

PLANNING PROPOSAL

**LOT 1 DP 1168422
1 TO 5 YATO ROAD
PRESTONS**

LGA – LIVERPOOL CITY COUNCIL

**March 2015
(Revised April 2015)
(Revised 6th July 2015)**

Copyright:

The concepts and information contained within this document is the property of Rhodes Haskew Associates. Use or copying of this document in whole or in part without the written permission of Rhodes Haskew Associates constitutes an infringement of copyright

DAVID HASKEW

PO Box 510, Camden NSW 2570

GARY RHODES

M: 0414407022

P: 0247531270

M: 0418645978

P: 0246571442

d_haskew@iprimus.com.au

grhodes@saludell.com.au

TABLE OF CONTENTS

SECTION	MATTER	PAGE
	EXECUTIVE SUMMARY	3
1.0	INTRODUCING THE SUBJECT SITE	4
1.1	Site Location	4
1.2	Site Description	6
1.3	Existing Use	6
1.4	Surrounding Uses	6
1.5	Topography/Vegetation	7
1.6	Liverpool LEP 2008	7
2.0	THE PLANNING PROPOSAL	9
2.1	Part 1 – Statement of Objectives and Intended Outcomes	9
2.2	Part 2 – Explanation of Provisions	9
2.3	Part 3 – Justification for Planning Proposal	9
2.4	Part 4 - Mapping	22
2.5	Part 5 – Community Consultation	23
2.6	Part 6 – Project Timeline	23

Plates.

Plate 1 – Location of Land.	4
Plate 2 – Aerial View of the Site and Surrounding Development.	5
Plate 3 – Aerial View of Subject Land.	6
Plate 4 – Industrial Area Segments Relative to Access.	10
Plate 5 – Required Mapping Amendments	23

EXECUTIVE SUMMARY

Rhodes Haskew Associates has been engaged by Dosarp Pty Ltd to prepare a Planning Proposal for a rezoning application to permit additional uses (Service Station and a Take Away Food and Drink Premises) on Lot 1 DP 1168422 Nos. 1 to 5 Yato Road Prestons (the Subject Land) being land located within the Prestons Industrial Area.

The Planning Proposal seeks amendment of Liverpool Local Environmental Plan 2008 (LLEP 2008) by amendment of the Key Sites Maps 8 and 13 (the land being located on the join line of these two sheets such that yellow colouring will indicate the subject land). In turn the Provisions of Schedule 1 Clause 9 would apply.

The additional uses go to the servicing of the business houses, employees and transport associated with the industrial uses of the area. The application is based on the particular circumstances of the subject land given its access relationship to the M7, frontage to Bernera Road and the situation that it is now located on the traffic light controlled intersection of Yarrunga Road and its easterly extension being Yato Road.

This Planning Proposal has been prepared in accordance with the Department of Planning's Gateway rezoning process and takes into account the Department's Guide to Preparing Planning Proposals and Guide to Preparing Local Environmental Plans.

The proposal is not inconsistent with local, sub-regional or regional strategies nor is it inconsistent with State Policies or Ministerial Directions.

The proposed additional uses are considered to be appropriate for the subject land given the particular locational characteristics of the land and its ability to readily service the surrounding industrial development as well as traffic (including heavy vehicle traffic) using the broader main road system.

1. INTRODUCING THE SUBJECT LAND

1.1 Site Location

The subject land is located on the south-eastern corner of Bernera Road and Yato Road some 250 metres to the north of Kurrajong Road and 600 metres south of the M7. The land is located within the “Yarrunga” section of the Prestons Industrial Area and being within the Local Government Area of Liverpool City Council. The location of the land is shown in **Plate 1** below.



PLATE 1 – LOCATION OF LAND

The following **Plates 2 and 3** provide aerial views of the surrounding area and the site itself.

