

LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING

29/11/2010

ITEM NO:	STRA 03	FILE NO:	RZ-4/2011
SUBJECT:	PLANNING PROPOSAL FOR B6 ENTERPRISE CORRIDOR REZONING ON NEWBRIDGE ROAD, MOOREBANK (LIVERPOOL LEP 2008 AMENDMENT NO. 16)		
OWNERS:	T SIMONETTA & CO PTY LTD (226 & 228 NEWBRIDGE RD, MOOREBANK) LIVERPOOL CITY COUNCIL (230 NEWBRIDGE ROAD MOOREBANK)		

EXECUTIVE SUMMARY:

Council is in receipt of an application seeking to amend Liverpool Local Environmental Plan 2008 by rezoning 226, 228 and part of 230 Newbridge Road, Moorebank. The application is seeking a change in zoning from R3 Medium Density Residential to B6 Enterprise Corridor.

In addition to the request for a change in zoning, the landowners of 226 and 228 Newbridge Road have approached Council about the potential expansion of the abovementioned business site east into 230 Newbridge Road, which is Council owned land. The primary purpose of the purchase of Council land is to alleviate traffic issues and the shortage of car parking experienced with the current retail operations. Council is proposing that part of the site be sold to the adjoining owner, however a portion of the site will be retained to provide pedestrian access between Newbridge Road and Lucas Avenue. The sale of part of the site will also require reclassification of the site from community land to operational status.

With reference to the proposed zoning, a strategic overview of existing business uses along this portion of Newbridge Road has been undertaken. As the majority of land within this section are already utilised for business and retail operations, Council considers it appropriate to extend the proposed B6 zoning to incorporate additional properties into this rezoning.

The purpose of this report is to discuss the proposal, identify any issues associated with the rezoning application and to illustrate the process involved with rezoning and reclassification. The report also seeks to obtain Council resolution to proceed with the making of this amending plan.

DETAILED REPORT:

Background

Council has received an application seeking to amend Liverpool Local Environmental Plan 2008 (LLEP 2008). The rezoning application affects the properties listed as follows:

- 226 Newbridge Rd, Moorebank (Lot 1 DP 523597)
- 228 Newbridge Rd, Moorebank (Lot 55 DP 567062)
- 230 Newbridge Rd, Moorebank (Lot 42 DP 237025 and Lot 56 DP 567062)

The primary objective of this rezoning is to facilitate an enterprise corridor along Newbridge Road and to seek an extension of the existing car park which services 226 Newbridge Road. The secondary objective of this proposal is to reclassify part of 230 Newbridge Road as operational land to enable the sale of the site, which will in turn allow for an expansion of the existing car park.

A locality map of the sites is provided as follows:

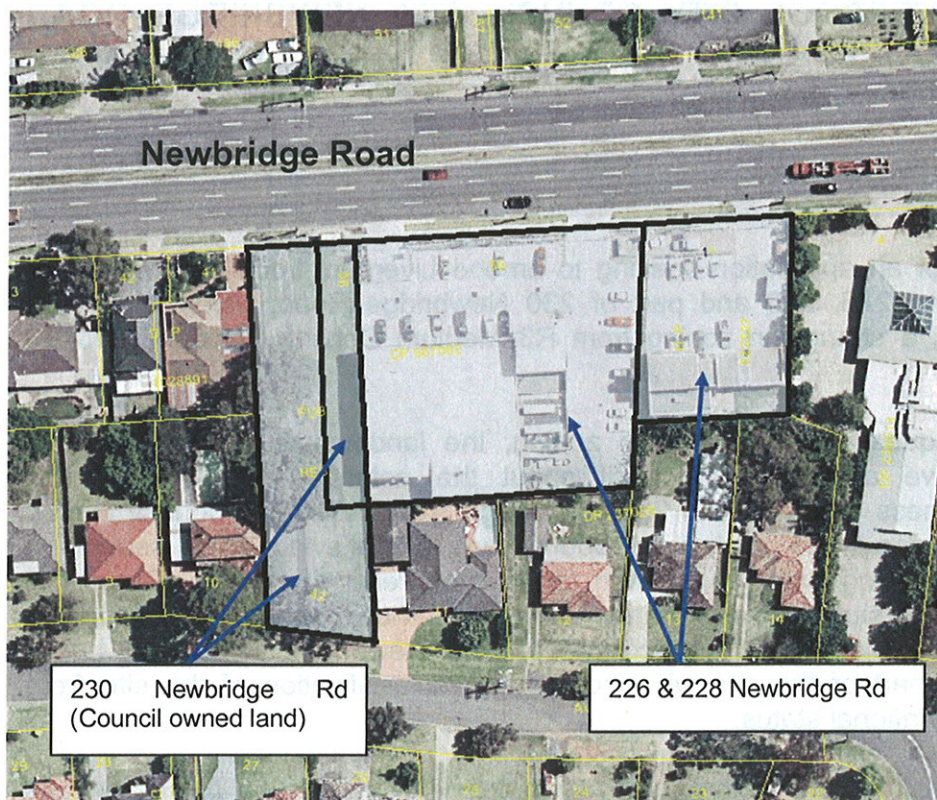


Figure 1: Locality map

The proposal

The four properties subject to this planning proposal are all currently zoned R3 Medium Density Residential under Council's primary planning instrument, Liverpool Local Environmental Plan 2008 (LLEP 2008).

226 and 228 Newbridge Road is in private ownership and owned by the same landowner (T Simonetta & Co Pty Ltd). Despite being zoned for residential purposes, a retail premises, 'The Food Lovers Market' and 'Laser Perfection' currently operates on this site under existing use right provisions. The adjoining allotment, namely 230 Newbridge Road, is under Council ownership. The site is known as Regan Park however due to the limited size and configuration of the lot, the site does not have a recreation function. The site is predominantly used by local residents as a direct pedestrian thoroughfare between Newbridge Road and Lucas Avenue and serves as an important connection to the bus stop and shops located on Newbridge Road.

The landowners of 226 and 228 Newbridge Road have requested a change in zoning from a residential zone to a business zone to reflect the business nature of the site. In addition to the request for a change in zoning, the adjoining landowners have approached Council about the potential expansion of the abovementioned business site east into the Council owned land. The vision for the site is to maintain the existing use and to prevent overflow parking onto Newbridge Road by providing additional car parking spaces for the patrons of 'The Food Lovers Market' on the neighbouring property. The proposal does not seek to change the building footprint nor does it seek to introduce new retail or commercial floorspace at this site.

The reclassification and potential sale of the Council land will allow the landowner to alleviate the shortage of car parking experienced with the current business operations. In its present format, 'The Food Lovers Market' experiences overflow onto 10 kerbside spaces on Newbridge Road during peak trading times. The sale of the land will improve vehicular manoeuvrability within the site and provide approximately 17 additional car spaces. This will result in a total of 54 on-site car parking spaces.

It is proposed that Lot 56 DP 567062 be sold entirely and that Lot 42 be partly sold. The combined area of land being sold to the adjoining landowner amounts to 500m². In regards to Lot 42, a public walkway totalling 8 metres in width will be retained on the site to maintain the pedestrian link between Newbridge Road and Lucas Avenue. In order to prevent an increase in retail floor space in the future, the height and floor space controls applying to these lots will not be increased from what they currently are. As such, upon completion of this rezoning, Lot 56 and part Lot 42 will continue to have a maximum building height of 8.5m and maximum floor space ratio (FSR) control of 0.5:1, which is consistent with the surrounding R3 zoned land.

