

# **DRAFT**

# **Conservation Zones**

# **Planning Proposal**

**Amendment to the Liverpool Local  
Environmental Plan 2008**

**For Early Exhibition**

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## Introduction

### Foreword

This planning proposal has been prepared to initiate an amendment to the *Liverpool Local Environmental Plan 2008*. The Planning Proposal seeks to rezone a total of 26 sites to either a combination of zones, or entirely C2 Environmental Conservation or C3 Environmental Management, in accordance with the recommendations of the draft Conservation Zones Study (see Attachment 1).

### Report structure

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979*, having regard to the Department of Planning and Environments (DPE) 'Local Environmental Plan Making Guideline' (August 2023). Accordingly, the proposal is discussed in the following parts:

- 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

### Background

At its Ordinary Meeting of Council on 26 October 2022, Council resolved to investigate the potential rezoning of three sites located in Voyager Point from C3 Environmental Management to C2 Environmental Conservation.

Consistent with this resolution, Council staff undertook an investigation and identified the need for a study which would assess these three sites within a broader review of the Conservation zones in the *Liverpool Local Environmental Plan 2008* (LLEP 2008). This would ensure the consistent application of these zones across various sites in Liverpool.

A draft Conservation Zones Study was prepared and presented to Council at the September 2023 Council meeting. At this meeting, it was resolved:

#### *That Council:*

1. *Endorse in principle the Draft Conservation Zones Study;*
2. *Prepare a draft Planning Proposal to amend the Liverpool Local Environmental Plan 2008 in accordance with the zoning recommendations in the draft Conservation Zones Study;*
3. *Undertake an initial public exhibition of the Planning Proposal, in accordance with the Liverpool Community Participation Plan;*
4. *Present the draft Planning Proposal and supporting draft Conservation Zones Study to the Liverpool Local Planning Panel for advice;*

5. Receive a further report on the draft Planning Proposal and the draft Conservation Zones Study, including the outcomes of the early public exhibition period and the Liverpool Local Planning Panel.

The purpose of this Planning Proposal is to progress zoning recommendations of the draft Conservation Zones Study in the LLEP 2008, as required by this resolution.

### **Summary of draft Conservation Zones Study**

The draft Conservation Zones Study (refer to Attachment 1) investigates how the below Conservation Zones (i.e. C Zones) are currently applied in the LLEP 2008 and develops criteria for the future application of each zone.

- C1 National Parks and Nature Reserves (C1 zone)
- C2 Environmental Conservation (C2 zone)
- C3 Environmental Management (C3 zone)

A summary of the recommendations for each zone from the draft Conservation Zones Study (the Study) is discussed further below.

#### C1 National Parks and Nature Reserves

Use of this zone is minimal and largely restricted by the *Standard Instrument – Principal Local Environmental Plan* and the provisions of the *National Parks and Wildlife Act 1974*. Given this, no changes are proposed for this zone in the Study.

#### C2 Environmental Conservation

The C2 zone currently applies to both publicly and privately owned sites within the LLEP 2008. The Study recommends retaining the C2 zone where it already applies under the LLEP 2008, and to also apply it to:

- Publicly owned land with 'high' conservation values;
- Land with a conservation mechanism or negotiated development outcome (such as a S.88B Instrument restriction or Condition of Development Consent); and
- Undevelopable land with a current C3 Environmental Management zone.

#### C3 Environmental Management

The C3 zone in the LLEP 2008 primarily applies to lots in private ownership, with a few sites owned by a public authority. The Study recommends retaining the C3 zone where it already applies under LLEP 2008, and to also apply it to:

- Privately owned land with 'high' conservation values;
- Privately owned land with a negotiated development outcome; and
- Land significantly constrained by natural hazards and processes.

Table 1: Summary of Zone Application Criteria

Criteria	C1	C2	C3
Land designated as National Park	✓		
Public land with 'high' conservation values		✓	
Private land with 'high' conservation values			✓
Land with a development outcome or conservation mechanism		✓	✓
Environmentally constrained land with a current C3 zone		✓	
Environmentally constrained land not currently zoned C3			✓

The Study also recommends the addition of several new permitted land uses for the C2 and C3 zones. It is noted these changes are not intended to be progressed as part of this planning proposal, and will be progressed as part of the LEP Review.

#### Review of RE1 Public Recreation Sites (Appendix A of the Study)

A total of 27 sites zoned RE1 Public Recreation (RE1) were reviewed as part of the Study. These sites are either owned by Liverpool City Council (or marked for Council acquisition) or another public authority. The review of RE1 land has arisen from Council's previous biodiversity studies, which recommend the application of a conservation zone to RE1 sites which reflect a conservation purpose.

