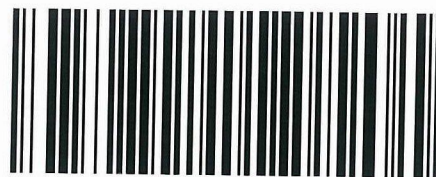




Liverpoolcitycouncil
creating our future together

Our Ref: 261298.2012
Contact: Graham Matthews
g.matthews@liverpool.nsw.gov.au

09 November 2012



PCU039790

Mr Peter Goth
Regional Director Sydney West
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Peter

**Re: Liverpool Local Environmental Plan (Draft Amendment No. 29)
Proposed Rezoning land at 402 Hoxton Park Road, Prestons**

In accordance with Section 56 of the Environmental Planning and Assessment Act 1979, Council is forwarding the Planning Proposal for draft Liverpool Local Environmental Plan 2008 (Amendment No. 29) seeking gateway determination.

The Planning Proposal relates to an application to rezone land at 402 Hoxton Park Road, Prestons, from IN2 – Light Industrial and IN3 – Heavy Industrial to B6 – Enterprise Corridor, to permit the development of the site for the purpose of a vehicle sales or hire complex with warehousing of goods, service department and pre-delivery area and a 1600sqm administration building to house local and national offices.

At its meeting on 5 November 2012, it was resolved that Council:

- Proceeds to amend the current land use zoning in the Liverpool Local Environmental Plan 2008 and the land use zoning map to rezone 402 (Lot 5 DP 1036695) Hoxton Park Road, Prestons from IN2 - Light Industrial and IN3 – HeavyIndustrial to B6 - Enterprise Corridor.
- Forwards the attached Planning Proposal to the Minister for Planning and Infrastructure seeking Gateway Approval in accordance with section 56 of the Environmental Planning and Assessment Act 1979.

A copy of the Planning Proposal and Council report for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 29) is enclosed for your consideration.

Council requests Gateway Determination allowing the Planning Proposal to proceed to public authority consultation and public exhibition.

Should you have any questions or require any further information, please contact Graham Matthews, Strategic Planner, on 9821 9156.

Yours sincerely


Tanya O'Brien

Manager Strategic Planning



Encl.

Customer Service Centre Level 2, 33 Moore Street, Liverpool NSW 2170, DX 5030 Liverpool

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

If you do not understand this letter/application, please ring the Telephone Interpreter Service (131 450) and ask them to contact Council (1300 362 170). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

ARABIC

إذا لم تستطع فهم هذا الطلب ، الرجاء الاتصال بخدمة الترجمة الهاتفية على رقم 131 450 واسألهم أن يتصلوا بالبلدية على رقم 1300 362 170 . دوام ساعات العمل هي من الساعة 8.30 صباحاً إلى 5.00 بعد الظهر من الاثنين إلى الجمعة.

CHINESE

如您看不懂此信 / 申請書，請打電話給「電話翻譯服務台」(131 450)，請他們聯絡市政廳(市政廳電話 1300 362 170)。市政廳辦公時間，星期一至星期五，上午八時三十分至下午五時。

CROATIAN

Ako ne razumijete ovo pismo/aplikaciju, molimo nazovite Službu prevodilaca i tumača (Translating and Interpreting Service - na broj 131 450) i zamolite ih da nazovu Općinu (na 1300 362 170). Radno vrijeme je od 8.30 ujutro do 5.00 popodne, od ponedjeljka do petka.

GERMAN

Wenn Sie diesen Brief/Antrag nicht verstehen können, rufen Sie bitte den Telefon Dolmetscher Dienst (Telephone Interpreter Service) (131 450) an und lassen Sie sich vom Personal mit dem Gemeinderat (Council) in Verbindung setzen (1300 362 170). Geschäftsstunden sind von 8:30 bis 17:00 Uhr, montags bis freitags.

GREEK

Αν δεν καταλαβαίνετε αυτή την επιστολή/αίτηση, σας παρακαλούμε να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων (131 450) και να τους ζητήσετε να επικοινωνήσουν με το Δημοτικό Συμβούλιο (1300 362 170). Τα γραφεία του είναι ανοιχτά από τις 8.30π.μ. μέχρι τις 5.00μ.μ. από Δευτέρα μέχρι και Παρασκευή.

HINDI

अगर आप इस पत्र/आवेदन को पढ़कर समझ नहीं पा रहे हैं तो कृपया टेलीफोन संवाद-सहायक सेवा (131 450) को फोन करें और उनसे काउंसिल (1300 362 170) से संपर्क करने को कहें। कार्यालय का समय सोमवार से शुक्रवार तक प्रातः ८:३० बजे से सायं ५:०० तक है।

ITALIAN

Se non comprendi questa lettera/questo modulo di domanda, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 1300 362 170). Orario d'ufficio: ore 8.30 -17.00, dal lunedì al venerdì.

KHMER

បើលោកអ្នកមិនយល់ពីអត្ថន័យឬការប្រតិបត្តិនេះទេ សូមទូរស័ព្ទទៅសេវាកម្មប្រែភាសាភាសាខ្មែរ (លេខ 131 450) ហើយស្នើសុំឲ្យគេទាក់ទងសាលាក្រុង (លេខ 1300 362 170)។ ពេលម៉ោងធ្វើការគឺម៉ោង 8 កន្លះព្រឹកដល់ម៉ោង 5 ល្ងាច ពីថ្ងៃច័ន្ទដល់ថ្ងៃសុក្រ

MACEDONIAN

Ako ne go razbirate ова писмо/апликација, ве молиме да се јавите во Телефонската преведувачка служба на 131 450 и замолете ги да стапат во контакт со Општината на 1300 362 170. Работното време е од 8.30 часот наутро до 5.00 часот попладне од понеделник до петок.

MALTESE

Jekk ma tifhimx din l-ittra/applikazzjoni, jekk jogħġbok ċempel lis-Servizz ta' l-Interpretu bit-Telefon (131 450) u itlobhom jikkuntattjaw il-Kunsill (1300 362 170). Il-hinijiet ta' l-Uffiċċju huma mit-8.30a.m. sal-5.00p.m., mit-Tnejn sal-Ġimgħa.

POLISH

Jeśli nie rozumiesz treści niniejszego pisma/podania, zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service) pod numer 131 450 I poproś o telefoniczne skontaktowanie się z Radą Miejską pod numerem 1300 362 170. Godziny urzędowania: 08.30-17.00 od poniedziałku do piątku.

SERBIAN

Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonsku prevodilačku službu (131 450) i zamolite ih da kontaktiraju Opštinu (1300 362 170). Radno vreme je od 8.30 ujutro do 5.00 popodne, od ponedeljka do petka.

