



Liverpool City Council

Planning Proposal

B5 zoning on Cowpasture Road, Len Waters Estate

Draft Liverpool LEP 2008 Amendment No.24

July 2011

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Background

The planning proposal was initiated by the landowner of Proposed lot 1 in Lot 5054 DP 1161757 who requested the rezoning of the land from IN1 – General Industrial, IN2 – Industrial and SP2 – Drainage to B5 – Business Development.

The site is bounded by the M7 Motorway, Cowpasture Road as is part of the 41 hectare industrial precinct known as Len Waters Estate. The subject site measures 3.47 hectares which is part of the 5.9 hectares that remains undeveloped in the industrial precinct.

The applicant seeks to rezone the site to B5 - Business Development in order to facilitate the construction of a home improvement bulky goods centre with a floor space of approximately 13,500 sqm.

The site is cleared and has no environmental constraints upon this land and the site is located at an area of high accessibility on the arterial road network and is located near the western urban fringe area of Council which has a high current and projected demand for home improvement retailing. The proposal seeks to address the significant shortage of bulky goods retailing in this region.

The site represents the most appropriate location for the use given the limitations of the current zoned land and bulky goods clusters.

Site identification

The planning proposal applies to proposed lot 1 in Lot 5054 DP 1161757.

A locality map of the subject sites is provided in Figure 1:



Figure 1. Land to which this planning proposal applies

Part 1 - Objectives

The primary objective of this rezoning is to facilitate a 13,500sqm home improvement bulky goods premises along Cowpasture Road, Len Waters Estate by rezoning from IN1 – General Industrial; IN2 – Light Industrial and SP2 – Drainage to B5 – Business Development.

The SP2 – Drainage reservation has been noted as being surplus to needs due to the construction of a stormwater pipe to carry the overland flows and an easement created, meaning that this piece of land can be rezoned.

This proposal will enable for a 13,530sqm home improvement centre which would include a range of uses including 'timber and building supplies', landscape and garden supplies', and 'bulky goods premises' and will consist of the following components:

- General sales area of approximately 7,837sqm
- Garden nursery of 2,176sqm
- Trade sales area of 2,175sqm
- Loading and servicing area of 660sqm
- Office and administrative functions of 342sqm

The Department of Planning and Infrastructure have defined this use as a 'bulky goods premises' with another application for a similar home improvement centre in Warwick Farm (Liverpool LEP Amendment No. 18).

This proposal will enable for a large format bulky goods store in an area of high accessibility, and within a region of Liverpool that has a high demand for Home improvement retailing.

Part 2 - Explanation of provisions

The objectives of this planning proposal will be achieved via an amendment to Liverpool Local Environmental Plan 2008 (LLEP 2008) zoning map. The planning proposal does not make propose amendments to lot size, height, or floor space ratio requirements.

In Particular the planning proposal seeks to amend the following LLEP 2008 map:

- Land Zoning Map (LZN – 008) – Zoning to be changed from IN1 – General Industrial; IN2 – Light Industrial; SP2 – Drainage to B5 – Business Development.

The following objectives apply in the B5 – Business Development zone:

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres by limiting the retailing of food and clothing.
- To provide for a larger regionally significant business development centre in a location that is highly accessible to the region.
- To ensure a reasonable concentration of business activity.

Under the Liverpool LEP 2008 the following land uses are permissible with consent in the B5 – Business Development zone:

Building identification signs; Bulky goods premises; Business identification signs; Car parks; Child care centres; Community facilities; Drainage Earthworks; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Hotel or motel accommodation; Landscape and garden supplies; Light industries; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor);

Restaurants; Roads; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Vehicle sales or hire premises; Warehouse or distribution centres

Development of the above uses would be subject to assessment under the Environmental Planning and Assessment Act 1979. Many of the permissible uses would be deemed acceptable at this location.

Part 3 - Justification

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The owner of the site has lodged a rezoning application.

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

It is considered that the proposed rezoning is the most precise and best means of achieving the intended outcomes.

This use has been defined as a bulky goods premises by the Department of Planning and Infrastructure with a previous proposed rezoning at Warwick Farm. It is considered that the proposed rezoning is the most precise and best means of achieving the intended outcomes.

