



Liverpoolcitycouncil
creating our future together

Our Ref:
Contact:

Rz-1/2011 - 085299.2011
James Semple
02 9821 9156
SP3@liverpool.nsw.gov.au

25 May 2011

Mr Sam Haddad
Director-General
NSW Department of Planning & Infrastructure
SYDNEY NSW 2001

Dear Mr Haddad

**Re: Making of Local Environmental Plan by Minister
Draft Local Environmental Plan (Amendment No. 15) – Additional of 'vehicle sales
and hire premises' as permissible with consent in the IN2 – Light Industrial zone**

Council at its meeting of 23 May 2011 considered a report into Liverpool Local Environmental Plan 2008 – Amendment No. 15. This amendment seeks to add 'vehicular sales and hire premises' as an additional permitted with consent use to the IN2 - Light Industrial zone. The resolution was:

That Council:

- 1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 (Amendment No.15) in accordance with the attached Planning Proposal which seeks to add 'vehicular sales and hire premises' as an additional permitted with consent use to the IN2 - Light Industrial zone; and*
- 2. Writes to the Director-General of the Department of Planning and Infrastructure requesting the making of the Draft Liverpool Local Environmental Plan 2009 (Amendment No.15).*

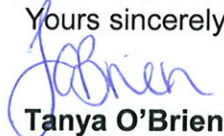
All community and State Government agency consultation as per the gateway determination have now been completed. Council is of the opinion that the planning proposal is to remain unamended as no substantial issues were raised during the consultation process.

The following documentation is attached to enable the plan to be legally drafted and submitted to the Minister for his consideration:

- A copy of the abovementioned report to Council and Council's resolution
- The Planning Proposal
- Copies of the public submissions.

Should you require any further information on this matter, please do not hesitate to contact James Semple, Strategic Planner on 9821 9156.

Yours sincerely


Tanya O'Brien

Manager, Strategic Planning

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool

Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170

Fax 9821 9333 **Email** lcc@liverpool.nsw.gov.au **Web** www.liverpool.nsw.gov.au **TTY** 9821 8800 **ABN** 84 181 182 471

COUNCIL RESOLUTION 23 MAY 2011

ITEM NO: SPDR 01
FILE NO: RZ-1/2011
SUBJECT: LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008, AMENDMENT
15 - ADDITIONAL PERMITTED USE IN THE IN2 - LIGHT
INDUSTRIAL ZONE OF VEHICULAR SALES AND HIRE PREMISES

RECOMMENDATION

That Council:

1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 (Amendment No.15) in accordance with the attached Planning Proposal which seeks to add 'vehicular sales and hire premises' as an additional permitted with consent use to the IN2 - Light Industrial zone; and
2. Writes to the Director-General of the Department of Planning and Infrastructure requesting the making of the Draft Liverpool Local Environmental Plan 2009 (Amendment No.15).

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

LIVERPOOL CITY COUNCIL

STRATEGIC PLANNING AND DEVELOPMENT REPORT

ORDINARY MEETING

23/05/2011

ITEM NO:	SPDR 01	FILE NO:	RZ-1/2011
SUBJECT:	LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008, AMENDMENT 15 - ADDITIONAL PERMITTED USE IN THE IN2 - LIGHT INDUSTRIAL ZONE OF VEHICULAR SALES AND HIRE PREMISES		
STRATEGIC PLAN REFERENCE:	THE LAND BETWEEN TWO RIVERS WHERE CITY AND COUNTRY MEET		

EXECUTIVE SUMMARY:

In September 2010, Council received a proposal to amend the Liverpool Local Environmental Plan (LLEP) 2008 to permit a "vehicle sales and hire premises" on 402 Hoxton Park Road Prestons (Lot 5 DP 1036695). Under LLEP 2008, the site is zoned IN2 Light Industrial and IN3 Heavy Industry, which does not permit the specified use.

At its meeting held 29 November 2010, Council considered a report and Planning Proposal regarding the draft amendment. The Planning Proposal sought an amendment to LLEP 2008 Schedule 1 for the purpose of adding 'vehicle sales and hire premises' as an additional use to this site. However, at the Gateway Determination, the Department of Planning and Infrastructure issued a condition that the proposed use of 'vehicle sales and hire premises' should apply to all IN2 and/or IN3 zones across Liverpool. Council has determined that the development of vehicle sales or hire premises is an appropriate use for a large proportion of land zoned as IN2 Light industrial, particularly for larger sites with frontages to major roads. Subsequent to the Determination, the Planning Proposal was amended to introduce the use to all IN2 zones and Council has undertaken the required public authority consultation and public exhibition.

This report outlines public exhibition outcomes and recommends that Council writes to the Director-General of the Department of Planning and Infrastructure requesting the making of the Draft Liverpool Local Environmental Plan 2009 (Amendment No.15).

DETAILED REPORT:

Background

At its meeting of 29 November 2010, Council considered a report regarding LLEP 2008 Amendment No.15. The main purpose of this rezoning is to permit 'vehicular sales and hire premises' within the IN2 - Light Industrial zone.

The applicant originally submitted a rezoning application for a Schedule 1 - Additional Permitted Uses to enable 'vehicular sales and hire' on land at Lot 5 DP 1036695, 402 Hoxton Park Road, Prestons. However the Department of Planning and Infrastructure at the Gateway stage stated that the proposed amendment should apply to all IN2 - light Industrial zone or IN3 - Heavy Industrial zone, or both. Council determined that the IN2 zone was more appropriate (particularly for larger sites with frontages to major roads) given that this zone permits compatible land uses compared to the IN3 heavy Industrial zone.

