

EGROW 02	Proposed amendment to the Liverpool Local Environmental Plan 2008 - additional permitted use for vehicle sales or hire premises at 2A Helles Avenue, Moorebank
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	186778.2018
Report By	Louis Chen - Strategic Planner
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO

Property	2A & 4 Helles Avenue, Moorebank (Lots 1 & 3 DP626253)
Owner	A.C. McGrath & Co Pty Ltd
Applicant	Automotive Holdings Group - NSW

EXECUTIVE SUMMARY

Council has received a planning proposal to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008* (LLEP) to enable *vehicle sales or hire premises* as an *additional permitted use* at 2A & 4 Helles Avenue, Moorebank (Lots 1 & 3 DP626253). The site is zoned IN1 General Industrial and the proposed land use is currently prohibited in the zone. The proponent has also lodged a concurrent development application in support of the planning proposal (DA-406/2018) seeking a change of use to enable vehicle sales and auction premises.

The proposed amendments to the LLEP 2008 have been assessed as having strategic and site specific merit and are generally consistent with the applicable regional and district plans, Council's Community Strategic Plan, the relevant State Environmental Planning Policies (SEPPs) and Ministerial Directions (s.9.1 directions).

The proposal was referred to the Liverpool Local Planning Panel for advice on 25 June 2018 in accordance with Ministerial Direction (s9.1). The LPP unanimously considered that the proposal has both strategic and site-specific merit and supported the proposed limitation on gross floor area and retention of the existing warehouse building as conditions of any LEP amendment.

RECOMMENDATION

That Council:

1. Endorse the planning proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to enable an additional permitted use of *vehicle sales or hire premises* at 2A & 4 Helles Avenue, Moorebank and forward the planning proposal to the Department of Planning and Environment for Gateway determination;
2. Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
3. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

Site Description

This planning proposal is site specific and relates to land at 2A & 4 Helles Avenue, Moorebank (Lots 1 & 3 DP626253). 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) and Helles Park is 160m to the west. Mannheim Auctions is located directly opposite the site at 144 Moorebank Avenue, Moorebank.



Figure 1 – Aerial photograph of subject site

History

- DA-165/2013 – On 21 June 2013, development consent was granted for continued use of four (4) internal wash bays within an existing warehouse.
- DA-406/2018 – Lodged on 21 May 2018 for a change of use to vehicle sales and auction premises. Note this DA will only be formally assessed if Council supports the planning proposal and a Gateway determination is issued.

Objectives of the Planning Proposal

The key objective of the planning proposal is to enable vehicle sales and auctions to be undertaken within the existing warehouse on site.

Key features of the proposal which would be subject to DA assessment are defined below:

Customer Lounge	A customer lounge within an area of 282m ² is located in the south-western corner of the warehouse and will be utilised in conjunction with vehicle sales. Amenities are also included within the customer lounge area.
Office	Ground floor and mezzanine offices ancillary to the vehicle sales use comprise a combined area of 324m ² and are located in the south-western corner of the site. Additionally, a 'fixed price' sales office and staff amenities (including kitchenette and lunch room) with a combined area of 222m ² are situated in the south-eastern corner of the warehouse.
Auction Area	Auctions are proposed to be undertaken in the south-western corner of the warehouse. The auction area includes a vehicle presentation area, customer seating, auction booth and sales desks.
Vehicle Storage and Display	The western portion of the warehouse will be utilised for vehicle storage and display, and comprises 104 bays. Combined with the auction area, the vehicle storage and display area comprises an area of 2,852m ² .
Fixed Price Car Display	The eastern portion of the warehouse will be utilised for the display of vehicles available for fixed price sale. The fixed price car display area comprises 70 bays and an area of 1,845m ² .
Hoist and Washbays	Two (2) hoist bays, two (2) wash bays and two (2) dry bays are located in the north-eastern corner of the warehouse and comprise a combined area of 255m ² .
External Storage Bays	A total of 308 storage spaces are located throughout the external areas of the site.
Service Drop Off Bays	24 service drop off bays are located adjacent to the eastern site boundary.
Customer Car Parking	18 parking spaces adjacent to the southern boundary have been allocated as customer parking.

