LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING **20/12/2010**

ITEM NO:	STRA 02	FILE NO:	RZ-6/2011
SUBJECT:	ORANGE GROVE ROAD, WARWICK FARM - DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO. 19)		
OWNER:	GAZCORP PTY LTD		

EXECUTIVE SUMMARY:

Council is in receipt of an application seeking to amend Liverpool Local Environmental Plan 2008 by rezoning 18 Orange Grove Road, Warwick Farm (otherwise known as Lot 11 DP 833648) from B5 Business Development to B6 Enterprise Corridor.

Also as part of this rezoning application, Council has undertaken a strategic review of the B6 Enterprise Corridor zone within the Liverpool Local Government Area (LGA). In particular, Council officers examined the functionality and practicality of Clause 7.23 which stipulates additional controls for bulky goods and retail development within the B6 Enterprise Corridor zone.

The purpose of this report is to consider the planning proposal, illustrate the issues associated with the rezoning application and to demonstrate the need to make amendments to Clause 7.23. This report also seeks to obtain Council resolution to proceed with the making of this plan and seek gateway determination from the Department of Planning.

DETAILED REPORT:

The proposal

Council is in receipt of an application seeking to amend Liverpool Local Environmental Plan 2008 (LLEP 2008) by rezoning 18 Orange Grove Road, Warwick Farm, otherwise known as Lot 11 DP 833648. The site is located within the Orange Grove Road Megacenta/Markets at the intersection of Viscount Place and Orange Grove Road. Surrounding land uses include Harvey Norman, the Mega Centre, Weekend Markets and various fast food premises. A locality map is provided in Figure 1.

The applicant is seeking to rezone the site to B6 Enterprise Corridor and to amend Clause 7.23 of LLEP 2008, which provides supplementary development controls for retail and

bulky goods development in the B6 Enterprise Corridor zone. The primary objective of this planning proposal is to facilitate the development of a retail premises in this location.

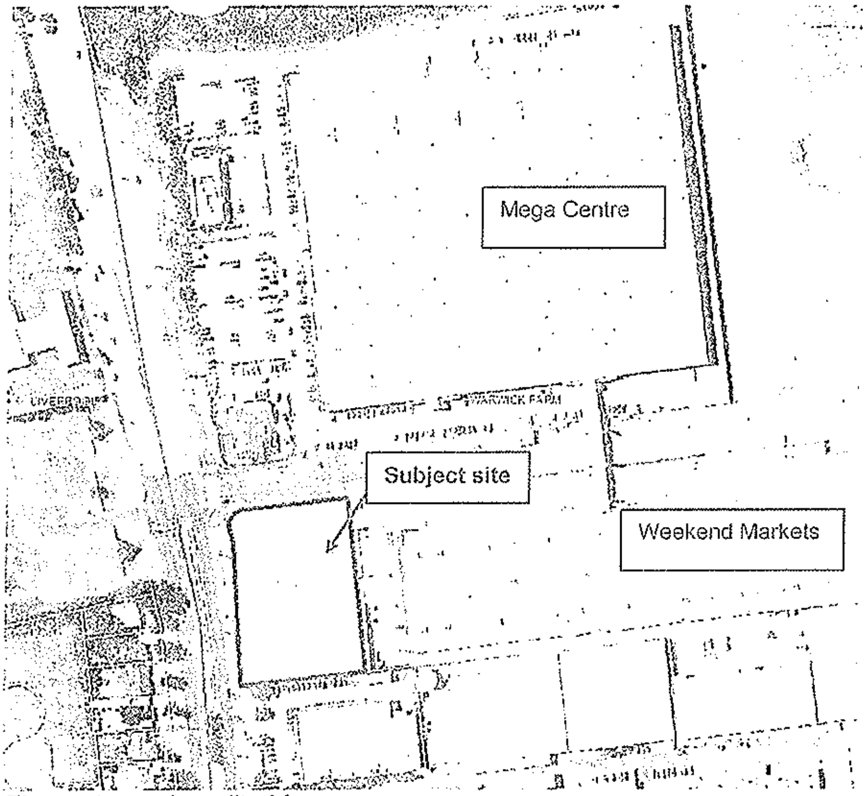

Figure 1: Locality Map

Currently zoned B5 Business Development under LLEP 2008, the site in its present format comprises of three buildings built under previous development consents and are currently used for a vehicle repair station (with associated office and ancillary car wash), bulky goods unit and take-away fast food restaurants. The planning proposal will allow the vehicle repair station building which is positioned in the north-west corner of the site to be replaced with an alternative use. It is proposed that a retail premise will be situated in this location once the site is rezoned and the proposal has gone through the development assessment process.