State Government Agency consultation

As per the Department of Planning and Infrastructure's Gateway Determination, Council consulted with the Roads and Traffic Authority (RTA). No submissions were received from the consultation process.

Public Exhibition Period

Council received seven submissions regarding the Planning Proposal. All submissions relate to potential impacts the Proposal may have on land zoned industrial in Chipping Norton. A summary of the main points are listed as follows:

- The proposal may increase issues already experienced in relation to limited on-street parking, traffic congestion and road safety due to limited sight line visibility.
- Potential for seven days a week operation and potentially unauthorised trading outside business hours.
- Impacts of non-compliance with existing consents for businesses operating within the Chipping Norton Business Precinct.
- This proposal should be undertaken as a Schedule 1: Additional permitted uses amendment rather than including this use across the entire zone due to the high incidence of interface between land zoned IN2 and residential areas.
- Small lots within the existing Chipping Norton Business Precinct are not appropriate to such a use.
- No strategic study or report was submitted to support this proposal.
- Lack of community consultation.
- Lack of employment provided by such uses.
- Through previous discussions including mediation, vehicle trade uses were voluntarily excluded from the Chipping Norton Business Precinct by the developer of the estate on the basis of potential unacceptable impacts.
- Concern over the permissibility of the use in strata-plan buildings and possibility of uses overriding owner's corporation by-laws.
- Violation of existing operating hours and types of businesses permitted in Chipping Norton Business Precinct.

- There is already a car hire business operating on this industrial land contrary to the land use zoning.

Response to Submissions

Issue: Traffic volumes, on street car parking and traffic congestion.

Any future development application will have to comply with the parking controls relevant to the Liverpool Development Control Plan (LDCP) 2008, which states that vehicle showrooms requires a minimum of one car space per 130sqm of floor space, while a vehicle repair station requires one space per 70sqm of leaseable floor area.

The DCP also states that "adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the safety, amenity and capacity of the public road system". It is deemed that applying the LDCP controls at the development application stage would alleviate parking concerns.

The RTA Guide to Traffic Generating Developments states that a showroom generates traffic at a rate of 0.7 vehicles per 100sqm of site area during the evening peak for a motor showroom with servicing facilities is considered to be of relatively little additional impact to existing areas from vehicular traffic.

Parking and traffic generation are also further considered at the Development Application stage where conditions can be imposed to limit traffic impacts

Issue: Potential for seven day a week operation and works outside business hours

The hours of operation are determined during the assessment of a Development Application and imposed as part of conditions of consent. Any development which is non-compliant with consent conditions can be penalised by Council.

Issue: Non compliance with consent conditions within Chipping Norton Business Precinct

Councils Compliance Unit actively attends the Chipping Norton Business Precinct to monitor compliance with approvals. Council has issued penalty notices to businesses for any breaches that have occurred. Proactive and reactive responses to issues in the location have and will continue to be carried out by Council, and by the appropriate regulatory authorities.

Issue: Schedule 1: Additional Permitted Uses for 402 Hoxton Park Road

The LLEP amendment was originally for a request to amend Schedule 1: Additional Permitted Use to permit 'vehicular sales and hire premises' for 402 Hoxton Park Road Prestons. However at Gateway Determination, the Department of Planning and Infrastructure requested that this objective would be best met by adding the use to the "permissible with consent" section of the Land Use Table for the IN2 – Light Industrial zone, meaning that the use will be permissible across all IN2 zones.

Issue: Small lots such as in Chipping Norton Industrial Estate mean use is not appropriate

Generally, car yards and showrooms require large sites to facilitate an appropriate scale to ensure economic viability, and to ensure that designated parking and loading zones are provided. Car sales and hire businesses are commonly located on major arterial roads to with high exposure to potential customers such as the Hume Highway, Elizabeth Drive and Newbridge Road

Governor Macquarie Drive has relatively little exposure to high volume traffic compared to these roads, with the remaining industrial areas in Chipping Norton having even less exposure. The lack of larger sites and low commuter exposure makes it unlikely that car sales will be developed in these areas.

Issue: No Strategic study

The proposed use of 'vehicular sales and hire premises' is compatible with other uses within a light industrial zone and is permitted with consent in several other Local Government Areas. Note that the impacts of the proposed use are likely to be moderate when compared to manufacturing, rapid turnover logistics and storage facilities. The Planning Proposal does not restrict the existing permitted uses within the IN2 zone.

Issue: Lack of community consultation

Council has applied the level of community consultation as required by the Department of Planning and Infrastructure and the Environmental Planning and Assessment Act 1979.

Issue: Lack of employment

In comparison to manufacturing, commercial and retail uses 'vehicle sales and hire premises' have a low employee per square metre demand, which is consistent with many operations opening within the South West Sector such as logistics, warehousing and transport based industries.

Issue: Interface with Residential zones with existing industrial buildings

Most IN2 – Light Industrial zones are fully developed with exception of some land along Cowpasture, Kurrajong and Hoxton Park Roads.

As this type of development is not classed as exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Development) or the LLEP 2008, an existing building cannot be used for vehicle sales, without an application to Council. Any application for such a use would be assessed under relevant matters of consideration.

