

**LIVERPOOL CITY COUNCIL  
LOCAL PLANNING PANEL REPORT**

**21 December 2023**

<b>Item Number:</b>	<b>2</b>
<b>Application Number:</b>	RZ-8/2022
<b>Proposed Development:</b>	Planning proposal to prepare a principal LEP - <i>Liverpool Local Environmental Plan</i>
<b>Property Address</b>	Application Area of Liverpool Local Environmental Plan
<b>Legal Description:</b>	N/A
<b>Applicant:</b>	Liverpool City Council
<b>Land Owner:</b>	Public & privately owned land
<b>Cost of Works:</b>	N/A
<b>Recommendation:</b>	Proceed to Gateway determination
<b>Assessing Officer:</b>	Nancy-Leigh Norris – Executive Planner

## **1. EXECUTIVE SUMMARY**

At its Ordinary Meeting of Council on 2 February 2022, Council endorsed their commitment to “*Start the process to create a new Liverpool LEP as a matter of urgency*”. This resolution also included the lowering of the height of building development standard in the *Liverpool Local Environmental Plan 2008* (LLEP 2008) to 12m in a number of suburban areas. Since this resolution, the following has occurred to progress a Principal Planning Proposal for a new Liverpool Local Environmental Plan:

- **May - June 2022:** Councillor bus tour and four workshops to determine the scope and priorities for the new Local Environmental Plan (LEP);
- **July 2022:** Endorsement of LEP Review Principles by Council;
- **August 2022:** Endorsement of the LEP Review Scoping Report for public exhibition and agency consultation;
- **September - November 2022:** Public Exhibition of the LEP Review Scoping Report;
- **October 2022:** Medium Density Housing Workshop with development industry and stakeholders;
- **March 2023:** Post-exhibition report to Council deferred for further discussion regarding height of buildings for commercial areas;
- **April 2023:** Post-exhibition report to Council detailing outcomes of the exhibition period;
- **February - August 2023:** Procurement processes to engage a consultant to undertake additional investigations to support the planning proposal;
- **August - November 2023:** Additional investigations including yield, feasibility and design testing undertaken by Mecone, Smith & Tzannes and Atlas Economics;
- **November 2023:** Preparation of the Principal LEP Planning Proposal for consideration of the Local Planning Panel.

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The Principal Planning Proposal (**Attachment 1**) has been prepared in accordance with the DPE's Local Environmental Plan Making Guideline. The primary objective of the Principal Planning Proposal is to establish a new Liverpool Local Environmental Plan, in alignment with the strategic vision of the Western City District Plan (District Plan) and Liverpool's Local Strategic Planning Statement (LSPS) '*Connected Liverpool 2040*'. This takes into account numerous short and medium term actions within the local Land Use Strategies, i.e. Local Housing Strategy, Centres and Corridors Strategy and Industrial and Employment Lands Strategy.

The new LEP is informed by community consultation, which occurred during the development of the LSPS and land use strategies listed above, as well as early community engagement conducted as part of the LEP Review process. This is in contrast to the establishment of the *Liverpool Local Environmental Plan 2008* (LLEP 2008), which was implemented when Council was under administration. Whilst the LLEP 2008 was primarily a translation of the *Liverpool Local Environmental Plan 1997* into the standard template LEP, it included a significant increase in residential density in the suburban areas, which proportionally misaligned with the available local infrastructure and has not been delivered to date.

This review has provided the opportunity to establish a new LEP in accordance with the current planning context of the broader Liverpool LGA, such as existing controls to enable the development of Sydney's third CBD in the Liverpool City Centre (Amendment 52), the significant growth of the greenfield areas such as Austral, Leppington North and Edmondson Park, and the need for housing diversity within suburban areas to assist with affordability.

The new LEP proposes varying land use zones, development standards and local provision clauses in comparison to the LLEP 2008. This includes changes relating to Residential, Commercial, Industrial, Environmental, Recreational and Infrastructure zoned land, as well as miscellaneous and housekeeping matters. It is noted that certain aspects of the LLEP 2008 are intended to be transferred into the new LEP. The differences in comparison to the LLEP 2008 are noted within this report.

Recommendations for the new LEP has been informed by additional investigations by Mecone with Smith & Tzannes and Atlas Economics. A Residential Land Investigation (**Attachment 2**), Commercial Lands Investigation (**Attachment 3**) and Industrial Lands Investigation (**Attachment 4**) were conducted to review the impacts of amendments proposed within the exhibited Scoping Report, as well as to provide feasibility and design testing of proposed changes and to refine recommendations for development standards under the new LEP. These reports are considered to be additional supplementary information to Council's Land Use Strategies and have been used to inform the Principal Planning Proposal.

The Principal Planning Proposal is presented to the Local Planning Panel for consideration in accordance with Section 2.19(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Feedback received from the Local Planning Panel will be taken into consideration, prior to the proposal being presented to Council for endorsement in early 2024. Following Council's endorsement, the proposal will be forwarded to the Department of Planning and Environment seeking a Gateway determination.

## **2. BACKGROUND**

### **Liverpool Local Environmental Plan 2008**

The *Liverpool Local Environmental Plan 2008* (LLEP 2008) was published on 29 August 2008. It marked one of the first instances where Local Environmental Plans (LEPs) were created, following the directive from the State Government that mandated all Councils adopt a standardised LEP. Multiple parts of the LLEP 2008 were direct translations from the *Liverpool Local Environmental Plan 1997*, into the newly standardised zones, development standards, and land use definitions.

The development of the LLEP 2008 occurred when Liverpool City Council (Council) was under administration, involved minimal community consultation and was not informed by the community's strategic vision for the Local Government Area (LGA). Notably, the Plan proposed a significant increase in residential density in suburban areas, which proportionally misaligned with the available local infrastructure. The majority of the extensive development potential in the Plan is yet to be realised, largely due to the poor application of these controls and associated feasibility issues as identified in the Liverpool Local Housing Strategy.

Since the commencement of the LLEP 2008, many additional amendments have been introduced. Notably, Amendment 52, published on 5 September 2018, had a particular focus on facilitating the growth of Liverpool City Centre into Sydney's third Central Business District (CBD). This amendment granted substantial mixed-use development capabilities, enabling future residential development within the City Centre, rather than reliance on development in suburban areas to deliver population growth.

The LLEP 2008 has undergone recent amendments to accommodate new centres, such as Middleton Grange and Holsworthy Local Centres. Moreover, since its gazettal, substantial development has taken place outside the LEP application area, such as in Edmondson Park and Austral, as well as future areas of Leppington and the Aerotropolis. Re-evaluation of the previous expectations of growth within suburbs under the LLEP 2008 can now occur. This can focus on delivering housing diversity in the form of low and medium-density housing in these locations, which are in demand and will encourage affordability.

The review of the LLEP 2008 has also focused on the Liverpool City Centre, other commercial centres, industrial land, and a variety of housekeeping amendments, as detailed in this report.

### **Phase 1 LEP Review**

In 2018, Council received funding as part of the Western Sydney City Deal to undertake an accelerated review of its LEP to align it with the District Plan within a two-year timeframe. This initiative, known as the Phase 1 LEP Review, involved the creation of several strategic planning documents that established the long-term vision for the LGA. These documents included:

- Liverpool Local Strategic Planning Statement (LSPS) '*Connected Liverpool – 2040*';
- Liverpool Housing Strategy 2020;
- Liverpool Centres and Corridors Strategy 2020; and
- Liverpool Industrial and Employment Lands Strategy 2020.

To ensure that the community's input was considered, extensive engagement efforts were carried out to inform the LSPS and Land Use Strategies. Due to the time constraints of the accelerated LEP Review, Council adopted a phased approach, involving a gradual implementation of actions over time. During the Phase 1 LEP Review, specific short-term items from the LSPS were actioned (i.e. rezoning of R4 High Density Residential land surrounding Moorebank Town Centre to R3 Medium Density Residential). Phase 1 LEP Review was finalised on 24 March 2021.

### **LEP Review Scoping Report**

On 2 February 2022, Liverpool City Council endorsed their '100 Day Plan', which included a commitment to prepare a new Liverpool Local Environmental Plan (LEP) and to reduce building heights in several suburbs to 12 metres. During May and June 2022, four workshops and an LGA bus tour were conducted with Councillors, to determine the scope of the Liverpool Local Environmental Plan Review.

Council endorsed principles for the new LEP at its meeting on 27 July 2022. These principles incorporated various actions from the LSPS and Land Use Strategies to clearly outline a land use vision for the new Plan.

At its meeting on 31 August 2022, Council endorsed the Scoping Report for the LEP Review. The Scoping Report represented the initial stage in creating a new LEP, outlining how the proposed principles would be applied in different suburbs, centres, and industrial precincts within the LEP application area.

The Scoping Report was prepared to conduct community engagement, as well as consult with the Department of Planning and Environment (DPE) and other relevant stakeholders. An Early Engagement period took place from 19 September to 13 November 2022. The outcomes of the exhibition period were reported to Council on 1 March and 26 April 2023. Refer to **Attachment 10** for consolidated Council Reports and Resolutions.

### **Additional Investigations**

Following the Early Exhibition period, Council engaged Mecone, in collaboration with Atlas Economics and Smith & Tzannes to conduct technical analysis of the Scoping Report, to inform the Planning Proposal. The reports were in the form of addendums to Council's Land Use Strategies, and undertook specific investigations with the following deliverables:

#### **1. Residential Lands Investigations**

- Test the impacts of the LEP's proposed changes for residential land contained in the Scoping Report to determine urban design and feasibility outcomes.
- Develop a suite of controls to support greater medium density development in the R3 Medium Density Residential zone.

- Determine the impact of proposed changes on medium and long-term housing targets.
- Provide recommendations for the LEP and Development Control Plan (DCP).

## **2. Commercial Lands Investigation**

- Analysis of the structural and market trends influencing the demand for commercial and retail floorspace in the centres, to provide an understanding of demand and supply in a postCOVID-19 context and environment.
- Testing of financial feasibility and design outcomes of proposed planning controls (specifically heights) on development (6 sites).
- High level review of Council's retail hierarchy and planning controls to reinforce the hierarchy.
- Analysis of the numerical controls applicable to the Liverpool City Centre to determine if changes are required.
- Recommended LEP controls for commercial land.

## **3. Industrial Lands Investigation**

- Analysis of the structural and market trends influencing the demand for industrial typologies.
- Case study examples of new/emerging typologies and their planning requirements.
- Assess suitability of existing controls and proposed LEP controls and identify opportunities for change, based on planning and development outcomes.
- Identify appropriate planning controls to accommodate new/emerging typologies.
- Brief place-based urban design analysis and synthesise to identify opportunities for change.
- Provide recommendations for LEP controls for industrial lands.

These additional investigations are used to support the Planning Proposal, as discussed through this report.

### 3. THE PRINCIPAL PLANNING PROPOSAL

The Principal Planning Proposal (**Attachment 1**) has been prepared in accordance with the DPE's Local Environmental Plan Making Guideline.

The objectives of the Principal Planning Proposal are to:

1. Establish a new Liverpool Local Environmental Plan, in alignment with the strategic vision of the Western City District Plan (District Plan) and Liverpool LSPS '*Connected Liverpool 2040*';
2. Implement endorsed Liverpool Land Use Strategy actions; and
3. Repeal the *Liverpool Local Environmental Plan 2008*.

The intended outcomes of the Principal Planning Proposal and the new LEP are outlined in the following Principles for residential, commercial and industrial land. As previously noted, these were endorsed by Council at its meeting on 27 July 2022, and ensure a consistent approach to land uses within the new LEP.

#### Residential Land

1. Encourage high density residential development in the vicinity of the Liverpool City Centre and Town Centres, and along Transport Corridors;
2. Facilitate appropriate transitions from R4 High Density Residential to R3 Medium Density Residential zoned land;
3. Promote high quality medium density residential development near centres;
4. Incentivise multi dwelling housing development in the R3 Medium Density Residential zone to support housing diversity; and
5. Protect suburban character of low-density residential areas.



Figure 1 - Residential Land Principles

### **Commercial Centres**

1. Provide for the retail needs of the Liverpool LGA into the future;
2. Enable redevelopment of centres which will provide both commercial and residential uses, with high quality design encouraged; and
3. All centres, regardless of their hierarchy, are to have a height of building development standard of 12m or less to limit the height of buildings across all centres within the LEP, with certain exclusions.

### **Industrial Precincts**

1. Review and manage industrial land, whilst allowing flexibility for future development;
2. Encourage renewal of industrial precincts; and
3. Determine the role of industrial precincts.

### **Recreation and Environmental Land Matters**

The planning proposal intends to establish a new LEP which addresses environmental matters that are of high importance to the community, e.g. water recycling, water sensitive urban design, urban heat, biodiversity protection, etc.