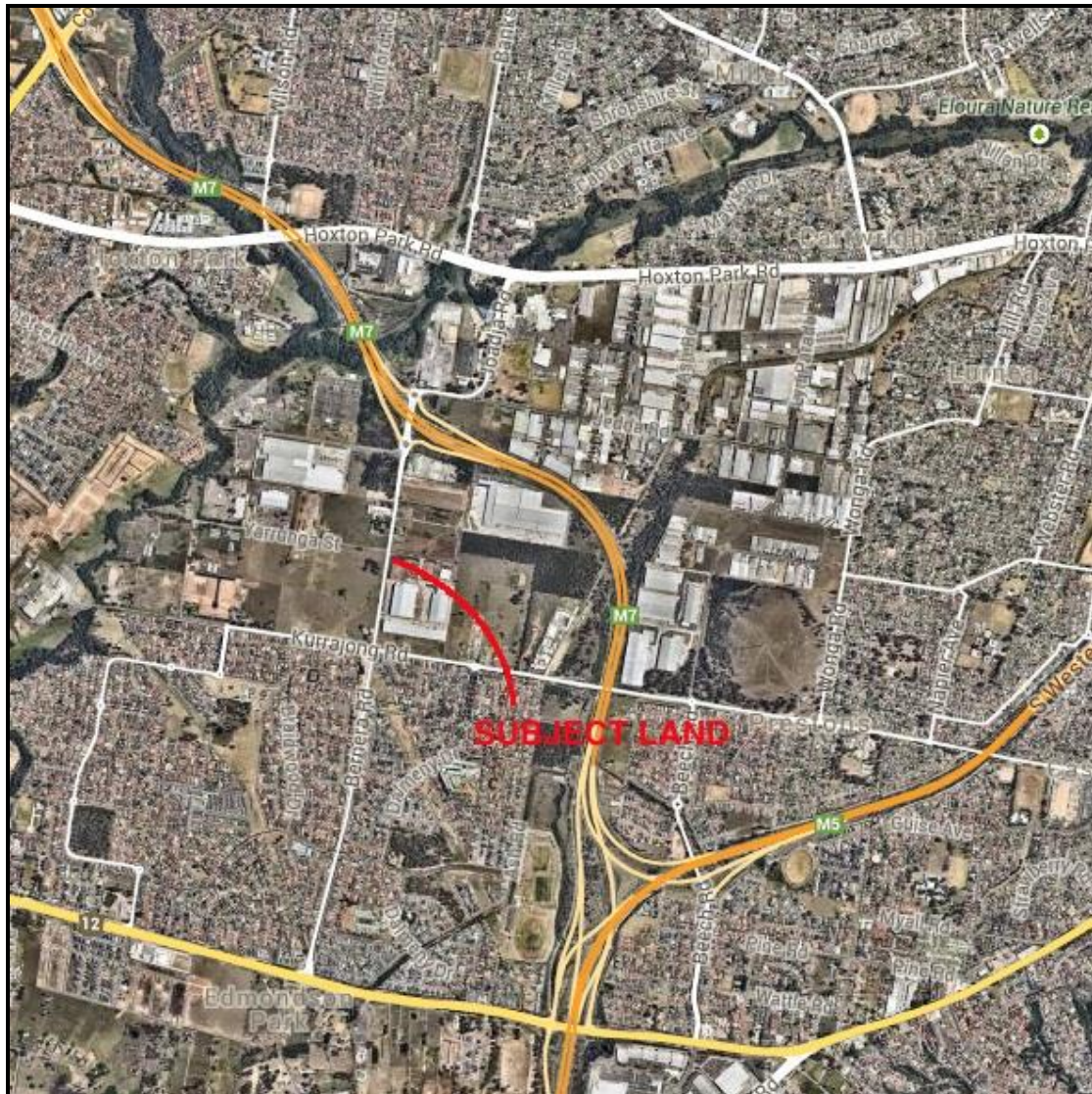


PLATE 2 – AERIAL VIEW OF THE SITE AND SURROUNDING DEVELOPMENT.



PLATE 3 – AERIAL VIEW OF SUBJECT LAND

1.2 Site Description

The subject land is described as Lot 1 DP 1168422 Nos. 1 to 5 Yato Road Prestons. The subject land is a regular shaped parcel, having a frontage to Bernera Road of 95.18m with a splay of 16.97m (chord) and a frontage to Yato Road is 67.875m. The area of the land is 8541sqm.

1.3 Existing Use

The land is now unused, it having previously been used for market gardening purposes.

1.4 Surrounding Uses

The Prestons Industrial Area contains a mix of factory units through to large stand-alone industrial/warehouse uses. It can be expected that the development form of the existing industrial area will be replicated through the extended area.

To the south across Kurrajong Road is residential development, which has occurred since the rezoning of this area in 1992. The pre-planning of the "Yarrunga Release" acknowledged this development form and an approach has been taken to limit industrial use impact, including associated heavy vehicle movements on the edges and through this residential area. It is this situation that led to the required provision of the new road along the northern boundary of the subject land with it not only servicing the Aldi site, but also the industrial lots fronting Kurrajong Road in terms of heavy vehicle movements. The construction of the M7 and its location through the industrial area, means that heavy vehicle movements can be concentrated to this Bernera Road part of the main road system.

1.5 Topography/Vegetation

The land represents good level building land clear of vegetation. There are no constraints in terms of the proposed development.

1.6 Liverpool Local Environmental Plan 2008 (LLEP 2008)

The subject land is covered by the provision of Liverpool LEP 2008, which came into effect on the 29th August 2008. The subject land is within Zone No. IN3 and the Land Use Table is provided below.