Nominated RE1 sites were generally selected on the basis of including one or more of the following environmental attributes:

- Land mapped as 'State Core or Corridor' or 'Regional Core';
- Endangered or Critically Endangered Ecological Communities;
- Wildlife Corridor / Riparian Corridor;
- Known Threatened Species Habitat; and
- Coast Wetlands mapped under the *SEPP (Resilience and Hazards) 2021*.

Of the 27 RE1 sites, the Study recommends the rezoning (partly or fully) of 15 sites to a Conservation zone. The rezoning of these sites is intended to be completed through this planning proposal and is further expanded upon in Part 2 of this report.

#### Review of Privately Owned Sites (Appendix B of the Study)

A total of 15 sites in private ownership / not in Council ownership were assessed as part of the Study. Majority of these sites are either fully or partly burdened by Section 88B Instruments, development consent conditions and/or other site restrictions that necessitate the preservation of land on account of their biodiversity value.

Of the 15 sites, 11 are recommended to be rezoned (partly or fully) to a Conservation zone. The rezoning of these sites is intended to be completed through this planning proposal and is further expanded upon in Part 2 of this report.

## Delegation of plan making functions

In accordance with the 'Local Environmental Plan Making Guideline' (August 2023), the proposed amendment is categorised as a 'standard' planning proposal. As such, Council is seeking authority of local 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 objective of this planning proposal is to progress the zoning recommendations from the draft Conservation Zones Study in the LLEP 2008. The main intended outcome is the protection and maintenance of the ecologically valuable sites identified in the Study. The planning proposal is also intended to help reduce uncertainty for landowners moving forward, by ensuring planning controls are reflective of site constraints.

## Part 2 – Explanation of provisions

To achieve the intended outcomes, the planning proposal seeks to amend the LLEP 2008 in the following manner:

1. Amend the Land Use Zone Map to rezone 24 sites from their current zone to the C2 Environmental Conservation zone;
2. Amend the Land Use Zone Map to rezone 2 sites from their current zone to the C3 Environmental Management zone; and
3. Amend the supporting development standards to align with the proposed Conservation zones in the following manner:
  - Implement a Floor Space Ratio (FSR) requirement of '0.01:1' generally on the FSR Map
  - Implement a nil Height of Buildings requirement generally on the HOB Map
  - Implement a Minimum Lot Size requirement of '40 hectares' generally on the Minimum Lot Size Map

The above changes will result in the rezoning of 15 RE1 Public Recreation zoned sites (owned by either Council or other public authority) and 11 privately owned sites (i.e. not Council) to a combination of zones, including either C2 Environmental Conservation or C3 Environmental Management.

A detailed breakdown of the proposed zoning amendments are detailed in Table 2 and Table 3 below. Corresponding mapping can be found at Attachment 2 of this report, including current and proposed development standards (i.e. FSR, HOB etc to align with the proposed zones).

Table 2: Zoning Recommendations for Privately Owned Sites

Address	Current Zone/s	Recommended Zone/s	Whole or Part	Reason
Lot 514 Willowie Way, Pleasure Point (Lot 514 DP 1183310)	C3 Environmental Management	C2 Environmental Conservation	Whole	S.88B restriction requires the lot to be retained for environmental management, and not to be cleared, altered or damaged.
Lot 792 Heathcote Road, Pleasure Point (Lot 792 DP 48718)	C2 Environmental Conservation R2 Low Density Residential	C2 Environmental Conservation	Whole	Owned by a public authority (not Council) with high conservation values on site.
11 Pavese Place, Hinchinbrook (Lot 113 DP 1120172)	R2 Low Density Residential	C2 Environmental Conservation R2 Low Density Residential	Part	S.88B restriction to retain the lot as flood storage and rehabilitated riparian land.
Lot 101 Rossini Drive, Hinchinbrook (Lot 101 DP 1120172)	R2 Low Density Residential	C2 Environmental Conservation R2 Low Density Residential	Part	S.88B restriction to retain the lot as flood storage and rehabilitated riparian land.
44 Manildra Street, Prestons (Lot 37 DP 1192727)	R2 Low Density Residential	C3 Environmental Management	Whole	Private land with 'high' conservation value. DCP sets aside site as bushland preservation.
Lot 23 Corrimal Street, Prestons (Lot 23 DP 1197839)	R2 Low Density Residential	C3 Environmental Management R2 Low Density Residential	Part	Private land with 'high' conservation value. DCP sets aside site as bushland preservation.
10 Burando Road, Prestons (Lot 1 DP 1129090)	E5 Heavy Industrial C2 Environmental Conservation	C2 Environmental Conservation (further) E5 Heavy Industrial	Part	Development consent condition required the eastern vegetated portion to be an offset area and protected from future development.
Lot 100 Bapaume Road, Moorebank (Lot 100 DP 1049508)	E4 General Industrial	C2 Environmental Conservation E4 General Industrial	Part	Site Restriction.
Moorebank Avenue, Moorebank (Lot 1 & Lot 4 DP 1197707)	C3 Environmental Management E4 General Industrial SP2 Infrastructure	C2 Environmental Conservation C3 Environmental Management E4 General Industrial SP2 Infrastructure	Part	Site Restriction.
Lot 4 Casula Road (Lot 4 DP 1130937)	C3 Environmental Management	C2 Environmental Conservation	Whole	Site Restriction.