Staff Car Parking	20 parking spaces in the south-western corner of the site have been allocated as staff parking.
Hours of Operation	Auction times: 11am (no Sunday auction) Regular operating hours: 8:30am – 5:30pm Monday to Friday; 9:00am – 5:00pm Saturday & Sunday.
Number of Employees	Auctions: 20 sales/admin staff at any given time. Fixed Price Sales: Sales consultants x 3 Business Manager x 1 Yard manager x 1 Detailers x 3 Mechanic x 1
Number of Customers	During auction events: 30 Any other time: 5

Considerations for Strategic Merit

The Department of Planning's *A guide to preparing planning proposals* provides guidance on assessing strategic merit.

(Section A, Q1 and Q2).

1. *Is the planning proposal a result of any strategic study or report?*
2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way*

The Planning Proposal seeks to amend Schedule 1 of the LLEP 2008. Although the proposal has not been made as a result of any strategic study or report, it is considered to be the best means of facilitating the development.

The proponent provides a number of reasons to support the proposal, including why the planning proposal is the best means of achieving the intended outcome.

These are:

- That the inclusion of vehicles sales on the site will support the automotive operations of AHG and will provide a compatible mix of land uses which promote employment generation.
- Vehicle sales would be integrated within the existing warehouse and would provide enhanced economic activity without compromising the operations or amenity of any surrounding sites.
- That the incorporation of vehicle sales on the site would not result in any land use conflict within the subject site or with land uses operating on surrounding sites. Rather, vehicle sales within the existing warehouse will complement a compatible range of uses relating to vehicle repairs and storage.

- That the proposal will assist in the stimulation of economic activity within Moorebank.
- That it will preserve the use of the site for employment-generating development by enabling development for purposes which employ staff.
- That the proposal will integrate with the character of the Moorebank precinct and respond to the use established by similar automotive auction facilities operating within immediate proximity of the site.
- That vehicle sales on the site would make use of existing infrastructure and built form and therefore the site represents a highly appropriate location for the proposed use to occur.

(Section B, Q3).

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The Department includes 'assessment criteria' which provide guidance on assessing a proposal's consistency with matters raised in Question 3. The following table summarises the assessment criteria.

Guideline Assessment Question	Response
<i>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	This question is addressed in detail below.
<i>Consistent with a relevant local council strategy that has been endorsed by the Department; or</i>	There are no relevant local Council strategies that have been endorsed by the Department to consider
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	There are no notable changes in circumstances that have not been recognised by existing planning controls

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

Objective 23 of The Greater Sydney Region Plan 2018 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 proposal is consistent with this objective in that the land remains serviceable for future industrial purposes. This objective is reiterated as Action 51 in the Western City District Plan.

Western City District Plan

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 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.

(Section B, Q4)

4. *Is the planning proposal consistent with Council's local strategy or other local strategic plan?*

Our Home Liverpool 2027

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan (CSP) 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 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 planning proposal addresses the following directions, pursuant to Section 9.1 of the *Environmental Planning and Assessment Act 1979*:

Direction	Council officer comments
<p>1.1 Business and Industrial Zones</p>	<p>Consistent.</p> <p>The proposal is generally consistent with this direction and will retain existing IN1 zoned land for employment uses and provide for employment growth in Moorebank.</p> <p>Subsection 4 of Direction 1.1 requires that a planning proposal must <i>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.</i></p> <p>The proposal is consistent with these objectives and retains the future availability of industrial zoned land.</p>
<p>4.3 Flood Prone Land</p>	<p>Consistent.</p> <p>The site is identified as flood prone land. The proponent has identified that the proposed use would be taking place within the existing building on the site.</p> <p>Council's Floodplain Management Section have reviewed the proposal and provide support noting that the site is located in a low risk flood zone, however it is within the flood planning area of the Georges River. The proposal will not have any adverse impact on flooding and there is no objection to the proposal from a flooding perspective.</p>

<p>5.10 Implementation of Regional Plans</p>	<p>Consistent. The Regional Plan for Metropolitan Sydney is <i>Metropolis of Three Cities</i>. Consistency with this plan is outlined above.</p>
<p>6.1 Approval and Referral Requirements</p>	<p>Consistent. The amendment does not introduce provisions that require referral of development applications to a Minister or public authority or identify development as designated development.</p>
<p>6.3 Site Specific Provisions</p>	<p>Consistent. The planning proposal does not introduce restrictive planning standards.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p>	<p>The previous regional plan has been superseded with a <i>Metropolis of Three Cities</i>.</p>

Liverpool Local Environmental Plan 2008

(a) Zoning

The site is zoned IN1 – General Industrial. An extract of the zoning map is provided below.



