

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.