Table 3: Zoning Recommendations for RE1 Sites Owned by Council

Park / Reserve Name	Current Zone/s	Recommended Zone/s	Whole or Part
<b>Bill Anderson Park, Kemps Creek</b> 1662 Elizabeth Drive, Kemps Creek (Lot 68 DP 1098248)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Cabramatta Reserve, Warwick Farm</b> (Orange Grove Road, Warwick Farm (Lot 1 DP 530325, Lot 4 DP 530325, Lot 10 DP 833648)	RE1 Public Recreation	C2 Environmental Conservation	Whole
<b>Dwyer Oval, Warwick Farm</b> 14 Simmons Street, Warwick Farm (Lot 1007 DP 234739)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Freeman Oval, Warwick Farm</b> 93 Lawrence Hargrave Road, Warwick Farm (Lot 2 DP 815115, Lot 1 DP 815115, Lot 3 DP 815115)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Durrant Oval, Warwick Farm</b> 93 Lawrence Hargrave Road, Warwick Farm (Lot 2 DP 815115, Lot 1 DP 815115, Lot 3 DP 815115)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Osmond Reserve, Warwick Farm</b> 1 Hume Highway, Warwick Farm (Lot 10 DP 1262377) & Station Street, Warwick Farm (Lot 1008 DP 591195)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Lieutenant Cantello Reserve, Hammondville</b> Stewart Avenue, Hammondville (Lot 6 DP 1193300), Lot 7 Norman Avenue, Hammondville (Lot 7 DP 1193300), Steward Avenue, Hammondville (Lot 3 DP 615110)	RE1 Public Recreation	C2 Environmental Conservation	Whole
<b>Peter Pan Park, Hammondville</b> Norman Avenue, Hammondville (Lot 17 DP 712569)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Glen Regent Reserve, Casula</b> 6 Drysdale Place, Casula (Lot 1130 DP 1008293), Lot 167 Shute Way (Lot 167 DP 789756), Sidney Place, Casula (Lot 6040 DP 830585), 147 Leacocks Lane, Casula (Lot 166 DP 789756), 131 Leacocks Lane, Casula (Lot 169 DP 789756), White Way, Casula (Lot 3100 DP 813122), Kylie Way, Casula (Lot 1681 DP 810634), Kylie Way, Casula (Lot 98 DP 829437), 7 Leacocks Lane (Lot 256 DP 807299), Keneally Way, Casula (Lot 3099 DP 813122), 33A Leacocks Lane, Casula (Lot 566 DP 830724), Melba Place, Casula (Lot 57 DP 1000518), Lot 5674 Leacocks Lane, Casula (Lot 5674 DP 859795)	R3 Medium Density Residential RE1 Public Recreation	C2 Environmental Conservation	Whole
<b>Harris Creek Field, Holsworthy</b>	RE1 Public Recreation & W1 Natural Waterways	C2 Environmental Conservation W1 Natural Waterways	Part