To improve buffer between industrial developments to residential zones, Council's DCP 2008 requires a front building setback of 18m for industrial fronting residential zoned lands within which a minimum landscaped strip of 5m wide (for sites less than 4000sqm) and 10m wide (for sites greater than 4000sqm).

Issue: Vehicle uses were excluded from the Chipping Norton Business Estate.

It is unlikely that 'vehicle sales or hire premises' would utilise an already developed site due to the need to comply with the DCP requirements for parking, landscaping and setbacks. As this type of development is not classed as exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Development) or the LLEP 2008, an existing building cannot be used for vehicle sales, without an application to Council. Any application for such a use would be assessed under relevant matters of consideration, and residents would have the option of commenting on such proposal.

Issue: Use of strata titled property for 'vehicle sales and hire'

Generally, strata titled sites would not provide sufficient site area and commuter exposure for a 'vehicle sales or hire premises' to operate viably. Any development application for such a use would consider merits of the proposal and will be publicly exhibited for any objections to be raised.

Issue: A vehicle hire premises is already operating onsite in Chipping Norton Business Estate contrary to zone permissibility

This is not an issue that can be considered in relation to this LEP amendment, however this matter has been referred to Council's compliance unit for investigation.

Conclusion

In consideration of a rezoning proposal for 402 Hoxton Park Road Prestons, and subsequent direction from the Department of Planning and Infrastructure, the Planning Proposal seeks to add 'vehicle sales and hire premises' as a permissible use in all IN2 - Light Industrial zones.

In order to facilitate the development of this use in locations that are appropriately sited with minimal impacts, it is recommended that Council proceed with the addition of 'vehicle sales and hire premises' to the IN2 - Light Industrial 'permissible with consent' Land Use Table.

It is recommended that the draft LEP be endorsed by Council and submitted to the Department of Planning and Infrastructure for finalisation and gazettal.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from this report.

RECOMMENDATION:

That Council:

1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 (Amendment No.15) in accordance with the attached Planning

Proposal which seeks to add 'vehicular sales and hire premises' as an additional permitted with consent use to the IN2 - Light Industrial zone; and

2. Writes to the Director-General of the Department of Planning and Infrastructure requesting the making of the Draft Liverpool Local Environmental Plan 2009 (Amendment No.15).

SIGNED BY:

Milan Marecic

Director

Strategic Planning & Development

Attachments: Planning Proposal

Planning Proposal

Liverpool Local Environmental Plan 2008

Draft Amendment No.15 – Additional Use

***‘vehicle sales and hire premises’ premises in
the IN2 – Light Industrial Zone***

May 2011

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Background

At its meeting held on 29 November 2010, Council resolved to investigate the options for adding in an additional use to Schedule 1 to allow 'vehicle sales or hire premises' on Lot 5 DP 1036695, 402 Hoxton Park Road Prestons.

Following consultation with the Department of Planning it was determined that this objective would be best met by adding the use 'vehicular sales or hire premises' as a permissible use in the land use table for the IN2 – Light Industrial zone.

Under Liverpool Council's Local Environmental Plan the use of 'vehicle sales or hire premises' is not permitted in any industrial zone, however Council has identified that the use of vehicle hire or sales within the IN2 zone would be appropriate.

Council resolved on 23 May 2011 to proceed with the making of this plan.

Land to which planning proposal applies to

The Planning Proposal applies to the following sites which are zoned IN2 – Light Industrial:



Figure 1: Land in the IN2 zone at Len Waters Estate



Figure 6: Land in the IN2 zone in Hinchinbrook

Part 1 - Objectives

The planning proposal aims to amend the zoning table for the zone IN2 – Light Industrial to permit ‘vehicle sales and hire premises’.

Part 2 - Explanation of provisions

- The Planning Proposal seeks to amend the following LLEP zoning table to insert ‘vehicle sales or hire premises’ into the IN2 – Light Industrial Zone:

3 Permitted with consent

Animal boarding or training establishments; Boat repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Cemeteries; Child care centres; Community facilities; Depots; Drainage; Earthworks; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Helipads; Heliports; Hotel or motel accommodation; Industrial retail outlets; Information and education facilities; Kiosks; Landscape and garden supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants; Roads; Service stations; Sex services premises; Storage premises (other than offensive storage establishments or hazardous storage establishments); Take away food and drink premises; Timber and building supplies; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures

Part 3 - Justification

A. Need for the planning proposal

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

This Planning Proposal is not a result of any strategic study or report.

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

This Planning Proposal aims to amend the current zoning table to reflect the demand for the 'vehicle sales or hire premises' use within the IN2 – Light Industrial zone.

There is no alternate way to achieve this outcome locally.

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

The proposal has a net community benefit by providing for large scale vehicle hire or sales uses away from the existing residential areas, where they are predominately located. It also provides the opportunity of this use to be located in areas with high exposure, and also enables for co-location of sales, repairs, and storage of cars. 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 consistent with the objectives and actions contained within the applicable regional and draft sub-regional strategies. In particular, the planning proposal is consistent with the objectives and actions contained in Section A – Economy and Employment 1.9.2 The Department of Planning and local councils to review planning controls for industrial areas to enable higher intensity employment uses in areas with good public transport access. This planning proposal introduces additional opportunities for employment in the IN2 – Light Industrial zone.

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

The Planning Proposal is consistent with Council's strategic plans. The proposal provides for creation of new business in locations that have good main road exposure and have minimal impact on residential properties. This in turn creates local employment opportunities.

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

There are no applicable State Environmental Planning Policies.

