

PLANNING AND GROWTH REPORT

GMPG 01

ITEM NO: GMPG 01
FILE NO: RZ-2/2013
SUBJECT: PROPOSED AMENDMENT TO LIVERPOOL LOCAL
 ENVIRONMENTAL PLAN 2008 - REZONING OF LOT 29 DP 1044841,
 501 COWPASTURE ROAD, LEN WATERS ESTATE FROM IN2 LIGHT
 INDUSTRIAL TO B6 ENTERPRISE CORRIDOR

RECOMMENDATION

That Council:

1. Forwards a copy of the planning proposal to the Department of Planning and Infrastructure seeking a Gateway determination to rezone part of Lot 29 DP 1044841 Cowpasture Road Len Waters Estate to B6 Enterprise Corridor and following that proceed with public authority consultation and public exhibition.
2. Considers a further report that outlines the results of the public authority consultation and public exhibition.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for this motion.

Note: Cllr Balloot and Cllr Waller were absent from the chambers when this was voted on.

LIVERPOOL CITY COUNCIL

PLANNING AND GROWTH

ORDINARY MEETING

31/07/2013

ITEM NO:	GMPG 01	FILE NO:	RZ-2/2013
SUBJECT:	PROPOSED AMENDMENT TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - REZONING OF LOT 29 DP 1044841, 501 COWPASTURE ROAD, LEN WATERS ESTATE FROM IN2 LIGHT INDUSTRIAL TO B6 ENTERPRISE CORRIDOR.		
COMMUNITY STRATEGIC PLAN REFERENCE:	VIBRANT PROSPEROUS CITY ACCESSIBLE CONNECT CITY		

EXECUTIVE SUMMARY:

Council has received an application to amend Liverpool Local Environmental Plan 2008 (LLEP 2008) to rezone Part of Lot 29 DP 1044841 at 501 Cowpasture Road, Len Waters Estate from IN2 Light Industrial to B6 Enterprise Corridor. The rezoning seeks to permit a service station with convenience store, four neighbourhood shops, six take away food and drink premises, four with drive through facilities and further tenancies with uses that are yet to be confirmed.

It is recommended that Council proceed with an amendment to LLEP 2008 and that the matter be forwarded to the Department of Planning and Infrastructure for a Gateway Determination.

DETAILED REPORT:

Council has received an application to amend LLEP 2008 to rezone land at Lot 29 DP 1044841, 501 Cowpasture Road, Len Waters Estate from IN2 Light Industrial to B6 Enterprise Corridor.

