

LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING

20/12/2010

ITEM NO:	STRA 03	FILE NO:	RZ-5/2011
SUBJECT:	2A MOOREBANK AVENUE & 7-15 HEATHCOTE ROAD MOOREBANK DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO. 20)		
OWNERS:	KAZAN FRANCHISE GROUP AND ANTONS (MERRYLANDS) AND CORPERS (NO. 670)		

EXECUTIVE SUMMARY:

Council has received an application to amend the Liverpool Local Environmental Plan (LLEP 2008) in order to rezone land at 2A Moorebank Avenue and 7-15 Heathcote Roads, Moorebank from R2 Low Density Residential to B6 Enterprise Corridor.

The site has a total area of 2930m² and is largely undeveloped. It enjoys good exposure to two major roads: Heathcote Road and Moorebank Avenue. It is envisaged that future commercial uses would benefit from the high exposure to commuter traffic and proximity to the major retail offer at the Liverpool City Centre nearby.

It is recommended that the Planning Proposal is forwarded to the Department of Planning on the recommendation that the proponent submits a hydraulic and retail assessment prior to undertaking State government authority consultation and public exhibition.

DETAILED REPORT:

Site description

The site comprises of the following lots:

- 2a Moorebank Avenue Moorebank Newbridge Rd, Moorebank - Lot A DP 355193;
- 7 Heathcote Road, Moorebank - Lot 1 DP 703990, Lot 8 Section 1 DP 2429, Lot 7 Section 1 DP 2429, Lot 6 Section 1 DP 2429, Lot 5 Section 1 DP 2429, Lot 1 DP 1103084, Lot 2 DP 1103084
- 15 Heathcote Road, Moorebank - Lot 2 Section 1 DP 2429, Lot 1 Section 1 DP 2429

The subject site is irregular in shape and has an 83.84 metre frontage to Heathcote Road and 46.71 metre to Moorebank Avenue. The site is located in proximity to the Moorebank, Liverpool Train Station and the City Centre. The subject site has an overall area of approximately 2930m². Development in the vicinity of the land consists of a mixture of industrial and residential uses. The immediate locality is further illustrated in Figure 1 below.

In terms of the nearby centres, the closest shopping centre is the Wattle Grove Shopping Centre (approximately 3 kilometres) and the Liverpool City Centre (approximately 1 km).