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

The following s.117 directions apply to this Planning Proposal:

Direction	Comment
1.1 Business and Industrial Zones	This Planning Proposal is consistent with the terms of this direction as it does not reduce business or industrial zones. The proposal adds to the range of uses permissible under the current zone.
4.3 Flood Prone Land	Parts of the subject land are subject to flooding; all development is subject to detailed flood controls that will ensure that the finished floor levels will be flood free. This proposal does not rezone flood liable land.
5.1 Implementation of Regional Strategies	The proposal is consistent with the draft subregional strategy, by maintaining industrial land and placing high employment uses near public transport and seeks to grow local employment opportunities.

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?

It is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal given this amendment does not rezone any land, it only introduces a new land use.

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

The introduction of 'vehicle sales or hire premises' may increase the variety of the built form in the IN2 – Light Industrial zone. Any visual or other impacts of this use is consistent with the industrial zone and can be managed using DCP controls during Development Assessment.

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

The proposal to add 'vehicular sales or hire premises' to the IN2 – Light Industrial zone is consistent with the character of these areas. The proposal will increase investment and employment opportunities in Liverpool.

D. State and Commonwealth interests

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

The draft amendment does not warrant changes to the delivery of public infrastructure. This proposal does not rezone land.

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 stipulated that consultation with the Roads and Traffic Authority was required. This consultation was undertaken in March 2011. No response from the RTA was received.

Part 4 - Community Consultation

The Gateway Determination stipulated that community consultation is required to be undertaken for a period of 14 days. The written notice and display materials will be prepared in accordance with the document "A guide to preparing local environmental plans".

Public exhibition period

The draft LEP was on public exhibition from 30 March 2011 to 14 April 2011.

Submissions received and issues raised

Council received seven submissions regarding this matter all regarding industrial land in Chipping Norton and dealt with the following issues:

- Traffic concerns, including on-street parking, traffic volumes traffic congestion and sight line visibility from car parking.
- Potential for 7 days a week operation and potentially outside business hours.
- Non-compliance with consent at Chipping Norton Business Precinct.
- This proposal should be undertaken as a Schedule 1: Additional permitted uses rather than across the entire zone
- Small lots that exist in Chipping Norton Industrial estate not appropriate to such uses.
- No strategic study or report to support this proposal.
- Lack of community consultation
- Lack of employment provided by such uses.
- Vehicle trade uses were voluntarily excluded from the Chipping Norton Business Precinct by the developer as impacts would be unacceptable
- Permissibility of the use in strata plan buildings and possibility of overriding owner's corporation by-laws

- Violation of existing operating hours and types of businesses permitted on this site.
- There is already a car hire business on this site, against the LEP zoning.
- The IN2 zone has a high interface zone with residential zones which can increase the disruption to residents.

Comments on Submissions:

Issue: Traffic volumes, on street car parking and traffic congestion.

The Liverpool Development Control Plan (DCP) 2008 states that a Vehicle Showroom requires a minimum of 1 car space per 130sqm and for a Vehicle repair station 1 space per 70sqm of leaseable floor area.

The DCP also states that "adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the safety, amenity and capacity of the public road system".

The RTA Guide to Traffic Generating Developments states that a showroom generates traffic at a rate of 0.7 vehicles per 100sqm of site area during the evening peak for a motor showroom with servicing facilities is considered to be of relatively little additional impact to existing areas from vehicular traffic.

These are generally issues looked at in the Development Application stage where conditions can be imposed to limit traffic impacts

Issue: Potential for 7 day a week operation and works outside business hours

Hours of operation are determined during the assessment of a Development Application. Any development which is non-compliant with consent conditions can be penalised by Council.

Issue: Non compliance with consent conditions within Chipping Norton Business Precinct

Councils Compliance Unit actively attends the Chipping Norton Business Precinct. Council Officers monitor the precinct and has issued penalty notices to businesses for any breaches that have occurred. Proactive and reactive responses to issues in the location have been dealt with by Council, and by contacting the appropriate regulatory authority.

Issue: Schedule 1: Additional Permitted Uses for 402 Hoxton Park Road

The proposal was originally for a request to amend Schedule 1: Additional Permitted Use to permit 'vehicular sales and hire' premises for Lot 5 DP 1036695, 402 Hoxton Park Road Prestons.

The gateway determination deemed that this objective would be best met by adding the use 'vehicular sales or hire' premises as a permissible use to the land use table for the IN2 – Light Industrial zone, meaning that use will be permissible across all IN2 zones rather than this specific site as originally proposed by Council.

Issue: Small lots such as in Chipping Norton Industrial Estate not appropriate

In general car sales locations require large sites to facilitate an appropriate scale to ensure viability of the development and ensure that designated loading zones are provided. These developments are also located on major arterial roads such as the Hume Highway, Elizabeth Drive or Newbridge Road to maximise exposure.

Governor Macquarie Drive has relatively little exposure to high volume traffic compared to these roads, and the remaining areas within the areas zoned Industrial in Chipping Norton even less exposure. The lack of larger sites and low commuter exposure makes it unlikely that car sales will be developed in these areas.

Issue: No Strategic study

The proposed use of 'vehicular sales and hire' premises is compatible with a light industrial zone and is permitted with consent in other Local Government Areas. The proposed use has lower intensity than other industrial uses and is an appropriate transitional use between industrial and other uses.

