

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Liverpool
<b>PPA</b>	Liverpool City Council
<b>NAME</b>	Additional permitted use to allow for vehicle sales or hire premises
<b>NUMBER</b>	PP_2018_LPOOL_005_00
<b>LEP TO BE AMENDED</b>	Liverpool LEP 2008
<b>ADDRESS</b>	2A and 4 Helles Avenue, Moorebank
<b>DESCRIPTION</b>	Lot 1 and Lot 3 DP 626253
<b>RECEIVED</b>	26 September 2018
<b>FILE NO.</b>	IRF18/5647
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

To amend Schedule 1 of Liverpool Local Environmental Plan (LLEP) 2008 to enable an additional permitted use of *vehicle sales or hire premises* at 2A and 4 Helles Avenue, Moorebank.

### Site description

The site is identified as 2A and 4 Helles Avenue, Moorebank, being legally described as Lot 1 and Lot 3 in Deposited Plan 626253. The site has an area of approximately 1.6 hectares, with a primary frontage to Helles Avenue (to the north) and a secondary frontage to Moorebank Avenue (to the east). The site is currently used for the purposes of vehicle storage and vehicle repairs and contains a single storey warehouse building and external hardstand areas. The existing warehouse has a floor area of 5,780m<sup>2</sup>.

Development Application (DA) No. DA-406/2018 was lodged concurrently with the planning proposal. The application seeks consent for a change of use of the existing premises to a vehicle sales and auction premises, including internal alterations.

An aerial photograph of the site is provided at Figure 1.



**Figure 1** – Aerial photograph of the site (source: Nearmap 11 September 2018)

### **Surrounding area**

The site is approximately 1.2km south-east of the Liverpool City Centre and accessed via Moorebank Avenue. The site and its surrounds are zoned IN1 General Industrial, with the nearest residential development approximately 250m north-east of the site. The approved Moorebank Intermodal Terminal is located approximately 1km south (on the southern side of the M5 motorway) and Helles Park is 160m to the west. There are two existing vehicle sales premises being Manheim Auctions and Alliance Motor Auctions which are located directly to the east of the site.

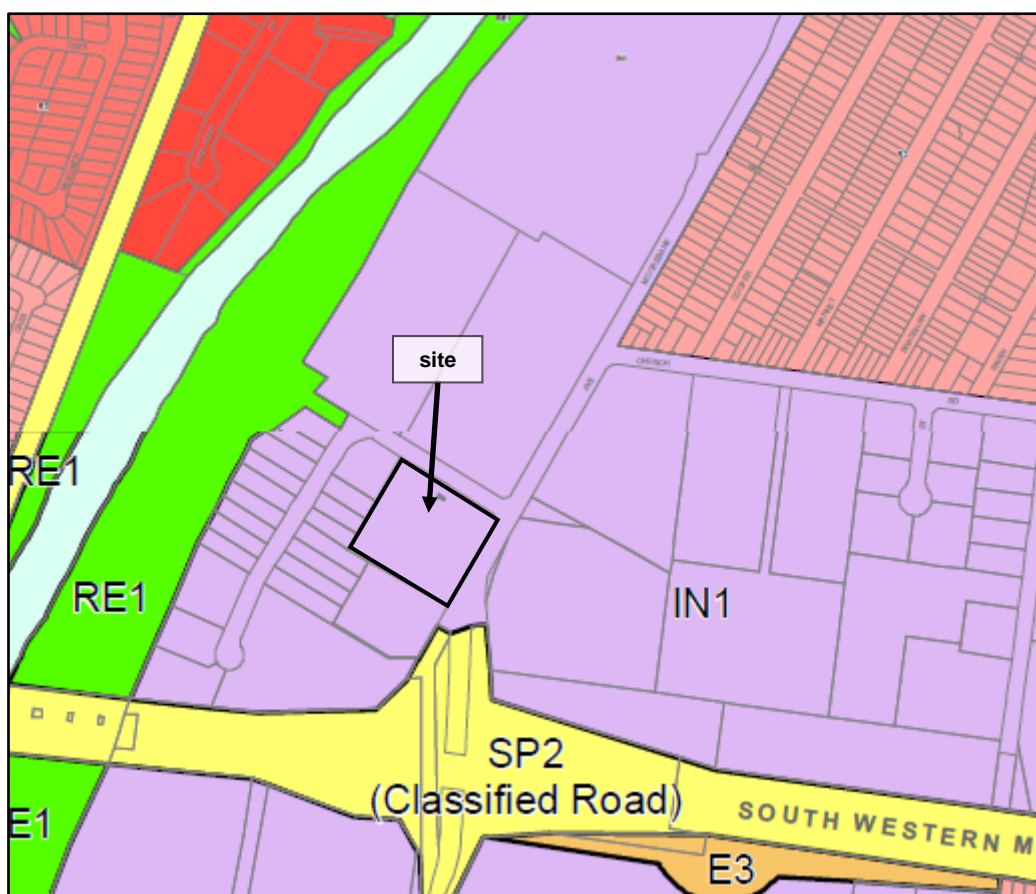
Figure 3 below provides an aerial photograph of the surrounding area.



