

Draft Liverpool LEP 2008 Amendment No. 29 - 402 Hoxton Park Road, Prestons

Proposal Title : Draft Liverpool LEP 2008 Amendment No. 29 - 402 Hoxton Park Road, Prestons

Proposal Summary : The planning proposal is to rezone the site from IN2 Light Industrial and IN3 Heavy Industrial Zones under Liverpool Local Environmental Plan 2008 to B6 Enterprise Corridor Zone to allow for a development for the purpose of a vehicle sales and hire complex with warehousing of goods, service department and pre-delivery area and a 1600sqm administration building to house local and national offices of Automotive Holdings Group.

Council's planning proposal is attached.

PP Number : PP_2012_LPOOL_003_00 Dop File No : 12/18387-1

Proposal Details

Date Planning Proposal Received :	15-Nov-2012	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 :	402 Hoxton Park Road		
Suburb :	Prestons	City :	Liverpool
		Postcode :	NSW 2170
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name : Cho Cho Myint
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RPA Contact Details

Contact Name : Graham Matthews
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DoP Project Manager Contact Details

Contact Name : Derryn John
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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :	NA	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	368

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

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

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

If Yes, comment : **The Department's 'Table of contacts with Registered Lobbyists' has been checked on 15 November, 2012, and there have been no records of contact with lobbyist in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **THE SITE**

The site, (Lot 5 in DP 1036695) No 402 Hoxton Park Road, Prestons, has an area of approximately 44,270sqm with a frontage to Hoxton Park Road of approximately 160 metres. Access to the site is from Hoxton Park Road, via a service road and from Dampier place at the rear.

An aerial photo, the site and zoning maps/extracts are attached.

The subject site is bounded by the Liverpool Catholic Club to the west, the Prestons Industrial Estate to the south and east, and Powell Park to the north (across Hoxton Park Road). The site is located within the Prestons Industrial Estate. Liverpool Council has advised that the industrial estate has 'boomed' since the construction of the Westlink M7, with a number of transport related industries locating within the estate.

Hoxton Park Road is a major road and is also part of the Parramatta – Liverpool Transitway.

BACKGROUND

In May, 2011, a development application to permit development of the site for vehicle sales or hire premises was considered and approved by Council. As part of the the process, in 22 July, 2011, Council amended the Liverpool LEP 2008 (Amendmein No. 15) to add 'vehicular sales and hire premises' as an additional permitted use with consent to the IN2 light industrial zone.

Further, in September, 2011, the applicant submitted a development application for a staged industrial development consisting of the construction of a warehouse and ancillary office to be used as a motor vehicle car dealership. The proposed office building was too large to be considered to be 'ancillary' to the industrial uses. The application was subsequently withdrawn, as office premises was a prohibited use.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objective of the Planning Proposal is to enable the development of No 402 Lot 5 in DP 1036695 Hoxton park Road, Prestons for vehicle sales or hire premises, including the servicing of motor vehicles, sale of spare parts, motor vehicle storage and offices under a B6 Enterprise Corridor zoning.**

Council's planning proposal report is attached.

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

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

Comment : **On 22 August, 2012, Council received a development application to rezone the site from IN2 Light Industrial and IN3 Heavy Industrial to B6 Enterprise Corridor, to permit development of the site for vehicle sales or hire premises, including administration centre, vehicle service centre and vehicle storage.**

The current industrial zoning allows all proposed uses for the site, with the exception of "office premises" (vehicle repair station, vehicle sales or hire premises, warehouse or distribution centre) with consent.

The proposed B6 Enterprise Corridor, would permit with consent all proposed uses on the site including 'commercial premises' which is a group term for 'office premises'.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 No 64—Advertising and Signage

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

GMREP No. 2 - Georges River Catchment

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

The planning proposal is not inconsistent with any of the SEPPs identified in the Council's planning proposal.

Council has advised that a contamination report has been submitted with the

development application, in accordance with SEPP 55 - Remediation of Land.

The proposed development will be assessed in accordance with the Council's DCP 2008 which contains development controls for flood prone land, consistent with the objectives and principles of the GMREP No.2 - Georges River Catchment.

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

If No, explain :

1.1 BUSINESS AND INDUSTRIAL ZONE

The planning proposal does not reduce business zones, however, it will reduce the industrial zoned land from IN2 Light Industrial and IN3 Heavy Industrial zoned land.

The site is located along a regional road and is in proximity to the existing B6 zoned land at the eastern edge of Prestons Industrial area along Hoxton Park Road. The site is the only vacant land within the already developed industrial area and will continue to provide a range of uses that are of an industrial nature. It will create significant employment on the site, which is not inconsistent with the objectives of the direction.