SPANISH

Si Ud. no entiende esta carta/solicitud, por favor llame al Servicio Telefónico de Intérpretes (131 450) y pídale que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

TURKISH

Bu mektubu veya müracaatı anlayamazsanız, lütfen Telefon Tercüme Servisi'ne (131 450) telefon ederek Belediye ile (1300 362 170) ilişkiye geçmelerini isteyiniz. Çalışma saatleri Pazartesi - Cuma günleri arasında sabah saat 8:30 ile akşam 5:00 arasındır.

VIETNAMESE

Nếu không hiểu thư/đơn này, xin Quý Vị gọi cho Telephone Interpreter Service (Dịch Vụ Thông Dịch Qua Điện Thoại), số 131 450, và nhờ họ liên lạc với Council (Hội Đồng), số 1300 362 170. Giờ làm việc là 8 giờ 30 sáng đến 5 giờ 00 chiều, Thứ Hai đến Thứ Sáu.

PLAN 04

ITEM NO: PLAN 04
FILE NO: RZ-4/2012
SUBJECT: 402 (LOT 5 DP 1036695) HOXTON PARK ROAD, PRESTONS
 PROPOSED REZONING FROM IN2 - LIGHT INDUSTRIAL AND IN3 -
 HEAVY INDUSTRIAL TO B6 - ENTERPRISE CORRIDOR

RECOMMENDATION

That Council:

1. Proceeds to amend the current land use zoning in the Liverpool Local Environmental Plan 2008 and the land use zoning map to rezone 402 (Lot 5 DP 1036695) Hoxton Park Road, Prestons from IN2 - Light Industrial and IN3 - Heavy Industrial to B6 - Enterprise Corridor.
2. Forwards the attached Planning Proposal to the Minister for Planning and Infrastructure seeking Gateway Approval in accordance with section 56 of the Environmental Planning and Assessment Act 1979.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Cllr Waller was absent from the meeting when this item was voted on.

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORT

ORDINARY MEETING

05/11/2012

ITEM NO:	PLAN 04	FILE NO:	RZ-4/2012
SUBJECT:	402 (LOT 5 DP 1036695) HOXTON PARK ROAD, PRESTONS PROPOSED REZONING FROM IN2 - LIGHT INDUSTRIAL AND IN3 - HEAVY INDUSTRIAL TO B6 - ENTERPRISE CORRIDOR		
COMMUNITY STRATEGIC PLAN REFERENCE:	LIVERPOOL HAS A RANGE OF BUSINESS AND EMPLOYMENT OPPORTUNITIES		

EXECUTIVE SUMMARY:

Council has received an application to rezone land at 402 (Lot 5 DP 1036695) Hoxton Park Road, Prestons from IN2 - Light Industrial and IN3 - Heavy Industrial to B6 - Enterprise Corridor. The rezoning will permit the intended future use of the site, being a vehicle sales or hire premises, including the servicing of motor vehicles, sale of spare parts, motor vehicle storage and offices.

The proposed amendment will permit the orderly development of the site, including the development of a "head office" office building, without which the entire development would not proceed.

The proposed amendment is consistent with state and local policy and would allow the site to be developed to its maximum potential, consolidating a number of existing industrial sites throughout the Liverpool LGA and providing significant employment opportunities.

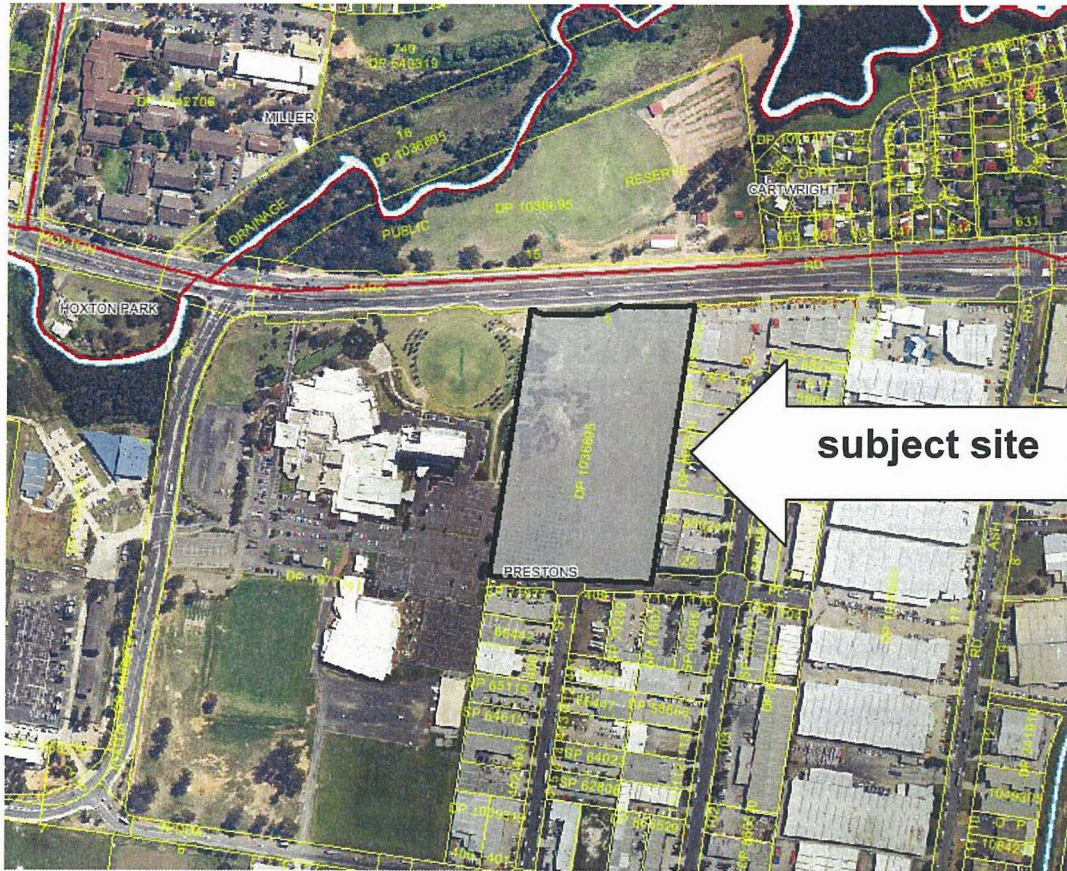
This report recommends that Council proceed with the making of the proposed amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008) to rezone the site to B6 - Enterprise Corridor.