## **4. PROPOSED AMENDMENTS**

The planning proposal justifies the proposed amendments against all relevant legislation, plans, strategies and Ministerial Directions, and all amendments have been shown to have site specific and strategic merit. For the purposes of this report, the proposed amendments have been detailed in comparison to the LLEP 2008, to provide guidance when assessing the planning proposal itself.

The following sections are detailed in this report:

- Residential Land
- Commercial Land
- Industrial Land
- Environmental Land
- Recreation Land
- Infrastructure
- Land Use Tables
- LEP Mapping
- Miscellaneous

## **5. RESIDENTIAL LAND**

The Liverpool LEP contains vast suburban areas (R1 General, R2 Low Density, R3 Medium Density, R4 High Density, and R5 Large Lot Residential), spanning approximately 52.5km<sup>2</sup>, and approximately 14km east to west.

### **Exhibited Scoping Report**

The exhibited Scoping Report detailed the residential land context of the LLEP 2008, and recommended changes as part of the LEP Review. This included a proposed reduction of Height of Buildings in certain areas to 12m, as requested by Council. It also included rezoning to address interface issues between high and medium density zones, rezoning from R3 Medium Density to R2 Low Density (and vice versa), as well as investigations of new permissible uses and development standards for housing, and incentives for medium density housing. The proposed amendments aligned with the residential land principles stated above. The Medium Density Workshop with stakeholders in 2022 found that incentives were not desired by the development community, and rather clear and simple controls are preferred.

### **Mecone – Residential Lands Investigation**

Section 2 above details the methodology for the Residential Lands Investigation (**Attachment 2**) undertaken by Mecone, Atlas Economics and Smith & Tzannes. This investigation undertook housing capacity modelling to determine the latent housing capacity (i.e. remaining capacity which doesn't include existing dwellings), reviewed the impact of the proposed changes under the exhibited Scoping Report as well as the recommendations provided as part of their investigation. The investigation also covers market demand and preferences, and undertook yield and feasibility testing across 12 residential sites, reviewing the impact of a range of proposed amendments. The investigation provided a range of recommendations for high, medium and low density residential land under the LEP Review.

### **Impact of Scoping Report & Alternative Recommendations on Latent Housing Capacity**

Section 6 of the Residential Lands Investigation details the impact of the proposed changes in the exhibited Scoping Report (as well as the impact of Mecone's recommended amendments). Table 1 below provides a brief overview of this assessment.

*Table 1: Summary of Proposed Impact of Scoping Report on Latent Capacity*

<b>PROPOSED AMENDMENT</b>	<b>LOCATION/CHANGE</b>	<b>IMPACT OF CHANGE</b>
Lowering of Height of Buildings to 12m as per Council 100 Day Plan	Moorebank (currently 12m, 15m & 18m)	Modelling found the impact of reduced height to be 625 dwellings. The report notes this is a theoretical loss of capacity, as development is not feasible under the current controls, and reduction to a three storey form is cheaper to construct.
	Casula (currently 12m, 15m & 18m)	
	Green Valley (currently 12m & 15m)	
	Ashcroft (currently 18m)	

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R4 High Density to R3 Medium Density to address interface issues	Liverpool	Modelling found a loss of 675 dwellings. This is a theoretical loss as existing controls are unfeasible. Testing showed that feasibility outcomes were improved by the change in land use zone, and often the GFA was retained.	
	Casula		
	Green Valley		
	Lurnea		
	Cartwright		
R4 High to R3 Medium Density to limit out of centre development	Chipping Norton		
	Ashcroft		
R3 Medium Density to R4 High Density to reflect 'Village' vision in the DCP	Edmondson Park		Increase in dwelling capacity by 50 dwellings. Change will signal the intended high density vision for the site.
R3 Medium Density to R2 Low Density to reflect existing character of established areas	Wattle Grove		Modelling found this would result in a theoretical loss of 225 dwellings. The change provides a more realistic understanding of the capacity of land within the LGA given the low likelihood of redevelopment for these recently built suburbs.
	Carnes Hill		
	Moorebank		
	Prestons		
	Cecil Hills		
R2 Low Density to R3 Medium Density to provide housing near a Local Centre	Chipping Norton	The change will increase capacity by approximately 25 dwellings.	
R4 High Density to R2 Low Density to reflect low density area	Hinchinbrook	The investigation noted an insignificant impact, and that density is better located with proximity to centres and the site would be constrained by vehicular access.	
R3 Medium Density changes to development standards	Various, incl. Nil FSR & 9m-11m HOB (see additional information below)	9,000 – 30,000 additional dwellings (see capacity section below)	
R2 Low Density changes to development standards	Increase minimum lot size from 300sqm to 400sqm	Loss of 7,450 dwellings (5% of current total capacity across the LGA), with most significant impacts in Moorebank and Chipping Norton.	

### **Design & Feasibility Testing**

Design and feasibility testing was undertaken on 12 sites and included a variety of the above amendments from the Scoping Report. The following was determined (refer to Section 6 of the investigation):

- **Sites reduced to 12m HOB** (refer to sites 1-3 in Figure 2 below): Average reduction in yield is between 10-15% for each storey lost. The reduced yield impacts the number of basement levels required, as additional floor space above 12m often requires 2 levels of basement car parking, whereas a 3 storey building can be accommodated in a single basement level. RFB's beyond four storeys also change the type and cost of construction and servicing, (e.g.

sprinklers, fire rated stairs, internal fire hydrants, larger waste and service rooms etc) meaning these types of developments are more costly to build than 3 storey RFB's.

- **Sites from R4 High Density to R3 Medium Density** (refer to sites 4-7 in Figure 2 below): Results in a significant loss in the number of dwellings achieved as a result of the change in dwelling type (i.e. apartments to townhouses). Despite reduction in dwelling yields, the GFA achieved has not significantly reduced (in some cases an increase of GFA occurred as larger internal floor areas are provided). Medium density dwellings are more cost-effective to build than RFB's, and the proposed changes result in development that has improved feasibility, compared to development under the existing planning controls.

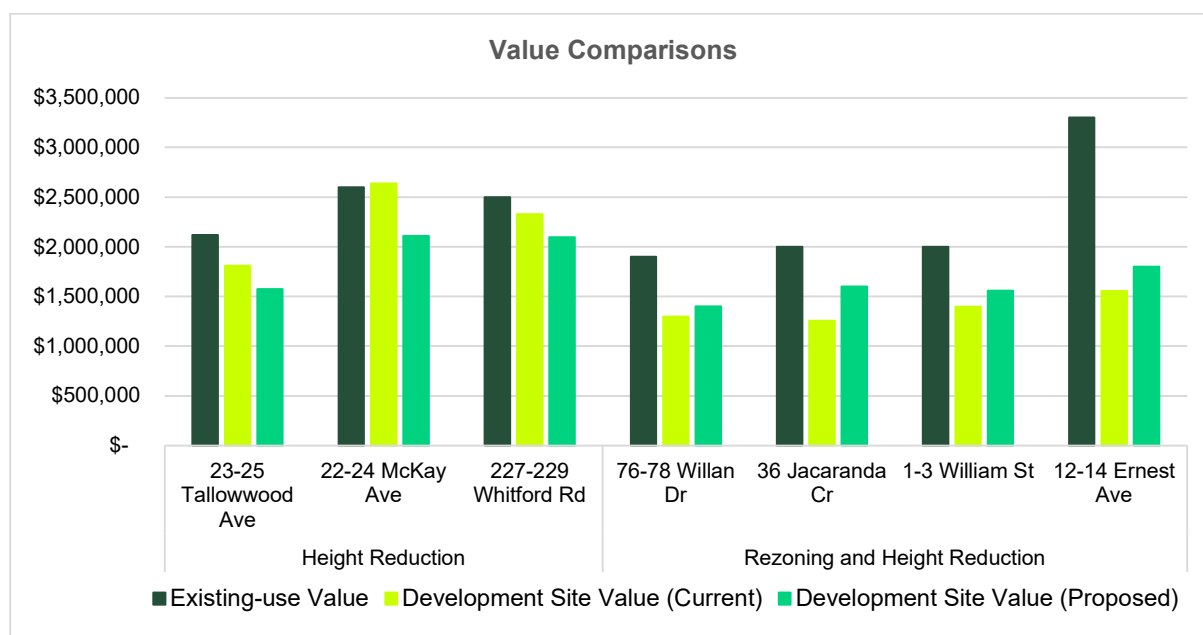


Figure 2 - Existing Use, Current Standards and Proposed Standards value

- **Existing Land Values:** As shown in Figure 2 above, the existing use of the site (dark green) is generally higher than the existing planning controls. This means that it is more valuable to retain the existing single dwellings 'as is', rather than to demolish them and redevelop under the proposed controls. This is a significant issue, particularly in the R3 Medium Density zone, where single dwellings are being developed rather than medium density uses.

### Medium Density Residential Land

Section 7 of the investigation discusses existing controls, opportunities and challenges for medium density housing. Two types of sites were tested to accommodate a range of uses:

- **Mid block sites:** This is the 'low hanging fruit' for redevelopment. Most lots in the Liverpool area are generally shallow in depth (30-40m) which favours street fronting dwellings such as terraces, and dual occupancies. Development can be carried out without the need for

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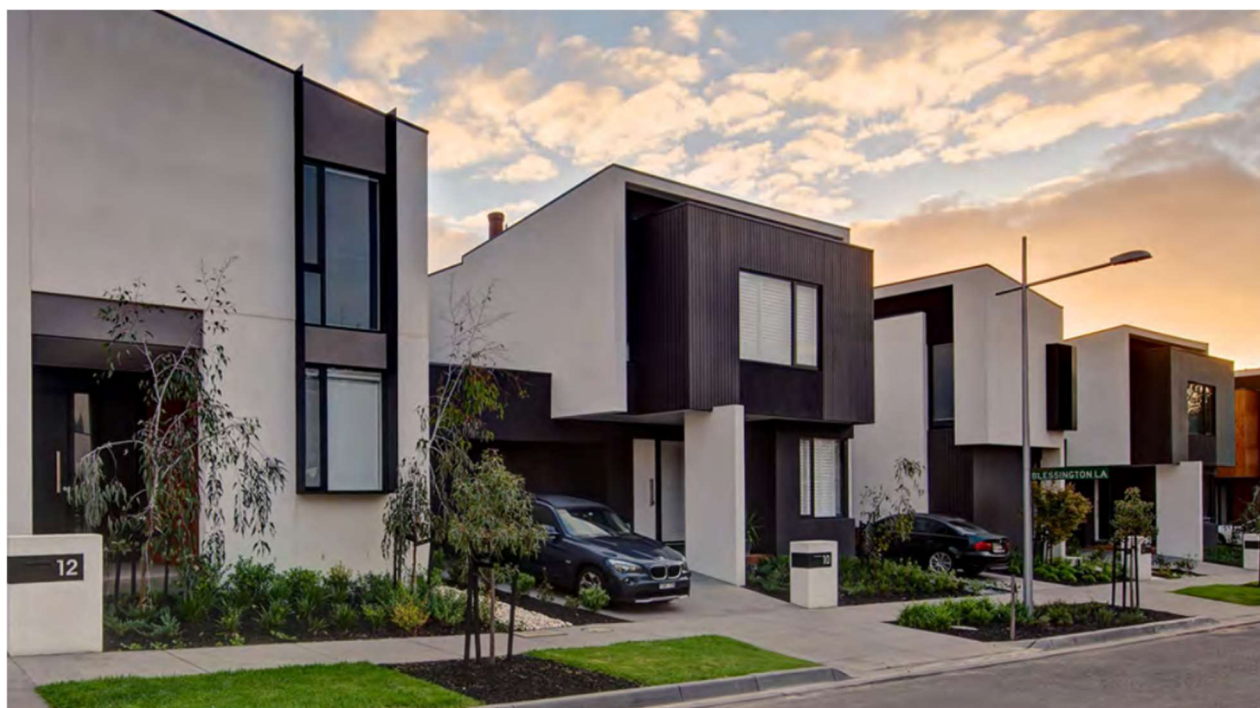
amalgamation providing attractive sites suited to local developers. It is noted existing development trends are resulting in single dwellings being constructed, rather than medium density uses. With development orientated to the street, there is opportunity for landscaping in the rear gardens and tree canopy along the rear boundaries. Car parking is the most significant limitation, however if the garage is less than 50% of the frontage, this can be managed. Opportunities for mid block sites are in Table 2 below, and supporting DCP controls are within **Attachment 2**.