Zone IN3 Heavy Industrial

1 Objectives of zone

- *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.*

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries;

Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Horticulture; Kiosks; Light industries; Mortuaries; Offensive storage establishments; Passenger transport facilities; Recreation areas; Recreation facilities (outdoor); Resource recovery facilities; Roads; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Any development not specified in item 2 or 3

The additional permitted uses sought under this rezoning application would fall within the following definitions.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- (b) the cleaning of motor vehicles,*
- (c) installation of accessories,*
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- (e) the ancillary retail selling or hiring of general merchandise or services or both.*

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Schedule 1 Clause 9 of the LEP provides:

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 areas 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.*

2. THE PLANNING PROPOSAL

2.1 Part 1 – Statement of Objectives and Intended Outcomes

The intended outcome is to amend Liverpool LEP 2008 (LLEP 2008) as it applies to the subject land. The amendment seeks to enable the development of the subject land for the purposes of a “service station” and “take away food and drink premises” being uses defined under the LEP as detailed in the preceding section. Essentially the amendment will identify the subject land as a “key site” and the existing Provisions of the LEP (Schedule 1 Clause 9) would then apply.

2.2 Part 2 – Explanation of Provisions

This Planning proposal seeks to amend the LLEP Maps 8 and 13 – Key Sites (the subject land is at the join line of these two sheets) by indicating the subject land by yellow colouring. In turn the provisions of Clause 9 of Schedule 1 would apply to the subject land being:

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 areas 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.*

2.3 Part 3 – Justification for Planning Proposal

The subject land is located within the Prestons Industrial Area and, more particularly, within the “Yarrunga” section of that area. The northern section of the industrial area, being generally north/northeast of the now M7, was released for development in the 1990’s and is now substantially developed for a mix of industrial uses ranging from small industrial units to large scale stand-alone industrial/warehouse uses. A relatively small section of the original industrial area to the west and south of the now M7 and extending southwards along the eastern side of Bernera Road was also released in the 1990’s and this is about 80% developed. This area includes the “Aldi” site, which has been developed for a substantial warehouse accessed via the new road (Yato Road) now constructed along the northern boundary of the subject land.

The more recently released section of the Prestons I. A. known as the “Yarrunga Release” was rezoned in July 2007 via Liverpool LEP Amendment No 98. The area is generally to the west of the M7 (and more particularly to the west of Bernera Road) and extends southerly to Kurrajong

Road and westerly to Cabramatta Creek. The now combined Prestons Industrial Area has an area of approximately 400 hectares.

The subject land is considered to be ideally located to directly serve the needs of industrial use generated traffic including the diesel refueling requirements of heavy vehicles. In this regard, it is noted that Yarrunga Road has been extended easterly from Bernera Road with the creation of Yato Road forming a four-way intersection (under traffic signal control) with Bernera Road. The planning of the 'Yarrunga' industrial release component of the Prestons Industrial Area will have the effect of concentrating a significant amount, if not a majority, of the industrial generated traffic through this intersection thence Bernera Road for access to/from the M7. The segments that will rely on access have different characteristics in terms of traffic generated and **Plate 4** below indicates the segments.