Council has advised that the proposed rezoning is consistent with the Liverpool Industrial Lands Strategy. The proposed rezoning from IN2 (Light Industrial) and IN3 (Heavy Industrial) to B6 (Enterprise Corridor), will preserve the employment focus of the subject land while permitting a greater diversity of use (i.e. the development of additional office space), and in doing so, respond effectively to the demand for a mix of activities relating to employment uses. See 'Assessment' section for detailed strategic assessment.

The proposal is not in accordance with a strategy that is approved by the Director General and is inconsistent with the requirements of the direction. It is considered that the inconsistency with the direction is of a minor nature and the Director General's approval is required.

3.4 INTEGRATING LAND USE AND TRANSPORT

The site is located along a regional road and is part of Parramatta – Liverpool Transitway, and is accessible to Westlink M7 and M5 Motorways. It is not considered that the proposal will have an adverse impact on the surrounding road network. The planning proposal is consistent with the direction and with the aims, objectives and principles 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).

4.3 FLOOD PRONE LAND

Council has advised that the subject land is classified as being of 'low' flood risk. It is positioned above the level of AEP 1% flood level but within the extent of the PMF event. Council's floodplain engineers have not raised concerns with the proposed rezoning. Future development on the site will be developed above identified flood levels and all site works will be undertaken such that the works will not increase the impact of flood waters on surrounding landholdings, with no cost to the government.

The proposed rezoning will not result in significant flood impacts to other properties and will not permit a significant increase in development which is above what is permissible on the land. Council has advised that the development will be prepared in accordance with the Council's DCP 2008 which contains development controls for flood prone land.

The inconsistency with the direction is considered to be of a minor significance and the Director General's approval is required.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036.

The Metropolitan Plan emphasises that Liverpool's employment growth has not kept pace with residential growth in its catchment (page 34, attached). The Metropolitan Plan also states that it is essential for Council and the NSW Government to nurture growth opportunities, make the city increasingly attractive and retain its capacity for employment and investment growth.

The proposed rezoning will facilitate employment opportunities and will preserve this land use. Council has advised that the proposed development is likely to generate some 368 jobs during the operational phase and therefore will contribute to economic benefit to the community/population growth in the LGA, consistent with the Metropolitan Plan for Sydney 2036.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Apart from current zoning and location plan, no maps for the proposed zoning and other likely map changes have been submitted.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Council has advised that in recognition that the planning proposal may raise some concerns within the local community, Council will consult with the Liverpool communities as instructed in the Gateway determination.**

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 : **Liverpool LEP 2008 is a Principle LEP.**

Assessment Criteria

Need for planning proposal : **The current zoning does not allow the office component part (1600sqm) of the proposed development by the owners (Automotive Holding Group). The planning proposal would ensure that the land is developed for the proposed vehicle sales and hire premises, ware houses and offices.**

Council has advised that if the rezoning is not approved to permit the office proposal, the project is unlikely to proceed and the land will be developed for industrial purposes with a lower employment numbers than that proposed for the site.

Consistency with strategic planning framework :

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036 (discussed in 'Adequacy' section) and the following strategies:

LIVERPOOL RETAIL CENTRES HIERARCHY

Council has advised that the proposed rezoning, to permit the construction of a 1600sqm business office at the subject site, appears to be inconsistent with the recommendations of the Liverpool Retail Centres Hierarchy Review which advocates offices to commercial/retail centres. The standard LEP template also restricts retail and office uses to Commercial Core and Mixed Use Zones, Business Development and Enterprise Corridor Zones. However, the fact that the offices are to be used by the one tenant of the site as a local and national head office (i.e. that no part of the building is to be commercially let to third parties), only as part of the vehicle sales and warehouse on the site (permissible in the existing Industrial Zone) affectively removes the potential inconsistency.

The proposed business offices are not considered to compete with existing centres and will not undermine the viability of existing centres.

DRAFT SOUTH WEST SUBREGIONAL STRATEGY

The draft strategy emphasises the importance of provision of sites and premises for a range of economic activities in the South West for various manufacturing, warehousing, transport related and logistics activities drawn to the area by its location advantages and available workforce as well as the demand for services from a growing population.

The Prestons Industrial Area is identified as being strategically located for freight and logistics as well as manufacturing and urban support. The proposal is consistent with the draft subregional strategy. It will maintain the current uses (warehouse and vehicle sales) permissible on the industrial site and as a contiguous whole, in proximity to the Liverpool centre, the Liverpool to Parramatta Transitway, and accessible to M5 and M7 motorways.