*Table 2: Opportunities for Mid block sites*

LOT AREA	LOT FRONTAGE	FSR	DWELLING TYPE	DWELLING RATE
400-600+	12 to <18m	0.8:1	Dual occupancy / Semi-detached	2 per existing lot
540-720+	18 to <24m	0.65:1 - 0.8:1	Attached / Multi Dwelling (Terraces)	3 per existing lot
720+	24+	0.65 - 0.8:1	Attached / Multi Dwelling (Terraces)	1 dwelling / 6m of frontage

The investigation notes that:

- Lot size and geometry permitting, terrace and dual occupancy developments can be feasible to undertake on lots with existing dwellings that may be basic and / or approaching the end of their economic useful lives; and
- Some blocks may not have sufficient width to enable 3 dwellings across the frontage but may have surplus width for 2 dwellings. Where these lots have enough depth (e.g. 40m) a secondary dwelling could be located at the rear with access from the centre.



*Figure 3 - Mecone mid-block development example (p63) of garages to the street and dwellings to boundary*

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- **Corner and end block sites:** End blocks and corner sites provide significant opportunities for increased density within the Liverpool area. The geometry of many corner and end blocks in Liverpool are irregular with many wedge-shaped or triangular shaped lots, making single lot redevelopment difficult. The additional street frontage and short block length creates greater opportunity for dwelling frontages. The secondary street frontage also allows for car parking to be provided on grade at the rear, or utilisation of the topography for semi-basement car parking. To encourage the required amalgamation, additional density will be required, e.g. small scale apartments, and supporting 11m HOB. Opportunities for these sites are in Table 3 below, and supporting DCP controls at within **Attachment 2** p 69-71.

*Table 3: Opportunities for end block and corner sites*

<b>LOT AREA</b>	<b>FSR</b>	<b>DWELLING TYPE</b>	<b>DWELLING RATE</b>
Corner >700 m <sup>2</sup>	0.75 - 0.9:1	Multi dwelling housing / hybrid / apartments	1 / 105 m <sup>2</sup> site area
Full or half block end	0.80:1 - 1.1:1	Terraces, multi dwelling housing / hybrid / apartments	1 / 90 m <sup>2</sup> site area

The investigation notes that:

- Testing has found the controls above can result in good design outcomes;
- Removal of FSR and inclusion of RFBs as a permissible use will allow flexibility and overcome barriers under the Standard Instrument; and
- Spot testing in select locations indicates good prospects for feasibility where large sites can be secured at an economic price.

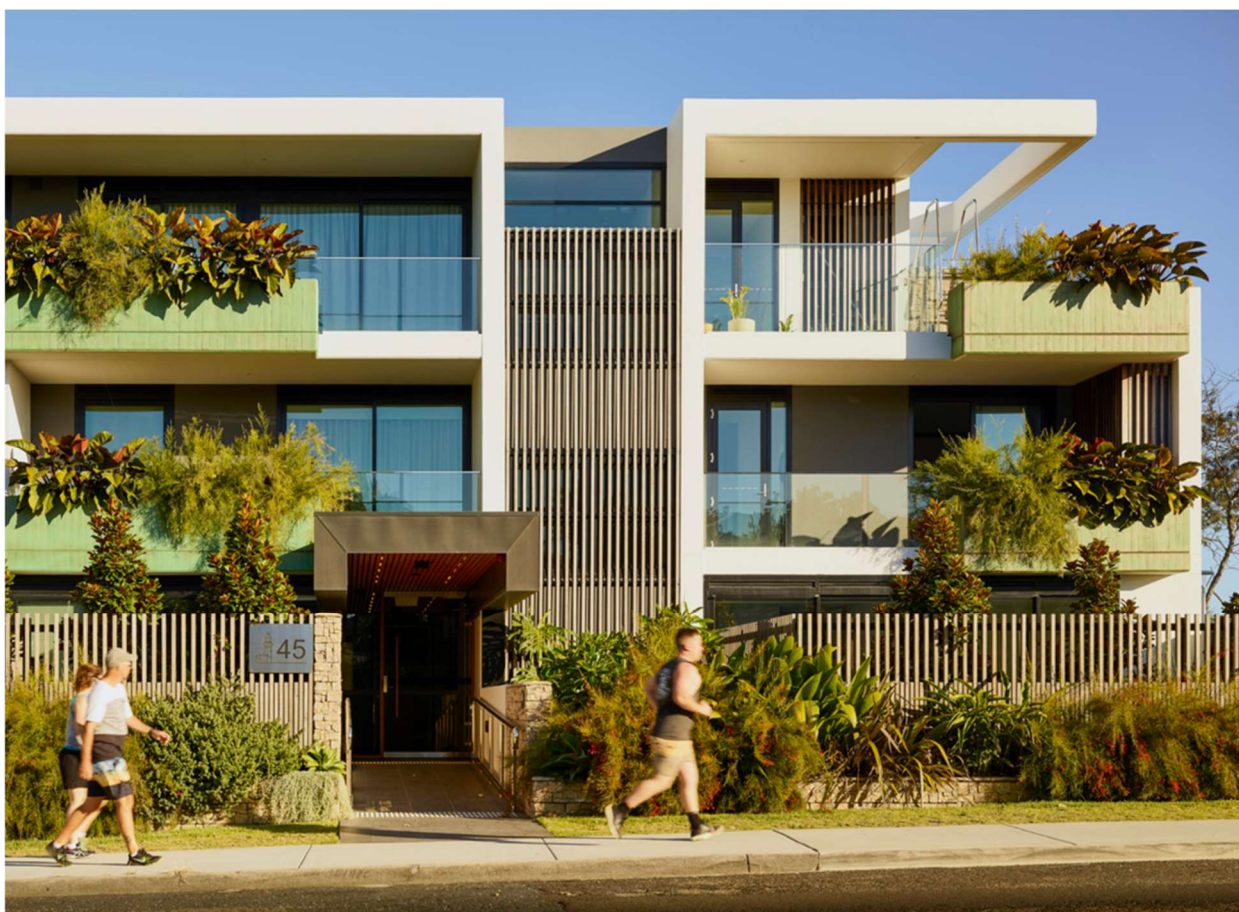


Figure 4 - Mecone low scale hybrid/residential flat typologies example (p65)

### **Capacity & Dwelling Target Assessment**

In 2020, Council adopted a preliminary 6-10 year (2021-2026) target of 8,500-12,000 dwelling completions. Dwelling completions during the 6-10 year period are expected to reach approximately 11,300 dwellings, according to the Department of Planning and Environment's forecasts released in August 2023. Council also has a 10-20 year preliminary target of 20,250 - 27,250 dwellings, with the range allowing for leeway between the low and high growth scenarios (p29).

Mecone undertook capacity modelling to determine existing capacity under planning controls, the impact of changes within the Scoping Report and impact of recommendations provided in the investigation. Modelling indicates that:

- Estimated planned capacity (LGA wide under current controls): 143,000 dwellings;
- Estimated latent capacity (LGA wide under current controls): 73,900 dwellings; and
- Proposed LEP changes in the Scoping Report: theoretical decrease 7,775 dwellings.

The reduction in dwellings is largely attributed to the proposed change in minimum lot size in the R2 Low Density Residential zone, from 300sqm to 400sqm. However, enabling medium density uses (e.g. semi-detached and attached) of a minor scale which are suited to low density will counteract this loss of capacity (refer to recommendations below).

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Mecone’s recommendations regarding mid-block sites and corner/end block sites would increase deliverable capacity by between 9,000 and 30,000 dwellings, compared with current controls. The lower end of the range reflects the most likely outcome of increasing development on mid-block sites, as this is a simple to build and a high value option. The higher end of the range reflects possible yields with take-up of a full range of multi-dwelling options, including hybrid and low-scale residential flat buildings on larger frontage sites. The modelling indicates that the suburbs where most of the increased capacity can occur are Moorebank, Casula, Holsworthy, Chipping Norton, Liverpool, and Miller.

*Table 4: Liverpool LGA Dwelling Capacity Analysis*

	<b>TOTAL DWELLING CAPACITY</b>	<b>CHANGE IN DWELLING CAPACITY</b>
Capacity - Current planning controls	143,000	-
Capacity - Scoping Report proposals	135,225	-7,775
Capacity - Recommendations yield	143,425 – 164,725	+425 – 21,725

Given the extensive latent capacity under current controls, and the additional capacity due to medium density residential changes, the new LEP will be more than capable of achieving and exceeding housing targets set for the LGA if the market delivers.

The recommended changes will also encourage delivery of a greater range of housing forms near centres, therefore responding to the Six Cities Discussion Paper. The land use zones proposed concentrate deliverable housing capacity around centres, with over 60% of the latent capacity within 800m of centres in the Liverpool City centre hierarchy, which primarily contains the R3 zone.

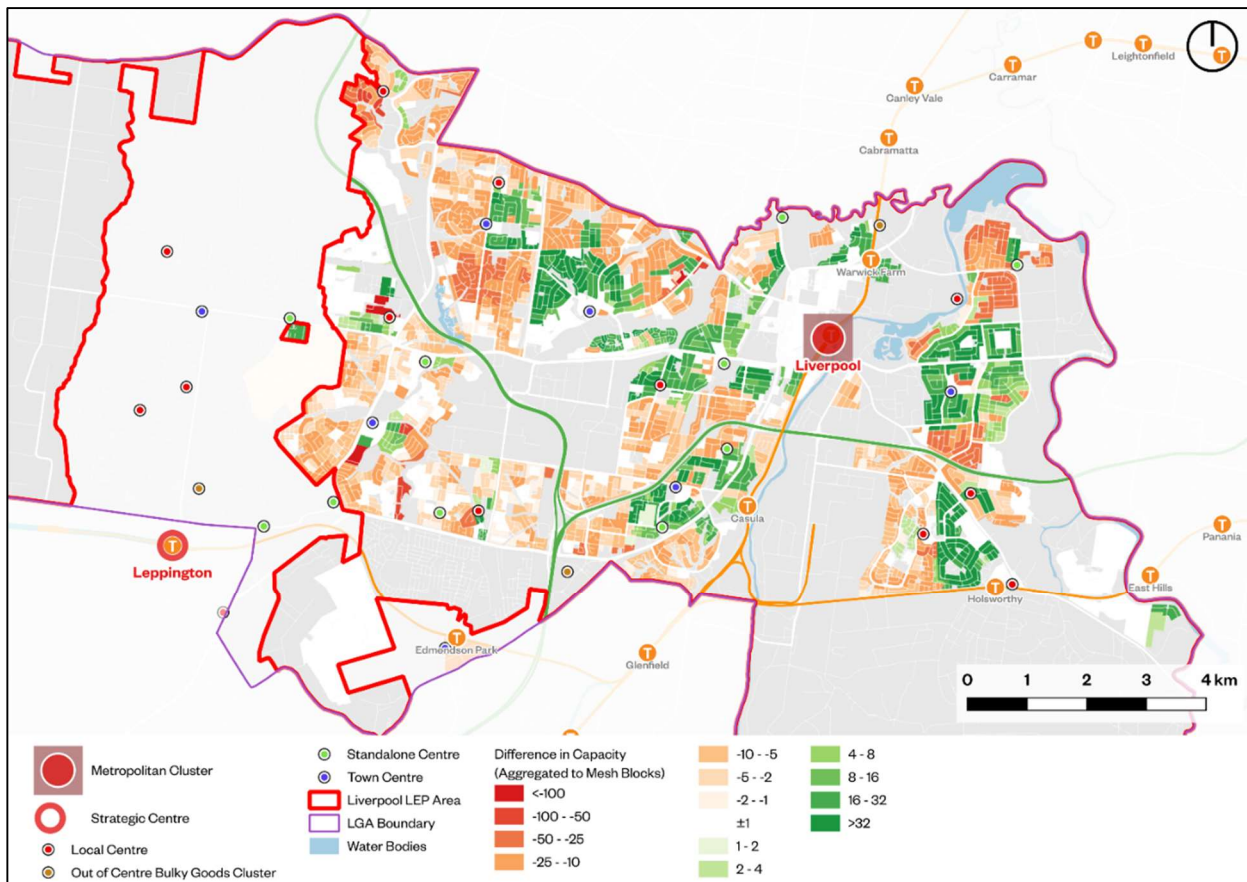


Figure 5 - Distribution of capacity changes (report recommendations)

### **Proposed Residential Development Standards**

A complete summary of recommendations under the Mecone Residential Land Investigation’s report can be found on p65-71 of **Attachment 2**. The following section contains information and justification regarding the proposed land use zone and development standard application under the new LEP.