Figure 2 – Extract of LLEP 2008 zoning map

(b) Permissibility

The current use of the site is for a vehicle repair and storage facility which is permitted with consent as a hybrid of the following activities which are permissible in the IN1 zone: vehicle body repair workshops, vehicle repair stations, storage premises and warehouse or distribution centres.

Vehicle sales or hire premises are defined by the LLEP 2008 as follows:

***vehicle sales or hire premises** means 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.*

The site is zoned IN1 – General Industrial under Liverpool LEP 2008, within which Vehicle Sales or Hire Premises are identified as a prohibited land use.

(c) Objectives

The objectives of the IN1 zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To particularly encourage research and development industries by prohibiting land uses that are typically unsightly or unpleasant.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The addition of *vehicle sales or hire premises* as an additional permitted use is considered consistent with the objectives of the zone in that it will support an additional use of an existing warehouse facility which will provide employment while having minimal impacts on existing and future industrial land uses in the vicinity of the site.

Liverpool Development Control Plan 2008

The submitted Traffic Impact Assessment (TIA) provides a parking assessment applying the Liverpool Development Control Plan 2008 (LDCP) vehicle showroom rate to the portion of the site which excludes the auction area. The TIA notes the auction component is intermittent however auction events are considered in the assessment for total parking requirements.

Parking is proposed to cater for both staff and customers during fixed sales and auction events. The TIA indicates parking supplied (71 spaces) would satisfy the projected parking demands and is based on a first principles assessment of both typical daily operations and concurrent fixed sales and auction demands. It is noted this is less than what would be required if LDCP rates are applied using the vehicle showroom rate (1 space per 130m²). The parking provisions proposed have been assessed and supported by Council's Traffic and Transport Section.

Considerations for Site Specific Merit

The Department's planning proposal guide (PPG) includes the following site-specific 'assessment criteria' (Section B, Q3b).

Does the proposal have site-specific merit, having regard to the following:

1. *the natural environment (including known significant environmental values, resources or hazards) and*

2. *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
3. *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Natural environment

The 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.

Existing and future uses

Vehicle sales on the site would support the existing automotive operations (repair and storage) and would provide a compatible mix of land uses which would not negatively impact land use in the vicinity. Additionally, the proposed additional use is commensurate with existing land uses across Moorebank Avenue at the Mannheim Auctions site. There is a potential benefit being located in close proximity to the Mannheim Auctions site in that there is a reduction in vehicle trips for the general public between auction yards.

There will be no loss of industrial zoned land as a result of this planning proposal and additional warehousing demand can be accommodated on the subject site if required in the future.

Services and infrastructure

The proponent's TIA estimated in the order of 21 vehicle trips per hour during peak periods however this was compared to an estimated 29-58 vehicles per hour if the site were to be used for typical industrial purposes. The proposed use of the site is likely to result in a net loss of vehicle trips.

Council's Traffic and Transport Section raised a request to refer the proposal to RMS for comment given Moorebank Road is a State Road under the care and control of the RMS. Should the proposal be supported by Council and a Gateway determination issued, the RMS referral would be initiated at that stage. Additionally, the proponent has recently lodged a DA and as part of that assessment process a referral to the RMS would be required.

The site is serviced by bus stops located along Moorebank Avenue which provide connections to Holsworthy and Liverpool train stations. Liverpool train station is approximately 2.3km by road from the site and an approximate eight minute journey from the nearest bus stop (120m from the subject site).

Flooding

The site is identified as flood prone land. The proponent has identified that the proposed use would be taking place within the existing building on the site.

Council's Floodplain and Water Management Section have reviewed the proposal and provide support noting that the site is located in a low risk flood zone, however it is within the flood planning area of the Georges River. The proposed use of the site will not have any adverse impact on flooding and there is no objection to the proposal from a flooding perspective.

Statutory considerations / Conditions

A number of conditions would need to be stipulated should the planning proposal be supported in order to maintain the objectives of the IN1 zone. These are:

- The proposed additional permitted use of vehicle sales or hire premises is to be confined to within the existing warehouse building only;
- A maximum gross floor area is to be stipulated;
- The external storage area is not be used for the display of vehicles for sales and any sales of vehicles are not to be conducted from the site other than from the inside of the warehouse building;
- It is also considered important that, at DA stage, that external storage is treated separately.

