

Liverpool Local Environmental Plan 2008 (Amendment No 55) – To permit additional uses (service station and take away food and drink premises) at 1-5 Yato Road, Prestons

Proposal Title : Liverpool Local Environmental Plan 2008 (Amendment No 55) – To permit additional uses (service station and take away food and drink premises) at 1-5 Yato Road, Prestons

Proposal Summary : The planning proposal is to amend Liverpool Local Environmental Plan 2008 to permit additional uses (service station and take away food and drink premises) on the subject site by amending Schedule 1 of Liverpool Local Environmental Plan 2008 and relevant Key Sites maps.

The proposal restricts to only one take away food and drink premises on the site with gross floor area not greater than 300 square metres.

The site is zoned IN3 Heavy Industrial under the provisions of Liverpool Local Environmental Plan 2008 and the proposed additional uses are not permitted in IN3 zoned land.

PP Number : PP_2015_LPOOL_004_00 **Dop File No :** 15/10361

Proposal Details

Date Planning Proposal Received :	06-Jul-2015	LGA covered :	Liverpool
Region :	Metro(Parra)	RPA :	Liverpool City Council
State Electorate :	LIVERPOOL	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	1-5 Yato Road		
Suburb :	Prestons	City :	Liverpool
		Postcode :	2170
Land Parcel :	Lot 1 DP 1168422		

DoP Planning Officer Contact Details

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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 :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	7

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

If No, comment : **The Department's Lobbyist Contact Register has been checked on 2 July 2015, and there are no records on the Department's Lobbyist Contract Register regarding this matter.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **STATE ELECTORATE**

The site is located within Holsworthy State Electoral District.

ADDITIONAL INFORMATION

The planning proposal was received on 2 July 2015. Further information was sought from Liverpool Council and received on 6 July 2015.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

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External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The planning proposal seeks to amend Liverpool Local Environmental Plan 2008 to permit additional uses (service station and take away food and drink premises) on the subject site. The proposed uses will be inserted in Schedule 1 Additional Uses of the LEP with reference on Key Sites map. The proposed clause will restrict only one take away food and drink premises on the site with gross floor area not greater than 300 square meters.

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

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

Comment : Council has provided an explanation and relevant maps for the proposed amendments. The planning proposal seeks to amend the LLEP Key Sites Maps 8 and 13.

The proposed Clause 9 to Schedule 1 on the subject land is as follows:

9 Use of certain land for service stations and take away food and drink premises

(1) This clause applies to land shown coloured yellow on the Key Sites Map.

(2) Development for the following purposes is permitted with consent:

(a) service stations,

(b) take away food and drink premises if:

(i) there will be no more than 1 take away food and drink premises at each of the area shown coloured yellow on the Key Sites Map, and

(ii) the gross floor area of the take away food and drink premises is not greater than 300m².

It is considered that the explanation of the proposed amendments are adequate. Council may be required to identify the details of the site in the clause.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 47—Moore Park Showground

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

GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO 2 – GEORGES RIVER CATCHMENT

The aim of the SREP is to protect the environment and water quality of Georges River and its tributaries by ensuring that the impacts of future land uses are considered in a

regional context. Part 2 of the SREP provides when planning principles, general principles and specific planning principles are to be applied (copy in Documents).

Section 9 (3) of the SREP prohibits chemical or fuel storage on flood liable land. This issue has been discussed in detail under section 117 Direction 4.3 Flood Prone Land.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Council has advised that the planning proposal is not inconsistent with the requirements of this State Environmental Planning Policy.

S117 DIRECTIONS:

1.1 BUSINESS AND INDUSTRIAL ZONES

This direction applies as the planning proposal involves an existing industrial zoned land. The proposal does not reduce the industrial zone, it maintains the industrial zone but provides additional land uses that are permissible in the Liverpool LEP 2008, and the proposed uses will service local industrial area as well as passing traffic. The proposed uses would result in a minor (0.2%) reduction in land used for heavy industry in Prestons.