Table 5: High Density Residential Land Amendments

<b>HIGH DENSITY RESIDENTIAL</b>	
<p><b>Principal 1:</b> Encourage high density residential development in the vicinity of the Liverpool City Centre and Town Centres, and along Transport Corridors.</p>	<p><b>Land Use Zone</b></p> <ul style="list-style-type: none"> <li>• The new LEP will continue to apply the R4 High Density Residential zone to certain land in Liverpool, Warwick Farm, Moorebank, Casula, Green Valley, Miller, Busby, Sadlier, Edmondson Park (R1 zone), Ashcroft, Cartwright, Lurnea, Chipping Norton and Holsworthy.                             <ul style="list-style-type: none"> <li>○ These areas are either within the vicinity of the City Centre, Town Centres, transit corridors (rail and main roads), or where existing high density residential land has been developed.</li> </ul> </li> </ul>

<b>HIGH DENSITY RESIDENTIAL</b>	
<p><b>Principal 1 (Continued):</b> Encourage high density residential development in the vicinity of the Liverpool City Centre and Town Centres, and along Transport Corridors.</p>	<p><b>Height of Building</b></p> <ul style="list-style-type: none"> <li>• Height of Buildings of R4 High Density Residential land is to be lowered to 12m, as per the Scoping Report. This is in Moorebank (currently 12m, 15m &amp; 18m), Casula (currently 12m, 15m &amp; 18m), Green Valley (currently 12m &amp; 15m), and Ashcroft (currently 18m). <ul style="list-style-type: none"> <li>○ As noted above, this is a theoretical loss of 625 dwellings, however development is not currently feasible. A lower building form may assist in feasibility in the future, and the HOB is suited to the suburban areas and level of infrastructure available.</li> </ul> </li> <li>• The new LEP will include exceptions to the 12m Height of Building, including Liverpool (12m-77m), Warwick Farm (21m-35m), Miller and surrounding Busby/Sadlier (15m-21m), Edmondson Park (15m-21m), Lurnea and Cartwright (12-18m). <ul style="list-style-type: none"> <li>○ Liverpool and Warwick Farm are within the vicinity of the City Centre which will be catering for population growth. Miller, Busby and Sadlier have high proportions of NSW Land &amp; Housing Corporation owned land and is not proposed to undergo change. High density zoned land in Edmondson Park, Lurnea and Carwright are along major transit ways, leading to large centres.</li> </ul> </li> <li>• Other R4 High Density Residential land is to retain the existing application of 12m Height of Building, as currently under the LLEP 2008. This means 12m HOB residential land in Moorebank, Chipping Norton, Holsworthy, Casula, Lurnea, Liverpool, Cartwright, Green Valley, and Edmondson Park.</li> </ul> <p><b>Floor Space Ratio</b></p> <ul style="list-style-type: none"> <li>• As per Mecone's recommendation, a 0.9:1 Floor Space Ratio is to be applied to residential land proposed to be reduced to 12m HOB. For consistency, the 0.9:1 FSR is to also apply to all Residential Land with an existing HOB of 12m. The current FSR is 0.75:1 for residential land with a 12m HOB (except for R1 land in Edmondson Park).</li> </ul> <p><b>Lot Size</b></p> <ul style="list-style-type: none"> <li>• A 1,000sqm minimum subdivision lot size is proposed for R4 High Density Residential Land, which is the same as the LLEP 2008.</li> </ul> <p><b>Edmondson Park Village Sites</b></p> <ul style="list-style-type: none"> <li>• The new LEP proposes the R4 High Density zone to certain land identified as 'Villages' (currently R3). This will reflect their intended use for shop top housing (HOB &amp; FSR retained).</li> </ul>

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<b>HIGH DENSITY RESIDENTIAL</b>	
<p><b>Principal 2:</b> Facilitate appropriate transitions from R4 High Density to R3 Medium Density Residential.</p>	<p><b>Land Use Zone</b></p> <ul style="list-style-type: none"> <li>• The new LEP will apply the R3 Medium Density Residential zone to certain land where: <ul style="list-style-type: none"> <li>○ The current R4 High Density Residential zoned land results in interface issues if development was to occur. This is proposed for certain land in Liverpool, Casula, Green Valley, Lurnea and Cartwright.</li> <li>○ The current R4 High Density Residential zoned land results in out of centre development which doesn't align with the infrastructure of the area. This is proposed for certain land in Chipping Norton and Ashcroft.</li> <li>○ As noted above, these changes results in a loss of 675 dwellings, however development is not currently feasible, and feasibility was improved by the proposed change.</li> </ul> </li> </ul>

The Table below details how the Medium Density zone under the new LEP will deliver housing diversity across the LEP Application area.

*Table 6: Medium Density Residential Land Amendments*

<b>MEDIUM DENSITY RESIDENTIAL</b>	
<p><b>Principal 3:</b> Promote high quality medium density residential development near centres.</p>	<p><b>Land Use Zone</b></p> <ul style="list-style-type: none"> <li>• The R3 Medium Density Residential (and R1 General Residential) zone is to continue to be applied in the vicinity of centres. <ul style="list-style-type: none"> <li>○ Mecone's report notes that over 60% of the latent capacity under the new LEP is within 800m of centres in the Liverpool City centre hierarchy, which generally comprises of the R3 Medium Density Residential zone.</li> </ul> </li> <li>• Additional R3 zoned land is proposed to a certain part of Chipping Norton, in the vicinity of the Local Centre.</li> </ul> <p><b>Permissible Uses</b></p> <ul style="list-style-type: none"> <li>• The new LEP will continue to permit dwelling houses, semi-detached dwellings, attached dwellings and multi dwelling housing.</li> <li>• It is proposed that Dual Occupancies are included as permissible uses in the R1 and R3 zones. <b>Attachment 5</b> 'Part 3B Codes SEPP Analysis' notes this new housing form will increase housing diversity and assist with medium density development uptake in the R3 zone.</li> <li>• It is proposed that Residential Flat Buildings are included as permissible uses in the R3 zone (already permissible in R1). This would overcome barriers in the standard instrument definition and allow small scale apartments of a medium density nature in this zone.</li> </ul> <p><b>Floor Space Ratio &amp; Landscaping</b></p> <ul style="list-style-type: none"> <li>• As recommended by Mecone, a nil FSR is proposed for the R3 zone. This will recognise the diversity in FSR that can be achieved depending on dwelling type, and assist in feasibility of different types.</li> </ul>

<b>MEDIUM DENSITY RESIDENTIAL</b>	
<p><b>Principal 3 (Continued):</b> Promote high quality medium density residential development near centres.</p>	<p>Guidance on FSR can be provided within a DCP, based on the proposed dwelling type / lot configuration.</p> <ul style="list-style-type: none"> <li>In lieu of the FSR standard, it is proposed that a 25% site landscaping standard is applied to control building footprint and reinforce the value of permeable ground for landscaping.</li> </ul> <p><b>Lot Size</b></p> <ul style="list-style-type: none"> <li>Within the R3 zone, a 200sqm lot size is proposed for Torrens Title subdivision, and no lot size requirement for Strata Subdivision. This is less restrictive than the existing 250sqm lot size requirement under Area 2 provisions in this zone.</li> <li>Where a minimum lot size is provided in an LEP for Dual Occupancy or Multi Dwelling Housing, this prevails over the provisions of the Codes SEPP. A minimum lot size for multi dwellings is not proposed in the new LEP. A minimum lot size of 550sqm is proposed for Dual Occupancy, overriding the Codes SEPP specified size of 400sqm. This equates to approximately 60% of lots within the R3 zone. It is noted these sites could undertake a Development Application for semi-detached dwellings. The application of a lot size will enable for higher quality development, by providing an adequate size for landscaping, private open space and vehicular access areas.</li> <li>Refer to information below, regarding minimum lot sizes for single dwellings within the R3 zone.</li> </ul> <p><b>Height of Building</b></p> <ul style="list-style-type: none"> <li>A 9m HOB is proposed for R3 Medium Density Residential Land. This is an increase of 0.5m, from 8.5m, to align with the Codes SEPP.</li> </ul>
<p><b>Principal 4:</b> Incentivise Multi Dwelling Development to create housing diversity.</p>	<p><b>Dwelling Houses in R3 Medium Density Residential</b></p> <ul style="list-style-type: none"> <li>Recent development within the R3 zone is mainly single dwellings. Mecone’s investigation noted that in locations where the price of detached dwellings is relatively low, they are preferred over higher density forms which is a significant constraint in the delivery of medium density housing. Therefore, a minimum lot size of 400sqm is proposed in the R3 zone, for new single dwellings. This will deter from the development of single dwellings in medium density areas, resulting in more housing diversity and choice.</li> </ul> <p><b>Corner and End Block Developments</b></p> <ul style="list-style-type: none"> <li>Design testing by Mecone found that corner sites and block ends which can be amalgamated can facilitate mid-rise medium density forms, such as terraces and/or small scale apartments. Refer above.</li> <li>The new LEP is to include a Local Provision, enabling a 11m HOB and 10% landscaping requirement to these lots, where amalgamation occurs, in the same fashion as the design testing in <b>Attachment 2</b>.</li> </ul>

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<b>MEDIUM DENSITY RESIDENTIAL</b>	
	This is subject to a Development Control Plan including the recommendations within p69-71 of <b>Attachment 2</b> .

The Table below details how the Low Density Residential zone under the new LEP will enable housing of the appropriate scale for low density areas, which have limited infrastructure and services to cater for additional housing supply.

*Table 7: Low Density Residential Land Amendments*

<b>LOW DENSITY RESIDENTIAL</b>	
<b>Principal 5:</b> Protect suburban character of low-density areas	<p><b>Land Use Zone</b></p> <ul style="list-style-type: none"> <li>• The R2 Low Density Residential zone will continue to be applied across all suburbs containing residential zoned land (except Cartwright). <ul style="list-style-type: none"> <li>○ The application of the R2 zone in areas generally beyond walking distance of centres, where additional density is not appropriate due to infrastructure and services available in these areas.</li> </ul> </li> <li>• The R2 Low Density Residential zone is proposed in certain areas currently zoned R3, to reflect their low density character. This is proposed to certain land in Wattle Grove, Carnes Hill, Moorebank, Prestons and Cecil Hills. <ul style="list-style-type: none"> <li>○ Modelling found this would result in a loss of 225 dwellings, however is a theoretical loss as these are not likely to undergo development.</li> </ul> </li> <li>• The R2 zone is proposed for certain R4 zoned land in Hinchinbrook near the T-Way. Mecone’s investigations noted issues with vehicular access and the change will have minimal impact on housing capacity in the LGA.</li> </ul> <p><b>Permissible Uses</b></p> <ul style="list-style-type: none"> <li>• The zone will continue to permit dwelling houses, semi-detached dwellings and attached dwellings (similar built form to dual occupancy) within this zone. Dual Occupancy and Multi Dwelling Housing is not proposed within this zone, as Complying Development pathways are not appropriate (refer to <b>Attachment 5</b> ‘Part 3B Codes SEPP Analysis’ for further analysis regarding this matter).</li> </ul> <p><b>Lot Size</b></p> <ul style="list-style-type: none"> <li>• A Minimum Lot Size of 400sqm is generally proposed for the R2 zone. This is an increase from 300sqm (generally applied) under the LLEP 2008. Mecone’s report noted a theoretical loss of 7,450 dwellings because of this change.</li> <li>• Therefore, a local provision for semi-detached and attached dwellings in R2 Low Density zones is proposed, to continue these forms on 300sqm lot sizes. This means no loss of dwelling supply is resulting, as two semi-detached can continue to occur on 600sqm (however two single dwellings will require 800sqm). This will also encourage housing diversity in the suburbs at an appropriate scale, whilst protecting suburban character.</li> </ul>

<b>LOW DENSITY RESIDENTIAL</b>	
	<ul style="list-style-type: none"> <li>• Where certain areas (e.g. Warwick Farm, Hoxton Park) contain alternative lot sizes under the LLEP 2008, e.g. 450sqm, these are to be retained.</li> </ul> <p><b>Height of Building &amp; Floor Space Ratio</b></p> <ul style="list-style-type: none"> <li>• The height of building is to remain at 8.5m, and Floor Space Ratio of generally 0.5:1 for this zone. Certain variations apply, and no changes are proposed in relation to existing provisions under the LLEP 2008.</li> </ul>

Other changes in comparison to residential land under the LLEP 2008, compared to the new LEP, include:

- **Area Provisions:** The LLEP 2008 currently contains complex 'Area 1', 'Area 2' and 'Area 3' provisions across R1 General, R2 Low Density and R3 Medium Density Residential zoned land. These allow for a mix of bonus Floor Space Ratio and reduced lot size requirements where medium density uses are proposed (refer to Cl. 4.1 and 4.4 of the LLEP 2008). Engagement with industry has noted these complex standards do not provide clarity on what can be developed; therefore, the provisions are not proposed within the new LEP. It is noted that Area 2 provisions generally apply to R3 Medium Density Residential land. Area 1, 2 and 3 apply across certain R1 and R2 zones, however in these areas, medium density uses have generally not been developed, and these areas have been developed for single dwellings.
- **Land Currently zoned R1 General Residential:** The R1 General Residential zone currently applies in the following areas of the LLEP 2008, with 'Area' provisions used to control density within the broad land use zone. Housekeeping type amendments are proposed to remove the Area provisions, to provide clarity in these areas, as uncertainty is a barrier to development.
  - **Edmondson Park:** Under the LLEP 2008, certain parts of the R1 General Residential zone in Edmondson Park contain 'Area 3' provisions, which enable a reduced lot size from 300sqm to 240sqm where secondary vehicular access is also provided. This applies to land which contains an FSR of 0.75:1 and HOB of 12m, to deliver high density built form on small lots. This land is to retain the existing HOB and FSR under the LLEP 2008, and a two year savings provision prior to the removal of the Area 3 provision will apply, so as not to disrupt development underway. The zone and development standards of other R1 zoned land in Edmondson Park are to be retained.
  - **Middleton Grange:** Under the LLEP 2008, certain parts of the R1 General Residential zone in Middleton Grange contains 'Area 1', 'Area 2' and 'Area 3' provisions. These areas contain an 8.5m HOB and 0.65:1 FSR area, however under the area provisions, lot size can be reduced between 250sqm - 180sqm, and FSR increased to 0.7:1 or 0.75:1. This land is to retain the existing HOB and FSR under the LLEP 2008, and a two year savings provision prior to the removal of the Area 3 provision will apply, so as not to not disrupt development underway.