Park / Reserve Name	Current Zone/s	Recommended Zone/s	Whole or Part
301 Heathcote Road (Lot 32 DP 848597), Lot 10 Heathcote Road, Holsworthy (Lot 10 DP 1091209)			
<b>Murragan Park, Hinchinbrook</b> 21 Emu Avenue, Hinchinbrook (Lot 548 DP 789288), 216 South Liverpool Road, Hinchinbrook (Lot 3 DP 776967), 214 South Liverpool Road, Hinchinbrook (Lot 2 DP 771639), 22 Sandplover Place, Hinchinbrook (Cnr Lot 1 DP 718906)	RE1 Public Recreation	C2 Environmental Conservation	Whole
<b>Havard / Pasquale Minnici Park, Prestons</b> Kurrajong Road, Prestons (Lot 203 DP 850994), 7 Braidwood Drive Prestons (Lot 206 DP 851553, Lot 207 DP 851553, Lot 208 DP 851553), Larbert Place, Prestons (Lot 46 DP 848837), Bugong Street, Prestons (Lot 45 DP 848837)	RE1 Public Recreation & SP2 Drainage	C2 Environmental Conservation SP2 Drainage RE1 Public Recreation	Part
<b>Woolway Park, Elizabeth Hills</b> 780 Cowpasture Road, Cecil Hills (Lot 2 DP 1190574, Lot 2 DP 1062502, Lot 103 DP 1130459, Lot 7000 DP 1169480), 36 Athlone Street, Cecil Hills (Lot 6999 DP 851917), 750 Cowpasture Road, Cecil Hills (Lot 103 DP 1130459), 40A Lascelles Street, Cecil Hills (Lot 6089 DP 855010), 550 Cowpasture Road, Elizabeth Hills (Lot 7000 DP 1169480, Lot 2 DP 1062502, Lot 103 DP 1130459), Lot 41 Cowpasture Road, Elizabeth Hills (Lot 41 DP 833568)	RE1 Public Recreation	RE1 Public Recreation C2 Environmental Conservation	Part
<b>Cabrogal Reserve, Hinchinbrook</b> 561 Cowpasture Road, Hinchinbrook (Lot 7003 DP 1051679), 1 Wardang Road, Hinchinbrook (Lot 249 DP 860568), 1 Newry Place (Lot 150 DP 856142), Rossini Drive, Hinchinbrook (Lot 1 DP 1082089)	RE1 Public Recreation & SP2 Drainage	C2 Environmental Conservation SP2 Drainage	Part
<b>Dalmeny Reserve, Prestons</b> 95 – 99 Dalmeny Drive, Prestons (Lot 2400 DP 1112265, Lot 2409 DP 1112265), Dalmeny Drive, Prestons (Lot 102 DP 865917), Dalmeny Drive, Prestons (Lot 101 DP 865917)	RE1 Public Recreation	C2 Environmental Conservation	Whole

## 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 draft Conservation Zones Study was completed in part to address Action 14.2 of the Liverpool Local Strategic Planning Statement 'Connected Liverpool – 2040'. Action 14.2 requires Council review the LLEP 2008 to ensure biodiversity and waterway quality are protected. The objective of this planning proposal is to progress the zoning recommendations contained in the Study. The sites proposed for rezoning have been identified on account of their high biodiversity value, which is currently not reflected in their zoning.

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

The planning proposal is the best means of achieving the intended outcomes, as the application of a Conservation zone together with the revised development standards provides the highest level of protection provided by a LEP for land of high biodiversity value.

### Section B – Relationship to the Strategic Planning Framework

The Department of Planning and Environment's (DPE) 'Local Environmental Plan Making Guideline' (August 2023) advises that in order for a planning proposal to proceed through Gateway determination, it must demonstrate both strategic 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 most relevant regional and district plans which guide the land use direction for this proposal are detailed below. The planning proposal is generally consistent with these strategies and where inconsistencies arise, they are justifiable.

- Greater Sydney Region Plan – A Metropolis of Three Cities (Region Plan)
- Western City District Plan (District Plan)

#### Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan was released in March 2018 and encompasses a global metropolis of three cities – the Western Parkland City, Central River City and Eastern Harbour City. The Liverpool Local Government Area (LGA) is located within the Western Parkland City. Consistency with the relevant parts of the Region Plan is provided in Table 4 below.

Table 4: Consistency with the Region Plan

Objective	Comment
<b>Liveability</b>	
<b>A city for people</b>	
<i>Objective 7: Communities are healthy, resilient and socially connected</i>	The application of a Conservation zone will secure greenspaces and conserve important flora and fauna, which may be enjoyed by the residents and broader community. This will broadly assist in the delivery of healthy and resilient communities.
<b>A city of great places</b>	
<i>Objective 13: Environment heritage is identified, conserved and enhanced</i>	A number of the sites proposed to be rezoned include heritage items or a high potential for Aboriginal Cultural Heritage to be found. The application of a Conservation zone to these areas will also, by extension, assist in the protection and conservation of these areas.
<b>Sustainability</b>	
<b>A city in its landscape</b>	
<i>Objective 25: The coast and waterways are protected and healthier</i>	Several of the sites proposed to be rezoned include waterways and tributaries. The application of a Conservation zone to these areas will also assist in the protection and maintenance of these waterbodies.
<i>Objective 26: A cool and green parkland city in the South Creek corridor</i>	The protection of green and blue spaces located within the South Creek catchment area will contribute to the ongoing management of the South Creek corridor.
<i>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i>	The purpose of this planning proposal is to conserve areas of high biodiversity value through planning controls such as zoning and development standards. This will prohibit disruptive development activity from occurring on these sites. The proposal is therefore considered to directly facilitate this objective.
<i>Objective 31: Public open space is accessible, protected and enhanced</i>	The planning proposal seeks to rezone multiple RE1 Public Recreation zoned Council reserves to a Conservation zone. This is not intended to impact the current function or level of accessibility to these areas. Rather it is anticipated to strengthen the environmental protection of these areas, which may be enjoyed by the local community.
<i>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths</i>	The planning proposal will create opportunities for new green grid links and corridors to be developed by rezoning land that is currently shown for residential, industrial or employment use.