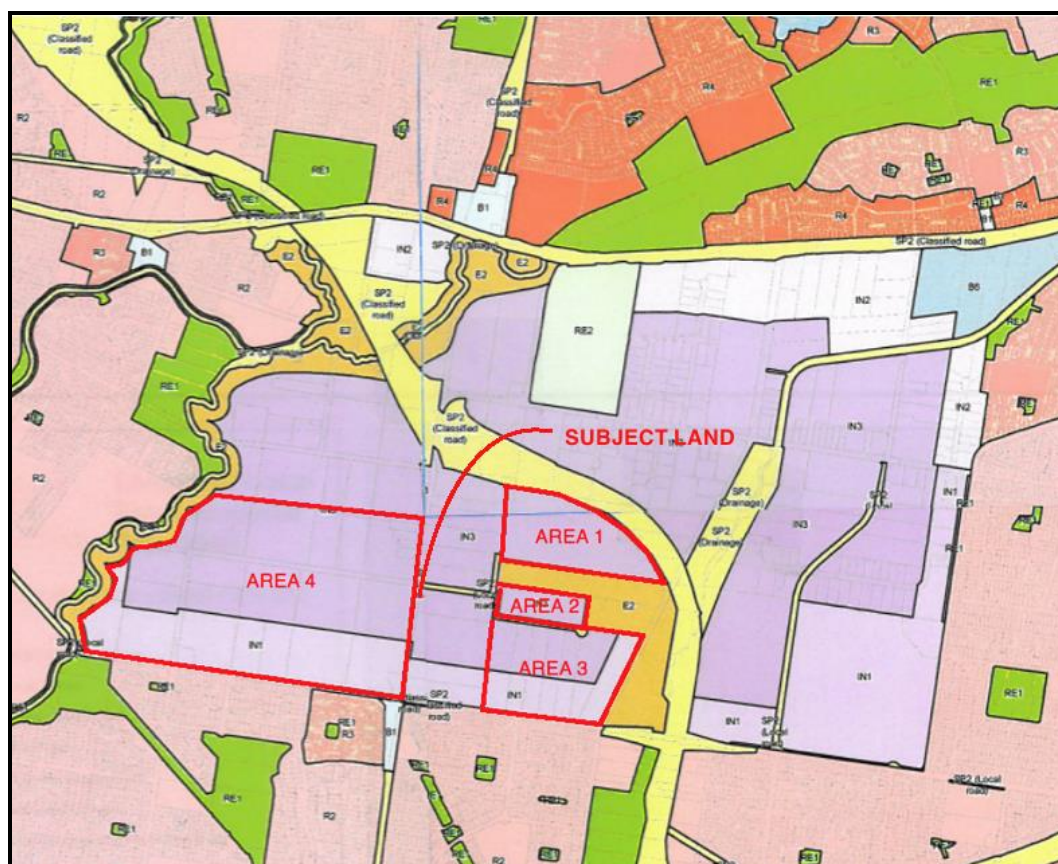


PLATE 4 – INDUSTRIAL AREA SEGMENTS RELATIVE TO ACCESS

Area 1 – This is the Aldi warehouse site having an area of about 10 hectares. All use-generated traffic (passenger and heavy vehicles) will utilise Yato Road to access Bernera Road and the M7.

Area 2 – Whilst this segment, which has an area of about 3 hectares, is part of a lot extending to Kurrajong Road, it is likely that it will be developed as a separate parcel with all traffic utilising the Yato Road/Bernera Road intersection.

Area 3 – This segment has an area of about 14 hectares and is made up of lots fronting Kurrajong Road with access currently being achieved from that road. However, the proposed road along the rear of these lots and controls under the DCP restrict access from Kurrajong

Road to passenger vehicles, with all heavy transport being required to access the industrial uses via the Yato Road/Bernera Road intersection.

Area 4 – To the west of Bernera Road and north of Kurrajong Road, this segment has an area of about 50 hectares being all of the land between Kurrajong and Yarrunga Roads as well as those lots fronting the northern side of Yarrunga Road. Predicting the development pattern of this area is more problematic, however, the principles of restricting heavy vehicle traffic on Kurrajong Road remains and, as such, it is likely that a large percentage of heavy vehicle traffic will utilise Yarrunga Road and the Bernera Road intersection.

It follows that all heavy vehicles associated with the development of these segments will be concentrated through the Bernera Road/Yarrunga Road/Yato Road intersection and thus will be able to utilise the services offered without having to deviate from the preferred direct access routes as incoming and outgoing trips. Bernera Road then serves as the connection to the M7, which in turn provides the connections to the broader Motorway system of the M5, M4, M2 and M1. It is noted that these roads are poorly served with “Highway Service Centres” type uses with the only ones being located on the M4 at Eastern Creek and the M1 at Sommersby. It is clearly beneficial for outlets of the type proposed in this application to be located close to and on the direct access routes to the Motorway system such that industrial traffic can be served without having to deviate from the most direct route and, importantly, not having to utilise the residential street system to access the facilities.

Given the situation of the land, the proposed development is aimed at serving the Prestons Industrial Area generated traffic (specifically that section to the west of the M7) with origin and destinations to and from the M7 and thence the broader region, intrastate and interstate.

Key design elements of successful operation are:

- Safe and efficient access from/to the roads system the facility serves.
- Separation of passenger and heavy vehicles in terms of circulation, refuelling, parking and associated pedestrian movements.
- Adequate parking particularly in terms of heavy vehicles.
- A sufficient range of refuelling and food/drink services to enable a “one stop” situation.

The location, the size and shape of the subject land together with its two road frontages confirm site suitability. The type of facility envisaged is particularly design specific relative to the tenant requirements and marketing strategy of the operating Company. As such the development of the subject land would be subject to approval of a future development application should the LEP be amended as sought in the Planning Proposal.

It is most likely that the use of the subject land as a service station and take away food and drink premises would occupy the whole of the land particularly given the extended land area required to provide adequate access for heavy vehicles to a dedicated diesel refuelling area. Should the final development design result in additional potential floor space then this could be used for uses that are already permitted under the current zone and which are complementary to (particularly) the service station use for example vehicle repair stations being:

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

The final configuration in terms of built form, access, parking and use is clearly a matter for consideration at the development application stage.

Planning Proposal Guidelines

The following addresses Questions as set out in the Planning Proposal Guidelines.

Section A – Need for the Planning Proposal

Q1 - Is the Planning Proposal a result of any strategic study or report?