The proposed development will be located in a standalone building with a gross floor area of approximately 1,342m², and will consist of two components, with 1,237m² of retail floor space at ground level and a first floor area of 105m² to be used as ancillary office space and staff amenities. It should also be noted that the gross floor area of the proposed development does not comply with Clause 7.23 of LLEP 2008, which mandates a gross floor area of 1,000m² for retail development in the B6 Enterprise Corridor zone. This inconsistency is discussed in detail in the following sections of this report.

Application of the B6 Enterprise Corridor zone

This application for rezoning has presented Council with the opportunity to strategically re-examine existing land uses and zoning within this section of Orange Grove Road. Figure 2 provides a snapshot of land uses and existing developments within the vicinity of the site subject to this rezoning.

Figure 2: Land use analysis map

As illustrated in Figure 2, the majority of land within this section of Orange Grove Road is already utilised for business and retail operations. As such, Council considers it appropriate to extend the proposed B6 Enterprise Corridor zoning to incorporate these properties. The application of the B6 Enterprise Corridor zone is deemed logical considering that the majority of existing land uses fit under the objectives of the B6 Enterprise Corridor zone.

From a planning perspective, it is envisaged that the rezoning the site to the B6 zone will not result in any amenity impacts as the site is located within the context of a business zone and does not directly adjoin residential areas. While the intent of the rezoning is to facilitate the development of a retail premise, it should be noted that the following land uses may potentially eventuate on the site under a B6 Enterprise Corridor zoning (i.e. these uses are currently prohibited under the B5 zone):

- Business premises
- Cellar door premises
- Crematorium
- Depot
- Entertainment facility
- Function centre
- Funeral chapel
- Funeral home
- Helipad
- Home based childcare
- Home business
- Home industry
- Information and education facility
- Kiosk
- Livestock processing industry
- Multi dwelling housing
- Neighbourhood shop
- Nightclub
- Place of public entertainment
- Registered club
- Residential flat building (to be further controlled with an appropriate FSR, building height and minimum lot size controls. B6 zones within the LGA are typically characterised with a 2000sqm minimum lot size, maximum building height of 15m and having a FSR of 1.0-1.2:1).
- Restricted premises
- Retail premises
- Rural supplies
- Sawmill or log processing works
- School
- Service station
- Shop
- Shop top housing
- Timber and building supplies
- Transport depot
- Vehicle repair station
- Vehicle sales or hire premises
- Veterinary hospital
- Wholesale supplies

On the whole, the majority of the abovementioned land uses are considered appropriate and are consistent with the existing development on the site.

The rezoning of the subject sites to the B6 Enterprise Corridor zone is supported as the proposal will promote businesses along a main road leading into the Liverpool City Centre, will continue to provide employment opportunities and will encourage a mix of compatible land uses. Orange Grove Road is considered to be a strategic highway corridor and the location of the site along this main arterial road provides an opportunity to strengthen existing retail and employment centres.

Furthermore, the rezoning of these sites conforms with the strategic priorities of the NSW Government which places emphasis on the establishment of economic corridors. Enterprise corridors present an opportunity to take advantage of busy roads by providing locations for niche retailing, small business start-ups and large shops. The proposal is considered to adequately satisfy the overall objectives of the B6 Enterprise Corridor zone.

Figure 3 provides an indicative map of land that will be rezoned to B6 Enterprise Corridor zone under this proposal. This amendment does not make any changes to lot size, height or floor space ratio controls that currently apply to the sites.

Figure 3: Indicative map of land to be rezoned B6 Enterprise Corridor

Clause 7.23 of LLEP 2008

Clause 7.23 of LLEP 2008 provides additional controls for the development of bulky goods premises and retail premises in the B6 Enterprise Corridor zone. Of particular relevance to this planning proposal is Clause 7.23(2) which states:

"Development consent must not be granted to development for the purposes of retail premises on land in Zone B6 Enterprise Corridor if the gross floor area of the retail premises is more than 1,000 square metres".

Given that the proposed development will require approximately 1,237m² of retail floorspace, the landowner has requested that the clause be amended to increase the gross floor area of retail premises to 1,200m².

