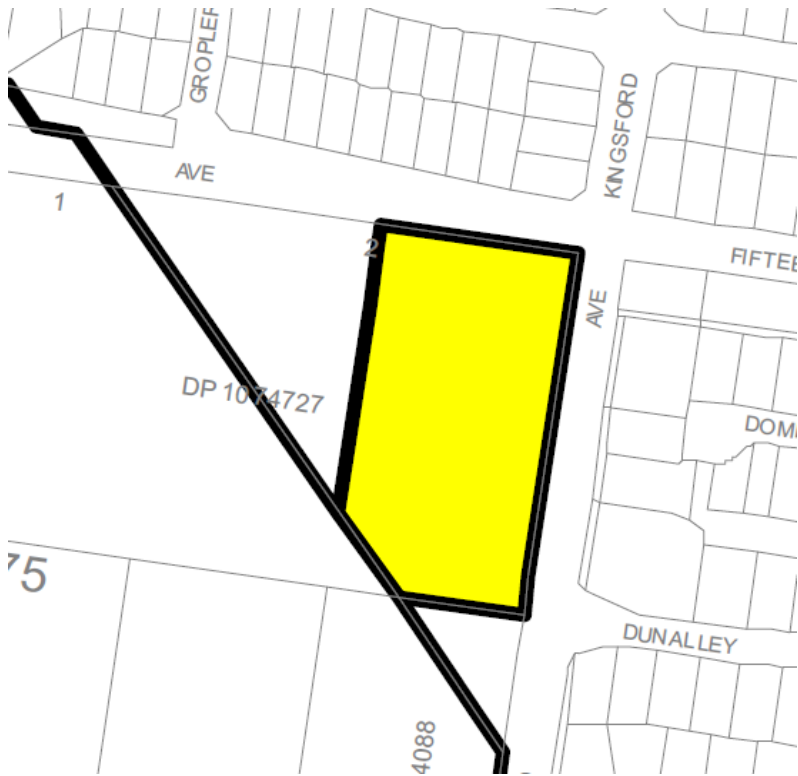


Figure 7: Existing key sites map for the subject site

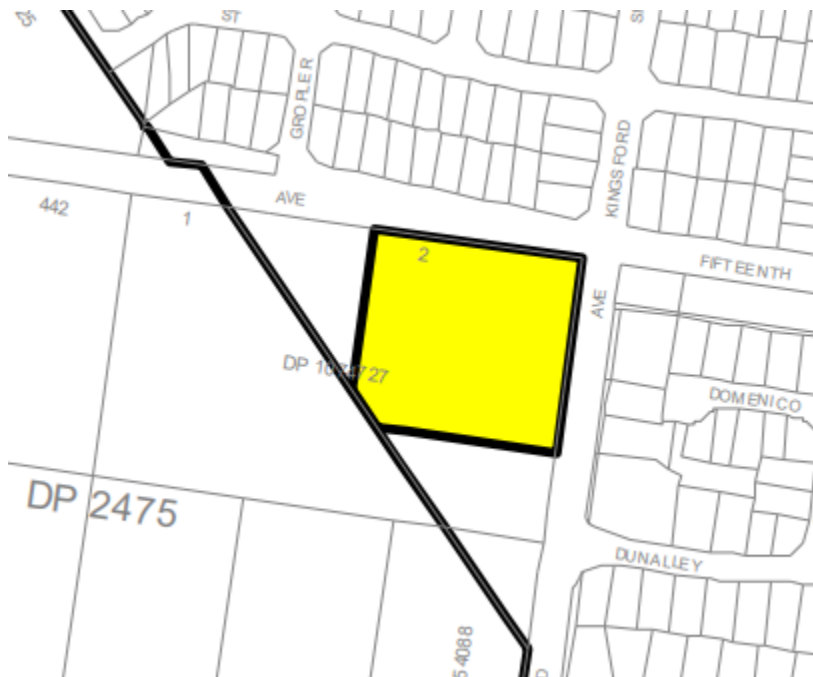


Figure 8: Proposed key sites map for the subject site

Part 5 – Community consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DPE’s ‘Local Environmental Plan Making Guideline’ (December 2021). The

planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

Part 6 – Project timeline

An anticipated project timeline is shown in Table 7.

Table 7 – Anticipated Project Timeline

Timeframe	Action
<i>April 2022</i>	Submission of Planning Proposal to DPE
<i>May 2022</i>	Gateway Determination issued
<i>July-August 2022</i>	State agency consultation
<i>July-August 2022</i>	Community consultation
<i>September 2022</i>	Consideration of submissions and proposal post-exhibition
<i>September 2022</i>	Post-exhibition report to Council
<i>October 2022</i>	Legal drafting and making of the plan

Appendices

- A. Revised mapping
- B. Strategic Bushfire Hazard Assessment dated 15 June 2022
- C. Preliminary site investigation report (from DA-750/2021)