The land subject to reclassification is portrayed in Figure 2 on the following page:

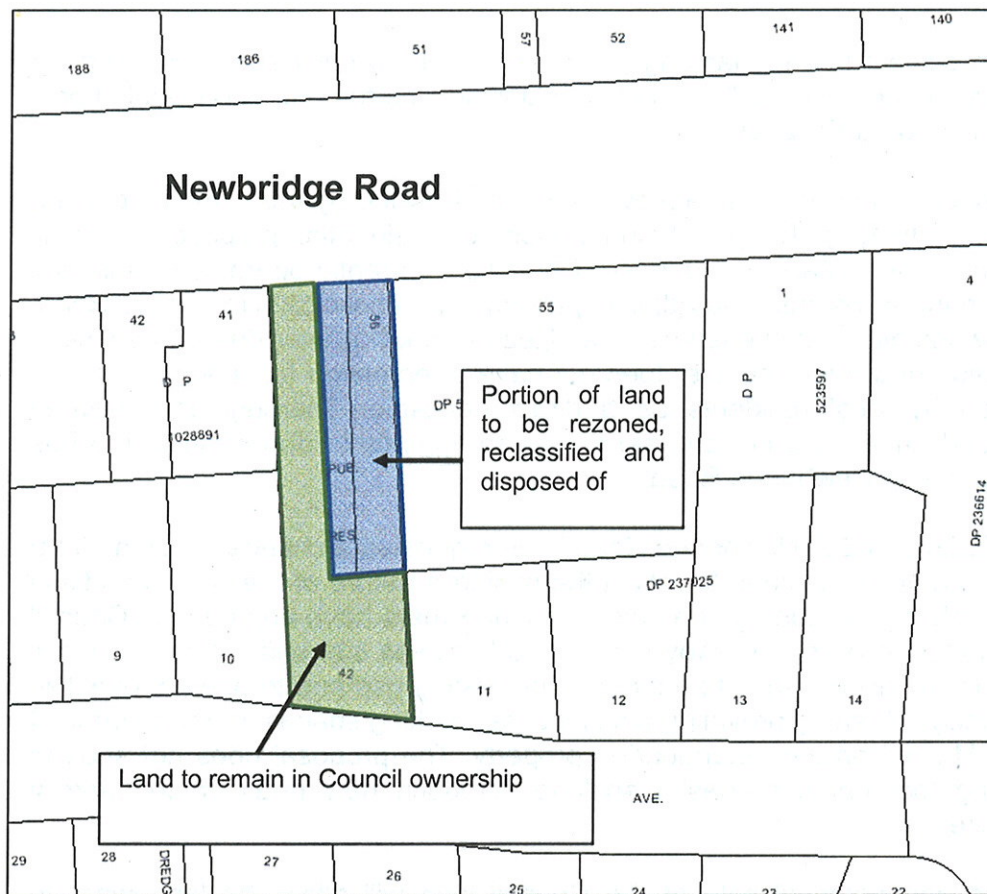


Figure 2: Indicative map of Council land to be reclassified and disposed of

Application of the B6 Enterprise Corridor zone

In regards to zoning, Council officers have deemed that the most appropriate business zone for the subject sites is the B6 Enterprise Corridor zone. The rezoning of the subject sites to the B6 Enterprise Corridor zone is supported as the proposal will promote businesses along a main road leading into the Liverpool city centre, will continue to provide employment opportunities and will encourage a mix of compatible land uses. As such, the proposal adequately satisfies the overall objectives of the B6 zone.

An existing B6 centre is located 350m away from the subject sites - to promote uniformity in the application of development standards, Council intends to apply the same height, FSR and minimum lot size controls to the land being rezoned to the B6 zone. The LEP amendment will therefore introduce a maximum building height of 12m, a maximum FSR control of 0.75:1, and a minimum subdivision lot size of 2000sqm (with the exception of Lots 42 and 56 which will retain its existing development controls).

However, the application for rezoning has also presented Council with the opportunity to strategically re-examine existing land uses and zoning within this section of Newbridge Road which is characterised with a high number of non-residential uses. Figure 3 on the following page provides an analysis of the site's surroundings and current land uses.