The 1,000m² limitation for retail premises in the B6 Enterprise Corridor zone was initially introduced in LLEP 2008 to prevent large format anchor tenants from sporadically emerging along major road corridors. The rationale behind this decision is linked to the centres based planning approach, as enforced by the Department of Planning via its Metropolitan Strategy. Under this planning approach, large retail formats are to be located within centres which are supported with a high residential population and public transport services. Additionally, the location of large format retail on main roads will detract, and ultimately compete with the economic viability and performance of centres.

Allowing an unregulated size of outlets along B6 Enterprise Corridor will also result in the dispersal of larger anchor retail and bulky goods businesses which can increase private vehicle trips from one anchor retailer to another. This is contrary to the principles contained within the State Government document, 'Integrating Land Use and Transport-Right Place for Business and Services Policy'.

While Council officers still agree with the aforementioned planning principles, it has been realised that there are limited opportunities for new retailers to operate within existing centres in the Liverpool LGA due to physical constraints which hinders the opportunity for the expansion of centres. This has become increasingly evident as a number of other landowners/investors have approached Council about facilitating highway related development in the B6 zone, however have deemed the proposal unpractical due to the retail floorspace limitations of Clause 7.23(2). As such, there is a clear need for Council to provide areas in which these land uses can be accommodated.

In light of the above factors, an increase to the floorspace limitation for retail premises in the B6 Enterprise Corridor zone is considered justified. As part of this amendment, it is proposed that the gross floor area of retail premises in the B6 Enterprise Corridor zone should be increased to 1,600m². This amount of increased retail floorspace is considered appropriate as it will cater to a wide range of medium sized retail uses without attracting large-format supermarkets. The amendment will not pose a considerable threat to existing neighbourhood and local centres nor will it impact upon Council's hierarchy of retail centres.

Please note that the amended clause is not site-specific and will apply to all B6 Enterprise Corridor zoned land throughout the Liverpool LGA.

Merits of the proposal

The rezoning of the subject sites to B6 Enterprise Corridor is supported as it will reinforce the economic strength of this specialist centre and result in a more economic use of the site. The location of this proposed development is ideal as these land uses are typically located in areas with high visibility and accessibility. In addition, the rezoning will promote business activity on a main road leading into the Liverpool City Centre, which accords with the objectives of the B6 Enterprise Corridor zone. Furthermore, the proposal will encourage investment and increase employment opportunities in South Western Sydney, which is consistent with the directions contained within the Metropolitan Strategy.

The traffic report submitted with the rezoning application indicates that there will be no significant traffic impacts on the adjoining road network and will have no significant impact on parking availability. Access to the site is currently provided by an existing signalised intersection of Viscount Place and Orange Grove Road. The site is also serviced with a supplementary left in/out entry and exit point to Orange Grove Road. In terms of on-site parking, 43 car spaces including one disabled space are provided at the front of the building along Orange Grove Road.

The planning proposal for this amendment is included as part of Attachment 1.

Conclusion
The impacts of the proposal have been considered and would not present a detriment to the surrounding area as the proposed retail use is compatible with other retailing in this centre. There will be no increase in traffic impact on Orange Grove Road given there will be no change to the site entry/exit locations and the site will have an adequate amount of parking spaces. Additionally, the proposed rezoning will have a negligible economic impact and will not undermine the Liverpool City Centre as a Regional City.

There are no anticipated adverse impacts associated with the rezoning and amendment to Clause 7.23. It is recommended that Council prepares and exhibits an amendment to LLEP 2008 to rezone the sites identified in Figure 3 from Zone B5 Business Development to Zone B6 Enterprise Corridor and amend height, FSR and other relevant controls.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from the recommendations in this report.

RECOMMENDATION:

That Council:

1. Resolves to prepare and exhibit an amendment to Liverpool Local Environmental Plan 2008 (Amendment No. 19) to amend clause 7.23 and to rezone Lot 11 DP 833648, Lot 100 and part Lot 101 DP 1043160, Lot A DP 89031 and Lot 1 DP 775468 Orange Grove Road, Warwick Farm.

2. Forwards a copy of the Planning Proposal to the Department of Planning, seeking gateway determination and following that proceeds with agency and public consultation.

SIGNED BY:

Milan Marecic
Director
City Strategy

Attachments: Attachment 1: Planning Proposal (under separate cover)
Attachment 2: List of Company Directors

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List of Gazcorp Pty Ltd Company Directors (for Lot 11 DP 833648 as part of the rezoning application)

- Nicholas Gazal
- Maud Gazal
- Nabil Jnr Gazal