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- **Elizabeth Hills:** Under the LLEP 2008 Area 3 provisions are applied to certain parts of the R1 zone. Despite its application, low scale development (single dwellings predominately) has occurred and removal of these provisions will not have an impact.
- **Moorebank:** Under the LLEP 2008, Area 1 and 2 provisions apply within the R1 zone. This enables lot sizes to be reduced between 250sqm - 180sqm. Low scale development has occurred and removal of these provisions will not have an impact.
- **Restriction on Complying Development in Cartwright:** The Radburn layout is complex and redevelopment should occur via a Development Application only. It is recommended to restrict Complying Development under Part 3B in this suburb, via a local provision.
- **Strengthened Land Use Zone Objectives:** Additional objectives are proposed for the R1 General Residential and R4 High Density Residential zones, to ensure high amenity.

## 6. COMMERCIAL LAND

There are numerous commercial areas within the LLEP 2008. The Liverpool Centres & Corridors Strategy lists the centre hierarchy across the LGA, with the following centre types:

- Metropolitan cluster
- Town centre
- Local centre
- Stand-alone centre
- Out of centre bulky goods cluster
- Neighbourhood centre

The Liverpool City Centre is the predominant commercial precinct in the LGA, identified as a 'Metropolitan Cluster and Health & Education Precinct' under the Western City District Plan. Under the LEP application area there are 5 town centres, 9 local centres, 7 stand-alone centres, 2 bulky goods centres and 14 neighbourhood centres. There are also numerous parcels of land applying commercial land use zones which do not form part of the centre hierarchy. The application of land use zone and development standards does not necessarily determine its role, as the centre hierarchy is not reflected within the current planning framework.

### Exhibited Scoping Report

Principles for commercial land under the new LEP are detailed in Section 3 of this report. The most significant proposed change was the proposed reduction in height of buildings standards for commercially zones land to generally 12m for Town Centres and 10m for other centres. Council staff have recommended to not proceed with this amendment at the Ordinary Meeting of Council on 27 July 2022 and 26 April 2023, however Council has resolved to proceed with the proposed amendments. The Scoping Report also noted that development standards and local provisions within the City Centre be reviewed, to encourage development, in accordance with Amendment 52 gazetted in 5 September 2018, to enable a Mixed Use City Centre.

### **Mecone – Commercial Lands Investigation**

Section 2 above details the methodology for the Commercial Lands Investigation (**Attachment 3**) undertaken by Mecone, Atlas Economics and Smith & Tzannes. This investigation provides insight on retail and commercial market trends and the implications on the Liverpool LGA retail hierarchy. Existing and proposed development standards were reviewed, and design and feasibility testing of sites occurred to understand the impacts of the changes proposed in the Scoping Report.

### **Market Trends & Retail Hierarchy**

Section 6 of the investigation details market trends for retail and commercial land uses, recent market activity, future retail and commercial demand, capacity assessment and implications on the retail hierarchy. Key matters of note include:

- **Retail Supply & Demand:** Higher online retail, shopping habits which seek convenience and experiences, and less office based work will reduce retail floorspace demand. It is anticipated that overall demand for physical retail floorspace will fall moderately (approximately 10%-15%) over the coming decades. The demand for retail floorspace is 15%-20% lower across the Liverpool LGA than that identified in the Centres and Corridors Study 2020. There is significant capacity across the Liverpool LGA, particularly in the Liverpool City Centre. Notwithstanding this, the centre and retail hierarchy outlined in the Liverpool Centres and Corridors Study remains appropriate.
- **Commercial & Office Supply & Demand:** COVID-19 induced behaviour changes (i.e. hybrid working) has resulted in less demand for office floorspace in the Liverpool City Centre. Vacancy rates in all office markets have remained elevated since 2020; until vacancy rates return to 'normal' levels (5%-10%) across Greater Sydney, effective rents will remain depressed and negatively impact the feasibility of new office development.

### **Liverpool City Centre**

The investigation notes that a number of Development Applications have been approved since 2017, however construction has not yet commenced. The above trends create uncertainty about the likelihood and/or timing of these consents being delivered.

The investigation notes that Knowledge Intensive sectors, which are the predominant occupiers of commercial floorspace, are expected to decline. Alternatively, 83% of job growth in the Liverpool City Centre between 2021-2036 will be driven by the Health and Education sectors (p23).

Analysis of Clause 7.5A of the LLEP 2008 was provided. This clause provides incentives that apply to lots located within specified areas, which are greater than 1,500m<sup>2</sup>, have two or more

street frontages, and propose development where at least 20% of the gross floor area are for a variety of non-residential uses. The investigation found that:

- The bonus provisions are located far from the Liverpool Hospital;
- Fine grain lot patterns generally require site amalgamation;
- Existing commercial buildings (many already medical-related) are functional and valuable;
- Depending on the tenant interest, 20% of a GFA may be too small to offer opportunities for co-location of uses;
- Alternatively, 20% GFA may be too large if tenant interest is lacking, especially away from the Liverpool Hospital. The class of developer interested in development in the City Centre is unlikely to offer more than the 20% requirement as this does not align with their portfolio interests;
- Reduced demand for commercial office space as hybrid working has become the default for office-based workers;
- Build to Rent developments may operate as commercial entities and an argument could be made for these to be included as a commercial use in the clause. It was noted that this is unlikely to be taken up; and
- The low take-up of the Clause 7.5A incentives is less about development feasibility and more about market demand and site/ floorspace suitability for the targeted uses.

It is noted that recommendations for the City Centre were not provided by Mecone, due to a conflict of interest.

### **Reduced Height of Buildings for Centres**

Yield and feasibility testing was undertaken for the proposed reduction in height to 12m for Town Centres and 10m for other centres. Various scenarios were undertaken:

- **Existing Scenario:** Existing controls were tested, with the assumption shop top housing is the highest and best use;
- **Reduced Height (Shop-top housing):** Ground level retail is retained and the proposed height reduction reduces the extent of shop-top housing;
- **Reduced Height (Commercial):** Ground level retail is retained, and commercial office space is provided above;
- **Alternative Scenario:** Three storey development with ground floor retail and small residential apartments above.

Reducing building height in centres reduces development yield, feasibility, and the likelihood of redevelopment due to the loss of potential for commercial and/or residential floorspace above retail ground floor space. This will reduce opportunities for, and likelihood of, renewal of sites in centres and the provision of enhanced retail offering and employment for local communities (p44).

However, the functional and valuable nature of existing uses and buildings means that development even under current planning controls is not feasible (p43). Therefore, under both the existing LLEP 2008 controls and the proposed changes, is likely that most centres will remain unchanged, except where an existing building is at end of life or has an owner-occupier. The

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ongoing viability of smaller centres will depend on infill residential growth within the centre itself or in their immediate catchments.

It is noted that a significant barrier was the high car parking rates for commercial uses, which dominate the proposed land use.

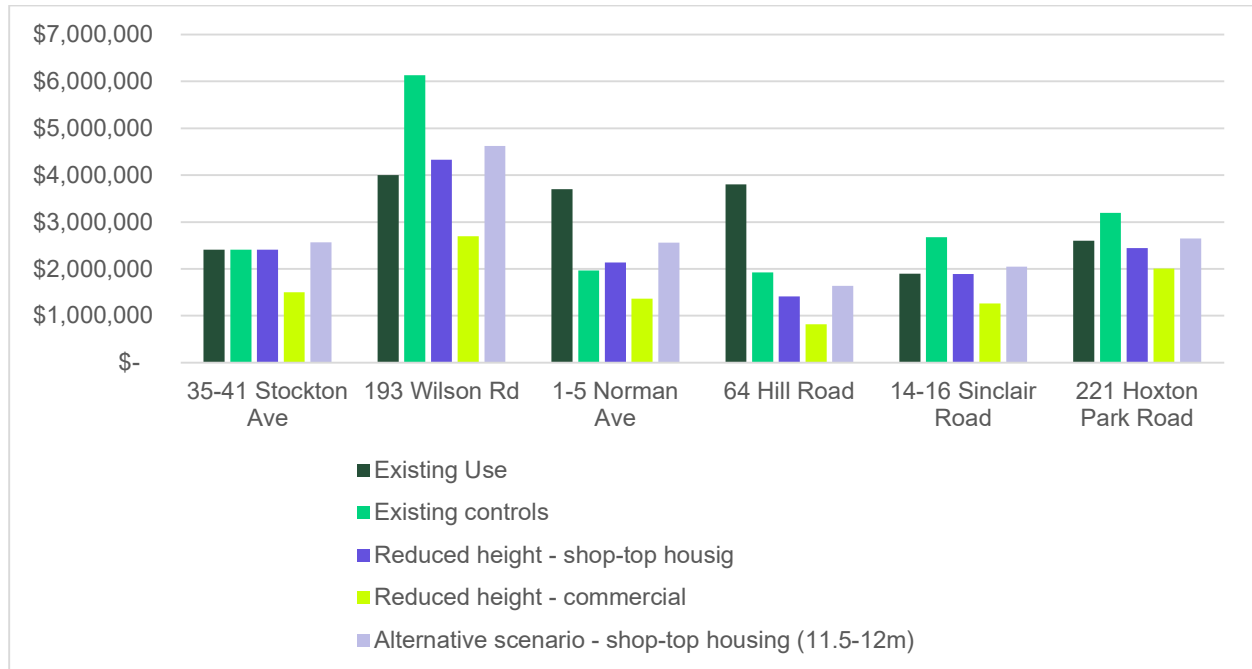


Figure 6 - Value comparisons for Commercial scenario testing (Mecone 2023)

## Proposed Development Standards

### Liverpool City Centre

It is recommended that the existing provisions within Part 7 Division 1 of the LLEP 2008, and applicable mapping, are largely retained for the Liverpool City Centre. It is noted that the provisions were gazetted on 5 September 2018, which is a relatively short timeframe in relation to strategic planning and delivery. However, with a review of retail and commercial trends in a post-Covid era, certain aspects of Clause 7.5A are proposed to be amended, as follows:

- Reduced Commercial Gross Floor Area (GFA):** Reduction of 20% GFA requirement for commercial uses to minimum of 15% GFA, to achieve the bonus height of building and Floor Space Ratio as per this clause. If market demand enables greater than 15% this can still be achieved under this clause.
- Inclusion of Build to Rent:** Introduction of Built to Rent (BTR) to be classified as a commercial use, to achieve the bonus development standards as per this clause.

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- **Clause 4.6 Variation:** Removal of this clause as a prohibition of 4.6 Exception to Development Standards, to enable flexibility where minor variations can be accommodated, for 7.5A(1) only, i.e. site size and street frontage requirements, and not the bonus development standards.
- **New Area for Liverpool Hospital:** Introduction of a new Area 9 (Mixed Use) provision for land directly west of the Liverpool Hospital. It is noted this land is primarily strata units and would require 2 lots to be amalgamated for the bonus to occur. The Liverpool Private Hospital has recently completed a planning proposal for increased HOB and FSR (79m and 6.9:1 respectively) within this marked area. This FSR is commensurate to the Area 9 standards. Further consideration of Hospital Flight Paths, solar access and overshadowing will be required.