SUMMARY

The proposal:

- . is consistent with the strategic directions for Liverpool in the Metropolitan Plan for Sydney 2036;
- . will provide additional employment to assist in the delivery of employment targets in the draft subregional and local strategies;
- . is consistent with the objectives of the B6 Enterprise Corridor Zone;
- . is compatible with adjoining land uses within the Prestons Industrial Estate;
- . will not compromise/undermine the hierarchy of the existing centres;
- . is likely to generate some 368 jobs during the operational phase; and
- . will contribute to economic benefit to the community.

The planning proposal will facilitate the development of a vehicle sales and hire premises, ware houses and offices in one location and if not allowed, the development at this location would not proceed. The rezoning of the site to B6 Enterprise Zone is consistent with the objectives of the zone as it will promote businesses along main roads; provide employment uses and limit the retail to car sales and associated warehouses and offices.

It is likely to generate more employment in terms of jobs than the industrial purposes that are likely to be generated. The estimated jobs of 368 would not eventuate as industrial warehousing and other similar landuses.

The site is well serviced by existing infrastructure. It is along the Hoxton Park Road, which is a regional road. It has access to Westlink M7 Motorway, a major arterial road linking with the M5 Motorway and the M4 Motorway with other parts of the Sydney Metropolitan Area. The proposal does not require significant further investment in public infrastructure as it will utilise the existing infrastructure and services. Council has advised that the developer will extend and upgrade necessary infrastructure to service the development at

no cost to government.

The planning proposal will allow the current businesses (motor vehicle sales) scattered throughout the LGA to remain in one place and reduce the issue of land use conflicts with adjoining residential properties and traffic congestion.

Environmental social economic impacts :

VEGETATION

The subject site is largely devoid of vegetation and therefore it is unlikely that there will be an impact of critical habitat.

CONTAMINATION

Council has advised that a CONTAMINATION report has been submitted with the development application DA 237/2011.

FLOOD RISK

The land is classified as being of 'low' FLOOD RISK. It is above the level of AEP 1% flood level but within the extent of the PMF event. Council has advised that the proposed development will be assessed in accordance with the Council's DCP 2008 which contains development controls for flood prone land, consistent with the objectives and principles of the GMREP No.2 - Georges River Catchment.

NET COMMUNITY BENEFIT TEST

Council prepared a Net Community Benefit Test (table below) to assess the merits of the planning proposal using the questions set out in the draft Centres Policy.

It considered that the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land is and is in keeping with the adjoining industrial character and that of development planned for lands immediately adjoining.
- The proposal will contribute to Council's requirement to facilitate new growth in employment in accordance with the Subregional Strategy targets.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities through the construction jobs associated with the civil and building works to the benefit of the local economy.

More details of the assessment of the Net Community Benefit Test are in the Council's planning proposal.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Hawkesbury - Nepean Catchment Management Authority Transport for NSW - Roads and Maritime Services		

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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. :

If Other, provide reasons :

Identify any internal consultations, if required :

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's_Planning_Proposal_Report.pdf	Proposal	Yes
Extract_from_Metropolitan_Plan_for_Sydney_2036.pdf	Proposal	Yes
Zoning_Extracts_from_Liverpool_LEP_2008_for_IN2,_IN3_and_B6.pdf	Proposal	Yes
The_Site_-_location_,_aerial_and_zoning_maps.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal proceeds with the following conditions:**

- (1) The Director General's delegate agrees that the following inconsistency with section 117 directions are of minor significance:**
 - . 1.1 Business and Industrial Zones; and**
 - . 4.3 Flood Prone Land;**
- (2) Community consultation for 14 days;**
- (3) Consultation with Transport for NSW - Roads and Maritime Authority and the Hawkesbury-Nepean Catchment Management Authority;**
- (4) The timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The proposal:**

. is consistent with the strategic directions for Liverpool in the Metropolitan

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Plan for Sydney 2036;

- . will provide additional employment to assist in the delivery of employment targets in the draft subregional and local strategies;
- . is consistent with the objectives of the B6 Enterprise Corridor Zone;
- . is compatible with adjoining land uses within the Prestons Industrial Estate;
- . will not compromise/undermine the heirarchy of the existing centres;
- . is likely to generate some 368 jobs during the operational phase; and
- . will contribute to economic benefit to the community.

Signature:

Derryn John

Printed Name:

DERRYN JOHN Date: 21/11/12