Issue: Lack of community consultation

The level of community consultation employed is mandated by the Department of Planning for rezoning applications. Council has applied the level of community consultation as required by the Department of Planning and the *Environmental Planning and Assessment Act 1979*.

Issue: Lack of employment

In comparison to manufacturing, commercial and retail uses 'vehicle sales and hire premises' premises do have a reduced employment demand, however most new industrial premises opening within the South West Sector are generally logistics, warehousing and transport based industries, which traditionally also have a very low employment per square metre of the facility. Increasing the number of uses in the IN2 – Light Industrial zone is likely to provide a net economic benefit to the Liverpool Local Government Area.

Issue: Interface with Residential zones with existing industrial buildings

Most IN2 – Light Industrial zones contain existing development with the exception of some land around Cowpasture, Kurrajong and Hoxton Park Roads. Further there is commonly a high order road between the IN2 – Light Industrial zone and residential roads.

Given that it is unlikely that an existing building can be used for vehicle sales, without an application to Council for a change of use and/or for building works. Council will assess the appropriateness of 'vehicle sales or hire' use at the development application stage. Such development is not classed as exempt or complying development under the SEPP and specific development controls can be applied with any approval.

Council's DCP 2008 requires that there is a front setback of 18m for industrial lands fronting residential zoned lands and a landscaped area of 5m if the site is less than 4000m² and 10m if greater than 4000sqm is required. This makes it unlikely that any existing developed sites would fulfil the criteria to be used as an 'vehicle sales and hire premises' premises.

Issue: Vehicle uses were excluded from the Chipping Norton Business Estate.

It is unlikely that 'vehicle sales or hire' premises would utilise a developed site due to the need to comply with the DCP requirements for parking, landscaping and setbacks. As a 'vehicle sales and hire premises' premises cannot be undertaken as a change of use under exempt or complying development under the Liverpool Local Environmental Plan 2008 or the SEPP (Exempt and Complying Development), a Development Application will have to be submitted to Council where consideration as to the appropriateness of the use will be determined.

Issue: Vehicle hire premises already onsite in Chipping Norton Business Estate

This is not an issue that can be considered with relation to the rezoning proposal; however this has been referred to Council's compliance unit for investigation.

G.L. WIRTH & L. ERICSON-WIRTH

Unit 1
84-88 Riverside Road
CHIPPING NORTON NSW 2170

April 6, 2011

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Received by
11 APR 2011
Archives & Records

Re: File No. RZ-1/2011

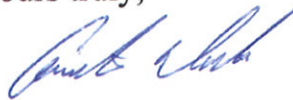
Liverpool Local Environmental Plan 2008 Draft Amendment No.15 –
Additional Use Industrial Land

Vehicle Sales or Hire Premises in the IN2 – Light Industrial Zone

We object to this type of business operating from Strata Plan Buildings. Car Sales & Hire Businesses would not have the room for display and would end up encroaching on others' property and The Common Property of Strata Plan Buildings.

We understand the plan is for Industrial land within IN2 Zone and Liverpool Council should not be permitted to override objections from Owner's Corporations and allow these types of businesses to operate on Strata Plan premises.

Yours truly,



G.L. Wirth & L. Ericson-Wirth

RECEIVED AT CUSTOMER SERVICE CENTRE
CBD/ADMIN/RECEPTION/MAIL

Mrs ARICO (Delivered By)
88 Alfred Rd (Return Address)
Chipping Norton
9724 9548 (Phone/Mobile)

ATTENTION TO: Jame Sample

- | | |
|----------------------------------|-------------------------------------|
| ☐ Letter | ☐ Submission |
| ☐ Plans | ☐ Parcel |
| ☐ Payment | |

11 2 APR 2011

Number of copies enclosed: 1

Details: 1. Submission Re: Draft LEP 2008
2. amendment No. 15
3. _____

Property Key: _____

Property Address: LOT..... DP..... Street No:.....

Street:..... Suburb:.....

- ☐ Development Application Number:
- ☐ Construction Certificate (Building) Number:
- ☐ Construction Certificate (Engineering) Number:
- ☐ Complying Certificate (Building) Number:
- ☐ Complying Certificate (Engineering) Number:
- ☐ Accredited Certifier: CCB/CCE/CD/OCCUP:
- ☐ Accredited Certifier: Road Permit Form & Payment: \$.....
- ☐ Payments: DAM Insp \$..... LSL \$.....
- ☐ Payments: Other \$.....

☐ Amendment of Construction Certificate:
CCB..... EPA(W)..... CD..... Amount: \$.....

Received by: Dianne Date: 11/4/11 Time: 903am

FEE: \$..... CODE: AP/..... RECEIPT NO:..... DATE:.....

88 Alfred Rd,
Chipping Norton.

10th April, 2011

File No R2.1/2011.

Dear James,

As residents of the above address we are oppose of the draft (Liverpool Local Environmental Plan 2008-Draft Amendment No 15) for land zoned IN2 - Light Industrial in Liverpool.

Our concerns are weekend trading, traffic, Noise, after hours work.

There is enough traffic in the street when the auctions are held on Governor Macquarie Drive, Chipping Norton, the cars are parked near our driveway making hard to see oncoming traffic.

We ask the council to consider the residents regarding this matter

Yours sincerely
Mrs. P. Arico
& family.

1. The first part of the document is a list of names and dates, which appears to be a record of some kind. The names are written in a cursive script, and the dates are in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

2. The second part of the document is a series of paragraphs of text, also written in a cursive script. The text is somewhat difficult to read due to the handwriting, but it appears to be a narrative or a report of some kind. The paragraphs are separated by small gaps, and the text is written in a consistent style throughout.