**Figure 3** – Aerial photograph of the surrounding area (source: Nearmap 11 September 2018)

### Existing planning controls

The site is zoned IN1 General Industrial under LLEP 2008. The IN1 zone permits a wide variety of industrial uses and uses supporting the needs of workers such as neighbourhood shops and cafes. Vehicle sales or hire premises is a prohibited use within the IN1 zone. An extract of the zoning map is provided in Figure 4 below.



**Figure 4 – LLEP 2008 land zoning map**

The LLEP 2008 defines *vehicle sales or hire* premises as:

*a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there*

*Note: Vehicle sales or hire premises are a type of retail premises.*

### **Summary of recommendation**

It is considered that the planning proposal to amend Schedule 1 of the LLEP 2008 to enable an additional permitted use of *vehicle sales or hire premises* at 2A and 4 Helles Avenue, Moorebank has strategic and site-specific merit. It is therefore recommended that the planning proposal proceed, subject to conditions.

## **PROPOSAL**

### **Objectives or intended outcomes**

The objective or intended outcome of the planning proposal is to amend the LLEP 2008 to enable vehicle sales and auctions to be undertaken within the existing warehouse building on the site. It also seeks to restrict and limit the extent of the use on the site.

### **Explanation of provisions**

The planning proposal contains an explanation of provisions which describes how the intent of the proposal will be achieved. The explanation of provisions provides a plain

English explanation of the proposed LEP provisions. The proposed outcome will be achieved by including an amendment to Schedule 1 that will:

- Allow vehicle sales or hire premises as a permissible use for 2A and 4 Helles Avenue, Moorebank.
- Restrict the capacity of the additional permitted use by:
  - (a) restricting the total gross floor area of the use to 5,780m<sup>2</sup>;
  - (b) restricting the use to within the existing warehouse building only; and
  - (c) prohibiting external areas to be used for the display of vehicles for the purposes of vehicle sales or hire.

## **Mapping**

The planning proposal does not result in any amendments to the LLEP 2008 maps.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal has not been made as a result of any strategic study or report, however, it is considered that the best means of achieving the intended outcome is by way of inserting an additional permitted use in Schedule 1, as it retains the existing breadth of uses permitted in the IN1 General Industrial zone.

Although the proposed use is prohibited, the planning proposal seeks to conserve the current IN1 zone and adhere to the objectives of the zone, whilst introducing a vehicle sales component to the existing operations conducted at the site. The proposed additional use would also complement existing uses within the immediate locality, being the two existing vehicle sales premises located directly to the east of the site.

Allowing the use through an additional permitted use provision is preferable to an amendment to the permitted uses within the IN1 zone, as it limits the non-industrial use to a single site and does not undermine the primary industrial purpose of the zone.

## **STRATEGIC ASSESSMENT**

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### **Regional / District**

#### Greater Sydney Region Plan - A Metropolis of Three Cities (March 2018)

Objective 23 of the *Greater Sydney Region Plan* focuses on retention and management of existing industrial and urban services land and to ensure it is safeguarded from competing pressures, especially residential and mixed-use zones. The planning proposal is consistent with this objective in that the land remains serviceable for future industrial purposes. This objective is reiterated as Action 51 under Planning Priority W10 in the *Western City District Plan*.

#### Western City District Plan (March 2018)

Planning Priority W10 of the *Western City District Plan* focuses on managing and retaining the industrial precincts of Western Sydney as these areas will be the major long-term industrial/employment land for Greater Sydney. The planning proposal is consistent with this priority as it will not impact on the zoning or potential future use of land which has been identified as important to protect for industrial employment.

## Local

### Our Home, Liverpool 2027

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan and provides strategic directions that have been identified by the community and the measures that will allow Council to determine progress towards achieving them. The four key directions are: creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration. The planning proposal aligns with the third direction (generating opportunity) which states:

*Liverpool Council will:*

- *Attract businesses for economic growth and employment opportunities*
- *Create an attractive environment for investment*

The proposal will support an expanded use of the site and promote employment generating activities.

### **Section 9.1 Ministerial Directions**

The Section 9.1 Ministerial Directions relevant to the planning proposal are:

#### Direction 1.1 Business and Industrial Zones

The planning proposal is generally consistent with this direction as it will retain existing IN1 zoned land for employment uses and provide for employment growth in Moorebank. Subsection 4 of Direction 1.1 requires that a planning proposal must *give effect to the objectives of the direction, retain areas and locations of existing industrial and business zones and not reduce the total potential floor space area for industrial uses in industrial zones*. The planning proposal is consistent with these objectives and retains the future availability of industrial zoned land.

#### Direction 3.4 Integrating Land Use and Transport

The objectives of this direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the planning objectives which improves access, increases choice of available transport, reduces travel demand, supporting public transport, providing efficient movement of freight.