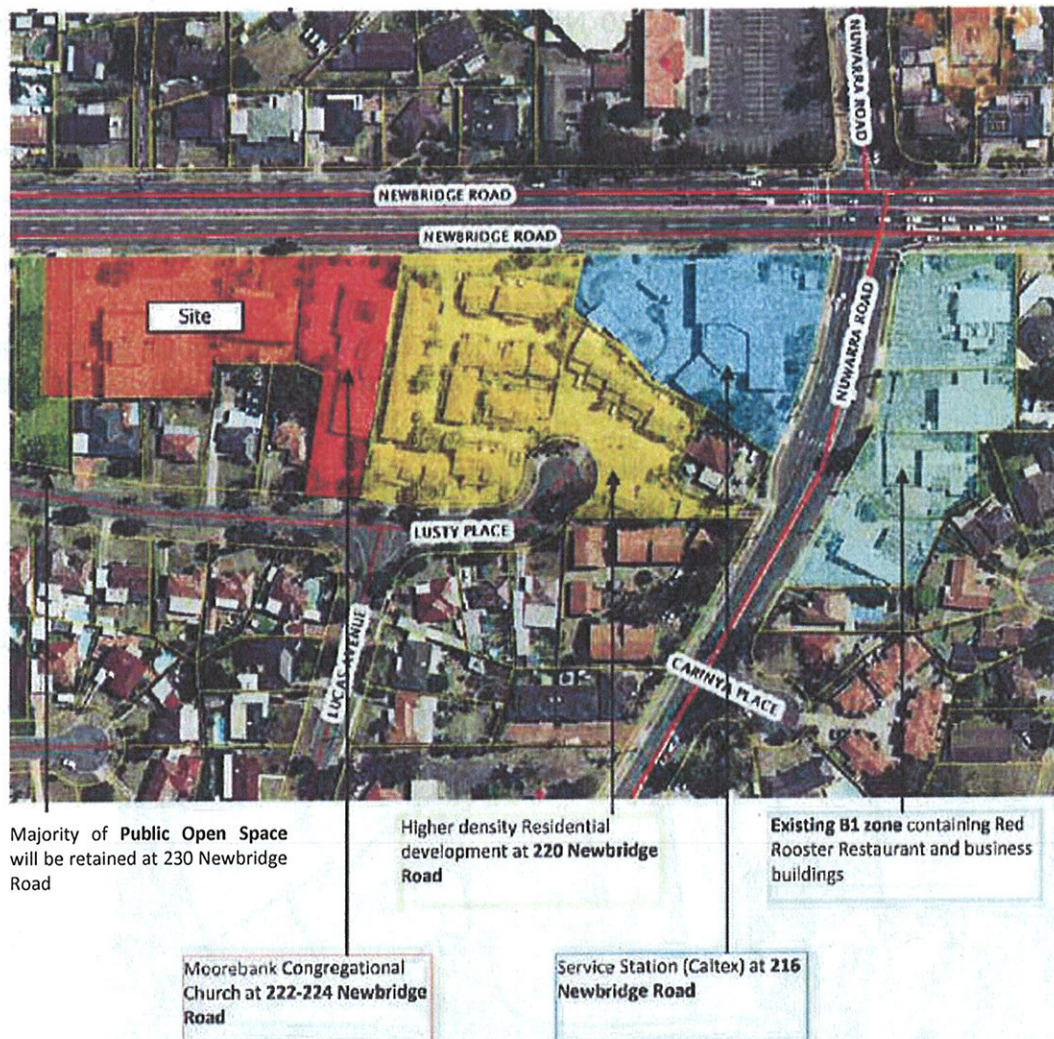


Figure 3: Site and land use analysis

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

Furthermore, the rezoning of these sites conforms with the strategic priorities of the NSW Government which places emphasis on the establishment of economic corridors. Enterprise corridors present an opportunity to take advantage of busy roads by providing locations for niche retailing, small business start-ups and large shops. The rezoning of the sites promotes the transition of a strategic site from residential to enterprise corridor zoning, thereby encouraging local employment in an area which currently function as an employment use and which is located in a corridor that is undergoing change.