3. The third part of the document is a list of names and dates, similar to the first part. This list is also organized into columns, with names in the first column and dates in the second column. The handwriting is consistent with the first list, and the dates are in the same printed style.

4. The fourth part of the document is another series of paragraphs of text, written in the same cursive script as the second part. The text continues the narrative or report, and is separated from the previous part by a small gap.

5. The fifth part of the document is a final list of names and dates, organized into columns. This list is the last of its kind in the document, and it follows the same format as the previous lists.

Received by

14 APR 2011

Archives & Records

RECEIVED AT CUSTOMER SERVICE CENTRE
CBD/ADMIN/RECEPTION/MAIL

Mrs A Kaur (Delivered By)
Mrs A Kaur (Return Address)
40 Robert Road Chester
9755 3201 (Phone/Mobile)

ATTENTION TO:

Administration Dept

- ☐ Letter
☐ Plans
☐ Payment

- ☐ Submission
☐ Parcel

Number of copies enclosed:

Details: 1. *5x Letter Ltr*
2.
3.

Property Key:

Property Address: LOT..... DP..... Street No: *90*

Street: *Robert Rd* Suburb: *Dring, St Leon*

- ☐ Development Application Number:
☐ Construction Certificate (Building) Number:
☐ Construction Certificate (Engineering) Number:
☐ Complying Certificate (Building) Number:
☐ Complying Certificate (Engineering) Number:
☐ Accredited Certifier: CCB/CCE/CD/OCCUP:
☐ Accredited Certifier: Road Permit Form & Payment: \$.....
☐ Payments: DAM Insp \$..... LSL \$.....
☐ Payments: Other \$.....

☐ Amendment of Construction Certificate:
CCB..... EPA(W)..... CD..... Amount: \$.....

Received by: *M. O'Neil* Date: *13.4.11* Time: *144 PM*

FEE: \$..... CODE: AP/..... RECEIPT NO: DATE:

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

12th April 2011

Dear Mr Portelli

SUBJECT: DRAFT LOCAL ENVIRONMENTAL PLAN 2008-AMENDMENT NO 15

As residents adjoining land zoned IN2 – Light Industrial Zone – on Alfred Rd Chipping Norton, we have great concerns regarding the councils desire to amend the Local Environmental Plan 2008 to permit “vehicle sales or hire premises.

The allowance of any of these businesses would impact on local residence by increasing traffic and extending operating hours to operate 7 days a week. It would also see extended hours every day often outside approved operating hours, and parking congestion along the streets. We would also see sales vehicles parked outside to attract passing traffic, heavy vehicular traffic transporting vehicles to and from the business and disturbing loud engine and exhaust noise from vehicle maintenance.

We have been through the process of negotiating and mediation for the development application of the Chipping Norton Business Precinct. This time consuming process confirmed the operating hours, allowable businesses, vehicular restrictions, lighting and also more importantly a remediation action plan of the contaminated site. None of these have been adhered to, or complied with, with minimal effort by council or the EPA to ensure compliance and impact on local residents.

This amendment is only to allow for vehicle sales or hire premises at Lot 402 Hoxton Park Rd which is already partly zoned IN3 – Heavy Industrial, and the remainder IN2. Why can't there be a rezoning of this lot to allow for the requested development. Why does everyone else have to change and have their lives affected.

We urge the council to take other options if they feel that it is acceptable to allow for the vehicle sales etc, at Lot 402 Hoxton Park Rd and Lot 402 Hoxton Park Rd alone.

Yours Sincerely



Barbara and Russell Wilcoxon
Resident
86 Alfred Rd Chipping Norton

Received by

14 APR 2011

Archives & Records

**RECEIVED AT CUSTOMER SERVICE CENTRE
CBD/ADMIN/RECEPTION/MAIL**

Mr A K... .. (Delivered By)
Mr A K... .. (Return Address)
90... ..
9755 3201 (Phone/Mobile)

ATTENTION TO: *Administration Clerk*

- | | |
|----------------------------------|-------------------------------------|
| ☐ Letter | ☐ Submission |
| ☐ Plans | ☐ Parcel |
| ☐ Payment | |

Number of copies enclosed:

Details: 1. *5x... ..*
2.
3.

Property Key:

Property Address: LOT..... DP..... Street No: *90*

Street: *... ..* Suburb: *... ..*

- ☐ Development Application Number:
- ☐ Construction Certificate (Building) Number:
- ☐ Construction Certificate (Engineering) Number:
- ☐ Complying Certificate (Building) Number:
- ☐ Complying Certificate (Engineering) Number:
- ☐ Accredited Certifier: CCB/CCE/CD/OCCUP:
- ☐ Accredited Certifier: Road Permit Form & Payment: \$.....
- ☐ Payments: DAM Insp \$..... LSL \$.....
- ☐ Payments: Other \$.....

☐ **Amendment of Construction Certificate:**

CCB..... EPA(W)..... CD..... Amount: \$.....

Received by: *... ..* Date: *13.4.11* Time: *144 PM*

FEE: \$..... CODE: AP/..... RECEIPT NO: DATE:

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

12th April 2011

Dear Mr Portelli

SUBJECT: DRAFT LOCAL ENVIRONMENTAL PLAN 2008-AMENDMENT NO 15

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We urge the council to take other options if they feel that it is acceptable to allow for the vehicle sales etc, at Lot 402 Hoxton Park Rd and Lot 402 Hoxton Park Rd alone.

