

Liverpool Local Environmental Plan 2008 (Draft Amendment No 34) – Planning Proposal to rezone 501 Cowpasture Road, Len Waters Estate (part of Lot 29 DP 1044841).

Proposal Title : **Liverpool Local Environmental Plan 2008 (Draft Amendment No 34) – Planning Proposal to rezone 501 Cowpasture Road, Len Waters Estate (part of Lot 29 DP 1044841).**

Proposal Summary : **The planning proposal seeks to rezone part of Lot 29 DP 1044841 at Len Waters Estate from IN2 Light Industrial zoning to B6 Enterprise Corridor 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.**

PP Number : **PP_2013_LPOOL_004_00** Dop File No : **13/13717**

Proposal Details

Date Planning Proposal Received : **15-Aug-2013** LGA covered : **Liverpool**

Region : **Sydney Region West** RPA : **Liverpool City Council**

State Electorate : **LIVERPOOL** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **501 Cowpasture Road**

Suburb : **Len Waters Estate** City : **Liverpool** Postcode : **2168**

Land Parcel : **Part Lot 29 DP 1044841**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

Contact Number : **0298601130**

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RPA Contact Details

Contact Name : **Lisa Mackay**

Contact Number : **0298219124**

Contact Email : **l.mackay@liverpool.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

Contact Number : **0298601167**

Contact Email : **chocho.myint@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 8,000.00

No of Jobs Created : 136

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : In relation to the Lobbyist Code of Conduct as of 21 August 2013 there are no records on the Department's Lobbyist Contact Register regarding this matter.

Supporting notes

Internal Supporting
Notes :

ADDITIONAL INFORMATION:

Additional information was requested from Council, which was received on 23 August 2013.

External Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

BACKGROUND:

The site is located on Cowpasture Road 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. An aerial photograph and a zoning extract are in planning proposal in 'Documents'.

The area of the site is approximately 5.3 hectares with a development portion of 2.4 hectares. The site is vacant land which was previously used as a golf driving range. Much

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of the vegetation on the IN2 Light Industrial portion site was cleared or damaged during this time. Vegetation is located within the RE1 Public Recreation portion of the site. The RE1 zoned land is not part of the planning proposal, however, it is to be dedicated to Council as part of the DA for the whole site.

CURRENT DEVELOPMENT CONSENT

The site has recent development consent for earthworks, retaining walls and drainage works to raise the development area above the Hinchinbrook Creek flood level. The development consent also includes subdivision of the site into five Torrens Title lots and 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.

The land owner considers that the land could better meet a market demand for highway related services with the rezoning of part of the site to B6 Enterprise Corridor.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the Planning Proposal are to:**

- **Permit the development of a mix of land uses on the site.**
- **Support employment generating activities in the area by providing a range of employment uses.**
- **Protect environmental values of existing environmentally sensitive land.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal will amend:**

- **The Land Zoning Map to rezone the site to B6 Enterprise Corridor; and**
- **The Lot Size Map to allow the minimum lot size of 2000m² for the land.**

Council has advised that Height of Building control will remain 15 metres and Floor Space Ratio control will remain 0.75:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

1.1 BUSINESS AND INDUSTRIAL ZONES:

This direction applies as the planning proposal proposes to create a business zone. Council has advised that the proposal is not a result of any strategic study. However, it is considered that the inconsistency is of minor nature as the draft proposal:

1. will retain the light industrial uses; and
2. does not reduce potential floor space for employment uses.

The approval of the Director General's delegate is recommended in this report, to satisfy the Direction.

2.1 ENVIRONMENTAL PROTECTION ZONES

It is considered that this direction does not apply.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to the planning proposal.

Under this Direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. Given the site is well situated along two major roads and is accessible by bike and walking paths that run along Cowpasture Road, the proposal is considered to be consistent with the direction.

4.3 FLOOD PRONE LAND

Council has advised that the site is flood prone as a result of being located next to Hinchinbrook Creek. However, the site has development consent to complete earthworks, retaining walls and drainage works to raise the development area above the Hinchinbrook Creek flood level under the development consent (DA-926/2010).

In light of the above, it is considered that the proposal is not inconsistent with the direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

A planning proposal may be inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director-General (or his delegate) that the council has obtained written advice from the Commissioner of Rural Bushfire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Bushfire Service does not object to the progression of the planning proposal.

The land is within vegetation buffer as mapped in Liverpool Bushfire map. Liverpool Bushfire map is attached in Documents.

It is recommended that Council consult the Commissioner of NSW Rural Bushfire prior

to undertaking community consultation in satisfaction of section 57 of the Act.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

This direction does not apply.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

The planning proposal is not inconsistent with the Metropolitan Strategy, Draft Metropolitan Strategy for Sydney to 2031 and the draft South West Subregional Strategy.

SEPPs/SREPS and DEEMED SEPPs/SREPs

State Environmental Planning Policy No 55 – Remediation of Land

Council has advised that the requirements of the State Environmental Planning Policy No 55 - Remediation of Land have been considered as part of the proposal. A detailed investigation would be conducted after a favourable gateway determination even though it is unlikely that there would be any contamination currently on site that could pose a significant risk.