Therefore in addition to 226, 228 and 230 Newbridge Road, the land affected by this rezoning can be expanded to include the following properties:

- 216 Newbridge Road, Moorebank (Cnr Lot 231 DP 802789),
- 220 Newbridge Road, Moorebank (Lot 10 DP 740227),
- 222-224 Newbridge Road, Moorebank (Lot 4 DP 236614),
- 1 Lusty Place, Moorebank (Lot 1 DP 619424), and
- 61 Nuwarra Road, Moorebank (Lot 2 DP 619424).

Under this option, approximately 1.7 hectares of land will be rezoned to B6 Enterprise Corridor. The land proposed to be rezoned under this planning proposal is depicted in the figure below:



Figure 4: Land to be rezoned B6 Enterprise Corridor

Merits of the proposal

The key purpose of this rezoning is to improve vehicular access and parking arrangements on the subject site. To ease traffic and congestion problems associated with the retail business, the landowner is seeking to purchase part of 230 Newbridge Road to provide additional on-site car parking. The potential impacts on surrounding sites are considered to be negligible given that this rezoning will not facilitate an increase in retail floorspace and will essentially result in no change to the current operation of the site. To limit the potential for an increase in retail floorspace, the portion of land being sold by Council will retain its

current height and FSR controls as discussed previously. Further the amendment brings planning controls in line with the development forms already in the area.

Reclassification

To facilitate the sale of Lot 56 DP 567062 and part Lot 42 DP 237025, the sites will require reclassification to operational status. The disposal of these lots is consistent with Council's 2009/2010 Management Plan, which directs Council to: "Continue to implement a property management strategy to recommend the sale of surplus properties and/or generate income from Council's property assets".

As part of Council's property management strategy, a number of properties within the Liverpool local government area (LGA) have been identified as being under-utilised and could serve as a potential source of funds to provide additional services to Council. The two lots subject to this amendment have been earmarked for disposal under Phase 2 of this strategy.

Furthermore, the sites are located in an area that is considered to have a high proportion of open space to population ratio. According to Council's Recreation Strategy 2003, the eastern district of the Liverpool LGA has an average of 7.48 hectares of open space per 1000 people. This is well in excess of the Department of Planning's open space benchmark of 2.83 hectares per 1000 people, as stipulated in the NSW Development Code. It is also important to note that the primary function of the park will be maintained via the retention of an 8 metre wide pedestrian thoroughfare between Newbridge Road and Lucas Avenue. As part of this proposal, existing trees in the park will not be removed and the layout of the open space at the rear of the site will be retained. Therefore the rezoning and reclassification of the subject sites is unlikely to result in an unacceptable decrease in the provision of local open space.

The sale of the site will also result in a general upgrade to the public reserve, with the adjoining owner being responsible for embellishing the site as part of the development proposal. This would involve providing a new pedestrian walkway and the installation of new fence treatments and new lighting to comply with Crime Prevention Through Environmental Design (CPTED) controls. Improvements to this open space will ensure that its use as a pedestrian link to the bus stop on Newbridge Road is retained while making enhancements to safety and visual amenity within the area.

In light of the above factors, the reclassification and rezoning of the subject sites is supported.

Rezoning and reclassification process

The general process for this draft amendment is outlined as follows:

1. Council resolution to proceed with:
 - A draft Local Environmental Plan (LEP) via a planning proposal to both rezone and reclassify land to an "operational" and make provision that if the land is a public reserve, it ceases to be a public reserve and is generally discharged from any trusts, restrictions, covenants etc.
2. Forward the planning proposal and report to the Minister for Planning for gateway determination. A gateway determination specifies whether a planning proposal

should proceed, and if so, in what circumstances. If the planning proposal is to proceed, Council is required to fulfil the conditions stipulated under gateway determination. Issues that may need to be considered include the preparation of background studies to support the draft plan, and consultation with public authorities (amongst others).