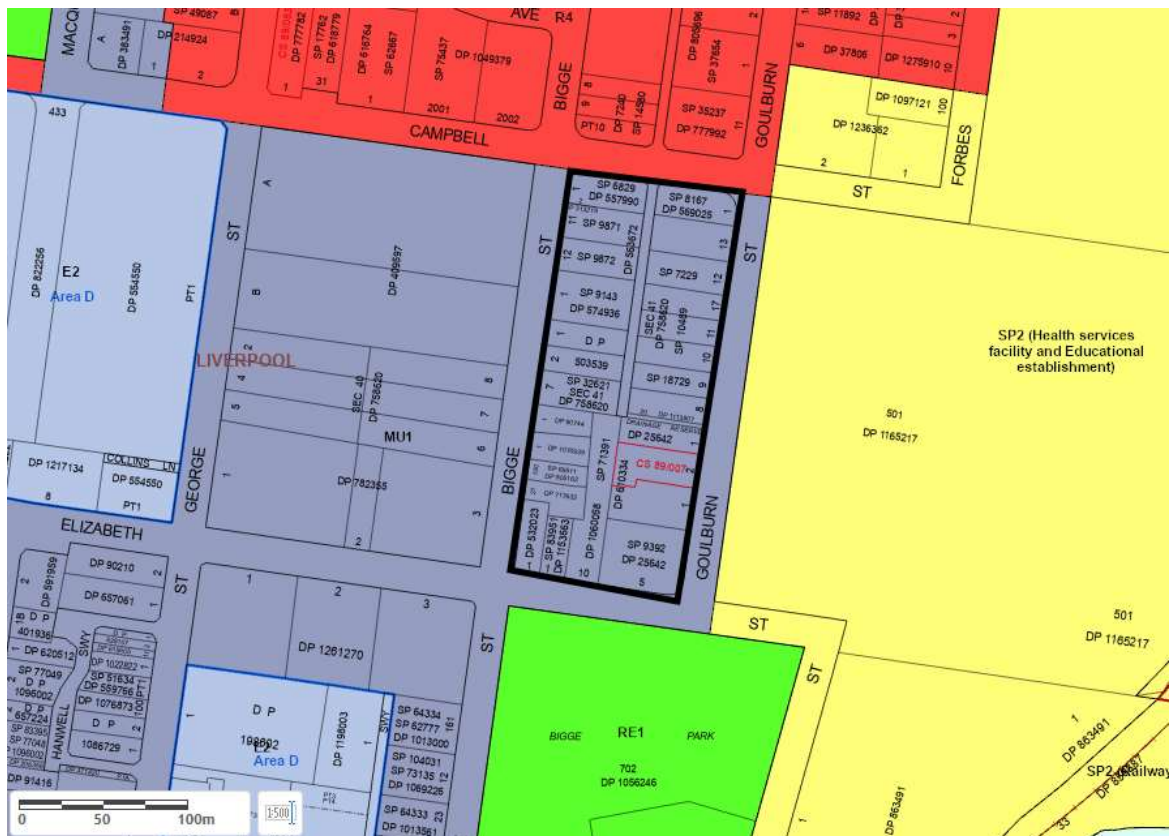


Figure 7 - Additional 'Area 9' provisions marked in black

## Other Centres

Mecone recommended not to progress with the proposed changes to building heights in centres as it will limit opportunities for sites to renew and provide local employment and enhanced retail opportunities.

In accordance with Council's resolutions, a reduction in Height of Buildings is proposed as part of the new LEP. Mecone recommended the following:

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*If Council wishes to progress the proposed reduction in building height, then:*

- a. For centres where a 10m height is proposed, the height should be increased to 11.5 or 12m to better accommodate 3 storeys and a FSR of 1.3:1 adopted.*
- b. For centres where a 12m height is proposed, a FSR of 1.3:1 should be adopted.*
- c. For centres where a 15m height is proposed, a FSR of 1.4:1 should be adopted.*

## Town Centres

Town Centres under the LEP application area (Moorebank, Casula, Carnes Hill and Green Valley) are to apply revised development standards of 12m HOB and 1.3:1 FSR, as per the recommendation above. It is noted the current standards are 21m HOB and 1.7:1 FSR.

## Local & Neighbourhood Centres

Local Centres and Neighbourhood Centres under the LEP application area (refer to **Attachment 8** 'Comparison to LLEP 2008 Mapping' for a complete list) are to apply revised development standards of 12m HOB and 1.3:1 FSR. This is in accordance with the 'Alternative Scenario' tested above, which provided an alternative to the proposed 10m HOB as per the Scoping Report. This would provide a three storey built form suitable to a suburban area. Existing development standards currently vary between 12m, 15m & 18m HOB and 1.1:1, 1.2:1, and 1.5:1 FSR.

It is also recommended that the E1 Local Centre (Area C) zone is applied to all Local Centres. This was the former B2 Local Centre zone prior to Employment zone reforms. Certain Local Centres currently apply Area G provisions, which apply certain restrictions applicable to Neighbourhood Centres.

## Bulky Goods

The new LEP will retain existing development standards for Bulky Goods Centres, as noted in the Scoping Report.

## Stand Alone Centres & Business Corridors

Mecone did not undertake testing for stand-alone centres and business corridors. However, Mecone noted that the findings of the testing of other centres suggests that current FSR ranges between 0.75:1 and 1:1 are a limiting factor for redevelopment as the resultant floor space is too low for redevelopment to be feasible.

Refer to **Attachment 8** for a complete list of Stand Alone Centres. Most are to retain existing development standards as per the LLEP 2008, due to recent planning proposals, or its location along prominent roads. Where development standards were proposed to be reduced in the Scoping Report, it is recommended that the 12m HOB and 1.3:1 FSR is also applied.

Business Corridors, generally zoned E3 Productivity Support (Area A) are recommended to also apply a 12m HOB and 1.3:1 FSR where a height reduction was required as per the Scoping Report. Refer to **Attachment 8** for applicable standards for Business Corridors.

It is noted that the LLEP 2008 contains a Schedule 1 Additional Permitted Use for service stations and takeaway food and drink premises, applied via a key site map. These sites have been reviewed, and the E3 Productivity Support (Area A) and applicable development standards (i.e. business corridors) are proposed where these uses have been developed. Refer to **Attachment 8**.

#### Non-Hierarchy Centres

There are numerous E1 Local Centre zones within the LEP application area. It is recommended that these are similarly apply reduced development standards (12m HOB & 1.3:1 FSR) as per the above, or apply an applicable residential or recreation zone as required. Refer to **Attachment 8**.

#### **Exceptions to 12m Height of Building Application**

The following areas are proposed to be exceptions to the 12m HOB application as proposed by Council (and continued from the Scoping Report). These areas are to generally retain existing development standards as per the LLEP 2008, or will reduce HOB in accordance with the surrounding high density area:

- Liverpool City Centre MU1 Mixed Use zone;
- Miller Town Centre is to retain existing standards (21m HOB), due to ongoing discussions with NSW Land and Housing Corporation for renewal of the locality;
- Local Centres of Holsworthy and Middleton Grange are to retain existing standards (i.e. HOB of 21m – 45m and 3m – 29m respectively), as these are subject to recent LEP amendments;
- Neighbourhood Centres of Warwick Farm (Goulburn St and Mannix Pde), as these are located in proximity to the City Centre and Warwick Farm Station. Cartwright Neighbourhood Centre on Hoxton Park Road is to be reduced to 15m, as per adjoining R4 High Density Residential land;
- Stand Alone Centres of Flowerdale Road, Casula and Prestons Woolworths on Hume Highway, and Orange Grove, as these are subject to recent amendments or are situated along a main corridor leading to the City Centre;
- Business Corridors of 240 Governor Macquarie Drive, Warwick Farm and 124 & 146 Newbridge Rd, Moorebank; and
- Bulky Goods Centres of Casula Crossroads and Sappho Road Warwick Farm.

## **7. INDUSTRIAL LAND**

There are 11 industrial precincts within the LLEP 2008 application area. The precincts are zoned as per below, and also contain a variety of development standards (height of buildings, floor space ratio, and minimum subdivision lot size) that apply within and across each precinct:

- E4 General Industrial (Area B) (Previous IN2 Light Industrial)
- E4 General Industrial (Area F) (Previous IN1 General Industrial)
- E5 Heavy Industrial (Previous IN3 Heavy Industrial)

### **Exhibited Scoping Report**

Principles for Industrial Land under the new LEP were established as per Section 3 above. To action these, the exhibited Scoping Report proposed to investigate the following:

- Change 2,000sqm minimum lot size to 1,000sqm where IN2 Light Industrial (now E4 Area B);
- Change 2,000sqm minimum lot size to 4,000sqm for larger precincts (Prestons/Yarrunga & Anzac Road Moorebank); and
- Investigate application of Nil Floor Space Ratio or Nil Height of Buildings across certain precincts.

### **Mecone - Industrial Lands Investigation**

Section 2 above details the methodology for the Industrial Lands Investigation (**Attachment 4**) undertaken by Mecone, Atlas Economics and Smith & Tzannes. This investigation reviewed permissible development and emerging trends for high-tech industrial, multi-level warehouse and hybrid/blended building forms, as well as logistics and urban services facilities. It then reviewed existing planning controls, to see if they enable or hinder these development outcomes and provided recommendations for the LEP. Additionally, a place based urban design analysis was undertaken, to consider how future development could enhance the sense of place and strengthen the identity of the precincts.

The investigation reviewed structural and market trends, such as shifts from manufacturing to logistics, blending of employment floorspaces (e.g. industrial and business functions), escalating land values and rents due to a severe shortage of vacant serviced land, and new and emerging typologies, such as multi-storey warehousing (p18).

### **Land Use Zones**

The LLEP 2008 currently contains 'Closed Zones' where permissible uses are listed, and non-listed uses are therefore prohibited. Mecone note that *"The 'closed zone' approach in LLEP 2008 may be a constraint on development in industrial zones in the future.... An 'open zone' approach sends market signals encouraging emerging and as yet unknown / undefined uses to locate alongside traditional industries within these precincts"* (p23).

It is recommended however that an open zone approach occurs for E3 Productivity Support, E4 General Industrial and E5 Heavy Industrial. Further discussion is in Section 11 of this report.

### **Minimum Lot Size**

In relation to the Scoping Report's suggested reduced Minimum Lot Size for Light Industrial Land, it was recommended that this proposed amendment does not proceed. The reduced lot size would restrict servicing of sites and is unlikely to yield greater development as internal roadways will result in a loss of site area. Subdivision of industrial land will result in fragmentation of industrial land and loss of critical large industrial lots which can accommodate large floor plate activities.

The investigation noted that retaining larger lot sizes is crucial where land is desired for logistics, warehousing, and large format industrial. Larger sites also support multi-purpose and newer emerging industrial building typologies. Given the constrained land supply in Liverpool and Greater Sydney, the investigation noted the need to ensure serviced land is capable of redevelopment into multi-storey facilities if required. An increased minimum lot size of 8,000sqm was recommended for all industrial precincts (not just Prestons/Yarrunga & Anzac Road Moorebank), to safeguard and preserve opportunities for vertical developments (p26).

### **Floor Space Ratio**

Mecone noted that the general lack of Floor Space Ratio in the LLEP 2008 for industrial land is similar to other industrial precincts in Sydney, and that it is not an effective tool to manage the scale of buildings at interface sites, as height and setbacks are more suitable. It recommended the removal of FSR for the E4 and E5 zones, as it is unlikely have a detrimental impact on the built form outcomes or the amenity of adjacent areas and may remove an artificial or perceived barrier to development (p29).

### **Height of Building**

The investigation noted that larger building heights (21m and 30m) are required for warehousing and distribution centres. Many new multi-storey format buildings that exclude commercial or business uses are arranged over 2-3 storeys with some over 5 storeys. The project team expects that due to the chronic shortage of serviced industrial land in Sydney, rents and prices in Liverpool will over time justify vertical developments of up to 5 storeys. (p27). It was recommended to maintain the current height limit on industrial land where there is no residential interface.

In relation to land with an interface to residential areas, it was recommended a consistent building height of 18m applies, rather than the current combination of 15m and 18m. *SEPP (Exempt and Complying Codes) 2008* also enables a height of 18m, which overrides a 15m height under the LEP.

### **Development Control Plan**

The investigation recommended changes to the Liverpool Development Control Plan (DCP), to improve interfaces with residential land and alignment of controls with *SEPP (Exempt and Complying Codes) 2008*. These will be considered as part of a future DCP review.