Objective	Comment
<i>Objective 37: Exposure to natural and urban hazards is reduced</i>	Many of the sites captured in this planning proposal are significantly burdened by natural and urban hazards like bushfire and flooding. The application of a stricter, conservation-based zone will limit development activity, and by extension, exposure to such hazards.

### Western City District Plan

The Western City District Plan was established by the Greater Cities Commission in March 2018. Relevant directions from the Western City District Plan are noted in Table 5 below.

*Table 5: Consistency with the Western City District Plan*

Planning Priority	Comment
<i>Planning Priority W6: Creating and renewing great places and local centres, and respecting the district heritage</i>	The planning proposal seeks to implement the zoning recommendations of the draft Conservation Zones Study. Criteria established in the Study include land with significant Aboriginal heritage values.
<i>Planning Priority W12: Protecting and improving the health of the Districts waterways</i>	Several sites proposed to be rezoned are on the basis of having valuable riparian corridors and / or coastal wetlands. The application of a Conservation zone will therefore directly assist in the protection of district waterways.
<i>Planning Priority W13: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element</i>	The protection of green and blue spaces located within the South Creek catchment area will contribute to the ongoing management of the South Creek corridor.
<i>Planning Priority W14: Protecting and enhancing bushland and biodiversity</i>	The District Plan acknowledges that safeguarding bushland in urban areas will help to conserve local biodiversity, preserve scenic landscapes, and enhance tourist and recreational values. The proposal will result in the statutory protection of 26 sites across the Liverpool LGA for this purpose.
<i>Planning Priority W15: Increasing urban tree canopy cover and delivering Green Grid connections</i>	The planning proposal will effectively increase the provision of conservation zoned land within the Liverpool LGA, which will contribute to new potential green grid links and connections.
<i>Planning Priority W18: Delivering high quality open space</i>	The increased protection of environmentally significant open space areas is anticipated to limit inappropriate development and improve the quality of the areas.
<i>Planning Priority W20: Adapting to the impacts of</i>	Many of the sites captured in this planning proposal are significantly burdened by natural and urban hazards like

Planning Priority	Comment
<i>urban and natural hazards and climate change</i>	bushfire and flooding. The application of a stricter, conservation-based zone will assist with adaptation to such hazards.

*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 ‘Connected Liverpool 2040’

The Liverpool Local Strategic Planning Statement (LSPS) was endorsed in 2020. Assessment of the planning proposal against the relevant LSPS priorities is captured in Table 6 below.

Table 6: Consistency with the LSPS

Planning Priority	Comment
<b>Liveability</b>	
<i>Planning Priority 6: High-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth</i>	<p>This priority identifies the need for Council to increase the provision of public open space, and work with key stakeholders to revitalise and develop parks across the LGA. The planning proposal seeks to rezone a number of RE1 Public Recreation lots to C2 Environmental Conservation zone.</p> <p>Although this will result in a net loss of RE1 zoned land in the LGA, this is not considered to have a material impact on the current function and level of accessibility provided across these sites. The identification of these sites was closely informed by Council’s available Plans of Management. Areas categorised as sportsground have not been proposed to be rezoned. Areas envisioned as future sportsgrounds in strategic masterplans have also not been proposed to be rezoned.</p> <p>Furthermore, the application of a Conservation zone will ensure the biodiversity value of the selected sites are adequately reflected in the LLEP 2008, which may improve the maintenance and quality of these greenspaces in the long term.</p>
<b>Sustainability</b>	
<i>Planning Priority 14: Bushland and waterways are celebrated, connected, protected and enhanced</i>	<p>The LSPS acknowledges the rich array of wildlife and vegetation located in the Liverpool LGA and identifies Council’s role in ensuring naturally occurring ecosystems and habitats are protected and restored. This notion has been mirrored in the draft Conservation Zones Study which has directly informed the preparation of this planning proposal. The proposed amendments are considered to address Actions 14.2 with respect to the LEP.</p>

Planning Priority	Comment
<i>Planning Priority 15: A green, sustainable, resilient and water-sensitive city</i>	The protection of areas with high biodiversity value can have broader, positive impacts on environmental systems which supports Council's aspirations for a sustainable and resilient city. In particular, flora can help to mitigate the impacts of climate change, the urban heat island effect and improve waterway health.