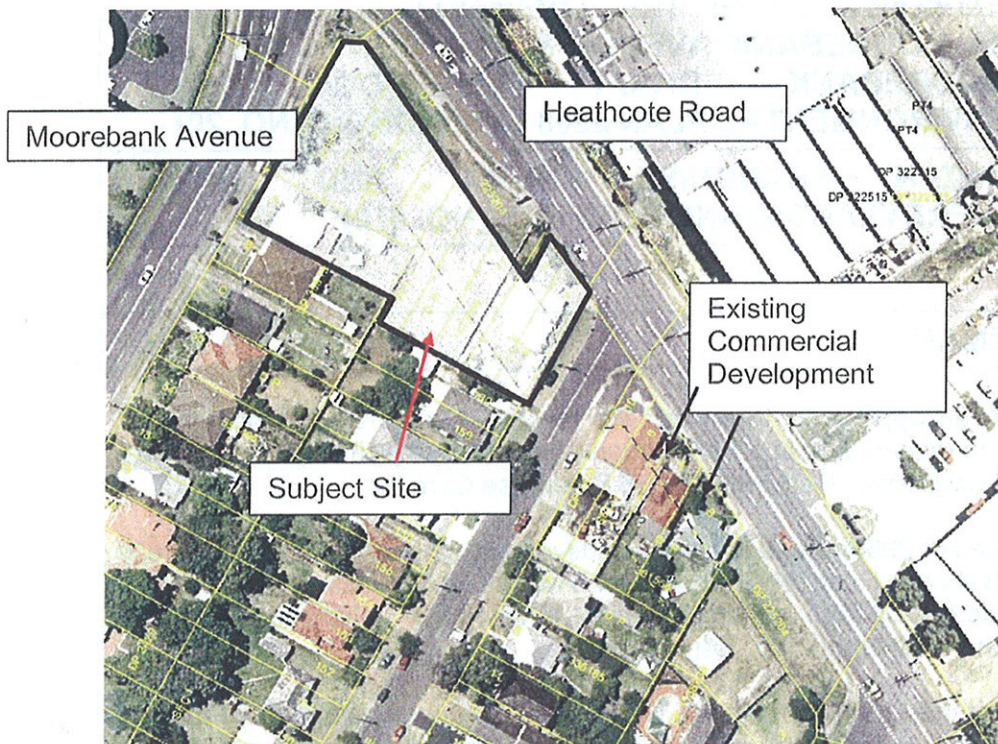


Figure 1: Locality Map

Proposed B6 zone

The proposal is to rezone 2A Moorebank Avenue and 7-15 Heathcote Road Moorebank from R2 Low density Residential to B6 Enterprise Corridor. The B6 Enterprise Corridor zone allows for a range of commercial uses prohibited under the sites current zoning of R2 Low Density Residential. It is understood the rezoning is pursued in order to develop a bulky goods retail outlet orientated to Heathcote Road. The existing zoning of the site is shown below.

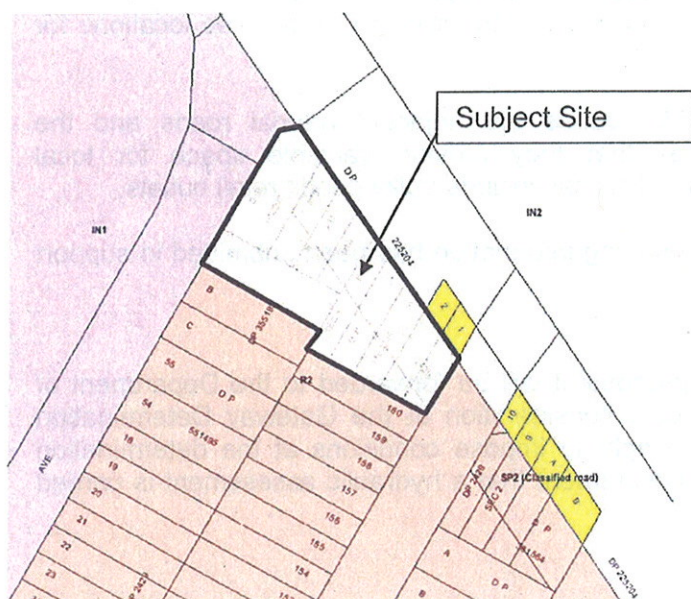


Figure 2: Existing Zoning

Officers consider that the proposed B6 zone is acceptable on the provision that appropriate development controls are implemented to ensure impact upon the surrounding residential properties is minimised. A B6 zone will expand the range of permissible uses to provide greater flexibility in accommodating more employment generating activities.

To ensure consistency in the application of development controls, Council officers deem it appropriate to apply the same height, floor space ratios and minimum lot size controls to other existing B6 zoned land. The amendment will introduce a maximum floor space ratio control of 0.75:1, minimum lot size of 2000m², and a maximum building height of 12m.

The maximum permissible gross floor area on the site is governed by the proposed FSR Control of 0.75:1, which is consistent with the control imposed in other B6 zones. Considering the limited size and challenging configuration of the site, it is unlikely that the maximum floor area will be achieved. The concept development plan submitted to support the rezoning indicates a single bulky goods outlet of 967m². This scale of development would not impact on the viability of existing retail outlets in the Liverpool City Centre and the Wattle Grove Shopping Centre generally. It is considered that the established retail hierarchy would not be compromised.

The NSW Department of Planning in December 2005 released the Sydney Metropolitan Strategy and subsequently the Sydney South-West Subregional Strategy. As provided for in the South-West Subregional Strategy, Enterprise Corridors are encouraged to be located in areas that support commercial centres rather than compete with them. This site enjoys exposure to commuter traffic travelling to Liverpool and would therefore fulfil a complementary role to the major retail offering within the Liverpool City Centre.

The B6 zoning is considered a more appropriate zoning than B5 zoning as it is primarily for businesses along key corridors entering Liverpool City Centre. The conversion of the site to B6 will provide an opportunity for a coherent, orderly and economic development of the

subject site that will assist in the achievement of Council's employment targets. The Metropolitan Strategy recognises the importance of Enterprise Corridors as locations for local employment.

The majority of B6 Enterprise Corridor zones are adjacent arterial roads and the Metropolitan Strategy also recognises that they provide valuable space for local commercial and a range of retail formats. This can include bulky goods retail outlets.