### **Proposed Development Standards**

The proposed Minimum Lot Size, Floor Space Ratio and Height of Buildings, in comparison to the LLEP 2008 development standards are in Table 8 below. In summary:

- **Land Use Zones:** Refer to Section 11 of this report.
- **Floor Space Ratio:** The consistent application of Nil FSR is supported, as height and setbacks can be used to manage the bulk of the site. This is consistent with other industrial precincts in Sydney.
- **Height of Buildings:**
  - The consistent application of the 18m HOB at residential interfaces (rather than 15m and 18m) is proposed, as this is consistent with the development standards within *SEPP (Exempt and Complying Codes) 2008*.
  - The retention of current permissible heights (where there are no interfaces to residential) is proposed.
- **Minimum Lot Size:**
  - The proposed 1,000sqm lot size for previously zoned IN2 Light Industrial Land is not recommend to proceed, due to the assessment provided by Mecone.
  - The broad application of an 8,000sqm minimum lot size as per Mecone's recommendation.
- **Other Housekeeping:** Refer to **Attachment 6** (Written Instrument Report), which contains proposed clauses for Employment Land Uses, these are similar to those within the LLEP 2008, with some minor housekeeping changes. Refer to **Attachment 9** for a comparison on the LLEP 2008 to the new Written Instrument.

### **Aims of the Plan**

An additional aim for the new LEP will be included protect people from unreasonable noise impacts and major freight corridors from urban encroachment. This was requested by Transport for New South Wales during the Phase 1 LEP Review.

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*Table 8: Existing and Proposed Development Standards by Industrial Precinct*

PRECINCT	ZONE/SUB-PRECINCT	LLEP 2008 MINIMUM LOT SIZE	LLEP 2008 FSR	LLEP 2008 HEIGHT	PROPOSED MINIMUM LOT SIZE	PROPOSED FSR	PROPOSED HEIGHT
Prestons/Yarrunga	E5 Heavy Industrial	2,000 m <sup>2</sup>	Nil	30m & 21m	<b>8,000 m<sup>2</sup></b>	Nil	30m & 21m
	E4 General Industrial (Area B)	2,000 m <sup>2</sup>	Nil	15m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m</b>
	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	15m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m</b>
Chipping Norton Precinct	E4 General Industrial	2,000 m <sup>2</sup>	Nil	30m	<b>8,000 m<sup>2</sup></b>	Nil	30m
	E4 General Industrial (Area B)	2,000 m <sup>2</sup>	0.75:1	15m	<b>8,000 m<sup>2</sup></b>	<b>Nil</b>	<b>18m</b>
Moorebank Collaboration Area (north)	E4 General Industrial (Area B)	2,000 m <sup>2</sup>	0.75:1	15m & 18m	<b>8,000 m<sup>2</sup></b>	<b>Nil</b>	<b>18m</b>
Moorebank Collaboration Area (south)	E4 General Industrial (Area B)	2,000 m <sup>2</sup>	0.75:1	15m	<b>8,000 m<sup>2</sup></b>	<b>Nil</b>	<b>18m</b>
	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	15m & 21m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m &amp; 21m</b>
Moorebank Intermodal	Land bounded by Anzac Rd, Moorebank Ave & M5 Motorway	2,000 m <sup>2</sup>	Nil	15m & 21m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m &amp; 21m</b>
	Commonwealth Intermodal Area	20 ha & 2,000 m <sup>2</sup>	1:1 & Nil	15m & 21m	20Ha & <b>8,000 m<sup>2</sup></b>	<b>Nil</b>	<b>18m &amp; 21m</b>
Orange Grove	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	15m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m</b>
Scrivener/Priddle St	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	15m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m</b>
Sappho Road	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	15m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m</b>
Coopers Paddock	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	18m	<b>8,000 m<sup>2</sup></b>	Nil	18m
Len Waters Estate	E4 General Industrial (Area B)	2,000 m <sup>2</sup>	0.75:1	15m	<b>8,000 m<sup>2</sup></b>	<b>Nil</b>	<b>18m</b>
	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	15m & 30m	<b>8,000 m<sup>2</sup></b>	Nil	<b>18m &amp; 30m</b>
Crossroads Casula	E4 General Industrial (Area F)	2,000 m <sup>2</sup>	Nil	18m & 30m	<b>8,000 m<sup>2</sup></b>	Nil	18m & 30m
Cecil Park	E4 General Industrial (Area B)	2,000 m <sup>2</sup>	1:1	Nil	<b>8,000 m<sup>2</sup></b>	1:1	Nil
Note 1:			Note 2:				
<ul style="list-style-type: none"> <li>E4 General Industrial (Area B) (Previous IN2 Light Industrial)</li> <li>E4 General Industrial (Area F) (Previous IN1 General Industrial)</li> <li>E5 Heavy Industrial (Previous IN3 Heavy Industrial)</li> </ul>			<ul style="list-style-type: none"> <li><b>Bold &amp; colour</b> indicates proposed variation from existing controls</li> </ul>				

## 8. ENVIRONMENTAL LAND

### Additional Local Provisions

The LLEP 2008 contains optional clauses which relate to flooding, acid sulfate soils, foreshore building line, earthworks etc. These are proposed to be continued, and the following are proposed to be introduced, to address the environmental actions within Council's Land Use Strategies (Refer to Part C of **Attachment 6** 'Written Instrument Report' for additional information):

- **Terrestrial Biodiversity Map & Clause:** A Terrestrial Biodiversity clause (and map) is proposed to protect native flora and fauna, their habitats and associated ecological processes. The clause and map will replace the Environmentally Significant Land Map and Clause 7.6 within the LLEP 2008, as this information was taken from the LLEP 1997 and is outdated. The new clause and map were informed by the *Liverpool Biodiversity Study 2019* (**Attachment 11**) and will work in the same way as the existing provisions, by restricting Complying Development, to ensure an assessment via a Development Application occurs. Refer to **Attachment 8** 'Comparison to LLEP 2008 Mapping' for further information.
- **Recycled Water:** A new clause requiring new developments include dual water systems (potable water and recycled water pipes). This is similar to other LEP's such as Clause 7.24 of the Parramatta LEP 2023. The application area for this clause will be determined in consultation with Sydney Water.
- **Stormwater:** A Stormwater Management and Water Sensitive Urban Design (WSUD) clause to protect downstream properties and natural environments from stormwater impacts.
- **Waste as essential service:** A clause identifying waste as an essential service, to ensure proper consideration is given to waste in terms of the road access, safe and efficient waste removal, and adequate facilities on site.
- **Urban Heat:** A new clause based on the Western Sydney Regional Organisation of Councils (WSROC) recommended Urban Heat clause is proposed to ensure development incorporates effective design and operational measures that reduce the urban heat island effect and protects the community's health and wellbeing.

### Conservation Zones Land Review

It is noted that a review of Conservation Zones is occurring concurrently with the LEP Review and is also being reviewed by the Local Planning Panel. It is anticipated that these proposed amendments will be incorporated into the LEP Review Principal Planning Proposal.

### Aims of the Plan

An additional aim for the new LEP will be included to increase green space, canopy cover, and vegetated connectivity across the LGA. This was requested by the Environment, Energy and Science Group within DPE during the Phase 1 LEP Review.

## **9. RECREATION LAND**

### **RE1 Public Recreation Zoned Land**

The LLEP 2008 land use zone map has been reviewed to update RE1 Public Recreation zoned land under the new LEP. Changes include:

- Application of the RE1 Public Recreation land use zone to 310 sites (identified in **Attachment 12**), which are classified as Community Land, and owned by Liverpool City Council. This will accurately reflect the current and/or intended future use of the site as public open space.
- Application of the RE1 Public Recreation zone to sites identified as future pocket parks within the Liverpool City Centre Public Domain Masterplan (as noted in the Scoping Report):
  - **Dunbier Park** - Part 14A Mill Road & 45 Nagle Rd, Liverpool
  - **College Street Pocket Park** - Secant Road, Liverpool
  - **Moore Street Pocket Park** - 6 Moore Street, Liverpool
  - **Phillimona Park** - 2 Lachlan Street, Liverpool
- Sites acquired by Liverpool City Council under the Moorebank Voluntary Acquisition Scheme. Council is progressively acquiring properties along the Georges River, most of which are currently zoned R2 Low Density Residential. It is a requirement of the Scheme that following acquisition, the land is zoned to RE1 Public Recreation.
- Correction of anomalies and errors, e.g. boundary alignments and recreation land owned by State Government.
- Minor amendments to remove the application of the RE1 Public Recreation zone as noted in the Recreation Section of **Attachment 8** 'Comparison to LLEP 2008 Mapping'. This includes:
  - **Rose Street Depot**: A minor portion of RE1 land is required for ongoing Council operations, and is not currently used for recreation purposes.
  - **Minarah College, Green Valley**: A portion of the college contains the RE1 zone, and it is not intended to be acquired for this purpose.
  - **Blue Hills Retirement Village, Prestons**: A minor portion of the site contains the RE1 zone and it is not intended to be acquired for this purpose.

### **RE2 Private Recreation Zoned Land**

Minor changes are proposed regarding RE2 Private Recreation zoned land, as noted in the Recreation Section of **Attachment 8**. This includes:

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- Rezoning of a Government owned parcel in Edmondson Park to C1 National Parks and Nature Reserves, in accordance with its ownership;
- Application of the RE2 zone to a lot in Moorebank, in accordance with an 88B instrument; and
- Reconfiguration of the RE1 and RE2 zones at Middleton Grange, to reflect the development of a new public recreation area.

## **10. INFRASTRUCTURE LAND**

### **Land Acquisition Mapping Review**

The LLEP 2008 Land Acquisition Map has been reviewed to inform the new Land Acquisition Map. **Attachment 13** 'Land Acquisition Layer Review' identifies all parcels required under the LEP for land acquisition, including changes in comparison to the LLEP 2008, which include:

- Removal of land acquisition layers where Transport for NSW has completed their acquisition requirements (i.e. acquisition for Classified Roads). Consultation with TfNSW has occurred regarding this amendment and it was supported;
- Removal of land acquisition layers where Liverpool City Council has completed their acquisition requirements (e.g. acquirer for local open space and local roads);
- Addition of Land Acquisition markings where acquisition is a requirement of the zone (e.g. RE1 Public Recreation or SP2 Infrastructure), and the acquisition has not yet occurred; and
- Removal of anomalies and errors, e.g. boundary alignments.

### **Endeavor Energy & Sydney Water Sites**

Consultation has occurred with Endeavor Energy and Sydney Water. 10 Endeavour Energy sites and 7 Sydney Water sites are proposed to be rezoned to SP2 Infrastructure, to reflect their current and future intended uses.

### **Transport for NSW Sites**

Further consultation occurred in early – mid 2023 regarding TfNSW owned sites within the LEP area. The following is SP2 Infrastructure zoned land owned by TfNSW, which has been requested to be relinquished and rezoned to adjoining land uses as part of the LEP Review (refer to **Attachment 8** 'Comparison to LLEP 2008 Mapping').

- **27, 29 & 39 Grove St, Casula:** TfNSW noted this is surplus land which is no longer required to be acquired as it is outside of their dedicated infrastructure boundary. This land can be rezoned in accordance with the adjoining R2 Low Density Residential land. Council supports this amendment.

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- **300 – 324 Hume Highway, Liverpool:** TfNSW noted that this land was surplus to the requirements of the Hume Highway Corridor, and have abandoned the upgrade.

**Council Sites**

**Attachment 12** 'Review of Council owned Land' includes 18 Council-owned parcels of land to be rezoned to SP2 Infrastructure (Drainage) as it is used for drainage purposes.

**11. LAND USE TABLES**

**Attachment 7** contains the proposed Land Use Matrix for the new LEP. This contains the detailed version, as per the Department's template matrix, and also a simplified version. Refer to Table 9 below, for a comparison of additional and removed land use zones in comparison to the LLEP 2008.

*Table 9: Additional and Removed Land Use Zones compared to LLEP 2008*

Land Use Zone	Permitted Uses Proposed to be Added
R1 General Residential	Dual occupancies, Dual occupancies (attached), dual occupancies (detached), co-living*, build to rent*
R2 Low Density Residential	co-living, shop top housing, neighbourhood shops
R3 Medium Density Residential	dual occupancies, dual occupancies (attached), dual occupancies (detached), residential flat building, co-living, build to rent
R4 High Density Residential	co-living*, build to rent*, senior housing*, Group homes*
E1 Local Centre	Signage, Advertising structures, Group homes, built to rent, co-living*, senior housing*, residential care facility*
E2 Commercial Centre	build to rent*
MU1 Mixed Use	build to rent*, senior housing*, residential care facility*
E3 Productivity Support	Signage, Advertising structure
E4 General Industrial	Intensive Plant Agriculture, Horticulture, Turf farming, Viticulture, Research stations, Signage, Advertising structure
E5 Heavy Industrial	Intensive Plant Agriculture, Turf farming, Viticulture, Goods repair and reuse, High technology industries, Vehicle body repair workshop, Vehicle repair stations, Transport depots, Truck depots, Signage, Advertising structure
RE1 Public Recreation	Restaurant or café, Home Industry, Home Business, Boat launching ramps, Jetties, Mooring
RE2 Private Recreation	Amusement centres, Boat launching ramps, Jetties, Mooring
C2 Environmental Conservation	Recreation areas, Jetties
C3 Environmental Management	Business identification sign

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Land Use Zone	Permitted Uses Proposed to be Added
W1 Natural Waterways	Boat launching ramps, Charter & tourism boating facilities, Jetties
Zone	Removed
R5 Large Lot Residential	Public administration building

\* Already available under *SEPP (Housing) 2021*, however added to LEP for clarity.

