

PLANNING AND GROWTH REPORT

ITEM NO: DPG 01

FILE NO: 101193.2015

SUBJECT: Proposal to amend LLEP 2008 to permit additional uses (service station and take away food and drink premises) at 1-5 Yato Road, Prestons

RECOMMENDATION

That Council:

1. Endorses the Planning Proposal and forwards it to the NSW Department of Planning and Environment seeking a Gateway determination
2. Subject to Gateway approval, proceeds with public authority consultations and public exhibition in accordance with the determination.
3. Notes that the outcomes of public authority consultation and public exhibition will be reported to Council in the future.

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Shelton

That the recommendation be adopted.

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

Vote for:

Mayor Mannoun
Clr Balloot
Clr Hadid
Clr Harle
Clr Mamone
Clr Ristevski
Clr Shelton
Clr Stanley
Clr Waller

Vote against:

Clr Hadchiti
Clr Karnib

DPG 01	Proposal to amend LLEP 2008 to permit additional uses (service station and take away food and drink premises) at 1-5 Yato Road, Prestons
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Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	101193.2015
Report By	Benny Horn - Strategic Planner
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

Council has received a Planning Proposal to permit additional uses (Service Station and Take Away Food and Drink Premises) on Lot 1 DP 1168422, known as 1-5 Yato Road, Prestons. The applicant proposes amending the Liverpool Local Environmental Plan (LLEP) 2008 Key Sites map to mark the site as a Key Site to which *Schedule 1 Clause 9 - Use of certain land for service stations and take away food and drink premises* would apply.

The subject site is zoned IN3 Heavy Industrial in the LLEP 2008 and measures 8,541 square metres. It is located in the 160-hectare western precinct of Prestons industrial area, a predominantly IN3 precinct with lots on the southern fringe zoned IN1 General Industrial.

In the LLEP 2008 the proposed uses are not permitted on IN3 zoned land. There are currently no service stations located in the western precinct. The nearby M7 motorway is also poorly serviced by service stations.

The site is suitably located to provide for worker amenities such as food and refuelling as it is situated at an intersection through which most traffic in the western precinct flows. The local workforce would no longer need to travel outside the area to access these services. The proposed uses would result in a minor (0.2%) reduction in land used for heavy industry in Prestons.

Whilst not currently permissible on the subject site, the proposed additional uses are industrial support services consistent with objectives of the IN3 zone and State and local policies. Reflecting compatibility with heavy industry, these uses are commonly classified as permissible on IN3 land in other LGAs. This report recommends Council endorses the

Planning Proposal and submits it to the NSW Department of Planning and Environment for Gateway determination.

RECOMMENDATION

That Council:

1. Endorses the Planning Proposal and forwards it to the NSW Department of Planning and Environment seeking a Gateway determination
2. Subject to Gateway approval, proceeds with public authority consultations and public exhibition in accordance with the determination.
3. Notes that the outcomes of public authority consultation and public exhibition will be reported to Council in the future.

REPORT

Background

On 31 March 2015, Council received a Planning Proposal seeking an amendment to LLEP 2008 to permit additional uses (Service Station and Take Away Food and Drink Premises) on Lot 1 DP 1168422, 1-5 Yato Road, Prestons and located in Prestons industrial area.

Prestons industrial area is nearly 400 hectares in area and divided by the M7 Motorway running from the south to the north-west. The subject site is located in the 160-hectare western half of Prestons industrial area (see Figure 1). The western precinct was rezoned as an IN3 Heavy Industrial area in 2007 and is still undergoing transformation from market gardens and related uses. Lots on the southern fringe, along Kurrajong Road, are zoned IN1 General Industrial, with a residential neighbourhood located opposite. Access ramps to/from the M7 Motorway are north of the subject site along Bernera Road.

Future industrial development in the western precinct is expected to be of a similar form and function to that in the eastern precinct. The eastern precinct was rezoned for heavy industry in the 1990s and now comprises a mix of factory units and warehouse uses that capitalise on the area's proximity to the M7 Motorway.

The subject site is a rectangular-shaped lot, measuring 8,541 square metres, and is situated at a four-way intersection at the centre of the western precinct. The site has frontages to Yato Road (68 metres) and Bernera Road (95 metres) (see Figure 2). It is zoned IN3 (see Figure 3), and is 600 metres south of M7 Motorway on- and off-ramps and 300 metres north of Kurrajong Road. The site was previously used for market gardens and is currently unused.

The proposed uses are currently not permitted on the site. Under LLEP 2008, service stations are prohibited on IN3 and IN1 land and thus not permitted in the western precinct.

Take away food and drink premises are prohibited on IN3 land. There are presently no service stations or take away food and drink premises in the western precinct.



Fig 1: Site context



Fig 2: Aerial view of the subject site (marked in red)

Furthermore, the subject site is situated in a low and medium flood risk area. 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 this site. However, in 2014 Council approved a development application

for interim flood mitigation works as agreed by the property owners, to be completed by October 2016. Subject to the completion of these works and a work-as-executed plan being submitted to Council, the site will be flood-free under 100-year flooding levels and thus the prohibition on fuel storage under GMREP 2 will no longer apply to this land.