3. Undertake negotiations for sale of the lot with "Company Title".
4. Undertake public exhibition and public hearing of the planning proposal, and other relevant documents in line with the conditions contained within the gateway determination.
5. Second report to Council considering submissions made and the public hearing report and recommending how to proceed.
6. Submit final planning proposal, public hearing report, amending maps and other relevant documentation to the Director-General to be considered by the LEP Review Panel.
7. The planning proposal is legally drafted into a LEP by the Department of Planning.
8. Gazettal of the draft LEP by the Minister for Planning.

It is envisaged that this process would take at least six months to complete, therefore the rezoning and reclassification of the subject properties would not occur for some time. However, upon issue of the gateway determination, Council will be given a formal deadline for the completion of the LEP.

A copy of the Planning Proposal for Draft Amendment No. 16 is attached for your reference.

Public Hearing

In accordance with the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993, Council is required to carry out a public hearing for the reclassification of community land to operational status. The purpose of the public hearing is to provide an opportunity for verbal submissions to be made in respect to the draft plan.

As per statutory requirements, Council will provide public notice of the public hearing in local papers, LCC News and on Council's website at least 21 days before the date of the public hearing.

Conclusion

The conversion of 230 Newbridge Road to operational land will allow the owner of 228 Newbridge Road to purchase the site to augment the existing car park. While the sale of the site will create additional parking spaces for patrons, the sale of the land will also reduce confusion for motorists during times of peak demand, reduce congestion and minimise impact on traffic flow on Newbridge Road. Furthermore, the site is deemed as being underutilised and surplus to Council requirements.

The impacts of the concept have been considered and would not present a detriment to surrounding residents. There will be no increase in traffic impact on Newbridge Road given there will be no change to the building or retail floorspace or site entry/exit locations. The additional parking spaces will meet Liverpool Council's requirements for parking spaces for retail premises (1/20sqm for leasable floor area) and will cause no change to the provision of car parking for the Health Consulting Rooms site.

As there are no anticipated adverse impacts associated with the rezoning and reclassification of the subject sites, it is recommended that Council prepares and exhibits an amendment to LLEP 2008 to rezone the sites identified in Figure 4 from R3 Medium Density Residential to B6 Enterprise Corridor and amend height, FSR and other relevant controls.

FINANCIAL IMPLICATIONS:

Council will financially benefit from this planning proposal via the reclassification, rezoning and eventual sale of Lot 56 DP 567062 and part Lot 42 DP 237025. Due to fluctuating market forces, the magnitude of this financial gain and the value of the subject sites should ideally be ascertained once the plan is gazetted. Upon the reclassification and rezoning of the subject lots, Council will commission a valuation of the land before entering negotiations with the adjoining landowner.

It is imperative to note that the reclassification and rezoning of Regan Park would not impact upon the 2010/2011 budget due to the long lead time associated with these processes.

RECOMMENDATION:

That Council:

1. Prepares and exhibits an amendment to Liverpool Local Environmental Plan 2008 (Amendment No. 16) to:
 - Reclassify Lot 56 DP 567062 and part Lot 42 DP 237025 as "operational land" for the purposes of the Local Government Act 1993.
 - Rezone Lot 1 DP 523597, Lot 55 DP 567062, Lot 56 DP 567062 and part Lot 42 DP 237025, Cnr Lot 231 DP 802789, Lot 10 DP 740227, Lot 4 DP 236614, Lot 1 DP 619424 and Lot 2 DP 619424 from R3 Medium 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 proceed with agency and public consultation.
3. Receives a second report following the completion of public exhibition and the public hearing.
4. Notes that the draft LEP will makes provision to the effect that, on commencement of the plan, the land, is by operation of the plan discharged from any trusts, estates,

interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except for:

- a. any reservations that except land out of a Crown grant relating to that land; and,
- b. reservations of minerals (within the meaning of the Crown Lands Act 1989).

SIGNED BY:

Milan Marecic
Director
City Strategy

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

Attachment 2

List of T Simonetta & Co Pty Ltd Company Directors

- John Simonetta
- Michael Simonetta
- Antonio Simonetta
- Mary Simonetta