The Department's *A guide to preparing planning proposals* includes the following questions regarding State Environmental Planning Policies (Section B, Q5).

Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The proponent provides a review of the relevant SEPPs as provided below.

Policy	Comments
SEPP 1 – Development Standards	The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP 55 – Remediation of Land	The subject site comprises an existing warehouse which is proposed to be utilised for auction and vehicles sales with only minor internal alterations required. Further consideration of SEPP 55 can be addressed as part of a future DA.
SEPP 64 – Advertising and Signage	Any signage associated with future vehicle sales or hire premises on the site would be assessed in accordance with SEPP 64.
SEPP (Infrastructure) 2007	State Environmental Planning Policy (Infrastructure) 2007 provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence. As noted earlier in this report, should the proposal be supported by Council and a Gateway determination issued, the RMS referral would be initiated at that stage.

Q7 - 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?

The proposed uses will be contained within the existing warehouse and therefore there is a very low likelihood of any adverse impacts on ecological communities or their habitats.

Q8 - *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

This question has been addressed in Part 4 (site-specific merit 'assessment criteria') of this report.

Q9 - *Has the planning proposal adequately addressed any social and economic effects?*

Council's City Economy team raised concern that if the proposal were allowed to operate as a full commercial retail vehicle sales operation it could impact other industrial businesses in the area and would be contrary to the zones objectives. The proposed Schedule 1 LEP amendment addresses this concern through restrictions which confine the area available for vehicle sales and auctions to within the existing warehouse.

There are no notable social implications for the proposal.

Q10 - *Is there adequate public infrastructure for the planning proposal?*

This question has been addressed in Part 4 (site-specific merit 'assessment criteria') of this report.

Q11 - *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

As noted earlier, a referral will be made to the RMS subject to Gateway determination. No other consultation with State or Commonwealth authorities has been considered necessary.

Proposed LLEP 2008 Amendment

In consideration of the amendment sought by the applicant and Council's internal referral responses, it is proposed to insert the following to Schedule 1 of the LLEP 2008:

Use of certain land at Moorebank in Zone IN1

- (1) This clause applies to Lots 1 and 3 DP 626253 in the IN1 General Industrial zone at 2A Helles Avenue, Moorebank.*
- (2) Development for the purposes of a vehicle sales or hire premises is permitted with consent if the total gross floor area of that development is not greater than 5,780m².*
- (3) Development for the purposes of a vehicle sales or hire premises is to be confined to within the existing warehouse building only.*
- (4) The external storage area shall not be used for the display of vehicles for sales or hire and no sale of vehicles is to be conducted from the site other than from the inside of the warehouse building.*

Referral to Local Planning Panel

The planning proposal was referred to the Local Planning Panel (LPP) for advice on 25 June 2018 in accordance with the Section 9.1 Directions. The LPP unanimously considered that the proposal has both strategic and site-specific merit and supported the proposed limitation on gross floor area and retention of the existing warehouse building as conditions of the LEP amendment.

Conclusion and Recommendation

The application to amend Schedule 1 of the LLEP 2008 to enable an additional permitted use of *vehicle sales or hire premises* at 2A & 4 Helles Avenue, Moorebank has demonstrated strategic and site-specific merit. Based on the above assessment, it is recommended that Council support the application and forward the planning proposal to the Department of Planning and Environment seeking a Gateway determination.

Should the Department of Planning and Environment issue a Gateway determination, Council officers will address the requirements of the Gateway determination, including public agency consultation, public exhibition and community consultation. The outcomes of the consultation process will be reported to Council at a future meeting.

DA-406/2018 will be assessed concurrently with the planning proposal following any Gateway determination. The planning proposal and the development application will be publically exhibited jointly in accordance with Section 3.40 of the *Environmental Planning and Assessment Act 1979*.

CONSIDERATIONS

Economic and Financial	Facilitate economic development.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979

ATTACHMENTS

1. Planning Proposal (Under separate cover)
2. Traffic Impact Statement (Under separate cover)
3. Site and Floor Plan (Under separate cover)
4. Local Planning Panel Minutes 25 June 2018 - Item 2 (Under separate cover)