### Draft Liverpool Conservation Zones Study 2023

The planning proposal is also the direct result of the draft Conservation Zones Study, which was endorsed in principle at the Council meeting of 27 September 2023 (see Attachment 3). The study recommends the rezoning of the sites which are subject to this planning proposal.

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

The planning proposal aligns with the objectives of the Cumberland Plain Conservation Plan (CPCP) which seeks to protect Western Sydney's biodiversity and support its growth. The proposal seeks to rezone Lieutenant Cantello Reserve in Hammondville to a Conservation zone. This area was exhibited in the draft CPCP as a 'Strategic Conservation Area' (i.e. regionally significant biodiversity and potential conservation land warranting investigation).

#### *3.6 Is the planning proposal consistent with applicable SEPPs?*

Several State Environmental Planning Policies (SEPPs) apply to the identified sites. Consistency between the planning proposal with pertinent SEPPs has been provided in Table 7 below.

*Table 7 Consistency with State Environmental Planning Policies*

State Environmental Planning Policy	Comment / Consistency
SEPP (Primary Production) 2021	The planning proposal will not affect the application of this SEPP.
SEPP (Biodiversity and Conservation) 2021	Chapter 2 of the SEPP contains provisions to ensure the protection of biodiversity values linked to vegetation in non-rural areas. Similarly, Chapter 6 implements planning parameters for the disturbance of urban bushland in the Liverpool LGA, with the intention of protecting native species, corridors and management of bushland. The planning proposal will support and complement the provisions of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The application of a Conservation zone to the subject properties may reduce opportunities for development via the Codes SEPP. Given the environmental constraints of these sites (e.g. bushfire) and other site restrictions (e.g. Section 88B Restrictions),

State Environmental Planning Policy	Comment / Consistency
	development through the exempt and complying development pathways is already significantly limited or not possible.
SEPP (Housing) 2021	The application of a Conservation zone may reduce opportunities for development via this SEPP for the current residential zoned properties. Given the size, environmental constraints (e.g. bushfire) and other site restrictions (e.g.88B Restrictions) burdening these sites however, development using this SEPP is already significantly limited or not possible.
SEPP (Transport and Infrastructure) 2021	The clause will not affect the application of this SEPP. Where Council owned RE1 land is proposed to be rezoned, it is not intended to amend or impact on the classification (i.e. community land or operational land) of the land. Furthermore, Part 2.3 within Division 12 of this SEPP permits recreation areas (amongst other uses) to be developed without consent on land owned by a public authority (e.g. Council).
SEPP (Resilience and Hazard) 2021	The planning proposal will not affect the application of this SEPP.
SEPP (Resources and Energy) 2021	The planning proposal will not affect the application of this SEPP.
SEPP (Industry and Employment) 2021	The planning proposal will not affect the application of this SEPP.
SEPP (Planning Systems) 2021	The planning proposal will not affect the application of this SEPP.

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

*Table 8: Consistency with the Section 9.1 Ministerial Directions*

Ministerial Direction	Comment / Consistency
Direction 1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in the Region Plan. Section 3.3 demonstrates how the proposal is consistent with the Region Plan.
Direction 1.10 Implementation of the Western Sydney Aerotropolis Plan	The changes sought under this proposal are directly informed by the draft Conservation Zones Study. This Study was restricted to the boundaries of the LLEP 2008 area. As such, application of the Western Sydney Aerotropolis Plan is not impacted by this proposal.
Direction 1.21 Implementation of	The changes sought under this planning proposal are directly informed by the draft Conservation Zones Study. This Study was