DETAILED REPORT:

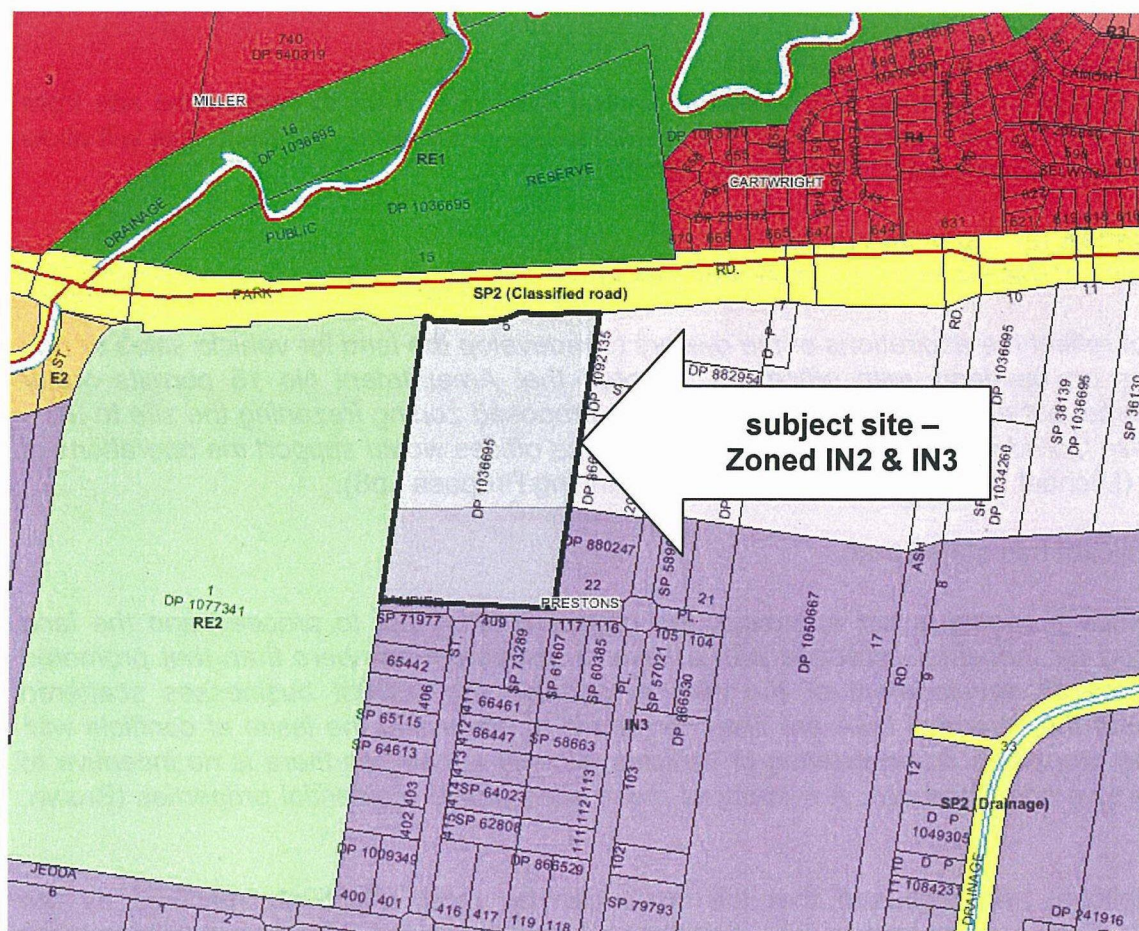
Site Description

The site is comprised by one lot being 402 Hoxton Park Road, Prestons – Lot 5 DP 1036695.

The subject site is of a rectangular shape with a frontage to Hoxton Park Road of approximately 160 metres. The rear of the site has an approximate exposure to Dampier Place of 160 metres. 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 area is approximately 44,270sqm.



Subject site outlined in bold



Existing zoning – subject site selected in bold

Background

On 22 August 2012 Council received an application to rezone approximately 44,000sqm of land at 402 (Lot 5 DP1036695) Hoxton Park Road Prestons as B6 – Enterprise Corridor, to permit the development of the site for the purpose of vehicle sales or hire premises, including administration centre, vehicle service centre and vehicle storage.

This application is further to a previous application that was considered and approved by Council (Amendment 15). On 23 May 2011 Council resolved proceed with the making of Draft LLEP 2008 (Amendment No. 15) to add 'vehicular sales and hire premises' as an additional permitted with consent use to the IN2 – light industrial zone. Amendment 15 was gazetted on 22 July 2011.

On 13 September 2011 the applicant submitted DA-237/2012 for a staged Industrial Development with Stage 1 consisting of the construction of a warehouse and ancillary office with associated drainage, car parking and landscaping works. Stage 2 (which is subject to a separate Development Application) comprises construction of a warehouse and ancillary office to be used as a motor vehicle car dealership.

The proposed office building, intended to house the head office of the tenant, was too large to be considered to be ancillary to the industrial uses. On 7 August 2012 the application was withdrawn.

Proposed amendment to LLEP 2008

Council is now considering a proposal to amend the LLEP 2008 to rezone the site from IN2 – Light Industrial and IN3 – Heavy Industrial to B6 – Enterprise Corridor. This will allow the full range of uses anticipated by DA-237/2012.

Justification for the proposal

The applicant has stated that the current zoning,

does not reflect the aspirations of the owners to redevelop the land for vehicle sales or hire premises on the land, with offices. It is noted that Amendment No 15 permits motor showrooms, but not the office component. The proposed zoning [rezoning the site to B6 – Enterprise Corridor] basically would ensure that the offices would support the operations of the site (Michael Brown, Hoxton Park Road Planning Proposal, p8).

The applicant has stated that,

If the office proposal is not approved, the project is likely not to proceed and the land developed for industrial purposes with a lower employment numbers than that promoted by the overall development of the site. In addition the current businesses scattered throughout the Liverpool LGA are likely to remain in place and the issue of conflicts with adjoining properties, transportation of vehicles, etc will remain, as there is no incentive to relocate to a combined site. A number of these sites adjoin residential properties (Brown, p3).

The applicant has proposed that the issue can be most effectively resolved by the rezoning of the subject land to B6 – Enterprise Corridor, which would permit with consent all proposed uses on the site. Specifically, it would permit the development of the site for the purpose of “commercial premises” (as defined by the LLEP 2008, office premises are a form of commercial premises).

Implications of rezoning

The B6 zone permits a range of uses relating to highway type locations. The applicant has stated that they have no intention of developing the site other than as proposed by DA-237/2012.