No. There is no specific strategy that goes to the provision of what are effectively industry support services given the proposed uses clearly have the function of servicing business houses, employees and associated transport and refreshment/convenience needs. Whilst there is no specific strategy for the provision of these services, it represents good planning practice to enable the provision of these services in locations that can not only service the local area workforce but, by their location, can also service the Motorways. In accepting the Strategies of promoting the development of employment lands, it is considered that the proposed uses will assist in those aims whilst the location of the subject land can minimise travel distances for accessing the required services.

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

Yes. As discussed earlier in this report the location of the subject land, being on a controlled intersection of industrial collector roads as well as fronting Bernera Road, which has direct access to the M7 (and beyond) supports a conclusion that it represents a best outcome. It is also noted that the site's location is such that it can serve local area workforce needs without having to pass through residential areas.

It is noted that service stations are only permitted in the IN2 zone, however, this zoning is only applied to land fronting Hoxton Park Road in what is the northeastern section of the industrial area. Opportunities for service stations are, therefore, restricted to what is an entirely different sub-catchment, given the severance effect of the M7 and the fact that this major road represents the principal origin and destination of industrial related transport.

It is also noted that take away food and drink premises are permitted in the IN1 and IN2 zones. A combined outlet of a service station and a take away food and drink premises would be permitted in the Hoxton Park Road area of the northeast section of the industrial area whilst a take away food and drink premises would be permitted along Kurrajong Road section, albeit not combined with a service station. However, an amendment of the LEP that would permit a service station in the Kurrajong Road IN1 zoned land would not enable the provision of a viable and appropriate combined facility given the substantial access controls that apply to that road. Even a site on the intersection of Kurrajong Road and Bernera Road would not be able to fully service the industrial traffic given the controls that seek to direct this traffic through the Yarrunga/Yato/Bernera Roads intersection thence from/to the M7. It is submitted that any

assessment of origin/destination trips confirms that the subject site is best located to provide the required services.

There may be an argument that a take away food and drink premises outlet, located along Kurrajong Road, could service the sub-catchment. However, again there are issues of access particularly in terms of all directional traffic access. Further, there are seen to be distinct advantages in providing a combined facility in the circumstances of the particular market to be served, wherein both refueling and refreshments can be completed as part of the one trip.

No doubt the take away food and drink premises has the potential to attract some trade beyond the industrial area transport/workforce, however this can be expected to be minor given the number of similar outlets already established in the broader neighbourhood. Initially there may be some leveling of trade volumes of existing outlets within the broader area, however, these trade levels will naturally increase as further industrial development occurs and there is an associated increase in use generated traffic. Against this is the fact that current and future trade will not have to deviate from the industrial main road system to access the existing outlets. The benefits of combined outlets are seen as far outweighing any perceived disbenefits.

Section B – Relationship to strategic planning framework

Q 3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

The following provides commentary in respect of relevant Strategies

Industrial Lands Strategy

The Liverpool Industrial Lands Strategy was prepared as part of the supporting documents to Liverpool LEP 2008 and it aims to guide the development of employment lands. It considered the South West Employment Lands Strategy (2003), the MACROC Industrial Lands Report (2006) and the Employment Lands for Sydney Action Plan (2007). These strategy documents formed the basis of the controls now contained in LLEP 2008. Significantly, the M5 and M7 were seen as playing a critical role in the development of employment lands in Liverpool and the broader Western Sydney.

This Planning Proposal is seen as being consistent with the various strategies in that it involves employment land support services in a location where those services will have direct access to the M7 and the motorways/freeways that it connects. The site is therefore considered to be ideally suited to promoting employment lands development by the provision of directly related and necessary support services. In this regard, it is noted that the Motorways/Freeways are poorly serviced with these types of "highway service uses", with only the Eastern Creek dual outlets located within the region. Absent these types of outlets, the subject land being in close proximity to the M7, is capable of fulfilling the recognised need.

NSW Department of Planning and Environment - South West Subregional Strategy

The Subregional Strategy forms part of “A Plan for Growing Sydney” which sets out strategic directions and the subregional strategy provides the link between the broader strategy and local planning controls. The Local Government Area of Liverpool is located within the South West Subregion.

The Planning Proposal involves the provision of facilities that are local in nature and which are intended to serve the needs of the local area workforce as well as the transport servicing needs of industrial area generated traffic. In this regard, the proposed facilities will contribute (albeit in a minor way) to the strengthening of the Prestons Industrial Area and the employment opportunities this area now provides and will provide. The industrial support nature of the proposed uses means that there will not be a loss of industrially zoned land.

The scale and function of the proposal is minor relative to the strategies and is not inconsistent with those strategies.

Q 4 - Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes. Whilst there is no particular strategy that goes to the particular land use, Council does have a strategy of identifying “key sites” as expressed in the LEP and this Planning Proposal is consistent with this approach.

Q 5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The following **Table 2** summarises the relevant policies.