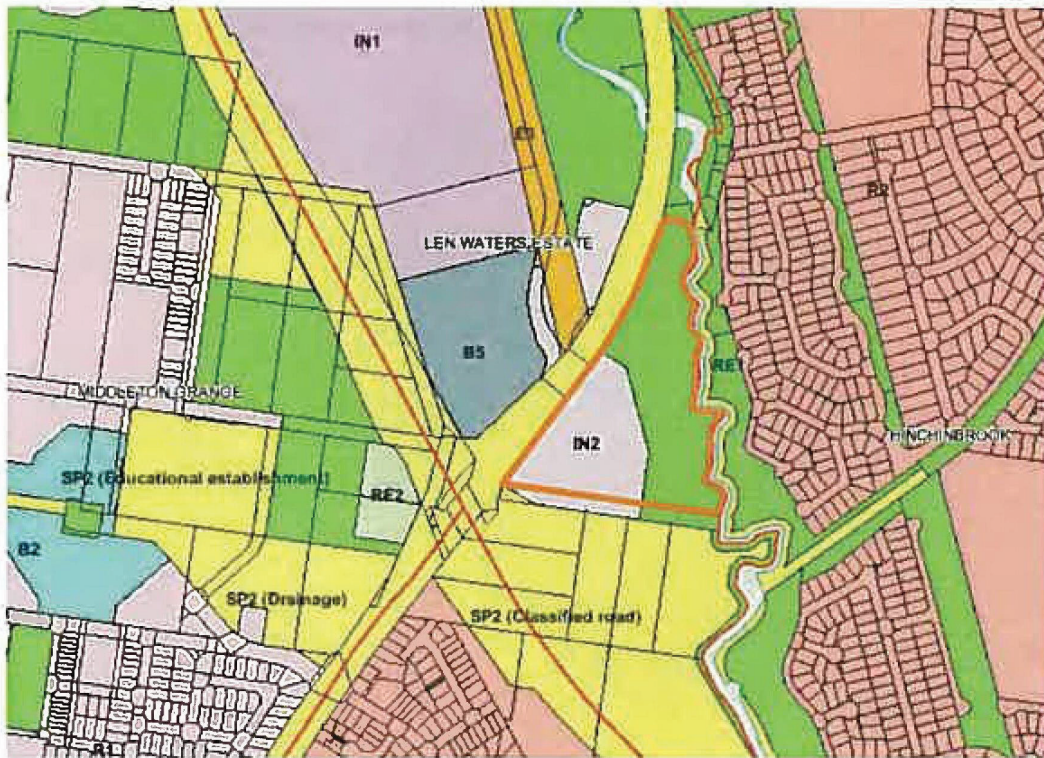


Figure 1 Site context and current zoning for Lot 29 DP 1044841

The site (outlined in orange) subject of the application is located on Cowpasture Road and the corner of the unformed Twenty-First Avenue within the suburb of Len Waters Estate. Hinchinbrook Creek and RE1 Public Recreation land separates the site from the nearby residential area of Hinchinbrook. The M7 Motorway runs across Cowpasture Road to the south of the site providing separation from residential land in Middleton Grange.

Existing Approvals

The site currently has development consent for earthworks, retaining walls and drainage works to raise the development area above the Hinchinbrook Creek flood level (DA-926/2010). As well as Development Consent for subdivision of the site into five torrens title lots, one residue lot and the construction of one takeaway food and drink premises, one neighbourhood shop, two industrial units incorporating industrial retailing, service station, car parking and signage (DA-894/2011). The application outlines that the proposed lands uses could better meet a market demand for highway related services with the rezoning of the site to B6 Enterprise Corridor to further improve what has already been granted development consent.

Proposed Uses

The rezoning seeks to permit a service station with convenience store, four neighbourhood shops, six take away food and drink premises, four with drive through facilities and further tenancies with uses that are yet to be confirmed. The rezoning is required as the current zoning restricts the size and quantity of neighbourhood shops and takeaway premises that

are permissible. In total the site proposes to provide approximately 8000 square metres of lettable floor area.



Figure 2 Proposed site layout of future B6 and IN2 zoned land on Lot 29 DP 1044841

The front of the site is well situated to embrace B6 related land uses as it is located along Cowpasture Road close to the M7 Motorway entry and exit points. This area is considered to have good exposure to passing trade and is on a key spine road leading to the developing areas of the South West Growth Centre.

The RE1 Public Recreation zoned portion of the site at the rear is to remain unchanged as the area is vegetated and is both flood and bush fire prone. This RE1 Public Recreation land is to be dedicated to Council at the completion of works of the developable portion of Lot 29 DP 1044841 Cowpasture Road, as per the existing Voluntary Planning Agreement for this site.

As well as making changes to land zoning maps, the proposal will also require the corresponding lot size maps to be updated.

Objectives of the B6 Enterprise Corridor zone

It is proposed to rezone part of the site from IN2 Light Industrial to B6 Enterprise Corridor, as indicated in the attached maps. The objectives and permissible uses within the B6 zone are outlined below.

Zone B6 Enterprise Corridor

Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

Permitted without consent

Home-based child care; Home occupations

Permitted with consent

Building identification signs; Business identification signs; Business premises; Car parks; Commercial premises; Community facilities; Crematoria; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Transport depots; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres

Prohibited

Any other development not specified in item 2 or 3

Given that the location of the site is on Cowpasture Road near the M7 Motorway it is suggested that the front portion of the site is appropriate for rezoning from IN2 Light Industrial to B6 Enterprise Corridor. This zone would facilitate a greater range of development, in particular with more flexibility of the size and quantity of neighbourhood shops and food and drink premises, yet remaining consistent with the development needs of the area. The remaining IN2 Light Industrial zone would provide for a variety of uses that would complement and better integrate with existing and future land uses of the area.

Economic impact consideration

An economic impact assessment report completed by Hill PDA has been submitted with this rezoning application. This report supports the proposed rezoning and associated uses of this development. The greatest impact from the development of proposed Stage 1 (Lots

1- 4) will be to Carnes Hill Marketplace with a predicted \$2.1 million impact followed by a \$0.7 million impact on Green Valley. The Hoxton Park Economic Assessment prepared by Hill PDA in April 2013 indicates that this impact is acceptable as the role of the development is to service highway related retail uses of which there is a demand for.