The subject site borders the Liverpool Catholic Club site to the west and an already developed industrial area to the east and south. The proposed use of the site should generally be considered harmonious with the existing uses, and would provide a buffer between the Club site and the industrial area.

POLICY CONTEXT

1. Metropolitan Strategy for Sydney 2036

The Metropolitan Strategy projects an increase of 141,000 jobs for the south-west area of Sydney between 2006 & 2036 (Metropolitan Strategy, p133). In order to achieve this jobs growth, the Metropolitan Strategy predicts that an extra 8500 hectares of employment lands will be required (Metropolitan Strategy, p132). Action E3.2 requires the identification

and retention of strategically important employment lands, in order to “keep land affordable for industry and maintain Sydney’s competitiveness” (Metropolitan Strategy, p141).

2. Draft South West subregional strategy

The Draft South West subregional strategy (“subregional strategy”) devolves the aims and objectives of the Metropolitan Strategy to a subregional level. For the South Western subregion it projects the need of 89,000 new jobs by 2031.

It notes that:

The South West Subregion will continue to be a desirable location for those activities requiring larger affordable sites, proximity to a large population base, and with strong transport links to Port Botany, Sydney Airport and interstate. The subregion will continue to provide employment in manufacturing, building and construction trades as residential and commercial development continues to expand in Western Sydney over the next 25 years (SW Strategy, p24).

The subregional strategy emphasises that it will be important that,

sites and premises for a range of economic activities are provided in the South West to accommodate 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. (SW Strategy, p26)

The Prestons industrial area is identified by the subregional strategy as being “strategically located for freight and logistics as well as manufacturing and urban support”. The subregional strategy cautions that, “Fragmentation of the larger holdings and the expansion of retail development would limit its value for these uses” (SW Strategy, p31). The proposed rezoning of the site would complement the subregional strategy, in that the proposed rezoning will maintain the site as a contiguous whole, while allowing development to make maximum use of the subject site, utilising its proximity to the Liverpool centre, the Liverpool to Parramatta Transitway, and the M5 and M7 motorways, as noted by the applicant (Brown, p19).

3. Liverpool Industrial Lands Strategy

The Liverpool Industrial Lands Strategy is intended to guide the identification, release, rezoning and development of employment lands in the Liverpool LGA. It incorporates three strategic planning documents – the South West Employment Lands Strategy (2003), MACROC Industrial Lands report (2006) and the Employment Lands for Sydney Action Plan (2007).

The South West Employment Lands Strategy notes that industrial development requires a degree of flexibility in location choice due to organisations requiring larger sites for consolidation. It also notes the trend towards the requirement for purpose-built facilities. Both considerations are consistent with the intended use of the site at the subject premises.

Central to the Employment Lands for Sydney Action Plan is:

Protecting priority employment land in existing areas ... as to is fast tracking the zoning and availability of serviced industrial land to meet the needs of business growth across the state (Employment Lands, p3).

The Plan gives a broad definition of employment lands, including:

The traditional industrial areas for manufacturing, warehousing, construction and repairs ... and areas containing a mix of activities associated with transforming, storing, maintaining and repairing materials and goods. (Employment Lands, p4).

The proposed rezoning of the subject site 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 not ancillary to the other uses), and in doing so, respond effectively to the demand for "a mix of activities" relating to employment uses.

The proposed amendment is consistent with the objectives of the Liverpool Industrial Lands Strategy.

4. Liverpool Retail Centres Hierarchy Review 2012

Section 6.2 of the Liverpool Retail Centres Hierarchy Review assesses commercial trends and indicates that:

The emergence of business parks and changes in business composition and technology, over the last decade and a half [have resulted] in a significant shift in location of office-based activities outside of traditional Activities Areas thereby creating potential competition with existing centres for office tenants. (Retail Review, p46)

In addition, section 9.3 establishes principles for the future development of commercial office space including:

Guard against leakage of office space to industrial lands and emerging business parks through the restriction of permitted office space as an objective. Office space primarily should be located in commercial/retail centres. The standard LEP template limits retail and office activity to core commercial and mixed use zones, business development zones and in some cases enterprise corridors (Retail Review, p64).

While the proposed rezoning, to permit the construction of a 1600sqm business office at the subject site, would appear to be inconsistent with the recommendations of the Review, 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) obviates the potential conflict. The proposed business offices will not compete with existing centres for commercial tenants and will not therefore contribute to undermining the viability of existing centres.

5. State Environmental Planning Policies and Ministerial Directions

The proposed rezoning would not be inconsistent with any SEPPs or with any s117 Ministerial Directions.

Other Considerations

1. Flood Prone Land

Council's records indicate that the site is rated as having a low flood risk. Council's Engineering Floodplain Engineer has advised that the proposed development is acceptable and could be developed in accordance with the Liverpool Development Control Plan 2008.

2. Internal Referrals

The proposal was internally referred to relevant Council departments for comment and no objections to the proposed rezoning proceeding were received.

Planning Proposal

An integral part of amending the LLEP 2008 is the preparation of a Planning Proposal which stipulates the intent, benefits and impacts of the amendment as well as compliance with relevant metropolitan growth strategies, Ministerial Directions and State Environmental Planning Policies.

The Planning Proposal is considered by the Department of Planning through the Gateway Process. If the gateway determination is favourable, Council at the direction of the Department undertakes Government Authority consultation and public exhibition.

A separate report considering the results of public exhibition and government authority consultation will be prepared for Council's consideration should gateway determination be favourable.

A copy of the Planning Proposal has been attached for reference.

CONCLUSION

In order to facilitate the orderly development of 402 (Lot 5 DP 1036695) Hoxton Park Road Prestons it is recommended that Council amend the LLEP 2008 to rezone the land identified above to B6 Enterprise Corridor.

The proposed rezoning will allow the applicant to fully develop the site, for the purposes of a vehicle repair station, vehicle sales or hire premises, warehouse or distribution centre and related office premises.

The proposed rezoning is consistent with state and local policy regarding the preservation of industrial lands. It is considered that the rezoning of the subject site is the most appropriate way of enabling the development of office premises at the site, the development of which is essential for the project to proceed.

It is recommended that Council forward the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway Determination with a view to publicly exhibit the proposed amendment.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from this report.