Table 2 – State Environmental Planning Policies

Policy	Comments
SEPP No 1 – Development Standards	No application required
SEPP No 19 – Bushland in Urban Areas.	No application
SEPP No 21 – Caravan Parks	No application
SEPP No 30 – Intensive Agriculture	No application
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land).	No application
SEPP No 33 – Hazardous and Offensive Development.	No application
SEPP No 44 – Koala Habitat	No application
SEPP No 50 – Canal Estate Development.	No application
SEPP No 55 – Remediation of Land.	A Phase 1 assessment has been undertaken and the proposal is not inconsistent with SEPP No. 55.
SEPP No 62 – Sustainable Aquaculture	No application
SEPP No 64 – Advertising and Signage.	Subject to future applications at use of premises stage
SEPP No 65 – Design Quality of Residential Flat Development.	No application

SEPP – (Building Sustainability Index: BASIX) 2004	No application
SEPP (Infrastructure) 2007.	The subject land does not front a classified road whilst the proposal will not involve 200 or more motor vehicles. The proposal does not fall within Schedule 3 of the SEPP.
SEPP – (Mine, Petroleum Production, and Extractive Industries) 2007	No application
SEPP (Exempt and Complying Development Codes) 2008.	No application
SEPP Affordable Housing (Revised Scheme) 2009.	No application
SEPP – (Miscellaneous Consent Provisions) 2007	No application
SEPP – (State and Regional Development) 2011	No application
REP – The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.	Proposed development is not inconsistent with this Policy
Draft SEPP – (Competition) 2010	No application

The Planning Proposal is not inconsistent with State and Regional Planning Policies

Q 6 - Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following Section 117 Directions would apply or have limited application.

Ministerial Direction No. 1.1 – Business and Industrial Zones

The this Direction provides:

Objectives

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public

services in business zones,

(d) not reduce the total potential floor space area for industrial uses in industrial zones, and

(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the

Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Note: In this direction, “identified strategic centre” means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.

The Planning Proposal will assist in the development of the employment lands by providing support services for the workforce and the transport industry that will serve the uses, whilst the proposed uses will not affect strategic centres. The Planning Proposal will assist in the achievement of the Objectives. The subject land will remain zoned for industrial purposes and the uses will carry with them employment opportunities. The area of the subject land (0.8 hectares) represents only about 0.2% of the Prestons Industrial Area and the allocation of this area to the proposed uses will have no measurable effect on employment opportunities. Any inconsistency between industrial use employment opportunities and retail employment opportunities is of minor significance only and is acceptable in terms of the support services that will be provided. The Planning Proposal is considered to be consistent with this Direction.

The proposed uses will service a local industrial area catchment west of the M7 as well as passing traffic. Notably there are no other service outlets within the western section of the Prestons Industrial Area. The eastern section of the industrial area is served by a service station and fast food outlet on Hoxton Park Road (corner Lyn Parade), however, in trade and road access terms this is well removed from the subject site. The other closest similar outlet is located on the corner of Camden Valley Way and Ash Road and again this is well removed in road access terms as well as necessitating access through residentially developed land.

Council has made reference to an Economic Impact Statement, however, based on our experience is over 40 similar land use applications we cannot see the need or assistance in preparing such a statement at this stage with this analysis being a matter for consideration under s79 of the Act (if in fact justified at all). There is a range of potential operators for each of the two uses with potential users each having a particular marketing approach specific to the location of the subject land including the extent and method of heavy vehicle refueling. Any economic impact will be restricted to a leveling of trade levels between similar outlets leading to greater and beneficial competition.

Ministerial Direction No. 3.4 - Integrating Land Use and Transport

The this Direction provides:

Objective

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) of minor significance.*

The Planning Proposal involves the provision of employment land support services being located in what is a trade catchment of the surrounding industrial area (being to the west of the M7) as well as passing trade on the local and main road system. In this regard it satisfies Objective (c) in that it will reduce travel distances required to access these services, In addition it is consistent with Objective (e) in that it will assist in the efficient movement of freight by providing local servicing requirements without the need to deviate from Bernera Road and that

roads immediate link to the M7. Beyond these considerations the Planning Proposal is considered to be of minor significance.

Ministerial Direction No. 4.3 - Flood Prone Land

The this Direction provides:

Objectives

(1) *The objectives of this direction are:*

(a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*

(b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

Where this direction applies

(2) *This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

What a relevant planning authority must do if this direction applies

(4) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

(5) *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

(6) *A planning proposal must not contain provisions that apply to the flood planning areas which:*

(a) *permit development in floodway areas,*

(b) *permit development that will result in significant flood impacts to other properties,*

(c) *permit a significant increase in the development of that land,*

(d) *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*

(e) *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

(7) *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

(8) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Consistency

(9) *A planning proposal may be inconsistent with this direction only if the relevant planning*

authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Note: “flood planning area”, “flood planning level”, “flood prone land” and “floodway area” have the same meaning as in the Floodplain Development Manual 2005.