The following technical studies and supporting information has been submitted in support of the proposal:

Planning Proposal

Should Council support the planning proposal it will be forwarded to the Department of Planning for assessment and subsequent consideration at the Gateway Determination process. The Department reserves the right to impose conditions at the determination stage. Council will recommend to the Department that a hydraulic assessment is carried out to support the proposal.

Concept Site Plan

A concept development plan submitted by the proponent shows an indicative layout for a bulky goods retail development totalling 967m² and 29 car parking spaces. The site plan also illustrates designated loading areas and vehicular access/egress points. Although a concept design is not technically required for a rezoning proposal it allows Council to understand the form location of potential future development. The plan has been attached for your reference.

Parking and Traffic Report

Council's traffic engineers have deemed it necessary for the proposal to be referred to the Roads and Traffic Authority due to the development being in close proximity to a signalised intersection on Heathcote Road.

Council's traffic engineers have also requested that right turns from the site onto Moorebank Avenue need to be further justified. This can be achieved through the rezoning process.

Acoustic Assessment

The acoustic report clearly suggests that the operation of the retail development has been determined based on the Department of Environment, Climate Change and Water requirements and identifies the following:

- Noise emissions from the car park will comply with the relevant criteria at the nearest affected receivers without the need for noise control measures
- The proposed loading bay at the rear of the site has the potential to create noise nuisance, but the complete extent of the noise impact cannot be assessed. A detailed assessment is to be undertaken at the development application stage.

Flooding

The subject site lies within the Anzac Creek Floodplain Risk Management Study. The stormwater drainage review undertaken by BG&E PTY LTD recommends that flood mitigation works will be undertaken as conditioned on the development consent.

Section 117 Directions issued by the Minister for Planning apply to the rezoning of flood prone land. The application is inconsistent with this Direction unless flood reporting demonstrates that the development can occur with flood mitigation works.

As acknowledged in the applicant's submission, the land is subject to flooding. Council recommends that a hydraulic analysis is carried out by the proponent to determine the ability to develop the site without detrimentally affecting flood behaviour on other properties and to ensure the safety and wellbeing of any future occupants of the site.

This is an issue that will be considered by the LEP panel and will likely require more investigation later in the process.

Retail

As the site is located on two major roads with high vehicle volumes, it is considered that any future residential development under the current zone may have had compromised amenity. The proposed bulky good use does not rely on such a high standard of amenity; rather the location is an advantage from a commercial standpoint due to its exposure to a large number of vehicle movements. Further, the proposals proximity to the Liverpool City Centre and location on the main connector roads from Liverpool's eastern areas deems the proposal as a viable and appropriate use that complements the major retail offer within the Liverpool city centre.

The proposal does not compete with the established bulky goods nodes at Orange Grove Road and the Casula Cross roads as any future outlet would be of limited floorspace due to the size and configuration of the site.

Conclusion

The subject land has poor amenity due the dominance of traffic on Heathcote Road and Moorebank Avenue. The site is adjacent a signalised intersection and affected by flooding. The rezoning of flood prone land is contrary to a S117 Direction unless it can be demonstrated that the rezoning is of minor significance. The proposal provides for a better utilisation of vacant and underdeveloped land in a location that is not suitable for residential purposes.

Consultation needs to occur with the RTA in relation to the Planning Proposal and further investigation into the hydraulic analysis and flood impacts.

The use of the subject site is consistent with the B6 Enterprise Corridor mandatory land uses and objectives. It is proposed that the subject land should be rezoned to an appropriate business zone which reflects the site's location and surrounding land use context and the opportunities these bring. The redundant use, zoning of the land and lack of alternative land uses given the site location and physical characteristics result in the most appropriate zoning and use being that proposed by the applicant. Therefore the planning proposal is recommended for support by Council.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council resulting from this report.