No changes have been proposed in the following zones: SP1 Special Infrastructure, SP2 Infrastructure, C1 National Parks & Nature Reserves, RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots.

### **Open & Closed Zones**

The new LEP is to continue with the application of closed zones. The Mecone Industrial Lands Investigation recommends an ‘open zone’ approach for the industrial zones (E3, E4 & E5), to encourage emerging and undefined land uses to locate alongside traditional industries. This is intended to create greater flexibility and encourage intensification of the industrial precincts.

Concerns are raised that an ‘open zone’ approach may result in an encroachment of non-industrial uses on valuable and limited industrial land. Although the Mecone Report recommends a review of prohibited uses to circumvent this issue, the prohibited uses were only recently assessed as part of employment zone reforms.

Furthermore, issues regarding undefined uses are considered negligible, as development of any kind will ultimately need to be defined to enable for an assessment to occur. In the employment zones, land uses like ‘Light Industry’ and ‘General Industry’ are broadly defined and are anticipated to encapsulate any such emerging uses.

Council staff are therefore of the opinion that the industrial development standard amendments are sufficient in conveying to the market that development is encouraged. This is put forward however to the panel for consideration and discussion.

Generally, the application of closed zones, with already wide permissibility, and additional permitted uses above, is deemed to provide certainty about intended uses within each zone.

## **12. LEP MAPPING**

As the Planning Proposal is a Principal Planning Proposal for a new LEP, complete mapping layers are being prepared (i.e. all applicable maps encompassing the LLEP application area).

To understand the comparison to the LLEP 2008 mapping, **Attachment 8** details where variation between the existing and proposed mapping occurs. A Summary of proposed LEP Maps, and changes to the LLEP 2008 maps is provided in Table 10 below.

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*Table 10: Proposed Mapping & Amendments*

<b>MAP TITLE</b>	<b>COMPARISON TO LLEP 2008</b>
Land Application Map	No change. The Land Application area is to remain as existing.
Land Zoning Map	Changes proposed, as per this report.
Lot Size Map	Changes proposed, as per this report. I.e. 200sqm lot size for R3 Medium Density and 400sqm for R2 Low Density Residential.
Floor Space Ratio Map	Changes proposed, as per this report. I.e. Nil FSR for R3 Medium Density Residential zoned land, and changes in industrial zones.
Height of Buildings Map	Changes proposed, as per this report. I.e. reduced HOB for certain R4 High Density zoned land, and changes in industrial zones.
Land Reservation Acquisition Map	Changes proposed, as per this report. Refer to Section 10.
Heritage Map	No change. Schedule 5 is to be retained as existing.
Acid Sulphate Soils Map	No change.
Key Sites Map	Changes proposed for housekeeping amendments.
Dwelling Density Map	Changes proposed for housekeeping amendments.
Foreshore Building Line Map	No change.
Terrestrial Biodiversity Map	New map applies. This will replace the Environmentally Significant Land Map in the LLEP 2008. Refer to Section 8.
Airport Noise Map	Changes proposed to update outdated ANEC mapping with ANEF mapping, for the Nancy-Bird Walton International Airport and Bankstown Airport.
Urban Release Area Map	No change.
Land Reclassification (Part Lots) Map	Changes proposed. As this is a new LEP, the Land Reclassification schedule will be blank.

### **13. MISCELLANEOUS**

#### **Public Art**

A Public Art clause is proposed in the new LEP. The clause will not require consent for public art if the applicant has notified the consent authority of the proposed development, and the consent authority has advised that it is satisfied the proposed public artwork meets a listed set of requirements by Council (refer to Part E of **Attachment 6** 'Written Instrument Report').

### **Gateway Sites**

As requested by Council in their workshops, a Gateway Site clause is proposed in the new LEP. This clause will include design considerations which ensure high quality architectural design on certain key sites identified on main roads leading into the Liverpool City Centre. This is to ensure visually prominent employment zoned sites will deliver a positive impression when entering and exiting the LGA. Refer to Part of **Attachment 6** 'Written Instrument Report' and **Attachment 8** 'Comparison to LLEP 2008 Mapping'.

### **Housekeeping Amendments**

- **Airport Noise Maps:** The LLEP 2008 contains Australian Noise Exposure Concept (ANEC) mapping for the Nancy-Bird Walton International Airport and the Bankstown Airport. The new LEP is to contain updated Australian Noise Exposure Forecasted (ANEF) mapping.
- **Exempt & Complying Development:**
  - Exempt provisions signage under LLEP 2008 which are duplicated in the Codes SEPP have been removed as they are redundant.
  - The new LEP will include a schedule of "Exempt Tree Species" within the exempt development Schedule. This is an updated list as per Council's recent Tree Policy.
  - Complying Development provisions under the LLEP 2008 are not to be included in the new LEP, as these are superseded by provisions in *SEPP (Exempt and Complying Development Codes) 2008* and are no longer used.
- **Minor Housekeeping Amendments (Refer to Attachment 9):**
  - Schedule 1 Additional Permitted Uses has been reviewed, to remove outdated uses which are no longer required.
  - Part 7 Additional Local Provisions has been reviewed to remove redundant clauses, e.g. where development has occurred (Development in Brighton Golf Course, Hoxton Park Retail), removal of redundant clauses as a result of Employment Land Reform, and clauses) which are covered by State legislation (Council Infrastructure).
  - Dwelling Density Map: The dwelling density restriction at Elizabeth Hills and the lot yield restriction on Holsworthy has been removed as these areas has already been developed in accordance with the restrictions.
  - Key Site Map: Updates to include the entire Moorebank Intermodal West Precinct, as per LLEP 2008 clause 7.27, and updates to correct errors.

## **14. NEXT STEPS & CONCLUSION**

The Principal Planning Proposal to establish a new Liverpool Local Environmental Plan is presented to the Panel for consideration and advice. Changes may be made to the planning proposal in response to feedback received by the Panel.

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It is also noted that corrections and updates may be required to the Principal Planning Proposal and its attachments, e.g. correction of errors and clarification where required, prior to Council's endorsement of the proposal. Additionally, complete LEP mapping sets are to be prepared to accompany the planning proposal. These will be informed by the required mapping amendments identified within **Attachment 8** 'Comparison to LLEP 2008 Mapping'.

The draft proposal will be reported to Council in early 2024 seeking endorsement. Should the proposal be endorsed, it will be forwarded to the Department of Planning and Environment seeking a Gateway determination.

Following a Gateway determination in support of the proposal, there will be public authority and community consultation, and a further report to Council. Amendments to the Liverpool DCP are also required to support the LEP. It is anticipated that the amendments would be exhibited alongside the planning proposal, to enable concurrent consultation.

Given the nature of the Principal Planning Proposal, the Department will be the plan making authority.

## **15. RECOMMENDATION**

It is recommended that the Principal Planning Proposal for a new Liverpool Local Environmental Plan is supported by the Local Planning Panel, and be presented to a Council Meeting seeking a Gateway determination.

**16. ATTACHMENTS**

1. Principal Planning Proposal
2. Mecone Residential Lands Investigation
3. Mecone Commercial Lands Investigation
4. Mecone Industrial Lands Investigation
5. Part 3B Codes SEPP Analysis
6. Written Instrument Report (Part 2 Explanation of Provisions)
7. Land Use Matrix
8. Comparison to LLEP 2008 Mapping
9. Comparison to LLEP 2008 Written Instrument
10. Consolidated Council Reports & Resolutions
  - a. 27 July 2022 – Principles for LEP Review
  - b. 31 August 2022 – Endorsement of LEP Review Scoping Report
  - c. 26 April 2023 – Post Exhibition Report
11. Liverpool Biodiversity Study 2019
12. Council Owned Land Review
13. Land Acquisition Layer Review
14. LEP Review Engagement Action Plan
15. LEP Review Early Engagement Outcomes Report

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<b>ITEM No:</b>	2
<b>APPLICATION NUMBER:</b>	RZ-8/2022
<b>SUBJECT:</b>	Planning proposal to prepare a principal LEP - <i>Liverpool Local Environmental Plan</i>
<b>LOCATION:</b>	Application Area of Liverpool Local Environmental Plan
<b>OWNER:</b>	Public & privately owned land
<b>APPLICANT:</b>	Liverpool City Council
<b>AUTHOR:</b>	Nancy-Leigh Norris – Executive Planner

**ADVICE OF THE PANEL**

The Panel generally supports the scoping, consultation and analysis undertaken to date and the strategic planning principles underlying the planning proposal. The Panel acknowledges the community's desire to reduce building heights in specified established low density residential areas and the desire for larger lots in low density residential areas. The intended approach to replace the resultant reduction in housing supply by changes to floor space ratio and other planning controls closer to town centres and transport nodes is a sound strategic planning approach. The Panel also endorses the concept of increasing housing diversity, including build to rent, in all residential zones and to encourage build to rent in the Liverpool Town Centre.

The Panel makes the following specific recommendations about the development controls for residential development. The Panel recommends Council:

- a. reconsider the proposal to not implement a floor space ratio control for development in the R3 zone. Although FSR can be a blunt planning control, it is useful in controlling the size and bulk of buildings when used in combination with other building envelope and site planning controls. The Panel is concerned that the absence of an FSR control will lead to pressure on height and setback controls leading to larger buildings having greater amenity impacts on neighbours and neighbourhood character.
- b. undertakes design modelling of the potential design outcomes with and without FSR controls. The modelling should identify an FSR control that allows well designed medium density and residential flat building development comfortably within height and setback controls.
- c. undertakes design modelling of the potential built forms under the proposed FSR and height controls in the R4 zone. The proposed FSR of 0.9:1 may not align with the capacity of height and setback controls. The maximum FSR should ideally align with height and setback controls.
- d. reconsider whether the proposed 9 and 12 m maximum height limits align with anticipated height in storeys. For example, a design involving excavation or lower ceiling heights might enable a 3 storey building within a 9m height control, which may not be a desired outcome in established lower density residential areas. Generally, 9m

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and 12m height controls are problematic and either lead to numerous clause 4.6 requests for variations (either to height or FSR), or compromised design outcomes.

- e. consider imposing a minimum lot size and/or width for residential flat buildings in the R3 zone (like for R4). The panel suggested 1000 m<sup>2</sup> might be appropriate, however Council ought to undertake modelling and research to determine the land size and width required for a building to comfortably comply with building envelope and FSR controls, while also meeting ADG.

The Panel supports the proposed controls for industrial development, particularly:

- a. The Panel is comfortable that the minimum lot size of 8000 m<sup>2</sup> will not reduce the supply of smaller industrial sites (given that the majority of existing industrial sites are already less than that area) but will ensure that larger industrial sites are provided if the market requires that size.
- b. The proposed structure of the land-use table so as to “close” the category of permitted uses by nominating permitted purposes and prohibiting purposes not nominated as permitted. There is a risk that an open-ended approach to the permissible category of uses may prejudice the take up industrial land, particularly on the margins of industrial zones land where it adjoins residential land.

The Panel recommends Council consider imposing a minimum landscape and/or site cover control in the LEP or DCP for industrial development given the removal of an FSR control. This type of control will encourage greater planting of canopy trees to mitigate the effects of urban heat while also improving visual amenity and amenity for workers in the area. An LEP based control is warranted and should also consider CDC provisions for landscaping for consistency, as has occurred generally in the planning proposal controls.

In relation to the environmental zone controls, the Panel assumes that the conservation and recreation zone study referred to in item 3 of the Panel’s agenda for this meeting is consistent with the comprehensive LEP planning proposal. The Panel reiterates its comments on environmental and recreation zones in item 3.

The Panel supports the planning proposal in relation to infrastructure, land use tables and LEP mapping.

The Panel notes there are other reviews occurring (such as related to Heritage). There is logic to pursuing these matters separately and generally in parallel and it is not critical they be combined, as they will align as appropriate over time.

**VOTING NUMBERS:**

4 - 0