Yours Sincerely



Lance & Marilyn Raines
Resident
98 Alfred Rd Chipping Norton

Received by

14 APR 2011

Archives & Records

**RECEIVED AT CUSTOMER SERVICE CENTRE
CBD/ADMIN/RECEPTION/MAIL**

Mrs A Manning (Delivered By)
Mrs A Fagan (Return Address)
90 Central Road Chester
9755 3201 (Phone/Mobile)

ATTENTION TO: *Administration Dept*

- | | |
|----------------------------------|-------------------------------------|
| ☐ Letter | ☐ Submission |
| ☐ Plans | ☐ Parcel |
| ☐ Payment | |

Number of copies enclosed:

Details: 1. *5x Chester Litter*
2.
3.

Property Key:

Property Address: LOT..... DP..... Street No: *90*.....

Street: *Central Rd*..... Suburb: *Droghda, Droghda*.....

- ☐ Development Application Number:
- ☐ Construction Certificate (Building) Number:
- ☐ Construction Certificate (Engineering) Number:
- ☐ Complying Certificate (Building) Number:
- ☐ Complying Certificate (Engineering) Number:
- ☐ Accredited Certifier: CCB/CCE/CD/OCCUP:
- ☐ Accredited Certifier: Road Permit Form & Payment: \$.....
- ☐ Payments: DAM Insp \$..... LSL \$.....
- ☐ Payments: Other \$.....

☐ **Amendment of Construction Certificate:**
CCB..... EPA(W)..... CD..... Amount: \$.....

Received by: *M. O'Neil* Date: *13.4.11* Time: *144 PM*

FEE: \$..... CODE: AP/..... RECEIPT NO: DATE:

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

12th April 2011

Dear Mr Portelli

SUBJECT: DRAFT LOCAL ENVIRONMENTAL PLAN 2008-AMENDMENT NO 15

As residents adjoining land zoned IN2 – Light Industrial Zone – on Alfred Rd Chipping Norton, we have great concerns regarding the councils desire to amend the Local Environmental Plan 2008 to permit “vehicle sales or hire premises.

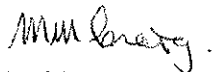
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We urge the council to take other options if they feel that it is acceptable to allow for the vehicle sales etc, at Lot 402 Hoxton Park Rd and Lot 402 Hoxton Park Rd alone.

Yours Sincerely



Resident
96 Alfred Rd Chipping Norton
Margaret Craig

RECEIVED AT CUSTOMER SERVICE CENTRE
CBD/ADMIN/RECEPTION/MAIL

Received by

14 APR 2011

Archives & Records

Mr A. Manning (Delivered By)
Mr A. Manning (Return Address)
90 Central Road, Liverpool
9755 3301 (Phone/Mobile)

ATTENTION TO:

- ☐ Letter
☐ Plans
☐ Payment

- ☐ Submission
☐ Parcel

Number of copies enclosed:

Details: 1.

2.

3.

Property Key:

Property Address: LOT..... DP..... Street No: *90*

Street: *Central Road* Suburb: *Duggan, Liverpool*

- ☐ Development Application Number:
☐ Construction Certificate (Building) Number:
☐ Construction Certificate (Engineering) Number:
☐ Complying Certificate (Building) Number:
☐ Complying Certificate (Engineering) Number:
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☐ Payments: DAM Insp \$..... LSL \$.....
☐ Payments: Other \$.....

- ☐ Amendment of Construction Certificate:
CCB..... EPA(W)..... CD..... Amount: \$.....

Received by: *M. J. [Signature]* Date: *13.4.11* Time: *1.44 PM*

FEE: \$..... CODE: AP/..... RECEIPT NO: DATE:

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

12th April 2011

Dear Mr Portelli

SUBJECT: DRAFT LOCAL ENVIRONMENTAL PLAN 2008-AMENDMENT NO 15

We are writing with a submission regarding the proposed amendment number 15 to the Local Environmental Plan (LEP) 2008 and are against the inclusion of "vehicle sales or hire premises" to the land zoned IN2 – Light Industrial Zone.

We own and reside in a property, which is adjacent to an IN2 zone in Chipping Norton on Alfred Road. Most of the land zoned IN2 in the City of Liverpool is in close proximity to residential areas, and has been zoned as such to minimise disturbances to neighbouring properties.

Why does the council see the need to change the LEP for all IN2 zones to enable one lot, Lot 402 Hoxton Park Road, to use its site for "vehicle sales or hire premises"? The letter from the NSW Government Planning Department does suggest that the council should consider rezoning the site in question to be rezoned in its entirety to its preferred industrial zone. It has **not** determined that the objective is 'best met' by adding 'vehicular sales or hire premises' as a permissible use in the land use label for IN2, it just says that council is 'able' to achieve the outcome by including 'vehicle sales or hire premises' as a permissible use in both IN2 and IN3 Industrial Zones.

The LEP 2008 was completed with extensive community consultation. This amendment does not seem an urgent, necessary alteration to a well considered document.

Rezone Lot 402 Hoxton Park Road to the appropriate zoning required. This was an acceptable alternative suggested by the NSW Government Planning Department. The amendment has too much of an impact on numerous areas and residents within Liverpool. The owner of Lot 402 Hoxton Park Road would have been fully aware of the allowable usages of the IN2 property, and should not be surprised if this amendment is disallowed.