Fig 3: Current zone IN3 Heavy Industrial



Fig 4: Proposed Key Site in LLEP 2008

Proposed LLEP 2008 amendment

The Planning Proposal (Attachment 1) seeks to amend LLEP 2008 to permit additional uses (service station and take away food and drink premises) on the subject site. Council's Traffic and Transport, Development Assessment, Flood Engineering and Land Development departments have reviewed the planning proposal and support the proposed amendment.

The proposed amendment would alter the LLEP 2008 Key Sites Map to mark the subject site in yellow as a 'key site' to which *Schedule 1 Clause 9 – Use of certain land for service stations and take away food and drink premises* would apply (Attachment 2), as follows:

Maps to be amended	Map reference	Proposed change
Key Sites Map	4900_COM_KYS_007_020_20140716	Yellow fill
Key Sites Map	4900_COM_KYS_013_020_20140716	Yellow fill

Schedule 1 Clause 9 permits the following with consent:

- Service stations
- Take away food and drink premises if:
 - there will be no more than 1 take away food and drink premises at each key site, and
 - the gross floor area of the take away food and drink premises is not greater than 300 square metres.

Evaluation

The provision of a service station and take away food and drink premises in the western precinct of Prestons industrial area would address the growing demand of the local

workforce for amenities and reduce unnecessary traffic generation, as these workers would no longer need to travel outside the area to refuel or obtain food and refreshments. Currently, the nearest service station equipped for heavy vehicle traffic is on Hoxton Park Road, approximately 2.5 kilometres by road from the subject site.

The subject site is ideally located to provide these services in the western precinct, as the road layout of the area funnels most local heavy vehicle traffic through the Bernera Road/Yato Road intersection adjacent to the site. The proposed take away food and drink premises may attract some trade from similar outlets in nearby residential neighbourhoods. However, this is likely to be minor, as its location in an industrial area would deter residents and similar outlets in adjacent neighbourhoods are in closer proximity to local residents.

Service stations and take away food and drink premises are currently prohibited on land zoned IN3 in LLEP 2008, and permitting these uses on this site would reduce land available for industrial development in the area. However, the reduction in land would be minor as the site comprises some 0.2% of land in Prestons industrial area. Furthermore, the proposed uses would provide services that support the industrial development of the precinct, and these wider benefits would outweigh the impact of the loss of land.

The additional permitted uses are consistent with objectives of the IN3 zone, particularly “to minimise any adverse effect of heavy industry on other land uses” and “to encourage employment opportunities”. Reflecting their compatibility with heavy industrial land use, service stations and take away food and drink premises are commonly classified as permissible on land zoned IN3 in other NSW local government areas. It is noted that the alternative of locating service stations in residential areas (local centres) can often result in adverse amenity impacts on nearby residents (e.g. noise, odour, traffic, light spill). Additionally, the proposed approach to amend LLEP 2008 to permit these additional uses would not replace the IN3 zoning of the site, thus ensuring the site can still be used for heavy industrial purposes in the future.

Consistency with State and local policies

Metropolitan and subregional strategies

The metropolitan strategy ‘*A Plan for Growing Sydney*’ sets out strategic directions and subregional priorities for Sydney. The proposed service station and take away food and drink premises will make a minor contribution to strengthening Prestons industrial area and the employment opportunities this area provides. This is consistent with the metropolitan strategy’s Action 1.9.2 - Support key industrial precincts with appropriate planning controls, which advocates an evidence-based decision-making approach to identify where improved and innovative planning controls may allow for the ongoing evolution of industrial activities.

Growing Liverpool 2023

This document identifies economic, social, environmental and governance strategies and goals for Liverpool. By strengthening Prestons industrial area and the employment opportunities this area provides – albeit to a minor extent – and reducing heavy vehicle traffic generation in local neighbourhoods, the Planning Proposal is considered to be consistent with the following strategies in Growing Liverpool 2023:

- 1d. Improve the availability of a diverse range of jobs and increase workforce participation rates; and
- 6a. Provide safe and easy travel with a high quality road and traffic management network.

Liverpool Industrial Lands Strategy

Liverpool's Industrial Lands Strategy aims to guide the development of employment lands in the LGA. The Planning Proposal involves the provision of support services for Prestons industrial area in a suitable location, and is thus considered consistent with this Strategy as it promotes the development of local employment lands.

Conclusion

The Planning Proposal to permit a service station and take away and food premises on this site would support the development of the western precinct of Prestons industrial area. It would provide refuelling to heavy vehicles and food and drink amenities to the local workforce in an area where such industrial support services do not currently exist.

The site is ideal for such services, being centrally located at the intersection through which most heavy vehicles in this area will pass when travelling to/from the M7 motorway. Permitting the proposed uses on this site would thereby reduce traffic generation caused by heavy vehicles and the workforce travelling further afield to access such services.

The Planning Proposal is consistent with relevant guidelines, legislation, policies and Ministerial directions. It is recommended that Council resolve to forward this Planning Proposal to the NSW Department of Planning and Environment for Gateway determination.

CONSIDERATIONS

Economic and Financial	Facilitate economic development.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Planning Proposal [View](#) (Under separate cover)
2. Proposed LLEP 2008 Key Sites Map [View](#) (Under separate cover)