The B5 – Business Development and B3 – Commercial Core are the only land uses that permit unrestricted bulky goods premises. The B6 – Enterprise Corridor permits bulky goods premises up to 2,500sqm in gross floor area. The Department of Planning has informed Council on a number of occasions that introducing permissible uses through Schedule 1 of the Liverpool Local Environmental Plan 2008 is not a preferred outcome if the proposed use is permissible in another zone.

B5 – Business Development is the preferred zone as the site and surrounding areas do not meet the criteria for the B3 – Commercial Core zone, and the B6 – Enterprise Corridor does not permit enough flexibility in the use of the site as a large format bulky goods premises.

This proposal increases the employment generating capability of the land in comparison to the existing zoning.

70% of the proposed development fits within the definition of 'timber and building supplies' and 14% fits within the definition of 'landscape and garden supplies' with the remainder of the development being a bulky goods premises use.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The Planning Proposal has a net community benefit by providing for a bulky goods premises in an area under serviced by this type of retail and located near but not adjacent to a growing residential population. It also provides for bulky goods premises in an area of high exposure. In this regard the net community benefit will outweigh the cost of implementing and administering the planning proposal.

B. Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The planning proposal is deemed generally consistent with the objectives and actions contained within the Metropolitan Strategy and South-West Subregional Strategy as it will contribute to the employment targets of the region and increase investment and jobs within the south west. This proposal does remove 2% of the total vacant industrial land within the Liverpool Local Government Area, however once the rezoned land is taken out there is 42% of the site remaining as industrial undeveloped, within the Len Waters Estate.

The loss of industrial land is noted as being 2% of the total vacant supply within the Liverpool Local Government Area. Furthermore 94% of the total proposed use of the Home Improvement centre is currently permissible within the current IN2 – Light Industrial Zoning.

The proposed Home Improvement Store will lead to an increased number of jobs than if the land remains industrial land, contributing to the regions employment target.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The proposed rezoning is not consistent with the Liverpool Retail Hierarchy Study as it provides for an increase in the number of B5 – Business Development zones within Liverpool LGA and is an out of centre development.

The Liverpool Retail Hierarchy Study was used to underpin the zoning decisions within the B1 – B6 zones within the Liverpool Local Environmental Plan 2008. This study recommended that no additional bulky goods precincts be developed, rather the existing three nodes at Sappho Road Warwick Farm, Orange Grove Road Warwick Farm, and Crossroads, Home Highway at Casula be consolidated as the bulky goods premises within Liverpool. The study left open the possibility of a new bulky goods node in the release areas of the South West Growth Centre.

However this Study also notes that there is a significant shortfall in the supply of floorspace for bulky goods premises. The study notes that even if all of the Crossroads bulky goods precinct was developed there would still be a shortfall of approximately 53,000sqm by 2016. The proponent's economic impact assessment states that the shortfall is greater than predicted within the Liverpool Retail Hierarchy Study.

Even though the Liverpool Retail Hierarchy Study recommends that existing bulky goods nodes should be reinforced, there is sufficient justification that there is enough capacity to support the development of the proposed home improvement centre due to the large undersupply of bulky goods premises floorspace in the Liverpool Local Government Area.

This proposed site is an appropriate compromise location as it:

- Had high commuter exposure from the M7 Motorway and Cowpasture Road
- Excellent connectivity with the regional arterial road network
- Site is in proximity to suburbs where demand for home improvement supplies is high
- Located 5 kilometres from the nearest bulky goods premises at Casula.
- The arterial road network is capable of servicing the proposed development.

The planning proposal is also consistent with Council's Community Strategy 2009 by supporting economic development and promoting a 'working community'.

6. *Is the planning proposal consistent with the applicable state environmental planning policies?*

The main State Environmental Planning Policy that is relevant to this planning proposal is the recent draft SEPP - Promoting Economic Growth and Competition through the Planning System. This Policy proposes that

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect

It is considered that the Planning Proposal is consistent with this Policy

- The Draft Centres Policy 2009 is also relevant to this planning proposal. This draft policy proposes:
 - o New retail and business development should be in centres
 - o Development out of centres should be restricted

This Planning Proposal is not consistent with this draft policy in proposing an out of centre location for bulky goods as it is not co-located with additional bulky goods premises or a general commercial centre. The deviation from this draft policy is considered acceptable given that this type of development requires significant land area to house the sale, display, handling and storage of goods as well as the truck loading and unloading areas and provision of parking as the absolute majority of trips would be made by private vehicles. Such large sites are rare within any existing centre or proposed centre which reduces the potential competitiveness of such bulky goods premises.