It is considered that the proposal is not inconsistent with the direction.

3.4 INTEGRATED LAND USE AND TRANSPORT

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle 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).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. The site is well situated along a major road and 600 metres south of the M7. The proposal for service station and take away food and drink premises at this location will service Prestons Industrial Area and will reduce travel distances required to access these services.

The proposal is considered to be consistent with the direction.

4.3 FLOOD PRONE LAND

This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

This direction applies as the site is identified as being flood prone land (see flood map in Documents). Fuel storage, a likely ancillary use of a service station, is prohibited on all flood liable land to which the Greater Metropolitan Regional Environmental Plan (GMREP) 2 – Georges River Catchment applies, including the site. Council has however advised that a development application for interim flood mitigation works has been approved. These mitigation works are expected to be completed by October 2016. Council has further advised that subject to the completion of these works, the site will be flood free under 100 year flood levels and thus the prohibition on the fuel storage under GMREP 2 will no longer apply to the land.

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It is recommended that Council formally consult with Office of Environment and Heritage.

6.3 SITE SPECIFIC PROVISIONS

The objective of this direction is to discourage unnecessary restrictive site specific planning controls.

The direction applies as the planning proposal is to include two additional permitted uses on a specific site, i.e. service station, and take away food and drink premises and restricts only one take away food and drink premises on the site with gross floor area not greater than 300 square meters to prevent additional development along a major road.

The inconsistency is considered to be of minor significance. The proposed additional uses are industrial support services and consistent with the objectives of the IN3 Heavy Industrial zone (copy in Documents). Council contends that these uses are commonly classified as permissible in IN3 Heavy Industrial in other Local Government Areas.

Council further advised that the site is suitably located to provide amenities to the nearby Prestons Industrial area with food and fuel. It is located near the intersection with M7 motorway and is used by most industrial traffic in the area. The local workforce would no longer need to travel outside the area to access these services.

The inconsistency with the direction is considered to be of a minor significance. Approval of the Secretary is recommended, to satisfy the Direction.

7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

The planning proposal is consistent with "A Plan for Growing Sydney" and the draft North West Subregional Strategy.

The planning proposal is supported, as it will provide local amenities (food and fuel) for Prestons Industrial Area. The local workforce would no longer need to travel outside the area to access these services.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal seeks to amend Liverpool Local Environmental Plan 2008 Key Sites Maps 08 and 13.

Council has provided the following maps:

- Location Map
- Aerial View of the site and surrounding areas
- Existing land use maps
- Flood Map
- Proposed Key Site maps

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the planning proposal will be placed on public exhibition for a minimum of 14 days.

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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 :

The Liverpool principal plan was made in 2008. This planning proposal is draft Amendment No 55 to Liverpool Local Environmental Plan 2008.

Assessment Criteria

Need for planning
proposal :

BACKGROUND

The subject land is located on the south-eastern corner of Bernera Road and Yato Road about 600 metres south of the M7 (location maps are in documents). The site (8541 sqm) is regular in shape and is vacant. It was previously used for market gardening purposes. The land is level and clear of vegetation. The land is situated in a low and medium flood risk area. This issue has already been discussed in detail under s117 Direction 4.3 Flood Prone Land.

The land is located within Prestons Industrial Area, a predominantly IN3 Heavy Industrial zoned precinct with lots on the southern fringe zoned IN1 General Industrial (existing zoning maps in Documents). The Prestons Industrial Area contains a mix of factory units through to large stand-alone industrial/warehouses.

To the south across Kurrajong Road is residential development, which has occurred since the rezoning of this area in 1992.

Under the Liverpool Local Environmental Plan 2008, the land is zoned IN3 Heavy Industrial and the proposed uses are not permitted on IN3 Heavy Industrial zoned land. Council has advised that there are currently no service stations or take away food and drink premises in this precinct.