RECOMMENDATION:

That Council:

1. Proceeds to amend the current land use zoning in the Liverpool Local Environmental Plan 2008 and the land use zoning map to rezone 402 (Lot 5 DP 1036695) Hoxton Park Road, Prestons from IN2 - Light Industrial and IN3 - Heavy Industrial to B6 - Enterprise Corridor.
2. Forwards the attached Planning Proposal to the Minister for Planning and Infrastructure seeking Gateway Approval in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

SIGNED BY:

Milan Marecic
Director
City Planning

Attachments Planning Proposal (under separate cover)



Liverpoolcity council
creating our future together

Planning Proposal

***Draft Liverpool LEP 2008 Amendment No. XX
B6 Enterprise Corridor zoning of 402 Hoxton
Park Road, Prestons***

November 2012

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Background

This Planning Proposal provides an outline of and justification for the proposed rezoning of land at 402 Hoxton Park Road, Prestons (the Site).

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

Site identification

The subject land is described as Lot 5 in DP 1036695 No 402 Hoxton park Road, Prestons. Legal access to the site is from Hoxton Park Road, via a service road and from Dampier place the rear' The aerial photograph at Figure 1 shows the context of the site to adjoining properties.

The subject property is located within the Prestons Industrial Estate. The Estate covers an extensive area and generally bounded by Hoxton Park Road, Kurrajong Road, Cabramatta

Creek and Wonga Road. The industrial estate has 'boomed' since the construction of the Westlink M7, with a number of transport related industries locating within the estate.

To the north of the subject site is Miller Park, with Miller College/TAFE located to the west on the corner of Banks Road. Immediately adjoining the site to the west is the Liverpool Catholic Club which includes the Mecure Hotel. To the east are a number of factory complexes, including factory units and warehouses. Bulky goods retail outlets are located further to the east in the area of Lyn Parade, including Bunnings. To the south are further industrial complexes. Hoxton Park Road is also part of the Parramatta – Liverpool Transitway.

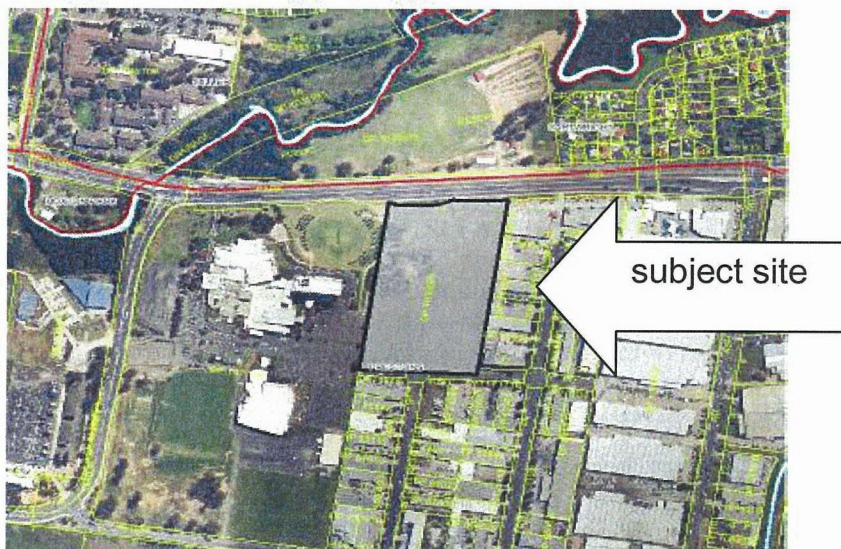


Figure 1. Aerial image of site

In terms of services, the subject property has all utility services available. In terms of roads, Hoxton Park Road is a regional road with generally two travelling lanes, including the Parramatta Liverpool Transitway within the central median strip. Hoxton Park Road links Liverpool with Parramatta to the north. The Westlink M7 is the major arterial road linking with the M5 Motorway and the M4 Motorway with other parts of the Sydney Metropolitan Area.

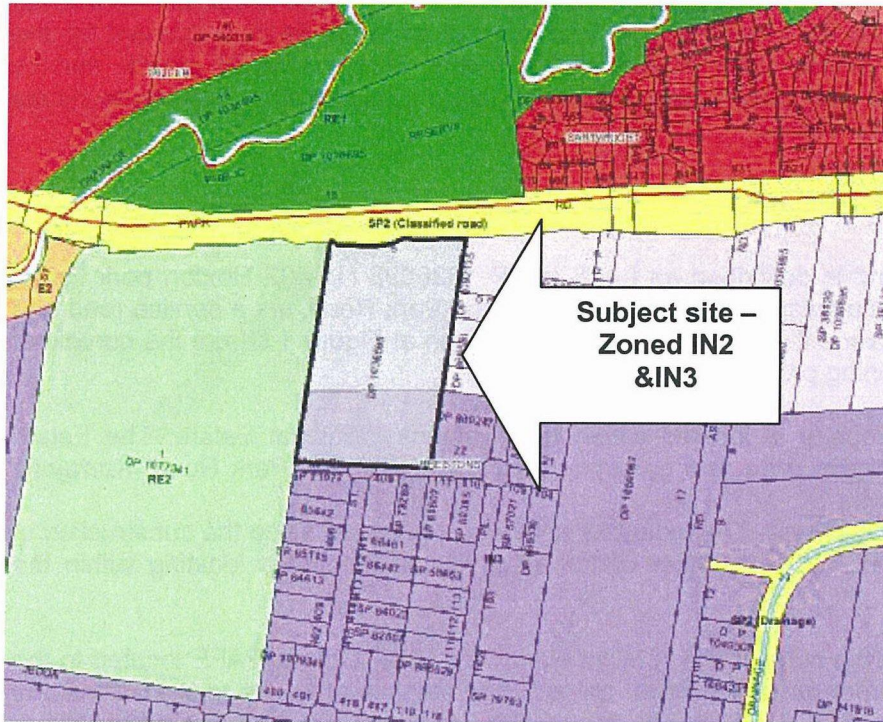


Figure 2 – current zoning.

Land Use Zoning

Under the Liverpool LEP 2008 the site is currently zoned part IN2 – Light Industrial and part IN3 – Heavy Industrial.

The objectives of IN2 are:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.

The objectives of IN3 are:

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.

- To support and protect industrial land for industrial uses.
- To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.

Why this site

Following upon the gazettal of Amendment 15 of the LLEP 2008 on 22 July 2011, all proposed uses for the site, with the exception of “office premises” (vehicle repair station, vehicle sales or hire premises, warehouse or distribution centre) are permitted, with consent.

The current zoning does not reflect the aspirations of the owners to redevelop the land for vehicle sales or hire premises on the land, with offices. The proposed zoning would ensure that the offices would support the operations of the site.

If the rezoning is not approved to permit the office proposal, the project is likely not to proceed and the land developed for industrial purposes with a lower employment numbers than that promoted by the overall development of the site. In addition the current businesses scattered throughout the Liverpool LGA are likely to remain in place and the issue of conflicts with adjoining properties, transportation of vehicles, etc will remain, as there is no incentive to relocate to a combined site. A number of these sites adjoin residential properties.