The subject land is identified on the Section 149 Certificate as being flood prone land and we note here that the land was rezoned for industrial purposes in 2007. This Planning Proposal does not seek rezoning of the land, rather it seeks to include two additional uses which in our opinion are no more susceptible to flood impact than the range of uses currently permitted under the current zoning.

It is our understanding that the flood prone nature is a consequence of the yet to be implemented major stormwater trunk drainage system and we are advised that the landowners have contributed some \$227,000 towards the provision of this system as part of the completed subdivision of the land. Pending the implementation of the system Council has issued a consent (DA-491/2014 of the 16th October 2014) in respect of six properties, which consents to the provision of “temporary earth mounds” along the Bernera Road frontage and returning for a distance of about 15m along the Yatto Road frontage. These have been designed and approved with the purpose of directing floodwaters away from the land to the effect that the land is flood free. It is also understood that the mound height in the vicinity of a future Bernera Road footpath crossing (towards the southern boundary of the site) can be provided over the mound which at this point has a height of about 200mm.

The Planning Proposal is one that it does not involve the rezoning of the land to Industrial (as it is already so zoned) but adds two additional uses to the range of uses already permissible with consent. On this basis and, the flood mitigation measures already approved, the Planning Proposal is of minor significance and is justifiably inconsistent with the Direction.

Ministerial Direction No. 6.3 - Site Specific Provisions

This Direction provides:

Objective

- (1) *The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

What a relevant planning authority must do if this direction applies

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
- (a) allow that land use to be carried out in the zone the land is situated on, or
 - (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

This Planning Proposal involves permitting two additional uses on land already zoned for industrial purposes – 4(a). No rezoning of the land to another zone is proposed with the existing permitted uses remaining - 4(b). Schedule 1 Clause 9 of the LLEP 2008 contains specific provisions in respect of the proposed two land uses as set out at section 1.6 of this report and no additional site specific provisions are required or proposed – 4(c). No detailed drawings form part of the Planning Proposal.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

The Planning Proposal is consistent with this Direction

Ministerial Direction No. 7.1 - Implementation of A Plan for Growing Sydney

This Direction provides:

Objective

- (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

Where this direction applies

- (2) This direction applies to land comprising of the following local government areas:

Ashfield	Hornsby	Randwick
Auburn	Hunters Hill	Rockdale
Bankstown	Hurstville	Ryde
Blacktown	Kogarah	Strathfield
Blue Mountains	Ku-ring-gai	Sutherland
Botany Bay	Lane Cove	The Hills
Burwood	Leichhardt	Warringah

Camden	Liverpool	Waverley
Campbelltown	Manly	Willoughby
Canada Bay	Marrickville	Wollondilly
Canterbury	Mosman	Woollahra
City of Sydney	North Sydney	
Fairfield	Parramatta	
Hawkesbury	Penrith	
Holroyd	Pittwater	

When this direction applies

- (3) *This direction applies when a Relevant Planning Authority prepares a planning proposal.*

What a Relevant Planning Authority must do if this direction applies

- (4) *Planning proposals shall be consistent with:*
- (a) *the NSW Government's A Plan for Growing Sydney published in December 2014.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with A Plan for Growing Sydney:*
- (a) *is of minor significance, and*
- (b) *the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its planning principles; directions; and priorities for subregions, strategic centres and transport gateways.*

The Planning Proposal is considered to be of minor significance in the context of the "A Plan for Growing Sydney". As indicated earlier the servicing nature of the proposed additional uses goes to supporting the surrounding employment lands. The Planning proposal is not inconsistent with the goals and actions of the Plan and will assist in creating a competitive economy and in transforming the productivity of Western Sydney through growth and investment (albeit to a minor extent). The Planning Proposal does not undermine the Plan. The Planning proposal is not inconsistent with this Direction.

Section C - Environmental, social and economic impact.

Q 7 - 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?

No. The subject site does not contain any critical habitat or threatened species, communities etc.

Q 8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The planning proposal involves minimal adverse environmental effects. Of those effects that are present, such as stormwater quality, traffic impacts, rubbish generation or soil and sediment control for example, the Development Application process would provide appropriate opportunity to quantify and mitigate the same.

Q 9 - Has the planning proposal adequately addressed any social and economic effects?

The proposed uses will have a positive social effect in terms of serving the day-to-day convenience needs of the industrial area generated traffic and the local area workforce. Positive economic effects will also accrue given the improved travel distances to access the services and the advantages in terms of promoting the development of the broader employment lands. See also comments under Ministerial Direction No. 1.1 – Business and Industrial zones at page 15.

Section D - State and Commonwealth interests.

Q 10 - Is there adequate public infrastructure for the planning proposal?

Yes. The site is provided with all required services.