State Environmental Planning Policy (Competition) 2010

Council has advised that an Economic Impact Assessment report by Hill PDA has been submitted with this rezoning application. This report supports the proposed rezoning. According to this report the greatest impact of the proposal will be to Hoxton Park with a predicted 3.1% impact followed by a 1.4% impact on Carnes Hill Marketplace. The report considers that this impact is acceptable as the role of the development is to service highway related uses of which there is demand for.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided a location map, an aerial photograph of the site, environmentally significant land map, an existing zoning map, proposed draft land zoning map and draft proposed lot size map.

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the Planning Proposal will be placed on public exhibition for a minimum of 28 days. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Principal LEP

The Liverpool Standard Instrument LEP was made in 2008. This planning proposal seeks to amend the Liverpool LEP 2008.

Assessment Criteria

Need for planning
proposal :

Council has advised that the planning proposal is not the result of any strategic study or report. It is a direct result of a development application.

Council considers that the site is well situated to embrace B6 Enterprise Corridor related land uses as it is located along Cowpasture Road close to the M7 motorway and exit points. The rezoning is required as the current zoning restricts the size and quality of neighbourhood shops and takeaway premises that are proposed.

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Consistency with strategic planning framework :

DRAFT METROPOLITAN STRATEGY FOR SYDNEY 2031

The site is not specifically identified in the draft Metropolitan Strategy for Sydney 2031. However, the Strategy encourages (page 110 – copy in Documents):

- a good supply of retail space in number of out-of-centre development and rezoning applications for out-of-centre development
- retail premises in existing and planned centres or in clusters close to public transport.
- retailing in industrial areas.

The planning proposal is consistent with the objectives of the draft Strategy.

CONSULTATION WITH EMPLOYMENT LANDS TEAM

The Employment Lands Team of the Department was consulted with, who raised no objections to the proposal (email from the Employment Lands Team dated 23 August, 2013, is in Documents).

The team considered that the site has good access as it is located on Cowpasture Road, near the M7 Motorway entry and exit point. The location is desirable for warehouse and distribution centre uses and will still be permissible in the proposed B6 Enterprise Corridor zone.

The rezoning of the subject IN2 zoned land (approx. 2.4 ha) does not represent a significant loss of industrial land stocks in the Liverpool LGA.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The planning proposal is considered to be consistent with the objectives of the Strategy, as it proposes to enhance Employment Lands in the M7 Motorway Corridor (Page 41 – SWA 1.5.1 – copy in Documents).

LIVERPOOL RETAIL CENTRES HIERARCHY REVIEW

Council has advised that the proposal is consistent with the Liverpool Retail Centres Hierarchy Review as there is an undersupply of retail floor space of this nature within the catchment (page 9 - copy in Documents). The planning proposal seeks to permit highway related retail uses as the site is well located along two major roads. Council considers that the proposal to rezone the IN2 zoned land for highway related retail uses as appropriate, given the planned growth along Cowpasture Road will perform as an economic corridor.

Council's views are supported.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

Council has advised that the area of the site that is to be rezoned to B6 Enterprise Corridor was previously used a golf driving range and has experienced site degradationand, and does not contain any significant vegetation.

The adjoining RE1 Public Recreation zoned land (not part of the planning proposal) contains extensive vegetation that may contain ecological communities. This area is to be preserved and regenerated to protect and enhance the native vegetation in accordance with a vegetation management plan and will be dedicated to Council as part of the DA for the site.

ECONOMIC IMPACTS

Council has advised that the economic impacts of the proposal will be minimal. The Hoxton Park Economic Assessment indicates that there is an unmet demand for highway

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related retail uses. The greatest impact of the proposal will be to Hoxton Park Center with a predicted 3.1% impact followed by a 1.4% impact on Carnes Hill Marketplace which is not considered as significant impact. The assessment report is in Documents.

SOCIAL IMPACTS

It is considered that there are no immediate adverse social impacts arising from this proposal.

In light of the above, it is considered that there is no likelihood of any adverse environmental, social or economic impacts arising from the planning proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**
Consultation - 56(2) **NSW Rural Fire Service**
(d) : **Transport for NSW - Roads and Maritime Services**
Sydney Water

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Traffic Study

Identify any internal consultations, if required :

Employment Lands (ELDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Determination Document	Yes
Extract from Metro Strategy.pdf	Determination Document	Yes
Extract from South West Sub-regional Strategy.pdf	Determination Document	Yes
Extract from Liverpool Retail Centres Hierarchy Review.pdf	Determination Document	Yes
Email from Employment Lands Team.pdf	Determination Document	No
Bushfire Map.pdf	Map	Yes
Hoxton Park Economic Assessment Report.pdf	Study	Yes

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Delegation to Council.pdf Planning Proposal.pdf	Determination Document Proposal	No Yes
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Recommendation:**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Publicly exhibited for 28 days.
2. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.
3. Delegation is to be given for Council to exercise the Minister's plan making powers.
4. Council is to prepare a Traffic report prior to exhibition,
5. Council is to consult the Office of Environment and Heritage, Transport for NSW – Road and Maritime Services, Sydney Water, and NSW Rural Fire Service.
6. Consultation with the NSW Rural Bushfire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments made;
7. The Director General agrees to the inconsistencies to s117 Directions 1.1 Business and Industrial Zones.

Supporting Reasons : The site has good access for the proposed uses. Light industrial and warehouse and distribution centre uses and will still be permissible in the proposed B6 Enterprise Corridor zone. It will not represent a significant loss of industrial land stocks in the Liverpool LGA. The planning proposal will provide 136 jobs.

Signature:



Printed Name:

CHO CHO MYINT

Date:

31/9/13