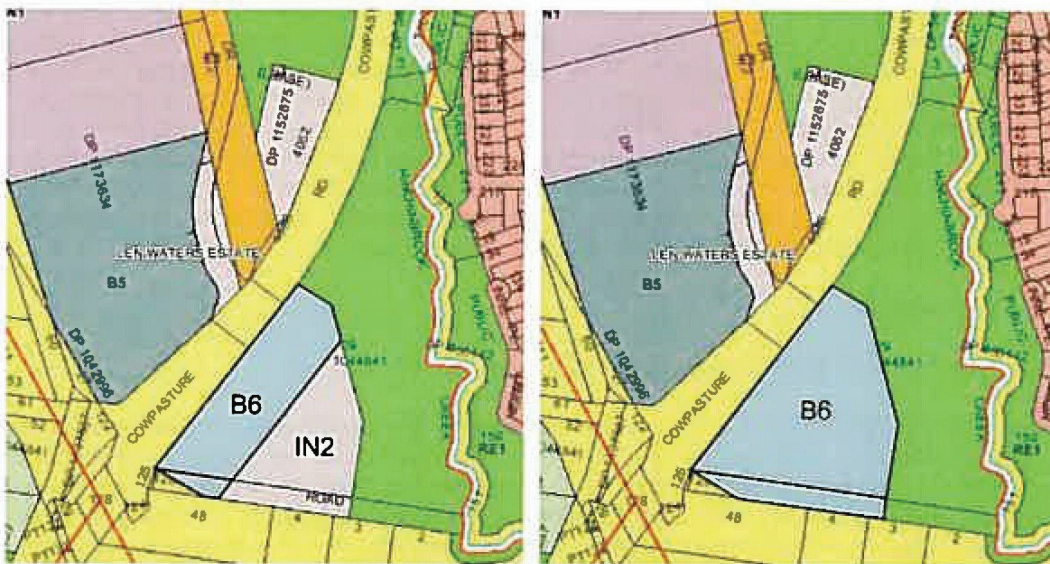
The Hoxton Park Economic Assessment Report supports the rezoning of the entire IN2 Light Industrial portion of the site (Figure 3 - Option 2). The report states the population within the trade area is forecast to increase by 29,620 residents or 49% by 2031. The report concludes that "on this basis the proposed development would not have any undue impact on the vitality or the viability of any centre in the surrounding area".

The Liverpool Retail Centres Hierarchy Review 2011 supports that there is a need to increase floor space to meet growth in demand however this must be done while retaining a functional hierarchy of centres that balances the retail offer available. The review stresses that

'the size of zones needs to be carefully considered. Zones should be sufficient in scale to accommodate growth under this strategy. However they should not be too disperse such that it discourages containment of the retail core or excess supply of commercial land'.

Consideration of IN2 Light Industrial

The retention of a portion of the site as IN2 Light Industrial zoned land has been considered, as illustrated in the below options.



Option 1

Option 2

Figure 3 - Proposed area to be rezoned to B6 Enterprise Corridor

It is acknowledged however that the B6 zone that has been sought allows a great deal of flexibility, and that should industrial uses be proposed these could be facilitated within the

B6 zone. Furthermore given the residential locality to the west, the site also could have mixed use elements. This greater range of flexibility is supported in the location.

Traffic Matters

A new traffic report is required to clarify the traffic modelling to ensure that it matches the intersection layout that has been approved by the RMS. This traffic study should also take into consideration traffic impacts that may occur as a result of proposed rezoning.

The existing traffic reports received as part of the application to rezone part of Lot 29 DP 1044841 is not sufficient as it was completed in 2011 when the developable area of the site was to remain IN2 Light Industrial.

Although the applicant states that the traffic generation will remain approximately the same it is still important that a new or updated study takes into account the changes to the proposed layout, proposed new zone and the changes in the surrounding vicinity of the area that will have an increased impact on traffic volume. It is considered acceptable to proceed with the plan at this time, with this additional reporting to be provided prior to state agency consultation.

Voluntary Planning Agreement

The site is subject to a voluntary planning agreement (VPA) which was made between the land owner Amarino and Council in 2009. A preliminary review of the existing VPA shows that a minor level of amendment is necessary as part of this amendment process. The current VPA requires the developer to provide drainage facilities and traffic signalisation at the sites intersection prior to the issue of first Development Consent for buildings on the Industrial land. This will need to be amended to reflect the proposed new use of the site as a B6 Enterprise Corridor and provide additional clarity.

Conclusion

It is recommended that the proposed amendment to the LLEP 2008 should proceed to the Department of Planning and Infrastructure to receive a Gateway Determination. It is considered that the proposed rezoning will provide an appropriate level of development on the site, with potential for a range of compatible uses. The proposal is suitably justified in terms of the economic impacts.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council resulting from this report.

RECOMMENDATION:

That Council:

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2. Considers a further report that outlines the results of the public authority consultation and public exhibition.

SIGNED BY:

Matthew Daniel
Executive Director

- Attachments:**
1. Company and Land Owner Details
 2. Planning Proposal

Attachment 1:**Company Details**

CORPORATE DETAILS	
Registered Name	B. DE C. ENVIRONMENTAL PTY. LTD
Registered Address	GPO BOX 5396 SYDNEY NSW 2001
OFFICER HOLDERS	
Director Name	Suburb & State
GILBERT B. DE CHALAIN	SPRINGWOOD NSW

Land Owner Details

CORPORATE DETAILS	
Registered Name	AMARINO PTY. LTD
Registered Address	VINCENT NEWHEY LEVEL 1 SUITE 6 119A JOHN STREET CABRAMATTA NSW 2166
OFFICER HOLDERS	
Director Name	Suburb & State
LAP QUOC TRUONG	STRATHFIELD, NSW