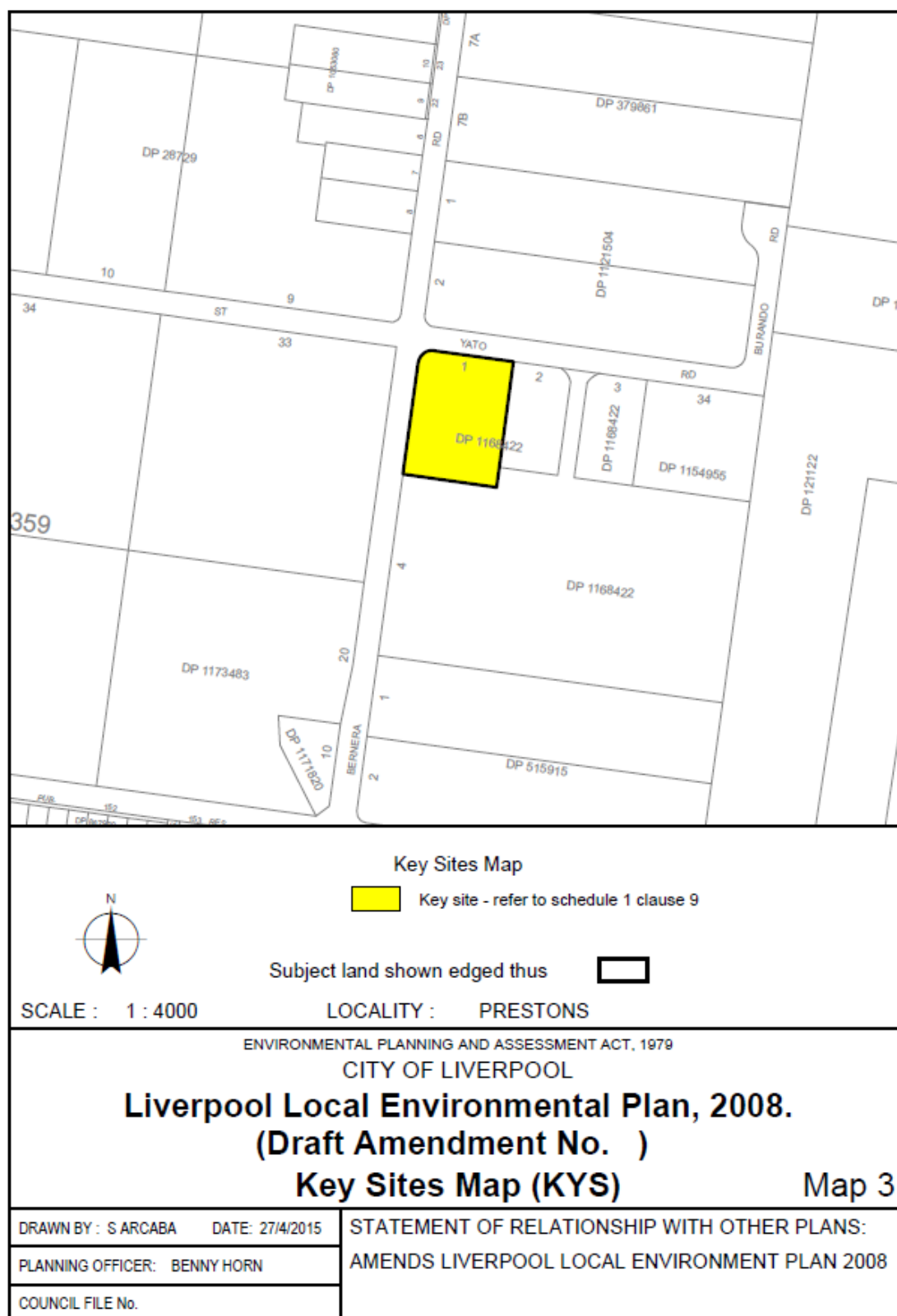
Q 11 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation has not yet occurred. The Draft LEP amendment will be publicly exhibited in accordance with the Act and the Regulations made thereunder.

2.4 Part 4 – Mapping

Refer to Sections 1 and 2 of this report.

The amendment involves only a change to LEP Key Sites Maps 8 and 13 as detailed below.



No other map changes are required.

2.5 Part 5 - Community consultation

The Planning proposal is considered to be low impact, consistent with the pattern of

surrounding land use zones and/or land uses, consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principal LEP and does not reclassify public land.

The appropriate exhibition period is 14 days.

2.6 Part 6 – Project timeline

To be determined following initial consideration by Council.

Refer to Executive Summary

End of Report 4th March 2015

Revised 9th April 2015

Revised 6th July 2015 (Section 117 Directions 6.3 - added and 7.1 - updated)



Contact

Gary Rhodes

0418645978

grhodes@saludell.com.au