The site is accessible by road, being Helles Avenue, by which access is provided to the wider road network including Moorebank Avenue, the South Western Motorway (M5), Hume Highway, Newbridge Road and Heathcote Road. The site is also well serviced by public transport, with four bus stops within 400 metres of the site, which are serviced by bus route 901. Bus route 901 provides connections to Liverpool Station and Holsworthy Station. The traffic expected from the proposed use will be comparatively minor and will not generate significant travel demand and number of vehicle trips. It is considered the planning proposal is consistent with the Direction.

#### Direction 4.1 Acid Sulfate Soils

The site is identified on the Acid Sulfate Soils Map as Class 5, being the lowest class. The planning proposal is unlikely to result in the disturbance of any potential acid sulfate soils, as the use is proposed to be restricted to the existing premises. Additionally, acid sulfate soils would be considered in greater detail pursuant to Clause

7.7 - Acid Sulfate Soils of the LLEP 2008 at the time of assessment of the DA. It is considered the planning proposal is consistent with the direction.

#### Direction 4.3 Flood Prone Land

The site is identified as flood prone land and is located in a low risk flood zone, however it is within the flood planning area of the Georges River. Council's Floodplain Management Section have reviewed the planning proposal and noted that the proposal will not have an adverse impact on flooding. It is considered the planning proposal is consistent with the direction.

#### Direction 6.1 Approval and Referral Requirements

It is considered the planning proposal is consistent with the Direction as the planning proposal does not introduce provisions that require referral of development applications to a Minister or public authority or identify the development as designated development.

#### Direction 6.3 Site Specific Provisions

The proposal is inconsistent with Direction 6.3 Site Specific Provisions. Direction 6.3 provides that a planning proposal which allows a particular development must allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principle LEP.

The proposal seeks to introduce requirements which would limit the scale and extent of the proposed use on site and is therefore inconsistent with the direction.

The inconsistency is considered to be justified as it is of minor significance. The proposal seeks to restrict the additional permitted use to within the existing warehouse building and prohibit the use of external areas for the display and sale of vehicles. This is seen as appropriate as it will ensure that the use of the site does not develop into a commercial retail vehicle sales operation which would undermine the objectives of the IN1 zone. It is considered that the inconsistency is justified in accordance with the terms of the Direction.

### **State Environmental Planning Policies**

The State Environmental Planning Policies (SEPP) relevant to the planning proposal are:

#### State Environmental Planning Policy No 55 – Remediation of Land

The site comprises an existing warehouse which is proposed to be utilised for vehicle sales with only minor internal alterations proposed under DA-406/2018. Further consideration of SEPP 55 can be addressed as part of the DA.

#### State Environmental Planning Policy No 64 – Advertising and Signage

Any signage associated with the use of the site as a vehicle sales or hire premises can be addressed as part of any future DA.

#### State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) 2007 provides for certain proposals, known as Traffic Generating Development, to be referred to Roads and Maritime Service (RMS). As part of the Gateway Determination, consultation with the RMS will be required.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

There are no notable social implications for the planning proposal.

### **Environmental**

The planning proposal is unlikely to have any measurable impact on the natural environment. The site is industrial and there is no direct connectivity to any natural environmental areas.

### **Economic**

To ensure that the use does not develop into a full commercial retail vehicle sales operation that could impact other businesses in the area and would be contrary to the zones objectives, the use will be restricted to the existing warehouse building and external areas will be prohibited for the display and sale of vehicles.

### **Infrastructure**

It is not envisaged that the planning proposal will require or have significant impact on State infrastructure services within the area.

## **CONSULTATION**

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### **Community**

Council proposes a community consultation period of 28 days. The planning proposal is considered to be of *low impact* as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016). Given the low impact nature of the planning proposal, a community consultation period of 14 days is therefore recommended.

### **Agencies**

Council proposes consultation with RMS as the site adjoins Moorebank Avenue and is within close proximity to the M5 which are State Roads under the care and control of the RMS. No consultation with other agencies is considered necessary.

## **TIME FRAME**

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A timeframe has not been stipulated within the planning proposal. The timeframe for the planning proposal is recommended to be 12 months from the date of Gateway Determination. It is also recommended that the planning proposal is updated to include a project timeline, which will enable the Department to monitor the progress of the proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested to be the local plan-making authority. As the planning proposal seeks only to permit an additional use on a single property, the proposal is considered to be of local significance and it is recommended that Council should be the local-plan making authority to make this plan.

## **CONCLUSION**

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The planning proposal to amend Schedule 1 of the LLEP 2008 to enable an additional permitted use of *vehicle sales or hire premises* at 2A and 4 Helles Avenue, Moorebank

has demonstrated strategic and site-specific merit. It is therefore recommended that the planning proposal proceed subject to conditions.

## **RECOMMENDATION**

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It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council shall amend the planning proposal to include a project timeline, consistent with Section 2.6 of Part 6 of the *A guide to preparing local environmental plans (Department of Planning and Environment 2016)*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1, clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans (Department of Planning and Environment 2016)* and must be made publicly available for a minimum of 14 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans (Department of Planning and Environment 2016)*
3. Consultation is required with Roads and Maritime Services under section 3.34(2)(d) of the Act. Roads and Maritime Services is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



31/10/2018

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5/11/2018

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