There has been no strategic study or report done to support this proposal.

As most IN2 zones are in close proximity to residential areas, often adjoining them, this proposal is not taking large scale vehicle sales or hire away from residential areas.

Vehicle sales or hire businesses have minimal employee numbers, yet occupy large areas, hence additional employment opportunities do not exist compared to the other businesses already acceptable in the IN2 zones.

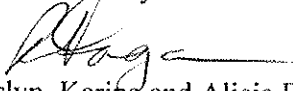
The inherent nature of the business, means that cars enter and leave the premises, over a broad range of times, including weekends and outside the permitted operating hours. Vehicles are also maintained which results in disturbing loud engine and exhaust noise. Transportation to and from the premises involves heavy vehicles. Cars will be parked on the street and advertised for sale.

Vehicle trades were voluntarily excluded from the Chipping Norton Business Precinct site by the developer as they agreed the possibility of disturbance caused to neighbouring properties would be unacceptable (see copy of strata by-laws provided by the developer as part of a signed mediation agreement with neighbouring residents)

However we have seen a number of violations of the above development, in both its operating hours and allowable businesses, one of which is a car hire business, obviously contravening the IN2 LLEP zoning table. The council may have a Development Control Plan, but it is not controlling this.

We once again would like you to consider any possible impact this decision might have now or in the future to our family and its well being.

Yours Sincerely



Roslyn, Karina and Alicia Fagan
90 Alfred Rd Chipping Norton
9755 3201

Received by

14 APR 2011

Archives & Records

**RECEIVED AT CUSTOMER SERVICE CENTRE
CBD/ADMIN/RECEPTION/MAIL**

Mrs A. Kavanagh (Delivered By)
Mrs A. Kavanagh (Return Address)
90 Central Road, Salford
9755 3201 (Phone/Mobile)

ATTENTION TO:

- ☐ Letter
☐ Plans
☐ Payment

- ☐ Submission
☐ Parcel

Number of copies enclosed:

Details: 1. *5x1 letter Litter*
2.
3.

Property Key:

Property Address: LOT..... DP..... Street No: *90*

Street: *Central Rd* Suburb: *Salford*

- ☐ Development Application Number:
☐ Construction Certificate (Building) Number:
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☐ **Amendment of Construction Certificate:**
CCB..... EPA(W)..... CD..... Amount: \$.....

Received by: *[Signature]* Date: *13.4.11* Time: *144 PM*

FEE: \$..... CODE: AP/..... RECEIPT NO: DATE:

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

3rd April 2011

Dear Mr Portelli

SUBJECT: DRAFT LOCAL ENVIRONMENTAL PLAN 2008-AMENDMENT NO 15

I am writing in response to the planning proposal seeking to amend the Local Environmental Plan (LEP) for land zoned IN2 - Light Industrial Zone - to make permissible with consent "vehicle sales or hire premises."

I own and reside in a property, which is located adjacent to the IN2 Zone in Chipping Norton. Most of the IN2 zone in Chipping Norton is a buffer between the heavy industrial zone and the residential zone. This is clearly illustrated in Figure 5, Page 5 of the proposal.

The existing uses permitted with consent in the IN2 Zone, were arrived at after extensive community consultation as part of the recently gazetted LEP. The absence of "vehicle sales and hire" from the zoning table is not through oversight, it is because it was deemed unsuitable because of the high potential for disturbance to neighboring properties.

As far as I can determine from the background of the draft planning proposal, Liverpool Council resolved to investigate how it could accommodate vehicle sales and hire at one particular site at 402 Hoxton Park Road Prestons.

Assuming that the site concerned is that which appears in Figure 2 on Page 4 it is immediately apparent that the site at Lot 402 Hoxton Park has very little in common with other IN2 zones in Liverpool in respect of its' proximity and impact on adjoining residences.

The Department of Planning made a determination in regard to what was required to achieve an outcome for Lot 402 Hoxton Park Road. It did not consider and was not sufficiently familiar with the other IN2 zones in Liverpool to make any determination in regard to the potential detrimental impacts on neighboring residents.

Insufficient justification has been provided to support the planning proposal. There has been no strategic study or report and yet the proposal makes bold statements purporting to be fact:

- "this planning proposal aims to amend the current zoning table to **reflect the demand** for the 'vehicle sales or hire premises'.
- "The proposal has a net community benefit"
- "have minimal impact on residential properties" this unsupported claim is in direct contradiction to "the proposal has a net community benefit by providing for large scale vehicle hire or sales uses away from the existing residential areas"
- "The proposal is consistent with the character of these areas"

and perhaps the boldest statement:

- "Any visual or other impacts of this use is consistent with the industrial zone and can be managed using DCP controls during Development Assessment"

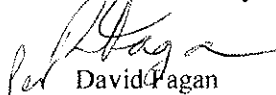
I challenge Liverpool Council to be transparent and provide information to support the claims it has made in this Planning Proposal.

I especially challenge Council to convince residents that it has the will or resources to effectively manage important local concerns such as traffic and noise using DCP controls.

Excluding potentially disruptive industries from residential interfaces is the best form of control.

I would welcome the opportunity to formally discuss this matter as my writing skills are limited and I feel disadvantaged at not being able to adequately present my concerns in writing.

Yours Sincerely



David Pagan
Resident

90 Alfred Rd Chipping Norton
9755 3201