The location of this site at 5 kilometres away from the nearest bulky goods centre and located at an area of high accessibility on the regional arterial road network makes the site an appropriate compromise location for such a bulky goods premises.

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

The Planning Proposal is considered to be consistent with the current Section 117 Directions particularly the following Ministerial Directions:

- 1.1 *Business and Industrial Zones*

The draft LEP is generally consistent with the direction as it will generate employment and is located near high quality transport infrastructure.

The proposed use of a Home Improvement Centre will provide for a higher level of jobs than if the site was developed as industrial, especially given the location of the site would lend itself to the low employment generating uses of transport and logistics.

2.4ha (42%) of the vacant remaining areas in Len Waters Estate will not be rezoned and will be available for industrial development which provides for a sufficient level of land to provide for an appropriately sized industrial development, with sufficient frontage and accessibility to the major arterial road network.

The proposed rezoning is approximately 2% of the vacant industrial land within the Liverpool Local Government Area and the proposed use is 84% compliant with the existing zoning, and provides for greater employment potential than if the site was left as IN2 – Light Industrial.

- *3.4 - Integrating Land Use and Transport.*

As indicated in the accompanying traffic study the proposed rezoning is located on a main road and will not have an adverse impact on the surrounding road network. The site is located approximately 700m from the nearest bus stop, however as the Middleton Grange Town Centre is developed a closer bus stop may be incorporated, reducing the travel distance.

The majority of trips are made by private vehicle, such is the nature and quantities of the goods purchased at bulky goods outlets.

- *6.1 – Approval and Referral Requirements*

The draft IEP will not alter the provisions relating to the approval and referral requirements.

- *7.1 – Implementation of the Metropolitan Plan for Sydney 2036*

A key element of the Strategy's centres approach continues to be concentrating activity in accessible centres and managing out-of-centre development; to maximise the economic and social advantages of clustered activity while concentrating commercial activity and job destinations in centres to achieve agglomeration, productivity benefits and improve workforce access.

The Strategy states that the pressure for retailing to occur in industrial areas continues to exist. Ideally, retailing in areas with an industrial zoning should continue to be limited to retailing that is ancillary to an industrial use, and the retailing of products such as building supplies—where the retailing generates impacts akin to industrial uses.

Retailing which requires large floor areas, such as bulky goods premises, cannot always be readily accommodated in existing centres. Subregional planning and local planning will need to identify locations for subregional clusters for this kind of retail development which support the economic development of centres in those subregions.

The proposal is consistent with key elements of the Metropolitan Strategy for Sydney 2036 and the South West Subregional Strategy including:

- The proposal will contribute towards the target of over 50,000 new jobs for Sydney (half of which are to be located in Western Sydney in 2031) and is located in a highly accessible location. The proposal will employ approximately 130 to 150 staff (full time, part time and casual) and generate approximately 377 employment multipliers (including

185 direct jobs per store during construction). It will also a greater number of jobs per hectare to the industrial uses on site and provide new opportunities to employ people across a great range of job types

- Hoxton Park is located in the regional city of Liverpool which has a variety of commercial, mixed use and industrial zones located in close proximity. This proposal will give these industries another source of supplies and equipment to sustain their own jobs.
- The proposed site is consistent with the strategy to increase investment and jobs to accommodate growth particularly given its proximity to the South West Growth Centres and Middleton Grange and will support a young, job ready sub-regional population.
- The proposed development concept is also consistent with the State Government approach that industrial areas can co-locate bulky goods development like at Cross Roads.
- The proposed development concept will retain 2.4 hectares of the residual lot (Proposed Lot 2) for industrial uses, preserving the original intended land use outlined for the greater site

The site represents the most appropriate location for the use given the limitations of the current zoned land and bulky goods clusters.

C. Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no critical habitats, threatened species or ecological communities on the site and the likelihood of any negative impacts is minimal

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental impacts from the proposed development as the necessary infrastructure already exists and the site is currently cleared. Any stormwater impacts can be dealt with through the Development Application process

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal meets the social and economic objectives of the proposed S5 Business Development zone and provides for more employment capability if left as IN2 – Light Industrial

D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The existing infrastructure provides enough capacity for the Planning Proposal and the site already has access to all necessary utilities and services.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The gateway determination will identify the necessary Authorities that will require consultation

Part 4 - Community Consultation

This Gateway Determination will identify the requirements for community consultation.