The issue can be most effectively resolved by the rezoning of the subject land to B6 – Enterprise Corridor, which would permit with consent all proposed uses on the site. Specifically, it would permit the development of the site for the purpose of “commercial premises” (as defined by the LLEP 2008, office premises are a form of commercial premises).

Part 1 – Objectives

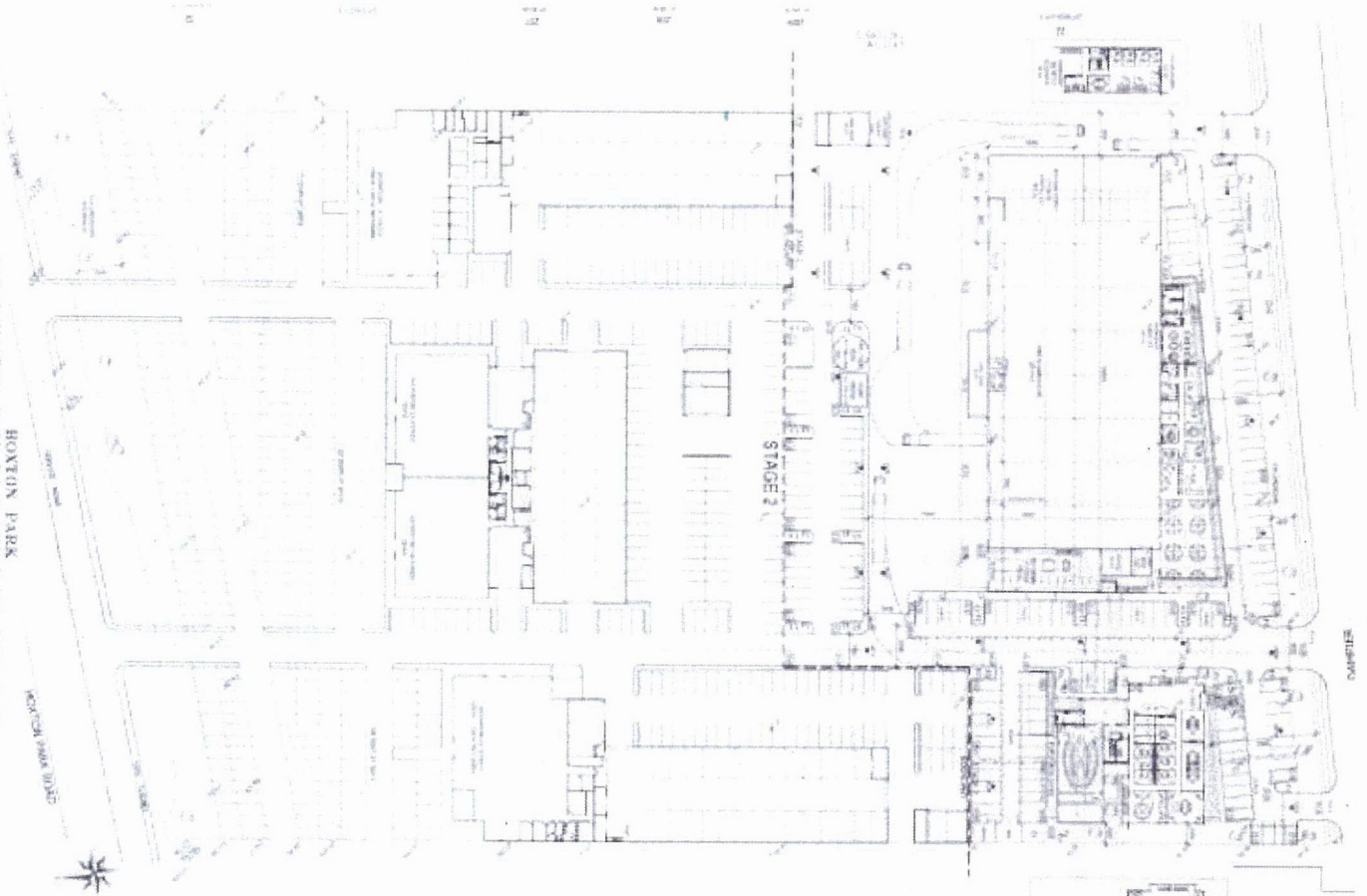
1.1 Objectives for the sites

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.

1.1.1 Concept plan

The concept plan for the site is identified in the two figures below.



LOT 5 HOXTON PARK ROAD PRESTON, NSW 2170

VERBODEN TOEGANG
 Nieuw Architectuur Architectuur Nieuw
 9/25 Hoxton Park Road, Preston NSW 2170
 Phone: 02 9550 1111
 Email: info@nua.com.au
 12 AUGUST 2011

SCHEME 0.5

STADIUM	
Area: 10,000 sqm	10,000
Volume: 10,000 cu m	10,000
Height: 10m	10
Width: 10m	10
Depth: 10m	10
Weight: 10,000 kg	10,000
Cost: \$10,000,000	10,000,000
HOXTON PARK	
Area: 10,000 sqm	10,000
Volume: 10,000 cu m	10,000
Height: 10m	10
Width: 10m	10
Depth: 10m	10
Weight: 10,000 kg	10,000
Cost: \$10,000,000	10,000,000

Part 2 - Explanation of provisions

1.2 Amendment of land use zonings

1.2.1 Proposed amendment

- Amendment of the Land Zoning Map to zone the site B6 Enterprise corridor.

1.2.2 Proposed land use zones

It is proposed to rezone the subject land from IN2 – Light Industrial and IN3 – Heavy Industrial to B6 – Enterprise Corridor.

The proposed development would consist of the following land uses which are compatible with the proposed land use zoning:

office premises means a building or place used for the purpose of administrative, clerical technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

The proposed development will meet the zone objectives, identified as follows:

Zone B6 Enterprise Corridor

“Objectives of zone

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).*
- *To maintain the economic strength of centres by limiting the retailing activity.*

- *To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.*
- *To ensure residential development is limited to land where it does not undermine the viability or operation of businesses."*

The following land uses are permitted with consent:

"Building identification signs; Bulky goods premises; Business identification signs; Business premises; Car parks; Community facilities; Crematoria; Depots; Drainage; Earthworks; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Light industries; Multi dwelling housing; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Storage premises (other than offensive storage establishments or hazardous storage establishments); Timber and building supplies; Transport depots; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres"

All other clauses within the Liverpool LEP 2008 relating to B6 Enterprise corridor will apply.

Part 3 - Justification

A. Need for the planning proposal

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

The planning proposal is not as a result of any strategic study or report by Government.