RECOMMENDATION:

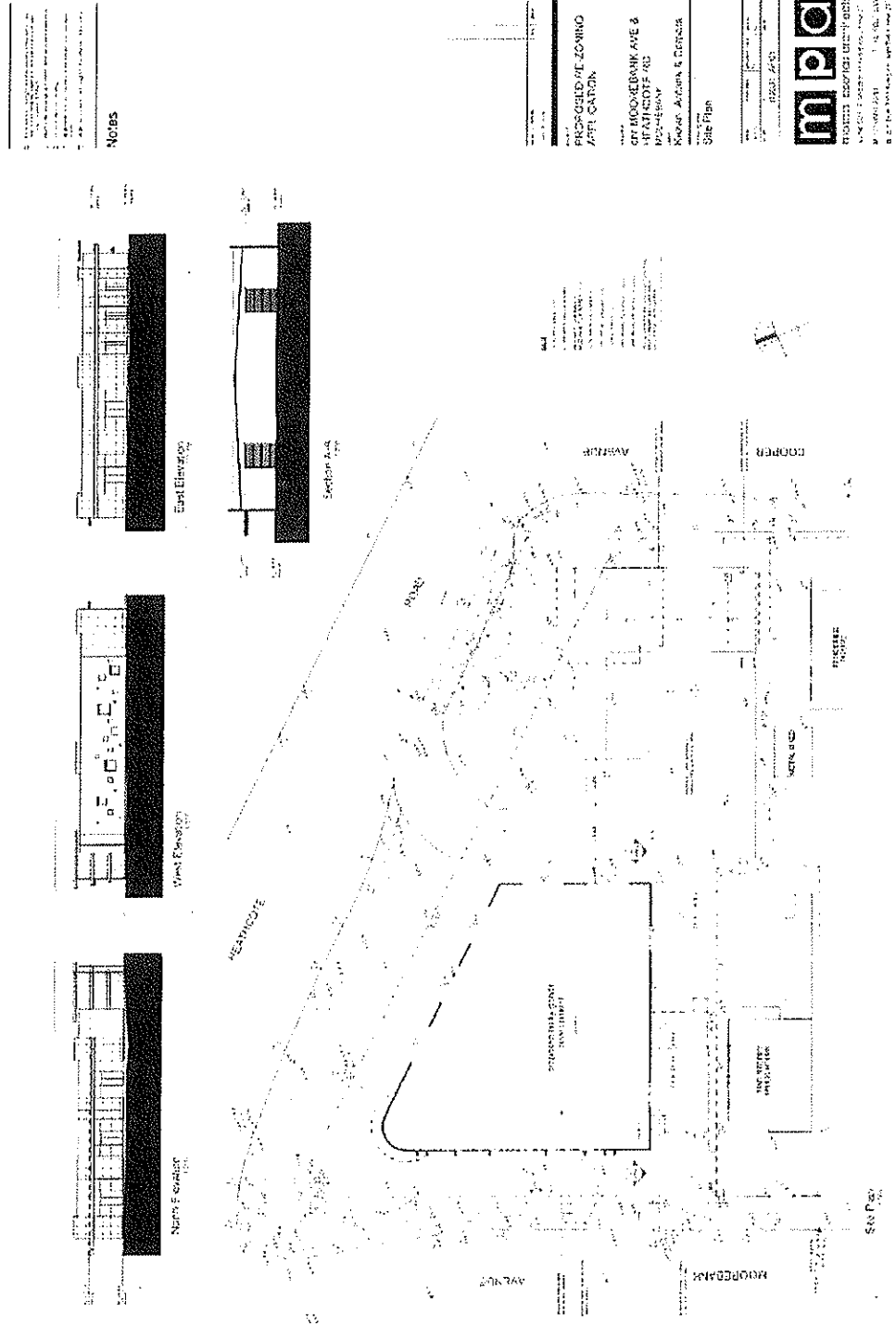
That Council:

1. Resolves to prepare and exhibit an amendment to the Liverpool Local Environmental Plan 2008 (Amendment No 20), to rezone the subject land from R2 Low Density Residential to B6 Enterprise Corridor.
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.
3. Considers a further report which outlines the result of the agency and public consultation.

SIGNED BY:

Milan Marecic
Director
City Strategy

Attachments: Attachment 1: Planning Proposal (under separate cover)
Attachment 2: Bulky Goods Retail Concept Plan
Attachment 3: List of Company Directors



Attachment 3: List of Company Directors

List of Company Directors (for 2A Moorebank Avenue and 7 - 15 Heathcote Road, Moorebank as part of the rezoning application)

KAZAN FRANCHISE GROUP PTY LTD

Pasquale Nasso Director/Secretary

Erica Nasso Director

CORPERS (NO. 670) PTY LIMITED

Pasquale Nasso Director

Erica Nasso Director/Secretary

ANTON'S (MERRYLANDS) PTY LTD

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