South West Growth Area Structure Plan	restricted to the boundaries of the LLEP 2008 area. As such, application of the South West Growth Area Structure Plan is not impacted by this proposal.
Direction 3.1 Conservation Zones	The planning proposal increases the quantum of Conservation zoned land within the LGA and has been triggered by the findings of the draft Conservation Zones Study. It directly addresses the objective of this direction which is to protect and conserve environmentally sensitive areas, and is therefore consistent with this direction.
Direction 3.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A number of the identified sites intended for rezoning are flagged as having a high potential for Aboriginal Cultural Heritage to be found. Therefore, the proposal is consistent with this direction.
Direction 3.6 Strategic Conservation Planning	The proposal does not impact any 'Avoided Land' or 'Strategic Conservation Area'. Therefore, the proposal is consistent with this direction.
Direction 3.7 Public Bushland	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of bushland. The rezoning of public bushland to a conservation zone under this planning proposal will assist in meeting this objective and is therefore consistent with this direction.
Direction 3.10 Water Catchment Protection	The proposal will protect and improve environmental values, having regard to maintaining biodiversity and any native vegetation. This is beneficial to local water catchments and is therefore consistent with this direction.
Direction 4.1 Flood Prone Land	The planning proposal seeks to rezone a number of flood prone sites. The application of a Conservation zone however will reduce permissible types of development within these floodplains and is therefore consistent with this direction.
Direction 4.2 Coastal Management	The objective of this direction is to protect and manage coastal areas of NSW. Areas mapped as coastal wetlands under the <i>SEPP (Resilience and Hazards) 2021</i> will benefit from more stringent planning controls and conservation focused zone objectives, and is therefore consistent with this direction.
Direction 4.3 Planning Bushfire Protection	The planning proposal applies to sites which are bushfire prone land. The application of a Conservation zone and the revised development standards will reduce and limit the current development potential of these sites, and is therefore consistent with this direction.



<p>Direction 4.4 Remediation of Contaminated Land</p>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered. The planning proposal however does not seek to facilitate the carrying out of development and therefore, is justifiably inconsistent with this direction. Relevant development will address contamination as part of the Development Application process, in accordance with the <i>SEPP (Resilience and Hazards) 2021</i>.</p>
<p>Direction 4.5 Acid Sulfate Soils</p>	<p>The planning proposal applies to sites which are highly probable of containing acid sulfate soils. The proposal however does not seek to intensify the development potential of these sites, and is therefore consistent.</p>
<p>Direction 5.2 Reserving Land for Public Purposes</p>	<p>The planning proposal does not seek to create, alter or reduce existing zonings of land for public purposes. The draft Conservation Zones Study established criteria for the C2 and C3 zones, having regard to the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. Furthermore, RE1 Public Recreation lots subject to this planning proposal are already in Council's (or another public authority) ownership.</p>
<p>Direction 6.1 Residential Zone</p>	<p>The planning proposal is justifiably inconsistent with this direction as it seeks to reduce residential zoned land. A total of six properties proposed to be rezoned (wholly or partly) are currently zoned for a residential purpose.</p> <p>The existing zoning does not accurately reflect the permissible uses on the site which are burdened by development consent conditions, Section 88B restrictions, DCP controls and other site restrictions that limit any further development for residential purposes. The current zone is therefore not considered an accurate reflection of the current and most suitable use of the sites, and there is minimal loss of actual developable residential land. Therefore, the proposed impact is of minor significance.</p>
<p>Direction 7.1 Employment Zones</p>	<p>The planning proposal is justifiably inconsistent with this direction as it does not retain employment zone areas and reduces potential floor space for industrial uses. The proposal seeks to partially rezone four industrial zoned properties.</p> <p>The vegetated areas proposed to be rezoned however are required by development consent conditions and other site restrictions to be protected and maintained. The current zoning therefore does not reflect the permissible uses on the sites, and there is no actual loss of developable industrial or employment lands resulting from this planning proposal. The zoning also does not reflect the most suitable use of the site, due to its aforementioned ecological significance. Therefore, the proposed impact is of minor significance.</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?*

No, the planning proposal is anticipated to have a beneficial impact on critical habitat, threatened species and ecological communities. A Conservation zone is proposed where the land contains a conservation mechanism or negotiated development outcome (such as a S.88B Instrument restriction or Development Consent Condition), where it is significantly constrained by natural hazards and processes, and/or contains high conservation values. As these sites are already environmentally sensitive, the application of a Conservation zone and more stringent development standards will ensure these areas are adequately protected through planning controls.

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

### Standardising of Minimum Lot Size

A recommendation of the draft Conservation Zones Study is to standardise the minimum lot size requirement to 40HA for any newly proposed C2 zoned lots (existing C2 lots are to retain their current minimum lot size requirement). A large lot size will appropriately limit development, reduce the potential for land fragmentation and increase opportunities for future biodiversity offset sites. Lots proposed to be rezoned to C2 as part of this planning proposal will apply a minimum lot size requirement of 40HA in the revised Minimum Lot Size mapping.