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

The current zoning permits a range of industrial landuses applicable to the zoning of the

land, noting that the land has two zonings and Amendment No 15 of the LLEP 2008 permits the vehicle sales and hire premises and other uses, but technically not the office component. The proposal would change the zoning of the land to B6 - Enterprise Corridor to permit the range of uses proposed for the site.

There are some landuses permitted under the zoning that are considered inappropriate for the site being of a residential nature, i.e. multi dwelling housing, shop top housing given the general industrial nature of the precinct. Notwithstanding these permissible uses, the proponent has no intention to develop the land for residential purposes.

Development Application DA-237/2011 seeking consent for the proposed development was withdrawn prior to refusal as the office component of the proposed development was not considered ancillary and was therefore not permissible development on land zoned IN2 or IN3. To overcome this situation, it is proposed to rezone the land B6 – Enterprise Corridor. The planning proposal therefore is the best means of achieving the objectives as the approach is site specific. The proposal is best achieved by rezoning the land B6 – Enterprise Corridor, which would permit all the intended uses.

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

The Net Community Benefit Test (table below) has been used to assess the merits of the planning proposal using the questions set out in the draft Centres Policy.

Overall, 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.

Net Community Benefit Test Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes. The proposed rezoning is compatible with the Metropolitan Plan, the Draft South West Subregional Strategy (refer to 5.3.1 below). The site is located on the Liverpool-Parramatta Transitway, which provides a transport link between the two suburbs.
Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	Yes.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No. The subject Site is not identified within a key strategic centre or corridor but is contiguous with the Prestons Industrial area. In addition, the proposed offices are located at the rear of the site with access from Dampier Place. The purpose of positioning the office building in this location is to ensure that the offices are not the dominant use and that the vehicles sales is the predominant use with exposure to Hoxton Park Road.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The site is zoned to facilitate employment and is likely to generate some 368 jobs during the operational phase. The proposal will create employment through the construction jobs to install the infrastructure and constructing the buildings therefore delivering an economic benefit to the community.
Will the LEP be	Yes.

compatible/complementary with surrounding land uses?	The proposal is compatible with adjoining land uses within the Prestons Industrial Estate. The site is well serviced by existing infrastructure.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No. The proposal does not require significant further investment in public infrastructure, it will utilise the existing infrastructure and services. The developer will extend and upgrade infrastructure to service the development at no cost to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The site has not been identified for conservation purposes. 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 advised that they have no concerns with the proposed rezoning.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No. The proposed office component serves the proposed motor showroom facilities on the site.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will provide additional employment to assist in the delivery of meeting the economic growth actions from the subregional and local strategies. If the rezoning were not supported, the site would be developed for industrial purposes and the employment numbers that are likely to be generated (estimated to be 368) would not eventuate as warehousing and other similar landuses have low employment numbers.
Will the public domain improve?	Yes. Section 94 Contributions would be paid to Council upon approval of the development application in accordance with Council's Contribution Plan.
Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	No. The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the Site. Notwithstanding this comment, the majority of the uses are currently permissible and that a small component of the office is for off-site management which renders the need for a rezoning. Focusing on the specialised nature of this development may also limit the potential for other landowners to justify the rezoning from an IN zone to a Business zone.
Will the LEP deal with a deferred matter in an existing LEP?	No. Not applicable.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes. The existing public infrastructure is adequate to meet the needs of the proposal. The site is located on the Liverpool to Parramatta Transitway.
Will the proposal result in changes to	The proposal is likely to improve car distance travel, as

the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions/ operating costs and road safety?	currently the business operates from several premises and the relocation to one site will have positive impacts on the area.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. Following a review of the Liverpool Zoning Plan, there appear to be no other spot rezonings that have occurred in the immediate vicinity of the subject land and consequently, no negative impacts arising from the cumulative impact of spot rezonings in this locality are envisaged.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land 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.

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 not the result of any strategic study or report. However, a rezoning of the site is aligned with both the NSW Government's and Council's strategic priorities (see table below).

Strategy	Comment
NSW State Plan	The Strategy highlights the importance of increasing the number of jobs located in western Sydney through the provision of zoned land in western Sydney localities with high quality transport access (including the orbital motorway M4/M5/M7 network and the Parramatta to Liverpool Transitway) for business, manufacturing, warehousing and transport activities. It also notes that a predicted increase in Sydney in transport storage and logistics employment opportunities related to the assembly and distribution of goods, particularly in outer areas of the city will require an anticipated 7,500 hectares of industrial land for these purposes. Three of the Strategy's five aims designed to create a more sustainable Sydney require the sufficient availability of land for industrial and employment development which is accessible to residential areas. These aims are: • Enhance Liveability - through a range of housing that is close to services. • Strengthening economic competitiveness - by increasing the city and region's competitiveness and global markets, leading to benefits

spread across the city.

- Ensure fairness - by providing housing, jobs and services that are close to where people live.

The subject proposal will create short-term jobs during the construction phase and long-term jobs (360) within the local area during on-going operation. This is consistent with the Metropolitan Strategy document for creating small business employment opportunities. The focus on employment is at the centre of the Strategy.

Whilst the PP seeks to introduce office floor space in an out of centre location, the floor space proposed is only a small component of the overall operation. Indeed the office space relates to 'off-site' administration functions and that Liverpool existing centres are not considered to be undermined, as addressed below.

**Draft
Subregional
Strategy**

The NSW Department of Planning's *Draft South West Subregional Strategy* is the strategic land use planning framework to guide the sustainable growth of South West Sydney over the next 25 years. It translates the priorities of the Sydney Metropolitan Strategy to the local level. According to the Strategy, South West Sydney will experience growth in the vicinity of some 155,000 new dwellings, and employment creation in the region's major regional centres of 89,000 jobs over the next 25 years.

It notes that the South West Subregion will continue to be a desirable location for those activities requiring larger affordable sites, proximity to a large population base, and with strong transport links to Port Botany, Sydney Airport and interstate. The subregion will continue to provide employment in manufacturing, building and construction trades as residential and commercial development continues to expand in Western Sydney over the next 25 years.

The subregional strategy emphasises that it will be important that sites and premises for a range of economic activities are provided in the South West to accommodate 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 by the subregional strategy as being strategically located for freight and logistics as well as manufacturing and urban support. The subregional strategy also cautions that fragmentation of the larger holdings and the expansion of retail development would limit its value for these uses.

The proposed rezoning of the site is consistent with the subregional strategy, in that the proposed rezoning will maintain the site as a contiguous whole, while allowing development to make maximum use of the subject site, utilising its proximity to the Liverpool centre, the Liverpool to Parramatta Transitway, and the M5 and M7 motorways.