Council considers that the proposed uses i.e. service station and take away food and drink premises will minimise travel distances for industries and workers within the precinct accessing these services.

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Consistency with strategic planning framework :

METROPOLITAN STRATEGY

A PLAN FOR GROWING SYDNEY

The planning proposal is considered to be of minor significance in context of the “A Plan for Growing Sydney”. The planning proposal is not inconsistent with the goals and actions of the Plan as the proposed additional uses will service the surrounding employment lands, which will help in creating a competitive economy and in transforming the productivity of Western Sydney through growth and investment.

DRAFT SOUTH WEST SUBREGIONAL STRATEGY

The planning proposal is not considered to be inconsistent with the draft South West Sub-regional Strategy.

OTHER STRATEGIES

The Liverpool Industrial Lands Strategy was prepared as part of the supporting documents to Liverpool Local Environmental Plan 2008 and it aims to guide the development of employment lands. Further, South West Employment Lands Strategy (2003), MACROC Industrial Lands Report (2006) and Employment Lands for Sydney Action Plan (2007) were the other documents that formed the basis of the controls now contained in the Liverpool Local Environmental Plan 2008. Council further contends that the M5 and M7 were seen as playing a critical role in the development of employment lands in Liverpool and the broader Western Sydney.

The planning proposal is considered to be consistent with these documents as it involves employment land support services in location where those services will have a direct access to the M7 and the motorways/freeways that it connects.

Environmental social economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The planning proposal involves minimal adverse environmental impacts. The potential impacts could be such as stormwater quality, traffic impacts, rubbish generation or soil and sediment control etc., which could be addressed at development application stage.

The proposal is expected to have a positive social and economic impact in terms of serving day-to-day convenience needs of the industrial area generated traffic and the local area workforce.

It is acknowledged that initially there may be some levelling of trade volumes of existing outlets within the broader area, however, these trade levels will naturally increase as further industrial development occurs. However, in the long term the current and future trade will not have to deviate from the industrial main road system to access the existing outlets.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Transport for NSW - Roads and Maritime Services Sydney Water Telstra		

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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 :

No internal consultation 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 Letter.pdf	Proposal Covering Letter	Yes
Revised Planning Proposal (6 July 2015) - LLEP 2008 (Amendment 55) - 1-5 Yato Road Prestons.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Location and Aerial maps.pdf	Map	Yes
Existing Land Use map.pdf	Map	Yes
Existing Land Use Map - 2.pdf	Map	Yes
Flood map.pdf	Map	Yes
Key Site Map.pdf	Map	Yes
IN3 Heavy Industrial - Extract from LLEP 2008.pdf	Determination Document	Yes
Relevant extract from Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment.pdf	Determination Document	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
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **RECOMMENDATION**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:

(a) the planning proposal must be publicly exhibited for 14 days, and

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(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of A Guide to preparing local environmental plans (Department of Planning and Environment 2013).

2. The Secretary's delegate pursuant to:

- the item (4) of the Section 117(2) Direction – 6.3 Site Specific Provisions, endorses inclusion of service stations and take away food and drink premises and the site specific controls applying to the site.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Road and Maritime Services
Endeavour Energy
Office of Environment and Heritage
Sydney Water
Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

DELEGATION OF GATEWAY DETERMINATION

The proposal is considered to be of a minor nature, and it is recommended that the determination function of the Gateway be exercised under delegation by the Director, Metropolitan Region (Parramatta).

DELEGATION TO COUNCIL

Liverpool City Council has not requested plan making functions be delegated to Council. Given the minor nature of the planning proposal, it is recommended that delegations of the Plan Making functions be given to Council in this instance.

Supporting Reasons : The planning proposal is supported, as it will provide local amenities for workers. The local workforce would no longer need to travel outside the area to access these services.

Signature:

R. Cumming

Printed Name:

Rachel Cumming

Date:

27/7/2015