### Split Zoning

The use of split zoning is proposed for a number of lots which either show different land capabilities across the single allotment or have development approvals for uses that are inconsistent with a Conservation zone. Existing approvals for residential development or industrial warehouses have been taken into consideration, with land impacted by these approvals excluded from rezoning. This is consistent with DPE's 'LEP Practice Note for Conservation Zones' (PN 09–002).

### Environmental Impact

The subject planning proposal is anticipated to have positive implications on the broader environment. Retention of greenery can assist to mitigate the urban heat island effect and climate change, provide filtration for stormwater runoff and maintain healthy ecosystems which are imperative to natural capital.

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

#### Economic effects

The application of a Conservation zone, particularly the C2 zone to privately owned lots will significantly reduce the permitted types of development which may be carried out. Furthermore, the revised development standards will also reduce the development potential of the subject properties. This was a key consideration of the draft Conservation Zones Study, which only proposes to apply the C2 zone to privately owned sites that are burdened by a conservation mechanism / negotiated development outcome (e.g., development consent condition stating vegetation cannot be cleared) or are already zoned C3.

The sites proposed to be rezoned are therefore already significantly constrained and application of a Conservation zone will reflect the existing development potential of the site. This will address the current misalignment between actual development potential and land use zoning. This is to ensure that the need for acquisition of the land is not triggered under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Where the C3 zone is applied, it is considered that this zone still allows for some forms of development which may result in profitable gain (e.g. dwelling house, neighbourhood shop).

#### Social effects

Land identified as having high biodiversity value is also often imbued with social, recreational, educational and cultural values by the local and broader community. The application of a Conservation zone to the identified sites will help to realise the social value of these sites and ensure their protection.

#### *Existing Use Rights*

The Conservation zones are restrictive zones with minimal uses permitted with consent. The proposed rezoning of the subject sites however would not require any existing lawful structures to be demolished. Development approved and not yet constructed may also still be constructed (unless the development consent lapses). Existing use rights provisions under the *Environmental Planning and Assessment Regulations 2021* also allow an existing lawful use to be enlarged, altered or rebuilt, subject to certain limitations.

### **Section D – Infrastructure (local, state and commonwealth)**

#### *3.11 Is there adequate public infrastructure for the planning proposal?*

The proposed amendments sought under this planning proposal do not depend on the provision of public infrastructure.

### **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?*

The draft Conservation Zones Study was closely informed by feedback regarding biodiversity conservation provided by the Environment and Heritage Group within DPE as part of the LEP Review early exhibition period. The feedback recommended a strategic approach and consideration of Conservation zoned land across the LEP area. Further engagement will also occur as part of the planning proposal process.

## Part 4 – Maps

To facilitate the proposed changes, the following Liverpool LEP 2008 Maps are to be amended:

- Land Use Zoning
- Floor Space Ratio
- Height of Buildings
- Minimum Lot Size

Refer to Attachment 2 for proposed Land Use Zoning mapping.

Proposed mapping for the Floor Space Ratio, Height of Buildings and Minimum Lot Size Maps in the Liverpool LEP 2008 will be prepared if the planning proposal is supported by Council and progresses further. These maps will be publicly exhibited in the mandatory public exhibition period for this planning proposal.

Refer to Attachment 2 for proposed Floor Space Ratio, Height of Buildings and Minimum Lot Size standards for each site.

## Part 5 – Community consultation

Schedule 1, Clause 4 of the *Environmental Planning & Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the Gateway determination.

Given the nature and scale of the planning proposal, an early public exhibition will be held to understand community views on the proposal, prior to proceeding to a Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DPE's 'Local Environmental Plan Making Guideline' (August 2023) and Council's Community Participation Plan.

## Part 6 – Project timeline

An anticipated project timeline is shown in Table 9.

*Table 9: Anticipated Project Timeline*

<b>Timeframe</b>	<b>Action</b>
<i>November 2023</i>	Initial community consultation
<i>December 2023</i>	Report to Liverpool Local Planning Panel for advice
<i>February 2024</i>	Report to Council for endorsement
<i>March 2024</i>	Submission to DPE for Gateway Assessment
<i>May 2024</i>	Gateway Determination issued
<i>June - July 2024</i>	State agency consultation
<i>June - July 2024</i>	Mandatory community consultation
<i>August 2024</i>	Consideration of submissions and proposal post-exhibition
<i>September 2024</i>	Post-exhibition report to Council
<i>October 2024</i>	Legal drafting and making of the plan

## Appendices

1. Draft Conservation Zones Study (including zoning recommendations)
2. Proposed Land Use Zoning Mapping and Development Standards
3. Council Report and Resolution – 27 September 2023