Liverpool Industrial Lands Strategy	The Liverpool Industrial Lands Strategy is intended to guide the identification, release, rezoning and development of employment lands in the Liverpool LGA. It incorporates three strategic planning documents – the South West Employment Lands Strategy (2003), MACROC Industrial Lands report (2006) and the Employment Lands for Sydney Action Plan (2007). The South West Employment Lands Strategy notes that industrial development requires a degree of flexibility in location choice due to organisations requiring larger sites for consolidation. It also notes the trend towards the requirement for purpose-built facilities. Both considerations are consistent with the intended use of the site at the subject premises. Central to the <i>Employment Lands for Sydney Action Plan</i> is the requirement to protect priority employment land in existing areas, as to is fast tracking the zoning and availability of serviced industrial land to meet the needs of business growth across the state. The Plan gives a broad definition of employment lands, including the traditional industrial areas for manufacturing, warehousing, construction and repairs, and areas containing a mix of activities associated with transforming, storing, maintaining and repairing materials and goods. The proposed rezoning of the subject land 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 not ancillary to the other uses), and in doing so, respond effectively to the demand for a mix of activities relating to employment uses. The proposed amendment is consistent with the objectives of the policy.
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Liverpool Retail Centres Hierarchy Review 2012	Section 6.2 of the Liverpool Retail Centres Hierarchy Review assesses commercial trends and indicates that the emergence of business parks and changes in business composition and technology, over the last decade and a half have resulted in a significant shift in location of office-based activities outside of traditional Activities Areas thereby creating potential competition with existing centres for office tenants. In addition, section 9.3 establishes principles for the future development of commercial office space including: • Guard against leakage of office space to industrial lands and emerging business parks through the restriction of permitted office space as an objective. • Office space primarily should be located in commercial/retail centres. The standard LEP template limits retail and office activity to core commercial and mixed use zones, business development zones and in some cases enterprise corridors. While the proposed rezoning, to permit the construction of a 1600sqm business office at the subject site, would appear to be inconsistent with the recommendations of the Review, 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) obviates the potential conflict. The proposed business offices will not compete with existing centres for commercial tenants and will not therefore contribute to undermining the viability of existing centres.
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5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Growing Liverpool 2021 10 year Community Strategic Plan identifies social and community priorities for Liverpool and proposes strategies that work towards and sustain a positive level of wellbeing within the community.

The planning proposal is considered to be consistent with Council's Community Strategy by supporting economic development and promoting a 'working community'. The zoning of land for business and employment-generating use encourages continued investment in business activity in Liverpool LGA. This in turn will assist in the achievement of a number of "City Strategies" identified below:

- 10.1 Encourage further development of a variety of employment opportunities, which provide for a range of skill levels and employment categories.
- 10.2 Facilitate economic development.

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

Various State Environmental Planning Policies are relevant to the subject site. The requirements of each of these are summarised below.

Consistency with State Environmental Planning Policies (SEPPs)

SEPP	Consistency / Response
55 – REMEDIATION OF LAND	Yes A Phase 1 contamination report has been submitted with the development application DA 237/2011,.
64 – ADVERTISING AND SIGNAGE	Yes Not inconsistent.
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Yes The planning proposal will not contain provisions that will conflict or obstruct the application of the SEPP
INFRASTRUCTURE 2007	Yes The planning proposal will not contain provisions that will conflict or obstruct the application of the SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes Not inconsistent (The relevant principles will inform building design).
Deemed State Environmental Planning Policy No 2 - Greater Georges River Catchment (SREP 2)	Yes The planning proposal will not contain provisions that will conflict or obstruct the application of the SEPP.
EXEMPT AND COMPLYING DEVELOPMENT CODES 2008	Yes The planning proposal will not contain provisions that will conflict or obstruct the application of the SEPP

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

Consideration of Section 117 Directions

Section 117 Direction	Consistency / Response
EMPLOYMENT AND RESOURCES	Yes
1.1 Business and Industrial Zone	The planning proposal does not reduce business zones. However, the rezoning of the land from IN2 – Light Industrial and IN3 – Heavy Industrial to B6 – Enterprise Corridor will continue to provide a range of uses that are of an industrial nature. The proposal will lead to development which will create significant employment on the site, which is consistent with this direction.
HOUSING INFRASTRUCTURE AND	

Section 117 Direction	Consistency / Response
URBAN DEVELOPMENT	
3.4 Integrating Land Use and Transport	The planning proposal will be consistent with this Ministerial Direction and is does not conflict with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
HAZARD AND RISKS	
	Yes
4.3 Flood Prone Land	The planning proposal will be consistent with the Ministerial Direction. 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.
LOCAL PLAN MAKING	
	Yes
6.1 Approval and Referral Requirements	The planning proposal will be consistent with the Ministerial Direction.
	Yes.
6.3 Site Specific Provisions	The Planning Proposal will not introduce new standards other than that which currently apply in Council documents, including the Liverpool Development Control Plan 2008.
METROPOLITAN PLANNING	
	Yes.
7.1 Implementation of the Metropolitan Strategy	The planning proposal will be consistent with the Ministerial Direction. The planning proposal is consistent with the <i>NSW Metropolitan Strategy</i> . The subject land is described as employment land; the proposed rezoning of the land will preserve this land use.

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?*

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

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

It is unlikely that any significant environmental effects will arise as a result of this planning proposal. Relevant matters are outlined below:

Parking and Traffic

A traffic assessment submitted with DA-237/2011 concluded that the proposal will not have a significant impact on the local road system.

Stormwater

The site is located in a low flood risk area. The site is situated above the 1% AEP flood level but within the extent of the PMF event. Council's Floodplain Engineer has advised that conditions pertaining to flooding may be applied at the time of development assessment.

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

The proposal has positive social and economic contributions and will supply a much needed form of employment. It will also contribute to local business operation. Further, the development process will have a positive economic impact upon the development/construction industry, including the prospect of local employment. In addition, employment growth will occur through on-site job creation within administration dealerships and maintenance of vehicles. It is considered that the proposed development will make a positive social and economic contribution.

D. State and Commonwealth interests

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

Yes. No additional infrastructure is required to accommodate the planning proposal. All services are readily available to the site. The site also has good road access and is accessible to the Liverpool-Parramatta Transitway.

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?

Council will forward the proposal to the Department of Planning for Gateway Determination in due course as required by the *Environmental Planning and Assessment Act 1979*.

Any relevant public authorities will be notified of the planning proposal and be given an opportunity to comment on the draft plan.

Part 4 - Community Consultation

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.